Conducting Internal Investigations

Admission-Seeking Interviews
Admission-Seeking Interviews

- Admission-seeking interviews are designed to obtain a legal admission of wrongdoing.
- Successfully doing so involves being able to influence the behavior of others.
How NOT to Conduct an Admission-Seeking Interview
Elements of a Successful Admission-Seeking Interview

- Know the facts.
- Know as much as possible about the subject.
- Be self-aware.
Elements of a Successful Admission-Seeking Interview

Tom Hughes
Convicted Fraudster
Variables Within an Admission-Seeking Interview

- The interviewee
- The issue
- The interviewer
The Interviewer
Self-Monitoring Checklist

- Do not make the interview a personal issue.
- Do not take whatever happens during the interview personally.
- Expect the deceptive individual to resist, and understand that it is natural for them to do so.
- Do not be resentful if the interviewee is not cooperative.
- Strive to establish a low-anxiety atmosphere.
The Interviewer
Self-Monitoring Checklist

- Project confidence and control.
- Anticipate that the interviewee will be reluctant to be forthcoming.
- Anticipate that the interviewee will display symptoms of deception.
- Do not become angry, upset, or defensive.
- Remember the importance of being able to understand the interviewee’s perspective.
Choosing a Venue for the Interview

- Choose a venue where the subject will feel comfortable and secure.
- Ensure that the location provides sufficient privacy.
- Choose a neutral location that removes any psychological advantages from the subject.
Why Do People Make Admissions?

People confess when they believe:

• Doing so is the best step that they can take for themselves.
• They should do so based on what or who is important to them.
• They should do so in light of the information they currently have at hand.

Convincing interviewees of these things is the goal of the admission-seeking interview.
Why Do People Make Admissions?
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How to Convince the Interviewee to Confess

▪ Be courteous and attentive.
▪ Prevent noncompliant tactics.
▪ Establish a level of mutual respect.
▪ Make admission a viable option.
▪ Identify indicators of deception.
▪ Explore and devalue defenses and objections.
How to Convince the Interviewee to Confess

- Stress the strength of contrary evidence.
- Present an understanding and reasonable rationalization.
- Help the interviewee understand that:
  - They have two options—cooperation or noncooperation.
  - The choice is theirs to make.
  - Each choice has negative consequences.
  - Admission is better than non-admission.
Criteria for Gaining an Admission

- Offer the interviewee a mutually satisfactory resolution.
- Be considerate of the interviewee’s emotions and rationalizations.
- Permit the interviewee to maintain pride.
- Promote compliance.
- Confirm an understanding of their concern for the consequences of an admission.
- Neutralize their fear of admission.
Interviewee Types

- Emotional interviewee:
  - Exhibits indicators of guilt, anxiety, or remorse
  - Needs a morally acceptable rationalization

- Confident interviewee:
  - Might come across as abrupt, indifferent, pompous, or angry
  - Seeks to dominate interview
  - Needs to be converted into an emotional interviewee
Indications of the Increased Possibility of Making an Admission

- Be attentive to indications that the interviewee is considering offering an admission.
  - “I am not saying that I did it, but if I did, what would happen?”
  - “What do you think will happen?”
  - “What would happen to a person who did say that they did it?”
Steps in the Admission-Seeking Interview

- Make a direct accusation.
- Observe reaction.
- Repeat accusation.
- Interrupt denials.
- Establish rationalization.

- Diffuse alibis.
- Obtain benchmark admission.
- Obtain verbal confession.
- Obtain signed statement.
Gaining an admission is a critical element to the professional interviewing process.

Gaining an admission in a manner that will be acceptable to the organization and the courts is always a challenge.

Making the admission as irreversible as possible is the next critical step in the process.