

INVESTIGATIVE INTERVIEWING



1. INTRODUCTION

A critical skill for all investigators is 'Investigative Interviewing' utilising the PEACE model. It has been considered that this model for investigative interviewing is the most transparent method of exploring 'what has happened'. We will be spending a significant amount of time in class discussing and using the PEACE model of interviewing however, before discussing the model, it is firstly necessary to identify the benefits of investigative interviewing these are:

THE PROFESSIONAL CONTEXT

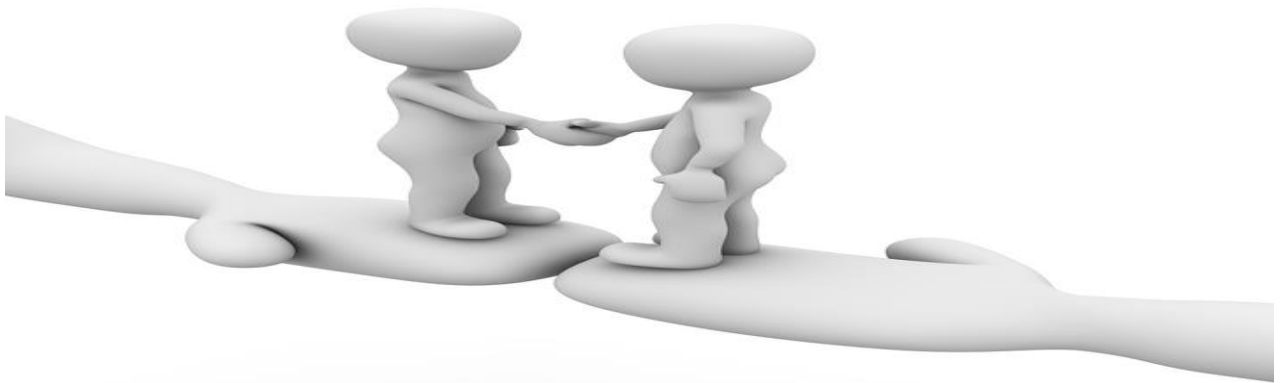
The task of all professional interviewers is to create a climate in which those being interviewed will wish to tell the truth. Developing interpersonal skills to ask the right questions in the right way, so that a full and honest account is given, is the aim. It is a skill which requires ongoing training and practice if high standards are to be achieved.

*There are six issues that **impact** all interviewers-*

- Understanding Investigative interviewing.

- Trust in the professional relationship.
- Importance of being methodical.
- Personal style.
- Where you interview; and
- The problem of suggestibility.

We will now briefly discuss each of these issues.



Investigative interviewing

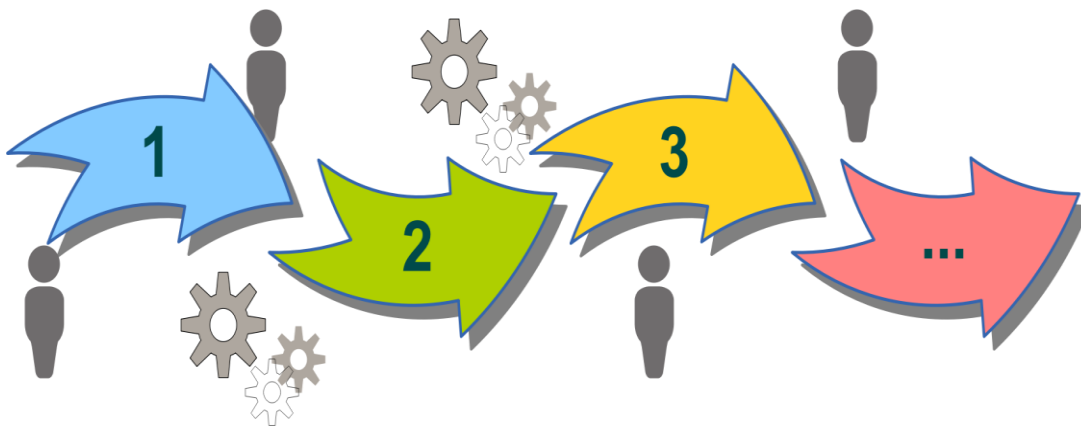
The importance of investigative interviewing has been recognised over recent years as vital to effective interviewing. There is little doubt that in the current legal environment, evidence elicited in an interview whether from a witness, victim, or suspect, will become the focus in any judicial process including that of any tribunal.

Also, the interview may be used for purposes other than obtaining information. It may provide victims, witnesses with information, advice, and guidance.

Trust in the professional relationship

Interviewers should seek to establish a relationship based on trust to give the interviewee the confidence needed to provide a full account of what took place.

It has been shown that people give more accurate information when they have trust in professional relationships. The interviewee, whether regarded as a suspect, witness, or victim, must be reassured that they can expect to be listened to and receive fair treatment. Trust underpinning this.



Importance of being methodical

Planning and preparation, following your interview plan, logical sequencing, allowing time for the person to answer the question/s. As an example, summarising and probing are all part of the process of being methodical. This will be spoken about in length during this session.

Personal style

Interviewing style matters because it affects the motivation of the interviewee to be accurate and relevant in their replies to questions. This is sometimes referred to as the task of establishing a 'rapport'. What it means is being genuinely open, interested, and approachable, in a personal way that will be appreciated and reciprocated by the interviewee. You should avoid being formal, distant, and uninterested in the welfare and feelings of others.

Where you interview

The location of the interview is important because it affects the relationship that is established between the persons involved. The setting can affect the ease with which interviewers establish a relationship which is conducive to spontaneous conversation. It may be necessary to make a special effort to overcome drawbacks of settings. The physical setting of interview rooms should be considered in this regard. You should extend yourself to ensure you control the environment where the interview takes place. Ensure you always have control of the environment.

The problem of suggestibility

Suggestibility is when the response of the interviewees is influenced by what they believe the interviewer will expect or want them to say. How to avoid biasing and influencing people's evidence has become an important issue, especially in relation to the testimony of those from a culturally diverse background. Professional investigators need to be aware of this.

THE ADDITIONAL BENEFITS OF CONDUCTING INVESTIGATIVE INTERVIEW INCLUDE-



- more complete, accurate and reliable information.
- less duplication of effort (e.g. re-interviewing)
- greater consistency in performance for investigators.
- better deployment of employees.
- better decision-making (e.g. about the investigation and potential prosecutions)

- enhanced professional credibility.
- improved relationships with victims, witnesses, and offenders.
- improved public trust and confidence.
- greater generation of intelligence.
- improved morale and professionalism.

Principles of Investigative Interviewing

For investigators, gathering evidence and obtaining information are primary goals. Interviews with victims, witnesses or suspects will help to determine the facts on which later decisions are made. A major source of evidence comes from interviews with witnesses and victims. You must **fully investigate** with these persons before interviewing any suspect, as information from them will enable you to validate or challenge a suspect's version of events. However, be mindful that there will be occasions when you interview a suspect, and they nominate other persons such as other victims or witness. Be cognisant, that other witnesses, and their evidence may have been contaminated. Also, admissions may be obtained from suspects where there is a need to validate the evidence obtained to confirm their account. You should not take the accuracy of a confession for granted. The principles of Investigative Interviewing are set out below. Remember these principles equally apply to the interviewing of **victims, witnesses, and suspects**.

(1) The role of investigative interviewing is to obtain accurate and reliable information from suspects, witnesses, or victims to discover the truth about matters under investigation.

(2) Investigative interviewing should be approached with an open mind. Information obtained from the person being interviewed should always be tested against (corroborated) what the interviewing officer already knows or what can reasonably be established.

(3) When questioning anyone an Investigator must act fairly in the circumstances of each individual case.

(4) The Investigator is not bound to accept the first answer given. Questioning is not unfair merely because it is persistent.

(5) Even when the Right of Silence is exercised by a suspect the Investigator still have a right to put questions to the suspect.

(6) When conducting an interview, Investigators are free to ask questions in order to establish the truth

(7) Vulnerable people, whether victims, witnesses, or suspects, must be always treated with particular consideration and care. It is important to remember that vulnerable persons include such persons as:

- Persons with learning difficulties or
- Persons with mental and/or physical disabilities or
- Young children; or
- Anyone else who may need consideration such as those from a culturally diverse background.

Various legislation will provide a detailed commentary regarding the definition of the above. Investigators should always be mindful that these may be amended over time, it is therefore incumbent upon the investigator to be current with any changes.

The Structure of Investigative Interviewing - the PEACE Model



The term 'interview structure' recognises that the interview is something we build or create. As the interviewer, you are primarily responsible for the planning and conduct of the interview. A well planned and carefully conducted interview provides an optimum outcome of obtaining accurate and reliable information. The PEACE Model will assist you to achieve those goals.

The mnemonic P.E.A.C.E is:

-Preparation and Planning

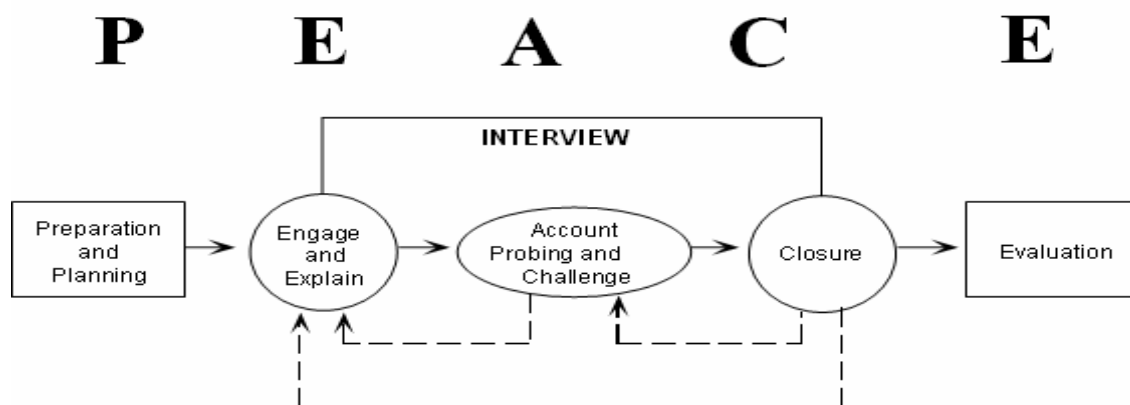
-Engage and Explain

-Account, (Clarification and Challenge)

-Closure

-Evaluation

The sequence for using the model is represented below within the diagram. For clarity each step should be delivered in sequential order.



The P.E.A.C.E. Model

PREPARATION AND PLANNING

During an investigation, it may be necessary for you to conduct several interviews. You will need to decide the order in which interviews are conducted, with a view to maximising their effectiveness. For example, how you interview a suspect and the effectiveness of that interview, will be influenced by the amount and quality of the information you have previously obtained from other sources.

(i) Preparation

Preparation is one of the most important phases in effective interviewing. Preparation should be carried out no matter what type of interview is being considered whether it be with a suspect or a victim/witness. The written record of your preparation forms the

basis of your plan. Don't forget these plans maybe disclosable in any criminal trial and provide a record of your reasons for taking the action you did.

There are several points to be considered in the Preparation and Planning phase of all interviews and we are now going to highlight and discuss each of these points.

(a) How might this interview contribute to the investigation?

Preparing for an interview gives you an opportunity to review the investigation, establish what evidence is available and decide what you want to achieve in the interview. You therefore need to consider the following questions:

- Which persons need to be interviewed and in what order?
- Why is this witness's evidence so important?
- Is there information which I need to obtain urgently?
- Should I interview the suspect now or wait until I have obtained more information about the circumstances of the offence?

You must consider how the evidence from this interview might help you to establish the truth of the matter under investigation.

(b) What we know about the interviewee?

To interview effectively you need to take account of the interviewee as an individual. To do this you will need to ensure you have the necessary background knowledge, including the following:

- The age, gender and circumstances of the interviewee, this may assist to determine the most appropriate time for the interview and whether a support person is required for your investigation. Obtaining as much intelligence as possible is critical.
- Cultural background - does the interviewee speak or understand the English language, what is the ethnic background of the interviewee; and will the interviewee understand the level of questioning?
- Educational background and intellectual disadvantage - will indicate interviewee's vulnerability, they may not understand the significance of questioning or the answers they give.
- Physical and mental health - the physical and mental condition of the interviewee may make them vulnerable, and the interviewer should be alert to signs and symptoms of the interviewee's health problems.
- Previous contact with any authorities. Consideration should be given to the safety of the interviewer and information concerning the suspect's behaviour must be noted as a guide to the interviewer. Consideration must also be given to any previous behaviour exhibited by the interviewee towards authorities, if possible, background checks should be conducted prior to the interview taking place. Some persons may not have had contact with any person of authority therefore the interviewer must plan how to explain the interview process to them and what will happen afterwards.

(c) Legal requirements.

There is little legislation governing what interviewing model you use when conducting interviews. However, be mindful that the way and your conduct regarding the interview has the potential to be subject judicial scrutiny.

(d) Elements to prove

It is important in all interviews that you know the elements to prove the offence, or possible offences, in question. It is important that the interviewee is allowed to provide

a full explanation of the event/s, before being asked questions that are relevant to the proof of any offences. After identifying possible offences you should always consider any defences that might be offered.

(e) Disclosure of evidence

If having reviewed your evidence you decide to interview the suspect, you must consider whether and when to disclose the various pieces of evidence in your possession. It is recommended in each case that you disclose the fullest appropriate information to allow the interviewee to understand what they are alleged to have done. However, the amount of evidence you disclose before an interview will vary from case to case, depending upon the circumstances. This will be a matter of balance, risking the disclosure of too much information against losing subsequent evidence by divulging too little.

(f) Practical arrangements

Some practical issues impacting your investigation can be resolved by the following-

- **Visitation to the scene** – This will provide you an opportunity to see the location and provide other perspective such as lighting, sight, sound. You should photograph and video the scene for future reference.
- **Location of interview** - consideration should be given to the location of the interview and the possibility of noise and interruptions. You should have full control of the environment from the outset, ensuring officer safety, secondly ensuring the integrity of the evidence obtained.
- **Role of interviewers** - two officers should conduct the suspect interview; it is important that there is a bipartisan approach towards the preparation for the interview. The roles and responsibilities of each officer should be considered and agreed before the interview.

- **Time** – victim and witness interviews should not be rushed. From the outset you need to establish any time restrictions. Witness interviews will be influenced by work or domestic responsibilities. Suspect interviews maybe affected by legal requirements.
- **Equipment** - making sure that all necessary equipment that is required is available and operational. Ensure you can operate the equipment beforehand.
- **Exhibits and property** - all property should be clearly marked and identified to assist in the interview.
- **Other factors** - post interview contact can be as important as the interview itself. Interviews with suspects might not lead to prosecution, in which case you may wish them to contact you, if they have anything more to say. The interviewees should be encouraged to make a written note of any relevant details concerning the case and the interviewer should plan how they can contact him/her with that further information.

Investigation/interview plans



Where several offences have been committed or when the offences occur over a long period of time, an investigation plan should be completed to identify areas that will require your attention. Your written interview plan should include:

- the range of issues you want to explore.

- the elements necessary to prove the possible offences/s under investigation.
- any points which may be a defence for committing the offence/s under investigation.
- introduction of exhibits.
- evidence which suggests the commission of an offence.
- any other relevant points arising from your notes in response to the factors mentioned above.

These points may surface during the interview as the interviewee introduces new information which requires clarification or challenge. The interview plan summarises the aim/s of an interview and provides a framework on which to base your questioning. A written interview plan will give you the confidence and flexibility to conduct a professional and effective interview, and assist you to:

- keep track of what has been covered and what remains to be dealt with;
- identify areas where the interviewee's account conflicts with what is already known or, has been suggested in other accounts;
- identify new information whilst keeping track of the purpose of the interview;
- identify any issues that have not been covered.

ENGAGE AND EXPLAIN

Engage and explain is the first phase of an actual interview. During this phase you begin to establish a relationship between yourself and the interviewee. Engaging someone in conversation is not always an easy task. There are factors such as background, age and gender which may also make it more difficult. The way you engage each individual interviewee will not be the same. Explaining the purpose of the interview is critical however consider the below issues-

Managing first impressions

Interviewers and interviewees can be influenced by appearance, manner, and speech regardless of what is said. You, as an investigating officer, may be influenced by the

interviewee. Both parties may enter a conversation reluctantly, thereby signifying some anxiety, therefore you must plan for and manage the opening of the interview.

Creating the right atmosphere

It helps to have a co-operative understanding between the interviewer and interviewee, you should work hard to establish a good working relationship. All should be treated as individuals with a unique set of needs. You can do this by personalising the conversation, for example by:

- How you address the interviewee;
- Establishing their immediate needs/concerns;
- Showing an interest in them and their individual circumstances.
- Showing appropriate empathy.

The most important aim is to create an environment in which the interviewee will want to talk to you. Establishing a professional, working relationship, is as important in a suspect interview as with any other. You can establish a working relationship by acting in a professional and considerate manner.

By explaining the interview procedure, as you engage the interviewee in conversation, you can begin to explain the purpose of the interview and the form it will take. This will consist of three main areas:

- **Reason for the interview** - ensure that interviewee has a clear idea of what is expected of them. With a suspect, this means ensuring that they know and fully understand the reason for your desire to interview them.

- **Process that will be adopted.** Provide a basic explanation of what you plan to do.

- **Outline of the interview** - explanation should be given to victims, witnesses, and suspects that they will be asked to give their account of the incident under investigation. They should be provided with an estimate of how long this process will take.

Establishing the truth

All interviewees need to know that your primary purpose is to establish the truth of the matter under investigation. The 'ground rules' which you should explain in all investigative interviews are:

- Tell all without editing anything out - interviewees should be encouraged to give an account of all they know and not to edit their account.
- Interviewee should be encouraged to give their account in their own words, they should give the full story as they understand it to have occurred.
- They should give as much detail as possible - detailed accounts will help establish the truth better than accounts that are vague or too general.
- They should not construct answers to please you or anyone else - if interviewee does not know something, they should say so. This should be explained to them.
- Need to concentrate - interviewee should be told that effort and concentration is required, and they will be given time to remember and provide their account.

ACCOUNT, CLARIFICATION AND CHALLENGE

There are a few essential processes you must go through to obtain an accurate and reliable account. These are:

- Obtaining the interviewee's own uninterrupted account
- Expanding and clarifying their account
- When necessary, challenging the interviewee's account

Obtaining the account

The following guidelines should be implemented to assist you in obtaining a complete account:

Setting the scene (reinstating the context)

(Psychologists describe this scene-setting technique as 'reinstating the context'. It is very useful in helping people recall events and increasing the amount, they recall. Therefore, it is important that you give willing interviewees an opportunity to reinstate the context. You can help them do this by asking them to describe what was happening and how they were feeling at the time on the incident by asking simple questions, i.e. What were you doing at the time? Where were you? You can also help set the context by referring to other events that occurred either before, at the time or even after the incident)

First obtain an uninterrupted account.

As an example, if investigating a dog attack resulting in serious injury to a victim that took place at 9am on Monday the 30 January 2024 outside 44 Ross Street, Redlands you could phrase your opening as such

‘Mr Smith can you tell everything that took place outside 44 Ross Street, Redlands whilst you were walking’.

You should ask the interviewee to give an uninterrupted account of everything they know about the matter under investigation. This has the following advantages:

- You get to know their version without prompting or interrupting them;
- Interviewees have a chance to explain their views and should feel they have had an opportunity to say what they wish.

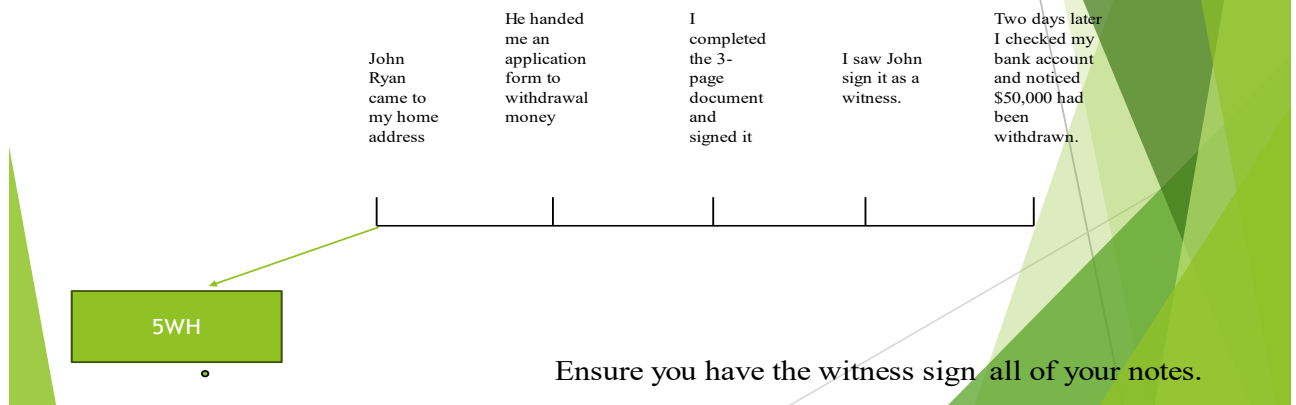
Whilst the interviewee gives their first account, listen carefully, and note areas that you wish to obtain further information about. **DON'T NOT INTERRUPT THEM.** Information could include such things as clothing worn, the route travelled or what happened at a particular place or time. Interviewees must be given sufficient time to provide their first account.

There may be occasions when you will not obtain a first account. This may be because a witness or victim does not understand what they are required to do. On the other hand, a suspect may refuse to answer any questions.

It may be beneficial to ask for an account based on what the interviewee remembers from using one of the senses, for example hearing, smelling, tasting etc. You will receive further training as part of this crucial skill. However, to demonstrate its versatility the below relates to a fraud matter. Don't forget the concepts are the same, irrespective of the investigation.

Cognitive interview model

- **Event line** - forms the basis of the whole interview.

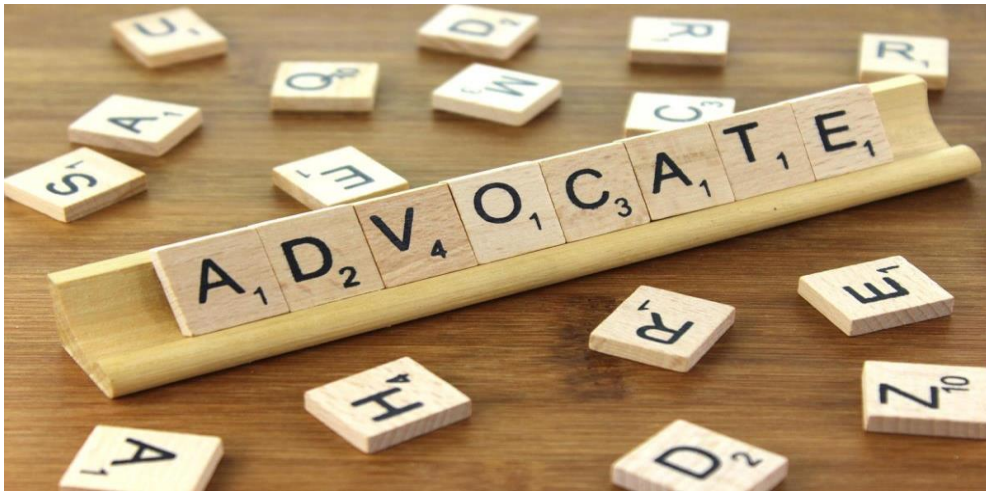


Expanding and Clarifying the Account

The first account given by the interviewee may be incomplete. The interviewee's account may cover a broad time span and range of events; therefore, it may be difficult for the interviewee to manage such a wide range all at one. Subsequent questions will need to be put to ensure that they remember all that they can. **Remember to use 5WH (who, what, where, why, when and how)**

Breaking down the questioning

To assist the interviewee, it may be necessary to break down the questioning of their account into manageable focal points. You can then expand their account by examining each focal point asking for more details when necessary. You should keep asking questions about each topic until you have all the information you need, or the interviewee is unable to provide any more information. It may be helpful to remember the advice using the mnemonic



ADVOKATE:

A - Amount of time under observation.

D - Distance from the eyewitness to the person/incident.

V- Visibility - including time of day, street lighting etc.

O -Obstructions - was there anything obstructing the view?

K- Known or seen before - did the witness know, or had they seen the suspect before?

A- Any reason to remember - was there something specific that made the person! incident memorable?

T - Time lapse - how long since the witness last saw the suspect?

E-Errors or material discrepancies.

Summarise

You should summarise what has been said about one topic, to check your understanding is accurate, before moving on to the next topic. To maintain the conversational flow, you should link the summary to the next topic with an open question, that is, address an issue raised and ask the question, “What happened next?” Summarising gives the interviewee the opportunity to add to or alter what they have said. It also helps in maintaining a professional relationship by showing you have listened and understood what they have said.

On occasions there will be a lot of information in one topic area. To avoid becoming overloaded with this you may need to summarise the interviewee’s responses before the end of the topic and summarise the whole topic before moving on.

Clarification

Clarification is required when you find inconsistencies in the interviewee’s account, or when you are unclear about what it is they are saying. Obtaining an expanded account can often rectify this but you may wish to raise the inconsistency later during the interview.

Check everything has been addressed.

You must assess the information obtained against the aim/s of the interview in your written plan. You will then be able to decide whether to:

- Challenge the interviewee’s account of events; or
- Give a final summary before moving into the Closure phase of the interview.

The role of the interviewers (2nd officer)

The second interview officer should be allowed the opportunity to question areas the interviewee has raised that are ambiguous or in need of clarification. This should have formed part of your plan and may be at the end of each topic, or after the first officer’s challenge phase. Ensure during the planning phase that this is agreed to by your second officer. Enthusiastic albeit inexperienced second interview officers have the potential to undermine the integrity of the interview by asking poor questions.

When a challenge is not required

After the interviewee's account, you may feel the interview can be drawn to a close. There may be nothing to challenge, with no more information to be obtained from the interviewee. It may be necessary to make further inquiries before interviewing a suspect further or you may believe that they were not involved in the offence. If you are satisfied that no challenge is required, you should move to the next interview phase of closure.

Challenge

Challenge is your response to an interviewee's account which is inconsistent with other evidence/information in your possession. This would normally involve a suspect's account although there will be occasions when it will involve those of victims and witnesses. You should explore the inconsistencies in a confident and co-operative manner. There is no place for confrontational, sarcastic, aggressive remarks or attitude on the part of the interviewer. Ultimately this is unprofessional and may cause any admissions to be deemed inadmissible. Challenges can be seen as occurring under the following circumstances:

- Planned because of holding back information in order to test what a suspect might say and or
- In response to the interviewee's version of events, given before or during an interview, which is contrary to other evidence in your possession.

When is a challenge is required?

The account needs to be challenged when you have good reason to suspect that an interviewee is deliberately withholding relevant information, or knowingly giving a false account. What an interviewee says may be inconsistent with evidence from other sources, such as other interviewees (witnesses/victims), material or forensic evidence.

Inconsistencies will need to be explained, either immediately or in the future. It is important to bear in mind that both clarification and challenge refer to the task of exploring with the interviewee the reasons for their evasiveness and or inconsistencies.

The Process of Challenge

There are three aspects you should consider when challenging an interviewee's account:

(1) The timing of your challenge.

You would normally not challenge an interviewee whilst they are giving their account. Doing that might discourage them from continuing to give their explanation. The timing of the challenge can be planned but there can be no hard and fast rule when to challenge an interviewee's account of events. Whether you challenge at the end of a particular topic or wait until the interviewee has provided their full account will depend upon the circumstances at the time. It may be useful to challenge the interview at the end of a topic area whilst what they have said is still fresh in their mind.

(2) Adopt a problem-solving approach.

You should explain to the interviewee that you wish to explore certain areas or points again. It is important that you present your continued questioning as a form of problem solving to which the interviewee can contribute, by exploring aspects of their account that you wish to explore further.

(3) Ask for an explanation of the discrepancies.

You must ensure that any discrepancies requiring an explanation are clearly put to the interviewee. The interviewee should be asked for suggestions as to how the discrepancies between their account and the evidence you have gathered have occurred. You should explain to the interviewee that you will be continuing your enquiries until satisfied that you have an accurate and reliable understanding of what has happened. You need to remember to give plenty of time for the interviewee to respond to your questioning.

CLOSURE

The interview should be ended when you have properly concluded that no purpose will be served by continuing. It is important to plan the termination or closure of an interview and conduct same in a courteous and professional manner. Your aim should be:

- To ensure that there is mutual understanding about what has taken place;
- To explain what will happen in the future;
- To facilitate a positive attitude towards providing accurate and reliable information in the future;
- To verify that all aspects have been sufficiently covered.
- Have you covered all the questions you want to ask?
- Has the interviewee provided all the information they are able and willing to provide?

Do not hesitate to raise additional issues that occur to you during your summary and be on the lookout for signs that the interviewee might have more to say. For example, an interviewee may indicate a willingness, verbally or non-verbally, to answer questions about topics on which they had previously remained silent, or a witness/victim may suggest that they have relevant information that has not yet been discussed, closure provides the opportunity to re-enter Engage and Explain and Account.

Questions from the interviewee

You should ask the interviewee whether they have any questions to clarify as an example whether they will be required to attend court and what this entails, to answer any worries or concerns about personal safety or some other query. You should show a willingness to listen. If they do ask questions, give honest answers and if the answer is not known, say so. There are formal aspects to the Closure of a suspect interview which must then be complied with, particularly:

- give the time that the interview finishes;

- providing rights of the suspect to a copy of the recordings;

Once the interview has been closed, you should continue to adopt an approachable, professional style towards the interviewee, and ensure that the interviewee understands what is going to happen next.

Information to witness/victim(s)

You must remember that most victims and witnesses will not have been through the interview process before and will therefore appreciate information regarding victim support and whether they will be required to attend any judicial proceedings.

The investigation should not be discussed with the witness or victim, doing so could confuse them, it may contaminate the evidence and have the effect of devaluing their efforts. You may need to seek support services to assist the witness or victim. You should also encourage the witness or victim to report information that they might recall later. In summary closure is more than just finishing the interview and moving on to the next task. It involves:

- Checking that it is appropriate to close the interview;
- Summarising what has taken place to ensure mutual understanding;
- Being prepared for new information and a return to the Account phase;
- Leaving the interviewee feeling that they have been treated with respect; and
- Complying with legislative requirements.

EVALUATION

Evaluation is an integral part of an interview, in fact as important as other phases of the model. The interview is only effective if you

- Achieved your goal, of knowing why and how it was executed.
- Provide ongoing assessment.

In furtherance you need to evaluate from the interview:

- the information obtained;
- the whole investigation in the light of the information obtained;
- your performance.

Aims and objectives.

You should ask the following questions concerning your initial aims and objectives:

- Were these revised during the interview, if so, why?
- Have you achieved your objectives?
- Have you covered the points needed to prove the offence/s in question.

New Information

Similarly, you should consider the following

- What new information do you now have?
- Is it consistent with evidence already obtained?
- Are there any conflicts to be resolved?
- What further enquiries do you need to make?

Re-evaluate the evidence in this investigation.

The interview may have given you new lines of enquiry to follow, such as the involvement of another person not previously known about. Maybe it has merely confirmed and strengthened previous conclusions. Continue to re-evaluate the evidence gathered.

Evaluate your performance in the interview.

In addition to evaluating the evidence, you must also evaluate your own performance, considering the following:

- What did you do well?
- What could you have done better?
- What areas can you develop?

- How do I acquire new skills?

Evaluate the whole PEACE process and establish where your interviewing can be improved. Seek feedback from your colleague and give feedback in due course. The important point in evaluating performance is the setting of appropriate aims and objectives whether by yourself or with a supervisor. This is a way to develop your skills as a professional investigative interviewer.