

Government Whistleblowers - Crimes Hidden Victims

by Carleen A. Botsko and Robert C. Wells, M.S.

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For the past 8 years, Tom has worked for the same Federal agency. He earns a good salary as a senior research analyst and owns a home in a quiet suburb. He and his wife have two children and a third is on the way. Although Tom is, by all accounts, a model employee, he is about to make a decision that will place his career, and eventually other aspects of his life, in jeopardy.

During the past several months, Tom has observed his supervisor taking routine lunches with a local contractor who does business with Tom's section. He also has learned from several knowledgeable sources that this same contractor paid for many of the frills included in his supervisor's recent Hawaiian vacation. While irritated by the apparent lack of judgment demonstrated by his supervisor, Tom did not wish to make waves in an otherwise ideal work situation.

Now, as his supervisor rummages through bids submitted by contractors for an upcoming project, Tom observes him dial the phone and ask for the contractor with whom he lunches regularly. In partial disbelief, Tom overhears his supervisor read off the bid totals.

Tom knows that this information must be reported to the appropriate authorities. While he has no interest in becoming involved in a lengthy Federal investigation, he does what he has been encouraged to do during numerous agency security awareness briefings—he dials his agency's hotline number. (Page 18)

Reluctantly, Tom has joined the ranks of an often-misunderstood circle referred to as government whistleblowers. Unfortunately, these potentially invaluable witnesses to serious criminal acts and breaches of public trust routinely must endure what Tom fears most — protracted and tedious inquiries carried out by investigators who appear insensitive as they methodically pursue "the facts."

This need not be the case. White-collar crime investigators can take steps to alleviate the fear and anxiety often experienced by whistleblowers. In doing so, they can successfully sustain these witnesses through the long and often-bewildering investigative/judicial process.

THE EMOTIONAL IMPACT OF CRIME

In white-collar crime investigations, the testimony provided by government whistleblowers may be the best evidence for proving a case. Investigators need to preserve the testimony of these important eye witnesses just as they would protect corporate financial records. An integral component of this effort includes understanding the emotional impact witnesses experience. Investigators must ensure that these emotional factors do not become barriers to the quality and quantity of information disclosed by these informers.

The Whistleblower as Victim

Traditionally, in many white-collar crime cases, the government is labeled as the victim. But what about individuals like Tom? In the months, or even years, ahead, his role will be that of a witness for the government. **Still, his emotional response—including nervous distress caused by the retaliatory actions of his supervisor—closely parallels those of violent crime victims.** In order to deal effectively with such witnesses, investigators must understand how the impact of crime affects an investigation.

A psychologist and former New York City police officer, Morton Bard, provided the first glimpse of the emotional impact of crime from the perspective of the victim. In a behavioral profile of victims and witnesses ([Endnote 1](#)), he identified three separate stages in the process of resolving the crisis brought on by their involvement in a crime. These three stages are impact, recoil, and reorganization.

Stage 1: Impact

The impact stage is characterized by disbelief, disorientation, disorganization/confusion, feelings of vulnerability, suggestibility, and difficulty in recalling details. In the case of whistleblowers, **the impact stage begins when they report the crime and can last up to 72 hours.**

Stage 2: Recoil

In the recoil stage, whistleblowers commonly exhibit intense anger, resentment, extreme fear, shame, or guilt, as well as phobic reactions to details of the crime, particular places, times of day, and kinds of people. This is the stage during which most white-collar crime investigators deal with witnesses. **For whistleblowers, this stage begins several days after reporting the crime and continues until the investigation ends.**

The recoil stage represents a particularly difficult period for most victims and witnesses. During this period, their thinking often focuses ([Page 19](#)) on understanding why the crime occurred or why they chose to get involved. Most will wake early each morning, as Tom did, thinking about the crime and mentally replaying the events in an attempt to understand it fully. During this period, some will take an emotional roller coaster ride. Moods will fluctuate between feelings of apathy and anger, resignation and rage, serenity and anxiety. Victims/witnesses may be obsessed with the crime one minute and deny such feelings the next.

In Tom's case, he became haunted by fears of reprisal at the hands of his supervisor. Because he experienced all of the emotional reactions common to the recoil stage, his family, friends, and coworkers noticed changes in his behavior. Once well-liked and well-respected, Tom no longer felt a part of the organization. He increasingly isolated himself from coworkers. Ultimately, his supervisor was able to exploit these changes in his behavior as justification for a series of negative job actions against him.

Stage 3: Reorganization

During the reorganization stage, feelings of fear and rage slowly diminish as the victim thinks and talks less about the crime. Like Tom, most victims, witnesses, or whistleblowers will be unable to achieve this stage of resolution while the case is pending. ([Endnote 1](#))

White-Collar Crime Investigations

White-collar crime investigators should realize that criminal investigations may escalate the crisis experienced by whistleblowers. While Tom struggles with a disorienting assortment of emotional reactions, the justice system may add elements to his ordeal.

In addition to the emotional reactions experienced in the impact, recoil, and reorganization stages, whistleblowers also face challenges brought on by the investigative process itself. Investigators should realize that these elements, often unique to white-collar crime cases, may affect an informer's ability to sustain the rigors of the investigative and judicial processes.

Perhaps the most profound of these factors is the time required to investigate and to prosecute a white-collar crime case successfully. Most citizens get their information concerning the workings of the criminal justice system from television. Of course, on television, cases move quickly—in sharp contrast to the slow, methodical process of investigating and prosecuting a case of fraud against the government. Whistleblowers should be informed from the outset, that white-collar crime investigations may last 1 to 5 years.

The types of guilt experienced by whistleblowers may seriously affect their ability to provide information. Many whistleblowers will experience not one but two layers of guilt. As a whistleblower, the individual may initially feel guilty about "turning in" an employer, particularly one who has provided the employee with a "real" job or an opportunity to excel. Once the whistleblower resolves this layer of guilt, another often develops—guilt over not reporting the illegal activities when they first took place. Whistleblowers may believe that investigators view them as irresponsible for not reporting the incidents sooner. Investigators should reassure whistleblowers who place such undue pressure on themselves.

In addition, whistleblowers may fear losing their positions while the case is investigated. This fear results from the pressure of continuing to work within an environment that is under investigation. Whistleblowers often question whether their identity as the complainant has been disclosed. To allay these fears, investigators should assure whistleblowers that every effort will be taken to protect their identity.

DEALING WITH WHISTLEBLOWERS

To gather the most accurate information, investigators should first focus on the needs and concerns of whistleblowers. When whistleblowers sense a genuine interest in their welfare, they focus more energy on the needs of an investigation. Accordingly, (Page 20) investigators should learn more about the emotional reactions common to whistleblowers. (Endnote 2)

Additionally, investigators should ask questions to find out whether informers are experiencing any emotional reactions. Are they getting along with coworkers, supervisors, spouses, children? Are they having trouble keeping focused either at home or at the office? Are they experiencing anger or guilt? Are they having difficulty sleeping?

If whistleblowers admit to a problem, investigators should discuss it with them. Most important, investigators should make sure that whistleblowers fully understand the process in which they are involved. Investigators may need to review whistleblowers' roles continually during the judicial process, depending on their emotional state and ability to deal with the situation.

It is important to give a whistleblower the opportunity to vent feelings of anger or fear before initiating any questioning. Investigators should ask how things are going and watch to see whether the whistleblower's body language and other nonverbal reactions match verbal responses. If the verbal response is positive while a frown forms on the subject's face, then investigators should understand that the whistleblower may not be emotionally prepared to cooperate fully.

Investigators should prompt whistleblowers to break down their resistance by eliciting questions from them before the inquiry begins. For example, they might consider saying, "We are going to be asking you a lot of questions, but before we do, do you have anything that you would like to ask?" A common response might be, "Yes, I have a question. How long is it going to take for the government to get this case to trial?" Such a question allows investigators to respond sympathetically, thus building trust and breaking down emotional barriers. A proper response would be, "You are right. We know this has not been easy for you. We would like to tell you where we are with the investigation."

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Investigators should also acknowledge whistleblowers' agendas in order to help disarm the hidden anger that may develop toward the government. By letting whistleblowers know what to expect, investigators remove another barrier, allowing whistleblowers to devote more energy to recalling information, thus enhancing the investigation.

As part of this effort, investigators should also keep whistleblowers informed of the status of the investigation. Generally, it is best to keep them advised as major events unfold, such as possible indictment, arrest, or trial dates.

Finally, investigators should advise whistleblowers of their rights. Because these rights differ from State to State and among agencies, investigators must be fully aware of the laws, regulations, and court decisions that fall under their jurisdiction.

GETTING PAST EMOTIONS

Whistleblowers do not arrive for interviews bearing clear indicators of their emotional state or agenda. However, imagine if a whistleblower did arrive for an interview wearing a nametag complete with an emotional reading: Bob—angry. Investigators would first acknowledge, then help to diffuse, the anger. Likewise, investigators' reactions should be the same, even though they may have to prompt whistleblowers to reveal their true emotional state.

Consider the following example. For the past 6 months, an employee's marriage has been deteriorating. Because she fears her marital problems may interfere with her work performance, she decides to speak to her supervisor. As she haltingly begins to relate her problems, her supervisor interrupts — telling her that a report he had wanted at the end of the week will have to be on his desk by this afternoon.

Chances are that the supervisor will get the report. But how good will it be? The fact that the supervisor failed to address the employee's emotional concerns will directly affect the quality of the report.

For white-collar crime investigators, the same thing can occur if they ask for information before dealing with the emotional agenda's of whistleblowers. Consider how (Page 21) much of their attention and energy remains focused on such concerns as job loss rather than on the questions being asked of them by investigators.

CONCLUSION

Effective management of witnesses represents one of the most challenging responsibilities for white-collar crime investigators. To overcome such barriers as anger and fear and to collect and preserve the most accurate testimony possible from government whistleblowers, investigators should focus on informers' emotional agendas.

Investigators must also remember that good information is best preserved by keeping the source of that information informed. In the final analysis, a whistleblower who knows what to expect from the investigative and judicial process is more likely to be an effective and credible witness when called upon to recall facts or to testify.

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Endnotes:

- 1 - Morton Bard and Dawn Sangrey, *The Crime Victim's Book*, 2d ed. (New York: Brunner/Mazel Publishers), 1986.
- 2 - To assist investigators, The Behavioral Science Division at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia, developed a course to address these specific issues.

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