

SCCE Internal Investigations Workshop San Francisco, CA



Conducting Interviews

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Conducting Interviews

- 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.

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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.

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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 recorded.
- Phone interviews have limited value to the investigation.

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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.

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The Psychology of Communication

- There are inhibitors and facilitators of communication. You seek to reduce the effects of the former and increase the effects of the latter.
- There are universal behavior traits among people.
- A proper conversation can be therapeutic.

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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.

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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?

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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.

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Documenting the Interview

- 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.

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Documenting the Interview

- 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.
- Consider destroying your notes after the memo is written.