



SEPLER & ASSOCIATES
Investigative Interviewing
In Depth Training
UMELI, 2010



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



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, Baselineing 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



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 Baselineing

- 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



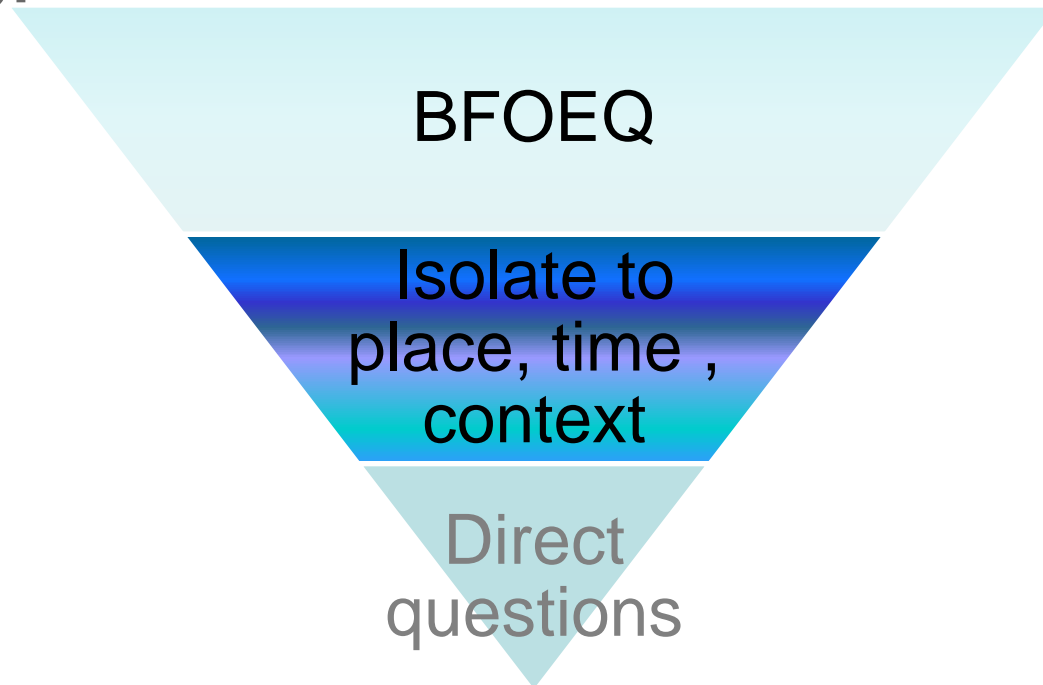
The BFOEQ

- 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:





Methods to facilitate an uninterrupted narrative

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



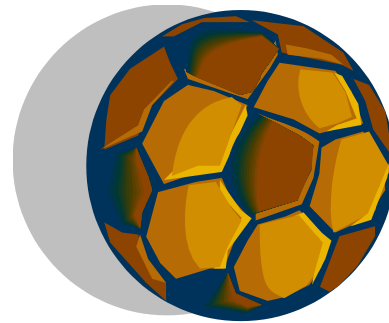
At this stage, the investigator must:

- “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



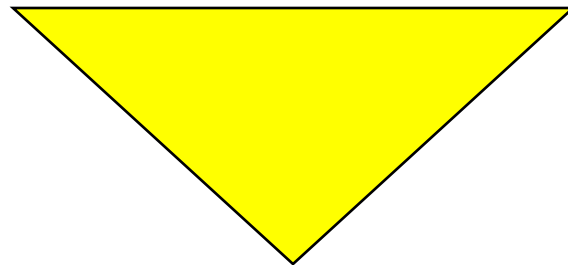
Special Respondent Issues: ***Bend over backwards for fairness!***

- 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?”



General



Specific



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

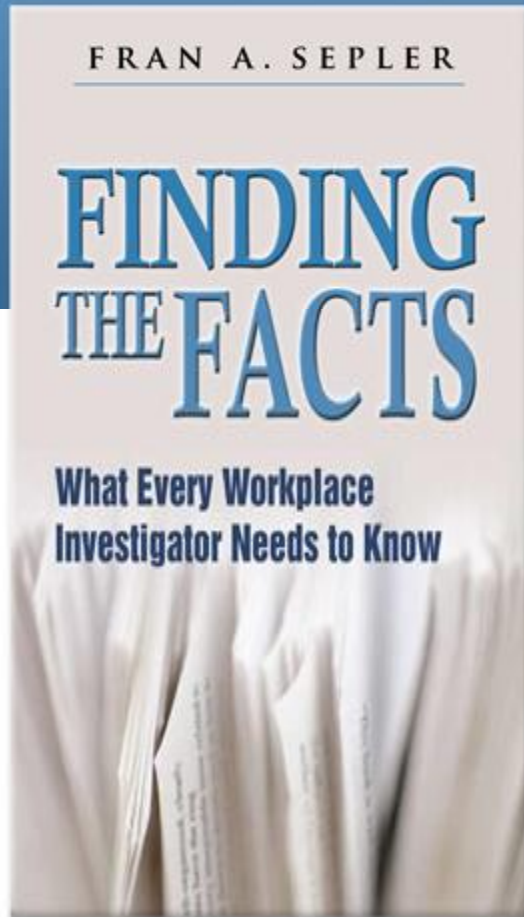


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