Conducting Interviews

Meric Bloch

SCCE Internal Investigations Workshop
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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.

• 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.
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.

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.
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.

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.
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.