

CDDP Investigators Recording Policy Guidance

Comment: Use of “the investigator” and “you” when referring to the investigator. Suggestion to use only one term.

Response: Thank you for the suggestion. The policy transmittal has been amended to use “the investigator” throughout the document.

Comment: Not clear if the CDDP is required to keep a copy of the electronic interview record.

Response: The comment is appreciated. The expected actions related to preserving a recording is outlined in the transmittal. CAM is the official record of the investigation, the transmittal directs Abuse Investigators to delete the recording from the device after uploading to CAM. It further directs Abuse Investigators to preserve the recording in accordance with record retention laws allowing CDDPs to preserve the records in accordance with their record retention standards.

Comment: Concern that language in summary does not sound equitable.

Response: Thank you for your insight. The policy transmittal has been amended to use more equitable language when describing considerations when interviewing and recording. Training accompanying the policy transmittal will also focus on equity and trauma informed practices when conducting interviews.

Comment: Comments received that making it policy that all people must be asked and MUST justify why they don't want to be recorded increasing the “them vs us” mentality.

Response: Thank you for the comment. The policy transmittal does not require the interviewee to justify why they do not want to be recorded. The policy transmittal requires the Abuse Investigator to provide information about recording and provide the interviewee with the opportunity to ask questions about recording. The interviewee has the option to decline recording at which the time it is up to the Abuse Investigator's discretion on how to proceed.

Comment: Comment received that asking people for their address and DOB will add a barrier to building rapport during the interview.

Response: The comment is appreciated. The abuse rule requires the investigator to ask the date of birth of each individual interviewed and obtain the date of birth of the accused person. Current practice includes collection of the interviewee's address to facilitate follow up when necessary.

Comment: Comment that people may want to record for themselves and create a possible HIPPA violation.

Response: We appreciate your comment. The guidance in this policy protects the confidentiality of the recording produced by the investigator. If a party other than the investigator records the interview that party is responsible for the security and confidentiality of the recording they produce.

Comment: Comment that policy does not address the ability to consent with full comprehension for those we serve.

Response: Thank you for your insight. The purpose of this guidance is to provide investigators with information related to recording and is not meant to replace training investigators receive related to mapping investigations, planning interviews, or assessing interviewee's ability to participate in the investigatory process. The investigator continues to have the ability to consult with their AIC prior to conducting an interview and request a deviation from recording when based on cultural considerations and trauma informed practices it is not in the best interest of the investigation to record.

Comment: Comment that policy does not address people who have guardians.

Response: Thank you for your comment. Rule requires the guardian to be informed of a report of abuse and should a guardianship include the authority of the guardian to make decisions related to who the individual interacts the guardian will be consulted.

Comment: Comment that limitations of the policy in terms of meeting people in the community will impact the information gathered.

Response: Your comment is appreciated. Best practice is noted that the location of the interview is private and outside sound interference is limited. However, some individuals prefer interviews be conducted in a more public setting. The investigator must weigh the risk of the location interfering with information collection and respecting the interviewee's preference based on equity and trauma informed practice considerations.

Comment: Comment that "policy is lengthy, highly structured does not allow for establishment of rapport, encourages perceived power disparity and is like a deposition".

Response: We appreciate your concern. The intent of this policy transmittal is to outline the process of recording interviews and is not meant to substitute for instruction related to rapport building and other facets of interviewing. Instruction related to rapport building, power disparity, equity, and trauma is provided during core competencies and will be included in the training accompanying this policy transmittal.

Comment: Comment that policy may create a lack of equity and is not trauma informed for some individuals who will be divulging personal information.

Response: Your concern is appreciated. We understand many interviewees may have experienced trauma and are asked to divulge personal information. OTIS provides investigators with training in the process of incorporating recognition of power differentials and trauma informed practices. Recording of interviews also provides a level of transparency and empowerment to interviewees by ensuring their voices are accurately reflected. In some circumstances a recorded interview may be used in place of the interviewee being asked to recount events at a later time. The interviewee may also decline to be recorded.

Comment: Comment that requiring an approved deviation for each interview that recording is declined "feels like it will take a lot of extra time and attention".

Response: Thank you for the insight. The policy transmittal allows the investigator to assess the circumstances when an interviewee declines to be interviewed at the time of the interview, they do not need approval to make this decision. Entering the deviation in CAM is the process in which the investigator is expected to document the interviewee declined to be interviewed and the abuse investigator's decision to go forward without recording. The abuse rule requires any variance from the investigative process be documented in the investigative report.

Comment: Suggestion was made to keep current policy of "allowing investigator to decide what works functionally and obtains the best information during interviews ". Added that policy may not be in line with what other state agencies are doing-APS is not recording interviews, in Washington State APS is not permitted to record interviews.

Response: Your suggestion is appreciated. OTIS investigators have used recording of interviews as best practice for many years. The policy transmittal is intended to supplement and assist in the accuracy of the information gathered during interviews. The expectation for recording does not preclude the investigator from making a decision not to record when the interviewee declines.

Comment: The majority of things to do are things I imagine one would want to record? So maybe it's things to do at the beginning of each recording?

Response: Your comment is appreciated. The intent of the section prior to the initiation of the recording is meant to provide the interviewee with information about recording and an opportunity to ask questions prior to recording beginning.