The Anatomy of An Investigative Interview
Upper Midwest Employment Law Institute

The 5 Stages of Interviewing

1. Opening and Tone Setting
   • Stage setting
2. Uninterrupted Initial Narrative
   • Listening
3. Reconstruction
   • Analysis
4. Deconstruction, or “Push”
   • Testing and challenging
5. Closing
   • Recap and continuity

Stage 1: Opening and Tone Setting

• Set the stage for the interview
• Complete necessary logistical and procedural steps
**Interviewer Preparation**

- Ensure that the interview site is well lit, well ventilated, and private
- Provide interviewee proper notice of the interview
- Know and understand policies governing participation in an investigative interview
  - Required to participate?
  - Appropriate notices
  - Collective Bargaining issues
- Be fully prepared to begin and conduct interview
  - Checklists

**Interviewer Demeanor**

**humanize the process**

- Be professional, neutral, welcoming, and active
- Respond to challenges or problems with empathy and helpfulness
- Use “small talk” and simple questions to establish comfort
- Provide notices, but avoid droning or being dismissive
- Provide opportunities for witnesses to easily provide information unrelated to specific interview topic
  - “Low hanging fruit”
- Create a pattern of cooperation and agreeability

**Investigator should be “Baselining”**

- Observe demeanor, rhythms, body language and speech patterns in relatively unstressed situation
- Test different kinds of questions
Stage 2: Uninterrupted Initial Narrative

- Unravel and re-organize thoughts of interviewee
- Generate recollection and clarity of detail
- Create a dynamic of speaking and listening
- Assure that mega-messages of the speaker are fully understood
- Create a shared reality by:
  - Seeing the arc of the narrative
  - Identifying, but reserving questions about gaps and subtleties

Methods to facilitate an uninterrupted narrative

- Minimal probing
- Intense listening
- Avoiding questions
- Little, if any, note taking
- Appreciative prompts

At this stage, the investigator must:

- Make a commitment to fully listening
- Model appropriate appreciative listening
- Avoid getting "pulled out of neutral"
- Be patient with disorganization
- Tolerate lack of detail
- Tolerate lack of chronological integrity or continuity

Investigator Techniques

- Use open-ended and general questions to prompt the interviewee to share what they know
- Urge spontaneous "storytelling"
- Use note taking sparingly
- Respond verbally and non-verbally when appropriate and necessary
- "Admiring the gift," rather than opening it.
Stage 3: Reconstruction
- Obtain more detailed information
- Create a cooperative situation
- Construct a chronology of events
- Less emotional, more analytical
- Facts, facts, facts.

Methods for Reconstruction
- Revisit topics discussed in initial interview with specific and detailed inquiries
- Sort events discussed chronologically and by significance or severity
- Assume a more businesslike demeanor
- Urge specificity

Core fact questions
- What exactly happened
- Where it happened
- Who saw it / heard it
- Who was told about it
- What was done in response
- What actions were taken
- When it happened, when it was reported
- Documentation?
- Know of other, similar instances?
- Everything else
Documentation and Detail

• Detailed notes
  – Facts only
• Chronology – use whiteboard
• Use tasteful “demos”

Stage 4: Deconstruction/Push

• Create opportunities to test interviewee’s credibility
• Obtain response/reaction to outside evidence or statements of others
• Use inconsistencies to challenge veracity of statements
• Move from self-advocacy to truth telling, if applicable.

Methods for Deconstruction

Move from least confrontational to most confrontational

• Question gaps and inconsistencies
  • “no big deal”
  • self-effacement or collaboration
• Ask confirming questions based on non-credible or improbable statements
  • Own perception
  • Speculation
  • Suggestive
• Directly confront credibility of interviewee or present evidence and statements of others
Confrontation
- Introduce the evidence or source of information and confirm familiarity
- Ask for a response, reaction or explanation
- Make credibility observations
- If appropriate challenge statements that others have been untruthful.

Techniques for Deconstruction
- Speak slowly and calmly
- Maintain good eye contact
- Use empathy and sympathy as much as confrontation
- Cite helpful regulations or policies
- Use the individual’s key interests to encourage them to keep talking

Stage 5: Closing
- Confirm the accuracy of the information gathered
- Provide a buffer to allow the interviewee to re-engage
- Ensure that appropriate expectations have been managed
Steps for Closing an Interview

• Recap all that has been said in the interview
• Make certain that the interviewee is informed of expectations and policies regarding their interview and the information gathered.
• Thank the interviewee

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