



by Douglas E. Wicklander, CFI, CFE and David E. Zulawski, CFI, CFE

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

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The Unanswerable Questions

Are we there yet?
Where do the missing socks go that disappear from the dryer?

What is the meaning of life?

How many people falsely confess each year?

What is the real percentage of shrinkage that should be assigned to shoplifting and internal theft?

When a person admits stealing something, how much did he really steal?

Yes, all are difficult questions. Like most of you, we have pondered these seemingly unanswerable questions. Where do those missing socks go? There must be an answer, and though it seems within our grasp, it remains tantalizingly just outside our reach.

How Much Did He Really Steal?

Just prior to this year's National Retail Federation loss prevention conference, we had a conversation with a loss prevention executive who wondered if there was an actual number that could be used to identify an employee's actual theft activity. How much did they really steal versus what was admitted? For example, maybe ten times the individual's admission is equal to what he actually stole.

To our knowledge, there has been no accurate number that could be used to get a sense of a thief's actual scope of activity. Over the years we have heard numbers tossed about that were supposedly predictive of the thief's overall activities. These numbers range from five to ten times what was admitted by the individual, depending on who we were talking to at the time. We never learned where these numbers came from or if they were supported by any data. We suspect they were educated guesses, like the estimate of the percentage of shoplifting versus internal theft in businesses collected each year.

One of the things that we applaud is the industry's turn to research to support loss prevention techniques and determine their effectiveness. We wondered if in our twenty-five years of investigative files, there was enough data to make some rough estimates in several interviewing areas. We started to pull some information and have some preliminary numbers to report based on our review. (This sounds like something Dr. Hollinger would say during his presentation: "These numbers are preliminary.") Regardless, they give us something to work with.

Reviewing Polygraph Interviews

What we discovered during the file review is that we did have some data that would give us an indication of the scope of a thief's actual theft activity. We found this in files during the early years of our business when we were actively using the polygraph to investigate internal theft. This technique changed in 1990 when the Employee Polygraph Protection Act was passed by the U.S. Congress, severely restricting the use of the polygraph in the private sector.

Doug and I spent countless hours polygraphing employees who had made theft admissions during a preliminary interview with loss prevention investigators. The employees would then be brought to us and we would re-interview them prior to the polygraph, examine them to determine their truthfulness, and, if warranted, interview them again to expand their admissions.

In some instances we also used a specialized polygraph technique called a *Searching Peak of Tension* examination to determine what the employee believed he had actually stolen from the company. During this polygraph examination we would ask the employee, "Did you steal more than [blank] dollars of money and merchandise from ABC Company?" The blank would be filled in with amounts ranging from what he had admitted stealing to an amount well above what he would have been capable of taking. The reason the examination is called a "peak of tension" is because the employee has an estimate in his mind of what he reasonably believes he has stolen from the organization. The individual's blood pressure typically rises until he is asked the amount he estimated he took, and then his blood pressure declines as his body relaxes. This effectively creates the appearance of a peak on the polygraph charts, which indicates the amount he mentally estimated. Polygraph detractors would have much to say about the accuracy of the polygraph in general, but for now we will leave that alone.

Initial Results

We have so far examined eighty-six cases where the preliminary admission was determined to be deceptive and there was a second interview. We can report the following:

- This eighty-six includes twenty-four cases where the employee made no theft admission prior to the polygraph. We removed those cases, leaving sixty-two.

- On average, the final confession admitted after the polygraph is 2.12 times greater than the initial admission in the sixty-two cases where the employee admitted theft prior to the polygraph exam.

What this means is, if an employee admitted to \$500 in theft activity in his initial confession, his final admission would be somewhere around \$1,060 after we determined he was deceptive and then re-interviewed. However, this still does not give an answer to how much the associate actually stole.

To determine an estimate for that number, we examined an additional eighty-four cases where there was a preliminary admission of theft, a determination of deception on the polygraph, final admission after the polygraph, and a peak of tension exam used to estimate what the associate believed he had stolen.

Now, if we extrapolate this using the information we obtained from the peak of tension examination, we learned the following:

- On average, the peak of tension result is 4.53 times greater than the initial pre-polygraph admissions in the eighty-four cases examined.
- On average, the peak of tension result is 2.53 times greater than the final post-polygraph confession in those cases.

What this means is, if an employee admitted to \$500 in theft activity in his initial confession before the polygraph, his actual theft activity would total \$2,265 as estimated by the peak of tension exam.

So, then apparently we have answered the unanswerable question—4.53 times greater than the initial admission achieved prior to the polygraph.

Not so fast.

Estimating One's "Belief"

There are a number of problems with these numbers, but at least they give us some indication of how to estimate what a person is actually responsible for stealing. We have the initial admission given to loss prevention investigators, and the final confession given to us after a polygraph examination. These numbers can be considered fairly accurate because in both instances the initial and final confessions were strongly substantiated.

The peak of tension results would seem to indicate the possibility of additional theft activity over and above the final confession. One of the problems with a peak of tension examination is that it asks the individual to "estimate" a dollar figure of theft that he knows it could not be more than. Unfortunately, because we are often dealing with people who steal for a significant period of time and keep no records, this is just that...an estimate. They may also inflate the estimate because of uncertainty.

The accuracy of a searching peak of tension examination can be debated since it is clearly an estimate based on the individual's "belief" of what he has stolen. Unfortunately, there is no way to validate the peak of tension results we obtained. It merely provided the interviewer an estimate of what the subject believed, and this did not always even result in a final confession matching that amount.

Probably the best number is the 2.12 times the initial admissions since each of these admissions were heavily substantiated by the employee. At best, the 4.53 times the final admission amount is suspect because it is an unsubstantiated guess by the individual.

Admissions Based on Interview Type

As long as we were looking at cases, we also reexamined ninety-four random employee interrogations we had been asked to review and critique for companies around the country. Primarily what we were looking for was whether or not the interviewer had used our non-confrontational approach in conducting the interview.

We divided these cases into the following categories:

- Full WZ method used, presented well with little or no errors (N=44),
- Partial WZ method used, done well enough to count, but with a number of missing parts or errors (N=28), and
- WZ method not used (N=22).

When we examined these against whether or not the employee made an admission, we found that using either the full or partial WZ method resulted in a confession 68 percent of the time. Unfortunately, we did not have the complete case facts relating what the investigator knew prior to the interview. As a result, the actual confession rate may be much higher if we assume some of these interviews may have been implications or suspicions triggering the conversation.

Those investigators using their own method resulted in a confession only 27 percent of the time and no confession 73 percent of the time. This translates into six out of twenty-two cases obtaining some type of admission when using their own method.

Interestingly, we also found that those interviewers using the WZ method had admissions three times higher than those who got a confession using their own interview style. Also, those interviewers using the WZ method had confessions disclosing a much wider range of thefts and frauds types, implications, and policy violations than the non-WZ method interviewers.

We are in the process of obtaining additional information about what was known prior to these interviews to fine-tune the results. As we said, this is all preliminary, but it may give you some useful insight into the process.

Final Word

For those of you who may have been following our investigation of a missing child, Cindy, who disappeared over twenty-two years ago, we now have a final word. Art Ream, the father of Cindy's boyfriend, was convicted of Cindy's murder.

We developed an interrogation strategy with the police department that helped them convince Ream to divulge Cindy's burial site. Cindy's remains were recovered. She and her family are finally at peace. Ream was sentenced on August 8, 2008, to life in prison without parole.

We encourage each of you to support the search for missing children. ■