WHO’S DOING WHAT, WHERE: BEST PRACTICES
WHEN ANGER ERUPTS: VIOLENCE AVOIDANCE DURING CONFRONTATIONAL
INVESTIGATIONS

Focused investigations leading to adverse disciplinary action or criminal prosecution are never pleasant, and might prove confrontational or even hostile when fraud related. This session will teach you the pathways and pitfalls to avoiding and defusing anger while investigating and exiting hostile employees who have committed fraud.

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He is an ACFE Certified Fraud Examiner (CFE) and past President of the Central Pennsylvania Chapter of Certified Fraud Examiners, an ASIS Certified Protection Professional (CPP) and former Chairman of the Central Pennsylvania Chapter of ASIS International, and a life member of the Northeast Pennsylvania Chiefs of Police Association.

Mr. Granzow served honorably with the U.S. Naval Reserves and the Pennsylvania Army National Guard. He is a municipal graduate of the Pennsylvania State Police Academy and has completed advanced specialized training related to forensic investigations, interview and interrogation, crisis management, and workplace violence interdiction.
A resident of central Pennsylvania, Mr. Granzow and his family are avid community volunteers and outdoor enthusiasts.
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<td>While violence in the American workplace is not a new phenomenon, efforts to determine its origins and prevent its occurrence have continued to evolve over the past three decades. In an attempt to isolate catalytic situations that might lead to workplace violence, unmitigated anger stands preeminent as the emotion in evidence when behaviors become intrinsically or extrinsically destructive.</td>
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This paper and its associated PowerPoint presentation have been prepared to provide those within the fields of fraud examination, forensic auditing, and investigative accounting with (1) an appreciation for the risks of violence that are inherent to confrontational investigations, (2) an understanding of the psychodynamics involved with anger and violence, and (3) key strategies for defusing anger and avoiding violence should it erupt in the course of an official confrontational (adversarial) investigation.

Although workplace violence is often perceived as the unfortunate consequence of a robber’s malevolence or the tragic end to a tortuous love triangle, interpersonal coworker violence is frequently considered to be the category most feared by American workers; a perception echoed by corporate security directors according to a multi-year study conducted by Pinkerton Incorporated.

It is interesting to note that while workplace violence related to strangers, customers, or intimate partners typically arises from matters extrinsic to the workforce, coworker violence normally erupts in response to intrinsic workplace conflicts that involve actual or perceived irreconcilable injustices, untenable conflicts, or, as in the case of confrontational investigations, an inescapable crisis yielding insurmountable consequences.
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Since workplace conflicts can and do arise from a variety of concerns, it is essential for employers to develop awareness and prevention programs that seek to identify catalytic situations, define reporting processes, and provide for intervention when critical situations emerge. With due appreciation for the variety of concerns from which workplace conflicts might develop, few if any can be more adversarial than those arising in the course of confrontational investigations related to criminal offenses, i.e., fraud.

Key Concepts
For those who engage in fraud examination, forensic auditing, or the investigative accounting of irregularities associated with white-collar crime, it is essential to appreciate four concepts that are key to avoiding violence in these confrontational investigations, including:

- “Lives in crisis often lead to fraud, and fraud often leads to lives in crisis.”
- “A positive correlation exists between the severity of consequences and risks experienced in a fraud investigation.”
- “Safety and security are essential components of, and must be considered in, all fraud investigations.”
- “Any costs associated with mitigating the risks of violence are exponentially less than that which would be paid if anger erupts.”

Afforded an appreciation for these tenets of investigative security, many risks typically associated with hostile or violent outcomes can be avoided by fraud examiners and their colleagues both during and after an investigation.

The Offense
In overarching terms, fraud is generally considered to be a wrongful act frequently defined by criminal statutes and
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<th>civil codes, and is perpetrated by those who, for the sole purpose of obtaining a personal gain through trickery and deceit, prey upon the vulnerabilities of individuals and organizations. While some (external) frauds may be perpetrated by con-men having no relationship to their victims, many others (internal) occur within the confines of a pre-existing employment relationship. For those who aspire to victimize their employer through acts of internal defalcation, their offenses are revealed pursuant to the discovery of the harbingers of fraud—the tell-tale indicators or evidentiary clues of criminal misconduct which may include, in part:</th>
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<td>❏ Missing inventory /assets</td>
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<td>❏ Reports of kickback or bribe solicitation</td>
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<td>❏ Discovery of phantom suppliers or ghost vendors</td>
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**The Response**

Albeit disconcerting, the discovery of fraud within an organization is an event that typically results in an investigation of all who may be involved in an effort to determine (1) the scope of the problem, and (2) the losses incurred and the identity of those who are involved. It is with, and in the course of, this investigative process that the risks of interpersonal anger and violence can either emerge or erupt if an effective risk mitigation strategy is not employed.

**The Consequences**

Since desperate people can do desperate things, and often do, it is essential that the investigative team consider the scope and potential impact of consequences upon the accused when conducting a fraud investigation, as this will directly influence the degree of risk that might ultimately be encountered. While this consideration should never alter an individual’s or organization’s obligation to investigate.
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fraudulent wrongdoing, it can impact the ways and means in which an investigation is undertaken and the degree to which safety and security countermeasures are deployed. Failure to appreciate and mitigate the risks associated with a fraud investigation is to ignore the fact that those having the most to lose will often go to extreme ends to avoid the consequences of their wrongdoing, including criminal prosecution, civil litigation, employment termination, professional banishment, personal bankruptcy, marital divorce, and untenable stress leading to a physical, emotional, or mental collapse.

The Crisis
For those who engage in fraud, there are generally two groups: those who (1) perceive fraud as a solution to a need-based dilemma, and those who (2) perceive fraud as a means to an end for unfettered greed. In either scenario, a crisis of unimaginable proportions develops when those who have turned to fraud to avoid a personal crisis, or those who chose fraud as a means to live far beyond their means, are exposed as swindlers, crooks, cheats, and thieves. While the scope and magnitude of an individual’s consequences might vary, they nonetheless must be considered on a case-by-case basis to accurately assess the potential for violence and the need for countermeasures. This positive correlation between the potential for consequences and the risks of radical avoidance behavior (Investigative Crisis Model) corresponds directly with the requirement to provide risk mitigation strategies commensurate with the risk of consequences (Risk Management Model).

Responses to Crisis
According to Merriam-Webster, a crisis may be defined as “an unstable or crucial time or state of affairs in which a decisive change is impending, especially one with the
distinct possibility of a highly undesirable outcome.” While that which constitutes a serious crisis may be unique to an individual, as human beings, the instinctive response to imminent danger is generally limited to (1) abject surrender, (2) flight from the environment, or in an effort to eliminate the threat, (3) a fight. With respect to fraud, these instinctive responses are typically encountered during confrontational investigations and may be presented as a psychological collapse leading to a confession (surrender), psychological evasion and defensive avoidance (flight), or psychological aggressiveness and violence (fight). While fraud examiners might not be able to thwart a primal instinct response, many times the response that is exhibited and the degree to which it is presented can be directly attributable to the investigative strategies, or lack thereof, employed.

**Managing Flight of Fight Responses**

While abject surrender and cooperation leading to an immediate confession may be encountered in some subjects, many times investigative teams will find that it is the psycho-emotional flight or fight responses that unfortunately prevail. It is equally important to note that both flight and fight responses may range in intensity, and that rapid transitioning between these states is not uncommon during confrontational investigations with many subjects. Since behavior typically corresponds with emotion, efforts to defuse a subject’s flight or fight responses should be fluid and aligned appropriately in the event that the subject vacillates in the severity or nature of psycho-emotional responses. In all cases, however, it must be remembered that the interview process should be conducted in a manner that is not likely to provoke an unfettered flight or fight response, or act of workplace violence.
### Workplace Violence

While the risks of workplace violence related to strangers, customers, and relationship partners may be mitigated through a balanced implementation of integrated security measures and employee training and awareness programs, the prevention of coworker violence is far more dependent upon awareness training, the availability of intervention services, and a corporate commitment to strategic risk management.

Since the consequences of fraud can be inarguably catastrophic to those who engage in this wrongdoing, and since the likelihood of a flight or fight crisis response cannot be discounted in confrontational fraud investigations, an assessment of risks associated with the potential for interpersonal violence should be incorporated into the planning and execution phases of all fraud investigations.

### Assessing the Risks

For those who will be responsible for leading a confrontational fraud investigation, it is imperative to know as much about the accused as the offenses under investigation since unanticipated violence and prosecutorial derailments emerge most often from that which was unknown. While traditional investigative approaches primarily seek to determine the who, what, where, when, why, and how a fraud occurred, investigative risk assessments look for the signs of interpersonal dysfunction signified by the presence of red flag indicators of potential violence. While the red flag indicators of potential violence cannot predict that an individual will or will not act out violently within the workplace, they do provide a means for identifying many of the catalytic factors that can lead to externalized violence (vandalism, assault, or even homicide), or internalized acts of violence (reckless and
When anger erupts: violence avoidance during confrontational investigations

Destructive behaviors, attempted suicide, or actualized suicide).

**Investigative Risk Mitigation**

Not unlike defusing a bomb before it explodes, mitigating the risks of interpersonal violence is best accomplished before hostilities erupt. Afforded an appropriate assessment and strategic plans for conducting the investigation, exiting the accused, and closing the loop with coworkers, many opportunities for displaced anger and violence from even the most volatile personalities can be successfully averted.

Beginning with a pre-investigation checklist, a cross-functional investigative team should be organized to review documentation indicating wrongdoing, identify any other factors that may be catalytic, determine an investigation strategy and resources, and to develop contingency plans for emergency outcomes should they be realized.

Since confrontational investigations are inherently adversarial, strategic considerations must be reviewed with the team to minimize the risk of precipitating hostilities or fostering a dangerous encounter during an investigation.

While planning and execution are key components of any confrontational investigation, a proper exit strategy to mitigate the risks of a violent encounter being realized at a later date is of equal importance, an all too common occurrence in deadly workplace violence events where carnage comes weeks or months after an employee is involuntarily separated. When exiting a subject following a confrontational investigation, several critical guidelines must be considered which include, in part, the need to (1) be respectful and preserve dignity, (2) provide hope for the future, and (3) limit opportunities for future contact to designated officials. In addition, it is important to always
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be specific as to the reasons for an investigative suspension or termination, deflect responsibility to “a corporate decision,” and provide professional counselors in the event that therapeutic venting might occur.

In a final effort to mitigate risks of hostilities and violence related to the involuntary termination of a subject’s employment for fraudulent wrongdoing, one or more “termination decelerators” may be used to lessen risks of either immediate violence or a delayed retaliation. Provided to reduce the potential for termination-related violence and never as a reward for bad behavior, this sometimes controversial strategy remains an effective option for marginalizing the potential for an adverse outcome to an otherwise successful investigation.

While most situations do not portend the likelihood of a violent encounter to be realized in the course of a fraud investigation or confrontational interview, strategic planning and a discreet security/law enforcement presence might be required in certain situations where the risks of violence have been identified during the investigative risk assessment.

Lastly, post-separation efforts to preclude angry and potentially violent subjects from re-entering the workplace require the cooperative support and participation of all employees in the workplace. Being careful to avoid the potential for allegations of slander, defamation of character, or tortuous interference of employment, management may and should inform employees via a post event communication when an individual (deemed to be hostile) has been separated, is no longer employed, and is not permitted on company property. This brief and ever-essential communication also provides for a reporting process should an “at-risk” former employee be seen
loitering near or trespassing upon company property while advising unsuspecting employees against the possibility of granting impromptu access to those who are no longer employed for official, albeit undisclosed, reasons.

Global Considerations
As the world’s workforce becomes more and more diverse, the potential for hostilities arising as unintended consequences of cultural faux pas must be considered. Fraud examiners, forensic auditors, and investigative accountants must be cognizant of cultural differences to facilitate professional interactions and avoid provocative or incitable confrontations. Failure to understand global cultures and associated perceptual paradigms will not only impede the success of an otherwise well planned and executed fraud investigation, but can rapidly foster an acute distain and vehement anger toward those creating the affront.

For fraud examiners, however, who do acquire a mature cultural acumen, an ability to elicit confessions, resolve complex cases, and avoid the provocation of anger when dealing with foreign nationals and naturalized citizens is likely to be realized.

Summary and Conclusions
Fraud examination can be a daunting and sometimes dangerous task. Not unlike a hunter on a risky safari, fraud examiners must be alert to the possibility that desperate people can and will do desperate things. Failure to consider the risks inherent to an adversarial and sometimes confrontational investigation is to deny the occurrence of workplace violence or the potential for it to be realized. When afforded an appreciation for strategic planning and risk assessment, however, many catalytic pitfalls can be avoided and their associated risks mitigated.