Rapport building

No two investigations are the same and as such, the investigation methodology undertaken will vary from case to case. The type of matter, the individuals being interviewed, the geographic and social context and other relevant factors will typically dictate the methods adopted by an experienced investigator and will influence the tools they draw on from their investigative toolkit.

One of the most commonplace and well-known investigative techniques is interviewing, which is an integral part of any investigation. The purpose of any regulatory interview is to elicit reliable information that will assist to make an informed decision. The interview could be an intelligence debrief or may involve alleged breaches of legislation including fraud, money laundering, or the conduct of directors. Your interview may well involve staff matters including code of conduct violations and breaches of company policy. The seriousness and type of matter to be discovered will dictate the approach adopted.

Interviews have been typically done face-to-face, in the physical presence of each other. At present, as we grapple with a world-wide pandemic that has a rapid rate of change in our community with lockdowns, changing requirements on allowable ratios of person(s) per square metre, a physical meeting has become somewhat difficult and challenging.

Interviewers need to be able to adapt their approach in this changing environment to meet the requirements at any given time while still maximising the qualitative aspect of information gathering.

There is a body of research concerning interview techniques. The International Investigative Interviewing Research Group. These developments suggest that empirically based communication and negotiation methods (including active listening and verbal and non-verbal behaviour matching and mimicry) should be used as a means to build rapport and trust between parties.

In a study on Neurolinguistic Programming (NLP) in investigative interviewing, criminal investigators describe NLP as useful for developing rapport in an interview or interrogation[3], where the focus is on the interviewer matching an interviewee's nonverbal behaviour, the manner in which they speak, and their choice of words.

The proposal that NLP-based practices facilitate rapport building in witness or suspect interviews may be more accurately described as the effective use of active listening. This is where a listener takes an active role in the communications process by using restatement and summary and responding to nonverbal cues and feelings.

Building rapport is hard won and can be easily lost. The interviewer, of course, needs to be careful to balance any mimicry of the interviewee as this could be seen by the interviewee as potentially mocking them and undo any rapport developed.

Rapport building between interviewer and interviewee is a key element to educing reliable information. An interviewer needs to be aware that they themselves, if using the wrong or a maladaptive approach, may contribute to resistance by an interviewee to disclose information. Think of it as a round hole (the interviewer) trying to push a square peg (the interviewee) through it. It won't work.

In preparation for an interview there are a number of factors to be considered including the interviewee, their personality type (if known), where best to conduct the interview such as their office, our office or a neutral location. Is a support person offered and what is their role (as an observer, advocate or other)? Where to seat the interviewee so they feel most comfortable and in the current environment, whether appropriate social distancing measures are in place.

One of the biggest inhibitors to obtaining information is fear by the interviewee of the unknown. While conducting interviews may be a daily task for an investigation professional, a gaming industry employee or subcontractor won't necessarily have

participated in a regulatory investigation. Additionally, it may be the first time they are being interviewed, so it is important to remain cognisant of this.

An interviewee may be masking a very real fear concerning the interviewer and, at the same time, calculating and contemplating potential outcomes and consequences of their actions. More broadly, a lack of understanding of the interview purpose and investigation process contributes to a fear of the process itself. Worse still, the interviewee is aware of information that could be misconstrued, despite their innocence, as evidencing their involvement.

If appropriate, telling someone upfront about the process, how the interview is going to be run and that you may ask them some difficult questions, can put them more at ease.

Be as transparent as the matter allows you to be. It is our role as the interviewer to do all that we can to place the interviewee at ease and provide them with a safe environment which usually results in more accurate and complete version of events being provided.

Keep in mind that social values research has shown that there is a natural disposition toward people wanting to assist and this predicts helpful behaviours such as cooperation.

There is current research which expands on the 'social values research' with regard to the usefulness of firstly; 'priming' an intrinsic motivation of helpfulness which is assumed to pre-exist in most individuals', and secondly, examining the influence of priming on information disclosure.

By priming an interviewee, I mean helpfulness-focused interview i.e. "We hope you can help us by providing details about [subject matter]" as opposed to a more matter of fact direct approach such as, "You can start by telling us what you know about [subject matter]."

The interviewer needs to be adaptable to the different interviewee personality types they may encounter. In the case of the helpfulness-focused interview research,

follow-up analysis showed that the interview style was counterproductive, i.e. decreasing information disclosure by the interviewee, when interviewees' helpfulness accessibility was low. This research suggests interview styles that do not match the interviewees' temporary (e.g., primed) or chronic (e.g., personal values) level of helpfulness motivation are potentially maladaptive and may counteract the goal of increasing information disclosure.

The interviewer must be careful not to contaminate the interview by introducing descriptive adjectives or legal language not intended to be used by the interviewee. Each of us has our own idioms and the interviewer needs to clarify what the interviewee means. For instance, the words gamble and punt have similar meanings but when used by an interviewee, we need to understand what they mean so where possible, use language adopted by the interviewee.

When conducting a fact-finding interview is to have the interviewee provide an open, pure version of events. By pure, I mean that I request the interviewee to tell their version of events, uninterrupted by me other than an encouraging nod or verbal cue to continue.

For the interviewee, when telling their version of events, the hardest part is often knowing where to begin. Once decided, and underway, the story begins to flow and takes its own guided course.

It is difficult for someone to relay every minute or second of their day or a particular event.

A person will naturally edit their story and disclose what they think is important and relevant for the interviewer to know. For a person who may have been involved in an incident, this can get tricky, particularly if they are involved in something unlawful and circumstantial evidence places them in the vicinity. They may well edit their version of events to avoid particular facts or circumstances while still keeping the essence of the story intact.

When assessing whether someone is being truthful or deceptive, at its simplest level, I am looking for a person's commitment to their own version of events. I do this by listening for the use (or omission) of pronouns as well as the words used and any changes in the language. The interviewee might change adjectives providing their version of events.

Depending on where in their version of events a change of adjectives occurs, it could have significant meaning and should be explored.

Likewise, if there are missing pronouns, that is meaningful and needs to be explored by the interviewer. If the language has changed there must be a reason for the change and we need to explore those areas in further detail as it may be indicative of deception.

In everyday conversations we, as listeners, tend to be sympathetic, make assumptions or interpret a story in line with what we want to believe a person is trying to say. As interviewers, we can't afford to make assumptions about the intent of the speaker. The speaker chooses their words subconsciously and carefully, everything they say has meaning.

We just need to understand their language and idioms.

My preference is to conduct any interview face to face in person; however video interviews provide a good alternative if meeting in person is not possible. There are some pitfalls of video interviews including not being aware if someone is recording the interview without your knowledge, that someone is listening off camera and technical issues that may interrupt the flow of information exchange.

In business, there has been a marked increase in our use of video linkup when conducting code of conduct type disciplinary investigations. This includes interviews with both witnesses and respondents and in the current environment where meeting face to face might not be appropriate, video linkup provides the next best thing.