



CENTER PIECE

The Official Newsletter of the National Child Protection Training Center

Setting Course: The Case for the Credentialing of Forensic Interviewers (revised and expanded)¹

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"We must stop setting our sights by the light of each passing ship; instead we must set our course by the stars."

—George Marshall⁵

Introduction

In the past decade, a number of child protection leaders and organizations have held discussions or even offered proposals for the credentialing or certification of forensic interviewers. For example, several leaders of the American Professional Society on the Abuse of Children (APSAC) have openly contemplated the development of a Diplomate status for forensic interviewers. This work has included a dialogue between leaders of APSAC and multiple national partners who provide training and research in the discipline of forensic interviewing. APSAC has also held discussions with the directors of a number of state forensic interview training programs.⁶

In 2007, with the assistance of the American Prosecutors Research Institute, APSAC conducted a national survey of front line child protection professionals. Of the 589 professionals responding to the survey, 88.9% agreed or strongly agreed⁷ that the "creation of a Diplomate program in child forensic interviewing is beneficial to the field."⁸ Only 8.7% of the respondents were neutral to the idea and only 2.4% disagreed⁹ or strongly disagreed. A solid majority of the respondents believed that a Diplomate program should recognize the achievement of advanced standards (77.9%), should be based on years of experience (58.1%), and should require continuing education (91.8%).¹⁰ Nearly 90% of child protection professionals expressed confidence that if frontline forensic interviewers are involved in the development of the Diplomate program, and if the program develops gradually and is based on research

that it "is a good idea for the field."¹¹

However, exactly 60% of the respondents expressed the view that a Diplomate status, standing alone, "would negatively impact the perceived competence of interviewers who do not have Diplomate status."¹²

In keeping with these results and myriad discussions, Dr. Mike Haney, the past president of APSAC, gave several national presentations suggesting the development of a national organization of forensic interviewers that will establish a base floor for all forensic interviewers but supports these professionals in reaching much more advanced standards.¹³ In his presentations, Dr. Haney suggested this membership organization be affiliated with APSAC and that it develop a code of ethics for forensic interviewers.¹⁴ Although APSAC has not yet formally endorsed this concept, it is one of several possibilities being considered.

At an APSAC forum on credentialing held in San Diego in January of 2008, the National Child Protection Training Center (NCPTC) distributed a paper proposing a multi-tiered credentialing process with Diplomate status as the top tier.¹⁵ In that paper, NCPTC also proposed that front line forensic interviewers be responsible for developing standards in the field, including the development of an ethical code.¹⁶ The paper was posted on line, distributed to several listserv forums, and was sent electronically to over 9,000 front line child protection professionals. In a letter to APSAC dated May 21, 2009, thirteen of the sixteen *ChildFirst/Finding Words* state forensic interview training courses expressed support for a multi-tiered credentialing process as proposed by NCPTC.¹⁷

UP COMING conferences

Forensic Interviewer at Trial:

This course is designed for teams of two- prosecutors and forensic interviewers. Prosecutors will be required to conduct a direct examination of forensic interviewers, and then conduct a re-direct examination after their forensic interviewers have been cross-examined. The prosecutors, working with forensic interviewers, must also respond to the critiques of their forensic interviews from a defense expert.

Location: Winona, Minnesota on Winona State University campus

Tuition Fee: Please submit \$50 payment with your registration. Make checks payable to: NCPTC. Or pay online, when you register at www.ncptc.org.

- September training session: We are accepting registration for ATTORNEYS ONLY!
- October training session: Please register in a team of two (one attorney and one forensic interviewer). Attorneys are also welcome to register without a forensic interviewer for the Oct. 11 – 13, 2010 session.

NCPTC has applied for MN POST Board credits for law enforcement professionals, for both training sessions offered.



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The National Association of Certified Child Forensic Interviewers (NACCFI) is another organization which has proposed the development of standards for the field of forensic interviewing. Specifically, NACCFI has proposed a certification of forensic interviewers who have completed recognized forensic interview training programs, who are actively engaged in the work of forensic interviewing, who are participating in peer review, who agree to adhere to a code of ethics, and who pass a competency examination.¹⁸

There are many similarities between the NCPTC, NACCFI and Haney proposals. Accordingly, Dr. Haney as well as leaders from NCPTC and NACCFI worked together to harmonize these ideas and develop a multi-tiered credentialing proposal that recognizes basic standards for the field but also allows forensic interviewers to grow professionally.

After its development, the multi-tiered credentialing proposal was presented at two national conferences: the *When Words Matter* conference in Savannah, Georgia the week of July 12-15, 2010 and again at the *Dallas Crimes Against Children* conference on August 10, 2010. For the forensic interviewers and child protection professionals who could not attend these presentations, the workshop was also offered online to approximately 2,000 child protection professionals in September of 2010. In addition to these efforts to dialogue with front line professionals, NACCFI also developed an online survey which NCPTC distributed to an e-mail list of over 9,000 front line child protection professionals.

As a result of a decade worth of dialogue, and based on reaction to the national presentations and surveys, NACCFI concluded there was significant support from front line child protection professionals to move forward with a multi-tiered credentialing process. This paper provides an outline of the multi-tiered credentialing process NACCFI proposes, summarizes the response from front line professionals who responded to the NACCFI survey on credentialing, offers some thoughts on the benefits of a credentialing process, and responds to some of the concerns raised by several national leaders as well as front line professionals.

The NACCFI multi-tiered credentialing process

As a starting point for the discussion, below is the outline of the multi-tiered credentialing process similar to what NCPTC proposed at the aforementioned ASPAC forum and that has largely been adopted by NACCFI. This outline is not necessarily the final proposal because, at the time of this writing, NACCFI continues to receive input from the field. However, the proposal is offered here simply to give some context to the discussion and to otherwise facilitate a more meaningful dialogue. Readers are advised to visit the NACCFI website for details of the proposal and for updates on the process.¹⁹

• Basic forensic interviewing credential.

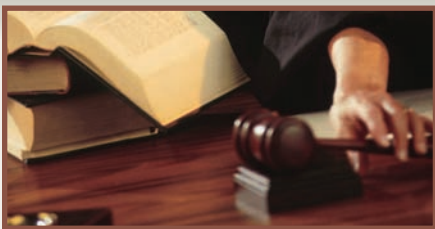
In order to create uniformity in the field, the basic credential should be compatible with the forensic interviewing credentials currently in place for Children's Advocacy Centers accredited by the National Children's Alliance (NCA). NCA requires that forensic interviewers working at a CAC successfully complete 40 hours of state or nationally recognized forensic interview training or, at the very least, that these interviewers document "satisfactory completion of competency-based child abuse forensic interview training that includes child development."²⁰ Moreover, other MDT members must be "routinely present" for the interviews, and interviewers must participate in a "formalized peer review process."²¹ NACCFI proposes a compatible standard for all forensic interviewers, whether or not they conduct their work in a CAC. In addition, interviewers must also adhere to an ethical code developed for the field of forensic interviewers by the forensic interviewers themselves. Finally, these interviewers must have three letters of endorsement from multi-disciplinary team members.

• **Intermediate forensic interviewing credential.** In addition to the completion of a state or nationally recognized forensic interviewing course, a forensic interviewer applying for this credential must complete an additional 40 hours of advanced course work on forensic interviewing, have conducted at least 25 forensic interviews, and participated in at least one peer review process in which one or more of the applicant's interviews were critiqued. The forensic interviewer must again sign an acknowledgment of

ethical guidelines pertaining to this work and their agreement to abide by these guidelines. Finally, the interviewer must take and complete a nationally accepted examination documenting the interviewer has acquired basic knowledge relevant to forensic interviewing.

• **Advanced forensic interviewing credential.** In addition to the basic forensic interview training, an applicant for this credential must have completed a minimum of 80 hours of advanced course work on forensic interviewing, must have conducted at least 100 forensic interviews and participate in a quarterly peer review process. The forensic interviewer must again sign the acknowledgment pertaining to ethical standards.

• **Diplomate in forensic interviewing.** In addition to the completion of basic forensic interview training, an applicant for diplomate status must have completed a minimum of 160 hours of advanced training on forensic interviewing. The applicant must have conducted a minimum of 1,000 forensic interviews. The applicant must document continued participation in a quarterly peer review process. The forensic interviewer must continue to acknowledge an understanding of and adherence to ethical guidelines. Finally, and most importantly, the applicant must submit three transcripts or videotapes of forensic interviews conducted in at least three different years, for blind review by an expert panel. The panel, appointed by the body overseeing the credentialing process, must consist of practicing forensic interviewers who have conducted a minimum of 1,000 forensic interviews and who utilize different forensic interviewing protocols. The reason for a panel of experts utilizing different protocols is to avoid a process which endorses primarily one model over another but instead focuses on acceptable practices in the field of forensic interviewing. The reason that the three transcripts or videotapes be from different years is to provide some evidence that the applicant has maintained excellence over an extended period of time. Although NACCFI has stated its intention of offering the basic, intermediate and advanced credentials, NACCFI has requested assistance from other organizations in developing the diplomate status. Accordingly, as of this writing, this may be the credential most likely to change.



The NACCFI survey

To assist front line child protection professionals in offering input on the credentialing process, NACCFI developed an online survey. The National Child Protection Training Center e-mailed a link to the survey to approximately 9,500 frontline child protection professionals from all 50 states. Approximately 2,500 recipients clicked on the link to survey and, of these, approximately 630 professionals took the survey. As of this writing, the survey remains open on the NACCFI website and thus these numbers may change. There were several important findings in the survey.

First, the vast majority of respondents were front line professionals, most of them actively practicing as forensic interviewers. Specifically, 79.6% of the respondents were currently practicing as forensic interviewers and only 4.8% of the respondents had never practiced. Since front line forensic interviewers are the subject of a credentialing process, the large response from current professionals may be the best data we have thus far in assessing support for credentialing from those in the field.

Second, the respondents came from each region of the country. Respondents to the survey came from 48 states plus the District of Columbia and Puerto Rico. Interestingly, the percentage of respondents from each region of the country closely parallels the number of accredited children's advocacy centers in each region. The federal government funds four regional children's advocacy centers to oversee the growth of CACs in the United States.²² The sixteen states and the District of Columbia comprising the southern regional oversee 44.9% of the accredited CACs in the United States and 46.7% of the respondents to the survey came from these states. The Midwest regional oversees 12 states and 24.6% of the nation's accredited CACs. Precisely 29.1% of the respondents to the survey came from this region. The western regional oversees 13 states and 18.8% of accredited CACs come from this region. Slightly more than 15% of the respondents to the survey came from this region. Finally, the northeastern

regional oversees 9 states and 11.8% of the nation's accredited CACs. A little less than 9% of the respondents to the survey (8.7%) came from this region.

The correlation between the percentages of respondents from each region of the country and the percentages of CACs in those regions strongly suggests the survey was dominated by forensic interviewers and other multi-disciplinary team members affiliated with or otherwise influenced by the growth of CACs in their regions.

Third, the forensic interviewers taking the survey came from CACs, law enforcement agencies, and child protection agencies. Of the respondents to the survey who stated they were actively practicing forensic interviewers or had done so in the past, 60.4% said this work was done as part of a CAC, 19.1% as a part of a CPS agency, and 16.9% as part of a law enforcement agency. Although these figures provide further evidence that front line professionals associated with CACs were predominate, approximately 40% of the respondents were conducting forensic interviews as part of another agency.

Fourth, the forensic interviewers taking the survey had diverse levels of experience. In order to be widely accepted in the field, a credentialing system will need to generate support from interviewers with various levels of experience. The respondents to this survey did, indeed, have diverse levels of experience. Specifically:

- 41.2% had conducted 0-100 forensic interviews
- 41.2% had conducted 100-1000 forensic interviews
- 17.6% had conducted more than 1,000 forensic interviews

If experience is measured not by the number of interviews but by years of work, the child protection professionals responding to the survey also had diverse backgrounds. Specifically:

- 52.5% had 1-5 years of experience
- 26.5% had 6-10 years of experience
- 10.7% had 11-15 years experience
- 4.5% had 16-20 years of exp.
- 5.9% had more than 20 yrs

Fifth, the survey respondents had diverse educational backgrounds. Again, to gauge whether or not there is widespread support in the field, it is critical to get input from professionals with diverse backgrounds. In terms of educational background:

- 10.8% had a high school or associate of arts degree
- 36.3% had a bachelor's degree
- 44.4% had a master's degree
- 7.3% had a doctoral degree

Sixth, more than 90% of the respondents to the survey could meet basic or advanced credentialing standards pertaining to training. One of the concerns about credentialing is that the proposed standards on training would not be attainable for many in the field. The vast majority of respondents to this survey had the experience and training levels necessary to meet the proposed standards. Specifically:

- 6% had no FI training
- 44.2% had 40 hours
- 24.5% had 50-80 hours
- 14.3% had 90-160 hours
- 9.5% had more than 160 hours

Seventh, the vast majority of respondents support credentialing and basic tenets of the credentialing process proposed by NACCFI. The following percentages of respondents agreed with these statements:

- Credentialing would benefit the field 81.1%
- Credentialing should only be for practitioners (79.8%)
- There should be an "Inactive" status for those who have not practiced for more than 2 years (75.1%)
- That experience as a forensic interviewer and participation in peer review "stand out as being more equated" to effective practice than "higher levels of education" (75.7%)
- That participation in a formalized peer review process should be a requirement for credentialing (80.8%)
- That there should be an ethical code for forensic interviewers (93.8%), that applicants should have no felony convictions within the past 10 years and any conviction or arrest history related to crimes against children or any substantiation by a CPS agency for child maltreatment automatically disqualifies an applicant (92.1%)
- That all categories of credentialing should require 3 professional endorsements by colleagues (84.5%)
- That passing a competency examination should be required even for the basic credential (70.9%)
- That the initial 40 hours of training should be received from a "nationally recognized training organization, agency or trainer" and 88.7% agreed that advanced training should also meet this criteria (88.7%).



Eighth, a large percentage of respondents supported the number of training hours and actual forensic interviews required for each of the four credentialing tiers. In terms of the actual number of training hours to meet each credential, the largest percentage for each credential matched our original recommendation of 40 hours for the basic credential (52.7%), 80 for the intermediate (56.9%), 120 for the advanced (51.4%) and 160 for the Diplomate status (40.2%, although a solid 26.6% said it should be 240 or more hours of forensic interview training)

In terms of the actual number of forensic interviews conducted for each credential, the largest percentage of approval for each credential matched our original recommendation of 0 for the basic credential (35.9%), 25 for the intermediate (29.3%), 100 for the advanced (38.6%) and 1,000 for the Diplomate status (35.5%, although a solid 25.7% said 500 or more forensic interviews would be sufficient for this credential). Although there is some aspect of arbitrariness to setting numbers of training hours or actual interviews, the response to the survey suggests that the NACCFI proposals is within the range of what will be widely accepted in the field.

The case for the credentialing of forensic interviewers

Whatever the final credentialing process looks like, there are at least ten strong arguments for moving in this direction.

1. In cases of child sexual abuse, the competence of forensic interviewers may be more important than the competence of any other member of the multi-disciplinary team.

Although the taking of a child's statement is important in all cases of child abuse, the taking of the child's statement is critical in cases of sexual abuse. In a case of physical abuse or a homicide, the child's brain, eyes,

bones and skin provide the crucial evidence. In sexual abuse, the child's body rarely produces evidence.²³ It is the child's words that are critical. It is from these words police officers can search for corroborating evidence²⁴, child protection workers can better assess the risks the child is facing, medical professionals can assure the child his or her body is intact, mental health professionals can help a child cope with the emotions associated with child maltreatment, and prosecutors can prove an allegation in a court of law. Without the child's words, the work of every other member of the team is muted, if not wholly irrelevant. In the event the case results in civil or criminal proceedings, the child's words and the collection of these words is closely scrutinized by court and counsel and by thousands of jurors old enough to remember the high profile day care cases of the mid-1980's and who are worried that little has changed.²⁵

Moreover, there is little dispute that it is possible to taint a child's memory.²⁶ For the sake of the accused, the forensic interviewer must be competent – and then some. It is also not disputed that some children, no matter how poorly they were interviewed, may be truthfully and accurately recounting a history of child sexual abuse.²⁷ The statements of these children should not be tossed out of prosecutors' offices or from courts of law, and their abusers should not be set free simply because the child had the misfortune of being interviewed by an investigator poorly trained or otherwise poorly equipped to collect this evidence.

A national credentialing of forensic interviewers – a credentialing that requires a base level of training, ongoing training, actual work in the field, peer review of that work, and a testing of knowledge does not eliminate incompetence in the field, but it will ensure every maltreated child that the person who interviews them at least meets minimal standards. Credentialing is not an end – it is a solid beginning.

2. Credentialing will establish not only minimal standards for entry into the profession of forensic interviewing – but also minimal continuing education standards for remaining in the profession

Credentialing is also a mechanism to ensure that practitioners not only meet minimal standards but continue to receive training or otherwise access resources that

will help them grow professionally. In order to meet the intermediate, advanced or Diplomate status, forensic interviewers must attend continuing education specifically pertaining to forensic interviewing, as well as ongoing peer review and adherence to an ethical code.

The requirement of ongoing training is a characteristic of most of the members of MDTs including prosecutors,²⁸ social workers,²⁹ and law enforcement officers.³⁰ Given the critical nature of remaining current in this field, forensic interviewers should also develop and adhere to continuing education standards.

3. Credentialing will not only assist in establishing minimal standards for entering or remaining in the field – it will assist in developing an ethical code for the profession

If a forensic interviewer is also a psychologist or a member of some other profession, they have some national standards, many of them strictly enforced, governing their ethical behavior. However, there are not any national ethical standards specifically pertaining to the work of forensic interviewers. Standards designed for a psychologist, social worker, or some other profession may be of assistance to the forensic interviewer but will not help the interviewer in many instances.

Assume, for example, a member of the MDT watching the forensic interview on closed circuit television instructs the interviewer to ask one or more questions that are developmentally inappropriate or would otherwise contaminate the forensic interviewing process. Even if the interviewer could rephrase the question in a developmentally appropriate manner, the interviewer simply concludes in his or her professional judgment that the child has been pushed to the limit and any continuing questioning will, at best, produce unreliable information. Under this scenario, who gets to make the final call? If the interviewer declines to ask the questions, how will she defend herself at the next team meeting? If the forensic interviewer's supervisor or CAC director reprimands or even seeks to fire her for not honoring the request of other team members, what standard will the interviewer cite in order to protect herself? Without the protection of national, ethical standards specifically pertaining to the work of forensic interviewing, would this forensic interviewer be tempted to protect her job more than the child?

In developing an ethical code for forensic interviewers, it will not be necessary to start from scratch. Forensic interviewers who are members of the American Professional Society on the Abuse of Children (APSAC) must adhere to the APSAC Code of Ethics.³¹ This code requires APSAC members to “routinely receive supervision, consultation,³² or counsel with more experienced colleagues or peers” and to have their work “subjected to periodic review, evaluation or consultation.” APSAC members are also prohibited from representing themselves to “hold expertise, knowledge, or qualifications which they do not in fact possess, including when providing expert testimony, writing, or providing education to professionals or lay persons alike.”³³ Moreover, APSAC members must act in compliance with applicable laws and regulations and “will participate at least annually in high quality professional education.”³⁴

The NACCFI has an ethical code that requires its members to participate in “ongoing training, supervision and peer review of their interviews.” The ethical code also addresses the usage of foreign language interpreters, interview aids, the security of the forensic interview tape, and handling conflicts of interest. The ethical code promotes the interviewing of children in child friendly environments, to conduct forensic interviews in the language the “child knows best”, and to avoid “stereotyping, profiling or discriminating” against children or others on the basis of “gender, age, handicap, ability, economic status, family structure, lifestyle, ethnicity, religion, language, culture, national origin or sexual orientation.”³⁵ The ethical code prohibits forensic interviewers from becoming “sexually, physically, or romantically involved” with the children or families they work with even if the child or family member is of legal age. An NACCFI forensic interviewer is not allowed to “withhold, alter, influence, coerce or falsify information for the purposes of affecting the outcome of an interview or a case.”³⁶ The NACCFI code also provides interviewers guidance on what to do when a fellow team member is engaging in unethical conduct.

The existing APSAC code of ethics and the proposed NACCFI code of ethics provide the basis for at least developing a minimal code of ethics for front line forensic interviewers. As the field grows, the code of ethics can expand or otherwise adapt to emerging ethical issues the field faces. In our

judgment, the key is for front line interviewers themselves, those who actually do the work and who confront these issues, to take a leadership role in the ongoing development of this code of ethics.

4. Credentialing that includes the development of an ethical code may also assist in removing unethical practitioners from the field

The development of an ethical code will not only assist those practitioners actively seeking to maintain high ethical standards, it may also provide a mechanism for sanctioning or revoking the credentials of those who consciously choose to engage in unethical behavior. In one instance, for example, a law enforcement officer insisted it was appropriate to interview children by informing the children that he had a secret about his childhood, a secret involving his own sexual abuse. He promised to tell the children about his secret if they would disclose theirs. Despite the best efforts of other team members to explain that such an interview technique was unethical – that it blurred the boundaries between the victim and the officer and placed on the child the burden of helping the officer – the officer insisted that this technique had saved countless children.³⁷ Although this sort of conduct is rare – as is egregious conduct for most professions – the point is that other professions have a mechanism for revoking the credentials of those who insist on engaging in unethical behavior. It is in the best interests of children for the field of forensic interviewing to follow the lead of the other professions who make up our MDTs and to develop an ethical code. An ethical code, combined with some mechanism for enforcement, will also assist in reigning in less egregious but equally troubling behavior – such as those who refuse to interview children in a child friendly, neutral environment or those who claim that peer review is pointless and simply choose not to participate. Although removing these individuals from the ranks of those interviewers who are credentialed may not necessarily cause their behavior to stop, it will allow those who maintain the standard to clearly distinguish themselves from those whose conduct is concerning, if not blatantly unethical.

5. Credentialing will extend the minimal standards in place at CACs to all interviewers and will provide recognition for forensic interviewers

who exceed minimal standards
The National Children’s Alliance, the body which accredits children’s advocacy centers, recognizes the critical role of the forensic interview, especially in cases of sexual abuse. Specifically, the NCA accreditation standards provide:

Forensic interviews are typically the cornerstone of a child abuse investigation, effective child protection and subsequent prosecution, and may be the beginning of the road toward healing for many children and families. The manner in which a child is treated during the initial forensic interview may significantly impact the child’s understanding of, and ability to respond to the intervention process and/or criminal justice system. Quality interviewing involves: an appropriate, neutral setting; effective communication among MDT members; employment of legally sound interviewing techniques; and the selection, training and supervision of interviewers.³⁸

As noted previously, NCA requires that forensic interviewers working at a CAC successfully complete 40 hours of state or nationally recognized forensic interview training or, at the very least, that these interviewers document “satisfactory completion of competency-based child abuse forensic interview training that includes child development.”³⁹ Moreover, the interviews must be conducted in a manner that is “legally-sound, non-duplicative, non-leading and neutral”, other MDT members must be “routinely present”, the interviews should be “routinely conducted” at the CAC, and forensic interviewers must receive at least three hours of continuing education every two years and participate in a “formalized peer review process.”⁴⁰

We applaud the NCA and the nation’s Children’s Advocacy Centers for establishing minimal standards for conducting forensic interviews inside a CAC. It is our hope that a national credentialing program will ensure that all children, whether or not they are seen at a CAC, are interviewed by a forensic interviewer who meets minimal standards. Moreover, a multi-tiered credentialing program will also recognize those forensic interviewers both in and outside of CACs who have far surpassed these minimal standards.



6. A credentialing association made up of practicing forensic interviewers will ensure that standards for the field are determined by those who actually do the work

The prosecutors, law enforcement officers, social workers, psychologists and medical professionals serving on our MDTs have developed independent credentialing or licensure standards, including an ethical code for their respective professions. These professions publish journals specifically related to their work and otherwise grow their respective fields separate and apart from the other disciplines with which they work. These and other medical, mental health and legal professions do not allow others from outside their disciplines to determine the standards for their respective professions.

This is not the case in the field of forensic interviewing. In the field of forensic interviewing, we routinely have doctors, lawyers, psychologists, researchers, linguists, and college professors—most of whom have never conducted a forensic interview—routinely publishing articles, offering workshops, or even testifying in court as to what are the best practices in the field of forensic interviewing.⁴¹

This is not to say that other disciplines do not play an important role in the forensic interview process. A great many disciplines have a role in the forensic interview process and their input is critical. The prosecutor can and should advise the interviewer as to the legal standards for admitting a forensic interview into

evidence or how far the interviewer can go in educating a jury about best practices. The medical professional can help the interviewer understand what questions might be helpful in determining if the child has particular injuries. The mental health professional can help the interviewer understand dissociation or other psychological conditions or behaviors a child may exhibit. Researchers can help the interviewer understand what practices may be suggestive or otherwise problematic. Although forensic interviewers must draw upon the expertise of these and many other professionals, and must ensure that the forensic interview meets the needs of the team members, it is the forensic interviewers themselves who should determine the minimal credentials for beginning or continuing to work in this field. It is certainly the forensic interviewers who should develop an ethical code for the field in which they work.

If forensic interviewers do not follow the lead of other professions, they run the risk that, eventually, the standards for their field will be dictated by those who do not actually work as forensic interviewers.

7. Credentialing may be helpful to the prosecutor in qualifying a forensic interviewer as an expert witness

A decade ago, the idea of having a forensic interviewer testify as an expert witness in a court of law was simply unheard of. Largely as a result of the growth of national and state forensic interviewing courses, appellate courts from at least ten different states have considered this issue for the first time and, with only a handful of exceptions, these courts have ruled that forensic interviewers meeting certain standards can testify as an expert.⁴²

For those prosecutors who want the option of qualifying the forensic interviewer as an expert witness, a credible credentialing process will help make the case. Although the process of qualifying a forensic interviewer as an expert witness is complicated and varies from state to state, essentially the prosecutor has to prove that forensic interviewing techniques have been published and subjected to peer review, that the techniques have been tested, that forensic interviewing is widely accepted in the field, that there is a known or potential error rate, that there is some commonality among interviewing protocols, and that there are national standards or guidelines governing forensic interviewing.⁴³

To the extent an individual judge or appellate court inquires about “national standards or guidelines” governing forensic interviewing, the existence of a credible, national credentialing program would help a prosecutor make the case that the local interviewer is, indeed, an expert. Of course, even without these standards, prosecutors and interviewers have a lot of options. Forensic interviewers working in a CAC can and should cite the NCA standards and members of APSAC can cite that organization’s forensic interviewing guidelines⁴⁴ as well as the ASPAC guidelines on the usage of anatomical dolls.⁴⁵ Despite the presence of other options for qualifying the interviewer as an expert, a credentialing process actually established by forensic interviewers themselves would likely bolster an interviewer’s credentials in front of judges and juries and increase the chance that any such testimony would be upheld on appeal.

8. Credentialing may assist the prosecutor in limiting or excluding the testimony of defense experts

A credible credentialing process will aid the prosecutor in arguing to trial and appellate courts for the exclusion or at least limiting of the testimony of defense “experts” who have never conducted a forensic interview. If defense attorneys still wish to call various psychologists, researchers or other academics to the witness stand, their testimony should be limited to their field of expertise. In other words, a psychologist may be able to talk about how memory is coded, retained or retrieved or any other issue pertaining to a child’s statement provided it is within the professional’s expertise. However, the psychologist should not be testifying as to best practices or even current practices in a field he or she is not part of.

There is also another way to look at this. In a child abuse case defense counsel will typically attack the state’s medical evidence by calling a defense doctor. Similarly, defense counsel may attack the government’s psychological evidence by calling a mental health professional of their choosing. When, however, the defense attorney seeks to attack the forensic interview, he calls anyone but an actual forensic interviewer to the witness stand. The defense attorney gets away with this, in part, because forensic interviewing has not yet established itself as an independent profession.

If forensic interviewing evolves into its own profession, complete with ethical and other standards, this may limit if not exclude the testimony of many defense experts. At the very least, it will allow the government to point out to jurors that the defense expert is clearly not from the profession he is attacking. There is some indication that appellate courts are willing to limit the testimony of defense experts if the government can make the case that an expert is not directly involved in the work of forensic interviewing or is otherwise unfamiliar with specific interviewing protocols or other specific tools or work conducted for an interviewer.⁴⁶ A credentialing process will make it easier for prosecutors in establishing the absence of qualifications of many defense experts.

9. Credentialing is as important to the children of tomorrow as it is to the children of today.

In considering the issue of credentialing, it is important to think not only about the children we are currently working with or may be working with in the immediate future. It is also critical to think of children who may be referred for a forensic interview decades from now. If credentialing had been developed twenty years ago, we would have a much better sense of what does or doesn't work in terms of establishing minimal standards or reigning in negligent or even unethical behavior. Although any credentialing process we begin today will be flawed, it will nonetheless allow us to discern these flaws and improve the system for the next wave of maltreated children. If we wait until that next generation is upon us, we may be largely starting from scratch again.

10. This is the generation ideally qualified to develop a credentialing process.

We still have in our field professionals old enough to remember the day care cases of the mid-1980s⁴⁷ and who were on the forefront of developing children's advocacy centers⁴⁸, multi-disciplinary teams, and national and state forensic interviewing courses. A large body of the research on forensic interviewing, including most of the best research, has been conducted by researchers who are currently still with us. This is an ideal time to draw upon our shared experiences and seize this moment in history. We may not get it exactly right, but surely we have the capacity to develop the field of forensic interviewing as a

profession or at least a very unique skill which requires the development and adherence to minimal standards.

Addressing concerns about credentialing

As the debate about credentialing has unfolded, child protection professionals have raised a number of valid concerns. Two of the most commonly raised concerns are addressed below.

1. Will a credentialing process hurt those forensic interviewers who cannot meet the standards?

This is a valid concern, particularly if the only tier of the credentialing process were the Diplomat status discussed earlier in this paper. However, in establishing an initial tier that is compatible with the existing NCA standards, this is something that can be obtained by nearly every child protection professional in the United States. Indeed, in a recent survey of CACs, all of the forensic interviewers responding to this survey had been trained through at least one of the major national or state forensic interviewing courses and more than 80% were participating in peer review.⁴⁹

If the concern is that interviewers who fail to meet even the minimal standards set by the NCA will be attacked, this issue is already upon us. Since the NCA standards are already in place, these standards can be used by defense attorneys to attack forensic interviewers both in and outside of CACs who fail to receive quality forensic interview training, who fail to participate in peer review, or who otherwise fail to adhere to better practices in the field. In other words, the multi-tiered credentialing process outlined in this paper does not give defense attorneys an attack they don't already have.

It is also important to make a distinction between those who cannot meet minimal standards and those who choose not to. Although we can and should do everything possible to expand training options for those who cannot currently take advantage of these opportunities, we should not be protective of those forensic interviewers who have these opportunities available to them but choose not to take advantage of them. In other words, if a particular interviewer thumbs his or her nose at cooperating with the local CAC or MDT and simply refuses to access training or participate in peer review, that interviewer should be vigorously cross-examined for these decisions.

Finally, and most importantly, MDTs need to recognize that defense attorneys will attack the field of forensic interviewing no matter what decisions the field makes. Those who oppose credentialing because they fear a defense attack may be surprised when they are cross examined by defense counsel for being part of a field that currently has no national association, no ethical code, and no minimal standards applicable to all who call themselves forensic interviewers.

It is true that forensic interviewers who meet only minimal standards will be attacked by defense counsel for not having met intermediate or advanced standards. This, though, is true for every profession. A treating physician may be attacked for not being board certified in a certain field. A pediatrician may be attacked for not meeting the criteria for certification as a child abuse sub-specialist. Each of these professionals, though, are still able to meet enough national standards to have some measure of credibility in courts of law. Similarly, a forensic interviewer who has not yet had enough experience or training to be recognized as a Diplomat in the field will nonetheless be able to say he or she meets national standards to work in this field.

Moreover, there is something unique about a national, multi-tiered credentialing process that will make it particularly challenging for defense attorneys to attack it. If, for example, a defense attorney chooses to attack a forensic interviewer who only meets minimal standards, he will at the same time be undermining the credibility of any defense expert he calls to the witness stand. This is because the major defense experts in this area have never conducted a forensic interview or otherwise been a part of this field. In other words, a defense attorney who attacks a forensic interviewer who meets only minimal standards will be opening the door for a prosecutor who seeks to attack a defense expert who meets none of the national standards.

2. For MDTs that have limited resources, is it not better to put money into training and peer review, as opposed to a credentialing process?

MDTs can and should put their dollars into high quality forensic interview training and peer review. Having said this, teams that make this investment should be recognized for having put more resources into the growth of their forensic interviewers.

Simply put, a team that sends their forensic interviewer to a two hour workshop should not be placed in the same category as a team that has sent their forensic interviewer through hundreds of hours of basic and advanced training and who has participated in dozens of peer reviews. Moreover, a national association of forensic interviewers that collects a modest fee from its members may actually save these teams money provided that some of this money can be used to develop more training options and to lower the costs associated with existing trainings. NACCFI is very much aware of limited resources in the field and, working with each of you, is committed to developing a credentialing process that does not unfairly burden front line professionals. Consistent with what APSAC has done for its members, a sliding fee scale may be appropriate.

Conclusion

In recent decades, forensic interviewing has dramatically improved in the United States. The growth of Child Advocacy Centers and the development of numerous national and state forensic interviewing courses incorporating pertinent research have made a significant difference in the quality of these interviews and in the lives of the children for whom this is all about. It is for this reason that many forensic interviewers believe the field is ready to take the next step in developing forensic interviewing as a profession complete with an ethical code and other standards for the field. If this is, indeed, the consensus of forensic interviewers, then it is important to develop an infrastructure that will give these interviewers the opportunity to take this next step.

End Notes

- ¹An earlier version of this article was published in volume 2(2) of CENTERPIECE, the online newsletter of the National Child Protection Training Center.
- ²President, American Professional Society on the Abuse of Children (APSAC)
- ³Director, National Child Protection Training Center at Winona State University
- ⁴Director, National Association of Certified Child Forensic Interviewers (NACCFI)
- ⁵PHILIP YANCEY, PRAYER 18 (2006)
- ⁶For example, APSAC board member Julie Kenniston participated in a conference call with the ChildFirst/Finding Words state directors at their annual meeting in St. Louis in May of 2009. At this meeting, the state directors shared their views on credentialing and summarized their thoughts in a subsequent letter to Ms. Kenniston and to the APSAC board of directors.
- ⁷Specifically, 49.2% (290 respondents) strongly agreed and 39.7% (234 respondents) agreed. See Michael L. Haney, Jon Conte, Ilene Berson and Kee MacFarlane, Diplomat in Forensic Interviewing (delivered at APSAC colloquium 2008).
- ⁸Id.
- ⁹Id.
- ¹⁰Id.
- ¹¹Id.
- ¹²Id.
- ¹³See Michael L. Haney, Jon Conte, Ilene Berson and Kee MacFarlane, Diplomat in Forensic Interviewing (delivered at APSAC colloquium 2008)
- ¹⁴Id.
- ¹⁵Victor I. Vieth, It's Time to Swim: A Proposal for Developing a Multi-Tiered Approach to the Credentialing of Forensic Interviewers, posted under "publications" section of the website of the National Child Protection Training Center. www.ncptc.org (last visited August 11, 2010).
- ¹⁶Id.
- ¹⁷A copy of this letter is on file with each of the authors.
- ¹⁸See generally, www.nacffi.com
- ¹⁹www.nacffi.com
- ²⁰See, NCA Revised Standards for Accredited Members, available at www.nationalchildrensalliance.org
- ²¹Id.
- ²²See generally, Nancy Chandler, Children's Advocacy Centers: Making a Difference One Child at a Time, 28 HAMLIN JOURNAL OF PUBLIC LAW & POLICY 315 (2006) (Providing an overview of the history and work of Children's Advocacy Centers).
- ²³Heger, et al, Children Referred for Possible Sexual Abuse: Medical Finding in 2384 Children, 26 CHILD ABUSE & NEGLECT 645 (2002) (finding that only 4% of all children referred for medical evaluation of sexual abuse have abnormal examinations at the time of evaluation); Kellogg, et al, Genital Anatomy in Pregnant Adolescents: "Normal" Does Not Mean "Nothing Happened", 113(1) PEDIATRICS 67 (January 2009) (noting that only 2 of 36 pregnant adolescent girls presented for sexual abuse evaluations had "definitive findings of penetration.")
- ²⁴See generally, Detective Mike Johnson, The Investigative Windows of Opportunity: The Vital Link to Corroboration in Child Sexual Abuse Cases, 1(9) CENTERPIECE (2009); Victor Vieth, Picture This: Photographing a Child Sexual Abuse Crime Scene, 1(5) CENTERPIECE (2009)
- ²⁵See generally, DAVID HECHLER, THE BATTLE AND THE BACKLASH (1988)
- ²⁶See generally, STEPHEN J. CEGLI, JEOPARDY IN THE COURTROOM: A SCIENTIFIC ANALYSIS OF CHILDREN'S

TESTIMONY (1999)

- ²⁷See generally, Amy Russell, Assessing Children's Statements for Investigative and Court Purposes, 1(6) CENTERPIECE (2009) (available online at www.ncptc.org)
- ²⁸See e.g. Minnesota Board of Continuing Legal Education, www.mbcle.state.mn.us
- ²⁹See e.g. www.aswb.org
- ³⁰See e.g. www.dsp.state.mn.us
- ³¹APSAC PRACTICE GUIDELINES: CODE OF ETHICS (1997).
- ³²Id. at 2.
- ³³Id. at 3.
- ³⁴American Professional Society on the Abuse of Children Practice Guidelines, Use of Anatomical Dolls in Child Sexual Abuse Assessments (APSAC 1995), available in John E.B. Myers, Karen J. Saywitz, & Gail S. Goodman, Psychological Research on Children as Witnesses: Practical Implications for Forensic Interviews and Courtroom Testimony, 28 PACIFIC LAW JOURNAL 3, 78-91 (1996), interviewing ³⁴Id.
- ³⁵NACCFI Code of Practice Principles, Standards and Ethical Conduct, available online at www.nacffi.com
- ³⁶The falsification of information not only is unethical, it may subject a forensic interviewer to criminal or civil penalties. See generally, Amy Russell, Finding Equilibrium: Greene v. Camreta, 2(1) CENTERPIECE (2010). Both of these articles can be accessed under the "publications" section of the NCPTC website at: www.ncptc.org
- ³⁷This anecdote is based on a case called into our Center some years ago.
- ³⁸See National Children's Alliance, Standards for Accredited Members (Revised 2008), available online at: <http://www.nationalchildrensalliance.org/index.php?s=76http://www.nationalchildrensalliance.org/index.php?s=76> (last visited July 2, 2009)
- ³⁹Id.
- ⁴⁰Id.
- ⁴¹For a fuller discussion of this issue, see generally, Victor I. Vieth, The Forensic Interviewer at Trial: Guidelines for the Admission and Scope of Expert Witness Testimony Concerning and Investigative Interview in a Case of Child Abuse, 36(1) WILLIAM MITCHELL LAW REVIEW (2009). This article can be accessed online at: <http://www.wmitchell.edu/lawreview/documents/8.Vieth.pdf>
- ⁴²See Victor I. Vieth, The Forensic Interviewer at Trial: Guidelines for the Admission and Scope of Expert Witness Testimony Concerning an Investigative Interview in a Case of Child Abuse, WILLIAM MITCHELL LAW REVIEW (forthcoming, January 2010).
- ⁴³Id.
- ⁴⁴See APSAC Practice Guidelines, Investigative Interviewing in Cases of Alleged Child Abuse, a copy of which can be purchased through the APSAC website at: <http://www.apsac.org/mc/page.do>
- ⁴⁵American Professional Society on the Abuse of Children Practice Guidelines, Use of Anatomical Dolls in Child Sexual Abuse Assessments (APSAC 1995), available in John E.B. Myers, Karen J. Saywitz, & Gail S. Goodman, Psychological Research on Children as Witnesses: Practical Implications for Forensic Interviews and Courtroom Testimony, 28 PACIFIC LAW JOURNAL 3, 78-91 (1996).
- ⁴⁶See generally, State v. Wells, 221 P.3d 561 (Kansas 2009)
- ⁴⁷See generally, DAVID HECHLER, THE BATTLE AND THE BACKLASH (1988)
- ⁴⁸See generally, Nancy Chandler, Children's Advocacy Centers: Making a Difference One Child at a Time, 28 HAMLIN JOURNAL OF PUBLIC LAW & POLICY 315 (2006) (Providing an overview of the history and work of Children's Advocacy Centers).
- ⁴⁹Forensic Interviewing Practice Survey, Regional Children's Advocacy Centers (2009)

For More Information

The National Child Protection Training Center (NCPTC) at Winona State University provides training, technical assistance and publications to child protection professionals throughout the United States. In addition, NCPTC assists undergraduate and graduate programs seeking to improve the education provided to future child protection professionals. In partnership with CornerHouse, NCPTC also assists in the development and maintenance of forensic interview training programs utilizing the RATAAC® forensic interviewing protocol. For further information, contact NCPTC at 507-457-2890 or 651-714-4673. Please visit our website at www.ncptc.org.

