Investigation

Interview Theory and Application
Preparation

- Plan Development
  - What should be accomplished
  - Interview objective
  - Reviewing for important information

- Order of interviews

- Comfortable venue for the interview

- Brief outline of key points
Interview Mechanics

- Start interview on separate piece of paper
- Do not try to write down everything the person says.
- Maintain eye contact as much as possible.
- Do not prepare a list of predetermined questions to ask—list key points instead.
- Do not interview more than one person at a time.
Inhibitors of Communication

- Any social-psychological barrier that impedes the flow of relevant information by making the respondent unable or unwilling to provide information

- Interviewer’s task is to minimize inhibitors
  - Move from unwilling to willing

- Chronological Confusion
  - Interviewee confuses the order of events or experiences
Facilitators of Communication

- Social-psychological forces that make conversations (interviews) easier to accomplish
- Recognition
  - Attention from others
- Altruistic Appeals
  - Need for humans to identify with higher value beyond self-interest
  - Good interviewer must understand respondent’s value system
- Catharsis
- Extrinsic Rewards
Question Typology

- Introductory Questions
  - Establish introduction, rapport; agreement to cooperate

- Informational Questions
  - Open, closed, leading; fact gathering

- Closing Questions
  - Reconfirm facts and gather additional facts

- Assessment Questions
  - Verbal and nonverbal clues; test honest responses

- Admission-Seeking Questions
  - Culpability is reasonably certain
Introductory Questions and Phase

- **Introduction** is probably the most difficult part of the interview

- Provide the Introduction
  - Avoid titles

- Establish Rapport
  - Relation marked by harmony, conformity, accord, or affinity
  - Seeking out common ground

- Establish the Interview Theme (Purpose)
  - Get a verbal commitment for assistance
Methodology of Introduction

- **Observe Reactions** – nonverbal, in particular
  - Move from comfortable to sensitive questions
  - But avoid sensitive questions until well into the interview
    - If uncomfortable, move to a different area
  - Avoid emotive words and phrases
    - “Ask a few questions” instead of “interview”

- **Physical Contact**
  - Handshake appropriate
  - Breaks down barriers

- **Do Not Invade Body Space**
Informational Questions

- **Question Sequence**
  - From general to specific
  - Begin with known, working toward unknown areas

- **Open Questions**
  - Difficult to answer “yes” or “no”
  - Try to ask only open Qs in informational phase

- **Closed Questions**
  - Specific information; usually “yes” or “no” answer

- **Leading Questions**
  - Summary; has answer in it
Informational Questions

- Double-Negatives
  - Confusing and may not get accurate info

- Complex Questions
  - Complicated or cover too many issues

- Controlled Answer Techniques
  - Stimulate or direct the interview toward a specific point

- Free Narratives
  - Orderly, continuous account of an event or incident, given with minimal or no prompting
Informational Questions

- **Dealing with Resistance**
  - “I’m too busy.”
    - Short; not difficult; already here; need help
  - “I don’t remember.”
    - Be patient; give time to think

- **Difficult People**
  - Don’t react to anger with hostility
  - Make easy to say “yes”
    - Agree when possible
Informational Questions

- Volatile Interviews
  - One that has the potential to bring about strong emotional reactions
  - Have **two interviewers** for potentially volatile situations
  - **Surprise** should be employed in any interview that is considered potentially volatile
    - No advance notice
Closing Questions

- Close on a positive note
- Reconfirm key facts from interview
Assessment Questions

- Seek to establish the respondent’s credibility
  - Previous statements inconsistent b/c of possible deception

- Norming or Calibrating
  - Process of observing behavior before critical questions are asked, as opposed to doing so during those questions
  - Gauge reaction to non-threatening line of questions
  - Designed to get verbal or nonverbal reaction
  - Consider all responses together (clusters)
Assessment Questions

- **Physiology of Deception**
  - Lying produces stress in most people
  - Stress emanates through verbal and nonverbal clues, but consider totality of evidence
    - Look for clusters
  - People who are mentally unstable or under the influence of narcotics/alcohol are unsuitable for interview
Physiology of Deception

- **Verbal Clues**
  - Changes in speech patterns/voice pitch
  - Repetition of the question
  - Comments regarding the interview
  - Oaths
  - Feigned unconcern

- **Nonverbal Clues**
  - Full-body motions
  - Illustrators—primarily the hands
  - Manipulators—displacement activities
  - Hands over mouth
  - Fleeing position
Admission-Seeking Questions

- When to start
  - Ask if there is reasonable probability that the suspect committed the act
  - Other investigative steps complete
  - You have control of interview
- Purpose of Questions
  - To distinguish innocent people from guilty
  - To obtain a valid voluntary confession
  - To obtain a signed written statement acknowledging facts
Admission-Seeking Questions

- **Preparation**
  - Interview room (private)—full view of subject
  - No sitting behind desk
  - Presence of outsiders—up to two interviewers

- **Theme Development**
  - Must have confidence suspect committed fraud
  - Allow adequate time
  - Don’t express disgust, rage, or moral condemnation
  - Offer morally acceptable reason for the behavior
  - Project compassion, understanding, and sympathy
Steps in the Admission-Seeking Interview

- Make a Direct Accusation
  - Avoid emotive words like *steal*, *fraud*, and *crime*
    - “You know you did it”

- Observe the Accused’s Reaction
  - Culpable/guilty people typically react with silence or avoid outright denials (usually weak)
  - Will give reasons why they could not have committed the act
  - Innocent likely to give strong denial
Steps in the Admission-Seeking Interview

- **Interrupt Denials**
  - Important to stop denial if convinced of guilt
  - Innocent person unlikely to allow interviewer to prevail in stopping denial

- **Delays**
  - “Let me (interviewer) finish”

- **Repeat Interruptions**
  - Helps maintain control of interview

- **Reasoning**
  - Start disclosing small portions of evidence
Steps in the Admission-Seeking Interview

- Establish Rationalization:
  - Inadequate Recognition
  - Financial Problems
  - Aberration of Conduct
  - Depersonalizing the Victim
  - Minor Moral Infraction
  - Altruism
  - Genuine Need
Steps in the Admission-Seeking Interview: Diffusing Alibis

- Display Physical Evidence
  - Most guilty people overestimate the amount of physical evidence
  - Convince accused of weight of evidence against him

- Discuss Witnesses
  - Give enough information about witnesses without providing too much
  - Creates impression many people are in position to contradict

- Discuss Prior Deceptions
  - Stating why denying is wrong; appeal to logic
  - Still try to use soft language
Steps in the Admission-Seeking Interview

- Present Alternative Question
  - Once diffused, accused becomes quiet and withdrawn
  - Accused is deliberating whether or not to confess
  - Give alternate question to acknowledge guilt
    - One with morally acceptable reason
    - Other paints negative light
  - “Did you plan it or did it just happen?”

- Obtain Benchmark Admission
  - Interviewee must answer and make a culpable statement
  - Subconscious decision to confess
Steps in the Admission-Seeking Interview

- Verbal Confession
  - Make transition when accused furnishes the first detailed information about the offense
  - Probe gently for additional facts at first
  - Include additional details known only by fraudster
    - Time, transaction, or event
  - Confirm general details first, then return to specifics
  - Accused may still lie about certain aspects
Steps in the Admission-Seeking Interview

Verbal Confessions Checklist:

- The accused knew the conduct was wrong—Intent
- Facts known only to confessor
- Estimate of number of instances/amounts
  - Common to underestimate
- Motive for offense
- When offense commenced; terminated—last instance
- Others involved
  - “Who else knew about this besides you?”
- Get physical evidence (from accused)
- Location of assets
  - “What do you have left?”
Signed Statements

- Interviewer should prepare the statement and present it to the confessor for signing

Points covered in signed statements:
- Voluntariness of confessions
- Intent
- Approximate dates of offense, amounts of losses, and number of instances
- Willingness to cooperate
- Confessor’s Moral Excuse clause
- Confessor read statement
- Truthfulness of statement
Key Points in Signed Statements

- No legal requirement that the statement must be in the handwriting or wording of declarant
- No legal requirement to have two witnesses
  - Still a good idea to have them
- No more than one written statement for each offense
- Separate statements for unrelated offenses
Sample Prep Question

1. When conducting a routine interview of someone who does not know him, it is usually best for Bob, a Certified Fraud Examiner, to omit his title when introducing himself.

A. True
B. False
Correct Answer: A

The interviewer must introduce himself before the interview commences. The interviewer generally should indicate his name and company, avoiding titles. This is not always the case, but the more informal the interview, generally the more relaxed the respondent.
Sample Prep Question

2. How many interviewers should typically be used in a potentially volatile interview?

A. One
B. Two
C. Three
D. None of the above
Correct Answer: B

- There should be two interviewers involved in potentially volatile situations. This procedure provides psychological strength for the interviewers. Additionally, the second person can serve as a witness in the event that the interview turns bad.
Sample Prep Question

3. Using the words *steal* or *crime* during an interview is a good way to let the interviewee know the seriousness of his or her offense. It often leads to a confession.

A. True
B. False
Correct Answer: B

- The accusation should not be made in the form of a question, but rather as a statement. Emotive words such as steal, fraud, and crime should be avoided during the accusatory process. The accusation should be phrased so that the accused is psychologically "trapped," with no way out.
Sample Prep Question

4. Jenkins, a Certified Fraud Examiner, contacts Smith for the purpose of conducting a routine, information-gathering interview. Smith says that he’s happy to talk to Jenkins, but his coworker Billings really should be there, too, because he’s been at the company longer. Jenkins should:

A. Conduct the interviews together
B. Conduct the interviews separately
C. Agree to allow Billings to be present if Smith insists
D. None of the above
Correct Answer: B

- One of the basic rules is to question only one person at a time. The testimony of one respondent invariably will influence the testimony of another. There are few absolute rules of interviewing, but this is one of them. Another basic rule is to conduct interviews under conditions of privacy. The interview is best conducted out of the sight and sound of friends, relatives, or fellow employees. People are very reluctant to furnish information within the hearing of others.