Conducting Interviews

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- You must be able to influence the behavior of the interviewee towards responding and telling you the truth.
- You need a defined strategy to achieve your goal.
- You need to control the interview as it proceeds.
- You must be alert to when the witness may be attempting to deceive you.
- You must be able to collect quality information from the witness.
- When appropriate, you must be able to solicit admissions of key points.
Conducting Interviews

- You are the choreographer of the interview.
- What information do you need from this interviewee?
- There is no substitute for your preparation.
- Review your hypothesis to keep your goal in mind.
- Is there anything management needs you to learn?
- Think about post-investigation steps and factor those into your interview planning.
- Consider your appearance and demeanor.

Conducting Interviews

- Prepare an outline of questions to ask.
- Remain open-minded. Do not argue or express opinions.
- Identify any motives which show a bias.
- Ask for supporting information and the basis of their knowledge (i.e. “how do you know this?”)
- Interviews are generally not tape recorded.
- Phone interviews are necessary sometimes but have limited value to the investigation.
Conducting Interviews

• The types of interview questions you may ask:
  • Open-ended questions encourage a narrative answer.
  • Expansion questions build from an open-ended question.
  • Close-ended questions identify specific facts.
  • Leading questions proceed from your ulterior motive.
  • The final question pushes the interview to the witness.

• The type of question you ask usually determines the substance of the answer you receive.

Initial Steps in an Interview

• Give a standard set of instructions to the witness.
• Explain why you are there, why the witness is there, the investigation’s objective, your approach, etc.
• Extend basic courtesy. A collegial, business-like approach is best.
• Be alert to signs of hostility, such as the refusal to engage in the basics of social acts.
• Start “norming” the witness. Keep the first questions simple.
• Consider your professional and personal safety when planning and taking an interview.
Anticipating Some Interview Challenges

- I don’t have to cooperate with you.
- Should I get a lawyer?
- I won’t speak to you without my lawyer present.
- I will only speak to you if . . . .
- I’m done talking. I am leaving now.
- Am I in trouble?

Assessing Credibility

- Is the explanation you are given inherently plausible?
- Does the explanation follow the known timeline of events?
- Is there corroborating evidence to support the explanation?
- Does the person have actual knowledge of that information, or is it hearsay?
- Are there other objective factors that give it credibility?
- Avoid personal interpretations of the other person’s credibility.
There is a difference between an interview and an interrogation. The Subject is interrogated.

You seek information as well as admissions of key facts.

The Subject should be confronted with the information and given an opportunity to respond.

The Subject is entitled to offer exculpatory information and mitigating circumstances.

Remind the Subject that you are a fact-finder, and the investigation should not be deprived of the Subject’s facts.

You seek to explain the “why” more than the “what.”

There is a potential for strong interviewee emotional reactions

People become hostile for one of two reasons:
  • They feel personally threatened
  • They have emotional ties to someone who has a reason to feel threatened

Personality characteristics of the hostile interviewee
  • Resentful of authority
  • Someone to protect
  • Personal involvement

Hostile interviews are charged with emotion. The interviewee reacts rather than thinks.

Keep it business-like and collegial.
Interviewing the Subject

- Do not anticipate the outcome of the investigation or speculate about what is likely to happen after the investigation is complete.
- Don’t argue with the Subject.
- Ask the Subject open-ended questions and then follow with more-specific questions intended to solicit admissions.
- If the Subject attempts to undermine other witnesses, explore the basis of the attempt.
- Allow the Subject to suggest other witnesses who might corroborate his defenses.

Overcoming Objections

- “I don’t want to get involved.”
- “Why should I talk to you.”
- “You can’t prove that.”
- “You can’t make me talk.”
Interrogation Do’s and Don’ts

- Use silence as a weapon.
- Keep questions short.
- Ask one question at a time.
- Question the answers you get.
- Don’t make promises or threats.
- Don’t show surprise at any answer you get.
- Don’t use profanity even if they do.
- Don’t lie or bluff.

The Decision to Confess

- Confessing is counterintuitive.
- A witness can get away with lying.
- There are five reasons why people don’t confess.
- There are reasons why people, in fact, choose to confess.
- The importance of rationalizations.
- The types of denials you may encounter.
Methods of Interrogation

- The factual interrogation
- The classic emotional interrogation
- The “theme development” interrogation
  - It’s non-confrontational
  - Convince the witness you know he committed the misconduct
  - Use factual information and offer rationalization
  - Build from a small admission

The Psychology of Deception

- Telling the truth is easy.
- Lying and deception are different but the same to the interviewer.
- All behavior is goal-oriented, so deception is their goal.
- Decision results from a series of decisions:
  - Do I tell the truth and, if so, what will be the consequences.
  - Do I not tell the truth and, if not, what strategy do I use?
- Lying is difficult and intentional.
- Lying is complicated.
- Lying is stressful.
• If you don’t document it, it didn’t happen.
• Take detailed notes during the interview.
• Accept a written statement but not as a substitute for an interactive interview.
• Read your notes back to the witness to confirm they are accurate.
• Note the facts of the interview without speculation, opinion or subjective comments.

• Quotes are effective, but make sure jargon is explained so you and the witness have the same understanding.
• Date all documents and notes you prepare.
• Assess credibility in a separate document, if needed.
• The memo must be written timely.