Interviewing and Interrogation

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Second Edition

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To the people without whom this would not have been possible:
Don and Rachel; Bill and Nancy.

Contents

Preface

Like everything else, the scope of the interview process has changed drastically since the initial publication of *Interviewing and Interrogation*. At that time, when giving consideration as to who conducted interviews, foremost in the mind were investigators from local, state, federal, and public sector agencies. That is no longer the case. For example, now there are more private sector investigators than governmental. Additionally, with the passage of the Sarbanes-Oxley Act in 2002, auditors, who to that point occupied themselves primarily with the examination of the books and business practices, find themselves having to interview those who possibly may be "cooking the books" or involved in off-the-books fraudulent activities, and having to determine as to the veracity of the information the interviewee provides during the conduct of an audit.

Public sector interviewers who from time to time have a bad day in the interview arena generally do not suffer adversely with regard to continued employment. That is not the case in the private sector. A daily review of the headlines reveals circumstances wherein auditing firms are being sued for failing to detect fraud during the conduct of their auditing procedures. As a result, in some cases, firms fail and auditors suffer the loss of employment.

So now there are a multitude of professionals finding themselves tasked with having to conduct interviews in situations such that if the interview is conducted poorly, the downstream consequences are profound. Human resources professionals have to interview with regard to employment and during administrative investigations. Managers must interview subordinates with regard to personnel complaints and subsequent actions. School principals must interview students as well as teachers in situations ranging from skipping class to allegations of sexual impropriety between a teacher and a student.

As a result, the revision of this text is structured to apply to a vast array of interviewers regardless of what their job task responsibilities may be. After all, interviewing is interviewing, deception is deception, and persuasion is persuasion.

Suggestions on How to Best Use This Text

The text is presented in a manner designed to underscore the point that no element of the interview process—detecting deception, questioning, or persuasion—is an isolated event. All components are interrelated. Questioning is directly related to detecting deception and persuasion, and vice versa. Toward that end, even though there are specifically titled chapters, information regarding detecting deception is found in the chapter on questioning, information related to questioning will be found within the chapter on detecting deception, and so on down the line, including the appendixes. In this mode, action, effect, and rationale are, when necessary, presented together as a whole to enhance the learning association link and subsequently the effective application.

The information presentation provides application questions encouraging the reader to stop and consider the operation of the topic under examination to the interview process. These questions endeavor to link what the reader has learned from life's lessons outside the structured formal interview itself. The goal is to assist in applying what is already known from a lifetime of experiencing interpersonal communication dynamics and transferring that knowledge directly the conduct of the interview.

Additionally, there are points within the text wherein a comment is provided regarding the topic being presented. These are designed to place special emphasis on the importance of the subject matter at hand and to expand on its application. Ideally at these points, the reader should write his or her own set of application questions regarding the topic and its application, particularly to his or her own interviewing responsibilities or interviewing skill level aspirations.

Last, there are a number of exercises provided throughout the text. These three text design concepts—presenting information in an interrelated constellation format, application questions, and comments—are designed to allow those new to the interview process to establish a solid interviewing foundation, as well as to allow for more experienced interviewers to increase the borders of their interviewing options and effectiveness. For both, the reading and application of the material requires effort. Similarly, for both, the learning is in the effort.

We always enjoy hearing from those involved in the interview process and endeavoring to improve their capabilities. If you have a question, comment, or observation, our email addresses are dwrabon@msn.com and te.chapman@hotmail.com, respectively.

Introduction

Interview and Interrogation: What's the Difference?

The examination of the processes of inquiry and persuasion has to begin, for the interviewer, with the contrast between the interview and the interrogation. The term *interrogation* can have a very negative connotation for some. To those individuals, interrogation means bright lights, threats, force, and the "third degree." Whether writing an after-action report, summarizing an inquiry, or testifying in court, the guiding advice is to avoid the use of the term *interrogation*. In the corporate world, human resource personnel, legal counsel, and others all recoil at even the thought of the word. Even prosecutors would prefer the term be avoided in the articulation of a description of the communication event. With the negative connotation of this usage aside, it is important for the interviewer to understand what he or she is accomplishing within the conduct of the interview. Whatever is substituted for interrogation—be it persuade, convince, gain compliance, cajole, and so on—our examination will show the outcome is the same because it is not the use of the term that is the issue. You can have an excellent career as an interviewer and avoid the use of the term *interrogation* exclusively. The issue is the criteria of the interview process, which must be successfully accomplished on a regular basis and in an appropriate manner.

It is always interesting in a seminar involving experienced interviewers to identify the various criteria by which we separate these two modes.

Application Question 1: How do we differentiate between an interview and an interrogation?

Answers from interviewers include:

Interview	**Interrogation**
Auditor's interview	Investigators interrogate
Involves a witness	Involves a suspect
Involves a victim	Involves custody
No Miranda rights	Requires Miranda rights

General information	Specific facts
Less demanding	More demanding
Casual	Highly structured
Interview in the field	Interrogate at the office
Information not known	Confirm known information
Scattershot approach	Pin-down approach

All of these are applicable considerations. Perhaps, however, the difference between the two can be articulated by framing the concept in terms of *the willingness of the interviewee* (i.e., the individual from whom you are to gain information or whose behavior you wish to influence). Imagine, regardless of where the interchange with the interviewee takes place—in the more commonly thought of interview room, in the interviewee's office, or in circumstances where the interviewee does not recognize the fact that you are formally interviewing them—the interviewee could, psychologically speaking, choose to sit in one of two chairs: the "willing" chair or the "unwilling" chair.

In the "willing" chair, the interviewee—whether target of an investigation, neutral third party, or an individual part of a routine audit—is ready to tell you whatever you need to know:

- what he or she did;
- what he or she saw or heard;
- what he or she knows

Consequently, all that is required here is the questioning technique appropriate to recovering the information from the interviewee. Simply stated, the interviewee is *willing to cooperate.*

On the other hand, the interviewee could choose to sit in the "unwilling" chair. Here, the interviewee is reluctant to provide the needed information or cooperate. Though we do not normally think of a victim as unwilling, a victim of fraud who is embarrassed to think about what has happened to him or her (much less talk to you concerning the ordeal) would fit this description. An adult male who has been taken advantage of financially due to his own greed or willingness to operate outside the law would be another example. Many witnesses or persons on the periphery of an inquiry are reluctant (unwilling) to become involved or participate in the interview process. Regardless of their individual roles, they share one area of commonality—they are unwilling.

The interviewer faced with a subject in the "willing" chair has only one task—to interview him or her—whereas the interviewer faced with a subject sitting in the "unwilling" chair has a two-step task: first and foremost, to move

the interviewee from the "unwilling" chair to the ‘'willing" chair, and second, interview him or her. Therefore, we can think of interrogation as the movement of the interviewee from the "unwilling" chair to the "willing" chair. It is as simple as that and as complicated as that—which is why we call it work. This task provides the challenge to the interviewing profession. Simply stated, as interviewers, we are responsible for changing behavior. Our objective, with regard to the individual in the "unwilling" chair, is to *change someone's mind.* That in itself is remarkable—to change someone's mind. Think about it for a moment.

If the interviewee is a target of an inquiry, then changing his mind could be detrimental to his own well-being, perhaps even drastically so. The information, evidence, or whatever we have in a particular circumstance may be weak or even nonexistent. Our only hope is to persuade the interviewee to change his mind—literally to get him to talk himself out of his own well-being. Theoretically speaking, if he remains in the "unwilling" chair, he still maintains the possibility to prevail or minimize the consequences. If he moves to the "willing" chair, he must face the consequences of his own actions. Thankfully, in a democratic society, we do not have the options of beating, threatening, depriving, or unduly influencing the subject. Our only option is to persuade, not compel.

In the interaction, the interviewer's approach should always be, "I am going to treat this person the way I would want to be treated if I were sitting in that chair." Our foundational prime directive is: we never—ever—want to do anything that would make an innocent person make an admission to something he has not done. We never want to take away the volitional component of the movement from the "unwilling" to the "willing" chair.

For the most part, as interviewers, all we have to work with are words, phrases, and sentences with which to change someone's mind. Certainly, the presentation of documentation, data, and information contrary to that which the interviewee asserts is important, but at the end of the day, how the interviewer treats the interviewee is the most critical factor.

What happens when we change a mind? Imagine, from a physiological perspective, the unwilling mind has a certain chemical composition and electrical configuration. What we attempt to do through the use of words can be compared to altering this composition or configuration. Put another way, the interviewee had a predetermined course of action in mind that now has changed to the very course of action we had in mind. Remarkable!

It is no wonder that in ancient times that words were thought of as possessing magical qualities. In a very real sense, they do. Words can be used to

mend a relationship or comfort a distraught mind, and words can persuade. Words can create pain, anxiety, and all sorts of adverse circumstances. Interestingly enough, we all have access to the same words. For interviewers, the question becomes: What are we going to do with our words?

Application Question 2: Based on your experience and knowledge, how do you move the interviewee from the "unwilling" chair to the "willing" chair? How do you get people to cooperate?

Answers from interviewers include:

Ask general questions.	Make them feel this is what's best for them.
Win them over.	Gain their confidence.
Take away the foundation.	Relate to them.
Explain the facts.	Give them a way out.
Deescalate the crisis.	Give them a chance to explain.
Explain the advantages of cooperation.	Lie to them.
Downplay the disadvantages of cooperation.	Understand them.
Use deception.	Hang it on them.
Play on their sympathy.	Put it on them.
Play on their conscience.	Threaten them.
Determine their frame of mind.	Get them to trust.
Talk to them.	Mimic their manner.
Know how far to push.	Empathize.
Get on their level.	Imply things.
Speak their language.	Show them what they're looking at.
Show them.	Show them acceptance.
Tell them.	Develop rapport.

As we can see from these answers, various strategies are used by interviewers to influence the actions of the subject. Although there is a wide range of options, those listed here tend to share one characteristic—they are all generally stated. How do we "take away the foundation," "mimic their manner," "speak their language," "get on their level," or "make them feel this is what's best for them"? It has been the authors' experience that interviewers who say these things can, in fact, do these things. The difficulty experienced by interviewers is how to articulate or define *how, when,* and *why* to use these techniques. What we ultimately work for here are the specifics of defining the

how, when, and why of moving someone from the "unwilling" to the "willing" chair.

Think of the relationship between interviewer and an unwilling interviewee in the following terms:

$$\mathbf{I} \rightarrow \mathbf{S} = \mathbf{B}$$

where **I** represents the interviewer, who acts as the stimulus; **S** represents the subject (interviewee), who is the object of the stimulus; and **B** represents the behavior of the interviewee. The formula indicates the interviewer, acting on the subject, produces a behavior from the interviewee.

Recognizing that nothing happens in a vacuum (meaning the interviewer's verbal, vocal and nonverbal stimulus always elicits some behavior from the interviewee), the question for the interviewer becomes: Is my way of communicating with this individual going to produce the desired behavior? The interviewee will always present behavior—there is no way he or she can prevent him- or herself from doing so. But is the behavior demonstrated by the interviewee the behavior that we desire? If not, does the interviewer have the capability to modify his or her approach to one that will produce a more desirable behavior on the part of the interviewee? To state this simply: What can I do to move this individual from the "unwilling" to the "willing" chair?

How can it be some behavior is always produced from the interviewee? The individual cannot help but be affected by the interviewer. Perhaps you have noticed in the past, as you observed an individual during the conduct of an audit-related interview or a more formal inquiry, that he had assumed a certain posture. Then you noticed, as you proceeded with the conduct of the interview, he shifted his posture in the chair and made various other subtle yet observable positional changes in hands, arms, feet, and so on. Your transition of the interview from topic to topic had an effect on him. He changed. From the moment you enter the interviewee's environment, you begin to have an influence on him or her. What will be the end result of that influence?

There is a tendency on our part to give ourselves credit if the interviewee's behavior is what is wanted. However, if the interviewee's behavior is not what is wanted, we tend to blame the interviewee. For example, we could go into a group of interviewers and ask one of them a question such as the following: "That audit you were conducting that involved the chief financial officer taking kickbacks from vendors—how did that interview work out?" You could get an answer such as, "Oh, I interviewed that guy, all right. After a while, I had him eating out of my hand. I had him start crying and that was it. I got him to tell me everything."

Here we notice a rather lengthy answer, with all the pronouns and action verbs referring to or crediting the interviewer: "I interviewed," "I had him," "I got him." Continuing, we might ask, "What about that case of the bank clerk you knew was involved in fraudulent overrides—how did that interview go?" The answer might be, "I don't know what the guy's problem was; he had an attitude that wouldn't quit." Now we have a very brief response, with the blame for an obviously unproductive interview going to the interviewee.

These responses demonstrate human nature in action. If it went well, I did it; if not, then it was not my fault. The oldest example of this shifting of responsibility, you might recall, comes from the Old Testament. When God observes Adam in the Garden of Eden and sees that Adam, now recognizing his own nakedness, must have eaten the fruit of the Tree of Knowledge of Good and Evil, God asks, "Who was it that caused you to eat of the tree?" Adam replies, "It was the woman, the one you gave me, that caused me to eat"—an interesting and all-too-human reply. Supposedly, there were only two people living there—Adam and Eve. Yet when Adam replied, he qualified his answer. He did not simply say, "It was the woman," but added, "the one you gave me," implying it was both God's fault and Eve's fault. (Eve, of course, blamed the snake.) In all probability, however, they would each have taken a bite sooner or later. It was just a matter of whom the persuader got to first.

Although shifting the blame can be an excellent compliance-gaining technique, it is very irresponsible for the interviewer to shift blame for the outcome of the interview onto the interviewee. If we are going to take credit when the interviewee's behavior is what we want, then we have to take responsibility when the interviewee's behavior is not what we want.

We can't have it both ways—all credit and no responsibility. To say it is not one's fault when things do not go well means that when they do go well, it was just dumb luck. In both cases, we are the interviewer, the one responsible for making things happen. No matter how the interviewee behaved, for the most part, we did something to cause him or her to behave that way. If what we do does not producing the desired behavior, do we have the capability to transition to an approach that will produce a more desirable behavior?

Having laid the foundation of interviewing precepts, let us begin.