



United States Air Force

Report to Congressional Committees

Report on the Use of the Forensic Experiential Trauma Interview (FETI) Technique within the Department of the Air Force

October 2015

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Introduction

This report is provided to the congressional defense committees as directed on page 132 of Senate Report 114–49, accompanying the National Defense Authorization Act for 2016.

Forensic Experiential Trauma Interview

The U.S. Army Military Police School is training the next generation of Army criminal investigators and judge advocates in the Forensic Experiential Trauma Interview (FETI), a technique that utilizes the latest information about the parts of the brain that experience trauma, including sexual assault trauma. Because stress and trauma routinely interrupt the memory process, FETI techniques are an important investigatory tool that reduces the inaccuracy of the information obtained from trauma victims, increases the confidence of assault survivors to participate in the criminal justice system, and increases the likelihood of successful criminal convictions without re-victimizing survivors in the way that traditional interviews can. The FETI technique also enhances the questioning of suspects, who frequently provide more useful information than would be obtained using traditional interrogation techniques. Bringing the latest science to the fight against sexual assault provides criminal investigators a better way to relate to the survivors' experience, to identify sex offenders, and to hold them accountable.

In light of the demonstrated value of FETI, the committee directs the service secretaries to submit a report to the Committees on Armed Services of the Senate and the House of Representatives not later than August 31, 2015, that describes how widely FETI training has been provided to criminal investigators and judge advocates of that Service and plans for future training. If any service is not utilizing FETI training, the report should include an explanation of the Service's decision to not employ FETI and a description of the alternative training and techniques used by that Service.

The committee believes that the U.S. Army is a leader in effective interviewing techniques of sexual assault survivors and recommends that the U.S. Army Military Police School, upon the request of other federal agencies, facilitate FETI training of members of that agency whenever possible.

Finally, the Department of Defense's Sexual Assault Prevention and Response Office (SAPRO) has demonstrated sustained effort to eliminate sexual assault in the Armed Forces. The committee encourages SAPRO to incorporate FETI best practices on how to deal appropriately with sexual assault survivors into all levels of SAPRO's sexual assault prevention and response training.

Executive Summary

The following report is respectfully submitted to the Senate and House Committees on Armed Services, as directed on page 132 of Senate Report 114-49, accompanying the 2016 National Defense Authorization Act. The objectives of this report are: (1) to describe how widely the “Forensic Experiential Trauma Interview” (FETI) method has been trained and used by Air Force criminal investigators and judge advocates, including plans for future training and utilization; (2) if not utilizing FETI, provide an explanation of the Air Force’s decision not to employ FETI; and (3) if not utilizing FETI, provide a description of the alternative training and techniques used by the Air Force. This report includes five important attachments, written by Subject Matter Experts, which are integral to this document and thus should not be separated from this report.

U.S. Air Force sexual assault investigators and Air Force judge advocates are trained to use the Cognitive Interview technique for interviewing victims of sexual assault. The Air Force does not train or utilize the Forensic Experiential Trauma Interview (FETI) technique, and has no plans for training or utilizing FETI in the future. The decision to select the Cognitive Interview, and to eliminate FETI as an option, was the result of exhaustive research conducted by the Air Force Office of Special Investigations (AFOSI) subject matter experts, including AFOSI’s cadre of investigative psychologists, and consultation with some of the world’s leading experts in the areas of law enforcement interviewing and sexual assault matters.

Air Force judge advocates attend AFOSI’s Sex Crimes Investigations Training Program, where they are taught the Cognitive Interview. Since 2013, approximately 113 Air Force judge advocates have also attended the U.S. Army Military Police School’s Special Victim’s Unit Investigations Course, where they are exposed to FETI as part of the curriculum. Their participation in the Army course, however, is to expand their exposure and experience on various sexual assault topics, not specifically to endorse, learn or use FETI.

Given the lack of empirical evidence on FETI’s effectiveness, and the large number of investigative, professional and scientific concerns regarding FETI and FETI training, the Air Force does not consider FETI as a viable option for investigative interviewing. We believe it would be inappropriate and irresponsible to discontinue the use of a robust, well-studied, effective, and empirically-validated interviewing method that is supported by the latest scientific research (the Cognitive Interview), in favor of an interviewing method that is loosely-constructed, is based on flawed science, makes unfounded claims about its effectiveness, and has never once been tested, studied, researched or validated (FETI). Many of the unsupported claims about the effectiveness and “demonstrated value” of FETI are reflected in the language of Senate Report 114-49, page 132, in spite of the fact that there is no demonstrated evidence of its effectiveness.

Report

1. Selection Process. In an effort to improve its methods for interviewing victims, witnesses and subjects of sexual assault, and to improve its training of those who investigate sex crimes, AFOSI did extensive research and consulted with some of the world's leading experts on law enforcement interviewing techniques and experts in sexual assault matters, including criminal investigators, practitioners, academics, researchers, and forensic psychologists from the United States and the United Kingdom. AFOSI also sent two special agents and two investigative psychologists to audit and assess the Army's Special Victim Unit (SVU) training course, where the FETI method is taught.

2. Investigative & Psychological Expertise. This exhaustive effort was spearheaded by a team of experienced AFOSI investigators and AFOSI's in-house cadre of highly experienced, licensed, Investigative Psychologists with extensive expertise in the areas of child and adult sex crimes, sexual assault, trauma, investigative interviewing, neuropsychology, victimology, psychological assessment, memory and cognition. AFOSI's psychologists have doctoral degrees, and have also completed post-doctoral fellowship training in forensic psychology. They provide direct consultation to criminal investigators in the field, assist in the selection and validation of interviewing methods and other investigative tools, develop and provide training to criminal investigators on a full range of psychological factors relevant to investigations. AFOSI and NCIS are the only agencies within DOD who have for many years utilized dedicated investigative psychology expertise. AFOSI psychologists played a key role in creating and teaching AFOSI's Sex Crimes Investigations Training Program (SCITP), which trains both AFOSI special agents and Air Force judge advocates.

3. The Cognitive Interview. AFOSI selected the Cognitive Interview as the preferred, most effective and most responsible method for interviewing victims of sexual assault. Key reasons for selecting the Cognitive Interview include: the fact that it has been extensively developed and studied for over 30 years; has been empirically demonstrated to obtain the greatest quantity and accuracy of information as compared to other law enforcement interviewing techniques; uses non-suggestive open-ended questions; is rapport-based, victim-centric, and sensitive to the impact trauma may have on the victim; is specifically designed and based on scientific knowledge of how memory works; and utilizes sensory cues to help victims remember events with the greatest detail and accuracy without contamination or being influenced by the interviewer.

a. The Cognitive Interview was first developed by Dr. Ron Fisher and Dr. Ed Geiselman in the early 1980's. The approach was further refined and in 1992 Fisher and Geiselman published an enhanced version of the Cognitive Interview. Since then, the Cognitive Interview has undergone exhaustive study and further development, leading to the robust method adopted by AFOSI. The method has been extremely successful in helping witnesses and victims recall important detailed information about past events, and thus has been adopted and customized for use in a number of investigative contexts, including, for example, aircraft and other transportation accident investigations. It is increasingly being adopted world-wide by law enforcement agencies that are recognizing the limitations of traditional methods. The United Kingdom, for instance, has not only adopted the Cognitive

Interview but has established a tiered training program, with sexual assault interviewers receiving the highest tier of training. Common and accepted approaches to forensic child interviewing, such as those used by AFOSI, are based on the same underlying principles as the Cognitive Interview.

b. The Cognitive Interview is a very robust and cohesive methodology, founded on sound theory and empirical evidence of its effectiveness. Publications on the Cognitive Interview are extensive, including numerous books, chapters in books, and hundreds of scientific journal articles. Research studies have consistently demonstrated that interviewers obtain significantly greater quantity, quality and accuracy of information using the Cognitive Interview (which uses rapport, open-ended questions, free recall, context reinstatement, sensory cues, and various memory-enhancing mnemonics), as compared to traditional law enforcement interview techniques (most of which rely primarily on question-and-answer methods to collect information).

c. The Cognitive Interview includes a framework for building rapport and communicating effectively with the interviewee. The entire process is centered on the interviewee, as the interviewer allows the interviewee to control the flow of information; describing events in his/her own way. The interviewer's role through most of the interview is to be a facilitator, as specific questions are left to the latter phases of the interview. After establishing rapport and describing the interview process to the interviewee, the interviewer begins the first phase of the interview by using open-ended questions, and then actively listens without interrupting the interviewee. The second phase involves context reinstatement, where the interviewee is encouraged to mentally reconstruct the physical and personal context that existed at the time of the event. Context reinstatement is enhanced by instructing the interviewee to recall what they could hear, see, smell, taste and feel at the moment of the event. This is followed by the interviewee's free narrative account of the incident. The interviewer reminds the interviewee at this point of the importance of providing a detailed account by reporting everything he/she can recall, even if it is partial or incomplete. The interviewee is allowed to recall details exactly as they come to mind, starting at any point, even if it is not in chronological order. The interviewer requests that the interviewee not guess or fabricate if he/she is unable to remember, but rather simply tell the interviewer that he/she does not know or does not remember. Following the free narrative, the interviewer then questions the witness about specific details, facilitated by the use of focused memory techniques, which involve instructing the interviewee to concentrate on mental images of various parts of the event and using these images to guide recollection. The interviewer may use one or more memory retrieval techniques or cues, as different retrieval cues may access different aspects of an event. For instance, interviewees may be instructed to recall the event from a variety of perspectives (from their own perspective and from the perspective of others), to recall the event in a reverse chronological order, or to draw an image of the event. Interviewers may use other techniques that have shown to enhance one's ability to recall further details. In the final phase of the interview, the interviewer presents a verbal summary of the information reported by the interviewee during the interview, instructing the interviewee to verify that the information captured is accurate. In conclusion, the interviewer requests that the interviewee please immediately contact the interviewer if he/she recalls any additional information in the future.

4. The Forensic Experiential Trauma Interview (FETI). AFOSI does not utilize FETI for many reasons—key reasons will be summarized within the next few paragraphs, followed by more extensive expert reviews. The total absence of supporting research or professional literature would normally eliminate any technique from serious consideration by AFOSI, because it is impossible to properly assess a method that relies strictly on anecdotes and testimonials to “prove” its effectiveness. However, given that the Army had adopted FETI, AFOSI decided to conduct its own assessment of FETI by reviewing training materials and auditing the FETI training course. AFOSI’s psychologists conducted an analysis on the various scientific claims made by FETI, as well as the training approaches used. Finally, AFOSI contacted leading subject matter experts to independently review the FETI training materials, as well as other documents written by the developer of FETI. These experts agreed to conduct independent reviews, and their written reviews are attached to this report. The following paragraphs summarize the Air Force’s concerns about the FETI method and the FETI training course.

a. Development. Before deciding to develop a new method, it is imperative to first thoroughly research and understand existing methods, and if empirical evidence demonstrates that the best available methods are inadequate or insufficient, only then embark on either improving upon existing methods or developing a new one, based on sound principles and a firm theoretical foundation. The development of FETI did not take into consideration the latest advances in investigative interviewing techniques or the ever-growing body of research on the effectiveness of those techniques. As a result, FETI is a rather loosely-organized method that incorporates a mixture of legitimate, well-validated concepts and techniques with other techniques that have never been validated. Rather than properly assessing and building upon the most successful existing law enforcement interview methods, FETI relies upon the principles and techniques of critical incident stress debriefing (CISD) and forensic child interviewing. Aside from the fact that CISD was not developed for investigative purposes, it appears that no consideration was given to the research suggesting the potential detrimental effects of CISD. FETI did, however, adopt some well-established Cognitive Interview concepts and techniques, although the developer suggests that these techniques are unique to FETI and were not adopted from the Cognitive Interview. Additionally, consideration of the scientific research on trauma, memory, and neurobiology appear to have been minimal, selective, and somewhat outdated, leading to inaccuracies used to justify components of FETI.

b. Empirical Validation. The developer of FETI makes repeated claims about the effectiveness, success and superiority of FETI as compared to other law enforcement interviewing methods. However, these claims are supported only by anecdotes and testimonials. Unlike Cognitive Interviewing, there is no evidence supporting the effectiveness of FETI, no literature or validation of its methodology, no clearly-articulated description of the underlying principles upon which it is constructed, and no scientific analyses or empirical studies. While FETI does incorporate valuable Cognitive Interview techniques (rapport, open-ended questions, avoid leading questions, use of sensory cues to enhance recall) that have been well-studied and shown to be effective, it cannot, however, be generalized from these techniques that the entire FETI method is effective. In fact, existing research raises questions regarding some of the other components of FETI, particularly its

scientific claims. AFOSI cannot adopt FETI or any other method that has not been appropriately studied, particularly when there are successful, empirically validated methods already available.

c. Science. Subject matter experts (whose reviews of FETI are included below) raise concerns regarding the inaccurate and misleading scientific claims made by FETI. FETI training materials make broad assumptions and generalizations about the emotional, cognitive and psychological state of mind of victims of sexual assault, about trauma, memory and neurobiological processes. Claims about FETI do not reflect the state of current scientific understanding about memory creation, processing, storage and retrieval. There is no evidence to support the assertion that FETI interviews “the more primitive portions of the brain” (the brainstem) as opposed to “the cognitive brain,” or that it elicits what FETI refers to as “psychophysiological evidence” of trauma. There is no evidence that FETI produces emotional reactions any differently than other interview protocols, or that these reactions can serve as evidence to discriminate between those who have or have not been sexually assaulted. The expert reviews below provide more detailed discussion about the flaws in FETI’s scientific claims, along with references to supporting research. AFOSI cannot endorse FETI or any other method that is not founded on good science and sound psychological principles.

d. Best Practices & Admissibility. FETI does not have widespread acceptance within the forensic and law enforcement community and cannot be considered a best practice. Although we are unaware at this time of any court admissibility challenges to FETI-based testimony, expert reviewers have expressed concerns about the potential of such challenges, which could jeopardize the effective prosecution of sexual assault cases. FETI is described as a technique to collect nonphysical (“psychophysiological”) evidence, and thus, just like techniques that collect physical evidence, can be subjected to admissibility challenges in courts of law. There are clear standards for the admissibility of scientific evidence in court. It is important to conduct interviews that adhere to best practice community standards. FETI does not represent a commonly accepted practice; FETI does not have a known rate of error; and there is no scientific literature by which to assess its validity.

e. Training Practices. During their onsite evaluation of the FETI training, AFOSI special agents and psychologists observed some training practices that were concerning. Most significant was that investigators who are students in the course are required to describe their own personal traumatic experiences during training practice interviews, where students interview each other while observed by other students. We believe it is unnecessary, inappropriate and unethical to require students to reveal emotional personal information in front of their colleagues as well as strangers. Perhaps most egregious and ethically worrisome, was that to demonstrate the FETI technique, the instructor used a female agent attending the course to recount, in front of the class, her personal experience of acquaintance rape and of child sexual abuse. The AFOSI psychologists confronted the instructor after the demonstration, expressing their concerns that the student may have been publicly re-victimized by the demonstration. AFOSI strongly opposes the use of agents’ personal trauma experiences as fodder for interview demonstrations.

f. Academic & Professional Integrity. As senior law enforcement professionals, we are entrusted with great responsibilities that impact policies, procedures, training and operations. Our titles, positions, ranks, degrees, education and experience, all influence others to see us as credible experts; they trust what we say and rarely question the validity of our statements. We must have integrity, therefore, not to claim or imply expertise in matters outside our areas of competence. AFOSI has significant concerns about the academic and professional integrity of some of the practices associated with FETI. For example, the developer and key instructor of FETI holds the title of "Chief, Behavioral Sciences," though he has no formal training or degree whatsoever in the behavioral sciences. Such a title is misleading, is a misrepresentation of his expertise, and lends false credibility to his statements. A large portion of his instruction covers scientific topics and he makes definitive claims regarding the scientific foundations of FETI, yet he does not have the credentials to present on those topics nor the expertise to make such scientific claims. Both the instructor and the training materials make repeated claims about the effectiveness of FETI, without providing any proof. FETI is aggressively marketed as a new and unique method, described as "a game-changer" and "a paradigm shift," yet some of FETI's most prominent "features" have in fact been central features of the Cognitive Interview for over 30 years. While it is perfectly acceptable to integrate a variety of effective techniques into a protocol, it is not acceptable to re-package those techniques under a different name and take credit for their development. Furthermore, the developer of FETI has made verbal and written comparisons of FETI and the Cognitive Interview which are completely incorrect. He has publicly stated at various conference and training venues, that Cognitive Interviewing is "harmful to victims," a claim that is completely false. This claim has been quoted by FETI supporters who have falsely stated that the very research conducted by the developers of the Cognitive Interview has shown that it is harmful to victims, a claim which is not only false, but actually contradicts the facts. AFOSI's credibility as an investigative agency depends not only on the quality of its investigations, but on the integrity of its practices; we will not support any program that engages in practices that are misleading, misrepresent the facts, and exhibit lack of integrity.

5. This report is accompanied by five important attachments which are considered integral. The attached documents consist of independent professional and scientific reviews of FETI conducted by subject matter experts in the fields of law enforcement investigative interviewing techniques, criminal investigations, forensic psychology, forensic psychiatry, sexual assault, trauma, memory and other related topics. The subject matter experts include the following individuals:

- Attachment 1: Christian A. Meissner, PhD
Iowa State University
- Attachment 2: Charles A. Morgan, MD, MA
University of New Haven
- Attachment 3: Susan E. Brandon, PhD & Sujeeta Bhatt, PhD
High-Value Detainee Interrogation Group
- Attachment 4: Daniel J. Neller, PsyD, ABPP (Forensic)
Directorate of Psychological Operations, U.S. Army Special Operations Cmd
- Attachment 5: Linda S. Estes, PhD & Jeane M. Lambrecht, PsyD, Major, USAF
Air Force Office of Special Investigations

Conclusion

U.S. Air Force sexual assault investigators and Air Force judge advocates are trained to use the Cognitive Interview technique for interviewing victims of sexual assault. The Air Force does not train or utilize the FETI technique, and has no plans to do so in the future. The decision to select the Cognitive Interview, and to eliminate FETI as a viable option, resulted from exhaustive research and consultation with leading subject matter experts. The Cognitive Interview is a very robust, well-studied, effective, empirically-validated interviewing method that is supported by the latest scientific research. In contrast, FETI has never been empirically studied or validated. Given the lack of any empirical evidence on FETI's effectiveness, and the large number of investigative, professional and scientific concerns about FETI and FETI training, the Air Force does not consider FETI as a viable option for investigative interviewing.

In addition to providing the attached subject matter expert reviews, AFOSI will gladly provide any additional supporting documents requested by the Committees.

Respectfully,



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Attachment 1

Subject Matter Expert Review of FETI

by

Christian A. Meissner, PhD

Iowa State University

Review of the Forensic Experiential Trauma Interview

*Christian A. Meissner, Ph.D.
Professor of Psychology
Iowa State University*

I have been asked by the Air Force Office of Special Investigations (AFOSI) to provide a scientific review of training materials related to the Forensic Experiential Trauma Interview (FETI) developed by Russell Strand and colleagues at the Behavioral Sciences Education & Training Division of the U.S. Army Military Police School (Fort Leonard Wood, MO). It is my understanding that the U.S. Senate (in its reporting language for the 2016 National Defense Authorization Act) has encouraged the training of FETI for all Department of Defense investigators who interview in sexual assault cases. I was provided with a Course Handbook for the *Special Victims Unit Investigations Course*, as well as related training slides describing the FETI protocol.

I am a cognitive psychologist who conducts research in the areas of memory, interviewing, interrogation, and credibility assessment. Given my areas of expertise, I have restricted my review to those aspects of the FETI protocol and training that are related to psychological mechanisms, and to specific interviewing tactics used with victims, witnesses, and subjects. My review focuses on three facets of the protocol – i) the effects of traumatic events on memory, ii) claims regarding the effectiveness of the Forensic Experiential Trauma Interview, and iii) the relationship between FETI tactics and other empirically based interview protocols.

This review is offered to assist AFOSI in their assessment of the FETI protocol and associated training materials. Any observations or conclusions provided herein are those of the author. This review is offered freely and absent any promise or expectation of remuneration by AFOSI.

The effects of traumatic events on memory:

FETI course materials offer a review of research on the effects of traumatic events on memory. The authors purport that the “neurobiology of memory and psychological trauma” is central to their proposed interviewing approach. Hopper (Dec 2012) emphasizes (1) the impact of trauma on the prefrontal cortex, (2) differences in neurobiological responses to the event between the perpetrator and victim, (3) the influence of trauma on memory (including discussion of the neurobiological mechanisms, and various facets of attention and memory such as encoding and retrieval processes, top-down and bottom-up processing, and implicit vs. explicit memories), and (4) the implications of this information for conducting sexual assault interviews (including the behavioral symptomatology that traumatic events may reveal in victims). Much of Hopper’s material is reflected in Strand’s FETI training slides, though Strand further emphasizes the

importance of peritraumatic dissociation and tonic immobility - the former is purported to lead to disorganized memory production.

My review of available research literature suggests that the information provided by Hopper (Dec 2012; see also Lisak, 2009) and reflected in Strand's FETI training slides is selective, somewhat outdated, and at times inaccurate. The authors' claims regarding the neurobiological mechanisms of trauma and memory are primarily situated in a clinical literature that is focused upon populations with a confirmed diagnosis or clinical symptomatology (such as post-traumatic stress disorder). Theoretical models have posited causal connections between dissociation, trauma exposure, and memory processing, including the neurobiological underpinnings of the proposed associations (Bremner, 2000, 2003; Lanius et al., 2010); others have disputed the empirical links therein (Giesbrecht, Lynn, Lilienfeld, & Merckelbach, 2008). Central to such theories, Hopper and Strand note that traumatic events lead to memory fragmentation and disorganization that is mediated by peritraumatic dissociation. However, a recent meta-analysis by Bedard-Gilligan and Zoellner (2012) found no consistent empirical evidence of an association between dissociative experiences and objective measures of memory fragmentation.

Hopper (Dec 2012), Lisak (2009), and Strand's claims that the "cognitive brain" (i.e., the prefrontal cortex) is impaired during traumatic events (leading to only perceptual encoding of information) are at best exaggerated and at worst misleading. Instead, the available research suggests that chronic stress or trauma (associated with PTSD and/or depression) can both impair and facilitate the functioning of prefrontal cortex and hippocampal regions, while producing heightened activity in the amygdala (cf. Brewin, 2001; Hoscheidt, Dongonkar, Payne, & Nadel, 2013). The neurobiological mechanisms that influence cognitive processes during traumatic events (encoding, consolidation, and retrieval from long-term memory) are well understood at the biochemical level, including subcortical pathways involving the hippocampus, amygdala, and thalamus, as well as the sensory and association cortices (for a review, see Hoscheidt et al., 2013). The degree of negative emotion and stress experienced by any individual in response to a threatening or traumatic event can vary considerably, including sexual assault incidents. In fact, the degree of negative emotion and stress experienced appears to play a prominent role in moderating the resulting biochemical and neurobiological activity that influences encoding and (subsequent) retrieval of event-relevant information. A recent review of this literature by Hoscheidt and colleagues notes that low to moderate levels of emotion can actually facilitate the encoding (and subsequent retrieval) of information, particularly negative emotional content, through the release of norepinephrine and activation of both amygdala and hippocampal regions. In contrast, intense emotion and stress can lead to the release of cortisol, which produces dissociative effects – involving heightened activation of the amygdala and inhibition of the hippocampus. At the same time, complex interactions between cortisol and norepinephrine released under conditions of intense stress can at times produce activation in the hippocampus and facilitate the encoding emotionally relevant information. In short, "cognitive brain" structures (as described by Hopper and Strand) continue to function and may be differentially impacted by negative emotional states and (intense) stress at the time of encoding – producing quite varied effects on memory.

Hopper (Dec 2012) describes differences in the neurobiological responses of perpetrators and victims during a sexual assault. I know of no empirical research that might validate the claims made by the author (e.g., that perpetrators are not traumatized or stressed during the assault and that their prefrontal cortex is in control; or that victims don't retain the ability to problem solve and are controlled by the behavior of the perpetrator). The only exception relates to research on the influence of alcohol intoxication on memory (see Mintzer, 2007), with larger effects on the reporting of peripheral details and more conservative reporting of information, in general (Schreiber Compo et al., 2011; Van Oorsouw, Merckelbach, & Smeets, 2015). It should be noted that not all studies have consistently observed the proposed negative effects of alcohol on eyewitness memory (Karlén et al., 2015; La Rooy, Nicol, & Terry, 2013); as this literature matures, systematic review and meta-analysis of the literature appears warranted.

Basic memory concepts described by Hopper (Dec 2012) and depicted in Strand's FETI training slides are often incorrectly or inaccurately defined, including distinctions between implicit and explicit memory, types of explicit memory, bottom-up and top-down processing, and retrieval inhibition.

Taken together, I have serious concerns regarding the clinically-based "foundation" upon which Hopper (Dec 2012), Lisak (2009), and Strand base their proposed interview approach, including their understanding of the available research and its relevance and application to a forensic interview context.

Claims regarding the effectiveness of the Forensic Experiential Trauma Interview:

In the training materials provided by AFOSI, Strand (undated) offers a review of the Forensic Experiential Trauma Interview (FETI). This document reviews the purported neurobiological processes (discussed above and by Hopper, Dec 2012; Lisak, 2009) regarding the brain's response to trauma and its resulting impact on memory as a basis for the proposed interview method. As these claims have been addressed above, I will turn now to other evidence that Strand offers supporting the effectiveness of FETI.

Strand claims that FETI's focus on interviewing "the more primitive portions of the brain" both reduces inaccuracy in the recall of event details by the witness and increases understanding of the event and testimony provided. He describes FETI as a "highly effective technique for victim, witness, and some suspect/subject interviews". Strand further claims that the method has resulted in "reports of better victim interviews by those who have used it" and that the process "obtains significantly more information about the experience, enhances a trauma victim's ability to recall, reduces the potential for false information, and allows the interviewee to recount the experience in the manner in which the trauma was experienced." A thorough search of the available research literature yielded no published, peer-reviewed studies on the efficacy or effectiveness of FETI. The supporting materials developed by Strand and colleagues provided no empirical evidence to support these claims of effectiveness – no experimental or field studies have been offered comparing the effectiveness of FETI to either existing practice or other comparable

methods developed within the empirical literature (e.g., the Cognitive Interview or the NICHD Child Investigative interview Protocol). Only anecdotal claims (testimonials) are provided to bolster some degree of efficacy and relevance to forensic practice – an insufficient basis upon which to rest claims of effectiveness.

Strand claims that FETI was adapted from principles that inform critical incident stress debriefing and techniques used in forensic child interviews. No references are offered and no further description is provided regarding the specific relationship between FETI and these other approaches. The NICHD (Child) Investigative Interview Protocol (Orbach et al., 2000; Sternberg et al., 2001) was developed by researchers as an effective interview method to use with child victims and witnesses. Empirical reviews of the studies that have assessed the NICHD Interview Protocol suggest it is highly effective approach (see Benia, Hauck-Filho, Dillenburg, & Stein, 2015). Such interviews involve a structured protocol that encourages the use of open-ended questions and minimizes the use of suggestive or leading prompts. FETI, as described by Strand, appears to borrow similar interviewing tactics – tactics that have been shown to be effective in increasing recall and reducing the reporting of inaccurate information. In contrast, critical incidence stress debriefing (CISD) is premised upon the clinical notion that people who have experienced a traumatic event should be offered an opportunity to air their feelings as soon as possible to avoid developing PTSD symptomatology. Victims are typically asked to describe the traumatic event from their own perspective, to express their thoughts and feelings about the event, and to share any physical or psychological symptoms they are experiencing. Elements of CISD can be seen within the FETI protocol, including asking the individual how the experience affected them physically and emotionally, and what the most difficult part of the experience was for them. While proponents of CISD contend its effectiveness as a therapeutic intervention, empirical evaluation of the protocol suggests that the technique may actually impede the recovery process – leading to a higher incidence of PTSD symptoms and increasing anxiety and depression (Carlier, Voerman, & Gersons, 2000; McNally, Bryant, & Ehlers, 2003; for a meta-analytic review see Rose, Bisson, Churchill, & Wessely, 2002).

Strand claims that the FETI protocol produces psychophysiological evidence of trauma. Specifically: “The victim/witness may also experience physiological reactions to the trauma including the emotional feelings combined with the physical manifestations of stress, crisis, and trauma such as shortness of breath, increased heart rate, dilated pupils, muscle rigidity and/or pain, light-headedness and or headache, tonic immobility, dissociation, etc. Identifying and properly documenting these reactions to their experience are essential pieces of information that can greatly assist the Interviewer in understanding the context of the experience and provide significant forensic psychophysiological evidence.” The authors provide no empirical evidence that FETI leads to the production of such reactions as compared with a typical investigative interview protocol. Further, a search of the available literature produced no studies demonstrating that such reactions can empirically discriminate between those who have previously experienced a traumatic experience and those lying about such an event (and therein malingering).

Relationship between FETI tactics and other empirically based interview protocols:

First, the FETI protocol suggests initiating an interview by demonstrating “genuine concern and empathy towards the interviewee in an attempt to provide a sense of psychological and physical safety during the interview process”. Research has supported the importance of developing rapport and demonstrating empathy and interest in an investigative interview (Alison, Alison, Noone, Elntib, & Christiansen, 2013; Alison, Alison, Noone, Elntib, Waring, & Christiansen, 2014; Goodman-Delahunty, Martschuk, & Dhami, 2014; Vallano & Schreiber Compo, 2015), while surveys and systematic interviews of interrogators support the perception that rapport is vital to successful elicitation (Kelly, Redlich, & Miller, in press; Russano, Narchet, Kleinman, & Meissner, 2014; Vallano, Evans, Schreiber Compo, & Kieckhafer, in press). Potential tactics of rapport extend well beyond Strand’s suggestions for expressing empathy and concern (see Abbe & Brandon, 2013, 2014).

Strand recommends a series of interview questions (or tactics) within the FETI protocol. As noted above, Strand contends that the protocol was developed based upon CISM protocols (used to debrief individuals who experienced a traumatic event) and techniques used in forensic child interviews (such as open-ended questioning and the avoidance of suggestive or leading prompts). FETI tactics that ask the subject to describe the traumatic event from their own perspective, to express their thoughts and feelings about the event, and to share any physical or psychological symptoms they are experiencing appeared to be based upon CISM protocols, and as noted previously the impact of such interview prompts on trauma victims has been seriously questioned by the available research literature (Rose et al., 2002).

Other interview tactics described within the FETI protocol involve the use of open-ended prompts to initiate recall of information, as well as active listening utterances to encourage continued recall (“please tell me more”). The training also appears to encourage investigators to avoid leading or suggestive questions. This orientation is quite consistent with the robust research literature on effective interviewing protocols – including the Cognitive Interview for witnesses (Fisher, 2010; Fisher & Geiselman, 1992; see Memon, Meissner, & Fraser, 2010) and suspects (Fisher & Perez, 2007; Geiselman, 2012), and the NICHD (Child) Investigative Interview Protocol (Orbach et al., 2000; Sternberg et al., 2001; see Benia et al., 2015).

Finally, the FETI protocol encourages sensory cueing of subjects during the recall process by asking them to consider what they may have seen, heard, felt, etc. Mnemonic prompts that attempt to cue memory have been shown as critical to reinstating mental context and eliciting additional information in an investigative interview (Leins et al., 2014). Such approaches are also central to the Cognitive Interview (Davis, McMahon, & Greenwood, 2005; Fisher & Geiselman, 2010; Milne & Bull, 2002).

As can be seen in this review of FETI tactics, the protocol has borrowed many of its components from available, empirically based interview approaches such as the Cognitive Interview and the NICHD (Child) Investigative Interview Protocol. At the same time, FETI includes several prompts and assumptions, such as those associated with CISM and the

purported elicitation of “psychophysiological evidence,” that either run contrary to a therapeutically appropriate debriefing protocol or have no evidence supporting their efficacy. Finally, while both the Cognitive Interview and the NICHD Protocol have been experimentally assessed and meta-analytically examined across a range of laboratory and field studies (Benia et al., 2015; Memon et al., 2010), no empirical basis is offered to support the general efficacy of the FETI protocol.

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Attachment 2

Subject Matter Expert Review of FETI

by

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University of New Haven*

July 28, 2015

To: David G. Ray, PhD, GS-15
Chief, Behavioral Sciences
Associate Director, Strategic Programs & Requirements
Headquarters, Air Force Office of Special Investigations

Re: Scientific Review of Forensic Experiential Trauma Interviews (FETI)

Dear Dr. Ray,

As per your request, I have reviewed the issue of FETI and its clinical and scientific validity. As you may know, for the past 25 years and while at Yale University School of Medicine, I worked in the Clinical Neuroscience Division of the National Center for Post Traumatic Stress Disorder. I am also a forensic psychiatrist who has testified nationally and internationally about the neurobiology of PTSD, the nature of human eyewitness memory and treatments for PTSD. In order to reach my conclusion, I conducted an extensive scientific literature review, consulted colleagues and peers in the field of Post Traumatic Stress Disorder and in the field of Forensic Psychiatry.

In my opinion, it is within a reasonable degree of medical certainty that: FETI does NOT represent a best practice standard for the assessment of people with PTSD; FETI does not represent a clinical best practice standard for the assessment of trauma related memories; FETI does not represent a valid scientific representation of the nature of neurobiology, brain functioning and human memory. Put bluntly, there is NO scientific evidence to support the idea that FETI should be offered as a valid clinical method for working with victims of trauma.

During my years at the Clinical Neuroscience Division of the National Center for Post Traumatic Stress Disorder (PTSD), the aim of our scientific and clinical work was in keeping with our mandate from the US Congress – to elucidate clinical and scientific knowledge about the neurobiological, psychological and sociological aspects of PTSD and to develop scientifically valid treatments for the disorder. In my role with the National Center, I have published over 100 peer reviewed publications dealing with the neurobiology of PTSD, brain function in PTSD, the nature of human eyewitness memory for traumatic events and in treatments for PTSD. I have had the good fortune to have contributed to our scientific understanding of resilience and of the specific nature of memory for traumatic events. As a result of my work, I was a member of the National Academy of Science committee on Eyewitness Identification Reform (2012-2014) and a coauthor of the Academy's recent report (i.e. Identifying the Culprit) designed to inform nation's judicial, law enforcement and science communities the current state of the art of what we know and of recommendations for the future. To do this work our committee reviewed well over

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1000 scientific papers, heard from established expert in the fields of memory and stress. This was an extensive process and took over two years. With respect to the claims made by Mr. Strand about FETI, I can say clearly that it does NOT reflect the state of current scientific understanding about human memory, the retrieval of human memory nor the specific ways in which human memory is created, processed and recalled. The portrayal of neuroscience about human memory in the FETI materials is incomplete, inaccurate and simplistic. It seems to be used as a pseudoscientific justification for the claims made about FETI by Russ Strand.

With respect to conducting interviews with victims of trauma and with respect to issues related to PTSD, I have over 6000 hours of structured clinical interviewing and have been directly involved in the development of scientifically valid methods for assessing and working with victims of trauma. While at the National Center and at Yale I have been directly involved in training physicians, medical students, psychologists and psychiatrists pursuing fellowship training in forensics. I have never heard of FETI prior to your request for me to review it. I have conducted a thorough scientific literature review – including the most extensive scientific literature base regarding trauma and PTSD in the world [the PILOTS data base located at the home web site of the National Center for PTSD]- and am unable to find ANY peer reviewed literature documenting the claims put forward by FETI proponents. The absence of any clinical and scientific literature about it indicates it is not mainstream, it does not represent any standard of common practice and it certainly does not represent “cutting edge” science.

It is my opinion that the FETI information I have been able to review represents a marketing campaign of FETI to consumers. However benign this may sound, I believe that it is dangerous for three main reasons:

1. First, the information put forward in FETI documents is scientifically wrong. This is true for the descriptions of memory for high stress events, for where memories are “recorded” in the brain and the qualities of memory itself. This is true with respect to how the author of the FETI materials has dealt with issues of implicit and explicit memory. This is true for how the author of the materials has dealt with how FETI differs from other methods of assessing memory or treating people with trauma.
2. Second, the claims made in the FETI documents about the superiority of the method compared to empirically validated methods used to assess memory and when working with victims of trauma are simply wrong. This is dangerous because it may mislead people into using FETI when scientifically valid approaches are available. Cognitive Interviewing is a well validated method for retrieving human memory (there are over 500 studies in cognitive interviewing). There is no evidence that cognitive interviewing will create false memories or distort memory when used properly. In addition, Cognitive Behavioral therapy is a well validated (it is probably the MOST validated method in the world) and standardized clinical assessment and treatment for people exposed to trauma – whether or not they have developed Post Traumatic Stress Disorder – and it is highly effective.

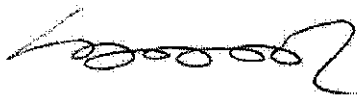
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3. Third, it is dangerous to use FETI when assessing cases that may be associated with forensic assessments (whether civil or criminal). There are clear standards for the admissibility of scientific evidence in court. It is extremely important that clinicians who conduct evaluations adhere to best practice community standards. In addition, for expert witness testimony it is equally important that the testimony reflect the standard and guidelines set out in the relevant United States Supreme Court rulings (see Daubert or Kumho Tire). FETI does NOT represent a commonly accepted practice; FETI does not have a known rate of error; there is no scientific literature by which to assess its validity. As such it would be, in my view that it would be unwise, and outside the norms in the PTSD and scientific community to adopt FETI for training purposes. It would place your trainees outside the norms and community standards of practice. Given that there are validated methods available, it is possible that the premature use of FETI will raise ethical concerns for practitioners.

Finally, it is likely that the degree to which FETI has a patina of validity is the degree to which the author of the method has copied aspects of the Cognitive Interview. Although the author does not acknowledge this in the materials, it is clear that he has adopted some aspects of the cognitive interview in the way in which he aims to assess memory in victims of trauma. In addition, there are generic aspects of therapy that are sprinkled into the FETI materials. It is possible that these elements may be helpful (or at least benign) to some individuals. It would be better for victims and patients to receive genuine therapeutic approaches rather than FETI.

Please do not hesitate to contact me if you have any questions. I have attached with this letter a copy of my CV so that you can see the basis of my experience and expertise.

Sincerely



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Attachment 3

Subject Matter Expert Review of FETI

by

Susan E. Brandon, PhD & Sujeeta Bhatt, PhD

High-Value Detainee Interrogation Group

The Forensic Experiential Trauma Interview (FETI): A Brief Scientific Review

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Research Unit, High-Value Detainee Interrogation Group

The statements of fact, opinion, and analysis in the paper are those of the authors and do not reflect the official policy or position of the High-Value Detainee Interrogation Group or the U.S. Government.

Summary: The Forensic Experiential Trauma Interview (FETI) assumes that trauma provokes unique memory processes and that special interviews are therefore required to elicit those memories. There are no data to support either assumption. The FETI bears significant similarity to the Cognitive Interview in strategies (rapport-based) and tactics (using open-ended questions and associative cues to elicit additional memories that may be retrieved non-verbally). Its special emphasis on building trust and assuring the victim or witness that they are safe may make it appealing in interviews with trauma victims and witnesses. The lack of data demonstrating any special effectiveness is, however, concerning.

Assumptions of the Forensic Experiential Trauma Interview (FETI)

I. The core assumptions of the Forensic Experiential Trauma Interview (FETI) are that memories of traumatic events differ in significant ways from memories of non-traumatic events (Strand, undated; “When trauma occurs, the prefrontal cortex will frequently shut down leaving the less primitive portions of the brain¹ to experience and record the event . . . Stress and trauma routinely interrupt the memory process thereby changing the memory . . .”, p. 1), and (2) that interviews with victims of a traumatic event should be conducted differently than victims of non-traumatic events because of the putative differential memory processes. The references to neurophysiological processes may make people more likely to believe that traumatic memories are somehow special.

II. The core principles of FETI are “principles used in critical incident stress debriefing and defusing” and “principles and techniques developed for forensic child interviews (open-ended non-leading questions, soft interview room and empathy) as well as [sic] neurobiology of memory and psychological trauma” (Strand, undated, p. 2).

III. The components of the interview are (1) Acknowledge the victim’s trauma and/or pain by “demonstrating genuine empathy, patience and understanding . . . to build trust. . . (2) Ask the victim/witness what they are able to remember about their experience using open-ended prompts, active listening, and allowing the story to be told in a sequence that is comfortable for the victim; (3) Ask the victim/witness about their thought

¹ It might be assumed that Strand means to refer to the more “primitive” parts of the brain, such as the amygdala, which is activated by salient stimuli whose significance is uncertain (Suvak & Barrett, 2011). This would include unfamiliar, potentially harmful stimuli.

process at particular points during their experience; (4) Ask about tactile memories such as sounds, sights, smells, and feelings before, during, and after the incident; (5) Ask the victim/witness how this experience affected them physically and emotionally; (6) Ask the victim/witness what the most difficult part of the experience was for them; (7) The interviewer should inquire what, if anything, can't the victim/witness forget about their experience, and (8) The interviewer clarifies other information and details (i.e., who, what, where, when, and how) after facilitation and collection of the data collected via Steps 1 – 7 (Strand, undated).

IV. The claim has been made by proponents of FETI that the Cognitive Interview (Fisher & Geiselman, 1992) is harmful when used with victims of sexual trauma (Memorandum for The Judge Advocate General of the Air Force, 2013; personal communication by attendees of a FETI workshop by Russell Strand, American Academy of Forensic Sciences 66th Annual Meeting, 18 Feb 2014).

Comments:

1. These authors were unable to find any empirical analyses of the efficacy of FETI, either for its use alone or for its use in comparison with other interview strategies (the latter would be, of course, the most convincing). This is in contrast to the more than 50 empirical studies of the Cognitive Interview (for a review, see Memon, Meissner & Fraser, 2010). Unfortunately, Strand also provides no scientific data to support the assertion that FETI is especially effective for interviewing trauma victims or witnesses. References to individuals or offices that report that the method is effective are anecdotal. While the absence of data does not mean that this is not an effective method for interviews of trauma victims and witnesses, such absence does not allow the author to claim additional efficacies over other methods (e.g., the Cognitive Interview). Rather, FETI is disadvantaged by the lack of empirical data demonstrating efficacy.

2. Current data do not support the notion that trauma memories are different from other autobiographical memories – in fact, research shows that trauma and non-trauma memories do not differ, at least in healthy populations (Brewin, 2007, 2014; Dekel & Bonanno, 2013; Kihlstrom, 2006; Peace, Porter, & ten Brinke, 2008). Memories for traumatic events are, like memories for non-traumatic events, malleable and change over time (van Giezen, Arensman, Spinhoven, & Wolters, 2005). There is some evidence that fear memories are richer in sensory details (Peace et al., 2008; Welton-Mitchell, McIntosh, & DePrince, 2013)¹ and that emotion enhances memories of central (vs. peripheral) aspects of negatively arousing events (Cahill & McGaugh, 1995; Heuer & Reisberg, 1990). Emotion also enhances the subjective sense of recollection (Phelps & Scharot, 2008). Controversies regarding “flashbulb memories,” and suggestions that such memories are more consistent, have been resolved by demonstrations that flashbulb memories are like ordinary memories subjected to additional rehearsal (McCloskey, Willke & Cohen, 1988; Neisser & Harreh, 1992). That is, memories of 9/11, the Challenger disaster or the Kennedy assassination, feel as if they are easily recalled because they were “burned into memory,” but in fact, they are easily recalled because we have repeated recalled (rehearsed) memories of such events.

2. The notion that trauma victims/witnesses should be interviewed differently than non-trauma victims/witnesses because of different memory processes, is not supported by science. Even if trauma memories were different from non-trauma memories, there are no data showing that different interview methods are necessary.

However, it is reasonable to assume that victims or witnesses of trauma require additional displays of empathy and assurances that make them feel safe (as noted by Strand [undated]), relative to victims/witnesses of non-traumatic events. This is captured in Step 1 of the FETI interview described above, and it may be that Steps 5 (asking the victim/witness how the experience affected them) and 7 (asking what was most difficult for them) are understood as additional displays of empathy and sympathy.

II. The components of the FETI interview bear notable similarities to the Cognitive Interview (Fisher & Geiselman, 1992). The Cognitive Interview also begins with rapport building (Step 1 above), proceeds with open-ended questions using prompts and active listening (Step 2 above), solicits memories about sensations (tactile, temperature, smell, sounds as well as visual cues) (Step 4 above), prompts for additional memories once the story has been told (Step 7 above), and clarifies and reviews information provided (Step 8 above). Even Step 5 (asking how the experience affected the victim/witness physically and emotionally) can be understood in terms of the Cognitive Interview methodology: eliciting additional memories by prompting associative cues related to feelings, both physical and emotional – which should be particularly salient in instances of trauma. It also is similar to witness-compatible questioning used as part of the Cognitive Interview; i.e., trying to understand how the witness/victim experienced the event and then asking questions that are compatible with that understanding.

III. From the point of view of protecting the integrity of a victim's or witness's account of a traumatic event, there is some reason to be concerned about the nature of the rapport building in Step 1 of FETI (referred to above). For example, the interviewer would not want to inadvertently provide a biased or erroneous account of the event in the context of expressions of concern and sympathy. There are data showing that using the mental reinstatement component of the Cognitive Interview does not result in false memories (Sharman & Powell, 2013), but no similar assessments have been made for FETI. Expressions of sympathy or assurances of safety must be carefully provided in order to avoid introduction of false memories (Gleaves, Smith, Butler, & Spiegel, 2004) into how the victim/witness remembers the traumatic event.

In contrast, there is a substantive body of science demonstrating the efficacy of the cognitive interview (for a meta-analysis of research studies, see Memon, Miessner & Fraser, 2010), including reports of effectiveness in criminal investigations (e.g., Fisher, Brennan & McCauley, 2002; Geiselman, 2012; Griffiths & Milne, 2010), even in abbreviated form (Colomb, Ginet, Wright, Demarchi, & Sadler, 2013; Dando, Wilcock, Behnkle, & Milne, 2011; Geiselman, 2012).

IV. The claim that the Cognitive Interview is injurious to trauma victims or witnesses is again asserted without supporting data. It may be that the Cognitive Interview, which is a method to elicit reliable accounts of past events and not intended to serve as a therapy vehicle, is perceived as unfriendly in the hands of a police officer who fails to exhibit appropriate concerns for the victim or witness being interviewed.² An interviewer who uses the Cognitive Interview as it is intended, however, will recognize the importance of rapport with the interviewee; such rapport is one of the fundamental components of the method.

² It should be noted that not all victims of rape or other sexual assault are clinically traumatized (Bonanno, 2013).

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¹ The proposition that memories of traumatic events are split off from ongoing stream of consciousness and that such memories are static originate in Janet (1889) and James (1890), respectively.

Attachment 4

Subject Matter Expert Review of FETI

by

Daniel J. Neller, PsyD, ABPP (Forensic)

Directorate of Psychological Operations

U.S. Army Special Operations Command



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AOPS

30 JULY 2015

MEMORANDUM OF RECORD

SUBJECT: Evaluation of the Forensic Experiential Trauma Interview (FETI)

1. The Air Force Office of Special Investigations (AFOSI) invited the Directorate of Psychological Applications (DPA) to conduct an independent evaluation of the potential utility of the Forensic Experiential Trauma Interview (FETI), a technique intended to enhance recall of potentially traumatic events in the context of sexual assault investigations. In its request to DPA, AFOSI specifically asked for the evaluation of the FETI to be conducted by a forensic psychologist.
2. I conduct research and assessment in support of DPA. I am also fellowship-trained and board-certified in forensic psychology, and the current president of the American Board of Forensic Psychology. Accordingly, I was assigned to the FETI evaluation.
3. As part of my evaluation of the FETI, I reviewed literature on sexual assault; the effects of potentially traumatic events on memory; and, because a high proportion of sexual assaults occur in the context of intoxication, the effects of alcohol on memory. I also reviewed literature on investigative interview techniques, documents relating to military criminal investigative organizations' sexual assault training, and various files and webpages pertaining to the foundations of – and purported support for – the FETI.
4. I found many of the concepts underlying the FETI to be, for the most part, sensible. The FETI is reasonably well-informed by research on the impact trauma and alcohol can have on memory and the brain. As well, many of the concepts underlying the FETI are reasonably consistent with widely known investigative interviewing approaches, such as cognitive interviewing. Much of the material on the FETI is, perhaps, overly simplified. Nevertheless, the FETI represents a reasonable effort to bring together several relevant aspects of what is known about trauma, memory, interview techniques, and neurophysiology.
5. I found no evidence that the FETI's efficacy or effectiveness has been empirically tested. I found neither experimental nor field trials showing that the FETI increases the amount of accurate information obtained from investigative interviews. I found neither experimental nor field trials establishing a potential error rate of the technique – such as the extent to which it generates inaccurate information during investigative interviews. I found no peer-reviewed publications pertaining to the FETI. I found no systematic survey data that suggest the technique is generally accepted among forensic interviewers or investigators. As such, claims regarding the FETI's effectiveness and general acceptance as an investigative interview technique are, at present, empirically unsubstantiated and strongly overstated.

AOPS

SUBJECT: Evaluation of the Forensic Experiential Trauma Interview (FETI)

6. It is worth noting that the FETI is offered as a technique to collect nonphysical evidence. Just as techniques that collect physical evidence can be subjected to admissibility challenges, so, too, can techniques that collect nonphysical evidence. To the extent that FETI-informed testimony is based on scientific, technical, or other specialized knowledge, its admissibility can be challenged in courts of law. To date, the FETI evidently has not been studied with rigorous empirical testing; has not been subjected to formal peer review and publication; does not have a known or potential error rate; and does not clearly enjoy widespread acceptance within the forensic and law enforcement community. Consequently, any robust challenge to the admissibility of FETI-based testimony could result in its exclusion, thereby jeopardizing the effective prosecution of sexual assault cases.

7. Alternatives to the FETI exist. As previously noted, among them is the cognitive interview, a technique that enjoys substantial empirical support. When techniques are used in anticipation of legal proceedings, those that have empirical support are generally preferred over those that do not.

8. I am the POC for this memorandum: Office (910) 432-7522, Mobile (870) 740-4452, daniel.neller.ctr@ahqb.soc.mil, daniel.neller.ctr@usasoc.socom.smil.mil. Opinions expressed in this memorandum are mine; they do not necessarily reflect the views or opinions of any organization with which I am affiliated.

A handwritten signature in black ink, appearing to read "Daniel Neller", written in a cursive, flowing style.

DANIEL J. NELLER, PSY.D., ABPP (FORENSIC)
Operational Psychologist, CTR
Directorate of Psychological Applications
U.S. Army Special Operations Command (Airborne)

Attachment 5

Subject Matter Expert Review of FETI

by

Linda S. Estes, PhD & Jeane M. Lambrecht, PsyD

Air Force Office of Special Investigations



DEPARTMENT OF THE AIR FORCE
AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS
QUANTICO VIRGINIA

20 March 2012

SUBJECT: Trip Report – 27 Feb to 9 Mar 12 – Audit of Special Victims Unit (SVU) Training Course

1. PURPOSE: AFOSI psychologists audited the SVU Training Course hosted and instructed by the United States Army Family Advocacy Law Enforcement Training Division (FALETD), United States Army Military Police School, Fort Leonard Wood, MO, to assess the content for accuracy and applicability to AFOSI sexual assault investigators.

2. TRAVELERS: Dr Linda S. Estes, AFOSI ICON/ICP Psychology Desk Chief and Dr (Maj) Jeane M. Lambrecht, AFOSI ICON/ICP Chief Investigative Psychologist.

3. DATES OF TRAVEL: 26 Feb to 10 Mar 2012.

4. DISCUSSION: In Dec 2011, SA Ashlee Wega, Sexual Assault Investigations Subject Matter Expert (SME) from the United States Air Force Special Investigations Academy (USAFSIA) In-Service Training Division, audited the Army SVU course for content and applicability to AFOSI agents requiring advanced training for sexual assault investigations. SA Wega did not recommend the SVU course be the advanced Sexual Assault Training course for AFOSI. We concur with her comments and overall assessment of the course. In addition, SA Wega recommended we assess blocks of the course pertaining to memory, trauma, and the Forensic Experiential Trauma Interviewing (FETI) technique, due to our expertise as investigative psychologists.

The material on memory and trauma was provided primarily during the one and one-half days of instruction on the Impact of Sexual Assault. (It should be noted that a three hour block of this time was spent listening to a local law enforcement officer recount his traumatic experience of being shot in the line of duty. The point seemed to be to illustrate the potential effect of a traumatic incident on an individual. With all due respect to the officer, his experience was not directly pertinent to the issue of sexual assault investigations.) The information presented was unnecessarily technical for investigators; likewise, the supplemental materials provided to the class were highly technical regarding proposed biochemical processes of memory formation and storage. In addition, much of the information that was presented was based on old research using terminology which is not generally accepted in scientific circles today (ie, "lizard brain" and "body memory"), or on speculative studies comparing animal models of predator/prey response to sexual assault ("tonic immobility"). The instructor proposed that traumatic memories are stored in subcortical regions of the brain (mid-brain and limbic system) which are not accessible to retrieval through typical law enforcement interview

strategies designed to elicit information from the “cognitive” brain. This is unproven theory that is considered controversial by modern memory researchers. We do not believe it is necessary to introduce controversial theories in order to support the concepts of using sensory and emotional cues to elicit memory details. Furthermore, at one point, one of the attorneys present at the course presented information on repressed and recovered memories of abuse. We must point out that the concept of “repressed memory” has been abandoned by mainstream psychology since it has not been scientifically validated. We must also point out that “recovered memories” of trauma have been repeatedly attacked in court, where it has been shown that many so-called recovered memories are actually fabrications based on suggestive interviewing and psychotherapy practices. The issue of suggestibility of memory was not adequately addressed during this course, and we are concerned that the memory theories being proposed could lead investigators into practices that alter and/or suggest false memories. This issue is addressed in the AFOSI Child Forensic Interviewing course due to the suggestibility of children. However, adults are not immune to suggestibility, particularly in situations where there may be some memory impairment due to alcohol or other drug use.

In regard to the effects of trauma, we also want to note some statements made by the instructor which are not supported by psychological research on trauma and resilience. For example, the instructor stated, “People will have long term problems with trauma experiences” and, “Almost everyone has PTSD if they were sexually abused as a child.” In fact, research indicates most people are pretty resilient and do not develop post-traumatic stress disorder. The instructor also stated, “People become addicted to trauma.” We are not aware of any literature to support this statement and are concerned about the effect of statements like this on investigators’ attitudes towards victims of sexual assault.

Regarding the Forensic Experiential Trauma Interviewing (FETI) technique, this is actually very similar to the interview technique taught by AFOSI for over a decade in the Child Forensic Interview course. The technique uses open-ended questions to elicit narrative without interruption, and then uses sensory and emotional cues to prompt further recollection. The technique is based on cognitive interviewing (ironic since the instructors claim this technique is somehow bypassing the “cognitive brain”). Cognitive interview techniques are well-researched and in fact have been extensively studied as a means of detecting deceptive statements, since it is difficult to fabricate accurate sensory information. This course did not at all address the use of this interview technique for the purpose of detecting deception, which is of key importance to investigators. For example, the same technique can be used with subjects to assess the credibility of their statements. Cognitive interview techniques are becoming the standard in the civilian law enforcement community and we support the use of cognitive interview techniques for subjects, victims, and witnesses of violent crimes in the Air Force.

We do have reservations about labeling the interview “Experiential Trauma” interviewing, and about the term “physiological evidence” which was used repeatedly throughout the course. Physiological evidence seems to refer to sensory and emotional details revealed during the course of the FETI. We do not disagree that sensory details and emotion consistent with an allegation add to statement credibility and make for a more credible and sympathetic victim in court. However, we are concerned with calling this “evidence” and particularly with the implication that retrieving emotion equals proof of trauma. At one point, the instructor stated, “Behavior after the event can be used as evidence to show non-consent.” This seemed to imply that symptoms of PTSD or trauma-related anxiety can be used as evidence to show a crime was committed. There is a danger of faulty reasoning here – if there is emotion present, one must have been traumatized, even if one cannot retrieve the memory. This exact type of reasoning became endemic in the therapeutic community decades ago as part of the “recovered memory” movement, which led to many false accusations of abuse. In fact, the recovered memory movement relied heavily on the same sources (such as literature on “body memory”) cited in this course. As noted above, memory is susceptible to suggestion, even in adults, and some individuals are more susceptible to suggestion than others. We do not feel it is prudent to present sensory details and emotion as “evidence” of an allegation and we are concerned that using this terminology could lead our investigators to be discredited in court.

In addition to the above, we also want to offer some additional comments about the course. As noted by SA Wega, the different instructors do not seem to have coordinated their presentations to avoid unnecessary repetition. The bulk of the course revolves around lectures and exercises apparently intended to sensitize agents to victim issues. We do not disagree with the importance of helping agents understand the complexities and potential biases involved in dealing with sexual assault victims, both male and female. We question the utility of spending block after block of instruction hammering home the point that investigators are biased and need to be supportive and open-minded when dealing with victims. Eventually this can become counter-productive and result in defensiveness. In addition, some of the materials and exercises apparently aimed at making this point seemed tangential at best. At some points, it was difficult to discern whether this was a training course for investigators or psychotherapists. For example, part of the assigned homework involved reading chapters from a book entitled, “The Boy Who Was Raised as a Dog.” This is a book written by a child psychiatrist who worked with extremely traumatized and disturbed children. Although interesting reading, it was difficult to draw any nexus between the material and sexual assault investigations. Agents attending the course were required to present chapters in class and were asked to draw just such a nexus. We believe whatever teaching point this exercise was meant to demonstrate could be achieved in a manner more relevant to adult sexual assault investigations.

Little time was spent in the course discussing or illustrating strategies and techniques to use in sexual assault investigations, other than victim interviewing. The course did, in the block of instruction dealing with subjects, talk about the importance of investigating the background of subjects, since most rapists will have patterns of offending and more than one victim. Dr [REDACTED] presented a case study from San Diego that helped illustrate this point. This was very valuable information and we would suggest highlighting this with examples specific to military investigations, since civilian law enforcement investigations into sexual assaults are often run quite differently than ours. However, little to no time was spent on forensic evidence collection, pretext phone calls, polygraph, use of specialist support, or even who to question or what to ask when exploring the background of an alleged subject. Dr [REDACTED] from the [REDACTED] presented a three hour block on forensic medical exams, but the information was much too technical and was almost exclusively related to pediatric exams (which is her specialty). Her information was more pertinent to medical residents or perhaps forensic science consultants, but not to sexual assault investigators, and not to adult cases. The one hour block devoted to the Sexual Assault Nurse Examiner (SANE) was sufficient, and we would recommend including a block of instruction from a forensic science consultant, who could discuss evidence collection and also talk about using/interacting with the SANE.

The practical exercises (with few exceptions) did not seem useful or productive. For example, on the first day of the class, students were paired up and given scenarios with the instruction to take turns interviewing each other using their standard interview technique. A few days later, students were given a second practical exercise to take turns interviewing each other with their usual technique, but this time videotaping themselves and performing "self-critiques." We had discussions with the course instructors regarding the value of these exercises since one of the stated purposes of the course is to teach FETI, which is not introduced until day 8 of the course, leaving little time for practice and review. The instructors insisted that they require the students to conduct interviews to establish a "baseline" for their typical interview strategies. We do not see the utility of having agents practice what they already know, especially since there is limited feedback on these exercises. These exercises were also time-consuming since agents were required to write-up the interviews as homework.

In general, information presented by the attorneys (including the Army SJA) was useful and applicable to sexual assault investigators. In particular, the overview of changes to the UCMJ Article 120, and review of issues of consent and non-consent (particularly when alcohol or other substances are involved), were very valuable. The block of instruction on Ethanol Facilitated Sexual Assaults was useful and provided generally good and accurate information. However, the material was degraded by the inclusion of "funny" videos related to "drunk girls" and bathroom humor designed to make the course "edutaining."

Finally, we must note the demonstration interview for the FETI technique was alarming to us as psychologists. In this instance, the instructor used a female CID agent attending the course to recount her personal experience of acquaintance rape and of child sexual abuse in front of the class. We confronted the instructor with our concerns for the safety and well-being of this agent, and about the inappropriateness of having an agent recount such personal experiences in front of an audience of other agents, many of whom she may have to work with in the future. The instructor insisted the agent volunteered and wanted to conduct this exercise. We pointed out victims of sexual trauma may put themselves in positions where they are exploited and re-traumatized, and that the instructor may have done just that by putting the agent's experiences on display for the class. It is entirely possible this experience may have a negative impact on this agent personally and professionally, and we are concerned with the judgment of the instructors to have engaged in this exercise. We strongly oppose the use of agents' personal trauma experiences as fodder for interview demonstrations in this or any other course.

5. CONCLUSION/RECOMMENDATIONS: We concur with SA Wega that this course does not adequately prepare students at the advanced level to conduct sexual assault investigations. Since SA Wega audited the course, some components of the SVU course were altered or eliminated. In addition, during this presentation of the course feedback was solicited on a daily basis from students and attendees, and the course was altered daily in response to this feedback, with new blocks of instruction and speakers added. Although we appreciated the responsiveness of the course instructors, the fact that the course could be changed daily speaks volumes to the lack of basic organization and poorly reasoned construction of this course.

We recommend AFOSI identify the skills required for advanced sexual assault investigators, and then develop blocks of instruction designed to train those specific skills. We further recommend this training occur at FLETC utilizing the AFSIA, partner agency, and FLETC staff.

// SIGNED //

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// SIGNED //

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