AZ Youth Summit-Questioning Interviewing Techniques

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Youth Summit

Arizona Teen Court Association
Youth Summit

Sept. 23-24, 2011
Check-in begins at Noon
Willcox High School
280 N Bisbee, Willcox AZ

Meet other courts from around the state
Opportunities to speak with
Judges and Lawyers

Registration Deadline:
Sept 8, 2011
Get yours in early!

For Registration Info contact Sally Whiten at 1-520-850-9329 or swhiten@azcourts.net

Registration Form
Tentative Schedule
Tentative Sessions
Essay Contest Entry Form

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http://www.azteencourt.org/ysummit.html
Questioning & Interviewing Techniques

Listening Well

And

Questioning Well
What is the objective of the interview?

- To elicit relevant facts based on personal knowledge
Who is a witness?

- A person who has relevant facts about the case
The Scenario

- Mrs. Martinez bought her son, Carlos, two tickets to see Kanye West perform at the local theatre for his 16th birthday. The seats were on the 5th row near the stage and they cost her $100.00 each.

- Carlos also played basketball and was on the second string. Their team had a game the same night as the performance and his coach told him that he had decided to let Carlos be one of the starters that night in the game. Carlos told the coach about his theater tickets but told the coach that he would definitely be at the game since he had been waiting for an opportunity to play on first string and would try and sell the tickets. After a month of trying to sell the tickets for $120.00 with no takers, Carlos called it a loss.

- On September 16th, the night of the basketball game, (which was in the stadium next to the theatre), after parking his car, Carlos started to walk to the game when he overheard a person saying that he needed two more tickets for the Kanye West concert that night. Carlos stopped the person, and told him that he had two tickets and sold it to him for $120.00 each.

- The person turned out to be an undercover cop.

- Carlos says he does not want to plead guilty and pay a fine because he is not guilty.
Carlos has been charged with:

§ 13-3718. Sale of ticket in excess of regular price; classification; definition

A. It is unlawful for any person to sell or offer to sell a ticket of admission to an event, which ticket was purchased for the purpose of resale, for a price in excess of the price as printed on the face of the ticket, plus lawful taxes and any other charge or assessment which is required to be paid in order to purchase the ticket from the original vendor, while being within two hundred feet of an entry to the stadium, arena, theater or other place where an event is being held, or of the entry to a contiguous parking area.

B. It is unlawful for any person to change the price printed on the face of the ticket without the written permission of the original vendor of the ticket.

C. Any person who violates this section is guilty of a petty offense.

D. For purposes of this section, “event” shall mean a theatrical production, concert, sporting event or other entertainment event.

“Petty offense” means an offense for which a sentence of a fine only is authorized by law.
Who are possible witnesses?

- Carlos
- Mom
- Coach
- Undercover police officer
Types of witnesses:

- Friendly
  A witness who has a favorable disposition toward the client.

- Neutral
  A witness who is not favorably disposed to either side.

- Adverse
  A witness whose testimony is against the client.
Types of Witness, continued.

• If you are the Prosecutor in this case, which witness would be friendly, neutral or hostile?

• If you are the Defense Attorney in this case, which witness would be friendly, neutral or hostile?

• And why?
Types of Questions:

• **Open-ended Questions**
  - Open-ended questions allows the witness to tell you the story in their own way.
  - An example would be: “What happened on the evening of September 16th?”
  - Which type of witness would you question in this manner?
Types of Questions:

- **Leading Questions**
  
  Leading questions suggest the desired answer.
  
  They limit the response the witness can give and often require the witness to give you a “yes” or “no” answer.
  
  An example would be: *“Was the game the same night as the concert?”*

- Which type of witness would you question in this manner?
Interviewing objective:

- Each of the witnesses to the case will have facts that either are relevant or not relevant to the case.
- To decide which facts are relevant you need to look at the offense.
- The prosecutor has to prove each element of the offense.
- What facts will help the defendant?
- What facts are not clear based on the scenario?
- What additional facts do you need in order to decide the likely outcome of the case?
Remember:

- Knowing when to ask a question and to lead your witness in another direction is an important part of interviewing and is *controlled listening*. This will help you gain a lot of information. This is different than when you just listen while someone talks, which is *passive listening*.
Project

• Break into groups of five.
• Each one of you will have a role:
  (1) Carlos
  (2) Mom
  (3) Undercover Officer
  (4) Coach
  (5) Interviewer
• The role of the interviewer is to try and elicit the information from each of you in the scenario about your knowledge of the events.
• The “actors” will use their roles as witnesses to try and make the interviewer ask them the right kind of question before they respond.
Exercise

- What five questions would you ask the Officer?
- What five questions would you ask Carlos?
- What five questions would you ask Mom?
- What five questions would you ask the Coach?

Keep in mind the different types of questions and interviewing objectives you have learned.
Conclusion

What did you learn today about questioning and interviewing?