Fact sheet – The Investigation Interview

Introduction

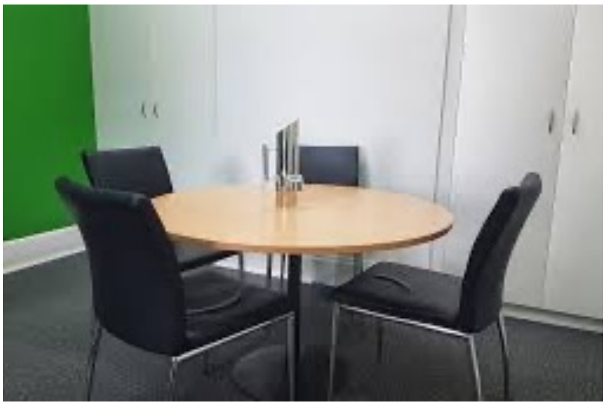
One of the most common form of investigating is the investigative interview. This can range from simple questioning in a work type location to a formal interview. Being able to conduct a good interview that allows the interviewee to feel comfortable to reveal information and yet keep the interview on track to extract relevant valuable data is a skill that all investigators must learn to master.

The great thing is that you can practice the techniques of interviewing in normal management situations so you can master the skill before you are assigned your first investigation. The process is fairly simple:

- Prepare
- Perform (including note-taking)
- Document the interview
- Assess and record credibility

Preparation

Where: The first consideration is where to perform the interview, and the answer depends upon what information the interview is trying to establish. If the point of the interview is to establish a working practice and the approach taken, then it might be best to undertake the interview in the workplace so that pictures and situational evidence can be collected.



If the interview is slightly more formal, perhaps interviewing key witnesses or even the subject of the investigation, then the interview should be undertaken on the company premises, but in a quiet room where you are not going to be disturbed. Simply because the interview is formal doesn't mean you must make it over-bearing for the witness, it is an interview not an interrogation, you are unlikely to gain optimum factual information unless you make the witness feel at ease.

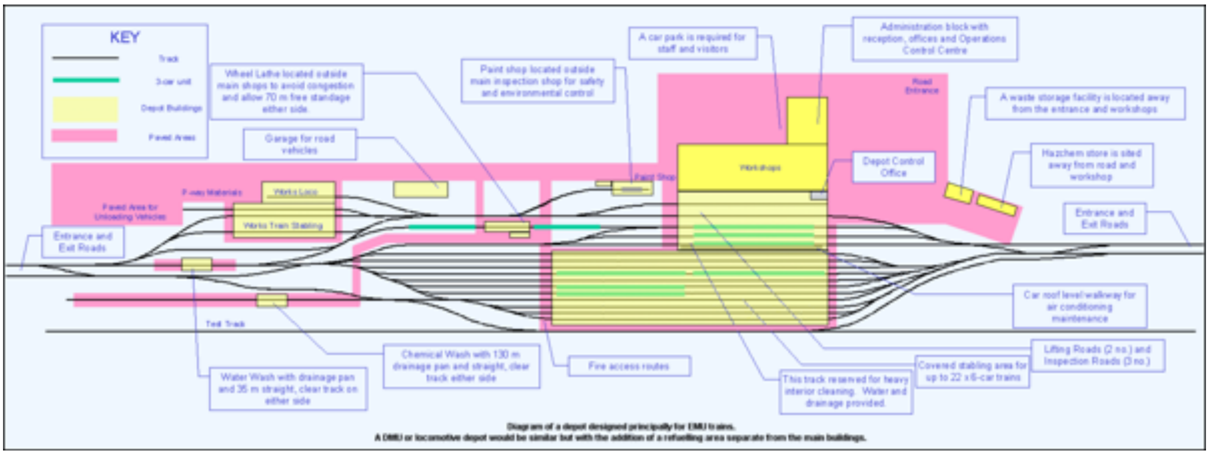
When: The timing of the interview can make a significant difference to the outcome you receive. If the person is a night shift worker and you call them in for interview at midday, this is both unfair and unlikely to gain any useful information. That doesn't mean you have to come in and perform the interview at 2am. Time the interview to suit both of you

Who: If there are more than one interviewer in the room it is important, but you have a discussion and ensure that the other person understands their role. In most interview situations following adverse events it is better to have a sole interviewer rather than having two or three. Several interviewers will almost certainly unnerve the interviewee and in doing so prevent free and flowing information.

Seating: You want to generate an open atmosphere so that the interviewee feels at ease and answers honestly both the questions you ask and adds in other peripheral information that can be of significance. Given that you will doubtless have a note taker then it is probably best to arrange the chairs either in a three or four around a low table. The low table allows the interviewee security, without it being a barrier to communication.

Temperature: Keep the temperature to a comfortable setting, usually slightly 'cool' for yourself. Your interviewee will doubtless be more nervous and warmer than yourself. So, suggest setting the air conditioning to be slightly cooler than you might normally have it at, not by much, just slightly – but observe if they appear cold during the interview.

Plans and timelines: Where possible prior to the interview it is often helpful to have a plan or a map of where the adverse event happened. As part of the enhanced cognitive interviewing technique which is described later allowing the interviewee to recall information using a multi-sensory approach significantly improves the amount of information the interviewer will discover. Having a map such as the one shown here allows the interviewee to recall information from a visual perspective. Sometimes photographs can be equally helpful , but a word of caution rests with using photographs from the actual adverse event as this may trigger defensive reactions in the interviewee, we discuss this later in this fact sheet.



Note taking: it is always worth you having a note-taker so that you can focus on the person, observe all the body language and react to their verbal and non-verbal cues. It is always worth letting the interviewee know that you are using a note taker and explain the reason – if they are the subject of the investigation then generally your company disciplinary guidelines will allow for them to be accompanied. Note the careful use of the word accompanied there, they are not allowed to be represented, only accompanied. The role of the chaperone is not to speak for the person but to ensure fair process is being applied and ensuring the personal welfare of the interview subject.

Recording: in the United Kingdom you are not presently allowed to record an interview on an electronic storage device, even with the permission of the interviewee. The RAIB and the Police can record interviews, but a recorded interview must be undertaken under caution. The investigators from these two organisations actually carry warrant cards to allow them to issue the necessary caution prior to a PACE regulated interview.

The interview

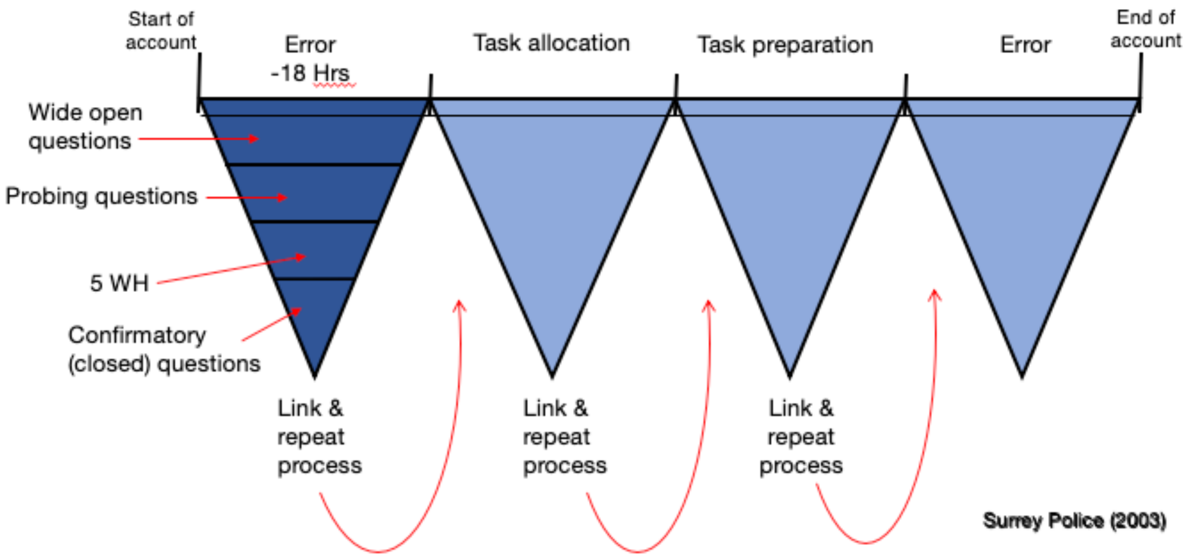
The first thing is to make the person feel at ease, even if they are the subject of the investigation. They are not guilty, they are innocent, the purpose of the interview is to establish facts. So introduce everybody and explain the roles, make sure they have water, let them know they can pause at any point, meetings can be adjourned if needs be, you don't have to pump them for information till they are empty! Make them feel comfortable. As an aide memoir:

- Make the person feel at ease – it is not a court martial!
- Establish the purpose and the boundaries of the interview i.e. not disciplinary – there to gather facts about specific event
- Determine their understanding of the investigation process and fill in the gaps if necessary
- Make sure they understand you are simply objectively collecting evidence
- Try to establish rapport – get them to feel comfortable with process. This can be difficult but is down to skill of interviewer
- Tell them who you are

Funnelling technique

Generally it is normally best to interview people individually, but in some circumstances group interviews are acceptable, but as a rule I'd stick to one person.

The use of the funnelling technique is the best method of conducting the interview:



On the left of the chart above, you start with a big wide open question; "tell me everything you can about that shift, starting from the previous day." This usually gets a facial expression as normally people are asked about the event, don't start there, start -18 hours from the event. Find out some situational stuff, and it will usually give you a chance to talk some social questions to further ease the person.

Use open questions to explore topics, and as information is revealed, home in on relevant topics and use more probing questions on areas that are of specific interest. Ending up at the bottom of the funnel by using more closed questions to confirm your understanding. Link then to the next funnel repeating the process. Don't be frightened to close off a funnel if the information is not coming forth or it is going in a direction that is neither supporting nor challenging the investigation. If that happens close the funnel and explore another big wide open question.

As part of your preparation think through what questions you might want to ask, for example:

- "can you talk me through the allocation of this type of task please?"
- "What preparation is required before this task is undertaken?"

These naturally start leading to more questions about "did you do", "what was your role"

Have your question framework prepared so that you can help the interview flow as that makes the interviewee feel even more at ease.

The quality of information gained will depend on the skill and questioning of the investigator. An investigator who develops a good rapport and remains flexible in their style of questioning is more able to obtain accurate information from interviewees. Investigators who are aware of the influence that their questioning could have on the detail and quality of witness's responses will elicit a more favourable outcome from the interviews. It is prudent that an interviewer considers their:

- Capability and allocation of sufficient time to build a rapport with the individual.
- Tone of voice and body language.
- Assumptions already made about what happened.
- Assumptions made about why people did what they did (or did not do).
- Attitude or motivation to investigate, that is, to assign blame or to find out what went wrong throughout the organisation.
- Biases they might have (that is, towards certain people, groups, roles etc); be aware of this and moderate your language and tone accordingly.
- Position within the company and how this can impact people's perceptions and their willingness to respond.
- Previous experience (negative or positive) with the individual or with the group and how this might affect their interviewing.
- Position in terms of power and social dynamic with the person they are interviewing.

Enhanced Cognitive Interviewing

Investigators have different interview techniques available for use, depending on the scale and complexity of an investigation. Depending on their background, personality and training they may feel more comfortable with some than others. It is important to consider the range of techniques available to maximise the quality of the information gained at the initial evidence gathering and in interviews.

The Enhanced Cognitive Interview (ECI) technique was developed to improve the quantity and quality of memory recall from witnesses. Human memory is fragile and can be easily contaminated and this technique can help with the recall and recollection of memories. The key stages of the ECI technique are shown in the table below:

Factor	Explanation
Ask them to recall EVERY detail	Ask the witness to recall every detail in their own words from a start point removed from the event. The witness is encouraged to use their own words, their own level of detail, their own pace and is not interrupted, other than for encouragement to continue. This stage allows the witness to walk themselves through the event and for you to listen and create a picture of the event and to record details which can be clarified at a later stage. Consider your body language at this stage and make sure you look engaged and encouraging.
Reinstate the context where the memory was made	If the event is recalled (remembered) in a similar way to how it was encoded (stored into memory) then this increases the level of details that can be recalled. This 'cognitive re- instatement' may include asking the witness to run through what happened, what they felt, saw, smelt etc to both use all senses to trigger recall and to simulate the event in their minds. Listen for new information or watch for new memories or triggers which are unearthed at this stage.
Change order and change perspective	Using the information given in the free recall stage, encourage them to retell the sequence of events from the adverse event backwards, or from the perspective of someone else. This change can help trigger new memories or information.

The ECI technique aligns perfectly to the funnelling approach.

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Reasons why people might not give information freely

Often when people are new to investigating they find but the interviewee is reluctant to give information. This is never down to the interviewee it is always down to the interviewer and the set-up of the interview. As the purpose of the interview is to gain as much in depth understanding of the adverse event a full and free flowing information line is required. The table below gives an indication of some of the primary reasons why interviewees will behave in a closed manner together with some options to help the interviewer overcome the issue

Interviewee behaviours	Possible reason
They cannot recall the exact details and are feeling under pressure to give an answer	This is not uncommon if they were in 'autopilot' when it happened, and they were not consciously aware. Use ECI techniques to help retrieve the detail they can remember. Resist the temptation to think they are 'hiding' something as this may bias your questions.
Feeling under pressure to give the 'right' answer	Setting the right tone at the outset of the interview will mean they understand that there is not a 'right' answer.
Giving very short answers with no details	Think about your questions and if you are asking closed questions. If so, try more open questions. Think about whether you built rapport with the witness at the start. A lack of rapport can lead to a lack of cooperation or less than optimal recall from a witness.
Worry about being blamed, threats to their employment or prosecution	Setting the right tone at the outset of the interview will clearly and overtly establish what the aim of the interview is. If it is clear that the interview is about finding out what happened, then this will reduce the fear of blame.
Worry about 'telling on' others	Being open at the start of the interview about the anonymity of reports or how information will be used in the final report may help to manage this.
Not giving much information away	Think about your questions and if you are asking closed questions. If so, try more open questions. Think about whether you built rapport with the witness at the start. A lack of rapport can lead to a lack of cooperation or less than optimal recall from a witness.
Fear of senior managers	Many witnesses will have no experience of interviews and are likely to be fearful or sceptical. To get good interview data, it is important to acknowledge this in the opening, to build rapport with the witness and to select the 'right' senior manager to be the lead for the interviews.
They may be traumatised or shocked	Witnesses who are displaying these signs need to be interviewed with care. The use of ECI techniques or interviewing them in a different location / format could be considered.
They may face several interviews, some of which may have been challenging	As memory is fragile, interviewing by multiple parties, with the use of different methodologies and for different aims or purposes, can affect an individual's recall of events and could create false memories. The use of ECI techniques could help to identify and iron out any anomalies.

Body language

More than half the interviewee’s communication is going to be via non-verbal means, body language making up roughly 55% of communications. Given this it is important that you watch the body language, if the body language is ‘disagreeing’ with the verbal message, use further probing questions to explore and find truth.

You may at times be lied to, top tip – don’t ever probe by asking are you lying to me? Use more intelligent questioning, such as, confirming questions that allow them to answer it again. If their answer changes, then you can question that it sounds different to before. Again use what we call ‘I statements’ here.

E.g.: “Did I understand that wrong before? I thought you had said this?” You can’t step past this as you must find the factual evidence and framing it this way allows the interviewee to save face and change their mind. The more you practice this the better and more relaxing way you can do it.

Interview question types

Investigators can get better quality information from witnesses through the use of good interviewing techniques or can shut them down and potentially distort their view of what happened or create false memories through the use of a poor interview technique such as using leading questions.

A good investigator is aware of the power of language and how to be flexible in the way an interview is run. For example, they know how to use different types of questions for different purposes. The table below sets out types of questions with examples; the key consideration for the interviewer is to keep varying the question type and actively listen to the interviewee.

Question type	Good for	Not good for	Example
Closed	Invites a yes/no answer. Useful for checking understanding, probing single facts and clarifying	They usually close down discussion so are not useful for areas needing further exploration.	‘Did you use the tooling supplied?’

	points. Good for further down the funnel and where you want to close off and move on to next topic		'so to confirm my understanding you used the tool from the lower stores desk, that you tagged out earlier in the shift?'
Open	Open up dialogue and the subject you want to discuss. Useful for most openings, gathering information, to direct thinking and checking information.	Less useful for exploring sensitive or emotionally charged areas. Also can lead to the interviewee closing down as the question is too big – in which case break the open question into 'chunks'	'Tell me about the documentation that you used to complete the task?'.
Probing	Questions that promote discussion, for example, starting with 'who', 'what', 'why', 'where', 'when', 'how', 'could', and 'would'.	Not good for those who are reticent to reveal information if badly used as they can make some people feel defensive.	'What line did you place the detonator on?' 'What did you consider when placing the detonator?'
Leading	Avoid leading questions, for example, 'I assume that this would happen if...'	Gaining open understanding of the incident	'I assume you put it in the right place?'
Encouraging	Questions/phrases to promote discussion, for example: 'That's interesting, tell me more...', 'Can you expand on that'.		'Tell me more about your knowledge of the area and other times you've put protection out'.
Use of silence	A considered use of silence provides a strong incentive to speak.		

As the interview reaches the bottom of each funnel it is always a good idea for the interviewer to perform a mini review of that funnel. This is done using summarising and paraphrasing. Paraphrasing is where the interviewer uses the same words or very similar words to that used by the interviewee and replays them back in a confirmatory manner.

Summarising would be used where the funnel is a little bit deeper and the question in line has gone on for longer and as such paraphrasing would not be possible. Summarising during an interview is exactly as it sounds where the interviewer summarises what they believe they have heard and looks for a confirmatory answer from the interviewee.

An example, "Can I just summarise what I think I have heard and then you can correct me if I have anything wrong."

Note the use of the word I in that sentence. This is called using I statements and is a particularly useful technique for deflecting conflict in the interview. If you notice in the sentence the emphasis is about what the interviewer believes they have heard rather than what they think the interviewee has said. This might sound a very subtle difference but makes a significant difference in terms of allowing the interviewee space to relax and it is in this space that the best information is uncovered.

Document investigation interviews

Write a summary of each interview. These should be brief outlines listed separately for each interview. Include the following information:

- Who conducted the interview
- Who was interviewed
- Where the interview took place
- Date of the interview
- Include a list of people who refused to be interviewed or could not be interviewed and why.

Write a report for each interview

This is an expanded version of the summaries documented above. Even though some of the information is repeated, be sure to include it so that you can use the summaries and reports separately as standalone documentation of the interviews conducted. For each interview, document:

- Who conducted the interview
- Who was interviewed
- Location of the interview
- Date of the interview
- Summary of the substance of the interview, based on your interview notes.

Example: *I asked Jane Jameson to describe the events of July 13th, 2016. She said: "After work, Peter approached me as I was leaving the building and asked me if I would like to work on his team. When I said that I was happy working with my current team, he told me that my team had too many women on it and that 'all those hormones are causing problems' so I should think about moving to a 'sane' team."*

I asked her how she reacted to that. She said: I told him that I found that offensive and he said that I needed to stop being so sensitive. I just walked away."

I asked Jane to describe the events of the next day. She said: "The next day he came to my desk and asked me if I had given any thought to moving to his team. I repeated that I was happy where I was. At that point he started massaging my shoulders and said that moving to his team would have its 'perks'. I asked him to stop twice and he wouldn't. Sally walked over and told him to get lost and 'leave Jane alone' and he left."

I thanked Jane for her cooperation and concluded the interview.

Assess and record credibility

Aside from collecting the evidence, it is also an investigator's job to analyse the evidence and come to a conclusion. Include a credibility assessment for each interview subject in the interview report. Describe your reasons for determining that the interviewee is or isn't a credible source of information.

This involves assessing the credibility of the witness. HM Government has published guidelines that recommend examining the following factors:

- Plausibility – Is the testimony believable and does it make sense?
- Demeanour – Did the person seem to be telling the truth?
- Motive to falsify – Does the person have a reason to lie?
- Corroboration – Is there testimony or evidence that corroborates the witness account?
- Past record – Does the subject have a history of similar behaviour?

Example: *I consider Jane to be a credible interviewee based on the corroboration of her story with Sally and also because she has nothing to gain by reporting these incidents. She has no prior relationship with Peter and seemed genuinely upset by his behaviours.*

Clapham Rail Accident 1988

Paddington Derailment - 2019