

**IN THE THIRTEENTH JUDICIAL CIRCUIT COURT
FOR HILLSBOROUGH COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER S-2005-153
(Supersedes Administrative Order S-2005-050)**

**INTERVIEWS OF ABUSE VICTIMS UNDER AGE 16
OR PERSONS WITH A DEVELOPMENTAL DISABILITY**

WHEREAS section 914.16, Florida Statutes, requires the chief judge to establish reasonable limits on the number of interviews of a victim under the age of 16 in child and sexual abuse cases arising out of sections 794.011, 800.04, or 827.03, Florida Statutes, or of a victim who is a person with a developmental disability in abuse cases arising out of sections 794.011, 800.02, 800.03, or 825.102, Florida Statutes; and

WHEREAS such limitations are necessary to protect victims from potential psychological damage of repeated interrogation; and

WHEREAS Chapter 39, Florida Statutes, assures that all children before the court because of abuse or neglect shall receive certain protection; and

WHEREAS Florida Rule of Criminal Procedure 3.220(h)(4) requires that the deposition of children under the age of 16 be videotaped unless otherwise ordered by the court; and

WHEREAS it is in the best interest of a victim who is under the age of 16 or who is a person with a developmental disability to limit the number of interviews of the victim in abuse cases; and

WHEREAS Florida law establishes that the Court has control of its own records; and

WHEREAS these considerations are balanced with the rights of the public and the person charged with a violation of the law; and

WHEREAS it is more efficient and effective to record interviews on digital video disks ("DVDs") instead of on videocassette tapes; it is therefore

ORDERED:

The following procedures shall apply to interviews of victims who are under the age of 16 or who are persons with a developmental disability in child abuse, disable adult abuse, child sexual abuse and disabled adult sexual abuse cases:

1. **Definitions**

For purposes of this administrative order, the following terms have the following meanings:

“DCF” means the Department of Children and Family Services and, if contracted to perform child protective investigations under section 39.3065, Florida Statutes, the Hillsborough County Sheriff.

“Interview” means any procedure in which the victim is required to provide a detailed account or demonstration of the nature and circumstances of the abuse, but this definition does not include a history obtained for the purposes of medical or psychological diagnosis or treatment or an initial contact with the victim by law enforcement or DCF to assess the validity of the complaint or the need to take protective measures on behalf of the victim. If the assessment can be made without the necessity of obtaining a statement from the victim, such shall be the preferred procedure. “Interview” does not include the taking of a deposition.

2. **Officer Training**

All law enforcement agencies within the Thirteenth Judicial Circuit are hereby requested and urged to implement appropriate training of officers in the area of child abuse investigations and to put in place, where not already in existence, standard operating procedures for conducting the investigation of all child abuse, disabled adult abuse, child sexual abuse and disabled adult sexual abuse cases.

3. **Medical History**

A medical history of a victim for the purposes of a forensic medical examination or for psychological diagnosis or treatment should be limited to that which is necessary to facilitate the forensic medical examination of the victim or the diagnosis and indication of treatment for any psychological concern, and not for law enforcement purposes.

4. **Coordination of Investigations**

All parties and agencies involved in the investigation and prosecution of all cases of abuse involving a victim who is under the age of 16 or who is a person with a developmental disability should coordinate their investigations so that the number of interviews of the victim is limited. To

the extent possible, the Child Protection Team, the Guardian ad Litem Program, and whatever agency is designated to conduct medical examinations of a victim of child sexual abuse shall rely on the interview of the victim conducted jointly by the representatives of law enforcement, DCF, and the Children's Justice Center. A criminal investigation shall be coordinated, whenever possible, with the child protection investigation of DCF. *See* section 39.306, Florida Statutes.

5. Limitation on Number of Interviews

The number of interviews to be conducted of a victim who is under the age of 16 or who is a person with a developmental disability should be limited as follows:

- A. Two interviews by the investigating law enforcement agency including an initial interview by a specially designated and trained child abuse investigator, and a follow up interview by a specially trained detective or a trained Children's Justice Center interviewer only if necessary, and such additional interview being limited in scope as much as possible to assure minimal impact on the victim;
- B. One interview by a member of the State Attorney's Office Sexual Offender Division, plus a subsequent contact to prepare the victim for defense depositions, if scheduled, a subsequent contact to prepare the victim for trial testimony if the victim is to testify and any additional contacts necessary to address litigation issues; and
- C. One interview by DCF, unless such interview is conducted jointly with law enforcement.

6. Additional Interviews

Additional interviews may be allowed by order of the trial judge upon a showing of good cause. Additional interviews shall be limited in scope as much as possible to assure minimal impact on the victim.

7. Setting, Manner, Timing and Location of Interviews

All interviews shall be conducted in a setting and manner intended to minimize the traumatic effects of the interview on the victim who is under the age of 16 or who is a person with a developmental disability. The interviews by law enforcement, the State Attorney's Office, and DCF shall be held as soon as practical after notification of the alleged abuse. Recorded interviews should be conducted at the Children's Justice Center or another appropriate facility as designated by the chief judge.

8. Interviewer

Any individual who conducts any interview shall be specifically trained in techniques for interviewing victims who are under age 16 or who are persons with a developmental disability. The interviewer may be from one of the following: the Children's Justice Center, law enforcement, DCF, the State Attorney's Office, or as specified in the Child Protective Investigations of Sexual Abuse Protocol and approved by the chief judge.

All interviews should be conducted by one individual regardless of whether more than one agency or individual is requesting the interview. This procedure does not preclude any proper agency or individual requesting the interview from having questions necessary for their investigation asked of the victim.

9. Recording of Interview

All interviews conducted at the Children's Justice Center shall be recorded on two original digital video disks ("DVDs"), or on one original DVD while simultaneously producing a digital electronic recording for electronic storage. One original DVD shall be designated the "Court DVD" and sealed to verify authenticity and for use in court. The other original DVD or the digital electronic recording shall be maintained by the Children's Justice Center or the Court Business Center for purposes of review by the State Attorney's Office, DCF, or law enforcement.

10. Maintenance of Recordings

Both original DVD recordings shall be kept in accordance with procedures established by Florida Statutes, the Children's Justice Center, and the Administrative Office of the Courts. All original videotapes of any interviews recorded pursuant to previous administrative orders shall also be kept in accordance with these procedures. These procedures shall be precise and uniform to establish a proper chain of custody.

11. Investigative or Prosecutorial Copy of Recordings

Upon request of the appropriate law enforcement agency, the State Attorney's Office, or DCF, a copy of the DVD, videotape or digital recording will be produced for the respective entities to assist in their investigations and prosecutions and to enable compliance with discovery

obligations. Any such request should be made to the Children's Justice Center. The Children's Justice Center shall instruct the Court Business Center to duplicate the original recording, and requesting representatives of the respective entities shall execute an acknowledgment that the recording was received. Any recording released to any of these entities shall remain confidential to the extent provided by the Florida Statutes and shall be returned to the Children's Justice Center for storage or destruction when no longer needed by the respective entities. The Court Business Center is not authorized to release copies of any DVD, videotape or digital recording unless specifically instructed to do so by representatives of the Children's Justice Center.

12. Duplication of Recordings

Any person who is in possession of any original recording or any copy released pursuant to this administrative order or through discovery shall not duplicate it for disclosure to anyone, without prior written order of the court. However, duplicates of copies of recordings may be made by the State Attorney's Office for compliance with its discovery obligations under Florida Rule of Criminal Procedure 3.220 without an order of the court. Duplicates may also be made for discovery purposes under Florida Rule of Juvenile Procedure 8.245 without such order of the court. Any other requests for duplicates should be made to the Children's Justice Center, and the requesting party shall pay the costs associated with the production of the duplicate. All Florida Statutes relating to confidentiality of child abuse records, including section 39.202, shall apply to the original recordings and any and all duplicates.

13. Depositions

All discovery depositions of victims or witnesses under the age of 16 taken pursuant to Florida Rule of Criminal Procedure 3.220(h)(4) or Florida Rule of Juvenile Procedure 8.245(e) should be conducted at the Children's Justice Center.

14. Sanctions

Failure to abide by the procedures set forth in this administrative order may result in sanctions as allowed by Florida law. Upon notification of violation of this order, the court shall hold a hearing to determine whether violations occurred and impose appropriate sanctions.

15. **Previous Administrative Order Superseded**

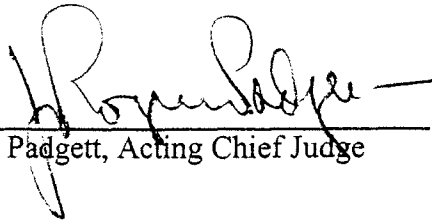
This administrative order supersedes Administrative Order S-2005-050.

16. **Effective Date**

This administrative order is effective October 1, 2005.

DONE AND ORDERED in Chambers at Tampa, Hillsborough County, Florida on this

15th day of September, 2005.



A handwritten signature in black ink, appearing to read "J. Rogers Padgett", is written over a horizontal line.

J. Rogers Padgett, Acting Chief Judge

Original to: Pat Frank, Clerk of the Circuit Court
Copy to: All Circuit Criminal Judges
All Family Law Judges
All Juvenile Judges
Michael L. Bridenback, Court Administrator
Mark Ober, State Attorney
Julianne Holt, Public Defender
David Gee, Hillsborough County Sheriff
Stephen Hogue, Chief of Police, Tampa
Bill McDaniels, Chief of Police, Plant City
A.L. Tony Velong, Chief of Police, Temple Terrace
Bill Navas, Attorney General's Office
Children's Justice Center