

Do Ethical Standards Apply to Forensic Interviewers?

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Prevailing practice in cases of alleged sexual abuse is to conduct a single forensic interview of the child before coming to a decision about the likelihood of abuse. This was Kathleen Faller's observation in her 2007 comprehensive review of forensic interviewing and a similar observation would likely be accurate today (Faller, 2007; 2015). Nevertheless, there continues to be substantial debate in our field about whether a single-session interview format should be considered best practice (Everson & Rodriguez, 2020).

In a recent *APSAC Advisor* article, Scott Rodriguez and I argue that a single-session interview conducted by an adult stranger openly disregards what is known about the disclosure process (Everson & Rodriguez, 2020). The disclosure process, especially in cases of child sexual abuse, is often "painful, incremental, and protracted" (Faller, 2020, p. 133). An hour interview may not provide sufficient time to develop rapport with children mistrustful from their abuse or to identify and overcome even common barriers to telling. We also questioned the validity of various rationales used to defend the single-session interview as best practice, including the claim that more than one session, even by the same interviewer, is inherently traumatizing to many child victims.

The present commentary extends the debate on the use of single-session interviews in two ways. First,

it makes a critical distinction between two single-session interview formats: the single-session-*only* format and the single-session-*optional* format. In the single-session-*only* format, the interviewer is limited by multidisciplinary team (MDT) agreement, center policy or judicial constraints, to one interview session regardless of child and case characteristics. In the single-session-*optional* format (i.e., variable-session format), the interviewer has the flexibility, based on the child's best interests, to conduct one session or more than one session as needed.

Second, this commentary extends the debate by challenging the single-session-*only* format (but not the single-session-*optional* format) on ethical grounds. We will argue that the strict single-session-*only* format breaches ethical standards and should not be considered accepted practice. The ethical analysis that follows is organized around these five questions:

1. Do ethical standards apply to forensic interviewers?
2. If so, what specific ethical standards are most relevant?
3. Does the single-session-*only* interview format meet ethical standards?
4. If not, how does the use of a single-session-*only* format adversely affect abuse victims?
5. What interview format do the major forensic interview training models promote?

We will address each question before discussing implications for forensic interview practice.

Response to Question 1: Ethical standards do apply to forensic interviewers.

The *APSAC Code of Ethics* (1997) outlines major ethical principles and standards of conduct for professionals in the field of child maltreatment. The *APSAC Practice Guidelines: Investigative Interviewing in Cases of Suspected Abuse* (APSAC Taskforce, 2012) specifically recognizes the *Code of Ethics* as a primary standard for defining acceptable practice in forensic interviewing. Toth (2020) also emphasizes the importance of the *APSAC Code of Ethics* in setting standards of conduct for forensic interviewers.

While the *APSAC Code of Ethics* technically applies only to APSAC members, the APSAC ethics code can serve at least three crucial functions for all child maltreatment professionals, regardless of APSAC membership. First, the ethics code offers guidance in defining appropriate standards of professional conduct. Second, the ethics code provides support for professionals attempting to maintain high ethical standards in their professional practice. Third, the ethics code provides standards of conduct for appraising professional practice for either instructional or corrective purposes.

Response to Question 2: Good ethics require prioritizing the child's best interests throughout the interview process.

The *APSAC Code of Ethics* requires that forensic interviewers conduct interviews "... in a manner consistent with the best interests of the child" (APSAC, 1997, p. 1). The forensic interviewer is expected to hold the "best interests" principle above all other competing considerations. Prioritizing the child's best interests typically requires individual accommodations to interview practice based on child and case characteristics. It is important to note that the *Code of Ethics* leaves no room for misunderstanding. The best interests of the child (i.e., the child in front of us) supersedes the principle of the greater good (i.e., more children can be served with our limited resources if we are willing to make a few compromises). The child's welfare rules.

Response to Question 3: Single-session-only interviews fail to meet "the best interests" standard of conduct.

The "best interests" ethical standard requires that the interviewer individualize the interview to accommodate child and case characteristics that might inhibit disclosure or adversely affect the completeness or accuracy of the child's account. Such accommodations often require one or more follow-up sessions, typically by the same interviewer to build upon initial rapport. Sometimes additional sessions are also needed to clarify inconsistencies in the child's account or explore case complexities.

A comprehensive list of factors that should trigger consideration of follow-up sessions is offered. The list represents a compilation of child and case criteria from a number of published sources as well as from the author's 35-year career in forensic assessment. (The published sources include Carnes et al., 2001; Faller, 2007; Hershkowitz et al., 2006; Newlin et al., 2015; Paine & Hansen, 2002.) One or more follow-up sessions may be warranted, and in the best interests of the child, if *any* of the following criteria are met:

- Young chronological or developmental age
- Language or cultural issues that impede communication
- Significant symptoms of psychological trauma (e.g., dissociation)
- Major rapport, attention, or separation problems
- Significant anxiety, fear, or distress observed in interview or reported by caregivers
- Significant barriers to disclosure reported or suspected (e.g., perpetrator is a close family member).
- Concerns about external influences on child (e.g., coaching, threats, perpetrator with access)
- Non-disclosure despite credible prior disclosure or other substantive evidence of abuse
- Child's account vague, incomplete, inconsistent, or contradictory
- Significant discrepancies in child's current

account vs. prior account or other substantive evidence

- Complex case history (e.g., poly-victimization, counter-accusations in a custody dispute)
- Additional perpetrator(s) or multiple events likely.

Note that these 12 criteria represent child and case characteristics that reduce the likelihood that the maltreatment concern can be resolved in a single interview session. Attempting to do so risks substantial error and is therefore contrary to the child's welfare. Several of these problematic child and case characteristics can be identified or anticipated prior to the initial session. Others become evident only during the session itself. It is thus not possible to predict ahead of time which child will need multiple sessions. Ideally, every interviewer should have the training and scheduling flexibility to conduct follow-up sessions as needed.

It is useful to expand our typology of interview formats to include four distinctive types of interviews: single-session-only formats, variable-session formats (i.e., single-session-optional formats), multiple-session formats, and extended session formats. A single-session-only interview is defined as one in which the interviewer has no option or intention to conduct a follow-up interview or to refer the child for extended interviewing. A variable-session interview is one in which the interviewer has the option, as needed, to conduct one or more follow-up sessions or to refer the child for extended interviewing. A multiple-session interview is one in which the interviewer plans to conduct more than one interview session regardless of the outcome of the initial session. An extended session interview, defined as four or more interview sessions, is typically reserved for cases in which the initial interview session(s) failed to resolve the abuse concerns.

By this categorization, the single-session-only interview breaches the best interest standard because the decision to conduct only one session is made irrespective of the child's needs or best interests. In contrast, single-session interviews within the context of the variable-session interview format are ethical, as long the decision to forgo additional sessions was based on "best interests" considerations. Regardless of their prior status as best practice, therefore, single-session-only interview formats are inherently

unethical and should no longer be considered accepted practice.

Response to Question 4: Single-session-only interviews significantly increase the risk that true cases of abuse will be missed or mistakenly unsubstantiated.

The child's account is often the central evidence in the decision whether to substantiate the abuse allegation. In the last section, we discussed the observation that a single interview session may shortchange the MDT in the critical information needed for case determinations. In this section, we will examine research suggesting that the single-session-only format results in a high rate of false denials of abuse among abuse victims. Such denials typically mean true cases go unsubstantiated and children are left to fend for themselves against their abusers.

Two publications are directly relevant. In the first, Lyon (2007) reviewed 16 studies of children age 3 or above who were identified as CSA victims from medical diagnoses of gonorrhea. Among 437 children across the 16 studies, only 185 or 42% disclosed sexual contact in the initial forensic interview. The false denial rate in one-session interviews was therefore 58%. This error rate fell substantially when additional interview sessions were conducted, presumably at least in part due to better rapport (Lyon, 2007).

Hershkowitz et al. (2014) compared the disclosure rates in the standard National Institute of Child Health and Human Development (NICHD) interview and the Revised-NICHD protocol in single-session formats. The sample included 426 Israeli children, ages 4–13, for whom there was substantial independent corroborative evidence of either physical or sexual abuse. The standard NICHD protocol was used in interviewing 165 of the children and 261 were interviewed using the revised protocol. As expected, the revised protocol, which included more emphasis on rapport building than did the standard protocol, elicited a significantly higher disclosure rate (59.3% vs. 50.3%). However, the most noteworthy findings are the false denial rates of 40.7% and 49.7%, respectively, for the revised and standard NICHD protocols.

The high rates of false denials in the Lyon and Hershkowitz et al. studies are alarming. The two studies are consistent in suggesting that among true cases of sexual and physical abuse, up to 50% of the child victims may need more than one forensic interview session to disclose. This is especially likely to be true when there is no prior disclosure. False denials in such cases typically result in non-substantiation, with the risk of unfortunate outcomes for children including further abuse.

In brief, bad ethics = bad practice = bad outcomes for abuse victims.

Response to Question 5: The major interview training models generally endorse the variable-session format over the single-session-only format.

The recent *APSAC Advisor* (2020) contained articles describing seven prominent forensic interview training models, some but not all affiliated with a specific protocol such as Revised-NICHD and ChildFirst. The specific training models included the following: the APSAC Forensic Interview Training Model (Toth, 2020); the ChildFirst Forensic Interview Model (Farrell & Vieth, 2020); the Childhood Trust Forensic Interview Model (Kenniston, 2020); the CornerHouse Forensic Interview Protocol (Stauffer, 2020); the National Children's Advocacy Center (NCAC) Preschool Interview Training Model (Cordisco Steele, 2020); the Revised-NICHD Forensic Interview Protocol (Stewart & LaRooy, 2020); and the RADAR (Recognizing Abuse Disclosures and Responding) Child Interview Models (Everson et al., 2020). The authors also responded to an email survey requesting additional information on instructional topics for this commentary.

Table 1 provides a summary of instructional topics taught by the seven training models related to the use of follow-up sessions. Two findings are especially pertinent. First, all seven training models teach in their basic five-day interview class that at least some children need more than one interview. They all agree therefore in principle that a strict single-session-only format is no longer accepted practice. Second, our field has begun the transition from the single-

session-only format to a more flexible variable-session format, but progress is slow. Several training models do not provide instruction during basic training on how to transition to or conduct follow-up sessions. Instead, they defer to a later advanced class for such instruction. Three training models do offer at least minimal instruction on follow-up interviews. This instruction varies from brief guidelines about stretching the single-session model across additional sessions (NCAC, Linda Cordisco Steele, personal communication, November 18, 2020) to almost a full half-day spent on selection criteria, transition strategies, outlines of different follow-up sessions, and role play practices (RADAR, Everson et al., 2020).

To summarize, the training models in Table 1 rightly recognize that all interviewers should be informed that a significant subset of children need more than one interview session to get at the truth in an allegation of abuse. However, most training models defer significant instruction on follow-up interviews to advanced courses at a later date and at additional cost. Thus, most forensic interview trainees graduate from basic training ill-prepared and ill-equipped to conduct ethical forensic interviews when child or case characteristics require more than one session. Unfortunately, most trainees will be immediately deployed to conduct frontline interviews.

Final Thoughts on Ethical Practice Among Forensic Interviewers

Whether one views the task before us as a challenge well within reach or as an objective that is unrealistic and unattainable, we have little choice but to proceed. We as a field must replace the one-session-only interview with a variable-session or multiple-session interview for all children and provide the time and resources for basic interviewer training on conducting multiple sessions.

The obstacles in replacing interview formats include funding for additional interview personnel, demands for the use of limited facilities and equipment, availability of MDT members to observe more than one session, and logistical constraints, including the travel demands on caregivers. Prosecutor resistance

Table 1. Instructional Topics on Follow-up Sessions in Basic and Advanced Interview.

Instructional Topics	APSAC	ChildFirst	Childhood Trust	Corner House	NCAC	NICHHD	RADAR
Follow-up session sometimes needed	B NA	B A	B A	B A	B A	B A	B A
Criteria for follow-up sessions provided	B NA	B A	B A	B A	B A	B A	B A
How to transition to follow-up	B NA	B A	B A	B A	B A	B A	B A
How to conduct follow-up session	B NA	B A	B A	B A	B A	B A	B A

B = Basic, 5-day interview class **A** = Advanced interview class **NA** = No advanced class ~~**B**~~ or ~~**A**~~ = No instruction at that level

to more than one interview session is also an issue in some jurisdictions. Many child advocacy centers and child abuse programs have already made the shift away from strict one-session formats so there is likely much we can learn from them. Some interview approaches that have been found effective include the use of hourly, contract interviewers to supplement staff interviewers, the scheduling of initial interviews in the morning with follow-up sessions, if needed, scheduled later in the day, and the use of virtual technology to allow remote viewing of live interviews by MDT members.

Limited training options are another obstacle to good ethical practice. The five-day, basic training schedule is already full before adding a single additional word about follow-up sessions. We may have to rethink what is required in the basic training curriculum. We must also establish cost-effective approaches for providing “advanced” training on the variable-session format to current interviewers who have only conducted single-session interviews.

Perhaps the greatest uncertainty going forward involves the question of leadership. Who is going to lead this reformation in forensic interview practice? Specifically, is this going to be a top-down or bottom-up effort? The leadership of our field has long been

aware of the serious limitations inherent in the single-session-only format (e.g., Elliot & Briere, 1994). However, our leadership (including protocol developers and training directors) has generally chosen to proceed slowly in addressing the problem. If our current leadership does not fully commit to the needed reforms, frontline interviewers may have to step up to take the lead. Ultimately, forensic interviewers may have to choose between aggressively advocating for comprehensive training and more child-centered forensic practice, or continuing to violate professional ethics to the detriment of a significant subset of the children they serve.

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