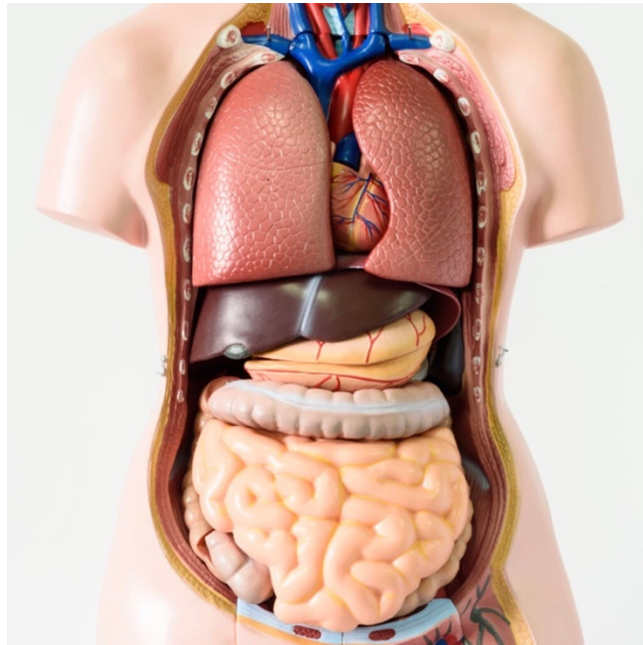


The Investigative Interview



It's a livin' thing (Jeff Lynne)

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I'm often asked why I refer to what I do as *investigative interviewing*, as opposed to the many other monikers, such as *forensic interviewing* or *interrogation*. Do I favour the term because it sounds more professional, perhaps because it's a fad, or for a deeper semantic reason? Aside from my use of an overtly rhetorical question, the title and photograph have probably provided some clues to my views on this topic. The short answer is that I am an **investigator** who conducts **investigations** and **interviews** people within the confines and acceptable boundaries of an **investigation**. Assuming that you have caught on to the leitmotif of my role, I'm sure it won't be necessary for me to try to use a form of the word "investigate" that often again in one sentence. I thought it was time to sit down and write about this topic as Shakespeare's line, "*A rose by any other name would smell as sweet*", would not apply here. An investigative interview is defined by the investigation within which it must exist. It simply cannot live outside an investigative body; it would lack purpose as investigation is its life blood, and *raison d'être*. Before we go further, let's examine what it is not.

Forensic Interview:

I no longer use the term forensic interview as the word "forensic" often refers to the use of scientific tests and techniques used to solve crime. Although parts of an investigative interview are supported by science, the word *forensic* triggers thoughts of scientific methods such as DNA analysis or blood-spatter, where

the focus is predominantly on physical clues. This term also makes me think of the word “evidence”, which is often mistaken to be the only goal of an interview. Since evidence is information that is admitted in Court, the term detracts from the copious information that would help an investigator understand what happened, despite being ruled as inadmissible at trial. For example, if you were interviewing a person who had not witnessed an event, but he mentioned what a true eyewitness had told him, this would be considered to have been inadmissible hearsay evidence. This information would; nonetheless, be instrumental to the investigation as it would dictate the need to locate and interview the eyewitness, who would, then, be able to give *viva voce* evidence at trial. A final bone of contention with this term is that it speaks to the interview as an entity separate from the other aspects making up an investigation. You will see later, that this is often a fatal flaw in the process as any individual piece of evidence or information could not be fully appreciated or weighed if not assessed in concert with all the other evidence and information.

Before going further, I would like to speak more about the word “scientific” as it applies to interviewing, as I don’t want to leave anyone with the impression that being scientifically-proven, or scientifically supported is the only reason to justify the use of a certain interview framework. Whereas, I do consider certain parts of an investigative interview to be supported by scientific research, it would be misleading to make that claim for all of the components. For example, whereas research has been able to show that the Cognitive Interview could lead to obtaining information that is more complete and reliable than other models, there has not been the same research to support the use of theories surrounding the efficacy of Conversation Management. Notwithstanding the dearth of scientific evidence, it would also be misleading to suggest that it doesn’t work. All we have to do to understand this is to imagine ignoring the concepts proposed as suggestions or “good practice” to see its value. Imagine conducting an interview without building any rapport. Think about the negative effect of poor listening skills. Moreover, since aspects of Conversation Management, such as rapport-building, are aligned heavily with the Cognitive Interview, it would not be hyperbolic to link the research to support both.

Interrogation:

To understand why I do not favour the term interrogation, I must start by letting you know my definition of this word.

An often accusatory, guilt-presumptive interview for which the primary, if not sole purpose, is to have that person tell you he committed the alleged offence (a confession) often veiled in the guise of striving to obtain the truth.

To the mature, educated investigator, this approach is dangerous as it has all the hallmarks of false confessions, involuntary confessions, and, in some cases, wrongful convictions. Although, many interrogation models employ a component that emphasizes the use of rapport and empathy, it is the underlying goal of obtaining a confession that categorically rips it from the inherent protections and safeguards of a true investigative interview. Abraham Lincoln once asked, *“If you call a dog’s tail a leg, how many legs does it have?”*, and his answer was, *“Four, because calling a tail a leg doesn’t make it one.”* I believe the modern day equivalent would make reference to putting lipstick on a pig. I’ll be blunt here; an interrogation is an investigative interview that has its whole face covered in lipstick. Often, the bias-laden, confession-oriented interrogator, who has been heavily jaundiced by the presumption of guilt, either willingly or unwillingly conducts this interview without full appreciation or consideration for other information or evidence. Predictably, this leads to the pursuit of case theories that had been built on a foundation of mere hunch, speculation or guesswork. In turn, this often allows the interviewer to creep

into the realm of either tunnel vision or simple expedience. Interrogations are often self-serving and self-fulfilling, and; therefore, far from investigative.

Investigative Interview:

An investigative interview is a conversation with a purpose, which is to achieve certain goals and objectives that are either directly or indirectly related to an investigation. It is not to make friends. It is not to hire people. It is to find out information relevant to whether something happened or not. It takes an understanding of the investigative process, the legal framework within which it lives, and the types of evidence required to prove or disprove an allegation.

Goals: To obtain complete and reliable information that might lead to a better understanding of what, if anything, happened. This should not be confession-driven.

Objectives: To obtain as much detail as possible about, but not limited to topics such as, people, locations, actions, conversations, times and objects.

Investigation:

An investigative interview lives within an investigation and would not have purpose without it. It is a part of the process, but never the whole. The interview and the investigation has a relationship akin to an organ like the heart and the human body within which it thrives. The two must work in concert with each other or both will cease to function. When removed from each other, both would die.

This means that an interviewer must be an investigator, and one who understood what was required to prove or disprove an allegation. She must be fluent with the elements of the investigated offence (the required ingredients of the recipe), and know how to satisfy them with relevant verbal and physical evidence.

She must be one with the investigative process and understand how the interview fits within it. This means that she must fully accept that an interview is only **part of** the process and not **the** process. She would not perceive herself to be “the Closer”. She must be a savvy investigator.

An investigative interviewer would rely on information and evidence to support or contradict any case theories, as opposed to favouring pseudo-scientific deception-detection techniques. Any case theories would live or die based on the inclusion of any new piece of information obtained. She would know how to assess credibility and reliability based on comparing and contrasting the interview information with other information and evidence in an objective manner. There would be no room for expediency.

Conclusion

An investigative interview is not just a new expression for an old technique. It is a framework that provides a voice to an interviewee in the form of a conversation based on mutual respect and equality. It is a plant with roots that would only take in the soil of a well-nourished investigation. It could only be conducted by an investigator. It is an interview framework that is part of a larger and more complex investigative framework. It is a living thing.

I am indebted to Dr. Eric Shepherd and Dr. Andy Griffiths for inspiring me to write this paper.

