

How to Prepare for an Investigation

by Frank S. Perri, Attorney, CPA

In the article “You’re Being Investigated, Now What?” we examined what to expect if a state agency investigates a day care provider due to an accident that occurred in her business. In this article we examine how to prepare for an investigation.

One of the common characteristics I have encountered with providers who face criminal charges is that they could have avoided being criminally charged if they had properly prepared for an interview they had with an investigator. As stated in the first article, it is important to be truthful and consistent in your responses to an investigator. It is extremely dangerous to assume that because you believe you are being truthful, the person or persons listening to your version of events will necessarily believe you are telling the truth. If your answers do not appear to make sense, are confusing to understand, or are too inconsistent to be believable, there is a high probability that a provider will face criminal charges.

What providers must do to appear credible and consistent is to practice the answers to questions that an investigator will probably ask them. I have included an accident reminder checklist as a method for a provider to get started in preparing for an interview. Preparation begins the moment you learn of an accident that will probably result in an investigation. By thinking about the questions in the checklist, a provider can focus on the answers she will give. Remember, accidents happen all the time. What gets the provider in trouble is the appearance of lying.

If possible, practice speaking your answers out loud both to yourself and to another person so that you can get some feedback as to how you come across. The questions I have included are not the only questions that you may be asked. It is a good idea to try to anticipate other questions an investigator may ask you.

By properly preparing for an interview, you will gain confidence and reduce your stress. The probability of criminal charges is greatly reduced when you can anticipate the questions being asked and put together a well formulated, consistent response.

Accident Reminder Checklist

Name of child _____

Date: _____

What happened to the child (type of injuries, etc.)?

What actions did you take to help the child?

When did you first learn of the accident?

When and how did the accident happen (time, date)?

Who else was present when the accident happened?

Did you ask anyone how the accident happened if you did not see it yourself?

If so, what are their names?

Where did the accident occur?

Did you notify the parent(s)? If so, when?

Whom did you talk to about the accident (names, addresses, telephone numbers)?

When, where, and how did you talk to others about the accident?

If hospitalization was required, how long did you wait to go to the hospital from the time that you learned of the accident?

How long did you wait to call the parent(s) from the time you learned of the accident?

What actions did you take to make sure that a similar accident would not happen again?

Reminders to Protect Yourself

Never lie—accidents happen all the time.

Start filling in the accident reminder check list as soon as possible.

Remember, an investigator will want details.

Be consistent in your answers. Inconsistencies will be perceived as a lie even if you are not lying.

Practice speaking your answers to the accident reminder checklist out loud so that you come across as confident and professional.

Get honest feedback as to how you appear in your oral presentation when you practice your answers.

If necessary, get an attorney to help you through the investigation.

Remember that you are conveying facts, not a story.

There is no obligation under the law to speak to the police, but you need to be polite and firm and tell them that you do not wish to speak to them and that you want to have an attorney represent you.

Try to have a witness present when you make the request for an attorney to prevent the police from saying that you never requested an attorney.

Frank Perri has been a criminal defense attorney in Rockford, Illinois, for ten years. He is also a Certified Public Accountant (CPA), prepares tax returns, and represents providers who are audited by the IRS. He has been assisting day care providers for several years since he observed an increase in the number of criminal investigations of providers.

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