

Conducting an Investigation

In the absence of subpoena power, investigations depend upon the good will and commitment of those interviewed.

An investigation is to determine the facts of the case. The past history of the complainant is rarely relevant nor should it be (the complainant is not on trial).

Interviews are central to an investigation. Advice about interviews:

- Interview complainant first!
- Acknowledge difficulty of situation for interviewee
- Answer interviewee's questions in advance of interview
- PREPARE! Develop list of important questions
- Work off of written complaint
- Introduce interviewers
- Begin slowly (do you know this person? In what capacity?)
- At least two people present, preferably both genders
- Adequate time available
- In a neutral location, safe and private
- Make notes, write summaries (have interviewee review them)
- Prepare report to relevant body as SOON as possible
- Support person present for the interviewee
- Permission to tape record (and to turn off tape as needed)
- Permission to take breaks
- Concrete information about next steps
- **ADVICE ABOUT WHERE TO OFFER FURTHER INFORMATION OR REPORT FURTHER CONCERNS**

In ministry-related contexts, an interview is also an important opportunity for pastoral care, but keep focused on the investigation task. Verify, summarize and check the information you are hearing (parrot rather than paraphrase).

In the interview, ask about relevant evidence. Ask "who else should we be talking to?" Keep door open for second or subsequent interview. Advise interviewee that information will be shared only with those who need to know—except in the event of civil or criminal action, in which case information must be made available to an authorized inquirer or subpoena. Do not represent an interview as absolutely confidential forever under either attorney-client privilege or priest-penitent privilege. Mirandize in some attentive way.

Agree, if asked, to interview spouses, but remember the ban about testimony of spouses. Acknowledge right to refuse an answer when self-incrimination is at issue. Get good legal advice and have a consultant to care for the interviewing team! Make sure that interviewers/investigators are neutral parties with no conflict of interest.

--Chilton Knudsen

INVESTIGATION OF A COMPLAINT

Conflict of Stories vs. Fuller Picture

Interviews

- Their right to have support/advocate present
- If attorney interviews, have non-attorney present
- Pastoral quality – express concern
- Everything discoverable in event of civil action
- Tape record only with permission

Interview process

- OK to make notes?
- Do you know the person?
- In what connection? For how long?
- Tell us whatever you can, in your own words
- Clarifying questions, not challenging ones
- No judgmental language (about anyone)
- Door open for more info (give contact person)
- Are there others we should talk to?
- Is there any corroborating material or evidence?

Guidelines

- Get at truth, gently re-focus as needed
- No unrelated information to be sought
- Confidentiality within limits
- Verify support for interviewees, express thanks
- Prepare report of interview
- Interviewers' debriefing process
- Leave adequate time for the interview
- Provide interviewee with copy of the report
- Describe what will be done with info received