20. Information for Investigators

Burns & Bruises
Skin Monitoring Form
Interviewing for Investigators
Notes for Interviewing
Investigative Skills
Testifying in Court
Incident Investigating
7 Tips for Effective Listening
Reflective Listening/Listening Quiz

Burns

Estimated Times/Temperature Causing a Full Thickness Third Degree Burn in Adults/Children*



	Temperature	Adults Skin Thickness of 2.5 mm	Children Skin Thickness of 0.56 mm
	160°	1 second	
Common home boiler setting →	149°	2 seconds	0.5 second
	140°	5 seconds	1 second
	133°	16 seconds	
Recommended home boiler setting →	130°	35 seconds	
	127°	1 minute	10 seconds
	125°	2 minutes	
	124°	3 minutes	
	120°	10 minutes	

Accidental versus Deliberate Burns

Accidental	Deliberate
Brief glancing contact	Prolonged steady contact
Small area of skin affected	Symmetrical deep imprints
Slurred margins	Crisp overall margins
Deep burn on one edge	Suspicious areas of the body such as buttocks, genitals, perineum
Leading edges of body	Bizarre shape

Suspicion Index

- Unexplained treatment delay exceeding 2 hours
- Incident that appears older then when it is alleged to have happened
- Ambivalence about seeking medical treatment
- An account of the injury that is incompatible with the age and developmental characteristic of the recipient
- Caretaker's insistence that there was "no witness" to the "accident"
- Person other than caretaker brings the recipient into the emergency room
- Burn is blamed on actions of another recipient
- Injured person is excessively withdrawn, submissive, overly polite, or does not react to painful procedures
- Isolated burns on recipient's buttocks
- History of what happened changes several times; discrepancies in the stories of different caretakers

Bruises

0 - 2 days	Swollen, Tender
2 - 5 days	Red/blue
5 - 7 days	Green
7 - 10 days	Yellow
10 - 14 days	Brown
2 - 4 weeks	Clear

Bruises develop when small blood vessels under the skin tear or rupture, most often from a bump or fall. Blood leaks into tissues under the skin and causes the black-and-blue color. As bruises (contusions) heal, usually within 2 to 4 weeks, they often turn colors, including purplish black, reddish blue, or yellowish green. Sometimes the area of the bruise spreads down the body in the direction of gravity. A bruise on a leg usually will take longer to heal than a bruise on the face or arms.

If a person bruises easily, they may not even remember what caused a bruise. Bruising easily does not mean a serious health problem, especially if bruising is minimal or only shows up once in a while.

- Older adults often bruise easily from minor injuries, especially injuries to the forearms, hands, legs, and feet. As a person ages, the skin becomes less flexible and thinner because there is less fat under the skin. The cushioning effect of the skin decreases as the fat under the skin decreases. These changes, along with skin damage from exposure to the sun, cause blood vessels to break easily. When blood vessels break, bruising occurs.

- Women bruise more easily than men, especially from minor injuries on the thighs, buttocks, and upper arms.

- A tendency to bruise easily sometimes runs in families.

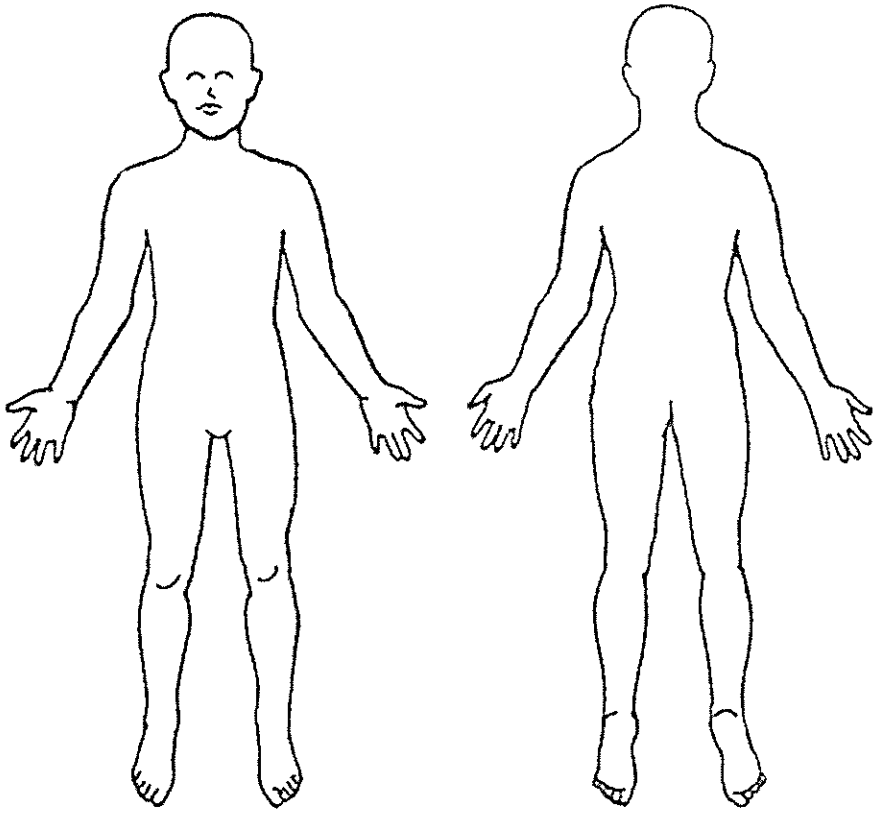
- The color of a person's skin will also affect the appearance and color changes of bruises.

Comprehensive Skin Monitoring

Perform a visual skin assessment when giving the residents a shower. Report any abnormal looking skin (as described below) to the charge nurse immediately. Using the body chart below, describe and graph all abnormalities by number.

Room: _____ *Resident:* _____ *Date:* _____ *Time:* _____

FRONT **BACK**



VISUAL ASSESSMENT

1. Bruising
2. Skin Care
3. Rashes
4. Swelling
5. Dryness
6. Soft heels
7. Lesions
8. Decubitus
9. Blisters
10. Scratches
11. Abnormal Color
12. Other

If a shower is refused, offer resident a bed bath, Skin assessment must still be completed

DCW Signature: _____ *Date:* _____

Charge Nurse Signature: _____ *Date:* _____

Charge Nurse Assessment:

_____

_____

_____

Intervention:

_____

_____

_____

Interviewing for Investigators

An investigator's most common task is contacting individuals to obtain information and take statements. To be successful, an investigator must genuinely like people and be able to deal with them on all levels. Cases cover a cross-section of society, and subjects may come from any background.

In most instances when contacting victims, witnesses or non-suspect sources, the investigator is attempting to find information that the subject is willing to give. The necessary factors to obtain the information are such, however, that the investigator must first contact the individual, arrange for an appointment, obtain the information, record it somehow in an acceptable form (depending on the case) and leave the subject with the feeling that he has been helpful and that the investigator cares about him as a person and not merely as a source of data.

The two greatest errors that an investigator can make involve talking too much, and outsmarting himself. If your task is to elicit information, you do not want to tell someone more than they need to know. Ask your questions, and then let the other person talk.

You can outsmart yourself trying to think of ways to get someone to answer a question you feel he might not want to answer. Generally, a straightforward approach will get better results than trying some trick technique designed to outsmart the subject. After all, you don't really know what a person is willing to answer. If someone is listening to your question, you are going to get some answer, even if it is silence. And that often is an answer in itself.

Keeping Accurate Records

Since it is conceivable that almost any type of information gathered may prove useful in the future, it is important that a documentation of some kind be made about every interview conducted or source contacted.

There are many investigations where numerous individuals will be contacted with no useful information being obtained. In addition there are times when a person is interviewed and states that nothing is known about a particular subject, but at a later time this same individual is produced by "the other side" at some official hearing and testimony is given in direct contradiction to the previous statement. This is why it is important to make some record of the results of an interview, even if they are non-productive in nature.

Using the Phone

Generally, the first contact an investigator will have with a potential witness or source of information is by telephone. For this reason, every investigator should strive to develop a pleasant speaking voice and telephone manner.

Many times snap judgments are made about the personality of others. If an interview or contact is made by telephone, the only method the subject has of judging the investigator is by the tone of his voice and the manner of conversation. If the investigator is hesitant or has mannerisms which are not pleasing, the person may not wish to answer questions.

During the first telephone contact to set up an appointment for a face-to-face interview, it is best to suggest times that are convenient for the investigator rather than asking for the subject to set a time. This begins to condition the subject to the authority of the investigator and sets the stage for the controlled nature of an interview.

People generally wish to cooperate with an investigator, usually from a vicarious excitement about being involved with something mysterious or authoritarian. But an investigator can just as easily convince someone not to transfer information by inept or improper techniques.

Neutralizing Hostility

In our culture, conversation entails a certain politeness or formal behavior that can be called a transaction. In addition, human nature is such that people often react in a hostile manner to unfamiliar situations.

In an interview, hostility must be overcome, rapport must be established, and the transactional conversation format must be initiated.

Rapport basically means the establishment of cordial relations on an emotional level. The best way to do this is to "visit" rather than interview. Experience will show the best way for each situation, but generally you can pick up some clue about the person and then briefly display a mutual interest. Once some form of rapport has been established, slowly turn the conversational "visit" into a question-answer session about the person's life. After a few moments, the subject will be in a responsive frame of mind, and you can get to the meat of the interview on better footing, since the subject is now comfortable and is attuned to answering questions. When questioning, you must learn to manipulate the questions so that the information flows smoothly.

Maintaining Information Flow

A conversational transaction is a completed communication. This format can be instituted by emotional conditioning of the subject (rapport), by verbal and non-verbal cues, and by semantic and contextual manipulation.

The most basic form of manipulation is the use of silence to introduce the belief that the communication is not complete. Our language and word usage require that the speaker continue talking until it is apparent that the listener has sufficient information to complete a thought transference. If the speaker does not feel that this thought transference has occurred (i.e. that the transaction is not complete), then he will usually continue providing more information until he is satisfied that the listener understands.

Such use of transactions control on a purely verbal level can be illustrated by a telephone interview situation. When asked a question, the subject will usually respond with only enough information to satisfy himself that the question has been answered. If the investigator merely remains silent when the subject stops speaking, the subject will quite often continue adding more information in an attempt to cause a response that indicates a completed transaction. Practice is necessary to learn the proper ways of using silence and interrogative "uh huhs" to draw further information from the subject.

By using visual cues and body language in person-to-person interviews, the subject can again be compelled to continue speaking with a desire to complete the transaction.

Some of the most basic cues we transmit to one another are: Attentiveness, agreement, and dismissal. Attentiveness can be shown by leaning forward in a chair towards the subject, maintaining eye or bridge-of-nose contact, and not "looking through" someone while they are talking. Agreement is signified by nodding of the head, smiling, "positive grunting" and other agreeable mannerisms. Dismissal can be communicated by leaning back in a chair, looking "through" the subject, standing up, abruptly changing the tone of voice, and rearranging papers on a desk.

All of these factors can be used to manipulate a subject in some way. Usually the manipulation must take the form of "keeping them talking," but it may also be required to re-direct or perhaps silence a subject without offending him.

Forming the Questions

The purpose of an interview is not to obtain a confession or to pin down a witness. The purpose of questioning is to resolve issues. In order to do this, you should have some idea of the questions that are to be asked before the interview begins.

Questions should be short, and should require a narrative answer. The only time you will not want a narrative answer is when you are summarizing the results of an interview, and the subject is answering yes or no to your summary statements. Questions are tools. And as tools, they should be as efficient as possible. Efficiency demands that questions be precise and not confuse relevant with irrelevant material. A complex multi-part question may lead to misunderstanding or even unintentional false answers.

Before questioning, a list of "unknowns" should be prepared. These do not have to be exact questions, but should cover the important areas that are to be discussed. For instance:

l) What was the subject's relationship with the deceased?
2) Exactly what did the subject see?
3) Is there anything about the subject that would make him unsuitable for testimony in court?

The requirements of law for specific investigations must be known prior to the interview. Certain elements of a crime must be proven before a conviction can be obtained. In addition, the investigator should have some idea of the various defenses available for specific crimes so that he can gather counter evidence in case it is needed at time of trial.

If you encounter a subject who adheres to a viewpoint that you know or suspect to be wrong, take a statement anyway. It is important to have a person commit themselves to one point of view, even if you know that they are lying. A statement that is a lie can sometimes be just as valuable as a confession of guilt

Questioning should follow a sequence of going from the general to the specific, and should cover the seven "W"s, especially Why? and Why not?

- **Who** did you see?
- **What** did he do?
- **When** did you arrive?
- **Where** were you standing?
- **Which** door did he enter?
- **Why** did you take the money?
- **How** did you get home?

In any questioning situation, questions are those things which are asked and the manner in which they are presented. Answers are the responses that the subject makes, and interviewing is the skill that causes the questions to be answered.

Notes on Interviewing

Interviewing is a "catch-all" phrase or word that often relates to a number of different situations or goals. These goals are common only to the extent of sharing information between two people. Although some might use the word "interview" to mean an exchange of ideas, our purpose here would be best served if we concentrate on the need for a manager (the interviewer) to gain information or insight upon which they will base decisions.

These "interviews" or fact-gathering situations take on numerous objectives, the most common related to discipline and hiring. Many problem-solving discussions, program or proposal reviews, and appraisal interviews take on some of the same characteristics and are subject to similar principles.

The Interview Itself

The purpose of most interviews, especially selection interviews, is to make a decision. The very fact that decision-making is an inherent outcome of the interview dictates the structure of the interview as fact gathering. Although this seems simple enough, and most managers perceive their own ability in this area to be well developed, there are strong indications we have a long way to go before interviewing approaches a science, if indeed it ever can. Nevertheless, most management decisions, especially related to personnel matters, and evaluation of proposals or programs initiated by others, will be made through the interview process.

What are the Problems?

- The interviewee will have "hidden agendas" -- information they would rather not have exposed or that they intend to expose whether or not the question is asked. This may include attitudes, goals, opinions, defenses, background, jealousies, relations with others, and similar matters.

- The interviewee will have a self-image or self-perception of self that is seldom accurate -- and may be either overstated or understated.

- The interviewer has biases, prejudices, and experiences that force them to form early opinions. They then ask questions to support those opinions. Often surprises at answers which are non-supportive of the preconception are viewed as misstatements or exaggerations, e.g. if a person "looks" good and they give a response to a question which downgrades their ability, they are "humble" and the response is discounted. If, however, the candidate "looks" so-so, or poor, the same response is seen as honest support of the interviewer's already determined opinion.

- Interviewers ask leading questions which the interviewee has answered before, has thought about, and knows what should be said. (How do you feel about travel? Will your spouse be willing to move to this area? Why do you want to work for ....? What were your favorite courses in school? And others.)

- The interviewer spends too much time talking themselves. They sell ideas, positions, organizations, tell "war stories," or support the comment of the interviewee, e.g. the interviewee comments on not being interested in manufacturing, and the interviewer tells them a history of a "time when I was in ...., etc."

- The interviewer gives advice. ("Have you considered ....? Why don't you ...., etc.?")

- The interviewee may avoid direct answers to questions which require a commitment or which may be seen as manipulative.
- Inadequate time is allowed or interruptions are permitted.

The Interview Atmosphere

Some interviewers see the interview as an exchange of wits -- "It is my objective to get this person to be honest with me, and I will have to dream up questions that will get them off guard." Interviewers are guilty of using such ploys as leaving the room and calling on the telephone to see if the candidate responds. Others may

ask trick questions, or have the interviewee look into a sunlit window during the interview, and other manipulative or entrapping gimmicks. The problem with this kind of ploy is the total irrelevance of the findings except as it relates to the interviewer's own values and what the interviewer would have done or not have done. The other more important factor is the distrustful atmosphere and resulting destruction of long term relationships.

A more productive atmosphere is that which develops by interviewers who are sincerely interested in both the candidate's well being, trust and confidence, as well as getting critical information about a person's ability or ideas so that decisions can be made. Successful interviewers know that an interview must be comfortable, friendly, and an enjoyable conversation. The interviewee must feel they have had ample opportunity to express themselves and to tell what they feel is important. Ideally, the interviewer has planned the interview carefully, has thought about the requirements of the job, and asked such clear and relevant questions that the candidate has a more distinct picture of the position in question, its demands, and their particular qualifications.

The interviewer's voice should be relaxed, their manner comfortable and in a non-authoritarian tone. Their style should be the same as normally when meeting with people. The interviewer should not try to role-play in an interview. They should not be something that they are not, simply for the purpose of conducting an interview, but following some basic rules will improve on their natural ability to get information in that area.

Body Language in Interviewing

An important aspect of creating a positive interview atmosphere is how the interviewer communicates through body language. All humans communicate, often unknowingly, with their bodies as well as with their mouths. By wincing at a story or fidgeting in a chair, a person can communicate a great deal. When the interviewer sees such reaction in the candidate, he records these as nonverbal clues, but interviewees can also read body language in the interviewer.

Common Body Language

1. A formal, stiff manner on the part of the interviewer indicates to the candidate that this is the way he or she should react, or that the interviewer is a stiff, formal person.
2. Offering a cigarette or a cup of coffee to an interviewee invites the individual to relax and spend some time with the interviewer in a friendly and leisurely fashion.
3. Leaning back in one's chair, or placing the hands behind the head in a relaxed manner is another way for the interviewer to say, "Go ahead and talk; I have plenty of time, and I am willing to listen."
4. Leaning forward shows interest and says, "Go ahead; keep talking."
5. The interviewer glancing at a watch or a clock in an obvious manner indicates to the interviewee, "I'm impatient; I've got something more important to do, and I wish this were over."
6. Rustling through papers indicates that an interviewer's mind is on something else and not what the candidate is saying.
7. The interviewer pushing paper and pencil forward on the desk (or putting them down if they were being held, or taking off glasses and laying them on the table) signifies to the interviewee, "The following information is off the record."
8. Glancing out the window or an open door shows a lack of interest and concern.
9. Eye contact means sincere interest.

The Setting

Often the physical setting or the environment in which the interview is conducted is as important as the interview itself. An interview aimed at getting information or at sharing of ideas should be conducted in a comfortable atmosphere. The interviewer should move away from behind the desk into a more relaxed and casual setting or situation so that no physical barriers are placed between the interviewer and the interviewee. Ideally, if stress might be present or if the interviewer is an authority figure, an interview conducted on neutral ground, such as in a conference room or in the office of somebody else, helps to reduce the anxiety and stress created by the presence of the trappings of the authority's office. A great deal of time should be given in considering the aspect of nonverbal and physical cues in the interview setting. Neither the interviewee nor the interviewer should be forced to stare into a sunlit window, or to view a scene which is distracting such as an outdoor swimming pool, recreation area, or passageway which results in distractions. All possible effort should

be taken in seeing that the interview is uninterrupted, and in fact, an outright statement in front of the interviewee to a secretary or receptionist that calls should be held until the completion of the interview sets an early tone of interest and sincerity.

The interviewer, especially a manager who is conducting an interview, must be aware of the willingness of people to accept their authority and their decision in day-to-day activities of getting the job done. Unfortunately, managers overlook the tremendous powers that they can have in building strong relationships in the interview situation. It is at this time more than any other time in a person's career that the sincerity, interest in the candidate or interviewee as a person, and the willingness to listen on the part of the manager is expressed. It has been noted in numerous situations that employees are more willing to work, to accept the authority figure, and to accept direction from a person if on an occasion such as this, they know that they will be given a sincere, fair and honest treatment as an individual and as a human being.

Preparing for the Interview

To be effective, a good interviewer must be responsive to what they hear and see. In order to be fully aware and available for listening, the interview should be pre-planned so that a specific set of objectives is established. The interviewer knows the information that must be obtained and is able to direct the interview toward gaining the facts and data necessary. Notes are taken that relate to the questions that are being asked and relate to the data that must be gained. It is recommended that tape recordings not be used, nor that a third person, except under very rare circumstances, be permitted in the room where the interview is being conducted. Both the recording and a third party have a restrictive influence on an interview situation. On the other hand, no one can remember all of the information that is brought out in an interview without taking some notes. Note-taking may have the effect of formalizing the interview, but if properly done, the potential negative impact can be minimized. Moreover, the possibility of forgetting outweighs any slight "chilling" of the interview due to notetaking. Most candidates in an interview expect the interviewer to take some notes. It suits the style of some interviewers to mention at the beginning of the interview that they are going to take notes, thus reducing some of the anxiety of the interview process. The important thing to remember about notetaking is not to let it become a signal to the interviewee. If the interviewer starts taking notes every time the candidate mentions anything concerning sports, the interviewee will eventually feel this is an important area and will focus on it. Conversely, notetaking immediately after the disclosure of an embarrassing incident will indicate that this information is being recorded and will potentially inhibit the rest of the interview.

The secret to successful notetaking is to delay notetaking until it will not affect the information obtained. When the interviewee does or says something significant, the interviewer should make a mental note, but do nothing. A few minutes later when the conversation has shifted to a neutral subject or
to an area where notetaking would appear warranted, the previously observed information could then be recorded.

Many interviewers find it helpful to keep a stock of "thought" questions on hand -- questions which are worded, "Take just a few minutes to think about this question before giving a response, and I can catch up with some of my notes and some of my thoughts while you are doing that," "What would you do if ....?"

Questioning

The most common way of obtaining information is to ask a question. An interviewer may need to ask many direct questions to complete his understanding of a candidate's background. While the direct question is an indisputable part of an interview, it must be "nonleading" to produce a meaningful answer. One cannot ask, "Do you enjoy working with people?" and expect to get anything but a positive answer. No new knowledge about the candidate's skills or attitudes in this area is uncovered. A nonleading question is needed. Such a question might concern the interviewee's work experience with others and the good and bad aspects of that work experience.

Probably the biggest difference between an experienced, trained interviewer and the occasional, untrained interviewer is that nonleading questions are asked. Trained interviewers know the value of nonleading questions and use them wherever they can. This is easier said than done. It is very difficult to think up good nonleading questions that will provide the information sought and not just make conversation. Because of this difficulty, it is strongly recommended that nonleading questions exploring as many areas as possible be prepared in advance of the interview based on the requirements of the job and the knowledge already available of the person being interviewed.

What Areas to Question

The primary function of an interview is to provide insight relative to the skills necessary to perform a job. Thus the criteria of elements must be pertinent in all of these questions. An interviewer should not be concerned only with accumulating facts about a candidate, no matter how interesting. The interviewer should be concerned only with getting information that sheds light on the skills and ability of the person related to the job that is in question.

Each interviewer must judge when they have enough information to make judgments about these skills. In fairness to the candidate, this decision must not be made lightly, quickly, or without several collaborating pieces of evidence. It is easy to jump to a quick judgment. Quick decisions on partial information must be avoided. It is better to continue to dig into a few areas, thus making sure of conclusions, than to make tentative guesses about many areas. If a candidate uses technical or trade jargon that the interviewer doesn't understand, they should not let it go unexplained for fear of appearing stupid or offending the candidate. They should ask to have that jargon clarified.

A Few Rules of Interview Questioning

1. Avoid questions requiring a yes or no answer.
2. Avoid asking questions so that the answer you would like to receive is obvious to the candidate, e.g. "You didn't let the girl get away with breaking the rule, did you?" or "Would you agree with that ....?"
3. Don't ask questions already answered in other available information or history forms.
4. Make questions as straightforward as possible. Avoid complex construction.
5. Try to obtain examples of behavior, not opinions. Ask about things accomplished, actual experience.
6. Avoid questions that may be an invasion of privacy; common sense is the best guide. Especially stay away from questions related to religion, family background, racial and ethnic training, and other obvious areas that may have implications of discrimination.
7. Avoid expressing value judgment in questions.
8. Show interest by asking for clarification or elaboration.
9. Question assumptions behind a statement, e.g. "How do you feel about ....?" or "Was the decision based on ....?"
10. Get the interviewee to commit themselves to an action before asking about reasoning, e.g. "Have you ever had to fire an employee?" If yes, "How did you go about planning for that interview?" rather than, "If you had to fire an employee, how would you plan for it?"

Be intensive as opposed to extensive: dig deeply. Often an answer to one question is not adequate to provide the right information. For example, if an interviewee says he was quite pleased about his last promotion, don't assume that this is due to their desire for success (though it may well be); ask him why. If he answers, "It made my mother happy," that sheds a whole new light on a situation. The interviewer does not always have to ask a question formulated in a complete sentence. Sometimes a simple phrase, "Then what?" is enough to encourage the interviewee to continue talking. Another useful device is to repeat a key word or phrase used by the interviewee. For example, an interviewee says, "I just didn't seem to be making the progress that I should, so we decided it would be best if I quit college." The interviewer replies, "We decided?" "Well, I mean my mother and I talked it over, and she thought it was best for me to leave school. After all, it was her money."

Another kind of open-minded question that helps the interviewee elaborate his remarks is, "Could you tell me more about that?" Another useful question is formed around some unclear word or phrase used by the interviewee. An example is this: An interviewee says in answer to a question about how he and his wife always get along -- "Pretty good most of the time, but then like most people we occasionally have a quarrel." Such questions often turn up unexpected items of information. Interviewers must learn that the specific meanings that they attach to words are not the same as understood by the interviewee. To one person, a quarrel means an actual physical assault, whereas to another it may mean loud, excited talk.

Questioning without Directly Asking a Question

1. Silence can be a question. It implies the listener wants to hear more.
2. Showing acceptance with a "yes" nod of the head, "aha," or "I see" shows the interviewee that the interviewer is with him and wants to hear more.

3. Restating the interviewee's major thought: "You were head of the research team," or -- better yet -- his feeling, "You were very proud to be made head of the research project," says that the interviewer understands both intellectually and emotionally what has been said.
4. An incomplete question indicates that the interviewer wishes to know more or that what has already been said by the interviewee is not quite clear.

The result of using these techniques is usually the interviewee's further elaboration on the area in question. They will give examples and go deeper into the area.

Questions that begin with "Why" and refer to feelings and desires of the person are usually not very satisfactory. A question such as, "Why did you choose engineering?" or "Why do you want to work for our company?" often bring superficial answers. These questions may often be reformulated into questions that begin with "What." For example, "What led you to go to engineering school?" or "What do you think would be better about working for this company than for some other?" The idea behind this shift is to put the emphasis on what the person sees as advantages rather than upon inside feelings or desires. Furthermore, "Why" questions can easily have an accusatory sound. Parents often use them when complaining to children about their conduct. Thus, such questions have negative feelings attached to them long after the child has grown up.

Common Pitfalls in Interviewing

Advice Giving: An interviewer should not turn the interview into a counseling session. They should not volunteer suggestions on job or personal decisions or problems. Counseling takes time away from the data gathering function of the interview.

Arguing: An interviewer should never argue with an interviewee. Questioning is completely acceptable. Expressing a difference of opinion may be acceptable if done to test an interviewee's depth of thinking or conviction in some area. Arguing, debating, or having a "heated" discussion is not acceptable. It takes valuable time away from seeking information, potentially upsets the interviewee (thus increasing nervousness and making them more guarded) and markedly weakens the interviewer's powers of concentration and detachment. While the interviewer may completely disagree with a philosophy, attitude, or behavior expressed, they should not show it. More importantly, they should not let it color perceptions or recording of other information.

Halo: There are many ways in which an interviewee may acquire a halo. A positive halo may come from a significant accomplishment, such as heading a task force that developed an important new product, having gone to the right college, or simply because the interviewee reminds the interviewer of himself a few years back. A negative halo can come from a spotty job record, association with a certain group, or because the interviewee reminds the interviewer of someone the interviewer doesn't like. Positive and negative halos must be guarded against as they detract from the collection of information in the interview. Once a halo is put on the head of the interviewee, there is a tendency to seek only supporting information to heighten its shine or deepen its ebony. Events that should be considered as relevant in reference to the interview process are given a positive or negative cast. Significant information tending to diminish the halo is ignored. The only remedy seems to be to keep the problem in mind and guard against it by challenging one's self constantly.

Prejudice: Closely related to the pitfall above is prejudice. Common examples are prejudices against ethnic or nationality groups, but more subtle types also exist. Some interviewers are prejudiced against short people, or fat people. Prejudice can be overcome if one forces oneself to bend over backward to restrict its influence. Interviewers should spend more time planning and conducting interviews with people against whom they fear they may harbor a prejudice. Everything possible should be done to collect information that will bring out the opposite viewpoint.

However, it is possible to overreact. In an attempt to be fair, excuses and rationalizations can be made that hide true behavior. An attempt to avoid prejudices or halos should not lead the interviewer to selectively choose the information reported because of some rationalization, e.g. "He was ill at ease with the technical aspects of the problem because he was the only non-college graduate in the group." All observations should be recorded

and become a part of the decision process. Prejudice, however, should not keep information from being reported and neither should well intended reactions to prejudices (or sympathy) prevent the reporting of this information.

The Nervous Interviewee: Just because an interview was conducted in a friendly, non-threatening, manner does not mean that the interviewee will not be nervous or will not see it as threatening. The interviewee is in an unfamiliar setting, being interviewed by a person seen as highly prestigious and important, and feels that they have to sell themselves. Nervousness causes interviewees to misinterpret questions and nonverbal cues. A simple question about why they didn't mention extracurricular activities in school may be given all kinds of obscure and totally unintended interpretations. Equally important, nervousness may hide behavioral characteristics that are important to observe in the interview. An extremely nervous interviewee cannot be effective in presenting positive features. The only cure for an interviewee's nervousness is a warm, friendly, supportive interview. Friendly conversation may help (e.g. about the weather or an area in the interviewee's background with which he feels particularly comfortable), but this should not be used to the extent that valuable interview time is wasted. Generally, only time will relieve nervousness. Time at the beginning of the interview can be used in collecting non-threatening information, while the interviewee is adjusting to the situation.

Testifying in Court

Even the strongest case may be lost in the courtroom because of poor preparation or inappropriate conduct. For these reasons the following points are emphasized:

1. Your preparation to testify starts at the time you receive the first notice of a criminal act or rights violation and take action.

2. You have the right to refresh your recollection in court from your original notes that were made at the time the fact occurred or shortly thereafter. Later made records may not be admissible in court to refresh recollections.

3. The opposing counsel will have the right to inspect your notes in court, so you should remove all extraneous matter from your notebook and carry only the notes dealing with the particular case.

4. Identify and mark all evidence and be able to document the chain of custody of all evidence accumulated in the case, for when the chain of custody cannot be shown the evidence will not be admitted in court.

5. You should readily admit that you consulted with the prosecutor if the question is asked of you.

6. You should not expect to refresh your memory at the trial from other witnesses' testimony, for you may be the first witness or witnesses may be sequestered (excluded from the courtroom prior to testifying).

7. You should not engage in conversation regarding the case with anyone except the prosecutor or investigating officer. Once on the stand you don't want to hear the defense attorney begin "But didn't you say in the hall . . . " In addition, at the judicial stage of a case, comments to the news media should come only from the prosecutor.

8. Listen carefully to the questions being asked and be certain to clearly understand the question.

9. Hesitate briefly between the question and your answer and think about your answer. If either counsel objects to the question asked, wait for the court to rule on the objection before answering.

10. Never volunteer information not specifically requested by counsel. Let the questions solicit the information and don't get ahead of the questioning.

11. TELL THE TRUTH. Don't avoid a question, answer all questions to which you know the answer. Do not be afraid to admit you don't know the answer. Never fabricate an answer or rely on your conclusions to answer a question.

12. Never hesitate to correct a mistake in testimony and correct mistaken testimony as soon as possible.

13. It is the duty of defense counsel to protect the rights of the defendant and to see he receives a fair and impartial trial. Defense attorney will probe into all evidence presented against his client and test its admissibility.

14. You as a witness must expect unwarranted and unjustifiable attacks from some defense counsel, and the defense counsel may seek to confuse the testimony. Personal attacks reflecting on your credibility as a witness are intended, in part, to distract you from the testimony you are giving.

15. You should use care in answering questions which may not be complete, or which may be compound or complex, or framed in the negative. Listen carefully to the questions.

16. You should be alert for any changes, additions, deletions, or alterations of you testimony by defense counsel.

17. Control your temper at all times and develop an impersonal attitude toward the defender. Angry witnesses lose their effectiveness.

18. Never resort to sarcasm or witty remarks in answer to counsel. A criminal prosecution is a serious matter.

19. One of the first steps in overcoming uneasiness it to be well prepared. Review your case before testifying, and your confidence will be enhanced.

20. Experience is the best teacher, and although a witness may be uneasy at first, he will develop mannerisms and control in due time.

THE ABOVE POINTS MAY SEEM OBVIOUS AND REPETITIOUS, BUT REMEMBER, YOUR CONDUCT AS A WITNESS MAY BE AS IMPORTANT AS WHAT YOU SAY.

Quality of Care April - May 1996

Notes From The Field

Incident Investigating: 10 Common Problems

Articles about the Commission's work in flowing the allegations of abuse and neglect in mental hygiene programs have presented interesting statistics on the types of allegations, the level of injury, and the reporting rates of various facilities. When the Commission looks behind the investigations of the most serious cases, the results are equally, interesting and, according to many program administrators, very helpful to them.

Commission staff critique, in writing the facility investigations in approximately 10% of the 5,000 reports it receives annually. This work has identified common errors the programs make in reviewing serious incidents. Some of these errors are, at times, intentional attempts to "risk manage' an incident. Most, however, are over-sights committed in press c business made by programs which value incident review as an essential safeguard for consumers.

For these programs, the Commission offers the following list of the ten most common problems in investigating.

1. The incident is misclassified and consequently, the level of investigation is less stringent than appropriate. For example, injuries are classified injuries of unknown origin rather than suspected abuse even though the limited evidence available at the time suggests that abuse is likely - a bruise is in an unlikely place to have occurred accidentally, e.g. on the inner thigh; the hurt individual was on a close observation status and the staff member should have known how the person sustained the injury, other clients claim to have seen the abuse or heard sounds suggesting that abuse was occurring; the same kind of minor injuries occur in a repeated pattern, etc.

2. Investigators fail to interview client witnesses. It is as though the client witnesses are invisible. Although they may be standing a few yards away when the incident occurs, they are often not asked what happened. If they are asked at all, their remarks are nearly always summarized “no patients had anything additional to add” or “patient's agreed with staffs account.” Although an investigation may contain the signed statements of many staff, investigation reports will seldom contain written statements of client witnesses.

3. "Do it yourself statements". These are statements where employees are given blank sheets of paper or a blank form devised for the purpose on which they are asked to write what they know about the incident in question. These are usually a waste of time and give the agency a false sense of having investigation a case thoroughly. Most often the staff write that they know nothing about the incident because they were not in the immediate area or that they were told about the incident by another staff member. In the absence of follow-up questioning, these statements contribute only bulk to an investigative package.

4. Poor credibility assessments. A quality assessment of the credibility of a client witnesses or complainant is rare. Frequently assessments of credibility will consider only historical information - “patient has a history of”, or “client has been known to”. The failure to have a clean record in this regard often precludes the investigator from taking anything the client says seriously. Compounding this problem is the failure or inability of the investigator to determine if the historical information is correct, and then, if it is relevant. Often there is no attempt to secure contemporary mental status information.- Can the individual relate accurately what he/she saw and heard. Does the individual know right form wrong and the importance of telling the truth? Instead, investigators seem satisfied if they can answer the question: 'Has this person ever lied?"

5. Across the table confrontation. Investigations where the complainant is forced to the alleged perpetrator seldom results in a just resolution. Sometimes administrators and investigators, with the best of intentions, hold court in the belief the only "fair” way to handle the situation is to put the client and the alleged perpetrator in the same room and “ have it out”. Obviously, the power inequity in such a situation makes it unlikely that truth will prevail and justice done. Most often the complainant will retract his/her allegation or, while still asserting that the incident occurred, admit that most likely the offense was accidental and the staff member was not really to blame.

6. The “clinical cover-up”. This occurs when a serious injury is drowned by the clinical response.

For example, when n individual incurs an injury in the midst of a physical intervention, rather than even consider the possibility that this is an incident of abuse or neglect, the team convenes and clinicians draw up behavior plans with the data collections sheets, restrict privileges, change medications, and, in general, mount a formidable clinical defense. This unconscious version of 'blaming the victim" focuses the time and talent of man people on the wrong problem.

7. Investigations with no "look behind". These investigations often fail to pay adequate attention to the factors which incited or exacerbate a problem, turning it into a full blown incident in the first place. This is often the in children's' facilities where the staff get into power struggles with adolescents. While acknowledging the need for rules and structure, one needs to question the wisdom of a staff person who refuses a child a second glass of orange juice for breakfast for no good reason. Typically, especially with adolescents, within minutes, the youngster and the staff are in a tussle, there's a take-down and the two are bouncing off the walls or rolling on the floor. It is almost inevitable that one, or both of them will be injured.

So far, this list gives the impression that most mistakes made by programs in investigating incidents result in shielding staff. This is not the case. Poor and in-complete investigations often place staff real jeopardy. This is particularly true in some programs run by voluntary agencies where the due process available to staff is inadequate or perfunctorily administered.

8. The "if there is an allegation, there must be something wrong" mentality has led programs to fire employees simply because an allegation has been lodged against them. Program administrators believe this drastic action somehow indemnities them: they heard there was a problem, they took action and so they can catch no blame. Whether the termination was reasonable or just and whether it solved the real problem are lesser concerns.

9. The failure to give adequate training and the assignment of unrealistic staff duties invite incidents for which staff will often be blamed. In a memorable case, a newly hired staff member was fired because an adolescent with limited verbal skills charged him with sexual abuse because the staff member touched the youth's backside in the shower when the youth became upset. No one had told the staff member that the youth regularly took a bath and not a shower and that was the cause of his agitation. The agency investigation failed to discover the error in not providing adequate training and supervision for this inexperienced staff member.

In another incident, a young man on one-to-one supervision in the psychiatric ward of a hospital was knocked unconscious by another patient at a party celebrating the discharge of another patient. Investigation revealed that his one-to-one staff was not inattentive, but she had been assigned to also supervise a second youngster and she was on the other side of the room with him. The facility investigation failed to identify this additional assignment as problematic.

10. Unclear policies and procedures are frequently problematic, leaving staff open to charges of breach of duty. Constant observation, for example, carries a number of different definitions, but, in a recent case, the facility defined the staff's responsibility as maintaining "within an arm's reach" contact at all times except when in the bathroom. When a young woman in a psychiatric center cut herself in the bathroom stall with a small piece of glass she had hidden in her sock, the staff member was disciplined for failure to observe the young woman closely in the bathroom. The facility investigation failed to note the inadequacy of the policy.

7 tips for effective listening: Back to Basics

TO BE SUCCESSFUL AT THEIR job, rights investigators must be able to write, speak, and listen effectively. Of these three skills, effective listening may be the most crucial because investigators are required to do it so often. Unfortunately, listening also may be the most difficult skill to master.

Effective listening is challenging, in part, because people often are more focused on what they're saying than on what they're hearing in return. According to a recent study by the Harvard Business Review, people think the voice mail they send is more important than the voice mail they receive. Generally, senders think that their message is more helpful and urgent than do the people who receive it.

Additionally, listening is difficult because people don't work as hard at it as they should. Listening seems to occur so naturally that putting a lot of effort into it doesn't seem necessary. However, hard work and effort is exactly what effective listening requires.

Rights investigators must listen to explanations, rationales, and defenses of behavior. They are constantly communicating with interviewees who have information to impart, but may not have a desire to impart all of their information. In addition they may be speaking with interviewees who have a limited capacity to communicate, for a variety of reasons. They are always trying to listen through the story, to the story.

LISTEN ACTIVELY

Not everyone has to possess the same style of listening, but rights investigatorswho use "active" listening will likely become much better listeners. Active listening demands that the receiver of a message put aside the belief that listening is easy and that it happens naturally and realize that effective listening is hard work. The result of active listening is more efficient and effective communication and the collection of the most useful case information.

1. CONCENTRATE ON WHAT OTHERS ARE SAYING. When listening to someone, do you often find yourself thinking about a job or task that is nearing deadline or the next interview? Most individuals speak at the rate of 175 to 200 words per minute. However, research suggests that we are very capable of listening and processing words at the rate of 600 to 1,000 words per minute. An investigator's job today is very fast and complex, and because the brain does not use all of its capacity when listening, an investigator's mind may drift to thinking of further questions rather than listening to the message at hand. This unused brainpower can be a barrier to effective listening, causing the investigator to miss or misinterpret what others are saying. It is important for rights investigators to actively concentrate on what others are saying so that effective communication can occur.

2. SEND THE NONVERBAL MESSAGE THAT YOU ARE LISTENING. When someone is talking to you, do you maintain eye contact with that person? Do you show the speaker you are listening by nodding your head? Does your body language transmit the message that you are listening? Are you leaning forward and not using your hands to play with things? Most communication experts agree that nonverbal messages can be three times as powerful as verbal messages. Effective communication becomes difficult anytime you send a nonverbal message that you're not really listening.

3. AVOID EARLY EVALUATIONS. When listening, do you often make immediate judgments about what the speaker is saying? Do you assume or guess what the speaker is going to say next? Do you sometimes discover later that you failed to interpret correctly what the speaker was telling you? Because a listener can listen at a faster rate than most speakers talk, there is a tendency to evaluate too quickly. That tendency is perhaps the greatest barrier to effective listening. It is especially important to avoid early evaluations when listening to a person with whom you disagree. When listeners begin to disagree with a sender's message, they tend to misinterpret the remaining information and distort its intended meaning so that it is consistent with their own beliefs.

4. AVOID GETTING DEFENSIVE. Do you ever take what another person says personally when what her or she is saying is not meant to be personal? Do you ever become angry at what another person says? Careful listening does not mean that you will always agree with the other party's point of view, but it does mean that you will try to listen to what the other person is saying without becoming overly defensive. Getting caught in time spent explaining, elaborating, and defending your question or position is a sure sign that you are not listening. This is because your role has changed from one of listening to a role of convincing others they are wrong. After listening to a position or suggestion with which you disagree, simply move on to the next clarification in the story or next question. Also, be aware of how you respond to difficult or shocking information. A good investigator does not appear dis-interested, but must also avoid shutting the story-teller down by a gesture, body posture or inappropriate facial expression. Practice empethetic neutrality.

5. PRACTICE PARAPHRASING. Paraphrasing is the art of putting into your own words what you thought you heard and saying it back to the sender. For example, in a dignity & respect interventio, an interviewee might say: "The nurse is such a jerk. She's always telling me what to do and won't let me do anything I want to do." The interviewer who uses reflective listening might respond by saying, "You feel frustrated when the nurse does not treat you as an adult. Do you thyink it wuld help to tell the nurse how you feel and that you would prefer choices to orders?" Paraphrasing is a great technique for improving your listening and problem solving skills. First, you have to listen very carefully if you are going to accurately paraphrase what you heard. Second, the paraphrasing response will clarify for the sender that his or her message was correctly received and encourage the sender to expand on what he or she is trying to communicate.

6. LISTEN (AND OBSERVE) FOR FEELINGS. When listening, do you concentrate just on the words that are being said, or do you also concentrate on the way they are being said? The way a speaker is standing, the tone of voice and inflection he or she is using, and what the speaker is doing with his or her hands are all part of the message that is being sent. A person who raises his or her voice is probably either angry or frustrated. A person looking down while speaking is probably either embarrassed or shy. Interruptions may suggest fear or lack of confidence. Persons who make eye contact and lean forward are likely exhibiting confidence. Arguments may reflect worry. Inappropriate silence may be a sign of aggression and be intended as punishment.

7. ASK QUESTIONS. Do you usually ask questions when listening to a message? Do you try to clarify what a person has said to you? Effective listeners make certain they have correctly heard the message that is being sent. Ask questions to clarify points or to obtain additional information. Open-ended questions are the best. They require the speaker to convey more information. Form your questions in a way that makes it clear you have not yet drawn any conclusions. This will assure the message sender that you are only interested in obtaining more and better information. And the more information that you as a listener have, the better you can respond to the sender's communication.

7 tips for effective listening: productive listening does not occur naturally. It requires hard work and practice - Back To Basics - effective listening is a crucial skill for rights investigators

Adapted from Internal Investigator, August, 2003 by Tom D. Lewis, Gerald Graham

Reflective listening

Encyclopedia of Psychology by Lara Lynn Lane

Very often in Western culture, listening is considered to be the passive part of a conversation while speaking is seen as active. Reflective listening practices requires focus, intent, and very active participation. The term stems from work done by psychologist Carl Rogers who developed client-centered therapy. Rogers believed that by listening intently to the client, a therapist could determine best what the client needed. This was unlike psychoanalysis, which had more formula-like approaches that were used for all patients. Rogers wrote about *reflection of attitudes*, which asserts that a therapist needs to have empathic understanding with his/her client. Empathic understanding means understanding a person from his or her frame of reference. What a therapist attempts to do is reconstruct what the client is thinking and feeling and to relay this understanding back to the client. By explaining that he or she understands what the client is saying, a therapist is establishing a trust and clarifying the client's expression. For example, a client may make a statement like, "My mother is such a jerk. She's always telling me what to do and won't let me do anything I want to do." The therapist who uses reflective listening might respond by saying, "So you feel frustrated because you're mother treats you like a child instead of an adult." This will allow the client to feel understood and open up even more about his or her feelings about being a teenager. Alternately, a client may feel misunderstood and then try again to explain what he or she is thinking or feeling. This will also allow a therapist to make sure he or she is understanding the client.

By re-stating or reflecting what clients have expressed, the clients then listen to what they have said in a new way. They hear their feelings and thoughts in a different voice and can look at their life through another's eyes. Such therapy also helps a client to feel validated. This type of re-stating what has been heard is also called mirroring. This technique can be used in one-to-one therapy or group therapy.

Further Reading

For Your Information

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- Rogers, Carl. Client-Centered Therapy: Its Current Practice, Implications, and Theory. Boston: Houghton Mifflin Company, (1951)1965.
- Sahakian, William S. History and Systems of Psychology. NY and London: Schenkman Publishing Co., 1975.

The Listening Quiz

Are you an effective listener? Ask a peer that you communicate with regularly and who you know will answer honestly to respond "yes" or "no" to these 10 questions. Do not answer the questions yourself. We often view ourselves as great listeners when, in fact, others know that we are not.

1. During the past two weeks, can you recall an incident where you thought I was not listening to you?

2. When you are talking to me, do you feel relaxed at least 90 percent of the time?

3. When you are talking to me, do I maintain eye contact with you most of the time?

4. Do I get defensive when you tell me things with which I disagree?

5. When talking to me, do I often ask questions to clarify what you are saying?

6. In a conversation, do I sometimes overreact to information?

7. Do I ever jump in and finish what you are saying?

8. Do I often change my opinion after talking something over with you?

9. When you are trying to communicate something to me, do I often do too much of the talking?

10. When you are talking to me, do I often play with a pen, pencil, my keys, or something else on my desk?

Use your peer's answers to grade your listening skills. If you received nine or 10 correct answers, you are an excellent listener; seven or eight correct answers indicates a good listener; five or six correct answers means you possess average listening skills; and less than five correct answers is reflective of a poor listener.