

## REVISING INTERVIEW TECHNIQUES

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### ■ AGENDA

- I. Continuation of Interview Steps – IN THE INTERVIEW ROOM
- II. Approaches to Specific Types of Cases
  - DV or IPV
  - Stalking
  - Cultural
- III. Expert Witness
- IV. Demo and Practice

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## STEP 7: Starting the Interview



### The interview

- Interview in pairs
- Record the interview\*?
- Don't dive right in
  - Establish rapport
  - Establish ground rules
  - Video interview rapport (later)

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## STEP 7: Starting the Interview

### The interview

- Consider techniques for survivor interview/traumatized people:
  - Avoid judgmental attitudes
  - Recognize that events do not need to be extreme to be traumatic
  - Concurrent crises can occur
  - Make referrals to proper resources
  - Recognize resilience
  - Provide clear guidance on process

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## STEP 7: Starting the Interview

### Pre-flight

- Create a habit of establishing neutrality
- Follow your checklist of what you say to each party/witness

*I am a neutral investigator in an adjudicative process – that means I do not take sides, and I am here to do my job. I collect facts and treat everyone with respect and fairness. I will be friendly, but I am not your advisor; if you need one, I can connect you with one. We cannot require people to not discuss their experience with others. University policy prohibits retaliation against anyone involved in an investigation. We know how sensitive this investigation is, and we take great care with personal privacy during the investigation. However, the regulations require a release of my investigation to all parties before the report is finalized. What questions do you have?*

**Complainant - these are legal terms, not the plain English**

**Respondent**

**Neither the complainant nor the respondent is required to prove anything one way or another. It is the [institution's] responsibility to investigate and determine the facts.**



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## STEP 7: Starting the Interview



### Pre-flight

- Create a habit of establishing neutrality
- Follow your checklist of what you say to each party/witness

- *neutral investigator*
  - *Don't take sides*
  - *Collect facts*
  - *Everyone gets respect/fairness*
  - *Friendly but not your advisor (do you need/want, let's make it happen)*
- *Sensitive and handled as such by [institution]*
  - *But can't require people not to talk*
  - *Retaliation – caution!*
  - *We are careful with your private info – need to know*
  - *Release to parties in advance of final report*
- *What does complainant/respondent mean?*
- **Role of advisor (ask for input at end)**
- *Questions*



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## STEP 7: Starting the Interview

### Ground Rules - use same with everyone

- What they know v. what they know about
- Find out everything you can
- Explain the various levels of credibility of evidence
- Always hard to be a witness, but is there any particular reason they aren't able to give their best recollection today?
- Don't expect they'll have answers to every question - normal

Ensure case management is happening, so the care and feeding of parties and witnesses is robust.

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## STEP 8: Questioning

- Start at the beginning. People can follow a chronology.
- **GOAL:** Breadth, or open phase (“What happened?” “And, what next?”)
- **GOAL:** Depth, or clarification phase
  - Where were you when that happened?
  - How did you know that happened?
  - Will you draw me a map of the room and where everyone was?
- **GOAL:** Closing off
  - Did anything else happen?
  - Anything else?
  - Yes, great. Anything else?

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## STEP 8: Questioning



**GOAL:** Additional evidence gathering

Corroboration phase

- Did you document that?
- Texts?
- Other people there?
- Who?
- Who else knows about this?
- Where else can I find documentation of this?

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## STEP 9: Wrapping It Up

Wrapping up

- Check things off your outline as you go or during breaks.
- Take your time. Take breaks. If too emotional, then reschedule. Ensure lucidity. Bring tissues.
- BEFORE YOU FINISH, take a break and go over your outline with your interview partner. What did and didn't remember to ask?
- Ask before you leave: What else do you think I need to know? What have I forgotten to ask?

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## STEP 9: Wrapping It Up



### Wrapping up

- Ask for evidence
- Note evidence you can get without witness participation/consent
- Physical evidence (must have a plan for maintenance)
- Access to phone/computer
  - Forensics on computers/phones/etc.

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## STEP 9: Wrapping It Up

### Ending

- Thank them for their time.
- Acknowledge the difficulty of the situation.
- Invite them to contact you with additional information as it comes back to them.
- Provide a list of documents/evidence you discussed that they have indicated they might have. Let them know next steps.
- Check on crunch times coming up (or vacations or whatever) that would make it difficult to re-interview.
- Advise them; likely you'll need to conduct some follow up with them.

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## STEP 9: Wrapping It Up

### Ending

- Log all evidence acquired
- Follow up checklist
  - Who did they suggest you interview and why?
  - What evidence did they suggest you get and why?
  - What interviews and evidence have you identified that you might want?
- Note all witness interview specifics
- Draft memorandum of interview (if not recorded) within 24 hours
- Resource (Investigation Tracking)

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## STEP 10: Specific Techniques/Situations



### Specific Approaches: Dating/Domestic Violence

- Delicate with trauma
- Photos of injuries
  - Medical records too (consent)?
- Texts of apologies/texts of threats if disclosed/texts of cover-up requests
- Disclosure to confidants
- Behavior consistent with covering up physical injuries
- Behavior consistent with making excuses for partner's behavior
- Alcohol problems of partner?

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**STEP 10:**  
**Specific Techniques/Situations**



**Specific Approaches: Stalking**

- Follow the popcorn trail of evidence
  - Text messages
  - Social media and other on-line platforms
  - Phone calls/emails
  - Stalker reaching out to friends/family of complainant
  - Check RS's phone for evidence - consent first
  - Notes/letters/gifts/cards/offers of the same
- Observed in complainant's spaces: e.g., dorms, dining halls, common spaces
- Behavior consistent with obsession with/compulsion



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**STEP 10:**  
**Specific Techniques/Situations**



**Specific Approaches: Cultural Issues**

- Language issues, e.g., idioms, translations
- Cultural differences – what's allowed in country of origin
- The WAY the opposite sex intersects
- LGBTQ issues in home country
  - Family norms and what's acceptable
- Religion

**\*\*\*Check your own implicit bias\*\*\***



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## EXPERT WITNESSES



### SAMPLE QUESTIONS:

- What are your qualifications?
- Have you worked primarily for complainants or respondents (or people in their general shoes)?
- What evidence or information did you rely on in coming to your opinions?
- What are your opinions?



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## 10-STEP INVESTIGATION MODEL



1. Identify Violations and Elements
2. Gather Information
3. Determine Interview Logistics
4. Review and Outline
5. Developing Questions
6. Using Documents
7. Starting the Interview
8. Questioning
9. Wrapping It Up
10. Specific Techniques/Situations



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## CHAT

**In breakout rooms, please take a moment to discuss your current interview strategy and identify opportunities for revision or modification based on the information provided in this session.**

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## QUESTIONS

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