

CLEAR Regional Seminar
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Interview Techniques Workshop

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CLEAR Regional Seminar
Wielding the Big Stick: Issues in Complaints, Discipline and Enforcement



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Investigative Interviewing



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Preparing for the Interview

- Organize!
 - Research issue
 - Research interviewee
 - Research other players
 - Gather all your information and try to go into each interview having a good grasp of the issues and the players
 - Know the key issues and the best questions to ask
 - This will not be possible in all situations

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Four Components of an Interview

- Orientation
- Narration and Questioning
- Summarizing
- Closure

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Preparation

- Preparation is key...so think about...
 - Location of interview
 - Goals of the interview
 - Review relevant documents in advance and have them ready if you need them
 - Know the questions that need to be answered
 - Be aware of any cultural, gender or racial issues that may be present

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Location Considerations

- Complainants usually prefer a neutral location
- Avoid interviewing in any place where you cannot control the environment
 - Avoid people's homes
 - Avoid restaurants or coffee shops
- Telephone interviews are okay in many circumstances

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Interview Goals

1. Ensure the witness understands the process
2. Gain the witness's willingness to cooperate now and in the future
3. Establish a rapport with the witness
4. Assess their non-verbal communication
5. Obtain a complete and truthful statement

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Interviewing Process

- Ensure the comfort of the witness – cigarette, washroom, drink
- Advise the witness that there may be difficult questions
- If using audio / videotape explain why
- Reassure the witness that he/she may not remember everything and that's okay
- Advise the witness that he/she can ask questions and take breaks if needed

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Interviewing Techniques and Skills

Orientation

- Build Rapport with the subject
- Remember the old maxim about first impressions
- Consider how you want to appear to the interviewee
- Before the interview begins
 - Explain why they are there and how they can help
 - Ask the interviewee if he or she has any questions.

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SM1

Establishing Rapport

- Set the tone of the interview from the moment you meet the interviewee
- Ideally, you want the interviewee to relax
- At the outset of the interview:
 - Explain why they are there and how they can help
 - Ask the interviewee if he or she has any questions

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Why Establish Rapport?

- Likeability factor
 - People will give more and cooperate more with someone they like
- Helps to determine the baseline
 - Reactions and general behavior may be compared to more stressful periods during the interview

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Establishing Rapport

- Good baseline / rapport building questions:
 - What do you think of this weather we have been having?
 - How about those [insert name of a sports team]!
 - How long have you lived in _____?
- Self disclosure can be good, but be careful

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Slide 10

SM1 I'm wondering if it would be a good idea to insert the video about "bad rapport" before this slide - might be better not to have the videos back-to-back, and then you can give points about how and why to establish rapport, and then conclude that section with the video demonstrating "good rapport."
Sarah Marceau, 4/16/2012

Active Listening

- LISTEN carefully to what your subject says
- Physically demonstrate you are listening
- Whenever possible, avoid using a script
- Don't anticipate certain answers
- You may need to re-ask questions to confirm the interviewee's position

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Active Listening

- Don't rush to the next question on your list
- Take a moment to consider what the interviewee has told you
- Listen for answers that leave you with more questions
- Ask organic, unanticipated questions as they pop up or mark your notes to ask them later

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Interviewing Techniques and Skills

Narration & Questioning

- Initially avoid questions that have a yes or no answer
- Make sure that your questions are clear
- Do not embed questions within a question
- Drill down
- Don't avoid embarrassing terms

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Refine and Clarify

- Purpose is to refine and clarify the issues
- Use open-ended questions to draw out the information
- Get a sense of the “big picture”
- Allow complainant to set the parameters
- Use direct questions to confirm their position or understanding of an issue

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Interviewing Techniques

- Human memory often requires assistance to retrieve details and facts
 - Provide some general information about the events
 - Use documents that might assist in recollection
- Allow the witness to tell her/his story in full then seek clarification or ask follow-up questions
 - This can be a challenge with some witnesses who require more prompting or assistance in staying on point

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Interview Questions

- Know what you are looking for in advance of the interview
- Ensure your own understanding of the facts before you commence your interview
- Write down important questions in advance
- Write down questions or the need for clarifying comments when they come to mind as the witness provides the statement

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Interview Questions

Example: A person is alleged to have struck another person

- What questions will you ask?

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Interview Questions

- Don't be afraid to ask the difficult questions!
 - Ensure there is no doubt about what happened (e.g. sexual abuse allegation)
 - Slept together (what does this mean?)
 - Sexual relations could be anything depending on who you ask...Remember Bill Clinton?!

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People Will Challenge Us

- As investigators it is our job to be lied to
 - Half truths
 - Absent information
 - Outright lies
- Remember Bill Clinton's comments on sexual relations?

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Dealing with Challenging Interviewees

- Answering questions with questions
 - Repeat the question as you originally asked it
- Phrases like “That’s basically it” or “I guess that is all I can remember”
 - Might be genuine, OR
 - Might be an admission that the interviewee has more to tell – keep probing – use reference points

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Dealing with Challenging Interviewees

- Hypothetically structured phrases – “I would normally do this”
 - Might answer this way if he or she cannot remember
 - It could be a way of avoiding an answer – keep probing
 - Confirm what they did on the day in question

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Dealing with Challenging Interviewees

- Indignation about a question may signal deception, e.g. “What kind of question is that?” or “I would not dignify that question with an answer.”
 - Stay calm and repeat the question with an explanation as to why it must be asked

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The Uncooperative Interviewee

- Shift questions to another person or topic to at least get them talking
- Try to show some sympathy with the person's situation
- Point out things that are odd and ask them to comment
- Use silence to apply pressure

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The Overly Cooperative Interviewee

- When interviewees go off-topic:
 - Politely interrupt them
 - Emphasize the relevant issues
 - Summarize what they have said
 - Then ask your next question
- Use probing, direct questions to hone in on the topics you require further info on

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Dealing with a Sensitive Subject

- Interviewees may be hesitant to cooperate if the subject matter is difficult to talk about
- Interviewees may feel:
 - Intimidated by the process and the investigator
 - Guilty or responsible for the incident
 - Fear reprisal for cooperating
 - Fear being disbelieved

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Dealing with a Sensitive Subject

- Interviewees in these situations may be:
 - Quiet and withdrawn
 - Angry (may see this verbally and in body language)
 - High level of anxiety
 - Tearful and sad
 - Extremely talkative

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Dealing with a Sensitive Subject

- Assure interviewee that he/she can ask questions and take breaks if needed
- Explain there will be difficult questions
- Acknowledge how difficult disclosure can be
- Explain how you will conduct the interview
- Provide reasons for audio / videotape
- Assure the interviewee that it is okay if he/she does not remember everything

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Dealing with a Sensitive Subject

- Don't be afraid to ask the difficult questions!
 - Ensure there is no doubt about what happened
 - Clarify any terms and phrases used by the interviewee to describe what happened
 - Ask for details and descriptions

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Assessing Credibility

Consider the following:

- Assess demeanor
- Consistency of memory
- Evasive responses
- Potential for Bias or a motive to falsify
- Inherent implausibility

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Assessing Credibility

- Is the witness forthcoming with information or reluctant?
- Does the witness seem too eager to provide information?
- Can the information be corroborated by other witnesses or documentary evidence?
- Does the witness stand up well to a challenge by the interviewer?

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Assessing Credibility

- Ask for details
- Ask the interviewee to provide some details in reverse chronology
- Statement analysis
 - Written statements can be analyzed for truth
 - Look for a “blip” sandwiched between long descriptions of less relevant information

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Assessing Credibility

- Observe carefully for non-verbal communication during stressful questions
 - Turning away, leaning away or crossing the arms
 - Opposites – saying no while nodding the head in the affirmative
 - Hand wringing – sitting on hands
 - Fidgety behavior

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Assessing Credibility

#1 Myth – Eye contact will assist in determining deception

- Dozens of studies done all over the world on eye contact and deception
- Conclusion – No difference whatsoever between liars and truth tellers
- BUT the eyes may tell us a great deal – Neurolinguistic programming Techniques (NLP)
- Eye direction tells us what part of the brain we are accessing to recall information or create information

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Remember!

Regardless of your comfort level in assessing credibility using these techniques, a solid investigation process will get you the answers you need.

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Summary

- Plan your interview
- Know your content – what you have and what you need
- Build rapport
- Use a variety of questioning techniques
- Take thorough notes and keep them
- Maintain control and direction
- Leave the door open for future contact

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Thank You!



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