

 with  and  present


AK PARA SA BETA

THE INTERNATIONAL CONFERENCE IN CEBU

Theme:

CYBERPROTECTION OF CHILDREN

Cyber Safety of Children:
Internet and Mobile Protection for Minors




#AkParaSaBeta APSC2013

AK PARA SA BETA

Simultaneous Symposium 8: Online Child Abuse (Part IIB): Effective Investigation, Prosecution and International Collaboration

Hong Kong Room, 3rd level Marco Polo Plaza
1:30 – 5:00 PM



#AkParaSaBeta APSC2013

AK PARA SA BETA

Judge Amy Avellano

Moderator

- Presiding Judge, Regional Trial Court, Branch 58, San Carlos City, Negros Occidental
- Professorial Lecturer I, Philippine Judicial Academy
- Faculty member, Lyceum of the Philippines University-College of Law
- Master of Laws, University of Minnesota, Minneapolis, MN, USA
- Bachelor of Laws, University of San Carlos
- Legal Consultant, CPU-PGH (2005-2014)
- Resource Development Director, Child Protection Network (2009-2014)




3

AK PARA SA BETA

OBJECTIVES:

At the end of the symposium, the participants will be able to:

- 1) Discuss best practice in preserving and handling electronic evidence
- 2) Discuss best practice in evaluating validity of electronic evidence on electronic evidence
- 3) Describe the importance of coordination and collaboration among national and international agencies



#AkParaSaBeta APSC2013

PROGRAM

TIME	TOPIC	SPEAKER
1:30 – 1:40 PM (10 mins)	Overview of symposium, objectives, introduction of speakers and reactor	Moderator
1:40 – 2:00 PM (20 mins)	Recap of SS1 and reframing of the IJM case from the perspective of investigation	Atty. Lawrence Aritao
2:00 – 2:40 PM (40 mins)	Child Sensitive Interview: An Overview	Dr. Naomi Navarro-Poca
2:40 – 3:20 PM (40 mins)	Basic Preservation and Handling of Digital and Electronic Evidence	PSInsp Michael Virtudazo
3:20 – 3:50 PM (30 mins)	Cybercrime and related laws and the rules on evidence	ACP Robinson Landicho
3:50 – 4:30 PM (40 mins)	International Cooperation (Budapest Convention)	Ransom Avilla
4:30 – 4:40 PM (10 mins)	Brief Reaction	Judge Jose Lorenzo Dela Rosa
4:40 – 5:00 PM (20 mins)	Open Forum and Summary	Moderator

5

A K
PARA SA
BETA

REACTOR:

- Judge Jose Lorenzo Dela Rosa

#AkParaSaBeta
#APR2013



A K
PARA SA
BETA

Atty. Lawrence Aritao

Recap of SS1 and reframing of the IJM case from the perspective of investigation

- Director of Prosecution Development, International Justice Mission (IJM) Philippines (2015)
- Director of Legal Interventions, IJM Pampanga (2015)
- Director of Legal Interventions, IJM Cebu (2013-2014)
- Special Counsel for Interventions, IJM Manila (2008-2013)
- Legal Clerk, IJM Manila (2008)
- U.P. College of Law Class of 2007
- Ateneo De Manila University Class of 2002
- Proud Husband, Father, and Avid Coffee Drinker
- Enthusiast Photographer



A K
PARA SA
BETA

Dr. Naomi Navarro-Poca

Child Sensitive Interview: An Overview

- Pediatric Cardiologist and Child Protection Specialist
- Head, Pediatric Section, Women and Children's Protection Center, Vicente Sotto Memorial Medical Center
- 17 years of work in the field of Child Protection
- Has been recognized for her work in child protection by the Philippine Pediatric Society, Inc.- Cebu, Central & Eastern Visayas Chapter in 2005 and by the Cebu Provincial Women's Commission in 2012 and in 2015
- Teaches Pediatric Cardiology and Child Maltreatment at the Gullas College of Medicine, Southwestern University School of Medicine, and Matias H. Aznar Memorial College of Medicine and Legal Medicine at the College of Law, University of San Carlos
- Affiliated with the following hospitals in Cebu City: Cebu Doctors' University Hospital, Cebu Velez General Hospital, Visayas Community Medical Center, Perpetual Succour Hospital and Cebu City Medical Center
- A member of the following organizations: Philippine Pediatric Society, Inc., Child Protection Network Foundation Phil., Inc. Philippine Heart Association, Philippine Society of Pediatric Cardiology, and the Technical Working Group of the Cebu Provincial Women's Commission which also sits as the Subcommittee for the Welfare of Children





PSInsp Michael Virtudazo

Basic Preservation and Handling of Digital and Electronic Evidence

- Chief, Regional Anti-Cybercrime Office 7
- Entered the PNP service in 2003 at PNP Computer Service as IT Police Non-Commissioned Officer
- Awarded as IT PNCO of the Year in 2007
- Entered Officer-ship in 2008 via Lateral Entry
- Assigned in 2009 to 2011 at the National Operations Center of the PNP National Headquarters as IT Officer and Assistant Chief for Operations
- Assigned with PNP CIDG as Cybercrime investigator and Digital Forensic Examiner in 2012
- Assigned with PNPACG in 2013 as Chief Regional Anti-Cybercrime Office 7
- Received and investigated at least 190 cybercrime complaints
- Examined at least 990 total number of electronic evidence
- Arrested at least 11 persons in 7 different operations in Region 7
- Filed at least 7 cases involving trafficking in persons with non-bailable offenses
- Lecturer on Cybercrime and Digital Forensics



ACP Robinson Landicho

Cybercrime and related laws and the rules on evidence

- Assistant City Prosecutor, Department of Justice, Office of the Prosecutor of Pasig City (2009-present)
- Technical Working Group Member, IRR RA 10175; Cybercrime Investigation Manual, Task Force on Cybercrime
- Member, Criminal Code Committee (2013-present)
- Member, Committee on the Revision of the 2000 Bail Bond Guide (2012-present)
- Professor, Philippine Christian University, College of Law (2011-present)
- Awardee, Certificate of Recognition by the Office of the City Prosecutor of Pasig City for his selfless and invaluable service by assisting his colleagues in resolving their pending cases which helped the office achieve an excellent rating for the Year 2013 (Awarded in 2014)
- Awardee, Top 5 Performers on disposition of all cases (RPI, SUM, INQ) with an average of 99.12%. Awarded by the Office of the City Prosecutor of Pasig City (2012)
- Member, Philippine Bar - Roll of Attorneys No. 49039



Ransom Avilla

International Cooperation (Budapest Convention)

- Dual-hat Attaché for the Department of Homeland Security and Homeland Security Investigations in Manila, the Philippines
- Has oversight for all HSI investigations and operational matters in the Philippines and is assigned to the American Embassy in Manila, Philippines
- Previously assigned to the Office of the Special Agent in Charge, San Diego, California wherein he occupied the position as an Assistant Special Agent in Charge (ASAC) and was the Chief Intelligence Officer (CIO), focusing on drug smuggling, counter-proliferation, and human smuggling and trafficking investigations
- Has extensive overseas work experience; he was assigned as the interim HSI Attaché to the American Embassy in Amman, Jordan and HSI liaison in Baghdad, Iraq. In 2006-08, he was the ICE Attaché in Abu Dhabi, United Arab Emirates.
- Married with three adult children. He is accompanied by his wife and two children in the Philippines.



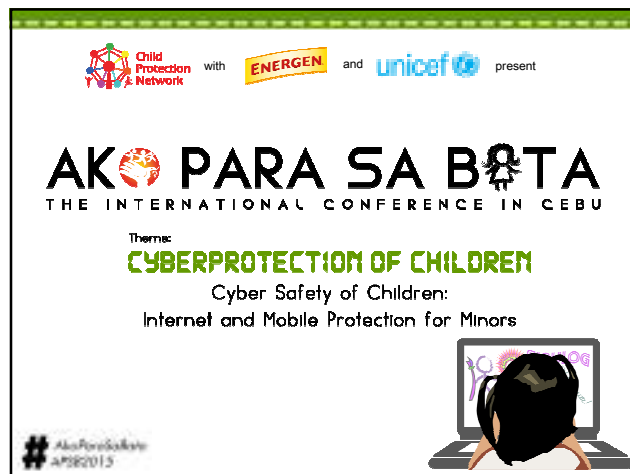
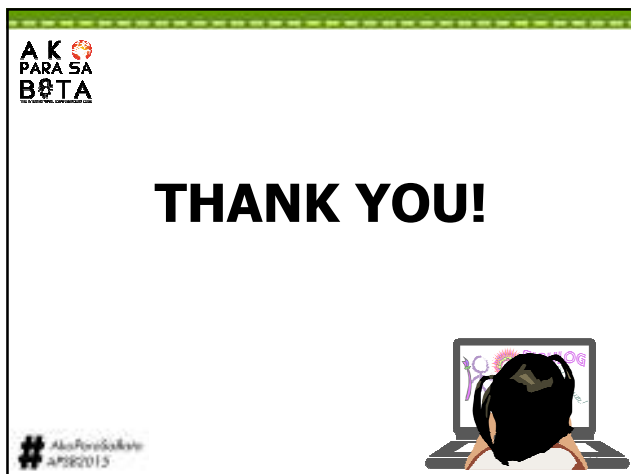
Brief Reaction

Open Forum

Summary

#AkParaSaBeta
APR2013





WORKING TOGETHER — TRAINING TOGETHER

Investigative interviewing
of children:
achieving best evidence



By Liz Davies and Debbie Townsend



Second Edition

CHILD SENSITIVE FORENSIC INTERVIEW

Ma. Naomi N. Poca, MD
Child Protection Specialist
Women & Children Protection
Center, VSMC

AK PARA SA BATA
THE INTERNATIONAL CONFERENCE IN CEBU

**AK
PARA SA
BATA**
THE INTERNATIONAL CONFERENCE IN CEBU



Dr. Naomi Navarro-Poca

Child Sensitive Forensic Interview



Objectives

At the end of this session, the participants are expected to:

1. Define child sensitive forensic interview
2. Describe the qualities of an interviewer
3. Enumerate and describe the different elements in a child sensitive forensic interview
4. Describe strategies in interviewing children

AKO PARA SA BOTA
THE INTERNATIONAL CONFERENCE IN CEBU

Testimonies given by anyone

- Validity
 - Is the statement truthful?
 - Did the incident happen as the witness has stated?
- Reliability
 - Did the person actually witness the incident?
 - Is the person repeating what was said to her/him or what she/he heard or what she/he was taught to say?

AKO PARA SA BOTA
THE INTERNATIONAL CONFERENCE IN CEBU

**A statement can be valid,
but unreliable.**

AKO PARA SA BOTA
THE INTERNATIONAL CONFERENCE IN CEBU

Testimonies can be influenced by many factors.

- Witness
 - Mental development
 - Language development
 - Memory
- Interviewer
 - Expectations, perceptions of the witness
 - How the statement was obtained
 - ⊗ Cannot pressure or force a witness
 - ⊗ Cannot mislead
 - ⊗ Cannot use own interpretation
 - 😊😊 Stimulate the witness to give a statement spontaneously in his/her own words

AKO PARA SA BOTA
THE INTERNATIONAL CONFERENCE IN CEBU

Testimonies given by children

- Children are extremely amenable to suggestion
- Children cannot discern reality from fantasy
- Children are superficial observers
- Children are untruthful especially when it concerns sexual abuse: they can fantasize about sex

AKO PARA SA BOTA
THE INTERNATIONAL CONFERENCE IN CEBU

Testimonies given by children

- Can be easily influenced by the adult interviewer
 - Less susceptible to adult suggestions as they grow older (assumed)

Children can be reliable witnesses if they are interviewed carefully & professionally.

AKO PARA SA BOTA
THE INTERNATIONAL CONFERENCE IN CEBU

Testimonies given by children

- The child's development and the vulnerability of his/her statement should be taken into account.
 - Need for training
 - Importance of taping the interview: child needs to be heard only once in principle

AKO PARA SA BOTA
THE INTERNATIONAL CONFERENCE IN CEBU

Criminal interview

- Means of investigation to gather evidence
- Aim: to find out the truth
- About factual information from which no conclusions should be drawn
- Detailed data about facts & circumstances
 - What the witness observed and/or experienced

Criminal interview

- Interviewer
 - Tries to find the truth in an objective manner
 - Observes, register, reports what the witness said and did
 - Does not use foreknowledge to get information
 - Does not interpret thoughts, feelings, body language
 - Does not make conclusions from the information gathered
 - Objective, neutral registrar

Criminal interview

- Interviewer does not influence the witness being interviewed
 - by way of his body language (posture, facial expression), intonation, in his of questioning
 - by being suggestive
 - by leading the witness to give a particular information

"Has anyone hurt you?"

"Naa ba'y nagpasakit sa imo?"

We need...

**A valid and reliable statement
from the witness.**

Structured interview



- Child is encouraged to relate an event or series of events in a non-judgmental setting
- Child is allowed to expand upon his/her interpretation of events without the interviewer placing suggestions in the child's mind

Structured interview

- Designed to improve quality & amount of information
- Enhances ability of children to report accurately
- Teaches children to provide narrative accounts
- Minimizes the risk of contaminating the child's account
- Conversational

Structured interview

- To determine the truth rather create evidence → goals:
 1. Protect against improper influences on memory or accurate reporting
 2. Make sure that frightened or embarrassed children receive the necessary assistance to report crimes
 3. Accommodate developmental differences of children

To achieve these goals

- Consider the level of the child's developmental stage:
- Memory retrieval strategies not well-developed
- Cognitive & language capacities improve with age
- Ability to provide a narrative account of events becomes better with age

Child sensitive forensic interview

- A *structured conversation* with children
- “to elicit as complete and accurate report from the alleged child or adolescent victim as possible in order to determine whether the child or adolescent has been abused (or is in imminent risk of abuse) and, if so, by whom” (American Professional Society on the Abuse of Children)

Child sensitive forensic interview

- Information gathered
 - Nature of the abuse
 - Identification of the abusers



→ provide corroborative evidence to the police & the court in the investigation & prosecution of alleged sexual abusers

Interview room

- Child-friendly
- Comfortable, quiet, free from distractions
- Interviews are at the same level as the children
- Audio-video equipment



Timing

- As closely in time to the event in question as feasible
- Timed to maximize the child's capacity to provide accurate & complete information
 - Physical & mental state of the child
 - Immediate safety concerns
 - Possible impact of delays in the interview process on the child's ability to recall & report his/her experience

Participants

- Only ONE interviewer
- Joint investigations
 - Two professionals may be present
 - Only ONE takes the primary role
- Only ONE child is interviewed
- NO person directly related with the child
 - To protect against outside influence
 - Trained advocate may be the child's companion

AKO PARA SA BOTA
THE INTERNATIONAL CONFERENCE IN CEBU

Organization of the team (Local)

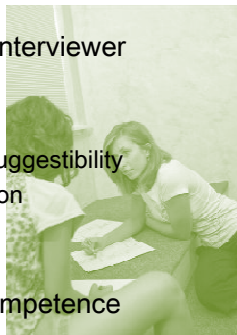
- Lead interviewer – WCPD police officer
- Recorder / Observing interviewer – social worker
- Vice-versa



AKO PARA SA BOTA
THE INTERNATIONAL CONFERENCE IN CEBU

Interviewer

- Sensitive, responsive interviewer
- Knowledge in
 - Child development
 - Children's memory & suggestibility
 - Dynamics of victimization
 - Process of disclosure
 - Interviewing strategies
- In-depth training for competence



AKO PARA SA BOTA
THE INTERNATIONAL CONFERENCE IN CEBU

Interviewer

- In-depth training for competence
 - ➔ skillful forensic interviewer
 - ➔ protection of innocent individuals
 - ➔ conviction of perpetrators

AKO PARA SA BOTA
THE INTERNATIONAL CONFERENCE IN CEBU

Interviewer's attitude

- Neutral
 - Does not immediately conclude that the child is a victim
 - Thinks of other alternative versions of the story
 - Considers other suspects, other acts
 - Does not force the child to give answers he/she wants to hear
 - Not interviewing the child to confirm the report given earlier

Interviewer's attitude

- Flexible
 - Adjusts to the child's linguistic abilities, pace
 - Does not push the child to speak
 - Allows the child time to play, relax (within limits)
- Critical
 - Clarifies statements made
 - Asks "checking" questions

Pace and duration

- Child's age, physical needs, emotional state, culture
- Primarily established by the child
 - signs of fatigue
 - distress
 - loss of concentration
- Breaks may be needed

Child forensic interview structure

- Child-centered, truth-seeking
- Fits the child's developmental level
 - Questions & other techniques used are concrete & specific
 - Progresses step-by-step
 - Preparation of the child
 - Discussion of the abuse scenario
 - Closing of the interview

Child forensic interview structure

- Introductions
- Rapport building
- Developmental screening
- Ground rules/guidelines
- Competency
- Introducing the topic of concern
- Abuse-specific questioning
- Follow-up questions
- Closure

RAPPORT BUILDING

Rapport building

- Means the CHILD does most of the talking
- Serves as an “ice-breaker”
- Serves as a “practice interview”
- Takes some time; is not hurried
- Leads to the child providing more information during the substantive part of the interview

Rapport building

- Pay attention to & be responsive to verbal and non-verbal cues from the child
 - Anxiety
 - Embarrassment
 - Anger
 - Some other emotions
 - Emotions may be the result of the alleged incidents, a response to the unfamiliarity of the interview setting, family or personal stress
- Ask open-ended questions

The success of the interview depends on building rapport with the child.

Introductions

- Introduce yourself, explain your role
- Stress that the child is not in trouble
- Tell them you weren't there
- Show any equipment being used
- Explain confidentiality

Introductions

- Ask child's name, age, address, birthday
 - Developmental assessment begins here
- Ask the child with whom she came
- Ask the child what she did earlier in the day or how did they get to the police station
 - To test memory

Developmental assessment

- To assess the capability of the child to tell her story
- To formulate questions the child will understand,
- To avoid questions the child will not be able to answer
- To understand what the child means when she describes what happened

Developmental assessment

- To know if the child has the words and knowledge to describe what happened
 - Colors
 - Numbers
 - Time, date
 - Inside vs. outside
 - In front vs. behind
- Offer to play, draw, color

GROUND RULES

Ground rules

- I don't know
- I don't understand
- Repeated questions
- Correct mistakes
- Tell the truth



Promise

- *"It's very important that you tell me the truth."*
- *"Do you promise that you will tell me the truth?"*
- *"Are you going to tell me any lies?"*

Why include the promise?

- Reinforces seriousness
- Increases honesty (decreases lies)
- Responses can give you valuable information



AKO PARA SA BOTA
THE INTERNATIONAL CONFERENCE IN CEBU

INTRODUCING THE TOPIC OF CONCERN

AKO PARA SA BOTA
THE INTERNATIONAL CONFERENCE IN CEBU

Why are you here today?

- Now it's time to talk about why you are here today...

"Tell me why you are here."

"Do you know why you are here?"

"What did mom/dad say to you that you'd do here?"

AKO PARA SA BOTA
THE INTERNATIONAL CONFERENCE IN CEBU

ABUSE-SPECIFIC QUESTIONING and FOLLOW-UP QUESTIONS

AKO PARA SA BOTA
THE INTERNATIONAL CONFERENCE IN CEBU

Establishing corpus for each incident

- Where?
- Who was present? Where others were?
- What happened?
- How it happened?
- When?

Open-ended questions (narrative)

- Have the highest possibility of getting accurate information
- The child provides the information about the actions and name of the suspect
- More specific questions can be asked once the child has given information

Free recall

- Ask about the acts first before the circumstances of the acts
- Allow the child to tell her story without any interruption; ask your next question only after she has finished talking
- Remain neutral, non-judgmental in your body language

Free recall

- Encourage the child to tell her story in her own way
- Use body language
 - Nodding
 - Leaning forward but remaining at arm's length
- Use gentle prompts
 - "Tell me about that."*
 - "Tell me more."*
 - "Uh-huh."*
 - "Tapos..."*
 - "Ano pa?"*

Other types of questions if child does not answer open-ended questions:

- Multiple choice questions
- Focused narrative questions
- Detail questions + follow-up questions
- Yes/no questions + follow-up questions

Sequence of events

- Children find it difficult to tell their story in sequence.
- Suggestions:
 - Talk about the recent and then go backwards
 - If there were many events ask the child to talk about the first event, the last event and/or the event she remembers most

Techniques to check accuracy or clarify further what may be unclear:

- Repeating questions
- Checking questions
- Doubt or lack of clarity
- Summarizing
- Showing or demonstrating

**LISTEN TO WHAT THE CHILD IS SAYING.
DO NOT BE THINKING ABOUT YOUR
NEXT QUESTION.**

CLOSURE

Closure

- Summarize
 - To check that the information gathered is accurate
 - Review the main points the child has disclosed or described to you
 - Confirm, for each point separately, that you heard the child correctly
 - Ask the child if you had forgotten to ask something important
 - Tell the child that she may remember more details later that you need to know those, too

Closure

- Invite questions
 - Ask whether the child has any questions for you
- Explain to the child what will happen next
- Thank the child for talking with you
- Switch to a neutral topic

Closing

- Don't give the child any promises
- Prepare the child if you think or know that he/she may have to come back for another interview
- Remember this interview is the first step or the gateway to the child's recovery

**A good interview is not
dependent on the child.**

**It depends upon the skill of the
interviewer.**

AKO PARA SA BATA
THE INTERNATIONAL CONFERENCE IN CEBU

Child Protection Network with **ENERGEN** and **unicef** present

AKO PARA SA BATA
THE INTERNATIONAL CONFERENCE IN CEBU

Theme:
CYBERPROTECTION OF CHILDREN
Cyber Safety of Children:
Internet and Mobile Protection for Minors

#AkoParaSaBata
APSC2013

