

Guide for Investigative Interview Questions

General guidelines

- Explain your role and responsibilities
- Identify ground rules/procedure/expectations
- Ask the interviewee to power down their cell phone (Interviews are not allowed to be recorded and this prevents covert recording)
- Inform interviewee that everything discussed must remain confidential
- Have interviewee agree to be 100% honest with you
- Ask open ended questions-The interviewee should be doing most of the talking and the interviewer should be doing most of the listening
- Ask the who, what, when, where and how questions to understand what occurred
 - Describe the individual
 - Tell me what happened
 - What happened next?
 - Then what happened?
 - What did you do next?
 - Who else was there?
 - How did you or your coworker(s) respond?
 - What did you/they say?
 - Where were you when this happened?
 - Why did you/they say/do that?
- Interviewer is not bound to accept the first answer given. Ask questions a variety of times throughout interview
- Don't accept "I don't know" or "I don't remember." Say, I find it hard to believe that you don't remember what happened
- Interviewer should be mindful of their own body language
- Observe the interviewee's body language and note any changes to body language when asking the difficult questions
- Listen for inaccuracies and inconsistencies in information being provided- if detected, explain that a previously given answer contradicts what is now being said. Ask the individual to clarify and/or explain why
- Inconsistencies may warrant need for follow-up interviews. Conduct second interviews to clarify inconsistencies

Attempts to Interview Staff

- If an alleged perpetrator is being terminated from employment due to their actions, it is best practice to interview them regarding the allegation before terminating their employment. Also obtain their written statement and any evidence (text messages, work cell phone, work computer).
- Once a staff person's employment has been terminated, they are no longer required to cooperate with an investigation and it may be difficult to reach them for an interview

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- Make multiple attempts to interview all staff. Document attempts to interview staff in the Investigation Report under that person's interview
- If a staff person is still employed, most agencies have a policy that it is a condition of their employment to participate in an investigation. If your agency has this type of policy, and they are not cooperating, remind them they are required to participate in the investigation or may be subject to disciplinary action

Interviews with Staff

Establish rapport/baseline questions (Observe how interviewee speaks and body language during easy questions)

- What is your title?
- How long have you worked here?
- What shifts do you work?
- Tell me what your shift generally looks like
- Describe the individual to me

Move on to questions about the incident

- If there are multiple allegations, group the questions about each allegation separately. This assists the interviewer and interviewee with staying focused on each allegation.
 - First let's talk about the alleged physical abuse
 - Now let's talk about the alleged verbal abuse
- Ask interviewee to provide a timeline
 - What happened before the incident?
 - Describe what happened during the incident
 - What happened after the incident?
- Ask variety of who, what, when, where, how questions to determine what happened
- If applicable, have them demonstrate/show you their actions, actions of others
- Determine degree of force or volume
 - On a scale of 1 to 5, with 5 being the hardest, how hard was the alleged victim struck?
 - On a scale of 1 to 5, with 5 being the loudest, how loud was the person yelling?
- If interviewee uses a word to describe what they saw, (i.e. smacked, shoved, grabbed), have them define what they mean by that word and if applicable, demonstrate

Interviews with Witnesses and Collaterals

- Witnesses are defined as eye or ear witnesses who saw or heard the incident occur
- Collaterals are defined as anyone else who may have relevant information
- All potential witnesses and collaterals must be interviewed
- Consider prior shifts of staff, other individuals in the area, maintenance workers, transportation staff, members of the community, family members, guardians, neighbors
- Everyone that you need to interview is not listed on the initial incident report

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- Utilize the same guidelines for interviewing described above

Alleged Perpetrator Interviews

Questions to ask an alleged perpetrator if they are denying the allegation but there is evidence to support the allegation, towards the end of the interview:

- Be direct and ask them: Did you abuse/neglect/exploit the individual?
- Why would other people say that you did?
- How is it possible that others say they saw or heard something?
- Is it possible he/she hurt, didn't do something, exploited, etc., the person or if he/she *accidentally/unintentionally* did something to hurt the person
- If there is video evidence, show them the video and ask them to explain their actions
- If there are photos of injuries, show the photos and ask them to explain how the alleged victim ended up with these injuries
- What, if anything, would you do differently?

Ask the following at the end of the interview

- Is there anyone else you think I should talk to that may have information about this incident?
- Is there anything else you would like to tell me that I didn't think to ask you about?
- Are there any texts, emails, photos or posts about this incident?

Interviews with DDD Alleged Victims/Individuals Served

Learn some information about the individual and their ability to communicate prior to attempting to interview them

- **Remember that “non-verbal” doesn't mean non-communicative**
 - Most individuals have some ability to communicate their wants and needs
 - Do they communicate with gestures or sounds?
 - Can they nod yes/no?
 - Can they answer yes/no questions accurately?
 - How do staff know what the person wants or needs?
 - Do they use a communication device (picture board, electronic communication device, etc.)?
 - Even if an individual has limited communication skills, it is best practice to meet with them, attempt to interview them or observe the individual
- **Ensure the individual feels comfortable, safe and supported during the interview**
 - Ensure individual knows that they are not in any trouble
 - State that you are there to talk with them about something that may have happened
 - Ask if they are comfortable talking with you
 - Tell the individual that this is a safe space where they can talk with you about what happened

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- If the individual is fearful of speaking with someone unfamiliar, you may decide to have a preferred staff person sit in on the interview. Ensure that the person sitting in is NOT a part of the investigation in any way and they must also keep information heard in the interview confidential
 - If the individual does not want to talk with you when you first attempt to interview them, ask if you could come back tomorrow and speak with them
 - Make multiple attempts to interview the individual
 - Document your attempts to interview in the Investigation Report interview section
- **Ways to assess if the individual is oriented to time and place**
 - Do you know what day of the week it is?
 - Where are we now?
 - Where do you live?
 - Who else lives there?
 - When this incident occurred what was the weather like outside (hot-summer, cold-winter)?
 - Did this happen recently or a long time ago?
 - Who else was there?
 - If they are unable to tell time on a clock, assess if they know when this happened in relation to typical daily activities.
 - Did this happen at day program or at home?
 - Was this before or after breakfast/lunch/dinner?
 - Did this happen before or after you took a shower?
 - Were you wearing your regular clothes or your pajamas?
 - If they take medications, 8:00am or 8:00pm are typical medication times. Did this happen before or after you took your medications that day?
 - Was it light or dark outside?
 - **Ways to assess if the individual knows the difference between telling the truth and telling a lie**
 - If the individual knows different colors, ask questions like
 - If the interviewer is wearing black pants, ask the individual, if I said I was wearing red pants am I telling the truth or a lie?
 - If the individual is wearing a white shirt, ask them, if I said that your shirt is purple, is that the truth or a lie?
 - If the individual understands weather and/or seasons
 - If it is sunny outside ask, if I said it's raining is that the truth or a lie?
 - If it is summer and hot outside ask, if I said it's winter and snowing outside, is that the truth or a lie?
 - Then after establishing these questions, ask the individual if they can tell you the truth today

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- **If the individual only communicates through gestures, yes/no or nodding, use alternate approaches to identify the alleged perpetrator**
 - Obtain photos of various staff, including the alleged perpetrator (possibly from their staff ID photos). Tell the individual you have photographs of their staff and you want them to point to the person who hurt them if they see them in the photos. Show the individual the photographs one at a time and see if they can point at the photo of the alleged perpetrator
- **Avoid leading questions**
 - Instead of saying, did John Smith hit you? Ask, did anyone hit or hurt you?
 - Instead of saying, I'm here because I know something happened to you; say I'm here to talk to you to see how you are doing at your group home
 - Be mindful of leading body language, such as nodding yes when you are asking them a question. This gives the non-verbal cue that you are expecting them to answer yes to your questions
 - Our individuals are often skilled at reading non-verbal body language, so be mindful of your body language when interviewing
- **Ask the following questions at the end of the interview**
 - Is there anyone else you think I should talk to?
 - Is there anything else you would like to tell me?

Interviews with DMHAS Alleged Victims/Individuals Served

Learn some information about the individual (MH, SUD, co-occurring) and their current disposition/mood (i.e. withdrawal, experiencing symptoms, etc.) prior to attempting to interview them

- Determine the best time to interview: Medications may affect orientation. Someone may experience less symptoms at a certain time of day or in a certain environment due to external stimuli.
- The person's diagnosis may determine interviewing techniques: Personality Disorders (Borderline PD, Narcissistic PD, etc.), baseline of always experiencing auditory hallucinations, responding to internal stimuli, experiencing withdrawal, etc.
- **Ensure the individual feels comfortable, safe and supported during the interview**
 - Ensure individual knows that they are not in any trouble. Be mindful that an individual with a legal status may be hesitant to speak to an investigator.
 - Explain that you are not with law enforcement and this is not a criminal investigation and you will not be disclosing what was said in the interview with anyone, including law enforcement
 - State that you are there to talk with them about something that may have happened
 - Ask if they are comfortable talking with you
 - Tell the individual that this is a safe space where they can talk with you about what happened

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- If the individual is fearful of speaking with someone unfamiliar, you may decide to have a preferred staff person sit in on the interview. Ensure that the person sitting in is NOT a part of the investigation in any way and they must also keep information heard in the interview confidential
- A person's legal status may cause AV to hesitate/may not want to be involved in an investigation
 - If the individual does not want to talk with you when you first attempt to interview them, ask if you could come back tomorrow and speak with them
 - Make multiple attempts to interview the individual
 - Document your attempts to interview in the Investigation Report interview section
- **Ways to assess if the individual is oriented to time and place**
 - Do you know what day of the week it is?
 - Where are we now?
 - Where do you live?
- **If the individual has difficulty recalling information, use alternate approaches to identify the alleged perpetrator and possible witnesses**
 - Obtain photos of various staff, including the alleged perpetrator (possibly from their staff ID photos). Tell the individual you have photographs of their staff and you want them to point to the person who hurt them if they see them in the photos. Show the individual the photographs one at a time and see if they can point at the photo of the alleged perpetrator
 - Read a list of names
- **If the individual has difficulty recalling information, use alternate approaches to identify when the incident may have occurred**
 - When this incident occurred what was the weather like outside (hot-summer, cold-winter)?
 - Did this happen recently or a long time ago?
 - Who else was there?
 - Assess if they know when this happened in relation to typical daily activities.
 - Did this happen at program/work, community, or at home?
 - Was this before or after breakfast/lunch/dinner?
 - If they take medications, 8:00am or 8:00pm are typical medication times. Did this happen before or after you took your medications that day?
 - Was it light or dark outside?

Interviews with Guardians

- During a majority of investigations, the guardian is not “interviewed.” The guardian is contacted and notified of the incident
- If the incident is a case of abuse, neglect or exploitation and subject to P.L. 2025, c280, the guardian must be notified by the provider agency at the start of the investigation

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- However, if the guardian is the reporter of the incident or has specific information relevant to the investigation, then it is necessary to conduct an interview with the guardian
- Ensure that the interview remains focused on the incident under investigation. If the guardian has other information or concerns that they want to discuss, state that for the purposes of the interview we need to remain focused on this incident under investigation. Their other concerns can be discussed with the appropriate person outside of the interview
- If the guardian does have additional concerns that they wish to discuss, either refer them to the appropriate person to address these concerns, or if the interviewer is the person to discuss them with, set up a separate time to discuss these concerns
- This keeps your investigative interview focused on the incident under investigation, while still giving the guardian the opportunity to discuss other concerns