

Interview Guide for Investigators

Conducting Recorded Interviews to Document Cognitive Status in Elder Abuse, Neglect, and Exploitation Cases

Purpose and Use

This guide supports investigators in conducting recorded supplemental interviews (focused follow-up interviews after the initial victim interview) to capture evidence of an older victim's cognitive status close in time to the incident. The responses that you receive will help build a clearer picture of the victim and may assist prosecution when decision-making capacity is relevant.

This guide is not a substitute for professional judgment, full victim interviews, or expert assessments. Nor does it provide legal advice. Work closely with prosecutors to align interview goals and case strategy.



Why Record Interviews?

- Early recordings preserve critical evidence of a victim's capacity near the time of the incident; Cases can take months or years to reach trial - timely documentation is essential
- Recordings may help support or rebut consent claims, though rules vary by jurisdiction
- Orientation segment of the recording (orientation questions) is usually admissible at trial to show the victim's state of mind (not to prove the truth of the matter asserted)
- Impact segment of the recording (impact of the crime) is primarily intended for use at sentencing



Before the Interview: Work Closely with the Prosecutor

- Confirm that the recording is appropriate and part of the prosecutorial strategy
- Discuss the topics to explore and how the recording will be used
- Clarify local rules about consent to record and evidence handling
- Ask the prosecutor whether to include financial, medical, or impact questions
- Explain the purpose of the interview and that it is being recorded



Prepare the Victim

- Let the victim know that it is okay if they don't understand or remember everything; They can pause or stop the interview at any time
- Ask if the victim has questions before starting

Before the interview, watch the Elder Justice Initiative's video on interviewing older adults (approx. 7 minutes). It offers practical tips on effective interviewing techniques.



Interview Content: Exploring Capacity and Awareness

Begin the recording by stating the date and time. Capture how the victim presents in the moment. Don't attempt to diagnose or assess capacity and avoid making definitive statements about cognitive function or capacity.



Orientation to Place

- Where do you live?
- How long have you lived there?
- What is your address?
- What city and state are you in?



Orientation to People

- Who lives with you?
- Are you married or do you have a partner?
- Do you have children? Where do they live?
- Who visits you here?
- What are your hobbies?



Orientation to Time

- What day of the week is it?
- What is today's date, including the year?
- What time is it?
- What did you do earlier today or yesterday?



Orientation to Current Events

- Who is the current president?
- Do you watch TV? What shows do you enjoy?
- What was the last show you watched and what was it about?



Financial Understanding

(With prosecutor approval, if relevant)

- Does anyone help you manage your money?
- Do you bank online, use a teller, or an ATM?
- Do you use debit card or credit cards?
- Do you own or rent your home?
- What bills do you usually pay each month?
- How much money do you receive monthly?
- How do you track your expenses?
- Do bank statements come to your home?
- Can you estimate your current account balance?
- What types of things do you usually spend money on?



Medical Information

(With prosecutor approval, if relevant)

- How would you describe your health?
- Do you have any major medical conditions or treatments?
- Do you take medications regularly?
- Do you have a regular doctor? What is their name? When was your last visit?



Impact of the Crime

(With prosecutor approval, if relevant, and the victim assents)

This may be an important means of conveying the impact of the crime to a sentencing judge. It is likely admissible at sentencing hearing since evidentiary rules do not apply. Example: Can you describe how this incident has impacted you?



Wrapping Up the Interview

State the time and date again, and thank the victim for their time.