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From in-person to on-screen: Effectively conducting virtual investigative interviews

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Years ago, I was at a training seminar on interviewing and interrogation techniques. One of the instructors, an experienced former law enforcement officer, provided specific detail on nonverbal elements, including the setup of the interview room, such as the placement of access doors, windows, furniture, and even the paperwork or evidence. Experts in interviewing may apply to this idea the theory of “proxemics.” According to Wikipedia, proxemics is “the study of human use of space and the effects that population density has on behavior, communication and social interaction.”^[1] The instructor emphasized, “You need to conduct your interviews in an environment that is conducive to your goal,” elaborating with, “If your goal is to obtain an admission, then you want to make the interviewee ‘feel’ that he or she is in the proper place to talk to you.”

If you are a compliance professional who conducts interviews as part of your work, you might have already encountered the challenge on how to control the virtual environment so that it is conducive to your internal investigation interviews. Sometimes a virtual interview is the only option, and this format will arguably be a part of investigations going forward. Indeed, it is common today to have remote job interviews, performance reviews, even court proceedings.

While I do not intend to make a case for ethics interviews being an exception to this trend, we know that investigating ethics cases requires a high degree of sensitivity and awareness, which demands very specific types of considerations. For example, unlike other work interviews, it may not always be feasible to send a specific agenda in advance to the interviewee or to their counsel. Additionally, in many situations, we are not able to compel the interviewee’s presence.

During the preparation phase of a case I worked on in 2020, the investigating team pondered whether we should ask the interviewees to meet us in person. The matter was serious, and we had specific documentation that we needed to review with the interviewees. There was evidence suggesting possible manipulation of documents and information for personal gain. So to decide how we would do the interviews, we asked ourselves what we would do if the main subject refused to meet with us due to safety concerns. We thought that if we had to do the main interview remotely, we needed to consider:

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