

Investigative Interviewing and Cognitive Techniques

Tika Shelton

Senior Investigator / Trainer



Australian Government

Australian Financial Security Authority



**Brisbane
City Council**



Queensland Government

Department of **Resources**



**Queensland
Government**

Office of Fair Trading

What is modern investigative interviewing?



Firstly, what is it not?



It is not threats or abuse

It is a search for the



➤ Questioning to obtain complete, ethical, accurate and reliable information

➤ Seeking information as part of the investigative process

➤ A conversation with a purpose

➤ It is ***not*** about getting a confession or admission... but great if you do!



Why have modern investigative interviewing techniques been developed?



Involuntary admissions

Aggressive techniques

NJ & PF not afforded

Inadmissible interviews



Procedurally fair

Non-accusatory

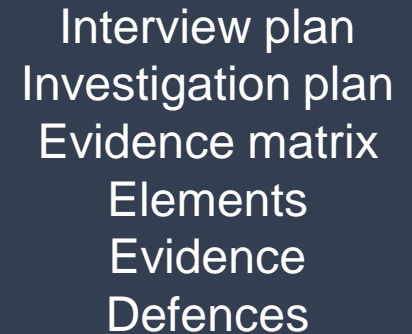
Rapport building

Opportunity to explain involvement

Test that evidence

The “PEACE” framework

Preparation and planning



- Interview plan
- Investigation plan
- Evidence matrix
- Elements
- Evidence
- Defences

Engage and explain

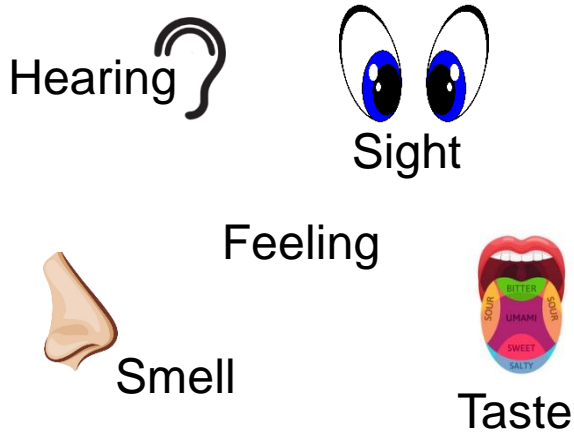
Account, clarification and challenge

Closure

Evaluation

What are we after in an interview?

Information from a person's senses:



Not intuition or guesses

I assumed...

I thought...

Cognitive:

- Retrieval / different order
- Recall the environment
- Go back to the scene (mentally and or physically)
- Recall emotions:
 - how did they feel
 - why did they feel like that
 - what made them feel like that

Witnesses / memory / cognitive



Background:

- 4 June 2019, Darwin CBD
- Benjamin Glenn HOFFMAN

Witnesses were interviewed by the Today Show, Channel 9

We all went to the 24 hour diner and talked about it

Problems?

- False memory
- Collusion
- Traumatic event – cognitive memory.

Factors affecting witness memory

- Contamination - social media, TV, other witnesses after the event, etc
- Stress
- Trauma / shutting down / suppression
- Time factors
- Expectations – misremembering.



Manipulation of witness interview

Whether intentional or not:

- Inappropriate questions (multiple)
- Leading / suggestibility
- Too much rapport

Were they tall or short?

Too friendly –
Council officer & dog attack victim

Laughing with a witness during ROI - prosecutors said
too much rapport and withdrew the matter

Witness interview process

Develop rapport



PE**E**ACE

Re-instate context



First recall – second recall

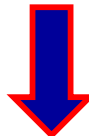
PE '**Ac**'CE



Topics examination



Interviewers' topic



Conclusion

PEACE**C**E

TEDS

WH'S & H

Approp closed questions

Reasons to interview a suspect

Obtain evidence to prove/disprove the suspects' involvement

Where evidence is available:

- provide them with the opportunity to explain their involvement (PE**A**CE)
- test that evidence (PE**A**CCE).



MUST BE RECORDED

When to caution – suspect / witness / POI

As soon as you believe they are a suspect!

- 2015 Brenden BENNETTS – guilty of killing Jayde KENDALL
- Appeal:

‘His legal team claimed BENNETTS should have been informed he was a suspect, instead of police claims he was just being questioned as a witness’.

- BENNETTS was already a suspect when being interviewed as a ‘witness’
- Police already knew he had used to card to withdraw money
- Police had executed a search warrant
- THEN interviewed BENNETTS as a WITNESS.....



CDPP - Cautioning



- Not happening when suspect is calling the investigator
 - or responding to an email / letter etc
- Compliance investigations vs complex, serious investigations
 - Still criminal offences that can result in convictions.

Resulting in proceedings having to be discontinued

Asset to successful suspect interview

SUSPECT'S EGO

Behavioural profile – personality traits which may assist interview strategy?

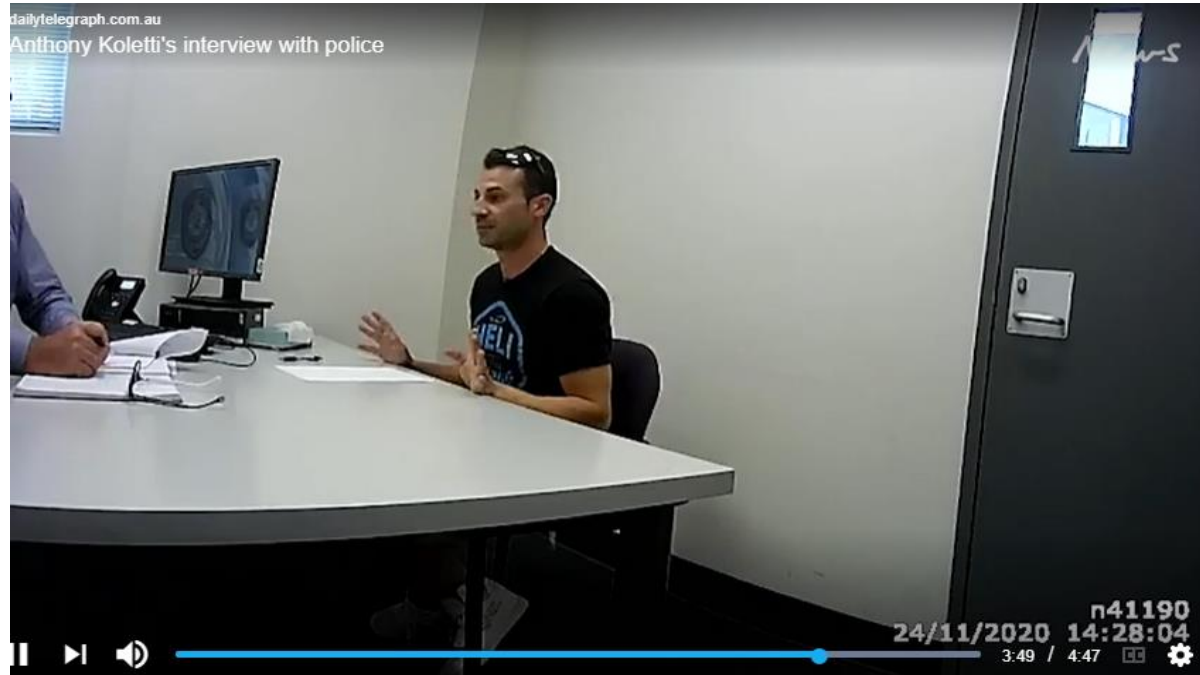


- Narcissists – love to talk to show how smart they are / confident
- Defensive / angry / deflective – try to get off track to avoid focus on them
- Habitual liar / fraudster – present evidence / allow them to telling lies
- Crocodile tears, unusual emotions, behaviours.

BODY LANGUAGE IS NOT EVIDENCE!

**Silence
is
golden**

Listen



4:47 mins

Honest opinion – 6 times

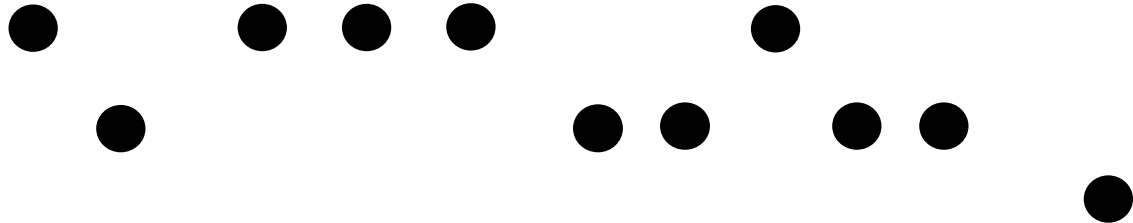
Leading – 3 times

Interrupted – 2 times

Evaluation

- Listen to interview – evaluate self and evidence / information obtained
- Identify if anything needs to be removed / edited – CDPP re methodologies, previous history etc – note to prosecutor when submitting BOE

- TEDS
- 5Wh'S & H
- Approp closed



-
- Closed
 - Leading
 - Multiple
 - Inapprop closed



Your homework



The Interview

1998

Starring Hugo Weaving and Tony Martin

Questions

