



cfinsider

Journal for the Certified Forensic Interviewer

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Journal for the Certified Forensic Interviewer



Letter from the

Chairman of the CISA Advisory Committee



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

Another year begins and there has been continued growth in our numbers. We anticipate this trend will continue becoming more dramatic as time passes. The first group of CFIs are in the process of going through recertification to keep their designation.

Remember, there are 24 hours of continuing education required every three years to maintain your CFI designation. There are many ways the continuing education can be accomplished. If you are uncertain if training qualifies, contact the [Recertification Committee](#) for more information.

Those of you who have been here from the beginning have noticed that the newsletter has changed since the first issue. What started as an informal newsletter has almost doubled in length. The style and appearance have also undergone changes to make it more readable, and hopefully more interesting.

We have also changed the banner to read *Journal for the Certified Forensic Interviewer*. What started as a way to stay in touch with CFIs has begun its transformation into what will link the academic and legal community to the practitioner. We intend to do this by providing research findings and legal rulings that will prove helpful, plus offer new knowledge to those working in the field. We anticipate that Journal comments will further expand our understanding of this new information by linking it to practical field applications for the practitioner.

As always, your suggestions for change or additions will make this a more valuable tool for us all.

David E. Zulawski, CFI, CFE

CFIs - Call to Action!

Jack Ternan, CFI

I'm very proud of the "CFI" certification, but as a whole I find little or no recognition from others. Many in law enforcement have no idea what it means, or the hard work that goes into obtaining it. I get a comment like, "How in the world did you get him to confess"? When told of my training, certification, and experience you can see some interest but generally I see them blow it off as little or no importance. I recently had a prosecutor tell me not to bring up my certification because he was afraid it would negate the voluntary written confession. The prosecutor believed it would make me look too "official" even though I was not a police officer.

We must start educating the public, law enforcement, prosecutors, and each other on the importance of the "CFI" certification. If we don't, we will never see the recognition the "CFI" certification deserves.

CFInsider comments: Unfortunately, what you are experiencing is the growing pains of any new organization or certification. Increasing membership is one factor which will enhance awareness, as will members who actively explain the certification and solicit others to join. One of the Advisory Boards early decisions was not to grandfather anyone into the CFI designation. They overwhelmingly felt those who worked and tested their knowledge should be rewarded with the elite CFI. Other organizations have grandfathered people into a designation and their growth was much more rapid as a result.

So what can we do to increase awareness? Little things can have a big impact.

1. Put the CFI after your name on your business card, letters, emails, and reports.
2. Include the CFI as a preferred skill set in advertisements for new hires.
3. Give short presentations at company functions.
4. Encourage co-workers to join the elite.
5. Write an article and put CFI after your name and an explanation in the biography.
6. Continue to mention the CFI to police, prosecutor, and courts.

Continued.....

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7. Announce your designation in the company newsletter.
8. Attach the CFI sticker to your nametag at NRF or other conferences.
9. Attend and solicit others at the investigator network meetings.
10. Do short presentations on the CFI program at conferences or meetings.
11. Make the designation a stepping stone to promotion in your organization.
12. Add CFI after your name if you are active as an editor, contributor, or writer for publications. Examples include Loss Prevention Magazine, Calibre Press, LPInformation.com, RILA, NRF or ILEETA.

Or just hang around until there are enough members that people will have to take notice. Either way we are growing and becoming a vital part of the loss prevention and police industry.

Jack has 40 years in retail loss prevention and law enforcement. Jack is the Senior Zone Loss Prevention Manager with Tuesday Morning Inc. and has been with that company for 15 years. Jack obtained his CPP in 2001 and his CFI in December 2004.

Hello from the Editor

Joseph Nay, CFI
Loss Prevention, Heinen's Fine Foods Inc.

I would like to welcome you, the Certified Forensic Interviewer, to our latest edition of the CFInsider. From the first page of this edition you will notice changes that have improved the look and content of this Journal. It is the goal of the Editors and the Editorial Committee to provide an industry Journal deserving of the high quality individuals that make up the CFI community. Inside this edition you will find our usual sections of Legal Issues, Questions from the Field, and an article about our quarter's CFI Ambassador, Jose Trevino CFI. I hope you get a chance to read the [Call to Action](#) by Jack Ternan, CFI on page 2-3. Jack's article really opened my

Continued...

eyes on how we all must play a bigger role in promoting the CFI certification. As Jack's article shows, simply obtaining certification is not enough and promoting CFI is the duty of each and every one of us. We must take the lead in encouraging our coworkers to seek and obtain certification and educating those we interact with of the high standards and pride CFI's operate with. I was outraged to learn what Jack was asked to do when describing his qualifications while testifying in court. How did it make you feel? Send us your reactions; we would like to hear from you. Jack was motivated enough to contribute to this edition and challenge all of us to do more for our industry. Today I am pledging to do more for the CFI and I hope that you to will join me in my efforts.

Links of Interest

Google Earth Pro

Chicago police recommended it for "almost real-time" surveillance and intelligence gathering. Prices listed on webpage.

<http://earth.google.com/products.html>

Accurint for Law Enforcement

Chicago police recommend this as the database with the most information. Information available includes cell phone numbers. Accurint provides flexible pricing options for Law Enforcement to fit their budgets.

<http://www.accurint.com/lawenforcement.html>

IRBsearch

Accurint's sister site for non-law enforcement investigators. Also run with powerful LexisNexis technology, IRBsearch provides a wide range of information and free online training for its subscribers.

<http://www.irbsearch.com/>

Free to everyone, Zaba Search is a one-stop shop for all of the information you can find on-line about people, without paying for it.

<http://www.zabasearch.com/>

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Questions from the Field

We are currently working a case that the police are involved with. The question has surfaced at the office about whether or not we are required to read Miranda warnings to suspects. We feel that the courts would view us as agents of the police. What is the case that set the precedent about private sector being viewed as agents of the police? Thanks for your help.

Answer:

The courts may consider that you are acting as an agent of the police. This decision would depend on whether the police had merely been contacted or you were working in concert with them. If you were working collaboratively with them, then it is likely that you would be seen as an agent. For example, if you were directed by the police to search something they could not obtain a warrant for, you would certainly be acting at their direction, and thus would be their agent.

Acting as an agent of the police could affect you in two possible ways:

First, let's consider the Miranda warnings. Police are required to read a subject his rights when he is being questioned *and is in custody*. The question is not so much acting as an agent of the police, but rather, the primary question pertains to whether the subject is in custody at the time of the questioning. If the subject has been arrested, not merely being questioned, then a Miranda warning is required. Since you are cooperating with the police you would likely have to follow the police rules when dealing with the subject who is in custody. This would include stopping the interview if the subject asked for an attorney or invoked his right to silence.

The second issue would revolve around the search of a subject and his property. Because a search by police is a state action, the police are generally required to obtain the individual's consent or a warrant to search. There are exceptions to the warrant requirement, but for the purpose of this discussion assume a warrant to search is required. However, a private citizen has more latitude when working independent of the police since as a citizen the search is not sanctioned by the state.

Independent of the police, the ability to search might include walking on another person's property or entering a home and seeing illegal activity when the police would be restricted from doing so. There are also searches within a company facility that can be conducted independent of the police. For example, depending on company policy and the employee's expectation of privacy, the company has a right to search its own property without a search warrant. The ability of the

company to search may not be true if the employee is allowed to put his own lock on the locker, office, or desk, thus giving him a greater expectation of privacy. The company could also potentially give the police consent to search its premise eliminating the need for a warrant. Most organizations have a policy or provide notice of possible searches placing the associate on notice a search could occur. It will always be less complicated if the police obtain a search warrant from a judge who has heard the probable cause and agreed there are sufficient facts to authorize the search.

Cooperating with law enforcement has advantages and disadvantages that should be considered in light of the overall investigative strategy. Carefully considering the timing of the cooperation may allow certain investigative techniques that would not be permissible to be utilized. Interestingly, the case review in the Legal Aspects section deals with a search by a citizen who is also a police officer.

How do you convey to an employee who has been caught stealing that you no longer want them shopping at your store? Do we as LP professionals have the right to tell an employee we don't want them shopping at our stores? What if they were not prosecuted and simply terminated?

The answer depends on your company's policy, but many organizations handle this in the same way they would when dealing with a shoplifter. Many companies use a "no trespassing" notice banning the individual from the premise after being detained for shoplifting. The individual signs a form acknowledging his notification of the no trespass order. The person is subject to arrest if he re-enters the property after he is told he may not return. The company can use a no trespass order, regardless of whether the person is prosecuted or not.

If you intend to ban a person from the property, we would suggest having your corporate legal counsel draft a form document for this purpose. It is always useful to have legal review steps like this before implementing them, since there may be ramifications we had not considered.

CFIs are welcome to comment on how this issue is handled in their organizations and we will pass it along in the next issue.

Note: Neither of the previous responses were meant to be legal advice. Since we are not attorneys we suggest that clarification should be sought from either the local prosecutor or corporate counsel to consider company policy, jurisdiction, and the specific facts of the case.



Linking Research to the Field

In this edition's Linking Research to the Field we will address the change in verbal and nonverbal cues to deception after repeated interrogations.

Repeat Interrogations: Verbal and Non-verbal Cues to Deception

Applied Cognitive Psychology
Appl. Cognit. Psychol. 16:243-257 (2002)

Par Anders Granhag and Leif A. Stromwall
Goteborg University, Sweden

Abstract

The major aim of this study was to investigate to what extent verbal and non-verbal features of liars and truth-tellers behavior change during the course of repeated interrogations. After seeing a staged event, 24 suspects (12 liars and 12 truth tellers) were interrogated three times over a period of 11 days. In terms of the nonverbal features, and in line with our prediction, we found that the liars displayed significantly fewer smiles, self manipulations, pauses, and less gaze aversion than truth-tellers. Furthermore, over time the initial differences between liars and truth-tellers nonverbal behavior increased for smiles, gaze aversion and pauses. In addition, we found that the cue "richness of detail" — the most indicative verbal marker for truth as given in previous research — had no discriminative power at any of the interrogation sessions. Finally, and in contrast to belief held by supposed expert lie-catchers (e.g. judges and police officers), truthful and deceptive statements were found to be equally consistent over time. The psycho-legal implications of the above findings are discussed.

Suspect's Perceptions

The authors reviewed three theoretical frameworks for the internal processes of the guilty which might trigger nonverbal deceptive behavior.

- Emotional- this framework postulates the guilty feel fear and excitement which triggers nonverbal behaviors.
- Cognitive- this framework suggests that since lying is a more difficult process the guilty will speak slower and have more speech disturbances.
- Control- this theory offers that the guilty will attempt to control or modify his behavior to appear truthful.

The authors also note that the quantity of detail is generally larger and more vivid in truthful statements than in deceptive statements.

The authors predicted that their study would confirm truthful statements would contain more detail than when compared to deceptive states. In addition, they predicted that the level of details in both truthful and untruthful statements would diminish over time, but would remain equally consistent.

In this study, the authors also predicted in this study the guilty, when compared to with truth-tellers, would show fewer body movements, speech disturbances, fewer smiles and less gaze aversion.

Study

The participants in the study observed a staged event relating to a robbery in which a man is stabbed. Those selected to be truth tellers were instructed to tell everything that they remembered in his much detail as possible while the liars were instructed to distort the story to make it appear that the victim was at fault. All of the participants were allowed time to prepare for their interrogations and knew they would be spoken with three times.

CFInsider comment: it should be noted that although the authors describe these encounters as interrogations they might not fit our understanding of the interrogation as it is taught here in the United States. Instead, these "interrogations" would appear to be more of an interview by our definition.

The first interrogation of the participants entailed asking them to tell all they knew of the incident. The interviewer had an opportunity to review a videotape of the first interrogation prior to conducting the second one four days later. In the second interrogation the participants were asked a series of directed questions relating to who held the knife during the encounter and their certainty relating to their recall. During the third interrogation participants were asked to again recall the circumstances surrounding the incident, then asked a series of directed questions related to who held the knife and their certainty related to that matter, and then they were allowed to ask their own questions of the participant.

Results

The video and audio recorded statements were transcribed for analysis by the researchers. They found that there was a significant difference between the average length of time of the truthful versus untruthful statements. (See Table 1 on following page.)



Table 1

Interrogation	Truthful	Untruthful
1	5m 40s	3m 25s
2	4m 45s	4m 11s
3	4m 37s	3m 50s

After a detailed analysis of the statements the authors came to the following conclusions. Liars tended to have:

- fewer smiles
- fewer self manipulations or gestures
- fewer pauses
- less breaks of eye contact (gaze aversion)
- a rigid rehearsed appearance
- behavior which became increasingly over controlled during subsequent interrogations
- less words in their statements than the truth teller

The authors noted the guilty and truth tellers became less similar as the interrogations went on. In conversations with the guilty participants the authors found that their strategy was to “act calm and not make too many gestures.” This supports the controlled framework mentioned earlier. The authors also conclude behaviors may change when a suspect has been interrogated multiple times.

Conclusions

As mentioned above the guilty participant exhibited different behavior from the truth teller. The study also does not support a commonly held belief deceptive statements are less detailed than truthful. However, truthful statements tended to be longer. The authors also concluded that the consistency of the truthful and untruthful statements were equally consistent over the three interrogations.

The truthful participants had an increase in the number of:

- pauses
- gaze aversions
- smiles and laughter
- self manipulation



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.

CFI Ambassador José Trevino, CFI

by Jeremy Bailey, CFI



José Trevino, CFI



It is my pleasure to introduce this issue's CFI Ambassador, José Trevino, CFI.

José is a leader in Mexico and Latin America in the field of forensic accounting investigations. He is currently the only CFI in Mexico!

José began his career in investigations after he was involved in the tax and accounting world for approximately six years. He is currently a Senior Manager with Ernst and Young. He co-manages the Mexico City office of

Fraud Investigations and Dispute Services. José joined Ernst and Young in 2004. He spends a great deal of his time working directly with clients. He has a dual role within his organization. Some of the services his company provides includes, but is not limited to: forensic accounting investigations, investigation of suspected management fraud, and investigation of possible corruption and/or collusion between suspected parties. José not only markets his company to clients, he also participates in the delivery of its services. Before joining Ernst and Young, he had previously been with Kroll and Associates where he worked with the fraud forensic team. José is also a Certified Fraud Examiner and belongs to the Association of Certified Fraud Examiners.

He successfully earned his CFI certification in August of 2005. José would like to see the CFI certification spread throughout Mexico and Latin America. He believes tremendous potential exists to advance the certification, especially in large cities like Mexico City and northern areas that border the United States, where CFI is essentially unknown. He believes the CFI certification demonstrates a recognized set of



credentials for an interviewer, which is beneficial to his or her organization. Within the Ernst and Young organization, he is hopeful that within the next three years all personnel in the Miami and Mexico City offices will be CFI certified.

We can all expect that with the help of people like José Trevino, the CFI certification will grow in the near future outside of the United States. Congratulations to José Trevino, CFI, this issue's CFI Ambassador!

About the author: Jeremy Bailey, CFI. Jeremy is a graduate of the University of Alabama at Birmingham where he obtained his Bachelor of Science in Justice Sciences. He has been in Loss Prevention for over 10 years. He has been employed with Hibbett for nine of those years. While at Hibbett he has held various Loss Prevention positions and is currently a Loss Prevention Director.. He obtained his CFI in December of 2005. He can be contacted at Jeremy.Bailey@Hibbett.com.

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

The After Effects of an Interview

By Vince Briguglio, CFI

It's early in the morning and you have just hit your office with that first cup of Monday coffee in hand. The phone rings and an associate reports she witnessed an employee walk out of the store without paying for merchandise last evening. You ask her the general questions you would normally ask, do your research on the case, and then in a blink of an eye, you are off to conduct the interview! Your job as always is to uncover the truth, correct the situation, and keep the inventory losses down.

Routine when you have conducted your fair share of investigations. How about this twist in events...

However, the preceding case was one with a twist occurring after the investigation was closed. At first everything was according to plan, the interview went great. The associate admitted to a large merchandise theft and then wrote a detailed statement substantiating the confession. The case was reviewed with the company management and the decision was made to prosecute the employee. The associate was arrested by the local police department and later bailed himself out of jail.

After the employee made bail he called my cell phone. He repeated how sorry he was for the thefts and told me his wife had left him as a result of the incident. He was despondent, feeling like he no longer wanted to live, and finally said he was contemplating suicide.

At this point many things came to mind. First and foremost was to get this person to stop thinking like that and to get him some help. But what should I do? Call the police and have him picked up because of his state of mind? If I did call, was there a liability for the company or, for that matter, me, for making it?

Well, as with any good story, there is a happy ending. The ex-associate did not commit suicide. We were able to get his permission to give his phone number to our associate support center where he spoke with a crisis counselor who got him started on the help he needed.

Hard learned lessons should be shared. Let me tell you what I learned from this case and the expert advice I received from Dave Zulawski, CFI and my Human Resources Department.

- Time is of the essence so determine your company policy for reporting a matter like this. Regardless, we have a moral obligation to do what we feel is right if the situation is a matter of life or death. In normal circumstances, contacting the police is usually the last resort. However, in this situation you could contact the police to do a wellness check. Let the police know the person you are calling about has gone through a lot of stress and has not been doing well and you would like them to stop by to check on them.

From a liability standpoint this is a tough one to call, because each case is so different. However, things you should always do are;

- Contact your HR department and see if there is a counselor or crisis center they can put the individual in contact with.
- Inform your supervisor and/or member of the legal department.
- Document your actions in a supplemental report.
- Finally, after you have completed your interview, prepare the individual for what is to happen after the case is over. This often can defuse an ugly situation.

Vince Briguglio has been in the Loss Prevention field for a total of 10 years. He currently manages 3 regions which covers 22 states across the US as the Regional Loss Prevention Manager for J. Crew Corp. He has been a CFI since September 2005.

Why Are You a Criminal?

By Thomas Masano, CFI

Ever wonder what leads someone to lie, cheat, steal, ingest drugs, or commit any other socially unacceptable behavior? Grasping a better understanding of why people get involved in this behavior may assist you in your interviews in the future. Many criminologists have studied this area and although there are different thoughts, many theories tie together in one way or another. Various theories postulate personality, environment, mental deficiencies, personal defects, heredity, biological, or even chemical and hormonal imbalances can cause unacceptable behavior. Others suggest that behavior is caused by social and ecological factors. Three theories by three noted criminologists: Gabriel Tarde (Imitation Theory), Edwin Sutherland (Differential Association Theory), and Travis Hirschi (Social Bond Theory) will be considered.

Imitation Theory

Gabriel Tarde was first to offer a theory suggesting people learn deviant behavior as a result of social interactions with others who are involved in a specific behavior. He called his theory the "imitation theory." Another way Tarde described the Imitation Theory was people of an inferior group want to imitate those of a superior group. Tarde developed what he called the "three laws of imitation," which were:

- 1) *close contact,*
- 2) *imitation of superiors by inferiors,*
- 3) *and insertion.*

Simply stated, the law of close contact implies a person who has intimate contact with another will be driven to copy that person's behavior. He also suggested that the mass media could cause a person to imitate another.

Tarde's second law, imitation of superiors, theorized younger people want to imitate their older peers. He believed they do this because those who are young, poor, and uneducated will commit crimes in an attempt to achieve the status of the older, wealthier, and better educated acquaintances.

The third and final law, insertion, states that new acts and behaviors are superimposed on old ones and either reinforce or discourage previous customs.

Albert Bandura, a social learning theorist, took these three laws a step further believing these acts of improper behavior were modeled instances observed in the family, environment, and mass media. A

family member who does something wrong in front of his children is indirectly telling them it is permissible to do the same thing. According to Bandura, this encourages the child as he grows into an adult to commit crimes.

Finally, the mass media, depicting violence, lying and stealing, may influence the young from learning the difference between right and wrong. Who a person grows up with, the environment in which he is raised, and the type of exposure to media can all have a powerful affect on a young person according to Bandura.

Differential Association

Several years after Tarde offered his theory, criminologist Edwin Sutherland took those thoughts a step further creating his theory of "*Differential Association.*" His theory sought to explain why individuals get involved in unacceptable behavior, thus hoping to apply his theory to groups. He believed his ideas could help explain variations in crime rates within a particular community.

Differential association predicts people will become criminals because of their repeated contact with those involved in criminal activity; likewise, a lack of criminal associations would produce a person who does not engage in unacceptable behavior. Often a person decides early in life who to associate themselves with and whom they will view as a role model. Essentially, Sutherland is saying that behavior is learned and associations will drive the individual to be like the role model. So if a young child spends vast amounts of time with a person who engages in criminal behavior, then that child will learn those traits and grow up to imitate that person.

Although Sutherland's theory is much more detailed, it's important to understand the basics in that crime is a learned behavior through social interaction with others. Therefore, whether you're investigating a person for cash theft, theft of merchandise, a rape, or someone involved in drugs, according to Sutherland and his differential association theory, most of these people at some point in their life learned this behavior from someone they associated with in the past.

Think about the first cigarette you had, or the first beer you had, then recall who got you involved. Most likely it was a friend, relative, or family member who first exposed you to those habits. It now makes sense why using peer pressure as a rationalization works so well.



Social Control

The final theory of criminal behavior, developed by Travis Hirschi in 1969, is called the social control or social bond theory. Hirschi took the opposite approach from Sutherland. Hirschi believed we are guided to obey the law instead of being led to break it. Essentially, he felt an environment with strong social beliefs and values would prevent someone from becoming involved in criminal behavior. Simply put, those who grew up with strong moral values stayed away from trouble.

Hirschi altered his thinking in 1990, when he moved away from the social bond theory and introduced the self-control theory. The self-control theory postulated the lower the self-control of a person, the higher the chance of engaging in criminal activity and aggressive acts. He theorized if parents did not punish or control their children early in life causing them to lack self-control later in life leading to unacceptable behavior.

There are a number of theories offered why people get involved in deviant and criminal behavior, and as yet, there is no universally accepted answer.

What can an interviewer armed with this information do to improve their interviewing skills? First, by knowing an individual's background, it can help with rationalizations. Knowing that someone grew up with little or no parental support suggests the peer pressure rationalization could be used. If we knew that a suspect grew up in a loving, educated, and supported family environment, then the impulse or opportunity rationalization makes sense since we can assume he was raised understanding that criminal activity was wrong.

Second, with some basic understanding of why people become involved in criminal activity, we can adjust our interview style as needed. For those suspects growing up in a gang-like environment the interviewer can assume respect will probably be a huge factor for the individual. Being authoritative early on may shut down the suspect resulting in no admission or confession. On the other hand, if a suspect grew up in a highly supportive environment with good family values and beliefs, the interviewer could assume the subject likely respects authority. Generally, this type of person will listen more attentively and have some remorse for his actions. Be cautious here though. Some of these types of suspects will not want their parents or authority figures to know what they have done.

Finally, with a solid understanding of these theories, the interviewer will be able to customize his strategy and be better at reading the suspect's responses to them.

Thomas Masano is a retired Special Agent with the U.S. Air Force Office of Special Investigations and former instructor at the Federal Law Enforcement Training Center. He is currently an instructor and interviewer with Wicklander-Zulawski & Associates, Inc.

CFIs Work Missing and Exploited Children Case

Cindy, a lovely energetic 13 year old girl, disappeared while going to visit her boyfriend nearly 20 years ago. The case was kept alive by a detective who just could not let it die even after all these all these years. Wicklander-Zulawski & Associates was asked to assist in the interrogation of a possible suspect.

The suspect has been convicted twice of raping young girls and is currently serving a 12 year sentence for rape as a habitual offender in a Michigan prison. Working with city police investigators to reopen the investigation the suspect has been interviewed and made some admissions to Cindy's disappearance, but not, as yet, a full confession.

The reopened investigation has identified three additional rape victims with numerous others yet to be interviewed. At this writing CFI interrogators are planning to confront the suspect on these new rapes and reopen the conversation about Cindy's disappearance.

When the CFIs were asked to join the investigation it was evident that the recording equipment was not sufficient to document a possible lengthy interview with the suspect. Since the suspect's statement would be critical to a prosecution the CFIs asked for help in the project. We want to extend our appreciation to two companies and thank their employees for the generous support.

We thank Pelco, Inc. and Peter Schmidt who graciously arranged the loan of a 5100 DVR to record the interview. Steven May, CFI, and President, Loss Prevention Innovations arranged for Mike Korcuba, National Account Manager for Securex, a division of LPI, to provide the camera, microphone and installation of the equipment in the prison where the suspect is incarcerated. Their generosity in time and equipment may help bring this case and related cases to a resolution.

Limited Brands has supported the CFI program and the National Center for Missing and Exploited Children, <http://www.ncmec.org>, at the National Retail Federation Loss Prevention convention and we encourage their continued work with this charity. We applaud all companies that use Code Adam and protect our children in ways large and small. Thank you.



Comments, Facts & Interesting Tidbits

Interrogation tape missing- Miami FL

Jose Padilla has been held in the military brig in Charleston SC, as an enemy combatant for over three and a half years. He is suspected of being an Al Qaeda operative planning to explode a dirty bomb here in the United States. During those years he was held, he was interrogated during eighty-eight videotaped sessions by authorities.

Padilla's attorneys had claimed he was unfit for trial, but after hearings the judge, Marcia Cooke, ruled he was mentally fit and able to aid in his defense. The U.S. Attorney's Office had turned over eighty-seven of the video taped sessions, but has been unable to locate the final conversation between Padilla and interrogators.

The defense in court filings has suggested that this final videotaped session could contain information which improperly "impacted his relationship with his attorneys". Defense attorneys believed that interrogators did something during this last session which caused Padilla not to trust them.

U. S. District Court Judge Cooke expressed her displeasure to prosecutors, "Do you understand how difficult it is for me to understand that a tape related to this particular individual just got mislaid?" Prosecutors and the Pentagon have said the tape cannot be located. Trial is set for April 2007.

Steals Church and buys BMW- Ripon CA

If you are going to steal you need a plan... a good plan. However, 54 year old First Congressional Church Reverend Randall Radic, clearly did not think things through.

Everything was moving along fine until the good Reverend bought a new black BMW and laptop. Apparently unaware that the bank would call the church board regarding the BMW, he drove the car blatantly through town, immune to his falling house of cards.

The plot began when Radic faked documents giving him ownership of the parsonage using these to obtain about \$200,000 in loans. Not willing to stop there, he forged other papers giving him the right to sell the church, which he did to the tune of \$525,000. But it was the purchase of the BMW that proved his undoing.

When questions began to be asked about church finances he fled to Denver, only later returning to California to face multiple felonies. End of the story? Unlikely.

Held in jail awaiting trial, Radic befriended Roy Gerald Smith, (ever notice the really bad guys get a middle name used) a sex offender and suspected murderer, who was also awaiting trial in a 2005 slaying of a woman. According to the Reverend, Smith confessed to the murder during conversations they had while awaiting trial. Ever the enterprising soul, Reverend Randall Radic (no middle name) bargained with prosecutors for his testimony in Smith's capital murder case. Pleading guilty to embezzlement, Radic watched while prosecutors dropped nine additional counts in exchange for his testimony. The good Reverend is now trying to peddle a book of his exploits. In the mean time, his lawyer tries to sell how remorseful his client really is. Maybe it wasn't such a bad plan after all.

Legal Aspects

Does state or citizen action result in search?

U.S. v. Ginglen, 467 E3d 1071

The defendant was a suspect in a number of bank robberies in central Illinois during late 2003 and mid 2004. The defendant's description and that of the getaway car were published in the newspaper where the defendant's son, a police officer, read about him. The son, and his two brothers, then went online and found surveillance pictures taken during the robberies that confirmed it was their father committing the crimes.

The three sons decided to confront their father and planned to persuade him to turn himself in to authorities. However, if the defendant refused, they were prepared to turn him over to police themselves.

The boys went to their parents' home and searched for their father. While looking for him they discovered clothing matching the description of those worn during the robbery. The son, who was employed as a police officer, wore his bullet proof vest, gun, and badge during the search. Since their father was not home the boys contacted the local police, who using the sons' observations, obtained a search warrant for the father's home.

In addition to the clothing, police found other evidence related to the robberies during their search. Later the father's computer was also seized and provided more incriminating information.

During testimony, the sons said they grew up in their parents' home and had permission to enter the residence whenever they wanted.

The defendant was convicted and appealed claiming, in part, his son, a police officer, was acting as an agent of the government at the time of



the search. To support this claim he pointed to his son's wearing of a bulletproof vest, gun and badge when entering the house.

Decision: Conviction affirmed

The court ruled against the defendant, reasoning that a search by a private citizen is not prohibited by the Fourth Amendment to the U.S. Constitution. The court decided since the sons did not notify authorities of their intentions to enter their father's home and were not acting at the instruction of the police their actions were those of a private citizen. The fact that one of the boys was a police officer, carrying his badge and weapon was something he did as a matter of course, and he wore them knowing his father could be armed. Finally, even if the search was unlawful the sons had already identified the father as the robber, along with his gun and car prior to ever going to the home. These identifications and the investigators' observations of a car matching the robbers in the defendant's drive would have provided probable cause without the observation of the clothing. The court also found the sons were acting to stop the defendant from continuing his pattern of robbery and protect the father and public from harm.

CFInsider Comment: This case, while relating to a search, rather than an interrogation, addresses issues brought up in the *Letters From The Field* section of the journal. The court looks at the relationship between the police and the private citizen, the timing of events, and circumstances surrounding the case when making its decision whether the citizen was acting as an agent for the police.

Investigators should carefully consider the pros and cons of partnering with law enforcement, doing so when it best suits the needs of the investigation.

Online AOL fraud leads to consent to search

U.S. v Buckner, 2007 WL 64268 (4th Cir.)

A number of complaints alleging online fraud were traced to accounts on eBay and AOL opened in the name of the defendant's wife. The police spoke with the defendant's wife and she acknowledged owning a computer that she used to play solitaire.

Returning a second time to the suspect's residence police were told that he was not at home, but they could come in and take whatever they needed. Police turned off the computer and copied its hard drive. Evidence linking the defendant to online fraud was recovered from the computer and he was convicted.

The defendant, in his appeal, claimed his wife could not give permission to search the computer since his files were password protected.

Decision: Conviction affirmed

The court determined officers knew the computer was leased in the defendant's wife's name alone, was located in a common living area of the home, and was on when they entered even though the defendant was not present giving officers a reasonable belief she had authority to give consent. There was nothing to indicate she knew there were password protected files in the computer and thus could give consent for the search.

CFInsider comment: In the above case it is interesting to note had the defendant's wife known files were password protected she may not have been authorized to give consent. This would be like a company allowing an employee to place his own lock on his office door. This gives an additional expectation of privacy which may restrict searches by the company or the ability to give consent for a search of the office.

CFIs in the News

The Loss Prevention Foundation, Wicklander-Zulawski & Associates and the CFI Designation Announce Cooperative Partnership

The Loss Prevention Foundation, Wicklander-Zulawski & Associates, Inc. and the Certified Forensic Interviewer (CFI) designation are pleased to announce a cooperative partnership of mutual support for their education programs. Through this partnership the organizations will work together to ensure that their certification programs support a well-rounded curriculum for loss prevention professionals.

In existence since 2003, the Certified Forensic Interviewer (CFI) certification, developed by Center for Interviewer Standards & Assessment, Ltd. (CISA), (affiliated with Wicklander-Zulawski & Associates, Inc.), is widely recognized as the pre-eminent education tool on interviewing and interrogation techniques. The Loss Prevention Foundation's LPCqualified and LPCcertified programs, due to be released later this year, will provide a comprehensive education on retail and loss prevention in order to develop and enhance the skills sets of loss prevention professionals.

"We are very pleased to be part of this partnership. We believe the Loss Prevention Foundation's certifications will be complementary to the CFI certification" said Wayne Hoover, CFI. He went on to say, "The CFI program and designation has proven to be a successful educational tool for the industry. We anticipate this cooperative partnership with the Loss Prevention Foundation will build even more professionalism in the loss prevention field."

Continued.....



According to Britt Wood, the Loss Prevention Foundation's president, "We were delighted to enter into this partnership with Wicklander-Zulawski & Associates, Inc. and the CFI designation. We believe that this partnership will ensure that the loss prevention industry has two unique educational tools that will better the industry for years to come."

With the RILA conference starting in April, we noticed that a number of CFIs were presenting at this particular conference and wanted to let other CFIs know that this was happening. What a great way to promote the CFI designation! So if you are attending the conference, please do not miss out on the following CFIs:

David George, CFI and Rob Wynn, CFI presenting on Organized Retail Crime (ORC) in the food and drug industry.

Lance Williams, CFI and Deanna Bonachea, CFI presenting on Using Technology for ORC Investigations

Walter Palmer, CFI presenting on Interactive Comparisons Between US and International Loss Prevention

L. Wayne Hoover, CFI and Brett Ward, CFI presenting on Measuring and Monitoring Interviewing Effectiveness

Jim Carr, CFI will hold an open forum to discuss the auto industry

The following CFIs had articles published or were mentioned in publications:

Kevin Valentine, CFI (Advisory Committee) was recognized in the latest issue of Loss Prevention Magazine latest issue for his successes in the field of Loss Prevention.

Joe Hajdu, CFI had a two-part article in Loss Prevention Magazine on Executing the ORC Strategy.

Mike Marquis, CFI (Advisory Committee) is a regular contributor to the Loss Prevention Magazine under LP Fundamentals.

Dave Zulawski, CFI and Doug Wicklander, CFI are regular contributors to Loss Prevention Magazine on the topics of Interview & Interrogation. Dave and Doug were also mentioned in Maxim Magazine (Jan. 2007 issue) for their Practical Aspects of Interview & Interrogation as a "Brain Food" must read.

Pierre Lautischer, CFI had an article published in the January/February issue of Fraud Magazine titled: Pension Fraud: Nabbing Bosses Who Crack Nest Eggs.

Welcome CFI's

The following individuals became CFIs during the quarter, November 2006-January 2007. Congratulations to those who have achieved the CFI status this last quarter!

To view the current list of all CFIs, visit our updated web site, or [click here](#)

Eric Agredano	Bryan Lee
Joshua Alexander	Aaron Litteral
Carlos Alo	Christopher Lombardi
Mary Ellen Anastas	Travis Marsh
Brian Burke	Jayne McGrath
Leo Cabral	Christopher McKeand
Russell Churchill	Jeffery Mote
Anthony Costanzo	Jack Pellerin, Jr
Michael De Biase	Lawrence Pennino
Daniel DiMatteo	Gerald Place
Jennifer DuBose	Bryan Rice
Larry Fizer	Kimberly Rogers
Daniel Gilvary	Barry Simpson, Jr.
Kyle Gray	Mark Stalker
David Horne	Eric Strom
Thomas Ivey	William Wilson
Michael Kanaby	Michael Zografos

Organizations Represented

The following list comprises the new organizations that have individuals who have successfully achieved the CFI designation during the quarter, November 2006-January 2007.

To view the current list of organizations represented, visit our updated web site, or [click here](#)

ABX Air Incorporated
Chicago PD
DSW
IRS
Ivey Investigative Service
Kosciusko County Sheriff's Department
Lennar
Morris County Prosecutor's Office
Norfolk Southern Corporation
Palm Beach Community College
Peebles Division
Urban Outfitters
Winn-Dixie



CFI Recertification

Below are the individuals that are up for recertification that have not sent in their signed sheet saying they met their requirements to be recertified, the payment, or both. The individuals listed are for April 2007-June 2007. Please click this link http://certifiedinterviewer.com/pdfs/CISA_Certification.pdf to download a form. Send in your payment and form as soon as possible, so you will not be required to take the CFI examination again to keep your CFI designation.

April '07	Giorgio Bertucci	Marcus S. Smith	May '07	June '07
Alecia A. Camps	Giselle M. Xavier	Mark Douglas Storts	Andy E. Flores	Al H. Wood
Andrew J. Heimkreiter	Glenn R. Gratz	Mark G. Lukens	Brian C. Finnicum	Alan K. Swayne Jr.
Anthony Antonelli	Gregory W. Braun	Matthew W. Gilligan	Catherine Anne Daniel	Brian J. Burgess
Armanda DaSilva	James A. Russell	Michael A. Mattone	Chris J. Collier	Christopher J. Yadanza
Barry S. Cohen	James D. Brady	Michael R. Iverson	Christopher Clement	Christopher T. Aye
Betsy Brantner-Smith	James J. Mulligan	Michelle L. Wright	Cassidy	Deborah R. Pettit
Boyd A. Bradley	James M. Shepherd	Mike Floyd	David R. Belniak	James B. McLemore
Brady R. Sowell	James S. Johnson	Mike P. Dorey	David R. Collins	James F. Cardenas
Brady T. Edwards	James William Wilson, Jr.	Nolan R. Wynn	David W. May	Jason A. Contreras
Brett Ward	Janine D. Marin	Philip M. Hamilton	Deanna L. Bonachea	Jeffrey S. Trindel
Bryan L. Martin	Jason M. Coren	Ralph L. Ruppe	Dennis L. Braman	John B. Seehoffer
Carl G. Clark	Jeff Baile	Ramona Piec	Donald S. Ward	John E. Cudal
Charles L. Gray	Jeff Richardson	Randy Council	Dustin L. Frady	Joyce Penrod
Chris Huebner	Jeffrey W. Aldinger	Renata A. Turek	Elisha Z. Toye	Kelly M. Moyer
Chris Norris	Jeremy M. Yeomans	Richard B. Dobson	Glenn R. Justus	Kimberly Bellsmith
Christopher R. Hinger	Jerett M. Sauer	Robert G. Campbell	James Zeccolo	Kristy L. Evans
Craig A. Hagan	Jodie W. Murphy	Rodney D. Pruett	Jane A. Woodland	Margie E. Calloway
Daniel A. Patasnik	Joe DiMariano	Rosemary Lernowich	Jong H. Han	Mathew C. Christman
Daniel L. Romanic	John Brocar	Scott J. Springer	Kevin D. Stewart	Matthew Stephen Nuzzo
David John Alves	John E. Burkowski	Stan Slowik	Leah M. Van Dyke	Melissa J. Avaava
David M. Lu	John Guzman	Steven A. McClard	Martha J. Scrafford	Michael A. Toledo
David J. Miglin	John M. Gay	Susan L. Witek	Matthew A. Higgins	Michelle Canlas Valenzuela
Dawn M. Olson	John M. Slutz	Todd E. Werba	Melville D. Chiong	Patrick Douglas Ancil
Deborah L. Garvett	Joseph A. Sinischo	Tom Corcoran	Patricia A. Morgan	Paul Albert Roderus
Dennis Nebrich	Joseph S. Ortega	Tracey L. French	Robert A. Rachel	Randall M. Stevens
Dino E Scaccia	Joseph H. Pfeifer	Tracey L. Olsen	Robert A. Selah	Ronald D. Kiefer
Donald J. Lindemann	Juan F. Morejon	Vernon G. Bales	Sergio Martinez	Rosario D. Rodriguez
Donna M. Dollen	Kathy Farrell	William E. Goga	Thomas Ray Wilson	Stephen M. Gonnella
Earl S. Watson	Kelly E. O'Reilly	Zakary M. Kaiser	Timothy R. Erickson	Stephen R. Brader
Edward D. Jeanes	Ken R. Boston	Kate O'Donnell	Tracie Ann Francis	Todd M. Dolan
Elizabeth Shanta Hunt	Kevin R. Hogan		William R. Chilcutt	Warren R. Hinerman
Ernest E. Bell	Kim Kidwell		Willie A. James	
Frank J. Albany	Kim M. Schmidt			
Frank Kowalski	Lansing E. Williams			
Frank T. Honey	Laura A. Riggiola			
Gary B. Jones	Lionel M. Halstead			
George Christian Torres	Luis A. Colon			



CFI Re-Certification

A link to the http://certifiedinterviewer.com/seminar_classes.htm will give you a list of some of your options. To download the re-certification form, please click the following link:

http://certifiedinterviewer.com/pdfs/CISA_Certification.pdf

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

www.policetraining.net

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 re-certification:

April 2-3**

Insurance Fraud Conference

April 16-19, '07 **

Retail Industry Leaders Association Loss Prevention, Auditing & Safety Conference.

April 17-21**

International Law Enforcement Educators & Trainers Association Conference & Expo

April 24-26

Latin America Security Association Conference

April 25-26th **

Eye For Retail: Retail Loss Prevention, Security and Safety-Europe

May 7-10

Retail Loss Prevention Conference-Africa

May 9-11

Canadian Fraud Conference

May 10-12**

Fraud & Forensic Accounting Education Conference

June 6-9**

National Association of Certified Valuation Analysts

June 11-13**

National Retail Federation: Loss Prevention Conference & Expo

June 21-27**

International Cargo Security Council Conference & Expo

July 15-20**

CFE Fraud Conference & Expo

****Note:** *CFIs have mentioned they will either be at these conferences and/or be presenting at these conferences. For networking possibilities with other CFIs, please contact [Wayne Hoover](mailto:Wayne.Hoover@cfi.com) via email for an introduction.*

CFI Needs You!

Since the CFI designation has gone worldwide, we have had numerous requests for information about conducting investigations throughout the world. We are looking for CFIs who can create a "reference sheet" for others to use when conducting investigations in other countries. Types of information needed includes: country's requirements to conduct internal investigations, Miranda warnings (equivalent to US), proper reporting to authorities, special rules/laws to be aware of, etc. Should you be able to create these "reference sheets", please forward this information to [Wayne Hoover](mailto:Wayne.Hoover@cfi.com).

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.

Opinions and ideas in cfinsider are intended for information, and is not meant to be used as legal advice.



Missing CFIs Email/Contact Information

Please click [here](#) and review the list of current CFIs, 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.

Are You Carrying Yours?



How Do You Sign Your E-mails?

Have you added CFI to your e-signature?

John Zeisloft, CFI
Limitedbrands
 Regional Loss Prevention Manager
 N. Detroit / W. Michigan Markets

Did You Know?

In addition to the CFI Coin, we have received requests for numerous CFI items. While several are under development, we still have 10 commemorative CFI leather bound folders available. The cost is \$35.00 plus shipping. Please click [HERE](#) to order yours today!



CFIs On the Move!

Moving?, New Job? Update us with your current mailing/email addresses, positions, and phone numbers.

Congratulations to those CFIs who have taken new positions:

Kevin Baker, CFI was named Regional Loss Prevention Manager for Luxottica Retail

George Torres, CFI was named Regional Loss Prevention Manager for CVS Pharmacy

Steve Orozco, CFI was named Divisional Loss Prevention Director for Pep Boys

George Hines, CFI was named Regional Loss Prevention Director for Babies R Us

Jim Carr, CFI was named Assistant Vice President for Pep Boys

Wayne Hoover, CFI was named Vice President-CFI Programming for Wicklander-Zulawski

Dennis Braman, CFI was named Market Investigator for Auto Zone

Jodie Murphy, CFI was named Manager of Investigations for Gap, Inc.

Randy Tennison, CFI was named Financial Analyst for Walt Disney World

Lance Williams, CFI was named Director of Loss Prevention Operations for Big Lots

Kim Bellsmith, CFI was named Senior Investigator for American Family Insurance

Brian Finnicum, CFI was named Corporate Manager of Loss Prevention for Sterling Jewelers

Gary Wasoski, CFI was named Director of Loss Prevention for Sunglass Hut-North America

cfinsider

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■ Opinions and ideas in cfinsider are intended for information only, and not meant to be used as legal advice. Statement of fact and opinions made are the responsibility of the authors and do not imply an opinion on the part of CISA, its officers, the editors or its members.

■ Member articles about interview and interrogation published in cfinsider, qualify for Continuing Education Credits.

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

