

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**

Table of Contents

Executive Summary5
Section One: Place Holder.....6
Section Two: Place Holder.....8
Section Three: Place Holder 10
Section Four: Place Holder 12
Section Five: Place Holder..... 12
Section Six: Place Holder 12
Section Seven: Place Holder i

Appendices

- Appendix A: Place Holder
- Appendix B: Place Holder
- Appendix C: Place Holder
- Appendix D: Place Holder



SECTION ONE: BACKGROUND

PURPOSE OF TASK FORCE

Forensic Interviewing is a method to elicit accurate information from children regarding physical or sexual abuse, neglect or exposure to violence during an investigation. Although national training protocols in forensic interviewing are generally based on the same body of research and practice, the process is not standardized due to the blending of different models at the local level, jurisdictional expectations, state statutes, and case law.¹ Forensic interviews with children are used to gather information as told by the child, to help determine whether abuse occurred or if the child is in imminent danger of abuse. It is currently widely accepted that professionals forensically interviewing children should have formal initial training as well as ongoing training. However, the field has not determined a single standardized forensic interview practice to follow.²

STATUTORY AUTHORITY

Chapter 2017-153, Laws of Florida, amends Section 39.303(9), Florida Statutes, 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

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

The Forensic Interview Protocol Task Force membership includes:

1. A representative from the Florida Prosecuting Attorneys Association.
2. A representative from the Florida Psychological Association.
3. The Statewide Medical Director for Child Protection.
4. A representative from the Florida Public Defender Association.
5. The executive director of the Statewide Guardian Ad Litem Office.
6. A representative from a community-based care lead agency.
7. A representative from Children’s Medical Services.
8. A representative from the Florida Sheriffs Association.
9. A representative from the Florida Chapter of the American Academy of Pediatrics.
10. A representative from the Florida Network of Children’s Advocacy Centers.
11. Other representatives designated by Children’s Medical Services.

Five additional representatives were designated by Children’s Medical Services to serve on the task force due to their experience working with children with special health care needs. For a listing of all members, see Appendix A.³

¹ House of Representatives Final Bill Analysis of 2017 House Bill 1269 (June 26, 2017)

² Newlin, Chris, Cordisco Steele, Linda, Chamberlin, Andra, Anderson, Jennifer, Kenniston, Julie, Russell, Amy, Stewart, Heather and Vaughan-Eden, Viola. “Child Forensic Interviewing: Best Practices.” U. S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Programs (OJJDP), Juvenile Justice Bulletin. September 2015.

³ Members of the task force were not entitled to per diem or other payment for service on the task force. Section 39.303(9)(c), FS

38 **TASK FORCE MEETINGS**

39 Task force members were appointed in July and August of 2017. The initial meeting was scheduled for
40 September 12, 2017; however, as a result of Hurricane Irma it was rescheduled for October 17, 2017. Task
41 force meetings were conducted using a variety of settings, such as in-person, webinars, and conference calls.
42 In-person meetings were held in Tampa, Tallahassee, and Orlando, Florida.

43 The task force elected Jay Howell, Esq. as chairperson and Alan Abramowitz, Esq., Executive Director of the
44 Statewide Guardian Ad Litem as co-chairperson. Various professional speakers provided expertise and
45 insights into the various components of conducting child forensic interviews.

46

SECTION TWO: DEFINITIONS

FORENSIC INTERVIEW TERMINOLOGY

To ensure consistency in communication and a common understanding of concepts, task force members agreed upon and established the following definitions during the course of their work.

Forensic Interview

Representatives of several major forensic interview training programs—the American Professional Society on the Abuse of Children, the CornerHouse Interagency Child Abuse Evaluation and Training Center, the Gundersen National Child Protection Training Center, the National Children’s Advocacy Center, and the National Institute of Child Health and Human Development—came together in 2010 to review their programs’ differences and similarities. Their efforts were published in the U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention Juvenile Justice Bulletin. For the purposes of the bulletin, and to help build consensus within the field, they defined a child forensic interview as, “A forensic interview of a child is a developmentally sensitive and legally sound method of gathering factual information regarding allegations of abuse or exposure to violence.”⁴ Forensic interviews are conducted by competently trained, neutral professionals utilizing research and practice-informed techniques as part of a larger investigative process.⁵

Not all encounters with children who are suspected of being abused, neglected or exposed to violence are considered to be forensic interviews. Initial disclosures, contacts by first responders, court depositions, therapy sessions and many other encounters often are not fully comprehensive and detailed accountings of the suspected abuse, neglect or exposure to violence.

Standardized Protocol

Ideally, the “standardized protocol” for forensic interviewing would incorporate many elements including:

1. The training and experience of the interviewer
2. The dialogue protocols relied upon by the interviewer
3. The setting where the interview takes place
4. The evaluation and review of the interview
5. The interaction of various community agencies that rely on the interviews

⁴ (Newlin, Chris, Cordisco Steele, Linda, Chamberlin, Andra, Anderson, Jennifer, Kenniston, Julie, Russell, Amy, Stewart, Heather and Vaughan-Eden, Viola. “Child Forensic Interviewing: Best Practices.” *U. S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Programs (OJJDP), Juvenile Justice Bulletin*. September 2015.)

⁵ (Newlin, Chris, Cordisco Steele, Linda, Chamberlin, Andra, Anderson, Jennifer, Kenniston, Julie, Russell, Amy, Stewart, Heather and Vaughan-Eden, Viola. “Child Forensic Interviewing: Best Practices.” *U. S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Programs (OJJDP), Juvenile Justice Bulletin*. September 2015.)

82 **REVIEW OF STRUCTURES AND PRACTICES**

83 The task force reviewed thirteen (13) existing forensic interview practices currently in use throughout the U.S.

84 The practices included:

- 85 1. American Professional Society on the Abuse of Children (APSAC)
- 86 2. ChildFirst
- 87 3. The Cognitive Interview
- 88 4. CornerHouse
- 89 5. The Forensic Interview Practice used in North Carolina
- 90 6. The Forensic Interview Practice used in Texas
- 91 7. Florida Department of Health Forensic Interview Practice
- 92 8. National Children's Advocacy Center (NCAC)
- 93 9. National Institute for Child and Human Development (NICHD)/Revised NICHD
- 94 10. Recognizing Abuse Disclosure Types and Responding (RADAR)
- 95 11. Step-Wise Approach to Interviewing Children: The Next Generation
- 96 12. Ten Step Investigative Interview Process
- 97 13. Wisconsin Forensic Interview Guidelines

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

99 The task force also reviewed and considered related topics, such as pet therapy, the use of interviews in
100 dependency and criminal cases, the neurobiology of child abuse and neglect, and Administrative Orders
101 within all of Florida's judicial districts.

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SECTION THREE: CHILD FORENSIC INTERVIEWS IN FLORIDA

GOALS OF THE CHILD FORENSIC INTERVIEW

There are several goals that are consistent among child forensic interview practices, including allowing the child to verbally describe event(s), eliciting a complete and accurate account of events as told by the child, to help determine whether abuse whether, neglect or violence occurred or if the child is in imminent danger of abuse and maintaining an impartial and objective position. In addition, child forensic interviews should gather information to that will either corroborate or refute the allegations of abuse, neglect or violence and consider all reasonable hypotheses and maintain legal defensibility.⁶

COMPONENTS OF THE FORENSIC INTERVIEW

Many widely-used forensic interview practices consist of basic components such as a rapport building phase, a substantive phase and a closure phase. Rapport building is important for both the child and the interviewer. Making the child feel comfortable and teaching the child what is expected during the interview is a critical part of rapport building. The rapport building phase also helps the interviewer to assess the child's developmental functioning, ability to give narrative responses and details and the child's willingness to talk. The substantive phase addresses the concerns and abuse allegations, or why the child is being forensically interviewed. The majority of the information is gathered during this phase. The closure phase is an opportunity for the interviewer to re-introduce a neutral topic and to get the child in a more positive state of mind after discussing difficult topics. It also gives the child a chance to ask questions of the interviewer. With all of this said, there are some differences with what information/topics are discussed and how each phase is completed.⁷

CURRENT PRACTICES IN CHILD FORENSIC INTERVIEWING

There are some generally accepted principles beliefs in child forensic interviewing, such as many practices recognize that the child's age, developmental functioning, cultural influences and use of narrative practice are extremely important. Narrative practice is the practice of getting a child to discuss a neutral topic in a narrative format. Narrative practice increases a child's informative responses to open-ended questions. Supervision and peer review of interview practices are very important. In addition, understanding the disclosure process and that children respond to trauma differently is critical; no single disclosure pattern is predominant.

There are also some generally accepted differences regarding child 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 practices 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.⁸ Giving interview rules during rapport building sets the expectation for children to give accurate and complete information, and it reduces

⁶ Newlin, Chris, Cordisco Steele, Linda, Chamberlin, Andra, Anderson, Jennifer, Kenniston, Julie, Russell, Amy, Stewart, Heather and Vaughan-Eden, Viola. "Child Forensic Interviewing: Best Practices." *U. S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Programs (OJJDP), Juvenile Justice Bulletin*. September 2015.

⁷ (American Professional Society on the Abuse of Children (APSAC) Practice Guidelines. Forensic Interviewing in Cases of Suspected Child Abuse. APSAC. 2012.) (Faller, Kathleen. "Forty Years of Forensic Interviewing of Children Suspected of Sexual Abuse, 1974-2014: Historical Benchmarks." *Soc. Sci. 4*, 2015, 34-65.) (Newlin, Chris, Cordisco Steele, Linda, Chamberlin, Andra, Anderson, Jennifer, Kenniston, Julie, Russell, Amy, Stewart, Heather and Vaughan-Eden, Viola. "Child Forensic Interviewing: Best Practices." *U. S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Programs (OJJDP), Juvenile Justice Bulletin*. September 2015.)

⁸ Lyon, T. D., and Evans, A. D. "Young Children's Understanding that Promising Guarantees Performance: The Effects of Age and Maltreatment." *Law and Human Behavior*, 38(2), 162-170. <http://dx.doi.org/10.1037/lhb0000061>. 2014.

136 suggestibility. Interviewers may use interviewing tools, such as drawings, dolls, etc.; however, the use of
137 media varies greatly among different interview practices.

138 Interviewers often get training in a variety of practices and use a “blended” approach to meet the needs of
139 children. Children with special needs may require individualized techniques. Care must be taken to consider
140 the developmental level, the verbal skills, and other unique features of children with special needs.

141 Currently, there are some practices in child forensic interviewing that are considered to be best practice.

142 **These practices are:**

- 143 ▪ Forensic interviews should be electronically recorded
- 144 ▪ Persons doing interviews should have formal initial training and ongoing training
- 145 ▪ If the child’s mental stability allows, a forensic interview should be done as soon as possible.
- 146 ▪ The environment where the interview is done should be neutral, objective and child friendly
- 147 ▪ Throughout the interview, interviewers should utilize techniques that maximize the amount of
148 information obtained from the child through free recall. The interviewer should also use as open
149 ended and nonsuggestive questioning techniques as possible when introducing suspected abuse and
150 utilize “Wh” questions, which are the least leading way of obtaining missing details
- 151 ▪ An interviewer should not interrupt a child’s narrative response
- 152 ▪ An interviewer should ask if an event occurred “one time or more than one time” as opposed to
153 locking a child in to a specific number of times, such as “1 time” or “5 times”
- 154 ▪ Interviewers should delay the use of multiple choice questions, yes/no questions and questions that
155 either introduce information, or the possibility of information as long as possible; also limit the use of
156 these techniques
- 157 ▪ Interviewers should communicate with multidisciplinary team members and balance requests with the
158 need to maintain legal defensibility and the child’s ability to give more information⁹

159 **PALM BEACH COUNTY PROTOCOLS FOR CHILD ABUSE INVESTIGATIONS**

160 Palm Beach County has established protocols for the investigation of physical and sexual abuse crimes
161 committed against children. These guidelines detail the interaction between various agencies involved in the
162 forensic interview of children. The protocols include a checklist for the initial response to child abuse,
163 procedures in the follow-up investigation, the rapid response team protocol, protocols for **multi-disciplinary
164 partners, DCF and CPT**, and the structure of management and oversight of the entire process.

165 The complete protocol is included in the “Resources” section of this report. The Task Force recommends that
166 communities in Florida consider establishing similar guidelines to ensure effective interaction in the response
167 to crimes against children, ~~and~~ the use of the forensic interview, **and the role of the specific multi-disciplinary
168 partners that exist in any individual jurisdiction.**

⁹ (Newlin, Chris, Cordisco Steele, Linda, Chamberlin, Andra, Anderson, Jennifer, Kenniston, Julie, Russell, Amy, Stewart, Heather and Vaughan-Eden, Viola. “Child Forensic Interviewing: Best Practices.” *U. S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Programs (OJJDP), Juvenile Justice Bulletin.* September 2015.)

SECTION FOUR: USE OF FORENSIC INTERVIEWS IN CRIMINAL AND DEPENDENCY COURTS

DCF, DOH, CHILD ADVOCACY CENTERS AND LAW ENFORCEMENT COLLABORATION

The Department of Children and Families' Child Protective Investigators (CPI) or 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 DCF 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 regarding best interest of the child.

DCF INVESTIGATIVE PRACTICE RELATED TO CHILD INTERVIEWING

Child protective investigators, pursuant to s. 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.

At this point in the investigative process the information obtained 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.

CRIMINAL AND DEPENDENCY COURTS

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) Hearsay exceptions; statement of child victim, governs when the forensic interview can be used as evidence. The requirements are that the out of court statement, (the interview) of a child victim of abuse or neglect who is age sixteen (16) and under may be admissible in any civil or criminal proceeding if the child testifies or is unavailable, and the statement has been found by the court to be reliable. 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 or not the child is using age appropriate language, whether leading questions are being asked of the child, can the child distinguish truth and lie and agree to tell the truth, and is the statement 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 10 years old~~ sits in a cold sterile courtroom in front of a room full of strangers, including the abuser, struggling and hesitant to testify, ~~let alone give details, or doesn't remember details, we know that the video of the forensic interview will be available as evidence. of~~

212 ~~abuse will still be available as evidence. Everything the abuser did will still come in because of the forensic~~
213 ~~interview.~~ The jurors will see the victim, at a younger age ~~6 or 7~~ years old in a child-friendly environment
214 talking to a non-judgmental person. The jurors will hear the victim talk about the abuse they have suffered in
215 their own words at their own pace. That can be very powerful.

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

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

SECTION FIVE: EXAMPLES OF BASIC FORENSIC INTERVIEW TRAINING STANDARDS

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

APSAC's comprehensive Clinic offers 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

The forensic interview training offered by DOH is 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.

RE-TRAINING AND CONTINUING EDUCATION

Some practices and structures offer the availability of re-training and continuing education. APSAC Training is offered to less experienced forensic interviewers and to more experienced interviewers as a refresher course. DOH requires CPT employees to complete a minimum of eight hours of annual training in child abuse,

277 abandonment or neglect. Staff members who complete forensic interviews are also strongly encouraged to
278 seek advanced forensic interview training, routinely participate in peer review as well as ongoing forensic
279 interview training. Children's Advocacy Centers are required, at a minimum, to receive initial training and
280 ongoing formal forensic interviewer training that is approved by the National Children's Alliance (NCA). NCAC
281 offers their participants access to additional training materials online, periodic follow-up calls with the NCAC
282 trainer and post-training e-mail and telephone support, as requested.

283 There are additional re-training and continuing education resources in the U.S.

284 CURRENT TRAINING RESOURCES

285 Many training resources currently exist throughout the nation. APSAC offers training clinics two to three times
286 per year in various locations across the nation. Their annual colloquium has renowned speakers in the field of
287 child welfare and forensic interviewing. APSAC also has various publications and guidelines available for
288 further education. The 40-hour DOH basic forensic interview training is offered to CPT staff members a
289 minimum of two (2) times per year for new staff members and as a refresher course for seasoned staff
290 members. Additional 40-hour trainings are scheduled on an as needed basis. In addition, individual CPTs
291 may request team specific forensic interview training. DOH continuously forwards various training
292 opportunities offered by external agencies to all CPTs and their current staff members. NCAC offers an
293 annual symposium on child abuse as well as other regional trainings across the U.S. In addition, they have a
294 training center and various online trainings. Their Calio Library offers a wealth of reference materials.
295 RADAR is offered to various agencies across the U.S. as requested.

SECTION SIX: ADMINISTRATIVE ORDERS

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 for 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 task force conducted research into the language of these Administrative Orders throughout the twenty (20) circuits and the consistency in the requirements pursuant to each Order. Please see the attached four (4) survey materials (maps). They include 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 available for review. 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. 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 order was signed by Chief Judge)
- Judges (Name of the Chief Judge that signed the order and the name of the current Chief Judge)

352 Whenever possible, the language was copied exactly as it appears in the order. Although the Administrative
353 Orders vary, most are similar.

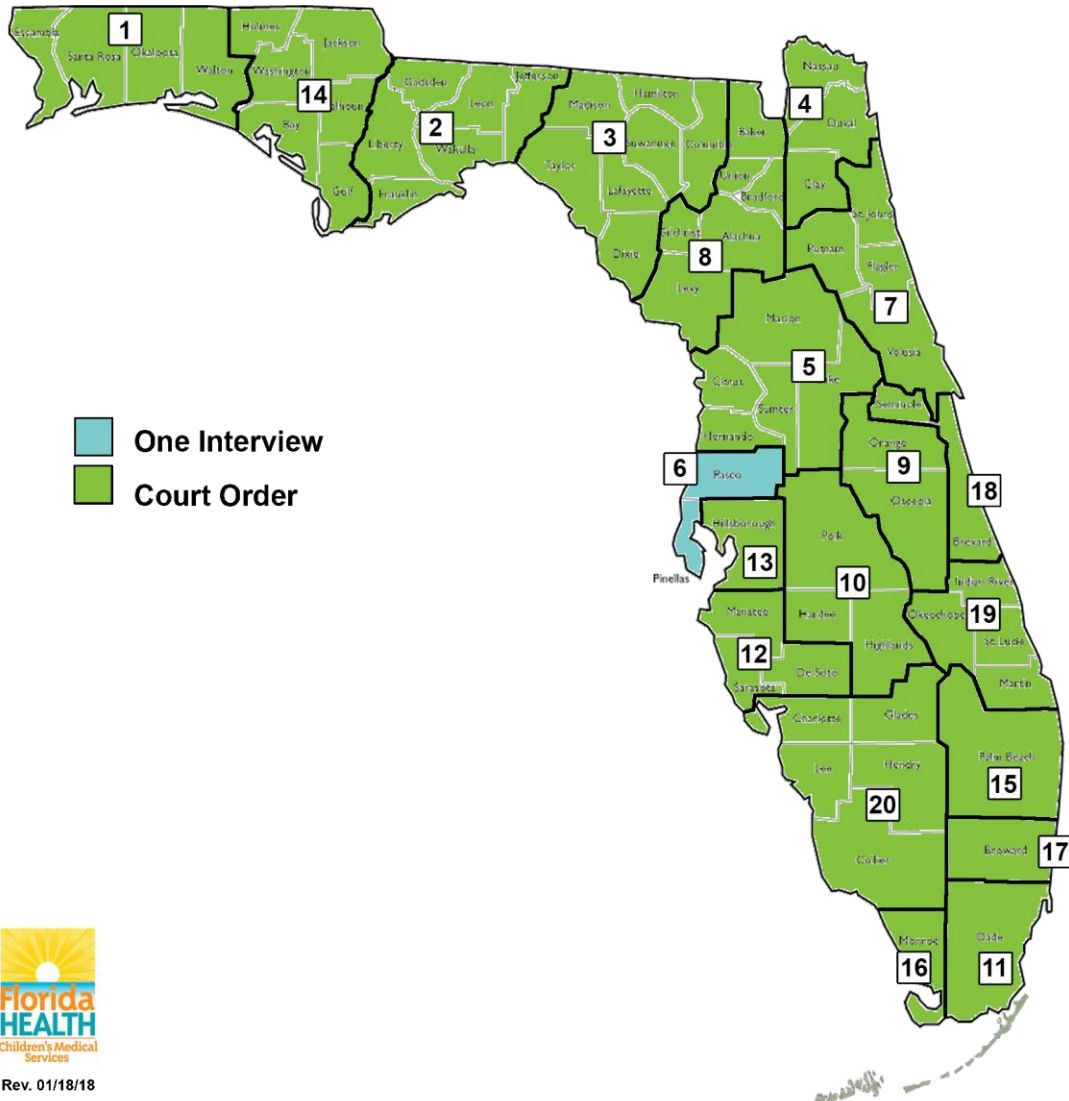
354 Four maps are included and highlight the information:

- 355 ▪ Year of the Administrative Order
- 356 ▪ Number of Allowed Interviews
- 357 ▪ Age Requirement
- 358 ▪ Additional Interviews

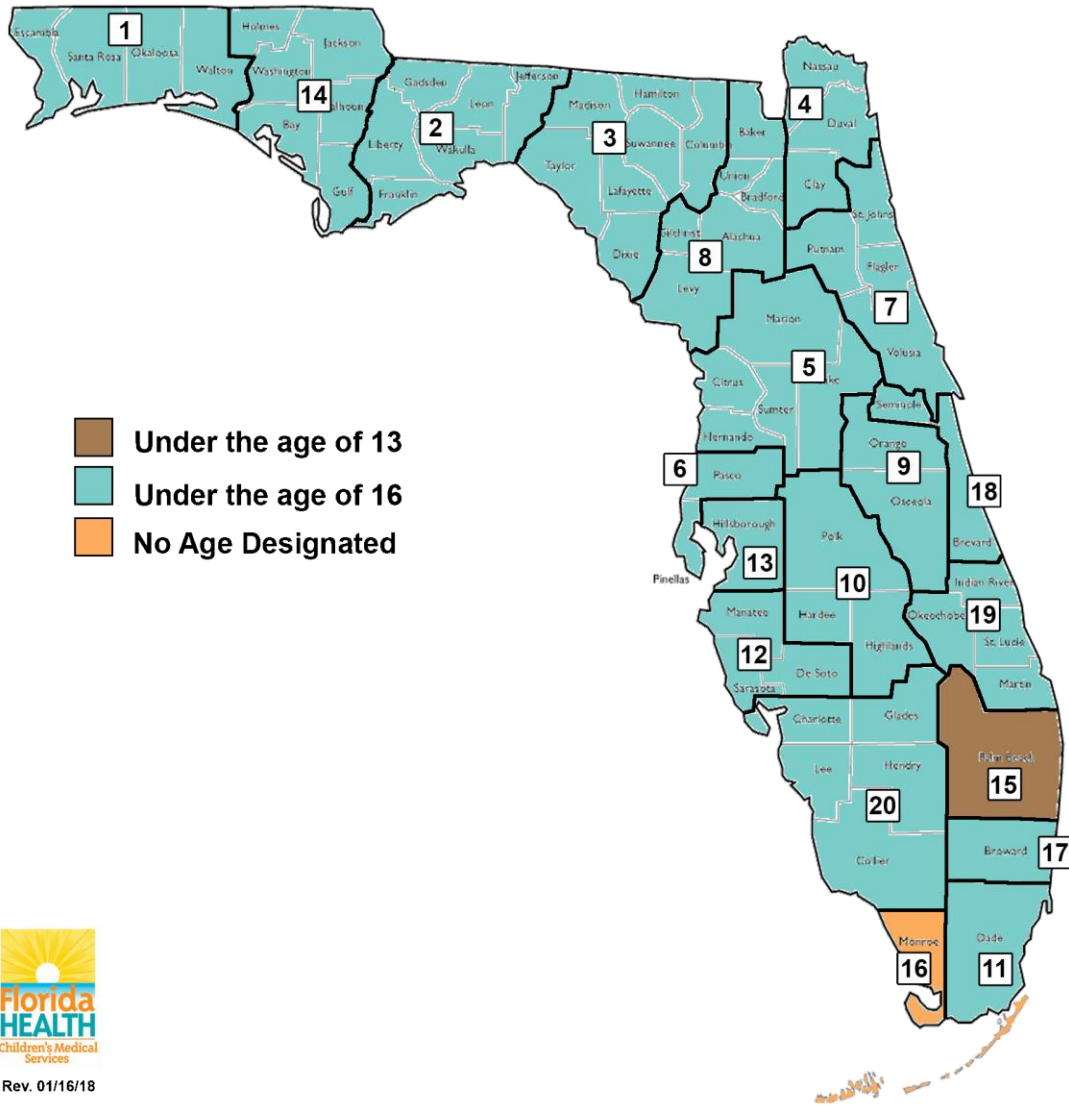
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Interviews of Children and Individuals with Intellectual Disability Administrative Orders (S. 914.16, F. S.)

Additional Interviews

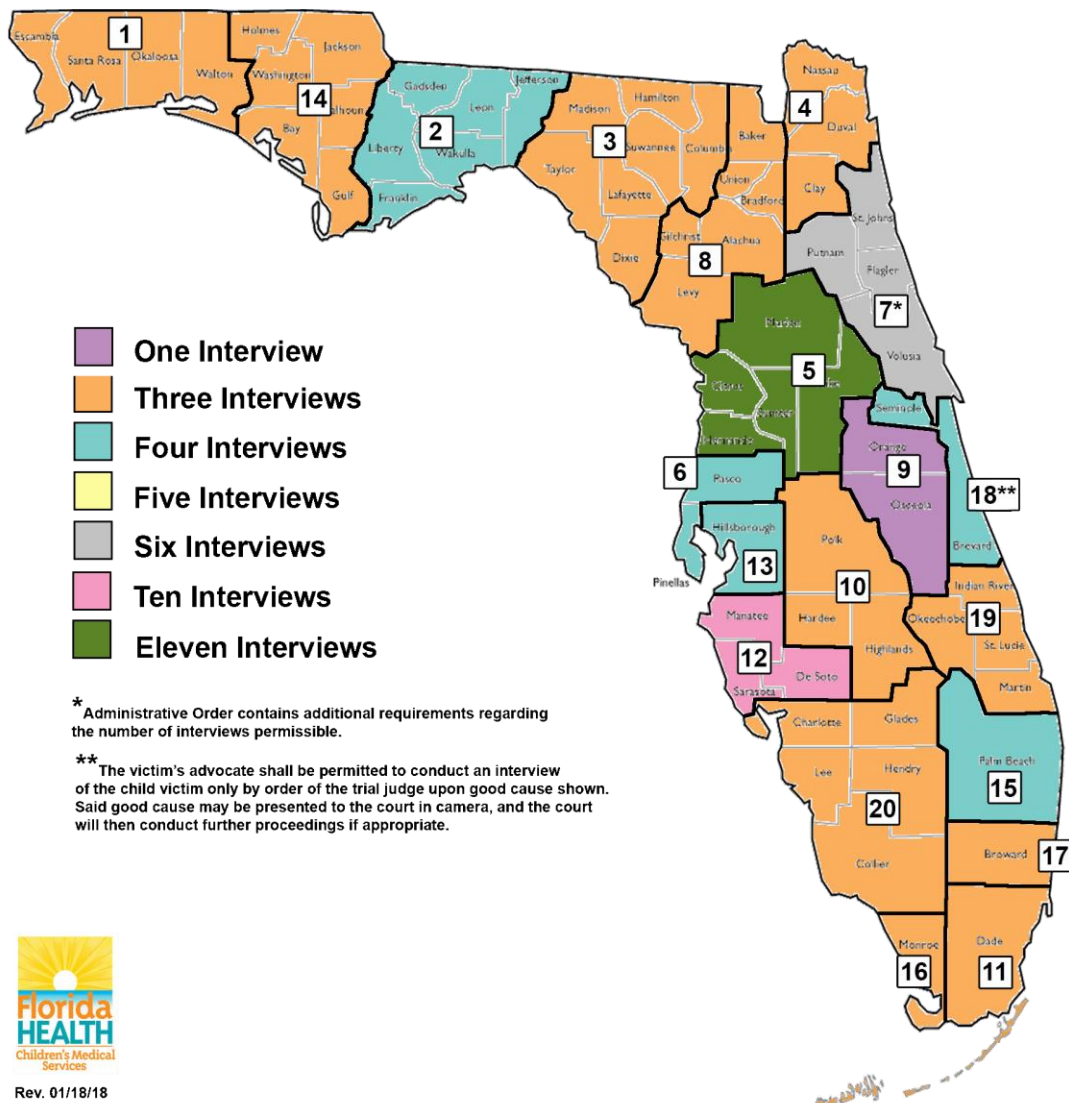


Administrative Order pursuant to 914.16, FS Age Requirement



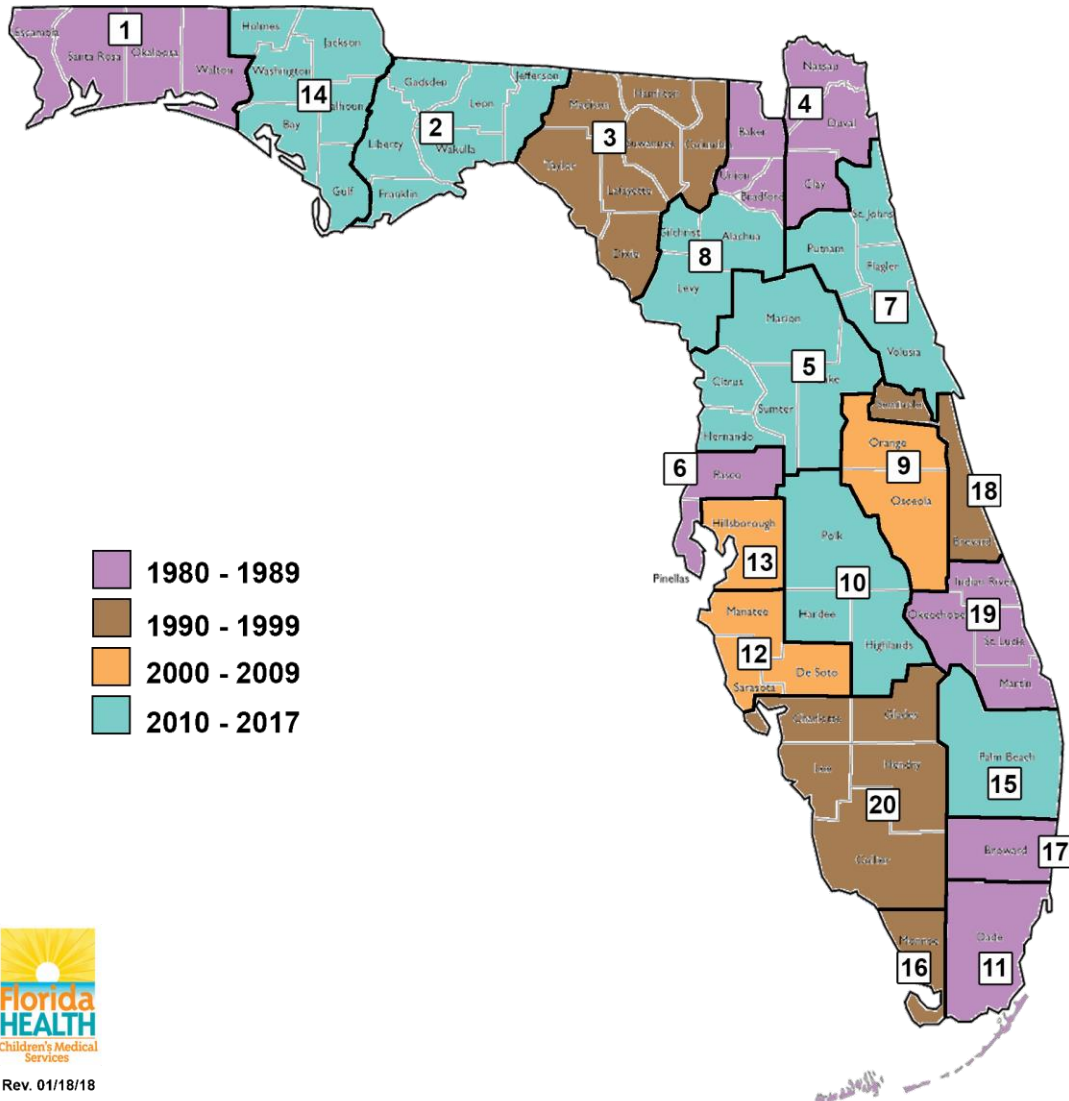
Interviews of Children and Individuals with Intellectual Disability Administrative Orders (S. 914.16, F. S.)

Number of Allowed Interviews



Interviews of Children and Individuals with Intellectual Disability Administrative Orders (S. 914.16, F. S.)

Year of the Administrative Order



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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.

SECTION SEVEN: TASK FORCE RECOMMENDATIONS (WITHOUT BULLETS)

RECOMMENDATIONS FOR STANDARDIZED FORENSIC INTERVIEWS

Several interviewing practices have gained general acceptance and are widely used by experienced interviewers in the state of Florida and around the country. Some of these are identified above, in “Child Forensic Interviews in Florida.” Experienced interviewers commonly employ portions of different practices in any particular interview. This is sometimes referred to as a “blended approach” and is an option recommended by some practitioners who regularly interview child victims. As a result of this widely supported use of varied practice elements, we are unable to identify any particular practice as superlative. The credentials and specialized training, ~~as described in Section V of this report~~ are the most significant factors affecting the success of forensic interviewers in Florida.

The practices that are relied upon most extensively in Florida contain practice –informed techniques. This term refers to the fact that the interview practices integrate valid and current research components and feedback from the field.

In recent years, the most effective practices have been improved with input from distinct fields of science which have studied the experience of the child victim from different perspectives. These applied concepts have made a vital contribution to our understanding of the interview process and its effect on the child. These sciences include an informed approach based upon the neurobiology of trauma. The research reveals that sexual abuse of children is associated with deficits in memory, emotional processing and executive functioning. Understanding this science is critical to the successful forensic interview.

The language, the word choice, the narrative skills, the ability to understand the communication of the adult interviewer all vary among children. The linguistic perspective employed in interviewing children has found support among experienced professional interviewers. ~~Anne Graffam Walker, PhD, has authored a second and third edition of a book entitled “Handbook on Questioning Children: A Linguistic Perspective” that reveals how linguistics is very important when questioning children.¹⁰ A free PDF version of the 2nd edition is available from the American Bar Association.~~

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 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

¹⁰ Walker, Ph.D., Anne Graffam. “Handbook on Questioning Children: A Linguistic Perspective,” 3rd Edition. (2013).

426 challenges that are now known to the professionals who regularly interview them. For example, the unique
427 trauma experienced by the child may require more interview opportunities to fully disclose the abuse.
428 Understanding ~~and incorporating~~ this relatively recent research and experience is critical to the success of the
429 forensic interview.

430 ~~When available, a therapy animal or facility dog should be considered as a tool to reduce stress and~~
431 ~~traumatization for children during interviews. Scientific research shows that the presence of such animals~~
432 ~~significantly reduces physiological and behavioral distress, including a lowering of heart rate and blood~~
433 ~~pressure, which allows children to feel safer and calmer and to better recollect facts.¹¹~~

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

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

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

443

444 The most important element in the effective standardized interview protocol is the specialized training required
445 for all forensic ~~and other meaningful interviewers. Non-skilled A non-skilled interviewer may impair the child’s~~
446 ~~ability to articulate their experiences.~~ interviewers may be putting children at risk.

447 Any ~~meaningful~~ interview of an abused child presents a wide variety of challenges to the interviewer. The
448 interview itself is difficult and if it is to be successful in securing accurate and comprehensive information, the
449 training the interviewer receives must be specialized, up to date, and repeated or supplemented at
450 appropriate intervals in the career of the interviewer. The only certain answer to the difficult challenge of the
451 interview is training, experience and re-training.

452
453 Florida forensic interviewers come from a wide variety of professions, including social workers, mental health
454 counselors, law enforcement, assistant state attorneys, staff of the Child Protection Teams and Children’s
455 Advocacy Centers and others.

456
457 An example of the specialized training curriculum is the schedule used by the Department of Health to train
458 the Child Protection Team interviewers in Florida. The Department of Health requires the interviewers to
459 complete a 40-hour training. Included is education on the basic skills of forensic interviewing, child
460 development, suggestibility, interviews with persons with disabilities, legal issues and law enforcement
461 concerns. The Department requires Child Protection Team staff to complete a minimum of eight (8) hours of
462 annual training in child abuse, abandonment and neglect. The Department also strongly encourages all Child
463 Protection Teams to routinely participate in peer review of forensic interviews. [The National Children's](#)
464 [Alliance \(NCA\)](#) requires a forensic interviewer in a Child Advocacy Center to receive initial and ongoing
465 training approved by the NCA.

¹¹ ~~Need a reference - animal or facility dog~~

467

468 Florida should consider establishing minimum standards for training forensic interviewers. Ideally, these
469 standards should apply to all of the various professionals who are engaged in the forensic interviewing of
470 children. The training should include components addressing the child friendly environment, structure and
471 stages of the interview, protocols, video recording, rapport building, effective and non-leading questions and
472 suggestibility, trauma, special needs, child development and linguistics, the use of interviewing tools, law
473 enforcement concerns, and the interaction of various community agencies involved in the interview process.

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

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

484 Regional training opportunities should be available for those interviewers who are unable to travel long
485 distances. Specific training programs that are currently available in our state for law enforcement and the
486 Department of Health are identified in the section "Resources."

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SECTION SEVEN: TASK FORCE RECOMMENDATIONS (WITH BULLETS)

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RECOMMENDATIONS FOR STANDARDIZED FORENSIC INTERVIEWS

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- Several interviewing practices have gained general acceptance and are widely used by experienced interviewers in the state of Florida and around the country. Some of these are identified above, in “Child Forensic Interviews in Florida.” Experienced interviewers commonly employ portions of different practices in any particular interview. This is sometimes referred to as a “blended approach” and is an option recommended by some practitioners who regularly interview child victims. As a result of this widely supported use of varied practice elements, we are unable to identify any particular practice as superlative. The credentials and specialized training, ~~as described in Section V of this report~~ are the most significant factors affecting the success of forensic interviewers in Florida.
- The practices that are relied upon most extensively in Florida contain practice –informed techniques. This term refers to the fact that the interview practices integrate valid and current research components and feedback from the field.
- In recent years, the most effective practices have been improved with input from distinct fields of science which have studied the experience of the child victim from different perspectives. These applied concepts have made a vital contribution to our understanding of the interview process and its effect on the child. These sciences include an informed approach based upon the neurobiology of trauma. The research reveals that sexual abuse of children is associated with deficits in memory, emotional processing and executive functioning. Understanding this science is critical to the successful forensic interview.
- The language, the word choice, the narrative skills, the ability to understand the communication of the adult interviewer all vary among children. The linguistic perspective employed in interviewing children has found support among experienced professional interviewers. **Anne Graffam Walker, PhD, has authored a second and third edition of a book entitled “Handbook on Questioning Children: A Linguistic Perspective” that reveals how linguistics is very important when questioning children.¹² A free PDF version of the 2nd edition is available from the American Bar Association.**

¹² Walker, Ph.D., Anne Graffam. “Handbook on Questioning Children: A Linguistic Perspective,” 3rd Edition. (2013).

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- 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 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.~~¹³
 - 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.

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¹³ Need reference for therapy animals or facility dogs

563 **RECOMMENDATIONS FOR CHILD FORENSIC INTERVIEW TRAINING AND VIDEO**
564 **RECORDING**
565

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567 specialized training required for all forensic ~~and other meaningful interviewers. Non-~~
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571 itself is difficult and if it is to be successful in securing accurate and comprehensive
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573 repeated or supplemented at appropriate intervals in the career of the interviewer. The
574 only certain answer to the difficult challenge of the interview is training, experience and
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- 577 ▪ Florida forensic interviewers come from a wide variety of professions, including social
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579 the Child Protection Teams and Children’s Advocacy Centers and others.
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- 581 ▪ An example of the specialized training curriculum is the schedule used by the
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585 interviews with persons with disabilities, legal issues and law enforcement concerns. The
586 Department requires Child Protection Team staff to complete a minimum of eight (8)
587 hours of annual training in child abuse, abandonment and neglect. The Department also
588 strongly encourages all Child
589 Protection Teams to routinely participate in peer review of forensic interviews. [The](#)
590 [National Children's Alliance \(NCA\) requires a forensic interviewer in a Child Advocacy](#)
591 [Center to receive initial and ongoing training approved by the NCA.](#)
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594 interviewers. Ideally, these standards should apply to all of the various professionals
595 who are engaged in the forensic interviewing of children. The training should include
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597 interview, protocols, **video** recording, rapport building, effective and non-leading
598 questions and suggestibility, trauma, special needs, child development and linguistics,
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605 **extend with the use of the forensic interview in criminal prosecutions and dependency**
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 - 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.”

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SECTION SEVEN: CONCLUSIONS

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APPENDICES

FORENSIC INTERVIEW

TASK FORCE

JULY 1, 2018

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APPENDIX A:

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