

Advanced Investigations

Investigating Unwitnessed Events

Getting Beyond “He-Said/She-Said”

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Presentation Outline

1. Four elements necessary for successfully investigating any events, including unwitnessed events
2. Three common problems areas
3. Q&A

Four elements to successfully investigating any events, including unwitnessed events

1. Planning

Effectively drafting allegations

- Identifying the factual and breach elements of each allegation
- ID hidden sources of evidence

2. Preparation

- Balance between preparation and flexibility
- Understand the building blocks of credibility assessments;
 - Is the evidence reliable?
 - Is the evidence plausible?
 - Is the evidence externally inconsistent?
 - Is the evidence internally inconsistent?
 - Has the evidence been given in a credible way?

3. Interviewing

- Needs to be comprehensive and sophisticated
- I will speak about this more shortly

4. Reporting

- Logical structure – should stand on its own two feet
- Assessment of relative credibility using those credibility building blocks
- Logical and rational analysis

Three Common Problem Areas

1. Failure to fully consider sources of evidence

- The hidden sources of evidence

2. Superficial interviews

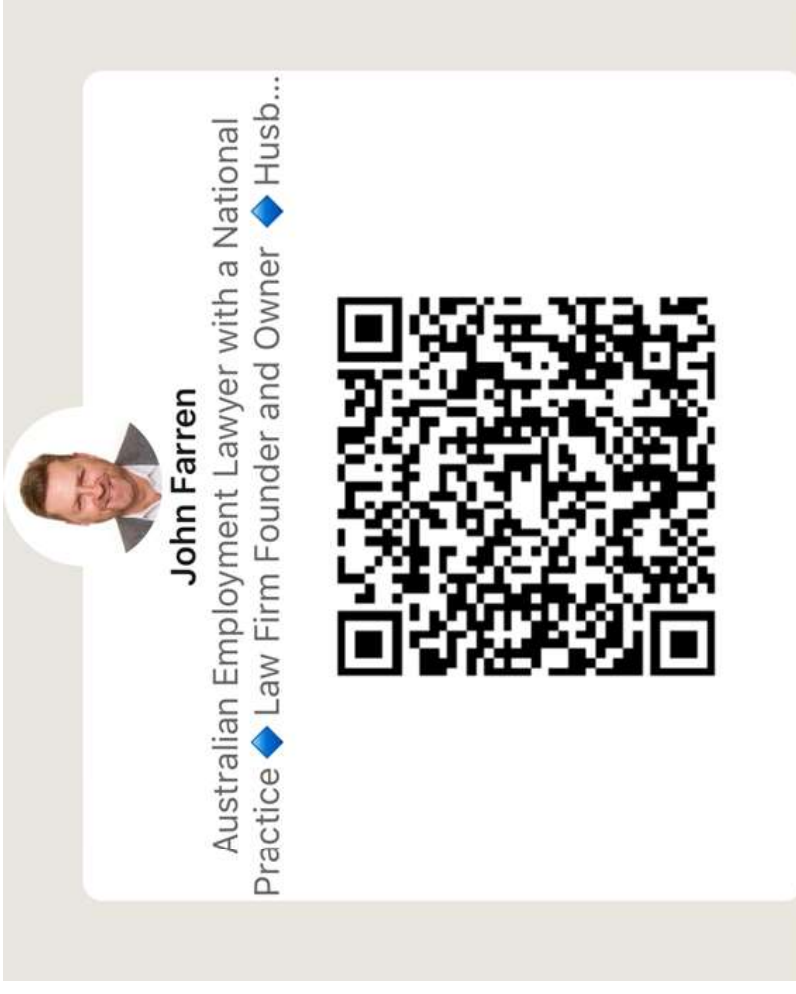
- Complainant and subject
- Test and probe evidence – not combative – inconsistencies – where evidence appears to be implausible or confusing – “some might say”...
- Need to be able to sufficiently differentiate relative credibility of parties

3. No, superficial, irrational or illogical analysis

- Without credibility building blocks – no hope
- Jumps in logic - A-Z without logical steps in between
- Analysis that doesn't make sense
- Drawing inferences v conjecture and speculation – mental elements – requires established facts from which to draw inference

Questions?

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A LinkedIn profile card for John Farren. It features a circular profile picture of a man with short brown hair, wearing a suit and tie. To the right of the picture is the name "John Farren" in bold. Below the name is the text "Australian Employment Lawyer with a National Practice" followed by a blue diamond icon and "Law Firm Founder and Owner", and another blue diamond icon followed by "Husb...". Below this text is a large QR code.

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