

Interview with Experts – Interviewing Alleged Perpetrators

An interview with Candace Heisler on Interviewing alleged perpetrators



Candace Heisler is a retired San Francisco prosecutor. She spent 25 years with the San Francisco District Attorney, more than 10 as head of the Domestic Violence Unit. For more than 20 years she has served as a national expert consultant and trainer in domestic violence, abuse in later life, and elder abuse. She has designed curricula for APS and other professionals and has published widely in these fields.

What do you think are the greatest fears of APS professionals when interviewing alleged perpetrators?

What APS professionals have told me is their fear of not asking the “right questions,” asking questions that put a client at risk, and not knowing how to approach an alleged perpetrator. Some have mentioned a fear of compromising a criminal investigation and a few have mentioned fear of being successfully manipulated by an alleged perpetrator. I have also heard that when the allegations are particularly egregious or the explanation is especially hard to believe, APS professionals fear they will not keep their emotions in check.

What are the most important things APS professionals can do to increase their personal safety when interviewing alleged perpetrators?

There is no single thing that will enhance personal safety in every instance.

Remaining alert and avoiding complacency is critical. Just because you have been to that house before and it has always been fine or you handled many such investigations before without a problem, never assume it will always be safe or unchanged.

Trust your instincts—if things feel “different” or uncomfortable or just “strange”—leave. You can always return at another time with help.

Do your homework—is this an area known for dangerous conditions and people? Are there prior files on the client or alleged perpetrator? Will law enforcement share criminal history and service calls to that location? When in doubt take a colleague with you or ask law enforcement to accompany you.

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Remember the basics—tell your office your plans, have a check in and out process; preset your cell phone to 911 when in areas with cell service; make sure your car has sufficient gas; park so you are not blocked in, and have animals removed. Mentally memorize the way out and do not have obstacles between yourself and the exit. Do not interview in rooms with weapons like the kitchen.

Recommendations for APS professionals to build rapport with alleged perpetrators?

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Rapport building is your investment in the interview. It communicates that you want to know something about the person you are interviewing and your respect for that person and their dignity. You are saying that you understand this person is more than today’s interview and whatever allegation brought you and the alleged perpetrator together.

Building rapport with an alleged perpetrator is similar to building rapport with a client. If you can build rapport effectively with a client, you can use some of the same skills with the alleged perpetrator.

What do you know about the alleged perpetrator already—are they retired; an adult child; a caregiver? Explore that relationship. Acknowledge that caregiving is difficult. If retired, what was their career and ask about their work. If retired military, ask about their service.

Remember there may be good qualities in an alleged perpetrator. You can certainly acknowledge those traits.

Spend as much time as is needed before you begin to ask questions about your investigation. Remember you cannot expect the alleged perpetrator to give you what you need, a statement, until the alleged perpetrator gets what they need, typically, recognition as a person, treated with dignity, a sense that you are interested in them.

What kinds of justifications and defenses are APS professionals likely to encounter?

Justifications and defenses are legal reasons that excuse actions or make them less serious than they may otherwise appear to be. They usually begin with acknowledging the conduct and then saying it is justified. For example, in a physical abuse case the alleged perpetrator would admit that she or he struck the client but would then say, “But I did it to protect myself” (self-defense), or, “I did it to protect my daughter” (defense of others), or “I did it to protect my property” (defense of property).

Defenses typically vary by the type of abuse. In neglect, defenses often heard are, “I am not the legal caregiver,” or “the client refused to let me take her to the doctor,” or “I am doing the best I can.”

In both kinds of cases we sometimes hear that the condition is not from abuse or neglect but is from medications, an underlying medical condition, or is the result of an accident.

In financial exploitation cases, common justifications are consent (i.e., it was a gift, loan, or salary) and acting under the legal authority of a power of attorney, guardianship/conservatorship, trust, or other special relationship.

Perpetrators will often challenge your client or victim's mental capacity and claim your client misunderstood the situation or was too impaired to recall what actually happened. More rarely, alleged perpetrators may raise their own mental incapacity, mental disorder, or insanity to explain their conduct.

How should APS professionals respond to justifications?

It is critical that APS professionals explore the defense or justification by asking follow-up and clarifying questions, such as, "who else knows about what has been happening," "who have you told," "did you seek treatment," and "do you have any photos or writings about what happened." Think about what other collaterals have told you and what you have learned from records and other evidence. Do they match up to what the alleged perpetrator has told you? If not or if you are uncertain, ask questions which highlight those differences. For example, "help me understand something. You told me...When I looked at the financial records, they seemed to suggest..." or "My investigation suggests something different from what you told me. The injuries your mother has are not consistent with her falling out of bed." Be careful not to attribute specific information to any individual but be general. In the examples, instead of saying your mother told me you twisted her arm behind her back, you can say the medical information is not consistent with what you told me.

Additionally, those collateral sources should be immediately contacted to confirm or undercut the claimed defense. This is about being a fair and objective investigator and professional, developing appropriate case plans, and expeditiously closing out meritless cases.

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How can APS professionals distinguish between an over-burdened/stressed unintentional caregiver and manipulative wielders of power and control?

APS professionals understandably want tools to help distinguish high risk and dangerous situations from ones that may safely and appropriately benefit from services and education. The danger is that given limited time, and clients who may not be able to or who may choose to not share information about their alleged perpetrator, the APS professional may miscalculate the true nature and intent of a perpetrator. Some perpetrators are extremely manipulative and charming and use those attributes to mislead the APS professional trying to understand a situation.

Domestic Violence professionals who conduct comprehensive danger assessments rely on a combination of guided interview questions asked of victims and clients, historical data and patterns of controlling and abusive behavior, and the victim's assessment of the situation. The questions asked on those assessments and the

evaluation of the data obtained through questioning have been validated using large study groups over many years. Other assessments rely on victim-provided data, perpetrator assessments, incident information, and prior history. In my opinion, the years of research and peer review and number of cases studied in intimate partner violence incidents has no parallel in elder and vulnerable adult abuse cases. There is simply insufficient research to make evidence-based predictions about caregiver abusers. While a few researchers have offered typologies of abusers, the numbers of studied cases are small, and the suggested typologies have not been subjected to the long and careful study by multiple researchers we have seen in the domestic violence field.

With any alleged perpetrator, a few pieces of information, even negative ones, may not paint an accurate picture of that person. Before deciding the type of perpetrator involved in an allegation, at a minimum, the APS professional should know about any APS and criminal history, the history of the relationship, time the perpetrator has known the client and role in the victim's life, substance abuse and mental health history, client and perpetrator social supports, financial picture for both parties, and the perpetrator's explanation for the situation as well as collateral information supporting or refuting the perpetrator's explanation. Objectively evaluate what your evidence and information show in forming an opinion about what happened and leave determining the perpetrator's motivation and type for later. Do not assume that you will always know or be able to "figure it out." This neutral and objective analysis will better ensure that you have conducted a full investigation and are not being manipulated by a perpetrator into seeing things not as they are but as the perpetrator wants you to see them.

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Having worked in the worlds of criminal justice, domestic violence, and elder abuse, each informs how I analyze issues of safety, justice, and abuse. I have benefitted from the wisdom and guidance of victims, practitioners, and experts. Each brings its different professional lens to situations. APS professionals bring an understanding and experience to caregiving issues. Domestic violence professionals bring critical insights to understanding power and control and coercive control as used by abusers and the impact of abuser tactics on victims. The criminal justice system provides a way of addressing safety for the victim and the community and holding offenders accountable. Effectively addressing perpetrator motivation, danger and safety really requires thoughtful discussion, collaboration and cross training between each of these fields.

If you could give APS professionals one piece of advice about interviewing alleged perpetrators, what would it be?

This may be more than just one piece of advice. Go prepared knowing your case and what you want to ask the alleged perpetrator. If you are not satisfied with your effectiveness, watch other APS colleagues conduct interviews. And finally, develop your own style of interviewing which will feel genuine to you and those you interview.

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