

Interviewing Techniques

Unit 8

Unit 8

Interviewing Techniques

Learning outcomes

By the end of this unit the learner will be able to:

- Explain what is an effective Interview
- Discuss interview planning procedures
- Explore interviewing process

The investigator has to interview a person during the course of an investigation, and regardless of whether that person is an eyewitness, a records custodian or the suspect, the investigator has to apply interviewing techniques in order to obtain information from them. Depending on the subject and purpose of the interrogation, the methods of questioning may differ in complexity from a simple question-and-answer session to a complex psychological game.

This section provides a framework for the financial crime investigator to build an effective interview process. To be an efficient process, it must be flexible enough to be adapted to different scenarios.

The Interview

What is an Interview?

Although an interview is nothing more than a purposeful conversation, it does involve human dynamics as well, which intervene in the parties' attempts to fulfil their purpose successfully. There may be several psychological barriers hindering effective communication, regardless of whether the interviewee is a suspect or a witness.

The investigator's job is to minimize or eliminate barriers to communication and open a clear channel. It is simply not enough to approach the suspect/witness, request a full disclosure of facts, and expect an honest account of the event from the witness's/suspect's mouth. Sometimes even the most cooperative witnesses find it difficult to remember the exact details and facts to the extent that is expected and required by law enforcement officials.

Despite extensive research and psychological studies, science has been unable to completely reveal the complex working of the human brain. For example, it is still a mystery how the brain matches observed events with instantly recallable memories. This confusion related to memory may be responsible for poor witness performance.

Apart from psychological barriers, the flow of information is also hindered by social and environmental factors. There are several reasons why witnesses and victims are unable to provide facts during an interview. One reason is that some people do not want to be involved in a process in which they may be required to testify against a friend, a neighbour or a loved one. Another reason is that the victims or witnesses themselves may be hiding information that they do not want the authorities to know. Some people may even be complicit in the crime or fearful of a backlash from the suspect; consequently, they are hesitant to testify.

Due to the reasons discussed above, interviews with witnesses and suspects may be psychologically challenging. However, this does not imply that the interviewer should conduct all interviews in a confrontational manner, assuming that the interviewee is hiding something or being uncooperative. On the contrary, the interviewer should have knowledge of human dynamics and acknowledge the natural barriers that hinder full disclosure by the interviewee.

It is the investigator's responsibility to overcome the barriers and separate important facts from unnecessary details. In addition to natural and psychological barriers, the investigator may also face the language barrier. If, for example, the witness is a financial expert, he/she will use the kind of technical language with which ordinary people are unfamiliar. In a normal conversation, people have the option of editing out the details that are incomprehensible to them and carrying on the conversation with reference to whatever they understand. Investigators cannot afford to do this. They cannot simply edit out or misunderstand data or information they do not understand, as these may be facts crucial to the investigation. Therefore, it is important for the investigator to plan the interview in advance and embark on it properly prepared.

Planning the Interview

Who? The first step is to determine who will be interviewed. This is a fairly obvious choice in an investigational interview as opposed to scientific research where interviewers have to follow a methodology in order to select the interviewees. However, it is still important to discuss the matter because financial crimes involve different kinds of evidence and witnesses from those involved in non-financial crimes.

There are relatively fewer witnesses in financial crimes. This is because, firstly, financial crimes are usually committed in the form of fraud. Fraud, by its very definition, is a crime committed in secrecy and with stealth. Fraudsters rely on the non-existence of eyewitnesses for their crime to be successful. On the other hand, non-financial crimes such as murder, burglary, assault or robbery involve a criminal act against an individual and are more likely to involve witnesses capable of providing a detailed account of the crime and the suspect.

Secondly, even if someone does witness the fraud being committed by the suspect, there is no certain way of knowing that a crime is occurring because the act will most probably look like a routine business activity. Successful and experienced embezzlers try to pretend that they are carrying out routine business activities and conceal their fraud under legitimate

business acts. A successful fraud makes the crime almost unidentifiable even to a well-trained observer, as it cannot be distinguished from daily operations.

Potential witnesses such as accountants, external auditors, banking personnel such as tellers and branch managers, mortgage and loan brokers, and business consultants should not be ignored. Any individual or firm with information about the business and its operations might be witnesses regardless of their proximity to the suspect or the business.

Investigators should decide whom to interview with creativity and logic, as there cannot be a set list from which to choose.

Current and former employees should always be included in the investigator's list of interviewees. While current employees and peers may be hesitant owing to their relationship with the suspect, former employees may not be restrained by that limitation because they will have no fear of spoiling their relationship or work dynamics with the suspect. Former bosses, co-workers and significant others may provide detailed insights into the suspect's attitude at work and his/her personality in general.

Although it is crucial to interview former co-workers and significant others, the investigator should be aware of the possibility that these people may have a grudge against the suspect and may deliberately skew the facts; even worse, they may completely fabricate information to the detriment of the suspect. Sometimes even current colleagues and friends may be deceptive for different reasons but it is always helpful to re-check or corroborate negative statements given by the formers about the suspect.

The following is a list of potential interviewees:

- Victims
- Co-workers, including bosses and subordinates
- Suppliers and vendors
- Customers
- Spouses (and former spouses)
- Significant others
- Relatives
- Attorneys (depending on attorney–client privilege and work-product)
- Accountants
- Bankers and stockbrokers
- Regulators, including SEC, if applicable, and other industry watchdogs
- Competitors
- Industry leaders and group representatives

What? Once the investigators have determined whom to interview, they need to plan what they will ask the interviewees. The investigators should carefully consider what possible information the interviewee might provide them with. Investigators with limited experience of financial crime investigations tend to assume that witnesses are able to provide them with eyewitness accounts of the crime. While such a scenario would be extremely helpful for the case, it is unlikely considering the secretive nature of financial crimes. Therefore,

investigators should aim at obtaining missing information from the witnesses in order to fill in the gaps in their case.

Witnesses who are far removed from the actual crime and the crime scene may be able to provide the most crucial information. For example, while a banker or a stockbroker will be unable to help prove that the Chief Accounts Officer manipulated the accounts receivables of the company, they may be able to provide more important information about where the

money has gone. Financial crime investigations are all about ‘following the money’. Financial criminals usually put their embezzled money somewhere known to their banker.

Investigators might obtain crucial pieces of information from financial institutions despite strict rules on financial information disclosure. This information may help investigators track down sources and expenditures of funds and motives for theft.

Pre-planning what to ask the interviewee is helpful for organizing an interview. Witnesses who have collateral financial information should be dealt with carefully in order to avoid unnecessary work and even the need to re-interview the same witnesses. Once the investigator is aware of the documents to which a witness has access and the potential information he/she may be able to provide, the investigator might draft probing questions and even acquire subpoenas to help the witnesses through the legal process. Any investigator who embarks upon an interview with insufficient preparation may have to halt the process and re-schedule after obtaining a subpoena.

Why? *Why* has a close relation to *who* and *what*. Determining the reason to interview a witness is associated with who they are and what information they possess. Once the investigator establishes what kind of information a witness may be able to provide, he/she can easily explain the importance of interviewing them.

In justifying why a witness should be interviewed, it is important to determine the order in which interviews will take place. In other words, *timing* is part of the justification for interviewing a witness. Some witnesses should be interviewed during the intelligence-gathering phase because of their ability to provide background information, while others are more important for providing the finer points. For example, accountants, bankers and stockbrokers may provide a larger perspective and more background information than the accounts payable clerk, who will be able to provide the fine details of individual transactions. Both kinds of information are equally important but they should be obtained in a particular order.

When? Determining when to interview a witness (as opposed to merely determining the order of interviews) is another aspect of planning an interview. It is important to consider the time of day when the interview is to be conducted and determine the perfect time for it. Although there is no “perfect” time for an interview, some times are better than others. Suppose the interviewee is a CFO. He/she is bound to have a busy schedule; therefore, the interview time should take this into consideration. On the other hand, bankers and stockbrokers may have flexible timings or relaxed schedules at certain times of the week; hence, these would be appropriate times for which to schedule the interview.

It is the investigator's responsibility to recognize the most hectic, and therefore the worst, times for scheduling an interview and make efforts to create a friendly or relaxed atmosphere for the witness. Professionals who agree to meetings during lunch hours or at the last moment will probably consider it a waste of time answering questions about another person's finances. This is when investigators need to be patient and ensure that the atmosphere does not become too strained. It is wise to avoid hectic time slots for interviewing witnesses; rather, the witnesses should be asked which time suits them best and the interviews scheduled accordingly.

Where? The place where the interview is conducted is important and needs to be chosen carefully. The investigator may have several options such as the witness's workplace, his/her home or some neutral venue. Each venue will have its own set of pros and cons. The role played by the witness in the crime will determine how comfortable the investigator wants the interviewee to feel. No-party bankers, brokers and professionals may want to be interviewed in their own offices; similarly, suspects may also want to be interviewed on 'their own turf'. The investigator may decide that interviewing the suspect in a location where they feel comfortable may not be the best idea strategically.

Investigators usually manipulate the psychological pressure on the suspect and use it to minimize the resistance to confession. As long as this practice is not abused, it can be an effective investigation tactic. Another tactic is to take the suspect out of their psychological comfort zone and place them in the investigator's element. The pressure on the suspect will be considerably higher in the investigator's office, an attorney's office or a police precinct.

How? The investigator has several options in terms of how to interview the witness. These include audiotaping, videotaping, and recording the interview stenographically. While all three options are acceptable, the investigator must ensure that the interview is recorded. There are a number of reasons why interviews should be recorded. Firstly, recording protects the investigator, since no one will be able to attribute statements to the investigator that he/she did not make, and any accusations of threats made against the suspect can be swiftly dismissed.

Video-recording the interview is preferable to audio-recording it because, although an audiotape records the exact words that were exchanged between the investigator and the witness/suspect, a videotape captures every gesture or facial expression made by both parties and is therefore able to dispel any implication of intimidation more effectively. A defence attorney making a case against the voluntariness of a statement might use the videotape to observe the investigator's proximity to the witness/suspect. Moreover, certain noises such as a palm slammed on the table or a dropped book may sound like intimidation tactics on audiotape; therefore it is helpful to record such incidents on video in order that the sounds might be accompanied by images.

Recording also provides protection to the witness and ensures that their words are not twisted. In the event of a witness being hesitant about being recorded, the investigator should explain the merits of recording the interview on tape until the witness is reassured.

Recordings run the risk of being misplaced, destroyed or altered, but they are much more durable and last much longer than an average person's memory. When there are many cases and several witness statements, the recorded interview becomes a blessing, as the investigator cannot possibly retain all the statements in their original forms. Interview tapes assist with the writing of reports and trial preparation because they reduce the chances of omitting important details or altering the statements to any great extent.

The tone of the proceedings is another aspect of the technique of interviewing witnesses. Each interview has a different goal. Interviews with suspects are different from witness interviews as psychological pressure and demeanour differ depending on whom is being interviewed. The investigator will adopt a different tone after considering the psychological pressure. Preparing the tactics for approaching the interviewee in advance will give the investigator an advantage and an opportunity to capitalize on the psychological pressure.

The Interview Process

Interviews can be divided into two categories: suspect and witness. The distinguishing factor between these two categories is the use of the terms "interview" and "interrogation", as "interview" implies non-suspect and "interrogation" signifies suspect. Interrogations are interviews with a person or persons who are suspected of committing or being involved in a crime. Witness interviews, on the other hand, are of a different nature.

Witness interviews include witnesses, victims and other people who are not immediately suspected of committing a crime or being directly involved in it. The word "immediately" implies that an investigator is trained to approach every investigation with an assumption that everyone was involved in the crime at one point or another. Although it is advisable for the financial crime investigator to maintain a healthy level of professional scepticism, it should be noted that too much of this may lead to bias and false determination of deception. Professional scepticism helps avoid hasty suppositions and faulty assumptions and prepares the investigator for surprising revelations, as people who were once considered innocent get caught up in their own lies and deceit.

There are various reasons for conducting interviews, including scientific, investigative, journalistic and psychological. Regardless of the type of interview that is being conducted, similar dynamics exist between interviewer and interviewee. The purpose of any interview is to obtain information, and the process of obtaining information requires verbal interaction. This interaction is usually followed by a discourse, which involves the exchange of language.

Communication is only made possible when people exchange words, as words have a shared meaning. Words, which are the basic component of any language, are dependent on cultural implications that affect their meanings. In this case, the culture that influences words is the norms of the financial community. Members of this community, who include the controller, the bookkeeper, and the chief financial officer, speak a unique dialect within their native languages.

Interviews can take different forms from open-ended to predetermined. The semi-structured interview is the most common form. In semi-structured interviews, the

investigator, guided by a set of questions and basic goals, explores issues as they arise during the course and within the broader structure of the interview.

Conducting the Interview

For several years, police interviewers were trained in a classic question-and-answer style of interviewing. This meant an interviewer-controlled session of close-ended questions (with simple yes or no answers). The interviewer would be a police officer asking direct, investigation-relevant questions that were designed to produce a factual response. For example, “Did the suspect have a gun?” “What colour were the suspect’s eyes?” “What was the license plate number?” These were typical questions asked in a police interview.

Although these questions were specifically aimed at obtaining an accurate response, this was often lacking due to the witness’s inability to recall the exact details. By the end of this exchange, the witness felt exhausted and guilty for being unhelpful and the investigator felt frustrated at the futility of the interview. Moreover, the investigator had little hope of gaining any substantial leads from the witness, as any information coming from the witness was likely to be inaccurate.

Advances in the fields of cognitive behaviour and applied psychology have had a direct impact on how witnesses store and retrieve information and observed events. The cognitive interview, a technique to facilitate memory development, has undergone the most remarkable advances.

The Cognitive Interview

Dr R. Edward Geiselman, a professor of psychology at UCLA in 1984, and Dr Ronald P. Fisher, Dr Geiselman’s associate, along with their colleagues, developed the theory underlying cognitive interviewing tactics. They also developed a breakthrough in the interviewing technique, known as Structured Interview (SI). The cognitive interview is basically an expansion of SI, as it includes additional strategies designed to enhance the witness’s memory. The strategies underlying cognitive interview are based on certain theories and hypotheses. The first hypothesis is that remembered, or encoded, information is stored as discrete units or records that contain data relevant to the observed event. These data are indexed by headings and the matching record can be found through descriptions. Part of this description is the context, or the environment in which the event was recorded. The recreation of environment and the context helps the individual to access the record and details related to it.

The second hypothesis states that our memories comprise a network of associations rather than discrete units. Therefore, it is possible to access memories through different paths. For example, shifting the temporal perspective, such as starting from the end of an event and working backwards, may trigger a memory. The schema theory is the third model of the cognitive interview process. According to this theory, a script guides the encoding of familiar events in our brains. When a familiar event is observed, it is organized into a hierarchy of slots depending on the script. New events are assigned slots based on the familiar slots that have already been scripted by the brain. This enables the brain to encode information based

on already obtained expectations and to use default information to fill the slots. Cognitive interviewing techniques are a systemized approach to using various models of information to encode and retrieve memories and to enhance the witness's ability to recall the exact information. Several studies show the statistical success of cognitive interviews, as correctly recalled details have increased by 45% over details emerging from non-cognitive techniques.

The process of conducting cognitive interviews involves a multiphase approach and incorporates several techniques in order to enhance communication. Phase one is free report, phase two involves questioning, and phase three is referred to as second retrieval. During this process the investigator employs memory recall techniques that are consistent with the cognitive approach. Phase one involves transferring emotional control to the witness. In other words, the witness is encouraged to do most of the talking. This can be achieved through open-ended questions that allow the witness to take his/her time answering the questions and to control the pace of the interview. The interviewer should not interrupt the witness and should time the necessary questions carefully.

Phase two involves a basic line of questioning based on the witness's recollection of the event. This line of questioning is remarkably different from standard police interviews where the interviewer focuses on filling the blanks in the police report. Although it is important for the interview to be structured to some extent in order to obtain answers to *who, what, where, why, when, and how* questions, most of this phase should concentrate on the witness's recreation of the event in his/her own narrative.

Phase three is the process where the interviewer, having asked all the basic questions, now directs the witness to make a second attempt to retrieve the information that they could not recall during the first report. During all three phases, it is important that the interviewer use cognitive techniques to enable witnesses to recall the relevant information. While the interviewer encourages the witness to visually recreate the event, the witness recalls the context within which the event occurred. This retrieval enhancement technique is consistent with the first model of memory encoding, as it helps the witness recall hidden details and increases the overlap between the event and its context.

After the witness has recreated the scene, the interviewer might further probe about the particulars of the scene such as asking about the description of the room, the people in the room, and the physical sensations that the witnesses felt. This may result in the witness recalling more images of the event. At this point, it is important to encourage the witness to share every detail regardless of whether it is incomplete or irrelevant, because the witness may dismiss a detail as unimportant, and such small details may trigger other, more important details or images.

The interviewer might explore alternative memory access routes while guiding the witness through the recall process. This technique uses the schema and multiple trace models to retrieve memory through different paths and make the witness approach the memory with a different perspective.

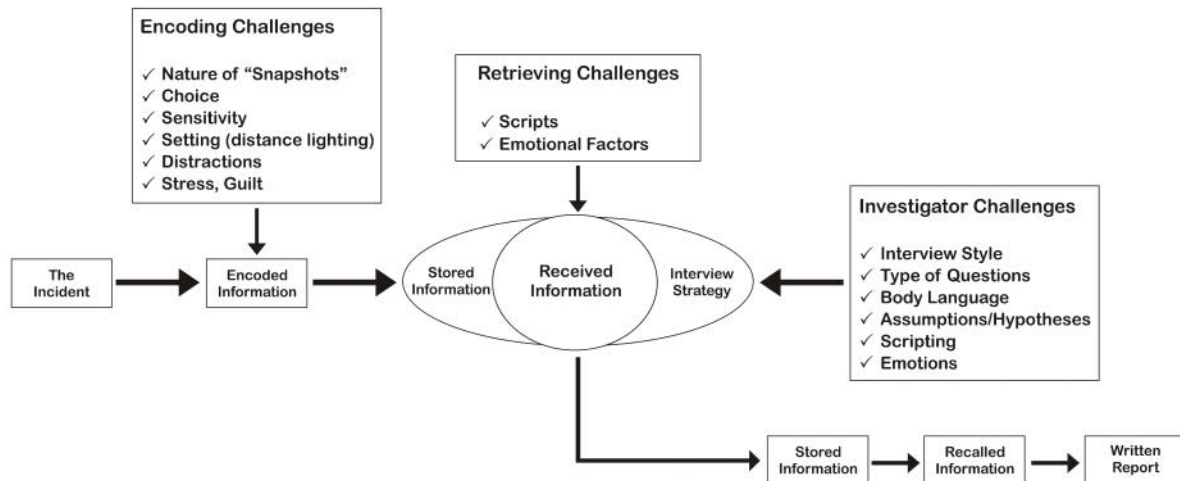


Fig. 8.1

The interviewer might also encourage the witness to rearrange the event temporally. In other words, the interviewer might ask the witness to recall an event from a non-chronological point, such as the middle or the end. Research indicates that a reverse chronological approach to accessing an event can be counterproductive to the context-reconstructing technique, since context reconstruction requires the witness to recreate the exact image of the event in its chronological order. Asking the witness to rearrange the chronological order of the event and start from end may run counter to context reconstruction.

Although these techniques can be hugely successful, there is always a possibility of error in recalling events. A technique that leads to a lot of information being recalled also increases the possibility of error in recollection. While this is a risk associated with every memory-enhancing technique, it is the interviewer's responsibility to minimize the impact of error. One way of doing this is to use memory-enhancing techniques as investigative tools only. Supporting evidence should reinforce any evidence that the interviewer obtains during witness interviews. Documentary evidence might be used to corroborate the evidence obtained during interviews in financial crime investigations.

There are two types of errors associated with memory recall: errors in recall and confabulations. Errors in recall, more simply referred to as errors, are mistakes in actual facts that occurred. An example of an error would be a witness reporting that a vehicle was red when it was actually blue. A confabulation occurs when a witness constructs the memory of an event that never occurred. For example, a witness may say that the suspect was carrying a gun when in fact the suspect did not have a weapon. Confabulations are usually observed in cases involving repressed childhood sexual abuse reports. According to research, cognitive interviewing techniques are more likely to increase errors than confabulations.

Moreover, according to research, children under eight may have a higher rate of error when exposed to cognitive interview techniques. This category of witnesses (children under eight) is not common in financial crime investigations. Nevertheless, investigators should be aware of the pitfalls of using such techniques and do their best to avoid their misapplication.

The rapport-building phase of the interview involves the interviewer building a level of trust with the witness. Two things must occur during this phase: the interviewer must assess and analyze the verbal and non-verbal cues indicating the witness's behaviour pattern, and there should be a comfort level between the interviewer and the witness that sets the tone for the conversation. These things can be accomplished by applying a communication model called Neuro Linguistic Programming (NLP).

Language matching

Language is the way in which people communicate. Their feelings, thoughts and experiences can be related through individual sensory perceptions. The whole foundation of the NLP model is based on this. Language matching involves using the knowledge provided by people's words and creating a subconscious connection.

This does not imply that language matching involves merely using the same words as the interviewee. The interviewer may use similar words, but he/she is not required to use street language while dealing with a witness from that demographic. Were the interviewer to mimic the witness's slang, it might seem like mockery and might even spoil the rapport between the interviewer and the witness.

People process information through various senses such as visual, auditory, olfactory, gustatory, and kinaesthetic. These sensory filters determine the language people select to communicate that information. Language matching connects linguistic communication to the sensory process that people experience while they are storing information.

Paralanguage Matching

Paralanguage means the rate, tone and volume that accompany and modify a person's speech and reflect a subtle meaning. An investigator should observe and assess a change in the interviewer's tone and volume, but paralanguage matching extends beyond observation. It requires interviewers to adopt the witness's speech patterns. For example, if the witness speaks in a low volume and with a slow pace, the investigator should attempt to do the same. This allows the witness and investigator to 'get in sync'. While the speech pattern does not have to be an exact match, it must be similar to the witness's accent and volume. When applied properly and effectively, paralanguage matching is one of the most powerful rapport-building tools at the investigator's disposal.

Suggested Further Readings

- ✓ Singleton, T., et al (2006) *Fraud Auditing and Forensic Accounting*
- ✓ Brown, A., Doig, A., Summers, G., Dobbs, L. (2004) *Practically Fraud*
- ✓ Golden, T.W., Skalak, S., Clayton, M. (2006) *A Guide to Forensic Accounting Investigation*
- ✓ Manning, G. A. (2005) *Financial Investigation and Forensic Accounting*, 2nd ed.