



Carolyn Bailey papers

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit

www.mnhs.org/copyright.

Techniques of Confirming Validity

(to R.C.W.D., 1-12-72)

I. Introduction: Need

Everyone seems to agree that in ^{police work} ~~my particular job~~ it is very important ~~for me~~ to obtain an accurate and complete account of what happened, because the consequences of invalid information could be that an innocent person might go to jail, a dangerous man may not be apprehended and attack again or the police may waste valuable hours investigating a totally false report, etc. However, it is equally important that the caseworker determine the true facts in his or her case for many significant reasons:

1. If the case worker does not have the correct facts, she cannot make a proper evaluation of the case (diagnosis). Ex. of consequences: a battering parent may go undiagnosed until the child is suddenly brought to the hospital D.O.A.
2. It is essential to have an accurate diagnosis as a guidance in deciding appropriate treatment. The treatment plan is more effective and complete if you know your family.
3. In establishing a relationship with your client, it is important in the relationship itself that the client is honest with you, just as it is that the client is able to fully confide in you. I personally as a former case worker become disturbed when a Welfare client tells me such things as, "My worker doesn't know nothing", "She believes everything I tell her", etc. This I have heard many times. It is difficult to build confidence with your client and convey to them that you accept them as they are or in spite of what they may have done (and want to help) if your client thinks that you don't even know what gives. ~~In seeing this from another viewpoint, I feel even more strongly about this than I did as a case worker.~~ You must recognize too that there are some clients who, if they feel they can fool you, will try to deceive you. A relationship ✓ of respect and trust is most strongly based on an open and honest foundation. Interviewing must inspire trust and confidence and induce the client to offer his information freely and willingly.

AGREED - BUT DON'T GULLIBLE!
BE

4. Another reason for obtaining accurate and complete information is that your case may eventually be referred to Juvenile Court. It has become increasingly important that you present objective factual evidence in court if you hope to sustain your petition. Ex. it is no longer effective to record, "Mary skipped merrily through the white picket fence and said everything was fine, but I knew she was lying because the house was a mess." The court will not accept simply impressions. They want to know, "The refrigerator had no food in it, all of the dishes were piled in the sink with decayed food on them, etc."

5. A final reason I might add is one which I feel is particularly important in child abuse cases. The worker must make every effort to know "what's going on" with this family for the protection of the children and to be a more effective case worker. If she does not know what's happening (in their minds and in their habits), a child could die. This has happened, and when it does, we all have to account for the case. I get the kind of argument both in and outside of our department, "If you'd sent the guy to jail, this wouldn't have happened."

1st review some fundamentals -

II. Know the Facts

→ Before you go out on a new case or before you interview your client with new information, be sure that you know all the facts available. There will obviously be facts which your client will give you that you may want to check later, but there are many resources you can utilize so you know your client well and are fully aware of the current information before you ever approach the client.

1. First get all the details from your referral source. For example, if a neighbor calls and says a mother has been tying up her small child and leaving him alone all day, it is very likely the mother will attempt to deny this, unless you can pursue this further with specifics, such as when and where this happened, who saw it, where the mother went, why the mother might do this, etc.

2. The next obvious resource for initial information would be your own records. Files on closed cases should be immediately available, since there is often valuable history which may be of great assistance in an emergency as well as in the follow-up on the case. Ex. Jerry Counts.

3. Other agencies and departments may have considerable information on the family of which you are unaware. To this day I cannot understand why I, as a case worker, never utilized the wealth of information in the police files and among the district squads, unit investigators, etc. Other resources which I seldom tapped include the community centers, the Credit Bureau, Probation Office, Post Office, Dept. of Education, Motor Vehicle Dept., etc. *ABUSER IS FREQUENTLY A KNOWN CRIMINAL. IT COULD BE DANGEROUS!*

4. Although the case worker is not ~~and should not be~~ ^{a trained} an investigator, there may be occasions when you can gain considerable insight through ~~casual~~ casual conversations with landlords, neighbors, employers, relatives, and other associates of the client. If one case worker had visited with the landlord, she would have discovered that the father who abused his child was back in the home and ^{she} may have prevented the child's death.

You should first have all the known facts at your disposal before you attempt to interview the client.

III. Determine where the interview should take place

There is a time when it is more appropriate to make a field call and another time when it is advantageous to conduct an office interview. When you want to gain insight in to family relationships, home conditions, etc., you visit the home. If I do not want someone fully prepared in his account and feel there is some advantage in catching him "off guard", I will stop out to see him where the circumstances will be most appropriate.

However, if you want to assure privacy, that you will be able to talk to the client alone and the interview will not be interrupted by children, etc., an office interview would best serve your purpose. It is generally wise not to allow people to come and go from the room during the interview and to limit the interview to as few people as possible. When there are several people in the room, the client may not feel free to talk, especially if it is her husband or parents. For purposes of police interrogation, the office gives the investigator the greatest advantage for several reasons. The individual to be questioned is less comfortable and confident in your office than on

Determining valid information. (4)
Sometimes it's the absence of information that is important. EX. Susie Wahl.

his own home grounds. When interrogating, you want the individual to fix his attention on you. A moment when he leaves the room or is otherwise interrupted gives him relief from questioning and give him a chance to pull himself together. The office in itself contributes to creating a more official atmosphere, and the significance of this alone may cause the individual to be more apprehensive about lying.

AUTHORITY

* IV. Overall Common Sense (Probability)

When you are attempting to determine the validity of a report, first review all the known facts, then as objectively as possible utilize your own life experiences in determining probability. A worker can so easily become involved with his client, who may be very convincing, that he does not assess the likelihood of the client's allegations. Ex. On receipt of own cases, such as kidnapping ...; Welfare record on overdose. On receiving a new case, it may be wise to make a tentative assessment of the case and remind yourself of this when you start getting tangled up with deception. The old cliché, "He can't see the forest for the trees", can be very true. You can get so intense in studying each detail or each witness that you don't pause to realize how ridiculous the whole picture is. Although the cliché, "Truth is stranger than fiction", can be true, it's seldom happens or else it would no longer be strange! Our best police investigators are not only intelligent but have good "common sense". Stop and think! We might test it here by asking how many times you believe an unmarried mother has gotten pregnant the "first and only time" she had intercourse. The one who gives the largest number is probably the most gullible. Particularly in cases where you have been working intensively with the family, it is far easier to accept their story than to believe your client is lying to you.

* Eliminating other possibilities
(EX. Susie Wahl)

What is probability?
(Best courses - logic & economics)

V. Motives for Lying

Keep in mind while assessing the case, and later when interviewing, the possible obvious motives for incest father motives your client might have for lying. Sometimes the strongest indications of false reports are the obvious motives for lying. For example, the child who is late home is more likely to make up a false story to excuse herself to her parents than the child who is home early and has no reason to be concerned about her parents responses. Motives are obvious for suspects in crime but often veiled for witnesses & victims.

An Oklahoma prosecuting attorney gave an excellent and effective demonstration of motives for lying in court. His robbery case against the defendant had been going very well, when a sweet, little elderly lady took the stand and testified that she was with the defendant the whole night that the robbery had taken place. The prosecutor realized that the jury had "fallen in love" with this old woman and they would resent any harrassment or outright accusation of lying against her, but he also knew that her alibi could lose his case, so when it was time for the prosecutor to cross-examine her, he stood up and quietly asked only one question, "Mrs. Jones, how long have you been the defendant's mother?"

Frequent motives which police learn of false reports to the Welfare Dept. include allegations that budgeted Welfare money has been stolen. The accounts given to justify reimbursement can be very detailed and complex. Ex. A client who is afraid of "losing her children" can be very desperate in her explanations. An unmarried mother who does not want to establish paternity can dream up all kinds of stories. There are periodically those individuals who may not even appear to be mentally disturbed, who lie dramatically simply to gain attention. Those who are mentally and emotionally disturbed may veil this in claiming that their responses are the result of the alleged incident. Ex. Threatening notes.

Sometimes it may not be the intention to involve the agency or an outside department in a lie, such as the child last week who claimed she was kidnapped and her car stolen but did not expect her father would report the alleged auto theft to the police.

VI. Indications of Deception

Let's face it, we hear a lot of lies, and some of them are very difficult to recognize. Any one of us, being experienced and intelligent, should be very convincing liars if we were backed up against the wall such as some of the clients are, but many of the clients have actually grown up in settings that are conducive to lying and they've become good at it! We should be aware of this if we are attempting to assess a situation.

Not only do we see some good liars but some situations do not in the least seem suspicious. Ex. Stocking around child's throat.

There are certain notable indications of lying of which we should be aware.

1. A claimed loss of memory for whatever reason is rarely valid. A person may claim he was too drunk, was struck on the head or was just too upset to remember what he did or what happened. Naturally normal memory does not encompass all details, and we cannot expect a person to recall everything; in fact if he recalls exactly what he did on a particular day in question three months ago, it is very suspicious. But you do expect, for example, a woman to remember where her baby was yesterday afternoon. Whenever someone says he doesn't remember something significant, you may be fairly certain he is lying. *EXCEPT C.D. CASES* It is often effective in these cases immediately to attack this defensive maneuver by exclaiming impatiently, "What do you mean you don't remember? You couldn't possibly forget that." I know ~~full well~~ from experience that if someone ~~uses that~~ ^{says} "not that I remember" ~~expression~~, he's not telling the truth. Remember I will have to check your answers later." This technique shatters the individual's stalling defense and convinces him that he cannot get away with half-truths about this behavior. Point out the "normal" to anyone who attempts to deceive in any of these manners. It backs them up against the wall so they are forced to answer.
2. Exaggerated drama is certainly questionable. An example of this is the girl who describes her assailant as wearing a nylon stocking over his face with a gun in one hand and a knife in the other! Here again is where your good common sense comes in.
3. Histories of previous complaints or allegations may indicate deception or at least provide insight. If a client has her purse stolen five times, she is either lying to get reimbursement or she is very reckless!
4. Inconsistencies in accounts can be caught by taking a few minutes to check with others who have also discussed the matter with the client, such as in child abuse cases when medical personnel, schools, police and social agencies may all have information.

* VII. Observe!

Watch and listen. This is always important to the case worker but especially when attempting to determine validity. A case worker should know people, their limitations, attitudes, prejudices, and psychological needs and responses. There may be obvious indications of deception, such as ^{body language} trembling, in which case you might make the suggestion that he is displaying symptoms of guilt. This may destroy his confidence in his own ability to deceive. "If you were in my position, what would you think?" ^{Summarize reasons for guilt}

VIII. In police contacts we have roughly two groups of offenders, which might apply to those who may have reasons to lie. The first group are those people who have strong feelings of guilt, remorse or realize they have done wrong. First offenders, accidental offenders, many sex offenders, and those who have committed offenses in anger, passion or revenge. In general this group responds to the sympathetic approach or to emotional appeal. In the second group are those who have committed their offense for personal gain as well as those who are repeated or old offenders. They can't be influenced by sympathetic or emotional appeals. They can only be influenced by appeals to logic. They must be convinced that they cannot evade telling the truth. They have coldblooded attitudes toward right and wrong. They are more interested in the legal consequences of their confessions. They must be shown that proof of their responsibility or guilt is certain, before they will admit anything.

IX. In Seeking and gaining the Truth

* In attempting to obtain information, you should adapt the role of one who is merely seeking the truth. If you desire that your client give you an accurate account, for example as to how her child was injured, you should not be obvious in your attempts to secure her admittance or she may be too frightened to tell you the truth. I had one woman admit to me she had killed her child while under the impression the whole time that this really was not of significant interest to me.

The attitude of the interviewer is the key to success or failure. Retain a pleasant

Religious arguments.

mood, but be serious. Radiate confidence and try to obtain cooperation. Keep the ~~client~~ client at ease. It is desirable and usually much more effective to talk the client's language. This is not to suggest that you use obscene words, but that you talk to them at the level they can understand, especially with children. Avoid "trigger" words or words suggestive of punishment (ex. murder). Take sufficient time and be a good listener. If the client feels that you are ready to drop the subject, he is encouraged to continue resistance, so you should be persistent and not quit when discouraged. Do not jump to conclusions, because if you do, it may provide the client with an excuse or explanation which is not accurate. Ex.

EX. PLUMBER

"The efficacy of hydrochloric acid is indispensible. However, the abrasive quality is not desirable. To neutralize peroxide, it is not recommended. It eats the ball out of the pipe."

X. Techniques in Interviewing the Resistant or Deceptive Person

There are several approaches which can be used if you feel you want your client to tell you the truth. All approaches should be sincere.

1. If you are convinced that your client is involved, for example in abusing his child you can help him realize that it is of little use to deny it. You convey a confident attitude that there is no question about the matter, and you're only interested in getting the details and understanding their feelings, etc. in matter. It is very important if you tell your client that you are convinced of their involvement that you do not do this in a punitive or condemning manner or they will simply deny it and resent you. This must be matter-of-fact. If you outline the circumstances pointing to the client's involvement (guilt), be careful not to let the client interrupt and explain away each detail so that he builds up a defense piece by piece against the facts. Once he had launched a lengthy discussion of why the information (evidence) is not accurate, it is much more difficult to obtain the truth. You are then on the defensive and must punch holes in his story.

Another defensive technique on the part of someone who is lying is the "I'll swear on a stack of Bibles" or the "I hope to drop dead this minute if it isn't true" routines. And don't fall for, "I was lying to you about the other thing but I swear this is true". Expressions of this kind are frequently used by guilty individuals to lend strength to their ^{claim} ~~protestation~~ of innocense. You may explain by

saying, "Don't bolster your story by swearing it is the truth. When a man is really telling the truth, it sounds like the truth when he tells it, and he doesn't have to swear to it."

Another emotional appeal or sympathetic approach is known as "minimizing his ^{find something positive to say (w. job, house)} guilt". We do this by pointing out to the individual that anyone else under similar ^{early childhood problems} circumstances might have done the same thing. This enables the individual to partly excuse himself and offers considerable relief to him. He seems to see an advantage in pointing out to you just how he came to make this particular mistake.

^{"Between you + me" - confidentiality stressed.}
You must always be careful to avoid making promises or suggesting that no consequences will follow. You would not want to say, for instance, "This is not serious."

Very often you will find that an individual may be ready and willing to tell the truth but because of a long and involved story which he has previously told he doesn't see how he can possibly discard this old story and start fresh by telling the truth. Now it is helpful if you can point out that neither you nor possibly others will feel any resentment because of the previous story and since the person now realizes the true situation and has had time to think the matter over carefully, he should go ahead and tell the true story. I frequently point out that it is not easy to admit you were wrong and now tell the truth, and that it takes a "strong person" to do this, but that I'm sure they are capable of doing this. This is also similar to raising a question about someone's honor, such as, "I'm sure you're grown up enough to stand up to this" and puts him on the defensive to prove that he is not otherwise. **EX. RAPIST**

The interviewer should always display an air of confidence and should point out the various factors and circumstances indicative of the individual's responsibility, but with the more hardened offenders which we see, the interviewer must sell the idea that it is so definitely established that a case can be proved in court. "There is no use getting yourself in any deeper by trying to lie about this thing", etc. The approach of "getting it off your chest" and relieving your conscience ~~does~~ is not

effective with this group. Perhaps the outstanding single characteristic of these hardened criminals which we see and the one that can be used against them is the fact that they are selfish. They will provide information if they can be convinced that there is some selfish advantage in telling the truth.

One of the most disarming techniques in a case where the individual refuses to discuss the case at all is to concede to the person that he has a right to remain silent. The interviewer can then point out the incriminating significance of his refusal to talk. You can then sell him on the idea that you have a lot of information which may or may not be true, and he's leaving himself defenseless. "If you cooperate, some of this information might be straightened up and it won't be necessary to pursue talking to many other people, which might make it look even worse than it really is." *Re. coming in* "do you want to present your version?"
 → *This is in fact true in many cases!*
 The interviewer must count heavily on his size-up of this particular individual in using these various approaches.

* XI. Check Your Information

In cases where valid information is essential (such as when a child's immediate physical protection is in question), verify all significant information. No statement by an individual should be accepted as valid in itself. It is valid only when proved. *Obtain specifics so it is apparent when questioning that you will check answers.* *EX P.S.I. study* *Ex. Overdose*
 Check out everything you can as soon as possible. Ex. significant in homicides. Instances of this include the case workers who have called me to check their clients claimed reports to police, many of which do not exist or are different than alleged.

XII. Preparing for Court

Since court petitions increasingly require uncontaminated, admissible evidence, it has become very important that the case worker is well prepared for the hearings. In questioning a witness for court, your best basic rule is to obtain a step-by-step chronological account of what happened. If you follow this fundamental procedure, you will rarely go wrong. Be accurate and complete. Details may be important. If you can get a clear picture of what happened, it is a good account. But try, for example, to get a clear picture from the remark, "he grabbed me". Unless you have

jumped to conclusions, you can't. Did he grab from behind, in front, by the throat, arms, and so forth. This sounds very fundamental but this procedure is often not followed by social workers in preparing for court. Go over each detail, checking each for conflicting information.

Ask one question at a time and get the answer to one question at a time. Avoid implying the answer in the question, unless the purpose of the question is not to obtain information but to gain an admission. Then you might, for example instead of asking, "did you hit him", avoid the impact for the client in his admittance and ask, "Did you hit him because he had been crying so much?" You can at times gain truthful information from the person by asking him pertinent questions in a manner as though the correct answers were already known, leading him to believe that the purpose of the interviewer is merely one of determining whether or not he is willing to tell the truth. "Think carefully before you answer this question", "Are you sure about that?" etc. *Hesitancy in itself may be significant & provide insight.*

Make questions brief, concise, clear, and simple. Use questions that require more than "yes" or "no" for an answer. Ex. This is especially true with children, who are very suggestible and will agree to just about anything asked. Ex.

It is needless to mention to case worker's who spend so much time in dictation that all information should be carefully recorded for future reference for whatever purpose.

*Carolyn Bailey (Sgt.)
St. Paul Police Dept.*

Majority do admit.

* Intro: Don't need a detailed + full confession. ^(It's nice but...) In many cases, even a partial admission can be enough. (EX. M. with 10-yr old son, + defense attorney challenge. Joke: bed for \$1,500,000?)

QUESTIONING THE SEXUAL ABUSER

Apparently normal. If you think you can tell "one" by seeing one, you're in for a surprise!

✓ 1. Preparation

Before questioning, be sure that you know all the facts available. There will obviously be facts that you receive during questioning that you may want to check later, but there are many resources you can utilize so that you are more aware before you even approach the person to be questioned.

sp. PSI
#1 Talk to victim, at if you can. (problems of belief otherwise)

- A. Get all the details from your referral source. Pursue specifics.
- B. Obvious resource for initial information is your own records. Files on closed cases should be immediately available and often contain valuable history.
- C. Other agencies may have considerable information on the family of which you are unaware. These could include community center, Probation Office, Dept. of Education, police files, etc. The abuser is frequently a known criminal, and it could be dangerous!
- D. Associates of the abuser, such as landlords, neighbors, employers, relatives, etc. often have helpful information.
- E. Witnesses.

✓ 2. Location of Questioning

Generally, suspects should not be questioned in familiar surroundings. The office, especially ~~at~~ the police station, gives the questioner the greatest advantage for several reasons. The person to be questioned is less comfortable and confident in your office than on his own home grounds. When questioning, you want the person to fix his attention on you. A moment when he leaves the room or is otherwise interrupted gives him relief from questioning and a chance to pull himself and his story together. The office assures privacy and that the questioning will not be interrupted by children, etc. It is wise not to allow people to come and go from the room and to limit the interview to as few people as possible. When there are other people in the room, the person being questioned may not feel free to talk, especially if it is his wife, parents or other relatives. Also, the office in itself contributes to creating a more official atmosphere and sense of authority, and the significance of this alone may cause the person to be more apprehensive about lying. However, depending on the specific circumstances, if you want to gain insight in to family relationships, home conditions, etc., a visit to the home may be helpful. If you do not want someone fully prepared in his account, there is some advantage in catching him "off guard" and stopping out unexpectedly. Usually, if an arrest is not indicated at the time, abusers can be persuaded to come in to the office voluntarily (some excuses given for delaying).

when to arrest immediately (also)

✓ 3. Why do suspects confess? Because they are in a state of mind which leads them to believe cooperation is the best course of action to follow. As long as they believe they can escape detection or punishment, they will NOT be persuaded to cooperate. When questioning abusers, remind yourself that children rarely lie about sexual abuse and emphasize to the abuser that you believe the child ("I know this happened; now what can we do about it?").

they will sense if you have doubts.

It is easy to feel resentment when the suspect resists, but if you look at the situation, you must conclude that it is completely normal for him to offer many forms of resistance. Learn to expect resistance and develop an understanding attitude. Establish a friendly atmosphere, but never let the suspect develop any doubt about your competence and your complete control of the questioning. Never allow yourself to be put on the defensive. Let's face it; we hear alot of lies, and some of them are very difficult to recognize. Any one of us, being experienced and intelligent, should be very convincing liars, but many abusers have grown up in settings that are conducive to lying and they've become very good at it!. Be aware of this when assessing, esp.

if beginning to doubt.

* Sexual abuse is probably the toughest crime to admit.

✓ 4. Establish "rapport". When we confide our troubles, we usually go to clergy, close friends, people that will understand and sympathize. There is a natural inclination to be formal with strangers, which increases skepticism and resistance. Establish a friendly attitude by: 1) Identifying self. 2) Commenting on a topic of apparent interest to the subject. 3) Talk for a ^{brief} period about everyday subjects that are non-threatening. 4) Be informal and easy-going. 5) Display pleasant expressions. 6) Don't show suspicion immediately. 7) Appear interested and sympathetic. 8) Don't begin questioning until he appears cooperative. 9) Re-establish rapport at any time the questioning breaks down, hostility appears, etc. The subject can be influenced by the attitude conveyed in questions. Example: (friendly) "How are you this morning, John? Have a cigarette." (stern) "Do you expect a jury to believe that!"

(ex. collection)

✓ 5. Deal with fears and apprehensions. ^{no promises} 1) Strong fear of punishment. "I am not going to arrest you now. I wouldn't have asked you to come in if I were." Perhaps mention an appointment for a treatment evaluation. 2) Fear of involving friends, neighbors, co-workers, etc. In dealing with a IFSA concern about reputation, emphasize confidentiality, that you do not intend to inform certain others, that others are more forgiving with an admission of problems, etc. 3) Employment. Frequently they express fear of losing their jobs. Suggesting that their job is a positive thing for them and that you would gain nothing from their losing this can be helpful. 4) Recognize "guilt drives", the desire that some may have to be punished. Don't rationalize nor amplify this need. Many respond to reassurance that they are not "all bad" and an attempt to build their existing low self-esteem.

(list on board) *

✓ 6. Remember the basic 7 W's. The way in which a question is asked is the primary tool in any interview. The basic, most powerful and greatest key in obtaining all information is: What, When, where, Why, How, Who, and Which.

✓ 7. Questioning Techniques: ^{will try to distract, change subject} 1) Begin with "easy" questions that are not hostile nor embarrassing. 2) Ask questions in systematic order of occurrence. 3) Ask only one question at a time. 4) Give ample time to answer. Don't rush. 5) Try to help remember, but don't suggest answers. Be careful not to imply any particular answer by facial expressions, gestures, method of asking, etc. 6) Repeat or rephrase questions if necessary to get the facts. 7) Be sure you understand the answers. Ask to interpret. 8) Give opportunity to qualify answers. 9) Separate facts from inferences. 10) Get comparisons to ascertain accuracy of judgement. Example: age. 11) Get all the facts. Almost every witness can provide additional information beyond the initial account.

(included in victims)

✓ 8. Controlled-Answer Questioning Technique: This technique can be used when questioning someone whom you suspect will lie in order to obtain admissions but should not be used in attempting to obtain valid information from a child, reporter, etc.

Really works!

* 1) Stimulate a person to admit knowledge. Example: "Would you describe what happened when you went in the liquor store?" vs. "Did you go in the liquor store?" 2) Stimulate to agree to give information. Example: "Since you weren't involved, I'm sure you wouldn't mind discussing it, would you?" vs. "Do you object to telling me what you know?"

Avoid negative construction when making a request. Examples: "Do you refuse to answer?" "You never have been arrested, have you (implied no)?" many signif. arrests not aware of. One of the most disarming techniques in a case where the person refuses to discuss the matter at all is to concede that he has a right to remain silent. The interviewer

Incestuous parents seldom refuse to talk initially or immediately request an attorney if forewarned.

can then point out the incriminating significance of his silence, refusal to talk. You can then convey that you have considerable information, which may or may not be true, and he's leaving himself defenseless ("Do you want to present your version?") or "If you want to discuss this, some of this information might be straightened out" (or we can better understand why you ~~this~~ did this), and it may not be necessary to pursue talking to many other people, which might make it look even worse than it really is." (deal with fear of confidentiality)

I'm going to take this file to the County Attorney for a decision. I should give your side.

Look for delays and deliberation.

9. Cross-examination: This is exploratory questioning to test correctness, conflicting information, determining completeness, and under-mining self-confidence during deception. Are the answers vague, evasive, conflicting or inaccurate? Repeat the questions in a different manner and get details at random. It is appropriate here to use suggestive questions and inferences. If they are lying, they will frequently concur while filling in details, and inconsistencies can be pointed out. Ask about known information as if it were unknown, and ask about unknown as if it were known. *Freq. more offenses than v. told. Testing truthfulness*

if were you in the bedroom at the time?

Specifically explore vague or evaded portions of admissions. Be suspicious that even slight details are important or possibly detrimental. *Reason to be vague because guilty!* point out conflicts after all questions are asked, so that they build up a large number of lies before they realize it. Ask for explanations, and revised information should get the same scrutiny as the original lie. *a correction to a lie may be another lie!*

* get names addressed, etc. if don't plan to follow up.

* "Will you take a Polygraph?"

10. Grouping of Abusers: For purposes of questioning, there are generally two groups of abusers. The largest group are those people who have strong feelings of guilt, remorse or realize they have done wrong. This group will often respond to the sympathetic approach or emotional appeal. This approach involves "minimizing his guilt", but the interviewer should be careful not to justify what they have done. This enables the person to explain their actions, but should not excuse responsibility, and it offers considerable relief to him. Discussing early childhood problems, sex, and financial concerns are helpful here. Those feeling guilt often respond to sympathy ("It sounds like it's been rough for you"). Find something positive to say about him, but be sincere. Example: Job, Home.

"Save when guilty, takes to, darkens victim's reputation."

The second group are most often diagnosed as psychopaths, ^{those} who display no apparent guilt or remorse. These may include habitual offenders, pedophiliacs, those who justify on religious beliefs, etc. They seldom can be influenced by emotional appeals, but must be logically convinced that they cannot evade telling the truth. They are more interested in the legal consequences of their admissions, and they must be shown proof of their responsibility and an advantage to admitting it. The interviewer should always display confidence, but with group, you must sell the idea that it is so definitely established that a case can be proven in court. "There is no use getting yourself in any deeper by lying about this". The approach of "getting it off your chest" and relieving your conscience is not effective with this group. Their outstanding characteristic which can be used in questioning is the fact that they are selfish. They will provide information if they can be convinced that there is some selfish advantage in telling the truth. Help them to realize that it is of little use to deny it. Convey a confident attitude that you are only interested in getting the details and understanding their feelings, explanations in the matter. Avoid a punitive or condemning manner, or they will simply deny it and resent you. This must be matter-of-fact. If you outline the circumstances pointing to their involvement, be careful not to allow them to interrupt and explain away each detail so that he builds up a defense piece by piece against the facts. Once they have launched a lengthy discussion of why the information is not accurate, it is much more difficult to obtain the truth. You are then on the defensive and must punch holes in his story.

Bill passages

What are their fears?

* Talk about childhood, sex!
Save face.

4.

✓ 11.

Recognize factors leading to admissions.

- 1) Desire for sympathy. ^{freq. justified (ex. tied to chair)} They express a "raw deal in life", have "no one to turn to, feel no good, etc. Build on this need and encourage them to talk about their troubles (getting the "whys").
- 2) Remorsefulness. Here again they are searching for relief of guilt and respond to "rapport"/ understanding. Suggest that they need "peace of mind" to relieve their distress and begin change. (ex. driving by church)
- 3) Pride. It is helpful to point out that it is not easy to admit this, and that it takes a "strong person" to do so, but that you are sure that they are capable of doing this. This is also similar to raising a question about honor, such as to a child, "I'm sure you're grown up enough to stand up to this", and it puts them on the defensive to prove that they are not otherwise.
- 4) Questions about consequences are the most certain signs that admissions should be pursued. Look for signs of weakening, and stay with him. First try to obtain admissions of less important details.

esp. effective
for female
interrogator

- * Rationalize with them and appeal to intelligence. "If you were the officer and you had this information, what would you think?" (esp. the smart ones)
- 5) Claimed loss of memory. For whatever reason, this is often not valid. A frequent escape used by abusers is alcoholic black-outs. It may be helpful to acknowledge the possibility of black-outs but that it is not likely that they would not recall some of what happened when the action is so significant. ^{Ex.} Emphasize that we want to understand why and that drinking is merely another symptom of underlying problems and not an explanation. If he is not chemically dependent, emphasize that this is not something easily forgotten and that you know from experience that most people who say this simply do not want to face the problem. Pointing out the "normal" may back them up against the wall so that they are forced to answer.
 - 6) Inconsistencies. These can be discovered by doing background prior to questioning and through back-tracking details. Point them out. Adapt the role of one who is merely seeking the truth.
 - 7) Attempts to lend credibility. A defensive technique on the part of someone who is lying is the "I'll swear on a stack of Bibles" or the "I hope to drop dead this minute if it isn't true" routines. And don't fall for, "I was lying to you about the other thing, but I swear this is true". Expressions of this kind are frequently used by individuals who are lying to lend strength to their claim of innocence. You might say, "Don't bolster your story by saying or swearing it is the truth. When a man is really telling the truth, it sounds like the truth, and he doesn't have to swear to it."

12. Document admissions. When they do admit, document it and render it as irreversible as possible through formal statements, other corroboration, witnesses to the admission, etc. The more the admission is confirmed, the less likely they are to retract.

Get specifics to independently corroborate victim.
Partial admissions are okay - ex. attorney for incestuous mother arguing about dates.

C. Bailey

"Investigative Interviewing"

INTERVIEWING THE CHILD

By Carolen Bailey

Introduction:

Although I have done considerable training to ~~law enforcement officers~~ ^{in interviewing} on the questioning of children, this has been the single area I have found the most difficult to teach. To put in to words the kind of rapport that is necessary to successfully talk with children is difficult - probably not possible. Ideally, I have always thought the most effective method would be ^{demonstration} illustration, but it is not realistic or adviseable to attempt to interview a young child in front of an audience or even with lights that are necessary for filming. ^{obviously}

Summarize outline.

Purpose:

Basically, there are two purposes in ^{interviewing} talking with children in our professional capacities:

1. First, to serve the child's emotional and physical needs, ^{which includes} (such as in) relieving stress situations, ~~in psycho-~~therapy, etc.
2. Second, to obtain information. Frequently the child is totally over-looked as a source of information. Few ask the very young child what happened, what they want, etc. Where a child can talk and may have any pertinent information, ~~do not overlook the child as a valuable source of information,~~ if obtained properly. Generally, if you are particularly adapt at the first, serving the child's emotional needs, you have the initial advantage in obtaining information from the child (for it is through meeting these needs that the child is responsive toward providing information), but there are additional skills which are essential in assuring that the information you receive from the child is both accurate and complete.

Why is it important to have accurate and complete information?

1. To properly assess your case. You need to know what's going on! Why? ^{Primarily} Because there are risks involved to children, whose responsibility we have to protect when parents fail to do so. Secondarily, we certainly do not want to waste our time providing services if they're not needed or are inappropriate. One fundamental question might be, is a child's injury the result of abuse or is it an accident? This can be the most important and most difficult question we might have to answer. It has tremendous ramifications (Example: dog attack on 8 yr. old).

Is sexual abuse occurring?

Unlike other crimes, we may need first to prove a crime occurred

2. Second, obviously ^{we} ~~you~~ cannot determine appropriate goals in a case if we don't have accurate and complete information regarding a family, a specific incident, etc. (emphasize "complete" - example: a case worker was considering closing a case because of apparent, superficial adjustment of the parents when she learned the client had been arrested 17 times in the previous three months).

3. It is very important in a working relationship that a client does not "con" (deceive) you. An effective relationship involves respect and trust. Example: More than one client has told me, "I don't tell my worker that stuff; he/she doesn't know what's going on!" If they figure they can con you, some people will. I have even found it an advantage merely being a

Use whatever resources that are available and necessary to accomplish your purpose (ex. getting in the door)

Ask questions which indicate you can or are likely to check out what they say (ex. address of witness) a failure of s.w.

police officer, because some people assume the police know or will find out everything, and if I can convince those people of this, they likely will tell me everything! Even the impact of the badge alone creates this sense of authority which accomplishes what is already presumed. This is the most noticeable difference I have seen between working as a social worker and as a police officer. *Create the image!* But client respect is more than a position; it is individual confidence that is radiated and involves the ability to talk with people.

Also in developing a relationship with a client, if a client is able to tell you something about which they were reluctant because of fear of personal rejection and you accept this and begin working with them on this, this can be a tremendous relief to them and a beginning for change. If a client denies a problem, change is unlikely. Example: M.H.C. found most effective treatment of abusive parents resulted when (1) the parent admitted the abuse and was then able to recognize it as a problem, and (2) when treatment was initiated at a time of crisis when motivation was high.

When a client provides certain information, it can also be therapeutic to the client. Example: the incestuous child may feel a great deal of guilt about the incest, but if she is able to discuss it, it can then be pointed out to the child that the responsibility is the parent's, and guilt can be minimized.

Crisis Intervention:

Before, I touch on a few specifics in regard to interviewing children, I might first mention a few points about dealing with people in crisis, which is magnified for children. Every person responds differently in crisis situations, and each must be handled individually, but there are some common responses and needs that can guide us in talking with them.

1. If a person is victimized, such as in a sexual ^{abuse} assault, immediately the victim needs to feel safe. ^{Children} Victims often are very frightened and feel very vulnerable. ^{placement} The police are uniquely good responding to this need because they have authority and the ability to respond to an emergency quickly. The position of the social worker is particularly adaptable for support. Let the victim know that you are there to help and protect her ("Are you alright?" "Are you hurt?"). ^{Don't assume she knows.} The victim is often terrified. She's terrified about what has already happened to her, she's terrified of what's happening to her now, and she's terrified of what's going to happen to her. She doesn't know the system - except perhaps what she sees on T.V. I mean, in relation to the police, how would you like ^{the Miami Vice Squad} Starsky and Hutch combing through your apartment? Those guys drive their cars through bribe building! Or how about talking to ^{Animal on Hialeah Blvd} Lopez if he thinks you're holding out on him? The victim may be very afraid of her attacker. ^{insist father} If it is possible, take steps to protect her. Reassure her if ^{trouble} this is unlikely.

Most of all, be honest about it. Be honest about everything. ^{Don't make false} ^{Chm. esp. fear disapproval & punishment from parents. Clarify. Promises.}

2. Victims of forcible attacks, such as physical or sexual abuse, feel a loss of control, so it is very important that the victim is reassured as soon as possible that she has regained control of the situation. ("I'm --- from ---. May I come in?" "We will explain what you can do, we may even advise you, but nothing will be done that you do not know about, and we will try to work out things the way you would like."). Avoid any suggestion of force. ^{Give} Tell the victim what to expect. It is much less frightening if it is predictable. ("I will be taking you to the hospital, where they will do ---"). Help her to understand any area where she is confused. Sometimes we do not take time to do this.

"I will do everything I can to protect you."

Give choices Ex. Domestic calls.

Prepare child for parents' denial, etc. (even if it hasn't yet occurred)

Deal with anger with sympathy to you.
("I'm sorry about what's happened to you.
I understand you must be feeling very
helpless & mad.") Don't deny their right.
to feelings. Ex - convincing depressed
there's no justification.

3. The victim needs an opportunity to ventilate, to talk about it and get it out of her system. This is often to a person in authority, who will listen, understand and be objective. Some victims who have never told anyone find a need to call ten years later just to talk to someone about it. If a victim is allowed to talk about it shortly afterwards, she is much more likely to be open about it, cooperate, and should remember more about the incident. Without talking about it, in time, the victim tends to repress, forget details, etc. Repression can become chronic, so that the victim carries (transfers) her fear to the extent that she is afraid to go out of the house, etc.

Keep in mind when talking with the victim that people experiencing crisis cannot be expected to behave rationally, and their perception often is distorted. Many victims have no conception of periods of time, etc. ("It seemed like forever"). Example: Bob's T.V. = Disbelief.

Interviewing the Child

Unfounded Reports

Techniques in Determining Validity

Hold Sheet (Child Protective custody)

Procedures in Incest

Investigation of Incest

Investigation of Child Abuse

Telling stories of similar situations with happy endings.

INTERVIEWING CHILDREN

Intro.

①

Information from children must be very carefully obtained. Children can be more observant than adults, but they are not always capable of differentiating between what they saw and what they heard. You must be very specific.

Children are quite susceptible to suggestion. They will adopt expressions of others or respond with answers that they believe are desired, rather than relating only facts. Their greatest shortcoming stems from their lack of experience to interpret what is observed.

②

Always attempt to find out who talked to the child about the matter prior to your doing so. Obtain comments or instructions received from those persons who conducted previous interview. *See Co. Attorney's suggestions on videotaping.*

Children often tire quickly and should not be questioned when fatigued. Waiting to check or obtain other sources of information can also help evaluate the child's statements.

Because of extreme suggestibility and desire for approval, it may be desirable to record what is said with a steno or tape.

③

In cases of more than one child, interview the one most likely to give details first (oldest, outgoing, etc.). Occasionally there might be a purpose in bringing them briefly together.

List on board

- ✓ Characteristics of good questions: 1) short 2) clear and easily understood.
3) Avoid frightening words. 4) precise; calls for specific or exact answer.
5) discerning; relevant.

Questions should require narrative answers. Questions requiring a "yes" or "no" answer may be acceptable when summarizing or verifying, but should not be used when seeking new information.

Questions involving double negatives are confusing and suggest answers opposite to the correct ones. Example: "Didn't you not stop at the stop sign before entering the intersection?"

④

Avoid complex questions: 1) Too complicated to understand. 2) Covers more than one subject. 3) Requires more than one answer. 4) Requires complicated answer.
Examples: "Illumination is required to be extinguished before these premises are vacated" = "Turn lights out when you leave". "What did you do when you left, and how much did you pay for the bus?"

The most efficient means is questions which progress from the general to the specific.

dollar

⑤

You will rarely get the right answer the first time you ask for numbers or quantities of anything. To get more specific answers on time, location or material, change your reference point. This is especially necessary with children, who may not know streets, measurements, etc. Compare the item to known quantity ("Was he as tall as I am?" - "Which house were you living in then?")

✓ Questioning Techniques:

1. Begin with "easy" questions that are not hostile nor embarrassing.
2. Ask questions in systematic order of occurrence. *Step by step.*
3. Ask only one question at a time.
4. Give ample time to answer. Don't rush.
5. Try to help remember, but don't suggest answers, and be careful not to imply any particular answer by facial expressions, gestures, method of asking, etc.
6. Repeat or rephrase questions if necessary to get facts or to confirm answers.
7. Be sure you understand the answers. Ask to interpret.
8. Give opportunity to qualify answers.
9. Separate facts from inferences. *Chn may give as fact something told to them.*
10. Get comparisons to ascertain accuracy of judgement.
11. Get all the facts. Almost every witness can provide additional information.


We can gain insight from responses even when children are not ready to tell the truth or to tell all the truth. We do know a lot about how children who are sexually abused feel.

What are some of the feelings?
(list with audience)

fear
worry
distrust
guilt
anger
shame
embarrassment (all may)

How would you feel if---?

Relate to example: "My daddy wouldn't touch my peepee! Yah!" (surprise, dismay)
but not



Why don't kids tell?

Dependent, limited in choices, don't know it's wrong,
no one to tell, fear (of unknown, threats, breaking
up family, etc.)

Why do they tell?

1. Discovers wrong
2. Something changes (divorce, etc.)
3. Can't stand it any more
4. Develops outside support, someone to trust
5. Mad at abuser.

Usually don't tell whole story right away.

1. Techniques in Determining Validity

A. Know the Facts. Get all the details from the ^{complainant} victim and witnesses. Carefully check scene for evidence. Check available resources for information on victim. Other agencies and departments may have valuable information. Landlords, neighbors, employers, relatives, and other associates of the victim may provide good insight.

B. Determine where the interview should take place. If you do not want someone fully prepared in his account and feel there is some advantage in catching him "off guard", stop out to see him where the circumstances will be most appropriate. If you want to assure privacy, that you will be able to talk to him alone and without interruptions, the office would best serve the purpose, where he is less comfortable and confident. Limit the questioning to as few people present as possible, particularly those who might inhibit the truth.

C. Overall Common Sense (Probability). When you are attempting to determine the validity of a report, first review all the known facts, then as objectively as possible, utilize your own life experiences in determining probability. Make a tentative assessment of the case and remind yourself of this when you start getting tangled up with deception. It's easy to become involved with someone who is very convincing. Don't get so intense in studying each detail that you don't pause to realize how ridiculous the whole picture is.

D. Motives for Lying. Sometimes the strongest indications of false reports are the obvious motives for lying. An Oklahoma prosecuting attorney gave an effective demonstration of motives for lying in court. His robbery case against the defendant had been going very well, when a sweet, little, elderly lady took the stand and testified that she was with the defendant the whole night that the robbery had taken place. The prosecutor realized that the jury had "fallen in love" with this old woman, and they would resent any harassment or outright accusation of lying against her, but he also knew that her alibi could lose his case, so when it was time for the prosecutor to cross-examine her, he stood up and quietly asked only one question, "Mrs. Jones, how long have you been the defendant's mother?"

E. Indications of Deception.

1) A claimed loss of memory for whatever reason is rarely valid. A person may claim he was too drunk, was struck on the head or was just too upset to remember what he did or what happened. Naturally normal memory does not encompass all details, and we cannot expect a person to recall everything; in fact if he recalls exactly what he did on a particular day in question three months ago, it is very suspicious. But you do expect, for example, a woman to remember where her baby was yesterday afternoon. When ever someone says he doesn't remember something very significant, you may be suspicious that he is lying. It is often effective in these cases immediately to attack this defensive maneuver by explaining impatiently, "What do you mean you don't remember? You couldn't possibly forget that" or "I know from experience that if someone says "not that I remember" that he's not telling the truth. Remember I will have to check your answers later." his technique shatters the individual's stalling defense and convinces him that he cannot get away with half-truths about this behavior. Point out the "normal" to anyone who attempts to deceive in any of these manners. It backs them up against the wall so they are forced to answer.

2) Exaggerated drama is certainly questionable. An example of this is the young girl who describes her assailant as wearing a nylon stocking over his face with a gun in one hand and a knife in the other! Here again is where good common sense comes in.

LET THEM KNOW YOU'RE GOING TO CHECK ON THEM!

OR SUBTL
INDICATIO
THAT YOU
WILL DO
THIS

- 3) Histories of previous complaints or allegations may indicate deception or at least provide insight. If a victim has had her purse stolen five times, she is either lying or she is very reckless!
- 4) Inconsistencies in accounts can be discovered by taking a few minutes to check with others who have also discussed the offense with the victim, suspect, or witness, such as medical personnel, schools, and various social agencies who may all have information in a child abuse case, for example.

F. Observe! A study of body language can be helpful. There may be obvious indications of deception, such as trembling, nervous movements, *etc., at appropriate times* in which case you might make the suggestion that he is displaying symptoms of guilt. This may destroy his confidence in his own ability to deceive.

G. There are roughly two groups of offenders, those who have strong feelings of guilt, remorse or realize they have done wrong, such as first offenders, accidental offenders, many sex offenders, and those who have committed offenses in anger, passion or revenge, and those offenders who are repeated or old offenders who have committed their offense for personal gain. The recidivists seldom can be influenced by sympathetic or emotional appeals and are most influenced by appeals to logic. They must be convinced that they cannot evade telling the truth. They have coldblooded attitudes toward right and wrong. They are more interested in the legal consequences of their confessions. They must be shown that proof of their responsibility or guilt is certain, before they will admit anything, or that they have more to lose by lying.

H. In attempting to obtain information, you should adapt the role of one who is merely seeking the truth. In some instances, it is wise not to be obvious in your attempts to secure her or his admittance or they may be too frightened to tell the truth. I had one woman admit to me she had killed her child while under the impression the whole time that this really was not of significant interest to me.

Questioned
The attitude of the interviewer or interrogator is the key to success or failure. Retain a pleasant mood, but be serious. Radiate confidence and try to obtain cooperation. Keep the subject at ease. Avoid "trigger words" which suggest punishment (ex. murder). Take sufficient time, and be a good listener. If he feels that you are ready to drop the subject, he is encouraged to continue resistance, so be persistent and not quit when discouraged. Do not jump to conclusions or it may provide him with an excuse or explanation which is not accurate.

I. There are several approaches which can be used if you feel the victim is not telling you the truth. All approaches should be sincere.

1) An emotional appeal or sympathetic approach which I have found is very effective with victims who had made false complaints is the "minimizing her guilt". It might be pointed out to the victim that anyone else under similar circumstances might have done the same thing. This enables the individual to partly excuse herself and offers considerable relief to him. She seems to see an advantage in pointing out to you just how she came to make this particular mistake. She can recognize that you are not going to reject her or be mad if she does tell the truth.

2) Very often you will find that an individual may be ready and willing to tell the truth but because of a long and involved story which he has previously told she doesn't see how he can possibly discard this old story and start fresh by telling the truth. Now it is helpful if you can point out that neither you nor possibly others will feel any resentment because of the previous story and since the person now realizes the true situation and has had time to think the matter over carefully, he should go ahead and tell the true story. I frequently point out that it is not easy to admit you were wrong and now tell the truth,

and that it takes a "strong person" to do this, but that I'm sure they are capable of doing this. This is also similar to raising a question about someone's honor such as to a child, "I'm sure you're grown up enough to stand up to this" and puts him on the defensive to prove that he is not otherwise (ex. rapist).

3) If you are convinced they are lying, you can help him realize that it is of little use to deny it. You convey a confident attitude that there is no question about the matter, and you're only interested in getting the details and understanding their feelings, etc. Do not do this in a punishing or condemning manner or they will simply deny it and resent you. This must be matter-of-fact. If you outline the circumstances pointing to the subject's involvement, be careful not to let them interrupt and explain away each detail so that he builds up a defense piece by piece against the facts. Once he had launched a lengthy discussion of why the information (evidence) is not accurate, it is much more difficult to obtain the truth. You are then on the defensive and must punch holes in his story. With the "hardened" liar, you must sell the idea that it is so definitely established that a case can be proved in court ("There is no use getting yourself in any deeper by trying to lie about this thing"); the approach of "getting it off your chest" and relieving your conscience is not effective with this group but often helps with lying "victims".

4) Another defensive technique on the part of someone who is lying is the "I'll swear on a stack of Bibles" or the "I hope to drop dead this minute if it isn't true" routines. And don't fall for, "I was lying to you about the other thing but I swear this is true". Expressions of this kind are frequently used by those who are lying to lend strength to their claim of innocence. You may counter this by saying, "Don't bolster your story by swearing it is the truth. When ^{someone} ~~a man~~ is really telling the truth, it sounds like the truth when he tells it, and he doesn't have to swear to it."

5) One of the most disarming techniques in a case where the individual refuses to discuss the case at all is to concede to the person that he has a right to remain silent. You might then point out the incriminating significance of his refusal to talk. You can then sell him on the idea that you have a lot of information which may or may not be true, and he's leaving himself defenseless. "if you ^{give your side of the story} ~~cooperate~~, some of this information might be straightened up and it won't be necessary to pursue talking to many other people, which might make it look even worse than it really is." This is in fact true. It is much easier for a victim who is lying to straighten it out right away than to prolong an investigation.

You have to count heavily on your size-up of each particular individual in using these approaches. It is very important when approaching a victim who has made a complaint to police that you are certain they are lying before you directly accuse them of this or subject them to most of these approaches. Until you know otherwise, the victim is entitled to the benefit of the doubt,