

Professional Policing

A Perspective on
Interviewing Skills & Report Writing



NATIONAL HUMAN RIGHTS COMMISSION , INDIA

PROFESSIONAL POLICING...

A PERSPECTIVE ON INTERVIEWING
SKILLS & REPORT WRITING



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**CHAIRPERSON
NHRC**

FOREWORD

One of the functions of the National Human Rights Commission under Section 12 of the Protection of Human Rights is to spread human rights literacy among various sections of society, including police officers. Accordingly, the Commission has been preparing training material and conducting awareness programmes. Training programmes are conducted for all levels of police officers, with the objective of promoting a rights-based approach to policing.

The Police profession is essential for the smooth functioning of a democratic society. The role played by police officers in serving the community and in upholding the rule of law, places them at the forefront of the struggle to defend human rights. Their attitude towards victims, offenders and witnesses has a deep impact on subsequent developments.

The publication, Professional Policing, was a collaborative outcome of two partnership projects of the National Human Rights Commission and the British Council, in 2002. The contents were widely acknowledged to be very useful and the feedback was really encouraging. I am very happy that Shri Sunil Krishna, IPS, Director General (Investigation), NHRC, has taken the initiative to bring out a short, simple and updated version of the publication this year, focussing exclusively on interviewing skills and preparation of inquiry report.

Sensitising the police force in adopting the right interview techniques can reduce torture in custody, to a substantial extent. It is hoped that the police service as the first responders, investigators, and supervisors will definitely benefit from the skills and practices described in this edition and thereby provide a better professional service to the community.

Justice K. G. Balakrishnan
(Former Chief Justice of India)

INTERVIEWING SKILLS

Introduction

Interviewing can be defined in a variety of ways. The definition can be as simple as the "task of gathering information" or "a face-to-face discussion between two people, directed toward some specific purpose." It is also defined as the complex process of communication with a predetermined and serious purpose designed to interchange behavior through the asking and answering of questions. Interviewing is a skill that can be learned, polished, and improved through practice, to acquire desired results.

Investigative interviewing as a process, involves an objective search for the truth. In addition, the central and most important feature of criminal investigation is the "eye witnesses". The information provided by them is usually the best evidence in finding and convicting offenders. Therefore, investigators need training on interviewing witnesses.

Cognitive Interview

In response to the need to improve witness interviewing techniques by the police, cognitive interviews were developed in 1984 by researchers Geiselman, Fisher and their colleagues, with an intention to suggest methods that increased the accuracies of eyewitness testimony¹. The method was based

on two generally accepted scientific principles of memory. First, a memory is composed of several elements. The more elements a memory retrieval aid has in common with the mental record of the event, the more effective the aid is likely to be. Second, a memory has several access routes, so information that is not accessible with one retrieval, may be accessible with a different one.

From these principles the cognitive interview rose as a method of facilitating recall from an eye witness's memory. This is achieved by recreating the scene and the event in the 'mind's eye' of the witness. It was suggested that this could be done by:

- 1 Getting the witness to reconstruct the environment surrounding the original event, together with their feelings and reactions.
- 2 Instructing the witness to tell everything, not editing anything, even matters they consider unimportant.
- 3 Reporting the events in different order, forward, backward or starting from the middle.
- 4 Invite the witness to recall the event from the different perspectives they may have had during the crime.

¹ http://en.wikipedia.org/wiki/Cognitive_interview

Using these general guidelines, it has been shown that this will elicit approximately 25-30% more information than the standard police interview.

B. Principles to be followed -

Promote focussed retrieval

This is the recreation of the incident in the witness's mind's eye, mentally recreating the environment of the crime. The build-up to this can be started by describing the route the witness took to the scene concentrating their mind on the events immediately prior to the crime - looking at the weather, their own thoughts and movements!

Then the witness can move on to the specific episode. In order to promote this focused retrieval there is a general strategy.

Explain what you want the witness to do. Use the present tense regularly throughout the interview, for example: "I want you to take your mind back to concentrate on the events just prior to the crime being committed. Tell me what the weather is like as you are approaching the scene now?" "You are there now. Tell me what you can see."

Beware of interruptions

Allow the witness to develop his/her answers. If the witness's answer does not cover a vital piece of information, then note your question and ask it at the appropriate point without

interrupting. The interruption would cause the witness to focus externally (on your question) taking him/her away from the internal focus (the image in their mind).

Encourage concentration

Convey to the witness that their efforts determine the success of the interview. Encourage the witness to speak slowly thinking about what they are saying. To assist this, it helps if the interviewer speaks slowly and deliberately. Allow the witness time to do this, avoid or minimize distractions! Encourage the witness to report all details even if they seem trivial.

Use open questions

Open questions encourage a narrative response. The witness will do most of the talking, telling their story. Open questions should be combined with the interviewer listening and providing encouragement signals.

Reduce anxiety

The witness is likely to be in a heightened state of anxiety. This can be reduced by building up a good working relationship. The interviewer should explain everything that s/he is doing, e.g. role, procedures, reasons. The interviewer should ask the witness about any concerns they may have, e.g. these may be identification or court procedures. The witness's comfort and availability will also be issues. This relationship is a vital component of the

cognitive interview.

Sequencing of questions

Try to place yourself into the witness's frame of mind, asking questions which are compatible with their mental image.

The above points will require the interviewer to abandon any predetermined sequence of questions. It will force the interviewer to listen more intently to the witness's narration. Removal of the problem areas and development of the above principles should develop the advanced cognitive interviewer. In recreating this mental image in the witness's 'mind's eye' the interviewer must be aware of causing any emotional trauma. This must be measured by the interviewer. If the interviewer believes the witness will not be able to effectively deal with this trauma, the cognitive interview should not be used.

The Cognitive Witness Interview is now a proven and successful method of obtaining information. It has been researched in the USA, Germany and England. Police officers in England and Wales are being trained in the elementary form of cognitive interviewing.² Advanced cognitive interview training is more innovative. An advanced interviewer gains an average of 45% more correct information. This is without generating any more incorrect information. The cognitive

interview reduces a witness's susceptibility to misleading questions, which reduces the amount of incorrect information.

When the cognitive interview was used on children, aged between seven and twelve years, it produced 21% more correct information.³ Experimental studies in this area still continue.

The P.E.A.C.E Model

An interviewer is primarily responsible for the planning and conduct of the interview. A well-planned and carefully conducted interview has a good chance of obtaining accurate and reliable information. The P.E.A.C.E model helps doing that. It was developed in England and Wales in the early 1990s as a response to false confessions and its consequences.

It was a collaborative effort between law enforcement agencies and psychologists. The P.E.A.C.E Model is a non-accusatory, information-gathering approach to investigative interviewing that has been hailed internationally as best practice. It can be used effectively on any type of interviewee-victim, witness and suspect⁴.

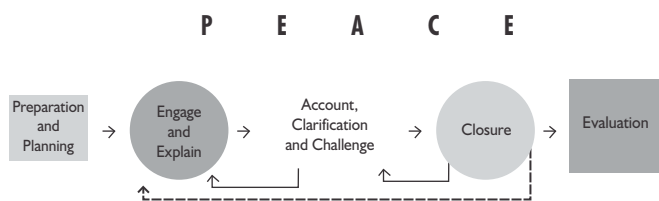
The P.E.A.C.E Model - Movement between phases in the interview

The "P.E.A.C.E Model" diagram shows lines

² *Ibid*

³ *Ibid*

⁴ <http://investigativeinterviews.com/peace>



linking the three phases of the interview. Lines which are solid indicate that there is a natural forward movement from one phase to the next. These are the two horizontal lines linking **Account & Clarification** to **Engage** and **Closure**. The line from **Engage & Explain** to **Closure** highlights the need to sustain a working relationship throughout the interview, eg, *explaining the purpose of an interview is a task that may require repetition and re-definition throughout the interview*. It is important to remember that there are no rigid boundaries between the phases.

The line which links **Closure** to **Account, Clarification & Challenge** indicates that there may be a need to re-open the interviewee's account during the Closure phase, eg *the interviewee may recall something else, or may wish to challenge your memory of what they have previously said*. When this happens, one has to return to the **Account, Clarification & Challenge** stage.

PREPARATION AND PLANNING IN P.E.A.C.E

Defining aims and objectives help clarify fundamental decisions which have to be made about the interview. **The 'aim' is why you are**

conducting the interview and what you want to achieve. The 'objective' is what you need to do to achieve the aim. Consider the following:

- interview requirements and strategy
- deciding the time
- what needs to be achieved in the interview
- consider where to conduct the interview.

All these decisions constitute part of the **Preparation & Planning** phase of an interview (the P in P.E.A.C.E).

I. PREPARATION AND PLANNING

Preparation should be carried out no matter what type of interview is being considered. The written record of your preparation forms the basis of your plan. These plans provide a record of your reasons for taking the action you did. Preparation and Planning ensure that you are adequately prepared for the interview.

There are a number of points to be considered in the Preparation and Planning phase of all interviews. These points will form the basis of your written plan:

- How this interview might contribute to the enquiry, feedback session etc.
- What we know about the interviewee
- Aims and objectives
- Legal requirements

- Practical arrangements

The circumstances of each case will determine the importance of each of these points and how they impinge on one another. Each point should be considered in relation to the others when preparing for an interview. For example, the practical matter of the timing of the interview may be affected by the need for a legal or union representative to be present. Your notes under each of these headings will be the core of your interview plan.

Preparing for an interview gives you an opportunity to review the situation, establish what information is available and decide what you want to achieve in this interview. You need to consider such questions as:

- Which persons need to be interviewed and in what order?
- Why is this particular person's viewpoint so important?
- Is there information which I need to obtain urgently?
- Should I interview this person now or wait until I have obtained more information about the circumstances?

Such questions will help ensure that you obtain relevant and useful information from the interview.

Every interview must be prepared with the aims and objectives in mind.

- What we know about the interviewee

To interview effectively you need to take account of the interviewee as an individual. Every interview must be approached with an open mind. You are required to act fairly and considerately in the circumstances of each individual case. To do this you will need to ensure you have the necessary background knowledge. The following are some of the factors that need to be considered:

- *Age, gender and domestic circumstances* - is information which will help you to establish the interviewer/interviewee relationship. In some circumstances it may influence whether or not you are the right person to conduct the interview.
- *Knowledge of an interviewee's domestic circumstances* will also help you to determine the appropriate time and place for the interview.
- *Cultural background* - can affect the way a person prefers to be addressed. You must consider how formal your approach needs to be. Does the interviewee have a strong regional dialect and will you be able to understand them? Does the interviewee understand or speak English and will you need an interpreter?
- *Educational background and intellectual disadvantage* - knowing something of a person's educational background and achievement can provide an indication of

their vulnerability. Interviewees who are intellectually disadvantaged may not understand the significance of your questions and the implications of their answers.

- *Physical and Mental health* - some interviewees may be vulnerable because of the condition of their physical and mental health. You should be alert to signs and symptoms of health problems during your preparation. Indications can be obtained from their dress, behavior, background checks and the concerns of others.
- *Previous contact* - this knowledge, if available, will assist you in establishing opening questions during the engage stage. This should be done in an objective way maintaining an open mind.
- During a discipline enquiry, knowledge of who reported this incident and what they reported can indicate whether they are likely to be co-operative or hostile. Previous contact with your organization is a useful indication of the co-operation you will receive. Consider checking the content of any message and recent reports.
- Remember that for many interviewees this may be their first contact with your organization. Therefore you must plan how to explain the interview process to them and what will happen afterwards, including who they should contact if they want to ask questions or give more

information at a later date and what support or assistance may be available.

- Aims and Objectives

The 'aim' of an interview is

- Why you are conducting the interview, and
- What you want to achieve

The 'objective' is - What do you need to do to achieve this aim?

It is important that all interviewers have considered the aims and objectives. The need to cover these points should not dominate the interview by controlling the flow of information. Nor should they artificially constrain or distort the account of events given by an interviewee.

- Legal Requirements

Knowledge is required of your organization's internal procedures. If the interview is likely to involve a disciplinary hearing or an industrial tribunal then guidance should be sought from your legal department or a solicitor.

- Practical arrangements

Practical arrangements are an important consideration in the planning and preparation for an interview. These practical issues apply to the planning of all interviews. The factors to be considered are:

- Location of Interview
- Roles of interviewers

- Time
- Provision of refreshments
- Social etiquette
- Other Factors

- Location of Interview

You should always consider surroundings and the possibility of noise and interruptions.

- Roles of Interviewers

Ideally two interviewers should conduct an interview and it is important that they work together to prepare for the interview.

The roles and responsibilities of each interviewer should be considered and then agreed before the interview.

Thorough preparation will prevent the possibility of the second interviewer interrupting or breaking planned silences or pauses between questions. Your plan should include when the second interviewer is going to ask questions; this can be at the end of each topic or when the first interviewer has finished asking all his/her questions in relation **to all** the topics.

There may be occasions when the interview needs to be suspended in order to revise your plan.

- Time

The interview could be influenced by work or domestic responsibilities. You should always

allow sufficient time to conduct your interviews.

- Provision of Refreshments

If conducting one interview, it is always appropriate to offer refreshments and appropriate breaks. Your preparation should include making sure you have all the *necessary forms and equipment* required.

Social etiquette

It is important to remember the basic rules of politeness i.e. no drinking and eating in front of the interviewee, without offering the same to them.

- Other Factors

You need to consider in advance the role of this particular interview. This may include whether you are likely to deal with all the matters in one interview and how significant is the interview. These points will determine what information you will give the interviewee at the close. You should note in advance what advice may need to be given and what problems may need to be dealt with before you close the interview.

Post-interview contact can be as important as the interview itself. Discipline interviews might not lead to immediate suspension or dismissal, in which case you may wish them to contact you if they have anything more to say. All interviewees will continue to think about

the incident beyond the end of the interview. In fact they may keep on remembering relevant details for several days or weeks and they should be encouraged to make a written note of these details. You need to plan how they can contact you with that information. You may also need to keep them informed about what is happening .

- Making a Written Interview Plan

Your written interview plan should include:

- The range of topics you would like to see covered.
- The aims and objectives.
- What you know about the interviewee.
- What you would like to know about the interviewee.
- Any other points arising from your notes.

These points may be added during the interview as the interviewee introduces new information which requires clarification or challenge.

Your written interview plan summarizes the aim(s) of an interview and provides a framework on which to base your questioning. A written plan will give you the confidence and flexibility to conduct a professional and effective interview.

Your written plan will assist you to:

- Keep track of what has been covered and what remains to be dealt with.

- Identify areas where the interviewee's account conflicts with what is already known or, has been suggested in other accounts.
- Identify new information whilst keeping track of the purpose of the interview.
- Identify any issues that have not been covered.

You must remember that your interview plan may be useful later on to show why you took a particular course of action, so it should be retained.

II. ENGAGE AND EXPLAIN

Engage and explain is the first phase of an actual interview. During this phase you begin to establish a relationship between yourself and the interviewee. Engage is the first step in order to encourage conversation. Explain is used because the interviewee must understand the purpose of the interview.

- Engaging in Conversation

Engaging someone in conversation is not always an easy task. This is especially true if the person is a stranger. Factors such as their background, age and sex may also make it more difficult. The people you interview are usually strangers and from a wide range of backgrounds. The way you engage them in conversation will therefore not be the same in every case. Before explaining the purpose of

the interview, consider that this may affect the interviewee's first impressions of you.

- Managing first impressions

First impressions may influence how a conversation develops. Interviewers and Interviewees can be influenced by appearance, manner and speech regardless of what is said. You may be similarly influenced by them.

Factors that make it difficult to manage first impressions include anxiety, which may come from both the Interviewer and interviewee. You may believe that a person is reluctant to speak to you. On the other side an interviewee may not have had any previous contact with this type of situation. This may cause the interviewee to be anxious. The result of this is that both parties may enter into conversation reluctantly, thereby confirming that their anxiety was justified. Therefore, you must plan for and manage the opening of the interview.

- Creating the right atmosphere

In the interview, it helps to have a co-operative understanding between interviewer and interviewee. To establish a working relationship you should treat them as individuals with a unique set of needs. You can do this by personalizing the conversation. For example by:

- How you address the interviewee.
- Establishing their immediate needs/ concerns.

- Showing an interest in them and their individual circumstances
- Showing empathy, as appropriate.

Your responses to an interviewee must not be the result of a stereotypical image based on culture, clothing, speech, behavior etc. Your aim is to create an atmosphere in which the interviewee will want to talk to you. Sometimes your efforts may not be effective due to personality differences. Establishing a professional working relationship is important in every type of interview.

However, you can establish a working relationship by acting in a professional and considerate manner before the interview begins, by:

- Keeping the interviewee informed of what is happening (eg. when they are going to be interviewed).
- Being realistic about how long your preparations or deliberations will take and trying to keep the person informed.
- Ensuring that the interviewee receives sufficient refreshments (tea, coffee etc).
- Ensuring their entitlements have been appropriately dealt with.
- Considering whether there are any domestic issues that the interviewee may be worried about, such as collecting children from school.

These tasks may be the responsibility of another person, but by ensuring that they have been carried out and keeping the interviewee informed, you will help develop a good working relationship.

- Explaining the Interview Procedure

As you engage the interviewee in conversation, you can begin to explain the purpose of the interview and the form it will take. This will consist of three main issues:

- Reason for the interview
- Routine that will be adopted
- Outline of the interview

Each of these has been explained below.

- Reason for the interview

Generally, the interviewee will know why they are being interviewed. However, they may be unclear of the potential importance of their contribution. Therefore, ensure they have a clear idea of what is expected of them. With a discipline inquiry, this means ensuring that they know and fully understand the reason for their interview.

- Routine that will be adopted

Whilst you may be familiar with interviewing and the routines that are involved, many interviewees are not. It is therefore useful to explain these routines at an early stage to help relax the interviewee and avoid surprising

them during the interview. The routines may include:

- Introducing and explaining the roles of any other persons present.
- How, why and by whom notes will be taken.
- Writing a statement (if necessary).
- The use of tapes (if used).

- Outline of the interview

You should explain to interviewees that they will be asked to give their answers or account and you should provide an estimate of how long this process will take. Give the interviewee a chance to ask any questions or express any concerns that they may have at this stage. This will serve as an effective lead into your explanation of the 'ground rules' they should follow when giving their account.

- Establishing a full account

All interviewees need to know that your primary purpose is to establish the fullest account possible. The following sections cover the 'ground rules' which you should explain in all interviews.

- They must tell all without editing anything out

Interviewees should be encouraged and permitted to give an account of all that they know and not to edit their account but tell you everything that comes to mind.

- They can tell it their way

In all interviews, you want the interviewee to know that they can give their account in their own words. They should give the fullest answer as they understand it.

They should give as much detail as possible. Detailed accounts will help establish them better than accounts that are vague or too general.

- They must not fabricate or make up answers to please you or anyone else

Explain that if they don't know something, they should say so and not be influenced by what they think you, or others, might want them to say.

- Need to concentrate

Recalling an event from memory can be difficult, especially when there are other things going on. When the matter is painful, embarrassing, complicated, or confusing, remembering things accurately and giving a full account of them can be even more difficult. Tell the interviewee you understand that considerable effort and concentration is required and they will be given time to remember and provide their account.

Having engaged the interviewee in conversation and explained the purpose and, 'ground rules' for the interview, you are now in a position to obtain the interviewee's account.

Your move into the Account phase should be a seamless shift, rather than an obvious completion of one stage and the start of the next.

III. ACCOUNT, CLARIFICATION AND CHALLENGE

Having engaged the interviewee in conversation and explained what you expect of them, you must now obtain the fullest account that they can, or will provide. There are a number of essential processes you must go through to obtain an accurate and reliable account. These are:

- Obtaining the interviewee's own uninterrupted account
- Expanding and clarifying their account
- When necessary challenging the interviewee's account.

This portion will cover what each of these processes involves and examine the problems of co-ordinating them. There are techniques for helping an interviewee to provide a full and accurate account of events. These are -

- Personalizing the interaction
- Listening actively
- Taking turns to speak
- Expecting the interviewee's contribution
- Identifying conversational topics
- Asking open questions

- Coherent questioning
- Monitoring and evaluating progress

They are the conversational basics required of all interviewers when obtaining an accurate and reliable account. We will now consider that task in greater detail.

- Obtaining the Account

You will recall that the purpose of an interview is to obtain reliable information about a matter. During the Engage and Explain phase you will have given the interviewee 'ground rules' on how to provide their account. Having explained the purpose of the interview, you should move onto obtaining the interviewee's account. The following guidelines should assist you to obtain a complete account.

- Don't rush - set the scene - 'reinstate the context'

Frequently an interviewee will be recalling an event that they experienced days, weeks, months, or even years previously. It is often difficult to recall details easily and accurately, but given time to concentrate and encouraged to make an effort, more details about the incident may be recalled.

Many people already use the technique of 'setting the scene' when they can't find an important item such as a purse or wallet. If you do, you may ask yourself questions such

as, "where was I when I last had it?" Moreover, "what was I doing or thinking about when I last used it?"

Psychologists describe this scene-setting technique as 'reinstating the context'. It is very useful in helping people recall events and increasing the amount they recall. Therefore, it is important that you give willing interviewees an opportunity to reinstate the context, mentally recalling a picture in their mind.

You can help them do this by asking them to describe what was happening and how they were feeling at the time of the incident. This is done by asking simple questions such as:

- What were you doing at the time?
- Where were you? How were you feeling?

You can also help set the context by referring to other events that occurred either before, at the time or even after the incident.

Encourage the interviewee to use their senses to reinstate the context, smells, touch, taste, hearing, as well as what they see will assist them to do this. The idea is to help trigger the interviewee's memory of the day in question. The process of recalling contextual information helps the interviewee recollect information that is relevant.

- First obtain an uninterrupted account

You should ask the interviewee to give an

uninterrupted account of everything they know about the matter under investigation. Asking first for an uninterrupted account has the following advantages:

- You get to know their version without prompting or interrupting them.
- Interviewees have a chance to explain their views and should feel they have had an opportunity to say what they wished.

As the interviewee gives his first account, listen carefully and note areas that you wish to obtain further details about. This could include such things as clothing worn, the route traveled, or what happened at a particular place or time. Interviewees must be given sufficient time to provide their first account and are encouraged to do so using the techniques described earlier.

On occasions, for a variety of reasons, you will not obtain a first account. This may be because an interviewee (even after careful explanation), does not understand what they are required to do. It could simply be that they refuse to answer your questions. When this happens you must consider the aim(s) of the interview in your written plan. Systematically cover the questions/topics that you identified during your Preparation and Planning. You should use open questions to encourage the interviewee to give a full response.

- Encourage repeated attempts to recall

During the interview, encourage the

interviewees to search through their memory extensively. It is extremely unlikely that everything available in their memory will be immediately recalled.

To obtain as much detail as possible encourage the interviewee to make repeated attempts at recalling the information, from different view points or with different goals in mind. This will increase the number of routes that can be taken to any given piece of information and will help recall as much as possible.

Other recall strategies can be introduced if it seems appropriate. Often when you ask someone to explain what happened, it is the visual scene they emphasise, in a chronological order. Remember, information is received through all five senses.

It may be beneficial to ask for an account based on what the interviewee remembers from one of these other senses, such as what they remember hearing at the time. After this alternative recall strategy has been used, it can help to return to the original recall style to see if the interviewee's memory has been jogged by the different strategy.

- Expanding and Clarifying the Account

The first account given by the interviewee may be incomplete. Frequently the interviewee's account will need to cover a broad time span or range of events. It may be difficult for the interviewee to manage such a wide range of

information all at once. Subsequent questions must be put systematically to ensure they have remembered all they can.

- Breaking down the questioning

To assist the interviewee you may need to break down the questioning of their account into manageable episodes or topics. Possible episodes or topics should be identified during your planning and then modified or added to, as the interviewee provides their account. By breaking down the account in this way you can:

- Keep track of what has been covered,
- Understand new information introduced by the interviewee and fit it into the overall situation.

You can then expand their account by systematically examining each episode or topic and asking for more details when necessary. Use an open question to start examining (or probing) the areas you have identified. You should keep asking questions about each topic until you have all the information you need, or the interviewee is unable to provide any more information.

Remember the accuracy of eyewitness accounts depend on a number of different factors. In the *Turnbull* case (**R v Turnbull 1976**), the Court of Appeal laid down

important guidelines on what should be considered when assessing eyewitness testimony.⁵ It may be helpful to remember the advice using the mnemonic **ADVOKATE**⁶ -

- A:** Amount of time under observation.
- D:** Distance from the eyewitness to the person / Incident
- V:** Visibility - including time of day, street Lighting etc
- O:** obstructions - was there anything obstructing the view
- K:** Known or seen before - did the witness know, or had they seen the suspect before?
- A:** Any reason to remember - was there something specific that made the person/incident memorable?
- T:** Time lapse - how long since the witness last saw the suspect?
- E:** Errors or material discrepancies.

These points must be recorded as part of a witness statement.

CLARIFICATION

Clarification is required when you find inconsistencies in the interviewee's account, or when you are unclear about what it is they are saying. Often this will be clarified when obtaining the expanded account. However, sometimes you may wish to note the inconsistency and raise it later.

⁵ <http://www.unitedagainstinjustice.org.uk/advice/IdentificationIssues.pdf>

⁶ <http://www.cps.gov.uk/legal/CriminalProceedings.PDF>

Check everything has been covered

Eventually you will have systematically examined the interviewee's account and obtained all the information they can give. You must now assess the information obtained against the aim(s) of the interview in your written plan. You will then be able to decide whether to:

- Challenge the interviewee's account of events; or
- Give a final summary before moving into the closure phase of the interview.

If you are satisfied that no challenge is required you should move to the next interview phase of 'Closure'. However, if there are areas of an account which you need to challenge, you may wish to adjourn the interview whilst you revise your plan.

CHALLENGE

Challenge is your response to an interviewee's account which is inconsistent with other evidence/information in your possession. It is important to emphasize that you should explore the inconsistencies you have noted in a confident and co-operative manner. There is no place for confrontational, sarcastic, aggressive remarks or attitude on the part of an interviewer. The task is one of challenge; the manner in which it is accomplished must be professional.

Challenges can be seen as occurring under two circumstances:

- Planned as a result of holding back information in order to test what an interviewee might say
- In response to the interviewee's version of events, given before or during an interview which is contrary to other evidence in your possession.

When a challenge is required

The account needs to be challenged when you have good reason to suspect that an interviewee is deliberately withholding relevant information or knowingly giving a false account.

On occasions it might not be inappropriate to challenge their account on the basis of its completeness during the current interview. You may consider that a person is in an unfit state to be questioned further at this stage, or judge that they would be best challenged on a point at a later stage, when further enquiries have been made.

Inconsistencies with other evidence - What an interviewee says may be inconsistent with evidence from other sources. This evidence could have come from other interviewees or consist of material evidence. Inconsistency with other evidence does not, of course, necessarily mean that the interviewee is lying or even mistaken. But such inconsistency will need explanation, either immediately or in the future.

It is important to bear in mind that both clarification and challenge refer to the task of exploring with the interviewee the reasons for their evasiveness or inconsistencies. They do not refer to the manner in which you do this. The next section will consider how to conduct clarification or challenge in an appropriate professional manner.

The Process of Challenge

There are three aspects you should consider when challenging an interviewee's account:

- The timing of your challenge
- Adopt a problem solving approach
- Ask for an explanation of the discrepancies

The timing of your challenge

The timing of some challenges can be planned, particularly with evidence that you decide not to disclose to the interviewee immediately. But there can be no hard and fast rule about when to challenge an interviewee's account of events.

You would normally not challenge an interviewee whilst they are actually giving their account! Doing that might discourage them from continuing to give their explanation.

Whether you challenge at the end of a particular topic or wait until the interviewee has provided their full account will depend on the circumstances at the time.

Adopt a problem solving approach

You should explain to the interviewee that you wish to explore certain areas or points again. It is important that you present your continued questioning as a form of problem solving to which the interviewee can contribute. You can explain that there are aspects of their account that you wish to explore further. That way, the interviewee is not put on the defensive and is better able, if they so wish, to change their account, or to add to it, without embarrassment and without losing face.

Ask for an explanation of the discrepancies

You must ensure that any discrepancies requiring an explanation or gaps in evidence are clearly put to the interviewee. To begin with you should ask the interviewee for suggestions as to how the discrepancies between their account and the evidence you have gathered, have occurred. In the case of evasiveness, ask for anything they might be able to add to what they have said, as there are still some questions you need to have answered. Reiterate the purpose of your enquiries and indicate the openness of your search for the truth. Explain that you will be continuing your enquiries until satisfied that you have an accurate and reliable understanding of what has happened.

You should not try to give an explanation of why the discrepancies have occurred (e.g.

"You are lying"). Remember to give plenty of time for the interviewee to respond to your query.

Use the conversational techniques discussed earlier, (personalizing by using their preferred name, asking open questions, listening actively, expecting the interviewee's contribution and summarizing their explanations) before going onto the next problem.

IV. CLOSURE

The interview should be brought to a close when you have properly concluded that no purpose will be served by continuing. It is important to plan the termination or Closure of an interview. This should be done in a courteous and professional, manner. When the interview is clearly drawing to its close, your aim should be:

- * To ensure that there is mutual understanding about what has taken place
- * To explain what will happen in the future
- * To facilitate a positive attitude towards providing accurate and reliable information in the future.
- * To verify that all aspects have been sufficiently covered.

Verification and Consolidation

The answers to two key questions must be considered before Closure of the interview:

- * *Have you covered all the questions you want to ask?*
- * *Has the interviewee provided all the information they are able and willing to provide?*

These questions are most easily answered by reviewing the topics that were covered during the interview and the information obtained.

Reviewing the account

Reviewing the account tests whether Closure is appropriate and consolidates the information provided in the interview. Explain to the interviewee that you are going to summarise what has been covered in the interview and that this will give them an opportunity to confirm, alter, clarify, deny or add anything they wish.

Where the interviewee has remained silent, or refused to answer questions you can summarise by systematically going over the main points. This tends to highlight any allegations and any defence which may be open to them but which they have declined to comment on. This ensures that they have no doubt about what has been covered.

Dealing with new information: Opening a new account phase

Do not hesitate to raise additional issues that occur to you during your summary and be on the look out for signs that the interviewee might have more to say. A person may indicate

willingness, verbally or non-verbally, to answer questions about topics on which they had previously remained silent. The interviewee may suggest that they have relevant information that has not yet been discussed. You may respond by re-entering the account phase immediately, or, if a break is required, adjourning the interview and in effect starting the Account phase afresh.

Consider again the model of P.E.A.C.E presented in the diagram. Closure provides the opportunity to re-enter Engage and Explain and Account. This allows you (and the second interviewer, where present), to explore any new information in a systematic manner.

Questions from the interviewee

Once you have summarised their account you should ask the interviewee if they have any questions. An interviewee may well want to clarify whether they will be required to attend a discipline hearing or tribunal and what this entails. They may have worries and concerns about their personal safety, or some other query. A willingness to listen at this point may well prove fruitful, not only in obtaining new information, but also in their attitude towards you and other interviewers in the future.

If they do ask questions, give honest answers and if you do not know the answer, say so. Do not discuss the matter of what might happen at a subsequent 'hearing'. Point out that this is a

matter for the 'hearing'. If you are asked directly what action will be taken, the person may be informed of the proposed action, provided this is proper and warranted.

Having summarized the interviewee's account and answered any questions they might have, you are then in a position to close the interview. Ensure that abrupt endings are avoided. They should be left feeling that they have been dealt with fairly and in an approachable professional manner.

V. EVALUATION

Evaluation is an integral part of an interview, just as much as any other phase. The interview is only effective if you:

- Know why and how it is to be carried out (**Preparation**); and
- Assess its significance (**Evaluation**).

Evaluation concludes the P.E.A.C.E procedure. You need to evaluate:

- The information obtained.
- The whole situation/enquiry in the light of the information obtained.
- Your performance.

Evaluate the Information Obtained

Evaluate the information provided during the interview and the extent to which your aims and objectives have been achieved. Often this can be accomplished by posing a series of

questions to yourself and evaluating the answers.

Aims and objectives

Consider first your interview plan and your initial aims and objectives:

- Were these revised during the interview? If so, why?
- Have you achieved your (possibly revised) objectives?
- Have you covered the points needed to in question?

New information

Similarly, you should consider:

- What new information do you now have?
- Is it consistent with information already obtained?
- Are there any conflicts to be resolved?
- What further enquiries do you need to make?

Re-evaluate the Information

The above questions will assist you to assess what impact the interview has had on the situation/enquiry and what action you need to take next.

Consider how your views have changed as a result of this interview. For example, the person may have provided a supported set of circumstances which provide a different picture to the one you had initially.

The interview may have given you new lines of enquiry to follow, such as the involvement of another person not previously known about. Maybe it has merely confirmed and strengthened previous conclusions. Be precise about what evidence you actually have to support your understanding of this incident and identify where you are merely putting forward an opinion.

You will have to answer these questions carefully. You should make a careful note of the reasons for your conclusions and what further action needs to be taken.

Evaluate Your Performance in the Interview

To improve your interviewing skills you need to learn from experience. This means that in addition to evaluating the evidence you must also evaluate your own performance:

- What did you do well?
- What could you have done better?
- What areas can you develop?
- How do I acquire these skills?

Evaluate the whole P.E.A.C.E process. Look back at your Preparation and Planning. Establish where your interviewing can be improved. Evaluate your performance and set goals to improve it where necessary. The more interviews you conduct, the more proficient you should become. If you are working with a colleague, feedback should be sought and given on each others interviewing.

Some organizations have a formal evaluation and supervision process. In this, trained supervisors examine interviews, give feedback and advice on how to develop interview skills. The significant point in evaluating performance is the setting of appropriate aims and objectives whether by yourself or with a supervisor. This is a way to develop your skills as a professional investigative interviewer.

PREPARING AN INQUIRY REPORT

The report of the inquiry is its most tangible product providing the inquiry's findings and recommendations. Preparing a strong, persuasive report is a demanding task that should begin as early as possible.

The report must provide an objective assessment of the evidence gathered by the inquiry. Any personal bias, presumptions or assumptions should be totally avoided while preparing a report. This is an indispensable factor in preparing a fair and objective enquiry report and also a prerequisite in writing the recommendations that are well supported and convincing.

Some possible objectives

(In cases, for instance, pertaining to examination of human rights violations)

- **Investigation:** to find out what is going on, the nature and extent of a pattern of human rights violations.
- **Analysis:** to determine the underlying cause of a pattern of human rights violation.
- **Information:** to ensure both the public and key stakeholders are better informed about and more aware of the particular issue
- **Education:** thorough examination of the issue, to increase understanding of human rights generally and commitment to better

human rights observance

- **Recommendation:** to develop proposals for action to remedy the pattern of violation
- **Empowerment:** to support victims of violation

Investigation	Present the evidence collected and the findings
Analysis	Provide the underlying context and causes
Information	Give basic data to inform the community
Education	Increase knowledge of human rights
Recommendations	Make the case for the recommendations
Empowerment	Offer victims and their supporters a basis for advocacy and action

The Challenges

- How does an inquiry meet all its objectives through the reporting process.
- How is the inquiry report meaningful and effective to so many different "target" groups.
- These issues should be addressed in the

inquiry's preparatory stage and included in the inquiry plan.

- Preparation of the report should begin as early as possible, with critical decisions made about the kind of report, its contents, its style and supplementary reporting formats.

Type of Report

- A single format report
- A number of formal reports
 - one report for findings and another for recommendations
 - separate reports for different issues or groups of issues, each having findings and recommendations in relation to the issue or issues
 - Separate reports for different "target" groups.

Contents of the Report

- Ensure that the voices of victims are heard clearly and explicitly throughout the report
- Provide an accurate and fair summary of the evidence received
- Explain relevant provisions of human rights law
- Give the inquiry own findings or conclusions based on the evidence and the law

- Place these findings in a strong analytical context, so that readers understand not only what happened but why it happened
- Report on each of the terms of reference
- Make recommendations

Structure of the Report

- The table of contents should be developed early to provide the structure of the report
- Early development of the structure enables evidence to be collected and organized in ways that assist report writing
- It also permits allocation of writing tasks and early drafting of chapters

Style of Report

- As short as possible, consistent with the need to include the necessary material.
- Written as simply as possible, in clear, concise language, to make it accessible to as wide a readership as possible.
- Measured, not exaggerated, relying on fact rather than rhetoric.
- Quoting directly from the evidence and ensuring proper referencing.
- Number recommendations to make them easy to refer to and monitor.

Other Matters

- **Title of the report**
 - Simple

- Communicates what it is about
- Makes a point
- **Cover**
 - says something about the inquiry
 - makes a point
- **Design**
- **Layout**
- **Graphics**
 - photographs
 - drawings
 - tables and graphs

RECOMMENDATIONS

- One of the principal objectives of the inquiry is to make good, effective recommendations
- Recommendations should seek to
 - address human rights violations revealed by the inquiry
 - improve human rights compliance
- Options for recommendations should be developed from the initial planning stage

The purpose of Recommendations

- Provide remedies to victims
- Address other aspects of human rights violations revealed by the inquiry.
- Look to prevent further similar violations
- Play an educational role

Developing Recommendations

- Recommendations should flow from the evidence, the findings and the analysis.
- Recommendations should be firmly legally based on national and international law
- Recommendations can be directed towards all relevant actors. They may direct anybody, organization or even individual with a role in addressing the violations or improving human rights compliance including Governments (National, provincial, local), National and State Human Rights Institutions, NGOs and victims themselves.

Some Key Principles

- Don't compromise principle but be realistic
- Focus on a smaller number of key recommendations rather than a long list
- Prioritise recommendations
- Ensure that the recommendations are able to be implemented
- Make sure that all key actors are covered
- Be clear who has the responsibility for implementing each recommendation

The Summary

Select and order the evidence, arguments, examples, other information, language, tone, illustrations, layout and design, cover and title

precisely to achieve the report's purpose and communicate effectively and persuasively to the target audience. The report is a "persuasive communication."

Alternative formats for reporting

The inquiry has many objectives in reporting. It must record the findings it has made and present the recommendations it has developed. That may be the primary role of the report but not the only one. The inquiry must also report back to those who gave evidence, especially the victims who are looking to the inquiry for affirmation of their rights and recognition to the violation of those rights. It must also pursue its objective of public education through the inquiry process. It is usually impossible to meet all the inquiry's objectives through a single format document. Various ways of reporting may be required at times to ensure that each of the inquiry's objectives is met.

Other Ways of Reporting

- Publications in minority languages and Braille
- Short or simpler summaries of the report
- Special community editions
- School editions
- Video/DVD
- Radio programs
- Website materials and guides
- Community meetings

Conclusion

The report needs to be strong and persuasive for being accepted and implemented. It needs to attract broad community support so that it is convincing and difficult to ignore. Each report should be evaluated later so that lessons can be learned and future inquiries are more effective⁷.

⁷ *National Inquiries into systemic patterns of human rights violation: Training Manual. Asia Pacific Forum. Nov 2011*



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