DRAFT
FORENSIC INTERVIEW TASK FORCE REPORT

JULY 1, 2018
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MISSION:
To protect, promote and improve the health of all people in Florida through integrated state, county and community efforts.

Submitted to:

The Honorable Joe Negron, President, Florida Senate
The Honorable Richard Corcoran, Speaker, Florida House of Representatives
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Cassandra Pasley will complete the executive summary.
SECTION ONE: BACKGROUND

PURPOSE OF TASK FORCE

The Forensic Interview Protocol Task Force was created to enhance the safety and well-being of children who are suspected of having been abused. Forensic Interviewing is a method to elicit accurate information from children during an investigation regarding physical or sexual abuse, neglect or exposure to violence. Children may move to different parts of the state over time, and the forensic interview process needs to be consistent from one jurisdiction to the next. One priority of the forensic interview task force is to reach a statewide consensus on recommendations to the various organizations that conduct forensic interviews.¹ There are many accepted practices for conducting child forensic interviews, each of which should be tailored to the unique needs of the child. These practices are critical components of an overall framework for conducting child forensic interviews. This task force is recommending a protocol to serve as Florida’s standardized framework.

STATUTORY AUTHORITY

Chapter 2017-153, Laws of Florida, amends Section 39.303(9), Florida Statutes (FS), requiring the Florida Department of Health, Division of Children’s Medical Services to convene a task force to develop a standardized protocol for forensic interviewing of children suspected of having been abused. Children’s Medical Services must provide the standardized protocol to the President of the Senate and the Speaker of the House of Representatives by July 1, 2018.

TASK FORCE MEMBERSHIP

Florida Department of Health, Division of Children’s Medical Services serves children who have or are at-risk for special health care needs. Child maltreatment is linked to adverse health outcomes across the lifespan. (Citation-ACE) Florida Department of Children and Families (DCF) is responsible for investigating allegations of abuse and neglect and determining actions needed to ensure child safety. Child Advocacy Centers (CAC) and Child Protection Teams (CPT) assist DCF by providing medical and other multi-disciplinary assessments, including child forensic interviews. The Community Based Care agencies provide case planning and service delivery. Child abuse is a crime and some forms of neglect are crimes. Many times, there is no physical evidence of the abuse; therefore, the child forensic interview is critical in the investigation. Law enforcement agencies and prosecutors rely heavily on forensic interviews when charging and prosecuting child abuse.

Representatives from various agencies, associations, and organizations were specifically identified in law to form the membership of the task force.² Task force members were appointed in July and August of 2017. These entities are critical partners in protecting the health and safety of children in Florida.

The statutorily mandated membership of the Forensic Interview Protocol Task Force is as follows:

- A representative from the Florida Prosecuting Attorneys Association, Brian Fernandes, Esq.
- A representative from the Florida Psychological Association, Lori Butts, J.D., Ph.D.
- The Statewide Medical Director for Child Protection, Bruce McIntosh, M.D.
- A representative from the Florida Public Defender Association, Paula Shea, Esq.
- The executive director of the Statewide Guardian Ad Litem Office, Alan Abramowitz, Esq (Co-Chair)

¹ Remarks from Representative Gayle Harrell, Chair of the Children, Families and Seniors Subcommittee to the Department of Health, Division of Children’s Medical Services Forensic Interview Protocol Task Force on January 19, 2018.
² Per Section 39.303(9)(c), FS, members of the task force were not entitled to per diem or other payment for service.
A representative from a Community-Based Care Lead Agency, Roshannon Jackson, M.Ed.
A representative from Children’s Medical Services, Peggy Scheuermann, M.Ed.
A representative from the Florida Sheriffs Association, Sheriff Sadie Darnell
A representative from the Florida Chapter of the American Academy of Pediatrics, Carol Lily, M.D.
A representative from the Florida Network of Children’s Advocacy Centers, Cindy Vallely

Children’s Medical Services was permitted to designate other representatives. Five additional members with experience working with children with special health care needs were appointed. The task force elected Jay Howell, Esq. as Chairperson and Alan Abramowitz, Esq., Executive Director of the Statewide Guardian Ad Litem as Co-Chairperson. For a listing of all members, see Appendix A. (Include information from the directory)

SECTION TWO: TASK FORCE MEETINGS AND SPEAKERS

The initial task force meeting was scheduled for September 12, 2017, however, was rescheduled to October 17, 2017 due to Hurricane Irma. Task force meetings were conducted in-person, via webinars and conference calls. Four in-person meetings were held: one in Tampa, one in Tallahassee, and two in Orlando, Florida.

Several professional guest speakers provided expertise and insight into various components of conducting child forensic interviews. The list of speakers and guests follows:

- Jackie Sandefer-Gonsen, CPT Training and Quality Assurance and Quality Improvement Coordinator, Florida Department of Health, Division of Children’s Medical Services
  - Presentation: Introduction to Child Forensic Interviewing & Forensic Interview Components
- Brenda Kocher, Voices for Children
  - Presentation: Wagging Tails and Other Indispensable Tools in the Treatment of Trauma
- Kelly A. Swartz, Esq., Director of Legal Advocacy for the Florida Guardian ad Litem Program
  - Presentation: Use of Interviews in Dependency Cases
- Brian Fernandes, Esq., Chief Assistant State Attorney, Fifteenth Judicial Circuit, West Palm Beach, FL
  - Presentation: Prosecution of Child Maltreatment Cases
- Theresa Simak, Esq., Assistant State Attorney, Fourth Judicial Circuit, Jacksonville, FL
  - Presentation: Prosecution of Child Maltreatment Cases
- Terry Thomas, Special Agent (Retired)
  - Presentation: Law Enforcement Interviews
- Charles B. Nemeroff, M.D., Ph.D., Director of the University of Miami Center on Aging and Chairman of the Department of Psychiatry and Behavioral Sciences
  - Presentation: Paradise Lost: The Neurobiology of Child Abuse and Neglect
- Representative Gayle B. Harrell, Chair of the Children, Families and Seniors Subcommittee, Florida House of Representatives
  - Comments: Purpose of the Task Force
- Marina Anderson, Department of Children and Families Regional Human Trafficking Coordinator
  - Presentation: Special Interviewing Needs of Human Trafficking Victims
- Chief Judge Jonathan Sjostrom, Second Judicial Circuit
  - Comments: Administrative Orders and Dependency Court Proceedings
- Assistant State Attorney, Lorena Bueno, Second Judicial Circuit
  - Presentation: Administrative Orders and Perspectives
Section Three: Overview of Child Forensic Interviewing

HISTORY OF CHILD FORENSIC INTERVIEWS

In the 1980s, several high-profile cases involving allegations of child abuse became the subject of considerable analysis because of the interview techniques that were used. Law enforcement depended on mental health practitioners because of their ability to establish rapport with children. However, mental health practitioners often used therapeutic techniques that were later deemed inappropriate for forensic purposes, primarily because of concerns regarding suggestibility. The courts scrutinized the interview procedures used in these early cases and found that techniques that invited make-believe or pretending were inappropriate for criminal investigations. As awareness of child abuse grew, professionals realized that it might take special skills to interview children. (Ceci and Bruck, 1995)

According to XXX, “In the 1990s, professionals began to appreciate that interview guidance needed to involve more than mere advice about questions and the use of media; child welfare professionals needed advice about the structure of the interview, itself. This necessity derived from the characteristics of the interviewers and the interviewees. Most professionals charged with the responsibility of interviewing children about child abuse did not have extensive mental health backgrounds or knowledge about child development. This was especially true of law enforcement, but might also have been true of child protection workers because the usual requirement for the position was a bachelor’s degree, which could be in criminal justice [45]. Interviewees needed guidance because they were children. For most of them, an interview about sexual abuse is an anomalous and possibly frightening experience. Children needed to know what the expectations for the interview were.” (Cite)

As a result of these findings, dozens of interview structures were developed, most with a focus on the mandated investigators, child protection and law enforcement, and on forensic interviewers. Some interview structures were developed in academic institutions. (Cite)

PURPOSE OF CHILD FORENSIC INTERVIEWS

Child abuse is not only harmful to the child, jeopardizing child safety and well-being; it is also a crime. Cases in which the offender is in the family and those that involve other caregivers who are negligent and fail to protect children in their care from child maltreatment fall within the purview of child protective services. Cases where allegations do not involve caregivers are investigated by law enforcement. In the mid-1980s, virtually every state in the U.S. amended its child protection laws to foster collaboration between law enforcement and child protection investigators on serious maltreatment cases. Child protection workers and law enforcement often jointly interviewed the child, one or the other taking the lead. In some cases, the child protection worker interviewed the child while law enforcement interviewed the alleged offender along with other witnesses. Information was shared through exchange of notes, sharing of interview recordings, or conferring. [Cite needed]

Forensic interviews are instrumental pieces of evidence in child abuse or neglect investigations and are used in both criminal courts and dependency courts. Florida Statute 90.803(23) provides a hearsay exception for statements made by a child victim. An out of court statement is admissible if it meets the following conditions:
(1) It is made by a child victim with a physical, mental, emotional, or developmental age of 16 or less describing the act of abuse or neglect, (2) The court finds this statement reliable, and (3) The child testifies or is unavailable, provided that there is other corroborative evidence of the abuse or offense. This reliability determination is done at a pre-trial hearing. In making its determination the court must watch/listen to the forensic interview. The court must then consider the physical/mental/developmental age of the child, the maturity of the child, the nature and duration of the abuse, the relationship of the offender to the child, and the content of the statement itself.

When reviewing forensic interviews the court considers whether the child is using age appropriate language, whether leading questions are being asked of the child, whether the child can distinguish truth and lie and agree to tell the truth, and whether the statement is in the child’s own words. Courts also look for evidence of false allegations and coaching. Once a court determines there are sufficient safeguards of reliability surrounding the statement, and that there is other corroborative evidence, they will make specific findings of fact on the record regarding the admissibility of the forensic interview. In many criminal child abuse prosecutions, the most compelling evidence is the videotaped forensic interview. This is because in criminal cases trials often occur years after the abuse is first disclosed. With this passage of time, children grow up and memories fade. The forensic interviews, many of which are video recorded, memorialize the disclosure. When the victim who is now older sits in a cold sterile courtroom in front of a room full of strangers, including the abuser, struggling and hesitant to testify the video of the forensic interview will be available as evidence. The jurors will see the victim, at a younger age in a child-friendly environment talking to a non-judgmental person. The jurors will hear the victim talk about the abuse he/she has suffered in his/her own words at his/her own pace. That can be very powerful.

The forensic interview also aids in plea negotiations which negates the need for a trial. In dependency court forensic interviews are used as evidence in shelter hearings, dependency cases and termination of parental rights proceedings. The parents are often present at these proceedings and the forensic interview can ensure that the child does not have to testify in front of his/her abuser. This is often the beginning of the child’s healing. In addition, the forensic interview can be used by other professionals to aid in the recovery of the child’s trauma.

Whether used in criminal court or dependency court the admissibility of the forensic interview is dependent upon its quality. If the forensic interview is not done in a manner that will meet the legal standard, then we have lost a compelling and powerful piece of evidence. The best practice is for these forensic interviews to be video recorded. Hearing an account of the abuse in the child’s own words is important but it is also vital to see the reactions of the child as he/she recounts that abuse.

GOALS OF THE CHILD FORENSIC INTERVIEW

One main priority and goal for conducting child forensic interviews is to gather information that will either corroborate or refute allegations of abuse, neglect, violence and consider all reasonable hypotheses and maintain legal defensibility. Additional goals include allowing the child to verbally describe event(s) and elicit complete and accurate account of events told by the child. This helps to determine if abuse, neglect or violence occurred and if the child is in imminent danger. Maintaining an impartial and objective position is important when asking questions and gathering information during child forensic interview to ensure XXXXX.

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FORENSIC INTERVIEWS OF CHILDREN WITH SPECIAL NEEDS

Children with disabilities are potentially at greater risk for abuse and neglect than children without disabilities. Care must be taken to consider the developmental level, the verbal skills, and other unique features of children with special needs. Children with special needs may require individualized techniques. According to XXX “Most of the forensic interviewing models agree that considering the age and development of the child is essential. Lamb and colleagues (2015) state that “age is the most important determinant of children’s memory capacity. (Cite) (Hershkowitz, Lamb, and Horowitz, 2007; KendallTackett et al., 2005).

THERAPY ANIMALS AND FACILITY DOGS

The Florida Legislature has recently provided a statutory basis for the use of therapy animals to assist children in articulating their child maltreatment experiences. The new law allows the judge to permit the use of therapy animals or facility dogs in a court case of abuse, abandonment or neglect. Florida’s Statutes, Section 92.55 provides the following definitions:

“Facility dog” means a dog that has been trained, evaluated, and certified as a facility dog pursuant to industry standards and provides unobtrusive emotional support to children and adults in facility settings.

“Therapy animal” means an animal that has been trained, evaluated, and certified as a therapy animal pursuant to industry standards by an organization that certifies animals as appropriate to provide animal therapy. (Cite 92.55 FS)

When available, a therapy animal or facility dog should be considered as a tool to reduce stress and traumatization for children alleged to have been abused or neglected. Scientific research shows that the presence of such animals significantly reduces physiological and behavioral distress, including a lowering of heart rate and blood pressure, which allows children to feel safer and calmer and to better recollect facts. (Cite – Journal of Child Sexual Abuse).

According to the 2017 Florida House of Representatives Final Bill Analysis of CS/CS/HB 151 (also called “Justices Best Friend Act”), at least four circuit courts had implemented formal animal support programs. The Second Circuit began its animal support program in 2006, the Fifth and Ninth Circuits did so in 2014, and the Twentieth Circuit started a program in 2016. The Thirteenth Circuit has also allowed a facility dog in its courtrooms for children in dependency cases. The bill became effective on July 1, 2017. Since the law passed, therapy animals and facility dog programs have grown and are expected to become more available. (FN page 3 of analysis). ….

FORENSIC INTERVIEWS WITH MEDIA/AIDS

The goal of a forensic interview is to have the child verbally describe his or her experience. A question remains, however, as to whether limiting children to verbal responses allows all children to fully recount their experiences, or whether media (e.g., paper, markers, anatomically detailed drawings or dolls) may be used during the interview to aid in descriptions. The use of media varies greatly by model and professional training. Decisions are most often made at the local level, and interviewer comfort and multidisciplinary team preferences may influence them. Ongoing research is necessary to shed further light on the influence of various types of media on children’s verbal descriptions of remembered events. (Cite) (Brown et al., 2007; Katz and Hamama, 2013; Macleod, Gross, and Hayne, 2013; Patterson and Hayne, 2011; Poole and Dickinson, 2011; Russell, 2008).
COMPONENTS OF A STANDARDIZED PROTOCOL

As used in this report, the term “standardized protocol” refers to the general framework and design of the process that surrounds the interview itself, including all its various component parts.

1. Training
   An unskilled interviewer may impair the child’s ability to articulate their experiences, and put the child at risk. The interview itself is difficult and must be successful in securing accurate and comprehensive information. The training the interviewer receives must be specialized, current, and repeated or supplemented at appropriate intervals in the career of the interviewer. (Cite)

According to XXXX “Specialized training programs have been developed for forensic interviewers. These programs are needed for professionals with graduate mental health training, forensic interviewers with various agencies, and for mandated child protection and law enforcement personnel who conduct forensic interviews. Mental health professionals are not usually taught forensic interview practices during their graduate training; indeed, they may need forensic interview training to “unlearn” the therapeutic interview skills taught in graduate and professionals schools. In contrast, mandated investigators may be starting from scratch because often they have no training in child development, in children’s memory and suggestibility, or in talking to children. Moreover, most of these professionals need training in defending their interviews in court. Currently, forensic interview training programs range from two days to 40 hours (one week). These are sponsored by state agencies responsible for training child protection and law enforcement, professional organizations, and agencies responsible for interviewing children. These forensic interview training programs are often specific to a particular interview structure or protocol.” (cite)

2. Interview Setting
   According to XXXX “Multidisciplinary teams should consider what the surroundings look like to the children and families that will be served. When children come for their interviews, they should perceive an environment that is “child friendly” and respectful of them and their needs. Child-sized seating, a play area, decorations designed for children, and friendly staff all contribute to a welcoming atmosphere. Children should have access to materials and toys that reflect the needs and interests of the diverse populations served in the setting. The facility should be accessible for people with disabilities, in addition to being physically safe and “child proof” for children of all ages. (Cite)

3. Evaluation and Peer Review of The Interview
   Supervision and peer review of interview practices are very important. According to XXXX “Structured forensic interview protocols improve the quality of investigative interviews with children. Supervision, peer reviews, and other forms of feedback should help forensic interviewers integrate the skills they learned during initial training and improve their practice over time. It is an opportunity for forensic interviewers to receive emotional and professional support and for other professionals to critique their work. The peer review should be a formalized process in a neutral environment with established group norms and a shared understanding of goals, processes, and purpose. Power dynamics, a lack of cohesion, and differing expectations can easily derail peer review efforts, leading to a failure to achieve real improvements in practice. Training in the use of tools for providing more effective feedback (e.g., guidelines for giving and receiving feedback), checklists to assist peer reviewers in
defining practice aspects for review, and strong leadership can assist practitioners in establishing a meaningful and productive process.” (Cite) (Lamb, Sternberg, Orbach, Hershkowitz, Horowitz, and Esplin, 2002; Lamb et al., 2008; Price and Roberts, 2011; Stewart, Katz, and La Rooy, 2011).

4. Inter-Agency Communication and Collaboration
According to XXXX “Multi-Disciplinary Teams (MDTs) composed of representatives from a variety of agencies typically have highly ambitious outcomes including higher rates of successful prosecution of child abuse, the reduction of additional trauma associated with inappropriate responses to abuse, and the reduction of child trauma symptoms. These include a variety of cross-agency and cross-disciplinary partnerships between agencies responsible for elements of the response to child abuse. Typically, these teams are assembled in order to improve information sharing and coordination between agencies, recognizing the serious consequences poor cross-agency communication can have (e.g., Child Protection Systems Royal Commission, 2016).” (Cite) (Miller & Rubin, 2009), (Conners-Burrow et al., 2012)

CURRENT APPROACHES IN CHILD FORENSIC INTERVIEWING
There are some generally accepted practices and principles in child forensic interviewing. The vast majority of approaches recognize that the child’s age, developmental functioning, and cultural influences must be taken into consideration while interviewing a child. In addition, understanding the disclosure process and that children respond to trauma differently is critical; no single disclosure pattern is predominant.

The interviewers use of narrative practice is also extremely important. Narrative practice, also referred to as narrative sequencing, is getting a child to discuss a neutral topic in a narrative format. Narrative practice increases a child’s informative responses to open-ended questions. Need more information on Narrative Practice

There are also some variations in the different approaches to forensic interviewing. Some practices vary in regards to the most effective and defensible way to help a reluctant child transition to the topic of concern. While one interview may be sufficient for some children, other children may require more than one interview. Community approaches also differ related to using a truth/lie component. Recent research tells us children are less likely to make false statements if they promise to tell the truth. Establishing rules for the interview may vary from one approach to the other. Giving interview rules during rapport building sets the expectation for children to give accurate and complete information, and it reduces suggestibility. Interviewers may use interviewing tools, such as drawings, dolls, etc.; however, the use of media varies greatly among different interview practices.

Interviewers often get training in a variety of practices and use a “blended” approach to meet the needs of children. Care must be taken to consider the developmental level, the verbal skills, and other unique features of each child. As a result of these differences, children require individualized techniques.
Currently, there are some practices in child forensic interviewing that are considered to be best practice.

These practices are:

- Forensic interviews should be electronically recorded
- Persons doing interviews should have formal initial training and ongoing training
- If the child’s mental stability allows, a forensic interview should be done as soon as possible
- The environment where the interview is done should be neutral, objective and child friendly
- Throughout the interview, interviewers should utilize techniques that maximize the amount of information obtained from the child through free recall, which is an individual recalling an event from memory without being asked questions or given prompts
- The interviewer should use open ended and nonsuggestive questioning techniques when introducing suspected abuse and utilize “Wh” (what, who, where, when) questions, which are the least leading way of obtaining missing details
- An interviewer should not interrupt a child’s narrative response
- An interviewer should ask if an event occurred “one time or more than one time” as opposed to locking a child in to a specific number of times, such as “one time” or “five times”
- Interviewers should limit and delay the use of multiple choice questions, yes/no questions and questions that either introduce information, or the possibility of information as long as possible
- Interviewers should communicate with multidisciplinary team members and balance requests with the need to maintain legal defensibility and the child’s ability to give more information

**STRUCTURES AND PRACTICES REVIEWED BY TASK FORCE**

A general request for information on forensic interviewing practices went out to various organizations. Thirteen organizations responded and provided information on existing forensic interview practices currently in use throughout the U.S. The practices included:

1. American Professional Society on the Abuse of Children (APSAC)
2. ChildFirst
3. The Cognitive Interview
4. CornerHouse
5. The Forensic Interview Practice used in North Carolina
6. The Forensic Interview Practice used in Texas
7. Florida Department of Health Forensic Interview Practice
8. National Children’s Advocacy Center (NCAC)
9. National Institute for Child and Human Development (NICHD)/Revised NICHD
10. Recognizing Abuse Disclosure Types and Responding (RADAR)
12. Ten Step Investigative Interview Process
13. Wisconsin Forensic Interview Guidelines

A brief overview of various trainings for some of the forensic interview practices are below:

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AMERICAN PROFESSIONAL SOCIETY ON THE ABUSE OF CHILDREN (APSAC) TRAINING

APSAC’s comprehensive clinics offer intensive training experience and the opportunity for participants to experience personal interaction with leading experts in the field of child forensic interviewing. The curriculum was developed by experts and teaches a structured narrative interview approach, which emphasizes best practices based on research and the best interest of the child. Participants receive a balanced review of several forensic interview practices and learn how to develop customized narrative interview approaches based on the principles taught in the training.

DEPARTMENT OF HEALTH 40-HOUR BASIC INTERVIEW TRAINING

DOH offers a 40-hour training that includes presentations by local experts in the areas of basic skills of forensic interviewing, child development, suggestibility, interviewing persons with disabilities, legal issues and law enforcement concerns. DOH utilizes practicum interviews where students work with volunteer actors to practice the skills they learn in the classroom. The interviews are recorded and made available to the students, along with a critique from the training instructor and peers, enabling students to review their own interviews as well as learn from their peers after they leave the classroom. In addition, forensic interviews completed by the students out in the field after they receive training are reviewed and critiqued by the training instructor. The training also involves a recorded ‘mock courtroom’ to teach them skills necessary to be expert witnesses.

NATIONAL CHILDREN’S ADVOCACY CENTER (NCAC) TRAINING

NCAC training consists of audience discussion, practicum interviews, a review of recorded forensic interviews, experiential skill-building exercises, and participation in a mock court. Participants are immersed in the realistic, unpredictability of children by participating in the only practicum interviews that use child victims, which allows participants to experience, evaluate, and prepare to overcome the spontaneity that only child victims can provide. Each participant receives a recorded copy of their practicum interview.

RECOGNIZING ABUSE DISCLOSURE TYPES AND RESPONDING (RADAR) TRAINING

RADAR is a structured, child-friendly forensic interview model. The model provides partial scripting for less experienced interviewers and scaffolding for more experienced interviewers. It also offers sufficient flexibility to accommodate different types of maltreatment, child developmental levels and disclosure histories. RADAR emphasizes forensic balance with the dual objective of minimizing interview errors that may contribute to false positive or false negative outcomes. RADAR is adapted from the NICHD Investigative Interview Protocol and the Cognitive Interview. It also comes from eighty (80) years of combined experience in child forensic interviewing by the RADAR model developers. RADAR works best with children who are at a developmental age of at least five (5) years old. A RADAR Jr. model is available for younger children.

There are many additional interview practices currently in use throughout the U.S.

The task force also reviewed and considered related topics, such as pet therapy, the use of interviews in dependency and criminal cases, the neurobiology of child abuse and neglect, and Administrative Orders within all of Florida’s judicial districts.
CHILD FORENSIC INTERVIEW MULTISCIPLINARY APPROACH

According to XXX, “Forensic interviews are best conducted within a multidisciplinary team context, as coordinating an investigation has been shown to increase the efficiency of the investigation while minimizing system-induced trauma in the child. Before the interview, multidisciplinary team members should discuss possible barriers, case-specific concerns, and interviewing strategies, such as how best to introduce externally derived information, should that be necessary. Regardless of the location of the forensic interview, the interviewer should communicate with the team members observing the interview to determine whether to raise additional questions or whether there are any ambiguities or apparent contradictions to resolve. The interviewer often has to balance the team’s request for further questions with the need to maintain legal defensibility and with the child’s ability to provide the information requested.” (Cite) (Cronch, Viljoen, and Hansen, 2006; Jones et al., 2005) (Home Office, 2007; Jones et al., 2005)

DCF, DOH-CPTs, CHILD ADVOCACY CENTERS AND LAW ENFORCEMENT COLLABORATION

The Department of Children and Families’ Child Protective Investigators (CPI) and law enforcement officers often request services from Child Protection Teams (CPT) or Child Advocacy Center’s (CAC) for an array of services. Child Protection Teams are contracted with the Department of Health’s (DOH) Children’s Medical Services to provide medical, psychological and social assessments to children (and families) involved in an open Department of Children and Families’ investigation due to alleged abuse or neglect. CPT and CAC programs evaluate families, identify risk or safety concerns, and provide recommendations to the referring agency.

DCF INVESTIGATIVE PRACTICE RELATED TO CHILD INTERVIEWING

Child Protective Investigators, pursuant to Section 39.303(2), F.S., are required to refer any report alleging sexual abuse of a child to the appropriate Department of Health Child Protection Team (CPT) located in their respective jurisdiction. DCF Operating Procedure (CFOP 170-5) Child Protective Investigations, Chapter 9, Coordination with Child Protection Team, further directs child protective investigators to “contact CPT as soon as possible to arrange for a medical evaluation or other CPT services” (e.g., forensic or specialized interview) when the preliminary information obtained supports the reported maltreatment. Information obtained from CPT by the child protective investigator is for the purpose of completing a child safety assessment in regard to identifying danger threats in the home and the need for emergency shelter placement outside the home to protect the child, siblings or other children in the home.

PALM BEACH COUNTY PROTOCOLS FOR CHILD ABUSE INVESTIGATIONS

Palm Beach County have established protocols for the investigation of physical and sexual abuse crimes committed against children. These protocols detail the interaction between various agencies involved in the forensic interview of children. The protocols include a checklist for the initial response to child abuse, procedures in the follow-up investigation, the rapid
response team protocol, protocols for multidisciplinary partners. The complete protocol is
included in the Appendix X. The Task Force recommends that communities in Florida consider
establishing similar guidelines to ensure effective interaction in the response to crimes against
children and including the multidisciplinary partners that exist in that particular jurisdiction.
Pursuant to Florida law, Section 914.16, Florida Statutes, the chief judge of each judicial circuit must issue an Administrative Order that reasonably limits the number of interviews which a victim of certain abuse offenses must submit to law enforcement or discovery purposes. The purpose of such orders is to protect the victim from the psychological damage of repeated interrogations while preserving the rights of the public, the victim, and the person charged with the violation.

According to XXXX “One comprehensive forensic interview is sufficient for many children, particularly if the child made a previous disclosure, possesses adequate language skills, and has the support of a family member or other close adult (APSAC, 2002; Faller, 2007; London et al., 2007; NCA, 2011; Olafson and Lederman, 2006). The literature clearly demonstrates the dangers of multiple interviewers repeatedly questioning a child or conducting duplicative interviews (Ceci and Bruck, 1995; Fivush, Peterson, and Schwarzmueller, 2002; Malloy and Quas, 2009; Poole and Lamb, 1998; Poole and Lindsay, 2002). However, some children require more time and familiarity to become comfortable and to develop trust in both the process and the interviewer. Recent research indicates that multiple interview sessions may allow reluctant, young, or traumatized children the opportunity to more clearly and completely share information (Leander, 2010; Pipe et al., 2007). Multiple, nonduplicative interviews are most effective when the interviewer uses best practices in forensic interviewing; adapts the interview structure to the developmental, cultural, and emotional needs of the child; and avoids suggestive and coercive approaches (Faller, Cordisco Steele, and Nelson-Gardell, 2010; La Rooy et al., 2010; La Rooy, Lamb, and Pipe, 2009).” (Cite)

The task force conducted research regarding the language and consistency of these Administrative Orders throughout the twenty (20) circuits. The following Please see maps in Appendix__ which illustrate a delineation per circuit of the following:

1. The year the administrative order was issued.
2. The age requirement for a child to fall within the purview of the administrative order.
3. The number of allowed interviews pursuant to the administrative order.
4. The availability of additional interviews pursuant to the administrative order.

The task force also obtained a copy of each Administrative Order and reviewed the consistency of each between circuits. These are also included in the Appendices. There is an obvious difference between many of the circuits, including the last time some of the orders were updated.

The task force also reviewed Section 92.55, Florida Statutes, which permits a court to enter an order providing for special protections and the use of a therapy dog for child victims. We received presentations regarding the use of Administrative Orders and the importance of these as a protection for victims.

The task force also received information on the complexity of this issue and comments concerning the importance of incorporating flexibility within these administrative orders for certain types of victims, i.e. special needs and victims of human trafficking. The task force were
made aware of and received valuable information regarding recent significant developments in the areas of the neurobiology of child abuse, linguistics and trauma informed interviews that have emerged since the original Administrative Order statute (Florida Statutes, Section 914.16) was passed.

One consistent aspect was the allowance of a single deposition of a child victim. Incorporated into this would be the tenet that interviews conducted by law enforcement or the State would not amount to a deposition. This issue of how to define an “interview” pursuant to Florida law and for the purposes of including this within each administrative order requires review.

Included below is a breakdown of the Administrative Orders in the following categories:

- Circuit Number
- Age Requirement
- Definition of Interview
- Exceptions
- Number of Interviews
- Location of Interviews
- Additional Interviews
- Depositions
- Protocols
- Date of Administrative Order (date that the other was signed by Chief Judge)
- Judges (Name of the Chief Judge that signed the order and the name of the current Chief Judge)

Whenever possible, the language was copied exactly as it appears in the order. Although the Administrative Orders vary, most are similar. Four maps are included in appendix XXX and highlight the following information:

- Year of the Administrative Order
- Number of Allowed Interviews
- Age Requirement
- Additional Interviews

The Task Force recommends utilizing a single administrative order throughout the twenty judicial circuits of the state in order to provide more consistency for the protection of child victims. Additionally, the inclusion of a reference to Section 92.55, Florida Statutes, in each administrative order would consistently provide notice to all practitioners of this application.
SECTION SEVEN: TASK FORCE RECOMMENDATIONS

The Forensic Interview Protocol Task Force developed recommendations for a state protocol, standardized forensic interviews and child forensic interview video recordings. These recommendations were based on professional input, research, data findings, review of literature and current practices.

RECOMMENDATIONS FOR STANDARDIZED FORENSIC INTERVIEWS:

- A successful interviewer will incorporate this critical knowledge base in their interaction with child victims. For instance, putting two or more questions into one confuses children of a certain age and impacts their ability to answer accurately. Resources on trauma, neurobiology, and linguistics are included in the section “Resources.”

- The Task Force recommends that utilizing a single administrative order throughout the twenty judicial circuits of the state would provide more consistency for the protection of child victims. Additionally, the inclusion of a reference to Section 92.55, Florida Statutes, in each administrative order would consistently provide notice to all practitioners of this application.

- The environment where the interview is conducted can make a dramatic difference in the success of the interview. Special care should be taken to conduct any forensic or otherwise meaningful interview with children in a child friendly location, equipped with the furniture, facilities and atmosphere that adds to the child’s comfort. Research demonstrates that the use of facility, service or therapy animals can assist the child in articulating their experiences in court settings.

- Children with special needs require the application of a variety of practice components and specialized techniques. Care must be taken to consider the developmental level, the verbal skills, and other unique features of children with special needs. Similarly, the child victim of human trafficking presents a set of unique challenges that are now known to the professionals who regularly interview them. For example, the unique trauma experienced by the child may require more interview opportunities to fully disclose the abuse. Understanding and incorporating this relatively recent research and experience is critical to the success of the forensic interview.

- When available, a therapy animal or facility dog should be considered as a tool to reduce stress and traumatization for children during interviews. Scientific research shows that the presence of such animals significantly reduces physiological and behavioral distress, including a lowering of heart rate and blood pressure, which allows children to feel safer and calmer and to better recollect facts.9

- Best practices also include a component of what is called “quality assurance” to monitor and improve the interview process. After the underlying case concluded, is resolved, the
interview should be subject to random evaluations and recommendations for improvement.

- Prosecutors in Florida should be mindful of the potential for the child to experience additional trauma during criminal case depositions. University researchers, working with experienced Florida state attorneys have recently raised the fundamental difficulties faced by a traumatized child in the environment of a criminal case deposition. This concern is effectively explained in the correspondence and attachment identified as “Fernandez-Rundle Letter to Florida Bar” in the Resources section of this report.

**RECOMMENDATIONS FOR CHILD FORENSIC INTERVIEW TRAINING AND VIDEO RECORDING:**

- The most important element in the effective standardized interview protocol is the specialized training required for all forensic. The unskilled interviewer may impair the child’s ability to articulate their experiences. Interviewers may be putting children at risk. Any interview of an abused child presents a wide variety of challenges to the interviewer. The interview itself is difficult and if it is to be successful in securing accurate and comprehensive information, the training the interviewer receives must be specialized, up to date, and repeated or supplemented at appropriate intervals in the career of the interviewer. The only certain answer to the difficult challenge of the interview is training, experience and re-training.

- Florida forensic interviewers come from a wide variety of professions, including social workers, mental health counselors, law enforcement, assistant state attorneys, staff of the Child Protection Teams and Children’s Advocacy Centers and others.

- Forensic interviews in the State of Florida come from a wide variety of professions including social workers, mental health counselors, law enforcement, assistant state attorneys, staff of the Child Protection Teams and Children’s Advocacy Centers, etc. Florida should consider establishing minimum standards for training forensic interviewers. These standards should apply to all of the various professionals who are engaged in the forensic interviewing of children.

- The training should include components addressing the child friendly environment, structure and stages of the interview, protocols, video recording, rapport building, effective and non-leading questions and suggestibility, trauma, special needs, child development and linguistics, the use of interviewing tools, law enforcement concerns, and the interaction of various community agencies involved in the interview process.

- The Task Force cannot over emphasize the importance of video recording of forensic interviews to enhance the credibility of the interview and provide essential evidence in criminal and dependency court proceedings. The Task Force was impressed with the extend with the use of the forensic interview in criminal prosecutions and dependency proceedings. Most jurisdictions in Florida, the forensic interview is regularly introduced
as evidence in criminal case prosecutions and dependency court proceedings.

- The criminal justice standards and training commission at the Florida Department of Law Enforcement should examine whether minimum certification, training and re-training requirements would work for law enforcement professionals who are responsible for forensic interviews of children. Individual law enforcement agencies in Florida should consider establishing similar certification, training and re-training requirements for those officers who are conducting forensic interviews with children who are suspected of being abused.

- Regional training opportunities should be available for those interviewers who are unable to travel long distances. Specific training programs that are currently available in our state for law enforcement and the Department of Health are identified in the section “Resources.”
According to XXX, “Forensic interviewing to determine the likelihood of child sexual abuse is a dynamic and evolving area of practice. The dynamic nature of the field is demonstrated in the constant changes and improvement in forensic interview models. Nevertheless, forensic interviewing continues to be characterized by a number of contested issues. These include: (1) Whether an interview structure should flexible, semi-structured, or scripted; (2) Whether, which, and how ground rules should be introduced; (3) Whether children need to complete the truth/lie exercise; (4) What the most appropriate types of questions are; (5) The relative importance of eliciting narratives; (6) Whether media should be employed in forensic interviews; and (7) Whether children should be allowed more than one interview. Moreover, the forensic interview field is still struggling with how to ensure that interviewers actually implement the training they have received and follow interview structures (Kathleen Coulborn Faller).” (Cite)

One of the most powerful and persuasive sources of evidence in any investigation of child abuse, neglect, or exposure to violence is the forensic interview of the child. An effective forensic interview of the child is essential to our state’s collective response to crimes suspected of being committed against children.

The video recording of the forensic interview is regularly and consistently introduced in evidence in Florida criminal court prosecutions of child abuse and neglect as well as in civil dependency proceedings where the court is called upon to make consequential decisions in the life of the child. The video recording of the interview provides the most effective preservation of the important evidence revealed in the interview process.

It is critically important that the interview is effectively and competently conducted by a trained and experienced interviewer. The specialized training and continuing on-going training of the interviewer is essential. A strong component of quality assurance and review are decisive factors in an effective forensic interview process.

It is imperative that the communities, agencies and individuals involved in the forensic interview process are vigilant in ensuring that this important process is prioritized and strengthened to safeguard it’s success.

The implementation of the recommendations in this report will require a coordinated and energetic effort in our medical, child protection, law-enforcement, mental health, and legal communities. The implementation should be initiated as an organized, coordinated and thoughtful endeavor, involving all of the disciplines in the forensic interview process.
APPENDIX A:

Place Holder
APPENDIX B:
Place Holder
APPENDIX C:
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APPENDIX D:

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