

Interviewing Victims: Key Issues and Challenges

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Goals of Interviewing

- Why do you interview older and vulnerable victims?

Goals

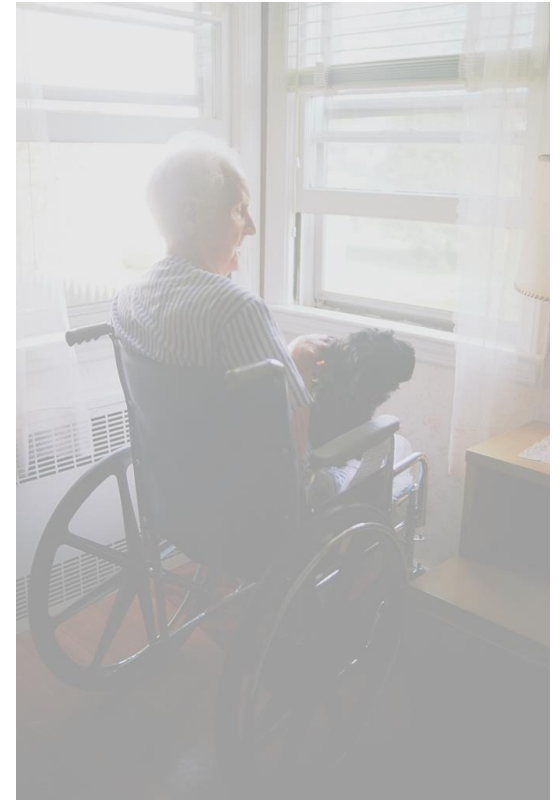
- APS
 - Assess risk
 - support or refute an allegation,
 - increase supports and safety
 - determine if criminal conduct for which a cross report is required
 - determine client's wishes
- LE
 - determine if a crime occurred and who did it
 - make an arrest where warranted
 - identify defenses and witnesses
 - obtain emergency protective order (where available)
 - evaluate victim's credibility

Impediments to Interviewing

- Lack of preparation
- Inability to communicate
 - Yours
 - Victim's
- “Hidden agendas”
- Interference
- Age, gender, and cultural differences between victim and interviewer
- Time

Interviewing Older Persons

- Special Considerations
 - Vision
 - Hearing
 - Literacy
 - Dementia
 - Sundowning
 - Medical Needs/Medications



Getting In The Door

- “I’m from Adult Protective Services”
- You have to talk to me or I will come back with the police...
- If you don’t talk to me I will assume that you have something to hide

Considerations

- Are there any likely problems or obstacles
 - Interference?
 - Perpetrator nearby?
 - Safety issues for you or the person to be interviewed?
 - Facility schedule
 - Language or communication issues?
 - Interpreter needed
 - Facilitated speech used
 - Do you need an interpreter?

Obstacles

- Older and Vulnerable Adults may fear:
 - Reprisal
 - Being disbelieved
 - Being abandoned
 - Institutionalized
 - Losing independence
 - Found incompetent

Victim Concerns

- May be dependent on abuser
 - No where else to live
 - Dependent for food, clothing, shelter, survival, support, access to family
- May be caregiver for defendant
- Values and “culture”
- Protective of family members

Victim Concerns

- Immigration issues
 - Deportation
 - Loss of host
- Provide accurate information about consequences and the system
- **Clarify you are not from immigration and any relevant agency policies**

Building Rapport

- Identify yourself
- I am concerned about what happened to you
- I want to hear what you have to say, learn your perspective
- “Do you know why I am here?”
- Your opportunity to assess language skills, communication style, ability to understand

Building Rapport

- Identify the interviewee's concerns
 - Often have inaccurate information about what may happen
 - They can't address your needs until you meet theirs
 - “What are your concerns”?
 - “What have you been told may happen”?
 - What would you like to see result from this?
- Deflect matters you cannot immediately address but return to them later in interview

Building Rapport

- Clarify your goals
 - I want to be sure you are safe
 - I want to be sure your needs are met
 - I want to do what I can to make sure you have enough money to live comfortably and pay your bills
- Determine if your goals are consistent with what victim wants. If so, elder may be more forthcoming with information

Keeping the Interview Going

- Active Listening
 - Minimal Encouragers
 - Open Ended Questions
 - Mirroring/Reflecting
 - Emotion Labeling
 - Paraphrasing
 - “I” Messages
 - Effective Pauses
 - Summarizing
- Use silence

Understand the Impact of Trauma

- Brain changes
- Information is recalled in segments, not linear
- Different information over several interviews
 - Not deceit

Trauma/ History of Abuse

- Changes perception of danger
 - May cause person to fight or resist when recognize “signals” of abuse
 - “Towel”
 - Has anything like this happened before? Tell me about it?
 - What did that mean to you? Why?

Multiple Interviews

- Minimize repetitive interviews
 - Appears rehearsed
 - Information may not be accurate indication of what witness knows
 - Maybe affected by what witness has been told or learned in other interviews
- What do you need to know?
 - What is your purpose?
 - What do you need to do your job that must come from this person vs. what can be learned from others

Crawford Issues--CJS

- Are statements to APS covered by Crawford?

Do you have a case on this in your jurisdiction?

People v. Cooper (2007)

- 148 Cal. App. 4th 731
- APS, LE, and community agency jointly went to suspected EA victim's home to evaluate victim's capacity, needs, and abilities (including ability to manage finances). Statements deemed "non testimonial"
- Need to clarify purpose of the conversation.
- Fact LE present did not make statements testimonial

Suggestions (APS)

- Be clear on who is asking questions and purpose of interview
- Clarify why APS is conducting the interview
 - Not to build a case
 - Assess risk and offer services to reduce risk
 - APS key principles—maintain the client in their home of choice as long as possible and safe
 - Focus questions on these purposes and leave to LE questions to establish a crime occurred

Anticipating Forfeiture by Wrongdoing

- LE should explore
 - If ever sought help for abuse and what happened
 - What told if victim reported abuse
 - Afraid what abuser will do now that CJS and/or APS are involved
 - Victim dependence on suspect (emotional as well as care needs)

Victim Interviews When There are Concerns About Capacity (LE)

- Three Part Interview
 - Part I: Orientation
 - Part II: Impact of crime/events
 - Part III: Information about crimes, elements of offenses

Timing of Interview

- Make sure elder has eaten, taken medications
- Try not to schedule when conflict with elder's schedule
 - The “Soaps”
- When does person function at their best? Worst?
- When is timing least disruptive of facility's schedule?

If A Criminal Investigation

- Consider use of a Multidisciplinary Forensic Interview Center and/or trained interviewer (MDIC)
 - Commonly used with children in child abuse cases
 - Increasingly communities are using the MDIC process with persons with intellectual disabilities and some elders

Reminders

- This is not an interrogation but an interview—a conversation with a purpose
- Have a conversation
- Remain professional and calm
- Let the person tell their information without interruption, then go back and clarify
- Consider if you can appropriately validate the victim's experience

Sample Questions

- Tell me about your relationship...how long have you known one another?
- How was it at the beginning of the relationship? What did you do together that you liked?
- When did things begin to change? What changed? Can you give me an example?
- Did things ever become physical? Please tell me about that.

Sample Questions-2

- Have you been asked to do anything you did not want to do? Can you give me an example?
- How does s/he handle stress?
- Is there something that happens just before things turn physical?
- In your mind, what is the worst thing that has happened? Recall the first time? Recall any other times?
- Ever sought medical care? Tell anyone about what has happened? Have photos been taken? Kept a diary or journal?
 - May I see (copy or take) the photos...diary...

Sample Questions--3

- Why do you think this incident happened?
- Let's talk about the most recent event. When did it start? What was it about? Where did it occur? Where were you? Where was he/she?
- What would you like to see happen?
- Do you feel safe? What would make you feel safer? What can I do to help you feel safer?

Sample Questions--4

- You are clearly a strong person who has lived with a difficult situation for a long time. What have you done to keep yourself safe? What has worked? Are there things that did not work?
- Has anyone ever been present when things happened? Does anyone else know about what has been happening?
- If I were to ask (the suspect/alleged perpetrator) about what has happened what do you think s/he would say?

Victim Who Has Dementia

- Conduct interview
- In early stages victim still able to recall, recount, and testify
- In later stages
 - Slow down
 - Short questions
 - Concrete questions
- Watch for behavioral signs
 - Changes in established patterns
 - May signal abuse

Persons Who May Have Hearing and Vision Deficits

- Speak slowly and clearly. Do not shout.
- Face the witness when speaking. Position yourself as close as respectful
 - Maintain appropriate spacing
 - Do not invade personal space
 - Lip-reading is common when persons have hearing deficits
 - Back lighting is preferable

Touching

- Generally do not touch the interviewee
 - Cultural and regional mores
 - Without permission; disrespectful
 - May remind person of what an abuser has done
 - Person may be “touch toxic”
 - Follow the elder’s lead
- May need to guide or touch if person is Deaf, hard of hearing, blind or low vision – tell person what you are doing

Observe Civilities

- Address the victim by his or her surname unless the victim gives you permission to use some other name.
- Do not immediately launch into interview
- Cultural expectations

Recognizing and Anticipating Distress

- Monitor interview to see if person needs breaks
 - Medical needs, e.g., incontinence, oxygen
 - Medications
 - Food and liquids
 - Fatigue
 - Stress
 - Nervous gestures
 - Is topic causing anxiety
 - Consider shifting to less charged or neutral topic and returning to topic later

Framing Questions

- Ask only one question at a time
- Provide time to consider and give an answer
 - Processing takes longer
 - Normal aging, not dementia!
- Have victim paraphrase responses and information
 - Allows the victim to consider the meaning of has been said
 - Allows interviewer to assess the victim's understanding of what has been said and to check understanding of what the victim has responded

Effective Questions

- Tell me more about that...
- I'd like to hear more about...

Framing Questions

- Non leading questions
 - If witness cannot answer a non leading question, use leading questions.
 - Verify by asking a similar question later or reverse the question later to assure the answer is accurate
 - Was it X, or Y, or something else?

“Difficult” Questions

- Show Empathy and Understanding
 - I know this is difficult
 - I am sorry to have to ask this...
 - I can understand that...
 - Validate the elder’s efforts to answer questions
 - Nodding
 - I see
 - I hear what you are saying
- Do not communicate approval or disapproval of any particular answer

“Difficult” Questions

- Normalize Questions about Personal or Intimate Issues
 - In my work I meet many people who have been asked to do things sexually that made them feel uncomfortable. So now I routinely ask about this. Has anyone asked you to do something that made you feel uncomfortable?
 - In my work I have met many people who have been taken advantage of by someone they cared about. Has that happened to you?
 - From talking with people like you I have learned that often people who are physically harmed may also be told to sign checks to the person who has harmed them. Did that happen to you?

Theories and Justifications

- Explore alternative explanations and defenses
 - What is (other party) going to say if I ask about this?
 - Why would (that person) say that?
 - Who else knows what has been happening?
 - What have you been told about what may happen? Who told you that?

Ending The Interview

- Is there anything else that you want me to know?
- Is there something I did not know to ask you?

Ending the Interview

- Do not promise more than you can deliver
- Thank the person for their cooperation and assistance
- Tell them what to do if they recall other information
- Tell them what will happen next
- Address any deferred matters
- Provide and review resource information and forms

Documenting the Interview

- Memorialize while conducting the interview is preferable
- If need to memorialize afterwards, do so immediately and before handling other matters -- memory, accuracy, completeness
- OK to explain to interview subject why you are taking notes or recording
 - Offer to let person read, correct, and initial notes

Questions?

- Thank You!
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