

**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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EXECUTIVE SUMMARY

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.

- 38 ▪ A representative from a Community-Based Care Lead Agency, **Roshannon Jackson, M.Ed.**
- 39 ▪ A representative from Children’s Medical Services, **Peggy Scheuermann, M.Ed.**
- 40 ▪ A representative from the Florida Sheriffs Association, **Sheriff Sadie Darnell**
- 41 ▪ A representative from the Florida Chapter of the American Academy of Pediatrics, **Carol Lily, M.D.**
- 42 ▪ A representative from the Florida Network of Children’s Advocacy Centers, **Cindy Vallely**

43
 44 Children’s Medical Services was permitted to designate other representatives. Five additional members with
 45 experience working with children with special health care needs were appointed. The task force elected Jay
 46 Howell, Esq. as Chairperson and Alan Abramowitz, Esq., Executive Director of the Statewide Guardian Ad
 47 Litem as Co-Chairperson. For a listing of all members, see Appendix A. **(Include information from the**
 48 **directory)**

49 **SECTION TWO: TASK FORCE MEETINGS AND SPEAKERS**

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 51 The initial task force meeting was scheduled for September 12, 2017, however, was rescheduled to October
 52 17, 2017 due to Hurricane Irma. Task force meetings were conducted in-person, via webinars and conference
 53 calls. Four in-person meetings were held: one in Tampa, one in Tallahassee, and two in Orlando, Florida.

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

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

- 82 ▪ Dr. Travis Conradt, Professor Department of Psychology Florida Institute of Technology
- 83 ○ Provided input and materials regarding the forensic interview
- 84 ▪ Laura Knudson, Bureau Chief, Trauma Intervention and Special Services, Alachua County Sheriff's
- 85 ○ Provided input and materials regarding the forensic interview

86 **SECTION THREE: OVERVIEW OF CHILD FORENSIC INTERVIEWING**

87 **HISTORY OF CHILD FORENSIC INTERVIEWS**

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

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

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

109 **PURPOSE OF CHILD FORENSIC INTERVIEWS**

110 Child abuse is not only harmful to the child, jeopardizing child safety and well-being; it is also
111 a crime. Cases in which the offender is in the family and those that involve other caregivers who are negligent
112 and fail to protect children in their care from child maltreatment fall within the purview of child protective
113 services. Cases where allegations do not involve caregivers are investigated by law enforcement. In the mid-
114 1980s, virtually every state in the U.S. amended its child protection laws to foster collaboration between law
115 enforcement and child protection investigators on serious maltreatment cases. Child protection workers and
116 law enforcement often jointly interviewed the child, one or the other taking the lead. In some cases, the child
117 protection worker interviewed the child while law enforcement interviewed the alleged offender along with
118 other witnesses. Information was shared through exchange of notes, sharing of interview recordings, or
119 conferring. [Cite needed]

120
121 Forensic interviews are instrumental pieces of evidence in child abuse or neglect investigations and are used
122 in both criminal courts and dependency courts. Florida Statute 90.803(23) provides a hearsay exception for
123 statements made by a child victim. An out of court statement is admissible if it meets the following conditions:

124 (1) It is made by a child victim with a physical, mental, emotional, or developmental age of 16 or less
125 describing the act of abuse or neglect, (2) The court finds this statement reliable, and (3) The child testifies or
126 is unavailable, provided that there is other corroborative evidence of the abuse or offense. This reliability
127 determination is done at a pre-trial hearing. In making its determination the court must watch/listen to the
128 forensic interview. The court must then consider the physical/mental/developmental age of the child, the
129 maturity of the child, the nature and duration of the abuse, the relationship of the offender to the child, and the
130 content of the statement itself.

131
132 When reviewing forensic interviews the court considers whether the child is using age appropriate language,
133 whether leading questions are being asked of the child, whether the child can distinguish truth and lie and
134 agree to tell the truth, and whether the statement is in the child's own words. Courts also look for evidence of
135 false allegations and coaching. Once a court determines there are sufficient safeguards of reliability
136 surrounding the statement, and that there is other corroborative evidence, they will make specific findings of
137 fact on the record regarding the admissibility of the forensic interview. In many criminal child abuse
138 prosecutions, the most compelling evidence is the videotaped forensic interview. This is because in criminal
139 cases trials often occur years after the abuse is first disclosed. With this passage of time, children grow up
140 and memories fade. The forensic interviews, many of which are video recorded, memorialize the disclosure.
141 When the victim who is now older sits in a cold sterile courtroom in front of a room full of strangers, including
142 the abuser, struggling and hesitant to testify the video of the forensic interview will be available as evidence.
143 The jurors will see the victim, at a younger age in a child-friendly environment talking to a non-judgmental
144 person. The jurors will hear the victim talk about the abuse he/she has suffered in his/her own words at
145 his/her own pace. That can be very powerful.

146
147 The forensic interview also aids in plea negotiations which negates the need for a trial. In dependency court
148 forensic interviews are used as evidence in shelter hearings, dependency cases and termination of parental
149 rights proceedings. The parents are often present at these proceedings and the forensic interview can ensure
150 that the child does not have to testify in front of his/her abuser. This is often the beginning of the child's
151 healing. In addition, the forensic interview can be used by other professionals to aid in the recovery of the
152 child's trauma.

153
154 Whether used in criminal court or dependency court the admissibility of the forensic interview is dependent
155 upon its quality. If the forensic interview is not done in a manner that will meet the legal standard, then we
156 have lost a compelling and powerful piece of evidence. The best practice is for these forensic interviews to be
157 video recorded. Hearing an account of the abuse in the child's own words is important but it is also vital to
158 see the reactions of the child as he/she recounts that abuse.

160 **GOALS OF THE CHILD FORENSIC INTERVIEW**

161 One main priority and goal for conducting child forensic interviews is to gather information that will either
162 corroborate or refute allegations of abuse, neglect, violence and consider all reasonable hypotheses and
163 maintain legal defensibility.³ Additional goals include allowing the child to verbally describe event(s) and elicit
164 complete and accurate account of events told by the child. This helps to determine if abuse, neglect or
165 violence occurred and if the child is in imminent danger. Maintaining an impartial and objective position is
166 important when asking questions and gathering information during child forensic interview to ensure XXXXX.

³ 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.

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FORENSIC INTERVIEWS OF CHILDREN WITH SPECIAL NEEDS

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Children with disabilities are potentially at greater risk for abuse and neglect than children without disabilities.

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Care must be taken to consider the developmental level, the verbal skills, and other unique features of

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children with special needs. Children with special needs may require individualized techniques. According to

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XXX “Most of the forensic interviewing models agree that considering the age and development of the child is

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essential. Lamb and colleagues (2015) state that “age is the most important determinant of children’s memory

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capacity. (Cite) (Hershkowitz, Lamb, and Horowitz, 2007; KendallTackett et al., 2005).

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THERAPY ANIMALS AND FACILITY DOGS

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The Florida Legislature has recently provided a statutory basis for the use of therapy animals to assist

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children in articulating their child maltreatment experiences. The new law allows the judge to permit the use of

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therapy animals or facility dogs in a court case of abuse, abandonment or neglect. Florida’s Statutes, Section

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92.55 provides the following definitions:

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“Facility dog” means a dog that has been trained, evaluated, and certified as a facility dog pursuant to industry

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standards and provides unobtrusive emotional support to children and adults in facility settings.

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“Therapy animal” means an animal that has been trained, evaluated, and certified as a therapy animal

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pursuant to industry standards by an organization that certifies animals as appropriate to provide animal

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therapy. (Cite 92.55 FS)

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When available, a therapy animal or facility dog should be considered as a tool to reduce stress and

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traumatization for children alleged to have been abused or neglected. Scientific research shows that the

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presence of such animals significantly reduces physiological and behavioral distress, including a lowering of

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heart rate and blood pressure, which allows children to feel safer and calmer and to better recollect facts.

191

(Cite – Journal of Child Sexual Abuse).

192

According to the 2017 Florida House of Representatives Final Bill Analysis of CS/CS/HB 151 (also called

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“Justices Best Friend Act”), at least four circuit courts had implemented formal animal support programs. The

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Second Circuit began its animal support program in 2006, the Fifth and Ninth Circuits did so in 2014, and the

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Twentieth Circuit started a program in 2016. The Thirteenth Circuit has also allowed a facility dog in its

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courtrooms for children in dependency cases. The bill became effective on July 1, 2017. Since the law

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passed, therapy animals and facility dog programs have grown and are expected to become more available.

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(FN page 3 of analysis).

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FORENSIC INTERVIEWS WITH MEDIA/AIDS

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The goal of a forensic interview is to have the child verbally describe his or her experience. A question

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remains, however, as to whether limiting children to verbal responses allows all children to fully recount their

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experiences, or whether media (e.g., paper, markers, anatomically detailed drawings or dolls) may be used

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during the interview to aid in descriptions. The use of media varies greatly by model and professional training.

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Decisions are most often made at the local level, and interviewer comfort and multidisciplinary team

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preferences may influence them. Ongoing research is necessary to shed further light on the influence of

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various types of media on children’s verbal descriptions of remembered events. (Cite) (Brown et al., 2007;

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Katz and Hamama, 2013; Macleod, Gross, and Hayne, 2013; Patterson and Hayne, 2011; Poole and

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Dickinson, 2011; Russell, 2008).

SECTION FOUR: FORENSIC INTERVIEWING PROTOCOLS AND PRACTICES

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

253 defining practice aspects for review, and strong leadership can assist practitioners in establishing a
254 meaningful and productive process.” (Cite) (Lamb, Sternberg, Orbach, Hershkowitz, Horowitz, and
255 Esplin,2002; Lamb et al., 2008; Price and Roberts, 2011; Stewart, Katz, and La Rooy, 2011).

256 257 4. Inter-Agency Communication and Collaboration

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

267 **CURRENT APPROACHES IN CHILD FORENSIC INTERVIEWING**

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

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

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

285 Interviewers often get training in a variety of practices and use a “blended” approach to meet the needs of
286 children. Care must be taken to consider the developmental level, the verbal skills, and other unique features
287 of each child. As a result of these differences, children require individualized techniques.

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

294 These practices are:

- 295 ▪ Forensic interviews should be electronically recorded
- 296 ▪ Persons doing interviews should have formal initial training and ongoing training
- 297 ▪ If the child’s mental stability allows, a forensic interview should be done as soon as possible
- 298 ▪ The environment where the interview is done should be neutral, objective and child friendly
- 299 ▪ Throughout the interview, interviewers should utilize techniques that maximize the amount of
- 300 information obtained from the child through free recall, which is an individual recalling an event from
- 301 memory without being asked questions or given prompts
- 302 ▪ The interviewer should use open ended and nonsuggestive questioning techniques when introducing
- 303 suspected abuse and utilize “Wh” (what, who, where, when) questions, which are the least leading
- 304 way of obtaining missing details
- 305 ▪ An interviewer should not interrupt a child’s narrative response
- 306 ▪ An interviewer should ask if an event occurred “one time or more than one time” as opposed to
- 307 locking a child in to a specific number of times, such as “one time” or “five times”
- 308 ▪ Interviewers should limit and delay the use of multiple choice questions, yes/no questions and
- 309 questions that either introduce information, or the possibility of information as long as possible
- 310 ▪ Interviewers should communicate with multidisciplinary team members and balance requests with the
- 311 need to maintain legal defensibility and the child’s ability to give more information⁴

312 **STRUCTURES AND PRACTICES REVIEWED BY TASK FORCE**

313 A general request for information on forensic interviewing practices went out to various organizations.

314 Thirteen organizations responded and provided information on existing forensic interview practices currently
315 in use throughout the U.S. The practices included:

- 316 1. American Professional Society on the Abuse of Children (APSAC)
- 317 2. ChildFirst
- 318 3. The Cognitive Interview
- 319 4. CornerHouse
- 320 5. The Forensic Interview Practice used in North Carolina
- 321 6. The Forensic Interview Practice used in Texas
- 322 7. Florida Department of Health Forensic Interview Practice
- 323 8. National Children’s Advocacy Center (NCAC)
- 324 9. National Institute for Child and Human Development (NICHD)/Revised NICHD
- 325 10. Recognizing Abuse Disclosure Types and Responding (RADAR)
- 326 11. Step-Wise Approach to Interviewing Children: The Next Generation
- 327 12. Ten Step Investigative Interview Process
- 328 13. Wisconsin Forensic Interview Guidelines

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

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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.)

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

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

338 **DEPARTMENT OF HEALTH 40-HOUR BASIC INTERVIEW TRAINING**

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

348 **NATIONAL CHILDREN’S ADVOCACY CENTER (NCAC) TRAINING**

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

354 **RECOGNIZING ABUSE DISCLOSURE TYPES AND RESPONDING (RADAR) TRAINING**

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

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

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

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SECTION FIVE: COLLABORATING SYSTEMS IN FLORIDA

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CHILD FORENSIC INTERVIEW MULTISCIPLINARY APPROACH

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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)

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

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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.

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DCF INVESTIGATIVE PRACTICE RELATED TO CHILD INTERVIEWING

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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.

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PALM BEACH COUNTY PROTOCOLS FOR CHILD ABUSE INVESTIGATIONS

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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

408 response team protocol, protocols for multidisciplinary partners. The complete protocol is
409 included in the [Appendix X](#). The Task Force recommends that communities in Florida consider
410 establishing similar guidelines to ensure effective interaction in the response to crimes against
411 children and including the multidisciplinary partners that exist in that particular jurisdiction.

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SECTION SIX: ADMINISTRATIVE ORDERS

438 Pursuant to Florida law, Section 914.16, Florida Statutes, the chief judge of each judicial circuit
439 must issue an Administrative Order that reasonably limits the number of interviews which a
440 victim of certain abuse offenses must submit to law enforcement or discovery purposes. The
441 purpose of such orders is to protect the victim from the psychological damage of repeated
442 interrogations while preserving the rights of the public, the victim, and the person charged with
443 the violation.

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

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

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

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

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

474 The task force also received information on the complexity of this issue and comments
475 concerning the importance of incorporating flexibility within these administrative orders for
476 certain types of victims, i.e. special needs and victims of human trafficking. **The task force were**

477 made aware of and received valuable information regarding recent significant developments in
478 the areas of the neurobiology of child abuse, linguistics and trauma informed interviews that
479 have emerged since the original Administrative Order statute (Florida Statutes, Section 914.16)
480 was passed.

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

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

- 486 ▪ Circuit Number
- 487 ▪ Age Requirement
- 488 ▪ Definition of Interview
- 489 ▪ Exceptions
- 490 ▪ Number of Interviews
- 491 ▪ Location of Interviews
- 492 ▪ Additional Interviews
- 493 ▪ Depositions
- 494 ▪ Protocols
- 495 ▪ Date of Administrative Order (date that the order was signed by Chief Judge)
- 496 ▪ Judges (Name of the Chief Judge that signed the order and the name of the current Chief
497 Judge)

498
499 Whenever possible, the language was copied exactly as it appears in the order. Although the
500 Administrative Orders vary, most are similar. Four maps are included in appendix XXX and
501 highlight the following information:

- 502 ▪ Year of the Administrative Order
- 503 ▪ Number of Allowed Interviews
- 504 ▪ Age Requirement
- 505 ▪ Additional Interviews

506
507 The Task Force recommends utilizing a single administrative order throughout the twenty
508 judicial circuits of the state in order to provide more consistency for the protection of child
509 victims. Additionally, the inclusion of a reference to Section 92.55, Florida Statutes, in each
510 administrative order would consistently provide notice to all practitioners of this application.

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SECTION SEVEN: TASK FORCE RECOMMENDATIONS

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

520 RECOMMENDATIONS FOR STANDARDIZED FORENSIC INTERVIEWS:

- 521 ▪ A successful interviewer will incorporate this critical knowledge base in their interaction
522 with child victims. For instance, putting two or more questions into one confuses children
523 of a certain age and impacts their ability to answer accurately. Resources on trauma,
524 neurobiology, and linguistics are included in the section “Resources.”
525
- 526 ▪ The Task Force recommends that utilizing a single administrative order throughout the
527 twenty judicial circuits of the state would provide more consistency for the protection of
528 child victims. Additionally, the inclusion of a reference to Section 92.55, Florida Statutes,
529 in each administrative order would consistently provide notice to all practitioners of this
530 application.
- 531 ▪ The environment where the interview is conducted can make a dramatic difference in the
532 success of the interview. Special care should be taken to conduct any forensic or
533 otherwise meaningful interview with children in a child friendly location, equipped with
534 the furniture, facilities and atmosphere that adds to the child’s comfort. Research
535 demonstrates that the use of facility, service or therapy animals can assist the child in
536 articulating their experiences in court settings.
537
- 538 ▪ Children with special needs require the application of a variety of practice components
539 and specialized techniques. Care must be taken to consider the developmental level, the
540 verbal skills, and other unique features of children with special needs. Similarly, the child
541 victim of human trafficking presents a set of unique challenges that are now known to
542 the professionals who regularly interview them. For example, the unique trauma
543 experienced by the child may require more interview opportunities to fully disclose the
544 abuse. Understanding and incorporating this relatively recent research and experience is
545 critical to the success of the forensic interview.
546
- 547 ▪ When available, a therapy animal or facility dog should be considered as a tool to reduce
548 stress and traumatization for children during interviews. Scientific research shows that
549 the presence of such animals significantly reduces physiological and behavioral distress,
550 including a lowering of heart rate and blood pressure, which allows children to feel safer
551 and calmer and to better recollect facts.⁹
552
- 553 ▪ Best practices also include a component of what is called “quality assurance” to monitor
554 and improve the interview process. After the underlying case concluded, is resolved, the

555 interview should be subject to random evaluations and recommendations for
556 improvement.

- 557
- 558 ▪ Prosecutors in Florida should be mindful of the potential for the child to experience
559 additional trauma during criminal case depositions. University researchers, working with
560 experienced Florida state attorneys have recently raised the fundamental difficulties
561 faced by a traumatized child in the environment of a criminal case deposition. This
562 concern is effectively explained in the correspondence and attachment identified as
563 “Fernandez-Rundle Letter to Florida Bar” in the Resources section of this report.

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

- 566
- 567 ▪ The most important element in the effective standardized interview protocol is the
568 specialized training required for all forensic The unskilled interviewer may impair the
569 child’s ability to articulate their experiences. Interviewers may be putting children at risk.
570 Any interview of an abused child presents a wide variety of challenges to the interviewer.
571 The interview itself is difficult and if it is to be successful in securing accurate and
572 comprehensive information, the training the interviewer receives must be specialized, up
573 to date, and repeated or supplemented at appropriate intervals in the career of the
574 interviewer. The only certain answer to the difficult challenge of the interview is training,
575 experience and re-training.
 - 576 ▪ Florida forensic interviewers come from a wide variety of professions, including social
577 workers, mental health counselors, law enforcement, assistant state attorneys, staff of
578 the Child Protection Teams and Children’s Advocacy Centers and others.
 - 579 ▪ Forensic interviews in the State of Florida come from a wide variety of professions
580 including social workers, mental health counselors, law enforcement, assistant state
581 attorneys, staff of the Child Protection Teams and Children’s Advocacy Centers, etc.
582 Florida should consider establishing minimum standards for training forensic
583 interviewers. These standards should apply to all of the various professionals who are
584 engaged in the forensic interviewing of children.
 - 585 ▪ The training should include components addressing the child friendly environment,
586 structure and stages of the interview, protocols, video recording, rapport building,
587 effective and non-leading questions and suggestibility, trauma, special needs, child
588 development and linguistics, the use of interviewing tools, law enforcement concerns,
589 and the interaction of various community agencies involved in the interview process.
 - 590 ▪ The Task Force cannot over emphasize the importance of video recording of forensic
591 interviews to enhance the credibility of the interview and provide essential evidence in
592 criminal and dependency court proceedings. The Task Force was impressed with the
593 extend with the use of the forensic interview in criminal prosecutions and dependency
594 proceedings. Most jurisdictions in Florida, the forensic interview is regularly introduced
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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.”

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SECTION SEVEN: CONCLUSION

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635 According to XXX, “Forensic interviewing to determine the likelihood of child sexual abuse is a
636 dynamic and evolving area of practice. The dynamic nature of the field is demonstrated in the
637 constant changes and improvement in forensic interview models. Nevertheless, forensic
638 interviewing continues to be characterized by a number of contested issues. These include: (1)
639 Whether an interview structure should flexible, semi-structured, or scripted; (2) Whether, which,
640 and how ground rules should be introduced; (3) Whether children need to complete the truth/lie
641 exercise; (4) What the most appropriate types of questions are; (5) The relative importance of
642 eliciting narratives; (6) Whether media should be employed in forensic interviews; and (7)
643 Whether children should be allowed more than one interview. Moreover, the forensic interview
644 field is still struggling with how to ensure that interviewers actually implement the training they
645 have received and follow interview structures (Kathleen Coulborn Faller).” (Cite)

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

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

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

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

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

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APPENDICES

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APPENDIX A:

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