

Investigative Interviewing 2 Fine-tuning your approach

How do you plan for an interview?

Preparation is the key to a successful interview. Obtain as much information as possible on the details of the case and the background, character and habits of the persons involved. This helps you determine the most effective steps for each interview. In addition to a general investigative plan, you must give some advance thought to how you will approach each interview.

Your interview plan should consider each of the following characteristics:

- The type of interview—is it the reporter, the subject or a fact witness? Each may require a slightly different approach.
- The physical and psychological factors at play in the interview.
- The questioning technique to be used (interview or interrogation), and whether your interviewee will be asked to prepare for the interview, shown documents or confronted with evidence already gathered from other interviewees.
- The topics to be covered (usually in outline form) and whether it is necessary to write out specific questions to ensure they are asked precisely. Outlines describe each topic to be resolved, but usually do not include the written questions that must be asked.
- Whether a second investigator (or observer) will participate in the interview, and the role of that person.
- How you will preserve the information developed during the interview (your notes, a written statement, or tape recording).

How important is where I conduct the interview?

As with real estate, it's location, location, location.

Choose a good interview location because of its effect on the interviewee and, consequently, on the information he gives you. An interviewee who fears that his co-workers may hear what he says or see him speaking to you will not give you all the information you might otherwise gather if he believed he could speak freely.

The location of the interview should be a neutral place that is conducive to effective information-gathering and protects the fairness of the process. Forget the stereotype of the bare room, single chair and spotlight. It makes for good theater, but intimidating settings make people less likely to share information. You may think an intimidated interviewee feels compelled to give you more information. But that becomes a matter of quantity, not quality. An intimidated interviewee is more likely to lie or evade probing questions because of a general fear of you and the investigation process. Pressure tactics frequently backfire, undermine your integrity and credibility, and might even lead to an ethics claim against you.

Pressure tactics are also intellectually lazy. The reality is that the more comfortable people are, the more they

open up to you. The interview location should therefore be a relatively benign environment, and the interviewee should be physically free to get up and leave at any time. The key is to make an informed choice for the best interview spot possible. Each venue has its advantages and disadvantages. These change depending on the allegation, the business need to display to others that a workplace investigation is being conducted, and the particular interviewee.

Interviews in restaurants or other public places may pose distractions and risks to confidentiality. However, this balances against the advantage that these venues may put an interviewee at ease because of its public, non-worksite nature. An off-site location might also be chosen if there is any concern about a disruption in the workplace as a result of confronting the interviewee. This is especially relevant when interrogating the subject.

Sometimes you will have multiple options for an interview location (like when you conduct them at the office) and sometimes you won't (like when the interview must be taken in an airport lounge because it's the only time the interviewee is available). The key is to make an informed choice while appreciating that every location affects the dynamics of the interview.

Interviewing someone away from the office or similar comfort zone may give you an advantage and avoid interruptions from phone calls and co-workers. It also takes away the interviewee's home-field advantage and allows you to control the discussion.

You should be familiar with the interview location. If not, scout the location out before scheduling the interview. The place should not be cluttered with extraneous furnishings to distract the interviewee. Ensure that the phone will not ring and that there will be no interruptions.

Consider these factors when selecting an interview location:

- **Privacy:** Even in an open place like Starbucks, the fewer people nearby, the better the results.
- **Quiet.** You don't want external sounds intruding or others able to hear you.
- **Room size.** Whether in a conference room, an office or some other location, you want an area that conveys intimacy. It's not the physical size of the location that matters as much as the portion of that location you use for the interview.
- **Lighting.** The room should be sufficiently well lit to allow for good note-taking and observing the interviewee's body language.
- **Plain.** Cluttered locations may distract you and the interviewee.
- **No telephone calls.** This distracts both you and the interviewee. If calls are anticipated, allow for appropriate breaks to check for voicemail messages.
- **Furniture.** The furniture should be conducive to a discussion. It should also not include a barrier between you and the interviewee. For example, a discussion between the two of you with chairs on either side of the corner of a conference table is more conducive to effective communications than the two of you talking across the width of that table.
- **Chairs.** Position the chairs as closely as possible to each other.

Should I conduct the interview with another investigator?

The argument in favor of having a third person in the room during the interview is that the third person can

testify about what the interviewee said during the interview if the interviewee changes his story later. But having two questioners may intimidate some interviewees and certainly affects rapport. Also, because interviewing is an art, and each investigator has his own style, two interviewers may trip over each other as the questioning proceeds.

But there are situations, of course, where two interviewers may help. Your company procedures may specify it. It may be a sensitive investigation topic or a sensitive interviewee. You may be confronting a subject and want your own “witness” to verify both the information elicited and that you conducted the interview professionally.

Regardless of the reason, if you conduct the interview with two interviewers, consider the following:

- Only one person should conduct the interview (or specific portions of it) and question the interviewee.
- The second person should sit out of the interviewee’s direct line of sight.
- The second person should be your primary note taker. This will bolster your notes and allow you to maintain eye contact with the interviewee.
- The second person should listen carefully and identify topics for follow-up questions.
- The second person should observe the interviewee to assess credibility and possible deception.

It is rarely helpful to have the interviewee’s boss in the room, especially if the boss asked to participate. In those situations, the boss is likely more worried about how the interviewee’s information will affect him, and the boss is not necessarily focused on furthering your goals.

If an interview is generally a one-on-one conversation, how do I control the discussion?

You must control the interview or the interviewee will. Assert control in the beginning of an interview and stay in control. Otherwise, the interviewee determines how much information you will receive from the interview. This dynamic might happen not only with a subject who is trying to evade your probing questions. It could be any interviewee, such as a busy executive, who wants to tell you as little as possible and end the discussion.

One way to keep control is to be a critical listener. Asking a follow-up question based on precisely what the interviewee just told you reminds the interviewee that you control the interview process. Conversely, just asking rote questions alerts the interviewee that you are just going through the motions, and he should just give you the answer that helps him the most and keep you moving along.

On a related topic, never underestimate the abilities and potential value of your interviewee. When you do that actively (by assuming the interviewee is unimportant or useless) or passively (you’re too tired or busy to pay much attention), you do more than risk denying yourself valuable information. You may undermine the investigations process by communicating to the interviewee that the process—along with the stereotypes of avenging angels and finger pointers—is more important than he is.

Workplace investigations are intended to reduce unacceptable business risks and create a safer and more-productive work environment. If the interviewee will be a beneficiary of the work environment your investigation is trying to improve, doesn’t the investigation serve him, not vice versa?

So assume that the person being interviewed is intelligent, potentially valuable, and important to your investigation. Never project a different assessment unless you are using it as a tactic to gain more information.

How much should I speak in an interview?

We tend to speak more than we should in an interview. We try to reassure nervous interviewees. We go into excessive detail about our bona fides and how our inquiries are legitimate. We apologize for being there and disrupting business operations. We apologize for taking them away from their job duties. We explain how the interviewee fits into our inquiries. We profusely justify certain questions. This makes us feel better about the intrusion, but none of this is evidence for our investigation. You are there to acquire knowledge, not disclose it.

Remember the 80:20 rule. The interviewee should be talking 80 percent of the time, and you only 20 percent of the time. Allow the interviewee to tell his own story. Don't rush to anticipate and preempt collateral questions about the investigation process. Invite the interviewee to ask any questions he may have, and then respond accordingly.

If you hear your own voice too much, that's a signal. Let the interviewee speak. You came to hear him.

Why can't I just ask the interviewee to explain the situation about which I care?

You do not want a "memory dump" from the interviewee. You are there to acquire knowledge, not disclose it. You seek specific answers to help you elicit information on the elements of the allegation. You seek detailed evidence. Your purpose is not just to allow the interviewee to unburden himself of his information.

This should not be confused with a "free narrative." This is a focused, continuous account of an incident that the interviewee gives you with or without prompting. A free narrative is used to give you a quick overview of what the interviewee knows. You should be prepared to follow up the narrative with detailed questions to pin down the facts you need.

What should I do differently when interviewing people from other cultures?

Take cultural differences into account because they impact some signals in nonverbal communication. Also, English may not be the primary language of the interviewee. Many people born and raised in a foreign culture have difficulty with English, particularly the nuances of the language. If you are interviewing someone with limited English skills, keep the sentences short and use simple words. Also, confirm any of the statements by restating the same questions.

Language is not the only potential barrier. People raised in other cultures may have different non-verbal responses. They may also have been taught to suppress emotions, facial features, and even eye contact. So consider body language carefully to ensure you evaluate it in the context of the interviewee's life experience.

Some misconduct topics make me uncomfortable. What can I do when interviewing these people?

Have the courage to ask uncomfortable questions. This is unavoidable in some investigations. In many investigations, the issues are provocative. Someone may be fired. Someone may not want to implicate a colleague. Someone may have done something terrible. But you still have to learn about it.

It is a normal human reaction to want to avoid asking tough or embarrassing questions. It takes a certain amount of courage to ask someone if they stole money, if they sent erotic messages to a co-worker, or if they forged company records. But conducting a proper investigation requires you to be brave enough to ask questions that would be considered rude and intrusive in other settings.

Make it easier for you and the interviewee. Address the probability of these questions at the outset. Mention it in the standard instructions you give the interviewee. Much of the embarrassment or discomfort which comes from

a seemingly intrusive question relates to the surprise from the interviewee who does not expect the question. Also, if you discuss it before you begin the interview, you can answer any interviewee questions and may preempt any problems.

You are a professional. Do not be reluctant to make the person uncomfortable. Your job is to find out the truth and make it discouraging for anyone to tell you anything less.

This document is only available to subscribers. Please [log in](#) or [purchase access](#).

[Purchase Login](#)