

DBHDS 

DBHDS 

Virginia Department of Behavioral Health
and Developmental Services

INVESTIGATING ABUSE & NEGLECT

Module 2 Interviewing



This course is designed to help staff understand the role of interviewing in an investigation, how to conduct a proper incident interview and what an investigator needs to do when interviewing persons with disabilities.



The course consists of six sections which must be completed in order for participants to receive credit for the training. The following teaching methodologies will be used:

1. Commentary: Participants will read commentary on each slide.
2. Audio: Recordings/short lectures will accompany many of the slides.
3. Video: Video lectures will need to be viewed by participants at certain points during the course.
4. Knowledge Check: After each section, participants will take a short quiz to demonstrate what they've learned.



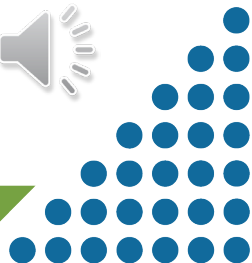
The six sections that comprise the course are:

Section 1: Types of Interviews	Slide 5
Section 2: Rules for Interviewing	Slide 14
Section 3: Conducting Incident Interviews	Slide 20
Section 4: Uncooperative Witnesses	Slide 33
Section 5: Taking Written Statements	Slide 41
Section 6: Interviewing Persons with Disabilities	Slide 48



Objective

To learn the different types of interviews and what circumstances one should conduct them in.



There are four types of interviews:

1. Incident
2. Exploratory
3. Background
4. Follow Up



Incident Interviews are the interview of persons who were at or near the location of an incident at or about the time the incident occurred. They may have observed the incident itself and therefore have direct evidence; or they may be people who observed events immediately prior to or after the incident which will help describe and explain what occurred.

In some cases, the primary value of the witness is to identify others in the vicinity at the time who are additional incident witnesses, or to provide independent corroboration for one or more versions of the event. In either of these two situations, the witness may have no direct knowledge of the event itself but only knowledge of facts surrounding the event.

Generally, when conducting incident interviews, investigators should not make a list of questions in advance of the interviewing. Instead, investigators will help the witness remember as many details as possible about the event(s) in question by asking a series of open-ended questions in a particular sequence.

Exploratory Interviews can be conducted when an incident has no clearly identified time or location of occurrence.

An investigator may engage in a series of Exploratory Interviews to identify the time/space intersection. In this case the investigator would interview any person who might have been in contact with the victim or in the location(s) where the person had been.

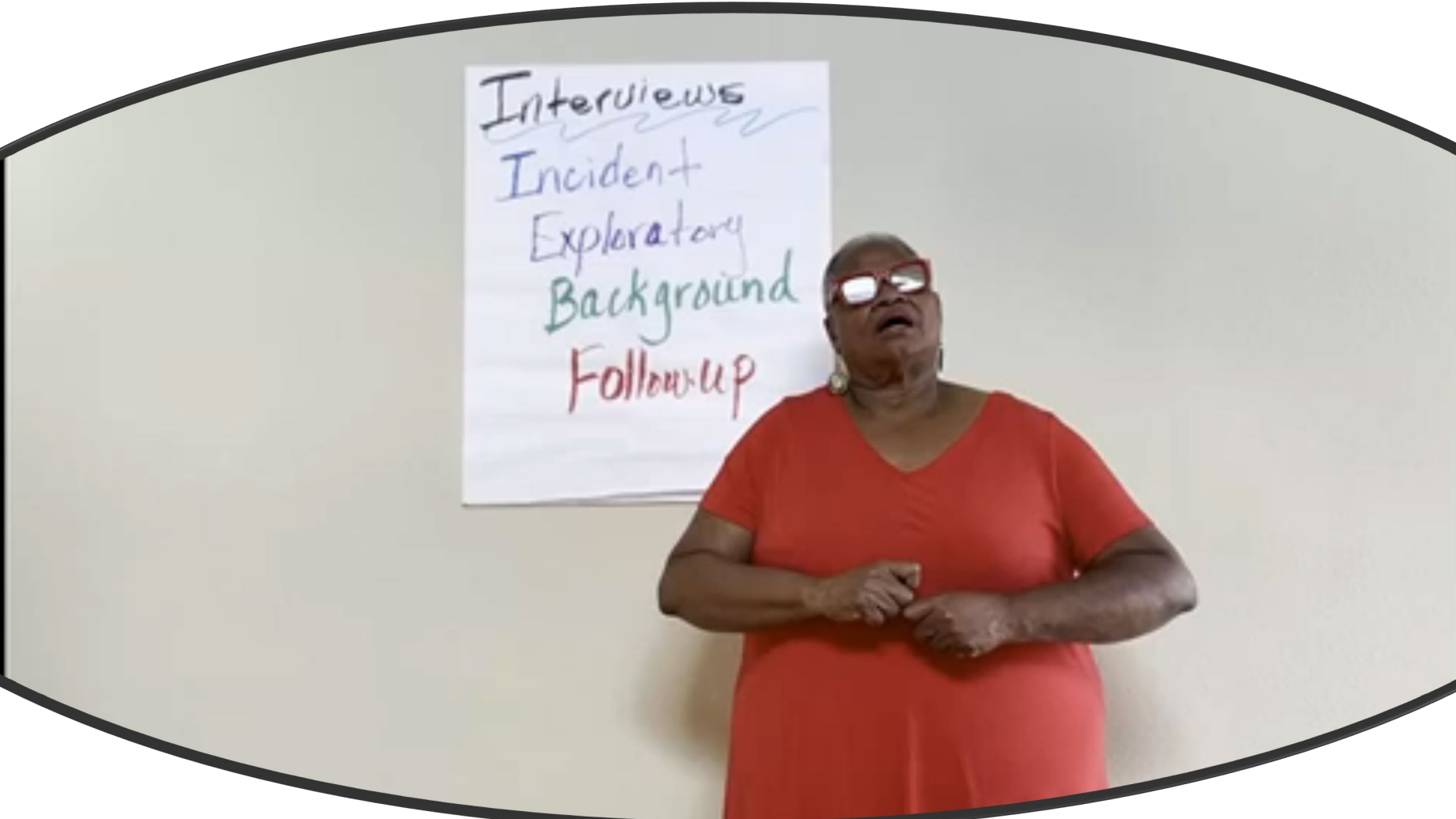
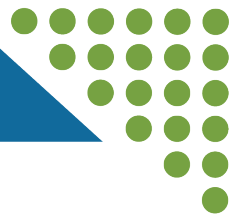
- For example, a resident with cognitive impairment was found to have a fractured toe one morning while she was being assisted in taking a shower. To determine when and where the injury occurred, the investigator could interview all persons who had contact or reasonably might have had contact with the resident for some time prior to the discovery of the injury.

Background Interviews occur when investigators ask witnesses for any set of relevant facts and/or opinions not related to a description of the incident.

- For example, an investigator might want to ask a supervisor about the quality of the relationship between a resident and an employee. In another case, an investigator might ask a nurse or doctor for his or her expert opinion concerning the age of a particular injury. Or perhaps an investigator will ask a nurse or physical therapist about a person's ability to walk unassisted.

Follow-Up Interviews occur in two instances.

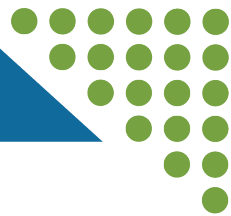
- First, if the investigator identifies a question he forgot to ask during an interview, he will meet with the witness again to complete the interview.
- Second, if after collecting all the relevant evidence, there is conflicting testimonial evidence or testimony that conflicts with documentary and/or physical evidence, the follow-up interview is one way to resolve that conflict. In this case, the interviewer might explore why the witness is certain of his or her observations, the degree of familiarity with another witness or the extent of any visual or auditory impairment.

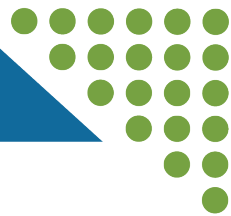



Objective

Review a set of rules associated with the conduct of investigative interviews.







1. Always plan your interview.
 2. Conduct the interview in a private place.
 3. Do not conduct the interview when you are in a hurry.
 4. Witnesses should be kept separate if possible or told not to speak to others regarding the allegation.
 5. Always speak in a calm voice without sarcasm or anger.
 6. When you begin the interview, be clear about your purpose. Don't make unnecessary small talk. Small talk that's used to set the witness at ease is okay.
 7. Whenever possible, begin questions with the words “who”, “what”, “where”, “why”, “when” and “how”. These are open ended questions.
 8. Ask follow-up questions when appropriate.
 9. Do not ask leading questions, vague questions or double questions.
 10. Avoid giving the witness the impression that you believe or disbelieve what he or she has told you.
- 

Objective

Learn the rules required to conduct organized and detailed incident interviews.



After listening, review the rest of the slide.

The following grid on the next slide illustrates that process of slicing the bologna at the macro level as an interview moves from slice-to-slice (the vertical dimension) and from “seeing” to “hearing” (the horizontal dimension). This assumes that we have already established that the person was in the vicinity, including the time frame about which we are speaking (e.g., What time did you arrive at the residential office?).



Slice of Time	Sight	Hearing
Slice #1	What did you see? Who did you see?	What did you hear?
Slice #2	What did you see? Who did you see?	What did you hear?
Slice #3	What did you see? Who did you see?	What did you hear?
Slice #4	What did you see? Who did you see?	What did you hear?
Etc.	Etc.	Etc.

This format works well when the witness is moving simultaneously through time and space. In other words, where the witness draws a diagram and can place a line of movement on that diagram, these questions will help the interviewer stay organized concerning the observations the witness may have made when going from place-to-place.

Where the witness stands or sits in one location, each slice of time would be defined by the question: “What happened next?” Any follow-up questions would relate to the witness’s answer to that question. In other words, “What happened next?” can be used to bridge/move between slices of time.

Investigators should always remember to ask each question for each slice of time. **Who did you see? What did you see? What did you hear?**

- An investigator will always want to start an interview by stating their name and job title as well as their purpose for conducting the interview in the first place.
- The interviewer should ask, “**What can you tell me about this incident**” before asking any further questions.
- If the witness says they don’t know anything about it, the investigator should say, “sometimes people hear or see things they don’t know are related to an incident. I’m going to need to ask you some detailed questions.”
- The investigator should begin the process of slicing the bologna by asking what they were doing shortly before an incident (15 minutes or so before an incident occurred).
- If an incident took place at 1:15, an investigator should start off by asking, “What were you doing at 1:00?”

- There will be certain points in an interview where an investigator will want to establish time.
- One of these will be when the witness gets to the location of an incident. Another would be when they leave the location of an incident.
- To establish time, an investigator might ask, “What time was it when you got there?”
- If the witness gives an exact or even a ballpark time, the investigator will always ask the witness, **“How did you know it was that time?”**

Investigators should always ask appropriate follow up questions if needed. Follow-up questions should focus on clarification and getting a witness to expand on their initial answer. Below is an example:

Investigator: Who did you see?

Witness: Frank.

Investigator: Who is Frank?

Witness: Frank is the janitor at the facility.

Investigator: What was Frank doing?

Witness: He was just standing in the hallway.

Investigator: Who else did you see?

Witness: Nobody. I just saw Frank.

As demonstrated in the example above, if a witness says they saw someone, it's always important to ask who else they saw (because it's always possible they saw more than just one person). The same is true if they saw something. In that case, you would ask, What else did you see? Likewise, if they heard something, you would ask What else did you hear?

Here's another example:

Investigator: What did you hear?
Witness: I heard voices coming from the end of the hallway.
Investigator: Whose voices were they?
Witness: I don't know.
Investigator: What was the tone of the voices?
Witness: They sounded a little excited.
Investigator: What were the gender of the voices?
Witness: One sounded male and the other female.
Investigator: What else did you hear?
Witness: I didn't hear anything else.

Once again, you can see that the investigator is asking detailed questions about the voices. They are also asking the follow up question, "What else did you hear?" as it's always possible the witness heard something in addition to the voices.

One last example:

Interviewer: What did you see?

Witness: I saw a messy room.

Interviewer: How was it messy?

Witness: There was spilled medication in the middle of the floor and a hammer lying near it.

Interviewer: Where was the hammer in relation to the spilled medication?

Witness: It was lying a few feet away.

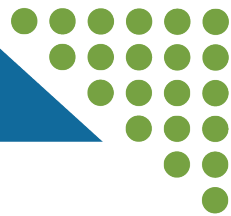
Interviewer: What else did you see?

Witness: That's all I saw.

Here, the investigator is asking clarifying questions to establish what exactly the witness saw and what the spatial relationship was between the spilled medication and the hammer. Just like for the other examples, the interviewer is asking, "What else did you see?"

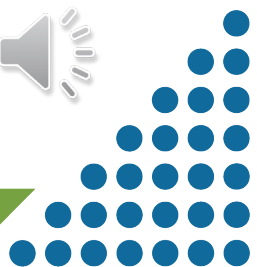
DBHDS 
Virginia Department of Behavioral Health
and Developmental Services





Objective

At the conclusion of this section, participants will have identified techniques for interviewing witnesses who are uncooperative, antagonistic or otherwise emotional.



After listening, review the rest of the slide.



The interviewer does not escalate the confrontation by wearing their authority like a badge. And when interrupted with provocation, they'd merely return to the reason for the interview whenever they'd have the opportunity to speak. The investigator responds to the witness, but not to the witness's questions which are attempts to divert the interviewer from his purpose.

- Not every employee who is uncooperative will directly refuse to answer questions. Very often a person will respond in what would be characterized as evasive. In some cases, the person will appear to “calculate” how much information they will be required to provide.
- The investigator should make clear that the witness’s response should include anything he or she remembers seeing, whether in the room itself or elsewhere (e.g., the person might have noticed someone or something happening through an open door into the hallway).

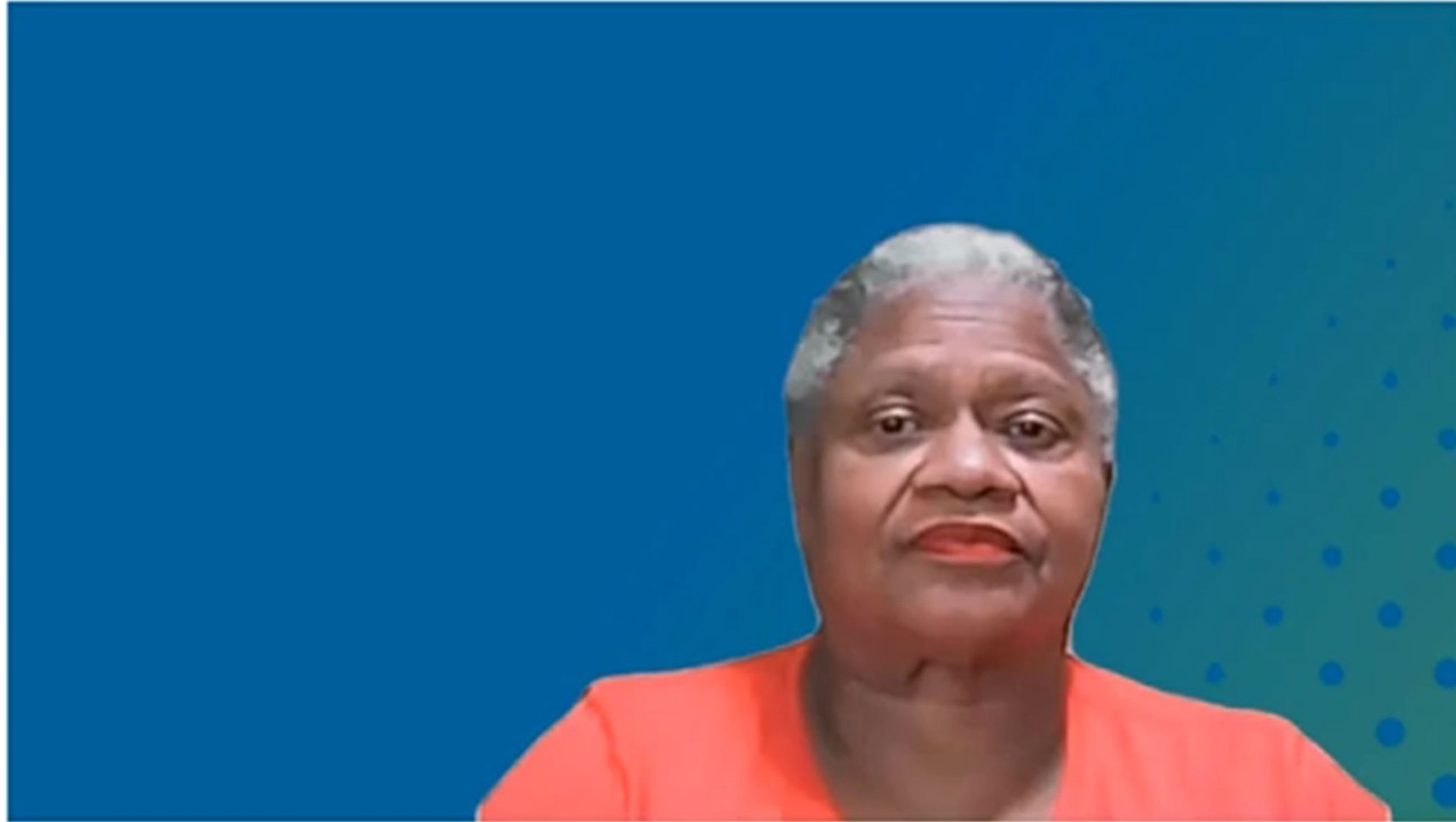
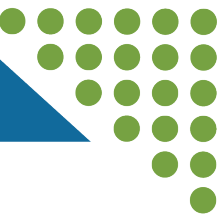
Read the slide below and then click on the audio icon and listen to the audio.

Another common gambit is the witness who, in the face of overwhelming evidence to the contrary, claims they weren't at the scene of the incident. Certainly, the investigator could "confront" the witness with the documentary and testimonial evidence to the contrary. At some point that might be necessary; however, a less confrontational approach would be to follow-up with, "Where were you?" Suppose the witness responds, "In the dining room," the investigator is now able to ask a series of follow-up questions that would help establish the veracity of the person's response.

- What were you doing in the dining room?
 - Who were you with?
 - When did you arrive at the dining room?
 - When did you leave the dining room?
- ❖ This approach allows for the investigator to establish witness credibility and avoid an initial confrontation or accusation of "lying" to the witness, as the more detail that is provided, the witnesses report out will not remain consistent.

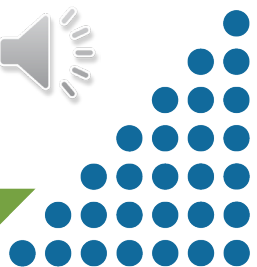
Perhaps the most common motive for reluctance to participate in an interview will be a person's fear. As noted on the previous slides, emotional witnesses sometimes appear to be inherently difficult; however, an investigator should not prematurely assume that fearful witnesses are truly uncooperative.

In some cases, an investigator will end an interview with someone who is truly fearful, returning at a later time to continue the conversation. In other cases, the investigator might offer to meet with the witness at an alternate location, somewhere less visible to colleagues and managers, or conduct the interview by telephone.




Objectives

1. Learn how to take written statements from incident witnesses without taking notes during the interview
2. Discuss alternative methods when someone is unwilling or unable to write the statement in his or her own hand.



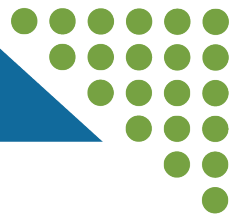
The following are some of the problems with the manner in which witness statements can be written. Others are a reflection of a defective interview process.

1. Statements may reflect a disorganized interview. If one ends up slicing the bologna during an interview, the statement should reflect that degree of organization.
 2. Often the statements do not reflect thoroughness. “I entered the room at 9:00 a.m.” is a common type of statement, with no follow-up about how the person knew it was 9:00 a.m. Sometimes the question was actually asked during the interview but not asked again when taking the statement.
 3. Sometimes statements contain information such as, “I went directly to the kitchen.” The word “directly” is a conclusion. It does not adequately describe the route.
 4. Some statements would benefit from a diagram. The witness should be asked to construct one if it would help organize his or her testimony.
- 

What about taping interviews or other ways of recording witness testimony? The following chart summarizes the advantages and disadvantages of different methods of preserving testimony.

Method	Advantage	Disadvantage
Audio Tape	Most perfect record	Intimidating Requires extra equipment Requires transcription
Investigator takes notes during the interview	Efficient Requires no additional equipment	Distracting to the witness Not the witness's statement, but instead is the investigator's interpretation of the witness's statement
Interview first, then re-interview the witness, asking that he/she write their answers	Very perfect record in Witness's handwriting	Time consuming and tedious for the witness

- Always explain to the witness before you take the statement what the witness statement is and what they will need to do
- Always tell the witness to write their answers in complete sentences.
- Always get the witness to include the date in the body of their statement.
- Always give the witness a chance to write down their entire answer before asking them another question.
- Always have the witness read back their statement to you after they've finished writing it




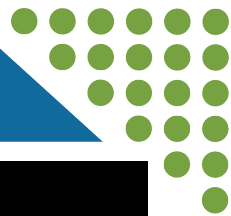
Objective

At the conclusion of this section, participants will have identified ways in which interviewers will adapt their interviewing methods to meet the needs of certain individuals.

After listening, review the slide.



- Remember, persons with disabilities should neither be believed because they are receiving services nor disbelieved because they are. Everyone's testimony will be scrutinized based on credibility factors that are not unique to persons with disabilities.
 - Nonetheless, there are several issues that do arise more frequently with persons with disabilities than others.
 - There is often no “silver bullet” to interviewing persons with disabilities.
- 



DBHDS 
Virginia Department of Behavioral Health
and Developmental Services



There are a set of principles that investigators should follow when it comes to interviewing persons with disabilities:

- 1. An investigator should never assume that any particular individual will exhibit any particular limitation.** Not all persons with disabilities suffer from severe limitations. In some cases, individuals are quite capable of both sending and receiving messages with only minor inconvenience.
- 2. Before deciding that any particular individual possesses a limitation that must be addressed during the interview process, the investigator must collect relevant facts to help make an informed decision.** Probably the most efficient way to collect enough information to make an informed decision about how to interview someone with disabilities is to contact the person's Service Coordinator (SC) or social worker. That person will have enough familiarity with the person to understand what barriers exist and how they can be addressed most effectively.

3. **During the interview itself, an investigator will vary methodology based only on the nature of the witness's actual limitations, if any.** This principle will be expounded upon in the next slides.
4. **When assessing the credibility of an individual's testimony, the testimony is not believed simply because the person is disabled, nor disbelieved for the same reason.** There is sometimes a prejudice against the testimony of persons because they are in some way disabled. The prejudice is often displayed not only by the public at large, but also by those who work with them. At the same time, there are some among us who believe any statement offered by a person with disabilities. Sometimes the investigator and others will comment, "He doesn't know how to lie." Sometimes the investigator will receive information from the support team or other staff that the person is "honest." Investigators must avoid either of these traps. An individual's testimony must be evaluated using the same standards as those relevant to any other testimonial evidence.

Principle #3 from the previous slide is more complex than the others and requires more of an explanation. Here are several situations that an investigator might encounter during an interview that will require them to use different strategies than they normally would:

The person can only reply effectively to closed-ended (yes or no) questions or is not able to use language to respond.

One technique would be to ask the witness to show the investigator what happened. This technique avoids some of the limitations of closed-ended questions by allowing the witness to demonstrate the answer rather than hoping the investigator asks all of the “right” questions.

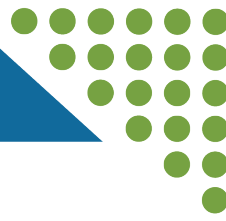
The person is not able to understand language of any sort.

There are individuals who are truly non-verbal in the most fundamental sense of the term. They not only cannot use language to respond, but they also cannot use language to receive messages. In these situations, the investigator will meet with the person. If the person is a possible victim, the meeting will allow the investigator to observe any visible injuries (or lack thereof). The investigator also might be able to estimate the person’s emotional condition by body position and facial expressions or perhaps judge whether the person is in pain. But there will not be an interview, which by definition would require the witness to communicate an answer to a question.

The investigator should preserve the witness's testimony using the most reliable technique available.

An individual with disabilities might be limited in his or her ability to write complete sentences in response to questions, which is what we suggest for most witnesses when taking written statements. Normally, we move the witness through time and space with our questions again after the first interview, asking the witness to write the answer in his or her words, using his or her handwriting. This the most valid method of preserving testimony without interfering with the person's willingness to respond that might occur if one were to use tape recorders or video tape.

However, if witnesses are able to respond to closed-ended questions, or able to respond with message boards or other techniques to open-ended questions, then the investigator can use a question-and-answer format for creating the statement. This format would involve re-interviewing the person as noted in the first paragraph; however, as the investigator goes through the questions, he or she would write the question exactly as it was asked.



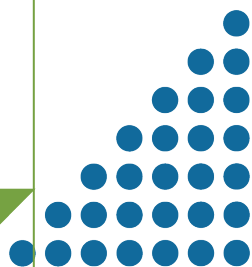
Strategy # 1: Prior to meeting with any individual receiving services, the investigator should thoroughly review the person's individual plan or assessments, as well as any other documentary records which describe the person's diagnosis and treatment.

Advantages

- The investigator can develop a thorough understanding of the individual's communication patterns, as well as some of the underlying reasons for the limitations.
- The information will be derived from a source – the files – that will not have an ulterior motive. In other words, if the investigator seeks information from any particular individual, there might be a certain perspective associated with that person's knowledge of the event under investigation.

Disadvantages

- Time consuming.
- The investigator could know too much about someone's background and diagnosis. For example, the materials might provide extensive documentation that is either critical (e.g., he always lies) or complimentary (e.g., he never lies) of the person's behaviors, thus tending to create bias in the investigator's mind.
- Many of the notes may be of poor quality and therefore difficult to understand or even read.



Strategy # 2: The investigator should meet with Service Coordinator (SC), social worker or other staff who have knowledge regarding any communication difficulties the individual may experience during the interview and discuss possible ways to reduce their impact on the interview process.

Advantages

- Avoids immediate exposure to information that can bias the investigator as in strategy #1.
- Is more interactive than reading documentary evidence. The investigator can ask questions of the SC or social worker.
- The SC or social worker also will likely be more detached than others who work more closely with the individual.

Disadvantages

- May be difficult to arrange for a meeting, particularly if the SC or social worker is not at work.
- Investigator will be exposed to whatever bias the SC or Social Worker might exhibit.

Strategy # 3: The same as #2, however in this case the conversations should be with the program supervisor and other direct support staff who might be familiar with the person's communication patterns.

Advantages

- Of all those who interact with the individual, those working more directly with the individual are probably most familiar with his or her communication patterns. They have more first-hand knowledge of the person's communication deficits.
- One or more staff may be more easily accessible than the SC or social worker.

Disadvantages

- It is more likely that someone who works directly with individuals might be involved in the incident, which might bias the information he or she provides.
- Their knowledge of and relationship with the person may result in biased information.
- They may be more likely to be looking out for the program rather than the person receiving services.

Strategy # 4: The investigator should not make any special preparations for an interview with someone receiving services. Once the interview begins, the investigator should determine based on actual experience what, if any, accommodations should be made.

Advantages

- This strategy requires less of a delay in beginning the interview.
- The investigator will have treated the individual like any other witness, only using a different method in the interview when actual circumstances present themselves which justify a change.
- This strategy avoids allowing the interviewer to be influenced by others' agendas.

Disadvantages

- In some cases, there might be limitations that, if not known in advance, could result in emotional and/or physical harm to the individual.
- In a case where an individual might be prone to violent reactions, this strategy could result in possible harm to the investigator.
- The interviewer's knowledge will be limited to what he or she can observe.



Concluding Remarks

This concludes Module 2 – Please proceed to Module 3



Module 1

Abuse and Neglect
overview which will
include:

Human Rights
Regulations

Investigatory Process



Module 2

Interviewing

Skills and Application

Module 3

Weighing Evidence
and Drawing
Conclusions

Reaching
Investigation
Determinations

Complete Test

