



COURSE SEARCH

Customs Officer Learning Guides



Questioning and Interviewing

Questioning is an important part of risk assessment in our work. We ask questions for a variety of reasons and in a variety of situations to gather information, clarify points, and to establish facts.

Situations can arise where it is necessary to carry out more formal **interviewing** in order to confirm the facts of an event or uncover dishonest or illegal actions.



What we do

Questioning

We ask questions within the boundaries of the Customs and Excise Act 2018, which means we can question people in relation to their goods, debt, overseas travel and their purpose of travel in New Zealand. Depending on the situation, we use different questioning techniques to clarify details and to find out whether an offence has occurred.

Interviewing

We formally interview people of interest to establish:

- whether an offence has been committed
- the essential points of the offence
- who is responsible
- whether the person has guilty knowledge
- details of any accomplices

The person will be given their rights when these interviews are conducted, as outlined in the New Zealand Bill of Rights Act 1990, as it applies to the Customs and Excise Act 2018. These interviews are video recorded and can be used as evidence to offences.

For trade and collecting revenue (such as excise), we can also interview to establish details of business practices, declarant knowledge, book-keeping, and compliance. Notes of these interviews are recorded, but they are not sound or video recorded. In these cases, there is no requirement by law for the person being interviewed to be given their rights.



Where we do it

All Customs work areas conduct some form of questioning and can interview people. Questioning and interviewing is a skill that you will build on over time in different work areas. An experienced officer will be competent in both questioning and interviewing.



How we do it

As part of their induction training Customs Officers are introduced to questioning techniques in a 3 day workshop (Investigative Questioning and Interviewing Techniques (PEACE)). The eLearning module Investigative Questioning and Interviewing Techniques (PEACE) will introduce you to the techniques used when questioning, and the procedures that Customs Officers must follow when conducting a formal interview. You can use the different questioning types and techniques used in the PEACE course in your everyday questioning.

All officers who conduct formal interviews of any kind are required to have successfully completed the PEACE workshop. Officers need to be familiar with the Guidelines for questioning and detention, and the Procedure for conducting a recorded Interview- video, audio and written. All interviews need to be signed off by the supervising officer.

Work Area questioning examples

At the airport we gather information by questioning in the primary booths, roving within the arrivals hall, and in the secondary search area. It gets easier the more you do it. We use questioning and conversation to build rapport and create a story or picture of each passenger we interact with. This helps us mitigate risk, and identifies where we need to take further action.

The types of questions we ask could include:

- NZ Contacts: names, addresses, phone numbers, businesses.
- Overseas contacts: names, addresses, phone numbers.
- Bio details: current occupation, place of birth, nicknames or aliases.
- Travel information: purpose of travel, length of stay, who funded their travel, how it was funded, travel companions, other passports, have they visited any other countries in the last 6 months.
- Drug use information: current and past drug use, kinds of drugs, how frequent is their use, do they associate with people who use drugs.
- Ticketing details: class of travel, payment method, date issued, travel routing port of boarding.

When questioning in other work areas, keep the objective in mind. Know where your questions are leading you. Use questioning that will support and clarify a situation. Always confirm you have understood or recorded the correct information.

Knowing your legislation

Most of the questioning you will undertake initially will be under Section 201 of the C&E Act 2018 - *Evidence of identity, entitlement to travel*, and Section 205 of the C&E Act 2018 - *Questioning persons about goods and debt*. These are the most commonly exercised powers we have as Customs Officers. Other sections that give us the power to ask questions are included in the table below.

The Power to Question	
Section 26 - Requirement to answer questions and produce documents	Section 215 - Powers in relation to unauthorised persons remaining in certain Customs Controlled Areas
Section 37 - Certificate of clearance	Section 218 - Questioning specified persons about arrival or departure
Section 39 - Production of certificate of clearance	Section 229 - Questioning employees of airlines and shipping companies about international cargo or domestic cargo
Section 75(4) - Entry of Imported goods	Section 230 - Questioning certain persons about cargo to be exported
Section 89(3) - Entry of goods for exports	Section 251 - Requirement to produce documents
Section 201 - Evidence of identity, entitlement to travel etc.	Section 252 - Further powers in relation to documents
Section 205 - Questioning persons about goods and debt	Section 354 - Keeping of records

A person is required by the Act to answer questions, see below for examples of offences for failure to answer questions:

Questioning power used	Offence for failure to answer questions and or incorrect answers
Section 26 - Requirement to answer questions and produce documents.	Section 27 - Offences in relation to failure to answer questions or produce documents.
Section 37- Certificates of clearance.	Section 38 - Offences in relation to granting certificates of clearance
Section 39 - Production of certificates of clearance etc.	Section 40 - Offences in relation to production of certificates of clearance, etc.
Section 201 - Evidence of identity, entitlement to travel, etc.	Section 202 - Offence in relation to failure to produce evidence of identity, entitlement to travel, etc.
Section 251 - Requirement to produce documents.	Section 253 - Offence in relation to failure to comply with requirement under section 251 or 252.
Section 252 - Further powers in relation to documents.	

Click on the link www.legislation.govt.nz for further information.

Issuing Bill of Rights for video interviewing

Officers conducting formal video interviews are required to inform those persons of their rights as prescribed under section 23 of the New Zealand Bill of Rights Act 1990. The Customs Legal team advise that **in all cases before a person is video interviewed, the person should be advised of their rights** ("cautioned").

A person should be cautioned by being advised of:

1. The reason for the video interview.
2. Their right to consult and instruct a lawyer.
3. Their right to refrain from making a statement, other than answering questions pertaining to coercive questioning powers (such as section 205 of the Customs and Excise Act 2018, where there is a requirement to answer).

It is strongly recommended that you read the Video Interviewing at Airports Q & A document to support your understanding of issuing bill of rights for video interviewing.



Key Resources

Guidelines | Questioning and Detention - what and how you may question and detain under the requirements of our legislation.

Guidelines | Questioning of persons about goods and debt

Investigative Questioning and Interviewing Techniques (PEACE) - course participant guide with questioning techniques explained.

Procedure | Conducting a recorded interview- video, audio and written- the correct procedure for recording an interview.

Guidelines | Conducting a recorded interview at an airport

These forms can be used when conducting an interview:

NZCS 300 – Video interview log sheet

NZCS 302 – Video recorded interview with suspect - Request for transcript

NZCS 303 – DVD storage report

NZCS 306 – Video taped interview with suspect synopsis form

NZCS 306A – Video interview synopsis continuation sheet

NZCS 308 – Notice of detention Customs and Excise Act 2018 - section 206



Supporting Material

More learning material on questioning can be found on the Questioning Learning Library.



Learn, see and do

Check your knowledge

The Questioning and Interviewing Quiz is based on information from the key documents referred to in the learning guide, and in the learning guide itself. Make sure you have read through all these before you attempt the quiz.

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If you have any feedback regarding the information in this learning guide, please email:

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