INTERVIEW AND INTERROGATION: GETTING BEYOND THE BASICS

Fraud examiners need effective interviewing skills to obtain admissions and confessions, especially when dealing with difficult situations such as a hostile suspect. This session will focus on proven interviewing techniques that the experienced fraud examiner can employ to apply pressure legally, prepare evidence, take notes without making the suspect nervous, and obtain a signed, written confession.

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He entered law enforcement in 1987 and retired in 2009, having served as a patrolman, detective, sergeant, lieutenant, and captain. He has conducted thousands of interviews with suspects and has lectured on interview and interrogation to police, military, and international audiences. As a detective, he extensively investigated financial crimes securing convictions, while at all times respecting the rights of the accused.

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Introduction: Reviewing the Basics
Before starting any in-depth discussion of advanced interview and interrogation (I & I) techniques, it is always a good idea to start with a review of the basics. Difficulties with interviewing a fraud suspect can usually be traced back to deviating from the basics. So, before we jump into some of the more advanced techniques, let us quickly review what we already know.

Why Interview and Interrogation?
Interview and interrogation (I & I) is basic to any investigation. The ability to be able to speak to people and have them reveal to you what they know is an absolutely critical skill for the financial investigator. Many times the evidence we discover is indicative of the commission of a fraud, but is not enough in of itself to allow us or our employer to “take action” against a suspect. Evidence alone is not always conclusive. Many times a confession sometimes is the only way to solve a financial crime. This course will give you some of the tools you can use to get confessions and show you what to do when you have reached a dead-end in your investigation. And, very importantly, it will help to keep your actions legal.

What I & I Is … and What It Is Not
Television is the worst place to see what a real suspect interview is like. I & I is not like what you see on TV. You are never harsh to a suspect. You never browbeat a suspect. You never demean a suspect. This will only make him shut down on you. In real-world interviews, tough guys lose. Yelling at a suspect may make you feel good … but, what do you want? To feel good for 15 seconds, or to solve the fraud and get lasting results?
You Are Already Good at I & I!
We use I & I all the time with our friends, our family, everyone! We use it every day. We instinctively “know” when someone is lying. We sense it. We feel it in our gut. You can use these natural instincts to get confessions. You already know how to do this, but may not realize it. This course will show you how to channel your natural instincts and use them to your benefit.

Do Your Homework
The interview starts long before we even meet the suspect. We need to learn all we possibly can about the suspect in preparation for the interview. In short, we need to do our homework. There is a tendency to take shortcuts here. All I can say is … Do not! Do not try to “wing” an interview without doing the prep work. Sometimes, given the time pressure of a fraud investigation combined with the perceived need to “get some answers and wrap it up quickly,” a fraud examiner may feel obliged to cut short the background work required for an interview. This is a mistake. Take your time and find out about what happened. Know the facts of the fraud uncovered to date. Learn something about the suspect. What type of employee is he? What do the supervisors and coworkers think about him? Go over his files, but be aware of privacy laws and related concerns. Get a good picture of who the suspect is before the interview. Remember, prep work pays off— shortcuts do not. You will probably only get one chance to interview a suspect. Make it count.

Relating to a Suspect
You must be able to relate to a suspect in order to understand what motivated him to commit the fraud. Use your own life experiences. As a fraud investigator, you probably have a background in accounting or
auditing. Use it to your advantage! You speak the same accounting/auditing language. The goal is to establish a rapport. Are you getting through to him? Are you relating to him? Not everyone is the same. Maybe you are not the right person to do an interview with this particular suspect. Be sincere. Sincerity is the key. You cannot fake it. You must be able to empathize with the suspect. If you cannot relate to this person, get someone else to do the interview.

**Where to Conduct an Interview**
Do not conduct an interview at your desk or anyone else’s desk. There is a natural tendency to want to do this. It is a huge mistake. Do not conduct it in a noisy room. Ideally, you want to use a designated interview room. The ideal interview room is small and has no windows. There is one chair for you and one for the suspect. Nothing should be hanging on the walls. Outside noises should be kept to a minimum. In short, you are looking for a place with no distractions. You want nothing that will allow the suspect’s mind to wander. It is not always easy, but do try your best to find a place such as this.

**The Interview Starts as Soon as You Meet the Suspect**
Be a friendly guy. Do not be afraid to shake hands. If you cannot bring yourself to shake the suspect’s hand, you are not the right guy to do this particular interview. Engage in small talk on the way to the interview room. The weather is always a good topic. The actual interview starts as soon as you meet the suspect. Look for signs of stress. The suspect may ask questions as you walk to the interview room. This is because he wants to know what you know! When a suspect asks questions immediately, it is a sure sign of stress. He cannot wait to find out what is going on. He probably
had a sleepless night worrying about the interview. The innocent are also under stress, but it is nothing compared to the guilty. Extreme stress is an indicator of guilt. The more interviews you do, the more you will be able to see the difference. And remember, it is always an interview, never an interrogation. The word *interrogation* conjures up images of bright lights and rubber hoses. The word *interview* is softer. We go on job interviews. TV hosts interview people. We interview our suspects.

**What Is Important to the Suspect?**

Your prep work helps here. What is his upbringing? Is your suspect religious? What is his moral background? Does he feel guilt? Almost everyone does. Very few people are truly amoral. What is important to him? Is his family central to his life? How about his reputation with friends and neighbors? Get inside his head. Find out what makes him tick.

**How Many People Present?**

Easy! Only you. Remember, it is not TV. Keep it between you and the suspect. As in much of life, two’s company, three’s a crowd. It is twice as hard to build a rapport with three people. It is embarrassing for a person to confess to having done wrong. The more people present, the harder it is for a suspect to admit to wrongdoing.

**Interruptions**

Never! Okay, emergencies (real ones) only (e.g., the building is on fire, an asteroid is about to hit the city, etc.). Interruptions will always come at the worst time and set you back—way, way back. There is nothing worse than being so very close to a confession and having an interruption ruin all your hard work up to that
point. There should be a small glass window in the door to the interview room so you can be checked on for your safety. Arrange a signal in the window (e.g., flashlight, post-it note) if there is a real reason why you need to stop the interview and come out. Very rarely is there ever a good reason.

Legal Matters
Do things the right way. Play by the rules. This protects you, your employer, and the suspect. It is incumbent upon you to know your legal responsibilities for the country and jurisdiction where you are investigating. Sometimes, our investigations can lead to criminal consequences. Are you acting as an agent of the police? If so, then certain rules may kick in. Are rights warnings necessary? Is he there of his own free will? He should always come to the interview of his own free will. One way is to arrange an appointment to “talk about the case.” Let the suspect come to you. Generally, he is free to leave at any time. Make sure he know this, and get it in writing.

Lawyers
It is never as you see it on TV. Lawyers will almost never let guilty clients (or innocent ones for that matter) talk to you. Their clients have everything to lose and nothing to gain. In over 20 years in law enforcement, I have conducted only one interview with a suspect that had his lawyer present (and that was because the client was actually innocent). If lawyers get involved, your chance for a confession is near zero. A lawyer’s best defense is to let you prove what you can … without the “assistance” of their clients. What if the suspect asks, “Do I need a lawyer?” A possible answer is: “I would never advise anyone not to have a lawyer.” The bottom line: Make him decide if he wants a lawyer. Do not make the decision for him. If he does ask for a lawyer,
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*follow the laws of the country/jurisdiction where you are working.*

**Get Any Waivers in Writing**

When you are about to get a confession, you do not want to stop the flow of information. So, before you start the interview, get the ground rules out of the way. Make sure the suspect understands he is free to leave, he can get a lawyer, and he is there of his own free will. Have these points in writing prepared so that he can initial next to each one. Then have him sign at the bottom while you witness it. Also, write down the date and time. Once it is signed, put it out of sight! You are under no compunction to keep reminding him that he is free to leave, and so forth.

**Strong, Positive Opening Statement**

This can be difficult to do. You are accusing someone of something you are not certain of. I always found this very difficult. It was not my style; however, many investigators use it to great effect. For example, “I want to talk to you about the money you needed. You know, that you took from the safe.” Note the use of “needed” and “taken” as opposed to “stole.” Minimize the event during the interview. You can get many different reactions. The suspect might confess right then and there. “Okay, you got me.” That makes for an easy case. But, what is much more likely is that the guilty will get mad. As a matter of fact, so will the innocent!!! So what is the difference? You can calm the guilty down quickly because they are faking their anger. The innocent stay mad longer. Their anger is genuine.

*If you remember nothing else, remember this point!*
Anything Except a “No” Is a “YES!”

It is that simple, and it works! If a person did not do something, he gives you a simple, “No!” The guilty/deceptive will give qualified answers. For example, “Did you take the money?” Answer: “Did I take the money? No, I didn’t.” (He is telling you someone did, and he probably knows who). Another delaying tactic is repeating the question back to you. “Do you know how the theft happened?” Answer: “Do I know how the theft happened? [Pause] Not really.” This gives the suspect time to think. The innocent do not need time! The truth is easy to remember compared to lies. One lie leads to another, and they all have to tie together. This is hard work and requires time to think. If you are telling the truth, you do not have to think if the truth ties in with your “story.” The truth comes from memory and is simple to tell. Lies are much more complex.

To Get a Confession, Minimize the Wrongdoing

Try to avoid the harsh words. Watch out for trigger words. Not stole, but needed. Not larceny, but took. Not embezzled, but fudged the books. What we are trying to do is to make the fraud “less bad” in the mind of the suspect. The principle here is that it is easier to admit to shoplifting than to armed robbery. He did not commit a crime, he made a mistake. Everyone makes mistakes. It is not that bad! (Or so you want him to think.) As said earlier, minimize the event during the interview.

Rationalization

After you minimize the actions of the suspect, give him a rationale for what he did. He will likely jump at the chance.
Examples include:

First, minimize: “Using something without permission just isn’t that big a deal. It’s like borrowing without asking.”

Then, rationalize: “Everyone’s taken something from work.”; “Cops take things from work.”; “It’s just a matter of degree.”; “You’re not the first one in the world …”

Then, offer an out: “You were going to pay the money back, right?” The bottom line is to convey that it is not that big of a deal.

**Tension**

Interviews are stressful! All interviewees are under tremendous stress. The guilty ones are under incredibly great stress. They need information from you! They need to know what you know in order to lie effectively. Their minds are racing. The guilty are thinking a mile a minute to keep ahead of you, and to make sure they do not trap themselves. The innocent do not have to think so hard. Get the guilty to commit, and then spring the trap: “It couldn’t have been you because you say when the theft took place you were at the local bar, right?” Get the suspect to agree that he was at the bar. Lock him in. Then say, “You must have seen the car fire across the street from the bar, right?” (Got ya!) “The street was closed down by the fire department and everything. You couldn’t have missed it.” If he was not really there, he will not know if there was a fire or not. (Trapped by his own words.)
Let Him Talk!

Never, ever interrupt a suspect. Who knows what he will say next. Let him ramble on. Learn how to be a good listener. Practice not interrupting on your spouse (they will surely appreciate it). What is a suspect really saying? What words is he using? Is he confessing in so many words? When he stops talking, let the silence lie there. This builds pressure. To alleviate it, he will want to talk some more. The silence works for you. Do not feel as though you have to fill it. The hardest thing for us to do is to shut up and listen.

Props

Get a big manila folder with a lot of papers in it—lots and lots of papers. Only a few pages are your actual investigation. Put the suspect’s name and the type of investigation on the front, where he can read it upside down. Do not say anything about it, but if you need to reference something, paw through all the papers until you find the real paper from the investigation and pull it out. He will assume that the whole huge file is your investigation of his case. Videotapes with the suspect’s name labeled on them work great. If he keeps asking about the tape, he is culpable. If I did not do it, I might have some curiosity about a videotape, but I will not be obsessed with it. If I am guilty, I am dying to know what is on that videotape, and I will keep asking you about it.

Information Is Like Money in the Bank

Realize that you will never know the full story … ever. Something is always left out. Something is always held back. I was once told, “Information is like money in the bank. You never close the account. You always leave something for a rainy day.” Know the elements of the fraud you are asking about. What do you need to make
a case? Get the suspect to admit to the necessary elements. Start with the easier elements, such as having an opportunity to commit the fraud, and then work toward the actual fraud itself. Get all the facts you can, but realize that there is always more and you will probably never know the whole story.

**Giving Hope, You Cannot Fake It**

*Do not gloat* when the suspect confesses. This is difficult when you know you could not prove the fraud without a confession. He can smell smugness a mile away and will shut up. You will then never get a written statement. If you have done the interview correctly, you will feel genuinely sorry for the suspect. You cannot fake this. Ask him if he is sorry. He will be remorseful. Ask him if he will ever do it again. It sounds silly, but it helps get you the written confession, and, in all seriousness, it is the first step to a true rehabilitation.

**Taking a Statement**

Again, it is not like TV. *You* write out the confession. *You* make sure that all elements of the fraud are in the statement. For example, “So, then you found out how much money you owed and saw no other way out?” If he agrees, write that out in the first person. When you are finished, read it through together. Have him read some passages aloud and make corrections in his own handwriting. This shows not only that it is truly his statement, but that he is literate. Use the kind of words that he uses. Avoid “million dollar” words. In addition to your signing as a witness, get a secondary witness to the suspect signing the confession. Make sure the confession has the date and time on it. This definitively establishes the length of the interview because, remember, you got the date and time on the initial waiver before you started the interview.
Afterwards
Beware of “buyer’s remorse.” Moods change. The suspect may later feel that his confession was stupid. You must protect the employer/victim. If the fraud was serious enough, strongly recommend to the employer that the suspect is immediately escorted out of the building. Many times, an employer is so shocked that a trusted employee has admitted to a fraud, that they do not want to believe it. They are highly reluctant to have the employee escorted out of the building. It is your job to convince the employer. Get the suspect’s keys and access badges. You do not want him back in the facility! Lots of damage can be done in a short period of time. Do not leave a suspect alone after a confession! And always, always make sure there is an escort with him.

Multiple Suspect Cases: A Large Number of Suspects and the Inside Job—A Very Common Occurrence
A fraud has been committed. After an examination of the facts and evidence, it is clear that only an employer/insider could have done it. There are 50–100 possible suspects … maybe more. No one has the time and resources to interview that many people for one to two hours each. There is no way you can interview them all in depth. You have probably come across this situation before. So, what do you do?

The Five-Minute Interview
You interview each suspect for five minutes or less. There is enough time to do that. At this point, your goal is simple. You are not trying to find the guilty party at this stage. All you want to do now is to eliminate the innocent. You can do a five-minute interview for 50 suspects in one morning. If you start with 50 people that could have committed the fraud, at the end, you will have about six “good” suspects.
There is a series of questions to ask, which includes:

1. **Have you heard about the theft that took place?**
   Look for how the suspect tells you what he has heard about it. Look for signs of deception, such as nervousness. Does he know more than an innocent party should?

2. **What do you know about the theft?**
   Same thing here. Watch the suspect’s demeanor as he relates what he knows. Again, does he know more than he should? Remember, if he is guilty, he is under tremendous stress.

3. **When you first heard about this theft, who came to mind?**
   The innocent might be reluctant to name names. This is normal. No one wants to point the finger at someone else when he does not have proof, but, the suspect absolutely thought of someone when he heard about the fraud. I guarantee it. The innocent will give you one or two names. The guilty will keep it vague. He wants lots of suspects. His response to your question will be along the lines of, “Who did I think of? Gosh, it could have been anyone. Anyone could have done this.” He wants the finger pointed at everyone.

4. **Who do you think is the most unlikely person to have done this?**
   In this instance, the innocent are happy to give names. They want you to know that there is no way “Mrs. Murphy” could have done it. Suspects continue to keep it vague. They do not want you to eliminate anyone. As far as the suspect is concerned, the more people under suspicion, the better.
5. What should happen to the person who did this? Should they lose their job?

Innocent response might be: “Lose their job?! Are you kidding me? They should go to jail! For ten years! To the electric chair!” The innocent will highly resent that they are considered suspects, no matter how fleetingly. They are really mad that an investigator has come into their place of employment and you had to question them to see if they are thieves.

Suspects want you to go easy on the perpetrators: “They should definitely pay the money back.” When asked if the person who did this should lose their job, they respond along the lines of, “You know, everyone makes mistakes. People shouldn’t be punished so harshly for an error in judgment.” That is a very incriminating response.

The Same People

The same suspect names will keep popping up. It never fails. People always know! They have observed little habits of people who are dishonest (i.e., taking coffee without paying for it, exaggerating mileage/tips on expense reports, etc.). It also works with the honest, with those that are least likely to have done it. “Mrs. Murphy always pays me back, even if it’s only a few pennies.” At the end of the morning, you will end up with a much smaller pool of suspects. Your guilty party is almost certainly in that much smaller pool. You can now schedule in-depth interviews.

What About the Suspect Who Is Openly Antagonistic?

Sometimes, suspects want to bluff their way out of a jam. One of the ways to do this is for a suspect to bluster. He might try to turn the tables on you and place you on the defensive. His attitude is that you are
wasting his time. As the Brits are fond of saying, “Stay calm and carry on.” If the interviewee is openly antagonistic, use your case preparation work to your advantage. If you have one, now is the time to play a card that really incriminates the suspect. This can make a “hard case” crack … and when a hard case cracks, he cracks fast. Be ready for it.

### Turning Up the Heat

Get into personal space. We have comfort zones for differing situations. Distance means something. The closer we get to someone, the more we like him and trust him. We stay farther apart from strangers than our family. In an interview situation, if we get close to a suspect, it makes him uncomfortable. Do not touch! Just get closer than what he feels comfortable with. Get inside that unseen personal space. It gets disconcerting to the suspect and is distraction when he is making up lies.

### Laying It All Out

If a suspect is putting up a good resistance, another technique for turning up the heat is to lay out all the evidence, one point after another. Make the case. After you deliver the multiple points that finger the suspect, tell him the only reasonable conclusion is that the fraud was committed by him. If the suspect is quiet, you are almost there. He is on the verge of confessing. If the suspect talks, let him! Let him give the alibi. Then, take it apart.

### Do I Try to Take Notes?

This is up to you. Some investigators know the case well enough to do without taking notes. If you can, do without. Note-taking is a distraction in the interview. It breaks the rapport you have worked so hard to
establish. If you must take notes, never do so when a crucial point is being revealed by the suspect. This is a sure way to get a suspect to shut up. Remember what you want to write down, wait until there is a topic not crucial to the case, and then jot down the critical points during this lull in the interview. Better yet, be prepared and do without notes. It is easier than you think, and you will get more confessions.

*Get That Confession!*
This is the bottom line. Come out of the interview room with a confession. With a confession, you give your employer the tools to take the appropriate action against the guilty party. You prevent injustice. Very importantly, you clear the innocent. And remember, when someone finally admits what he has done, it is a huge relief to him. The monkey is off his back. It is also the first step to rehabilitation.

*Dealing with Attorneys in Court*
If your case goes to court, be confident! If you have a confession, chances are that it will not go to court. Confessions are difficult to defend against. A defense attorney’s client has confessed to you out of his own mouth and signed a confession. This is hard for a defense attorney to overcome. One way to attack the confession is to attack you.

*Good Testimony Is Easy—Tell the Truth and Do Not Get Fooled*
An attorney will try and discredit you on the stand. He will try to make you lose your temper. Stay calm. Make sure you understand the question. Take your time. Answer directly and simply. Do *not* engage in witty repartee with a defense lawyer. You will lose. Stay simple, honest, and truthful. Answer the question that is
asked, and shut up! And remember, a good attorney never asks a question he does not already know the answer to.

**Summary**

*Interviewing Suspects Is an Art*

You do not become an expert overnight. You do not become an expert because you took this class. You become an expert by doing your homework, preparing, and then doing interview after interview after interview. The more you interview, the better you get at it. Success builds success.

*Be Yourself*

Learn what works for you. Develop your own style. What works for me might not work for you, and vice versa.

*Sympathize, Minimize, Empathize*

Have a genuine understanding of what made people do what they did. You do not excuse them, but you understand them. Think of your own life. None of us have wings growing out of our back. Use your own experiences to empathize.

*I & I Really Works—You Can Do It!*

I & I really does work. It takes time and practice, but you will get confessions in a legal and honest way. And, it feels great to use your skills to get a confession for a fraud that could never have been otherwise proven.

*Good luck, but remember, the best interviewers make their own luck!*