

# Pitfalls of Using Direct Accusation

**I**s the use of the direct accusation the right way to begin the accusatory interview with a guilty suspect?

Every interviewer should understand the direct accusation's component parts and the potential problems associated with its use before deciding to begin an accusatory interview this way.

**Interviewer:** *Bob, as you know, we are investigating the theft of that missing \$5,000 deposit from the cash office that occurred on Tuesday.*

**Interviewer:** *I have the results of the investigation in this file...our investigation clearly shows that you are responsible for taking that missing \$5,000 deposit.*

**Suspect:** *No, I didn't.*

**Interviewer:** *Bob, as I said there's no question about the fact that you are responsible for taking that missing \$5,000 deposit.*

**Suspect:** *But I...*

**Interviewer:** *Bob, let me finish. The reason why we're here is to try to understand the reason why this happened...*

## The direct accusation has probably been used since ancient times to express the belief that another was involved in an incident.

The scenario above depicts the use of the direct accusation as a means of beginning an accusatory interview with an employee. The direct accusation encompasses the following basic structure:

- Identification of the associate, if not previously met
- Identification of the specific incident under investigation
- Innuendo of evidence
- Clear direct statement of the employee's involvement in the incident
- Pause to listen and observe the suspect's response
- Repeat the accusation
- Transition statement to shift the discussion to possible reasons why the suspect became involved

Predictably the directness of the interviewer's confrontation almost always elicits a denial from the suspect. The suspect, who has now lied to the

interviewer, must continue to do so to protect the position he has taken. In addition, the interviewer has complicated an already difficult situation by beginning the confrontation with a direct accusation, which may cause other problems to surface.

### Historical Perspective

The direct accusation has probably been used since ancient times to express the belief that another was involved in an incident. However, its use was formalized with the advent of the polygraph examination in the opening decades of the twentieth century. The early polygraph examiners were tasked with developing not only a testing procedure that would reliably identify a guilty suspect, but also to develop methods to obtain confessions from the guilty.

The early examiners used a series of checks and balances in an attempt to develop a reliable means of identifying the guilty. Recognizing that the verbal and physical behavior of innocent and guilty subjects was different, the examiners used a pretest interview which provided them with an indication of the subject's probable innocence or guilt.

Next, the examiners used a testing sequence during which they recorded the subject's physiology. An evaluation of the changes of the subject's physiological responses to questions asked during the examination allowed the examiner to determine whether or not the subject was truthful. These early polygraph examinations were often as much art as they were science.

Once the examiner's had an indication of the subject's status by evaluating the pretest behavior, and the recorded physiological responses, then the final check and balance if the suspect was determined to be guilty, was using a direct accusation to accuse the suspect. The direct accusation elicited additional behavioral clues in the form of denials that were used by the examiners to confirm their belief in the suspect's probable guilt. In addition, eliciting the denial also helped the examiner evaluate the level of resistance from the guilty suspect to confessing. The direct accusation was also used when a subject's true status was inconclusive and the interviewer needed additional behavior to determine the individual's guilt or innocence.

Since most early interview and interrogation seminars were developed by polygraph examiners, it

by Douglas E. Wicklander and David E. Zulawski



Wicklander and Zulawski are partners in the investigative and training firm of Wicklander-Zulawski & Associates, Inc. ([www.w-z.com](http://www.w-z.com)). They are also the authors of *Practical Aspect of Interview and Interrogation* 2nd Edition, CRC Press, 2001. They can be reached at 800-222-7789 or [dwicklander@w-z.com](mailto:dwicklander@w-z.com) and [dzulawski@w-z.com](mailto:dzulawski@w-z.com).

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is clear why the direct accusation was incorporated in their programs. They were simply teaching the only way they knew how to interrogate. Unfortunately, the inclusion of the direct accusation in an accusatory interview usually only complicates matters.

### Decision to Confess

A suspect's decision to confess becomes a simple or complex problem depending on the individual and the strategy employed to obtain the confession. Most suspects confess as a result of one or a combination of the following reasons:

- The individual believed his guilt was known.
- The individual wanted to put his own spin or explanation to the incident.
- The individual felt guilt for his actions.

The direct accusation relies on a single sentence and a somewhat theatrical presentation to convince the suspect that his guilt is known. The interviewer holding a file folder

purporting to be the investigation says, "Our investigation clearly indicates that you are responsible for (insert incident)."

The interviewer delivers this statement in a clear concise manner, while gesturing to the file folder. The innuendo of evidence and the statement's directness allows the interviewer to express absolute confidence in the suspect's guilt. The direct accusation may be delivered while standing in front of the seated suspect to show an additional level of authority and certainty in the individual's guilt. The directness of the accusation almost always elicits a denial from the suspect, who must then continue to deny to protect his position.

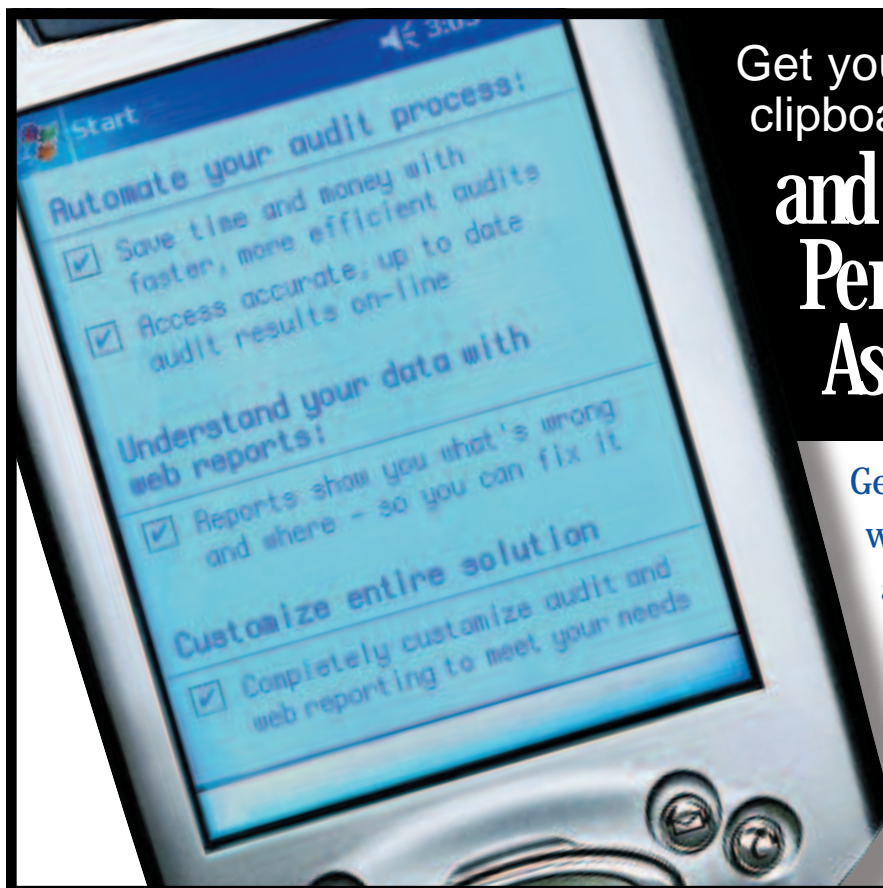
The interviewer has through this direct accusation focused his accusatory interview on a single incident or crime. This allows the suspect to defend himself on a single point of contention, rather than a pattern of behavior, which would spread and weaken his defenses.

Imagine holding a ball and having to fight to keep it from an opponent. Which would be easier to retain, a single ball or ten balls? You would lose the encounter if even one ball gets away, so you would have to spread your defenses over the ten, logically weakening the attention paid to each. An interviewer who can conceal what he knows, forces the suspect to spread his defenses over his pattern of criminal behavior, not just the single incident identified by the direct accusation.

### Rational verses Emotional Decision to Confess

The direct accusation encourages the suspect to make an emotional decision to confess. In making an emotional decision to confess, the suspect generally takes a role similar to a child being confronted by a parent. The parent makes a direct accusation of improper behavior, which is denied by the child. The parent then overcomes

*continued on page 80*



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the child's denials, forcing the child into submission and finally an admission. This admission is often accompanied by tears and withdrawn behavior.

The advantage of the direct accusation and emotional decision to confess is the submissive phase of the accusatory interview is easily observable by the interviewer. Unfortunately, a suspect who refuses to accept the role of the child being confronted by a parent may become more difficult to handle because he rejects the way the relationship was constructed. This results in the suspect making an emotional decision to resist, which may be difficult to overcome even when there is direct evidence of the individual's guilt.

### Rationalization

The direct accusation may also contribute to problems when the interviewer attempts to rationalize the suspect's behavior. Because the interviewer initially personalized the accusation by directly accusing the suspect, it is now evident to the individual that each and every rationalization is directed at him. The suspect believing that the rationalization is meant for him is further encouraged to offer additional emphatic denials, which disrupts the smooth flow of the interviewer's presentation.

In addition, the effectiveness of the rationalization is minimized because the suspect is focused on denial, rather than listening to the face-saving device of rationalization. The interviewer may also find that it is difficult to evaluate the effectiveness of these early rationalizations because of the intensity of the denial being offered by the suspect. At first, a suspect may reject an acceptable rationalization simply because he was not carefully listening and was instead looking for an opportunity to deny.

### Development of the Admission

Another problem caused by the direct accusation will be found while attempting to develop the suspect's admission. The interviewer electing to

### Reasons to Use Direct Accusation

The use of a direct accusation to begin the confrontation with a suspect may be done for a number of reasons.

- It begins the suspect's cycle of denials, which can be used to determine the suspect's level of resistance to a confession.
- It generally encourages the suspect to make an emotional decision to confess.
- The suspect's emotional state tends to magnify the behavior of the submissive phase of the interrogation where the interrogator gets the subject's attention and then he begins to quiet and listen.
- It is an effective way to begin the interrogation when the interrogator must focus on a single specific issue.
- It also elicits from the suspect a denial to a very specific accusation, which the interrogator can use to help identify the suspect's truthfulness or involvement in the crime.
- The interrogator likes to work harder than necessary.

use a direct accusation accuses the suspect of a single instance, for example, the theft of deposit. The direct accusation has the effect of identifying the potential exposure the suspect faces in the investigation, in this case the deposit. The suspect evaluating the interviewer's tactics often believes that this is the only instance of which the interviewer is aware, thus limiting subsequent admissions.

Since the suspect now believes that he has only been identified as stealing the deposit, he may be considerably more reluctant to admit to any secondary issues he was involved in, such as the theft of other money or merchandise. As investigators are aware, criminals develop patterns of behaviors and criminal activity that tend to evolve over time. In most cases, it is unlikely that the investigation has uncovered the first and only instance of the suspect's criminal activity. Usually, there will be a pattern of burglaries, thefts, or other criminal activity that may only be uncovered during the development of the admission process. Having identified the focus of the investigation, the interviewer may have inadvertently diminished the suspect's enthusiasm to admit his other criminal activities.

However, there may be instances where the direct accusation is necessary such as in a homicide, where it is

unlikely that the suspect has been involved in multiple murders.

### Organizational Issues

The use of the direct accusation may also foster morale issues because of its perceived harshness. An emotional interrogation that must overcome the suspect's denials can be difficult to observe.

The direct accusation may also create difficulties should the suspect fail to confess. Accused directly, the suspect may now demand evidence to support such a statement creating problems with human resources or other members of management because there was not absolute evidence of the suspect's guilt.

The power of the direct accusation lies in its clear confident statement that the suspect is involved in the incident under investigation. The use of the direct accusation also offers the interviewer another opportunity to observe the suspect's behavior and estimate his level of resistance to confessing. The interviewer must assess whether a single issue is what he wants to focus on and the potential for employee relations problems within the organization resulting from a direct accusation's use. Being aware of the pitfalls allows the interviewer to correctly select when or if the direct accusation should be used to begin an accusatory interview. ■