

The Institute of Commercial  
Forensic Practitioners  
ICFP  
15 – 17 April 2015

The Investigative Interviewing Process  
Essentials of the Initial Interview

“The beginning is the most important part of the work.”

Plato, *The Republic*

# Why do “we” interview

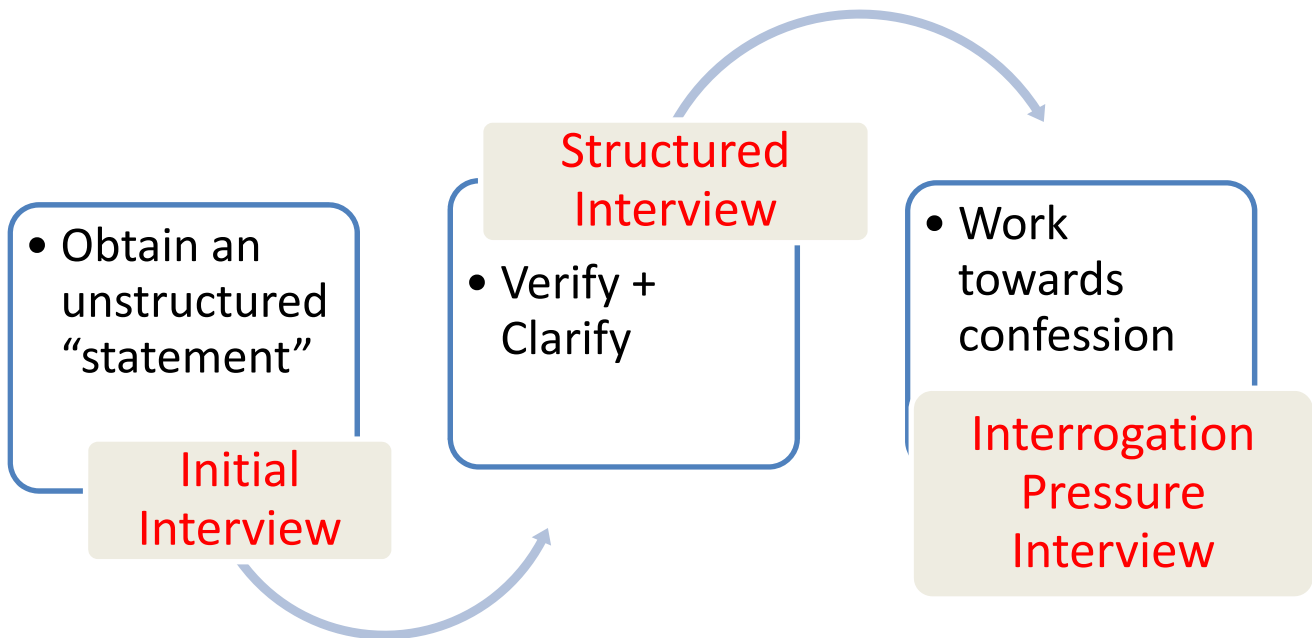
*“The investigator who finds that documentary evidence is superficial or otherwise inadequate, may interview to discover what underlies the recorded data.”*

Source: 1961 in Webster. 1965 S. A. Richardson et al.  
Interviewing i.i. 20 - Oxford English Dictionary

# Primary goals of investigative interviewing

- To make personal contact with the interviewee - to observe the interviewee and to evaluate the willingness to cooperate (motivation)
- To establish a communication framework by establishing common grounds / rapport
- To gain a more detailed and accurate understanding of the transgression
- To verify, clarify and expand existing evidence / information
- To confront the suspect with evidence that confirms his / her involvement and complicity in the wrongdoing to get a confession

# Categorising Investigative Interviewing – Three Parts



# Identifying the different phases

Why categorise?

The advantages and disadvantages of categorising:

- Positive – enables better understanding
- Negative - removes us from the real situation: reality is more complex

# Interviewing - Goals of the three parts

## **1. Initial interview (Collect information)**

Meeting the witnesses for the first time

Getting acquainted – assessing the abilities and motivation to cooperate

Obtaining a narrative statement (unstructured) from the witnesses and assessing the interviewee

## **2. Structured interview (Verify & Clarify)**

When information and evidence have been collected and this need to be verified or clarified

## **3. Confrontational interview (Confession)**

When the interview is aimed at obtaining a confession from the suspect(s), based on the fact that there is sufficient evidence that will ensure a verdict of guilty during a hearing

# Where to start with the interviewing process?

Available information / evidence will determine the point of departure.

- **Initial interview** – when starting afresh
- **Structured interview** - when there are sufficient information/evidence in hand to effectively use a structured approach  
Categorised by structured questioning
- **Confrontational approach** - working towards a confession based on evidence that will ensure a verdict of guilty
- More than one approach can occur within a single interview regarding different subjects.



# Defining Interviewing

## Definition

*“The interview is a conversation with a purpose where one person takes control of the conversation.”*

## Elements

- Conversation – relaxed but with a predetermined goal(s) or plan
- The interviewer needs to be able to control/guide the “conversation”.

*(Interrogation – the interview that takes place after a positive accusation based on evidence)*

# The Initial Interview – Purpose and Essential Characteristics

- Creating the “setting/atmosphere” in which the interviewee can provide an uncontaminated narrative (story) statement.
- Putting the interviewee at ease and avoiding unnecessary tension -relaxed
- Communicating the purpose of the interview and the process with the interviewee
- Establishing and building rapport /common ground
- Encouraging cooperation – treating the interviewee as a witness.

# Unstructured (Narrative) Statements

# Structured Statements

Structured statements are characterised by being logical, chronological and attempts at answering all the questions relating to the subject.

Examples:

- Sworn statements
- Lies

# Unstructured Statements

- Also known as narrative statements
  - *“story statements”*
- Recounting an experience in an unstructured way – free to use own words and describing the personal experience
- Emotional and motivational expression is encouraged
- Free from any guidance or pressure

# How do we lie ?

- Factual lying
- Evasions – telling the truth, but not the full truth; evading the relevant question(s)
- Omissions – omitting: depicted by comparing statements

# Three Interviewing Methods

1. P.E.A.C.E Method ( Planning and Preparation / Engage and Explain / Account / Closure / Evaluation)
  2. Enhanced Cognitive Interviewing Method (Memory enhancement)
  3. Forensic Interviewing Method (Statement Analysis)
- Common to all three - Unstructured / Narrative Statement

# Facilitating the Unstructured Statement

- Relaxed and accommodating
- Basic comforts – water / smoke breaks, etc.
- Eliminate or limit possible interruptions  
Confirm address form – “Sir”;  
“John”...etc.
- Provide the necessary time for completion
- Time spent on rapport building – enhances positive cooperation
- Inform interviewee of the purpose of the interview
- Employ active listening skills



# Essential goals

- What is provided by the interviewee must be based purely on what the interviewee wants to convey
- Ensure proper recording (Audio-visual)
- First obtain in verbal format and then attempt at obtaining it in written format

(A well-recorded uncontaminated, narrative statement = high evidentiary value)

# Skills to obtain the Narrative Statement

- Active listening skills – essential\*
- A thorough knowledge of the case
- Background knowledge of the interviewee - to promote rapport building and control during the interview
- Identify rapport building elements – preferably beforehand
- Playing down stress factors
- Attitude /approach of the interviewer(s)\*  
- responsibility of the investigator

# Piet Beyleveld on relationship with suspects

Piet Beyleveld Interview (*Translated*):  
Rooi Rose dd. August 2007) – “Agter die kap van die Byl”

- *“I believe in treating everybody with respect, including criminals, but I don’t get emotionally involved.”*
- *“I don’t lose my temper either. As soon as you lose control you may as well give up trying.”*
- *“I have a good relationship with most of them and some of them phone me regularly. It’s just because I always treat them with respect and don’t judge or reject them. Sometimes they even help me with investigations. I’m not afraid of them because they trust me.”*

# Applying Active Listening Skills

Used by psychologists during therapy

Active listening: *"... a situation where we do not passively absorb words spoken to us, but actively attempt to grasp facts and feelings in what we hear."*

*(Carl Rogers)*

Feedback on a factual and motivational level after obtaining the narrative statement

# Active Listening Techniques

- Transfer of control - basis
- Attentive body position
- Essential eye contact at key junctures
- Noting words used and registering their frequency and priority, especially with regard to adjectives
- Mirroring – on a physical and auditory level
- Limited verbal reaction – feedback of keywords (paraphrasing)
- Delay judgement
- Avoid interruptions and “allow pauses”
- Selective note taking
- Apply active listening skills

# Active listening skills – Open-ended Questions

Prompt with open-ended questions to obtain the narrative statement:

- *“Please tell me in your own words what you experienced...”* (involve all the senses) concerning this issue...
- *“Tell me your story concerning this issue...”*
- *“I want to hear your version of the story...”*

*\*Active listening is a model for respect and understanding.*

# Active listening skills after the interview

- Offering a tentative interpretation - feelings, desires, or meanings (to avoid any misunderstanding)
- Probing - request more information to verify / clarify / expand
- Test accuracy of interpretations and perceptions
- Share perceptions (ideas/feelings) disclosing relevant personal information
- Obtain a written version - keynotes
- Source: Table 1. Pickering, Marisue, "Communication" in Explorations, A Journal of Research of the University of Maine, Vol. 3, No. 1, Fall 1986, pp 16-19.

# Recording the Narrative Statement

- An audio but preferably an audio-visual recording is essential
- Note taking – essential but can be counterproductive
- Witnesses – visible or not
- A written unstructured statement has added advantages during statement analysis (*Preferably in the handwriting of the witness*)



# Avoid contamination

## 1. Attitude of the interviewer

Avoid preconceived perceptions of guilt and innocence

## 2. Location - free of distractions

## 3. Arrangement of the interviewing room - functional

## 4. Who should conduct the interview?

- One interviewer builds rapport and develops trust more easily
- Two interviewers should use team approach; one asks questions and the other takes notes

## 5. Encourage participation

Use an open and relaxed posture, facing the subject; lean forward, make eye contact, nod, and occasionally say "uh huh" and "ok".

# Avoid Contamination

## 6. Get the interviewee's attention

Speak slowly, softly, and deliberately

## 7. Question model

The funnel principle – from open-ended questions to structured questions

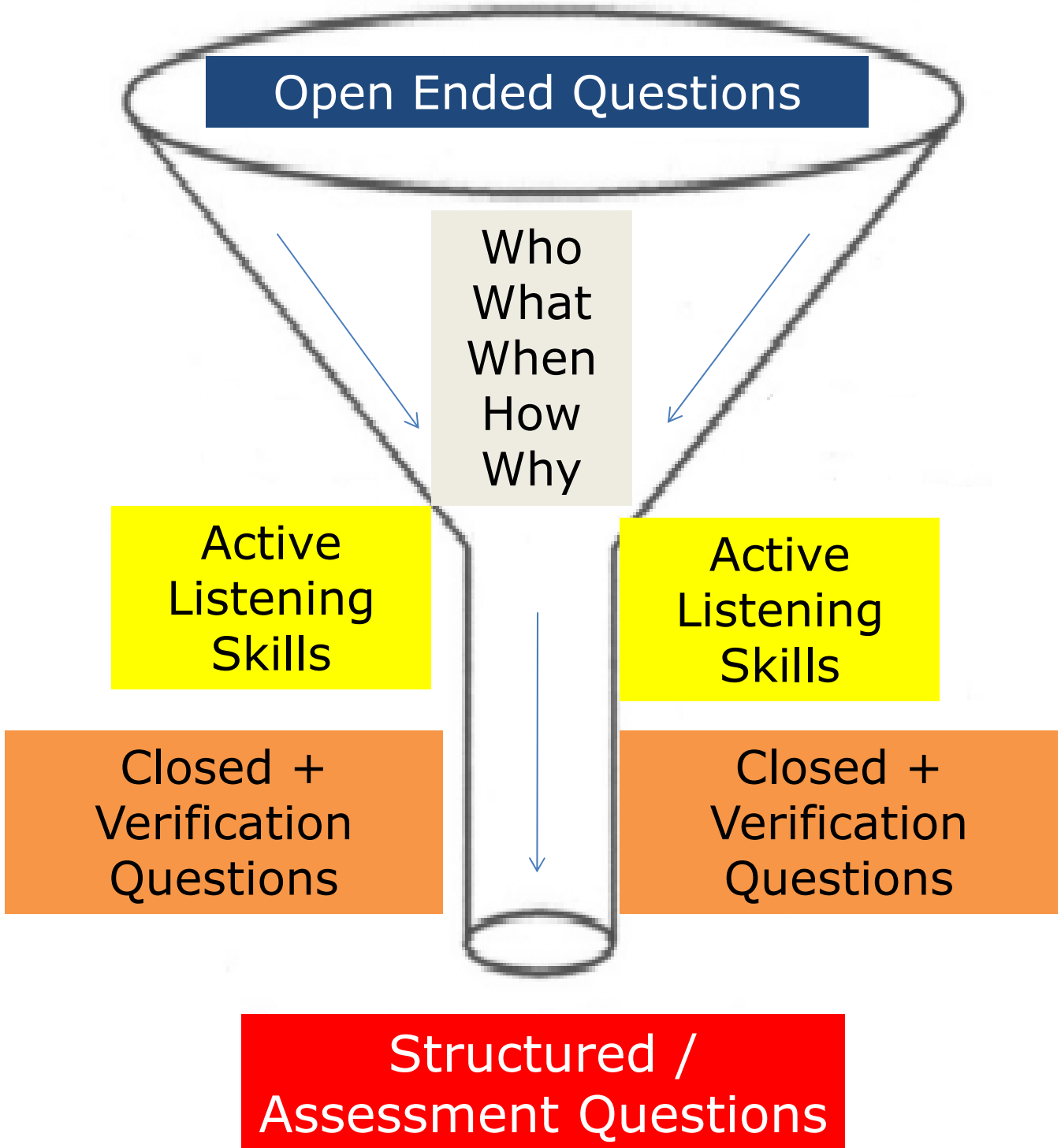
## 8. Open-ended questions

Advantages and time implications

## 9. Thoroughness

Who, what, when, where, how, and why

*"Tell me everything you have observed / experience"*



# Statement Analysis (SA)

“Linguistic Text Analysis”

# Background to Statement Analysis

Early 50's - West German courts

Single statement cases: sexual offence cases with minors – characteristics:

- No violence, no evidence
- No witnesses
- Minors in the eyes of the law
- Delay in reporting
- No confessions

Udo Undeutsch ( 12 criteria) Stellar + Koehnke (expanded to 19 criteria)

# Statement Analysis - Essential approach

- SA is the analysis of text (oral /written) to determine the credibility of the statement
  - and not the credibility of the witness
- Consider the background of the interviewee (home language / educational level / communication skills)
- Use the results as guide to next stage – structured interviewing. Focus on evasions and omissions.

# Statement Analysis (SA) in a nutshell

The most important characteristic of a credible statement - is a statement with a host (a lot) of verifiable detail.

# Statement analysis criteria

A host/lot of verifiable detail – and relevant to the CI (weighing relevance of detail - it must pertain to the case under investigation)

Evasions – avoiding relevant questions

Omissions – compare evidence

Active to passive

Distancing - changes of personal pronouns

Unstructured reproduction

Changes – personal pronouns / tenses /



## Example of changes – personal pronouns (distancing)

### ***“ Case of the missing firearm”***

*“I was on duty that night. I started doing the inspection of the safe. We noticed that one firearm was missing. We immediately reported the missing firearm and then we started to ...”*

\* \* \*

*“I was on duty that night. I started doing the inspection of the safe. **We** noticed that one firearm was missing. **We** immediately reported the missing firearm and then we started to ...”*

# Statement analysis criteria

Anchoring in time and place

Unstructured reproduction

Silence (Length of the statement)

Description of interaction (lack thereof) –  
on physical and audio level

Unusual and superfluous details in the  
description

Self-depreciation; spontaneous  
corrections; raising doubts about one's  
own testimony

# Statement analysis criteria

Reproduction of conversation (without clichés or single sentences)

Details matching characteristic of the offense

# Statement analysis techniques

Balance of the statement (30 : 60: 30)

Length of the statement:

200+ - credible

100 – 200 – inconclusive

Less than 100 – follow-up

# Conclusion

- The Forensic Interviewing Method of interviewing was developed in South Africa to make provision for our and our continents unique requirements.
- It is based on the research that can from abroad – especially Britain and the USA.
- The Narrative Statement forms the foundation of this interviewing method based on our Constitution law.

**[www.megaplan.co.za](http://www.megaplan.co.za)**

**Forensic Interviewing Training Course (Centurion)**

**Course: 20 – 26 May 2015**