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CPPINV3031

# Conduct Interviews And Take Statements To Support Investigations.

## Application

This unit specifies the skills and knowledge required to acquire information by interview and take statements to support an investigation. It includes following plans, protocols and procedures to conduct interviews, questioning interviewees to obtain and record facts and details of physical evidence presented, and taking statements in the required legal format.

## Elements & Performance Criteria

### 1.0 Prepare to conduct interview.

- 1.1 Review work instructions, procedures and workplace policies to ensure required authorisations and compliance with legal rights and responsibilities when conducting interviews and taking statements.
- 1.2 Obtain, review and clarify background material and interview plan in consultation with relevant persons.
- 1.3 Identify special needs of interviewee and organise resources and equipment required for interview.
- 1.4 Check recording equipment to confirm correct operation in accordance with manufacturers' instructions.
- 1.5 Arrange interview location that is accessible and encourages safety and confidentiality for interview participants.
- 1.6 Arrange interviewee and other required participants to be present at interview in accordance with legislative requirements.

### 2.0 Conduct and record interview.

- 2.1 Seek consent to record interview and employ recording methods in accordance with legislative requirements and codes of conduct.
- 2.2 Confirm interviewee identity and age and implement required legal procedures where interviewee is identified as a minor.
- 2.3 Conduct oral interview following required protocols and procedures.
- 2.4 Follow interview plan and make contingency adjustments required to address changing circumstances.
- 2.5 Use questioning to clarify contradictions, ambiguities, uncertainties or misunderstandings during interview.
- 2.6 Recognise physical evidence presented during interview and describe details in full.

### 3.0 Take statement.

- 3.1 Confirm and follow required format and procedures for taking statements.
- 3.2 Take statement in first person and accurately reflect interviewee's knowledge of interview subject matter, with interpreter when required.
- 3.3 Record written affirmation from interviewee as to their understanding of the contents of the statement and conditions under which it was made.
- 3.4 Arrange for statement to be signed, dated and witnessed in accordance with legislative requirements.
- 3.5 Provide interviewee with a copy of the statement.

**4.0 Finalise interview and secure evidence.**

- 4.1 Terminate interview in a sincere, courteous and friendly manner and take required action to ensure safe exit of interviewee.
- 4.2 Complete, retain and secure interview documentation and records with due regard to confidentiality and evidence management principles.
- 4.3 Review and report interview results to relevant persons in accordance with work instructions.
- 4.4 Provide interviewee with a receipted copy of interview records in accordance with legislative requirements.

## **CPPINV3031 Conduct Interviews And Take Statements**

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## Introduction to Conducting Interviews and Taking Statements

### Purpose and Importance

The art of conducting interviews and taking statements is a pivotal skill within the realm of investigations, whether it be in a security, legal, or insurance context. The ability to extract accurate, reliable, and comprehensive information from individuals can often be the linchpin upon which investigations turn. This module is designed to equip investigators with the requisite skills and knowledge to proficiently conduct interviews and take statements in a manner that is both legally compliant and ethically sound.

### Legal and Ethical Considerations

Navigating the legal and ethical landscape during interviews and statement-taking is paramount. Investigators must adhere to relevant legislation, ensuring that the rights of the interviewee are respected and protected throughout the process. This involves understanding and respecting privacy laws, ensuring that information is obtained consensually, and managing data securely and confidentially. Ethical considerations also extend to ensuring honesty, impartiality, and transparency throughout the investigative process, safeguarding the integrity of the investigation and the reputation of all parties involved.

### Overview of Key Elements and Performance Criteria

This module is structured around key elements and performance criteria that guide the process of conducting interviews and taking statements effectively:

- **Prepare to Conduct Interview:** Ensuring that all preparatory steps, including understanding legalities, organizing resources, and ensuring a safe and confidential interview environment, are meticulously planned and executed.
- **Conduct and Record Interview:** Implementing effective communication skills, adhering to legal protocols, and ensuring that the interview is conducted and recorded accurately and ethically.
- **Take Statement:** Ensuring that statements are taken accurately, authentically, and in compliance with legal and organizational requirements.
- **Finalise Interview and Secure Evidence:** Concluding the interview respectfully and ensuring that all data and evidence are securely managed and stored.

### Navigating the Module

As we traverse through this module, we will delve deeper into each of these elements, exploring the theoretical knowledge and practical skills required to execute them proficiently. We will explore various scenarios, challenges, and strategies to navigate them, ensuring that you are equipped to manage a range of situations and individuals in a professional and competent manner.

### Continuous Learning and Adaptation

The field of investigations is dynamic, with evolving technologies, methodologies, and legal frameworks. Thus, this module also emphasizes the importance of continuous learning and adaptation, ensuring that investigators are not only skilled in current practices but are also adaptable to emerging trends and changes within the industry.

### Practical Application and Assessment

Practical application and assessments will be interwoven throughout this module, providing opportunities to apply theoretical knowledge in practical scenarios, ensuring that learning is not just theoretical but also applicable in real-world contexts.

## Chapter 1.0: Introduction to Conducting Interviews and Taking Statements

### 1.1 Purpose and Importance

The act of conducting interviews and taking statements is a crucial component in the investigative process, often serving as a significant instrument in the daily collection of evidence. Investigators harness their capacity to gain and record information from a broad spectrum of individuals, navigating through various cultural and socio-economic backgrounds. Eliciting information can sometimes be an inexact and challenging process, demanding specific competencies, patience, and a profound understanding of human nature.

Interviews can directly stimulate and provide an investigation with additional avenues of enquiry. While circumstantial, physical, and forensic evidence all possess compelling probative value, in instances where such evidence does not exist, the only other possible source of evidence is that which is obtained during interviews with individuals. This competency standard envelops the skills and knowledge required to acquire information through interviews and take statements to assist or initiate an investigation. It necessitates the ability to plan and execute effective information-gathering activities through interview and post-interview processes, utilize recording equipment, take accurate statements, and manage all information in a secure and confidential manner, often under limited supervision within organizational guidelines.



### **Basic Purpose of Interviews – Preparing You For This Training**

The written statement is a documented version of a particular event, produced by a person who can provide and express such information. It is the witnesses' account of the matter, and as such, the message pertaining to the matter must be of the witnesses' best recall of the event. The Investigator, tasked with obtaining the statement, should not influence the outcome of the statement by asking leading questions, suggesting information, or prompting the person making the statement in such a manner that it could be construed that the statement finally obtained was directed away from what the person actually wanted to express and in fact contains false evidence that the witness may later recant.

The fundamental purpose of any form of interview is to gather evidential and relevant information and evidence in a format that is chronological, relevant, and evidential. The ultimate use of information gathered by the Investigator is a matter for the client, and the Investigator should simply be the gatherer of the relevant information to be utilized by the client or their legal representatives in making decisions regarding the future direction of matters. All information that is relevant to the event should be included in the interview, and parts of the interview that are not necessarily evidential can be excluded at a later stage if appropriate.

### **Definition of Interviewing**

Interviewing, in its simplest form, is a planned conversation designed to elicit facts from an individual who has knowledge of those facts by asking relevant questions and recording the answers given. It is crucial to point out that generally, if not specifically, it is the CLIENT who will dictate the type of interview to be conducted. The client may be uninformed, misguided, or seeking to utilize an avenue of enquiry that you consider to be the wrong methodology; while you may offer advice or guidance regarding the appropriate type of interview that should be conducted, it is the decision and wishes of the client that should be abided by, as they have their own needs and beliefs.

## **1.2 Legal and Ethical Considerations**

Navigating through the intricacies of conducting interviews and taking statements necessitates a thorough understanding and adherence to legal and ethical considerations. Ensuring that the investigative process aligns with the legal framework and ethical guidelines is paramount to safeguarding the integrity of the investigation and protecting the rights and wellbeing of the individuals involved.

### **Legal Considerations**

**Adherence to Legislation:** Investigators operating in Victoria, Australia, must navigate and adhere to specific legislative frameworks that govern the process of conducting interviews and taking statements. A few key pieces of legislation that investigators should be mindful of include:

- **Evidence Act 2008 (Vic):** This Act provides the statutory framework for the admissibility of evidence in Victorian courts and has specific provisions related to the conduct of interviews and the taking of statements, ensuring they are legally admissible in court.



- **Surveillance Devices Act 1999 (Vic):** This legislation governs the use of surveillance devices, including listening devices, in Victoria. It is crucial to ensure that any recording of interviews complies with this Act to ensure the resultant evidence is admissible.
- **Privacy and Data Protection Act 2014 (Vic):** This Act is relevant to the handling and management of personal information obtained during interviews, ensuring that investigators respect and protect the privacy of interviewees.

**Working with Children Act 2005 (Vic):** If the investigation involves interacting with minors, compliance with this Act is crucial to ensure the protection of children during the interview process.

### Child Witness

Insurers would prefer that persons under 16 years of age not be interviewed regarding



insurance claims but that may be unavoidable. Children frequently make good witnesses due to their proficiency in observing and recalling faithfully what had been observed. However children are susceptible to suggestions thus becoming easily influenced. They also can be very truthful but because of their age may lack credibility.

- Children should not be interviewed unless it is absolutely critical and only in the presence of an adult, preferably the parent. (Any person under age of 18yrs, by Law must state their age on any witness statement.)

In the context of insurance investigations and potential fraudulent claims, it's pivotal to navigate the delicate balance between achieving the client's objectives and ensuring adherence to legal protocols. While investigators may encounter instances where subjects admit to fraudulent activities, and subsequently withdraw claims, the approach to the interview process must remain within legal bounds.

It's noteworthy that while the Evidence Act and the Crimes Act do not define private investigators as 'Investigating Officials', thereby technically excluding them from the requirement to caution subjects, this does not preclude defence attorneys from challenging this stance in court. Therefore, even though private investigators may not be legally obliged to caution subjects before obtaining admissions of guilt, it is prudent to remain mindful of the potential for legal contestation in this area.

- **Privacy and Confidentiality:** The privacy of the interviewee must be respected, and any information obtained must be handled and stored securely to maintain

confidentiality. Investigators must comply with the Australian Privacy Principles (APPs) under the Privacy Act 1988.

- **Consent:** It is imperative to obtain clear, informed consent from the interviewee before commencing the interview. This involves explaining the purpose of the interview, how the information will be used, and ensuring that participation is voluntary.

## Ethical Considerations

- **Integrity and Honesty:** Investigators must conduct interviews with utmost integrity and honesty, ensuring that the information is obtained without coercion and is accurate and truthful.
- **Impartiality:** Maintaining an unbiased and impartial stance throughout the investigative process is crucial to ensure that the information obtained is reliable and valid.
- **Respect and Dignity:** Interviewees should be treated with respect and dignity, acknowledging and being sensitive to their experiences, emotions, and potential vulnerabilities. As far as practicable the investigator should ensure the interview takes place in private. The only individuals present should be the investigator, sometimes a corroborating investigator and the subject. If the subject requires other persons of his choosing to be present then that should be agreed with. (example: wife, husband, brother, friend, solicitor, etc.)
- **Transparency:** Investigators should be transparent about the process, ensuring that the interviewee understands the purpose of the interview and how their information will be utilised.
- **Protection of Vulnerable Individuals:** Extra care and ethical considerations should be employed when dealing with vulnerable individuals, ensuring that their participation does not lead to further harm or distress.

Incorporating legal and ethical considerations into the investigative process not only safeguards the rights and wellbeing of the individuals involved but also ensures that the information obtained is reliable, valid, and can be utilised effectively in the investigative process. The subsequent sections will delve deeper into the practical aspects of conducting interviews and taking statements, exploring strategies, techniques, and skills to effectively gather and record information.

## 2.0 Preparing for the Interview

### 2.1 Reviewing and Complying with Legal and Organisational Requirements

In the realm of conducting interviews, especially those that may touch upon sensitive or potentially incriminating information, it is imperative for investigators to be thoroughly acquainted with and adhere to pertinent legal and organisational requirements.

## Adherence to Legislation and Codes of Practice

Investigators must be well-versed in and adhere to relevant Australian legislation and codes that govern the process of conducting interviews and taking statements. In Victoria, for instance, the **Evidence Act 2008** and the **Crimes Act 1958** are pivotal in guiding the conduct of investigations, particularly in the context of gathering admissible evidence and ensuring lawful engagement with interviewees.

Moreover, the **General Insurance Code of Practice 2020** provides a framework that insurers, their employees, and related entities, such as investigators, should adhere to, ensuring that their conduct is in alignment with industry standards and community expectations. The Code emphasizes the importance of providing high standards of service, promoting better and more informed relations between insurers and their clients, maintaining trust and confidence in the insurance industry, providing fair and effective mechanisms for resolving complaints, and promoting continuous improvement in the insurance industry through education and training ["Pages 3", "Pages 5"].

## Cautioning Subjects and Ethical Considerations

The right to silence, or the caution, is a fundamental right of an individual suspected of having committed a criminal offence. The caution, which is articulated as –

*"I MUST INFORM YOU THAT YOU ARE NOT OBLIGED TO SAY OR DO ANYTHING, BUT ANYTHING YOU SAY OR DO MAY BE TAKEN DOWN IN WRITING AND GIVEN IN EVIDENCE AT COURT. DO YOU UNDERSTAND THAT?"*,

...is pivotal in criminal investigations, ensuring that the individual is aware that they are not compelled to incriminate themselves.

In the context of private investigations, particularly those pertaining to insurance claims, investigators may encounter scenarios where an interviewee admits to fraudulent activities. In such instances, while the admission may achieve the client's aims (e.g., withdrawal of a fraudulent claim), investigators must tread cautiously should the interview veer into areas of criminality. Admissions of guilt or culpability must be handled with utmost care and ethical consideration, ensuring that the interviewee is fully aware of their rights and that any admissions are obtained lawfully and ethically.

It is noteworthy that the Evidence Act and the Crimes Act do not define private investigators as 'Investigating Officials' under the Acts, thereby excluding private investigators from the need to caution subjects. However, this does not preclude defence barristers from potentially arguing the contrary. Therefore, investigators must be mindful of their limitations and expertise, ensuring that investigations, particularly those that unearth evidence of criminality, are concluded to the client's satisfaction and, if agreed upon, handed over to the Police for further action.

## **Organisational Protocols and Client Expectations**

Investigators must also be mindful of organisational protocols and client expectations throughout the investigation process. Ensuring that the investigation aligns with the client's objectives and adheres to organisational and legal standards is paramount. This includes respecting the rights of the interviewee, ensuring that the information obtained is legally admissible in court if required, and maintaining a professional and ethical stance throughout the investigative process.

In summary, investigators must navigate the delicate balance between adhering to legal and organisational requirements, respecting the rights and ethical considerations pertaining to interviewees, and ensuring that the investigation aligns with client expectations and objectives. This necessitates a comprehensive understanding of relevant legislation, codes of practice, and ethical considerations, ensuring that the investigator conducts their work lawfully, ethically, and effectively.

This section integrates the provided old course content and relevant information from the General Insurance Code of Practice. If there are additional details or specific points you'd like to explore further, please let me know!

## **2.2 Understanding and Organising Resources and Equipment**

Conducting an efficient interview necessitates not only a profound understanding of the subject matter and legal frameworks but also a meticulous organisation of resources and equipment. Ensuring that all logistical aspects of the interview are well-planned and executed is pivotal to facilitating a smooth and productive interaction with the interviewee.

### **Identifying and Addressing Special Needs**

Understanding and accommodating the special needs of the interviewee is crucial to conducting an ethical and effective interview. This involves recognising any physical, emotional, or cognitive challenges that the interviewee may have and making suitable arrangements to ensure their comfort and accessibility during the interview. For instance, if an interviewee requires an interpreter or specific accessibility aids, these should be organised in advance of the interview.

### **Organising Resources**

Ensuring that all necessary resources are available and in good working order is fundamental to the smooth running of the interview. This includes ensuring that any documents, files, or other materials that may be referenced or required during the interview are organised and readily accessible. Additionally, investigators should ensure that any additional personnel, such as assistants or legal advisors, are briefed and available as needed.

## Equipment Checks and Setup

Ensuring that all equipment is functioning correctly is paramount to avoiding disruptions and ensuring that the interview is recorded accurately and clearly. This involves:

- **Recording Equipment:** Check the recording equipment to confirm correct operation in accordance with manufacturers' instructions. Ensure that the devices are fully charged or have adequate power supply and that there is sufficient storage space for the recording.
- **Backup Systems:** Always have a backup recording system in place to mitigate the risk of technical failures and ensure that no information is lost.
- **Testing:** Conduct a test recording before the interview commences to ensure that the sound quality is adequate and that all participants can be heard clearly.
- **Legal Compliance:** Ensure that the use of recording equipment complies with relevant legislation and that consent to record the interview is obtained from all participants.

## Selecting and Preparing the Interview Location

Choosing an appropriate location for the interview is crucial to ensuring that the interaction is conducted in a safe, confidential, and conducive environment. Considerations should include:

- **Accessibility:** Ensure that the location is accessible to all participants, taking into account any special needs or requirements that they may have.
- **Safety and Confidentiality:** Choose a location that provides a safe and confidential environment for all participants, ensuring that the conversation cannot be overheard and that participants feel secure.
- **Comfort:** Ensure that the location is comfortable and free from distractions, providing a conducive environment for open and honest communication.
- **Logistical Arrangements:** Ensure that the location is available for the duration of the interview and that all necessary arrangements, such as seating and lighting, are in place.



## Integrating Audio-Recorded Interviews

The utilisation of audio-recorded interviews, particularly in the realm of insurance and solicitor work, has become prevalent. The methodology of providing an audio-recorded

interview involves a formal interview with an appropriate introduction, caution of rights, preamble, actual questioning of the witness in the interview, and then the closing of the interview. A transcription can be provided to the witness, or their legal representative. The audio-recorded interview is usually conducted by the Investigator at the home address of the subject or at another location as arranged.

- **Advantages:** Audio-recorded interviews are less time-consuming, more cost-effective, hard to dispute when the words used by the parties involved can be replayed, and the conversation can be transcribed.
- **Legal and Ethical Considerations:** The subject should be asked to sign an acknowledgement agreeing that they are aware the interview is to be audio-recorded. The completion of the recording is little more than a comment that the interview has concluded and the recording device is to be switched off and that can be acknowledged by both parties.

In summary, meticulous organisation and preparation of resources and equipment are pivotal to conducting an effective interview. By ensuring that all logistical aspects of the interview are well-planned and executed, investigators can facilitate a smooth and productive interaction, ensuring that the information obtained during the interview is accurate, reliable, and obtained in an ethical and lawful manner.

### 2.3 Ensuring Safety and Confidentiality in Interview Locations

Ensuring the safety and confidentiality of all participants during an interview is paramount. The location of the interview plays a crucial role in safeguarding the privacy of the information shared and ensuring that the participants are comfortable and secure. This involves considering the physical environment, the psychological comfort of the interviewee, and adherence to ethical and legal standards.

#### Location of Interviews: A Practical Perspective

Investigators, often working as sub-contractors and operating from home, face unique challenges in identifying suitable locations for conducting interviews. While some investigative firms or employers might have office locations and facilities, they rarely provide dedicated interview rooms. Consequently, investigators typically conduct interviews at the homes of witnesses or subjects, by appointment. This approach necessitates a respectful and customer-oriented attitude towards the interviewee, who is, in this context, a 'customer' of your client.

Navigating through the complexities of home interviews involves respecting the interviewee's space, adhering to any cultural or personal preferences, and complying with legal norms, such as trespass laws. If an interview takes an unpleasant turn and the investigator is asked to leave, compliance is non-negotiable.



In instances where conducting the interview at the witness or subject's home is not feasible or desired by them, alternative locations must be considered. This might involve securing a conference or meeting room from a library, business centre, or another venue that provides such facilities. Ensuring a quiet and private environment is essential, as all interviews should be recorded to maintain the integrity and accuracy of the information shared. Public places like coffee shops are not considered appropriate due to their lack of privacy and potential for disruptions.

### Ensuring Safety and Confidentiality

- **Physical Safety:** Ensure that the chosen location is safe and secure for all participants. This involves considering factors such as the general safety of the area, accessibility, and the physical condition of the location.
- **Psychological Comfort:** Ensure that the interviewee is comfortable with the chosen location, respecting any cultural, personal, or social preferences they might have. This might involve accommodating requests related to privacy, religious practices, or personal comfort.
- **Confidentiality:** Ensure that the location allows for a private conversation that cannot be overheard by unintended parties. This is crucial for maintaining the confidentiality of the information shared during the interview.
- **Legal and Ethical Adherence:** Ensure that the chosen location and the conduct of the interview adhere to relevant legal and ethical standards. This involves respecting the rights and wishes of the interviewee and ensuring that the information obtained is handled securely and confidentially.



### Navigating Cultural and Personal Sensitivities

It's imperative to approach interviews with a high degree of cultural and personal sensitivity. Some ethnic groups or individuals might have specific preferences or restrictions regarding

home visits, such as removing shoes or adhering to specific cultural norms. In instances related to specific claims, such as burglary claims, where an in-home interview is non-negotiable due to the need to inspect the scene, investigators must navigate these sensitivities with utmost respect and professionalism.

In summary, ensuring safety and confidentiality in interview locations involves a multifaceted approach that considers the physical, psychological, and ethical aspects of the interview environment. Balancing the practicalities of conducting an interview with respecting the comfort and rights of the interviewee is pivotal to conducting an effective, ethical, and lawful interview.

## **2.4 Identifying and Addressing Special Needs of the Interviewee**

Conducting an interview necessitates a thorough understanding and consideration of the interviewee's unique circumstances and potential special needs. This involves recognising and addressing any vulnerabilities or requirements that may impact the interview process, ensuring that it is conducted fairly, respectfully, and effectively.

### **Addressing Vulnerabilities and Special Needs**

Interviewees may have various vulnerabilities or special needs that need to be considered and addressed during the interview process. According to the General Insurer's Code of Practice (GICOP), vulnerabilities can arise due to factors such as age, disability, mental health conditions, physical health conditions, family violence, language barriers, literacy barriers, cultural background, Aboriginal or Torres Strait Islander status, remote location, or financial distress.

When a vulnerability is disclosed or identified, the investigator should work with the interviewee to find a suitable, sensitive, and compassionate way to proceed, ensuring that the process is flexible enough to accommodate their needs and that their privacy is protected (Pages: 33,34). Additional support may include making communication easier, referring to a financial counsellor, or connecting with an appropriate community support service.

### **Utilising Interpreters**

In situations where language barriers exist, the use of an interpreter may be necessary to facilitate effective communication during the interview. The interpreter should be fluent in the exact dialect spoken by the witness and have a substantial vocabulary and knowledge of sentence structure in both languages to make an accurate translation. The interpreter should act merely as a vehicle for accurately interpreting and passing the information back and forth between the investigator and the witness, imitating voice inflection and gestures as much as possible, and ensuring no additional conversation occurs between them and the witness.

The GICOP also emphasises the importance of providing access to an interpreter when needed and ensuring that employees involved in communications requiring an interpreter receive relevant training. The interpreter should be placed in a position where they can easily face either the investigator or the witness as the conversation switches back and forth. It is



also crucial to orient the interpreter prior to the questioning to ensure accurate and unbiased translation.

### **Ensuring Safety and Respect**

Ensuring the safety and respect of the interviewee, especially those experiencing vulnerabilities, is paramount. Investigators should be trained on how to work with vulnerable customers before being authorised to investigate or interview a person who may be vulnerable. This includes understanding how to engage with sensitivity, dignity, respect, and compassion, and possibly arranging additional support, such as referring to people or services with specialist training and experience (Pages: 33).

### **Confidentiality and Privacy**

Maintaining the confidentiality and privacy of the interviewee is crucial, especially when dealing with sensitive information. The investigator should ensure that the interview location and method safeguard the interviewee's privacy and that any information shared during the interview is securely stored and only used for the intended purpose.

### **Conclusion**

Identifying and addressing the special needs of the interviewee is crucial in conducting an effective and respectful interview. This involves recognising and accommodating vulnerabilities, utilising interpreters when necessary, ensuring safety and respect, and maintaining confidentiality and privacy throughout the interview process. By adhering to these principles and integrating relevant guidelines from the GICOP, investigators can ensure that interviews are conducted ethically and effectively, respecting the unique needs and circumstances of each interviewee.

## **Chapter 3: Conducting and Recording the Interview**

### **3.1 Seeking Consent and Employing Recording Methods**

Conducting and recording interviews in the investigative process, especially within the insurance industry, necessitates a meticulous approach to ensure ethical, legal, and procedural compliance. The following aspects are pivotal in this context:

#### **Obtaining Explicit Consent**

- **Signed Consent Form:** In alignment with most insurers' protocols, obtaining a signed consent form from the person being interviewed is imperative. This form should elucidate the purpose of the interview, how the information will be used, and the individual's rights during and after the interview. It should also explicitly grant permission to record the conversation and use the information as specified.

- **Verbal Consent:** While the signed form is paramount, also seek verbal consent at the start of the recording, ensuring that the agreement to proceed is captured on tape. This acts as an additional layer of verification and consent.

### Employing Recording Methods

- **Audio Recording:** Utilise high-quality audio recording devices to ensure clarity and accuracy in capturing the conversation. Ensure that the device is placed in a position conducive to clear recording and is not intrusive or intimidating to the interviewee.
- **Video Recording:** In instances where video recording is applicable or required, ensure that the camera is positioned to capture both the interviewer and interviewee without being obtrusive. The interviewee should be made aware and consent to video recording.
- **Note-Taking:** Even with technological recording, maintaining a manual record of key points, non-verbal cues, and impressions during the interview is crucial. This aids in subsequent analysis and report writing.

### Legal and Ethical Adherence

- **Adherence to Privacy Laws:** Ensure that all recording and data management practices comply with Australian privacy laws and any specific state legislation, such as the Privacy Act 1988 (Cth) and relevant state-based regulations in Victoria, ensuring that personal information is handled with utmost confidentiality and security.
- **Data Management:** Outline to the interviewee how the recorded data will be stored, who will have access to it, and the duration for which it will be retained. Ensure that all data is stored securely and is accessible only to authorised personnel.
- **Use of Information:** Clearly communicate to the interviewee how the information obtained will be used and who it will be shared with, ensuring transparency and adherence to the consent provided.

### Ensuring Comfort and Willing Participation

- **Voluntariness:** Ensure that the interviewee understands that their participation is voluntary and that they have the right to withdraw at any point without repercussions.
- **Pause or Terminate:** The interviewee should be informed that they have the right to pause or terminate the interview at any point should they feel uncomfortable or unwilling to proceed.
- **Access to Recorded Data:** Inform the interviewee about their right to access the recorded data, and the procedure through which they can request it.

Incorporating these elements ensures a structured, ethical, and legally compliant approach to conducting and recording interviews, safeguarding the interests of both the investigator and the interviewee, and ensuring the obtained data is reliable and admissible in any subsequent processes.

### 3.2 Interview Techniques and Strategies

Navigating through the intricate pathways of investigative interviews demands a meticulous approach, underpinned by a robust set of techniques and strategies. The essence of an interview in an investigative context is not merely the exchange of information but a subtle, yet profound, exploration into the realms of memory, communication, and psychological dynamics. In this chapter, we delve into a myriad of interview techniques and strategies, each serving as a pivotal tool in the investigator's repertoire, to facilitate not only the extraction of information but also the establishment of rapport, credibility, and trust between the interviewer and the interviewee.

From the cognitive to the evidential, each technique and strategy unfolds a unique layer of the interview process, addressing the multifaceted nature of human memory, communication, and behaviour. We will explore the nuances of various questioning styles, understand the psychological and emotional undertones of the interviewee, and unravel the ethical, legal, and practical dimensions that envelope the interview process.

In the subsequent sections, we will integrate a wealth of detailed, practical insights and guidelines, directly drawn from seasoned investigative experiences and expertise, to equip investigators with a comprehensive, in-depth understanding and skill set, ensuring that the interview process is conducted with utmost efficacy, integrity, and respect for the interviewee's rights and dignity.

#### Cognitive Interviewing Techniques

Cognitive interviewing techniques are good interview techniques that aid the witness's or subject's memory recall. Cognitive interviewing is based on assisting the witness or subject to concentrate, re-stating things with greater detail, or to gain some better mental imagery about what they are describing. This style of questioning also moves towards building a greater rapport with the interviewer. The interviewer should not disrupt the concentration of the witness, and should avoid asking questions until the witness stops concentrating. The witness is the source of the information, not the interviewer. Try to ask questions that are compatible with what the witness is thinking about, and not what the interviewer wants. Defer such questions until the witness has exhausted information provided on the one event at a time. The interviewer should strive to convince the witness of the importance of this detailed description. Assisting the witness or subject to gain a greater memory of previous events is what the Investigator should attempt to elicit. The interviewer should use these methods at all times, but especially where a witness provides superficial information. Cognitive techniques are often assisted by communicative skills, to obtain informative statements or witness's responses, usually by prompting the witness's memory with questions like What happened then? or, When did that happen ? or, Where did that happen? or, Who was there when that happened ? or, Why did you think they did that? or, Can you tell me more about that? The cognitive interview strengthens the communication between the interviewee and the interviewer by:

- Assisting the witness to formulate a comprehensive, intelligible response
- Assisting the investigator to understand and record the witness' response
- Assisting the investigator understand the witness' psychological needs
- Relegating the investigator's needs to the witness

### **The Evidential Interview**

The evidential interview converges on two predominant ingredients of a subject's account of the issue being investigated i.e. Memory and communication. The subject must first draw into consciousness all the details of the issue and then communicate them to the investigator. Only if both these processes operate properly, will an effective interview take place. A principal of the evidential interview is the concept of guided retrieval. Because all the pertinent information rests in the individual's mind, the objective of the interview is to assist the subject in accessing that information. At this point of the interview, it is the subject, not the investigator who will or will not access the desired information. Consequently, the interview must be directed by the mental processes of the witness. Simply, it is the witness and not the investigator who is the significant player in the interview. An investigator should not adopt a dominant role, whilst a subject plays a secondary role. The successful interviewing investigator is one who can determine how the subject has stored the pertinent information and then guide the witness through the search of their memory to retrieve that knowledge. The interview technique used by the Investigator must improve the memory recall by the witness and is achieved by:

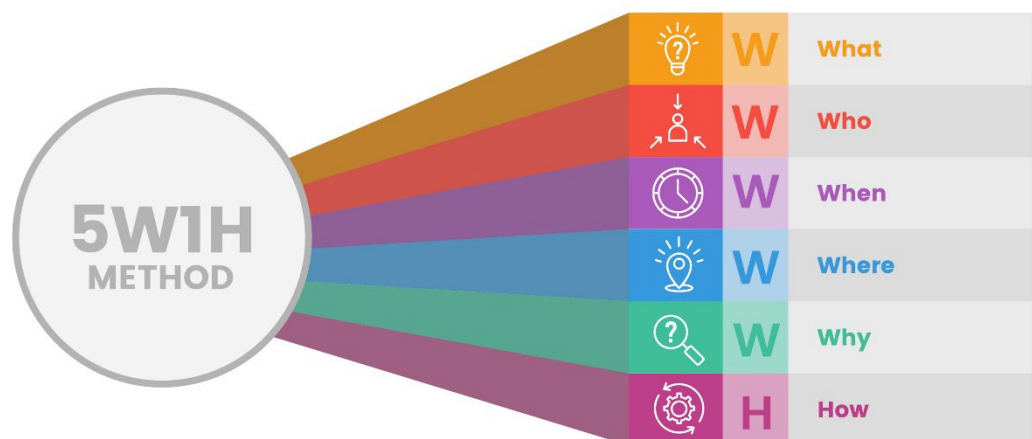
- Drawing down on the subjects' mental representation of the issue (eg: What happened then?" "How did you feel about that?" "What did you do then?")
- Suggesting techniques ensuring the witness becomes the relevant participant in the Interview, and
- Providing retrieval strategies facilitating the witness accessing certain information Although the information is accumulated in the subjects' mind, simply activating this knowledge does not necessarily confirm a productive interview. Another obstruction is the inability to communicate the information effectively to the investigator. If the investigator/witness interview is regarded as a simple communication system, two otherwise problem areas may be identified:
  - The subject converting the conscious memory into a verbal description
  - The investigator comprehending and recording that description Based on a notion there is a communication system in place and simply not two isolated individuals, each player should be aware of the other's needs and capabilities. The productive witness should be able to engender a comprehensive description of the conscious memory and must present the description in a form that is understandable and significant to the investigator. Similarly, the investigator should become a competent listener and be attentive to the witness' psychological needs and capacity. The primary understanding of an investigator and the most basic interviewing skill is to recognise THAT YOU LEARN MORE BY LISTENING THAN YOU DO BY TALKING. Let the witness/subject tell the story. Interviewing is a critical ingredient of every investigation and one of the more significant skills of the investigator. The effective investigator should be flexible enough and skilled enough to alter the direction of the interview or guide the witness or subject in such a way to keep the discussion relevant without interrupting the information flow. The methods of interviewing employed by the

investigator must meet two strict prerequisites. Firstly, the methods must be based on proven procedures for establishing the truth of the matter under investigation. The interview must be formulated systematically and according to plan. Secondly, the methods of interview must always conform to the requirements of the law regarding the admissibility of admissions or confessional evidence. These techniques may be the subject of searching judicial inquiry if the matter goes before a court or tribunal.

### The Questions to Which the Investigator Seeks Answers

The questions to which the investigator seeks answers are: (The five W's, and one H method)

- **WHAT:** eg. What is the nature of the matter?
- **WHEN:** eg. When did it occur?
- **WHERE:** eg. Where did it occur?
- **WHY:** eg. Why did it occur?
- **WHO:** eg. Who was involved?
- **HOW:** eg. How did it happen?



### Over Enthusiastic Insured Victim

This type of victim is encountered frequently. They greet you at the front door and immediately commence giving you the run down on what has happened thrusting documents or information at you. This may be due to nerves but is disconcerting as it throws our planned structured interview into disarray. You need a few minutes to set up, get documents signed, and commence the interview in a structured manner. Politely explain that you have a set format in how the interview is to be conducted in order to gather all the required information and ensure all clients' needs are met and we in the fullness of time gather all their information from them. If they are going to make a cup of tea or coffee do not switch on the digital recorder until the kettle has boiled because that is all you will hear on the recording. Wait until that is done before commencing the recorded interview in your structured, planned orderly manner.

## **Questioning Techniques**

This session will:

- Explain the differing categories of questions
- Identify styles of questions
- Identify styles of questions to be avoided Frequently interviewing investigators may be heard to ramble on through such questions-occasionally containing double negatives or two questions in the one sentence which the subject refuses to answer or if he or she does so, replies only to part of the question. An apparent philosophy among many subjects, specifically hard-core criminals are that they make no admissions to anyone. However, experience has illustrated people do talk. Continued silence or denials in the face of pertinent probing questions is almost impossible. It is quite difficult to question a subject in such a manner whereby all the criteria for a successful interview are met. In order to structure our thinking around questioning techniques, it is helpful to identify varying categories of questions.

## **Categories Of Questions**

### **Closed Questions**

Closed questions are those, which clearly define the parameters within which the subject is expected to answer. Examples of closed questions may be found in requests for specific information such as personal particulars i.e. Name, address, date of birth and so on, but are not confined to these. Sometimes the questions are framed in such a way limiting the subject's range of answer options even further by giving the subject a choice of only one of two replies, "Was it 7:00pm when you left the premises?" or "Was it 7:00am or 7:00pm?" Closed questions are useful for directing the subject towards a specific line of thought and for stimulating a specific response. Closed questions make it difficult for a subject to evade or shy away from the information being sought. A potential problem with closed questions is they tend to provide the subject information regarding the interviewer's thought processes, since they clearly illustrate the type of information being sought.

### **Open-ended Questions**

Open-ended questions are useful in the investigative aspects of the interview when the investigator is concerned with reading the subject and with assessing the level of implication, if any, in the matter about which the subject is being questioned. Open-ended questions are very versatile when compared with closed questions.

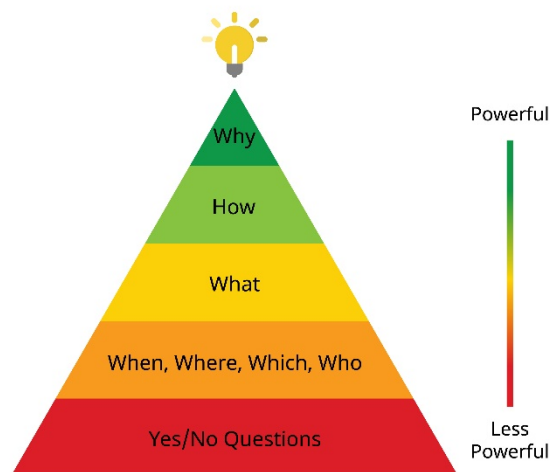
## **Styles Of Questions**

### **Leading Questions**

Leading questions, while potentially insightful, tread a delicate balance in the context of investigative interviews and should be approached with caution. These questions inherently contain an assumption or suggestion within them, which might inadvertently guide the

subject's response in a particular direction. For instance, asking, "You were at the White Horse hotel last night, weren't you?" presumes the presence of the individual at a specific location and time.

The prudent use of leading questions is pivotal, especially considering the ethical and reliability aspects of information gathering. It is imperative that leading questions are reserved for moments when the subject has already introduced the topic into the conversation. For example, it would be inappropriate to ask, "What did the blue car do?" without the subject having previously mentioned a blue car in their narrative.



Commencing an interview with broad, open-ended questions lays a foundation for unbiased and uninfluenced responses from the subject. Starting with an invitation like, "Tell me in your own words what happened," followed by probing yet non-presumptive follow-ups such as, "What happened next?" ensures that the subject's account remains as untainted by the interviewer's presuppositions as possible.

Once a subject has broached a topic, leading questions can then be judiciously employed to revisit and delve deeper into specific points of interest, ensuring that the focus is redirected without implanting ideas or assumptions. This method ensures that while the interview maintains a structured progression, the integrity and authenticity of the subject's responses are preserved.

In essence, leading questions, when used sparingly and appropriately, can serve to refine the details of a subject's account without compromising the veracity of the information provided. The investigator, thus, navigates through the interview with a mindful approach, ensuring that the subject's narrative unfolds organically, while also obtaining the requisite detailed insights pertinent to the investigation.

### Echo Question

An echo questioning style consists of taking up the subject's last response and repeating it back to the subject in a question form. This causes the subject to analyse his or her response and comment further and is useful to reinforce admissions made by the subject.

Q: Why did you claim that travel allowance, knowing that you were not entitled to it? A: Because I needed the money, I was desperate. Q: So you needed the money, you were desperate? A: Yes, I've got a drug habit which costs me heaps and that was the only way I could get some money short of robbing a bank. Q: The only way you could get money short

of robbing a bank? A: Goodness I wouldn't rob a bank, I'm not a violent person, there's easier ways of getting money apart from that sort of caper.

### **Precise Style of Questioning**

Precise questions, although closed, call for a specific answer and limit the reply to a definite item of information. The following questions are examples of increasing precision in the type of information being sought:

- Where did you go?
- Where did you go yesterday?
- Where did you go yesterday afternoon?
- Where did you go when you finished work yesterday afternoon?

Questions should be precise, chronological, and the answers should include times, persons met even to what was discussed. Elicit the story in small segments tying down the person in interest to a specific version of events.

### **Controlled Answer Question**

These questions confine the answer from the subject to a specific situation, for example, - Q: I understand you were present when the James Brown was injured in an industrial accident. Is that correct? Q: Will you tell me what happened?

This style of question is based on facts and is more appropriate than, "Where were you when the accident occurred".

### **Answers to Questions**

Care should be taken ensuring the subject answers the question put to him or her. The investigator should not accept an evasive answer or question from the subject in return, for example Q: Where did you get those computer disks? A: I've had them for months, why do you want to know?

This is an evasive answer and question to you in return. He or she has not answered the question. The next question might be Q: Where exactly, did you get those disks? - Followed by Q: When exactly, did you get those disks?

### **Refusal By Subject To Answer Questions**

Individuals who are the subject of an investigative interview may fall into three broad categories:

- Individuals readily admitting to their involvement in the matter
- Individuals admitting to their involvement after a lengthy interview
- Individuals who decline to answer questions



Subjects with nothing to hide are generally co-operative and Investigators should avoid categorising subjects prior to or even during an interview. A positive, friendly and fair attitude from the investigator can turn people around to become more amenable. Where the subject is anxious to make admissions and unburden him or herself, it is easy for the investigator to overlook vital ingredients of the circumstances. As a precaution against this potential predicament, the investigator should adopt the practice of noting all the facts of the matter under investigation and ensure appropriate questions covering those matters are asked and checked during and at the conclusion of the interview.

### **Silence Or Failure To Co-Operate**

During the interview there may be occasions when the subject is exhibiting some reluctance or taking longer than usual to answer questions. A strategy the investigator may wish to employ is silence. It is a powerful instrument in eliciting a more detailed response. Television interviewers adopt this tactic to apply pressure on unwilling interviewees. In regard to matters that private investigators may be involved in such as insurance, financial and personal injury matters because of the contractual arrangements subjects are obliged to co-operate with an investigation and should be reminded of that. Continued refusal to co-operate by the insured can only lead to claim refusal.

### **Pitfalls In The Interviewing Process**

The following are some of the dangers the investigator must avoid during an interview

- **Anger:** A forerunner of defeat. The angry individual normally says things he or she will later regret. The investigator who becomes enraged or is perceived as being perturbed by the interviewee negates the efforts to create an atmosphere conducive to communication. Once angry the investigator is emotional and objectivity suffers.
- **Threats:** The investigator resorting to threats has already lost the interview and any admissions, confessions or other incriminating statements by the subject would, in all probability, be rejected as evidence, should the matter go to prosecution.
- **Hurrying:** The investigator should not be stampeded into conducting an interview for which he or she is ill prepared. Lack of preparation increases the prospects of overlooking vital information. A hurried or tense atmosphere also cultivates anxiety and again is not conducive to a cordial atmosphere necessary for fruitful interview. Appropriate time should be permitted for in the interview preparation stage.
- **Prejudice:** Each interview must be approached with an open mind. Prejudice, literally implies pre-judgement or making up one's mind without sufficient information flies in the face of the objective interview. Any prejudice, labelling or stereotyping of the individual to be interviewed must be avoided in all investigative interviews. The investigator must be persuaded only by the facts of the matter being investigated. One of the worst mistakes the investigator may make is to jump to conclusions on the basis of prejudice, stereotyping or labelling or on circumstantial evidence, which has not been thoroughly appraised.
- **Degrading the Subject:** Regardless of the matter being investigated the subject is a human being and deserving of respect and should be treated accordingly. Degrading the subject by sarcasm, suggestions of inferiority or insults due to ethnic or socio-

economic differences is not only contrary to the principles of interpersonal communication but flies in the face of the well entrenched legal principles of the presumption of innocence and of natural justice and also anti-discrimination laws. Any suggestions a subject has not been justly or fairly treated during the interview, again will jeopardise any incriminating evidence obtained and may result in the investigator being open to complaint and censure.

- **Undue emphasis on Inconsistencies:** A common propensity of many investigators is to perceive with suspicion minor contradictions or inconsistencies in accounts tendered by different individuals about the same matter. Some variation in any two accounts of the same event will always occur. In some cases the mere presence of insignificant inconsistencies is indicative of truthfulness. Stories, which are exactly identical in every detail, should be regarded with a degree of scepticism because they may have been concocted.

### Scripting in Interviews

While many insurers and investigation companies equip investigators with set questions or proformas to facilitate interviews, it's crucial to perceive these tools as guides rather than stringent scripts. The essence of effective interviewing often resides in the ability to dynamically respond to the interviewee's information and cues, which may be stifled if an investigator adheres too rigidly to a predetermined script.

Scripting, when utilized effectively, can serve as a roadmap, ensuring that all necessary topics are covered and crucial questions are not overlooked. However, the real art of investigative interviewing lies in the ability to pivot and adapt to the information as it unfolds during the interaction. An interviewee may divulge a piece of information that, while not directly related to the scripted questions, could be pivotal to the investigation and thus warrants further exploration.

The risk of strict adherence to a script is twofold: firstly, it may inhibit the investigator from pursuing potentially valuable tangential information. Secondly, it can create a mechanical and impersonal interaction, which might hinder the establishment of rapport and trust with the interviewee. An investigator, engrossed in adhering to a script, might inadvertently neglect subtle cues or additional details offered by the interviewee, which could be instrumental in piecing together a comprehensive understanding of the situation.

Therefore, while scripts and proformas serve as valuable guides to ensure consistency and completeness in information gathering, investigators should be encouraged to exercise discernment and flexibility. This involves actively listening, being attuned to additional or unexpected details, and being willing to deviate from the script to explore these avenues when deemed necessary.

In essence, scripting should be viewed as a foundational structure, providing a baseline of topics and questions to be addressed, while also allowing the investigator the latitude to navigate through the interview with a responsive and adaptive approach. This ensures that the interaction is not only thorough and methodical but also organic and conducive to unearthing nuanced, potentially critical, information.

## **Managing Emotionally Charged Interviews and Ensuring Psychological Safety**

Investigative interviews often delve into sensitive and potentially traumatic experiences, necessitating a mindful approach that prioritizes the psychological well-being of both the interviewee and the investigator. Managing emotionally charged interviews involves recognizing emotional cues, demonstrating empathy, and providing a safe space where the interviewee feels heard and respected. It is imperative to approach such interviews with a heightened level of sensitivity, ensuring that the pursuit of information does not inadvertently inflict psychological distress.

Ensuring psychological safety involves creating an environment where the interviewee feels comfortable sharing information without fear of retribution or judgment. Establishing rapport, practicing active listening, and validating the interviewee's emotions and experiences contribute to fostering a psychologically safe space. Additionally, investigators must be mindful of their own emotional and psychological well-being, engaging in self-care and seeking support when navigating emotionally taxing investigations.

## **Exploring Technological Tools in Investigative Interviewing**

The integration of technological tools can significantly enhance the efficiency and effectiveness of investigative interviewing. Utilizing digital recorders ensures that the interview is accurately documented, allowing the investigator to focus on the interaction without being encumbered by note-taking. Video conferencing tools enable remote interviews, expanding the investigator's reach and facilitating interactions that may not be possible in person.

Moreover, employing software for data analysis can aid in identifying patterns and connections within the information gathered, providing valuable insights that can guide the investigation. Leveraging technology not only streamlines the investigative process but also provides additional avenues through which information can be analyzed, stored, and retrieved, enhancing the overall efficacy of the investigation.

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### **Navigating Ethical Considerations and Legal Boundaries**

Investigative interviewing operates within a framework defined by ethical considerations and legal boundaries. Ensuring that the interview is conducted ethically involves respecting the interviewee's rights, maintaining confidentiality, and ensuring that the information is obtained consensually and without coercion. Investigators must be acutely aware of the legal boundaries within which they operate, ensuring that the methods employed and information obtained adhere to legal standards and are admissible in legal proceedings.

A comprehensive understanding of the ethical and legal parameters is crucial in safeguarding the integrity of the investigation and ensuring that the information obtained is credible, reliable, and obtained in a manner that upholds the principles of justice and fairness.

### **Duration and Breaks**

When conducting interviews, it's essential to be mindful of the duration and the need for breaks. This not only ensures the comfort and well-being of the interviewee but also enhances the quality of the information gathered. Prolonged interviews without breaks can lead to fatigue, decreased concentration, and potential inaccuracies in the information provided.

In line with the General Insurance Code of Practice (GICOP) guidelines:

- **Regular Breaks:** It's mandatory to provide breaks every 30 minutes. This allows the interviewee a moment to relax, gather their thoughts, and ensures they remain attentive and engaged during the interview process.
- **Maximum Duration:** No interview should exceed a total duration of 90 minutes. This limit is set to prevent undue stress or fatigue on the interviewee and to maintain the integrity of the information being collected.

- **Interval Between Interviews:** If there's a need for multiple interviews with the same individual, a minimum break of 24 hours between sessions is required. This ensures that the interviewee has adequate rest and time to prepare for subsequent sessions.

Adhering to these guidelines not only aligns with best practices but also ensures that the interview process is both ethical and effective. It's crucial for investigators to be aware of these requirements and plan their interviews accordingly.

**Example Record Of Interview Where Discrepancies Emerge After An Initial Interview – This Is One Method Of Conducting A Planned Re-Interview**

Record of Interview conducted at 24 Eliza Drive Mount Smith Victoria 3111

At 1.30pm on the 28th day of February 2011.

Present Drew Anthony Investigator and Mr. Craig Wilson

-----

**Q1. Do you recall that on the 24th day of February 2009 you made a statement to me regarding the losses incurred by you during a trip to various Asian countries during the period June to November 2010?**

A. Yes I do.

**Q2. You have in fact made a travel insurance claim seeking to regain those losses. Is that correct?**

A. Yes it is.

**Q3. Is this your signature on this statement dated 24 February 2011 (Produced)?**

A. Yes that is my signature.

**Q4. Is this statement a true account of what occurred?**

A. Yes it is.

**Q5. Is there anything that you would like to add or change?**

A. No nothing at all.

**Q6. I intend to further interview in relation to this matter by writing down a question and then asking that question and then recording your answer, do you understand that?**

A. Yes, but I don't know why, I told you everything.

**Q7. Are you agreeable to me further interviewing you in this manner?**

A. Yes I suppose so.

**Q8. Would you please state your full name?**

A. Craig Wilson.

**Q9. What is your date of Birth?**

A. 31-10-1966.

**Q10. What is your current occupation?**

A. Self employed brick layer.

**Q11. Do you agree that it is now 1.30 pm on Thursday the 28th day of February 2011?**

A. Yes

**Q12. You said on February 24th 2011 in your statement to me that you were in Bangkok on 18 November 2010. Were you in Bangkok on 18 November 2010?**

A. Yes, that's correct.

**Q13. You also said that you met a person called Tony on that day. Is that correct?**

A. Yes.

**Q14. You have then told me that after meeting Tony and various other people the loss accrued by you from playing cards and other activities was \$50,000. Is that correct?**

A. Yes that is correct.

**Q15. That is the sum total of your claim to Zurich Insurance and is based on your travel insurance. Is that correct?**

A Yes, I believe that I am entitled to be compensated for theft and fraud under the policy.

**Q16. You have told me that your mother, your father and your mother's boyfriend sent to you various amounts of money whilst you were in Bangkok in order to cover your losses. Is that correct?**

A Yes, they did send me money, ask them.

**Q17. In fact I have obtained the bank records of your mother, your father and your mother's boyfriend with their consent and those records do not support what you are telling me. What do you say about that?**



A I did not think you would do that, I thought you would just believe me, how can you do that.

**Q18 In fact your mother has told me that you are a thief and scam artist and this sort of fraudulent behaviour is the way you live. What do you say to that?**

A Well there is a mother's love for you. What a bitch.

**Q19 Furthermore I have perused your travel history from Immigration with your express consent and that travel history disclosed that you were back in Australia when you say these events occurred. What do you say to that?**

A I did not think you would go so far in checking my story. I am in a bit of trouble aren't I?

And so it goes on ... and on ... and on ... until you are satisfied that all the discrepancies in the story given have been put to the subject and are responded to.

**Q20 It is my belief based on my enquiries that your insurance claim against Zurich Travel Insurance for the losses allegedly suffered is a fraudulent claim. What do you say to that?**

A Unfortunately you are correct. What can I do about it, I do not want to get into trouble. I just did not have any money.

**Q21 Would you consider withdrawing your claim in writing if I provide to you the appropriate document to sign?**

A Yes, I will withdraw the claim. Thank you.

**Are you prepared to read this Record of Interview and if it is true and correct sign it as being true and correct?**

A. Yes.

**Do you agree that the time now is 2.25 pm?**

A. Yes.

Signed: .....

Date: .....

Signed: .....Date: .....

Print Name: .....

Print Name: .....

-----

**Now is the time to sign off .... He signs the record of interview, bottom of each page, he initials any alterations; You sign the record of Interview, bottom of each page and the interview is concluded.**

**Appendix One - This Document Is Signed By The Person Being Interviewed By Digital Recording. There Are Various Versions.**

**ADOPTION STATEMENT**

**AUDIO RECORDED INTERVIEW**

I, (Full Name) \_\_\_\_\_

(Date of Birth) \_\_\_\_\_ (Occupation) \_\_\_\_\_ of

(Residential Address) \_\_\_\_\_ (Suburb)

\_\_\_\_\_ in the State of \_\_\_Victoria\_\_\_

**State as follows:**

On the (Date) \_\_\_\_\_ I participated in a recorded

interview with XXXXXXXXX of XXXXXXXXXXXXX at, (Place of Interview) \_\_\_\_\_

relative to my claim for insurance (Claim Number) \_\_\_\_\_

against \_\_\_\_\_XXXXXXXXXX\_\_\_\_\_ Insurance Company.

Prior to the commencement of the interview, I was advised that the interview would  
  
be recorded.

The answers that I gave during the interview were given of my own free will.

No threat, promise, offer of advantage or benefit or inducement was held out

to me to give the answers as recorded in the interview.

The evidence I have stated during the interview is true and correct to the best of my knowledge and belief.

Signature:

Witness:

Date:

Date

**Appendix Two - This Document Is A Basic Preamble To A Digital Recorded Interview and Could Be Adapted To Any Interview.**

**AUDIO RECORDED INTERVIEW PREAMBLE**

This is a **digitally recorded** interview between YOUR NAME of xxxxx Investigations on behalf of Blastit Insurance in regard to your claim relating to XXXX (this covers most claims dealt with - sort out what you are dealing with)

and.....(insured) .....conducted at (time).....on

(date).....2011 at (Location).....

Mr/Ms.....For the purpose of identification could you please state your full name and address?

Mr/Ms.....What is your age and date of birth?

Mr/Ms.....What is your occupation?

Additional persons present to be identified by stating their name address, age, date of birth and occupation.

Mr/Ms.....The purpose of our discussion today is to make inquiries into a claim lodged with.....Insurance in relation to .....(type of claimed incident) Do you understand this?

Mr/Ms.....Can you please detail your movements leading up to the claimed incident? (theft of motor car/burglary/motor vehicle accident)

As much detail as possible usually cover several hours prior to the Incident, the discovery of the incident and what they did then?

Elaborate on the initial summary of movements.....

Once the claimed incident has been adequately covered, you then take them through the specific headings of the report such as drivers licence details, past driving history, criminal history previous insurances/companies and claims for at least the past five years.

Financial situation – mortgage, credit card debt, family income, personal loans, and comment in report as to how their homes presented and approximate value – this is just a brief picture as to a financial motive.

Purchase details of the vehicle, do they have the contract, is it under finance?

Condition of the vehicle service history, who services it, corroborates service history with the mechanic.

Advertised for sale – ask the question? Do a quick internet search. Items in the vehicle, list personal items and values, usually covered for up to \$500 of personal item

Accessories – what was fitted, when receipts? Were these items listed on the policy if not why not?

Obtain full stolen property list, gather and take substantiation for items stolen in a burglary, receipts, photos, Instruction Manuals, anything that they can produce to prove the item existed.

Conclude interview, turn off device

### **Appendix Three - Disclosure Questions For A Motor Vehicle Or Burglary Claim**

If you are investigating a motor vehicle or burglary claim ask only the following questions relevant to the type of claim bearing in mind that when the policy was taken out and when the claim was lodged those questions should have already been asked, but you must still cover this issue during your interview. Failure to answer these questions truthfully at the time of inception of the policy, or at the lodging of the claim can result in the claim being refused,

Explain to the insured that the acquiring of insurance through Blastit Insurers requires you to ask a number of questions as part of the investigation. Those questions you must ask are relevant to the acceptance of the claim.

The relevant questions in regard to a motor vehicle claim are -:

- In the last five years has any driver (of the vehicle) been convicted of or had any fines or penalties imposed for any driving related alcohol/drug offence
- In the last five years has any driver of the vehicle) had a licence cancelled or suspended
- In the last five years has any driver (of the vehicle) had any at fault claim or accident
- In the last five years has any driver had any not at fault claim or accident involving vehicle damage
- In the last five years has any driver (of the vehicle) had any claims or incidents involving stolen or burnt out vehicles or previous burglary claims.
- In the last five years have you /or any driver of the vehicle had any claim refused, insurance declined or special conditions imposed on a motor vehicle/or other policy of insurance
- In the last ten years have you /or any driver/ been convicted of, or had any fines or penalties imposed for any crime involving drugs, dishonesty, arson, theft, fraud or violence against any person or property
- Have you or /any driver/ been declared bankrupt and not been discharged for at least the last twelve months
- Will the vehicle be used for any excluded vehicle usage
- Is the vehicle modified in any way from the manufacturers original specifications
- Are there any exceptional circumstances special to you in deciding whether to insure you or any driver.

- Has any driver (of the vehicle) been issued with a traffic infringement notice or on the spot fine other than parking fines or speeding offences where the fine was for travelling less than ten kilometres above the speed limit.

The relevant questions in regard to a burglary -:

- In the last ten years have you been convicted of, or had any fines or penalties imposed for any crime involving drugs, dishonesty, arson, theft, fraud or violence against any person or property
- Have you or /any driver/ been declared bankrupt and not been discharged for at least the last twelve months
- In the last five years have you had any claim refused, insurance declined or special conditions imposed on a motor vehicle/or other policy of insurance.
- Have you made any claim for insurance in regard to a burglary or theft or other event in the last five years.
- What is your previous insurance history with any insurance company in the last five years?

The questions in regard to disclosure vary from insurer to insurer but the point is that they are a very important part of any insurance investigation. Who were the previous insurers, why did you change insurers, and if necessary enquire with those insurers in regard to the previous insurance history of the insured? Failure to disclose claims, refusal or declining of policies, can result in a claim being refused.

The financial questions asked are important, embarrassing yes, but a financial motive for a claim must be excluded. A huge claim for say electrical items or jewellery when no evidence can be produced that they existed, or the life style or income of the insured does not support the ownership of such items, or a house where the contents are sparse and old but new expensive items are allegedly stolen can reveal that the claim is fraudulent in the sense that the items never existed, were never possessed, and no proof of ownership can be produced. Substantiation of the existence of an item stolen is a critical part of the interview. But if it is not provided, so be it. That is then a matter for the insurers.

Failure to disclose criminal history, previous insurance claims, and refusal of claims, or declining to insure are grounds to refuse a claim. If the person admits any of the above they should be asked where they asked the question in regard to refusal or declining a policy, or previous claims on inception and if they were asked the question what was the answer they gave to that question. Failure to disclose criminal convictions (or traffic convictions or licence suspension) for whatever reason in regard to claims prejudices the insurers in assessing risk in regard to accepting the insured as a risk and insurance is all about assessing risk so it is an important part of the interview on behalf of the investigator and should be commented on in the final report.



Disclosure is also an issue every time a policy is renewed. When a policy is due for renewal the insurer's always include information about 'what we must tell you' and 'what you must tell us' and then in some cases the disclosure questions are asked again. Most people do not read the renewal information. Failure to disclose traffic convictions and licence suspensions incurred during the year the policy has been in existence can lead to claim refusal. This area should be canvassed and questions asked if there are any disclosable issues that occurred during the year and if the insurers were notified and if not why not.

Occasionally there are conditions on a policy that require (say) security screens on all external windows below 3m and deadlocks on all doors. If this is the case, take photos and ask questions if the conditions are not being complied with ask questions and ask why not and this information is included as part of your report.

## **Conclusion**

In investigative interviewing, the amalgamation of various techniques and strategies forms the bedrock upon which successful information gathering is built. From the nuanced application of cognitive interviewing, ensuring the meticulous extraction of details from a witness's memory, to the judicious use of questioning styles, every strategy plays a pivotal role in sculpting an effective interview. The evidential interview, with its focus on guided retrieval and the subject's mental processes, underscores the importance of the interviewee as the principal player in the interaction.

Navigating through the complexities of different interviewee types, such as the over-enthusiastic insured victim, demands a tailored approach, ensuring that the interaction remains structured yet empathetic. The investigator must be adept at managing various scenarios and responses, ensuring that the interview remains on course while also being receptive to unexpected revelations.

### **3.3 Confirming Interviewee Identity and Addressing Legal Procedures for Minors**

In the realm of investigative interviewing, ensuring the accurate identification of the interviewee is paramount. This not only safeguards the integrity of the investigation but also ensures that the rights of the individual are upheld. Moreover, when the interviewee is a minor, there are additional legal procedures and considerations to be mindful of.

## Verifying Interviewee Identity

- **Documentary Evidence:** Always request and inspect original identification documents. This could include a driver's licence, passport, or any other government-issued identification that contains a photograph of the individual. Ensure the photo matches the person presenting it and that the document hasn't expired.
- **Biometric Verification:** In more sensitive or high-stakes investigations, consider using biometric verification methods such as fingerprinting or facial recognition. However, always ensure that you have the necessary permissions and that these methods comply with privacy laws.
- **Third-party Verification:** In situations where doubts persist, consider seeking verification from a third party who knows the interviewee personally. This could be a family member, employer, or another relevant individual.
- **Digital Verification:** With the rise of digital platforms, many individuals have online profiles or digital footprints. Verification through official email accounts, social media profiles, or other online platforms can sometimes be used, especially when other traditional methods are not feasible. However, it's crucial to ensure that these platforms are genuine and not fabricated.
- **Reference Checks:** Contacting references provided by the individual can be a way to verify their identity. This is common in employment scenarios where past employers or colleagues can confirm the identity of an individual.
- **Physical Characteristics:** While not foolproof, noting unique physical characteristics such as tattoos, scars, or birthmarks can help in confirming identity, especially when cross-referencing with other information.
- **Voice Recognition:** In some contexts, especially over the phone or in situations where the individual has had prior recorded interactions, voice recognition can be a tool for identity verification.
- **Personal Knowledge or Previous Interactions:** If the investigator or another trusted person has had prior interactions with the individual, this can serve as a method of verification. However, this is subjective and should be used in conjunction with other methods.
- **Security Questions:** Asking questions that only the genuine individual would know the answers to can be a method of verification. This could include questions about past addresses, schools attended, or other personal history details.
- **Official Correspondence:** Letters or communications from recognised institutions, such as banks, schools, or government departments, addressed to the individual can serve as a supplementary method of identity verification.

It's important to note that while each of these methods can provide some level of verification, the most reliable approach often involves combining multiple methods.

## Addressing Legal Procedures for Minors

Interviewing minors introduces a unique set of challenges and responsibilities. The welfare of the child should always be the foremost consideration.

- **Parental or Guardian Consent:** Before interviewing a minor, obtain written consent from a parent or guardian. This ensures that the child's legal rights and best interests are protected.
- **Presence of a Responsible Adult:** During the interview, a parent, guardian, or another responsible adult should be present to support the minor. This provides an added layer of protection and comfort for the child.
- **Adapted Communication:** Children may not have the same level of comprehension as adults. Tailor your communication style to be age-appropriate, ensuring that questions are clear and understandable.
- **Duration and Breaks:** Be mindful of the interview's length. Children may become tired or distressed more quickly than adults. Schedule regular breaks and be prepared to end the interview if the child becomes overly upset or fatigued.
- **Legal Representation:** In certain situations, especially where legal implications are significant, the minor might need legal representation. Ensure that they have access to legal advice and that their rights are clearly communicated to them.
- **Confidentiality:** Ensure that the details of the interview and the minor's identity are kept confidential, especially when dealing with sensitive matters.
- **Recording:** Always record interviews with minors. This provides a clear record of the conversation and can protect both the child and the investigator from potential misunderstandings or allegations.

In conclusion, confirming the identity of the interviewee is a fundamental step in the investigative process. When the interviewee is a minor, additional care, sensitivity, and adherence to legal procedures are essential. By following these guidelines, investigators can ensure that interviews are conducted ethically, legally, and with the utmost respect for the rights and well-being of all involved.

### 3.4 Managing Physical Evidence within Interviews and Clarifying Contradictions

The investigative interview process is intricate, with the management of physical evidence during interviews and the delicate handling of contradictions being paramount. The way in which evidence is presented and discrepancies are addressed can significantly shape the trajectory and outcome of an investigation.

#### Handling Physical Evidence during Interviews

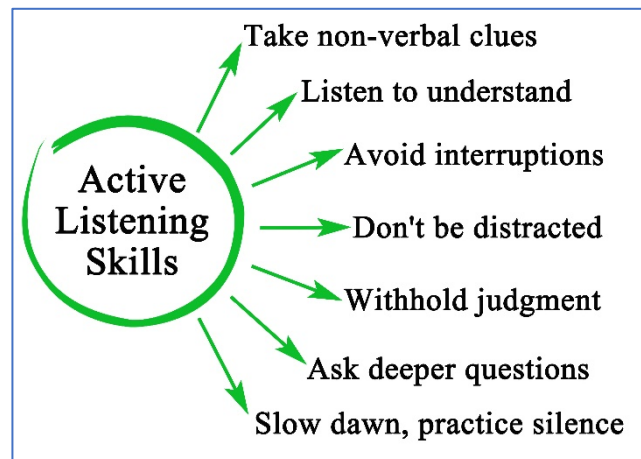
- **Presentation of Evidence:**
  - **Contextual Presentation:** When introducing evidence during an interview, it's crucial to provide context. This aids the interviewee in recalling events associated with the evidence and understanding its relevance.
  - **Safety Precautions:** If the evidence is potentially hazardous, such as a weapon or toxic substance, ensure that safety protocols are strictly adhered to.
- **Discussion and Clarification:**

- **Seeking Details:** Encourage the interviewee to describe the evidence, its significance, and any events or circumstances surrounding it. This can offer deeper insights and potentially uncover additional information.
- **Witness Statements:** If someone else presents the evidence, secure a statement from them detailing its origin and their involvement.

## Addressing Contradictions

- **Active Listening:**

- **Non-verbal Cues:** Discrepancies aren't solely rooted in words. Observing non-verbal cues, such as body language, can provide valuable insights into the interviewee's comfort or discomfort when discussing specific subjects.
- **Repetition:** Occasionally, reiterating the interviewee's statement can prompt them to provide further clarification or additional details.



- **Open-ended Questions:**

- **Encourage Narration:** Instead of pressing for specific answers, motivate the interviewee to narrate events in their own words. This approach can lead to self-correction or the revelation of more details.

- **Tactful Presentation of Discrepancies:**

- **Sequential Presentation:** When faced with multiple pieces of contradicting evidence or statements, present them one by one. This structured approach facilitates a more focused discussion.
- **Neutral Language:** Use non-accusatory language. For instance, instead of saying, "This contradicts your earlier statement," you might say, "Can you help me understand this aspect better?"

- **Avoiding Harassment and Ensuring Fairness:**

- **Respectful Persistence:** It's essential to seek clarity on ambiguous points, but investigators must avoid coming across as aggressive or confrontational. Overly persistent questioning can be perceived as harassment.
- **Primary Purpose with Insured:** In the initial interview with the insured, the main objective is to obtain a comprehensive account. This detailed narration serves as a reference point for future discussions. During re-interviews, discrepancies uncovered during the investigation are presented to the insured, offering them an opportunity to provide explanations. If inconsistencies persist, it's not the investigator's role to label the insured as deceitful. However, it's entirely appropriate to question responses that seem implausible, especially when backed by evidence.

## Chapter 4: Taking Statements

Taking statements is a fundamental aspect of the investigative process. These formal records, capturing an individual's recounting of events, experiences, or knowledge, are paramount in piecing together the narrative of an incident, validating claims, or providing evidence in legal proceedings. The integrity, clarity, and authenticity of these statements can significantly sway the outcome of an investigation. Therefore, it's crucial for investigators to master the art and science of taking statements, ensuring they are thorough, consistent, and adhere to legal and procedural standards.

### 4.1 Adhering to Formats and Procedures

#### Types of Statements:

- **Written Statements:** These are the traditional means of recording an individual's account, either handwritten or typed. They should be articulated in the interviewee's own words and conclude with a declaration affirming the truthfulness of the content.
- **Audio/Video Recorded Statements:** Modern technology has made audio and video recordings increasingly popular. These formats capture not just the spoken word but also non-verbal cues, tone, and inflections, providing a richer context.

#### Format Consistency:

- **Header Information:** Every statement should commence with vital details such as the interviewee's name, date, time, location, and the name and designation of the person taking the statement.
- **Chronological Order:** Narrate events in the sequence they transpired to ensure clarity and coherence in the statement.
- **Paragraphs:** Use paragraphs to demarcate different events, topics, or shifts in the narrative, making the statement more readable and easier to reference.

#### Procedural Adherence:

- **Voluntary Participation:** It's paramount to ensure that the individual providing the statement does so willingly, without any undue influence or coercion.
- **Privacy:** Conduct the statement-taking process in a private, non-intimidating environment where the interviewee feels at ease and can speak freely.
- **Review and Verification:** After recording, allow the individual to review the statement for accuracy. Any amendments should be initialed or acknowledged by the person giving the statement.
- **Signature and Date:** A concluding signature and date from the individual authenticate the statement and confirm their agreement with its content.

### Legal Considerations:

- **Rights Notification:** Particularly in criminal investigations, it's essential to inform the individual of their rights, such as the right to remain silent, the right to legal counsel, and the potential consequences of their statement.
- **Admissibility:** Ensure the statement is taken in a manner that meets criteria for admissibility in court. This means avoiding leading questions, undue influence, or any other factors that could compromise its integrity.

### Storage and Confidentiality:

- **Secure Storage:** Safeguard statements, whether physical or digital, to prevent unauthorized access, alterations, or loss. This might involve locked cabinets for physical documents or encrypted digital storage solutions for electronic records.
- **Confidentiality:** Uphold the privacy of the individual by ensuring the statement's content remains confidential, disclosing it only when necessary for investigative or legal purposes.

In the realm of investigations, taking statements is both an art and a science. It requires a blend of interpersonal skills, keen observation, and a thorough understanding of legal and procedural nuances. When executed correctly, these statements become the bedrock upon which investigations are built, illuminating the path to truth and justice.

### We are going to analyse the following statements from three perspectives.

- The comprehensive narrative detail and content.
- The number of questions that would have been asked by the Investigator to extract and record the written narrative content.
- The fact that the questions asked and the answers given to compile the written narrative could easily have been recorded as an audio recorded interview with the same result in about half the time. This will demonstrate to you that there is little difference in the interviewing method used to compile a written narrative style statement and the interview method to carry out an audio recorded interview.

**EXAMPLE STATEMENT**

Claim No: 187555

**STATEMENT**

Name - Mr Craig Wilson

D. O. B: 31 October 1966

Address: 24 Eliza Drive Mount Smith Victoria

Phone Number. 0409-215-888

Interview Commenced.- On 24 February 2011 at Mt Smith Victoria

**States:**

My full name is Craig Wilson . I currently reside at 14 Eliza Drive Mount Smith and I have lived at this address for approximately the last two years.

I am a self employed brick layer and have been trading as Consulting Trades Pty Ltd for approximately the last three years but I am currently working for Rock Pty Ltd who are bricklaying contractors. Rock Pty Ltd are located at Woolards Grove Frankston and are contacted on telephone number 0412 666-774.

During the years I have been self employed I would estimate that I would gross approximately \$35,000.00 to \$40,000.00 per year and at present I am currently earning approximately the same amount of money,

In March 2010 I decided to have a holiday in Asia and departed on June 2010 and purchased flight tickets to Singapore with Emirates Airlines and I paid for this ticket with my ANZ Gold Visa Card and the cost of this ticket was \$1,050. 00 and it was an open year ticket that allowed me to return to Australia any time during the following twelve months.

I flew out of Melbourne on 22 June 2010 and arrived at Singapore on the same day.

For approximately one month and stayed at my cousin's Mr Andrew Reel and holidayed in Singapore staying at his home and he lives at 37 Skunk Hill Street Newton Circus Singapore and he can be contacted on 65-6236-7777.

On the 5th July 2010 I travelled to Indonesia to Kuta and stayed in Pefis One at Agun Pagi lonn. I paid cash for this accommodation and the cost was approximately 70,000 rupiahs a day which is approximately \$140 Australian and these funds were coming out of one of my three Credit Cards and also from my Savings because this was the start of my holiday.

I stayed at Kuta for one month and left to return to Singapore on 5 August 2010. My flights to and from Indonesia were on Garuda Airlines and were paid for by my cousin.

On my return to Singapore I stayed at my cousins home until I left to travel by train to Malaysia on the 24 August 2010.

I arrived in Kuala Lumpur the following day the 25 August 2010 and stayed at the Coliseum at Jan Road Kuala Lumpur. I stayed at the Coliseum for approximately a week which cost 25 ringgits which is approximately \$12.50 Australian for a day's accommodation.

I left Malaysia 30 August 2010 by bus to Ko Samui in Thailand and stayed at Lanin Pali Beach Resort and stayed there for approximately two or three weeks.

After this I went to Ko Panguang by boat and stayed at the Black and White Bungalows which is at Sunset Beach Hot Rin.

At this point in time my Visa had expired and I went back to Sanin to get an extension on my Visa and was given a ten day extension and I had to leave Thailand by 2 October 2010.

On 31 September I left Phuket to Chiang Mai by Thai Airlines and went to the Department of Immigration and asked how to get an extension on my Visa.

I then went to Burma for one day so that I could get a new Visa in Thailand. After obtaining the new Visa I flew to Laos by Laos Aviation.

Before I went to Laos I spent a week in Chiang Mai hospital because of chronic fatigue which they treated me with heaps of drugs, physiotherapy and chiropractic. I was in hospital from the 9 October until the 12 October 2010.



From Laos I travelled to Vietnam by bus on the 17 October 2010 and I stayed in Vietnam until the 8 November 2010 about a month.

I travelled all over Vietnam over that month by bus and ended up in Saigon and then returned to Thailand via Cambodia and went to Bangkok arriving on the 14 November 2010.

At this point in time I estimate that I had spent approximately \$10,000.00 to \$15,000.00.

On arrival in Bangkok I booked into the New World Lodge Hotel in Batabanu which is located Bangkok Central. I planned to stay a few nights and ended up staying for approximately a week.

On about the 18 November 2010 at approximately 12.00 pm I was at a side stall eating lunch and this little guy called Tony started talking to me and asked me if I was Australian.

This person was short, about five foot five, grey hair, skinny and he was wearing dress slacks and a plain t-shirt he was reasonably dressed of Asian appearance.

After about half an hour he said that his daughter had lived in Melbourne and that I should come and meet his daughter and his brother-in-law. He also said he had been a jockey in Hong Kong and all through Asia.

At about 2 00 pm this man Tony and I left the side stall and he hailed a taxi down, a yellow one and told the Taxi Driver where to take us but I didn't hear the address and he spoke to the driver in Thai.

'We headed in a north east direction towards the Airport, and after about half an hour we ended up at an apartment; I would estimate that the Airport was still 10-20 kilometres away.

The building I went to was a multi storey building of approximately ten levels and it was a brick building.

We entered the building by the car park and then took an escalator to the sixth floor of the building.

After getting off the escalator we turned left and Tony knocked on the second door on the left and the door was answered by a person Tony said was his brother-in-law.

His brother-in-law introduced himself as Doy and he was of Asian appearance, about 5 foot 7 inches, greyish hair, slim and he was missing one of his front teeth.

Doy said he used to work at Crown Casino as a Croupier, I spoke with Doy and Tony for about an hour or so and during that time I was offered a Coke and something to eat.

I had a glass of Coke and we just talked that he knew a rich man who came from Brunei and he plays Mahjong and that we should try to win some money off him.

At this point in time I had about \$150.00 Australian in Thai Baht which is about 4,100 Baht and my Credit Cards, which included ANZ Gold Visa, Westpac Mastercard and Bank of Melbourne Visa Card. My passport was back at hotel in my room.

After about half an hour Doy's daughter arrived and was introduced by Doy as Sarin. She was brunette, 5 foot eight inches, approximately 37 years of age and she was wearing a shirt or a dress or something like that.

Doy then said his friend Mr Serapoon was coming around to take him to a Casino to play Mahjong and that he and I should try to win some money from him.

I said I didn't know how to play cards he said that he would deal and ensure I won and I said I didn't have any money and Doy said he would cover me.

At this point in my holiday I had spent about \$10,000.00 Australian on my holiday and had access to \$2,000.00 I could get through my Visa Cards and the \$150.00 Australian in cash was all I had.

We all talked for approximately another twenty minutes and Mr. Serapoon arrived and Doy set up a card table in his bedroom.

Tony remained in the lounge room and Safin, Doy, Mr. Serapoon and I went into the bedroom and I said I've only got \$100.00 and Doy said he would cover me.

We sat around the table Mr. Serapoon was sitting on the bed and I was sitting on a chair, Doy was standing up dealing cards and Sarin was sitting next to me on my left hand side.

I played twenty-one, Black Jack for about half an hour and we were using chips, red, green, yellow and blue and each had a different value.

I can't remember their value but they were \$5.00, \$10.00, \$20.00, \$50.00, \$100.00, and this was to represent United States of America dollars.

Doy had lent me \$500.00 in US notes to open with and Mr. Serapoon had pulled out about \$5,000.00 in US currency and I was amazed.

We opened another hand and the stake was up to \$2,500.00 US and I wanted to buy another card at this stage we were playing Black Jack and there was already \$10,000.00 in the centre and I had to see his last bet or lose the hand.

At this stage I was holding twenty-one in the cards and I knew I couldn't lose but I had no money to cover the \$5,000.00 so I said to Mr. Serapoon that I would get the money somehow.

He said he wanted the bet to be covered now but agreed to the cards being put in an envelope and for Doy to lock the cards away until I could get the money. At that stage I didn't have my ANZ Gold Visa with me either. So that's what happened the cards were placed in two A4 envelopes and placed in a two foot by one foot lockable security box by Doy and the key was given to Mr. Serapoon.

The time was then about 7.00 p.m. and Tony and Sarin telephoned a Taxi and they accompanied me back to the Hotel, and stayed with me while I checked if I had any money on my ANZ Visa Card to cover the bet, after I said I didn't have enough in my account they

said they would contact me the following day to see if I had the money, they then left in the Taxi.

I can't remember passing anything and that it was near a service station but I was taken a different way every time.

At approximately 9.00 p.m. I telephoned Mr Ray Kells who is a friend of the family from the phone in my room and asked if I could borrow \$10,000.00 Australian and he said he would see what he could do and talk to my mother (he is my mother boyfriend). Ray can be contacted on telephone number (03) 9787-5555. I then telephoned my mum.

On 19 November 2010 my mother wired through \$10,000.00 Australian Dollars through to Western Union in Batabanu to the Thai Farmers Bank.

Mum rang me on 18 November and 19 November and said the money would be sent via Western Union.

On 19 of November I went back to see Mr. Serapoon to let him know I couldn't get the money until the following day.

I offered Mr Serapoon my ANZ Visa Gold Card as collateral because mum had put \$16,000.00 Australian in this account as well.

Mr. Serapoon took the card as collateral and he said he would wait for me to get cash and he locked the ANZ Visa Card in the safety box.

During this time Tony would pick me up and I never went to the apartment by myself.

On 20 November 2010, I went to the unit with 225,000 Baht which covered the \$5000.00 US bet and Mr. Doy opened up the security box and we commenced the game again.

Doy said the pool was worth \$17,500.00 in US currency and 225,000 Baht. I then said I am not gambling anymore and he said could you do me a favour if you buy some gold for me and he would pay me 20% in US currency.

This was because he would get taxed taking the gold out of the country and I wouldn't.

Serapoon then pulled out a big pile of money and said he would pay me \$20,000.00 US currency if I brought \$16,000.00 US worth of gold.

I didn't want to carry \$US20,000.00 in cash so I left the money I won with Tony at the apartment and thought I would buy the gold on my ANZ Visa Card.

At about 7.00 p.m. Tony, Sarin and I took a taxi from the apartment to the west side of Bangkok to Aurora Golden Gems in a huge department store.

I then purchased \$28,000.00 Australian of Gold Jewellery. This included bracelets, necklaces that were all 24 carat gold which totalled 1.368 kilograms of gold.

Tony and the women who served me picked the jewellery and I went along with it.

At about 8-00 p.m. Tony, Sarin and I caught a taxi back to the apartment and I was tired so Doy gave me a cup of coffee and I drank it.

Then I remember falling asleep and when I woke up I was in a Taxi in the middle of Bangkok, this was at about 11:00 pm.

The taxi driver didn't speak English so I got into another taxi that the driver of spoke English and he took me back to the hotel and I don't remember paying him, my wallet was still with me with all my cards and 400.00 Baht.

The following day at about 10:00 a.m I went to the Australian Embassy in Bangkok.

I spoke to Darren, Warren and Margaret at 37 Sathom Road Bangkok and the telephone number was 02-444 2680.

I was advised to pay the hotel bill where I was staying and they said that they could not help me locate the people who stole my gold and money.

I went to the Thai tourist Police Station at about 8.00 p.m. on 21 November and reported the theft of the gold and the money. The police took my statement and compiled a report. The Police Station is located at 2911 Soi Jang Suan and can be contacted on 02-765-2964.

The Police wanted me to undergo a drug test but the embassy officials told me just to leave the country so I didn't get a drug test or seek medical treatment.

The effects of the drugs I were given was I was just knocked out and really tired but I wasn't vomiting or anything.

I then caught a train on 21 November to Yathi and then back to the Coliseum Hotel in Kuala Lumpur and stayed there a day until I could get a flight back to Melbourne.

I paid for this accommodation from the money supplied by the Australian Embassy.

I then caught a train from Kuala Lumpur to Singapore and flew back to Melbourne on 26 November 2010.

I have recently found the telephone numbers that I telephoned Doy and Sarin on. These are 013-63945 for Doy and 09-804 667 for Sarin.

I did not ring my cousin in Singapore for help because he and I had a fight after my last visit.

My mother can provide details of my money transactions and dates. She can be contacted on telephone number (03) 9796 5496 at 24 Eliza Drive Mt Smith.

When I was on my way to the Australian Embassy I met an English man on the way that said he has just been scammed out of 10,000 pounds through some deal relating to gems.

Since my return to Australia my life has been effected by this loss of money to the point I'm depressed, I can no longer work for myself and I have nightmares and it just stuffed my whole life. I estimate my total loss to be at \$28,000.00 Australian in gold and \$10,000.00 in cash (Australian). Not counting the US dollars I had won amounting to \$12,500.00.

I did not have any other travel insurance and I did make a claim for medical expenses with Zurich on my return for the amount of \$400.00.

This statement is true and correct to the best of my Knowledge and memory.

Signed .....

(Craig Wilson )

STATEMENT taken and signature witnessed

by Drew Anthony on 24 February 2011 at Mt Smith Victoria.

Signed: .....

( Drew Anthony Investigator )

## 4.2 Ensuring Accuracy and Authenticity of Statements

Ensuring the accuracy and authenticity of statements is crucial in the investigative process. A statement that isn't accurate or genuine can derail an investigation, lead to incorrect conclusions, or be dismissed in legal settings. To guarantee the precision and authenticity of every statement, investigators must be diligent and adopt specific practices.

### Active Listening:

- **Full Engagement:** It's essential to be entirely present during the interview. Show genuine interest in the interviewee's account, which can make them more forthcoming and detailed in their responses.
- **Clarification:** Should any part of the statement be unclear or seem ambiguous, it's vital to seek immediate clarification. This ensures that the information recorded is both accurate and mutually understood.

### *How to Be Good Listener*

- ① *Develop active listening skills*
- ② *Make eye contact*
- ③ *Ask the right question*
- ④ *Have an open mind*
- ⑤ *Develop your emotional intelligence*
- ⑥ *Minimize distraction*
- ⑦ *Reflect back*
- ⑧ *Give yourself breathing room*

### Avoid Leading Questions:

- **Open-ended Approach:** Begin with broad, open-ended questions such as, "Can you describe what happened?" This approach allows the interviewee to share their account without any undue influence.
- **Specific Probing:** Once the general narrative is laid out, delve deeper with specific, non-leading questions to gather more detailed information, ensuring you don't inadvertently guide their responses.

### Verification:

- **Cross-referencing:** It's beneficial to compare the statement with other available evidence or accounts. While discrepancies might not always indicate falsehoods, they do highlight areas that may require further investigation.
- **Corroborative Evidence:** Whenever possible, seek out additional evidence that can support the interviewee's account, be it CCTV footage, other witness statements, or tangible evidence.

### Non-verbal Cues:

- **Observational Skills:** Pay keen attention to the interviewee's body language, tone, and facial expressions. These can offer invaluable context or hint at areas that might need more in-depth exploration.



- **Consistency Check:** Ensure that the non-verbal cues align with the verbal account. For instance, if there's noticeable nervousness or hesitation during a specific part of their recounting, it might suggest the need for further questions.

#### Statement Review:

- **Immediate Review:** Once the statement has been documented, have the interviewee review it straight away. This step allows them to correct any inaccuracies, add any missed details, or provide further clarity on certain points.
- **Documenting Amendments:** If there are any changes or additions, they should be initialed or acknowledged by the interviewee, ensuring the statement's integrity remains intact.

In sum, the process of ensuring the accuracy and authenticity of statements is multi-faceted. By focusing on active listening, avoiding leading questions, thorough verification, keen observation of non-verbal cues, and meticulous statement review, investigators can significantly enhance the reliability and authenticity of the information they gather. This attention to detail is pivotal for drawing informed and fair conclusions in any investigation.

### 4.3 Managing Affirmations, Signature, and Witnessing

In the process of taking statements, it's essential to ensure that the information provided is not only accurate but also affirmed by the person giving the statement. This affirmation, typically in the form of a signature, serves as a testament to the truthfulness and accuracy of the statement. Moreover, witnessing the signature further solidifies the statement's authenticity and can be crucial in legal contexts.

#### Affirmations:

- **Purpose:** An affirmation is a solemn declaration made by individuals who do not wish to swear religious oaths or when the individual does not follow a specific religion. It holds the same legal weight as an oath.
- **Procedure:** The individual providing the statement will be asked to affirm that the contents of their statement are true and accurate to the best of their knowledge and belief.

#### Signature:

- **Importance:** A signature serves as a personal endorsement of the content of the statement. It signifies that the individual acknowledges and stands by the information they've provided.
- **Procedure:** Once the statement has been reviewed and the individual is satisfied with its content, they will be asked to sign at the end of the document. Any amendments or additions made to the statement should also be initialed by the individual.

**Witnessing:**

- **Role of a Witness:** A witness, in this context, is an individual authorised to attest to the authenticity of the signature. They confirm that it was the named individual who signed the document in their presence.

**List Of Persons Authorised To Witness Affidavits (Or Statutory Declarations):**

- Any Judge or the Associate to any Judge.
- A Master of the Supreme Court or the County Court or the Secretary of such a Master.
- A Justice of the Peace or a Bail Justice.
- The Prothonotary or a Deputy Prothonotary of the Supreme Court, the Registrar or a Deputy Registrar of the County Court, the Principal Registrar of the Magistrates' Court or a Registrar or Deputy Registrar of the Magistrates' Court.
- The Registrar of Probates or an Assistant Registrar of Probates.
- The Registrar or Deputy Registrar of the Legal Profession Tribunal.
- A member or former member of either House of the Parliament of Victoria.
- A member or former member of either House of the Parliament of the Commonwealth.
- A Public Notary.
- [Solicitor]: A natural person who is a current practitioner or registered interstate practitioner within the meaning of the Legal Practice Act 1996.
- A member of the police force of or above the rank of sergeant or for the time being in charge of a police station.
- A person employed under Part 3 of the Public Administration Act 2004 with a classification that is prescribed for receiving affidavits.
- A senior officer of a Council as defined in the Local Government Act 1989.
- A person registered as a Patent Attorney under Part XV of the Patents Act 1952 of the Commonwealth.
- A fellow of the Institute of Legal Executives of Victoria.

In conclusion, managing affirmations, signatures, and witnessing is a meticulous process that ensures the credibility and authenticity of statements. Adhering to these procedures is paramount to uphold the integrity of the investigative process and to ensure that the statements can be relied upon in any subsequent proceedings or actions.

**Chapter 5: Finalising the Interview and Securing Evidence****5.1 Terminating the Interview Respectfully and Safely**

Concluding an interview is as crucial as initiating it. The manner in which an interview is terminated can leave a lasting impression on the interviewee and can influence their willingness to cooperate in future interactions. Moreover, ensuring the safety of both the

interviewer and the interviewee is paramount, especially in situations where sensitive or potentially incriminating information has been discussed.

#### **Respectful Termination:**

- **Express Gratitude:** Always thank the interviewee for their time and cooperation, regardless of the outcome of the interview. This gesture acknowledges their contribution and fosters goodwill.
- **Provide Clarity:** Briefly summarise the main points discussed during the interview. This gives the interviewee an opportunity to clarify any misunderstandings or add any final thoughts.
- **Open Door Policy:** Let the interviewee know that they can reach out if they remember any additional information or have further questions. This keeps the lines of communication open and may encourage further cooperation.

#### **Safe Termination:**

- **Physical Safety:** Ensure that the environment is safe for both parties when concluding the interview. If the interview took place in a private setting, escort the interviewee to a public area or the exit. This ensures their safety and provides a sense of security.
- **Emotional Well-being:** Some interviews can be emotionally taxing. Recognise signs of distress and offer resources or referrals if necessary. It's essential to ensure that the interviewee feels supported, especially if traumatic or sensitive topics were discussed.
- **Maintain Professionalism:** Avoid engaging in any confrontations or heated discussions during the termination process. If the interviewee becomes agitated or confrontational, remain calm and seek assistance if necessary.

#### **Post-Interview Procedures:**

- **Documentation:** Immediately after the interview, document any observations, non-verbal cues, or other pertinent details that were not part of the recorded conversation. This ensures that no information is lost or forgotten.
- **Secure Evidence:** If any physical evidence was presented during the interview, ensure it is appropriately catalogued, stored, and secured. Follow established protocols to maintain the integrity of the evidence.
- **Feedback Loop:** If applicable, provide feedback to superiors or relevant departments about the interview. This can aid in refining interview techniques and strategies for future interactions.

## **5.2 Managing Documentation and Records**

The meticulous management of documentation and records is a cornerstone of any investigative process. Proper documentation ensures the integrity of the information collected, while appropriate storage safeguards that information from potential threats.

Given the sensitive nature of many investigations, it's paramount that all records are handled with the utmost care and professionalism.

### Levels of Security:

- **Minimum-security level:** Suitable for general information that, while confidential, might not have severe consequences if accessed without authorisation. Typically secured in locked offices or filing cabinets.
- **Low-security level:** For slightly more sensitive information, requiring additional layers of protection, perhaps electronic access controls or surveillance cameras.
- **Medium-security level:** Information at this level might be of interest to external parties and could have legal or financial implications. Enhanced security measures, like biometric access, might be employed.
- **High-security level:** This level is reserved for very sensitive information, which if accessed unlawfully, could have significant repercussions. Multi-factor authentication, regular security audits, and restricted access are common.
- **Maximum-security level:** The pinnacle of security measures. Monitored alarms, security key locked safes, strong rooms, and a consistent physical security presence are standard. Entry and exit often require multiple authentication and authorisation checks.

### Storage Arrangements:

- **Preventing Theft:** The primary goal of any storage arrangement is to minimise the risk of theft. This includes not only external threats but also potential internal threats. Surveillance, access logs, and regular audits can deter and detect unauthorised access.
- **Avoiding Cross Contamination:** Especially pertinent when storing physical evidence, storage solutions must ensure that items do not interact in a way that might compromise their integrity.
- **Preventing Tampering:** Seals, tamper-evident containers, and monitored storage areas can deter and detect any attempts to alter or interfere with stored items.
- **Retention in Original Condition:** Documents and evidence must be stored in conditions that prevent degradation. This might mean climate-controlled environments for certain types of evidence or digital backups for essential documents.

### Considerations for Choosing Storage:

- **Nature of the Information:** Highly sensitive or potentially incriminating information will require higher levels of security.
- **Duration of Storage:** Temporary storage might not require as stringent security measures as long-term storage.
- **Accessibility:** How often will the information need to be accessed, and by whom? More frequently accessed items might be stored differently than those that will remain untouched for extended periods.
- **Legal and Ethical Obligations:** Certain types of information might have specific storage requirements mandated by law or industry standards.

### Digital Storage and Cybersecurity:

- **Encryption:** Ensuring that digital records are encrypted, both when stored and during transmission, can prevent unauthorized access.
- **Backup Protocols:** Regularly backing up data to multiple locations, including cloud storage and physical drives, ensures data integrity and availability.
- **Firewalls and Anti-Malware:** Protecting storage systems with robust firewalls and anti-malware software can deter cyber threats.
- **Access Logs:** Maintaining logs of who accessed digital records, when, and what actions they performed can be crucial for accountability.



### Physical Storage Environment:

- **Climate Control:** Some documents or pieces of evidence might be sensitive to temperature, humidity, or light. Ensuring a stable environment can prevent degradation.
- **Disaster Preparedness:** Consideration for natural disasters such as floods, fires, or earthquakes. This might include elevated storage, fireproof containers, or storage locations away from fault lines.

### Periodic Review and Audits:

- **Regular Checks:** Periodically reviewing stored items to ensure their condition and integrity.
- **Audit Trails:** Regular audits of storage protocols and access logs can identify potential vulnerabilities or breaches in protocol.

### Disposal of Records:

- **Secure Disposal:** Once records are no longer needed, they should be disposed of securely. This might mean shredding physical documents or ensuring digital files are permanently deleted.
- **Disposal Protocols:** Establishing protocols for when and how to dispose of records, ensuring that nothing is discarded prematurely and that all disposals are logged.

### Training and Awareness:

- **Staff Training:** Ensuring that all staff members who handle or have access to records are trained in proper storage and security protocols.

- **Awareness Campaigns:** Regularly updating staff on new threats or changes in protocol can ensure compliance and vigilance.

### 5.3 Reviewing and Reporting Interview Results

After concluding an interview, the subsequent steps involve a meticulous review of the gathered information and the preparation of a comprehensive report. This report serves as a formal record of the interview and provides valuable insights to stakeholders.

#### Type of Report:

- **Factual Report:** This type of report is a straightforward account of the interview, presenting the facts without any interpretation or opinion. It's a verbatim or near-verbatim record of what was said and observed.
- **Investigation Report (e.g., WorkCover):** In contrast to a factual report, an investigation report delves deeper, analysing the information, drawing conclusions, and often making recommendations. It's particularly used in cases where there's a need to determine liability or other legal implications.

#### Review Process:

- **Data Verification:** Before drafting the report, it's essential to verify the accuracy of the information. This might involve cross-referencing with other interviews, checking against physical evidence, or validating with external sources.
- **Identification of Discrepancies:** Any contradictions or inconsistencies in the interviewee's statements should be highlighted. This aids in ensuring the report's credibility and might be crucial in legal proceedings.

#### Structuring the Report:

- **Introduction:** Briefly outline the purpose of the interview, the interviewee's details, and the date, time, and location of the interview.
- **Methodology:** Describe the interview process, including any recording methods used and the structure of the interview.
- **Findings:** Present the information gathered during the interview in a clear and organised manner. This section forms the bulk of the report.
- **Analysis (for Investigation Reports):** Discuss the implications of the findings, draw conclusions, and, if necessary, make recommendations.
- **Conclusion:** Summarise the key points of the report and reiterate any significant findings or recommendations.

#### Complying with Client Timelines:

- It's imperative to adhere to the timelines stipulated by the client. Delays in reporting can have legal or operational implications. Always keep the client informed if there are valid reasons for any potential delays.

#### **Confidentiality and Data Protection:**

- Ensure that the report is stored securely and shared only with authorised individuals. This is particularly vital when dealing with sensitive information or when there are legal implications.

#### **Feedback and Amendments:**

- Once the report is drafted, it might be reviewed by superiors or peers for feedback. Any necessary amendments should be made promptly, ensuring the report's accuracy and comprehensiveness.

In conclusion, the process of reviewing and reporting interview results is a meticulous task that requires attention to detail, analytical skills, and a commitment to accuracy and integrity. Whether drafting a factual report or an in-depth investigation report, the investigator must ensure that the document is a true and reliable representation of the interview and its findings.

## **Conclusion**

Throughout this module, we've embarked on a comprehensive exploration of the intricate processes and techniques involved in conducting investigative interviews. From the initial stages of seeking consent and employing recording methods, to the nuanced strategies of questioning, and finally to the meticulous task of reporting findings, each step is crucial in ensuring the integrity and success of an investigation.

We've delved deep into the importance of building rapport with interviewees, understanding the psychological dynamics at play, and the significance of active listening. The module underscored the necessity of confirming identities, especially when dealing with vulnerable groups like minors, and the paramount importance of handling evidence with care to maintain its authenticity.

The distinctions between different types of reports, be it factual or investigative, were highlighted, emphasising the need for precision, clarity, and adherence to client timelines. Furthermore, the module shed light on the ethical considerations that investigators must always keep at the forefront, ensuring that the rights and dignity of interviewees are always respected.

## CPPINV3031 Conduct interviews and take statements to support investigations

CPP30619 Certificate III in Investigative Services

In the realm of investigative interviewing, there's a delicate balance between seeking truth and ensuring fairness. This module has equipped you with the knowledge and tools to navigate this balance effectively. As you move forward, remember that every interview is not just a process but an opportunity to uncover truth, provide clarity, and uphold justice. Your role as an investigator is pivotal in this journey, and with the skills and insights gained from this module, you're well-prepared to undertake it with professionalism and integrity.



## GLOSSARY

1. **Admissibility:** The quality of being acceptable or valid, especially as evidence in a court of law.
2. **Body Language:** Non-verbal communication through gestures, facial expressions, and other physical behaviour.
3. **Confidentiality:** The obligation to keep information shared in a private setting secret.
4. **Consent:** Permission for something to happen or agreement to do something.
5. **Evidence:** Information or objects that are used in court to prove something.
6. **Hearsay:** Information received from other people that cannot be adequately substantiated; rumour.
7. **Interview Plan:** A structured outline prepared by an investigator to guide the interview process.
8. **Leading Questions:** Questions that prompt or suggest the desired answer.
9. **Non-verbal Cues:** Communication without words, such as gestures, facial expressions, and body language.
10. **Open-ended Questions:** Questions formulated to encourage a full, meaningful answer using the interviewee's own knowledge and feelings.
11. **Probing Questions:** Questions asked to obtain more detail or clarity on a particular subject.
12. **Rapport:** A positive relationship or connection between people, often characterized by mutual understanding or empathy.
13. **Statement Taking:** The process of recording someone's detailed account of events.
14. **Transcription:** The process of converting speech (from an audio or video recording) into written text.
15. **Verbatim:** Word for word; exactly as spoken or written.