



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 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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## Using the Participatory Accusation

Certain cases call for a different approach when confronting the employee. It may be the investigative findings, position of the individual, or even the personality that dictates the approach. In this column we will discuss the use of the non-confrontational participatory accusation in closing more complex investigations.

The participatory approach takes its name from the subject's participation in the conversation with the interviewer. Unlike many interview styles, this approach encourages the subject to join in a dialogue with the interviewer. However, it is a conversation that is purposely directed by the interviewer. Since this approach is more typical of a conversation, we can expect that it will ramble somewhat, taking longer to complete than some other forms of interviewing.

### When to Use

The participatory approach can be used in a variety of situations. One application of the participatory approach is when dealing with an aggressive, dominate person who is prone to taking control of the interview. This approach allows the interviewer a measure of control while avoiding a confrontation with the individual. The participatory approach allows the interviewer to lead the conversation, committing the individual to the details of the incident, while reducing his resistance.

The participatory approach is also extremely useful when the investigation has discovered evidence or when a standardized policy or procedure has been violated. This approach can be combined with a behavioral provoking interview, as well as with most other accusations.

### Strategy

Misdirection is a key component of making the participatory approach work. The interviewer does not directly refer to suspicions or evidence discovered during the investigation, but covers irrelevant areas to conceal what is known. The interviewer's misdirection leads the subject to the conclusion that the interviewer does not know anything about his dishonesty, so it is safe to lie.

The participatory approach begins with the interviewer establishing a behavioral norm for the individual. The

interviewer asks the subject biographical questions to establish a snapshot of the subject's truthful behavior.

The interviewer then moves on to questions relating to the subject's job, beginning with tasks that are not related to the investigative findings. Since the associate has done nothing wrong in these areas, he will describe correctly how he is to conduct business.

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This misdirection by the interviewer accomplishes two things. First, the subject is put at ease, since the discussion relates to non-threatening topics. Second, it lulls the subject into a false sense of security, believing his dishonesty has not been discovered.

Because of the interviewer's strategy, the dishonest associate will likely lie about his fraud, assuming his indiscretions are still a secret. Instead, as the subject describes what he should have done, he traps himself as his own words contradict the investigative findings. It is clearly in the interviewer's best interest to promote a sense of security that will encourage the subject to continue to lie.

### Fear of Detection

Any subject involved in dishonesty has a fear of detection because he does not want to face the consequences for his actions. People over the years have discovered that lying is a successful means of avoiding punishment. Either because of habit or past success, the individual's fear of detection prompts

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a predictable and desirable course of action—lying. Encouraging the subject to lie actually increases the power of the evidence uncovered in the investigation by closing off possible explanations for the individual's actions.

Let's examine two possible scenarios where a participatory approach would be useful.

**Violation of Policy.** The first example, a simpler case, revolves around a violation of the organization's discount policy. A cashier offers people discounts to which they were not entitled. Clearly, the associate is acting outside the policy. But is the action the result of dishonesty or is it a training issue?

If the subject was confronted with the developed evidence, he or she only has to say, "I didn't know the policy." Now, management must struggle to decide was this really a training issue or dishonesty. However, if the employee had expressed a clear understanding of the discount policy before becoming aware of the evidence, he can no longer use the "I didn't know" explanation. Since the subject knew the discount policy, management's decision is now easily made; this is no training issue.

However, if the interviewer immediately addresses the discount policy, the dishonest associate, now alerted to his exposure, expresses ignorance of the policy. The investigation must now prove the employee knew the policy and knowingly violated it, or it will be handled as a training issue.

Examine the flow of the following questions to see how this training issue excuse can be avoided.

- I wanted to look at the training you have received as a cashier. Tell me how you would handle a customer purchase using a credit card?
- Now, what do you do if the customer is paying by check?
- How do you handle a cash transaction for a purchase?
- What happens if the customer is an associate making a purchase?
- What is your understanding of the discount policy?
- What types of packages checks are done at store closing?

The interviewer may choose to ask several additional questions to help conceal the investigative target.

After each question the interviewer confirms that this is the way the transaction is always done by the associate. If there are any exceptions, the interviewer determines why and its frequency, once again obtaining the subject's commitment to the accuracy of his response. This allows the interviewer to create boundaries of performance within which the job is conducted. Evidence outside of these boundaries becomes more powerful because of the subject's own words.

Using this flow, the interviewer conceals his real interest in the subject's knowledge of the discount policy. If the associate expresses confusion over the policy using this questioning approach, there may truly be a training issue that needs to be addressed and not intentional dishonesty.

**Internal Fraud.** In more complex fraud cases, a similar approach may be used to increase the power of the evidence. First, the interviewer determines the most likely excuses the subject could use to explain away the evidence of his wrongdoing. Questions are then developed to eliminate these explanations.

Consider the case of the mid-level manager who could authorize purchases under \$1,000. The investigation revealed that he was making ghost purchases of ice machines for just under his thousand dollar limit from a construction company. He would then authorize payment for the machines, and the invoice would be paid.

The issue came to light when a store manager was asked about the store's new ice machine, and he replied he had never received one. When questioned, the mid-level manager expressed surprise, followed up with the construction company, and, not surprisingly, a new ice machine arrived. Unfortunately for the mid-level manager, this opened an investigation that identified almost \$100,000 in fraud using this method alone.

The first question the interviewer must ask is, how could the manager shift blame away from himself? The simplest explanation is, "I am behind on my follow up with the stores and just assumed the ice machines had arrived." Another explanation could be, "I asked [someone] to follow up and assumed that he did." Or, "The construction company told me they were installed."

In each explanation the manager admits making errors or trusting others, but conceals his dishonesty, effectively saying, "I might be a bad manager, but I'm not dishonest." Now, it would be up to the interviewer to prove it isn't so.

The participatory approach is perfect for the job. The interviewer leads the manager through the process of store rebuilds.

- Tell me about your job responsibilities?
- How do you select vendors?
- How are the invoices authorized?
- How is the vendor's work evaluated?
- Which vendors supply coolers, display cases, and ice machines for the stores.
- Who does the installation and rebuilds at the store?
- Lets look at some vendors; what do they provide?
- How do you check the work of the vendors to know that it is done accurately and correctly?

These were just a few of the questions used, but the answers were damning.

- The mid-level manager claimed that the construction company only did carpentry.
- He confirmed coolers, display cases, and ice machines came only from a fixture company, not through construction companies.
- He confirmed he personally inspected each location and signed off on the invoice after determining it was accurate and the work was finished.
- He acknowledged he selected the "target" construction company to do the store rebuilds.

While there were other areas covered to lock down his story, the power of the evidence was overwhelming because of his own words. There was now no logical explanation to explain what happened other than dishonesty.

The manager admitted conspiring with the construction company to authorize payments and split the money from the ghost ice machines with the owner. The owner of the construction company was interviewed simultaneously, and

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he also confessed to the scheme, confirming the manager's account.

The participatory approach conceals what is known from the investigation and encourages the subject to lie to protect his dishonesty. The evidence becomes more powerful because it is now contradicted by the subject's own words. The subject must be lying.

The key to using this non-confrontational approach is to consider possible explanations for the person's actions and ask questions in an order that conceals what is known from the investigation, while encouraging him to lie.

### What Is Next?

If the subject is dominant or aggressive, the interviewer may continue to lead the conversation through questions, introducing the ways a case might be resolved, plus rationalizations to minimize the seriousness of the incident. Or an introductory statement can be used to begin the confrontation with the employee.

During an introductory statement, the interviewer discusses what he does, the types of losses the business incurs, and finally, how investigations are conducted. Then the interviewer moves into rationalization of the subject's actions to prepare for the

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admission. The interviewer delivers the introductory statement to the subject as a monologue, which results in much less give-and-take between the two.

The interviewer could also contradict the subject's story with pieces of evidence and ask for an explanation. This is chancy, unless there is considerable evidence, and without rationalization the individual may become resistant. The same could occur if the associate was confronted with a direct accusation of dishonesty, then a more difficult conversation could occur.

The problem for the employee is there is clear evidence he lied about his actions. The investigative findings contradict what he has committed was the truth. Even without a confession, his credibility is now called into question and the position he has elected to defend has become untenable. Game, point, match. ■

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