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**Report to  
The Vermont Legislature**

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**Recording & Storage of Interviews Report**

**in Accordance with Act 154 (H.661) of 2024**

**Submitted to: Senate Health and Welfare Committee  
House Human Services Committee**

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## Table of Contents

Introduction	2
History and Current Practice	2
Capabilities and Resources Needed	3
Research and Workgroup Engagement to Support Model Policy Development	4
Model Policy Implementation Timeline and Overview	6
Proposed Model Policy	7
Additional Resources & Links Related to Act 154 (H.661) of 2024 and Child Safety Interventions	9

## Introduction

This report has been prepared in accordance with Section 11 of Act 154 (2024):

Sec. 11. CHILD ABUSE AND NEGLECT; INTERVIEWS; CAPABILITIES;

(a) On or before November 15, 2024, the Department for Children and Families shall submit a written report to the Senate Committee on Health and Welfare and the House Committee on Human Services examining the Department’s capabilities and resources necessary to safely, securely, and confidentially store any interviews recorded during a child abuse and neglect investigation.

(b) The report required pursuant to subsection (a) of this section shall include the Department’s proposed model policy detailing the types of interviews that should be recorded and the storage, safety, and confidentiality requirements of such interviews.

[33 V.S.A. § 4912](#) defines investigations and assessments in the following way:

“Investigation” means a response to a report of child abuse or neglect that begins with the systematic gathering of information to determine whether the abuse or neglect has occurred and, if so, the appropriate response. An investigation shall result in a formal determination as to whether the reported abuse or neglect has occurred.

“Assessment” means a response to a report of child abuse or neglect that focuses on the identification of the strengths and support needs of the child and the family and any services they may require to improve or restore their well-being and to reduce the risk of future harm. The child and family assessment does not result in a formal determination as to whether the reported abuse or neglect has occurred.

## History and Current Practice

The following Agency of Human Services (AHS) and Department for Children and Families (DCF) policies exist on the topic of recording meetings and public records; however, the DCF procedure does not address the recording of meetings with suspects, victims, or witnesses that are conducted for investigatory or law-enforcement purposes, e.g., forensic interviews.

- [AHS Policy 3.02: Recording Meetings](#)

- [AHS Policy 6.01: Public Records Policy](#)
- [DCF Recording Meetings Standard Operating Procedure \(SOP\)](#)

To better understand the needs and practices of the Family Services Division (FSD), all 12 district offices were surveyed to gather information about which districts are recording interviews, the types of interviews being recorded (alleged child victims, siblings, caretakers, alleged out-of-home perpetrators or actors, witnesses, etc.), matters related to informed consent, devices used for recording, and how recording files are being stored.

The Division also inquired about current practices that are occurring in joint investigations with law enforcement and those connected to the local child advocacy center (CAC). Information about [the Vermont Children's Alliance](#), a non-profit network of children's advocacy centers committed to working together to improve the way Vermont supports and responds to victims of child abuse and child sexual abuse, is available here:

<https://www.vermontchildrensalliance.org/vermont-cacs>

All 12 FSD district offices conduct investigations related to child sexual abuse, serious physical injury, and fatalities jointly with law enforcement, primarily the Special Investigation Units (SIU) created under [24 V.S.A. § 1940](#). There are 13 CACs statewide, and they all have slightly different operating procedures for how they partner with us. FSD has allowed our district offices to work within local agreements because a statewide protocol may not universally meet the needs of law enforcement. Other than exploring how we might improve efficiency with recording formats and promote more consistency statewide and district-by-district, FSD is not seeking to alter our practices in how we collaborate with law enforcement.

Based on the information obtained by querying our 12 FSD district offices, we see opportunity for more consistency in our process and procedures of recording and storing interviews. A summary of the information gathered includes:

- Generally, there is a lack of consistent recording and storage protocols statewide.
- The most consistent area of recording practice is for investigations conducted jointly with law enforcement, particularly those conducted in partnership with SIUs.
- There is consistency regarding informing individuals they are being recorded.
- The recording devices vary. Teams indicated they rely on CAC recording equipment for interviews conducted at the CAC. Teams indicated they use their state-issued iPhones or handheld digital audio recorders.
- Storage practices range from receiving copies of interviews on DVDs, CDs, or flash drives, and putting them in the paper/printed file, to storing the digital files on the network drive.
- There is variation in the retention of recorded interviews over time, and complications with technology failures in the short and long term (e.g., corrupted or unretrievable files, or scratched or damaged DVDs or CDs).

## Capabilities and Resources Needed

In calendar year 2023, FSD conducted 4,040 child safety interventions. Of those, 2,272 were investigations and 1,768 were assessments. Out of the 2,272 investigations, 547 or 24% of these investigations were substantiated.

The size of recording files and other supporting evidence vary depending on interview length, but we have generally gathered:

- An average audio and video recording that runs 30 minutes-1 hour is approximately 400,000 KB;
- An average audio only recording that runs 30 minutes-1 hour is approximately 25,000KB; and
- The average for photos is approximately 4,000KB.

Vermont's Agency of Digital Services (ADS) was consulted to explore capacity and recommendations for secure, reliable interview storage. It was determined that a short-term solution exists with current technology, involving the use of hand-held digital audio recorders and utilizing a network drive and existing folders centrally accessible to FSD staff. A known limitation of the short-term approach is limited searchability without a standardized file naming convention and organization of files. File storage size is not expected to be an issue because adding more storage is always an option if we begin to run low.

With the goal of a longer-term solution, a new IT project would likely need to be prioritized, funded, and resourced. ADS could potentially support FSD in exploring the entire business process from video capture, storage, records retention, and perhaps migration of existing files to a separate platform akin to those used by other state entities. Further, by researching new solutions through a new IT project, we would consider the cost of various storage options in addition to other value-added services such as the use of AI. New platforms are emerging that are Criminal Justice Information Services (CJIS) compliant. Generally, CJIS compliance can help prevent unauthorized access, reduce vulnerabilities, and minimize the risk of data breaches<sup>1</sup>.

In FSD's information gathering, we learned the Department of Corrections (DOC) and Department of Public Safety (DPS) have vendors to store video footage from body cameras, and Buildings and General Services (BGS) stores video from surveillance cameras on contracted servers. Examples of contracted video management servers include Genetec, Bosch, and ExacqVision systems. A new Department of Disabilities, Aging, and Independent Living (DAIL) Salesforce case management solution is saving video recordings in the State of Vermont's Azure Cloud. A potential advantage with this approach is the ease in leveraging advanced AI tools to do things like transcribing recordings and redacting potentially sensitive content. Another option identified for exploration is Remote Blob Storage (RBS) through SharePoint.

FSD will continue to collaborate with ADS and community partners to assess these options.

## **Research and Workgroup Engagement to Support Model Policy Development**

FSD's research included reviewing other states' policy manuals as well as querying partners from the national listserv for the Children's Justice Act Grantees, State Liaison Officers, the National Partnership for Child Safety (NPCS), and New England Child Welfare Policy Directors

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<sup>1</sup> CJIS compliance refers to adherence to standards outlined by a security policy established by the Federal Bureau of Investigation (FBI). It ensures the secure handling, transmission, and storage of sensitive information by law enforcement agencies and related entities.

about other states' recording practices and policies. Policies gathered and referenced from other states include the following:

- Maine (Audio Recording Interviews): [https://www.maine.gov/dhhs/ocfs/cw/policy/iv\\_-d-2a\\_-audio-recording-inte.html](https://www.maine.gov/dhhs/ocfs/cw/policy/iv_-d-2a_-audio-recording-inte.html)
- Washington (Audio Recording): <https://www.dcyf.wa.gov/policies-and-procedures/2350-audio-recording>
- New Hampshire (Interviewing Children): <https://www.dhhs.nh.gov/sites/g/files/ehbemt476/files/documents2/dcyf-sop-1172-3.pdf>
- New Hampshire (Interviewing Parents/Guardians): <https://www.dhhs.nh.gov/sites/g/files/ehbemt476/files/documents2/dcyf-sop-1172-4.pdf>
- Texas (Basic Investigation Process): [https://www.dfps.texas.gov/handbooks/CPS/Files/CPS\\_pg\\_2200.asp](https://www.dfps.texas.gov/handbooks/CPS/Files/CPS_pg_2200.asp)

FSD engaged a group of internal and external stakeholders, including representation from:

- FSD District Offices
- Residential Licensing and Special Investigations (RLSI)
- Vermont Children's Alliance and CAC Directors
- The Office of Child, Youth, and Family Advocate (OCYFA)
- Vermont Center for Crime Victim Services
- The Vermont Parent Representation Center (VPRC)
- Members of the Children's Justice Act Task Force (CJATF)

Additional individuals/groups were invited to participate but could not accommodate the workgroup meetings into their schedules. The workgroup comprised of the above representatives met several times over the last few months to make recommendations about this legislative report and the creation of a model policy on the recording and safe storage of interviews conducted for the purpose of child abuse investigations. The group discussed current practices that are occurring around the state and reviewed policies from Maine, Washington, New Hampshire, and Texas (linked above).

Themes within our discussions included:

- Hopes that the practice we come up with is in the best interest of children, realistic and feasible for FSD, and results in usable evidence and information;
- Benefits and drawbacks of recording all assessment interviews in addition to investigations;
- The importance of ensuring that FSD practices related to assessments remain true to their original statutory intent and continue to provide referrals, support, and network building to families;
- Reminders of the importance of everyone having the tools and resources needed to successfully implement new recording practices;
- A desire to have consent for recordings, and clear expectations of how to proceed if it is not granted;
- Discussion about FSD's lack of a comprehensive child welfare information system (CCWIS) and future opportunities for the storage of interviews with a CCWIS;

- The possible need for a new data report about CSI track changes;
- Questions about video recordings of interviews in the future;
- Acknowledgement of the need to eventually move away from CDs, DVDs, and flash drives toward consistent network drive storage; and
- Recognition of outstanding legal and practice research needed.

Additionally, an exciting next step emerged from the workgroup collaboration. We realized there is not currently an infrastructure or process for bringing together CAC directors/partners with FSD's front end/intake/CSI supervisors on a statewide level. We agreed that quarterly or biannual gatherings would be beneficial to support collaboration, learning, and consistency in practices across the state. Further, this could serve as a forum to expand to police chiefs and State's Attorneys' Offices in the future.

## Model Policy Implementation Timeline and Overview

Before 2025, FSD intends to issue Family Services Policy 54: Recording and Storage of Interviews as a draft policy out for comment and feedback. When implementing a new policy or initiating a practice shift, we prefer to issue drafts with comment periods to allow for statewide engagement, consultations, local discussions, reflection during team meetings, and policy adjustments to be made based on questions and feedback.

An outline of proposed/draft policy includes:

- Purpose statement
- Definitions
- Interviews required to be recorded
- Storage, safety, and confidentiality of recordings

We are developing a companion document titled Practice Guidance on Conducting and Storing Recorded Investigation Interviews. An outline of the practice guidance includes:

- Introduction
- Key decision points
- Interviews required to be recorded
- Recordings during joint investigations
- Obtaining equipment
- Considerations prior to beginning a recording
- Procedure for child/youth interviews
- Procedure for parent/caretaker and alleged perpetrator interviews
- Special considerations regarding peer-to-peer abuse for youth in DCF custody
- Storage of files and naming conventions
- Role of the supervisor
- Lost or misplaced audio recorders

Proposed key decision points for the first phase of policy implementation:

Question/Decision Point	Proposal
<b>Impact on CACs/SIUs?</b>	No immediate changes to our collaboration with CACs or SIUs (receiving DVDs/CDs containing video recordings); continued exploration between CACs and ADS regarding efficiency and consistency.
<b>Which cases?</b>	Recording expectations apply to investigations only (not assessments). If a track change from assessment to investigation occurs, the recording expectations begin once the track reassignment occurs.
<b>Which interviews?</b>	<ul style="list-style-type: none"> <li>• Interviews with the child or youth who is alleged to be abused or neglected</li> <li>• Interviews with the parent or caretaker of the child who is the subject of the report</li> <li>• Interviews with an out-of-home alleged perpetrator/actor</li> <li>• Interviews with witnesses, except collateral contacts who had no direct observations</li> </ul>
<b>Type of recording?</b>	Audio only to begin. FSD will continue to receive video recordings for all interviews conducted at CACs.

Areas requiring additional research, consensus building, and decision-making:

- Creation of an FSD-specific records retention schedule, inclusive of recordings
- Guidance on managing technology failures and backup recording means
- Guidance on special considerations regarding domestic violence
- Creation, organization, and management of a network filing system for recorded interviews
- Catalogue or tracking spreadsheet for recordings
- Exploring the pros and cons of using iPhones for recordings, and whether policy should allow or prohibit it
- Acceptable uses of AI technologies geared at improving staff efficiency. For example, could AI be used to transcribe a recording, help search for related recordings, and redaction?
- All future areas of feedback and questions posed by FSD staff and community partners during the “out for comment” period

## Proposed Model Policy

### Purpose

To:

- Establish which interviews need to be recorded during child safety interventions (CSIs); and
- Establish storage, safety, and confidentiality requirements of such interviews and recordings.

### Definitions

**Alleged Actor:** A term used instead of “alleged perpetrator” when referring to minors accused of sexual abuse involving another child or peer. This language aims to reduce stigma and



avoid labeling, supporting a more neutral and trauma-informed approach.

**Alleged Perpetrator:** A person who is alleged to have abused or neglected a child.

**Assessment:** A response to a report of child abuse or neglect that focuses on the identification of the strengths and support needs of the child and the family, and any services they may require to improve or restore their well-being and to reduce the risk of future harm. The child and family assessment does not result in a formal determination as to whether the reported abuse or neglect has occurred (33 VSA § 4912(2)).

**Caretaker:** A caretaker is a person responsible for a child's welfare. A caretaker includes the child's parent; guardian; foster parent; any other adult residing in the child's home who serves in a parental role; an employee of a public or private residential home, institution or agency; or other person responsible for the child's welfare while in a residential, educational, or child care setting, including any staff person (33 V.S.A. § 4912(10)).

**Collateral Contact:** A person who provides additional, relevant information about the child, family, or circumstances related to the accepted report of abuse or neglect. These contacts are not the primary subjects of the report (i.e., not the alleged victims or perpetrators) but can offer valuable insights to clarify or corroborate details regarding the child's safety, family dynamics, or general well-being. Collateral contacts may include teachers, neighbors, medical providers, counselors, or other individuals who regularly interact with the family or child. Collateral contacts may offer objective information that could support or refute allegations, contribute to the overall assessment of risk, and help in planning for the child's safety.

**Investigation:** A response to a report of child abuse or neglect that begins with the systematic gathering of information to determine whether the abuse or neglect has occurred and, if so, the appropriate response. An investigation shall result in a formal determination as to whether the reported abuse or neglect has occurred (33 VSA § 4912(7)).

**Recording:** The electronic capture of the visual and/or auditory aspects of an interview. Recordings are intended to document statements accurately, preserving them for review.

**Witness:** An individual who has directly observed actions, behaviors, or events relevant to the investigation and can provide a firsthand account that relates to allegations of abuse or neglect. This may include:

- Firsthand observations of specific acts;
- Direct conversations with a parent/caretaker or alleged perpetrator/actor; or
- Relevant observations or interactions with the child, including disclosures.

(Note: Individuals who offer indirect or contextual information about the child or family are considered collateral contacts for the purpose of this policy.)

## Policy

The Family Services Division (FSD) is committed to ensuring the integrity and accuracy of child protection investigations. As part of these investigations, division staff will record interviews with children, parents or caretakers, alleged perpetrators and actors, and witnesses. Recordings are intended to protect the rights of those involved, preserve evidence, and enhance transparency in the investigative process.



This policy details the types of interviews that should be recorded during child protection investigations, and the storage, safety, and confidentiality requirements of such interviews and recordings.

This policy applies to district offices and the RLSI Unit.

## **Interviews Required to be Recorded**

Vermont's child protection system has different responses to reports of child abuse or neglect. Reports are screened and accepted as either an assessment or investigation. This policy only applies to interviews conducted during an investigation. If a track change occurs, and an assessment turns into an investigation, this recording policy expectations should be followed once the track reassignment occurs. See [Policy 52](#) for procedures regarding assessments.

The following interviews shall be recorded during investigations:

- Interviews with the child or youth who is alleged to be abused or neglected;
- Interviews with the parent or caretaker of the child who is the subject of the report;
- Interviews with an out-of-home alleged perpetrator/actor; and
- Interviews with witnesses, except collateral contacts who had no direct observations.

Collateral contact interviews do not need to be recorded but will be documented in FSDNet and in the investigation activities (IA) summary if information from the interview is relevant to the allegation(s).

## **Storage, Safety, and Confidentiality of Recordings**

Leadership teams, particularly front end/CSI supervisors, must ensure that recordings are saved on the network drive as soon as reasonably practicable. The State's network drive is encrypted. Recordings should not be permanently stored on other unencrypted media or drives. If a recording must be shared with others without access to the network drive (e.g., law enforcement officers or child advocacy center partners), encrypted copies should be transmitted and sent only to persons assigned to the investigation or who have a need to know.

Interview recordings should be treated like other documents in the confidential file for privacy and encryption purposes.

## **Additional Resources & Links Related to Act 154 (H.661) of 2024 and Child Safety Interventions**

### **Policy & Practice Guidance Links:**

- [Policy 50: Child Abuse and Neglect Definitions](#)
- [Policy 51: Screening Reports of Child Abuse and Neglect](#)
- [Policy 52: Child Safety Interventions – Investigations and Assessments](#)
- [Policy 56: Substantiating Child Abuse and Neglect](#)
- [Policy 66: Interviewing Children and Youth in DCF Custody](#)
- [Policy 68: Serious Physical Injury – Investigation and Case Consultation](#)
- [Policy 152: Empaneled Multidisciplinary Child Protection Teams](#)

- [Policy 222: Foster Care Interventions](#)
- [Policy 241: Licensing Residential Treatment Programs and Interventions](#)
- [Practice Guidance on Applying a “Preponderance of the Evidence” Evidentiary Standard to Substantiation Decisions](#)

**Data Links:**

- [Family Services Division Data](#)
- [2023 Annual Child Protection Report for Vermont](#)