

HOW TO DO NO HARM? NICHD PROTOCOL IN CRIMINAL PROCEEDINGS¹⁾

Abstract

In my study, I aim to present the damage resulting from crimes through a specific lens. I describe the special framework for interviewing persons requiring special treatment in criminal proceedings, including child victims of sexual abuse. I discuss the applicable interviewing technique. By applying this technique, while the impact of the damages caused to the child's physical, psychological, and intellectual development by the crime cannot be neutralized, secondary victimization can be avoided.

Key words: *damage, criminal procedure, interviewing, NICHD protocol.*

1. Introduction

When a person suffers damage due to another person's culpability or guilt, depending on the severity and nature of the infringement, they have numerous options to seek compensation, either within criminal proceedings or through civil law channels. In criminal proceedings, based on [Act XC of 2017 on the Code of Criminal Procedure (hereinafter: CCP)], victims can enforce such claims by submitting a "civil law claim."²⁾ There are many ways to determine the value of the damage; it can be done through the victim's statement/testimony, or by involving an expert. What is the situation when the damage caused is not financial but relates to the person or personality rights

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1) This study was prepared using the author's own publication, titled "There Is Nothing New Under the Sun," which appeared in Hungarian.

In: Versions—Essays in Honor of Dr. Csaba László Anti, Police Lieutenant Colonel, on His 60th Birthday, Hungarian Law Enforcement Professionals' Association, Budapest, 2026, pp. 68–72. <https://rendeszet.uni-nke.hu/document/rendeszet-uni-nke-hu/Verzio%CC%81k%20-%20Tanulma%CC%81nyok%20a%2060%20e%CC%81ves%20dr.%20Anti%20Csaba%20La%CC%81szlo%CC%81%20rendo%CC%8Br%20alezredes%20tisztelete%CC%81re.pdf> <https://net.jogtar.hu/jogszabaly?docid=a1700090.tv> last accessed: 24.6.2026.

2) Be. 556.§.

of the aggrieved party? Hungarian civil law uses the legal institution of "grievance fee"³⁾ (*sérelemdíj*) for this case. There is an established judicial practice for determining the amount for the grievance caused and for compensation⁴⁾. Among the named personality rights is the prohibition of "violation of life, physical integrity, and health." I chose this because it is closest to the range of crimes that will be discussed later. Beside physical injury or the development of an illness, the psychological effects of the infringement also play a role; this can, of course, be true for other personality rights or other types of crimes. What can be done when the damages are not manifested in a sum of money but in anxiety, sleep disorders, self-harm, or PTSD? The victim's statement/testimony, psychological or medical expert opinions, invoices for medical costs, or even the victim's diary entries, social media posts, and messages sent on various platforms can be suitable for proving these. At the same time, it is important to note, following the rules of the Civil Code, that *"for the entitlement to a grievance fee, the proof of further disadvantage beyond the fact of the infringement is not required."*⁵⁾

2. Procedure and legal background

In the following, I will not discuss the civil law aspects. From a criminal law perspective, I will take a specific group of crimes as a basis: crimes against sexual freedom and sexual morality. I will present the damages caused by them through a specific filter. Similarly, I will narrow the scope of victims to minor victims, i.e., children.

The fact that crimes committed against children (persons under 18) are harmful and cause damage to the victims is unquestionable. This is especially true for crimes against sexual morality and sexual freedom. No procedure or legal institution is capable of restoring the damage caused to the physical, psychological, and intellectual development of children who suffer sexual abuse. The question may arise: how far does the responsibility of the investigative authorities go in the case of such recognized damages that clearly appear as a consequence of the crime? The goal can and must be for victims to participate in the criminal proceedings and investigative actions, such as their interrogation, with the maximum enforcement of children's rights, thus avoiding secondary victimization. This expectation is formulated and inclu-

3) Act V of 2013 on the Civil Code, Section 2:52. (hereinafter: Civil Code) last accessed: 24.6.2026. <https://net.jogtar.hu/jogszabaly?docid=a1300005.tv>

4) "The Practice of Awarding Damages" - Excerpt, Supreme Court 2024 https://kuria-birosag.hu/sites/default/files/joggyak/revidealkivonat_20240711_zaradekolt_3_1.pdf last accessed: 24.6.2026.

5) Cs. Szabó: Compensation for Non-Pecuniary Harm" — New Judicial Practice Regarding the Assessment of Non-Pecuniary Harm Civil Law 2017/9 – Forum <https://net.jogtar.hu/jogszabaly?docid=a1700906.poj> last accessed: 25.6.2026.

ded in numerous international legal documents, for example, the Lanzarote Convention.⁶⁾ According to its preamble:

“The member States of the Council of Europe and the other signatories hereto;...Considering that every child has the right to such measures of protection as are required by his or her status as a minor, on the part of his or her family, society and the State; Considering that sexual exploitation and sexual abuse of children, and in particular child pornography and prostitution, as well as all forms of sexual abuse of children, including acts committed abroad, are harmful to children's health and psycho-social development; Considering that sexual exploitation and sexual abuse of children have reached alarming proportions both at national and international levels, especially regarding the increased use of information and communication technologies (ICT) by children and offenders, and that the prevention and the fight against sexual exploitation and sexual abuse of children require international cooperation; Considering that the well-being and best interests of children are fundamental values recognized by all member States, which must be promoted without discrimination;...”

Chapter VII of the Convention provides for investigation, criminal proceedings, and procedural law. In accordance with this and other relevant international regulations, the Hungarian Code of Criminal Procedure (CCP), since its entry into force, sets out specific rules regarding persons requiring special treatment:

“Section 82: A person shall be considered a person requiring special treatment without a specific decision if they are: a) a person under the age of eighteen, b) a person with a disability as defined in the Act on the Rights and Equal Opportunities of Persons with Disabilities, or who may be classified as such, and c) the victim of a crime against sexual freedom and sexual morality.”

A person requiring special treatment can be not only a victim or a witness but even a suspect. Further safeguard rules of the CCP, not detailed here, become stricter in accordance with the age of the person being interviewed. A special form and technique for interviewing individuals requiring special treatment involves the use of the so-called NICHD protocol.⁷⁾ The question rightly arises: why exactly has this technique become the framework for interviewing persons requiring special treatment? Among the forensic protocols required for obtaining detailed and accurate information, the National Insti-

6) Act XCII of 2015 on the promulgation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, and on the amendment of certain laws in connection therewith https://jogkodex.hu/jsz/lanzarote_egyezmey_2015_92_torveny_2557584 last accessed: 23.6.2026.

7) M. E. Lamb et al. Structured forensic interview protocols improve the quality and informativeness of investigative interviews with children: A review of research using the NICHD Investigative Interview Protocol 2007 (PDF) Structured forensic interview protocols improve the quality and informativeness of investigative interviews with children: A review of research using the NICHD Investigative Interview Protocol

tute of Child Health and Human Development (NICHD⁸) interviewing protocol for minors is supported by scientific research.⁹) The strength of this protocol is that it takes into account the cognitive and emotional development of children aged 3–17. It consists of a step-by-step plan that includes:

- a detailed rapport-building phase;
- the activation of episodic and script-like memory;
- and the clarification of the difference between the concepts of "truth" and "falsehood" before the interview begins.

The interview always ends with a neutral topic. The testimony is recorded audiovisually, so the child (hopefully) only has to describe what happened once; the resulting recording can then be viewed and used by the participants of the criminal proceedings at any time. The mastery of the protocol is facilitated by an internally distributed guide¹⁰) published by the Criminal Affairs Department of the National Police Headquarters (ORFK), which was prepared with the involvement of experts from numerous related fields. This is further supported by an annually organized 2-week professional training, as well as the launch of a 2-semester specialized forensic child protection consultant program¹¹) at the Faculty of Law Enforcement of the Ludovika University of Public Service, whose first students graduated this year.

Having completed the 2-week intensive training—and having served as a mentor for years—it can be stated that there is a massive demand for this training among professionals working in child protection, the police force, as well as among prosecutors and judges. Participants coming from different professional backgrounds and perspectives not only master the technique and make it part of their daily interviewing routine but also learn about each other's viewpoints, exchange experiences, and, thanks to regular follow-ups, become part of a supportive professional community. This further strengthens the professional relationship between child protection experts and the police, making cooperation more efficient during practical work. In my view, this is in the interest of both parties and equally in the interest of the interviewed child.

Legal Coordination and the "Barnahus" Model In addition to the rules of the Code of Criminal Procedure (CCP), it is important to mention the provisions of Act XXXI of 1997 on the Protection of Children and Child Administration (hereinafter: Child Protection Act):

8) <https://www.nichd.nih.gov/>

9) E.Olafson: A call for field-relevant research about child forensic interviewing for child protection (2012) DOI: 10.1080/10538712.2012.642469

D. La Rooy et al.: The NICHD protocol: a review of an internationally-used evidence-based tool for training child forensic interviewers Journal of Criminological Research Policy, and Practice 2015/2. <https://doi.org/10.1108/JCRPP-01-2015-0001>

10) Cs.Nagygyör (ed.): Techniques for Interviewing Traumatized Children – Training Manual for Criminal Investigation Unit Personnel

11) <https://rtk.uni-nke.hu/oktatas/szakiranyu-tovabbkepzesi-szak/forenzikus-gyermekevedelmi-szaktanacsado-szakiranyu-tovabbkepzesi-szak>

"Section 61 (2): The child protection specialized service may operate a service for the examination and therapy of neglected and abused children, primarily sexually abused children, and—upon request of an official body—a service to facilitate the interviewing of the affected children, during which the child protection specialized service cooperates with the requesting authority."

The service facilitating the interview of the affected child involves the participation of a specialized consultant („szaktanácsadó”). Currently, this consultant can be a psychologist or a psychiatrist. A change in the relevant regulations¹²⁾ is expected soon, allowing persons with the aforementioned specialized forensic child protection qualifications to conduct interviews as consultants.

They [the specialized consultants] can currently utilize the protocol in internal investigations within child protection institutions, while police officers can use it during the interviews they conduct. In these cases, of course, they do not qualify as specialized consultants. Changing the regulations is also important because this specific task represents a significant workload for psychologists and psychiatrists nationwide. The guarantee systems of the Child Protection Act and the Code of Criminal Procedure (CCP) are linked to realize child-friendly justice:

"Section 87 (1): The court, the prosecution, and the investigative authority, in the case of a procedural action requiring the participation of a person under the age of eighteen... bb) shall perform the procedural action with the cooperation of a specialized consultant performing the service defined in Section 61 (2) of Act XXXI of 1997 on the Protection of Children and Child Administration, or another specialized consultant defined by law. The specialized consultant performs their activities under the direction of the leader of the procedural action, during which they convey questions addressed to the person under eighteen and other communications from the authority..."

Regarding the committed crime, a generally accepted criminalistic-theoretical framework for investigation is answering the [7+1] basic questions. What are these exactly? What happened? Who-With whom? Where? When? How? Why? With what? +1: can it be categorized as a series? We seek answers to these in both a figurative and literal sense; therefore, we perform interviews (as well) in the given case. We believe we help the interviewed person the most, and can obtain the most information from them, if we ask them questions. Our intention is to encourage the recall of their memories and knowledge and facilitate their communication. However, all this is only true if a proper psychological contact is established with the interviewed person, we allow for the coherent presentation of the testimony, our questions are di-

12) Decree No. 12/2018 (June 12) of the Ministry of the Interior on Rules Governing Certain Acts in Criminal Proceedings and Persons Participating in Criminal Proceedings

"Section 14/A(3): A person with a degree in psychology or psychiatry may serve as a specialist advisor in the conduct of procedural acts requiring the participation of a person under the age of eighteen." <https://net.jogtar.hu/jogszabaly?docid=a1800012.im> last accessed:23.6.2026.

rected at relevant facts, and comply with the rules of the CCP—specifically, they do not conflict with any of the prohibitions listed there. Furthermore, the questions must take into account all specificities inherent in the person and circumstances of the interviewee and be understandable to them. To this end, special interviewing techniques may be necessary.

“Numerous questioning and interviewing techniques exist, and presumably their professional leaders and the experts working in them have similar professional careers, among which different ones are preferred by continent or even state. In this process, there are simpler, quickly executable ones, such as SAI, or special techniques requiring complex theoretical and practical training, such as the Reid method or Cognitive Interview. All serve a similar goal: obtaining the most accurate information possible while increasing the efficiency of the investigation.”¹³⁾

Interviewing is the cornerstone of personal evidence, probably the most frequently used investigative action. If the investigator has sufficient interest, the opportunity is given to expand their professional toolkit and learn and apply new interviewing techniques. The victim-centeredness of the current Code of Criminal Procedure, as well as the increasingly spreading trauma-informed approach, also increases the need for this. The age and other personal characteristics of the interviewed person, the nature, elements, and circumstances of the crime suffered must be taken into account. To avoid secondary victimization, strict guarantees must be enforced during the criminal proceedings.

3. NICHD Protocol

What is new and what is different about this protocol then? What objectives does it operate with, and how did it enter the Hungarian justice system? Were our previous interviews perhaps not sufficiently attentive to the person being interviewed? Why do we have to do it differently than “as we used to?” I do not claim that other techniques are not suitable for obtaining testimony or for the influence-free recall and recording of memory traces. I do not question the skills, professional experience, or positive attitude of the interviewers towards the interviewees! But like everything, this can be done better. One possible tool for this is the application of the protocol.

The first institution to apply the technique and the protocol in Hungary was the Barnahus house in Szombathely¹⁴⁾, which opened its doors in 2016 based on the Icelandic model, creating an opportunity and space for the adoption of a different, child-centered approach in the Hungarian justice system. Following this initiative, seven interview and therapy centers¹⁵⁾ operate today in the country, where it is possible to obtain the child's testimony, record it audiovisually, and conduct a (specialist) medical examination. It is at least as

13) A. Pásztor: Knowledge of Modern Interrogation Techniques Among Personnel of the Central and Regional Investigative Units of the National Police Headquarters (2021) 380. <https://pecshor.hu/periodika/XXIII/pasztor.pdf>

14) <https://barnahus.hu>

15) <https://ogysz.hu/meghallgato-es-terapias-kozpontok>

important that, if necessary, the child can rest and clean up before testifying. The technique for obtaining the testimony is the 10-step NICHD protocol. It represented and represents a novelty in that a specialized consultant enters between the “case officer” police officer and the person to be interviewed. There is no “question-answer” in the classic sense, and no simultaneous minuting. There is structured yet respectful communication with the interviewee, whose motto is: *“If we ask a question, we get an answer; if we invite someone, they tell us a whole story.”*¹⁶⁾ The practical application of this means that filling out the chosen RZS¹⁷⁾ minutes template must be harmonized with the steps of the protocol, and these steps must be integrated into the template. For example, when warning a witness under the age of 14 to tell the truth, the agreements required by the technique must be established. As seen here, the communication of procedural law guarantees and the rights and obligations adjusted to the interviewee's age and procedural status cannot be omitted; the responsibility for this lies with the police officer, not the specialized consultant.

Of the steps listed below, Steps 0–3 are the responsibility of the police officer. Following these, the victim/interviewed person remains in the interview room with the specialized consultant (and the legal representative, if necessary). Other participants can monitor the proceedings from an external room. The investigator maintains technical contact with the specialized consultant, and it is left to the consultant to decide how to obtain answers to the investigator's questions from the interviewee.

The specific steps based on the referenced internal publication:

- Step 0 – Identification, verification of data
- Step 1 – Introduction of participants and the room, getting acquainted
- Step 2 – Presentation of legal regulations
- Step 3 – Making agreements
- Step 4 – Neutral topic, rapport building, introducing and practicing the questioning technique
- Step 5 – Invitation for free narrative
- Step 6 – Invitation, questioning
- Step 7 – Deepening, clarifying questions
- Step 8 – Checking other case file elements
- Step 9 – Completion
- Step 10 – Thanking, saying goodbye.

What is the power of “Invitations” vs. Questions? What does an interview conducted with invitations instead of asking questions mean? During preparation and the interview itself, how can we “restrain” the urge to ask all the questions in our heads and instead phrase them as invitations? Invitations

¹⁶⁾ A quote from Lieutenant Colonel Csilla Nagygyör and retired Belgian police inspector Danny Sluys. As a result of cooperation between the Catholic University of Leuven, the Hungarian police, and the Flemish Representation in Hungary, Danny Sluys has been contributing his professional expertise to Hungarian training programs on the interrogation of minors for several years.

¹⁷⁾ RZS: “Robotzsaru,” an integrated electronic case management and case processing IT system used by the Hungarian Police.

are, in a sense, encouraging sentences or actions that express interest and prompt the interviewee to provide an explanation, thereby aiding their narrative.

- *"Tell me everything about..."*
- *"Please speak in detail about..."*
- *"Please explain what you mean by that!"*

Thinking and phrasing in terms of invitations is an important tool for obtaining influence-free testimony. We can also apply silence, which partly expresses our patience and respect toward the interviewee, allowing them to continue their testimony at their own pace.

During rapport building, references and terminology evoking a fantasy world (e.g., *"Tell me a story about..."*) should be avoided, as should references to movies, books, or computer games. It is also crucial that we do not immediately try to answer our own questions; we must have the patience to wait for the answer. During the interview, the child may be asked to draw, or other tools may be used to demonstrate and better understand situations and actions. If the child requests it, a break can be taken at any time. Regardless of whether a break was requested, a few-minute break is inserted after Step 6 to allow the consultant to consult with the police officer in the monitor room regarding any details still to be clarified.

Technical Implementation and Benefits The interview is recorded audiovisually, and the entire process can be followed from the monitor room, where the technician, the police officer, the psychological expert, or the legal representative may be present. As I mentioned earlier, the police officer can assist the consultant during the interview with an earpiece. Of course, the technique and the 10 steps of the protocol—the entire process—consist of much more than this and encompass a wider scope in terms of both content and form. It is not possible to provide a detailed description of each step in this study; interested readers can find more detailed information in the bibliography.

The significance of this protocol lies in the fact that it evokes the interviewee's episodic memory. This allows even a laconic witness to provide a full statement because, through segmentation, the testimony can be narrowed down into increasingly detail-rich segments. Thanks to segmentation, it is also easier to detect if a person is speaking about an event they did not actually experience, as it is difficult to consistently maintain a false testimony within increasingly narrowing segments.

In addition to this innovation, one potential challenge is that the police officer in charge of the case must be able to accept the possible limitations of this technology. They may not receive the much-desired information about the crime as quickly, in the same order, or perhaps even to the extent they had anticipated prior to the interview. Experience shows, however, that the technique is effective not only from the perspective of victim protection but also from a law enforcement standpoint. It may happen that, despite all efforts, it will be necessary to conduct a follow-up interview with the child. In my view, in such cases, the follow-up interview should be conducted by the same specialist counselor who assisted the child during the initial statement. Of course, I am aware that this technique will not become widespread in daily practice

“overnight.” Nor am I claiming that it is a tool that is suitable for everyone or provides a solution that works in every case. It is also possible that some practitioners will successfully incorporate certain elements of it into their own practice, while others will not. However, I am certain that any interview in which the protocol helps prevent the child from being re-traumatized is worth the energy invested in learning and practicing this technique for everyone who conducts interviews.

Both child protection agencies and law enforcement have gained increasing experience with its practical application. Naturally, this has brought to light a number of questions and challenges. These may arise, for example, when the child’s native language differs from the language of the criminal proceedings, or when the child has a physical or intellectual disability. Another challenge that may arise during questioning is when the child’s speech has not yet fully developed, and their speech is understandable only to immediate relatives and family members, but not to the interrogator. This may require the assistance of an interpreter, a sign language interpreter, a speech therapist, or a family member not involved in the criminal proceedings. In the case of older children, specific slang may also make understanding difficult. The presence of the child’s legal representative is mandatory during the questioning of children under the age of 14. In the event of a conflict of interest between the legal representative and the child, the legal representative must be excluded from the criminal proceedings, and a guardian ad litem must be appointed to represent the child’s interests.

In my study, I have sought to briefly present the NICHD protocol as a practical and applicable interrogation technique, while also highlighting certain elements of the relevant legal framework. In my view, the shift in perspective that this method of conducting interviews represents contributes significantly to obtaining statements made in an unbiased and respectful manner.

References

1. A. Pásztor: Knowledge of modern investigative interviewing techniques among the staff of the central and regional investigative bodies of the National Police Headquarters 2021. <https://pecshor.hu/periodika/XXIII/pasztor.pdf>
2. Cs. Nagygyőr (ed.): Techniques for Interviewing Traumatized Children – educational support material for the criminal investigation staff of the police (internal professional publication).
3. Cs. Szabó: “The Price of Grievance” - new judicial practice regarding the assessment of non-pecuniary damage. Civil Law 2017/9. – Forum <https://net.jogtar.hu/jogszabaly?docid=a1700906.poj>
4. D. La Rooy et al.: The NICHD protocol: a review of an internationally-used evidence-based tool for training child forensic interviewers. Journal of Criminological Research Policy, and Practice 2015/2. <https://doi.org/10.1108/JCRPP-01-2015-0001>

5. Erna Olafson: A call for field-relevant research about child forensic interviewing for child protection (2012). DOI: 10.1080/10538712.2012.642469

6.H. Halász: Nothing New Under the Sun in B. Mészáros (ed.) Versions - Studies in Honor of the 60-year-old Police Lieutenant Colonel Dr. Csaba László Anti. Hungarian Association of Criminal Justice Professionals, Budapest, 2026. <https://rendeszeti.uni-nke.hu/document/rendeszeti-uni-nke-hu/Verzio%CC%81k%20-%20Tanulma%CC%81nyok%20a%2060%20e%CC%81ves%20dr.%20Anti%20Csaba%20La%CC%81szlo%CC%81%20rendo%CC%8Br%20alezredes%20tisztelete%CC%81re.pdf>

7. M. E. Lamb et al.: Structured forensic interview protocols improve the quality and informativeness of investigative interviews with children: A review of research using the NICHD Investigative Interview Protocol 2007.

8. The Practice of Applying Grievance Fees - Extract. Curia of Hungary, Budapest, 2024. https://kuria-birosag.hu/sites/default/files/joggyak/revidealkivonat_20240711_zaradekolt_3_1.pdf

Legal Regulations and Electronic Sources:

IM Decree 12/2018. (VI. 12.) on the rules concerning individual criminal procedural actions and persons participating in criminal proceedings.

<https://net.jogtar.hu/jogszabaly?docid=a1800012.im> (Accessed: 2026.06.25.)

Act V of 2013 on the Civil Code.

<https://net.jogtar.hu/jogszabaly?docid=a1300005.tv>

Act XCII of 2015 on the promulgation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), and related amendments to certain laws. https://jogkodex.hu/jsz/lanzarote_egyezmény_2015_92_torvény_2557584

Act XC of 2017 on the Code of Criminal Procedure.

<https://net.jogtar.hu/jogszabaly?docid=a1700090.tv>

National Institute of Child Health and Human Development (NICHD): <https://www.nichd.nih.gov/>

Ludovika University of Public Service, Faculty of Law Enforcement – Specialized Forensic Child Protection Consultant Program: <https://rtk.uni-nke.hu/oktatas/szakiranyu-tovabbkepzesi-szak/forenzikus-gyermekevedelmi-szaktanacsado-szakiranyu-tovabbkepzesi-szak>

Barnahus Hungary: <https://barnahus.hu>

National Child Protection Specialized Service (OGYSZ) – Interview and Therapy Centers: <https://ogysz.hu/meghallgato-es-terapias-kozpontok>

КАКО НЕ НАВЕСТИ НА ШТЕТУ? ПРОТОКОЛ NICHD У КРИВИЧНИМ ПОСТУПЦИМА

Apstrakt

U mojoj studiji postavila sam za cilj da ispitam štetu nastalu usled krivičnih dela kroz specifičnu prizmu. Opisujem specijalizovani okvir za saslušanje lica kojima je potreban poseban pristup u krivičnom postupku, uključujući decu žrtve seksualnog zlostavljanja. Razmatram primenljivu tehniku vođenja intervjua. Iako upotreba ove tehnike ne može u potpunosti neutralisati uticaj štete koju je delo nanelo fizičkom, psihološkom i mentalnom razvoju deteta, ona može sprečiti sekundarnu viktimizaciju.

Ključne reči: šteta, krivični postupak, vođenje intervjua, NICHD protokol