

2019 NAPSA Conference

# Improving Your Investigative Skills: Interviewing Alleged Perpetrators/Suspects

**Candace Heisler**

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## Acknowledgements

Some of the content used in this Workshop is drawn from NAPSA's Academy for Professional Excellence 2019 Curriculum "Enhancing Your Investigative Skills: Interviewing Alleged Perpetrators" available at <https://theacademy.sdsu.edu/programs/apswi/advanced-training/enhancing-your-investigative-skills-interviewing-alleged-perpetrators/>

The presenter developed the course content.

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2

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## In This Workshop

- APS uses term "client"; LE uses term "victim"
- LE uses term "suspect"; APS uses term A/P, A/A or S/A.
- These terms will be used interchangeably in this session.

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3

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• Why Do YOU Interview Alleged Perpetrators?

Reasons, Goals

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APS

- APS' role is not to get a confession but to have a conversation with a purpose, not to establish guilt for a crime.
  - You do not conduct interrogations; an accusatory interview typically conducted by law enforcement once a person is suspected of a crime or other misconduct
- Not to build a case for criminal justice system - you are not their agent
- Your goal is to assess the A/Ps willingness and appropriateness to continue to play a role in the client's life and to assure your client's safety

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Interview purposes

Elements	ID Victim and Suspect	Corroboration	Witnesses	Defenses
Intent/Motive	Crime/Allegation	Assess A/P's abilities and needs	Due process and fairness	Determine what action is required; close case
Injuries and Losses	Confession/Admissions	Liability	Resources	Understand Event, Build Timeline

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### If Criminal Conduct is Suspected --APS

- To avoid compromising the criminal investigation, APS should coordinate with LE the timing of APS interview
  - In some cases may not do an APS interview
  - In others may follow a LE investigation or go first
- Law Enforcement
  - Who does the suspect interview?
  - What is the timing of the suspect interview?
  - How do you coordinate with APS?

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7

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### Case study

Your client is a woman, aged 70, whose adult son has moved in and has been stealing from her. He has allegedly stolen her car, forged checks, and locked her out of the house during very cold weather. He uses opioids and abuses alcohol. His friends often "crash" at the house for days at a time. He has a criminal history for stealing, gang violence, driving under the influence of alcohol, and fighting.

What are the safety concerns for your client and yourself if you interview the son at the victim's home?

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8

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### The Basics ...Victim Safety

- Safety paramount
- Do not interview victim and suspect together
- Maintain client/victim confidentiality
- Do not disclose information provided by client/victim or collaterals/witnesses associated with the client or suspect
  - The investigation reveals...
  - The police report indicates...
  - Records suggest...

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9

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### Anticipate Dangers; Take Precautions

- Check location and known parties with LE and APS files before you respond
- Decide if you should make an announced or unannounced visit
- Consider where you should conduct the interview
- Should you take another APS professional or LE with you?
- Tactical considerations
  - Preprogramed phone to 911
  - Staff/office check in and check out procedures
  - Park where not be blocked in
  - Hands free
  - Do not stand in front of the door
  - Remove animals
  - Nothing between you and door. Plan an escape route.
  - Avoid places with known dangers- e.g., kitchen, workshop
  - Try to place the A/P in soft furniture while you sit in chair without upholstery
  - Trust instincts—leave if not comfortable, call law enforcement

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10

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### Summary Points: Safety

- A/P has tactical advantage, knows the location, and where dangerous items are located
- Avoid interviews in the kitchen or workshop
- Think about locations outside the home—e.g., porch
- Nothing between you and the exit
- Memorize safe exits when entering home
- Leave if you feel unsafe or cannot find a safe place to talk
- Scan for areas that could hide a weapon
- Have alert procedures with the office—leave your call schedule, check in and check out, update stops

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11

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### Setting a Professional Tone (APS)

- Identify yourself by name and position.
  - Consider describing relevant job responsibilities
- Describe your legal authority
- Get and keep A/P focused on purpose of the interview—get his/her side of situation
- If you cannot legally answer a question, say so
  - State law prohibits me from discussing who made the report; who I have spoken with already
- Refocus A/P on purpose of the interview and importance of A/P's account

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12

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### RAPPORT BUILDING

- **Purpose**
  - Gain trust and create an environment for sharing information
  - Assess suspect's communication style, educational level, and life capacities
- **How to Build Rapport**
  - Interests and hobbies, military service, family, pets
  - Plans for future
  - If retired, how spends time, his/her job, what s/he did, what was important to him/her about work
  - What s/he does, what gives A/P pleasure

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53

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### Encouraging Responses

- **Active Listening**
  - Minimal Encouragers
  - Open Ended Questions
  - Mirroring/Reflecting
  - Emotion Labeling
  - Paraphrasing
- **"I" Messages**
  - Effective Pauses
  - Summarizing

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### Types of Questions

- **Open ended to get narrative responses**
  - Yes-no questions close off answers
  - Open ended may help keep A/P calm and de-escalate anger
  - Encourages providing more information
- **Specific Closed questions**
  - To clarify prior answers "Who was there. Who said that? Where were you standing"
- **Forced Choice Closed questions**
  - May not provide the right choices—"was the light red or green"

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55

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### Who Brings Cultural Biases To Interviews With A/Ps?

- Examples
  
- How do they affect the interview?

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### CULTURAL Issues when interviewing an A/P

- Biases are held by both the interviewer and A/P and may affect your ability to engage with the A/P
  
- Examples of Interviewer biases
  - Stereotyping
  - Misunderstanding cultural experiences
  - Misinterpreting actions during contact
  
- Examples of A/P biases
  - Distrust or fear of governmental officials
  - Refusal to accept help as cultural norm

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### Cultural Awareness

- Need to know cultural entities/communities you serve. Do you need to engage with a leader or elder before interviewing the A/P (or victim)?
  - Need an interpreter?
  
- If you are not sure, be culturally humble and respectful.
  - Ask for guidance.
  - Apologize if you get off on the wrong foot.
  
- Big picture—have relationships with respected leaders in other communities you may serve.

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### Productive Interviews

- Frame questions in neutral, objective language
- Remain neutral, maintain consistent body language and facial expressions
- Do not offer judgments about the A/P's conduct
- Watch for general statements that may be "coded" responses and probe for more. "Can you give me an example?" Make sure your questions are really answered.

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19

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### Are There Better Ways to Ask Questions?

- I understand that you are stealing your great aunt's social security checks and using the money to buy drugs.
- So you can't hold a job and are living off your family...
- If you don't answer my questions I am turning this case over to the police.
- We received a report that you are neglecting your elderly aunt and she is hungry and thirsty all the time.

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20

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### Creating an Environment for Disclosure

- What does "V" expect you to do for her/him?
  - Have you had any concerns with what you have to do to help your parent? What tasks?
  - What happens when you feel overwhelmed? What could help you when you feel overwhelmed?
- Identify with the A/P's needs
  - Caring for an older person can be really difficult. What things do you find hardest to do?

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### Creating an Environment for Disclosure

- Be empathetic
  - You feel that you cannot do it all. What tasks are you just unable to manage?
- Offer support
  - You may need some help. What would be most helpful to you?
- Ask about what triggered the event
  - When did this all start?
  - What caused it to happen?

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22

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### Keeping the Interview Going

- Do not collude with bad behavior
  - Wow, I see what you mean. We all have breaking points. I'd have hit her too.
  - I understand. You had no money, your mom has all she needs and more. When she didn't give you money when you asked, I see why you had to take it.
  - Do not label the A/P as an abuser or other "charged" term. Instead stay focused on the behavior, not the person.

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23

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### Conducting the A/P Interview: Summary

- Try to begin with open ended questions to get narrative responses
- Challenge responses with care
- Create an Environment for Disclosure
- Do not collude with bad behavior
- Explore defenses and justifications

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24

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Keep the Interview Going

- Some A/Ps will push your buttons
- Keep yourself in check

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Addressing Volatility

- Take control firmly and immediately. Do not raise your voice.
  - “Please sit down and lower your voice”
- Maintain your neutrality and attempt to create and maintain an atmosphere of calm and reason
- Refocus on purpose of interview and importance of gaining the A/P’s perspective
- Offer possibility of providing help to them.
- Change the line of questioning and move to less upsetting subjects and then come back to what was upsetting.

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Addressing Volatility: If You are Not Law Enforcement

- Do not ask questions that assume guilt
- If unsuccessful, take a short break or end the interview
- Leave if you feel unsafe
- If you are concerned for your own safety or your client’s, leave and call LE for help

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### Documenting the Interview

- Take thorough notes while maintaining eye contact with the A/P
- Tell A/P that you are taking notes and reasons
- Complete, exact quotes, neutral and objective
- Avoid unnecessary conclusions and labeling
- Describe demeanor (behaviors) not your reactions to them
  - Think about how the interview notes may be used

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28

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### Ending the Interview

- Is there anything I did not ask that you want me to know?
- Leave door open for future interviews
  - You or someone else may need to interview this person in the future
- Prepare for cooperative problem solving and/or offer of services
- Promote victim safety by ending on professional terms

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29

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30

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31

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### Questions?

- Thank You!

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