

INVESTIGATIONS



Fundamentals of Conducting Interviews

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Types of Investigations



- Violations of Law
- Violations of Gaming Rules/Regulations
- Violation of Corporate or Property Policies/Procedures
- Compliance Investigations

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Interview

- Part of almost every type of investigation.
- By far the most productive and widely used of all information gathering techniques.
- A case in which raw, hard evidence is available to the investigator, without the help of an interview is rare.

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Interview

- Purpose of Interview
 - Obtain information from witnesses
 - Obtain information from anyone who has information on the matter
 - Obtain background information
 - Obtain information on procedures, processes, and policies

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Interview

- The questions of who, what, where, when, and how are often answered by a person directly or indirectly – through access to and interpretation of other evidence. In each such case, interviews must take place.
- Most questioning of individuals in a case begins as an interview.

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Interview

- Interviews can lead to interrogations.
- Interrogations are a specific, controlled form of interviews.

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What is an interview?

- Any interview should be considered “a conversation designed to gather facts and clarify issues”.
- Free flowing, non accusatory meeting or discussion used to gather information.

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What is an Interrogation

- An accusatory interaction with a suspect, conducted in a controlled environment.
- Designed to persuade the suspect to tell the truth and lead to a confession .

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Characteristics of a Good Interviewer

- People person and talented in human interaction.
- Displays interest in subject and what is being said.
- Makes respondent feel that their information is most important to case.

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Characteristics of a Good Interviewer.

- Must display demeanor to respondents that the interviewer is only attempting to gather all the relevant facts and is not out "to get" someone.
- Phrases questions in nonaccusatory manner.
- Does not try to impress anyone with authority.

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Characteristics of a Good Interviewer.

- Uses low key, informal approach.
- Demonstrates a lack of bias.
- Displays professionalism.
- Patience
- Suspicious (not cynical)
- A GOOD LISTENER!

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Informal and Formal Interview

- Informal
 - Usually conducted to obtain facts and answer the what, where, when, who and how of a situation. Not necessarily "why".
 - Applies to all investigations, usually to identify the issue.

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Informal and Formal Interview

■ Formal

- After issue has been established (i.e. Theft)
- Set up interviews with individuals who can provide information about the situation, possible witnesses, and possibly a suspect
- Interviews are more structured, but should be low key and nonaccusatory
- Should be in comfortable environment

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Prior To a Formal Interview

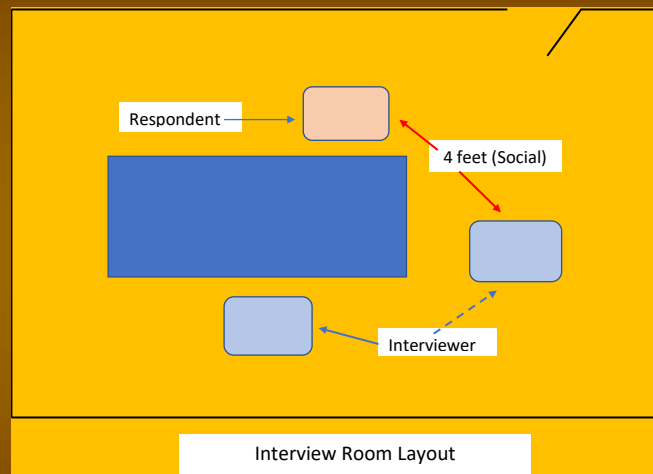
- Review background information on the situation (case facts)
- Helps the investigator/interviewer decide on a course of action with interviews
- Assists an investigator in deciding order of interviews
- Allows investigator to more easily detect lies during the interviews

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Interview Room Set Up

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Proxemics for North America

- Intimate: Contact to 18" (Interrogation)
- Personal: 18" to 4' (Interrogation)
- Social: 4' to 12' (Interview)
- Public: 12' (= or -)

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Characteristics of an Interview

- Nonaccusatory and low profile in nature
- Variety of environments may be used to conduct interviews.

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Characteristics of An Interview

- Purpose is to gather information, both investigative and behavioral.
- Evaluate witnesses and possible suspects.

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Characteristics of An Interview

- Free flowing and relatively unstructured.
- Interviewer to respondent talking ratio: 5%-95%
- In many cases, a suspect may be interviewed along with other individuals.

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Characteristics of An Interview

■ Note Taking

- Take notes during interviews. Either you or a second person
- Take notes on ALL questions, not just important points
- Have a consistent manner of taking notes

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Formal Interview

■ Types of Questions

- Introductory
- Informational
- Assessment
- Closing
- Admission Seeking (moving into interrogation)

- In most interviews only introductory, informational and closing questions are used

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Formal Interview

- Assessment Questions
 - Used if respondent is not being truthful
 - Test respondent's answers with "normal" person's responses. (Person who is not guilty).
- Admission Seeking Questions
 - Used if interviewer believes the respondent is responsible for misdeeds. (interview moves to interrogation phase)

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Introductory Questions

- Designed to meet four objectives
 - Provide an introduction between the interviewer and respondent.
 - Establish rapport with the respondent
 - Establish interview theme – Why are you there?
 - Observe reactions to non threatening questions

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Introductory Questions

- Interviewer must be perceived as open, friendly and trustworthy
- Respondent must perceive they have something in common with the interviewer
- Promoting this perception

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Introductory Questions

- Promoting this perception
 - Use body language to create trust
 - Verbal techniques

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Introductory Questions

- Establishing purpose of the interview
- Privacy
- Ask non sensitive questions
- Emotional words should not be used. They tend to make people

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Introductory Questions

- Get a commitment for assistance from the respondent.
- Establish transitional statement
- Takes you into the Informational Questions phase.

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Informational Questions

- These are asked for information gathering purposes – majority of questions fall into this category
 - Non threatening, non confrontational
 - Seek to elicit unbiased, factual information from respondent
 - Interviewer should be alert to inconsistency in facts

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Informational Questions

- Three main categories of questions
 - Open, closed, leading
- Open questions
 - Worded so it is difficult to say “yes” or “no”
 - Most questions in this phase should be open

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Informational Questions

- Closed questions
 - Require a precise answer, usually “yes” or “no”
 - Deals with specifics such as amounts, dates, times, etc.

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Informational Questions

- Leading questions
 - Contains the answer as part of the question
 - Used primarily to confirm facts already known

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Informational Questions

- Question sequence
 - Questioning should proceed from the general to the specific. Seek general information before specific details

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Informational Questions

- Informational Question Techniques

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Miranda Warnings

- Interview Process
 - Purpose of interview is to gather information
 - Free flow of information
 - Low key
 - Miranda Warnings are not legally required

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Informational Questions

- Documenting Interview Results
 - Generate a memorandum on the interview as soon as possible after the interview
 - Destruction of interview notes.
 - Depending on your legal jurisdiction, private sector handwritten interview notes may be allowed to be destroyed after the memorandum has been written and approved.
 - I would recommend keeping them in your file
 - Check with your company attorney

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Assessment Questions

- If the interviewer believes a respondent to be inconsistent because of possible deception
 - Seek to establish the credibility of the respondent
 - Assessment questions ask for agreement to matters that are against the principles of most honest people
 - Designed to get verbal and nonverbal reactions

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Closing Questions

- Close on positive note
- Ask if there are any other documents or witnesses that would be helpful.
- Thank the respondent
- Ask respondent to keep interview information confidential

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Observing Interview Reactions

- Interviewer must be knowledgeable about behavior of individuals during the interview process
 - Includes verbal and nonverbal behavior

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Observing Interview Reactions

- Nonverbal clues associated with deception
 - Full body motions
 - Anatomical physical responses
 - Hands over the mouth
 - Manipulators

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Observing Interview Reactions

- Nonverbal clues associated with deception
 - Crossing the arms or feet
 - Slumping over or leaning back in the chair
 - Licking lips excessively
 - Closing the mouth tightly
 - Lip and tongue biting
 - Avoiding eye contact (consider culture)
 - Head back looking down nose

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Observing Interview Reactions

- Verbal clues associated with deception
 - Changes in speech pattern
 - Repetition of question
 - Comments about interview
 - Selective Memory
 - Making excuses

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Observing Interview Reactions

- Verbal clues associated with deception
 - Oaths
 - Character Testimony
 - Answer with a question
 - Overuse of respect

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Observing Interview Reactions

- Tolerant attitudes
 - Dishonest people usually have a more tolerant attitude toward illegal conduct

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Review of an Interview

- Purpose is to seek the truth and gather information
- Non-accusatory
- Free flowing
- Interviewee speaks 95% of the time
- Varied locations to interview room
- Conducted in Personal-Social Zone

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Review of an Interview

- Note taking if consistent
- Miranda not legally required
- Interviewer demonstrates truthful, nonverbal behavior

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Admission Seeking Questions

- The assessment by the interviewer in reference to the culpability of the respondent might be based on verbal and nonverbal responses to interview questions, as well as documents, physical evidence, witnesses, other interviews

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Admission Seeking Questions

- If the interviewer believes that there is a reasonable probability that the respondent has committed the act in question, he should move to admission seeking questions which are used in an interrogation.

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Moving Into Interrogation From Interview

- Once you start into an interrogation you must be in command, so you have two options for proceeding:
 - You could leave the room for a few minutes to “check on something” or “check something out”, then return with any evidence and begin the interrogation
 - If you are confident with the evidence you have you can move into the interrogation.

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Interrogation

- Purpose is to seek the truth and convince the suspect to give a confession
- Accusatory
- Structured
- Suspect speaks 5% of the time
- Interrogator has “Home Town” advantage
- Conducted in “Personal-Intimate” zone
- No note taking by interrogator

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Interview vs Interrogation

The fundamentals of investigative interrogation will be covered in a future session.

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