Hamlet's Mind

Issue 27 February 2013

Credo nos in fluctu eodem esse

Before We Get Started.

First: Budgets are tight and travel costs are up. Consequently, if you would like to explore the possibility of having any of the courses listed below conducted in your area in the second half of 2013, please contact me. The sessions can be structured toward a specific group or delivered via an open enrollment format. The first four listed are the most recently developed courses:

Elicitation Techniques: Tier Alpha (conducted with Van Ritch)
The Narcissist, the Fraud and the Subsequent Interview
Allegations of Workplace Harassment – Interviewing through the Labyrinth
Storytelling, Metaphors and Similes: The Gentle Art of Gaining Compliance

Rapport and the Interview Process
Interviewing for Quality Information
Fraud Related Interviewing
Is That the Truth?
Interviewing from Head to Poe
Interviewer Personality Dynamics
Interviewing Generation **ME!**
Interviewer Ethics
Persuasive Interviewing
Investigative Discourse Analysis
How to Interview like the Dickens
Finding Shakespeare in the Interview
Huh? Staying Focused during the Interview

Second: Hey, hats off to Jenny Addison of Raleigh for winning the $500 dollar challenge in the last issue. She broke the code and correctly answered the question as did several others. Her name was drawn from the Harley hat. Speaking of Harley hats – I guess I will have to wear last year's hat and t-shirt since Jenny took my money.

Third: I will be conducting a pre-conference session on "Persuasion" at the ACFE 24th Annual Global Conference as well as two breakout sessions on "Priming the Interviewing Pump". The conference will be at the Aria Resort and Casino in Las Vegas, June 23 – 28, 2013. I hope to see you there.

Transition – Now to the Point

Interviewing Fundamental:

The Art of Interviewing and Motorcycle Riding

In this issue, we have the sixth and last in a series of articles relating two topics I enjoy a great deal – interviewing and riding my motorcycle. In this concluding examination, we continue to explore the broad commonality and application between the two activities.

The Interview Process: Shields up

There are, broadly speaking, two types of motorcycle riders: those who ride "naked" (pronounced *neeked* here in the South) and those who ride "covered". Setting aside the first picture that came into your mind just then, the references herein are to those who ride without or with a motorcycle windshield. The first time I "opened up" a motorcycle with no windshield, I was certain that I would fly off of the back of the bike. As it turns out, I did not exit from the rear of the bike without a windshield; however I still prefer riding "covered". I like the protection a windshield gives to me from the excruciating "kiss" of a hard-shelled bug or the gentle tap from the obligatory rock thrown up by the truck in front of me.

Some riders look down upon those of us who ride covered, but that's okay. I just smile broadly displaying all of my thirty-two teeth and usually they will reluctantly smile back showing to me both of theirs. As Dickens wrote, '*To each his own said the man as he kissed the monkey'*.

Parenthetically, there are those who interview *covered* and those who interview *exposed*. Thank goodness for synonyms, right? Some interviewers allow the adverse actions of the interviewee to blow directly upon them – they take the tactics and the antics of the interviewee personally. Other interviewers have a protective shield between themselves and the entire interviewing dynamic. They are able to objectify the process. Accomplishing that, the metaphorical interviewing hard-shelled bugs and stones never produce an emotive reaction on the part of the interviewer. We have noted before that the interview should only be an emotional experience for the interviewee.

Taking each and every adverse interviewee action personally can have a debilitating effect upon the interviewer. And that debilitating effect – be it mental, physical or both - is cumulative. You are involved in a professional (someone is paying you to conduct the interview) communication event. If you didn't conduct the interview, they would pay somebody else to do so. Once you become emotionally involved in the process, you abdicate being the controlling thermostat and become the controlled thermometer. You have turned control of your own emotions to another – the interviewee – and that interviewee has prevailed.

Once when debriefing a career criminal regarding his cognitions and actions as he endeavored to prevail in those times he was interviewed, he observed, *"One of the biggest things is what are you going to think of me as an individual? Are you getting personal about this or are you just doing your job? If an (interviewer) has an attitude like this: . . . it has nothing to do about you personally or me personally. That's outside this door, outside this office. How good can you be at that job (the interview)? If you don't take it home with you; if you don't take it out to the street with you; to the point where it eats at you like a cancer and you become just as callous or just as obnoxious as the next con."*

He may have been a career criminal. He may not have been an educated man. But he nailed it. I ride my motorcycle *covered* for safety's sake. I interview *covered* for professionalism's sake. How about you?

Advice from an Interviewer

In one sentence you will find an interpersonal communication tip interviewers know for a certainty, that has application to the world at large. The previous issues contain items one through seven.

8. If you don't ask the answer is already "No".

Five Mistakes Interviewers Make

Last year, I was in San Francisco conducting a class for the ACFE. Amid the most applicable requests coming from the floor, one participant stated, "I would like to know the five top mistakes interviewers make." In the subsequent issues, I will continue to address each mistake one at a time. In the last issue, we addressed mistake number one, the failure to plan for the interview. Now, we'll examine mistake number two.

Confirmation Bias: There is a great song by *The Lovin Spoonful* having the words:

Did you ever have to make up your mind? Pick up on one and leave the other behind.

It's not often easy and not often kind. Did you ever have to make up your mind?

The interviewer with a made up mind can be a dangerous thing. This perilous mindset is most especially true when the interviewer has a made up mind prior to the conduct of the interview – judgment prior to inquiry. Confirmation bias, which is also known as a confirmatory bias or *myside* bias, occurs when the individual – in this case, the interviewer, has made up his mind to the extent that any interviewee contradictory information – verbal, vocal and non-verbal is precipitously dismissed, ignored or filtered out. In a situation wherein the circumstance is thought to be binary, (guilty/not guilty, truthful/dishonest), to paraphrase *The Lovin Spoonful*, the interviewer "*picks up on one* (possibility) *and leaves the other* (possibilities) *behind*.

Now at the point where the lyrics indicate *it is not always kind* they are exactly right especially when the interviewer (be it auditor, investigator, attorney, HR representative, etc.) has made up their mind that the interviewee is guilty/deceptive and in reality, that is not the case.

But the words *It's not often easy* are short of the mark when it relates to the interview process. The antecedent, the precursor to confirmation bias is in no small number of cases, the ease with which it can be activated. However, managing conflicting thoughts (innocent/guilty, truthful/deceptive) is hard, not easy – that's why we call it "work". It has been said that the ability to hold conflicting thoughts in the mind is a sign of genius. (I hope so, but then there's the whole schizophrenia issue, which the voices have told me not to say anything about).

Anyway, keeping an open mind is imperative. It is not so much a skill set as much as it is an attitude. An interviewer has to WANT to maintain an open mind, see the criticality of an open mind and do so in spite of the already mature level of confirmation bias found in those around them.

I have conducted no small number of interviews wherein the prevailing, adamant opinion (in most cases guilt) of those remaining outside the door as I conducted the interviewer was found to be in error. With confirmation bias, the interviewer only sees, hears and responds to the elements that "confirm" his set-in-stone belief. Any contradictory interviewee behavior is, to this interviewer, a nugatory incidental.

In another song by *The Lovin Spoonful* the words go, *The full measure of your giving you don't yet understand*. The consummate interviewer "gives" the interviewee a chance. It is a good thing to look at all the data, listen to others and theorize. But in your theorization, don't preclude anything. Remember, you come across to the interviewee just as you think. If you maintain an open mind, you will be perceived as such. We don't really "understand" the interviewee until we can conduct the interview with an open mind.

Topics class participants wish to see addressed: I thought you might find the salient interviewing related topics that class participants wish to have addressed: closing the deal, gaining compliance, getting through the "red zone", getting the full picture, expanding generalizations into specifics, detecting deception and establishing rapport.

Question from the field

Hi Don

I hope this note finds you well and I hope you don't mind my writing to you directly. I was one of the attendees on the I-Sight Webinar you chaired on January 15th. I had a question on the day but as to be expected, so did many people and hence my writing to you. I am relatively new in my position and while having numerous years of general security experience and conducting many internal investigations and interviews for HR matters, some criminal and even recruitment, I don't consider myself to be a "seasoned investigator".

I was wondering if you had access to a stock list of questions that are viewed as well-structured and good practice for various scenarios, i.e. theft cases, fraud cases etc...? I understand that most investigators build an understanding of the right questions to ask (and particularly the ones not to forget to ask - once bitten and all that), over time through their careers.

I am aware that most questions should be constructed as open questions, although closed ones do have their place. I thought if you had developed such a portfolio that could arm people like me with stock questions that I can adapt or tailor to the individual situation as part of my interview preparation, that it would be a most useful tool!

Thank you in advance for your time!

Response: Sorry for the delay but I have been in class all week and am also preparing to leave for a two-week, working jaunt.

I do not have a stock list of questions as you inquired. I think I have an option that will serve you better in the long run. Consider this: the focus should be, at this point, on acquiring question formulation knowledge, a bit of which you noted as an example - open questions. There are other question typologies that have to be in the interviewer's "tool box" to include, but not limited to: closed questions, a variety of primary questions, secondary questions, standard, inverted and internal tag questions, leading questions, control questions and neutral questions. Only then, can we get to questioning sequences.

Questions are our working tools. It is critical to know <u>how</u> they function, rather than saying, "Here is a question to ask, and another and another". Knowing the attributes of question types is a study in and of itself. Additionally, in evaluating the interviewee's responses to questions, the response has to be evaluated in context.

For example, the interviewee has responded several times with "No" to closed questions. However, when asked, "Did you divert the funds?" the interviewee then equivocates. Without context, there is no meaning. To put it bluntly, we have to understand fully, what the different

questioning tools "do" to the interviewee. Having accomplished this, then you can structure your questions and their sequencing to the examination of the process, event, relationship or circumstance upon which it has fallen upon you or those that work for you to inquire.
So, start with a full comprehension of the attributes of the question typologies, then develop the applicable questions that relate to the inquiries that come under your purview. With all modesty (and I wish I had some), I would recommend to you first my texts: "Interviewing and Interrogation", 2nd edition followed by "Fraud Related Interviewing".

The Elicitor's Edge – for those completing the Elicitation Techniques: Tier Alpha

Let's take a moment and put our elicitation undertakings into context by way of order of intensity. Think: *IDIE.* The arrow indicates increased levels of intensity.

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Interrogation – **D**ebriefing – **I**nterview – **E**licitation

As we have noted in the past, the elicitation techniques, as more formally applied, can and do have application within any of the other three levels of communication. Our elicitation techniques when enfolded into the interview process allow for the production of a greater quality (and quantity) of information. When enveloped into the interrogation process, elicitation techniques enhance the efficacy of the techniques utilized, minimize the possibility or level of confrontation and help to ensure that the risk of the post-admission regret factor is reduced.

You have to continually practice these techniques. They, like most elements of the interview process, are perishable skills. That which is neglected, withers away. The opportunities to practice your elicitation techniques present themselves continually as you go through the day. You buy groceries, go to the mall and interact with others at work. People are everywhere. No excuse for neglect. Do not fall into the abyss of becoming more comfortable communicating with others through a plastic screen, be it cell phone, computer screen or anything in between. We never said it was easy. We only said you could do it. Remember the three foot rule we addressed in class.

Interviewing related article from a professional in the field

My thanks to Dr. Naddy for his contribution to this and subsequent issues.

The Bleating Edge:

When Innovation Velocity Affects Social Viscosity – Introduction

By: Dr. Tim Naddy, CFE, CPA

What happens when an unstoppable force meets an immovable object? It's a paradox that has stumped many thinkers throughout history and, now more than ever, it is approaching yet another crossroads where its enigmatic philosophy will once again play the conscientious observer to the collision of its latest two victims: technological innovation and societal perfection. While innovation in its ubiquitous sense continues to outpace the rigorous expectations thrust upon it, society continues to find more ways to try to shove that technology into obsolescence for the sake of their insatiable pursuit of perfection. There must always be a way to make it harder, better, faster or stronger because the pervasive thought driving us forward is that if you're not growing then you're backsliding. Thus, within that context there can exist no happy medium and, therefore, society is forced into a state of perpetual evolution on the back of, guess who, technological innovation. Within this information age, we are now fully operating within the greater knowledge economy (Roberts, 2009[i]). In light of these circumstances, the challenge that today's thinker faces is that they must stay ever vigilant to make sure that a particular technology's point of diminishing returns does not suddenly become society's point of no return. The questions they must keep at the forefront of their mind are, "At what point will innovation velocity irreparably affect social viscosity?" and "If that point were to come, would we even recognize it early enough to sound the warning bells?"

There is no way to avoid it. Technology continues to shape our lives in more ways that we could have ever imagined. While our intentions for pushing innovation forward may sometimes straddle ethical and moral fences, the fact is that as innovation continues so must our ability to assimilate the intended and unintended knowledge that is created during that process. "Global, political, and social boundaries are being altered in the knowledge economy, and people with diverse backgrounds, values, and perspectives are increasingly populating all levels of organizations. In particular, the obligation for organizations and their features to transform in this environment has often centered on an interaction with new technologies" (Gavin& Bernadette, 2005[ii]). While it may be said that organizations must find a way to adapt to these changes in the knowledge economy in order to stay competitive and relevant, it is not the organizations that are doing the changing per se. It is the people within the organizations who, through their conscious and subconscious interactions with these evolving new technologies, are forcing them to adapt.

For example, a recent webinar delivered by the ACFE entitled *Social Media Investigations in Fraud Evidence,* highlighted how the rapid advent of social media has not only changed the landscape of how individuals communicate with each other, but also how that communication method has forced the legal profession to address how that information can and cannot be used within a court of law. The wealth of information volunteered to these social platforms has become such a treasure trove of potential evidence, that the American Bar Association's (ABA) Ethics 20/20 Commission recognized that "technology has irrevocably changed and continues to alter the practice of law in fundamental ways" (Browning, Patzakis, & Botta, 2012[iii]). So much so that the ABA, an organization that has played a formative role in the development of the profession of law in the United States since 1878, proposed changes to their Model Rules of Professional Conduct so their members would "stay current on the benefits and risks associated with technology" (Browning, et al., 2012).

Over the course of this upcoming three part series, Hamlet's Mind will address this technology velocity as it relates to several topics that are currently affecting the social viscosity in an attempt to shed light on the way we, as a society, are using these technologies as they continue to encroach upon our way of relating to each other and the implications of their presence within our relationships. The topics to be addressed are as follows:

(1) The role of technology on the interview process; it seems to be that people are spending more and more time communicating through a plastic screen - computer, iPhone, iPad, etc. and less time in face to face communication. How is that going to affect the interviewer and the interviewee?
(2) Studies show that cheating in high school and college is on the rise - from purchasing papers to using technology to cheat. When asked why, students say that, "You have to cheat to stay ahead because everyone else is doing it". If the mindset is such that you have to cheat to get ahead in an academic setting, then how will that mindset, post-graduation in the business world, impact on the future of the commission of fraud?
(3) Student scores on the instruments designed to measure narcissism have risen dramatically since the 1970's. How (will) the growing dynamic of societal narcissism impact the future of the commission of fraud?

These topics are just a few of the many that we, as Certified Fraud Examiners, must be up to speed on so we can provide insight to our employers and clients when incidents arise. Topics like these show us that while technology grows there will always be the need for professionals who can decipher how that technology will / can be used for purposes of deception or mischief. Over the course of the next few months, Hamlet's Mind will be developing these topics in hopes of delivering them to you in the late spring and summer months of 2013. Should you have comments or questions related to these topics, or any additional topics you feel are pervasive enough to warrant additional research and examination, please let us know.

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[i] Roberts, J. (2009). The global knowledge economy in question. *Critical Perspectives on International Business, 5*(4), 285-303. doi: http://dx.doi.org/10.1108/17422040911003033

[ii] Gavin, M. S., & Bernadette, M. W. (2005). The influence of perceptions of social identity on information technology-enabled change. *Group & Organization Management, 30*(3), 289-318. Retrieved from http://search.proquest.com/docview/203372106?accountid=40833

[iii] Browning, J., Patzakis, J., & Botta, B. (2012). *Social media evidence in fraud investigations: case studies and new best practices* [PowerPoint Slides]. Retrieved from http://memberwebinars.acfe.com/webcast/login.php?type=s&id=14321&p=fM6Hz2hZ

Book Recommendations

My texts (and no one should ever be without them): The texts I have currently in publication are: *Interviewing and Interrogation*, 2nd edition. *Fraud Related Interviewing*, *Persuasive Interviewing* and *Investigative Discourse Analysis 2nd Edition*. They can be ordered directly from Carolina Academic Press. (919) 489-7486 or online at http://www.cap-press.com or www.amazon.com

Below are the texts I have read since the last issue.

The Art of Explanation, Lefever.
Disarming the Narcissist, Behary
The Wizard of Oz and other Narcissists, Payson
Children of the Self-Absorbed, Brown
Richard II, Shakespeare (any suppositions on your part as to why this book is in the loop?)

Note: Stay tuned as I will soon be announcing courses that will be delivered via webinars, online, blended and one-on-one interview coaching.

Until the April issue, keep asking, keep looking and keep listening. The answer is there.

Don