Interviewing Techniques for Workplace Investigations

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Effective interviewing is a professional skill

- You must be able to influence the behavior of the witness towards responding and giving you the truth.
- You need a defined strategy to achieve your goal.
- You need to control the interview as it proceeds.
- You must determine when the witness is truthful and when they are deceptive.
- You must be able to collect quality information from the witness.
- You must be able to solicit admissions of key points.
The psychology of communication

- There are inhibitors and facilitators of communication. Your job is to reduce the effects of the former and increase the effects of the latter.
- There are universal behavior traits.
- Effective persuasion leads to good interviews.
- A proper conversation can be therapeutic.
- Every communication includes ritual. But ritual has little to do with gathering information.

The dynamics of exchanging information

- There are communication inhibitors:
  - Time demands
  - Ego threat
  - Etiquette
  - Trauma
  - Forgetting
  - Chronological confusion
  - Unconscious behavior
  - Different backgrounds or cultures
- A communications inhibitor makes a witness less forthcoming with information.
The dynamics of exchanging information

- There are communication facilitators, however:
  - Fulfilling expectations
  - Recognition
  - Altruistic appeals
  - Sympathetic understanding
  - Catharsis
  - Extrinsic rewards
  - The excitement of new experiences

- A communications facilitator makes a witness more forthcoming with information.

Personal preparation for an interview

- You are the choreographer of the interview.
- What information do you want from the witness?
- There is no substitute for preparation.
- Review your hypothesis to keep your ultimate goal in mind.
- Is there anything management needs you to find out for them?
- Think about post-investigation possibilities so, if needed, you include them in the interview topics.
- Consider your appearance and demeanor.
The initial steps in the interview

- Give a standard set of instructions to the witness.
- Extend basic courtesy.
- Be alert to signs of hostility, such as the refusal to engage in the basics of social acts.
- Start norming the witness.
- Consider your personal and professional safety.

The importance of questions

- People have a natural inclination to talk, so a good interviewer uses that inclination to get information.
- People often feel they are in control when they are talking. But within the interview, usually the opposite is true.
- The goal of the interview is to get the other person to talk.
- The success of the interview depends on you, not the witness, because the information elicited from the interview is more important to you.
The types of questions witnesses are asked

- Open-ended questions encourage a narrative.
- Expansion questions build from an open-ended question.
- Close-ended questions nail down specific facts.
- Leading questions proceed from your ulterior motive.
- The final question pushes things to the witness.

The type of question is important because the question often determines the content of the answer.

Permitted interrogation tactics

- “I am confident that you are guilty”
- Show them circumstantial evidence
- Observe deception and ask questions about it
- Help with rationalization to make admissions easier
- Minimize the significance of wrongdoing
- Be non-judgmental
- Show the futility of lying
Methods of interrogation

- The factual interrogation
- The classic emotional interrogation
- The Wicklander-Zulawski method
  - It’s non-confrontational
  - Convince witness you know they are guilty
  - Use factual information and offer rationalization
  - Build from a small admission

The decision to confess

- Confessing is counterintuitive
- You can get away with lying
- The five reasons people don’t confess
- Why people do, in fact, confess
- The importance of rationalizations
- The types of denials you encounter
The psychology of deception

- Telling the truth is easy
- Lying and deception are different but the same to you.
- Because all behavior is goal-oriented, deception is their goal.
- Lying is difficult and intentional
- Lying is complicated
- Lying is stressful

The types of lies you will encounter

- The simple denial
- The lie of omission
- The lie of fabrication
- The lie of minimization
- The lie of exaggeration.

Knowing how to respond to the lie will allow you to neutralize it.
Spotting the deception

- No one gesture is dispositive.
- Look out for conscious and subconscious gestures
- Verbal clues that show deception
- Body language clues that show deception
- What do you do when you spot it?

The interview memo

- If you don’t document it, it didn’t happen.
- The memo must effectively transmit details of the interview.
- Write a complete memo and do it timely.
- Reconfirm facts with the witness rather than depending on the witness’ agreement to what you wrote.
- Quotes are terrific, but make sure jargon is explained so you both have the same understanding.
- The memo should be impartial and with a minimum of your input. Your opinions are not included.
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