

INVESTIGATIVE INTERVIEWING

INTRODUCTION





Learning Overview

- Define the objectives of interviewing.
- Outline Interviewing and related concepts.
- Highlight the PEACE instigative interviewing model.
- Planning interview Topics

Objectives of Interviewing

INVESTIGATE

- Who?
- When?
- What?
- How?
- Where?
- Why?



- Gain information which can be used in a criminal or administrative proceeding
- Obtain information to inform you about investigative avenues.
- Identify the suspect.
- Prove or disprove allegations.
- Interviews generally should strive to **answer basic questions: who, what, where, when, how and why.**



Interviewing

Interviewing is a **key investigative skill**; it is a skill that is **not innate** but must be **learned**. Interviews provide investigators with an excellent opportunity to obtain actionable information from members of the public, suspects, victims, human sources and witnesses.

The gathering of information from a well-prepared interview of a victim or witness will contribute significantly to the investigation. An effective interview of a suspect can **commit** that suspect **to an account of events** that may include an admission or a false denial. A properly obtained admission may prove the fault elements of the offence beyond reasonable doubt.



TERMINOLOGY

Interrogation

Interview

Investigative Interview

Questioning

PEACE model

REID model



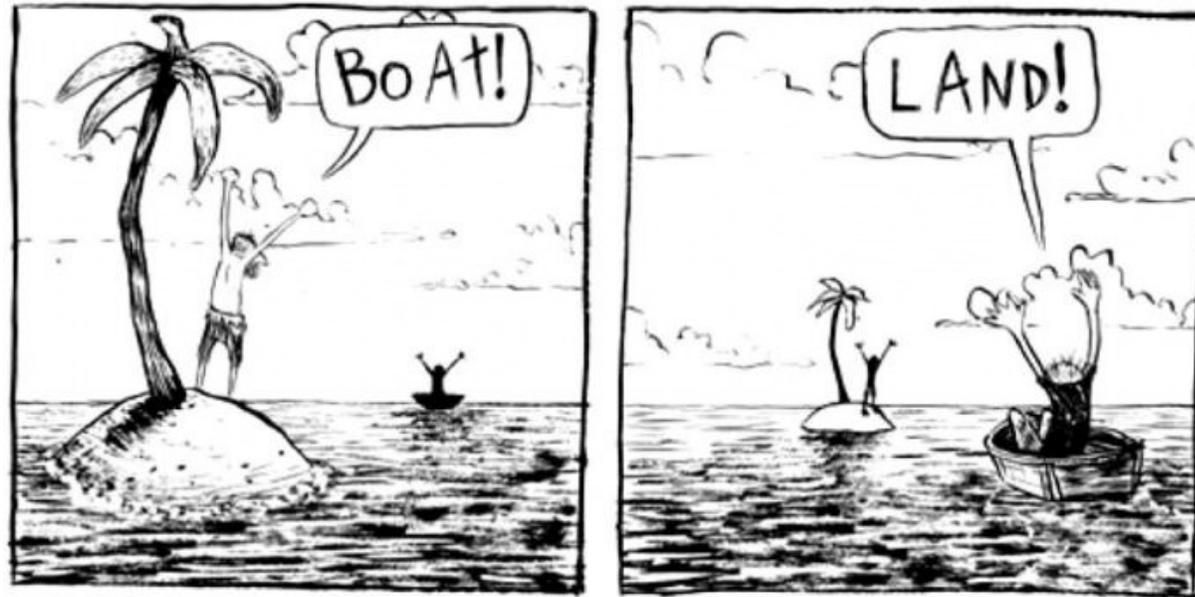
Interrogation

- Interrogation has harsher meaning and linked to stricter questioning and usually associated with suspects.



Interviewing

- Interviewing is a broader concept than interrogation
- Original meaning - an occasion when two people can examine each other's views (hence 'inter-view').



Interview v Interrogation

Interview

- Non-accusatory
- Gather information fairly and impartially
- Secures most reliable accounts
- Reduces false confessions
- Introduces facts

Interrogation

- Guilt presumptive process
- Closed social interaction
- Interviewer believes probable guilt
- Unethical process of lying about presence and strength of evidence



Interview v Interrogation

NUANCED

Questioning

- Asking somebody questions about something.
- Process of putting questions and expecting answers.
- Not fluid.



History of Investigative Interviewing

- **1970's-1980's** Court of Appeals – identified numerous cases of people being convicted of serious crimes from confessions that were not 'voluntary'.
- **1974** – Birmingham Bombings – Birmingham six
- **1981** – Royal Commission on Criminal Procedure
- **1984** – PACE Police And Criminal Evidence Act
- **1992** – Key research – change to Police interview practice



7 Principles of investigative interviewing

01

obtain accurate and reliable accounts from victims, witnesses or suspects about matters under investigation.

02

act fairly when questioning victims, witnesses or suspects.

03

investigative mindset. Always be testing against what you already know or what can reasonably be established.

04

free to ask a wide range of questions in order to obtain truth.

05

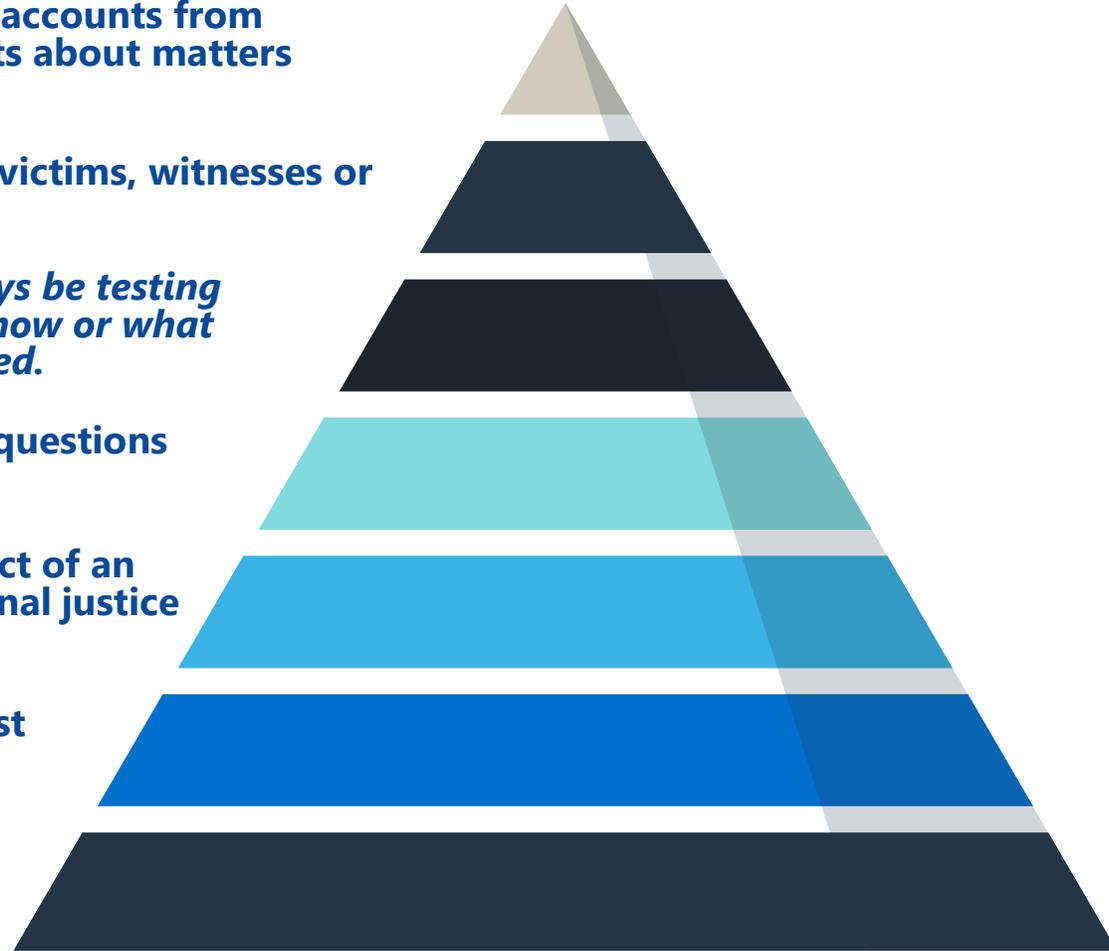
recognize the positive impact of an early admission in the criminal justice system.

06

not bound to accept the first answer given.

07

Right to silence. Still have responsibility to ask questions





The PEACE Investigative Interviewing Model

- Investigative interviewing is about obtaining **accurate** and **reliable** information from suspects, witnesses or victims in order to **discover the truth** about matters under investigation.
- It is a set of principles and techniques designed to aid Investigators to obtain information, discovery evidence and obtain admissions or confessions.

PEACE

P

- Background
- Proofs
- Outcome
- Environment

**Planning &
Preparation**

E

- Rapport
- Process
- Purpose

Engage & Explain

A

- Their version
- Active listening
- Note taking

Account

C

- Summarise
- Confirmation
- Positive enforcement

Closure

E

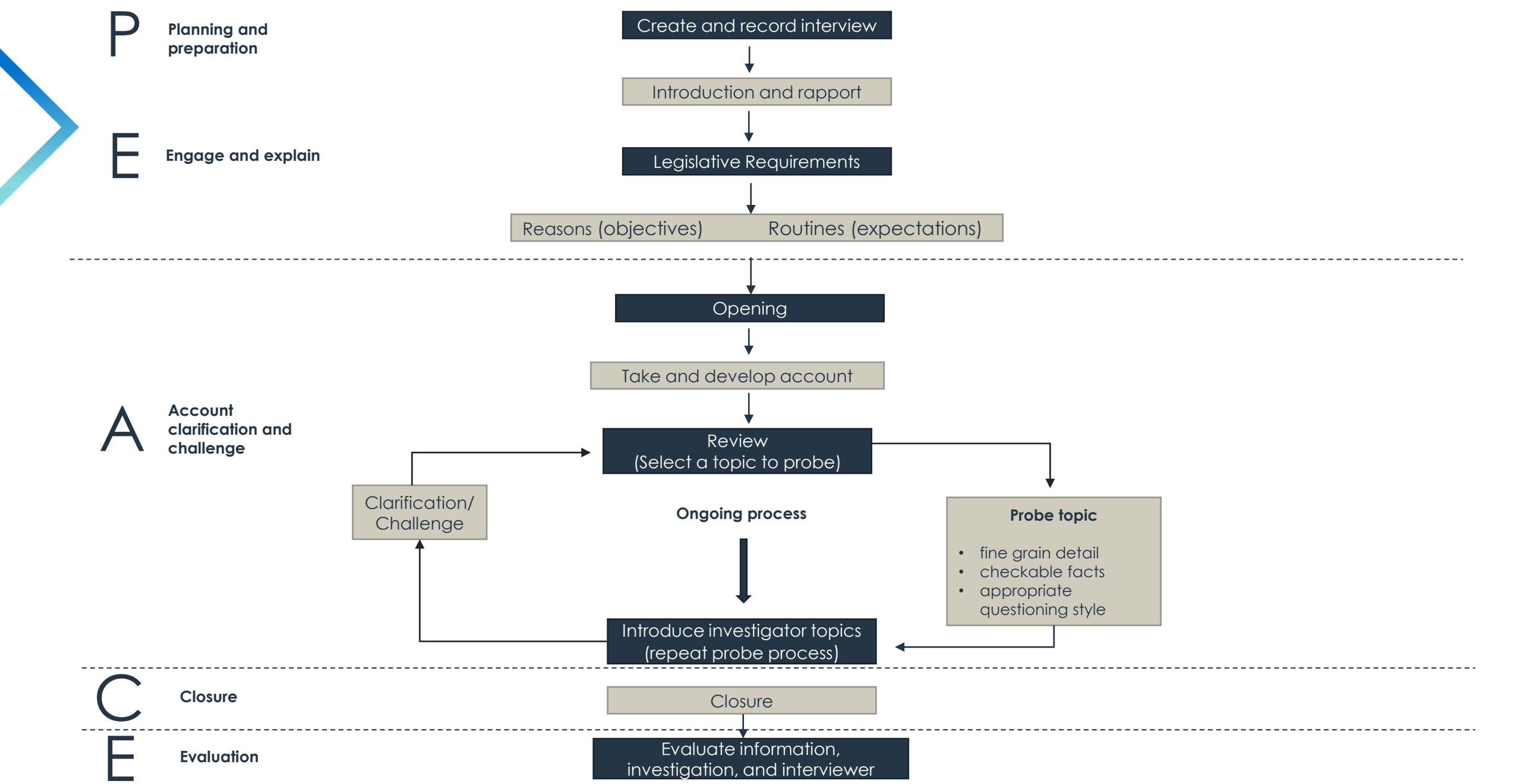
- Review objectives
- Reflect

Evaluation



PEACE

- Designed for 1 off offences. Requires modification for interviews concerning course of conduct investigations.
- It is a Toolkit. Its successful application relies on the interviewer's aptitude, judgement and experience.



PLANNING



Just a few things to think about...





Planning and Preparation

- Cornerstone of all effective interviews. Important to take time to do.
- Interview plans can be completed very quickly or in depth, depending on the circumstances.
- Manner in which this information is elicited must always be fair, ethical and in accordance with legislation, the rules of evidence and organisational procedures.
- Provides an interviewer the confidence and flexibility to conduct a professional and effective interview.



Planning and Preparation

- Find out as much as possible about your interviewee. Include an understanding of the culture and nature of the interviewee.
- Picking Topics
- Where do they fit into case theory?
- Fraud Triangle/ Diamond.

Priority of interviewing witnesses

1. Persons who are not likely to be readily available later
2. Persons believed to have the most pertinent information concerning the matter under investigation
3. Persons who are likely to be hostile witnesses
4. The offender or offending group is interviewed last





Case Theory

- From your enquiries you have, collected, checked and connected information from your investigation.
- Using triaged information together with allegation ask one question?
 - ***What happened?***
 - ***Write it down.***
- Don't think about offences, think about conduct.



Case Theory

- Case theory in this context **is not** about proving your case.
- This is all about investigation; based upon the information, facts and evidence you have available - *this is what you think happened*.
- It is done at a point in time.
- This is the basis for your planning and your investigation.

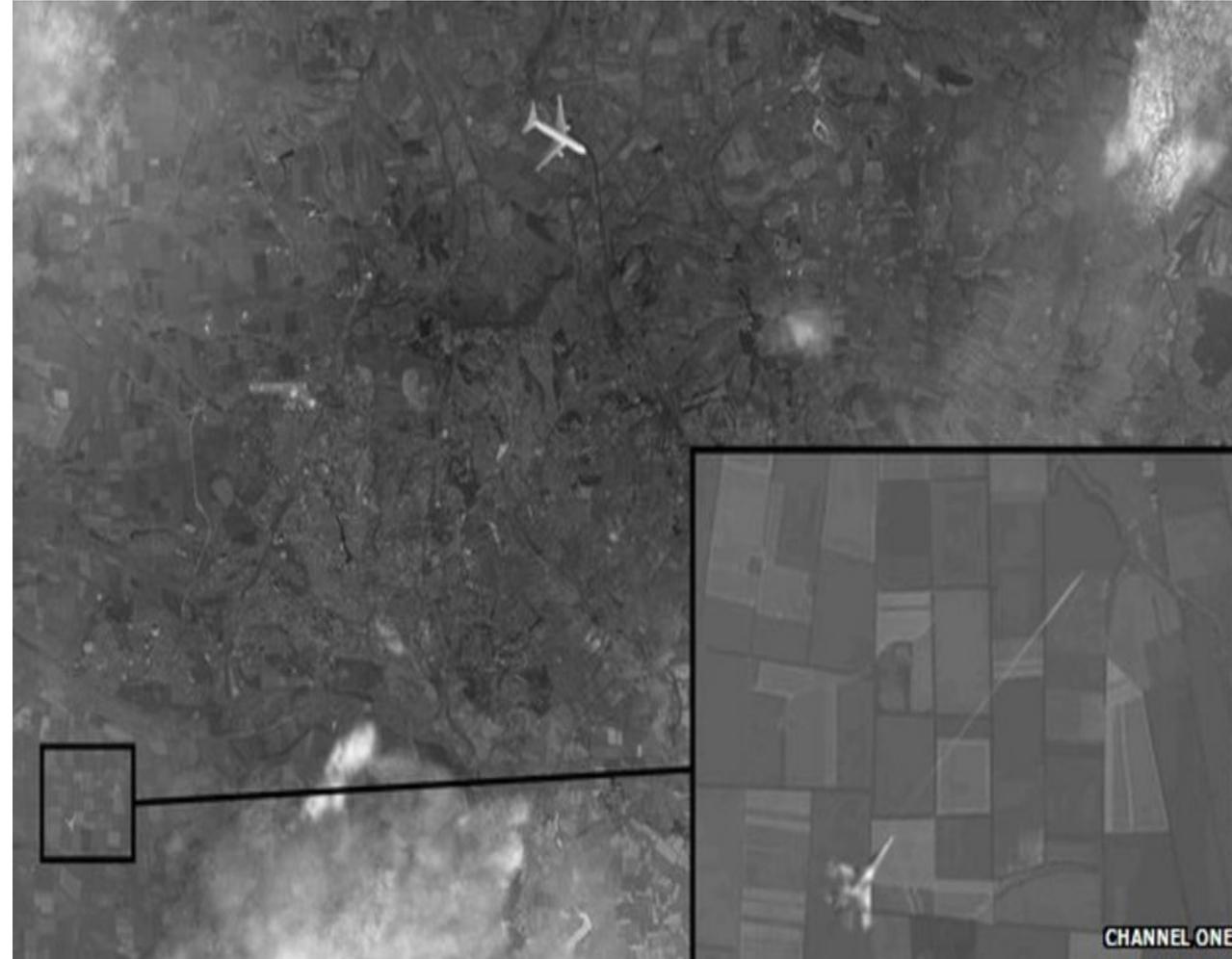


Theory builds over time

- Led by information and evidence
- Investigation avenues are identified to test your theory and strategies can be enacted.
- A case theory is relevant until its disproved.
- Case theories can change!

'I beseech ye, in the bowels of Christ, think that ye may be mistaken' - Oliver Cromwell

- Alternative theories
- Each investigation avenue will have an alternative scenario. You have to consider these.





Gap Analysis

- From your investigation examine:
- Case theory
- What you already know
- What you are missing from evidence
- Who can you speak to in order to gain that evidence
- Where the individual is placed in the investigation



Topics

- Identify topics to be covered from evidence/ investigation plan drawn from case theory
- Each topic should be separate.
- New topics **will** be generated during the interview.
- Consider new page for each topic to take notes.
- Interviewee may have own Topics.



Topics can be:

- Identities – e.g. individual or group
- Locations – e.g. Buildings, physical area
- Objects –e.g. Vehicle, computer, weapon
- Relationships – e.g. a company, personal, business
- Routine or ritual –e.g. Procedures or sequences of actions
- Explanations – e.g. excuses, justifications, accounts offered.
- Anything else...



Nine Square Plan

- Topic boxes used to collate and assemble background detail on key topics
- These are areas in which you want to probe further
- Nine squares are provided but you can use more or less depending on requirements.



Nine Square Plan

Nine Square Plan

PLAT – People, Locations, Action, Time

5WH – Who, what, when, where, why, How

Topic 1 •	Topic 2 •	Topic 3 •
Topic 4 •	Topic 5 •	Topic 6 •
Topic 7 •	Topic 8 •	Topic 9 •

THE INTERVIEW





Learning Overview

- Understand the importance of Engage and Explain
- Outline how to obtain an account from interviewee.
- Define investigation concepts/ tools that can be used in an interview.
- Highlight a method for effective notetaking.



Before the interview starts

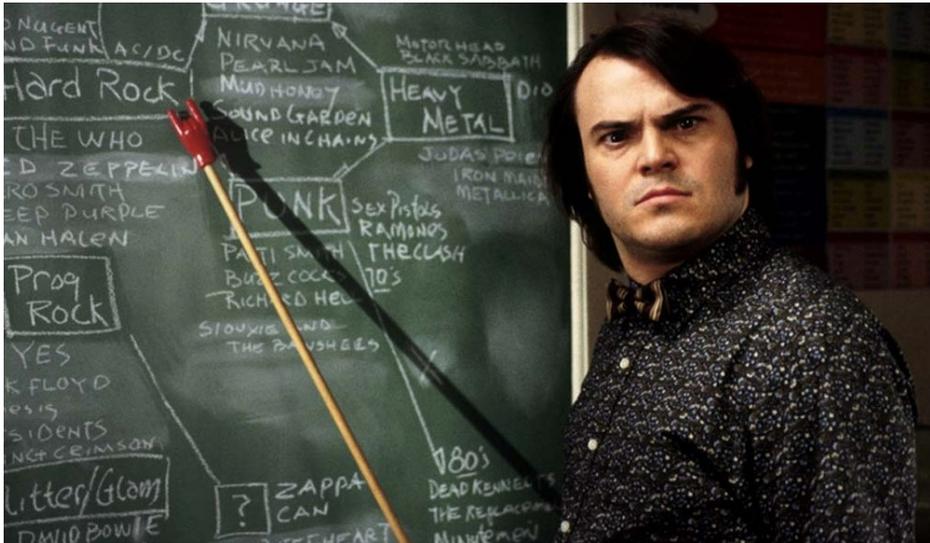
- Rapport
- Engage and Explain



Rapport

- Building and maintaining rapport can increase the amount and accuracy of information.
- Rapport is developing a relationship with interviewee where they feel comfortable.
- Try to start building rapport – prior to interview.
- Hints and Tips
 - Be yourself, open, professional, polite, culturally aware
 - Listen, show interest, make them feel believed
 - Keep conversation natural and simple – avoid jargon

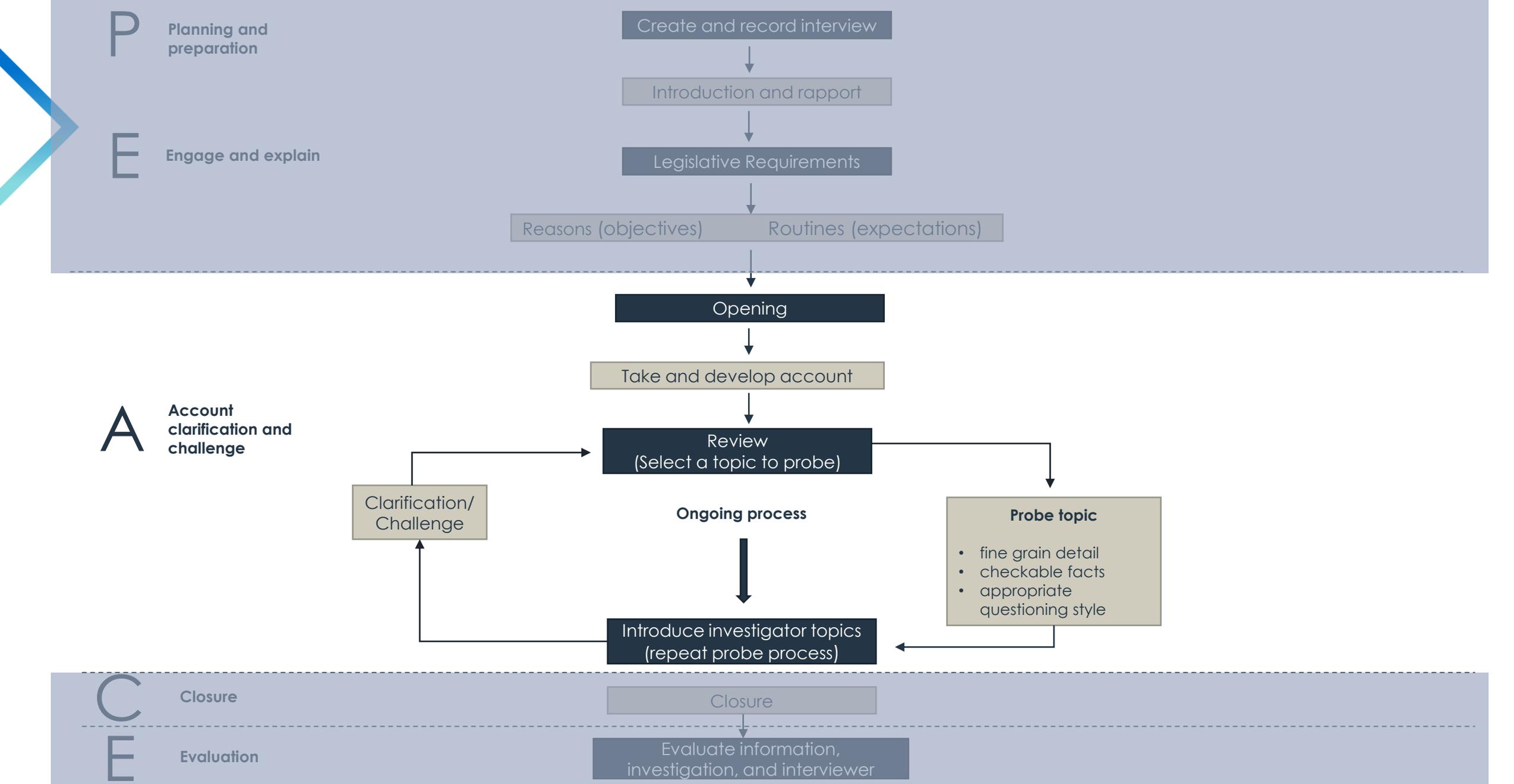
Engage and Explain



- Engage is the first step in order to encourage conversation
- Inform the interviewee of the matter under inquiry
- Explain to the interviewee the purpose of the interview
- Re-assure confidentiality
- Teach to talk

ACCOUNT







Before you start any of your questions

- **Consider** Free Recall
- *Before I ask any questions, if you could start at the beginning and tell me everything you can about ...*
- **Caveat** – You need to be comfortable with your Topic structure and control the interview.



Your ability to question

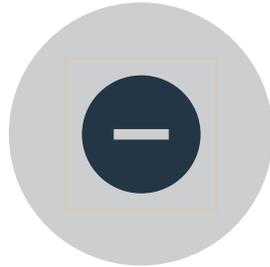
Your ability to construct appropriate questions prior to and during an investigative interview is vital to:

- Obtaining complete, accurate and reliable information;
- Maximising the amount of relevant reliable information;
- Ensuring the information gained is admissible; and
- Maintaining the trust and confidence of the public.

Interview Question Types



OPEN-ENDED
QUESTIONS;



CLOSED-ENDED
QUESTIONS;



PROBING
QUESTIONS; AND



CHECKING
QUESTIONS.



Open Ended Questions

- Best kind of question for information gathering.
- Answers to open questions are more elaborate and more accurate.
- Generate descriptive answers that encourage discussion.
- Requires more than one or two words to answer.

T.E.D.S

- Tell, Explain, Describe, Show
- This questioning style minimizes the chances of the interviewer imposing his/her view on the person being interviewed.



Examples

- Tell me everything you remember about
- Explain the circumstances that lead you to
- Before you mentioned a ... describe that for me.
- Show me the actions you just described.
- Tell me what types of bank accounts do you hold?





Closed Questions

- A closed question is any question that can be answered with either a single word or a short phrase.
- Do not encourage discussion.



Example – Closed questions

- Examples- 'Who did that?' 'What did he say?' 'Where does he live?' 'When did this happen?'
- This type of question:
 - gives the interviewer with more control;
 - can be used to elicit information that an interviewee has not yet provided in response to open-ended questions;
 - may be used to clarify and extend an account that has been elicited through open-ended questions, cover information important to the investigation that an interviewee has not already been mentioned, or to challenge; and
 - may have the potential disadvantage of restricting an interviewee's account.



Probing Questions

- A question/statement used to gain more information.
- Can be open-ended or closed-ended.



5WH

- WHO, WHAT, WHEN, WHERE, WHY, HOW.
- Tends to focus the interviewee on one aspect at the expense of others.
- Best used after an open question to extract greater detail
- Requires a response of more than one or two words.



Examples

- Who was that?
- What could you see?
- Where was the car at this point in time?
- When did this happen?
- Why is that?
- How did you get to?
- You mentioned that you have financial dealings with Diamond Trust Bank, please tell me more about that.



Checking Questions

- Specific and targeted questions to assess the interviewee's understanding of the information being shared with them.



Is, Did, Can, Could

- A misplaced closed question can disrupt the conversation and lead to awkward silences, so are best avoided when a conversation is in full flow.
- Too many closed questions lead to a Q&A style interview.
- A poorly worded 5WH question can also be closed.

During the interview

- Best asset – Active listening
 - **Concentrate** –organise information, focus
 - **Comprehend** – gain full and accurate understanding. Separate from opinion.
 - **Sustain** – give adequate time and space for person to talk.
 - **Summarise** – most important part.
- Consider how the information fits in.
- Use Cressey Fraud Triangle (Diamond) to assist



“Nothing I say this day will teach me anything. So, if I’m going to learn, I must do it by listening”

The Cressey Fraud Triangle



RATIONALISATION

Justification of dishonest action to oneself and/or others

Work: Justifying fraud due to poor pay, unfair reward, bad tone at the top.

Upbringing & Society: Poor value systems. "Everyone is doing it"

Personal beliefs: Justifying actions on work ethic, perceptions and beliefs.



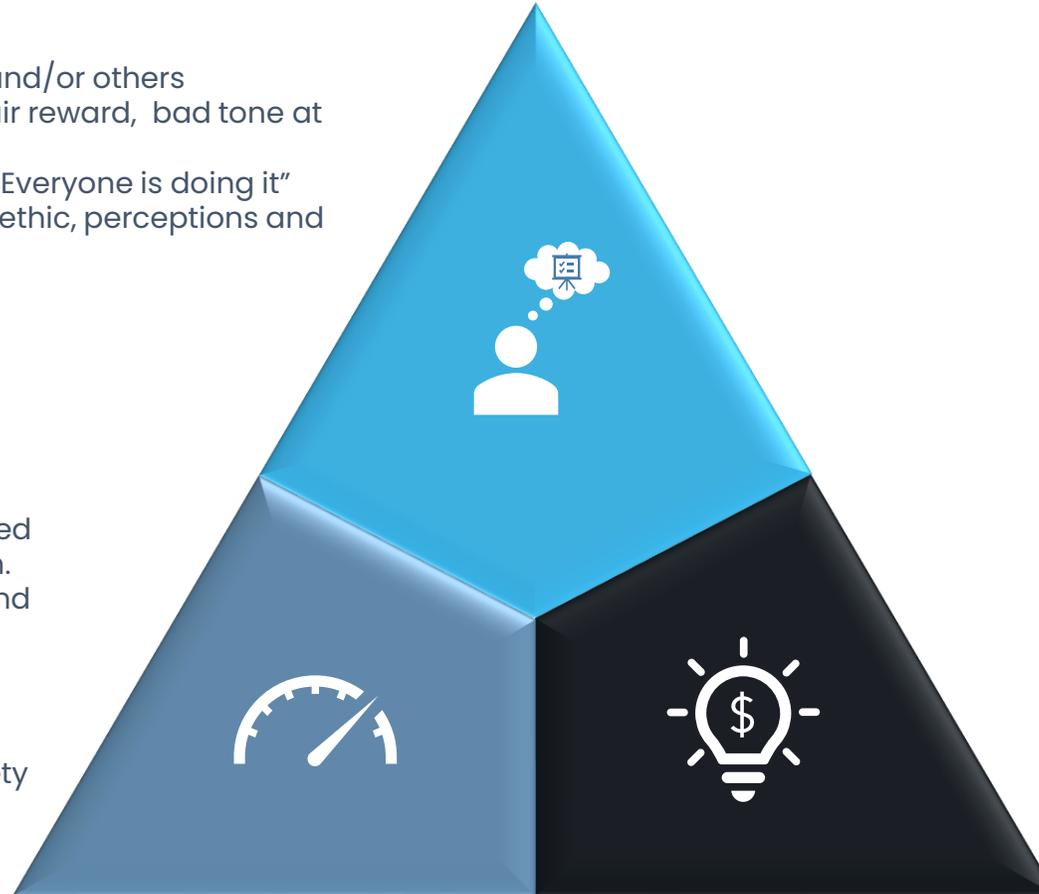
Pressure

Catalyst, incentive or need, real or perceived that exerts financial or non –financial push.

Monetary: Financial problems, living beyond means, bad lifestyle habits.

Performance Objectives: Unrealistic performance targets, unhealthy competition.

Threats – duress: Threats to personal safety or of being sacked.



OPPORTUNITY

Ability or circumstances that provide possibility to commit illegal action.

Process: Process loopholes, unclear, unwritten or unnecessarily complex procedures.

Controls: Lack of/weak preventative/detective controls.

Expertise: Expertise in select domains; certain roles provide more opportunity.

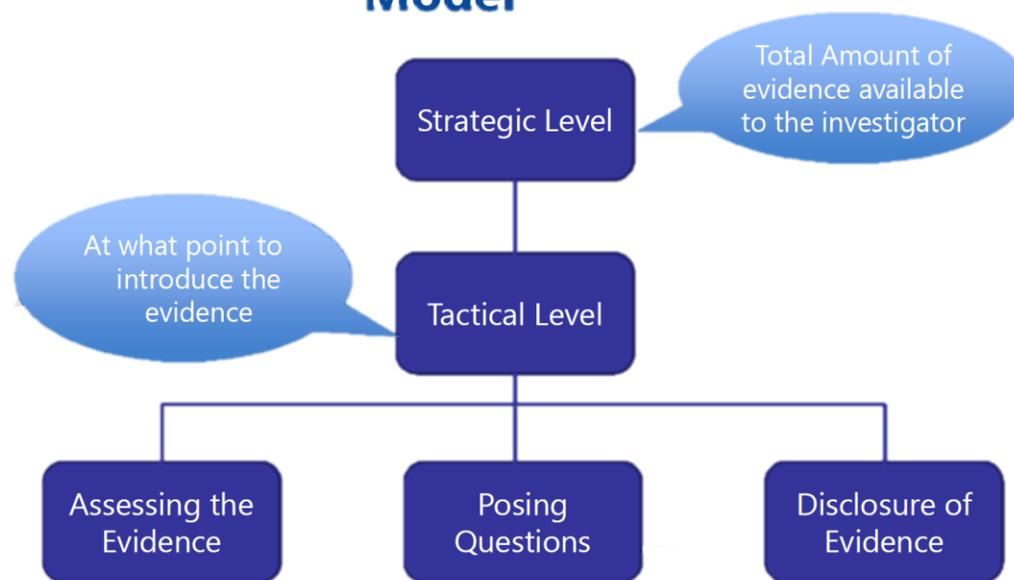
Power: Position level – approval or override control.

Relationships: Close employees where segregation of duties is the control.

Use of evidence during interview

- Have a robust evidence numbering structure!
- Strategic Use of Evidence

Strategic Use of Evidence - Model





Suspects perception of Evidence

- What evidence do they think we have
- May believe we hold little/ or more than we do.
- What do they know what we have (disclosure)



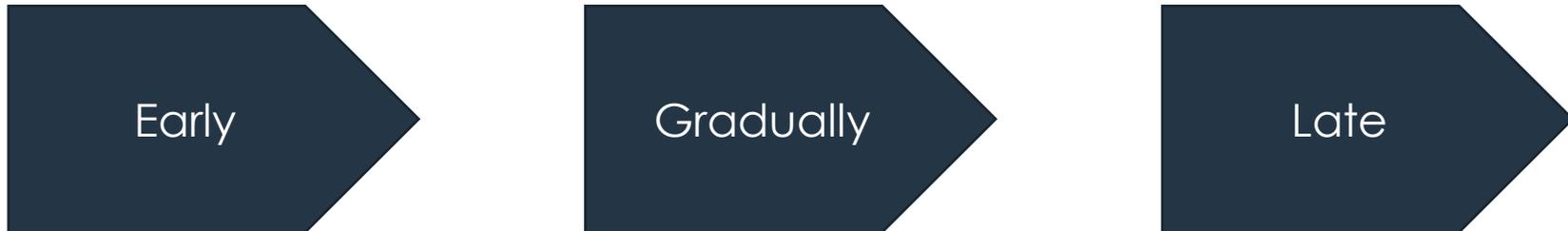
Suspects Counter Interrogation Strategy

- Guilty and not guilty people want to be believed
- Employ different strategies
- Guilty tend to:
 - Plan a response to the interview
 - Avoid disclosing critical information
 - Faced with direct questioning tend to deny information
 - Truth tellers are generally forthcoming and have no critical information to conceal



Tactical Considerations

- Two basic questions to consider:
 - What stage do you introduce your evidence?
 - Which stage do you use weaker (i.e. general evidence –we believe) or stronger evidence (i.e. specific evidence - we know).



Early

Gradually

Late



Compare Contrast (Challenge)

- Identify potential discrepancies from interviewee's information.
- Appropriately compare and contrast these discrepancies.
- Clarify discrepancies with interviewee.



Compare Contrast (Challenge)

- Take time to prepare
- Ensure you have probed BEFORE challenge
- Least to most impactful
- Comparative style
- Keep it conversational
- Don't get drawn into arguments
- Make your point and then move on
- Summarise challenges to round things off



Comparative

- 'Earlier when I asked you about... and you said...'
- 'We have a report/spoken with/documents'
- 'What is your view about that? Can you explain...'



Summarise & Link

- Do not skip this step
- Fine grain detail in important topic areas
- Keep it conversational
- Don't be tempted to challenge or give Statements of fact!
- **Summarise – commits to memory, shows effective listening and commits the suspect to an account.**

Overview of questioning techniques



Your tool belt of questions

Open

Probing /
Clarifying

Closed
(Checking
Confirming)



T.E.D.S

5WH

IDCC

Elicit the
most
information

Can be
answered
In a few words

Questioning Funnel

Open Questions

Free account. Provides the best starting point to obtain an accurate record of event.

Tell

Explain

Describe

Show

Probing Questions

Used to gain more information.

Who

When

How

What

Where

Why

Clarifying /Checking Questions

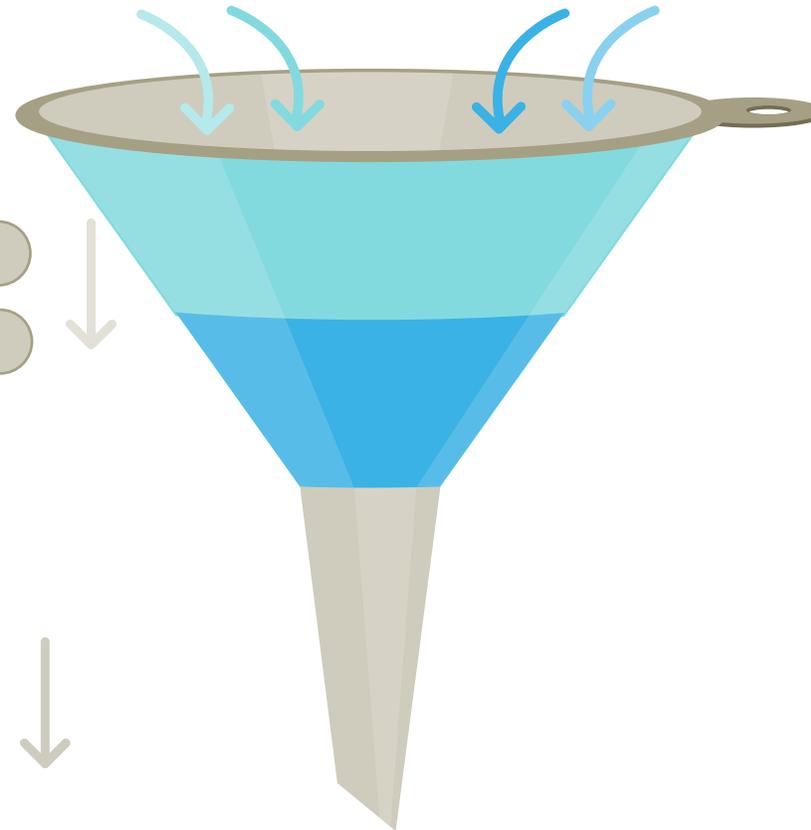
Comparing, contrasting, confirming.
Closed questions.

Is

Did

Can

Could



Start of
Conversation

End of
Conversation

Hierarchy of Reliability

Quality

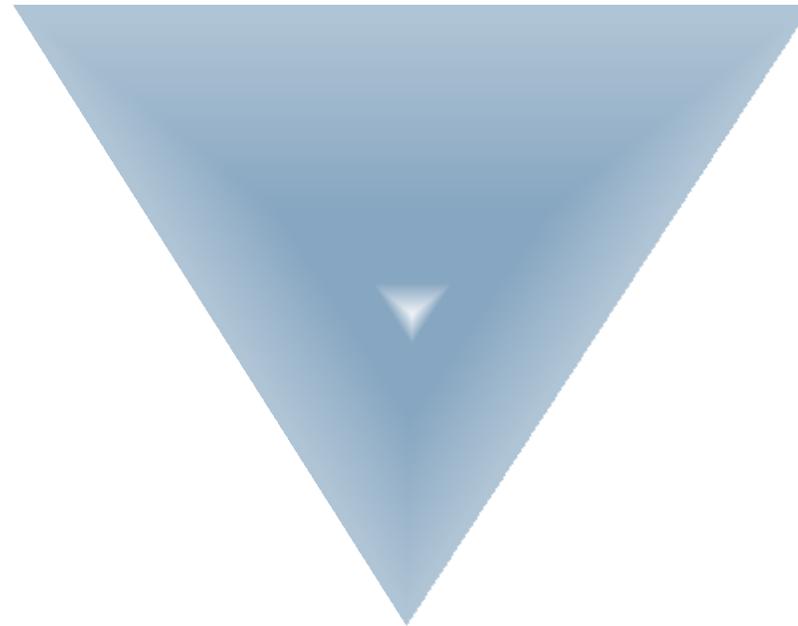
Quantity

Free Recall

Open Questions

Probing

Closed/ Leading



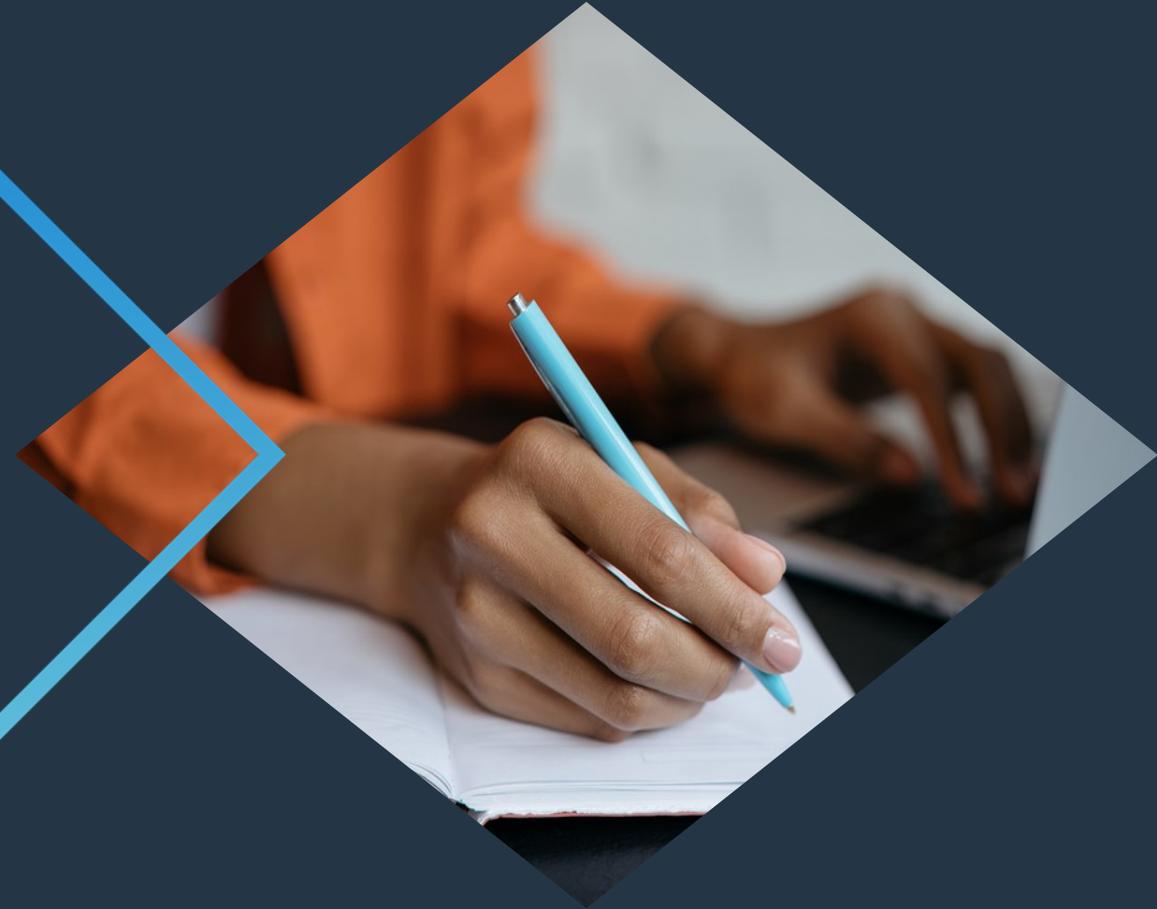


DEAL: A technique for countering disruptive behaviour



STEP	OBJECTIVE	EXAMPLE
Qualify your assertion	Give them the benefit of the doubt	I need to tell you about something that you may not be aware of...
D - description	Describe the behaviour	I need to point out that every time I ask a question you...
E - explanation	Explain the actual or potential effects of the behaviour	This makes it difficult to progress matters... It will take even longer...
A – action required	Spell out the action needed to correct the behaviour	Please do not interrupt me when I am talking... Allow me to finish what I am saying.. I will pay you the same courtesy
L – likely consequences	Spell out what will happen if the requested action does not occur	If you persist in this behaviour after my repeated requests... I will have no option other than to...

NOTE TAKING, CLOSURE/ EVALUATION





Learning Outcome

At the conclusion of this session you:

- Will be presented with a notetaking system;
- Will be familiar with closure and evaluation phases in the PEACE model;
- Will be aware of things that may effect interviews.



Note taking

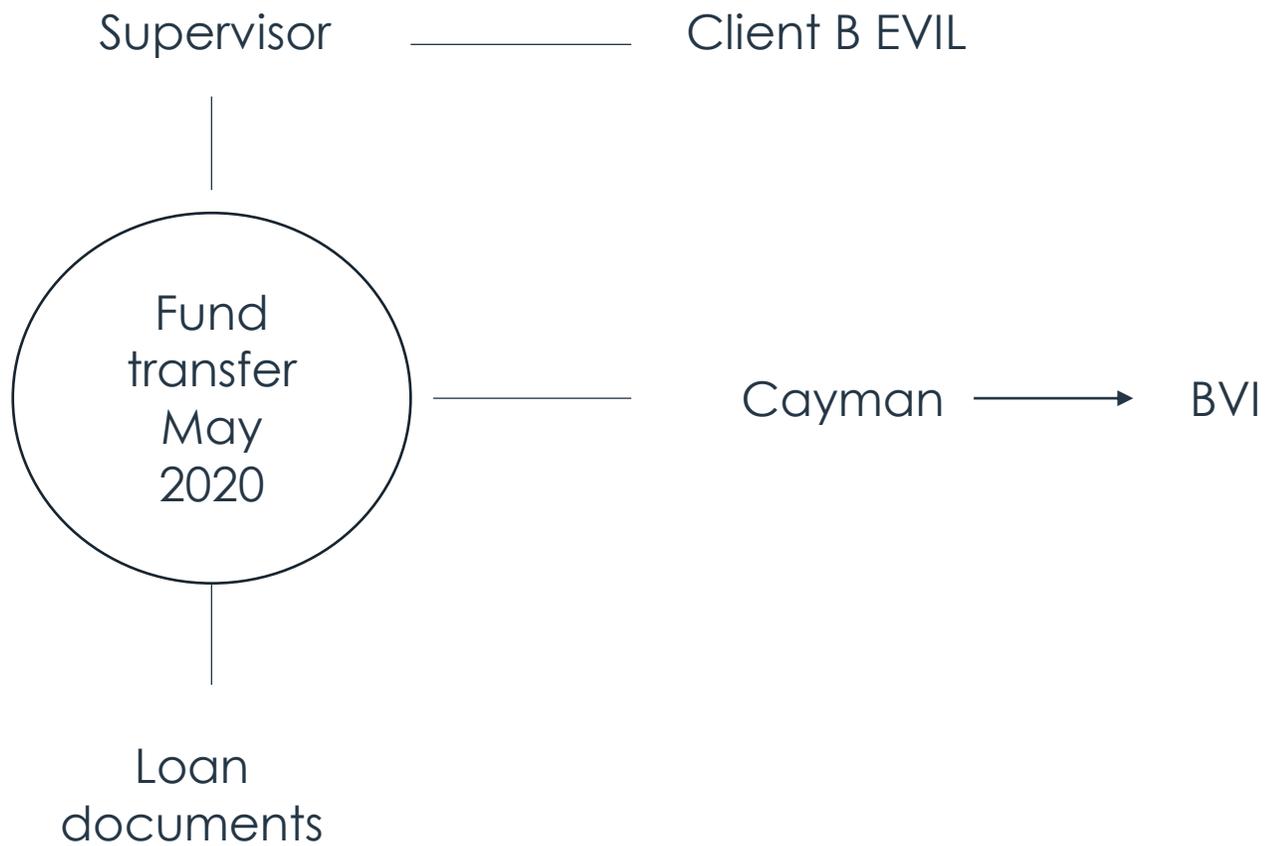
- Only need to write down brief points of what interviewee says
- Write info in a clockwise format to assist in chronology
- Using this system – it is easier to summarise and clarify points.



Example

- Around **May 2010** I was called by my **supervisor** and he informed me that our **client; B EVIL** required funds to be sent from the **Cayman account to the BVI account**. My supervisor asked me to **create loan documents** to support the transfer of funds from accounts.

Example



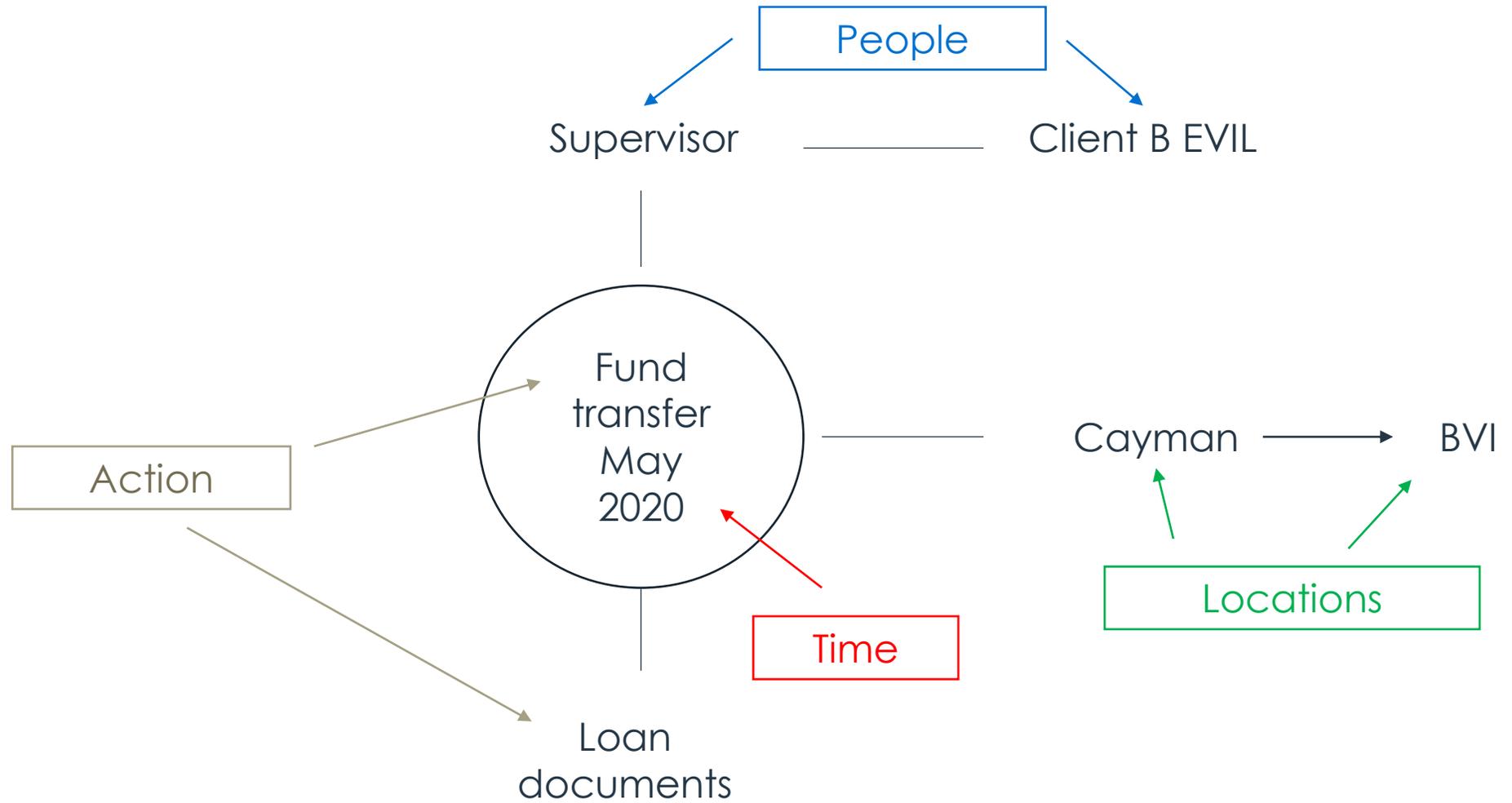
Connect - Context made simple

Any information or evidence



OR...

Detail



CLOSURE AND EVALUATION



Closure

- Close the interview positively by:
 - Re-confirming the facts, gather additional facts, explaining to the interviewee what will happen; and
 - Thank the interviewee for availing himself for the interview.





Evaluation

- Examine whether the aims and objectives for the interview have been achieved.
- Review the investigation in the light of information obtained during the interview.
- Reflect upon how well the interview was conducted and consider what improvements could be made in future.
- Consider whether the interview has new lines of enquiry to follow, such as the involvement of another person not previously known about. Prove or disprove case theory.



Other Interview considerations

- Relevant documents and exhibits should be available;
- Make alternative arrangement to obtain video or photos of exhibits that cannot be available at the interview room e.g. Buildings;
- The investigator should take into consideration the legal requirements, offences and points to prove, etc.;
- Summoning or granting of appointments is done through telephone, Invitation letter, verbal invitation or issuing of compellance notice; and
- The witnesses or suspects may be accompanied by their lawyers but arrangements should be done for them not to interfere with the interview proceedings.

Interview Room Set up

- Maintain control of the interview location
- Official interview rooms are preferred because of many disruptions at a witness's home or workplace, or at the interviewer's desk in a busy office, etc.
- Many investigating Agencies are now embracing modern technologies and modernizing their interview rooms fitted with video, cameras and taping devices

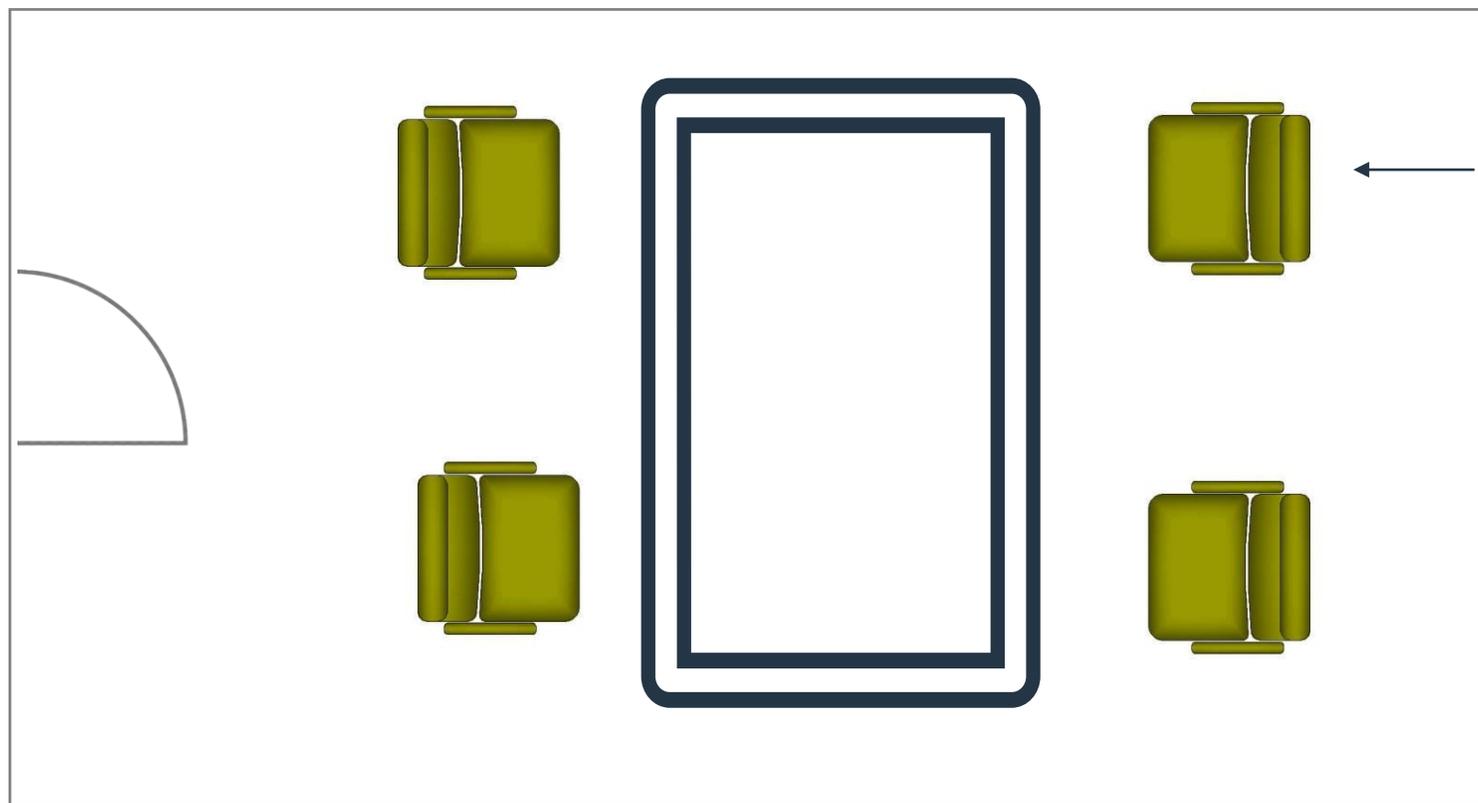




Interview room set up

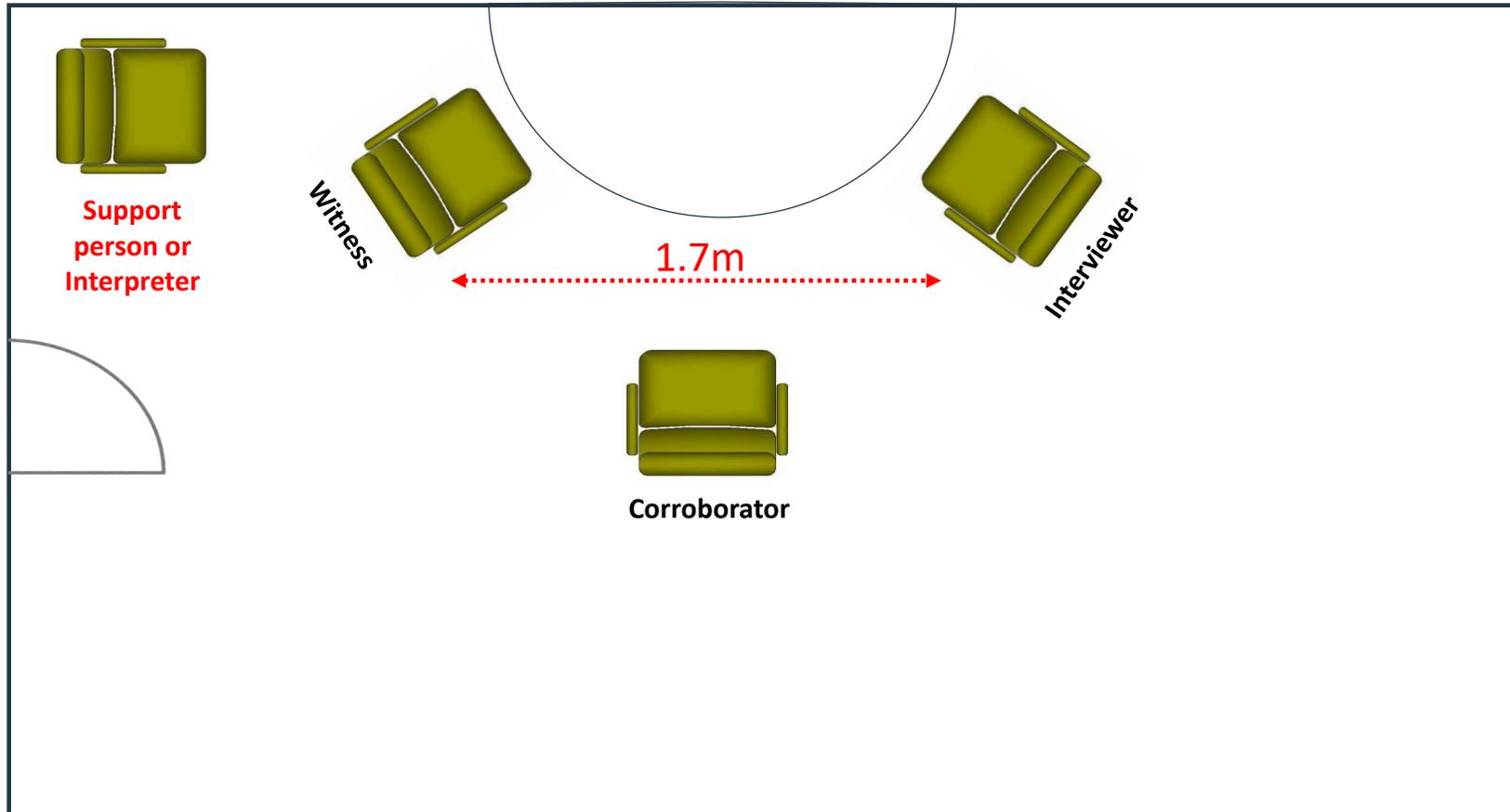
- Interview rooms should have no distractions;
- Have any tables kept to the side of the officer rather than between the officer and suspect ;
- For best results, conversation tends to take place most comfortably at a 90° angle; and
- For difficult witnesses face-to-face confrontational orientation is more appropriate

Typical Police Interview Room



Bad guy sits here!

Ideal room set up



Interviewing in Covid environment

1. Is the interview essential?
2. Can you get evidence elsewhere?
3. Can it be done remotely – via statement/ Video.
4. Admissibility issues.
5. Technology.





Mutual Legal Assistance

- International investigations – information vs evidence
- Disclosure of information
- Interviewing OS

Steak Knives – Bonus material



Anatomy of a fraud – 3 Elements

1



The Trick

2



Financial Gain

3



Dishonesty

BIG 5

Defences - Financial Crimes/Unexplained wealth



01

GAMBLING

Won it at the track.
Casino.
Lottery



02

INHERITANCE

Death of a relative



03

GIFT OR LOAN

From friend or family.



04

ACCUMULATED SAVINGS

Don't trust banks.

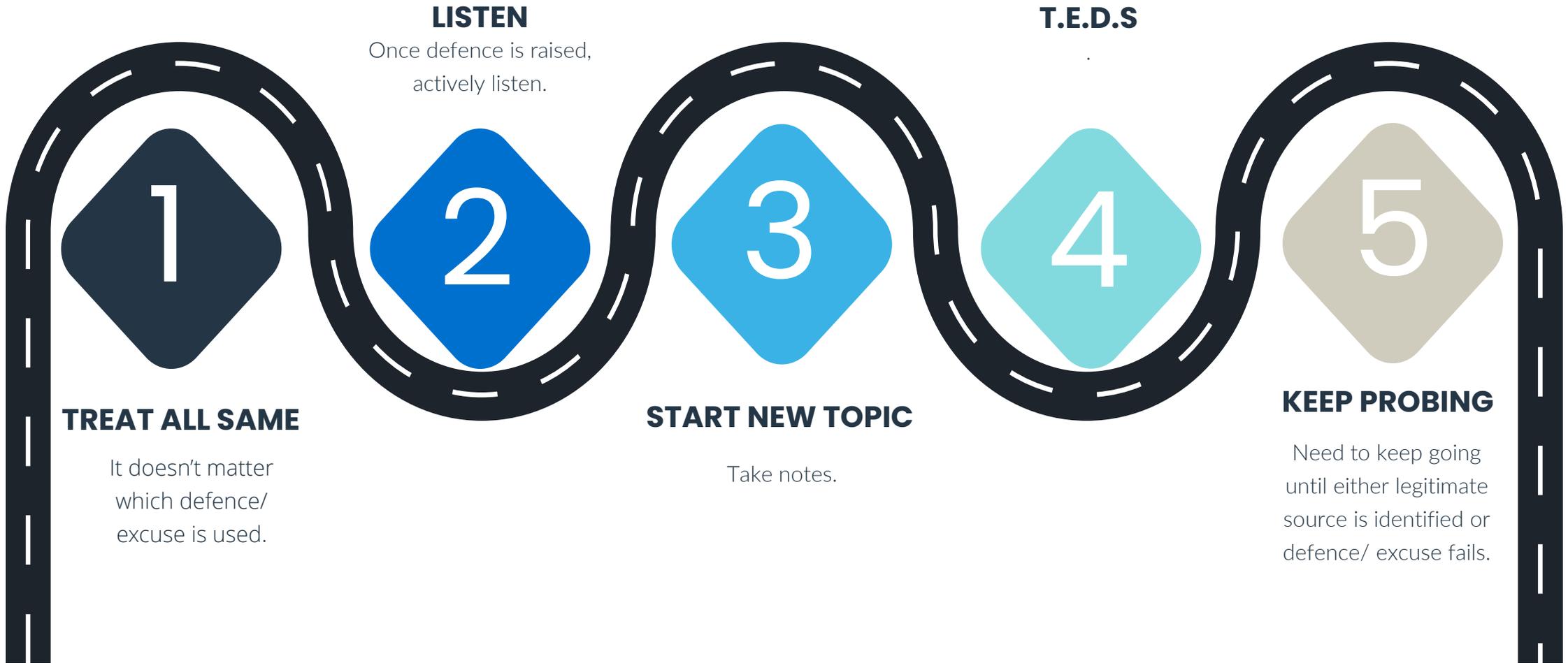


05

SALE OF AN ASSET

Profit from sale of
car/boat/ house
etc..

Roadmap to counter defences

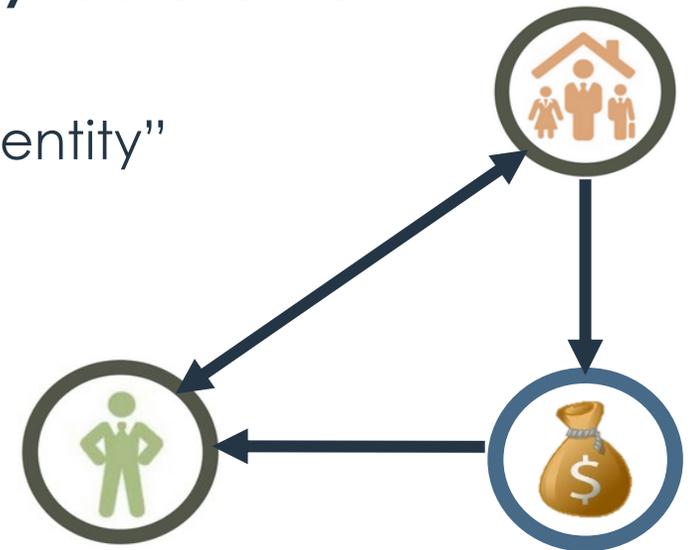


Legal Structures

- Common for suspects to utilise company excuse/ defence
- When a company, trust or other type of structure is encountered in an interview, the goal becomes:

“To determine the flow of funds through the organisation, **as they relate to the offender**”

“To do this, you must ascertain the “key internal controls” of the entity”



Evidence Collection for companies

- Interview supervisors– test their knowledge of the company's business and their involvement in the company.
- Identify persons who can confirm the appointment of senior personnel and their roles and functions.
- Where it is suspected that the directors may be fictitious then undertake relevant identification enquiries.
- Covering key controls concerning cash flows in a business structure will often look through the legal structure to identify who is in actual control of the cash flows.
- In an interview, cover:
 - **Lines of responsibility** for critical transactions (division of responsibility, recording transaction v custody of assets)
 - **Authorisation of transactions** (i.e.. Signatures on bank accounts)
 - **Cash** – (who is involved in its collection, recording, banking and custody)





General Financial information to collect

- Personal details – family details
- Occupation/Employment
- Earning capacity
- Banking details – loans, safe deposits, crypto, OS sources
- Trusts
- Windfalls – defences
- Assets – ownership v effective control
- Gatekeepers – details of professionals engaged – lawyer, accountants Real Estate agents



Summary

✓ PLAN

- ✓ Know your purpose;
- ✓ Know your objectives;
- ✓ Know points to prove;
- ✓ Prepare for Defences & Big “5”
- ✓ Know what evidence is already available;
- ✓ Choose your approach; and
- ✓ Organise your exhibits

✓ DURING THE INTERVIEW

- ✓ Be Flexible
- ✓ Cover “internal controls” when you encounter a legal structure
- ✓ Look out for:
 - ✓ Money Laundering methods;
 - ✓ Asset Concealment methods;
- ✓ If your thorough, it will come down to credibility
- ✓ You have that covered if you use PEACE

Nine Square Plan

PLAT – People, Locations, Action, Time

5WH – Who, what, when, where, why, How

Topic 1 <ul style="list-style-type: none">•	Topic 2 <ul style="list-style-type: none">•	Topic 3 <ul style="list-style-type: none">•
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Topic 7 <ul style="list-style-type: none">•	Topic 8 <ul style="list-style-type: none">•	Topic 9 <ul style="list-style-type: none">•



**PRACTICAL
EXERCISE**



Topic Selection

- Working in your group identify **Topic areas** for your interview of your groups allocated witness/suspect.
- Ensure you identify key evidential aspects you need to cover as well as potential alternative theories or defences.
- Allocate one spokesperson for your group to present to the rest of the course
- **You have 30 minutes.**