



12 JUN 2019

Tēnā koe [REDACTED]

Thank you for your email of 20 March 2019, in which you requested, under the Official Information Act 1982, the following information:

any documents, guidelines, policies, or training materials used by the MSD regarding notifying a client that they are under investigation for benefit fraud

any documents, guidelines, policies, or training materials used by MSD Fraud Investigators in regards to approach friends or family of a client under investigation for fraud for information.

I apologise for the time it has taken to respond to your request.

The Ministry of Social Development (the Ministry) takes its responsibilities in administering income assistance to over one million New Zealanders each year very seriously. The Ministry works hard to protect the integrity of the system to ensure it remains fair for all New Zealanders.

It is vital that the public has trust and confidence in the Ministry to ensure people receive their correct entitlement and do not take advantage of the welfare system. The Ministry does not tolerate benefit fraud. The Ministry actively looks to prevent, detect and reduce incidences of benefit fraud and its systems are constantly improving to enable this to happen.

The Ministry has a dedicated team of around 100 specialist fraud investigators located throughout the country, and an Intelligence Unit that identifies emerging fraud risks and trends and works with other government agencies and Intel Units to identify and reduce fraud.

The Ministry's Fraud Investigation Unit investigators are subject to a five week intensive training course and induction, which covers legislation, investigation procedures, collection of evidence and court processes. Investigators also receive practical interview training which consists of theory and scenario based assessments. Subsequent to their training, investigators enter a buddy system where they are paired with a senior investigator for at least the first three months of their employment. This is to provide on-going guidance and support to investigators as they familiarise themselves with the role and investigatory processes.

Enclosed are two documents which advise investigators on how to conduct investigations including approaching friends or family of a client:

- Investigation Unit Training Package – (I3) Investigative Approach
- Investigation Unit Training Package – (S1) Interviews and Statements

Page 1 of 3

Please note that the FIRE process, referred to in the module '(13) Investigative Approach' is no longer in use. The Ministry is currently reviewing its Investigator training packages to make sure they are up to date and reflect the current operating environment.

Fraud investigators will also use documents that are available internally to all staff on the Ministry's intranet, which provide guidance on determining a beneficiary's eligibility for support. This information is publicly available on Work and Income's website at www.workandincome.govt.nz/manuals-and-procedures.html. In some circumstances, information about family members or friends will have been provided by the client during their application process where it is relevant to determining eligibility for assistance, such as an application for Accommodation Supplement or Supported Living Payment.

The Ministry has accepted the recommendation from the recent inquiry by the Office of the Privacy Commissioner into the exercise of section 11 of the Social Security Act 1964 and has already made some changes to our information gathering process as a result. Work is underway to implement the recommendations. This work will result in further changes to the training and guidance provided to our fraud staff.

A small amount of information has been withheld under section 6(c) of the Official Information Act where making that information available would be likely to prejudice the maintenance of the law, including the prevention, investigation and detection of offences. You have specifically asked about instructions for when fraud staff approach friends or family of a client under investigation. The withheld information references the contacting of friends and family of clients. This most commonly occurs when someone is being investigated for a possible undeclared relationship.

I hope that you find this information helpful. Please also note that there are additional internal documents mentioned in the information provided that are considered either administrative or not directly related to your request. If you have an interest in any of these, please make a request for the specific information and the Ministry will endeavour to provide it promptly.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public shortly. The Ministry will do this by publishing this letter on the Ministry of Social Development's website. Your personal details will be deleted and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with this response, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Nga mihi

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

George Van Ooyen
Group General Manager Client Service Delivery

INVESTIGATION UNIT TRAINING PACKAGE

(S)

INTERVIEWS AND STATEMENTS MODULE

Units

<i>Unit S1</i>	<i>Interviews</i>
<i>Unit S2</i>	<i>Recorded Statements</i>
<i>Unit S3</i>	<i>Written Statements</i>

Unit S1: INTERVIEWS

CONTENTS

<i>INTRODUCTION</i>	2
What is an Interview?.....	2
Qualities & Attributes of an Interviewer	2
Interviewing Tips.....	4
The Principles of Interviewing.....	4
PEACE Interviewing Model	6
Interviewing Method.....	7
The Ministry's Caution.....	7
Notes of an interview.....	11
Sample of Contemporaneous notes.....	12

Objectives

When you have completed this module you should:

- know how to plan, conduct, and record the interview of a witness and a suspect

INTERVIEWS

INTRODUCTION

What is an Interview?

An interview is: *"...a conversation with a purpose, to obtain information and facts."*

Interviewing in general is a skill that is learned. Some people have a natural talent to interview, but the majority of people who need to conduct interviews will have to learn the necessary skills to become a successful interviewer.

While there may be principles to follow and methods to use when interviewing, it is difficult to lay down any hard and fast rules to use in every given situation. There are many factors the interviewer has to deal with in any interview, and it is only in using ones own personality, persistence and patience that an interview can succeed.

Experience comes with practice and only by interviewing constantly and often can the necessary skills be developed. An interview is documented or preserved by:

- audio recording an interview, *or*
- the taking of a signed written statement,

These methods will be discussed throughout this module.

Qualities & Attributes of an Interviewer

To obtain the relevant information and the facts the interviewer must:

- know the facts of the inquiry
- know the ingredients of the offence being inquired into
- know what information is wanted
- control, direct and guide the interview
- be objective, open minded and impartial
- continually analyse the information being supplied

When interviewing, the interviewer must ask the right questions in the right way to get the information that is needed. Responses to questions lead to further questions that bring out more and more information as the interview progresses.

Never allow the person being interviewed to 'takeover' an interview. Once control is lost the purpose and focus of the interview will be lost and may be difficult to retrieve.

The interviewer should be constantly asking him/herself:

"What am I looking for?" (determine what information is required)

"How does it fit with what I already know?" (continually analyse the information supplied)

MODULE 3: INTERVIEWS AND STATEMENTS
Unit S1: INTERVIEWS

The *qualities* of an interviewer include:

INTEGRITY

Tell the facts as you know them. Honesty is the main virtue of a good interviewer.

SALESMANSHIP

Sell yourself use your own personality to build rapport and get the best from the interviewee and the best result for your case.

SELF CONTROL

Never lose control. Have patience even when all seems a failure. Never argue or use abusive tactics to regain control. Never give up.

THOROUGHNESS

Most important. Cover all aspects or angles. Knowing what you require and when you have got it, are the hallmarks of thoroughness.

The *attributes* of a good interviewer include being:

COURTEOUS	OPEN/FRANK	SINCERE
HONEST	DECENT	FLEXIBLE
FIRM/FAIR	ANALYTICAL	SENSITIVE
PRACTICAL		

Interviews will take place in a variety of places:

No matter where the interview is conducted, the qualities of an interviewer will at times be put to the test.

Whatever the circumstances, always be prepared to listen attentively to a person whether they be:

- an informant
- a witness
- a suspect or offender

Never

- use force/threats/abuse, promises or inducements
- tell lies or use tricks to obtain information
- show anger or aggression

Body Language

- Watch your own body language
- Be careful not to show boredom, anger, disgust, surprise or any other behaviour which may cause unnecessary tension during the interview
- Watch the body language of the person being interviewed for signs of uneasiness, discomfort, fidgeting, or evading questions.

MODULE 3: INTERVIEWS AND STATEMENTS
Unit S1: INTERVIEWS

Interviewing Tips

The interviewer is responsible for the outcome of the interview. As such, the interviewer must possess good communication skills and highly developed interpersonal skills to obtain all necessary information.

To achieve this, the interviewer **MUST**:

- allow the interview to flow
- use questions to prompt and probe at appropriate times
- use silence and pauses to good advantage

Always ensure the person you are interviewing, understands the questions you ask. Choose the right words and use the proper language appropriate to the circumstances.

Hints & Tips

- Use plain language
- Explain the aim and/or purpose of the interview
- Establish a rapport with the interviewee
- Listen to the interviewee
- Use summaries to confirm information received
- Clarify and appropriately challenge inconsistencies
- Use short crisp questions
- Ensure the proper pronunciation of the words you use
- Use familiar words appropriate to the subject
- Use open ended and probing questions
- Watch the use of closed questions. Unless you want a specific yes/no answer, closed questions will stop the flow of the interview.
- Don't
 - be ambiguous
 - do all the talking
 - anticipate answers
 - skirt around the issue
 - become judgmental
- Record the interview using a digital device like a dictaphone or in written format (see unit S2: Recorded Statements and S3: Written Statements)

Use your own personality to assist and foster the interview.

The Principles of Interviewing

Plan the Interview

There are many differing types of interviews that an investigator will conduct. The interview may vary from helping a case manager discuss marriage type relationship with a client through to interviewing a client when you are considering taking legal action.

The later of the two would require thorough planning prior to commencing the interview. In most cases the investigator would need to plan with some degree a structure which will include preparation as set out below:-

- the circumstances and background of the case thoroughly;
- the ingredients of the offence which is being investigated;
- what facts are required from the person to be interviewed;

MODULE 3: INTERVIEWS AND STATEMENTS

Unit S1: INTERVIEWS

- if any exhibits need to be obtained from, or presented to, the person to be interviewed.
- consideration of responses that may be given

Note down any points that need to be clarified by the person to be interviewed; and note the areas which need to be covered.

Comprehensive preparation and a sound Interview Plan can determine the course of the interview through its content and the order in which questions are presented. It is the interviewer's most important tool and deserves a great deal of care in its construction.

Time & Place of Interview

- Do not rush into any interview.
- Make sure enough time is allowed to conduct the interview in private and without distraction.
- Ensure that the interview is not interrupted by other persons present at the interview.

A number of interviews conducted by the Ministry's investigators will involve parents with young children and babies in their company. This situation can become uncontrollable as it may lead to the interviewee:

- being distracted by the child, *or*
- avoiding answering questions, *or*
- responding to questions quickly, leading to misleading or untruthful answers.

Always consider these factors when arranging an interview. Do not hesitate to organise alternative activities for children, or arranging for children and/or babies to be cared for during the interview. Do not hesitate to rearrange an interview to reduce distractions.

During the Interview

- Adopt a courteous, positive and confident approach.
- Ensure the witness/suspect is at ease, but maintain control of the interview.
- Allow breaks if the interview is lengthy. Cigarettes, coffee or food may make all the difference.
- Consider eliminating barriers such as desks, between the interviewer and the person being interviewed.
- Be sympathetic and show concern with any personal problems the person being interviewed may want to discuss.
- Most importantly, be fair.

The Principle of Fairness

- All interviews must be conducted fairly.
- Interviews involving suspects/offenders in particular must be shown to have been conducted professionally.
- Make no promises, threats, lies, tricks or inducements to obtain admissions or confessions.
- Consider whether the suspect is able to read, write and understand English, or the language in which the interview is conducted.
- Always afford the opportunity for the suspect/offender to have a support person present during the interview.

MODULE 3: INTERVIEWS AND STATEMENTS

Unit S1: INTERVIEWS

- The suspect/offender may have legal representation present during the interview.

Some interviews may take longer than initially anticipated. In these instances you should provide the client with an opportunity to continue with or reschedule the interview, to ensure that you are complying with fairness.

PEACE Interviewing Model

There are many interviewing models and techniques for interviewing people including witnesses or suspects. While attributes and principles of a good interview won't change much, the models and methods will. For many years the Ministry has used the question and answer interview technique, and this was usually recorded in writing.

The PEACE Interviewing model is now the preferred model used by the National Fraud Investigation Unit. The model provides the following structure:

P Planning and preparation

This will require you to prepare a written plan including your aims and objectives. It should also include documentary evidence that you may wish to introduce during the interview and working out your 'points to prove' any offence. Detailed planning would have included consideration of the right time and of the interview and assurance that the equipment you need is in working order.

E Engage and explain

Engaging with the client and explaining the processes that occur in this phase of the model. During this part of the interview your inter-personal and communication skills should allow you to develop a rapport and create the right atmosphere. It is your responsibility to explain the interview process. You will also work through the relevant interviewee preamble and introduce the Caution where necessary.

A Account

The account phase of the interview is where you will ask the client of their account. The initial part of this interview will be using a well thought out opening question to obtain an uninterrupted account from the client. You will then work through your Interview Plan, asking questions about the topics you want to cover. Following this you may need to seek expansion and clarification of their account. Lastly you may be required to challenge some or all the client's account.

C Closure

During closure you will need to ensure that you have explained what may happen in the future and ensure that there is an understanding of this. This is also the time to allow the interviewee to add, change or clarify anything they have said and also for them to ask you any questions they may have.

MODULE 3: INTERVIEWS AND STATEMENTS

Unit S1: INTERVIEWS

E Evaluation

This part of the model ensures that you review the information that you obtained in context with the overall investigation. This is also the time to review your own performance in the interview.

Your trainer will provide you with a practical training PEACE interviewing model session.

For more information on PEACE Interviewing, see:
<http://doogle.ssi.govt.nz/resources/helping-clients/procedures-manuals/integrity/nfiu/peace-index.html>

Interviewing Method

As mentioned earlier a record of interview will be preserved by an audio recording of such an interview or where not possible, a written and signed statement.

The Ministry's preferred method of preserving an interview is to audio record the entire interview. Where this is not agreed to by the client then a written statement (taken in a question and answer format) should be made.

The Ministry's Caution

Where there is good cause to suspect a benefit crime has been committed then the Ministry's caution must be administered.

As discussed previously in the legislation module, the Ministry has created a caution to be administered to suspects/offenders.

An audio recorded interview has a different format to that of written question and answer statement. When recording an audio interview the caution that should be administered

"This is a voluntary interview and you are not being detained and you are free to leave at any time. You do not have to answer my questions; however anything you do say may be given in evidence."

"To ensure that you understand what I have just said to you could you please explain it back to me?"

"Do you wish me to further explain what we have just discussed about your rights?"

When using the question and answer statement format the caution that you would administer is set out below;

"We have received information regarding your benefit entitlement and I would like to talk to you about it."

MODULE 3: INTERVIEWS AND STATEMENTS

Unit S1: INTERVIEWS

You are not being detained and you are free to leave OR you can ask me to leave at any time.

You do not have to answer my questions however anything you do say may be written down and used in evidence."

Purpose of the Caution

The purpose of the caution is to ensure that suspect/offender is properly and fairly informed of their rights and consequences of the answers to any questions.

The Timing of the Caution

The timing of administering the caution to a suspect/offender is critical, and must be given at the earliest opportunity once the investigator is satisfied that the suspect/offender may have committed an offence. This point could be reached prior to interview and therefore the caution should be given before any further questions are asked.

It would be common for a caution to be given at the commencement of an interview where the client's case originated from National Data Match Centre, as these cases are generally referred to an investigator solely to decide on a possible sanction.

If, during the course of an interview, the suspect/offender makes admissions as to the commission of an offence prior to being cautioned (ie, that the investigator had not previously been satisfied that the suspect/offender may have committed the offence), then the caution should be read to the suspect without delay and before proceeding with any further questioning.

When conducting an initial interview with a client following the receipt of an allegation it may not be clear that an offence has been committed until the client offers some form of confession. Care must be given to identify this and the investigator must give the caution without delay.

If the caution is not given at the correct time, any admissions/confessions or statement made by a suspect/offender, may be rendered inadmissible in court.

The Delivery of the Caution

The caution must be given to the suspect/offender clearly and so that it is understood. This is done by verbally reading or reciting the caution to the suspect/offender, ensuring that what has been said is understood by the suspect/offender.

The Ministry's caution must be audio recorded or written in full into the notes of interview or statement as it is given.

Interviewing Using Interpreters

There will be occasions when interviewing both witnesses and suspects that language problems will be encountered. If an interview or the taking of a statement

MODULE 3: INTERVIEWS AND STATEMENTS
Unit S1: INTERVIEWS

are to be recorded in a language other than English and the services of an interpreter is required, the following procedures are to be observed:

- Ensure that the person being interviewed genuinely cannot speak English.
- Ensure that the interpreter can speak and write in the other language.
- Ensure a court appointed or authorised interpreter is used.

Advise the interpreter of their role:

- to translate(word for word) only
- not to enter into discussion with the person being interviewed
- to relay back each reply to questions asked by the interviewer

The interviewer must also be satisfied that the:

- truth is elicited and that the interpreter does not favour the person being interviewed
- full circumstances surrounding the ingredients of the offence are covered
- principle of fairness is applied

NOTE: Interviews/statements involving interpreters should be recorded using a recoding device like a dictaphone. or could be in writing if required. Due to the time factor it may pay to record the interview using a dictaphone.

Audio Interviews using an Interpreter

When interviewing and taking a written statement from a witness in a language other than English, ask the question in English, ask the interpreter to ask the same question, after the client has provided a response ask the interpreter to translate that exact response in English.

Audio recordings that will become the subject of evidence in a District Court will be transcribed. The transcription service for the Ministry will provide a transcription of the English only. (You will also need to provide a copy of the audio recording during disclosure).

Interviewing Witnesses using an Interpreter

When interviewing and taking a written statement from a witness in a language other than English, have the:

- interpreter read the statement aloud in English to ensure that nothing has been missed out or is unclear
- person making the statement read it, correct and initial any errors, then sign it
- interpreter must make a written English translation

Interviewing Suspects/Offenders using an Interpreter

When interviewing or obtaining a written statement from a suspect/offender in a language other than English:

- the interview should be conducted in a questions and answers format:

MODULE 3: INTERVIEWS AND STATEMENTS

Unit S1: INTERVIEWS

- ensuring each question is as concise as possible, and answered fully
- where possible avoid asking questions inviting a 'yes/no' reply
- write down each question in English and have the interpreter write the translation of the question directly after
- when the interpreter has asked the suspect/offender a question in the other language, have the interpreter write down the answer in that language with the English translation immediately after
- this procedure should be carried out for the duration of the interview/statement
- at the end of the interview the interpreter will certify on the document, that the English version is an accurate translation of the questions and answers recorded in the other language
- invite the suspect/offender to read the other language version of the interview/statement and endorse the record accordingly (endorsements are covered further on in the module)

Interviewing in the Presence of a Solicitor/Support Person/Advocate

Generally a Solicitor/Support Person or Advocate will only be present during an interview at the request of a suspect/offender. When this occurs during an interview, observe the following.

Solicitors are obligated to work within an ethical code and where a solicitor advises that they act for a client written authority from the client is not needed, however you should satisfy yourself that the person you are talking to is a practising solicitor. This is not the case where a client opts for assistance/advice from a support person or advocate and written authority should be sought from the client prior to entering into any discussions or interviews with the support person or advocate.

- Ensure that the interview is conducted with the other person present.
- If a request is made for a solicitor, in general, treat the request with respect and allow them time to obtain advice and a suitable meeting time.
- Do not recommend any particular solicitor/support person or advocate.
- Allow the person being interviewed to consult with a solicitor without delay and in private.
- Do not be intimidated by the presence of a solicitor/support person or advocate. Be polite but firm.
- A solicitor/support person or advocate is not party to the interview but is there to advise or instruct his/her client. Therefore do not allow the solicitor/support person or advocate to:
 - answer questions on behalf of his/her client
 - put words into the mouth of the person being interviewed
 - distract you with matters which are irrelevant
- Put all questions to a suspect even if a solicitor/support person or advocate advises the person not to answer questions or to make no comment.

While the client should be able to nominate who their support person will be, it is not appropriate that a co-offender is a support person. An example of this would be if you are interviewing a client about whether he/she was in a relationship in the nature of marriage with their alleged partner, and the partner was nominated as a support person.

MODULE 3: INTERVIEWS AND STATEMENTS
Unit S1: INTERVIEWS

REMEMBER: *a suspect who has been cautioned does not have to answer your questions.*

Notes of an interview

Every interview is commenced by way of conversation.

It is the responsibility of the interviewer to ensure that the interview is recorded.

Whilst it is desirable that a recorded or signed written statement be obtained from material witnesses and suspects, there will be occasions when for various reasons a statement will not be forthcoming. This does not mean that notes of an interview cannot be recorded.

The Witness Interview

A witness who is prepared to give evidence in Court will generally agree to a recorded or signed narrative statement being taken when being interviewed. When a witness agrees to give evidence in court include confirmation of this in the audio or written statement.

If a witness is not prepared to make statement, record his/her version of the events but take care not to rely on the information for evidence unless there is an assurance that the witness will acknowledge what has been said.

The Suspect/Offender Interview

If the notes of interview of a suspect are recorded properly they may be introduced as evidence as well as a written statement. It is the Ministry's practice to record notes of interview even if the suspect later agrees to make a written statement.

All notes should include the following:-

- time, date and place of the interview
- suspect's full name, age, address, occupation, etc
- caution if it is administered during the interview

You should take notes while you are talking with the suspect as the discussion takes place. The notes taking in this manner must be as accurate as the circumstances allow. When it is possible to record notes of your interview/conversation in a Question and Answer format it is desirable to do this.

Should you need to caution the suspect because an offence has been committed then your notes must include that fact that the caution was given and you should also record in you notes the time that the caution was given.

When the interview is completed the suspect should be given the opportunity to read, or have the notes read to him/her and then sign the notes.

The interview should also record whether the suspect has read or had the notes read to him.

Once a written statement is to be taken from the suspect, observe the procedures as explained later in the module, relating to the taking of suspect statement, especially that the suspect has been cautioned.

MODULE 3: INTERVIEWS AND STATEMENTS
Unit S1: INTERVIEWS

There will be occasions when you are unable to take notes of the interview concurrently when having discussions with a suspect. If this is the case write up notes of what was said immediately or as soon as practicable after the interview is completed, by recording:

- time, date and place of interview
- the questions and answers of the interview
- time and date the notes were recorded

Notes made in this manner as the result of an interview with a suspect, may be admissible in Court if it is shown that they were made **contemporaneously** with when the interview took place.

Contemporaneously – means **an accurate record, made at the time, or as soon after the event as practicable** and usually refers to minutes and hours (not days) after the interview.

The recording of notes of interview in this situation is not the most accurate however if you have to write up your notes in a contemporaneous manner asking relevant questions in a logical manner will assist your recall of information given.

Records of conversations or statements must be accurate and as close to verbatim as possible and in the first person.

It will be necessary during the interview to note times that certain things were done (eg, interview start time, when caution administered, interview breaks, interview finish time, etc).

If documents are shown to suspects, note the full description of the documents and the order in which they were shown.

Sample of Contemporaneous notes

Notes of Interview recorded at 11.45am 13 December 2011 at Work and Income, Avondell, by Mary Smith, Investigator, Ministry of Social Development.

13 December 2011

9.40am Jo Bloggs calls at office as arranged - for interview concerning employment by Degra Industries whilst receiving Unemployment Benefit.

*9.42am Interview Room 3
Work and Income Office
10 Mystro Place, Avondell*

*Present Jo Bloggs
Mary Smith - Investigator, NFIU, Avondell*

Personal Details

*Jo Bloggs DOB 25/01/1947
2b Orchard Grove, Avondell Ph 428-1234
Sales representative
Degra Industries
34 Gregan Place
Avondell. Phone 345-3456*

9.47am Delivered the caution

MODULE 3: INTERVIEWS AND STATEMENTS
Unit S1: INTERVIEWS

*Advised Mr Bloggs that I wish to talk to him about working at Degra Industries and getting his unemployment benefit. I told Mr Bloggs that I had some questions to ask him and that I would like to record those questions and his answers using a Dictaphone.
Mr Bloggs said that he would answer my questions only if I not record his answers and that he didn't have to make any kind of statement. I agreed to this.
I advised Mr Bloggs that my inquiries had established that he had been working for Degra Industries as a Sales Rep whilst receiving an unemployment benefit to which I believed he was not entitled.
9.50 am I cautioned Mr Bloggs
I asked Mr Bloggs if he would like to consult with a lawyer or have a support person present both of which he declined.
During the meeting I asked Mr Bloggs the following questions and recall with certainty, the answers he gave in response:*

- Q: Where are working?
A: At Degra Industries in Avondell
Q: For how long?
A: 2 years
Q: Are you also in receipt of an unemployment benefit?
A: Yes
Q: Were you receiving your unemployment benefit when you started work?
A: yes
Q: Were you also receiving an Accommodation Supplement of \$45.00 per week when you started work?
A: Yes. It's been the same all the time
Q: Did you tell Work and Income that you had commenced work?
A: No
Q: Why not?
A: I don't know. I just didn't
Q: Why did you carry on getting your unemployment benefit while you were working?
A: Because I didn't know at first whether my job was going to be permanent
Q: What about when you knew your job was permanent?
A: By then I was too scared to tell and I needed the money*

I then told Mr Bloggs that I had some documents I wanted him to look at and verify his signature and handwriting. I showed him the following documents To which he commented "....."

*I then asked Mr Bloggs if he realised the consequences of his actions. His reply was: "Yes. I know I've ripped you off and I'll have to pay it back.
I then explained to Mr Bloggs that not only would he have to pay the money back but that a penalty of up to three times the amount of the overpayment could be imposed or he could be prosecuted.*

MODULE 3: INTERVIEWS AND STATEMENTS
Unit S1: INTERVIEWS

I told him that the overpayment of benefit and accommodation supplement amounted to \$13,894.86, and that he would be advised of what action would be taken by the Ministry.

*Interview concluded at 12.05pm 13 December 2011
Mary Smith
Investigator*

NEXT UNIT - UNIT S2: Recorded Statements

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

INVESTIGATION UNIT TRAINING PACKAGE

(I)

INVESTIGATIONS MODULE

Units

<i>Unit I1</i>	<i>Receiving Information</i>
<i>Unit I2</i>	<i>Planning an Investigation</i>
<i>Unit I3</i>	<i>Investigative Approach</i>
<i>Unit I4</i>	<i>Care and Custody of Exhibits</i>
<i>Unit I5</i>	<i>Search Warrants</i>

Unit 13: INVESTIGATIVE APPROACH

Contents

INTRODUCTION	2
OPENING	2
RESOURCES AVAILABLE TO ASSIST	2
INVESTIGATIVE APPROACH	2
SOURCES OF INFORMATION	3
COMMENCING THE INVESTIGATION	3
HOW TO INVESTIGATE	4
Adaptable Flexible/Fluidly Situations	4
Time Taken for Inquiry	5
WITNESSES	5
CLIENTS UNDER INVESTIGATION/OFFENDERS	6
Statements	6
Exhibits	6
LENGTH OF AN INVESTIGATION	6
INVESTIGATION CONCLUSION	7
Notification of Outcome	7

Objectives

By the end of this unit you will:

- confidently and competently carry out an investigation

Investigative Approach

INTRODUCTION

Once you have planned your inquiry, the investigation will commence. It is highly likely that areas of "Planning an Inquiry" will overlap into your "Investigative Approach". Do not be alarmed by this. Often in practice there are no clear boundary lines.

Any investigation should be carried out in accordance with guidelines on MAP http://doogle/map/tocfiles/Fraud_investigation.htm.

OPENING

At this stage you will have done your appreciation and plan. In some cases a Technical Officer may have already gathered some information for the Investigator using the FIRE process. By carrying out your investigation, you should at the conclusion be in a position to establish one of three possibilities:

- a benefit fraud offence has been committed
- no benefit fraud offence has been committed (but there may still be an overpayment)
- you are not able to establish one way or the other whether a benefit fraud offence has been committed

RESOURCES AVAILABLE TO ASSIST

- Fraud Investigation Team members
- Senior Fraud Investigation Advisor
- Operations Manager
- Intelligence Analyst
- Financial Determination Analyst
- Forensic Analyst
- Legal Services
- Privacy Officer
- Other law enforcement agencies
- MAP/Doogle

INVESTIGATIVE APPROACH

The most successful Investigators are those who have the ability to relate to people. It is a matter of gaining the confidence of the person to whom you are speaking. Thus a general approach of writing letters or using the telephone is not the recommended approach in the first instance other than to the likes of banks and

business houses etc. Whilst writing letters and using the telephone have their rightful place, it is recommended that a personal approach be used where it is believed that a potential witness can supply crucial evidence.

SOURCES OF INFORMATION

As stated in the "Planning an Investigation" unit, there are numerous potential sources of evidence/information available to assist during an inquiry.

s 6(c)

COMMENCING THE INVESTIGATION

Commence the inquiry with an open mind and no preconceived ideas as to the outcome. Preconceived ideas will ultimately lead to a preconceived outcome which may not be the correct one. Once the plan has been decided upon, then it is a matter of putting it into practice and following it. The starting point is probably with an inquiry that is not too difficult or complex. This will lead you gently into the inquiry and will give you confidence to carry on. Often a number of inquiries can

MODULE 2: INVESTIGATIONS
UNIT I3: INVESTIGATIVE APPROACH

quite easily be carried out at the same time. On occasions, some inquiries cannot be carried out until the results of earlier ones are known.

HOW TO INVESTIGATE

There is no set procedure on how to carry out an investigation but the FIRE process should be used to guide you.

Gather Information

<http://doogle/resources/helping-clients/procedures-manuals/integrity/nfiu/gathering-information/gather-information-phase.html>

Analyse, Interview and Decide

<http://doogle/resources/helping-clients/procedures-manuals/integrity/nfiu/analyse-interview-and-decide/fraud-investigation-process-technical-officer-analyse-interview-and-decide.html>

Debt, sanction and prosecution - Investigators

<http://doogle/resources/helping-clients/procedures-manuals/integrity/nfiu/debt-sanction-and-prosecution/fraud-investigation-process-investigator-debt-sanction-and-prosecution.html>

Debt, sanction and prosecution - Technical Officers

<http://doogle/resources/helping-clients/procedures-manuals/integrity/nfiu/debt-sanction-and-prosecution/fraud-investigation-process-technical-officer-debt-sanction-and-prosecution.html>

Each Investigator may develop his or her own style over a period of time. With more experience Investigators will fine tune their processes and investigation techniques. Having prepared a plan (Planning an Investigation module), the investigation is then ready to commence.

When carrying out your inquiries, remember to review your investigation regularly and if necessary make changes to keep it on track.

Adaptable Flexible/Fluidly Situations

As the results of inquiries become known, it is sometimes necessary to change the direction of the inquiry. Be aware of this - this is what may be loosely referred to as a "fluid" situation. That is why it is necessary for a professional investigator to be adaptable and flexible.

Time Taken for Inquiry

Investigations should be completed within a reasonable timeframe. Where investigations are prolonged unnecessarily there is a risk that the impetus may be lost. It is also in the client's and Ministry's best interests to have the matter resolved as quickly as possible. There is a risk also that any unnecessary delay in concluding the inquiry or with subsequent court proceedings may result in an appeal based on the time taken which may be seen as prejudicial to the customer. There are also time limits for prosecutions being commenced set out in the Social Security Act and the Education Act.

WITNESSES

Where witnesses could be vital to the outcome of the investigation, they should be seen early and visited personally. Arrange to see them at a time and place suitable to them. When you visit them talk with them - listen to what they have to say - put them at ease. Once you are clear in your own mind what they have to offer then take a written or recorded statement from them. Establish whether they are prepared for their information to be used in evidence if necessary either internally or at a subsequent court hearing. **Take any statement at the first available opportunity as you may not have another chance.**

On occasions it may be necessary to interview a witness more than once but this should be the exception rather than the rule. Make sure you know how and where they can be contacted and that they have your name and phone number in case they wish to get back to you with further information.

Not all witnesses will tell the truth when interviewed for a variety of reasons. It is up to you as the investigator to make a judgement as to the veracity of the information given.

It is much easier to take a statement and not need it than to later have the witness decline to give one. The reasons for taking statements are three fold.

- Firstly, the witness has a greater chance to remembering events closer to when they occurred
- Secondly, a written or recorded statement can be used by a witness to refresh his/her memory prior to giving evidence, and
- Lastly, if the witness is later called and does not come up to brief then the statement is available should the witness need to be declared a "hostile" witness. A "hostile" witness is one who shows animosity towards the party calling him.

CLIENTS UNDER INVESTIGATION/OFFENDERS

When planning an inquiry, decide when you are going to interview the person under investigation.

There are occasions where a person under investigation may be interviewed early in the inquiry. This could be because you may want to request additional information from the person. This could also occur when the person volunteers information that he/she may have been involved in benefit fraud and wishes to clear up the matter. In these cases you may well be interviewing totally blind knowing very little about the file, the person under investigation or the potential offence. You will then have to rely upon your experience and draw out the information from the person being investigated.

You will need to ask questions to obtain as much information as possible from the person under investigation to develop a full picture of the offending, and you will be largely dependent upon the responses provided during the interview(s).

Once the interview is completed it will be necessary to then commence the inquiry to verify what you have been told is the truth. The depth of the inquiry will depend upon the likely outcome resulting from their benefit fraud. If there is any likelihood of there being any court proceedings then it will be vital to conduct a full investigation. It would be unwise to consider prosecuting a person solely on his admission with no other inquiries having been made. If charged in court, the defendant has various courses open to him/her, including pleading "Not Guilty". It is not uncommon for persons to make such a plea even though they have admitted the crime. The likelihood of obtaining a conviction in a "Not Guilty" hearing with the case resting solely on their admission is virtually non-existent.

Where a person under investigation is interviewed, it is important that he/she is interviewed in accordance with prescribed protocols and procedures and that their legal rights are safeguarded.

Statements

The procedure of taking statements from both witnesses and client under investigations is covered in the unit "Interviews and Statements".

Exhibits

The care and custody of exhibits is covered in the unit "Care and Custody Exhibits".

LENGTH OF AN INVESTIGATION

If you have completed an APPRECIATION of the situation and prepared a plan for the investigation you will have some idea how long inquiries might take. At some point a decision will need to be made as to the depth of the investigation. This will depend

upon the seriousness of the benefit fraud, the number of inquiries required, the likelihood of a positive result and any other factors relevant to that particular case.

INVESTIGATION CONCLUSION

All investigations should conclude with a recommendation and evidence to justify:

- no further action
- establishment and recovery of any overpayment
- imposition of a sanction
- written warning
- imposition of a section 86(2) penalty
- referral for prosecution

Notification of Outcome

Once an investigation is complete, the person being investigated should be advised of the outcome as soon as practicable after that final decision has been made. This advice must be noted in IMS.

NEXT UNIT – Unit I4: CARE & CUSTODY OF EXHIBITS