Chapter 4

Witnesses and Interviews

Collecting Data

Collecting data is a critical part of the investigation. The detailed information collected by the accident investigation team is the foundation for the entire investigation, including the analyses and conclusions. These in turn become the basis for identifying preventive measures to preclude recurrences, Consequently, it is important to ensure that all relevant information is collected and that the information is accurate.

Gathering and analyzing information is an interdependent process that takes place throughout the first three weeks of the investigation cycle. As preliminary analysis is conducted on the initial evidence, gaps will become apparent, requiring the team to collect additional evidence. Generally, many data collection and analysis iterations occur before the team can be certain that all pertinent evidence has been gathered and analyses are finalized.

Three key types of evidence are collected during the investigation:

- ***Human or testamentary evidence*** includes witness statements and observations.

- ***Physical evidence*** is matter related to the accident (e.g., equipment, parts, debris, hardware, and other physical items).

- ***Documentary evidence*** includes paper and electronic information, such as records, reports, procedures, and documentation.

Collecting evidence can be a lengthy, time-consuming, and piecemeal process. Witnesses may provide sketchy or conflicting accounts of the accident. Physical evidence may be badly damaged or completely destroyed. Documentary evidence may be minimal or difficult to access. Thorough investigation requires that team members be diligent in pursuing evidence and adequately explore leads, lines of inquiry, and potential causal factors until they gain a sufficiently complete understanding of the accident.

The process of collecting data is iterative. Preliminary analysis of the initial evidence identifies gaps that will direct subsequent data collection. Generally, many data collection and analysis iterations occur before the team can be certain that all analyses can be finalized, The process of data collection also requires a tightly coordinated, interdependent set of activities on the part of several investigators.

TIP

It maybe helpful for the lead investigator to designate one team member to oversee evidence collection and to maintain a master list of evidence collected to date.

The process of pursuing evidentiary material involves:

- Collecting human evidence (locating and interviewing witnesses)
- Collecting physical evidence (identifying, documenting, inspecting, and preserving relevant matter)
- Collecting documentary evidence
- Examining organizational concerns, management systems, and line management oversight
- Preserving and controlling evidence.

Collecting Human Evidence

Human evidence is often the most insightful and also the most fragile. Witness recollection declines rapidly in the first 24 hours following an accident or traumatic event. Therefore, witnesses should be located and interviewed immediately and with high priority. As physical and documentary evidence is gathered and analyzed throughout the investigation, this new information will often prompt followup questioning.

Locating Witnesses

Principal witnesses and eyewitnesses are identified and interviewed as soon as possible. Principal witnesses are persons who were actually involved in the accident; eyewitnesses are persons who directly observed the accident or the conditions immediately preceding or following the accident. General witnesses are those with knowledge about the activities taking place prior to or immediately after the accident (the previous watch, for example). Prompt arrival on scene by team members and expeditious interviewing of witnesses helps ensure that witness statements are as accurate, detailed, and authentic as possible.

Table 6-1 lists sources that investigators can use to locate witnesses.

Conducting Interviews

Witness testimony is an important element in determining facts that reveal causal factors. It is best to interview principal witnesses and eyewitnesses first, because they often provide the most useful details regarding what happened. If not questioned promptly, they may forget important details.

Preparing for Interviews

Much of the investigation's fact-finding occurs in interviews. Therefore, to elicit the most useful information possible from interviewees, interviewers must be well prepared and have clear objectives for each interview. Interviews can be conducted after the team has established the topical areas to be covered in the interviews and after the lead investigator has reviewed with the board the objectives of the interviews and strategies for obtaining useful information. Table 6-2 provides guidelines for interview

People's memories, as well as their willingness to assist an investigative board, can be affected by the way they are questioned. Based on the availability of witnesses, team members' time, and the nature and complexity of the accident, the lead investigator and team members must determine who to interview, in what order, and what interviewing techniques to employ. Some methods that previous accident investigation boards have found successful are described below.

TIP

A witness interview is not an interrogation. Investigators should convey the sense of a cooperative, informal meeting.

Individual Versus Group Interviews.

Depending on the specific circumstances and schedule of an accident investigation, investigators may choose to hold either individual or group interviews. Generally, principal witnesses and eyewitnesses are interviewed individually to gain independent accounts of the event. However, a group, interview may be beneficial in situations where a work crew was either involved in or witness to the accident. Moreover, time may not permit interviewing every witness individually, and the potential for gaining new information from every witness may be small. Sometimes, group interviews can corroborate testimony given by an individual, but not provide additional details. The team should use their collective judgment to determine which technique is appropriate. Advantages and disadvantages of both techniques are listed in Table 4-3. These considerations should be weighed against the circumstances of the accident when determining which technique to use.

Table 4-3 Group and individual interviews have different advantages.

	Individual Interviews	Group Interviews
Advantages	▪ Obtain independent stories ▪ Obtain individual perceptions ▪ Establish one-to-one rapport	▪ More time-efficient ▪ All interviewees supplement story; may get more complete picture ▪ Other People serve as "memory joggers"
Disadvantages	▪ More time-consuming ▪ May be more difficult to schedule all witnesses	▪ Interviewees will not have independent stories ▪ More vocal members of the g4roup will say more and thus may influence those who are quieter ▪ "Group Think" may develop; some individual details may get lost ▪ Contradictions in accounts may not be revealed.

Interviewing: Do's and Don'ts. Table 4-4 lists actions that promote effective interviews, and Table 6-5 lists actions to avoid while conducting interviews.

Table 4-4. Interviewing Do's.

Create a Relaxed Atmosphere
▪ **Introduce yourself and shake hands.** ▪ **Be polite, patient, and friendly.** ▪ **Treat witnesses with respect.**
Prepare the Witness
▪ **Describe the investigation's purpose: to prevent accidents, not to assign blame** ▪ **Explain that witnesses may be interviewed more than once.** ▪ **Stress how important the facts given during interviews are to the overall investigative process**.
Record Information
▪ **Rely on a court reporter to provide a detailed record of the interview.** ▪ **Note crucial information immediately in order to ask meaningful followup questions.**
Ask Questions
▪ **Establish a line of questioning and stay on track during the interview.** ▪ **Ask the witness to describe the accident in full before asking a structured set of questions.** ▪ **Let witnesses tell things in their own way; start the interview with a statement such as "Would you please tell me about...?"** ▪ **Ask several witnesses similar questions to corroborate facts.** ▪ **Aid the interviewee with reference points; e.g., "How did the lighting compare to the lighting in this room?"** ▪ **Keep an open mind; ask questions that explore what has already been stated by others**

in addition to probing for missing information. ▪ **Use visual aids, such as photos, drawings, maps, and graphs to assist witnesses.** ▪ **Be an active listener, and give the witness feedback; restate and rephrase key points.** ▪ **Ask open-ended questions that generally require more than a “yes” or “no” answer.** ▪ **Observe and note how replies are conveyed (voice inflections, gestures, expressions, etc.).**
Close the Interview
▪ **End on a positive note; thank the witness for his/her time and effort.** ▪ **Allow the witnesses to read the interview transcript and comment if they so desire.** ▪ **Encourage the witness to contact the board with additional information or concerns.** ▪ **Remind the witness that a follow-up interview may be conducted.**

Table 4-5. Interviewing Don’ts.

▪ **DO NOT rush the witness while he/she is describing the accident or answering questions.**
▪ **DO NOT judge, display anger, refute, threaten, intimidate, or blame the witness.**
▪ **DO NOT suggest answers.**
▪ **DO NOT make promises that cannot be kept (for example, unrestricted confidentiality).**
▪ **DO NOT use inflammatory words (“violate, ” “kill, ” “lie, ” “stupid, ” etc.).**
▪ **DO NOT omit questions during the interview because you think you already know the answer.**
▪ **DO NOT ask questions that suggest an answer, such as “Was the odor like rotten eggs?”**

It is important to create a comfortable atmosphere in which interviewees are not a rushed to recall their observations. Interviewees should be told that they area part of the investigation effort and that their input will be used to prevent future accidents and not to assign blame. Before and after questioning, interviewees should be notified that follow-up interviews are a normal part of the investigation process and that further interviews do not mean that their initial statements are suspect. Also, they should be encouraged to contact the team whenever they can provide additional information or have any concerns.

Interviewees should be aware of whether the information that they provide during the investigation may or may not be precluded from release to the public. Following these guidelines will help ensure that witness statements are provided freely and accurately, subsequently improving the quality and validity of the information obtained.

Use of an Interpreter

Preferably an interpreter will be supplied by a government approved interpretation service. However, sometimes one must hire an interpreter on scene. Local embassies or consulates and universities are good sources to inquire about interpreter availability. If necessary, contact a commercial interpreter firm and arrange for an interpreter to travel to the scene. This is costly but, without adequate interpreter services, the investigation cannot be properly conducted.

When using an interpreter in interviewing it is important that the interpreter be fluent in the language and dialect spoken by the witness. The interpreter must also have a proper command of the language of the investigator.

The interpreter must be able to grasp technical marine terms, and it may be necessary to arrange a prior meeting and/or have a list of common nautical terms available so that the interpreter has time to research the appropriate translation. The interpreter must be able to pass to the witness the information, as well as reflect the attitude and manner of expression you wish to convey. Further, the interpreter must be able to recognize any idiosyncrasies in the answers a witness may give and bring them to your attention, along with the reply.

The witness should generally be seated in a chair opposite you with the interpreter in between but slightly to one side, so that the interpreter may conveniently face either the investigator or the witness as the conversation flows. Questions should be directly to the witness using the first person. The questioner should not refer to the witness in the third person, or ask the interpreter to "ask him" or "tell him" anything. Further, attempt to keep questions short. However, should it be necessary to pose a lengthy question, instruct the interpreter to translate the question in “bite size” pieces. In such instances, explain to the interpreter that you will pause occasionally to allow the interpreter an opportunity to translate incremental portions of the question.

An interpreter should:

1.) merely act as a vehicle for accurately interpreting and passing information back and forth between you and the witness.

2) imitate your voice inflection and gestures as much as possible.

3) not carry on a conversation with the witness, other than directed by you.

4) pass on faithfully everything the witness said, including trivial remarks and exclamations.

5) not evaluate the conversation him or her self.

Using an interpreter complicates an interview and can often more than double the time it take to complete the interview. Such interviews can be successful if they are well planned and controlled. At the conclusion of an interview, when the witness has left, it may be worthwhile asking the interpreters assessment of the witness.

Evaluating the Witness's State of Mind

Occasionally, a witness's state of mind may affect the accuracy or validity of testimony Provided. In conducting witness interviews, investigators should consider:

- The amount of time between the accident and the interview. People normally forget 50 to 80 percent of the details in just 24 hours.
- Contact between this witness and others who may have influenced how this witness recalls the events.
- Signs of stress, shock, amnesia, or other trauma resulting from the accident.
- Details of unpleasant experiences are frequently blanked from one's memory.

Investigators should note whether an interviewee displays any apparent mental or physical distress or unusual behavior; it may have a bearing on the interview results. These observations can be discussed and their impact assessed with other members of the team.

Investigators should also be aware of cultural differences that may be expected and the sub-cultures that may be on board a ship, particularly those with multi-national crewing.

Issues of status and loss of face may be encountered from time to time. There may be a tendency for an interviewee to provide answers that he/she thinks the interviewer wants to hear, or a tendency to agree, just out of politeness. In other cases, the use of English or other common language may have different meanings or inferences.

Under any of these circumstances an interpreter may prove really useful.