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Fact Finders: Exploring Perspectives of Abuse Investigators for People With Developmental Disabilities

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Walden University

College of Social and Behavioral Sciences

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April T. Fowler-Solomon DeLandro

has been found to be complete and satisfactory in all respects,
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Walden University
2022

Abstract

Fact Finders: Exploring Perspectives of Abuse Investigators for People With

Developmental Disabilities

by

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MPA, Metropolitan College of New York, 2009

BA, Metropolitan College of New York, 2007

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Public Policy & Administration Nonprofit Management & Leadership

Walden University

February 2022

Abstract

Abuse towards people with intellectual and developmental disabilities has been a long-standing area of study. One aspect of the post abuse process that has not been thoroughly considered is the perspective of abuse investigators. This is important because abuse investigators are to ascertain the safety of an alleged victim and then gather the information necessary to resolve issues with the intent to prevent further abuse. Using the Thomas theorem of interpretation and action, this study explored the experiences of abuse investigators by delving into how investigators' experiences influence the conduct of an investigation and how investigators perceive their role and its impact. This study implemented an exploratory qualitative design with a case study approach. Data were collected using semi structured interviews with six human service industry professionals certified in the state of New York as abuse investigators on the date of their interviews. Data were analyzed through manual open coding and thematic identification. Identified themes were organizational service improvement as a result of abuse investigation recommendations, the need to improve communication amongst organizational and state-level stakeholders, and the acknowledgement of direct support staff skillset, knowledge, and awareness of the investigative process. Implications for positive social change include expanding awareness of all dynamics within the post abuse process as an additional effort to decrease abuse in provider agencies.

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Dedication

I dedicate this body of work to my Lord and savior, Jesus Christ. According to the prophetically legendary Kathryn Kuhlman, "Grieve not thy Holy Spirit" (Ephesians 4:30 KJV). Because of His soft whisper, guidance, encouragement, and my own obedience I made it through. Without Him, none of this would have been possible.

I also dedicate this study to the most beautiful girl in the world, my mother, Dr. Sharon Solomon Cruz, who is no longer here in this realm to witness her youngest daughter mirror her commitment to achieving this level of education.

Acknowledgements

I must first acknowledge my family who supported me through all the late-night studying, writing, frustration, and tears. I am never at a lost for words but as these words glide across my screen I can only authentically say, thank you. I did this for us.

To my dissertation chair, Dr. Glenn Starks and committee member, Dr. Miyoung Lee, I thank you for your continued patience, much needed guidance, irreplaceable time, and considerable support throughout this process. You both always gave me the push I needed to get to the finish line.

Table of Contents

List of Tables iv

List of Figuresv

Chapter 1: Introduction to the Study..... 1

 Background2

 Problem Statement5

 Purpose of the Study7

 Theoretical Framework9

 Research Questions10

 Nature of the Study11

 Definitions13

 Assumptions16

 Scope and Delimitations17

 Limitations18

 Significance of the Study19

 Summary and Conclusions 20

Chapter 2: Literature Review22

 Literature Search Strategy22

 Theoretical Foundation24

 Historical Background26

 The Revolution of Deinstitutionalization to Community Care: The
 Willowbrook State School26

 The Conception of the New York State Justice Center 28

The New York State Oversight Agency: Office for People With	
Developmental Disabilities	29
Provider Agencies	31
Fact Finders: New York State Abuse Investigators	32
Issues, Scholarly Trends, and Concepts	33
Issues	33
Scholarly Trends and Concepts	34
Summary and Conclusions	44
Chapter 3: Research Methods	46
Introduction	46
Research Design and Rationale	46
Role of the Researcher	47
Methodology	48
Participant Selection Logic and Recruitment	48
Data Collection and Instrumentation	51
Data Analysis	52
Issues of Trustworthiness: Credibility, Transferability, Dependability,	
Confirmability, and Ethical Procedures	53
Summary and Conclusions	54
Chapter 4: Results	56
Introduction	56
Data Collection	57
Research Setting	60

Demographics	61
Data Analysis	62
Evidence of Trustworthiness: Credibility, Transferability, Dependability, and Confirmability	64
Study Results	65
Summary and Conclusion	70
Chapter 5: Discussion, Conclusions, and Recommendations	72
Interpretation of Findings	73
Ongoing Victimization and Increasing Allegation Rates	74
Incident Management Systems: Policy Analysis and Exploration	75
Facilitation of Care to the Special Needs Populations	76
Limitations of the Study	78
Recommendations	79
Implications	82
Summary and Conclusions	85
References	87
Appendix A: Justice Center Reporting and Investigations: Guidance for Individuals and Families	96
Appendix B: Justice Center Protocols for Interviewing People Who Receive Services	109
Appendix C: Recruitment Flyer	115
Appendix D: Participant Interview Outline and Questions	116

List of Tables

Table 1. Coding, Categorizing, and Emerging Themes63

Table 2. Positive and Negative Experiences67

List of Figures

Figure 1. Respondent Demographics62

Chapter 1: Introduction to Study

Since 2016, reports of alleged abuse occurrences towards people with intellectual and developmental disabilities in the state of New York have increased by 90%, but the number of substantiated abuse investigation findings has decreased by 43.9% (New York State Justice Center [NYS JC], 2019a). These statistics appear indicative of abuse investigators unsubstantiating their findings for publicly unknown reasons, yet it also creates potential for alleged perpetrators to remain working with the vulnerable population. In New York, an abuse investigator has 30 days to either substantiate or unsubstantiate an allegation of abuse towards a staff member (New York State Office for People With Developmental Disabilities [NYS OPWDD], 2019). If an abuse investigator substantiates an investigation, then they have substantial evidence collected during the investigative process to support that abuse occurred.

If an abuse investigator unsubstantiates an investigation, then they have insufficient evidence to support that abuse occurred. Alleged victims of abuse and/or their legal guardians can appeal investigative decisions through a separate process not reviewed in this study. Based upon the statistics, it appears that abuse investigators are unsubstantiating investigative findings despite increasing reports of abuse within provider organizations. Mandated reporters and provider organizations are expected to contact law enforcement when an allegation of physical or sexual abuse is made immediately upon discovery (NYS OPWDD, 2019).

This study's intent was to research investigative policy and practice. I explored the perspectives of professionals who implemented incident

management policies to convey their individualized experiences and determine if an expressed need for incident management policy change exists. The incident category explored throughout this study was abuse in the state of New York with an emphasis on the experiences of certified abuse investigators.

The social problem for this study focused on society seemingly ignoring this vulnerable population. The question “What happens when society seems to forget the most vulnerable?” was posed by *The Weekly*’s Episode 27, which conveyed horrendous stories and supporting statistics surrounding the continuum of abuse towards adults with intellectual and/or developmental disabilities residing in residential group homes (Vohra et al., 2020). Vohra et al. (2020) focused on one formerly state operated group home where numerous allegations of abuse occurred. Attempts had been made since 2016 to terminate 13 employees, to no avail, based upon their protection by union representatives. Nevertheless, for approximately 20 seconds, a comment was highlighted during the production by one of the abuse investigators who substantiated allegations. The minimal attention that the abuse investigator’s comment received enhanced the problem that this study focused on for the scholarly community. My desire in conducting this study was to add perspective and understanding to public policy and administration in the areas of health care and social services to develop strategies and policies to improve public support for the vulnerable intellectually/developmentally disabled population.

Background

The intellectually and developmentally disabled adult communities are widely known as vulnerable targets for abuse and neglect while receiving formal services. According to Shapiro (2018), individuals with disabilities are abused at a rate 7 times higher than those without disabilities. Their abuse often goes unrecognized, unprosecuted, and unpunished because they have difficulty testifying later. Individuals with disabilities are also targeted because they can be easily manipulated and abused by someone they know or receive services from. Because their abuse often goes unpunished, the perpetrator may be free to abuse again.

The continuum of abuse and additional abuse factors remain prevalent and exploratory because the victimization of this population remains constant. The highest rate of alleged abuse occurrences towards people with intellectual and/or developmental disabilities has been found in out-of-home settings such as in residential group homes and day support settings (Hershkowitz, 2018). Previous studies have successfully found indicators of abuse that include, but are not limited to staff burnout, service recipient ability to report abuse, failure to report abuse in private in-home settings, and overall education and awareness that abuse is indeed occurring (Hershkowitz, 2018). Scholarly literature has provided some insight into the potential for ongoing victimization of adults with intellectual and developmental disabilities (Peterson et al., 2015; Smith et. al., 2019; Thornberry & Olsen, 2005). The continuum of abuse towards the disabled population was verified during the literature review search and is discussed in Chapter 2. Individuals with intellectual disabilities are at an increased risk for abuse

recurrence and prevention efforts have been inconsistent (Hershkowitz, 2018; Palusci et al., 2015). Long-term intervention is dependent upon the professional staff who provide services to the victims (Lee et al., 2018).

The peer-reviewed scholarly literature search encompassing these social findings then led to the following question: “What do we know about the professional staff who are conducting abuse investigations”? This question led me to conceive of the topic for this dissertation and a need to address the gap in scholarly literature. Through this study, I attempted to address the gap in scholarly literature by adding insight concerning the professionals who conduct abuse investigations, known in New York as Fact Finders. Some significant literature findings that aided in locating the literature gap included ongoing victimization, and the impact abuse investigators have on the post abuse process. According to Palusci, et al. (2015), ongoing victimization is prevalent in both in-home and out of home care settings with the highest prevalence within out of home care settings while individuals are receiving support services in a formal environment. However, when it comes to investigations, the background of investigators of abuse is influential. Victims are reluctant to admit abuse when interviewed by most investigators, even when clear evidence suggests abuse (Hershkowitz, 2018). This finding amplifies the significance of abuse investigators in the post abuse process. Abuse investigators also possess the task of determining the credibility of individuals with intellectual and/or developmental disabilities, which is often questioned. Often, abuse cases can be unsubstantiated, or it may be deemed that no judgment is possible after interviewing has occurred and an

investigator must be experienced in interviewing this population to obtain the most valuable information (Melkman et al., 2017).

Additional search findings surfaced how investigative findings and conclusions are based on the judgement of a professional who combines weighted information and evidence in a subjective manner (van der Put, et al., 2018). The professionals who hold this responsibility must be trained and deemed capable of doing so (van der Put, et al., 2018). The gap in literature was identified because existing literature provided limited contribution towards understanding the perceptions and experiences of abuse investigators. This study focused on the perception of abuse investigators and to what extent they defined their personalized experiences and role within the post abuse process.

Problem Statement

There is a problem of abuse towards adults with developmental disabilities while under service provider care, and abuse investigators' experiences when conducting investigations on behalf of this population need to be further explored. The problem, specifically, is that researchers do not know what impacts an abuse investigator's experience has while conducting a thorough abuse investigation. There has been a steady increase in the number of reports of alleged abuse but a decrease in substantiated findings from abuse investigators, even when reasonable suspicion has existed. New York State Annual Reports do not always accurately reflect the actual number of adults with developmental disabilities who are victims of some form of abuse while under service provider care. The population of this study consisted of the professionals who conduct abuse investigations for

nonprofit organizations in the state of New York. These professionals must take at minimum a 3-day Special Investigator course and pass the Special Investigator exam to be classified as NYS JC Certified Investigator. Certifications are to be renewed by attending a 1-day course every 3 years. According to the NYS JC (2018), certified investigators can only investigate allegations of abuse towards people with a developmental disability. These certified investigators are employed directly with nonprofit organizations or are independent contractors who are not committed to any one particular nonprofit organization.

The problem of abuse impacts adults with developmental disabilities in New York because it is evident that abuse occurs in out of home settings based upon ongoing allegation reports (NYS JC, 2020). Although abuse investigators are not directly related to the problem of the continuum of abuse towards adults with developmental disabilities, their investigative findings can allow alleged perpetrators to continue abusing individuals. This may occur if an investigation is unsubstantiated based upon a lack of unsupportive evidence. Private in-home settings were not covered during this study because current New York State regulations do not require organizations to conduct investigations unless the potential abuse occurred under the organization's own auspices.

Victims of previous abuse are at an increased risk for recurrence (Lee et al., 2018; Shapiro, 2018) and people with developmental disabilities are abused at a rate 7 times higher than those without disabilities (Shapiro, 2018). This abuse typically happens repeatedly by someone whom the victims are familiar with (Shapiro, 2018). There are many possible factors contributing to this problem,

among which are the need for skill enhancement for investigators and the need to hire adept investigators (Hershkowitz, 2014). No existing literature was located regarding how investigators' experiences and role perspective may impact how they conduct an abuse investigation. This study contributes to scholarly literature by providing regulators and policy developers recommendations that can be implemented to assist with ensuring that thorough investigations are completed and can be used when developing investigative training curriculums.

Purpose of the Study

The purpose of this study was to understand how investigators' perceptions, based on their lived experiences, affect the conduct of thorough abuse investigations for adults diagnosed with developmental disabilities, and how their perception of their role impacts the investigative process. This study addressed the challenges that investigators have in implementing existing abuse investigation policies and protocols (see Appendix B for the NYS JC Investigator Protocol).

These investigators are trained and qualified by the NYS JC and/or the NYS OPWDD to conduct investigations of alleged abuse of people with developmental disabilities. Thorough examination of commonalities amongst the lived experiences of the investigators was conducted to identify themes and determine which specific factors either hindered or promoted thorough investigations. According to the NYS JC (2019b), a New York State certified abuse investigator is required to conduct thorough investigations.

The policies and procedures that must be followed when an allegation of abuse is discovered and reported are defined by the NYS JC. The procedure is as follows:

“An investigator is assigned to conduct the investigation. Depending on severity and setting of the allegation, the investigation will be conducted by the Justice Center, the State Oversight Agency, or the provider. Once the investigation is completed, regardless of who conducted the investigation, the Justice Center reviews the investigation. The outcome of an investigation is, ‘At the conclusion of the review process, the allegations are substantiated or unsubstantiated by the Justice Center’” (NYS JC, 2020c). (see the full policy and procedure in Appendix A).

This study explored the investigator experience with implementing the NYS JC investigative policies and procedures during the investigation process.

Because it is known that individuals with developmental disabilities suffer victimization (Palusci, et al., 2015) and their abuse often goes unpunished (Shapiro, 2018), this study aimed to understand one characteristic of the post abuse process, investigations, by focusing solely on the perspectives of professionals who conduct them and how they perceive the importance of their role. With the potential for reoccurrence of abuse, investigation conclusions must be based on the sound judgment of a professional who combines and weighs information in a subjective manner (van der Put, et al., 2018). However, personal experiences are comprised of beliefs as products of individuals’ own observations and facts presented, which allow them to develop their conclusions (Merton,

2016). In this study I sought to understand what factors, if any, influence investigators' perspective during the investigative process and how they perceive their role and its level of importance. This study illuminated personally shared influences that either contributed to or hindered an investigator's ability to conduct a successful investigation.

Theoretical Framework

Based on the purpose of this qualitative study to describe experiences of the investigative process from the perspective of abuse investigators, the most appropriate framework for this study was the Thomas theorem (DeNora, 2014; Merton, 2016). The ideology underlying this theory is that a person's interpretation of or perspective on a situation causes action. Utilizing this theory as a lens steered this study by focusing on investigator's perspectives based upon their lived experiences and own interpretations during the investigative process. Whether negative or positive, according to DeNora (2014), realities are as real as their consequences. The assumption is that if investigators consider the importance of their role in the investigative process as a consequence, then the significance of diligently working to conduct thorough investigations may increase and lead to an increase in substantiating abuse findings. Because people respond to situations that have meaning for them (Merton, 2016), this study aimed to illustrate what conducting abuse investigations means to the investigator. Additionally, this framework permitted me to consider whether the investigators' experiences were hindered by their predetermined beliefs and assumptions.

Evidence can often be interpreted, but it is left up to the investigator to make the final decision that affects many entities. Accuracy and usefulness are explored, and determining causes is deeply theoretical, which leaves room for assumptions and error (Grafstein, 1987, p. 360). According to Thomas's theorem, self-fulfilling prophecies and beliefs can be abandoned by investigators only when they remove what they believed may have happened prior to obtaining evidence (Merton, 2016). This framework allowed me to consider investigator experiences with removing potential bias, maintaining openness, and negating personal beliefs.

Research Questions

Considering that the purpose of this qualitative case study was to capture and describe experiences and role perceptions within the investigative process from the standpoint of abuse investigators, two research questions were developed. Research questions create the pathway for research studies and assist researchers with maintaining alignment and remaining focused on the task at hand during a study. To illustrate the possibility of investigator's experiences hindering or promoting their subsequent investigation approach the first research question was the following:

RQ1: How does an investigator's experiences impact conducting a thorough abuse investigation?

To further explore and lay investigative perspectives onto the scholarly literature roadmap the second research question was the following:

RQ2: How does an abuse investigator perceive their role and its impact during the investigative process?

Each question was structured to allow me to omit complexities that could have surfaced during the data collection process. These questions helped me justify this study's belongingness within the scholarly community and stabilized this study's intent to a molecular level, which derived from a much larger social issue which is the abuse of vulnerable populations.

Nature of the Study

The nature of this qualitative design involved obtaining direct insight from abuse investigators on their experiences when conducting investigations and how they perceived the significance of their role. Based on the purpose and research problem a multi modal case study approach was most suitable. Because multi modal case studies are arguably the most reliable method of case study, this approach allowed the collection of data from multiple sources (Baxter & Jack, 2008). Modes of information included individual interviews and investigative protocol analysis from the NYS JC.

Multi modal case study inquiries enable individuals to explore personalized experiences and perceptions. This exploration aided in developing some level of understanding into the topic based solely upon the participants' experiences. It was predicted that most investigators may not consistently consider the importance of their role in the investigative process; if they did so, they might improve the overall investigative process and the general public might notice an increase in substantiated findings. The lack of current supportive

scholarly literature focusing on abuse investigators supports this assumption and the phenomenological nature of the study. Because existing literature indicates that one factor can predict other factors (Matus, 2009), the extended notion with this study was that an investigator's perception of their role within the process could impact conducting a thorough abuse investigation. Therefore, to ensure alignment within the study and to minimize potential barriers a qualitative multi modal case study was befitting.

The population for this study consisted of nonprofit professionals currently certified by either the NYS JC or the NYS OPWDD to conduct abuse investigations. According to the NYS OPWDD (2019), the CEO is expected to conduct investigations of abuse, but can designate this task to another person within the organization who is trained to conduct abuse investigations. Therefore, some of the recruited participants may not have held the formal title of investigator within the organization but were designated by the CEO to do so. For instance, an employee of an organization may be titled as the Director of Quality Assurance. However, in the state of New York based upon how the previously mentioned regulations read the Director of Quality Assurance may also be the acting abuse investigator if the task was assigned to the employee by the organization's CEO. All New York State investigators of abuse in private organizations, including an organization's CEO must receive formal investigator training through either the NYS OPWDD or the NYS JC and a certification is provided as proof of training. The training certification must be renewed every 3 years (NYS OPWDD, 2019). During participant recruitment it was imperative

that I request contact with the employee or employees designated with the task of completing any abuse investigations, rather than requesting contact with just an investigator.

The sample size was six professional abuse investigators. Investigators were recruited via invitation through random selection of provider organizations listed on the NYS OPWDD's public website. Several provider organizations were purposefully avoided during random selection to minimize any potential bias because I have worked either as an employee, consultant, or trainee, or had engaged with employees within those organizations. This is later discussed in Chapter 4. The primary source of data was individual interviews with currently certified investigators. Unique insight was needed to capture investigator perceptions and open-ended questions were utilized during data collection. Interview questions focused on how investigators defined their role and captured their lived experiences during the abuse investigation process. Additionally, questions addressed factors that may hinder or contribute to completing successful investigations.

Definitions

Services provided to people with intellectual and developmental disabilities in the United States are federally regulated. Individual states and commonwealths are permitted to implement the services following federal guidelines and expectations. Each state and commonwealth has interpreted the laws and regulatory guidance. In turn, this has developed a different language and

term usage in each state for mirroring services. For the purposes of this study, the definition of terms is solely for the terms' usage in the state of New York.

New York State Office for People With Developmental Disabilities (NYS OPWDD): A state entity that supports service providers through ongoing oversight and monitoring.

New York State Justice Center (NYS JC): A state entity that collects, and monitors all reported allegations of abuse in the state. This entity also has the authority and jurisdiction to delegate investigations to assigned investigators who work directly for the NYS JC, assign an investigation to be conducted by the NYS OPWDD, or assign an investigation be conducted by the provider agency in which the alleged abuse occurred.

Developmental disability: According to the American Association of Intellectual and Developmental Disabilities (2020), *developmental disability* is a term that identifies cognitive, physical, or both disabilities diagnosed during childhood. Intellectual disability is a type of chronic developmental disability that appears before the age of 22. Developmental disabilities, including physical disabilities, can co-occur with an intellectual disability and the professionals who assist people with these diagnoses should be familiar with the terminology.

Intellectual disability- According to the American Association of Intellectual and Developmental Disabilities (2020), an *intellectual disability* is a disability characterized by significant limitations in both intellectual functioning and adaptive behavior, which covers many everyday social and practical skills. This type of disability originates before the age of 18.

Investigator: For the purpose of this study, this term refers to the NYS JC or NYS OPWDD certified professional who has been delegated the task of conducting abuse investigations for provider agencies. Investigators were also the target professionals for data collection and overall participation.

Investigation: For the purpose of this study an investigation is a state-regulated and systemic 30-day process that delegated professionals conduct after an allegation of abuse is discovered.

Direct support professionals: Front-line employees who provide services directly to people diagnosed with intellectual and/or developmental disabilities in out-of-home settings.

Individual: This term is used interchangeably throughout this study alongside *service recipient* or *person supported* to refer to those diagnosed with intellectual and/or developmental disabilities who receive supportive community services.

Service recipient: This term is used interchangeably throughout this study alongside *individual* or *person supported* to refer to those diagnosed with intellectual and/or developmental disabilities who receive supportive community services.

Person supported: This term is used interchangeably throughout this study alongside *service recipient* or *individual* to refer to those diagnosed with intellectual and/or developmental disabilities who receive supportive community services.

Perpetrating staff: This term is used to identify the employee(s) who allegedly implemented abuse towards the person supported.

Out-of-home settings: Locations where services are rendered to people with intellectual and/or developmental disabilities that do not occur in their private home settings. These services include but are not limited to residential, day support, and community services. These services are typically rendered by Direct Support Professional employees at a Medicaid reimbursable rate.

Assumptions

Assumptions within a study are probable beliefs that require justification to validate the study's purpose (Simon, 2011). Without assumptions a study's research problem could not exist (Simon, 2011). Once the gap was identified in the study based upon the literature search strategy and findings, assumptions were conceived. Research assumptions are conclusions that have yet to be examined. The first assumption for this study was that the findings would make an impact on state and/or organizational policy developers and regulators. Because I conducted this study in an attempt to fill a significant scholarly gap in existing literature by focusing on abuse investigators, the assumption parallels the hope for change by highlighting an overlooked portion of the post abuse process. A second assumption for this study was that participants would be candid and honest and would possess a willingness to provide transparent feedback on their experiences. This assumption relied upon the data collection process operating smoothly. The final assumption for this study was that investigator experiences make a significant impact in the post abuse process regarding the fate of alleged perpetrating staff; therefore, the study's findings had the potential to illuminate

state procedures that allow employees to continue working with vulnerable populations despite having evidence supporting that potential abuse occurred.

Scope and Delimitations

Boundaries and parameters that a research study is confined to and the extent the research explored is referred to as the study's scope (Creswell, 2007). This study was confined to the state of New York's human services industry because the focus was on abuse investigator perspectives and experiences. The scope of the study involved describing experiences and roles within the investigative process from the perspective of abuse investigators, and how those experiences impacted conducting investigations. Specifically, the scope of the study involved selecting abuse investigators who had conducted investigations for nonprofit service provider organizations where alleged abuse occurred under the auspices of the NYS OPWDD.

Delimitations are a study's characteristics that the researcher has control over. Examples of this study's delimitations were the selected geographic location of the study, sample size, data collection method, and instrumentation. A case study of abuse investigators was selected but potential limitations for this study, like any other qualitative study, included accuracy of information. With qualitative studies all answers cannot be determined to all questions of interest because subjects may lie to look good to the researcher or to themselves or may provide answers that are not well thought-out (Wienclaw, 2019). This supports the imperativeness of the role of the researcher, which included attempting to have respondents feel as comfortable as possible to increase the likelihood of

obtaining more forthcoming responses. Therefore, the approach of the researcher was also considered a delimitation, considering that the approach could have hindered or promoted the overall success of the study.

Limitations

Limitations of this study related to methodological weakness included proving validity and dependability in the findings, the attempt to ensure credibility of participant responses, and the ability to maintain an unbiased approach during data collection and analysis. Qualitative studies have been compared to quantitative studies and in scientific research have been referred to as the less-credible methodological approach because findings cannot be quantified. According to Wienclaw (2019) and Smith (2019), qualitative researchers have significant roles in their own studies and increase potential bias, yet measures are available to increase a qualitative study's validity and credibility. A qualitative methodological approach was deemed most appropriate for this study considering the minimal primary and secondary information on this specific topic. Additionally, a case study of New York State abuse investigators was selected because I was looking into a specialized group of professionals.

The geographic location of this study was a limitation as it minimized the participants. When this research was initiated, the state of New York had a governor's mandate in order regarding face-to-face meetings and gatherings due to the COVID-19 pandemic, which further limited the study. I conducted individual face-to-face meetings and resorted to electronic interviews via Zoom or telephone and leaned towards the preference and availability of the respondent.

Technological constraints or potential difficulties during interviews could have hindered the research process but none were experienced during this study.

One final limitation of this study was my previous role as a NYS JC certified abuse investigator. I was aware of the potential for bias and maintained research notes during data collection to document the researcher's own feelings and insights during the research process, if any arose. I have made the raw research notes available to widen the ethical structure and transparency of this study and to reflect back on my own perspective, errors, and data collection procedures.

Significance of the Study

This interdisciplinary research contributes to both the human services industry and public administration, as it focused on obtaining qualitative insight into abuse investigation factors from the professionals who conduct them and provided action-oriented insight for industry policy developers. Based on the existing body of knowledge the professionals who conduct abuse investigations for the developmentally disabled adult population have limited input regarding how their personal experiences guide them into being able to conduct a successful investigation. This study parallels public policy and administration by further illuminating abuse investigations and analyzing a portion of the post abuse process. Capturing abuse investigators' experiences has the potential to highlight the importance of their role and impact in the post abuse process, which can hopefully decrease the continuum of abuse. This study also aimed to ensure that existing investigators are well equipped and trained on abuse regulations and

investigation requirements in order to handle these types of investigations, based solely upon the perceptions of respondents. The findings of this study can assist policy and procedure developers and organizational administrators with training investigators by surfacing any challenges or barriers that they have experienced during the process. Through this study, I also intended to describe how abuse investigators recognized their role's importance within the New York State post abuse process for people with developmental disabilities and potentially reduce abuse allegation rates. Because some level of significance was found, this study has the potential to improve training curricula statewide by offering awareness of which factors contribute to or hinder an investigation being conducted successfully. This study possesses potential significance for social change in American society by providing a platform for abuse investigators through adding their perspectives to the abuse forum geared towards the discontinuation of abuse, and providing an initial scholarly guide for future research, expanding the research scope to other professionals beyond front line staff, and further dissecting the post abuse process of vulnerable populations to ultimately prevent the reoccurrence of abuse in service provider settings.

Summary and Conclusions

Within Chapter 1, the dissertation topic was introduced; background of the study was explored; the problem statement was addressed; the purpose of the study was evaluated to exhibit determination of a valuable need to address the research problem; the theoretical framework was described, along with research question formulation; the nature and significance of the study were explored;

definitions and assumptions were introduced; and the scope, delimitations, and limitations were evaluated regarding the study's overall relevance. Alignment was determined based upon each key factor, specifically considering the research problem, questions, theoretical framework, and methodology. This qualitative analysis was sturdy based upon the information presented in this chapter.

However, in Chapter 2, I further defend this dissertation's belongingness within the scholarly community and support the study's importance by establishing and synthesizing applicable information from multiple disciplines and industries.

Chapter 2: Literature Review

The purpose of this case study was to explore and capture the experiences of abuse investigators in the state of New York. The scholarly community has several gaps in recent peer-reviewed literature concerning the post abuse investigative process, specifically regarding adults with intellectual and/or developmental disabilities. This study may provide additional insight into post abuse procedures by focusing on the experiences of the certified organizational professionals who conduct abuse investigations. The goal of this study was to examine one portion of the post abuse process by exploring the perspectives of professionals who investigate abuse within provider organizations in the state of New York. The purpose of this literature review was to analyze and synthesize the discussions within the scholarly community applicable to public policy and administration. The following literature review describes the literature search strategy, introduces the theoretical lens used for guiding the study, provides historical background surrounding the dissertation topic development, and describes current human services and public administration industry and scholarly issues, trends, and concepts.

Literature Search Strategy

A systematic search was conducted utilizing Walden University databases including ProQuest, EBSCO e-books, Disability Statistics, SAGE Research Online, PsycARTICLES, and NexisUni. Searches were conducted over a period of approximately 2 years to no significant avail until search improvement was obtained via assistance from a Walden University librarian which greatly

impacted results. Key words utilized in the search were, *adults, intellectual disabilities, developmental disabilities, disabled, mental retardation, abuse, neglect, mistreatment, exploitation, investigators of abuse, abuse policy, maltreatment, investigator, decision-making, interview skills/techniques, healthcare, institutions, and sexual/physical abuse*. The located scholarly literature articles focus on victimization of adults with intellectual disabilities, systems of investigations, settings of abuse, interviewing skills that investigators need when meeting with individuals with intellectual disabilities, and abuse recurrence.

To identify germane scholarship, the terminology used during the iterative search process varied. Although information was located in all previously mentioned databases, the databases that produced the information most relevant to this study's topic included SAGE Research Online and PsycARTICLES. Specifically, SAGE Research Online provided scholarly literature when the key words *intellectual disabilities, developmental disabilities, abuse, sexual abuse, and disabled* were used. PsycARTICLES produced some scholarly feedback when the terms, *intellectual disabilities, developmental disabilities, adult abuse, and abuse policy* were used during the search. When it was realized that there was little current research specifically focusing on abuse investigator perspectives for this special needs population, I sought help from professors and the Walden University librarians to improve the search. Once the Walden University librarians assisted me, ample information regarding the topic and the theoretical

foundation was obtained, including historical documentation from the founder of the Thomas theorem and information on its evolution.

Theoretical Foundation

Understanding perspectives relies on how an individual defines a situation. As Smith (1995) noted, William Isaac Thomas and his wife, Dorothy Thomas, co-authored *Child in America* in 1928 (p. 9). W. I. Thomas has been widely known as one of the founding fathers of contemporary sociological studies and the Thomas theorem has been utilized in various industries of study. Although the text was authored in 1928 the Thomas theorem was not identified as an actual theorem until Robert K. Merton published his text, “The Self-Fulfilling Prophecy” in 1948 (Smith, 1995, p. 13). Hence, information from Thomas’ original text was not included in my study as it was not viewed as a theorem until identified as one by Robert K. Merton and through Smith’s examination into the history of the theorem. According to Smith, the notable theory behind the Thomas theorem is the following, “If men define situations as real, they are real in their consequences” (p. 9). For decades, the original source of the quote was argued amongst scholars. It was not until Smith’s study of eponymy explored the Thomas theorem and aimed to give Dorothy Thomas credit as a co-author despite her name’s absence on the original book. The historical background of the Thomas theorem for the purpose of this study was captured through Smith’s 1995 text.

A 2019 study conducted by Bracey-Rowlett (2019) used the Thomas theorem to determine whether interpretations indeed determined behavior. According to Bracey-Rowlett,

“My goal was to gain an understanding of how female correctional staff are trained on sexual abuse and how that training is perceived by them. My plan was to draw attention to what is taught in sexual abuse training in correctional institutions as prescribed by PREA; the Prison Rape Elimination Act and to assess and analyze how that training is understood and perceived by correctional workers” (p. 7).

Bracey-Rowlett’s (2019) study focused on sexual abuse training from the perspectives of female correctional workers through the lens of the Thomas theorem. Bracey-Rowlett restated the Thomas theorem by stating that people go through life creating their own meanings about situations and develop habits based upon their experiences (pp. 15-16) or how they perceive their experiences to be. Findings of the study revealed that the female correctional worker perspectives collectively indicated a need for more in-depth information and training regarding sexual abuse (Bracey-Rowlett, 2019). Parallel to this study, by collecting the perspectives of abuse investigators, I intended to determine how investigators perceive their experiences when conducting investigations and how they perceive the significance of their role as abuse investigators. Collecting this type of data could have affected whether more guidance, training, and/or policy amendment was needed to improve the investigator’s experience.

What identifies the Thomas theorem as a credible theoretical framework is “defining the situation” (Merton, 1995, p. 384). Although rooted in sociological studies, this theoretical approach was relevant for this study to explore how abuse investigators define their roles and perceive their experiences during an abuse

investigation process. According to Merton (1995), the theorem maximizes the methodological basis of defining a situation which represents the continuity of life experiences (p. 384). The most important interpretive element is, “a person’s perspective of a situation and how he regards it” (Merton, 1995, p. 384).

Capturing the perspective of abuse investigators through this theoretical lens granted scholarly access into an often-overlooked factor within the post abuse process.

Historical Background

The Revolution of Deinstitutionalization to Community Care: The Willowbrook State School

In the state of New York, there is an uncomfortable recent history of the institutionalization of children and adults with intellectual and developmental disabilities. One profound, familiar state institution influenced decades of federal and state policy changes and spearheaded new service developments to deinstitutionalize those residing in similar facilities by orienting them into more community-based living. Once the Willowbrook State School’s deplorable living conditions were exposed by television journalist Geraldo Rivera (Gillian et al., 2017, p. 227) in 1972 with the help of a psychiatrist who visibly snuck Rivera and his camera crew into a side entrance, it gained national attention (PBS.org, 2016). Despite Rivera’s large-school investigation which revolutionized how professionals are expected to care for people with intellectual and developmental disabilities, the Willowbrook State School continued to operate for 15 years after the completion of his investigation. The Willowbrook State School investigation

by Geraldo Rivera catalyzed blatant neglect and abuse of people with intellectual and developmental disabilities receiving services. The Willowbrook State School operated from 1947 to 1987 (PBS.org; Rivera, 2019) and has surviving residents to this day. Willowbrook's living former residents currently reside in community settings such as apartments and group homes operated by private providers certified by the NYS OPWDD. The remaining residents are supported by incident management and abuse laws, regulations, and advocacy groups tailored to cater to their needs and care, but non-Willowbrook residents are also covered. The Willowbrook story of tragedy and redemption (Gillian et al., 2017, p. 227) conveys the present-day structure of the provided community services for people with intellectual and developmental disabilities. However, their abuse continues at an alarming rate.

According to the Centers for Disease Control and Prevention (2020), 9.6% of New York State's population of over 19 million residents has a reported cognitive impairment. Of this population, 5.9% report experiencing difficulty making decisions to the extent that they cannot live independently without supports in place. According to the NYS OPWDD (2020), there are currently 799 provider agencies that the NYS OPWDD certifies and regulates operational functions to oversee services provided directly to individuals with developmental disabilities and cognitive impairments. In 2019, the 799 provider agencies certified and regulated by the NYS OPWDD serviced a total of 119,583 people with intellectual and/or developmental disabilities (NYS OPWDD, 2020). Considering the large number of provider agencies and the population served the

state of New York determined the need to provide additional oversight concerning the safety and protection of individuals receiving services by creating the NYS JC.

The Conception of the New York State Justice Center

According to the New York State Senate (2012), the Protection of People with Special Needs Act was passed to strengthen the safeguards and protections for the New York State special needs populations that receive care within the state's human services agencies. To create uniformity across all human service provider facilities the Protection of People with Special Needs Act of 2012 established the NYS JC for the Protection of People With Special Needs, also known as the Vulnerable Persons Central Registrar (VPCR), in 2013. According to the NYS JC (2019), its mission is to support and protect the health, safety, and dignity of all people with special needs through advocacy for their civil rights, prevention of mistreatment, and investigation of all allegations of abuse to ensure that appropriate actions are taken. The Justice Center's hope is to restore public trust, provide abuse prevention materials open to the public, and support individuals and their guardians with open access to a toll-free abuse and significant incident reportable hotline (NYS JC, 2019). The Justice Center is a New York State entity that has jurisdiction and authority over all certified state service providers that supports those in need, including people with intellectual and developmental disabilities. The Justice Center classifies a person receiving services as a "Vulnerable Person" (NYS JC, 2020) which is identified as someone who, due to physical or cognitive disabilities or need for services or placement, is

receiving care from a facility or provider within the systems of the State Oversight Agencies.

To introduce the current New York State incident management process, when an allegation of abuse surfaces while an individual is under a certified facility or program, mandated reporters are expected to call the Justice Center's toll-free hotline number to report immediately upon discovery (NYS JC, 2020). People who allegedly experience the abuse, their family, and/or non mandated supporters can also call the Justice Center and make a report. They are not required to report immediately upon discovery like mandated reporters. Once a report is made the State Oversight Agency's local office and the service provider are both notified. The Justice Center determines which entity can investigate an alleged occurrence, and they hold the authority to investigate occurrences themselves.

The NYS JC recruits its own investigators and trains service provider professionals to become internal investigators. Service provider internal investigators are selected and recruited by the service provider but are required to take the NYS JC Training (NYS JC, 2018) prior to conducting any investigation for the service provider. For the purposes of this study, the investigators recruited for participation during data collection were the service provider selected professionals who had been trained and hold a current certification from the NYS JC.

**The New York State Oversight Agency: Office for People With
Developmental Disabilities**

The NYS OPWDD, is one of the New York State Oversight Agencies that was established in 1978 after Willowbrook brought forth to the public eye the need for oversight and supervision of private providers (NYS OPWDD, 2020). When the cabinet-level state agency was conceived it was initially named the Office for Mental Retardation and Developmental Disabilities; its name was updated to OPWDD in July 2010 (Blount & Grou, 2010; NYS OPWDD, 2020) prior to President Barak Obama officially changing the term from *Mental Retardation* to *Developmental Disabilities* in October 2010 (Blount & Grou, 2010). State Oversight Agencies (SOAs) provide oversight, guidance, and support of facilities and service providers that provide direct services to individuals (NYS OPWDD, 2020). The NYS OPWDD's jurisdiction and oversight are provided only to facilities and agencies providing services to any person of any age diagnosed with an intellectual and/or developmental disability in the state of New York.

According to the NYS OPWDD (2020),

“The New York State Office for People With Developmental Disabilities is responsible for coordinating services for New Yorkers with developmental disabilities, including intellectual disabilities, cerebral palsy, Down syndrome, autism spectrum disorders, Prader-Willi syndrome and other neurological impairments. It provides services directly and through a network of approximately 500 nonprofit service providing agencies, with about 80 percent of services provided by the private nonprofits and 20 percent provided by state-run services”.

All service providers certified to provide services to people with intellectual and developmental disabilities are under the jurisdiction and authority of OPWDD. However, OPWDD remains under the jurisdiction of the New York State Justice Center. When an allegation of abuse is reported and an investigation is conducted, service providers are required to electronically submit completed investigations within 30 days from the date reported to the NYS OPWDD for approval prior to submission to the Justice Center (NYS OPWDD, 2019).

Provider Agencies

Provider agencies, also referred throughout this study as *human service providers*, and *nonprofit organizations*, are the facilities and programs operated, certified, sponsored, and/or funded by the NYS OPWDD (NYS OPWDD, 2019). According to the NYS OPWDD (2020), there are currently 799 provider agencies governed by the NYS OPWDD to provide services to people with intellectual and/or developmental disabilities. These facilities and programs include residential, day support, and additional person-centered supportive services for people with intellectual and/or developmental disabilities. Provider agencies are responsible for the recruitment and training of employees who provide the direct services and internal investigators only if a provider agency's CEO does not conduct investigations (NYS OPWDD, 2020). According to NYS OPWDD (2019) Part 624 incident management regulations, CEOs of provider agencies are required to conduct investigations of abuse and neglect towards people diagnosed with intellectual and/or developmental disabilities. CEOs of provider agencies must also review all investigations prior to their submission to the NYS OPWDD

and/or the Justice Center. If a CEO delegates a trained investigator to conduct the internal investigation, the work function of the delegated investigator must be “at arm’s length” (NYS OPWDD, 2019).

Fact Finders: New York State Abuse Investigators

Fact finder is a widely used term throughout the state of New York to identify investigators and to reiterate the investigator’s purpose in the post abuse process. Fact finders, or investigators, are human service professionals certified by the NYS JC or the NYS OPWDD via their in-person investigative training are considered abuse investigators for provider agencies in New York State. According to the NYS JC (2020), investigator training prepares investigators to conduct administrative investigations into allegations of abuse and neglect and reports of significant incidents, consistent with the requirements of the Protection of People with Special Needs Act.

In describing the full scope of a fact finder, one may consider what the minimal skill requirement is for one to earn the title of an investigator. The background of selected investigators is based upon the provider agency because the CEO authorizes employees or contractors to conduct investigations for the organization. Therefore, the investigators’ level of education, years of experience and overall expertise or lack thereof vary. However, according to circulating employment postings on NYS OPWDD (2020), Indeed (2020), Taleo (2020), and Lensa (2019) the average qualifications that an abuse investigator must possess include a bachelor’s level degree with 2 years of experience in law enforcement, field investigations, working in human services directly with service recipients,

building surveillance, employment interviewing, credit verification, and/or 3 years of incident management experience. To work as an internal investigator with OPWDD directly an internal investigator, “must have a least 2 years of field investigative experience or law enforcement investigative experience” (NYS OPWDD, 2020).

This study’s focus encompassed the perspectives of non CEO, NYS JC trained and certified professionals who conduct investigations within human service provider agencies which are under the auspices of the NYS OPWDD. This specific target group has the potential to face ample bias by working directly with the human service agencies, rather than being employed or contracted with state entities. Additionally, these delegated investigators may or may not function through interpretation or lack of understanding the regulations and guidance from NYS OPWDD and/or the NYS JC. Desirably, this dissertation was to acquire insight into the incident management process after examining the perspectives of the state’s *fact finders*.

Issues, Scholarly Trends, and Concepts

Issues

Ongoing research efforts for this study were fixated on the abuse of adults with intellectual and developmental disabilities and the post-abuse process. In conducting the research several themes and issues were identified. Currently, peer reviewed scholarly research located issues of ongoing victimization, incident management, and the scarcity of scholarly literature examining the full scope of the post-abuse process, including abuse investigators. This study aimed to fill one

gap within the issues found by examining a portion of the post abuse process which was to capture the experiences of abuse investigators.

Ongoing Victimization and Increasing Allegation Rates

A contributing factor of the continuum of abuse while under provider agency care include the potential for ongoing victimization of adults with intellectual and developmental disabilities is prevalent in both in-home and out of home care settings. The highest prevalence of reported abuse occurs within out-of-home care settings while individuals are receiving support services in a formal environment (Palusci et al., 2015; Thornberry & Olsen, 2005, p. 2; Maclean et al., 2017, p. 1.). These reports of abuse are occurring at increased allegation rates (Melkman, 2017). Since 2016, allegations of abuse in the state of New York have significantly increased, but the number of substantiated findings has decreased (NYS JC, 2019). Although allegations have increased, trained investigators are not substantiating abuse and alleged perpetrating staff are able to remain working with this special needs population. People with disabilities are disproportionately vulnerable to violence and their needs neglected. Adults with mental health conditions are four times more likely to become a victim of violence than those without a mental health condition; placement in institutions increase their vulnerability to violence and the quality of life depends upon the way others treat them (World Health Organization, 2018). To bring forth a scholarly discussion as to the reasons behind investigators not substantiating abuse and why violence towards vulnerable populations persists a deeper look into investigators was warranted.

Individuals with intellectual disabilities are at an increased risk for abuse recurrence and prevention is inconsistent. According to Lee et al., (2018) long-term intervention is dependent upon the professional staff who provide services to the victims. Notably, the NYS OPWDD requires professionals who conduct abuse investigations to be at “arm’s length from staff who are directly involved in the incident or occurrence” (NYS OPWDD, 2019) during provision of services. However, abuse investigators are still providing a level of service to the individuals. This correlates with how investigators perceive their roles and what their personalized experienced have been when conducting investigations thus far.

An additional challenge an investigator may face concerns the validity of an allegation. The credibility of individuals with intellectual disabilities is questioned and cases may be unsubstantiated or deemed no judgement is possible when interviewed. An investigator must be experienced in interviewing this population to obtain the most lucrative information. (Melkman, Hershkowitz, & Zur, 2017). This vital information is a haunting reminder that individuals with disabilities are abused at a rate seven times higher than those without disabilities. Their abuse often goes unrecognized, unprosecuted, and unpunished because they have difficulty testifying later. Individuals with disabilities are also targeted since they can be easily manipulated and abused by someone they know or receive services from. Since their abuse often goes unpunished the perpetrator is free to abuse again (Shapiro, 2018).

Incident Management Systems: Policy Analysis and Exploration

When existing policies and procedures were analyzed, specifically for investigators, it was determined that the New York City Rules and Regulations (NYCRR) from the New York Department of State (NYS DOS), Part 624 policies (located in Appendices A and B) relevant to investigations may influence investigator experiences. This study attempted to capture the lived experiences investigators of investigators while implementing these procedures. The post abuse process, also referred to as incident management, in the state of New York begins with the NYS DOS. NYS DOS is the official compiler of state agency rules and regulations which outlines the minimum requirements for investigation policy and procedures (NYS DOS, 2020).

Investigations are required for all reportable incidents, serious, and minor notable occurrences. Investigations must commence immediately upon discovery and when concluded must be put into the investigative format given by the state oversight agency (NYS OPWDD, 2019). Investigative reports are due for review 30 days from the date of discovery and can be extended beyond 30 days with adequate justification such as delay in obtaining necessary evidence (NYS DOS, 2020; NYS OPWDD, 2019). Investigative findings and conclusions are based upon the judgement of the professional who combines weighted information and evidence in a subjective manner. Professionals who hold this responsibility must be trained and deemed capable of doing so (van der Put, Assink, & Boekhout van Solinge, 2018). The following entities are permitted to conduct investigations of abuse/neglect: NYS JC, NYS OPWDD, service provider agency CEOs, or an assigned designee within the service provider agency. According to NYS

OPWDD (2020) policies and procedures, investigations must continue through completion and all subjects must be notified that an investigation is being conducted (pp. 68-71). Final findings are from the NYS JC. If a provider agency or NYS OPWDD investigator conducts the investigation his/her final report and findings will be reviewed by the NYS JC and their determination is final (NYS OPWDD, 2019, pp. 72-73).

NYC RR from the NYS DOS Part 624 regulations are specifically for events and situations which allegedly occur under the auspices of an agency; those that do not occur under an agency's auspices are instructed under separate regulatory requirements, NYCRR Part 625, and are not addressed in this study (NYS DOS, 2020). Part 624 regulations were set on June 30th, 2013 and have been updated as deemed necessary over the past seven years with the most recent update in September 2019. According to the NYS OPWDD (2020), the intent of the Part 624 regulation handbook is to develop an incident management system, to enable a governing body (for executives, administrators, and supervisors) to become aware of problems and take corrective actions, to require agencies to report events or situations in an orderly and uniform manner, to identify trends, and to require a process whereby events or situations endanger a person's wellbeing under an agency's auspices are reported, investigated, and reviewed so protective, corrective, and remedial actions are taken as necessary (p. 5).

Scholarly Trends and Concepts

Infrequent scholarly literature encompassing investigator experiences and roles within the post abuse process for the intellectual/developmental disability

service community, and how those experiences impact conducting investigations is an identified issue recognized after searching through peer-reviewed literature between 2015 through 2020. What was located within the literature search is the background of investigators has been proven influential. Victims are reluctant to admit abuse when interviewed by most investigators, even when clear evidence suggests abuse (Hershkowitz, 2014; 2018).

In further analyzing existing information about abuse investigators studies found the impact investigator interviewing techniques when interviewing adults with intellectual and developmental disabilities (Hershkowitz, 2014, p. 336) has on the outcome of the investigative findings. This issue led to the identification of scholarly trends within the literature which include studies focusing on the direct experience of people with intellectual and/or developmental disabilities who have reported abuse, a heightened focus with a plethora of peer-reviewed scholarly research surrounding child and elder abuse, perspectives of family members of adults who have reported abuse, perspectives of front-line staff, predictors of abuse, and how to facilitate care to the special needs population. Identification of these trends solidified the need to introduce investigator perspectives to the scholarly community.

Perspectives on Abuse From Adult Victims

Robust and worthy focus has been placed within the international scholarly community on understanding and illustrating the experiences of those with intellectual and developmental disabilities who have been abused. According to Gutierrez-Bermejo (2017), a case study was conducted to illuminate what was

once classified as invisible victims and in some parts of the world remain invisible. The plurality of abuse situations which a victim faces as well as the permanence of abuse over the years defines a common characteristic which is the maltreatment of individuals with intellectual disabilities (Gutierrez-Bermejo, 2017, p. 9). Increased significance requires gaining understanding all dynamics which can lead to abuse in people with intellectual disabilities while also providing new perspective in the assessment and intervention for the victims (Gutierrez-Bermejo, 2017, p. 9).

Studies have displayed an intensification regarding one type of abuse, sexual. Sexual abuse is found to occur in all setting types with a higher prevalence rate in service settings. Shapiro (2018), labeled the sexual abuse of adults with intellectual disabilities as the, “Sexual assault epidemic no one talks about”. After studying those with special needs it has been found that the need for staff training, meaningful and accessible support after abuse has been reported is noted as an impactful reactionary method to sexual abuse (Helton et al., 2018; Olsen & Majeed, 2017;). Tailored programming options and prevention efforts (Helton et al., 2018, p. 157) have been suggested to protect those with learning disabilities from sexual abuse since there is a higher probability of it occurring towards them. Most importantly how one supports and encourages people who have experienced abuse can make a greater impact in their long-term emotional outcome.

The Scholarly Priority: Child and Elder Abuse

“Elder abuse and neglect are common problems with divergent risk and protective factors. Older adults living in the community in the state of New York

aged 60 and above. 4.6% aggregate prevalence rate of abuse and neglect was founded” (Burnes et al., 2015). Abuse happens more often to elders with dementia than those without and their abuse typically occurs from someone else with a mental illness which causes lasting damage to the victims (Rose, 2014, pp. 75-79). Those within the human services professions would become more beneficial if knowledge is attained on the importance of mental health on elder abuse (Breckman et al., 2020; Rosen, 2014, p. 789;). Additionally, a vast array of elder abuse prevention techniques and models have been implemented and proven to significantly decrease the abuse allegation rate within nursing homes. These techniques and models, such as the multi-disciplinary model derived from child abuse studies and applied within elder service settings.

Like adults with intellectual and/or developmental disabilities, children are typically abused on more than one occasion (Perrigo et al., 2018). The prevalence rates of abuse towards children remains at alarming numbers. Notably, children diagnosed with autism tend to experience maltreatment across life scenarios including school and home environments (McDonnell et al., 2020). Generational abuse towards children has also been a significant recent finding where people who abuse children often reported being abused themselves when they were children (J’ahng, 2020).

Abuse towards any vulnerable population is a humanistic disgrace. Some scholars such as Burnes et al. (2015), Gutierrez-Bermejo (2017), Hershkowitz (2018), and Shapiro (2018) have exhibited passion with protecting children and the elderly, while others have continued to overlook an adult population which is

just as vulnerable, if not arguably, more vulnerable than those without any intellectual or developmental disability. Whether an adult or a geriatric service recipient, adults with intellectual or developmental disabilities are at an increased probability rate of experiencing abuse repeatedly seven times higher than any other person, despite age, without an intellectual or developmental disability. It remains questionable why the scholarly focus is not searching for more answers with this vulnerable adult population.

Perspectives on Abuse From Family Members of Adult Victims and Frontline Staff

The enduring need for education and training programs for family members were established through innumerable peer reviewed studies. Although studies have found what is needed their perspectives are what has made a superior impact in the scholarly community. Studying the perspectives of abuse from family members conveys the severity of the abuse, the fear of ongoing abuse, and attitudes and beliefs towards current systems in place designed to protect their loved ones (Brown & McCann, 2019). The views and experiences of families studied exhibit the need for new developments and initiatives, fresh ideas, and ongoing response efforts towards family members' concerns regarding the continuum and prevention of abuse while their loved ones are receiving care.

While the perspectives of family members of abuse victims remain relevant, current studies have shown that family members are not exempt as being perpetrators of abuse. Although conveying a trend the focus of this study will not concentrate on abuse which occurs in private in-home settings but only on

reported abuse which allegedly occurred in out-of-home settings. Peterson et al., (2015) examined the financial exploitation of older adults and found this type of abuse prevalence at a greater rate over a lifetime period, mostly with African Americans, with at least one activity of daily living impairment. This founded prevalence of financial exploitation included an increasing number over a 1 year period of non-spousal household members (Peterson, et al., 2015, p. 1615).

Frontline staff assisting individual receiving community services are known as Direct Support Professionals (DSPs) and their direct supervisors. Community services in the state of New York are classified as services which occur in out-of-home settings which service the developmentally disabled adult population. Such services include residential, day support programs, respite, and other waived support services. Those who directly assist individuals during provision of service are also the same professionals who are often alleged to have committed some form of abuse. DSPs are often the subject of professional burnout and struggle with job resiliency (Nevill, & Havercamp, 2019) and are faced with the challenge of breaking mediocrity and complacency (Ruark, 2017, p. 22) since they work in a service environment. Frontline employee perspectives have led researchers to believe that professional burnout is one factor which can lead to the abuse of a vulnerable person and have left determining preventative remedies up to the organizations.

Predictors of Abuse and Facilitation of Care to Special Needs Populations

Studies surrounding the predictors of abuse are a common trend amongst scholarly authors and researchers as a humanistic means to prevent abuse from

occurring towards vulnerable populations. Although noble of the researchers, abuse occurrences are a reality in all setting types including in-home and out-of-home care. Therefore, the need to analyze all facets of abuse occurrences, including post-abuse, should be covered in scholarly literature. Currently, predictors of abuse have been narrowed down to the continuous and unmet need for adequate supervision of employees (Hutchison & Stenfert-Koese, 2015, p. 229), staff burnout (Clare, et al., 2017, p. 197; Hutchison & Stenfert-Koese, 2015, p. 229; Nevill, & Havercamp, 2019), access to help and services (Ernst, 2019, p. 5), substance abuse of alleged perpetrators (Conrad, Liu, & Iris, 2019, p. 366), and failure to report abuse in private in-home settings (Hutchison & Stenfert-Koese, 2015, p. 229).

Supervision of employees in comparison to staff burnout may presumptively be understandable based upon a person's interpretation or perspective of the situation. Staff burnout may include lack of supervision of employees because the managerial staff responsible for their subordinates may also be burnt out and an assumption can be made by an abuse investigator based upon his own interpretation of the situation may affect the outcome of his investigative findings. In contrast an investigator may find that the lack of supervision of employees is the cause of the staff burnout which resulted in the neglect of a service recipient. Alternatively, staff burnout caused an individual's lack of awareness of accessible services which is also considered neglectful. Reiterating the Thomas Theorem that a person's interpretation of a situation causes the action and realities are as real as their consequences (DeNora, 2014).

Utilizing the Thomas Theorem as the theoretical framework for my study I noticed the investigator's perspective and own interpretation may or may not hinder completing a thorough abuse investigation.

Summary and Conclusions

Peer reviewed scholarly concepts focusing specifically on abuse investigator perspectives in the state of New York based upon their lived experiences with implementing policies and procedures, remains minimal within the developmentally disabled service community. After reviewing, analyzing, and synthesizing the scholarly literature on the issues, trends, and abstract concepts concerning varying facets on the potential continuum of abuse towards the developmentally disabled population, the scholarly focus of this dissertation about the abuse investigator remained solidified. The concept of the abuse investigator may have had preconceived notions from people who do not conduct abuse investigations. Rather than introducing the abuse investigator, the purpose and aim of this study was to merely explore their perceptions of personalized experiences and understanding of their role within the post abuse investigative process. The scholarly literature community's focus for at least the past decade has been focused on identifying, minimizing, and eliminating the risks and predictors of abuse, rather than considering the other side of abuse. All aspects of the post abuse process require consideration as part of the aim to rid abuse of vulnerable populations. This study's purpose was to focus on and bring attention to one significant portion. In Chapter 3 of this dissertation the research method is introduced. I particularly focus on explaining the research design and rationale for

using a qualitative analysis, the role(s) I implement as the researcher, methodology, participant selection and recruitment, data collection, instrumentation, data analysis, and ethics.

Chapter 3: Research Methods

Introduction

Research methods vary based upon the type of study being conducted. The purpose of this study was to illustrate the experiences of abuse investigators based upon the perspectives of the professional participants. This exploratory qualitative analysis obtained verbally descriptive information via a case study of certified abuse investigators in the state of New York. Case studies allows researchers and the scholarly community at large to generate ideas that can be used with other research methods to further evaluate the topic (McLeod, 2019). A qualitative case study aligned with this dissertation because this research method demonstrated the Thomas theorem by collecting experiences and evaluating their effect on investigator actions based solely upon their self-reflection during data collection. In this chapter I introduce and describe the research design and rationale, my role as the researcher, the methodology, participant selection, data collection and instrumentation, data analysis and issues of trustworthiness.

Research Design and Rationale

Qualitative analyses are descriptive in nature. A qualitative study allows the researcher to introduce unquantifiable concepts and illustrate perspectives. Specifically, an exploratory case study permits the researcher to describe behaviors from interviews and observation (McLeod, 2019). This study was conducted by using a case study. Data were collected from six participants. The case study was analyzed through the use of semi structured interviews during data collection to provide a comfortable environment for the participants. Participants

could report experiences on events from their perspective (McLeod, 2019). Semi structured interviews are guided by the researcher but grant a more open-ended discussion between the respondent and the researcher. Due to the nature of abuse investigations, investigator experiences may be uncomfortable. To obtain more adequate perspectives from abuse investigators semi structured interviews maintained an open dialogue between participants and me. Semi structured interviews required me to be prepared ahead of time with some open-ended questions in alignment with the purpose of the research study.

Role of the Researcher

Qualitative studies are formatted to collect valuable data that cannot be quantified (Wienclaw, 2019) and allow the researcher to contribute to the scholarly community a nonempirical perspective. According to Smith (2019), to the qualitative researcher, reality is subjective and seen through the eyes of the participants in the study. The researcher interacts with respondents through the emerging design of the research project. The process is inductive in nature, and patterns or theories are developed through the research process. The role of the researcher in a qualitative study is critical to the overall success of the study. Researchers are expected to actively participate in their studies whether it be through real-world observation, secondary analysis, or coding surveys, but they have no control over the experimental situation (Wienclaw, 2019). The role of the researcher varies from study to study, but some expectations remain consistent.

My primary role included protection of participant identification and ensuring confidentiality even after the completion of the study. My role included accessing the perspectives and beliefs of abuse investigators by acting as a scholarly investigator. An intended behavior of mine was to maintain transparency and highlight any potential bias. My role as the researcher for this study included removing any preconceived notions of abuse investigators because I was also a formerly certified NYS JC abuse investigator. An additional role and expectation of mine was to maintain plausible and required ethical approaches throughout the duration of this study, and after its completion.

Methodology

According to Given (2008), exploratory studies are the preferred methodological approach when a group, process, activity, or situation has received little or no systemic empirical scrutiny; when flexibility and open-mindedness are needed; and when there is a need to induce generation of new concepts (p. 325). An exploratory case study has a narrow focus which provides descriptive and detailed data that are unique to the case studied. The data can be used in various settings and at times can be used to challenge existing theories. When little or no scientific knowledge about a group or situation is available for examination but the researcher believes that there are elements worth discovering then an exploratory qualitative analysis is a suitable approach to gain understanding of the phenomenon (Given, 2008).

Participant Selection Logic and Recruitment

Selected human service professionals who have been certified by the NYS JC or the NYS OPWDD through their investigative training are considered abuse investigators for provider agencies in the state of New York. According to the NYS JC (2020), investigator training prepares investigators to conduct administrative investigations into allegations of abuse and neglect and reports of significant incidents, consistent with the requirements of the Protection of People with Special Needs Act.

According to circulating employment postings on Indeed (2020), Taleo (2020), Lensa (2019) and NYS OPWDD (2020), the average qualifications an abuse investigator must possess include a bachelor's-level degree with 2 years of experience in law enforcement, field investigations, and working in human services directly with service recipients, and/or 3 years of incident management experience. In addition to the minimum qualifications those taking part in this study needed to be able to provide proof of their current NYS investigator training. If a training certification was expired, then a respondent could not participate due to ongoing regulatory compliance changes.

Currently, there are 799 listed provider services regulated by the NYS OPWDD in the state of New York (NYS OPWDD, 2020). Each provider agency for a service is responsible for having its CEO or a designee assigned with the task of completing abuse investigations. Because this study included semi structured individual interviews and based upon the current pandemic climate and social distancing efforts to keep everyone safe, interviews were conducted electronically.

The participants for this study were invited to participate via email and telephonically (see Appendix C for the participant invitation). I used the NYS OPWDD public website to obtain the full list of service providers in New York. I omitted many organizations with which I had a previous or existing relationship to reduce potential bias. From the list, I randomly selected 100 provider organizations whose public contact information included an email address or phone number for the executive director and/or CEO. The intent was to have 20 respondents. The invitations were emailed directly to each provider organization's CEO or listed contact because as per the NYS OPWDD (2019b), investigations must be conducted by a provider organization's CEO or designee. During recruitment that I requested each respondent be a currently trained abuse investigator. Only respondents whose trainings were current within the last 3 years (NYS OPWDD, 2019a) were allowed to move forward and participate.

During the recruitment phase, I informed respondents that interviews would be conducted electronically through Zoom or telephonically, based upon their availability and preference. If Zoom was selected, I provided a meeting code and password to attend and that was only given to respondents. I used the recording feature during the Zoom interviews, which also proved necessary for coding during data analysis. However, I advised respondents that their identities would remain confidential to the fullest extent allowed as documented within the Institutional Review Board (IRB) approved consent form.

The recruitment for this respondent demographic enhanced researcher positionality. "Positionality shapes the interactions between the researcher and the

respondent” (Given, 2008, pp. 334-335). When a researcher and a respondent possess similar qualities, participants tend to respond with enhanced dependability (Given, 2008). The qualities that I possessed that paralleled to those of respondents were that I was a former New York State abuse investigator for nonprofit human service provider organizations.

Data Collection and Instrumentation

Potential sources of data centered on the methodology of a multi modal case study include semi structured individual interviews conducted with current NYS JC and/or NYS OPWDD certified abuse investigators. Probing questions were developed prior to data collection to ensure alignment with the study’s purpose and research questions (see Appendix D for interview questions). Available answer options were intentionally thought provoking and semi structured to create open dialogue. Because the study was qualitative and unique perspectives were essential my preference was to capture candid responses from participants. For this case study, I served as the primary instrument (Karagiozis, 2018) by conducting individual interviews and gathering pertinent information applicable to the study. According to Karagiozis (2018), qualitative researchers are not impartial beings, but they are active participants in their own research as they interact with respondents and play an influential role in those interactions (p. 21). Interviews in qualitative research are shaped by interrelationship between the researcher and the participant(s) (Karagiozis, 2018).

In person, face-to-face semi structured interviews were preferred and would have complimented the design of this case study. However, considering the

systemic changes in the state of New York regarding in-person gatherings due to the COVID-19 pandemic, individual interviews were conducted via privately scheduled Zoom meetings or telephonically. Although there are alternative means of face-to-face virtual contact, Zoom allows private meetings by offering the meeting host the ability to provide meeting identification numbers and passcodes to ensure that no uninvited entity can log into a meeting. This was an additional effort to attempt confidentiality of research participants. Once data was collected electronically, then I enhanced the reliability of the study and credibility of respondents through member checking. As research studies reside under the validity microscope member checking is a data collection validation technique that allows respondents the opportunity to check their transcripts to validate the data collected (Birt, et al., 2016). According to Birt et al. (2016), qualitative studies are interpretive, and a researcher's use of member checking improves data collection trustworthiness. An additional mode of information used in this study included NYS JC regulation and protocol analysis of the investigation process introduced in Chapter 2 (see Appendices A and B).

Data Analysis

In alignment with the research design and methodology open coding was implemented after completion of data collection. The focus of the data analysis consisted of coding results from the information obtained within the interviews conducted with participants. Preliminary codes searched for in the data included commonalities with how investigators perceived existing policies, barriers to implementing policies that investigators faced when conducting investigations,

how effective investigators perceived their role as being in the post abuse process, and what factors influenced the investigator's perspective during the investigative process.

Open coding reduces the information obtained during data collection by making comparisons and identifying similarities or differences, then grouping them together to formulate themes. Once grouped together, the phenomena became more apparent, and themes began to answer the research question. Open coding provides an element of credibility. Once data are coded analyzing and interpretation of themes will occur to identify significance of data. To ensure that data remained organized and to enhance the accuracy of data analysis I manually documented the data and located themes found within the data. Handwritten notes were saved in a file cabinet in my locked office while electronic notes and transcriptions were saved in my password-protected laptop. Findings were coded and themes emerged parallel to the research questions.

**Issues of Trustworthiness: Credibility, Transferability, Dependability,
Confirmability, and Ethical Procedures**

Values and moral conflicts surface in even the most systemically organized research study and the process of interpreting data inevitably presents a challenge to conventional views of objectivity (Karagiozis, 2018). Potential ethical challenges are enveloped on the topic of abuse of adults with intellectual disabilities; abuse itself is a sensitive topic, and this study benefitted from an early consultation with the IRB (Walden University, 2013) prior to the commencement of research. Questions about the professional work and personal experiences of

investigators when conducting their abuse investigations may lead to disclosure of their own behavior or views, which may leave them vulnerable to termination or being passed over for a promotion (Walden University, 2013). To address these ethical challenges and to ensure integrity in the research process, I developed a data collection system that ensured that participant identifying information was not shared, all participants remained anonymous, and their responses were kept confidential. The sample for this study did not derive from any of my own previous employers or training facilities, and it did not involve any employees or investigators whom I personally knew to increase the reliability of the study and remove potential bias. My own ethical values included appropriately handling sensitive information and understanding that bias might be present on both my behalf as a former abuse investigator and from the investigators based upon the topic of abusing a vulnerable population.

Summary and Conclusions

This novice study embraced a commonly used research design and approach. Qualitative analyses are often used throughout the social sciences to explore various domains. Due to the lack of scientific information present surrounding a narrow phenomenon, the most aligned design for this study was a qualitative exploratory, multi-modal case study analysis. In the preceding chapter, I described my research design and rationale, described the role of the researcher, explored the most aligned methodology, defined participant selection, analyzed appropriate data collection and instrumentation efforts, explained the selection of

the data analysis procedure, and transparently presented issues of trustworthiness and potential ethical barriers.

Chapter 4: Results

Introduction

In the state of New York allegations of abuse and neglect of people diagnosed with intellectual disabilities increased between 2016 and 2019, when this study was initiated. Specifically, allegations were being made against employees of non-state provider organizations licensed or certified to provide formal care and support services for this population. Once an allegation of abuse is made then the NYS JC is notified to classify whether the allegation is to be investigated under its jurisdiction, or not. The NYS JC has trained and equipped external abuse investigators to handle the large volume of allegations. Those amongst the trained are certified abuse investigators who either work full-time for a non-state provider organization or independently for various non-state organizations.

The purpose of this study was to explore investigators' perceptions and experiences with conducting thorough abuse investigations for adults diagnosed with developmental disabilities, and how the perception of their role impacts the investigative process. This study captured some positive and negative experiences that investigators face when operating within the confines of the NYS JC's policies and procedures for conducting investigations. (see Appendix B for the NYS JC investigator protocol).

I examined the lived experiences and perspectives of the NYS JC certified abuse investigators specifically, those professionals who investigate allegations in support programs for people diagnosed with intellectual disabilities. The research questions for this study were the following:

1. How does an investigator's experiences impact conducting a thorough abuse investigation?
2. How does an abuse investigator perceive their role and its impact during the investigative process?

I used a qualitative approach to analyze each participant's responses to questions correlating with their lived experiences with conducting thorough abuse investigations and explore their perspectives regarding the impact of their role. Emerging themes were identified during the manual coding and data analysis phases, which resulted in suggestions to equip policymakers and stakeholders during their policy and procedure planning phases with feedback from investigators. Next, I describe this study's data analysis actions, results, implications for social change, and strengths and limitations.

Data Collection

Initially, the desired number of respondents for this study was 20. However, during the 6-month-long recruitment process, I was successful in scheduling eight Zoom interviews with certified abuse investigators. Out of the eight scheduled, six investigators participated. This number of participants impacted the study because a limited volume of investigator perspectives was attained. My desire in this study was to gain a broader range of perspectives throughout the state of New York. Additionally, the majority of those in the respondent demographic were Caucasian females with approximately 5-15 years of investigative experience. There were two males who identified as Black who participated. This may have limited the potential variety of perspectives that this

study could have explored. However, data saturation still occurred because I was able to identify concrete themes with the respondents who did participate. The validity of the findings remains unknown due to the lack of potential respondent participation and interest in this study but, the collected data provide some perspective on lived experiences that were unknown prior to the study's commencement.

During the recruitment phase, I contacted New York State based nonprofit organizations and service providers for the intellectually disabled population using a publicly available list of providers located on the NYS OPWDD website. Prior to contacting providers, I thoroughly reviewed the list and omitted all organizations with which I had worked directly, with which I had contracted, at which family and/or friends currently worked, at which family received services, or that I had encountered during trainings and seminars to reduce potential researcher bias. In doing so, I eliminated several regions on the list.

Once the original list of over 700 listed services was prepared, I was left with approximately 120 entries that I could use for this study. This was due to multiple factors including my extensive travel as a previous contract investigator throughout the state of New York for approximately 6 years. As I further reviewed the list it became noticeable that the website listed providers more than one time if the provider administered multiple services licensed or certified by the state of New York. When I began to call the numbers listed, I came across several errors on the list. One executive director whom I contacted informed me that their organization was not licensed, certified, or funded by the NYS OPWDD, and

never was. Their organization should not have been placed on the list because it was licensed and funded by another state agency. Therefore, the list of services was reduced to 74 potential nonprofit organizations that I could contact. I then noticed that there were no listed email addresses or phone numbers for many of the organizations and that the names of the agency investigators were not present. Therefore, I had to add a step by calling each organization and requesting contact information for the assigned agency abuse investigator. Out of the 74 agencies I was successful in leaving a voicemail with 62 investigators. I spoke directly with 12 investigators. I introduced myself, and described the purpose of the study, and how I obtained the person's information. Out of the 12 investigators, I spoke directly to eight who were interested in participating.

I, as the researcher, was the data collection instrument used in this study. Because this study was designed to use a qualitative method, I completed the case studies with six of the eight previously scheduled respondents. I was unsuccessful in recruiting more respondents, but I was able to answer the two research questions with the data gathered from the six respondents. The location of the data collected was electronic via Zoom or phone interviews. The frequency of the data collection was approximately 1-2 interviews monthly, based upon both my and the respondents' availability. The duration of the data collection was up to 1 hour per interview.

Data was recorded using my personal Zoom account's recording feature along with taking handwritten and typed notes. Interviews were scheduled either via email or return phone call from respondents. Four interviews were conducted

using Zoom, and two interviews were conducted over the phone as per the respondents' requests. This was an IRB-approved variation from the proposed plan presented in chapter 3 because interviews were to be conducted only on Zoom. An additional variation was that I had to ask the two respondents over the phone to describe their physical demographics of age range and ethnicity rather than taking notes of my visual interpretation. Telephonic contact with respondents was described and approved by the IRB although this was not my own original preference for conducting interviews. Other than the previously specified variations, there were no other notable unusual circumstances encountered during data collection.

Considering the qualitative, exploratory design of this study I was the primary instrument for data collection. The question type for the semi structured interviews for the case studies was open-ended. The questions were constructed to examine the lived experiences of abuse investigators and granted participants the opportunity to elaborate and build upon their answers. Interview questions are located in Appendix D.

Research Setting

The research setting throughout the study was electronic. Respondents were contacted primarily through email and telephonic correspondence. Methods of contact were based upon the respondent's preference to accommodate fluctuating availability. Once consent forms were reviewed and approved by respondents either via email or verbally, I proceeded to schedule their interviews. Verbal consent to take part in the study was also provided on each recording. Four

interviews were conducted via Zoom with respondents' cameras requested to be on, and two interviews were telephonic. Semi structured interviews were conducted using an IRB-approved list of interview questions designed to answer each research question. Semi structured interviews were preferred in order to obtain more relaxed, accurate responses concerning the respondents' lived experiences.

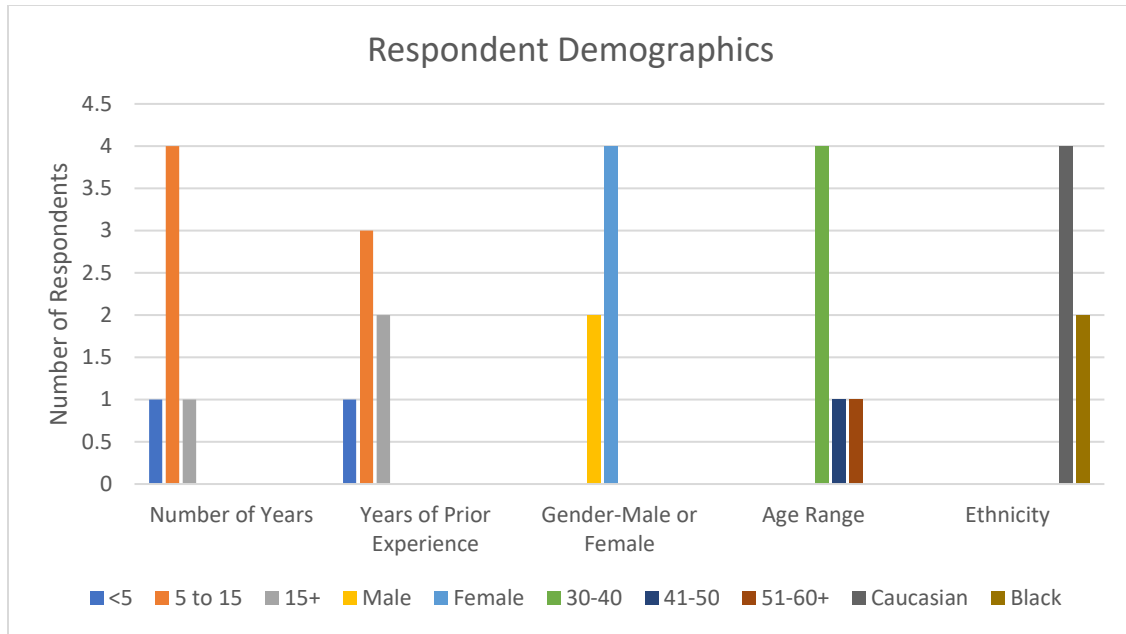
Demographics

Each respondent was informed that their personally identifying information would remain confidential to the fullest extent possible, and described in the IRB-approved consent form. However, their physical appearance was described solely upon the Zoom encounter and my interpretation of their demographics. Appearance was described as approximate age range, gender appearance, and ethnicity. Four respondents were not asked to provide their age, gender identification preference, or ethnicity because I was able to document my own visual interpretation. Two respondents were asked to provide their age, gender identification preference, and ethnicity over the phone. Additionally, each respondent provided their years of relevant professional experience.

Demographics are exhibited in Figure 1 below based upon my interpretation, which derived from the Zoom research interviews.

Figure 1

Respondent Demographics



Data Analysis

Once data were collected, stored securely utilizing the methods mentioned in Chapter 3, transcribed, and approved by each respondent, I was able to begin data analysis. Upon initiation, I came across yet another unanticipated variation, which was the use of NVivo software to assist with categorizing the data, coding the information, and identifying themes. When writing Chapter 3, I found that the originally quoted cost of the NVivo software was considerably lower than what was quoted to me by the time I reached the data analysis phase. Therefore, I was financially compelled to manually code the data, rather than using NVivo software as originally planned.

Utilizing the Thomas Theorem described in Chapter 1 as a framework I used deductive coding which allowed me to compare frequently used key words, phrases, and sentences that each respondent used to answer the interview questions. The key words identified were: *preliminary investigations*, *written*

statements, interviews, corrective actions, NYS OPWDD 149 investigation report template, impact, trust, support, communication, software system, review process, and consistency. Once frequently used key words were identified then codes were developed.

As shown in Table 1, the codes developed from the interview transcripts were the investigative process, roles, and personal experiences. After codes were established, nodes were identified and are listed as effectiveness of the investigative process, impact of the investigator, and positive and negative personal experiences of the investigator. Themes emerged from each category based upon the most frequently used words and phrases. There were four common themes amongst all interviews, and I labeled them as service improvement, staff skillset, awareness and knowledge, state communication with providers, and state systems New York State OPWDD.

Table 1
Coding, Categorizing, & Emerging Themes

Key words	Codes	Categories	Identified themes
Preliminary investigations, written statements, interviews, corrective actions, evidence, 149 (state template)	Investigative process	Effectiveness of the investigative process	Service improvement, OPWDD (New York State) systems, OPWDD communication with providers
Impact, trust, support	Roles	Impact of the investigator's role	Staff skillset, knowledge and awareness, OPWDD (New York State) systems
Communication, software system, support, review process, documentation, consistency	Personal experiences	Positive and negative experiences	Staff skillset, knowledge, and awareness, OPWDD (New York State) systems, OPWDD communication with providers

Evidence of Trustworthiness: Credibility, Transferability, Dependability, and Confirmability

As mentioned in Chapter 3, even the most organized research study can present challenges when a researcher is interpreting data. Early in this study, I identified potential ethical challenges both personally and professionally. The topic of abuse of adults with intellectual disabilities is a sensitive topic which proved to be challenging during data collection. This study did benefit after guidance was received during a consultation from the Walden University IRB approved the study, approval number 07-1, -21-0779711, and the proposed steps I would take to collect data I followed all steps. I did have to accommodate some respondents by conducting phone interviews rather than Zoom meetings, but I did not have to deviate from what was previously approved.

During data collection I, as the researcher, was the only data collection instrument and collected primary data from respondents. The data collected remained within the confines of the IRB-approved interview questions; there was no valid reason for me to deviate from the interview questions. I utilized open-ended questioning to allow respondents freedom to answer the questions in their method of choice. Respondents did answer questions about their professional work and personal experiences in conducting their abuse investigations. As mentioned in Chapter 3, this led to disclosure of their own behavior or views, which could have left them vulnerable to termination or being passed over for a promotion. To address those ethical challenges and to ensure integrity in the

research process, I developed a data collection system that ensured that participant identifying information was not shared or recorded, all participants remained anonymous (their identifying information and the names of their employers were not collected other than what was released via email), and their responses were kept confidential. Interviews were saved on my personal laptop with password-protected lock and on a portable flash-drive kept in my home office locked in a desk drawer. Emailed communication was also password-protected and information shared was kept minimal.

When preparing the sample for this study, I omitted my own previous employers and any investigators whom I knew personally to increase the reliability of the study and remove any potential bias. Ethically, I identified, acknowledged, and prepared for potential researcher bias as a former abuse investigator and utilized the process of elimination when deciding where to obtain data. This was also in alignment with my own ethics and values with handling a sensitive topic with this professional group of respondents.

Study Results

The coded investigative process was based upon all six transcripts. Each respondent listed the state's required investigatory procedures as per regulation (see Appendix A). While describing the investigative process, Respondents 1, 2, 4, and 6 shared similar perspectives regarding the oversharing of information from people who are interviewed during an investigation. Oversharing was described by respondents as the act of employees overly sharing information deemed irrelevant to the investigation. According to Respondent 3, "trust has

been developed with a lot of staff throughout the process.” This was expressed as the result of listening to staff and supporting them throughout the process.

However, this also included listening to them overshare experiences irrelevant to the investigation such as schedule conflicts amongst staff and/or personal life events such as wedding preparations.

One respondent provided an example of a witness to an investigation informing the investigator about an issue that was going on in the witness’s personal life. Oversharing was also perceived to be an opportunity to provide support to both the individual receiving services and employees who may have witnessed an incident occur. Respondent 2 described, “injuries beyond first aid” as the most frequent incident investigated in their organization: “Injuries beyond first aid are the incidents where a person was injured and required some type of medical treatment, whether it be urgent care or the emergency room. Sometimes the way the injuries were sustained are unknown.”

This led to discussion of investigator roles and its impact. Comparably, all six respondents mentioned the words, “trust” and “support” when discussing how impactful, if at all they perceived their roles to be during the post abuse process. Respondents 2, 3, 4, 5, and 6 mentioned their level of independence and autonomy while conducting investigations and the heightened level of trust that their agency executives and directors have had for their perception of what occurred when an allegation was made.

Experience type was segmented into positive and negative investigative experiences (see Table 2 below). Commonalities of the described experiences

amongst all six transcripts were the lack of consistency from the state’s investigative oversight entity; communication with the state oversight entity after an investigation had been submitted, which parallels the negative experiences identified with documentation; and lack of support. An example of the lack of consistency and inadequate communication from the state’s investigative oversight entity, NYS OPWDD, included returning completed investigative reports with recommendations to change an investigator’s findings. However, the recommendations were not supported by existing regulatory requirements or contradicted what the regulations state. Lack of support was identified by respondents as the state’s investigation report reviewers being unfamiliar with or unversed in the state regulations for investigations as well as lack of support and empathy from state representatives for the frontline direct support staff. The state’s software system was described by five of six respondents as “not user-friendly”, “difficult”, or “uneasy to navigate”.

Table 2
Positive and Negative Experiences

Respondents	Positive Experience Key Words	Negative Experience Key Words
Respondent 1	Recommendations, corrective actions, help, trust, support of staff and individuals	Staff reporting, intimidation, software systems, more support from OPWDD, liaison, reading materials, communication
Respondent 2	Staff skillset, trust, support of staff, protection of individuals, consequences of substantiated abuse, corrective actions	Communication with OPWDD liaison, lack of consistency, updating investigator’s reports, lack of familiarity with regulations, timelines
Respondent 3	Trust with staff, role independence, timelines,	Software systems, documentation, staff

	training, unbiased perspectives, staff skills, recommendations, corrective actions	reporting, Justice Center investigators (timelines)
Respondent 4	Trust, accountability, impactful, process, service improvement, quality, learning, support, objective mind, communication	OPWDD communication, dissecting of reports (review of investigations), communication with Justice Center investigators (and timelines)
Respondent 5	Trust, trainings, reports, IRMA software system, OPWDD availability, support, honesty, advocacy	Inconsistencies with OPWDD, communication, WSIR software system is tedious
Respondent 6	The truth, navigating, collaboration, service improvement, corrective actions, thoroughness of process, impact, respect	Lack of honesty from staff, OPWDD inconsistencies, communication with the state, review process of investigations, allegations with substantiated findings

After reviewing key words and organizing them into categories, I then portioned them into significant themes. Service improvement was the 1st theme recognized in the interviews of Respondents 1, 2, and 4. Each respondent defined identifying programmatic and administrative errors and correcting them to prevent further allegations of abuse from being made as being part of their positive experience. Respondent 4 specifically indicated learning how to, “enhance the quality of our services”, which encouraged Respondent 4 to remain a constant learner of investigations. Respondent 2 mentioned that services can be improved when the focus is on the improvement and support not only on those receiving services, but also on the employees who provide direct care.

Respondent 1 identified a positive experience as, “being able to navigate through the truth and finding ways to improve our services.”

Staff skillset, awareness, and knowledge was the 2nd theme to emerge based upon respondent answers as part of their positive and negative experiences, and the impact of the role of the investigator. According to Respondent 1, the investigator’s role is impactful because they can, “look at both sides fairly and equally which provides support for both the staff and individuals.” According to Respondent 2 although staff may be equipped for their tedious jobs Respondent 2 acknowledges that, “staff are uncomfortable so [investigator] is just there to listen and support those being interviewed. The title of the investigator can be terrifying.” Respondent 3 stated when it comes to staff’s awareness and knowledge of the investigative process many are unaware but have a skillset for their direct line of work. Respondent 3 stated that, “developing trust with the staff” is essential to obtaining real answers during an investigation. Collectively, all respondents shared positive experiences with witnessing staff implement various skillsets to aid in the quality of services and improvement. For those staff members who did not convey knowledge or skills that refrain from errors and incidents, areas of improvement were identified during the investigative process.

Communication was identified primarily based upon respondent’s expressed negative experiences. All 6 respondents expressed negative experiences and dissatisfaction with communicating with the NYS Office for People With Developmental Disabilities (OPWDD), which provides oversight and regulation enforcement of abuse investigations conducted by the organizations. According to

all respondents, once an investigation is completed a, “149 investigative report or template” is composed. The 149 describes the allegation, the investigative procedures taken, the interviews, the conclusion, and the recommendations for each allegation made. Once the report is completed the report is submitted to “the state” or the NYS OPWDD electronically via a system noted as, “IRMA” and the “WSIR” for the Justice Center. Both systems were expressed as not “user-friendly”, or “difficult to navigate for newer users”.

In addition to the systemic concerns expressed by respondents the communication with NYS OPWDD liaisons was considered “inconsistent” and “appeared to have lack of knowledge of their own regulations” when investigators are questioned by the state liaisons or advised to make corrections to their investigative reports. This was shared by respondents that some of the changes the state suggests often can lead to changing a finding from unsubstantiated to substantiated, or vice versa which is not what the investigator initially found at the time the investigation was concluded.

Summary and Conclusion

To summarize, I will breakdown the data and further describe the research findings by each research question. Refer to Figure 1 above.

RQ1: How do an investigator’s experiences impact conducting a thorough abuse investigation?

Based upon the previously described findings each respondent expressed how their experiences impact conducting a thorough abuse investigation through the overall effectiveness of the investigative process. Respondents expressed

greater positive experiences, rather than negative with implementing the state's required investigative procedures. During data collection it became evident there was more variety in respondent's positive experiences. However, there was one consistent negative experience all respondents shared which was the inconsistencies with communication between the investigators and the state liaisons from the NYS OPWDD once an investigation has been submitted. Their shared positive and negative experiences have impacted their perception of the state systems as a whole but were not found to impact how respondents choose to conclude their investigative findings.

RQ2: How does an abuse investigator perceive their role and its impact during the investigative process?

Respondents shared the most evident impact their role as investigators is supporting both employees and individuals, and the heightened level of trust investigators have with agency executives and administrators. Respondents have personally experienced the need for increased direct support staff knowledge and awareness of the investigative process and understanding the value behind investigations. Some respondents also shared how the responsibility of conducting investigations is, "heavy" and impacts their timelines of submitting their findings because they, "do not want to miss gathering any valid information." The investigator's role is perceived by respondents as impactful based upon trust and support.

Chapter 5: Discussion, Conclusions, and Recommendations

The purpose of this study was to explore abuse investigator perspectives based upon their individualized experiences and interpretation of existing investigative policies in the state of New York. Specifically, this study focused on abuse investigators certified to conduct investigations for people diagnosed with intellectual and/or developmental disabilities who receive support services in formal care settings licensed by the state of New York. The nature of this study involved collecting direct insight from New York State abuse investigators regarding their lived experiences conducting abuse investigations in formal care settings and how they perceived the significance of their role as an abuse investigator. As described in Chapter 1, this qualitative study was designed to involve multi modal case studies to allow me to collect data from multiple sources (Baxter & Jack, 2008). The modes of information included individual interviews and a review of the investigative protocols in the State of New York (see Appendices A and B).

Key findings include investigator perspectives being based upon more positive than negative experiences. However, there was specific negative experience that was described by respondents as communication with the State of New York incident management liaisons. A second key finding was that an investigator's role is perceived as impactful to the overall post abuse process, but the impact is dependent upon trust and support of both the individuals who may or may not have experienced abuse, and for the employees involved in the investigation.

Interpretation of Findings

Exploratory in nature, this study extends the knowledge within the public policy and administrative community by gathering lived experiences of abuse investigators implementing abuse policies and procedures regulated by the state of New York. The scope of this study was the state of New York human services industry abuse investigators who conduct investigations for nonprofit service provider organizations. Investigators were certified to conduct investigations for which alleged abuse occurred under the auspices of the NYS OPWDD.

In Chapter 2, in my review of the peer-reviewed literature, I introduced the theoretical framework of the Thomas theorem. It was found that the most important interpretive element is a person's perspective on a situation and how the person regards it (Merton, 1995). When designing the study founded upon the Thomas theorem, I recognized the validity of determining if and how abuse investigators perceive their role and its impact on making a change. One result of this study's findings was that the respondents identified that their roles do carry some level of impact in the post abuse process. After an investigator submits an investigation to the state of New York liaison for review, their perspective on the impact of their role and importance of their investigative findings determine how an investigator chooses to respond. Respondents in this study expressed that not only do they have an impact, but they also experience heightened autonomy throughout the process until their investigative findings are reviewed by the state. Investigators from this study acknowledged the influence that they possess and chose to conduct thorough investigations.

Findings of this study have confirmed and extended knowledge in public policy and administration. The ongoing victimization and increasing allegation rates, incident management systems in the state of New York, and facilitation of care to the special needs population are aspects within the peer-reviewed literature that was previously introduced in Chapter 2. In the next section, I compare each aspect to the study's findings.

Ongoing Victimization and Increasing Allegation Rates

In Chapter 2, I introduced and examined the relevance of ongoing victimization of people with developmental disabilities and increasing allegation rates. According to Palusci et al., (2015), out-of-home formal care settings have the highest rate of reported abuse. In this study, abuse investigators shared their lived experiences regarding conducting abuse investigations in the state of New York. This study's findings indicate that abuse investigators do perceive their role in the post abuse process as impactful. The impact, however, was perceived to be most effective towards supporting the employees of the programs from which people with developmental disabilities receive support services rather than decreasing abuse allegation rates in the state.

No respondent in this study expressed a belief in their role impacting the overall ongoing victimization rates in the state of New York. Because ongoing victimization mostly occurs while individuals are receiving support services in a formal environment (Maclean, et al., 2017; Thornberry & Olsen, 2005), the findings of this study at a minimum support the role of an abuse investigator. However, this study also presents that abuse investigators believe that they make

an impact on a reduced scale by focusing on organizational, administrative, and programmatic improvements one investigation at a time. The key element explored was impact; the level and type of impact perceived by investigators were what was presented in this study, which extends the knowledge of abuse investigator perspectives.

Incident Management Systems: Policy Analysis and Exploration

The post abuse process, also referred to as incident management in the state of New York, was previously described in Chapter 2. This study explored one portion of the New York State incident management policies and procedures which was how to conduct abuse investigations in programs for people diagnosed with developmental disabilities. Specifically, this study focused on the perspectives of abuse investigators regarding conducting thorough abuse investigations and the impact of their role. After analyzing existing New York State abuse investigation policies and procedures it became evident during the data collection phase of this study that respondents possess increased knowledge, awareness, and a skillset worthy of conducting abuse investigations for a vulnerable population. Investigative findings and conclusions are based on the judgment of the professional who combines weighted information and evidence in a subjective manner. Professionals who hold this responsibility must be trained and deemed capable of doing so (van der Put, et. al., 2018).

All six respondents described the steps required to conduct a thorough investigation in the state of New York as outlined in existing state policies and procedures. In addition to the minimum requirements, all six respondents

provided further steps that their organizations require or in that they take individually to preserve the integrity of an investigation. For example, respondents expressed their ability to identify and remove any barriers that may hinder conducting thorough investigations, including investigator bias. Not located within the regulations included in this study's analysis, identifying and removing barriers was a commonality amongst all respondent answers. This key element in the incident management process was described by respondents as imperative to the outcome of an investigation and part of an investigator's self-awareness. This finding confirmed that investigators do conduct thorough investigations based upon existing investigatory procedures.

Facilitation of Care to the Special Needs Populations

In Chapter 2 I described the widespread predictors of abuse which are the continuous and unmet need for adequate supervision of employees (Hutchison & Stenfert-Koese, 2015), staff burnout (Hutchison & Stenfert-Koese, 2015; Clare, et al., 2017; Nevill, & Havercamp, 2019), access to help and services (Ernst, 2019), substance abuse of alleged perpetrators (Conrad et al., 2019), and failure to report abuse in private in-home settings (Hutchison & Stenfert-Koese, 2015). However, according to the findings of this study substance abuse of alleged perpetrators and failure to report in private in-home settings were not described by abuse investigators. Failure to report in formal out-of-home settings was described by some respondents as a typical occurrence by employees due to lack of knowledge of the need to report, lack of skillset with identifying an incident, and fear of the investigative process.

In this study, the lived experiences of abuse investigators proved to be influential in the incident management process. The area of most influence is that of support for employees during and after the investigation process. Facilitation of care to the special needs population has been found to cause extreme burnout of employees (Hutchison & Stenfert-Koese, 2015), and has led to abuse allegations. Because of this, respondents of this study expressed the need to actively support not only individuals receiving services, but also the employees who support them. Some respondents boasted about the positive skill set and compassion that some employees convey but had allegations of abuse made against them for “small or simple mistakes.” “Simple mistakes” were described as falling asleep for a few minutes after working multiple shifts in a short-staff program, or a medication error when someone was not given their medications on-time.

Facilitation of care as discussed in Chapter 2 is the domain in which all respondents perceive their role to be the most impactful. Their impact was found to take place in the support of employees through educating employees, exhibiting understanding during an interview or when collecting a written statement when an employee had been identified as an eyewitness to an incident. Respondents shared that they often have to redirect employees during an interview, but this does not hinder respondents from conducting a thorough investigation. Rather, this supports conducting a more thorough investigation because once trust is established between the investigator and the employee being interviewed, the investigator obtains more accurate and honest information. Facilitation of care located in the peer-reviewed literature was the study’s aspect with the most effect

in attaining data saturation based upon the commonalities of this theme within the respondent answers.

Limitations of the Study

Limitations of this study were proving validity and dependability in the findings, ensuring credibility of participants, maintaining an unbiased approach during data collection and analysis, and geographic location. As stated in Chapter 1, qualitative studies have been referred to as the less-credible methodological approach because findings cannot be quantified (Smith, 2019). Considering this I opted to improve the study's validity and dependability in the findings by solely focusing on nodes which were grouped directly from respondent feedback. I utilized direct quotes, words, and sentences taken from the data collected and from my notes. In doing so I was able to determine the previously discussed themes without any potential bias. The validity and dependability of this study are supported by evidence-based experiences of abuse investigators.

Ensuring the credibility of participants began during the recruitment phase. I recruited participants who were identified as abuse investigators for nonprofit organizations located in the state of New York working with the developmentally disabled population. During recruitment, I only reached out to organizations that provided licensed, certified, or funded support services to the population and requested direct contact with the organization's abuse investigator. Once in contact with the investigator, I was able to determine that if the person was working with the organization at the time of recruitment, then they were expected to meet the state-required minimum qualifications and credibility for

being an abuse investigator. I was also able to validate information from their interviews by comparing it to the state's policies and procedures for abuse investigations. However, there was no other method of determining investigator credibility, which is what factors this as a limitation of this study.

Geographic location was my final major limitation for this study. The location of this study was in the state of New York. However, it is to my understanding that abuse happens all over the United States for this specific population. The experiences of this geographic location may differ from experiences of abuse investigators in a different state. Also, abuse investigators in another state or different service specification, such as a nursing home population, may be more open to participating in a study such as this.

Recommendations

Recommendations resulting from this study include improvement of communication between investigators and stakeholders, reevaluation of the current electronic investigation reporting and incident management systems, and exploration of improving the investigation review process. These recommendations may strengthen the timeliness, effectiveness, efficacy, and accuracy of investigations as a direct result of improving investigators' perspectives on the value of their work and impact of their role.

Improving communication between investigators and stakeholders is a recommendation found amongst the commonly lived experiences expressed by the participants of this study. Participants described difficulties in the interpretation of electronic information sent from stakeholders when corrections

to investigations are made, as well as the grounds for the corrections. Participants expressed frustrations behind this experience that had caused them to question the role and knowledge of the stakeholders when it comes to existing policies and procedures for conducting investigations. As stated in Chapter 2, investigators' experiences are influenced by existing incident management regulations because investigators cannot partake in any investigative activities outside the confines of the policies. According to policies and procedures of the NYS OPWDD (2020), investigations must continue through completion and all subjects must be notified that an investigation is being conducted. Final findings are from the NYS JC. If a provider agency or NYS OPWDD investigator conducts the investigation, their final report and findings will be reviewed by the NYS JC and their determination is final (NYS OPWDD, 2019).

The recommendations for improving communication and exploring the investigation review process are based upon this procedure of the findings review by the state. As per the participants of this study, this existing procedure has often extended the timeframe for an investigation being completed; often, investigators have had to go back and ask additional questions that they deemed irrelevant to the investigation being reviewed or were advised to request additional documentary evidence.

Inconsistency in the communication of what is required has negatively impacted investigators' experiences. This negative experience has prompted some investigators to question whether stakeholders know their own policies and procedures. The recommendation from this study is that all communication

coming from state personnel should be policy-based and/or policy referenced after an investigation has been reviewed and a stakeholder determines that an amendment to an investigation is required.

Reevaluation of current electronic incident management systems is a recommendation also based upon some participant experiences. The two electronic state incident management systems are the New York State Incident Report and Management Application (IRMA) for OPWDD and the Web Submission of Investigation Reports (WSIR). According to some participants of this study the IRMA system has a “user-friendly interface”, but the WSIR system does not. This parallels communication between stakeholders and investigators because both systems are how some communication is made. Participants expressed difficulty in navigating the web-based systems but found solace in the trainings that the state offers on how to use each system. Reevaluating the systems with some input from the professionals who use the systems most may prove valuable.

Further research for this study is needed. Based upon this study’s limitations one domain in which research can expound upon investigator lived experiences and role perception is the geographic location, as this study took place in the state of New York. However, abuse is prevalent throughout the country. As described in Chapter 2, predictors of abuse have been narrowed down to the continuous and unmet need for adequate supervision of employees (Hutchison & Stenfert-Koese, 2015), staff burnout (Hutchison & Stenfert-Koese, 2015; Clare, et al., 2017; Nevill, & Havercamp, 2019), access to help and services

(Ernst, 2019), substance abuse of alleged perpetrators (Conrad, Liu, & Iris, 2019), and failure to report abuse in private in-home settings (Hutchison & Stenfert-Koese, 2015). Considering these predictors of abuse, further research from this study is available by exploring investigator perspectives on staff burnout, how their investigations support access to help and services, and investigator experiences with alleged perpetrators.

The strengths of this study are the overall exploration of abuse investigator experiences and highlighting molecular areas of improvement for the investigative process. In doing so, this study attempted to shift the focus of post abuse processes to the professionals who conduct investigations. This study provides some insight into the investigations process in the state of New York by collecting the lived experiences of abuse investigators, comparing their experience to existing policies and procedures, and analyzing areas of improvement in their investigative processes.

Implications

Abuse is a widespread, ongoing social occurrence which has the attention of many scholars and social practitioners. At the least, it is the scholarly community's responsibility to locate gaps in peer-reviewed literature parallel to the social problem. This study found a gap in scholarly literature regarding this inherent social problem of abuse towards vulnerable populations. Specifically, this study focused on post-abuse allegation factors regarding abuse investigator experiences implementing investigation policies for a certain population. In doing so this study has potential impact for positive social change at the policy level.

The specific boundaries and ramifications for this study's impact are limited to the state of New York's Office for People With Developmental Disabilities (OPWDD) and the state of New York's Justice Center policies and procedures for investigations located in Appendices A and B. Additional boundaries are the nonprofit services organizations under the auspices of the two state entities which must be licensed, certified and/or funded by OPWDD to provide services to people with intellectual and/or developmental disabilities.

The theoretical foundation of this study was the Thomas theorem (Merton, 1995). This theorem described people's perceptions of a situation or circumstance are as real as the people perceive them to be. The theoretical implication for this study was to capture abuse investigator perspectives regarding their impact and role implementing existing investigation policies and procedures. How investigators perceive their role, and its impact provides a foundation for determining if a thorough investigation is conducted according to the standards of the NYS OPWDD and NYS Justice Center. As expressed by all participants in this study, their role as an investigator is not only impactful but it is supportive. Knowing that some investigators perceive their role as impactful can lead to positive social change at the policy level because it provides policymakers insight into the effectiveness of existing policies.

Participants have implied that their roles may not be as effective without the clear procedures for investigations that NYS OPWDD and NYS Justice Center created. However, the theoretical implications which arose during data collection is that investigator roles are impactful on the organizational level but

not on the policy level. To clarify, investigators have made recommendations and changes within their organizations, but not on the state policy level. Additionally, there is room for communication improvement, as previously described, between investigators and stakeholders. The implications for change dwell between the organizational and policy levels.

According to the National Institute of Standards & Technology (2017), employees who perceive their role as valuable and impactful within an organization are likely to be more committed to those organizations. Investigators are no different and need to be perceived by stakeholders at the policy level as valuable. Based upon a result of the semi-structured interview responses, tangible improvements to this need were identified. These improvements include:

1. Executive leadership within nonprofit organizations should explore external stakeholder perceptions regarding the quality of investigative reports completed by internal investigators,
2. State-level stakeholders should explore existing training materials developed by state employees for external investigators to use prior to entering the field. This recommendation is made based upon the expressed frustration from participants who shared that their investigations are always returned to them once reviewed by the state, and always require corrections,
3. Workgroups for internal nonprofit organization executives and/or administrators, and investigators along with median state-level

stakeholders should be developed to meet at a consistent designated timeframe to explore areas of improvement in the investigation process,

4. A strategic plan for communication and performance improvement of external investigations with tangible milestones and record of accountability should be developed during the workgroup, and
5. Policy developers should review existing electronic reporting and investigation submission systems and training materials to ensure user-friendly interfaces do not hinder or misinterpret communication between state-level stakeholders and abuse investigators.

Summary and Conclusions

The purpose of this qualitative case study was to explore abuse investigator experiences with conducting thorough abuse investigations in the state of New York for the intellectually and/or developmentally disabled service community. The literature review conveyed a gap in peer-reviewed scholarly evidence regarding post-abuse processes and perceptions. Specifically, the perceptions of abuse investigators regarding the investigation process and the impact of their role. The goal of this study was to illuminate the lived experiences of abuse investigators to provide the scholarly community insight into the post-abuse process and perceptions of implementing existing state-regulated investigative procedures.

Semi-structured interviews were conducted to provide opportunity for open responses from participants. The semi-structured interviews allowed me to provide a foundation during the interview and to remain focused on attempting to

answer the research questions. The semi-structured interviews also permitted participants the freedom to divulge deeper into their experiences and granted me access into their raw perceptions. Data analysis revealed abuse investigators' perceptions of their roles as impactful and supportive, but only on the organizational level. Data analysis also revealed the evident need for coherent communication and support from state-level stakeholders with organizational abuse investigators.

This study provided insight into the experiences of abuse investigators in the state of New York. This study also provided some understanding of a segment within the post-abuse process for people with intellectual and/or developmental disabilities which led to the development of recommendations to enhance communicative efforts between policy developers, state-level stakeholders, nonprofit organization executives, and abuse investigators. The results of this study will contribute to the peer-reviewed scholarly literature community involving the post-abuse process, abuse investigations, abuse policy development and review, and investigator perceptions.

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Appendix A

Justice Center Reporting and Investigations: Guidance for Individuals and Families

www.justicecenter.ny.gov

VISION: People with special needs shall be protected from abuse, neglect, and mistreatment. This will be accomplished by assuring that the state maintains the nation's highest standards of health, safety, and dignity; and by supporting the dedicated men and women who provide services.

MISSION The Justice Center is committed to supporting and protecting the health, safety, and dignity of all people with special needs and disabilities through advocacy of their civil rights, prevention of mistreatment, and investigation of all allegations of abuse and neglect so that appropriate actions are taken.

VALUES AND GUIDING PRINCIPLES Integrity The Justice Center believes that all people with special needs deserve to be treated with respect and that people's rights should be protected. Quality The Justice Center is committed to providing superior services and ensuring that people with special needs receive quality care. Accountability The Justice Center understands that accountability to the people we serve and to the public is paramount. Education The Justice Center believes that outreach, training, and the promotion of best practices are critical to affect systems change. Collaboration Safe-guarding people with special needs is a shared responsibility, and the Justice Center is successful because it works with agencies, providers, people who provide direct services, and people with special needs to prevent abuse and neglect.

1 JURISDICTION The Justice Center oversees facilities and programs within the systems of six State Oversight Agencies.

Office for People With Developmental Disabilities (OPWDD) • Facilities and programs that are operated, certified, or licensed by OPWDD

Office of Mental Health (OMH) • Facilities and programs that are operated, certified, or licensed by OMH

Office of Alcoholism and Substance Abuse Services (OASAS) • Facilities and provider agencies that are operated, certified, or licensed by OASAS

Office of Children and Family Services (OCFS) • Facilities and programs operated by OCFS for youth placed in the custody of the Commissioner of OCFS • Residential facilities that care for abandoned, abused, neglected, and dependent children, Persons in Need of Supervision, or juveniles • Family-type homes for adults • OCFS certified runaway and homeless youth programs • OCFS certified youth detention facilities

Department of Health (DOH) • Adult care facilities licensed by DOH that have over 80 beds, and at least 25% of the residents are persons with serious mental illness and where fewer than 55% of beds are designated as Assisted Living Program beds • Overnight, summer, day, and traveling summer day camps for children with developmental disabilities under the jurisdiction of DOH

State Education Department (SED) • New York State School for the Blind • New York State School for the Deaf • State-supported (4201) schools, which have a residential component • Special act school districts • In-state private residential

schools approved by SED for special education services or programs • Residential schools or facilities located outside of New York State that serve New York State residents

2 Our Goal The Justice Center’s goal is to prevent mistreatment of people with special needs and ensure that all allegations of abuse and/ or neglect are fully investigated. The Justice Center investigates, reviews, and makes findings in allegations of abuse and/or neglect by staff — including employees, volunteers, interns, consultants, or contractors — against individuals who receive services. The Justice Center does not interrogate, arrest, or prosecute individuals who receive services. This document explains the reporting and investigation process and how to obtain additional information if you, or your family member, is involved in a Justice Center investigation as a victim or a witness.

3 MAKING A REPORT Who can report an allegation of abuse and/or neglect? Anyone – including a parent, advocate, or guardian – can make a report to the Vulnerable Persons’ Central Register (VPCR) Hotline when they have knowledge or have reason to believe that a person with special needs has been abused, neglected, or mistreated. Some people are required to report to the VPCR. These “mandated reporters” include provider agency staff and human service professionals, who by nature of their job must report allegations of abuse and/or neglect. Can I find out who called in a report to the VPCR Hotline? The Justice Center cannot release the name(s) of the person(s) who made the report to the VPCR Hotline or the name(s) of any person(s) who cooperated in the investigation. What happens after a report is made? A call center representative

will first determine if an emergency responder is necessary and/or if the person receiving services is in danger or needs immediate assistance. If it is an emergency situation, the call center representative will instruct the caller to hang up and dial 9-1-1. The reporter should then call back to complete the report once the emergency situation has been addressed. Upon completion of the report, the agent will provide a confirmation number, also known as an incident number. The “Vulnerable Persons’ Central Register (VPCR)” is a toll free hotline and incident reporting system for allegations of abuse and neglect available 24 hours a day, 7 days a week. 1-855-373-2122 Relay user, please dial 7-1-1.

4 A trained call center representative collects information from the reporter and an incident number is assigned. Confidentiality laws protect reporters. The call is recorded. The incident is then classified. Reportable: • Abuse and/or neglect • Significant incident Non-reportable: • General inquiry • Not under the jurisdiction of the Justice Center The incident is then assigned to the appropriate entity for investigation or review. The Justice Center conducts investigations of abuse and/or neglect incidents based on severity and/or setting, as well as deaths. Less serious incidents may be delegated to the appropriate State Oversight Agency, which may further delegate to the provider agency. A “State Oversight Agency” licenses, operates or certifies the provider. Intake classification assignment

5 What are the different types of classifications? Abuse: Abuse can be physical, sexual, or psychological. It can also include the deliberate misuse of restraint or the obstruction of an investigation. Neglect: Neglect is the failure to provide supervision, adequate food, clothing, shelter, health care, or access to education.

Significant Incident: A significant incident has the potential to result in harm to the health, safety, or welfare of a person receiving services.

6 DURING THE INVESTIGATION Who can be interviewed during an investigation? Investigators will interview people who receive services who may have been victims or witnesses, and other people who witnessed or may otherwise have information about an incident. Investigators will interrogate subjects (e.g., employee, volunteer, intern, consultant, contractor) who are alleged to have committed the act of abuse and/or neglect. What can I expect if I am interviewed as a victim or witness? The purpose of the interview is to learn what you know about what happened. You will be notified of the location, date, and time of the interview. Your interview is voluntary and you may take breaks during the interview. You should let the investigator know if you need an accessibility accommodation during the interview or if you do not understand something that is said. As part of the investigative process, investigators collect materials and documents. Investigators may ask to see personal items if they are needed to complete the investigation. How will I know if I am identified as a victim? If you are identified as a victim in an allegation of abuse and/or neglect, the facility or program will notify you within 24 hours. You will be provided with a confirmation number from the VPCR. Please use this number if you have additional information related to the report or you are seeking information from the Justice Center about the report. A “subject” refers to the individual named in the allegation as committing the act of abuse and/or neglect. Only staff may be considered subjects.

7 Do parents, guardians, or personal representatives of the alleged victim receive notification when a report has been made? Yes. The program or provider agency notifies the legal guardian or personal representative after the program or provider learns that an allegation was reported to the VPCR hotline. In addition, a legal guardian or personal representative may be asked if he or she has information regarding the most effective ways to communicate with the service recipient and support the interview process. What happens during an investigation? An investigator is assigned to conduct the investigation. Depending on severity and setting of the allegation, the investigation will be conducted by the Justice Center, the State Oversight Agency, or the provider. Once the investigation is completed – regardless of who conducted the investigation – the Justice Center reviews the investigation. At the conclusion of the review process, the allegations are substantiated or unsubstantiated by the Justice Center. How can a parent, guardian, or other person legally responsible for an individual find out the results of an investigation? A service recipient’s parent, guardian, or other person legally responsible for the individual will be notified in writing by the Justice Center of the findings of an investigation. A determination letter will be sent at the conclusion of the investigation indicating whether the allegation(s) of abuse and/or neglect were substantiated or unsubstantiated. The findings of all investigations are maintained in the Vulnerable Persons’ Central Register (VPCR). Legal guardians may also request additional information once the determination has been finalized. Reports provided will be redacted to remove personally identifying and confidential information. Due to the sensitive and

confidential nature of the information and the challenge of verifying a caller's identity, details of the report itself and additional investigative information cannot be disclosed over the phone.

8 What is Jonathan's Law? Facilities operated, licensed, or certified by the Office for People With Developmental Disabilities (OPWDD), the Office of Mental Health (OMH) and the Office of Alcoholism and Substance Abuse Services (OASAS) must notify and inform parents, siblings, and legal guardians of children and adults receiving services by telephone of accidents or injuries. The law also allows qualified persons to access certain documents pertaining to such incidents. For more information on this process:

www.justicecenter.ny.gov/resources/brochures/jonathans-law "Qualified persons" are defined in Jonathan's Law as:

- Parents or other legal guardians of minor patients;
- Parents, legal guardians, spouses, siblings, or adult children of adult patients who are legally authorized to make health care decisions on behalf of the adult patient; or
- Adult patients who have not been determined by a court to be legally incompetent.

What happens during a criminal case? The Office of the Special Prosecutor helps to coordinate the investigation and leads the prosecution of criminal abuse and neglect cases where the alleged conduct rises to the level of a criminal offense. A team of special prosecutors and Justice Center investigators work together to gather evidence to support an arrest, file formal criminal charges, and obtain a conviction or plea to ensure that justice is served. Criminal investigations typically include interviewing victims and witnesses. Additionally, the Justice Center works with local district attorneys and law enforcement

agencies to prosecute criminal matters. If a prosecution is pursued by the Justice Center, coordination of victim services will be provided by the Individual and Family Support Unit in collaboration with the Prosecutions Unit.

9 AFTER THE INVESTIGATION IS COMPLETED What are the potential determinations of the investigation? Allegations of abuse and/or neglect are determined to be substantiated or unsubstantiated. Allegations may be substantiated if an abuse and/or neglect investigation determines that there is a preponderance of the evidence to support the allegation. Preponderance of the evidence means that a review of the evidence shows whether the abuse and/or neglect was more likely than not to have occurred. Substantiated reports of abuse and/or neglect are classified into one of four categories depending on severity. Unsubstantiated reports are immediately sealed. An unsubstantiated finding does not preclude other consequences, including disciplinary action.

CATEGORIES OF FINDINGS AT-A-GLANCE

CATEGORY 1: Serious physical abuse, sexual abuse, or other severe conduct by a subject. A Category 1 substantiation places the subject on the Staff Exclusion List (SEL). It also includes subjects with a second instance of Category 2 conduct that occurs within three years of a prior Category 2 finding. Subjects on the SEL remain on the list forever.

CATEGORY 2: A subject significantly endangers the health, safety, or welfare of a service recipient by committing an act of abuse and/or neglect. Category 2 offenses are sealed after five years.

CATEGORY 3: Less serious incidents of abuse and/or neglect. Reports are sealed after five years.

CATEGORY 4: Conditions at a program or facility expose people receiving services to harm or risk of harm. Category 4 also includes instances in which it has been substantiated that an individual receiving services has been abused or neglected, but a perpetrator cannot be identified.

10 Why would an allegation of abuse and/or neglect be determined to be “unsubstantiated”? An allegation may be determined to be “unsubstantiated” for a variety of reasons. There might not be enough evidence to confirm that an incident of abuse and/or neglect had occurred or a specific individual was not found responsible for the incident. An unsubstantiated finding does not prevent other consequences which may include employee discipline, additional supervision, training, or other corrective actions. Who makes the determination on the investigative findings? The Justice Center makes a final determination about whether an allegation of abuse and/or neglect is substantiated and, if substantiated, the category level. The Justice Center will issue a substantiated or unsubstantiated finding for each allegation associated with any person who is a subject. How will I find out the results of an investigation? If you are the victim, a letter of findings (called a “letter of determination”) will be issued to you or your personal representative. On the same date, the Justice Center will notify the director of your facility or program, the State Oversight Agency that licenses or certifies your facility or program, and the subject(s) (e.g., employee, volunteer, intern, consultant, contractor) of the outcome of the investigation. These same

parties are notified whether the allegation is substantiated or unsubstantiated. If you are interviewed as a witness, or are the personal representative or guardian of a witness, you will not receive information about the investigative findings. What does the notification about an “appeal” mean? Subjects (e.g., employee, volunteer, intern, consultant, contractor) of a substantiated report of abuse and/or neglect have the right to challenge the findings and must do so within 40 days of receiving such findings. Any substantiated report may be challenged, regardless of the category determination. Personal representatives of service recipients will be notified if a subject pursues the appeals process. A notification will also be sent after the appeals process indicating the findings. For more information on the appeals process for subjects, please visit the Frequently Asked Questions for the Administrative Appeals Process: www.justicecenter.ny.gov/investigations-prosecution/adjudication/admin-appeals-faq

11 What happens to staff found responsible for a Category 1 offense? The Justice Center maintains a statewide register known as the Staff Exclusion List (SEL) that contains the names of subjects (e.g., employee, volunteer, intern, consultant, contractor) found responsible for Category 1 offenses, which include certain serious acts of abuse and/or neglect. In addition, two Category 2 offenses within three years is elevated to a Category 1, and the subject is placed on the SEL. Individuals on the SEL will be prohibited from being hired by any state operated, certified, or licensed agency or provider that serves people with special needs. Service providers are required to check the SEL before hiring staff. The SEL is

not a public list and only authorized individuals at provider agencies have access to the SEL as part of preemployment screening.

12 INCIDENT REVIEW PROCESS INTAKE An allegation is reported to the Vulnerable Persons' Central Register. **CLASSIFICATION** The allegation is classified as either a reportable incident (e.g., incident of abuse) or a non-reportable incident (e.g., general inquiry). **INVESTIGATION** For abuse and neglect investigations, the Justice Center will assume the responsibility for investigating the most serious allegations and will delegate less severe incidents to the appropriate State Oversight Agency. If the Justice Center investigates, the case will be assigned to a Justice Center investigator. **DETERMINATION** After the investigation of abuse and/or neglect is completed – regardless of whether the Justice Center, the State Oversight Agency, or the service provider completes the investigation – the Justice Center reviews the case and determines whether each allegation shall be substantiated or unsubstantiated. Reports that are unsubstantiated are immediately sealed. An unsubstantiated finding does not preclude other consequences, including disciplinary action. **PROSECUTION** For criminal cases, prosecution may be pursued by the Justice Center or local district attorney. **STAFF EXCLUSION** Subjects with Category 1 findings will be LIST placed on the Staff Exclusion List (SEL). **APPEAL** Subjects have the right to challenge the findings of an investigation.

13 Allegation Intake Classification Not Investigated by the Justice Center Significant incidents and incidents that occur outside of the Justice Center's jurisdiction are referred to the appropriate entity for investigation. Final

Determination Discipline For voluntary agencies, employee discipline (including termination) is determined by the employer, not the Justice Center. The Justice Center is involved in disciplinary matters for employees of the State.

Abuse/Neglect Investigation Substantiated A case may be prosecuted criminally. A subject may be placed on the Staff Exclusion List. A subject has the right to appeal. Unsubstantiated

14 FOR MORE INFORMATION What assistance is provided by the Justice Center for individuals and families? The Individual and Family Support Unit (IFSU) is a resource for victims of abuse and/or neglect, their families, personal representatives, and guardians. Advocates provide assistance in a variety of areas, including: • guidance and information about the reporting and investigative process • support during criminal cases and proceedings • victim interview accompaniment • case status updates All services are free. The Individual and Family Support Unit is staffed Monday to Friday, 9:00 a.m. to 5:00 p.m. Web form: www.justicecenter.ny.gov/contact-individual-and-familysupport-unit

Where can I obtain assistance about disability-related issues and services? The Justice Center's Disability Resource Clearinghouse has information about disability-related programs, services, laws and regulations. The Clearinghouse links to resources from local, state, federal, and national agencies, as well as nonprofit organizations. The Justice Center provides a wide-range of information that may be helpful to people with disabilities, their families, caregivers and advocates. For more information go to:

<https://www.justicecenter.ny.gov/disability-resource-clearinghouse>. How can I

report abuse and/or neglect? To report abuse and neglect, call toll-free, 24/7, at 1-855-373-2122 or 7-1-1 (TTY).

Appendix B

Justice Center Protocols for Interviewing People who Receive Services

www.justicecenter.ny.gov

November 2019

Justice Center Protocols for Interviewing People who Receive Services

These protocols were developed by the New York State Justice Center for the Protection of People with Special Needs (Justice Center) in consultation with the Justice Center's statutorily created Advisory Council and the relevant State Oversight Agencies. These agencies include: the Office of Mental Health, the State Education Department, the Office of Addiction Services and Supports, the Office for People With Developmental Disabilities, the Office of Children and Family Services and the Department of Health. The development of protocols to ensure the safety of service recipients during interviews is required by Executive Law section 553(28). The protocols and procedures outlined below apply to all investigations of abuse and neglect conducted by the Justice Center, State Oversight Agencies and the facilities and programs defined in section 488(4) of the Social Services Law when acting as the delegate investigatory entity. Important: Nothing herein shall impede the Justice Center's or a delegate investigatory entity's statutory obligation to conduct timely investigations of alleged abuse and neglect. These protocols are designed to establish guidelines for interactions with service recipients in the course of investigations of alleged abuse and neglect. Although these protocols are not required to be followed in criminal investigations, if a criminal investigation is conducted by Justice Center investigators, these protocols shall serve as a guide for how investigators conduct interviews with service recipients during the course of a criminal investigation. Moreover, nothing in these protocols shall impede efforts by the Justice Center or a delegate investigatory entity to take immediate investigatory actions to ensure the safety of service recipients.

1. Key Terms

- a. **Delegate Investigatory Entity.** For the purposes of these protocols the term "delegate investigatory entity" shall mean a facility or provider agency, or any other entity authorized by the regulations of a state oversight agency or the Justice Center for the Protection of People with Special Needs to conduct an investigation of a reportable incident [Social Services Law section 488 (7)].
- b. **Personal Representative.** For the purposes of these protocols the term "personal representative" shall mean a person authorized under state, tribal, military or other applicable law to act on behalf of a vulnerable person in making health care decisions or, for programs that serve children under the jurisdiction of the State Education Department or the Office of Children and Family Services, the service recipient's parent, guardian or other person legally responsible for such person [Social Services Law section 488(10)].
- c. **Potential Witness.** For the purposes of these protocols the term "potential witness" shall mean any service recipient known by the service provider to be physically present in

the place and at the time of the alleged abuse or neglect. It can also include any service recipient who has information that could be useful to an investigation.

d. Service Recipient. For the purposes of these protocols the term “service recipient” shall mean an individual who resides or is an inpatient in a residential facility or who receives services from a facility or provider agency [Social Services Law section 488(9)]. The term service recipient is used throughout this document to describe both alleged victims and potential witnesses in abuse and neglect investigations.

2. Notification

2a. Alleged Victim Notification

2i. Timing. When a service provider is notified that a report of alleged abuse or neglect has been accepted by the Justice Center about an incident in their program, the service provider shall immediately attempt to notify service recipients who are alleged victims and their personal representative that an interview may take place. 1 “Immediately” shall mean within 24 hours following notification from the service provider’s State Oversight Agency that an incident of abuse and neglect has been accepted into the Justice Center’s Vulnerable Persons Central Register (VPCR). If such notification from a State Oversight Agency to a service provider occurs after 5 p.m. on a Friday or during a period of time when the service provider is not operating, the service provider should attempt to make such notification on the next business day. If circumstances exist that do not allow such notification within the required timeframe, this shall not delay the interview of a service recipient who is an alleged victim.

2ii. Exemptions. There shall be no notification of a personal representative if the alleged victim objects to such notification. Objections to notification of a personal representative should be 1 Complying with this requirement shall not impede an investigation into an incident at an Intermediate Care Facility as required by 42 C.F.R. § 483.420. 3 reviewed on an individual basis consistent with the existing standards a service provider uses to determine the ability of a service recipient to consent to services, programs and treatment. Additionally, there shall be no notification of the personal representative if providing such notification to the personal representative would compromise the investigation, violate relevant confidentiality laws, be contrary to court order, or otherwise contrary to the best interests of the alleged victim. However, service providers who are required to provide notifications pursuant to section 33.23 of the Mental Hygiene Law (Jonathan’s Law) must do so regardless of the notification requirements in the Justice Center Protocols for Interviewing People who Receive Services.

2iii. Method. Such notification may be completed through oral communication or in writing.

2iv. Documentation. The service provider must document in writing that notice was given or that a diligent effort to make such notification was made. This documentation should be included in the investigative record. For those service providers who do not have access to the investigative record, the documentation should be given to the investigator for inclusion in the investigative record. Documentation should include: • the date notice was given; • the name of the service provider employee who made or attempted the

notification; • the method of communication; • the name and contact information of the personal representative; and • the information provided by the personal representative per section 2(a)(v). If, for the reasons stated in section 2(a)(ii), the alleged victim's personal representative is not notified, the service provider must document the reason. The Justice Center shall provide an optional template form that service providers may use to document this information. Service providers who are required to provide notifications pursuant to section 33.23 of the Mental Hygiene Law (Jonathan's Law) are not required to provide additional notification under the Justice Center Protocols for Interviewing People who Receive Services.

4v. Inquiry of personal representative. If the personal representative is contacted, the service provider shall ask the personal representative if he or she has additional information not known to the service provider regarding the most effective ways to communicate with the service recipient in order to support the interview process. For example: the personal representative may want to share information about assistive technology needs or environmental factors (e.g., lighting) that may impact effective communication with the service recipient during an interview. vi. Additional alleged victims. Nothing in these protocols shall prohibit an investigator from identifying additional alleged victims during the course of an investigation. If, during the course of an investigation, the names of additional alleged victims are identified, the service provider must promptly notify such additional alleged victims and their personal representatives and document according to section 2(a)(iv). vii. Exception. If an alleged victim does not have a personal representative, there is no need for the service provider to comply with documentation requirements in section 2(a)(iv). b. Potential Witness Notification

4i. Timing. The service provider should notify service recipients who are potential witnesses to an alleged abuse or neglect incident and their personal representatives that such service recipients may be interviewed as part of an investigation. Attempts to make such notification should be made by the service provider within forty-eight hours following notification from the service provider's State Oversight Agency that an incident of abuse and neglect has been accepted into the Justice Center's Vulnerable Persons Central Register (VPCR). If such notification from a State Oversight Agency to a service provider occurs after 5 p.m. on a Friday or during a period of time when the service provider is not operating, the service provider should attempt to make such notification on the next business day. If circumstances exist that do not allow the provision of such notification within the required timeframe, this shall not delay the interview of a service recipient who is a potential witness.

5ii. Exemptions. There shall be no notification of a personal representative if the potential witness objects to such notification. Objections to notification of a personal representative should be reviewed on an individual basis consistent with the existing standards a service provider uses to determine the ability of a service recipient to consent to services, programs and treatment. Additionally, there shall be no notification of the personal representative if providing such notification to the personal representative would compromise the investigation, violate relevant confidentiality laws, be contrary to court order, or otherwise contrary to the best interests of the potential witness. iii. Method. Such notification may be completed through oral communication or in writing. iv.

Documentation. The service provider must document in writing that notice was given or that a diligent effort to make such notification was made. This documentation should be included in the investigative record. For those service providers who do not have access to the investigative record, the documentation should be given to the investigator for inclusion in the investigative record. Documentation should include: • the date notice was given; • the name of the service provider employee who made or attempted the notification; • the method of communication; • the name and contact information of the personal representative; and • the information provided by the personal representative per section 2(b)(vi). If, for the reasons stated in section 2(b)(ii), the potential witness' personal representative is not notified, the service provider must document the reason. The Justice Center shall provide an optional template form that service providers may use to document this information. Service providers who are required to provide notifications pursuant to section 33.23 of the Mental Hygiene Law (Jonathan's Law) are not required to provide additional notification under the Justice Center Protocols for Interviewing People who Receive Services.

6v. Confidentiality. If the personal representative of a potential witness is contacted, the service provider must not disclose confidential information regarding the allegation of abuse or neglect (e.g., detailed circumstances of the incident, names of subjects or victims, etc.) to such personal representative. The service provider shall inform the potential witness' personal representative that the potential witness may have information regarding an incident involving another unnamed service recipient who is the alleged victim and that the incident does not involve harm to the potential witness. vi. Inquiry of personal representative. The service provider shall ask the personal representative if he or she has additional information not known to the service provider concerning the most effective ways to communicate with the service recipient in order to support the interview process. For example: the personal representative may want to share information about assistive technology needs or environmental factors (e.g., lighting) that may impact effective communication with the service recipient during an interview. vii. Additional potential witnesses. Nothing in these protocols shall prohibit an investigator from identifying additional potential witnesses during the course of an investigation. If, during the course of an investigation, the names of additional potential witnesses are identified, the service provider must promptly notify such additional potential witnesses and their personal representatives and document according to section 2(b)(iv). viii. Exception. If a potential witness does not have a personal representative, there is no need for the service provider to comply with documentation requirements in section 2(a)(iii).

3. Interview Protocol

3a. Determinations. To determine if an interview of a service recipient can be conducted in a safe and timely manner, an investigator may: • review the setting where and circumstances under which the interview is to be conducted; • consult with a service recipient's personal representative; • ascertain the service recipient's diagnosis; 7 • consult with the service recipient's licensed health professional; • review the service recipient's files; • observe the service recipient's behavior; • speak with service provider

employees; • consider the service recipient’s capability to provide information to assist the investigation; and • engage in preliminary inquiries with service recipients to establish that proceeding with an interview would be appropriate.² A formal clinical assessment is not required prior to interviewing a service recipient.

3b. Information from service provider. An investigator must notify a service provider if he or she will need specific information from a service provider to determine whether to proceed with an interview.

4. The service provider shall supply the Justice Center or the delegate investigatory entity with the requested information within 72 hours of receiving notification from an investigator. This information may be conveyed verbally or in writing.

4c. Exceptions. If conducting an interview of the service recipient would be clinically contraindicated, despite the provision of appropriate accommodations, the interview shall not take place.

5. However, the investigator may proceed with an interview, even when contraindicated, where certain circumstances exist. These circumstances include but shall not be limited to: • an investigator believes that a service recipient has information relevant to maintaining or securing the safety of service recipients; • an investigator believes that failure to interview a service recipient may allow for the destruction of evidence by a subject; • the delay of interviewing a service recipient may allow a subject to evade law enforcement; and • an investigator has been directed by his or her supervisor to proceed with the interview.

6. Executive Law §553(28)(a)(i) 3 Executive Law §553(28)(a) 4 Executive Law §553(28)(c) 5 Executive Law §553(28)(a)(ii) 6 Executive Law §553(28)(a)(ii) 8. The investigator must document in the investigative record the reason why it was appropriate to proceed with the interview under these limited circumstances.

6d. Communication. If an investigator determines that a service recipient may have difficulty comprehending questions due to cultural or linguistic barriers, such investigator shall work with a service provider to ensure that the service recipient is provided with the means to communicate with the investigator.

7. Personal representative presence at an interview.

7i. Exceptions. A personal representative may be permitted to accompany a service recipient who is an alleged victim or a potential witness during an interview, except under the following circumstances: • the service recipient objects to the personal representative being present during the interview; or • the investigator believes the presence of the personal representative would impede the investigation.

8 Objections by a service recipient to a personal representative being present during an interview should be reviewed on an individual basis consistent with the existing standards a service provider uses to determine the ability of a service recipient to consent to services, programs and treatment. ii. Confidentiality. Even if the personal representative

requests to be present for an interview, the request need not be honored if the confidential nature of the information that would be disclosed during the interview would preclude the personal representative's presence. iii. Conduct. If a personal representative can be present during an interview, the personal representative may not interfere with the interview. If an investigator believes that the personal representative is interfering with the interview, the investigator may take appropriate actions to stop the interview. If an investigator determines that a personal representative should not be present or should leave an interview once it is underway, the investigator must document the rationale for such decision in the investigative record.

7. Executive Law §553(28)(b)(ii) 8 Executive Law §553(28)(b)(iv)

9iv. Logistics. If a personal representative lives such a distance away that he or she cannot attend an interview in a timely manner, the service provider shall provide appropriate technology to allow the personal representative to participate in the meeting. This may entail the use of a conference call line or a video conference if available. An investigator shall not be required to unreasonably delay an interview to allow for a personal representative to participate. f. Information for service recipients. Prior to beginning an interview with a service recipient, the investigator shall advise service recipients and their personal representatives about what to expect in an interview. The investigator shall explain that participation in an interview is voluntary. In addition, the investigator shall advise the service recipient and their personal representative about searches of the service recipient's personal property and searches of the service recipient's person for the purposes of non-criminal investigations. These protocols do not impact the ability of a service provider to conduct searches in accordance with existing standards and policies. The current legal standards for searches of property or persons in the programs under Justice Center jurisdiction remain in effect. An investigator shall clarify that in programs where such searches are voluntary, nothing in these policies change the voluntary nature of such searches.

4. Training. The Justice Center will develop training for investigators employed by the Justice Center, State Oversight Agencies and the facilities and programs defined in section 488(4) of the Social Services Law when acting as the delegate investigatory entity to support compliance with these protocols.

9. The Justice Center will work with the State Oversight Agencies to create training guidelines and the most effective method to deliver such training to investigators.

5. Implementation. These protocols should be followed beginning on July 1, 2015.

*Please note, the order of the numbering for each section within Appendix B derives directly from the New York State Justice Center's public website as presented.

Appendix C

Abuse Investigators are Needed to Participate in a Research Study!



Microsoft Office Online Art, 2020

My name is April DeLandro and I am a doctoral candidate at Walden University's School of Public Policy and Administration program. I am conducting a qualitative research study in order to fulfill the requirements for my degree. The overall purpose of the study is to gather abuse investigators' experiences with conducting abuse investigations for people with intellectual and/or developmental disabilities.

Investigator experiences impact policy review and development. This study's intent is to provide abuse policy developers insight into investigator experiences and what can promote or hinder completing thorough investigations. This study is also designed to be another voice in the scholarly community by exhibiting the lived experiences of abuse investigators. This study will examine existing NYS Justice Center and NYS OPWDD abuse investigation policies from the perspectives of the professionals who implement them.

You will be individually interviewed one time via Zoom for approximately 60 minutes. You will answer 12 questions regarding your experience with conducting investigations within the boundaries of NYS OPWDD and NYS Justice Center policies. No specific case information can be discussed during any of the interviews.

Participant Criteria:

All participants must possess a current NYS JC and/or NYS OPWDD investigator training certification or proof of training completion. Participants must also be designated as an abuse investigator with his/her current provider agency under the auspices of OPWDD.

If you desire further information or would like to participate in the research study you can contact me via email.

****This study has been approved by Walden University's Institutional Review Board (IRB).**

Appendix D

Participant Interview Outline & Questions

Researcher Introduction: Thank you for your participation in my research study. To reiterate, the purpose of this research study is to provide abuse investigation policy developers and reviewers insight into how your experiences promote or hinder completing a thorough investigation. This study has been designed to examine your lived experiences while conducting abuse investigations within the confines of the NYS Justice Center and NYS OPWDD investigative procedures listed on the NYS Justice Center website and the NYS OPWDD Part 624 Handbook. Your organization may have additional policies and procedures which will not be examined in this study, but you can share how those policies have impacted your experiences.

This interview will be recorded but your identity will remain anonymous. For data analysis I will refer back to the recording but I will not document your name, your organization, nor will I describe any of your physical features. As I code the information received from all interviews you will be labeled as, "Respondent (number)". I will transcribe the interview, email it to you, and ask for you to review it for accuracy. If you deem the interview accurate please respond to the email as such. If it is inaccurate, please let me know. Do you have any questions for me before we begin?

Questions:

1. Which intellectual/developmental disabilities service organization(s) do you conduct abuse investigations for?
2. How long have you been an OPWDD or JC certified abuse investigator?
3. Where did you receive your abuse training and what did the training consist of?
4. On average, how many abuse investigations do you investigate monthly?
5. How many years of formal work experience did you have working with the I/DD population prior to becoming a certified abuse investigator?
6. Please describe the required minimum steps (NYS OPWDD policy) of the investigative process?
7. What is your organization's investigation process?

8. Keep in mind investigators are encouraged to identify and remove any potential bias before conducting investigations. Considering this, please describe any additional steps you may take during the investigation process, and why.
9. Define what a thorough investigation means to you.
10. How does your role impact the investigative process?
11. What have been your positive experiences conducting thorough investigations with your current knowledge and interpretation of existing policies?
12. What have been your negative experiences conducting thorough investigations with your current knowledge and interpretation of existing policies?

Closing: Thank you again for your time and valuable feedback regarding your experiences. Unless you have any additional information to share, I will now be ending our interview. I will transcribe the information and forward it to you for review of accuracy. Which email address would you prefer I send the interview to?