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**Demystifying
the Investigative
Process**

**COMING IN
JANUARY,
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PI EQUIPMENT
GUIDE**

Demystifying the Investigative



Process

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GENERIC DEFINITION OF AN INTERVIEW

Over the years, investigators have come up with several generic definitions for the investigative exercise. Our definition: An investigation is the medium through which facts are discovered, gathered, preserved and prepared as evidence for legal proceedings.

THE DIFFERENCE BETWEEN AN INTERVIEW AND AN INTERROGATION?

An interview is a leisurely conversation with a person of interest, which can rise to a fact-finding excursion where warranted. An interrogation is a probing conversation with normally unwilling or unknowing subjects to extract secretive information. The primary objective of the interrogation is to obtain incriminating evidence and ultimately get to the truth of what happened.

A WINDOW INTO THE INVESTIGATIVE PROCESS

One of the tenets of the investigative process is to gather as much pertinent information as possible during the interview. Oftentimes, the interview is analogous to a written play, and the interviewer and interviewee are the lead actors. The interplay between both is like a well-rehearsed symphony, wherein the interviewer tries to marry the apparently connected to the unconnected and the interviewee tries to either answer the questions forthrightly or attempts to dance around the truth. The investigative process follows the universal academic learning model: “Assess the facts, criticize assertions and integrate conclusions.” From the business perspective, private investigators often call this exercise “connecting the dots” or “peeling the onion.” As the layers of the onion are pulled back, the onion begins to reveal its true nature.

Whether performing a law enforcement or business-related interview/interrogation, it’s most important to always come to the interview or interrogation prepared. Being prepared includes, but is not limited to:

- Using control-type questioning—a control question is an incident-related query intended to elicit a psychological response
- Observing kinetics
- Establishing rapport
- Controlling the flow of the interview
- Allowing uninterrupted dialogue
- Keeping an open mind
- Following the facts wherever they may lead

Investigative experts instinctively know that active listening is the fulcrum upon which effective interviews are constructed. Often the interviewee is ready and able to tell what he or she knows, and interviewers should always allow him or her to tell their story uninterrupted.

At times, interviewees are not interested in cooperating. In these instances, the interviewer needs to wear two hats and try to conduct both the interview and interrogation in one session. This takes tremendous skill and should only be performed by seasoned sleuths. The interrogation, on the other hand, is a formal session designed to elicit a confession of guilt and involves probing and extracting information from an unwilling subject by asking trenchant questions. The objective is to seek evidence and an admission of responsibility or guilt. The interviewer needs to leave the impression that the incident at hand has already been solved and that the interviewee is somehow involved.

INTERVIEW TYPES:

Initial Interview: Identifies the circumstances surrounding the incident, lists possible witnesses/suspects, catalogs physical evidence, and classifies the incident as a crime, civil event or as an informational report.

Canvass Interview: Usually completed as a follow-up to the initial interview and involves canvassing of neighborhoods, searching out witnesses, and following any and all possible leads. Oftentimes these canvasses are door-to-door inquires of residences, business establishments, bus stops, delivery carriers (Federal Express, USPS, Parcel Post, etc.) and transportation companies (Uber, taxi cabs, car services, buses). In many instances, the canvasser is searching for evidentiary materials, including video camera footage, eye or ear witnesses, or any related information that can shine further light on the incident under scrutiny.

Victim Interview: Often involves searching for the who, when, why, how and where of the incident.

Witness Interview: The objective of these interviews is to obtain eyewitness information from a wide variety of locations (stores, apartment complexes, shopping malls, etc.) captured during the initial interview, leading to sketch characterizations and other evidence-related exhibits.

Suspect Custodial Interview: The questioning of a person regarding their involvement or suspected involvement in a criminal offense or offenses. As a matter of course, suspect interviews are performed by law enforcement officers as part of their regular criminal justice process.

Non-Custodial Interview: These interviews are usually performed by private security personnel and are fact-finding exercises. In this type of interview, it's important that the interviewer establishes rapport with the interviewee and ensures that the interviewee is comfortable and relaxed.

NATIONAL VS. INTERNATIONAL INVESTIGATIVE CONSIDERATIONS

In a June 1995 article by the undersigned, "Investigating in a New Environment" in *Security Management Magazine*, discusses the unique differences associated with performing investigations in foreign lands. It's important to recognize that performing investigations and conducting interviews and interrogations abroad can be perilous. Because many corporations have multi-national footprints, the way interviews and interrogations are performed internationally should be carefully researched.

First and foremost, it's imperative that investigative professionals entering these markets understand that they pose a markedly different, and sometimes dangerous, cultural and legal landscape. Many issues that are taken for granted in domestic investigative interviewing and interrogating exercises must be addressed in the context of the host country's political, legal and cultural climate. One of the most important issues that needs to be researched before interviewing and/or interrogating anyone is to seek legal counsel and check out the host country's legal system thoroughly. Every country has its

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own legal system, which affects all aspects of the criminal and civil justice process, including security and investigations. These systems vary greatly from country to country.

Permissible investigative approaches in Mexico may be prohibited in France, for example. Protections that are taken for granted in the United States pertaining to search and seizure, self-incrimination, Miranda Warnings, interview taping, etc., most likely are quite different than our justice system requirements. The major exceptions to this rule are the United Kingdom and India. The U.S. legal system is an outgrowth of the English common law system, and many of the principles of the American justice system apply there. Beyond the legal system, it is equally important that the investigative specialist become extremely familiar with the host country's culture and language. It's also important that the investigative professional read as much about the host country as possible before endeavoring to jump in and perform any due diligence excursions.

THE HOMEWORK PHASE: ASPECTS OF PREPARING FOR THE INTERVIEW OR INTERROGATION

The key to ensuring success is being prepared. A successful interview and/or interrogation begins and ends with getting all your ducks in a row before beginning the exercise. Before contacting a

witness or the subject of an investigation, whenever possible, review police and civilian reports and CSI reports, as well as comprehensive background, social media searches and computer-assisted dispatch (CAD) reports on the subject and location. If possible, talk directly to the responding officers and/or interested parties to obtain detailed accounts of the incident. Finally, it's most important that the interviewer determine whether one-party or two-party consent is required for electronically taping potential proceedings. This is especially important if electronic taping will be part of the investigative envelope.

PREPARING FOR THE INTERVIEW:

- Pre-plan interview questions
- Put the interviewee at ease—develop a rapport
- Structure interview questions so that they are easily understood
- Show a personal interest in the interviewee
- Always keep interviews conversational
- Listen carefully to verbal and non-verbal dialog
- Refrain from interrupting the interviewee
- Determine information requirements before beginning the interview
- Schedule interviews at the time of the day when you have the most personal energy
- Select an interview location that is free from distractions
- Always allow ample time to conduct the interview
- Always maintain control of the interview flow
- Try to establish rapport with the interviewee
- Always accept emotive responses without criticism
- Refrain from taking extensive notes during the interview – shorthand helps
- Refrain from interrupting the interviewee
- Always leave the door open to follow-up interviews
- Obtain a written statement of facts at the conclusion of the interview
- When using interpreters, make sure that all communication takes place between the in-

terviewer and interviewee, not between the interpreter and the interviewee

NOTETAKING TIPS

- Refrain from trying to write verbatim responses—audio- or videotaping should be practiced whenever possible (in many states you need to let all parties consent to the being recorded)
- Avoid becoming distracted by your notetaking
- Always preserve interview notes for future use

SHORTHAND NOTETAKING SUGGESTIONS

- Q&A: question and answer
- RQ: repeat question
- RA: repeat answer
- IE: interviewee
- IR: interviewer
- IW: interview
- MVI: motor vehicle information
- PI: police information
- AKA: aliases
- MPH: miles per hour
- POB: place of birth
- DOB: date of birth
- NA: not applicable
- ID: identification
- CM: crime method
- ICB: internal control break (fraud and audit term)
- SSF: security system failure
- AF: audit failure (fraud and audit term)
- SF: security failure
- BSR: background search required

INTERVIEW METHODS

- **Good Guy – Bad Guy:** One interviewer attacks the interviewee while the other defends
- **Role Reversal:** The interviewer reverses roles with the interviewee, e.g., “If you were looking into this matter, what would you do?”

INTERVIEW TECHNIQUES

- **Pregnant Pause:** Asking a question ... pausing—this often-uncomfortable silence creates the opportunity for the interviewee to continue conversing
- **Trade-Off Technique:** Offering a promise of helping the interviewee by suggesting that their assistance will be taken into consideration later, if necessary
- **Breaking Down the Story Technique:** The gradual process of obtaining the truth by pointing out inconsistencies in the facts, thus hopefully getting the interviewee to make broader remarks and possible admissions
- **Graceful Exit Technique:** Allowing the interviewee to furnish excuses for their behav-

ior by offering a sympathetic ear, thus keeping the door ajar for future interactions

DECEPTIVE BEHAVIOR TRAITS: TYPES OF LIARS

- **Panic Liar:** Rarely wishes to face the consequences of his or her confession
- **Occupational Liar:** Has lied for years—it’s a way of passage
- **Tournament Liar:** Loves the challenge lying brings
- **Ethnological Liar:** Taught over the years to never squeal on another
- **Sadistic Liar:** Will never give the interviewer the satisfaction
- **Psychopathic Liar:** No conscience whatsoever

HELPFUL INVESTIGATIVE HINTS

More astute interviewers never fail to take special notice of clothing, jewelry, tattoos, accents and other personal identifiers. To the perceptive sleuth, a college ring identifies schools attended; sports jackets, elbow patches and button-down shirts signify possible academician affiliation; bow ties often signify non-conformist characteristics; lapel pins showcase organization and association affiliation; the list goes on and on. It really pays to observe!

PERFORMING DUE DILIGENCE: TESTING INFORMATION ACCURACY

Once the interview and/or interrogation is completed, it’s time for fact-testing. Each assertion offered during the interview and/or interrogation must be truth-tested. Witnesses must be located and interviewed, background checks and related due diligence performed, tips and leads verified, etc.

CONCLUSION

In the court of protection wisdom, conducting interviews and interrogations is truly both an art and a science. The art involves setting the proper environment and stage for the interview, whilst the science embodies using your observation and intuitive abilities to capture the ever-elusive truth. Interviewers spend countless hours probing, examining, researching, listening, observing and pondering before they tear a page from their “RX” pad and begin preparing their final report. **PI**

References:

- Lyman: publisher Pearson 6th edition isbn# 3-978-0-13-506057-5
<https://pressbooks.bccampus.ca/criminalinvestigation/chapter/chapter-9-interviewing-questioning-and-interrogation/>
Luizzo, A. Van Nostrand G.: “Investigating in a New Environment” – Security Management Magazine – June 1995.

Luizzo, A. “Interview Vs. Interrogation”: Financial Fraud Report - Warren Gorham & Lamont / RIA Group Reuters - Thomson Publications - December 1999.

Luizzo, A., Calhoun, C., “Fraud Auditing: A Complete Guide”: The Foundation for Accounting Education / New York State Society of Certified Public Accountants – 1992, Rev. 1995.



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