

SCCE Compliance and Ethics Institute



Conducting Interviews

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Conducting Interviews

- You must be able to influence the behavior of the interviewee towards responding and telling you the truth.
- You need a defined strategy to achieve your goal.
- You need to control the interview as it proceeds.
- You must be alert to when the witness may be attempting to deceive you.
- You must be able to collect quality information from the witness.
- When appropriate, you must be able to solicit admissions of key points.

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Conducting Interviews

- You are the choreographer of the interview.
- What information do you need from this interviewee?
- There is no substitute for your preparation.
- Review your hypothesis to keep your goal in mind.
- Is there anything management needs you to learn?
- Think about post-investigation steps and factor those into your interview planning.
- Consider your appearance and demeanor.

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Conducting Interviews

- Prepare an outline of questions to ask.
- Remain open-minded. Do not argue or express opinions.
- Identify any motives which show a bias.
- Ask for supporting information and the basis of their knowledge (i.e. "how do you know this?")
- Interviews are generally not tape recorded.
- Phone interviews are necessary sometimes but have limited value to the investigation.

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Conducting Interviews

- The types of interview questions you may ask:
 - Open-ended questions encourage a narrative answer.
 - Expansion questions build from an open-ended question.
 - Close-ended questions identify specific facts.
 - Leading questions proceed from your ulterior motive.
 - The final question pushes the interview to the witness.
- The type of question you ask usually determines the substance of the answer you receive.

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Initial Steps in an Interview

- Give a standard set of instructions to the witness.
- Explain why you are there, why the witness is there, the investigation's objective, your approach, etc.
- Extend basic courtesy. A collegial, business-like approach is best.
- Be alert to signs of hostility, such as the refusal to engage in the basics of social acts.
- Start "norming" the witness. Keep the first questions simple.
- Consider your professional and personal safety when planning and taking an interview.

Assessing Credibility

- Is the explanation you are given inherently plausible?
- Does the explanation follow the known timeline of events?
- Is there corroborating evidence to support the explanation?
- Does the person have actual knowledge of that information, or is it hearsay?
- Are there other objective factors that give it credibility?
- Avoid personal interpretations of the other person's credibility.

Interviewing the Subject

- There is a difference between an interview and an interrogation. The Subject is interrogated.
- You seek information as well as admissions of key facts.
- The Subject should be confronted with the information and given an opportunity to respond.
- The Subject is entitled to offer exculpatory information and mitigating circumstances.
- Remind the Subject that you are a fact-finder, and the investigation should not be deprived of the Subject's facts.
- You seek to explain the "why" more than the "what."

A Hostile Interview?

- There is a potential for strong interviewee emotional reactions
- People become hostile for one of two reasons:
 - They feel personally threatened
 - They have emotional ties to someone who has a reason to feel threatened
- Personality characteristics of the hostile interviewee
 - Resentful of authority
 - Someone to protect
 - Personal involvement
- Hostile interviews are charged with emotion. The interviewee reacts rather than thinks.
- Keep it business-like and collegial.

Interviewing the Subject

- Do not anticipate the outcome of the investigation or speculate about what is likely to happen after the investigation is complete.
- Don't argue with the Subject.
- Ask the Subject open-ended questions and then follow with more-specific questions intended to solicit admissions.
- If the Subject attempts to undermine other witnesses, explore the basis of the attempt.
- Allow the Subject to suggest other witnesses who might corroborate his defenses.

Overcoming Objections

- "I don't want to get involved."
- "Why should I talk to you."
- "You can't prove that."
- "You can't make me talk."

Interrogation Do's and Don'ts

- Use silence as a weapon.
- Keep questions short.
- Ask one question at a time.
- Question the answers you get.
- Don't make promises or threats.
- Don't show surprise at any answer you get.
- Don't use profanity even if they do.
- Don't lie or bluff.

Methods of Interrogation

- The factual interrogation
- The classic emotional interrogation
- The “theme development” interrogation
 - It’s non-confrontational
 - Convince the witness you know he committed the misconduct
 - Use factual information and offer rationalization
 - Build from a small admission

The Psychology of Deception

- Telling the truth is easy.
- Lying and deception are different but the same to the interviewer.
- All behavior is goal-oriented, so deception is their goal.
- Decision results from a series of decisions:
 - Do I tell the truth and, if so, what will be the consequences.
 - Do I not tell the truth and, if not, what strategy do I use?
- Lying is difficult and intentional.
- Lying is complicated.
- Lying is stressful.

Documenting the Interview

- If you don't document it, it didn't happen.
- Take detailed notes during the interview.
- Accept a written statement but not as a substitute for an interactive interview.
- Read your notes back to the witness to confirm they are accurate.
- Note the facts of the interview without speculation, opinion or subjective comments.

Documenting the Interview

- Quotes are effective, but make sure jargon is explained so you and the witness have the same understanding.
- Date all documents and notes you prepare.
- Assess credibility in a separate document, if needed.
- The memo must be written timely.

Closing Thoughts

- Interview the Subject at the end of your fact-finding.
- Consider exculpatory and mitigating information.
- Think procedural fairness.
- Look for admissions rather than confessions.
- Remember your personal and professional safety.