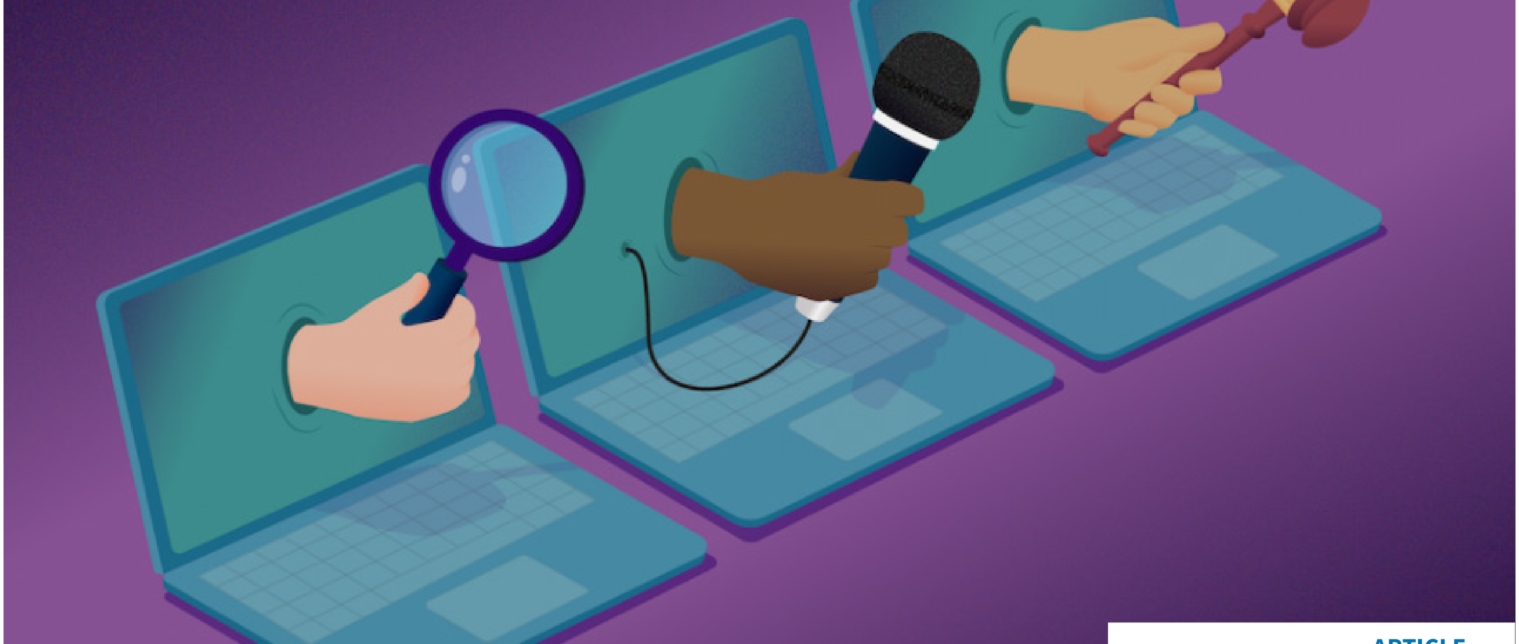
FTI JOURNAL



ARTICLE

And We're Live! Leading Practices for Conducting Interviews in a Remote Investigation

November 2020

This is the fourth article in a series on planning and managing remote investigations. The first article provided a general overview on the state of remote investigations today. The second article covered leading practices for planning and managing remote investigations. The third article looked at data collection.

In recent months, the use of video platform tools has become commonplace, all but obviating the need for in-person meetings. Indeed, it is remarkable how quickly the world has adapted to this remote reality for all kinds of interactions. By way of example, the U.S. Senate conducted more than half of its 30 committee hearings earlier this year either completely or partially remotely.

In the context of conducting investigations into allegations of organizational fraud or misconduct, the use of video platforms has also become commonplace. And as this technique becomes the rule rather than the exception, it is important to understand the limitations of the medium and to optimize its advantages in order to achieve the best possible outcomes.

Consider, for instance, that some interviewees become nervous during in-person interviews and may be reluctant to provide information. Conversely, in remote interviews originating from their own homes, subjects may feel less intimidated and talk more openly.

As in all investigations, conducting a remote interview requires a great deal of preparation. To that end, leading practices for conducting remote interviews fall into two primary areas: preparing for the onscreen meeting and mitigating the myriad technological issues that can arise. Here are important considerations in both areas:

Prepping for the Onscreen Meeting

— **Build time into your plan.** In advance of the interview, the team should create an extensive, logically organized and well-constructed interview plan that includes the relevant topics of interest. Because the use of video tools disrupts the random flow and natural breaks of an in-person interview, the interviewer should also build in pauses and breaks to allow the investigative team enough flexibility to follow up on information and details learned during the remote sit-down. This also allows the team to reconnect and refresh on topics and issues still to be covered. Additional time should also be allocated since sharing documents on a video platform is not as efficient as in person.

— **Clearly establish team roles.** Every team member should have a preassigned designated role (e.g., the lead interviewer, someone to share documents during the interview, the note taker). In an interview conducted using a video platform tool, the need for efficiency is paramount. If the interviewer is continuously looking down to take notes or shuffling through papers trying to find documents, valuable time can be lost, along with the ability to follow up on critical avenues of inquiry. The investigative team may choose to rehearse ahead of time and agree on the respective roles to reduce the chance of ineffective results.

— **Utilize traditional training.** Even though an interview is conducted utilizing nontraditional tools and means, some of the "old rules" still apply. Establishing a rapport with the interviewee is still important, as are being able to sit back and avoid filling silences, asking open-ended questions, and making sure the subject does most of the talking. Other practices, from active listening to perceiving deception and responding to evasiveness, remain the same.

— **Watch for any "funny business."** An interview conducted remotely utilizing a video platform tool makes it more difficult to ensure that the subject isn't being actively coached while a question is pending. Be aware that those on the other side of the screen could be using a separate means of communication, like emails or text messaging. The investigative team should request that there be no other means of communication available during the interview (though if the subject is represented by counsel during the interview, all the rights and privileges that the representation affords must be respected). At the outset, the team should confirm with the interviewee whether there are others present and that they are not recording the session.

— **Inspect the premises.** The use of a video platform tool is superior to a simple audio tool as it permits the investigative team to monitor body language and other nonverbal cues visually. Know what the room set-up for the interviewee will be ahead of time: It's important to be able to see the subject's hands (and feet if possible) since people often fidget when nervous or being evasive. It's important to do a test run with everyone in their respective locations beforehand to check lighting, sound, etc.

— **Employ global partners as needed.** During the performance of an international investigation, it's often possible to partner with a trusted local professional to help facilitate the interview and get other needed support. As always, be aware of and sensitive to cultural differences. There should also be agreement about language capabilities and the inclusion of a translator if necessary; language barriers can be exacerbated on video conference.

Technology Considerations

The technical issues that can arise during a video interview are numerous and are familiar to anyone who uses live video. A few examples include the screen freezing, spotty or dropped connections, and disruptions from other parties in the room.

— **Preview the connections.** Establish beforehand that the interviewee has the best internet connection available to him or her. In some cross-border investigations involving countries that are not as developed as others, for example, establishing a stable connection may be an issue.

— **Consider the subject.** Not all interview subjects have the same level of technology familiarity. Some interviewees may need additional on-site assistance to join a video conference. Though a video interview is always preferable, be prepared to continue over the phone if a connection is unstable or ceases to operate.

- **Know the video tool platform.** Always be completely familiar with the various video conference platforms (e.g., WebEx, Zoom, Microsoft Teams, Skype) to be able to manage the respective tools, such as screen sharing or group muting. Try to accommodate the interviewee as best as possible but remember that some platforms handle multiple users better than others.
- **Set the background.** Discuss the background screens to be used (or not used) to ensure that there are no impediments to fully viewing the subject.
- **Avoid the chat feature.** To protect privacy when "passing notes" among the interviewing team, do not use the platform's chat feature as the sessions might be recorded. Texting separately is a safer option.
- **Peel the "onion."** The order of interviews, particularly when seeking an admission (or confession), remains the same as the in-person version: The interviewer gradually works his or her way from ancillary subjects to those closest to the subject, and finally to the subject him- or herself. Think of the process as akin to peeling away layers of an onion to get to the core.

Obviously, the prospect of conducting a successful interview in any setting starts with the skills and talents that the investigators bring to the table. As we continue to embrace video tools, transferring those skills and talents to the digital realm effectively will be key to developing the remote version to its fullest.

AUTHORS

MAURICE CRESCENZI
Managing Director
maurice.crescenzi@fticonsulting.com

BRIAN C. ONG
Senior Managing Director
brian.ong@fticonsulting.com

EDITH WONG
Managing Director
edith.wong@fticonsulting.com

KATYA HIROSE
Managing Director
katya.hirose@fticonsulting.com