

## **INTERVIEW AND INTERROGATION: THE BASICS AND BEYOND**

Successful resolution of a fraud investigation requires getting confessions the correct and legal way and in writing. This presentation will begin with the basics of interview and interrogation, then cover specific topics including how and where to conduct an interview, “reading” a suspect, working with lawyers, use of props, taking a statement of confession, and finally, what to do when faced with an insider job that has a large group of suspects.

**SHERMAN MCGREW, JD, CFE**  
**Program Analyst**  
**Transportation Safety Administration**  
**The Netherlands**

Sherman McGrew is a native of Brooklyn, New York. He entered military service as a Reservist in 1979, retiring as a U.S. Army Lieutenant Colonel in 2010. He is a graduate of Army Command and General Staff College and has had three active duty deployments, including two combat tours in Iraq in 2003 and 2008. In 2008, he worked extensively with the UK Military and UK Civilian Police Contingent in Basra, Iraq.

He entered law enforcement in 1987 and retired as a Captain with the Waterbury Police Department in 2009, having also served as a Patrolman, Detective, Sergeant, and Lieutenant. He has conducted literally thousands of interviews with suspects and has lectured on Interview and Interrogation to both the 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.

He holds a Bachelor’s Degree from the University of Connecticut, a Master’s in Forensic Science from the University of New Haven and a Law Degree from The University of Connecticut, School of Law. He is admitted to both the Connecticut Bar and the U.S. Federal Bar as an attorney. He also was a Commander of the Waterbury Police SWAT team and founded and ran the Waterbury police academy for four years.

“Association of Certified Fraud Examiners,” “Certified Fraud Examiner,” “CFE,” “ACFE,” and the ACFE Logo are trademarks owned by the Association of Certified Fraud Examiners, Inc. The contents of this paper may not be transmitted, re-published, modified, reproduced, distributed, copied, or sold without the prior consent of the author.

## INTERVIEW AND INTERROGATION: THE BASICS AND BEYOND

### NOTES

#### **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 and of itself to allow us or our employer to “take action” against a suspect. Evidence is not always conclusive. 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**

TV 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 them 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.

#### **Do Your Homework!**

The interview starts long before we even meet the suspect. We need to learn all we can about the suspect in preparation for the interview. In short, we need to do our

## INTERVIEW AND INTERROGATION: THE BASICS AND BEYOND

### NOTES

homework. There is a tendency to take shortcuts here. All I can say is: Don't! Don't try to "wing" an interview without doing the prep work. 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/she? What do the supervisors and coworkers think about him/her? Go over their files, but be aware of privacy laws and concerns. Get a good picture of who the suspect is *before* the interview. Remember: Prep work pays off — shortcuts don't.

### **Relating to a Suspect**

You *must* be able to relate to a suspect, to understand what motivated them to commit the fraud. Use your own life experiences. The goal is to establish a rapport. Are you getting through to them? Are you relating to them? Not everyone is the same. Maybe you are not the right person to do an interview with this particular suspect. Be sincere. You can't fake it. You must be able to empathize with the suspect. If you can't relate to this person, get someone else to do the interview.

### **Where to Conduct an Interview**

Do not conduct an interview at your desk. You will want to do this. It's 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's not always easy, but do your best to find a place like this.

## INTERVIEW AND INTERROGATION: THE BASICS AND BEYOND

### NOTES

#### **Remember, It's an Interview**

Be a friendly guy. Don't be afraid to shake hands. If you can't bring yourself to shake the suspect's hand, you aren't the right guy to do this particular interview. Engage in small talk on way to interview room. The weather is always a good topic. The actual interview starts as soon as you meet the suspect. The suspect may ask questions as you walk to the interview room. This is because they want to know what you know! When a suspect asks questions immediately, it is a sure sign of stress. They can't wait to know. They probably had a sleepless night worrying about the interview. And remember, it's always an interview, *never* an interrogation.

#### **What Is Important to the Suspect?**

Your prep work helps here. What is his/her upbringing? Is your suspect religious? What is their moral background? Do they feel guilt? Most people do. Very few are amoral. What is important to them? Is their family central to their life? How about their reputation with their friends and neighbors? Get inside their head. Find out what makes them tick.

#### **How Many People Should Be Present?**

Easy! Just you. Remember, it's not TV. Keep it between you and the suspect. As in much of life, two's company, three's a crowd. It's twice as hard to build a rapport with three people. It's 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 (i.e. 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

## INTERVIEW AND INTERROGATION: THE BASICS AND BEYOND

### NOTES

being so very close to a confession and having an interruption ruin all your 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 or sticky note) if there is a real reason why you need to come out.

### 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 jurisdiction where you are investigating. Many times, our investigations will lead to criminal consequences. Are you acting as an agent of the police? If so, certain rules may kick in. Are rights warnings necessary? What if they ask for a lawyer? What if they ask *you* your opinion if they *need* a lawyer? Are they there of their own free will? They should always come to the interview of their own free will. One way is to arrange an appointment to “talk about the case.” Generally, they are free to leave at any time. Make sure they know this...and get it in writing.

### Lawyers

It's never like 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 he 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 they ask, “Do I need a lawyer?” Possible answer: “I would never advise anyone not to have a lawyer.” The bottom line: Make them decide if they want a lawyer. Don't make the decision for them.

## INTERVIEW AND INTERROGATION: THE BASICS AND BEYOND

### NOTES

#### **Get All Waivers in Writing!**

When you are about to get a confession, you don't want to stop the flow of information. So, before you start the interview, get the ground rules out of the way. Make sure they understand they are free to leave, that they understand they can get a lawyer, and that they are there of their own free will. Have these points in writing prepared so that they can initial next to each one. Then have them sign on the bottom and 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 them that they are free to leave, etc.

#### **Strong Positive Opening Statement**

This can be hard to do. You are accusing someone of something you are not certain of. I always found this very hard to do. 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." You can get many different reactions. They may 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, very mad. As a matter of fact, so will the innocent! So what's 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!**

*Anything but a "No" is a "YES"!*

It's that simple and it works! If a person didn't do something, they give 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." (He's telling you someone did and he knows

## INTERVIEW AND INTERROGATION: THE BASICS AND BEYOND

### NOTES

who did). Another delaying tactic is repeating the question back to you. Question: “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 don’t need time! The truth is easy to remember compared to lies. If you’re telling the truth, you don’t have to think if the truth ties in with your “story.”

### **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’s easier to admit to shoplifting than to armed robbery. They didn’t commit a crime, they made a mistake. Everyone makes mistakes. It’s not that bad (or so you want them to think).

### **Rationalization**

After you minimize the actions of the suspect, give them a rationalization for what they did. They will jump at the chance.

#### *Examples*

Minimize: “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...”

Rationalize: “You were going to pay the money back, right?” The bottom line is to convey that it’s not that big 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

## INTERVIEW AND INTERROGATION: THE BASICS AND BEYOND

### NOTES

minds are racing. The guilty are thinking a mile a minute to keep ahead of you and to make sure they don't trap themselves. The innocent don't have to think so hard. Get the guilty to commit and then spring the trap: "It couldn't have been you because you said that, when the theft took place, you were at the local bar, right?" Get them to agree that they were at the bar, 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 they weren't really there, they won't know if there was a fire or not. They're trapped by their own words.

#### **Let Them Talk!**

Never, *ever* interrupt a suspect. Who knows what they will say next. Let them ramble on. Learn how to be a good listener. Practice not interrupting on your spouse (they'll appreciate it). What are they *really* saying? What words are they using? Are they confessing in so many words? When they stop talking, let the silence lie there. This builds pressure. To alleviate it, they will start to talk some more. The silence works for you. Don't feel like you have to fill it.

#### **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 on front and the type of investigation where they can read it upside down. Don't 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. They will assume that that whole *huge* file is *your* investigation of *their* case. Video tapes with the suspect's name on them work great. If they ask about the tape, they are culpable. If I didn't do it, I might be curious about a video tape, but I



## INTERVIEW AND INTERROGATION: THE BASICS AND BEYOND

### NOTES

won't be obsessed with it. If I'm guilty, I'm dying to know what's on that video tape and I'll 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, like having an opportunity to commit the fraud and then work towards the actual fraud itself.

#### **Giving Hope, You Can't Fake It**

*Don't gloat* when they confess. This is hard when you know you couldn't prove the fraud without a confession. They 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 can't fake this. Ask them if they are sorry. Ask them if they 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 rehabilitation.

#### **Taking a Statement**

Again, it's not like TV. *You* write out the confession. You make sure that all elements of the fraud are in the statement. Example: “So then you found out how much money you owed and saw no other way out?” If he/she agrees, write that out in the first person. When you're finished, read it through together. Have them read some passages aloud and make corrections in their own handwriting. This shows that it is truly their statement. Use the kind of words that they use. Avoid “million dollar”

## INTERVIEW AND INTERROGATION: THE BASICS AND BEYOND

### NOTES

words. In addition to your signing as a witness, get a secondary witness to the suspect signing the confession.

#### **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 escorted out of the building. Many times, an employer is so shocked that a trusted employee has admitted to a fraud, that they don’t want to believe it. They are highly reluctant to have the employee escorted out of the building. It’s your job to convince the employer. Get the suspect’s keys and access badges. You don’t want them back in the facility! Lots of damage can be done in a short period of time. Don’t leave a suspect alone after a confession! Always, always, always make sure there is an escort with them.

#### **Multiple Suspect Cases: Large Number of Suspects and the Inside Job**

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 to 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. So, what do you do?

#### ***The Five-Minute Interview***

You interview each of them 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

## INTERVIEW AND INTERROGATION: THE BASICS AND BEYOND

### NOTES

that could have committed the fraud, at the end, you will have about six “good” suspects.

#### *There Is a Series of Questions to Ask*

1. Have you heard about the theft that took place?

Look for how they tell you what they have heard about it. Look for signs of deception. Do they know more than an innocent party should?

2. What do you know about the theft?

Same thing. Watch their demeanor as they relate what they know. Again, do they know more than they should? Remember, if they are guilty, they are under tremendous stress.

3. When you first heard about this theft, who came to mind?

The innocent may be reluctant to name names. This is normal. No one wants to point the finger at someone else when they don't have proof, *but* they absolutely thought of someone when they heard about the fraud. The innocent will give you a name, or names. The suspect/guilty will keep it vague. He wants a *lot* 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.”

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's no way Mrs. Murphy could have done it. Suspects continue to keep it vague. They don't want you to eliminate anyone. As far as the suspect is concerned, the more people under suspicion, the better.

## INTERVIEW AND INTERROGATION: THE BASICS AND BEYOND

### NOTES

5. What should happen to this person that did this?  
Should they lose their job?

Innocent response: “Lose their job!?! Are you kidding me? They should go to jail! For 10 years! In the electric chair!” The innocent will highly resent that they are considered suspects, no matter how fleetingly. They are really mad that someone has come into their place of employment and 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.”

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 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.

Now go use your I & I tools!

### Summary

#### *Interviewing Suspects Is an Art.*

You don’t become an expert overnight. You don’t become an expert because you attended this session.

## INTERVIEW AND INTERROGATION: THE BASICS AND BEYOND

### NOTES

You become an expert by doing your homework, preparing, and then doing interview after interview after interview.

#### ***Be Yourself***

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

#### ***Sympathize, Minimize, Empathize***

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

#### ***Get the Confession!***

That's 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. And remember, when someone admits what they have done, it's the first step to rehabilitation.

#### ***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 proven. Good luck!