
FINDING THE TRUTH: EFFECTIVE TECHNIQUES FOR INTERVIEW AND COMMUNICATION



Association of Certified Fraud Examiners

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III. COMMUNICATION ANALYSIS

Overview

The ability to analyze communications is critical to the success of an effective interviewer. Communication analysis is a means to (1) understand what the subject is saying, (2) understand what the subject is *not* saying, and (3) prepare follow-up questions. Performing a communication analysis helps an interviewer locate places in a statement that suggest the subject is sensitive. The person may dodge a line of inquiry, resist the interviewer’s request for detail, or deploy obscurities and jumbled time sequences to throw the interviewer off track.

Communication analysis does not provide the interviewer with evidence of either truthfulness or deception on the part of the subject. However, it does provide the interviewer with clues to more effective communication. One word or phrase does not reveal that the subject is lying. But a communication analysis can reveal clusters of phrases through which the subject exhibits sensitivity. These areas can become the focus of the interviewer’s amplifying questions.

Video



In the video titled “Communication Analysis,” fraud investigation expert Jonathan Turner, CFE, provides an overview of communication analysis. (Go to to view the video.)

Identifying Patterns

As with a jigsaw puzzle, no single piece of information in communication analysis completes the picture. An effective interviewer looks at all of the components of verbal and nonverbal communication, such as tone and body language, as well as the subject’s words. The interviewer might notice an individual crossing their arms over their chest. While the interviewer might interpret this activity as a defensive posture, the individual might simply be tired and looking for a more comfortable position.

It is important that the interviewer listens to the tone of the subject’s words and the words themselves to see if there is more than one clue to the subject’s attitude. Is the subject’s tone consistent with being tired or is it more defensive in nature? With the crossing of the arms and the defensive tone, have the subject’s words become defensive in nature? One clue does not make a case. A single indicator is not conclusive of an individual’s attitude, willingness to talk, or truthfulness.

Deviations

When a person reads a newspaper article or a book, they expect the text to be grammatically correct and organized. The words of the text are all that readers have guiding them through the story. If you change

the words of the text, then the story is changed, however slightly. For example, referring to one's male parent as *my dad* is one thing; calling him *old goat* is another. Grammatical choices also play a huge role in how an individual's statement comes across. When someone who normally speaks with proper grammar says, "I ain't the one," the deviation is no doubt significant. Perhaps the subject is trying to inject some humor into the interview. Perhaps the statement is meant to be aggressive—a verbal bearing of the subject's teeth, so to speak: "I ain't the one . . . and you better back off." At any rate, a change in word or grammatical choice makes a difference. It is recognizable when a person uses different words to describe the same person. If they use different words, they are offering a different description.

When someone speaks, it is also recognizable when that person deviates from the rules of grammar or speaks in an unorganized manner. These anomalies are usually glossed over and rationalized as being part of a normal conversation. People tell themselves that the rules of grammar, with respect to complete sentences and the use of nouns, pronouns, verbs, and other parts of speech, do not apply equally to the spoken word and the written word. However, what is usually not recognized is that, with written communication, the writer has had an opportunity to edit their communication.

Everything a person says is important. The way that individual conveys information is equally important. Cultures that prefer politeness to clear communication can make it difficult to recognize word choices and grammatical deviations as indicators of concealment, deception, or sensitivity. A vigorous communication analysis can hold these deviations up to the light.

Missing Information as a Form of Concealment

What an interview subject does *not* say warrants examination as well. A subject might skip a block of time within a narrative—perhaps hours, days, or even months. The interviewer should inquire whether these lapses are meant to conceal actions that occurred during the omitted time. Deceptive subjects tend to omit relationships among key players in an event (e.g., an individual fails to mention that the controller is his brother-in-law), root causes of an event (e.g., the clerk was angry because he'd been scolded by management the day before), and important steps in an event (e.g., moving from the prologue of a narrative to the aftermath in a sentence or two).

When a subject drops words from their sentences, they might also be attempting to conceal information or evade responsibility. The most common form of this type of omission is the sentence without a subject: *Went to school. Drove back home. Stopped by the office.* By leaving themselves out of the sentence, the subject might be indicating that they are unwilling to acknowledge their role in the events. The subject might also omit verb phrases: *As for John Doe. Hmm, big man. Not so nice though. Greedy, you might say.*

Analyzing statements for missing information requires the interviewer to think outside the subject's words and consider some of the following questions:

- Where are the points where someone should expect to find details that are not present?
- Are there gaps in the time sequence of the statement?
- Has the subject adequately explained the relationships of the key players?
- Do events in the statement seem to arise out of nowhere?
- Are words missing from the subject's sentences that make the statement appear clumsy or evasive?

Pressing the subject for missing information and observing their reaction during this phase of the interview often exposes someone who intends to deceive. On the other hand, pressing the subject might help them recall details they have forgotten. The subject might simply need some guidance from the interviewer to provide a well-rounded statement.

Video



In the video titled “Concealment,” fraud investigation expert Don Rabon, CFE, explains that what an interview subject *doesn't* say can reveal as much as what they *do* say. Mr. Rabon, president of Successful Interviewing Techniques, is an instructor, author, and former Deputy Director of the North Carolina Justice Academy. (Go to to view the video.)

Resistance Analysis

The term *deception analysis* is important for two reasons: to set aside the concept of *deception* and its analysis, and to substitute the concept of *resistance* and its analysis.

First, to maintain objectivity, the interviewer must methodically collect evidence, develop leads, and not jump to conclusions. If the interviewer enters an interview looking for signs of deception, they narrow their field of view. Perceiving that the subject will be deceptive in their responses removes the interviewer's objectivity. While resistance or sensitivity in a subject's responses might indicate deception, it might also indicate discomfort with the subject matter. It is the responsibility of the interviewer to identify areas of resistance or sensitivity and determine whether deception is present or another issue is prompting the indicators.

Second, if the interviewer recognizes areas where the subject is not answering their questions, it might be for a number of reasons. The question might not have been clear to the subject or might have been constructed in such a manner that causes the subject to recall an incident similar to the one the interviewer is asking about, and the unrelated incident might trigger emotions that indicate sensitivity. It is the responsibility of the interviewer to explore various ways of interpreting a subject's statement.

A subject's choice of words, sentence construction (syntax), and the manner in which they deliver their words are all critical. In an interview, the subject is transmitting information using tone, body language, and words all at the same time. However, while a person's words account for only a small part (less than 20%) of the communication process, analyzing the words in a statement can often provide the greatest insight into what they are saying. Gestures and tone occur in the moment and then pass. Words are, by their nature, more stable than actions—a transcript or written statement contains the words of the subject in a fixed, definite form. Interviewers should note as many observations as possible during the interview, not just purely the statements the subject makes.

Collecting and Preserving the Material to Be Analyzed

An interview is like a crime scene. The interviewer who analyzes a statement, like any good detective, must collect, preserve, and examine the information they gather in the most controlled and objective manner possible.

The interviewer gathers the most reliable information by limiting the stress of the communication process. The greater the stress placed on the subject by the interviewer, the greater the possibility that the subject will recant all or part of the information they gave during that interview. Conversely, the greater the rapport established between the interviewer and the subject, the greater the chance that the subject will provide the interviewer with relevant information.

Like a good detective, the interviewer collects information and preserves it for later analysis, away from the crime scene. The analysis should take place in an environment free from contaminants, such as stress and distractions. Because everything the subject says might be important, the interviewer should not pick and choose what to document while gathering information. Instead, the interviewer should note all clues, indicators, and patterns during the gathering stage and return to these points in the later analysis.

Interviewers must often decide whether to question subjects orally, ask for statements in written form, or record an interview. If the interview is conducted orally without recording the interview, a number of things happen. The information begins to deteriorate immediately because it depends on the interviewer's memory. Very few people have memories that enable them to recall verbatim every word a subject has said to them. If people do not have the original words, syntax, and punctuation exactly as the subject has said, they simply do not retain all of the subject's original responses or comments. The communication begins to decay as it passes from the subject to the interviewer. Even if the interviewer takes notes, the notes will be incomplete. Also, taking notes can slow the process of communication between the interviewer and the subject and might cause the subject to feel apprehensive.

On the other hand, in circumstances where the interviewer asks the subject to write down what happened, the subject may relay what they want the interviewer to know, what is important to them, and what they believe will satisfy the interviewer. An advantage of the written statement is that it does not decay. It can be copied and, with the exception of certain aspects of handwriting and document examination, the copies suffice for most purposes. A copy can be marked, colored, cut, and pasted, and the original will not be destroyed. The original is always available for examination or further copying.

When a subject provides a written statement, the interviewer should provide the subject with unlined paper with four or five blank pages beneath the page on which the subject is writing. These two elements provide for further handwriting testing and examination procedures in addition to the analysis of the statement's content.

If possible, recording an interview allows fraud examiners to fully analyze the subject's verbal statements in the same manner as a written statement. However, certain organizations or jurisdictions might prevent the recording of interviews, with or without the subject's consent. Recording an interview can also be a significant obstacle to full cooperation. Many people are reluctant to be recorded. This can be overcome in many cases by explaining that the recording will be an accurate account of the interview and in the best interest of the witness.

If the decision to record an interview is reached, the fraud examiner must also determine the manner in which the recording will be conducted. In some cases, asking the interviewee's permission, even when not legally required, can increase trust between the interviewee and interviewer. Alternatively, interviewees might be less willing to cooperate if they discover the interviewer recorded the interview without consent or notification. If the interviewer does use a recorder, they should begin by recording the date, time, and names of the individuals present; they should also have the subject acknowledge that they know the interview is being recorded and has agreed to be recorded.

Furthermore, how to record the interview is an important consideration, particularly the placement of any recording device. The best practice is to control the recording outside of the interview room, when possible, to minimize disruption. If a witness does not see a recorder, then they usually forget about it and the interview progresses in a free-flowing manner. If the recording must occur in the interview room, make it as unobtrusive as possible, such as making a recording with a cell phone in the interviewer's pocket. Placing the recording device where the interviewee can see it plainly, such as on a table between the interviewer and interviewee, might make them uncomfortable, less forthcoming, or distracted.

If legal, consider recording the interview covertly. Covertly recording offers an advantage in that it provides an accurate record without disturbing the flow of the interview. If there is to be a covert recording and the subject asks if the interview is being recorded, do not lie. Explain, as mentioned previously, that it is in their best interest that an accurate recording be made, and that they can have a copy when completed. Regardless of whether the recordings are made covertly or overtly, make sure to know and follow jurisdictional laws regarding obtaining recordings.

Beginning the Analysis

An analysis begins with the premise that the subject has told the truth. However, this does not eliminate the possibility that the subject might be concealing information. Two questions should be asked: “What did the subject say?” and “What did the subject *not* say?”

There are two ways to analyze the statement: through an examination of the *content* (the words and phrases) and through an examination of the *structure* (the beginning, middle, and end of the statement).

When a person communicates information about an event that has occurred, that person:

- Uses words or a *vocabulary*
- Uses those words in various forms called *parts of speech*
- Arranges those words in a sentence in a manner referred to as *syntax*
- Arranges their sentences to tell a story, called a *narrative* (the terms *narrative* and *statement* will be used interchangeably in this section)

These four areas—*vocabulary*, *parts of speech*, *syntax*, and *structure*—form the basis for a communication analysis.

Vocabulary

People have a vocabulary of thousands of words. Changes in vocabulary within a narrative to describe the same person, place, thing, or action denote important shifts. When a person uses the words *girl*, *woman*, *lady*, or *female* to describe the same person in a narrative, it is because each term is a reflection of how that person perceives that individual at that particular point in the narrative. When a person uses different words or terms to describe different individuals, all of whom are of the same gender, age, and relationship to them (e.g., coworkers, aunts, uncles, classmates) in a narrative, it is again because each term is a reflection of how that person perceives those different individuals. Changes in vocabulary are indicators of a change in the subject’s definition of that person at that point in time. Something has

caused that change to occur, and it is the responsibility of the interviewer to follow up on changes in vocabulary.

In the following example, the speaker describes circumstances in the doctor's office where she works. The office has been accused of Medicare fraud.

The only doctor I ever saw make fewer notes and document worse was Dr. Tuckerton. He could have thirty years of medical info literally on only three pages. So, you see what we are up against. Even our patient charts only have a few words here and there. He continues to be a small-town country doctor who resists change, won't computerize, and fights the ICD-N codes, CPTs, DRGs, and any new restraint.

Notice that the speaker refers to Dr. Tuckerton as someone “who resists change” and “won't computerize.” These phrases suggest a stubborn person who does not follow regulations. The doctor is not committing fraud; he is just not filling out his paperwork correctly. However, in the same sentence, the speaker says Dr. Tuckerton “fights the ICD-N codes.” The verb describing Dr. Tuckerton has shifted from *resists* to *fights*. In the first instance, *resists* describes a passive refusal to conform to regulations. The final verb in the sentence, *fights*, suggests a direct, active intervention in the process. To *resist* change and to *fight* change are different acts. The speaker should be pressed for detail about the doctor's *resisting* and *fighting*.

Another significant vocabulary shift in the example involves two words that refer to the Medicare regulations. In the last sentence the doctor “resists *change*.” By the end of that sentence, the speaker describes the doctor as someone who “fights the ICD-N codes ... and any new *restraint*.” Referring to the regulations as *change* may be value-neutral. The speaker is describing a man who does not want to change the way he does business. The word *restraint*, on the other hand, conveys an opinion about the regulations. The rules do not simply require doing things differently (forcing change); they *restrain* a good doctor from doing his work. Describing the regulations as *change* suggests the regulations are a nuisance. When the speaker uses the word *restraint*, she is describing the regulations as a threat. The interviewer should ask for details on how the regulations act as a *restraint*, and why the office feels hostility toward the regulations.

Taken together, the shifts in vocabulary reveal alternating points of view. The speaker generally attempts to present the doctor as someone whose age and stubbornness cause them to lag behind developments in their profession. However, a close reading suggests that Dr. Tuckerton is actively thwarting Medicare regulations. Someone who *resists change* needs some tutoring to make their procedures current. Someone who *fights restraints* might be actively committing fraud as part of their struggle.

The interviewer should recognize that:

- Each word the subject uses has a different meaning.
- A person maintains consistency in their language to express the same thought.
- Change of language reflects a change in the subject's perception of the account.

Parts of Speech

To refine the discussion of vocabulary choices, it is important to know how to break a statement into its parts of speech. The words of any sentence can be labeled according to their function in the sentence. For example, in the following sentence, *dog* and *man* are both nouns—they tell who committed the act and who suffered from the act.

The dog bit the man.

The verb *bit* in the sentence describes the action that occurred. If someone said the dog *licked* the man, then they would be telling a different story than if the dog *bit* the man.

The seven basic parts of speech are defined and discussed in the following paragraphs.

Nouns

Nouns name or identify people, places, or things. It is important for the interviewer to identify all nouns within a statement. As will be discussed further, the choice of nouns and their usage can reveal a lot about the subject.

A person might be identified by their proper name or described according to their relationship to the subject (e.g., *my wife* as opposed to *Susan*). The use of *the* as opposed to *my* when referring to a spouse (e.g., *the wife*) is usually interpreted as a distancing mechanism. Similarly, the use of a first name without an explanation of the person's identity is an improper introduction, and thus the closeness of the relationship should be questioned.

One important aspect of identifying the first time a noun comes into the statement is to determine if the word or words used to later identify or replace that noun have changed. If the word used to describe that noun does change, the interviewer should note this as a possible shift in perception with respect to the person, place, or thing.

While reading the following statement, note the different ways this young woman refers to her father.