



# Conducting Remote Investigations

Considerations and Best Practices for  
Employers in the COVID-19 Environment

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**Seyfarth Shaw LLP**

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# Agenda

- 1 | Introduction and Premise
- 2 | Advantages and Disadvantages of Conducting a Remote Investigation Interview
- 3 | Additional Preliminary Instructions Needed in a Remote Investigation Interview
- 4 | How To Build Rapport in a Video Conference
- 5 | Technical Considerations and Platforms for a Remote Investigation - Tips and Ideas

# SIX STAGES OF A GOOD INVESTIGATION PROCESS

**Receive  
Recognize &  
Raise**

**Review &  
React**

**Respond**

**Report &  
Remediate**

**Reassess**

**Reconnect**





## Introduction and Premise

- Remote work and video conferencing forever?
- Pressure to avoid non-essential travel
- In-person investigations will lag, not lead
- We need to add or improve the skill of conducting remote investigations



## **Advantages of Conducting a Remote Investigation** (Other than Avoiding COVID-19)

- Solves the challenges of where to conduct investigations at the worksite
- Minimizes expenses and logistics
- Promotes promptness
- Enables greater volume of interviews in a shorter duration
- Use of complex electronic documents
- Ability to join note takers or witnesses



## Disadvantages of Conducting a Remote Investigation

- Potentially challenging to
  - develop a human connection
  - assess credibility
  - share exhibits
- Inability to completely control interview space
- Unique wage and hour considerations
- Complications or objections related to COVID-19





## Remote Investigations – Key Considerations

- Videoconferencing software needs
  - Eye contact
  - Document sharing needed?
  - What technology will witness use?
- Develop new logistics and pre-scheduling process
- Revisit introductory instructions and add new ones
- To record or not record? Notes?



## Remote Investigations – Interview Logistics

- Exhibit preparation and sharing
  - What kind and what format?
  - Video files
  - Sharing documents on screen (demo)
  - Sending documents in advance
    - Email?
    - Secure File Transfer



## Remote Investigations – Interview Logistics

- Pre and Post-Interview Communication with Witness
  - Phone
  - Email
- Witness Pre-Call
  - Confirm videoconferencing software works
  - Confirm camera and sound quality



## **Remote Investigation Interviews – Additional Preliminary Instructions**

- No Recording
- Nobody Else Present





## Remote Investigation Interviews – Additional Preliminary Instructions

- No Multi-Tasking
- Camera/Screen Position
- Speaking Ground Rules



## Remote Investigation Interviews – Additional Preliminary Instructions

- Obligation to Tell the Truth
- Confidentiality
  - Insist upon confidentiality (no longer constrained by *Banner Health Systems*)
- No Retaliation



## How To Build Rapport in a Video Conference: *Creating a Human Connection*

- Be mindful of interviewee's work from home situation
- Be thoughtful of how you and interviewee appear on screen
- Repetition of interviewee's comments to demonstrate active engagement
- Informal conversation style at the outset to build trust



## Key Technical Considerations and Tips for a Remote Investigation

- Ensure you have a strong Wi-Fi or internet signal
  - Be close to your wireless router or use hardwire connection
  - Ensure you have good bandwidth/internet speed
  - Try and use a router that is specifically and solely for your connection







## Key Technical Considerations and Tips for a Remote Investigation

- Maximize audio and video quality
  - Check audio and video feed prior to the beginning of investigation
  - Ensure proper lighting
  - Close out as many browser windows and programs as possible



## Key Technical Considerations and Tips for a Remote Investigation

- Position camera in a way that permits continual eye contact
- Maintain visibility of the witness on your screen at all times



## Key Technical Considerations and Tips for a Remote Investigation

- Notetaking during interviews
  - Notify the witness
  - Promote engagement at all times
- Sharing documents in real time
  - Consider the most appropriate means
  - Maintain witness visibility





## Key Technical Considerations and Tips for a Remote Investigation

- Be prepared for mishaps
  - Build in additional time at the beginning of the interview for setup and managing unforeseen problems
  - Make sure you have the witness' telephone number



# Thank You!

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