Reasonable Efforts

Finding Words in Court: The Forensic Interviewer as Expert Witness

By Victor Vieth

Introduction

In 1990, a child advocacy center in Minneapolis called CornerHouse developed one of the first forensic interview training programs in the United States. In 1998, the American Prosecutors Research Institute, the non-profit affiliate of the National District Attorneys Association, partnered with CornerHouse and presented its model on a national stage, calling the course Finding Words. Because the demand for the course was so great, APRI launched a new initiative entitled Half a Nation by 2010.

The idea behind Half a Nation was simple: if APRI could establish locally taught Finding Words courses in half the states by the end of the decade, thousands of professionals could be taught the art and science of interviewing children and hundreds of thousands of children would benefit. Armed with a million dollar grant from the Children’s Bureau of the United States Department of Health and Human Services, APRI established, or will soon establish the Finding Words curriculum in seventeen states. In order of admission, these states are: Minnesota, South Carolina, Indiana, New Jersey, Mississippi, Georgia, Missouri, Maryland, Illinois, West Virginia, Kansas, Ohio, Delaware, Arkansas, Virginia, Oklahoma, and Connecticut.

To date, over 3,000 child protection professionals have been trained through the state courses. If each of these professionals works with only 75 children per year for the next five years, then well over one million children will be impacted by the program by the close of this decade.

Research Supporting the Finding Words Model

Given the longevity of the CornerHouse program and its rapid dissemination throughout the country, it is likely the most field-tested forensic interview training program in the United States. In a recent commentary in Child Abuse and Neglect, Poole and Dickinson note that the CornerHouse/RATAC interviewing protocol taught in Finding Words shares “center stage” with the NICHD interviewing protocol and concludes that recent research can be cited to support both of these models.

A number of commentators have recognized the CornerHouse/Finding Words training program is research based. Indeed, over 150 peer-reviewed articles can be cited in support of various interviewing techniques taught in the Finding Words courses. In fact, one aspect of the course, instruction on the use of anatomical dolls, is based on a review of over 100 published articles on this forensic interviewing tool.

Through the administration of pre and post course essay examinations of 208 students attending state Finding Words courses, APRI researchers found “significant improvement in forensic interviewing knowledge, skills, and abilities of professionals, child protection workers, and law enforcement officers and empirical support for the efficacy of the Finding Words training program.”

In 2002, the Children’s Law Office of the University of South Carolina School of Law surveyed the 2001 graduates of Finding Words South Carolina and found that 80% of respondents believed the course had “greatly improved” the quality of their forensic interviews. Mississippi also did a follow up survey of its Finding Words graduates and found that most of the students responding to the survey were operating as part of multi-disciplinary teams, were interviewing children in a CAC or other child-friendly environment, and were videotaping their interviews.

When asked how the rate of prosecution had changed since attending the course, 16 students said the rate had increased, 7 said there was no change, and 18 were unsure. There is also published anecdotal evidence that the CornerHouse/Finding Words interviewing program can, when combined with other reforms, improve the rate of successful prosecution in cases of child abuse.

Case Law Recognizing the Validity of the CornerHouse/Finding Words Model

The most important measure of any interviewing course is whether its graduates will be recognized for their expertise in a court of law. To date, every appellate court reviewing the course has found that Finding Words graduates meet legal standards for testifying as experts on forensic interviewing issues.

There are over three dozen published and unpublished appellate opinions in Minnesota discussing interviews conducted by CornerHouse or those trained through CornerHouse. Several of these cases note the expertise of these interviewers.

In Georgia, the appellate court rejected a defense claim that a deputy sheriff trained through Finding Words was insufficiently trained to conduct a forensic interview. The court found the investigator had “taken specialized training courses in interviewing children in sex abuse cases… conducted the interview in a specialized, ‘child-friendly’ environment… and he employed a known method for interviewing child victims, the RATAC method…”

In Mississippi, the appellate court found a
Finding Words graduate was qualified to testify as an expert on forensic interviewing, agreeing with the state that the interviewer's testimony was "the product of reliable principles and methods..." In a concurring opinion, the court noted "Finding Words is a protocol for interviewing suspected victims of child abuse in a manner that is neutral and non-leading" and cited notes from North Carolina commentaries on the court concluding that Finding Words was a "gold standard" for "training in forensic interviewing." In South Carolina, the appellate court similarly ruled that a Finding Words-trained student is qualified to testify as an expert on forensic interviewing issues. Specifically, the court found the interviewer "received specialized training on the RATAC method, which is used on a nationwide basis and is nationally recognized for interviewing child victims of sexual crimes." The court rejected a defense claim that the expert testimony was offered to bolster the victim's credibility, finding the testimony was offered "as a measure to prevent a defense or argument that the victim's testimony was the result of police suggestiveness. The RATAC method was developed in response to concerns about child victims' testimony being tainted by police suggestiveness, as exemplified by State v. Michaels..."

Additional resources for growing the expertise of Finding Words graduates

One of the unique features of Finding Words is that graduates are not left alone. All of the graduates are eligible to participate in a web-based "bulletin board" where they can draw on the expertise of their colleagues in answering questions about emerging issues in forensic interviewing. Each year, APRI offers Beyond Finding Words, a national course to present the latest research and best practices in forensic interviewing. Graduates also receive the Half a Nation newsletter which keeps them abreast of ongoing training opportuni ties and new research.

In 2006, Winona State University and Montclair State University, with the assistance of APRI, will launch the Journal of Forensic Interviewing. This will be a peer-reviewed journal with a twist: it will be an on-line journal absolutely free to the world. It is our hope that, through this journal, relevant research will become readily accessible to front line interviewers everywhere.

Minnesota Governor Tim Pawlenty recently pledged 11.1 million dollars in state funds to construct a training complex that will be located at Winona State University, to be located at Winona State University, is ideally suited for the national Finding Words center, to be located at Winona State University and APRI to conduct research on the best practices of forensic interviewing. APRI also hopes to put a great deal of additional resources into the project. Congress recently authorized 37.5 million dollars in funds to sustain and grow APRI's child abuse programs. If Congress appropriates anything close to this amount, APRI intends to pour significant resources back into the state Finding Words programs.

Finally, and most importantly, it must be remembered that Finding Words is only one component of APRI's much larger initiative, entitled Unto the Third Generation, that has as its goal a significant reduction, if not elimination of child abuse in the United States over the course of three generations.

The train called Half a Nation is fueled by faith, labored with love, and carries with it the hopes and dreams of a million children. Any train so loftyly constructed, any train carrying such precious cargo, will make it all the way home.

1 Director, APRI's Child Abuse Programs (National Center for Prosecution of Child Abuse in Alexandria, Virginia; and National Child Protection Training Center on the campus of Winona State University)
2 Ersin Olafson, Introduction to New Series by Major Trainers: About Child Forensic Interviewing Training Programs, 15(1) APRI ADVISOR 2 (Winter 2003) (citing the CornerHouse model of one of the "leading programs")
8 CornerHouse is in the process of completing a comprehensive literature review detailing the articles supporting this model. The article will be completed and submitted for publication in 2006.
9 For an excellent and comprehensive summary of the research on anatomical dolls, see Kathleen Coquelle Furman, Anatomical Dolls: Their Use in Assessment of Children Who May Have Been Sexually Abused, 14(3) JOURNAL OF CHILD SEXUAL ABUSE 1 (2005).
12 Finding Words: Minnesota Follow-Up Survey Results, (on file with APRI).
14 Victor I. Vierci, In My Neighbor's House: A Proposal to Address Child Abuse in Rural America, 22 HAMLINE L. REV 143, 162, 182 (1998) (This article documents reforms implemented in a rural county in Minnesota over several years including a provision that investigators and prosecutors be trained through CornerHouse. After implementing these reforms, the County Attorney's Office "changed, con- victed, and imprisoned twice as many sex offenders as in the previous twelve years." Id. at 182. During the years 1994-1996, this county had the highest rate of determining child physical and sexual abuse per 1,000 children of any of Minnesota's 87 counties. Id.
15 See e.g. State v. Heldfand, 590 N.W.2d 341, 344-345 (1999) (detailing the expert opinions rendered by CornerHouse interviewers).
16 In re AH, 576 S.E.2d 247, 250 (Ga. Ct. App. 2003). See also, Baker v. State, 555 S.E.2d 899, 902 (2001) (finding that a videotaped forensic interview, conducted using the RATAC protocol, had the "required degree of trustworthiness to be admitted at trial.")
18 Id.
20 Id.
21 Shannon Fiecke, Pavlenty supports Renovation at HSU, WINONA DAILY NEWS 1A (January 14, 2006)
22 Shannon Fiecke, Congress OKs child protection training funds, 4A WINONA DAILY NEWS (December 20, 2003).

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