

Conducting Investigations

CLEAR* Interviewing Training Techniques

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Background

- **Council on Licensure, Enforcement and Regulation (CLEAR)**
- **National Certified Investigator Training (NCIT)**
- **Professional Regulatory Investigator**

Importance of Interviews

- **Chief source of information**
- **Produce information and leads**
- **Critical to the direction and pace of the investigation**

What makes a good interviewer?

- **Objective**
- **Honest**
- **Effective listener**
- **Observant**
- **Able to maintain self control**
- **Able to get the information out using a variety of tools**

Tools of the interviewer

- **Speech (volume & tone)**
- **Demeanor**
- **Word choice**
- **Nonverbal behaviors**
- **Personal space**
- **Eye contact**
- **Physical positioning**

Interview or Interrogation

- **Interview**

- The questioning of an individual believed to possess information or knowledge of interest to the investigator

- **Interrogation**

- The questioning of an individual believed to possess information or knowledge of interest to the investigator who is reluctant to make a full disclosure of information

Preparation

- **Background information**
 - Allegations
 - Circumstances
- **Editorial tendencies of witnesses**
- **Purpose of interview**

When to conduct the interview

- **Sooner is better in most cases**
- **Availability of the witness/interviewer**
- **Legal issues or maneuvering**
- **Preparation of the interviewer**
- **Securing a proper place**

Where to conduct the interview

Selecting the room

- **Minimize Distractions**
 - No pictures, posters, plaques and ornaments
 - Neutral colors
 - No pencils, clips, etc within reach of witness
 - No telephones in the room
 - No cell phone
- **Do not allow access to purses, backpacks etc.**
- **No access by others to the room**

Where to conduct the interview

Setting up the room

- **Avoid “police-like” rooms**
- **No large or obvious locks on the door**
- **No shelves of legal books or regulations**
- **Impediments to exits**
- **Mirrored or draped areas that might cause someone to think that a third party is watching**

Where to conduct the interview

Setting up the room

- **Proper lighting**
- **Interviewer must be able to see the subject's face at all times**
- **Chair placement**
 - 4-5 feet apart
 - Straight-backed chairs, no swivel
 - Identical height

Legal, Mental, and Emotional Preparation

- Do you have the authority to conduct the interview?
- Is any kind of legal or constitutional warning to the subject required by policy or law?
- Is there a particular right or privilege to which the subject is entitled, i.e. labor or employment agreements?
- Have you reviewed the file and know it in detail?
- Are you prepared to deal with any unpleasant or offensive conduct or information in the interview?

Conducting the interview

- **Establishment of rapport- CRITICAL**
 - Identify yourself and the reason for the interview
 - Present your credentials, if appropriate
 - Identify the subject
 - Obtain relevant personal information
- **Set the mood and tone**

Conducting the interview

- **Establish friendly communications and relationship**
 - If not possible to seem friendly then at least appear considerate and professional
 - Shake hands
- **Create a calm and harmonious relationship**
- **Make it clear that you only seek the truth**

Conducting the interview

- **Avoid creating the impression of seeking an admission**
- **Don't make a big deal out of note-taking**
- **Attire**
- **Avoid using charging words like illegal, violation, steal, lie, etc.**
- **Stay seated- don't pace**

Conducting the interview

Note taking

- Take accurate notes sufficient to aid your memory at a future point in time
- Are your notes discoverable?
- Include:
 - Others present
 - Date, time and location
 - Beginning and end
- Use of tape recorder

Conducting the interview

Questioning Techniques

- Use simple clear questions
- Ask questions one at a time and allow the subject to answer
- Listen to all responses
- Use silence

Conducting the interview

Questioning Techniques

- **Begin with questions not likely to cause the subject to become hostile**
- **Ask questions that will develop facts in the order of occurrence**
- **Give the subject ample time to answer. The more difficult the questions, the longer you should wait**

Conducting the interview

Questioning Techniques

- **Ask how the subject actually came to know something?**
 - **Sensory based: Did you hear it?, Did you see it?, did you smell it?**
 - **Source based: did you actually see it or did someone tell you about it?**
- **Evaluate the reliability of a witness**
 - **Credibility/Bias/Interest**

Conducting the interview

Assessing the interview

- **Make sure that you LISTEN**
- **A general standard is for you to speak no more than 20% of the time**
- **If you are talking much above that, you are being interviewed**

Conducting the interview

Assessing the interview

- **Summarize and verify**
- **Ask for additional information**
- **Re-establish rapport**

Thank you!!

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