

Professional Perspective

A Roadmap for Advanced Investigation Interview Techniques

Colton Seale, Pyxis Academy & Kevin Feldis, Perkins Coie

**Bloomberg
Law**

[Read Professional Perspectives](#) | [Become a Contributor](#)

Reproduced with permission. Published February 2023. Copyright © 2023 Bloomberg Industry Group, Inc.
800.372.1033. For further use, please contact permissions@bloombergindustry.com.

A Roadmap for Advanced Investigation Interview Techniques

Colton Seale, Pyxis Academy & Kevin Feldis, Perkins Coie

Most of us would consider it unwise to head out on an important and uncertain journey with no prior planning or preparation. However, when it comes to the unpredictable world of internal investigations, even seasoned lawyers may believe they can dive into an interview with no real preparation and get through it on their skill and wits alone.

As experienced investigators, with decades of experience interviewing witnesses and suspects for the Federal Bureau of Investigation, Department of Justice and in private practice, we can attest to the value of careful planning before even entering the interview room.

In what follows, we'll share research-backed techniques to show how you can deploy those methods to conduct better corporate investigations.

Questions Are Not a Plan

Think about preparing for an interview in the same way you'd plan for hiking an unfamiliar trail. It's not enough to know the destination: You need to understand the lay of the land, and anticipate changing conditions that could block your path.

For many investigators, planning means drafting a list of questions and thinking we are good to go. Respectfully, that is not a plan—it's just a list of questions. Planning for an interview begins with understanding the person with whom you will be talking and considering his or her goals and objectives before asking questions. What is important or likely to encourage a witness to tell you anything meaningful?

Remember that even with cooperative witnesses, many people have some things they might not want to talk about or might not be comfortable telling you, even if it is relevant to the story. Your role is to help them find a way to be comfortable and open to providing full details.

Personal differences will lead every person to react positively or negatively to questions and comments made by the interviewer. Approaches that may work with one person may backfire with another. Start with laying out the facts and information you have about a person, and then begin to draw inferences—derived from the facts and information—about what the person will respond well to and what might cause a shutdown. Considerations like position and seniority, workplace location, cultural background, and unique life history are all relevant.

Focus on Your Objectives

Following our hiking metaphor, when we hit the trail we would probably have a good idea of what markers we wanted to follow and where we wanted our journey to end. We would also seek to anticipate potential pitfalls and obstacles, and develop a path around them to achieve our objectives. These objectives are specific things that we believe we can learn from the person we are interviewing, if he or she is forthcoming.

Even with clear objectives, it is important to let the interviewee and their answers guide the conversation, using our objectives as guideposts towards continual forward momentum and the gathering of relevant information. We've watched too many interviews where the interviewer sought to exert too much control, failed to listen and follow up on answers provided, and did not have clear objectives—all leading to missed opportunities, stagnated conversation, loss of direction and dead ends.

Remember, a list of questions can undermine fluid discussion, potentially creating a staccato, stop-start feel to the conversation. Consider, instead, developing a list of topics that relate to your objectives and moving between them as the rhythm of the interview develops, until you have more naturally arrived at the objective. What you thought was going to be your first topic may come up later in line based just upon a witness's introductory remarks—if you are listening carefully and open to following the witness's lead.

A topic-driven guide can help the interview feel more like a normal conversation rather than an uncomfortable interrogation. That makes it easier to navigate around points of resistance and generates more accurate and actionable information than a standard question-answer format.

Keep Your Eye on the Why

In any interview, stay alert to the “why” behind what a person is telling you. Almost everyone wants to communicate the why before the how. If we don't pay attention and miss cues that provide an opening to talk about the why, it may make it less likely that we'll ever get to the how.

This relates back to planning for topics. If we include on our list of potential topics things that will allow people to feel comfortable talking about themselves and who they are, we can use that information to move to a topic closer to our objectives. Getting to know the person and keeping your eye on “why” they are telling you something will allow the interviewee to feel heard and more likely lead to where you want to go.

In cases involving fraud or other complex issues, it's particularly important to avoid tunnel vision. Interviewers tend to get laser-focused if they think they have compelling evidence to use during the interview or the metaphorical “smoking gun.”

Things like damning emails, bank records, or suspicious money transfers and the like can easily take over the conversation, causing the interviewer to miss the cues about what motivates and matters to the interviewee. We get bogged down in the numbers and forget there may be more to the story and that we are talking to a person who may have another perspective to add or important details to share.

Be Aware of Your Expert Bias

Most readers of this article are likely experts in their field. Expertise is immensely valuable, allowing us to intuit meaning from patterns and quickly respond—but it can also be limiting.

When operating in an unpredictable environment, the ability to react quickly and adaptively, based upon the interviewer's expertise, is invaluable. However, each interviewer's “expert mind” can also create potential blind spots and therefore be a potential limitation.

As we develop specialized skill sets and form the accompanying neural pathways, our brains basically hardwire certain answers to certain patterns. It keeps us from seeing other possibilities and opportunities. Our subconscious systems lead us quickly to an answer. We tend not to question whether we are missing other possibilities—our conscious brain simply rationalizes for us why that is the right answer, and we go with it.

This is why experienced physicians are not always better—and sometimes worse—at diagnosing than interns. They pick up on one pattern and their expertise leads them to an answer, but they don't step back to see the whole pattern or other possible answers, which the interns tend to do more often. The experienced physicians are quicker to diagnose and are far more confident in their assessments than are the interns, but they are not often better at it. It is also why experienced pilots and surgeons still benefit from using basic checklists to confirm they are following procedures that they have done countless times.

At times we are better served by stepping outside of our expert minds and returning to a beginner's mindset, where we explore possibilities and investigate hypotheses that open a universe of possibilities. It allows us to be curious in the interview, which drives a deeper understanding of the interviewee and, through our curiosity, develops greater investigative information.

Conclusion

Now that you have planned your path, it's time to start the hike. The best preparation for every interview, like every journey, is a detailed plan with clear objectives based on your experience and expertise. However, approaching the journey itself with a beginner's mindset and a willingness to veer off the plan when necessary—but keeping your objectives firmly in sight—may yield new, and even unexpected, findings you may not otherwise have discovered.

See the related article [“Avoiding Inertia, Resistance & Reactance in Investigation Interviews”](#)