Keeping Focused: Why We Interview

• To get as much accurate and relevant information as possible
  – People will talk to good listeners who are empathetic
  – People will be cautious and withhold information from adversaries
Interviews Involve Intense Multitasking

• Baseline observations while building rapport
• Assuring proper notices while creating an environment of trust
• Assessing credibility while focusing intensely on the facts
• Understanding perceptions and facts and being able to distinguish between them
Investigative Interviewing Is Both Art and Science

- You must understand the legal implications of your demeanor, conduct, questions and procedures
- You must understand the psychology of the workplace and employment
- You must be able to flex to adjust to the circumstances and subject of the interview
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
• Administrivia, Baselining and Connecting (ABC)
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
Pre-Interview Information

- The purpose of this interview
- Who has retained investigator to conduct this investigation
- Neutral fact finder, no preference or predetermined outcome
- (That I am entitled to union representation)
- Notes will remain in possession unless notes were taken in personal capacity
Pre-Interview Information

• That investigator will be providing a report to___
• That I am participating voluntarily in this interview
• Information will be shared if necessary
• Should not discuss content of interview with others
• May need to re-contact or re-interview
Interviewer Demeanor
humanize the process

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

• How does this person behave in unstressed conditions?
  – Tone of voice?
  – Processing Speed?
  – Eye contact and demeanor?
  – Fillers and speech patterns?
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
The BFOEQ

• Big fat open ended question
  – What do you know about why I am here?
  – What do you know about why you are here?
  – Do you have some idea what this is all about?
  – Can you tell me about morale here?
  – Are you are aware of any problems affecting your work environment?
If necessary

- Walk slowly down the specificity triangle:
  - Direct questions
  - Isolate to place, time, context
  - BFOEQ
Methods to facilitate an uninterrupted narrative

• Minimal probing
• Avoiding questions
• Little, if any, note taking
• Appreciative prompts
At this stage, the investigator must:

• “Listen with your face”
• Avoid getting “pulled out of neutral”
• Be patient with disorganization
• Tolerate lack of detail
• Tolerate lack of chronological integrity or continuity
Don’t “Jump In”

• Demonstrate patience and restraint
Investigator Techniques

• 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
  Team Spirit

• 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?
• What happened afterwards?
• Where it happened?
• Who saw it / heard it?
• Who was told about it?
• 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”
Be relentless

• You need to keep drilling down to the point where you can “see it.”
TAKE A BREAK
Think it Through

• What have you observed?
• What information do you still need?
• Have you observed anything that has led to doubt, concern, or gaps in understanding?
• Have you developed biases or do you need to revisit blind spots?
• How will you approach all of these?
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
Be unpredictable

- Keep your demeanor professional, but vary questioning style and tone.
- Come at issues from various perspectives..
- Hypotheticals, devils advocate, wonder.
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
Special Issues

• Witnesses
• Respondents
What are Witnesses Worried About?

• Reprisal/Retaliation/Payback
• Social Consequences
• Being Viewed as a Squealer
• Getting Someone in Trouble
• Their own Actions/Risks
Start With Interests

• Everyone at work has a shared interest in:
  • Getting along
  • Keeping their job
  • Getting Paid
Other interests

- Recognition
- Reward
- Affiliation
- Fairness
- Justice
Ask empathetic questions to ascertain interests

• Be careful of promises you can’t keep, but focus on what can be done or will be done to support their interests
• Remember that if you go negative, you can’t go back.
Using Employment Leverage

• Is it worth it?
• Is this the only employee who can give you the information?
• Can you proceed without this employee’s testimony?
• Are there alternative sources?
Carefully Trim Your Witness Questions

- Get “just enough” information
- Spread it around if you can
- Try to have them think through the consequences of sharing information.
Responsive Interviewing
Special Respondent Issues: **Bend over backwards for fairness!**

- Always assure -- and mean -- “You will have an opportunity to respond to each and every allegation that has been made about your conduct.”
Deep Probe

• Then present the respondent with the allegations
  – “It has been alleged that you __________. Do you recall doing that?”
Respondent Denies

• “Why do you think someone would get the impression…?”
• “Is there anything that might have been misunderstood?”
• “Tell me the joke you did tell.”
• If respondent declares that someone is lying, ask about the motivation to lie
Respondent Admits

- Use empathy
- Ask about other situations where conduct has given rise to complaints
- Ask about corrective steps taken by respondent
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FINDING THE FACTS:
What Every Workplace Investigator Needs to Know

by Fran A. Sepler