Conducting effective interviews is an essential skill in investigating administrative complaints against law enforcement. Whether the interviewer is a sworn internal affairs investigator or a civilian employee of an oversight agency or board, the technical and emotional skills required are the same. The interviewer must be curious, empathetic to the emotional components of the interview, non-judgmental, adaptable and skilled in the craft of interviewing, with an understanding of how memory and recollection function. They must be, and must manifest a sense of impartiality. They need to establish rapport, listen more than speak, elicit information, ask questions in an open-ended manner, ask appropriate follow-up and clarifying questions, avoid asking questions that influence the answer given and use pauses and silence when appropriate.

Although information primarily flows one way during an interview, it involves two-way communication. Through what they say (and don't say) and how they act, the interviewer conveys critical information to the interview subject regarding their professionalism, thoroughness and fairness (or lack of it). These interactions set the tone for how complainants, civilian and police witnesses and officers who are subjects of investigations view the investigative process. It likely affects the faith and confidence they and their communities have in the oversight process.

This presentation will describe and demonstrate recognized best practices for conducting interviews when investigating allegations against law enforcement officers. It will cover:
· Necessary attributes for investigators;
· Identifying and addressing potential biases and perceptions of bias;
· Establishing rapport with complainants, witnesses and officers;
· The mechanics of conducting through, unbiased interviews
    o Using the funnel method to elicit information
    o Asking open-ended questions and avoiding leading questions
    o Using follow-up questions to flesh out details and determine how a witness "knows" something
    o Address witness statements incorporating conclusions, judgments or use of jargon
    o Asking appropriate questions to help evaluate the interviewee's credibility
· Recognizing and addressing the emotional content of an interview (including the emotional responses of complainants, witnesses and officers who are emotionally impacted by their experience, or who may harbor negative assumptions about the interviewer, the investigative process, the oversight entity, the law enforcement agency or the criminal justice system)
· Understanding how the interview process affects the individuals it touches, their friends, colleagues and communities.

The session will include a demonstration of effective interviewing techniques.

Speakers:
- John Alden, Executive Director, Oakland Community Police Review Agency, Oakland, CA
- Jayson Wechter, former Investigator, San Francisco Department of Police Accountability; former NACOLE Board Member, San Francisco, CA

Speaker Biographies

John Alden │ John Alden has over a decade of deep experience in police accountability. Mr. Alden is currently the Executive Director of the Community Police Review Agency (CPRA) in the City of Oakland. There, he oversees investigations of police misconduct, and engages the community in police reform efforts led by the Oakland Police Commission.

Mr. Alden previously worked for the San Francisco Department of Police Accountability (DPA), formerly known as the Office of Citizen Complaints, and also for the Internal Affairs Division of the San Francisco Police Department. In those offices, he managed the investigation of complaints of excessive force, litigated disciplinary hearings, and advocated for changes in police policies and procedures. Mr. Alden also served as the Managing Attorney of the Independent Investigations Bureau ("IIB") in the San Francisco District Attorney's Office, a unit specializing in the investigation and prosecution of Officer Involved Shootings, In Custody Deaths, and other forms of potentially criminal officer misconduct. Before working in police accountability, Mr. Alden began his career as a prosecutor, working in Sonoma and Marin Counties, and then transitioned to private practice litigating employment law matters. Early in his career, he worked in the California State Legislature as an Unruh Fellow.

Mr. Alden received both his law degree and bachelor's degree from the University of California, Berkeley.

Jayson Wechter │ Jayson Wechter has been involved with civilian oversight since 1982, when he worked on the community-based campaign to create San Francisco's Office of Citizen Complaints (OCC, now known as the Department of Police Accountability). He began working at the OCC on its first day of operation in 1983 as a supervising investigator. Mr. Wechter helped shape many of the OCC's early policies and procedures, creating its demonstration monitoring program, and writing and implementing the first policy recommendation adopted by the San Francisco Police Department.

After leaving the OCC, Mr. Wechter worked as an investigator for the San Francisco Public Defender's Office and operated his own investigative agency, primarily conducting investigations on behalf of indigent criminal defendants. He also conducted numerous life history investigations in capital cases at the trial and appellate level.

Mr. Wechter returned to the OCC in 1998, and over the next 18 years, he conducted hundreds of investigations, including numerous use of force and officer involved shooting cases. Mr. Wechter designed the OCC's training program for newly hired investigators and wrote many of the criteria used to evaluate investigator performance.

Mr. Wechter has delivered presentations at NACOLE conferences since 2004. He served on NACOLE's Board of Directors from 2007 to 2014, and in 2007, he drafted NACOLE's Qualification Standards for Oversight Investigators and Supervising Investigators and its Recommended Training for Board and Commission Members.