504 - Internal Investigations: Refining Your Interviewing Skills

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Agenda

Internal Investigations: Refining Your Interviewing Skills

- Elements of an Internal Investigation
- Internal Investigation Documentation Overview
- Skills/Tips Necessary for an Effective Interview
- How to Advance Your Interviewing Skills
- Conducting Investigative Interviews
Polling Question #1

What is your level of expertise in conducting internal investigations?

1. I have little to no experience conducting internal investigations and am excited to learn more!
2. I’ve conducted a few or very periodic internal investigations and feel like I could use more tools.
3. I’ve conducted many internal investigations and want to see if there are any additional skills I could gain.

Internal Investigations

Why do we conduct internal investigations?

- To gather facts to determine if violations of laws, regulations and/or policies have occurred
- To make the individual feel heard
- To help ensure consistency and/or make improvements to remedial measures
- To mitigate risks and better refine training to the workforce
Elements of an Internal Investigation

Essentials for conducting an internal investigation

- Define a process for receiving and triaging your organization’s concerns
  - Make sure your workforce knows about it
- Identified, trained investigator(s)
- Review the facts
  - Review all evidence, policies and information available prior to interviews

Prepare for interviewing
- Order of interviews – aim to interview the right people at the right time
- Identify who should participate in interviews
- Determine timing, location & scheduling of interviews
- Develop and overall strategy and plan for the interviews; be clear on what you are trying to achieve from conducting the interviews
- Prepare interview questions

- Corrective action
- Analyze and report data

Internal Investigation Documentation Overview

What documentation should an investigator include?

- Create a “toolkit”
- Investigation plan or checklist
- Interview questions/templates
- Upjohn Warning
- Fairness, Non-retaliation and Confidentiality Statement for interviewees
- Interview notes from each investigator/note taker
- Evidence (i.e. emails, attestations, letters, video, etc.)
- Final investigation report or summary of findings
Skills/Tips Necessary for an Effective Investigation Interview

- Placement in the room
- Explain the process
- Active listening
- Read non-verbal queues
- Get comfortable with silence
- Avoid leading questions
- Maintain self-awareness

How to Advance Your Interviewing Skills

- Participate in continuing education
  - i.e. HCCA investigation training or materials
- Consult with experts within your own organization
  - i.e. Motivational interviewing techniques from clinical staff
- Debrief post-interview with co-investigator/note-taker
- Create “best practice” questions to utilize in future interviews
- Find others to conduct mock interviews with
  - What worked well
  - What didn’t work well
  - Practice, practice, practice!
Conducting Investigative Interviews

Investigative Interviewing: Assessing Credibility

- Interviewee’s comfort with sitting in the interview and answering questions directly
- Forthcoming with information or is it like pulling teeth to get them to share anything?
- Confidence in responses (pitch and tone, as well as body language)
- Interviewee’s information corroborates the timeline developed based on evidence available to you
- Have they had any complaints about other matters and have they been deemed credible in those situations?
Internal Investigations: Basic Interview Questions

Examples of basic interview questions to consider

- How long have you been employed with the organization and in what capacity?
- How long have you worked known Sally and in what capacity?
- Tell me about the process you utilize for admitting patients.
- Did you tell anyone else about this situation? If so, who and when did you discuss the matter with them?
- Do you know of anyone else who may have information related to this situation?
- Do you have any documents or emails related to this investigation that you could provide?
- Is there anything else relevant to this matter you could share that we haven’t already discussed?

Interviewing Questions: Open Ended and Closed Questions

Open Ended vs. Closed Questions

- **Open Ended Questions**
  - “How did you respond to the situation?”
  - “Please explain what you saw in that situation.”
  - “Please describe how you believe the situation came about.”
  - “How has this situation impacted you?”
  - “Who else may have witnessed the situation or been impacted by it?”
  - “What other relevant information would you like to share related to the situation?”

- **Closed Questions**
  - “Did you tell anyone that you were upset by the situation?”
  - “You described that the situation took place at 3:00 p.m., is that correct?”
  - “At any point, did you have any physical contact with Sam?”
  - “Do you have any reason to believe Pat may have engaged in this behavior?”
  - “Did you ever look at Mr. Smith’s file?”
Cognitive Interviewing:

Questioning technique used to attempt to enhance an individual’s ability to recall information from an event or situation they witnessed.
Interviewing Questions: Bullseye Approach

Bullseye Approach:
Start with more broad questions, eventually moving to more narrow, specific questions.

Investigative Interviewing: Interviewing vs. Interrogation

**Interviewing**
- An investigative interview is a “non-accusatory fact-gathering conversation to determine facts, sequences of events, alibis, or to confirm information with a specific interviewee.”
  - Generally conducted with willing, cooperative individuals
  - More focused on asking open-ended questions or close-ended questions to confirm details
  - The accused is generally interviewed last, after you’ve had time to gather the facts

**Interrogation**
- An interrogation is an interview for admission by the accused.
  - Looking for admission
  - Better understand what motivating factor was for misconduct
  - More focused on close-ended questions of whether or not an individual did something

Conducting Investigative Interviews

CHALLENGING INTERVIEWS

Investigative Interviewing: “The Crier”

How to approach an individual in tears in the interview

- Always have a box of tissues available ahead of an interview
- Watch their non-verbals and listen for inflection in their voice
- Be comfortable with sitting through the emotions and have self-awareness around your own response to them
- Ask them if they are able to explain why they are having this reaction
- Give them a break, offer water, etc.
- Remember that crying is a natural response to stress
Polling Question #2

What is the first technique you would use to attempt to effectively address an evasive interviewee?

1. Explain the advantages of their participation in the interview process
2. Ask them if they can explain what their lack of engagement or response is about
3. Proactively present evidence you’ve gathered to try to engage them in discussion
4. I’m unsure how to address an evasive interviewee

Investigative Interviewing: “The Evasive/Silent One”

How to approach the evasive/silent interviewee

- Understand that despite your skills, an individual may remain evasive/silent
- Focus on asking general, open-ended questions
- Assure they understand your role in the process
- Explain the advantages of cooperation
- Speak their language and empathize
- Be patient; give them time to explain
- Share the facts that you have available

Reference: Meric Bloch: Guide to Conducting Workplace Investigations
Polling Question #3

What is the first technique you would use to attempt to effectively address an angry interviewee?

1. Acknowledge that you can see they are upset and ask what is creating that feeling for them
2. Listen to what the individual has to say and observe any increase in signs of anger
3. Explain the importance of their participation in the interview process and your role trying to get their side of the story
4. I’m unsure how to address an angry interviewee
Investigative Interviewing: “The Angry One”

How to approach an angry individual in the interview

- Recognize signs of anger
- Listen and observe
- Don’t be defensive
- Don’t get angry
- Give them a break, offer water, etc.
- Know when to call the interview off

Reference: Dawn Lomer, i-Sight: 5 Steps to Defuse Hostility in an Investigation Interview and Mind Tools: Dealing With Angry People: Learning How to Defuse Tense Situations
Takeaways

Internal Investigations: Refining Your Interviewing Skills

✓ Your role is to gather facts to determine if violations of laws, regulations and/or policies have occurred
✓ Don’t let challenging interviewees distract you from your interview objectives
✓ Practice, practice, practice and consult with others to continue refining your interviewing skills
✓ Every investigation and interview will be different and unique, but you can capitalize on the skillset you’ve developed

Thank you for your time!

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