

Investigation Manual

CHAPTER 6 - INTERVIEWING

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CHAPTER 6 - INTERVIEWING

0601 **INTRODUCTION:** The spoken word is usually the greatest source of investigative evidence and often is the best evidence in any judicial or administrative forum. No investigation is complete until every important witness, subject, and, when possible, complainant, has been interviewed. Proficiency in interviewing assures a high degree of accuracy in fact development, helps prove or disprove the issue at hand, prevents surprise testimony from arising later, and may help impeach witnesses who change their stories.

The purpose of interviewing is to gather information. The investigator does this through a process of asking and answering questions. The word "process" denotes a dynamic interaction, with many variables operating with, and acting upon, one another. To understand and effectively employ this process, the investigator must first examine the interview as a unique form of interpersonal communication.

The interviewer has but one ultimate goal, reporting the objective truth. Whether interviewers can reach that goal depends in large part on the personal attributes they bring to the interview process. But neither the ordinary experiences of growing up and living among people, nor a formal and

extensive school education is of much value in learning how to obtain information from reluctant individuals. Even when interviewing cooperative witnesses, investigators may find it difficult to acquire all the pertinent facts they possess.

Most people learn to interview by "trial and error" practice on many persons or by watching other interviewers. Following or using techniques of untrained or inexperienced interviewers can lead to "inbred incompetence." Effective interviewing is a skill that must be learned by special training and the experience that comes from constant practice. Experience cannot be taught, but training in the basic concepts of the proper way to conduct an interview is an invaluable start. Anything that can be learned by "trial and error" can be learned more thoroughly and quickly through systematized study.

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0602 OVERVIEW: This chapter presents techniques for interviewing and the factors and considerations that govern their application. This chapter cannot replace practical experience, but, in conjunction with the investigator's independent study and diligent application, it can substantially shorten the time required to become a successful interviewer. This chapter begins with an examination of the attributes of a good interviewer. It discusses physical and psychological factors that influence interviews, and provides guidelines for the preparation and conduct of interviews. It concludes with a discussion of telephone interviews. Return to [Chapter Table of Contents](#).

0603 QUALITIES OF GOOD INTERVIEWERS: The qualities and personal attributes required to be a good interviewer can usually be developed with training and practice. Four of the most important qualities and the keystone for success as an interviewer are:

- Honesty, integrity and the ability to impress upon all interviewees that you seek only the truth regarding the matter under investigation;
- The ability to establish rapport quickly and under diverse conditions;
- The ability to listen to interviewees and evaluate responses; and
- The ability to maintain self-control during interviews and not become emotionally involved in the investigation.

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0604 CREATE INVESTIGATIVE PLAN: The groundwork for successful interviews starts with the investigative plan. The plan establishes who is to be interviewed and in what order. It also defines the category of each interviewee (complainant, witness, subject). Order and category impact the preparation and conduct of the interview. For example, the physical setting of the interview room may be changed with the category of interviewee. Psychological factors to be

employed, and the detail, manner and style of questioning also vary with the order and category of interviewees. Return to [Chapter Table of Contents](#).

0605 CREATE INTERVIEW PLAN: Preparation is the key to successful interviewing. The investigator should obtain as much information as possible on the details of the case and the background, character and habits of the persons involved. This helps determine the most effective interview procedures applicable to each interview. In addition to an overall investigative plan, the successful investigator has a specific plan for the conduct of every interview. The plan should take into account the following:

The type of interview - subcategories of complainants and witnesses include victims, eye witnesses, hearsay witnesses, expert witnesses and informants. Each may require a slightly different approach. Specialized interview techniques include the use of polygraph and hypnosis conducted by subject matter experts (although rarely used in IG investigations, and then only after consultation with counsel, the investigator should be prepared to respond to the subject who offers to sit for one of these interviews). In rare cases, the investigator may have to employ the specialized techniques necessary for the interview of a minor. If so, consult with counsel.

The physical and psychological factors, discussed below, to be used during the conduct of the interview.

The questioning technique to be employed (interview or interrogation), and whether the interviewee will be asked to prepare for the interview, shown documents or confronted with information obtained from other interviewees. The outline of topics to be covered, their order, and whether it is necessary to write out specific questions to ensure they are asked precisely (especially helpful when technical issues are involved). Outlines provide clear-cut goals and objectives for the interview. Outlines describe each topic to be resolved, but usually do not include written questions that must be asked. This prevents the investigator from focusing on reading the questions, forgetting to listen to the answers (to ensure they are responsive), and failing to ask appropriate followup questions.

Whether a second investigator will be present during the interview, and the role that investigator will play.

The manner of recording the information developed during the interview (investigator notes and report, interviewee's written statement, tape recording, videotaping, or a combination of methods).

The rights and responsibilities of the interviewee, as discussed in Chapter 3, especially as they will affect whether counsel or union representatives will be present, the requirement for Miranda or Article 31(b) warnings (see Chapter 9 when UCMJ violations may be involved), and the advance preparation of Kalkines warnings or grants of immunity.

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0606 DETERMINE PHYSICAL INFLUENCE FACTORS TO USE: The physical environment in which an interview is conducted can have a tremendous impact on the ability to conduct a successful interview. The physical environment includes not only the interview room itself, but what the interviewee will, and will not, be permitted to do during the course of the interview, as these physical factors definitely influence mental activity and the control of the interview.

The physical environment such as comfort, noise, privacy, distance between the interviewer and interviewee, seating arrangement and territoriality affects interviews. The investigator can enhance the interviewee's concentration and motivation with a well-lighted, pleasantly painted, moderately sized room that has a comfortable temperature and proper ventilation.

Conversely, noise, movement and interruptions, especially telephone calls, disrupt concentration, thought patterns and the mood of the interview. People have difficulty listening and thinking when they see cars on the street outside a window, persons moving about in an outer office, or other investigative personnel coming and going. The investigator must provide privacy and a good atmosphere for an effective interview to take place.

Generally, the person sitting behind a desk, whether the interviewer or interviewee, gains power and formality. For the majority of interviews planned by the investigator, all communications barriers such as desks, tables, personal items, etc. should be eliminated. The elimination of physical structures limits the ability of the interviewee to hide behind barriers that can provide a feeling of security as well as emotional and psychological support.

For friendly witnesses, the room should be casual and comfortable. For a hostile witness or subject, the room should be sparsely furnished with perhaps only chairs for the interview participants. Wall furnishings should be limited to perhaps a calendar to minimize distractions.

Physical factors influence mental activity. Smoking, the use of drugs, (legal and illegal), alcohol, coffee or tea with caffeine, and food may dramatically affect the interviewee. Health, age and stamina also must be considered. The investigator must decide whether to permit smoking or drinking during the interview, whether and when to take breaks, and whether food will be permitted. Offering a witness a cup of coffee at the outset of an interview, a seemingly innocuous courtesy, sends a definite message that the interview is likely to be run in an informal and friendly manner. The absence of such a cue may send a contrary message.

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0607 DETERMINE NUMBER AND ROLES OF INTERVIEWERS: Whenever possible two investigators should conduct an interview. There are a number of reasons for following this rule, and when a second trained investigator is not available, another trustworthy person may be used as a stand-in.

Using two interviewers allows one to concentrate on asking questions and

observing body language, while the other takes notes and reviews the outline to ensure nothing is skipped. The notetaker can also provide periodic summaries mid-interview, and a concluding summary at the end, to ensure accuracy.

Using two interviewers will minimize the likelihood that the investigator and the interviewee will disagree as to what happened during the interview after it is completed, and make it more likely that any disagreement that does arise will be resolved in favor of the investigator. This is especially important when the interviews take place in remote locations, and when the investigator and the interviewee are of the opposite sex. When the investigator must travel and the budget is limited, consider using personnel from another local IG, command evaluation, or legal office as stand-ins.

When two investigators are available, one assumes the role of the primary interviewer (generally the responsible case agent) and takes the major role in the interview. The primary interviewer makes the introductions, states the purpose, establishes rapport, and asks the first series of questions. The primary interviewer is responsible for setting the tone of the interview, setting the parameters (if any), initiating the interview and observing the interviewee via all modes of communication. The primary also ensures that secondary interviewers know exactly what is required of them.

It is an accepted rule that the primary and secondary interviewers DO NOT interrupt each other. This rule will allow each investigator to plan his or her own strategy and employ that strategy throughout the interview. The investigators may decide to switch roles as topics change, or at other logical break points. This allows the investigators to display different personalities to the interviewee, in order to develop the most information from each interviewee.

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PART TWO - CONDUCTING INTERVIEWS

0608 PHASES OF THE INTERVIEW: The interview may be divided into several phases or segments, each with its own purpose. The following phases are discussed below: introduction; establishing rapport; questioning for information; summarization for accuracy; and closing.

Phase one starts with a three part introduction. Investigators should introduce themselves and identify the office they represent. To establish credibility and introduce an air of formality, the investigators should produce their credentials. If an informal atmosphere is desired, credentials need not be shown unless requested. Second, where appropriate, identify the interviewee. Third, one investigator should explain why they want to talk to the interviewee. Almost everyone experiences apprehension when the meaning of an interview is not clear to them, so investigators should address this at the start of the interview. The third part of the introduction should include a clear statement of the purpose for the interview. The statement need not, indeed usually should not,

reveal detailed facts of the case developed to date. Rather, it provides interviewees an overview of what is to come. The statement of purpose should provide a reason for cooperation that leads interviewees to believe they will benefit from their cooperation. For example, if interviewees know the purpose is to learn what they know about an incident, one benefit of cooperation could be that they may be eliminated from suspicion of wrongdoing.

The second phase of the interview is rapport. There is little chance of a successful interview unless the interviewee can be induced to talk. Most people resist giving information to strangers; therefore, interviewers must attempt to establish a sincere and trusting attitude with interviewees to enlist their full cooperation. Rapport is a process and the effort should continue throughout the interview. Furthermore, the effort must appear to be genuine and not affected, or it will be counterproductive.

Rapport offers investigators the opportunity to find out what is important to the interviewee, enabling them to determine the most effective interviewing and questioning strategies or styles. It may be nothing more than a handshake, smile, professional demeanor, or the way the purpose of the interview is explained. Establishing rapport may require a more involved discussion of some matter that is important to the interviewee. Rapport includes words, tone, inflection, gestures, facial expression, stance, etc. Rapport conditions the interviewee to talk to the investigators and establishes a secondary, non-verbal method of communication.

Questioning is the third phase of the interview. The ability to question effectively is central to the interview process. Questioning techniques are discussed below.

The fourth phase, summarization, allows the investigator to summarize the salient parts of the interview to ensure continuity and accuracy. Often the interviewee will clarify or add to information provided earlier in the interview. The summary is an important part of the interview, especially in the one-interviewer interview, because it provides both parties an opportunity to ensure the investigator has recorded all pertinent information accurately. In the two-person interview, the secondary interviewer usually summarizes from notes just taken and may ask any questions not asked by the primary interviewer.

The fifth and final phase of the interview is the closing. The close is the continuation of the effort to create rapport and an atmosphere that will ensure the door is left open for future contact. Investigators should thank interviewees for their cooperation or express empathy for lack of cooperation. They should reassure interviewees about any concerns they may have raised regarding the interview or information provided. In this final phase, investigators should give interviewees the opportunity to provide information concerning matters not specifically covered during the interview and ensure they know how to contact investigators should they remember or obtain any additional information. Investigators should also obtain any other identifying data required, including how and when to contact interviewees again should it become necessary.

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0609 USE ACTIVE LISTENING: Active listening is the most important interviewing skill. It is a good technique for improving communication skills in any context, but it is critical for interviewing, because the investigator does not always have the opportunity to reinterview key witnesses. Active listening is much more than simply concentrating on what the other person is saying, because it requires investigators to constantly test the accuracy of their own perceptions.

Active listening begins by putting interviewees at ease and letting them know what they say is important. This is accomplished by minimizing the investigator's own talking while reacting positively to interviewee comments. Head nods, body language that suggests interest, brief statements like "yes," "I see," "go on," etc. let interviewees know the investigators understand what they are saying and consider it important. This encourages them to keep talking. Questioning should be used for clarification and feedback. Paraphrasing, or putting into your own words what the other person seems to be communicating to you, is the central skill in active listening. This technique enables interviewees to know whether or not their point is getting through, or whether the investigators have misunderstood and need further explanation. It minimizes the potential for the interviewee to take exception to the investigator's subsequent report of the interview.

Investigators must remember that most interviewees have not developed the skill of active listening, and may misinterpret what they are being asked, even when the question is skillfully phrased. Consequently, interviewees often give an answer that does not respond to the question. Unfortunately, investigators who are not good active listeners do not realize that they never got an answer to their question until they try to write a report of the interview. Nonresponsive answers can be important and useful, because they may reveal what the interviewee is really concerned about and provide a useful basis for follow-up questions. However, the investigator must also be sure to get the answer to the question.

To be able to paraphrase effectively, the investigator must keep an open mind and avoid making assumptions or judgements, both of which are distracting. Active listening tests the investigator's own ability to perceive accurately, and demonstrates that the investigator must share in the responsibility for the communication.

The proper interpretation of an interviewee's body language is an important part of the skill of active listening and is another reason why, when possible, two people should conduct interviews. While one takes notes, the other concentrates on watching the interviewee to ensure the interviewee's body language (non-verbal communication) is consistent with what the interviewee is saying. Body language may reveal that a verbal denial is really a silent admission.

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0610 READ BODY LANGUAGE: Most people can control their verbal communications better than their nonverbal ones. We may think before we talk, but our nonverbal communications, or body language, may say more about what we really mean. This is particularly true during an interview. For example, some interviewees will hesitate or pause before or during a response to certain questions in order to think about and formulate the answer. Such hesitation may indicate an attempt to think of a deceptive answer, but it also could be an attempt to give a controlled response to a sensitive question or area of concern. During the pause in the verbal communication, the interviewee may engage in patterns of non-verbal communications that are unconscious and therefore uncontrolled. These spontaneous reactions generally are more reliable indicators than the verbal response that accompanies or follows the body language. Thus, the good investigator reads body language to give context to verbal communication.

Eye gaze, eye movement, pupil constriction/dilation, touching and distance or spacing are all part of nonverbal communication. The interviewer needs to know how to use these concepts in the interview to reduce or increase tension in an interviewee, to gain rapport and enhance cooperation.

Likewise, interviewers need to be aware of the interviewee's nonverbal behavior to properly evaluate credibility. Is the interviewee withholding information? Lying? Unfortunately, there is no one single nonverbal indicator which magically tells whether the interviewee is being deceptive. The interviewer evaluates for stress because most people will exhibit some signs of stress when they are omitting or falsifying information. However, the stress may be induced by a variety of unrelated issues or problems, and every individual has favored verbal and nonverbal behavior that is normal for them. The interviewee's intelligence, sense of social responsibility and degree of maturity may also affect stress.

There are a number of general observations about mood and veracity that may be drawn from specific body language responses. A few of them are discussed in the following paragraphs.

1. Failing to exhibit any facial expression indicates deception. The expression of fear is more likely to indicate guilt. In contrast, an expression of anger probably indicates innocence. A defiant expression, especially when coupled with crossed arms and/or legs indicates guilt, as does an expression of acceptance (sad expression, eyes dropped or hand across the mouth). Indications of pleasure (including cocky or challenging attitudes) are typical expressions of guilt (an exception may apply to juveniles).
2. Facial color changes may be revealing. Blanching, an indication of fear, also indicates guilt. Blushing is more likely to mean embarrassment than guilt.
3. Normal eye contact is maintained 30% to 60% of the time between two persons in conversation. Interviewers have greater freedom in maintaining or breaking eye contact than interviewees, and a long gaze

by an interviewee may be interpreted as a challenge. Truthful persons look at their interviewers longer during the interview than do deceptive persons. Truthful eyes are direct, but not overly so; open with a good portion of the whites showing; are attentive and looking at the interviewer. Deceptive interviewees tend to avert their gaze and avoid direct eye contact. They range from evasive to a cold stare; they may appear tired or have a glassy look.

4. A body movement such as shifting the torso shows internal conflict when the movement is consistently in time with the questioning. Deceptive people unconsciously retreat from a threatening situation. In those cases, interviewees actually move their chair away from their interviewers, or toward a door or window.

Body posture for truthful interviewees is often:

1. Open, upright and comfortable;
2. Aligned frontally to face the interviewer directly;
3. Leaning forward with interest;
4. Relaxed, casual, with some nervousness or excitement;
5. Smooth in its changes, with no pattern.

Body posture for deceptive interviewees is often:

1. Slouched in chair, preventing the interviewer from getting close;
2. Unnaturally rigid;
3. Lacking frontal alignment;
4. Tending to retreat behind physical barriers;
5. Erratic in its changes (can't sit still);
6. Closed (elbows close to sides, hands folded in their lap, legs and ankles crossed);
7. A "runners position" (one foot back ready to push off);
8. Exhibiting head and body slump.

Supportive and symbolic gestures may be used to show:

1. Sincerity, with open arms, palms up;
2. Disbelief, with hands to chest (who me?);
3. Denials, by head shaking;
4. Accusation, by pointing a finger (usually by a truthful person);
5. Threats, by pounding or slamming the fist (usually by truthful person);
6. Helplessness, with hands to the ceiling and statements like "please believe me", (usually exhibited by an untruthful person);
7. Disgust, by turning the head away and sighing (indicative of an untruthful person);
8. Agreement, by nodding the head and dropping eye contact, to indicate an admission.

9. Lack of interest, with head or chin in hand and head cocked;
10. Interest, with head or chin in hand and head straight;
11. Closed posture (deception), by crossing of arms, legs, ankles, or by hiding hands and feet, mouth or eyes.

Grooming gestures are exhibited because the body needs stress and tension relievers. Grooming gestures keep the hands busy and allow the interviewee a delay in answering questions. They usually occur when the interviewee is lying and are inappropriate for the situation.

Some general observations regarding the verbal patterns of truthful and deceptive persons include the following:

1. Deceptive persons tend to deny their wrongdoing specifically while the truthful person will deny the problem in general.
2. Deceptive persons tend to avoid realistic or harsh language while the truthful do not.
3. Truthful persons generally answer specific inquiries with direct and spontaneous answers. The answers are "on time" with no behavioral pause.
4. Deceptive persons may fail to answer or delay answers. They may ask to have the question repeated or repeat the question asked. This allows them time to think of an answer.
5. Deceptive persons may have a memory failure or have too good a memory.
6. Deceptive persons tend to qualify their answers more than truthful persons.
7. Deceptive persons may evade answering by talking off the subject.
8. Deceptive persons may support their answers with religion or oaths. The truthful rarely employ this tactic.
9. Deceptive persons tend to be overly polite and it is more difficult to arouse their anger. The truthful will be quick to anger and any denial will grow stronger.
10. Deceptive persons may feign indignation or anger initially but will quit as the interview continues.

It is important that the interviewer "actively listen" to both verbal and nonverbal communication processes throughout the interview. The interviewer must read clusters of behavior and may not rely on a single observation. When analyzing behaviors, first determine what the "normal" behaviors are for the interviewee. In establishing the norm, keep in mind the context of the environment and the intensity of the setting. Look for changes/variations in this norm. Be aware of cultural differences. Evaluate for timing (when the behaviors occur) and consistency (how often the behaviors occur); to be reliable indicators of truth or deception, behavioral changes should occur immediately in response to a question or simultaneously with the interviewee's response.

Limitations and exceptions to the use of body language are based on factors

such as emotional stability, cultural variations and the age of the interviewee, outside influences such as drugs or alcohol, and the intelligence of the interviewee (the higher the level of intelligence, the more reliable are the behavioral symptoms as an indicator of truth or deceit).

A final caution: effective use and interpretation of body language requires training and practice. Investigators should be wary of making decisions about interviewee veracity based only on their interpretation of the interviewee's body language, without some other form of evidentiary verification.

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0611 CONTROL PSYCHOLOGICAL FACTORS: There are a number of psychological factors that have a direct bearing on interviewing techniques and influence the reliability of the information obtained. It is highly desirable that the investigator ascertain the existence of such factors in the interviewee and, in some cases, reduce or heighten them. Some of the more important emotional factors are anger, fear and excitement. Such factors are readily recognizable through their physical and verbal manifestations.

Interviewees who become angry may resist the interviewer emotionally. In most cases, this anger must be suppressed. In some cases, however, anger may cause interviewees to make truthful admissions they would have withheld. Investigators must keep their own anger in check, but on occasion may use it to influence interviewees, especially when they appear to be withholding information because they do not think anyone cares.

Fear is aroused through any present or imagined danger. The fear associated with interviews is not fear of physical danger, but psychological danger which is associated with job and financial security. This emotion may be beneficial when interviewing hostile witnesses and subjects. When attempting to elicit information from friendly witnesses, investigators should attempt to minimize its influence.

Excitement tends to heighten perception and may leave false impressions. However, neutral excitement means the interviewee is merely prepared to meet whatever may arise. It is of some concern to the interviewer since it also may affect the perception of the witness. It could develop into fear or anger with their attendant changes in mental attitude. Usually, neutral excitement is aroused when people are aware of a potential danger not specifically directed at them, as would be the case in a witness interview. It usually may be removed by elimination of the supposed danger or by adequate assurances to witnesses that they are not threatened by the situation. This can be accomplished by telling interviewees that they are being interviewed because they may have pertinent witness information to the matter under investigation and are not the target or subject of the inquiry.

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0612 **INTERVIEW GUIDELINES:** When conducting an interviewing session, follow these guidelines during the interview:

Greet the person to be interviewed in an appropriate manner;
Define or state the purpose of the interview;
Establish rapport;
Maintain control, don't let the interviewee interview you;
Don't argue;
Try to evaluate each piece of information or allegation on its own merit; interviewees may present many allegations that are patently untrue but also make an allegation that has great significance or import; investigators who stop listening will miss the latter;
Refrain from trying to impress the interviewee unless such action is specifically used as an interviewing technique;
Maintain strict impartiality and keep an open mind, receptive to all information regardless of its nature;
Listen before taking action;
Take your time, don't hurry;
Be a good listener;
Accept the interviewee's feelings;
Ensure you understand what the speaker is trying to convey;
Use appropriate questioning techniques (see part three);
Make perception checks to ensure you understand what the interviewee means;
Use silence when it is appropriate to force a response;
Do not try to solve the problem during the interview, but do mention the types of subject-matter experts (personnel specialists, counsel, etc.) that may be of assistance;
Review your notes and information to ensure you and the interviewee agree on what was said;
Ask what the complainant or interviewee expects or wants to happen as a result of the information provided;
Make no promises;
Ask if there is any other issue or information the IG should know or anything else the interviewee would like to add;
Set up time for continuation, if necessary;
Extend your appreciation; and
Close the interview appropriately.

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0613 **NOTETAKING:** Notetaking is the foundation for the actual writing of sworn statements, results of interview reports, and the investigative report itself. Notes are any recorded facts made contemporaneously with the activity being noted

that might be pertinent to the investigation. Notes encompass more than just written words. They may include materials such as notepads, letters or even matchbook covers. They may also include logs, diagrams, photographs and video recordings.

Notes should be made at or about the same time as the activity at issue - contemporaneously. If notes are not taken at the time, they should be made as soon as possible after the event. The accuracy should be verified with others who are (or were) present for the interview.

Notes must clearly state who wrote them, when and for what purpose. They should contain as much identifying data as reasonable. They should also be accurate (factual), objective, complete, concise and clear. If a quote is recorded in the notes, make it clear in the notes that it is a quote. This is easily accomplished by using quotation marks. If practical, have the person quoted initial that notation. Any other investigative personnel present at the scene should be identified in the notes and may initial the notes taken in order to enhance veracity.

Although the most common use of notes is as a memory resource when writing results of interviews, witness statements, or the investigative report, notes also serve an important function when the interviewer and interviewee disagree as to what was said during the interview. That is, notes may be used to impeach either the investigator or the interviewee. Therefore, if the interviewee makes a statement that is material to the case, the investigator must be certain to record it in the notes. When in doubt, write it down.

It is also important to retain notes until they are no longer necessary. Since notes may be used for impeachment purposes, this means the notes must be retained until final disposition of the case, including any judicial proceedings. This is especially important when criminal prosecution may be involved, as the rules of procedure and evidence relating to criminal trials and court martials require, pursuant to the Jencks Act (18 USC 3500), the production of investigator notes.

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0614 COMMON INTERVIEW ERRORS: Good interviewers utilize a great variety of their personal traits, but must be able to adjust their own dispositions to harmonize with the traits and moods of the interviewee. There are many errors that an interviewer can make while doing this. Some of the most blatant are:

Showing personal prejudice or allowing prejudice to influence the conduct of the interview - destroys interviewer objectivity and credibility, becoming a self-fulfilling prophecy;

Lying - destroys the interviewer's credibility and encourages similar behavior from the interviewee;

Hurrying - encourages mistakes and omissions and leads to the interviewer improperly evaluating the veracity of the information provided;

Making assumptions, drawing unconfirmed inferences, jumping to conclusions - may result in important information not being requested or allow false or unverifiable information to be introduced into the investigation;

Making promises you can't keep - this destroys the investigator's credibility and reputation, and may cause the interviewee to react negatively to other investigative personnel in the future (note: the only promise investigators legitimately can make to a person involved in wrongdoing is: *"I will bring your cooperation to the attention of the appropriate officials"*);

Looking down at or degrading the interviewee, showing a contemptuous attitude - may anger interviewees and encourage unnecessary emotional barriers;

Placing too much value on minor inconsistencies - allows the interview and the interviewer to get "hung up" on minor or irrelevant issues;

Bluffing - destroys the interviewer's credibility and may allow the interviewee to take charge of the interview;

Anger - results in control of the session reverting to the interviewee; it serves as a relief to the interviewee and is a distraction from the information gathering process; and

Underestimating the mental abilities of interviewees, especially by talking down to them - antagonizes interviewees and invites them to trip up the investigator.

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PART THREE - QUESTIONING TECHNIQUES

0615 THE FOUR STEP PROCESS: Questions are the basic method of obtaining information in every interview. Consequently, the ability to use questions effectively is a key skill that all investigators must possess. Questioning is an art, but one that can be learned if practiced constantly in the proper manner. Questions should be asked in a conversational manner whenever possible, using terms familiar to the interviewee. Good questioning makes use of a four-step process of interpersonal communications that includes:

- Asking the question;
- Perceiving the answer;
- Evaluating the answer for responsiveness, truth and consistency; and
- Recording the response accurately.

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0616 BASIC TECHNIQUES: Three basic questioning techniques are: the question that produces a free narrative or "memory dump" type of response; the direct examination that provides specific and detailed information; and the cross examination that confronts and tests the witness. They may be used singly or in combination in any given interview. Return to [Chapter Table of Contents](#).

0617 FREE NARRATIVE: The free narrative is an orderly, continuous account of an event or incident given with or without prompting. It is used to get a quick overview of what interviewees know or are willing to tell about a matter, and usually is the first questioning technique employed during an interview.

The free narrative may be initiated by asking interviewees to tell the investigator what they know about the issue. However, to avoid confusion, false starts, and wasted time, the investigator must be careful to specifically designate the incident, matter, or occurrence the interviewee is to discuss. During the free narrative, most interviewees tend to edit the information they know by telling only what they feel is important. The investigator must be aware of this and encourage the interviewee to give the full text or "tell the whole story." Other times, the interviewee must be kept from digressing, but the interviewer must use a minimum of interruptions and not be too hasty in stopping the narration from wandering, or important points may be overlooked. During free narration, interviewees sometimes provide valuable clues while talking about things that are only partially related to the matter under investigation. The interviewer should be careful not to erroneously interpret deviations from the anticipated narrative as wandering. Remember: control does not mean dominate. The investigator should make note of these other matters and return to them after the topics in the interview outline have been explored.

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0618 DIRECT EXAMINATION: Direct examination is a second questioning technique, often employed upon completion of the free narrative. It is systematic questioning designed to elicit new information and fill in the specific details of an event or an incident that are necessary to give a complete, connected accounting of the matter. The direct examination uses the who, what, when, where, why and how questions. To effectively accomplish direct examination the investigator:

- Begins by asking questions that will not elicit hostility;
- Asks questions in a manner to develop the facts in some systematic order;
- Asks one question at a time that only requires one answer;
- Asks straight forward and frank questions;
- Gives interviewees ample time to answer;
- Tries to help interviewees remember without suggesting answers;
- Repeats or rephrases questions several times as required to get the desired facts;
- Is sure answers are understood;
- Gives interviewees the opportunity to clarify answers;
- Separates facts from inferences;
- Has interviewees give comparisons;
- Gets all the facts;

Asks questions about every topic discussed; and
Asks interviewees to summarize.

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0619 CROSS-EXAMINATION: Cross-examination is probing or exploratory questioning conducted for the purpose of testing the reliability of or breaking down the previous assertions of the interviewee.

Although often associated with the interrogation of subjects, suspects, or "hostile" witnesses (those who do not wish to cooperate), cross-examination may be used during any interview to test the accuracy of information previously provided during the free narrative or direct examination. It is especially useful for:

1. evaluating perception and judgement;
2. testing previous testimony for accuracy;
3. resolving conflicting information;
4. determining completeness;
5. filling in evaded details; and
6. undermining the confidence of those who lie.

Insofar as it is practical, the investigator should evaluate and check previous testimony against known or readily available information. This will give clues to portions of testimony that should be explored further during cross-examination, such as attempts to evade answers, vague or inconsistent answers, conflicting information and apparent falsehoods.

During cross-examination, the interviewer should generally be friendly but reserved and unemotional; effective cross-examination must be conducted without abuse or coercion. Have the interviewee repeat testimony about a particular event or occurrence several times. Attempt to keep expanding on details at random without a definite order or sequence. This is usually best accomplished by asking about the event in a different manner from time to time. For example, ask what happened, why it happened, when it happened, who was there, why they were there, how subject happened to be there, and what preceded or followed the event.

The investigator should occasionally inject a different context or relationship of details. It is permissible to use suggestive questions and applications during cross examination. Ask about known information as if it were unknown, or ask about unknown information as if it were known. Use a casual tone and demeanor. Explore vague or evaded sections of testimony. Point out conflicts and ask the interviewee to explain inconsistencies.

Summarize the known facts and compare them with the interviewee's statements. Ask the interviewee to explain each item of damaging evidence; then point out the illogical answers. Pay particular attention to body language during cross-examination, especially when confronting interviewees with

contradictions and inconsistencies.

Use leading questions during cross-examination to test whether interviewees will change their testimony under pressure. Leading questions are phrased in such a way that they suggest the desired answer. In many cases (but not always) questions that can be answered with a "yes" or a "no" are leading. Leading questions may help identify inconsistencies and previous statements that were false or made without an adequate basis. They also help identify weaknesses in an interviewee's perception, and interviewees who will say whatever they think the person they are talking to wants to hear.

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0620 **SEQUENCE:** To facilitate the interview, questions should be sequenced from the general to the specific.

General questions elicit a narrative response type of answer that provides the who, what, where, why, when and how. Questions starting with "tell me ..." also are likely to illicit a narrative response. Questions requiring a narrative response are open-ended questions that encourage the interviewee to talk and allow the interviewer to obtain the "big picture" of what the interviewee may know. The interviewer should refrain from interrupting the interviewee during a narrative response.

A specific question calls for a specific or precise answer. It tends to be direct and close-ended. The requested answer is limited to a direct item of information. The specific question should be used to extract more detailed information or to clarify information after a narrative response question is asked.

Questions that permit simple "yes" or "no" answers restrict the information that the interviewee may be inclined to give and generally should not be used until a number of open-ended and increasingly specific questions have been asked and answered. They should be used as a follow-up to narrative answers to ensure the investigator understands what has been said. Questions requiring "yes" or "no" answers are frequently suggestive of the answer, or leading. Leading questions are acceptable when summarizing or verifying information and even desirable during cross-examination, but should not be used when seeking new information. Leading questions may be used to enhance recall and possibly obtain more information when the interviewee cannot remember specifics such as color, height, distance, etc. (the investigator can phrase the question in a way that is leading but makes a comparison and offers a choice).

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0621 **USE TRANSITIONS:** There are other ways of asking questions that may assist the investigator when conducting an interview. Questions will progress more logically with less risk of omissions if transitions are used to connect thoughts. To do this, start with the known information and work toward areas of

undisclosed information. An efficient method of achieving this sequence is to mentally reach backward over the known information and frame the next question as a logical continuation of the facts previously related. Leading questions provide an efficient technique for making transitions from one topic to another. Return to [Chapter Table of Contents](#).

0622 BUILD RAPPORT: Another method that assists investigators in obtaining information is to express empathy or sympathy to build rapport before asking a question.

Although the investigator's main concern is the collection of facts, investigators have discovered that a wealth of information may be revealed when a question is asked dealing with the opinion of the interviewee after rapport is established. In many instances complainants, victims, and witnesses will have much more information about how a transgression may have happened and who may have done it than they are willing to reveal until they have had an opportunity to gauge the sincerity of the interviewer.

Also, in many instances when subjects are asked for an opinion regarding wrongdoing or administrative problems within their organization, they may know exactly who did or is doing things improperly, and where the organization is most vulnerable.

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0623 LANGUAGE PROBLEMS: Language problems are often encountered during questioning portions of the interview. The two people involved may use a common language, but the meanings associated with that language are often quite different.

Words are imperfect vehicles for communications learned in a particular environment under particular circumstances. The interviewer must discriminate between words and meaning, as they are not always the same. There is always a physical aspect to the words, but meanings are always inside people. They are interpretations of the message. For example, investigators should always ask exactly what interviewees mean when they use slang.

Semantic barriers can be overcome to a great extent by the investigator's own choice of words that avoid slang and ensure communication accuracy. Varying tone of voice and using silence or pauses may also help.

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0624 TECHNIQUES TO AVOID: There are four major ways of asking questions that should be avoided in most cases.

Avoid leading questions during free narrative and direct examination. They tend to cause interviewees to give the answer they think the interviewer wants

to hear, rather than what they know to be the truth.

A common investigator error is the use of negatively phrased questions. The question that is phrased in the negative appears to be a rather serious problem, even among very experienced investigators. The negatively phrased question not only suggests that the response is to be "no," but also states that no is the right answer. For example, the question, "You wouldn't do that, would you?" clearly implies the investigator expects a negative response. Most negatively phrased questions are also leading.

Compound questions are questions asked in rapid succession before the interviewee can respond to the first question. This includes rephrasing the original question and may include "either or" questions. This method of questioning should be avoided because, at best, it confuses the interviewee and, at worst, can cause information to be missed or overlooked. Compound questions tend to show a lack of experience on the investigator's part and may indicate when the investigator is excited, tense or lost.

In many instances, when faced with multiple questions interviewees are likely to answer only the question or questions they remember or that are the least threatening to them. The answers to the other questions are most often lost. For the suspect, compound questions offer an out because they may answer only the least incriminating questions and those that create the least amount of stress. Compound questions allow the subject to conceal information while appearing to be forthcoming and cooperative.

Complex questions are complicated, not easily understood and cover more than one topic. Complex questions tend to confuse the interviewee and lead to an "I don't know" or an unintended false answer.

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PART FOUR - TELEPHONE INTERVIEWS

0625 DIFFERENCES: The first and most obvious difference between face-to-face interviews and telephone interviews is that investigators cannot see the person they are interviewing. Interviewers cannot even be sure they are talking to the person they are attempting to interview. Therefore, investigators must be careful to ask questions that would ensure a reasonable belief that the people they are talking are the people they claim to be.

If the investigator receives a phone call from someone whose voice is not recognized, it is a good idea to offer to call the individual back due to the length and expense of the call. This provides a telephone number that can be used to determine where the call originated from, if required. If the caller responds that they are calling from a government telephone, ask for the number "so that in the event we are cut off for some reason," the investigator can recontact them immediately.

Other obvious differences are: location; time (due to different time zones); lack of observation and the inability to interpret body language; feeling; and voice

inflections. People talking on the telephone are just voices, which makes establishing rapport more difficult.

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0626 PROBLEMS: In a telephone interview, we do not truly communicate. Therefore, it is imperative that the interviewer be a very careful "active listener" in order to obtain all the information that is being passed on the telephone. It must be remembered, however, that although the telephone interview allows the speakers to gather and/or exchange facts, information and ideas, they may not know to whom they are really speaking, and communication is hindered. The inability to read the nonverbal aspect of the message complicates the process and makes thorough evaluation of the interviewee and the information provided virtually impossible.

For the most part, telephone interviews are to be avoided, especially in the case of subjects and important witnesses. Complainant interviews done in-person are also preferred, but in the IG context, this often is not possible because many complaints come via the telephone hotline and provide no means of followup.

It is also recognized that cost becomes a factor when in-person interviews require money for travel expenses. Effective time management may also be a factor.

The foregoing considerations notwithstanding, try to limit telephone interviews to witnesses who only provide background information, to use as a follow-up technique after the primary interview has been conducted in-person, and to use as a preliminary inquiry technique to determine the extent of someone's knowledge or develop leads.

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0627 GUIDELINES: The guidelines for telephone interviews are much the same as those for face to face interviews with a few additions and a slightly different emphasis on others. In addition to the guidelines set forth in [paragraph 0612](#), consider the following:

Asking a second interviewer to listen on an extension and take notes;

Getting call back numbers and setting up a time for continuation, if necessary, at the start of the phone conversation in case one of you has to terminate the call for an emergency or the phonenumber goes down before the interview is completed;

Reviewing investigative notes with the interviewee more frequently during the interview to ensure that if the interview is terminated prematurely, the information obtained to that point is accurate;

Using televideo conferencing equipment when available in order to obtain more of the nonverbal communications that would be available in an in-person

interview; although this costs more than using the telephone, it is usually much less expensive than the cost of flying or driving to a distant location.

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0628 QUESTIONING TECHNIQUES: These are much the same as the face-to-face interview, but take on more importance due to the quality of response required or anticipated. For example, whereas open-ended questions that allow for a long narrative response are very good during an in-person interview, they are less useful in a telephone interview due to the investigator's inability to perceive the nonverbal aspect of the communication. Also, the narrative telephone response may require interruptions that may destroy continuity and could appear to be rude should the interviewee start getting way off the subject or head into irrelevancy. Probing questions are designed to get underlying reasons for previous comments. They are useful when trying to get the interviewee to focus on certain aspects of the topic(s) you want further information on. Direct questions are a good method to narrow the range of answers geared toward gathering specific information about a specific topic. Leading questions are phrased in such a way that the interviewee thinks there is an expected or appropriate response. This type of question can create a climate in which the interviewee becomes defensive and feels manipulated. It can be useful in getting the interviewee focused when they are vague or speaking in generalities. Question softening techniques are very useful during telephone interviews. Begin questions with the words "I am curious....?" or "I was wondering....?" or "Would you happen to know....?" Return to [Chapter Table of Contents](#).

0629 ENDING THE TELEPHONE INTERVIEW: Don't be in a hurry to end the telephone interview. Much information may be relayed in small talk and casual conversation when the interviewee thinks the interview is over. Review investigative notes with the interviewee carefully to ensure agreement as to what the issues are and what was said about them. If unable to obtain all the information needed in the time available, make an appointment and get the telephone number to talk to the person again to obtain the information. If appropriate, interviewees may volunteer or be asked to provide documents to support their complaints or to corroborate information. If they are making a complaint, it is their responsibility to provide the information and they should be told so. Avoid putting pressure on interviewees during a telephone interview because they could become hostile, lose rapport, and hang up. Return to [Chapter Table of Contents](#).