



## Checklist for Conducting Online Investigations

I recently read a bunch of articles and listened to a great webinar put on by the [Association of Workplace Investigators](#). I was looking to check my head about best practices when interviewing witnesses by way of video conferencing. Here' my checklist:

- One of the greatest challenges is coordinating schedules! Who is in charge of doing that?
- Make sure you won't get distracted! If necessary, borrow somebody's empty office.
- Casual business dress is appropriate.
- Makes sure you use available security features such as passwords and waiting rooms.

- How do you handle a witness who says they are on medical leave? Find out if they need to be accommodated and if they are able to give their best testimony.
- Make sure all parties have the appropriate computer access capability.
- Have quality equipment- webcam, lighting, audio, internet. Have the webcam at face level and beware of your background.
- Realize that some witnesses may be unfamiliar with Zoom, Skype, etc. Provide them instruction in advance.
- Consider a test run a day before, if possible.
- If there is a technological breakdown, agree on what steps you will take. Perhaps agree to do a conference call to continue, with that number given out in advance.
- Consider a transcription service. Zoom premium has a transcription service. While not “court reporter accurate,” it does a good job of summarizing the investigation.
- Make sure you press the record button and obtain witness permission to be recorded. ( I keep a bright sticky on the screen to remind myself!)
- Smile, you are on candid camera!
- Make sure you provide the same admonishments online as you would in person.
- Make sure to give witnesses appropriate breaks as well as an admonishment before the break.
- If there are multiple people in the room, and it is still during the coronavirus crisis, make sure you follow health protocols, including social distancing and wearing masks.
- When you refer to shared documents, text messages, photos, etc., make sure to number them and refer to them by number. Similar as you would in a deposition.
- A major concern is making sure that the witness is not distracted. Make sure they are not multitasking.

- They may look at notes. You want to know what they have in front of them or what they are referring to. You can ask them to show you the notes or share them. Take advantage of shared screen usage.
- Witnesses can be more evasive and uncooperative online.
- Watch talking over the witness and vis versa. Online meetings focus one speaker at a time, cause a lag, and confusion.
- I like to let witnesses know about hand signals like “time out” when I want to talk or if they have a questions, etc.
- Who else is in the room? Are there relatives, friends, or even an attorney?
- When you have concerns about a witness’s behavior online, make sure to document them.
- As with all investigations, try to be consistent in your practices.
- The inclusion of counsel is fine, so long as they don’t interrupt your interview. Many times, they can help their client do a better job of testifying.

Be well, Don

PS check out the **Checklist of Investigation Tools** at my investigation website <https://www.sandiegoworkplaceinvestigations.com/>



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