

Risk Incidents and Complaints Management



Investigation Interview Tips

Preparing for an interview

Interviews are a formal opportunity to collect a range of information and eye-witness accounts, confirm facts, and explore lines of enquiry. All relevant people to the investigation (parties) should be interviewed.

Prior to conducting each interview, the Investigator should:

- Decide on the order of witnesses to be interviewed depending on the importance of their evidence, their association with the subject of the incident and their availability.
- Identify the purpose of each interview and the factual information they are looking to obtain from the witness.
- Identify the potential challenges that may arise, and ways to mitigate these
- Identify the preferred communication style and any supports that may be required to conduct a successful interview (e.g. support person, communication aids, location, time of day).
- Ensure that all parties are offered to bring a support person of their choice well in advance of the interview, and prior to commencing the interview, clarify the role of the support person with all parties. Ensure support people are not a potential witness and understand that they also need to keep the matter confidential.
- Identify a neutral location giving consideration to privacy, accessibility and convenience.
- Identify and prepare for the method of recording the interview (e.g. a third party taking notes, typing answers as they are provided, request for permission to record audio).
- Determine when and how a record of the interview will be provided to the person being interviewed, if required.



Conducting an interview

The aim of an investigative interview is to obtain relevant information in sufficient detail to understand events and contexts from the perspective of the interviewee.

At the commencement of the interview, take the time to explain the Investigation process to all parties/witnesses.

Follow a structured but flexible approach:

- **Engage**-help the interviewee feel comfortable. Use easy English through the interview. Provide a familiar physical environment (e.g. an office they have been to before) that provides privacy.
- **Explain**-the reason for the interview so that the interviewee understands the purpose and direction the interview will take. Provide a chance to ask clarifying questions.
- **Obtain information**-the who, what, why, when, where, how,
 - o Pre-formed interview questions are important, but don't just read off a page, you need to be prepared to follow and respond to the information and evidence a witness provides.
 - o A useful and well used tool is the TEDS tool of interviews. This stands for:
 - T** - "Tell me about that"
 - E** - "Explain that to me"
 - D** - "Describe that for me"
 - S** - "Show me"
 - o Break down complicated concepts to ensure the person has a full understanding of what you are asking them.
 - o Do not be confrontational or take sides.
 - o Use a range of questioning techniques appropriately- open and closed, probing and clarifying, and don't be afraid to ask the same question more than once in a different way to ensure there has been full mutual understanding.
 - o Probe inconsistencies in the person's responses (e.g. if accounts vary between witnesses, or there appeared to be inconsistencies within a single account during the interview).
 - o Adopt caution in speaking about the alleged conduct and avoid using legal labels such as assault, theft and harassment.
 - o Provide breaks as needed either for refreshment or should parties become distressed, or need to consult with their support person or representative.
 - o Remind all parties that privacy and confidentiality are critical – there should be no communication with anyone about the interview as it can influence others recollection or perception of events.
- **Document information** gained, via note taking, audio recording (with consent) .
- **Closure**-review key points with the interviewee, respond to any questions and advise what will happen next.



Interviewing people with a disability

It is essential that the interviews adopt a person-centred and rights-based approach, taking into account what is important to and for the person with disability. Participants should get the support they need to participate including communication aids when necessary. The person with disability, their key worker, a family member or advocate can identify these needs.

The person with disability should be interviewed in a setting that makes them as comfortable as possible, with a support person present with whom they have an effective relationship.

In the interview the investigator should:

- explain why the discussion is taking place, in a way the person can understand
- explain that the person has the right to ask for a break or end the discussion at any time
- check periodically whether the person would like a break
- ask open-ended questions rather than questions that elicit 'yes' or 'no' answers (for example, 'Tell me what happened...')
- ask clear and brief questions using short words and sentences
- break down complicated concepts or information into smaller chunks
- if the person has sufficient verbal skills, check their understanding by asking them to repeat back the question(s) in their own words
- convey the goals and expectations of the investigation, reassure the person with disability that the matter is being taken seriously and reduce any avoidable anxiety
- allow enough time for the person to answer the question¹.

Post interview actions

Prepare a report of the interview as soon as possible. This helps capture in written form, the relevant part of the witness's oral evidence

Review the information gained and consider if any further information is required of any facts alter future interview avenues

Record of interview documented and signed by relevant parties

1 This material has been drawn from Victoria Police and the Office of the Public Advocate, *Responding to a person who may have a cognitive impairment*, State Government of Victoria, Melbourne. This document assists police in effectively communicating with persons who have a cognitive impairment.