

INVESTIGATIVE INTERVIEWING

INTRODUCTION





Learning Overview

- Outline Interviewing and related concepts.
- Define the objectives of interviewing.
- Explain the phases of interviewing.

Objectives of Interviewing



- 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.



Benefits of interviewing training

- more complete, accurate, and reliable information;
- less duplication of effort (e.g. re-interviewing);
- greater consistency in performance;
- better decision-making re prosecutions;
- enhanced credibility; and
- improved public trust and confidence.



TERMINOLOGY

Interrogation

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



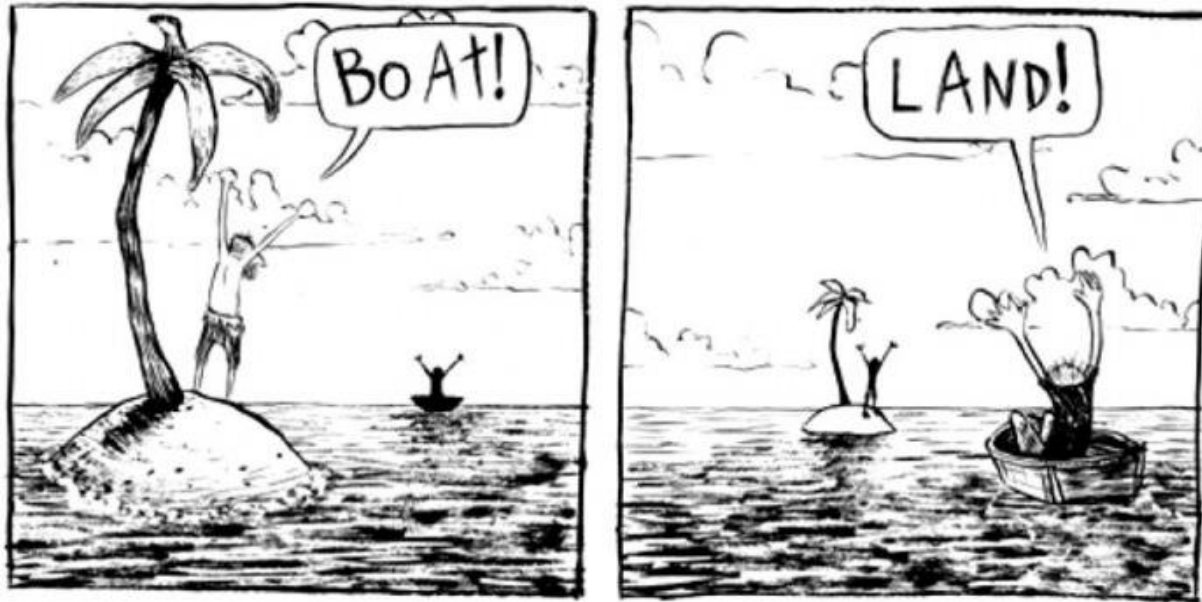
Questioning

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



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

- Fundamental differences

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

What is Investigative interviewing?

“Process of eliciting an accurate, detailed and coherent account of an event or situation in a manner that minimises unnecessary stress or discomfort of the interviewee and assists professional decision-making”

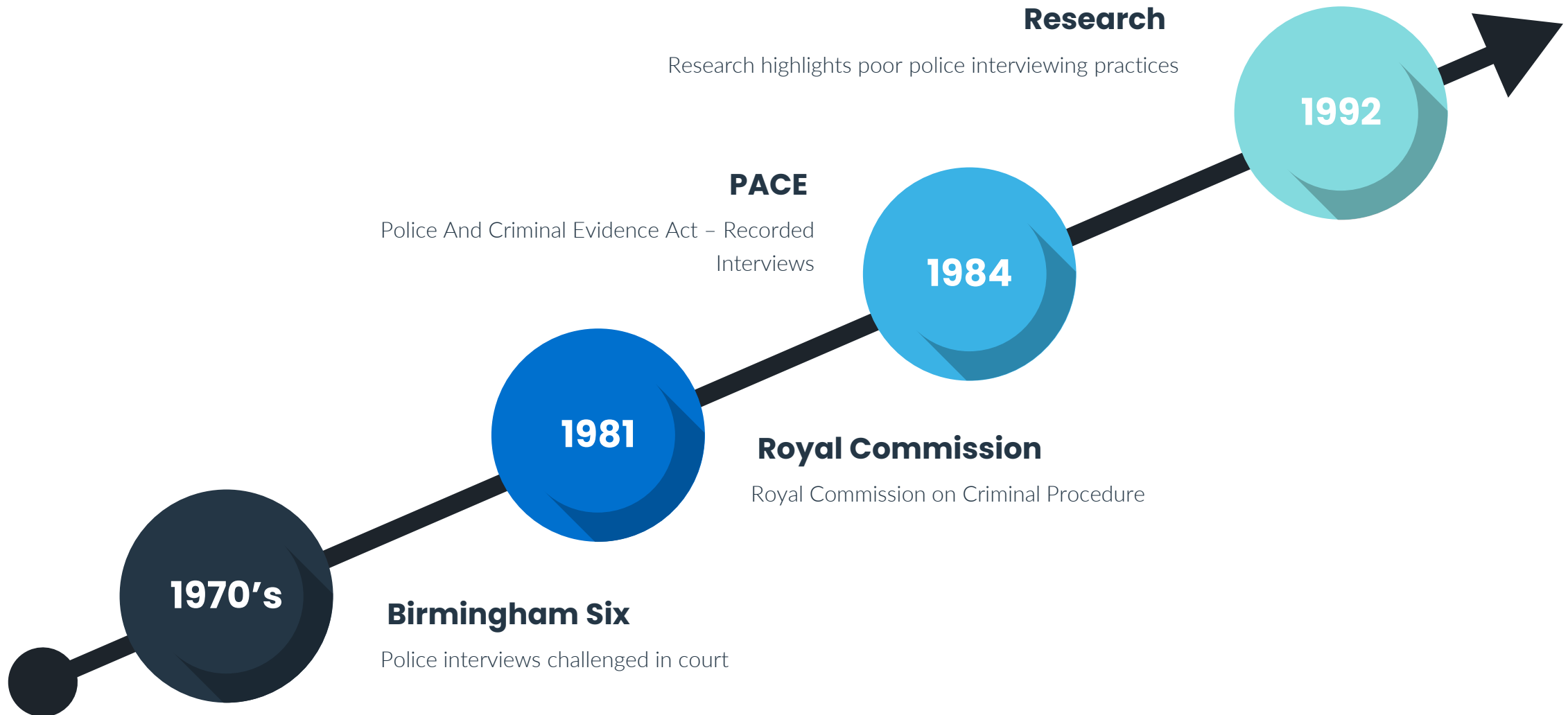


History of Investigative Interviewing

- 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



History





Research

- 1992
- Report on Police Interviews – Professor John Baldwin
- Identified:
 - lack of preparation,
 - a general ineptitude,
 - poor technique,
 - an assumption of guilt,
 - unduly repetitive,
 - persistent or laboured questioning,
 - a failure to establish the relevant facts; and
 - the exertion of too much pressure.

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

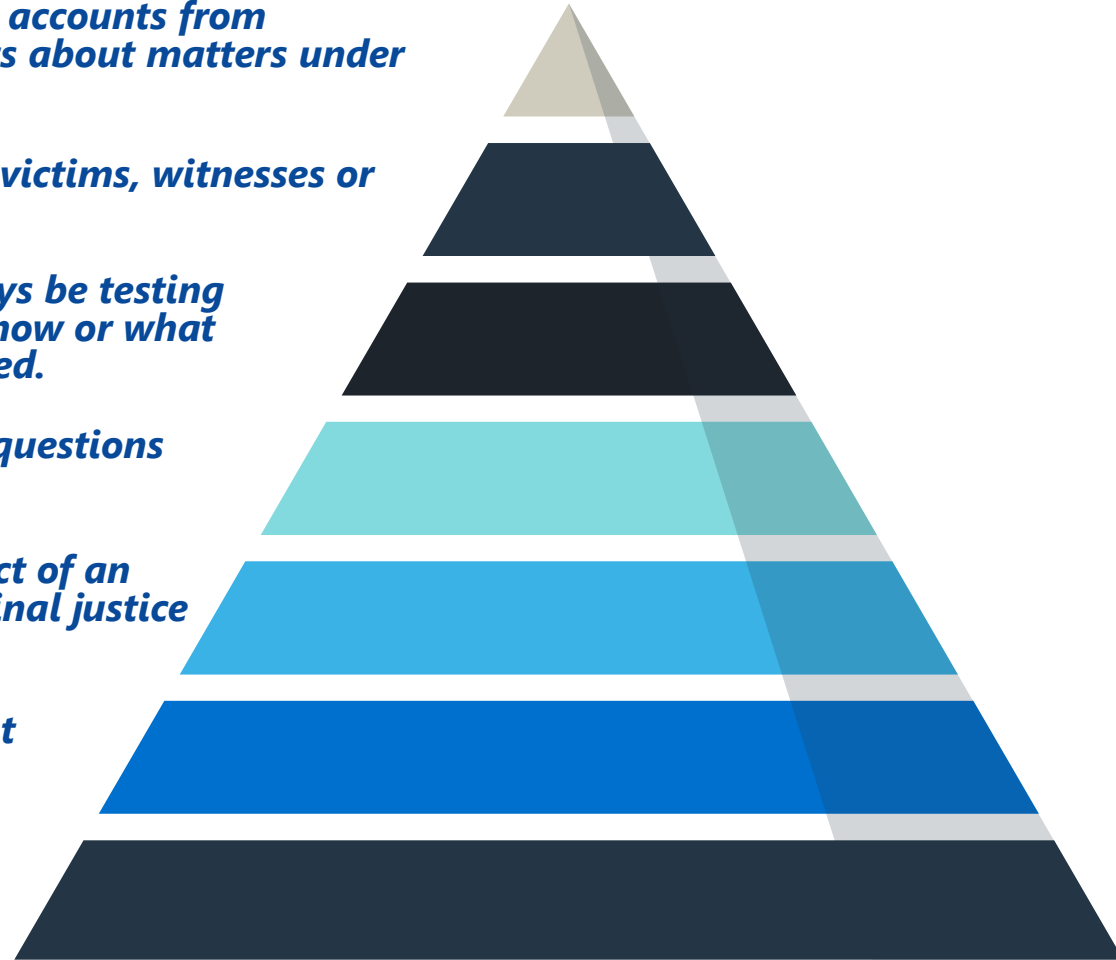
recognize the positive impact of an early admission in the criminal justice system.

06

not bound to accept the first answer given.

07

Right to silence. Still have responsibility to ask questions

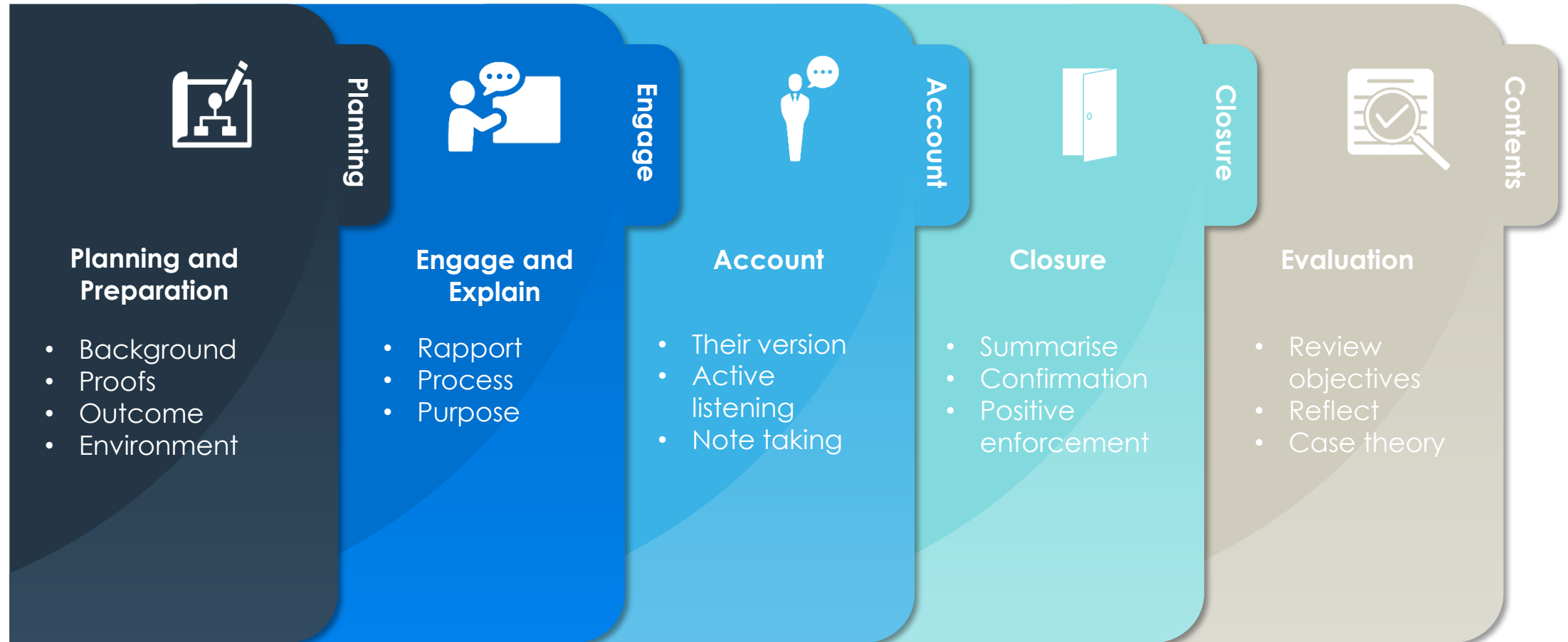




The PEACE Investigative Interviewing Model

- 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





PEACE

- Incorporates 2 sub models:
 - Cognitive interview (co-operative witnesses)
 - Conversation management (Suspects/ resistant witnesses).
- 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.

Reference: Brian Ord, Gary Shaw and Tracey Green, Investigative Interviewing explained (Lexis Nexus, Butterworths, 4th Edition, 2015.)



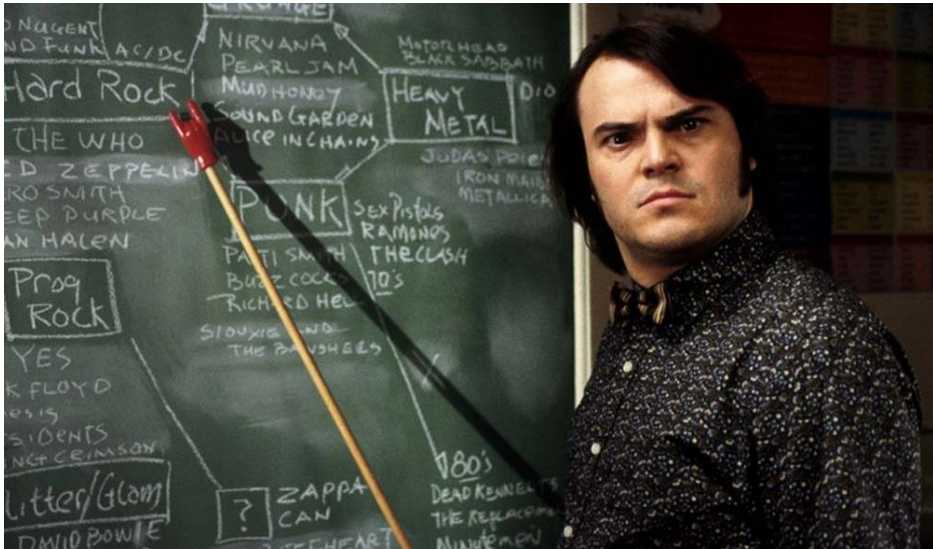
Planning and Preparation

P

- Find out as much as possible about your interviewee.
- Where do they fit into case theory?
- Fraud Triangle/ Diamond.
- Environment - Interviewing rooms need to be clean, quiet and without other files and documents in vicinity as they may distract the interviewee or give him information, he does not need to know

Engage and Explain

E



- Inform the interviewee of the matter under inquiry
- Engage is the first step in order to encourage conversation
- Explain is used because the interviewee must understand the purpose of the interview
- Re-assure confidentiality



Account

A

- Let them give a free account of the matter to the end.
- Listen actively to the interviewee.
- Ask questions to **clarify** or elaborate on any relevant issue.
- Take short notes.
- Take few minutes to review and evaluate content from the interview.
- Spot and get any further information you need from the interviewee.

Closure

C

- 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.

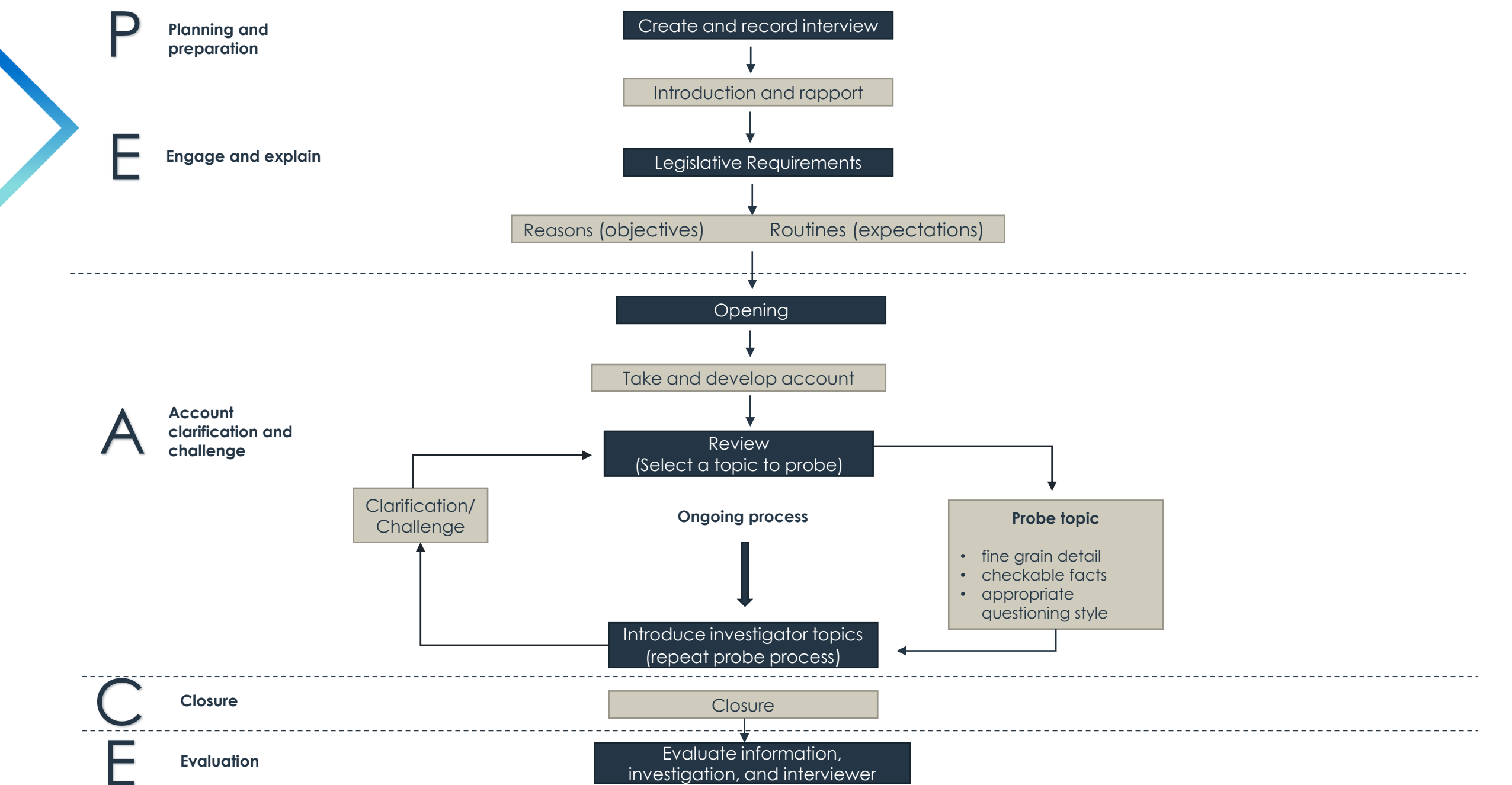




Evaluation

E

- Examine whether the aims and objectives for the interview have been achieved.
- Reviews the investigation in the light of information obtained during the interview.
- Reflects upon how well he or she conducted the interview and considers what improvements could be made in future.
- Considers whether the interview has new lines of enquiry to follow, such as the involvement of another person not previously known about.





Practical Exercise

- Grayson and Phipps are the Directors and shareholders of ABC, a company whose business was the production and distribution of tennis balls.
- In 2016, they made an arrangement with a firm of accountants (DBA and Co) based in Buranda, a known tax secrecy jurisdiction. Under it, money sent to a company controlled by those accountants were fraudulently claimed as a tax deduction by ABC.
- After passing through several foreign entities controlled by DBA and Co in circumstances rendering it untraceable by tax authorities, the money (less agreed deductions) was placed in trust in separate back accounts in Avalon, another known tax haven country, in proportion to the Directors shareholding in ABC.
- The Directors held debit cards issued by a foreign bank for the respective accounts. Using the debit cards Grayson and Phipps withdrew the money from Automatic Teller Machines.
- They did not declare the money in the accounts (or the money withdrawn) as income to the tax authorities but instead used the money for personal expenses. With the accountants they took elaborate steps to maintain the secrecy of the arrangement including the use of fictitious invoices as well as only using cash to pay for assets including a Ferrari, waterfront house and jet ski.



Task

You are part of an inter-agency taskforce assigned to investigate the case using a number of techniques, including investigative interviews.

GROUP 1 - Grayson and Phipps who are the Directors of ABC;

GROUP 2 - Graybridge, the managing partner of DBA and Co, who is suspected of masterminding the arrangement for a number of other entities as well as Grayson and Phipps;

GROUP 3 - Mrs Otway, the Bookkeeper for ABC; and

GROUP 4 - Golden Gordon, a realtor who sold the waterfront property to Grayson and Phipps.



Task

In your groups, based upon the information you have, plan and prepare for the interview of your assigned person.

- Outline what information you have;
 - How the information intersects with your person;
 - What allegations you are looking at;
 - What gaps you need to fill; and
 - What points you need clarified.
-
- **Each group MUST assign one spokesperson to report back to the class. You have 15 minutes for this task.**

Reason for development



INVESTIGATIVE INTERVIEWING

QUESTIONING





Learning Objectives

After this session, participants will be able to:

1. Describe the types of interview questions
2. Construct interview question process



Your ability to question

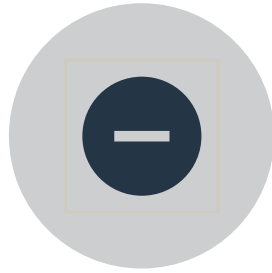
Your ability to construct appropriate questions prior to and during an investigative interview is vital to:

- 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.

El. Rasmussen

SMART INTERVIEW

50% - 55%

Small amounts

Working people 2-4 million

No small unit system

It must also be backed up
by structured police questioning.



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.



Compare and Contrast

- Identifies – potential discrepancies from interviewee's information.
- Appropriately – compare and contrast these discrepancies.
- Clarifies – discrepancies with interviewee.



Compare and Contrast Phase

- Take time to prepare
- 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



Summarise & Link

- Questioning funnel
- 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.**

Your tool belt of questions

Open

Probing /
Clarifying

Closed
(Checking
Confirming)



T.E.D.S

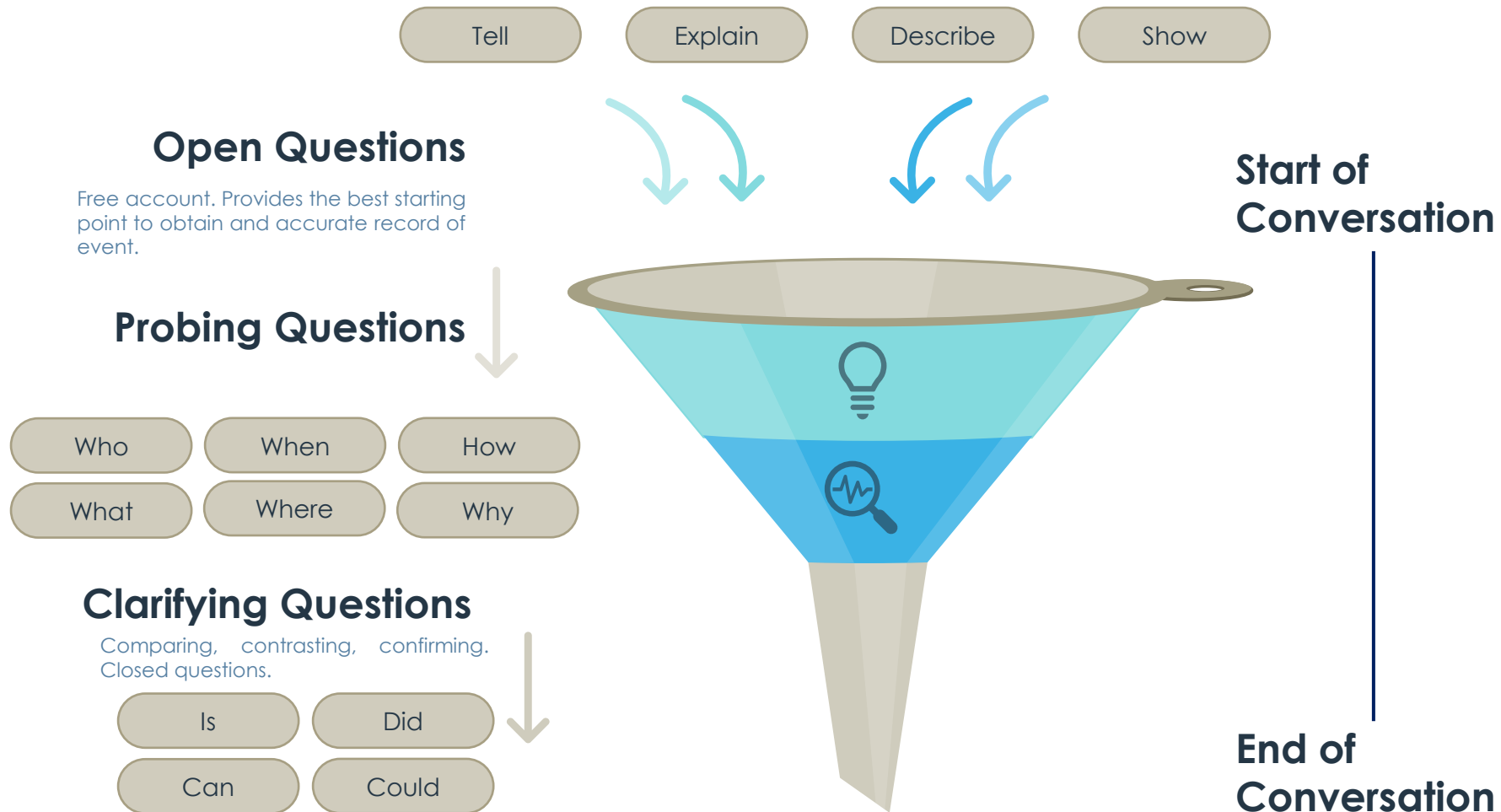
5WH

IDCC

Elicit the
most
information

Can be
answered
In a few words

Questioning Funnel



Hierarchy of Reliability

Quality

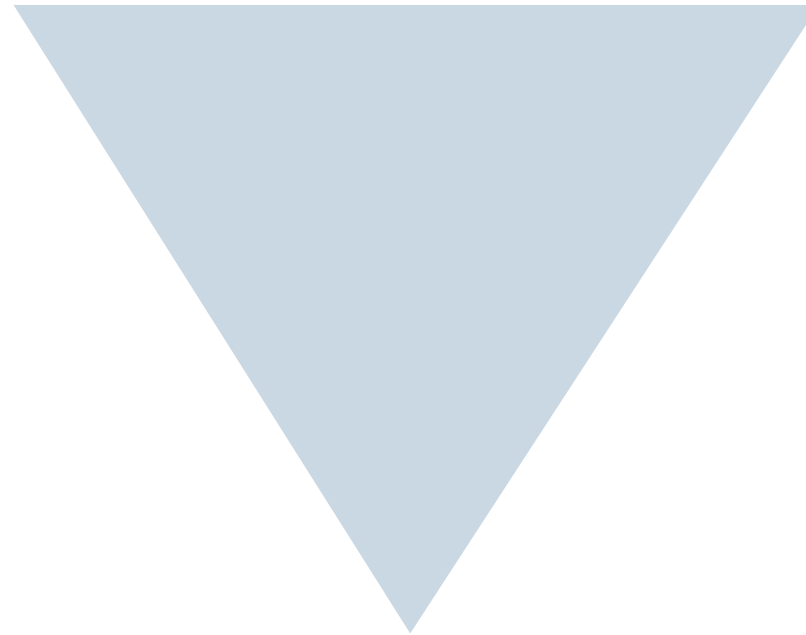
Quantity

Free Recall

Open Questions

Probing

Closed/ Leading






Closure

- Polite – *“Thanks for telling me that”*
- Positive – *“What I’m going to do now is...”*
- Prospective – *“This is what will happen...”*

Remember - You may have to interview this person again!



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...

Exercise – Change Closed-Ended Questions into Open-Ended Questions

Group 1:

1. Do you live with anyone?
2. Is London the capital of England?
3. Do you listen to podcasts?

Group 2:

1. Do you hold a savings account at Diamond Trust Bank?
2. How often do use public transport?
3. Where can someone go to learn more about what you do?

Group 3:

1. Did the teller help you in wiring USD 25,933,923 to Mainland China?
2. Which university did you attend?
3. Have you ever met Joe before?

Group 4:

1. Have you ever committed a financial crime?
2. Do you have a substantial amount of money saved up?
3. Do you use an Apple iPhone?

One spokesperson per group

INVESTIGATIVE INTERVIEWING

PITFALLS AND PLANNING





Learning Objectives

- Identify questioning pitfalls;
- Plan for an interview; and
- Set up an interview venue.



Questioning Pitfalls

- Stem from inappropriate questioning techniques. Techniques include:
 - Forced choice questions;
 - Multiple questions;
 - Leading and misleading questions;
 - Complex questions; and
 - Hypothetical questions.

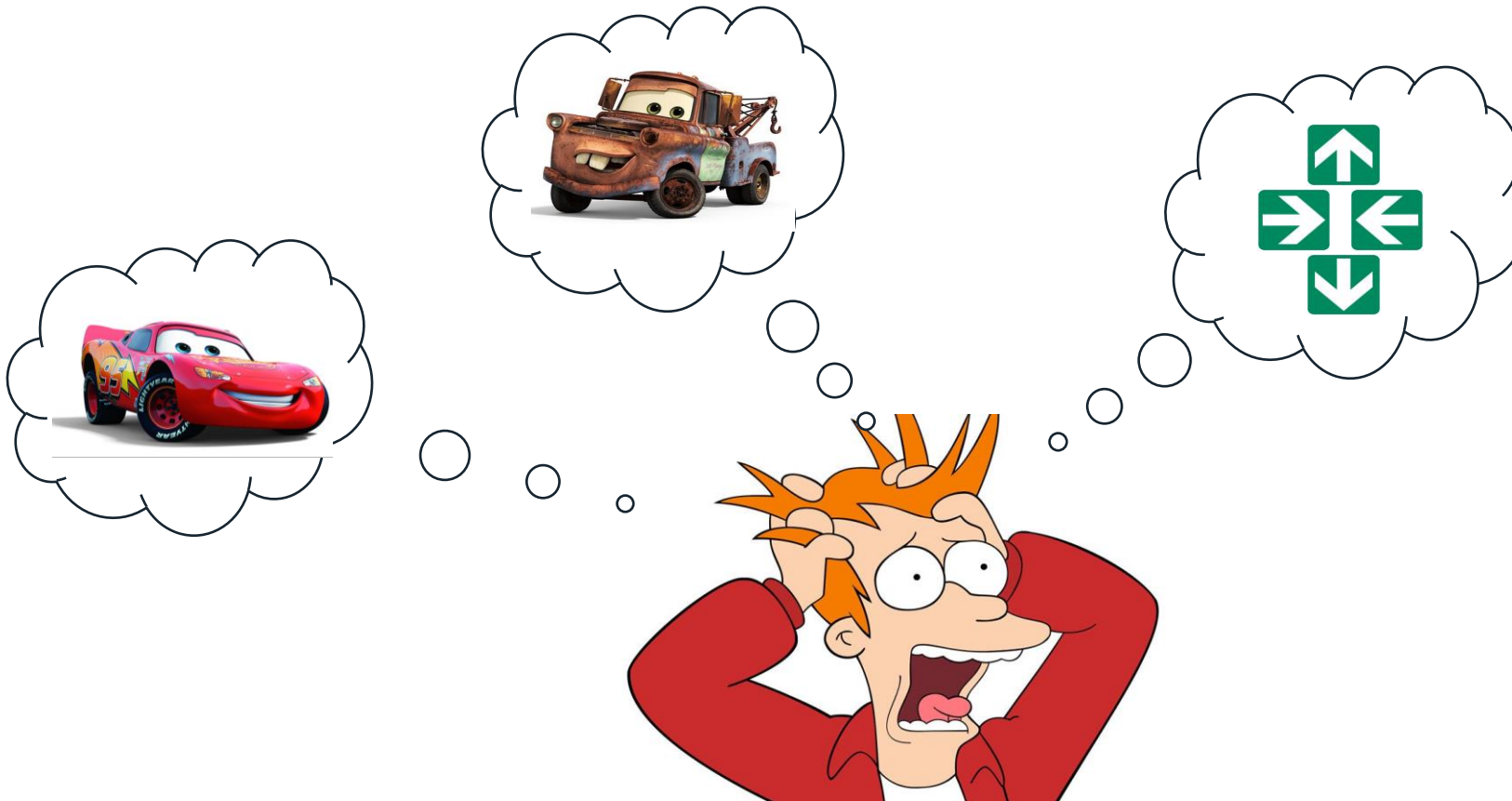
Forced choice questions

- Do you prefer tea or coffee?



Multiple questions

- “Did you see the car? Was there another vehicle ? Which way did it go?”





Leading /Misleading questions

- The distinction between a Leading and Misleading questions concerns the nature of the implied response.
- The first leads the interviewee to a correct response whereas the second leads the interviewee to an incorrect response.

Leading question

- A leading question suggests the answer.
e.g. “was the man carrying a sawn off shotgun?”
- Interviewer has knowledge or has made an assumption
= contamination.



Misleading question

- A misleading question leads the interviewee to an incorrect response.
e.g. “Was the getaway vehicle a blue van, when the interviewee has seen a blue car”.
e.g. “What did the gun look like, when the interviewee hasn’t seen a gun, or to take it further, you did see the gun didn’t you”.





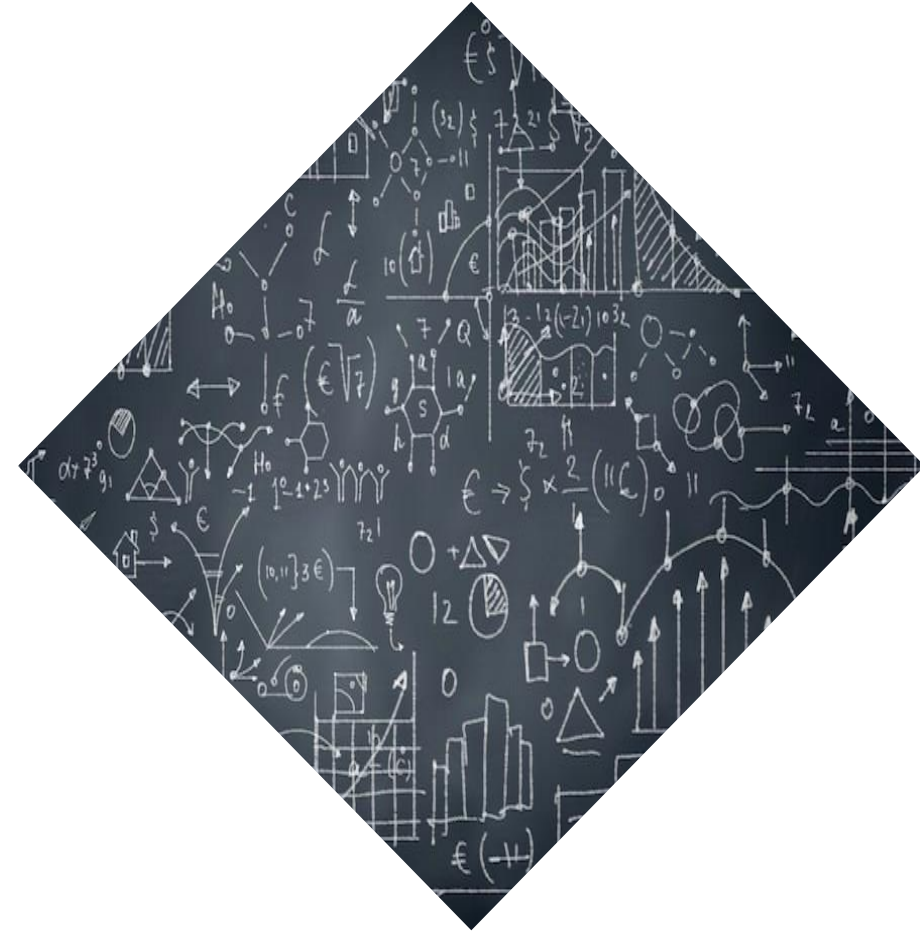
Leading and misleading questions

- **Leading questions and misleading questions** introduce information to the interviewee and imply it is the correct or incorrect response.
 - *Was his jacket black?*
 - *And was the car, a Ford?*
 - *Did you go straight home?*

Complex questions

Complex questions occur when the question is not well thought out by the interviewer:

“You said that you’ve never been there before but I think that you did go there, and that you said you’ve never been there because you know you would get into trouble for being there because you know that place was unsafe. Isn’t that so?”





Questions to avoid

- **Statement / Opinion** type questions are those that attempt to impose the interviewers thoughts and ideas on the interviewee.
 - *We've spoken to the girlfriend and she's telling the truth. (No evidence.)*
 - *You're lying, I know you are!*
 - *Are you sure you don't know what happened*



Hypothetical questions

- **Hypothetical questions** are suggestive questions about things that may not have actually happened. I.e. The 'what if' factor.
 - *You say you didn't hit them, but if you did hit them would you have injured them?*
 - *If you were the driver where do you think you would have gone?*
 - *Would you recognise this person if you saw them again?*



Remember

- The way in which interviewers structure questions can have a marked influence on the responses given by the witness or suspects.
- Thus, it is imperative to understand the nature of questioning in order to conduct the most effective conversation in order to obtain quality evidence.
- Use of silence.

Planning



Just a few things to think about...





Planning

- Cornerstone of all effective interviews.
- 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.
- Imperative for the investigator to develop a detailed knowledge of the matter being investigated and the context within which the interviewee features.
- Includes an understanding of the culture and nature of the interviewee.



Plan your interview

- Identify topics to be covered from evidence;
- Identify points to clarify for case theory;
- Prioritise interviews.



Create your plan

- An interview plan is simply a checklist, list of questions, points of interview.
- A written interview plan summarizes the aim(s) of an interview and provides a framework on which to base the interviewer's questioning.
- A written plan gives an interviewer the confidence and flexibility to conduct a professional and effective interview.



Interview plan should cover

The plan should contain the following:

- The points necessary to prove the possible offence(s) under investigation;
- Any points which may be a defense for committing the offence(s) under investigation;
- Introduction of exhibits – (Numbering);
- Evidence which suggests he/she might have committed the offence; and
- Plan to handle information/evidence that emerges from the interview not previously known.

INFORMATION MATRIX

Case.....

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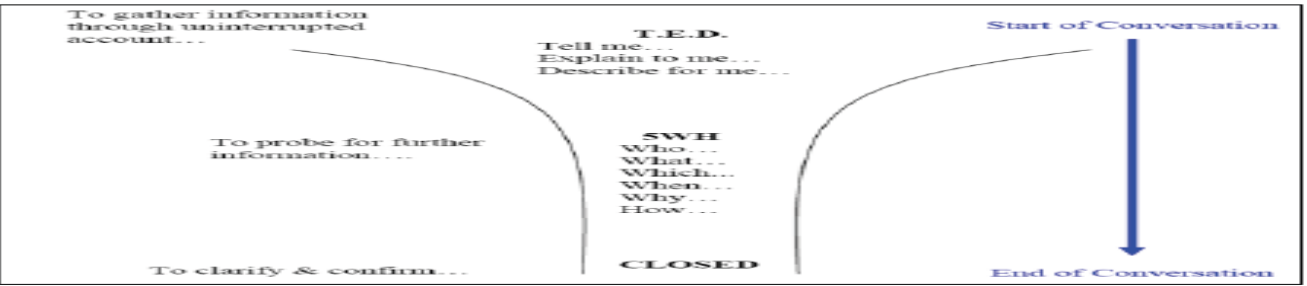
EVIDENCE	WHERE FROM	TO PROVE	COMPLETE

Question: Tell/Explain/Describe

[illegible]

ADVOKATE -TIME UNDER OBS, DISTANCE, VISIBILITY, OBSTRUCTIONS, KNOWN B4, ANY REASON, TIME LAPSE, ERRORS

Stop: _____



•

...correct me if I get it wrong

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

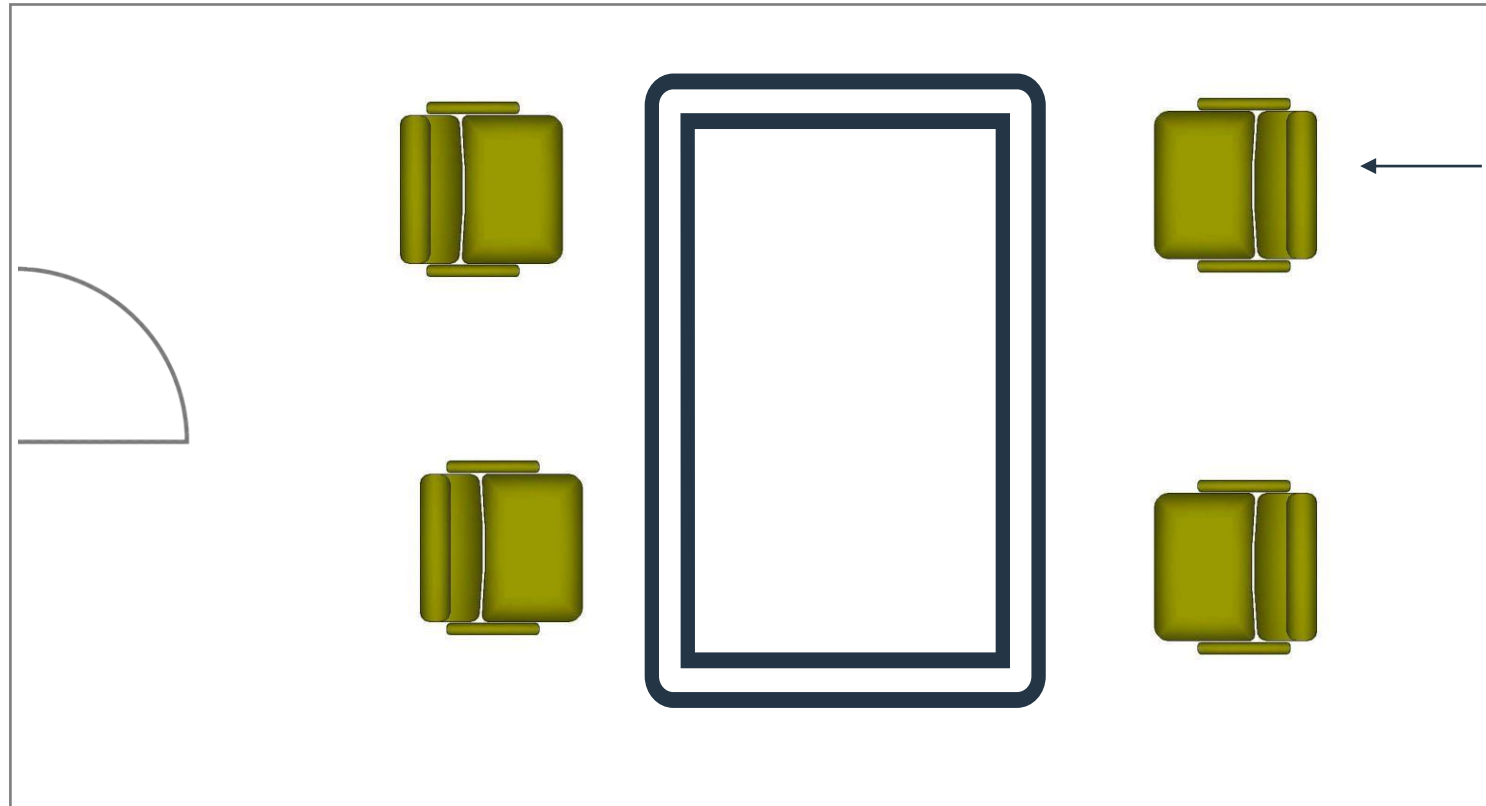




Interview room set up

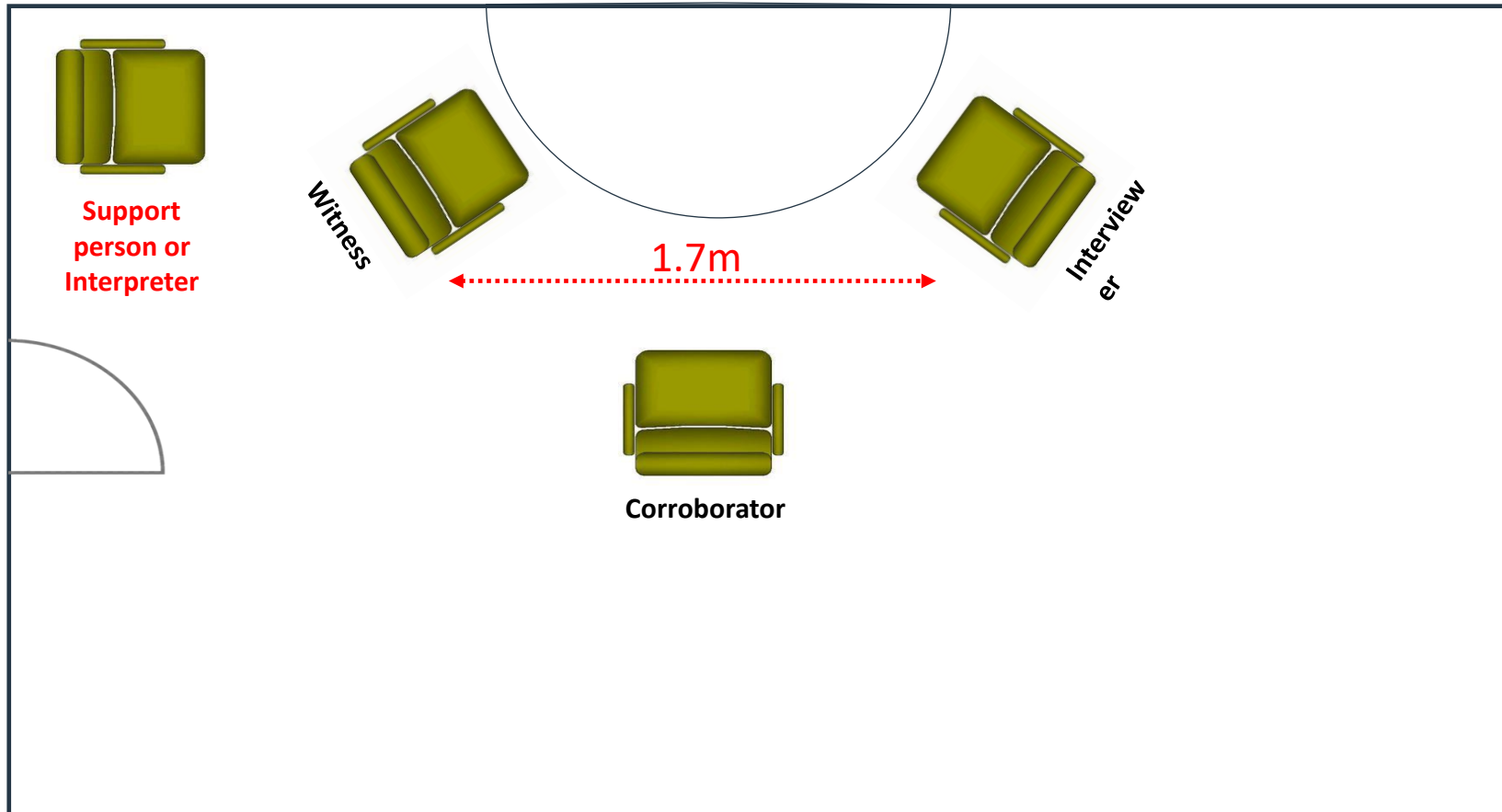
- Interview rooms should have no distractions;
- Have any tables kept to the side of the officer rather than between the officer and suspect ;
- For best results, conversation tends to take place most comfortably at a 90° angle; and
- For difficult witnesses face-to-face confrontational orientation is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

Typical Police Interview Room



Bad guy sits here!

Ideal room set up





Interview requirements

- 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.



Also...

- Note taking;
- Maintain eye contact;
- Writing down questions;
- Documenting results;
- Receiving documents from interviewer; and
- Having a corroborator.



Investigative interviews made **SIMPLE** !

S tructure – puts everything in place

I mpartial – have an open mind

M easurable – obtain checkable facts

P ersonable – its more like a conversation

L isten – gather extra information

E valuate – make informed decisions

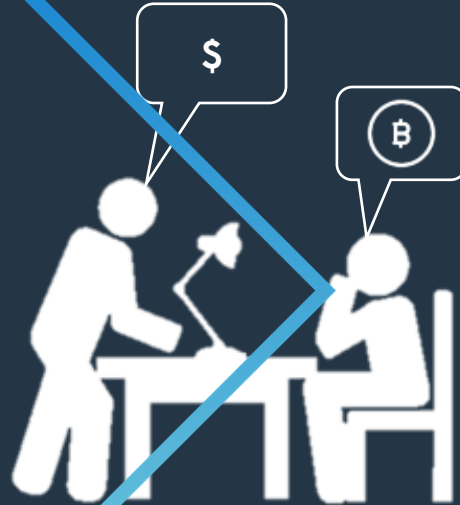
Interviewing in Covid environment

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.



INVESTIGATIVE INTERVIEWING

FINANCIAL INTERVIEW





Learning Objectives

- Outline common issues related to financial interviews;
- Discuss approaches and techniques for financial interviews;
and
- Detail common defences encountered in financial interviews.

Financial Interviews

- How is a financial interview different to other interviews?

Only differs with regard to Content

Essentially, a successful interview will require more than the witnesses recollection or suspects statement, it will also require background and context of events.

Document custodians are in particular very important, as without the evidence supporting the documents, they will not be admissible.



Financial Interviewing Basics

- Goal of a financial interview?

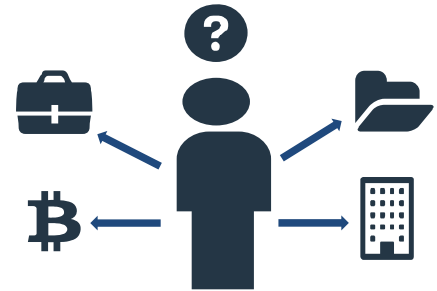
A financial interview seeks evidence of a financial nature in support of a financial investigation OR financial aspect.

- The main people interviewed are:

Suspects, Witnesses, Custodians.

- What type of evidence do you seek in a Financial Interview?

Oral Testimony, adoption of documents/evidence, Corroboration.



Interviewing Preparation

- **Normal preparation**

- *As per normal interview, identify topics based upon your case theory and information and evidence, breaking down to the points to be proved and compared to what points must be established or corroborated in the interview.*

- **Organise the exhibits you want to show during the interview**

- *Ensure you have a well established unique – cradle to grave numbering system that is utilised.*
- *If you plan to show exhibit always establish the order in which you are going to ask your questions or approach the interview*



Interview Preparation, cont...

- Many ways to approach or organise your interview.
- Use PEACE. Structure topics:
 - Chronologically; or
 - By Document or Subject; or
 - By Event/Transaction.
- When offender is unknown, or still in Fraud discovery, Consider Fraud Diamond.

Common Defences/issues

Fraud or Misappropriation Investigations

- There are many defences at law, but ultimately conviction requires proof of:
- **act/s of dishonesty** **plus**
- **a financial benefit.**



- Common nature of defences seen in the more complex matters:
not dishonesty, but rather bad business practices or a misunderstanding of what was required.
- Many offenders are identified seeking to recover the financial benefit.
In life, bad business practices rarely rewards the business operator.





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.

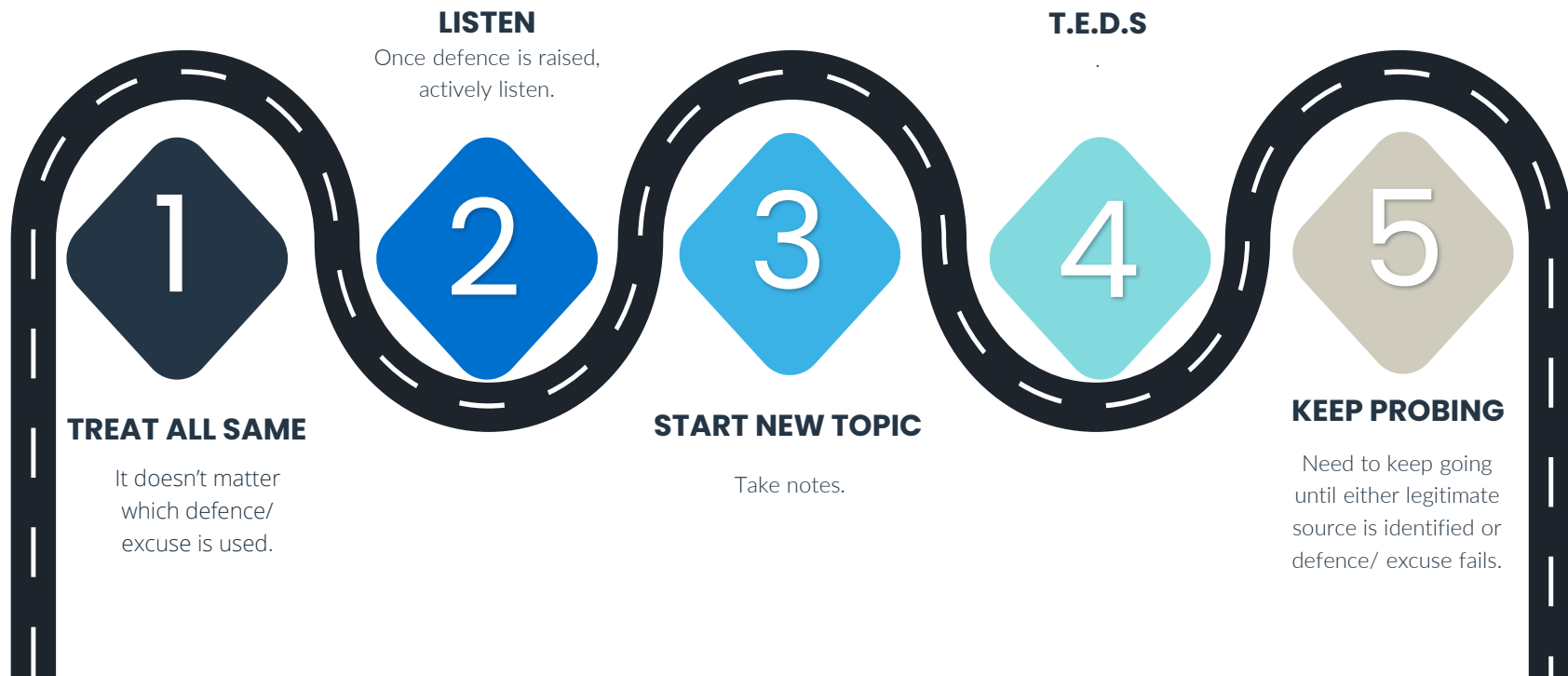


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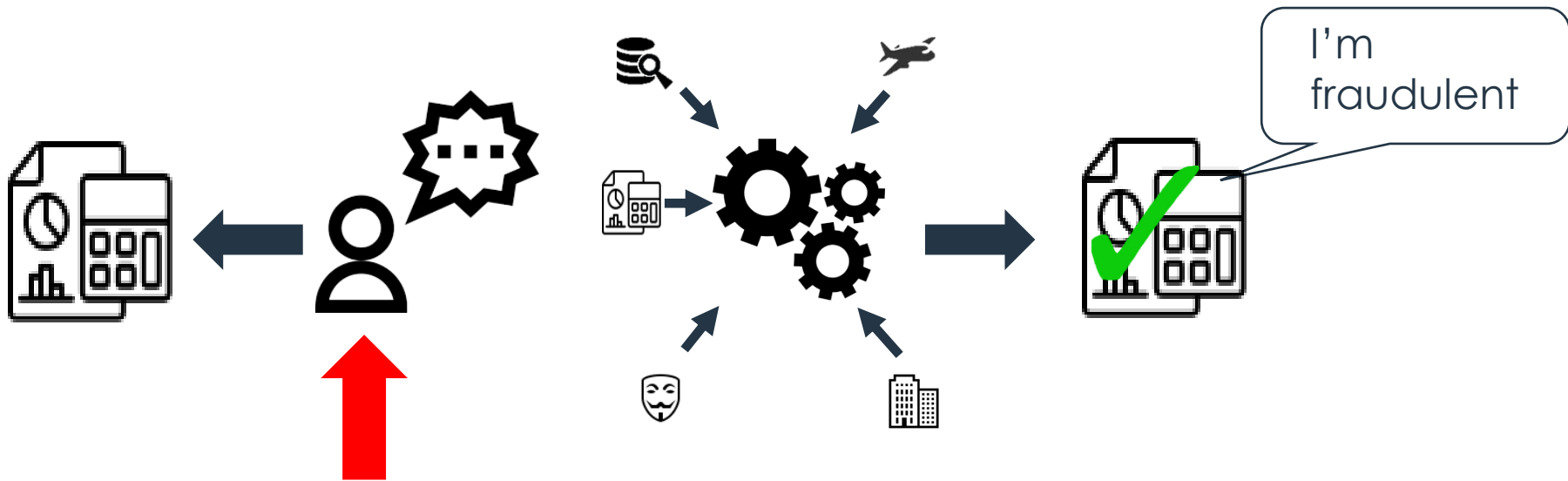
SALE OF AN ASSET

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

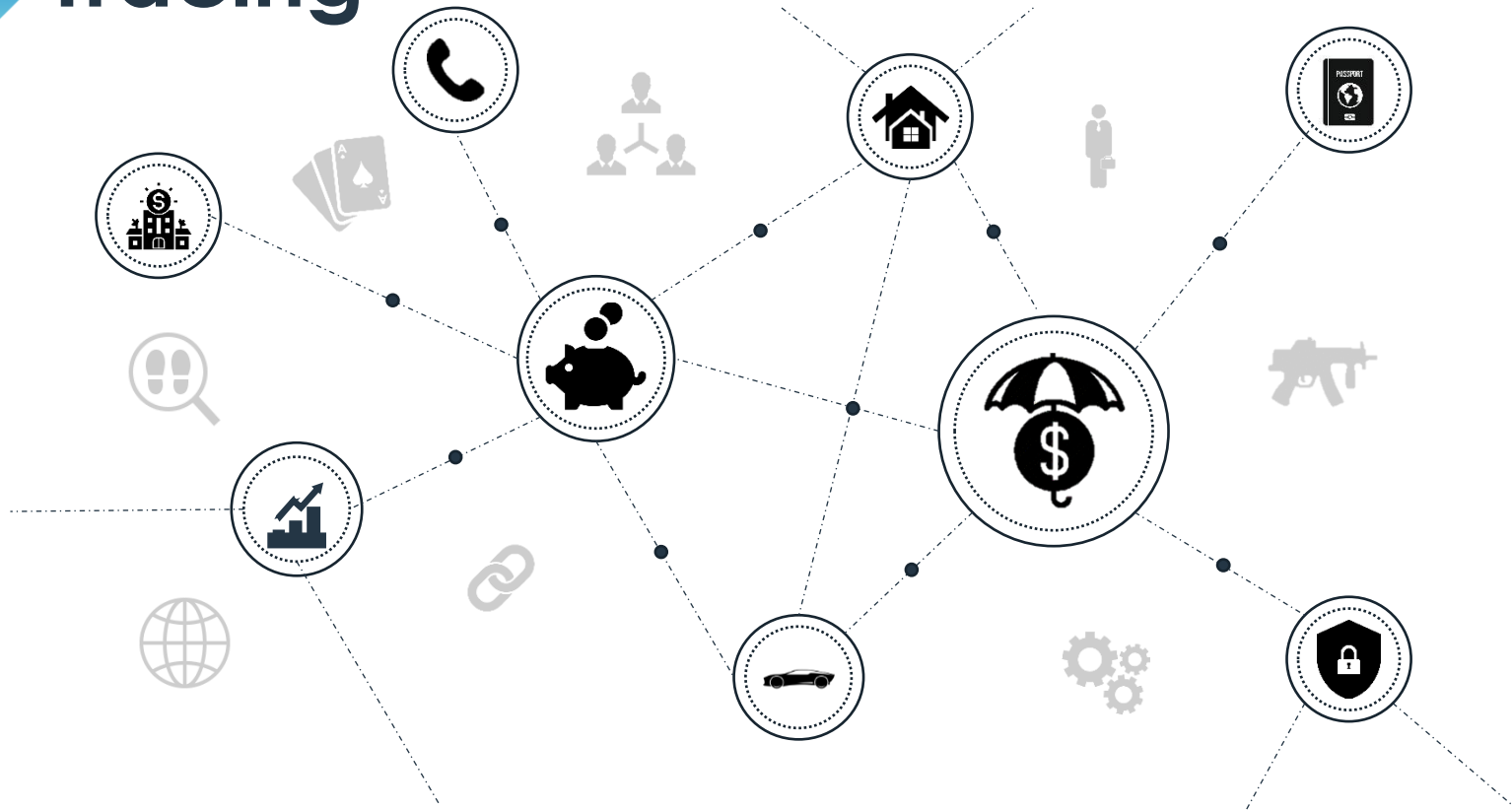
Roadmap to counter defences



Context and admissibility



Tracing





Approaches

- Chronological
- By document
- Event/transaction



Transaction Tracing Concept as an approach.

- A complete answer of what occurred will need tracing an event from its inception to its ultimate completion.
- In financial terms this means determining the true source of cash/funds and tracing it to its ultimate use or destination.
- When critical transactions are identified, the transaction tracing approach should be used to draw out the information to identify its true source or destination.

Transaction Tracing – “Follow the Money”



Source of Funds
(Payment)

POINT FUNDS WERE EARNED



Documentary

Financial
Transaction

Evidence

Control
by
Suspect



Application of Funds
(Receipt)

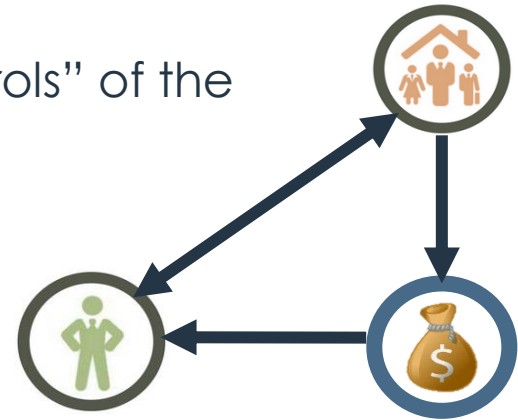


Legal Structures

- 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)





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
- ✓ Use Transaction Tracing Approach
- ✓ 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

Larry King



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