



Center for Interviewer Standards
& Assessment
Focused on the science of interviewingSM

cfinsider

March 2006

A PUBLICATION FOR THE CERTIFIED FORENSIC INTERVIEWER

CISA

The objective of this certification program is to create comprehensive, universally accepted professional standards combined with an objective measure of an interviewer's knowledge of those standards. The ultimate goal is that every person and every organization with a stake in interviewing will benefit from the program, as will the reputation and effectiveness of the entire profession.

CFI Code of Ethics

The Certified Forensic Interviewer is a professional with the expertise to conduct a variety of investigative interviews with victims, witnesses, suspects or other sources to determine the facts regarding suspicions, allegations or specific incidents in either public or private sector settings.

The Certified Forensic Interviewer demonstrates understanding of legal aspects of interviewing and proficiency in interview preparation, behavioral analysis, accusatory and non-accusatory interviewing, documentation, and presentation of findings.

Click here to link to the complete CFI Code of Ethics:

http://certifiedinterviewer.com/code_of_ethics.htm

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Update from the

Chairman of the CISA Advisory Committee



David E. Zulawski, CFI, CFE
Chairman of CISA
Advisory Committee

I wish you all a somewhat belated Happy New Year! The year 2005 was one of growth. We are preparing for some wonderful things that are going to occur in 2006. We now have CFInsider as a medium to communicate with each other and share information. The Newsletter Committee's goal for 2006 is to make this publication even more relevant and useful to every Certified Forensic Interviewer.

In the coming issues, we will cover updates in the research on the detection of deception. Clearly, academic research has something to offer us and we will attempt to link their findings to your experiences. In addition, we will analyze how the critics are attacking the interrogation process. This should help each of us conduct interviews that will also be more difficult to criticize or suppress. To this end, we will cover relevant legal decisions on interrogation.

Since the inception of the CFI designation we have continued to grow as a group. The year 2006 should find us with over 1,000 CFIs in existence. With our current numbers, and those in preparation for the examination, we anticipate reaching this goal by mid-year. 2006 also finds the first group of CFIs approaching the last year before having to submit their Continuing Education Credits for approval. For those of you in this group, you can find additional information on the web site (www.certifiedinterviewer.com), plus we will be e-mailing reminders of what training qualifies for recertification.

With everyone's efforts to spread the word about the Certified Forensic Interviewer designation, we will continue to grow and be able to offer even more cutting edge information. We welcome your suggestions and contributions to the newsletter, or to the program as a whole.

We wish each of you a safe and prosperous new year.

Warmest regards,
David E. Zulawski

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Should the employee's statements be suppressed when promises not to call police are made?

Mirabal v. State, 698 So.2d 360 Fla 4th 1997

A store employee, Mirabal, was confronted about losses in the store. During the interview the defendant was told that "if he admitted it, they would not call the police, and he could keep his job. They also pointed out to him that they knew he was on probation and insinuated that if he did not cooperate he would end up in jail." Mirabal at 361. The defendant ultimately confessed and the police, contrary to the store's promise, were contacted.

The police officer arrived and advised the employee of his Miranda rights. The employee waived his Miranda rights and freely spoke with the officer reiterating his admissions.

Should the employee's statements be suppressed?

Discussion

One of the primary issues in admitting a defendant's statements at trial was whether or not the statements were voluntary. Once the voluntariness of a statement is questioned, the court must determine that voluntariness by an examination of the "totality of circumstances".

In this case the court held that the employee's statements to store representatives should be inadmissible because they were involuntary. The statements made to store representatives by the employee were involuntary because they were obtained by direct or implied promises. Essentially, talk or the police will be called.

One could also argue that the mention of being on probation and winding up in jail was a threat. On this point the courts differ somewhat. Some courts would say that this statement was true and not a threat to it do anything illegal to the associate, but rather a possible outcome. This point was addressed in *U.S. v. Carpenter*, 4th U.S. Circuit Court of Appeals, No. 04-4925 (2005). In this case investigators told Carpenter that they would subpoena his family to testify before the grand jury if he did not confess. They also said that his family would have to pay their own way to get to court and if they failed to appear or perjured themselves they could go to jail. Raised as one issue in his appeal, Carpenter claimed that his confession was involuntary because his family was threatened with arrest. The court disagreed, finding that the investigator's statements relating to Carpenter's family were true possible outcomes and not threats to do anything illegal to them. They would, in fact, have to pay their own way to the hearing and if they failed to appear or lied, they could go to jail.

However, in the Mirabal case, the employee's statements to police after waiving his Miranda rights were admissible at trial. Those statements were voluntarily made after a knowing waiver of his Miranda rights. In addition, the officer made no direct or implied promises to obtain the statement and the employer's promise had obviously been broken with the arrival of the police.

Suggesting that the police will not be called and the matter will be handled within the company may create problems about the statements ultimate admissibility and voluntariness. On a separate note, introducing the idea of police and criminal charges only magnifies the seriousness of the incident in the subject's mind. This may actually increase the individual's resistance to making an admission.

Welcome!

CFIs

The following Individuals became CFIs during the last quarter, September 2005 - January 2006. Congratulations to those that have achieved the CFI status this last quarter!

To view the current list of all CFIs visit our
NEW web site, or click below
http://certifiedinterviewer.com/current_cfi.php

Tina Ayo	Ian Vernon	Lawrence Hartman
Troy Bennett	Chad Welch	George Hines
Michael Bidwell	Brian Wildman	Cliff Means
William Farris	Eric Wilhoit	Mark Reagan
Garth Gasse	James Carr	Robert Smith
David Hinojosa	Duarte Monteiro	Gerald Thering
Michael Hofstetter	John Pappas	Kimberlee Woo
Jason Martin	Benjamin Robeano	Matthew Haughton
Douglas Newstrom	Kurt Simpson	Robert Hearn
Elmer Pascual	Clay Tyson	Pierre Lautischer
Doreen Pavese	Jeremy Bailey	Gary Moncur
Erik Stephens	Kevin Griggs	Juan Perez
		Chad Sellers

Organizations Represented

The following list comprises the organizations that have individuals who have successfully achieved the CFI designation during the last quarter, September 2005-January 2006

Guess, Inc.	Lock/Line LLC
Missouri State Highway Patrol	Kroll, Inc.
Sam's Club	Margolis & Company PC
State Farm Insurance	Hibbett's Sporting Goods
West Marine	Fossil, Inc.
Penn Traffic	Texas A & M University System
Sears	American General Financial Services
Mattress Firm	National Pensions Office Grand Cayman
Bed, Bath & Beyond	Special Investigations Bureau Puerto Rico

Did You Know?

We have gotten many requests for CFI items to be sold so CFIs can identify themselves as members. We want to let you know we are in the process of creating some items, so if you have any ideas, feel free to contact us.

The first 100 people that earned the CFI designation received a commemorative CFI leather bound folder. There are only 32 left and the cost is \$35.00 plus shipping. Please click **HERE** to order yours today!



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4 Comments, Facts & Interesting tidbits

New DNA test results

Roger Coleman, a 33 year old coal miner, was put to death in Virginia in 1992. He was executed still maintaining his innocence in the rape and murder of his sister-in-law. Moments before he was executed Coleman said, "An innocent man is going to be murdered tonight. When my innocence is proven I hope America will realize the injustice of the death penalty as all other civilized countries have."

New DNA testing was ordered in the case by the Virginia governor, after years of effort by the Centurion Ministries, a not-for-profit organization that investigates wrongful convictions. The Centurion Ministries was joined in its efforts by several newspapers calling to have the evidence retested. A reinvestigation of the case by Centurion concluded that Coleman's actions on the day of the murder did not provide him enough time to have killed his sister-in-law.

The new DNA testing revealed that it was Coleman's semen in the body of his sister-in-law, Wanda McCoy.

James McCloskey, who heads Centurion and investigated the case, said he was "numbed by this new truth that has been revealed". He went on to say that he was "mystified" why Coleman had allowed so many people to believe he was innocent. The prosecutor in the case, Michael McGlothlin said, "If you go to a prison and call about 25 inmates around, a large percentage of them will tell you they're not guilty. Roger Keith Coleman hoped he would get some reprieve from some court right up until the time he sat down in the electric chair." Interestingly, Roger Coleman also failed a lie detector test.

Editor's note: Sometimes people just lie about things....do ya think?

Forced to confess to 1982 murders, he says

Alstory Simons pleaded guilty to a double murder that another man was previously convicted of (and later freed from death row). Simons now contends that he was coerced into making a statement by investigators working for the Northwestern University's Innocence Project. The Innocence Project and its journalism students reopen cases of inmates on death row and is led by a journalism professor from Northwestern University.

Simons' allegation of coercion came to light when his lawyers filed a post-conviction petition seeking a new evidentiary hearing

in the criminal courts. Key witnesses who testified against him at a grand jury hearing have now recanted their testimony. Simons said that two men calling themselves police investigators came to his home in February 1999. Simons said they falsely told him that other witnesses had signed statements implicating him in the murders.

Simons contends the investigators, working for the Innocence Project, told him that they had all the evidence they needed to put him on death row. He said he was also told that the Chicago Police were on their way to arrest him, and once they got there the investigators could do nothing more for him. Simons alleged the investigators said "it was my one and only chance to help myself by giving a statement that I shot the two victims in self-defense."

Ultimately, Simons gave the investigators a videotaped statement confessing to the murders. One of the investigators denied promising Simons a short sentence or money for confessing. The investigator stated, "That never happened. He was never promised anything. Even if he was promised something, so what? The guy confessed on videotape."

Editor's note: There are several relevant aspects to this story. First, there is an innocent man released from death row in part because of the confession of Simons. More interesting though, is the fact that the investigators from the Innocence Project are alleged to have used the same tactics to obtain the confession that the Innocence Project criticizes:

- The investigator's use of false evidence, those fictitious statements that supposedly implicated Simons in the crime.
- Promises of leniency or reward made by the investigator, the promise of a short jail sentence and money for confessing.
- Then there is the use of minimization, he killed in self-defense.
- Finally, there is also the high-end motivator, to use our critic's terminology, the threat of the death penalty.
- One final point of interest is that the videotaped statement is only the summary of the confession and does not include the investigator's interrogation. Critics have long claimed that this final summary of the confession is essentially worthless in determining the statement's voluntariness, unless the entire interrogation is taped.

We wonder if the Innocence Project will re-investigate itself since this form of interrogation is exactly what it criticizes.

Comments, Facts & Interesting tidbits

Phone Interviews: Why I Swear By Them

By Stefanie Hoover, CFI. Stefanie is a District Loss Prevention Manager with Toys R Us. She became a CFI in July of 2004 and has conducted approximately 1500 (500 on the phone) interrogations in her career.

It's a typical Sunday at my house. Dog barking. Four year old asking for snacks, asking to play a game, asking to go to the neighbors, asking to go to Chuck E. Cheese's asking, asking, asking... what else do four year olds do? Six month old eating, crying, pooping. Sixteen year old plotting something. Thirteen year old in self-imposed seclusion in his room. Husband napping with a newspaper on his lap and hat over his eyes (maybe I won't notice). Meanwhile, I'm trying to clean up the tornado aftermath that is my home.

My cell phone rings. Great. It can't be good if I'm getting called on Sunday. Just the usual: a dishonest associate in Iowa (yes, people do steal in Iowa). The associate was caught red-handed and is sitting in the Manager's office waiting for the other shoe to drop. She's short term, part-time, and has limited access.

Thank God for phone interviews!

Changes in business have not left Loss Prevention untouched. We cannot afford to allow a thief to do damage over a long period and turnover is too high to expect that part-timer will still be around in two weeks when we get to the store. Our departments are being streamlined, leaving us with larger territories to cover and stretched thinner than ever. We have to react sooner but with just as much thoroughness as in the past.

For the majority of my career, I have managed far flung regions and districts, some without a major airport. The only solution: interview the suspect remotely.

I have utilized phone interviews for ten years with a modicum of success. Originally trained in the Wicklander-Zulawski method, I was trained on the job in conducting phone interviews. I began using phone interviews with some trepidation: What if the suspect hangs up on me? How will I read his behavior? How will the statement be written? With time, I began to realize that my fears were unfounded and that I actually, at times, preferred the phone interview method. Here are my top ten reasons for using a phone interview:

1. **Cost.** Compare the cost of my free cell minutes to the cost of an airline ticket, hotel, food, etc.
2. **Speed.** I can react quickly to an issue.
3. **Anonymity.** Yes, sometimes there is a benefit to being that faceless voice on the phone. Suspects will unload their deepest

darkest secrets to someone they don't know and can't see. Think: priest in a confessional or a phone sex operator.

4. **Family time.** If I traveled non-stop to every dishonest associate in every city, I'd never get to see my lovely aforementioned brood.

5. **Implied knowledge.** The suspect may believe that you have more knowledge than you actually do about the theft because he can't read your behavior.

6. **Minimization.** The suspect may be more willing to buy into the idea that his crime was no big deal since you are calling on the phone (where in the world would he get that idea?).

7. **Versatility.** On the phone I could be old, young, intimidating, friendly, whatever the suspect needs to feel compelled to talk. In person, he may have been more inclined to stereotype due to looks. This is another issue you have to deal with in face-to-face interviews.

8. **Pajama factor.** I can do a phone interview in my PJs, with a cup of coffee, notes spread out on the couch, and Bears slippers kicked up on the coffee table.

9. **Liability.** Should one of my cases ever go to court, knock on wood, it hasn't happened yet, I will have an easier time defending myself against false imprisonment. Can't they hang up on me at anytime? And as for coercion, how could I make a physical threat from 700 miles away?

10. **Personal connection.** I am the voice in their head during an interview. At times, I can make a quicker connection and build rapport due to this.

Of course, phone interviews aren't always the solution. I don't recommend them for mysterious cash loss, long term associates, complex cases with multiple players, or upper level management. They also have some severe limitations for reading behavior. The interviewer needs to become an adept listener and at reading silence as well. Over the phone, silence can mean submission or it can mean the suspect walked out on you. By the way, I've only had one person hang up on me in ten years. Possibly the most difficult aspect of conducting a phone interview is getting the statement. I rely on my witness to ensure the statement is written appropriately. Two more tips: be choosy about your witness and don't let the witness and suspect put the call on speakerphone. Your witness plays a key role in assisting you with this process so make sure they fully understand their job. The speakerphone on the suspect's end takes away the advantage of one on one intimate conversation. I've heard from several suspects that they completely forgot that there was a witness in the room during the interview.

Just like face-to-face interviews, phone interviews take practice. With time, investigators can add this weapon to their arsenal and increase efficiency, productivity and have more time with the screaming kids and napping spouse. Hmm, well maybe I'll rethink the whole phone interview thing.

Comments, Facts & Interesting tidbits

Monitoring and Measuring Interviewer Standards

By Don Ward, CFI. Don is a Regional Loss Prevention Manager for Limited Brands. Don became a CFI in June 2004 and has conducted interrogations for over 10 years.

Over the last couple of years, Limited Brands has implemented an internal review process for interviews conducted by its loss prevention staff. The objective of the interview review program is to provide relevant consistent feedback to interviewers as part of an ongoing interview skill development program. The reviewer utilizes the Wicklander-Zulawski & Associates, Inc. interview format as the benchmark for best practices. This allows reviewers to evaluate an interviewer's efforts against a consistent model.

The WZ interview format consists of eight categories. Each category is scored using an established point system totaling 100 points. The "Backing out of the interview" and "Development of the admissions" point values are interchanged depending upon the outcome of the interview. The point system is broken down below:

<u>W-Z Category</u>	<u>Point Value</u>
Establishing the behavioral Norm/ Rapport building	10
Introductory statement	25
Showing understanding	25
Assumptive question	5
Handling denials	5
Backing out of the interview where no admission has been obtained	15
Development of the admission	15
Statement	15
<u>Total Points</u>	<u>100</u>

The reviewer uses an established set of criteria as a comparison against the interviewer's actions in each category. It ensures a uniform evaluation of the interviewer and provides the interviewer with clearly defined performance criteria.

Since the implementation of the internal review process at Limited Brands, significant strides have been made in the quantity and quality of interviews. A comparison of year-to-year statistics reveals a 15% increase in the number of Dishonest Associate Admissions and an 11% increase in the dollar amount of admissions obtained by field staff. In short, the interview review program has raised the bar of interviewing standards at Limited Brands.

CFI Needs You!



The initial CFIs are coming up for recertification within the next couple of months. From that moment on, we will have CFIs up for recertification every month. We are looking to create a committee that will help approve CFI Continuing Education Credits requirements. The Continuing Education Credit Committee will make sure all credits are approved under the CISA guidelines and refer questionable credits to the Advisory Committee for review. Any interested individuals should contact Wayne Hoover.

Links of Interest.....

A universal Investigation links page -

<http://abyss.usask.ca/~roebuck/forensiclinks.html>

A newspaper linked article about a recent CFI.

[Government Pensions Inspector earns New Certification](#)

Shoplifting Gangs:

www.latimes.com/news/local/valley/la-me-gang23dec23,0,1295858.story?coll=la-editions-valley

Police and Retailers have a way to track theft patterns...

<http://www.theithacajournal.com/apps/pbcs.dll/article?AID=/20060227/LIFESTYLE06/602270321&SearchID=73237357660246>

CFI Ambassadors

With each issue of the *CFInsider*, we hope to spotlight members who offer a great story and profile that you will find interesting and insightful. If you would like to nominate an individual for a future issue please let us know.



It is a pleasure to introduce this issue's CFI AMBASSADOR, David Shugan. Dave brings with him a passion for the profession and the role that the CFI is beginning to play in our field. Dave Shugan, CFI, has been Cracker Barrel Store's Manager of Investigations for the last five years. He has over 14 years of progressive retail Loss Prevention experience holding a variety of positions. Dave is also active outside his current job with Cracker Barrel, working in a leadership role with the NRF's Investigators Network.

David was a member of the original Item Writing Committee that worked with Applied Measurement Professionals to create the first CFI examination. Currently, he has offered his services to the organization as a member of the CFInsider Newsletter Committee.

Dave speaks highly of the benefits of certification. He commented that certification is the next step of growth any profession takes to establish its members' knowledge and competence. "Every organization has to worry about potential liability, and improper interviewing is near the top of the list for any LP department. When an investigator certified in interviewing conducts an interview, the probability of litigation against your company is greatly reduced. You know the interviewer has the knowledge to do the job. The certified interviewer is going to conduct the interview and investigation in a manner where mistakes that could be costly, are never an issue." he related.

Dave believes that the growth and professionalism of an LP department is enhanced by the CFI designation. Loss Prevention has elevated itself into an important asset in most organizations, and once management understands the certification process it brings tremendous credibility to the talents of the department. "It also expresses the professional attitude and approach we all strive for when serving our employers and profession." he said.

"When you sit down with a District Attorney, or any member of Law Enforcement, your CFI certification brings with it an immediate acceptance of you as a qualified, knowledgeable professional." Dave believes the CFI is part of a transition in the Loss Prevention field; creating a new generation of highly motivated, mature individuals who understand the "big picture" within their corporate environment. He feels the CFI program is an opportunity for a

person to find pride in their work and profession, and grow along with the industry.

After obtaining his CFI certification, Dave felt so strongly about its benefits he encouraged two of his Regional Investigators, Cary Jones, CFI and Sean McDermott, CFI, to sit for the examination. When hiring, Dave lists the CFI as a preferred qualification when searching for candidates to add to Cracker Barrel's growing Loss Prevention department.

The Loss Prevention community is changing and according to Dave, "I can call anyone on the list of CFIs and know that I will be talking to someone who is truly a professional in our industry. Since 9/11, I see members of our profession stepping up in many different ways and taking seriously the role we now play."

Dave sees the industry coming together in ways never before imagined, "We are changing the way we discuss problems and share information." He cites the NRF's Investigator Network as a prime example of joining forces to deal with a common foe. Dave says the CFI is another example, "The CFInsider provides a networking opportunity, with communication spanning across company and industry boundaries, that allows us to discuss and tackle problems shared by all."

About the author: Tom Wilson, CFI is a Regional Loss Prevention Manager for EZ Corp and obtained his CFI in May of 2004.

If you know of a CFI Ambassador that you would like interviewed for a future CFInsider, please [click here](#) to contact CISA.

What Does Your Business Card Look Like?



Have you added CFI to your business card?

CFI Re-Certification

A link to the www.certifiedinterviewer.com/recert.htm will give you a list of some of your options.

Here are some links that take you to pre-approved seminars or programs that can be applied to your recertification:

www.policetraining.net/topic-interviews.htm

www.w-zcampus.com/campusV2/campus/course_catalog.html

www.w-z.com/schedulecfi.php#schedules

www.lscan.com/scan_training.htm

NRF Investigator's Conferences (Link for dates and locations)

www.lpinformation.com/Default.aspx?tabid=202

The following is a partial list of conferences that are recognized for your CFI recertification:

2006

March 8-10

Jewelers Security Alliance

March 21, -24

Retail Industry Leaders Association (RILA)**

April 25-29

International Law Enforcement Training Association (ILEETA)**

May 31 - June 3

National Association of Certified Valuation Analysis (NACVA)**
San Francisco

June 5-7

National Retail Federation (NRF)**

June 9-14

International Cargo Security Council

****Note:** CISA representatives will be at these conferences. Please feel free to contact Wayne Hoover via email for an introduction.

CFIs On the Move!



WHEN YOU MOVE, update us with your current mailing/ email addresses, positions, and phone numbers.

Congratulations to those CFIs who have taken new positions:

- David George, CFI Promoted to Director of Loss Prevention for Harris Teeter
- Mark Neapolitan, CFI Promoted to Director of Loss Prevention for Sterling Jewelers
- Dan Patasnik, CFI Senior Manager for The Vitamin Shoppes

Missing CFIs Email/ Contact Information

Please click [here](#) and review the list of current CFI, to see if you or someone you know is listed in BOLD. If your name, or someone you know is listed, it indicates we do not have either current phone numbers, titles, organizations, or email addresses to reach them.

The *cfinsider* newsletter is distributed in electronic format only. You can view back issues of this newsletter at http://certifiedinterviewer.com/cfi_newsletter.htm

Opinions and ideas in this Newsletter are intended for information only. It is not meant to be used as legal advice. Statements of facts and opinions are made on the responsibility of the authors and do not imply an opinion on the part of the editors, officers, CISA, or its members.

Articles published about interview and interrogation, including in this newsletter, are qualified for continuing education credits.

Should you have any questions on obtaining re-certification for your CFI designation, please [click here](#) to contact CISA.

Please visit our website at www.certifiedinterviewer.com