

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

First things first, let's talk about *the* party. It is finally June and the National Retail Federation Loss Prevention Conference is in San Diego. It is Wicklander-Zulawski's



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

25th year in business and we would like to personally invite any CFIs attending the NRF conference to join us at the Downing & Downing and WZ Monday evening party at the Omni hotel for drinks and music. To find your way just listen for the music around 10 PM! Also make sure you get a CFI

ribbon for your name badge from any Advisory Board member, the WZ group or at the party.

We are continuing to grow and it is easier than ever to find other CFIs at conferences and Investigator Network meetings. On average we are seeing between 25 and 30 people sitting for the examination each month and anticipate there will be over 1000 CFIs this year representing over 400 different organizations in the United States and internationally.

The Advisory Board's annual meeting will have on its agenda a proposal to consider hosting a future interview and interrogation symposium. The symposium will bring together a variety of speakers to address topics of interest and concern. To further the Board's discussion of the idea a survey letter will be sent to CFIs for their input and ideas. Your thoughts on content, length, cost, and CEU's will help shape and even determine whether this idea will become a reality. Look for this survey to arrive in early summer.

I look forward to seeing those of you who can attend the NRF Loss Prevention Conference in San Diego.

Regards,
David E. Zulawski, CFI, CFE

Hello from the Editor

Joseph Nay, CFI

Loss Prevention, Heinen's Fine Foods Inc.

Like all of us who undertake a new challenge, whether it be a career or hobby the CFI designation had too started in earnest with visions of being the best. I still remember my first "official" interview and how my interrogation classes and training went out the window as I fumbled through my nerves and shaking voice in quest of the confession. I am sure that each and every one of the CFI's represented by this Journal can remember their first interview and probably had the same outcome as I did, which was, not very good. But look how far we have come! Look how far the CFI certification has come! We are leaders of our industry and we represent the best that forensic interviewing has to offer. It just may be that the CFI has too come onto the scene with an earnest intention of being an industry leader and has now attained world wide recognition. This is simply proven by those that make up this elite community.

As you read the pages of this Journal remember your own humble beginnings and how far we have come as we are leaders of our industry. We all play a role in the future of CFI. Please encourage your co-workers and associates to strive for greatness and attaining CFI certification. Do not tolerate abuses of our profession but serve as an example of what role the CFI plays in your organization. The CFI certification represents the best because we are the best.



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Links of Interest

- Site that features individuals that have been identified as “Snitches” for the police.

[Click Here](#)

- Can you Spot all the Robbers?

[Click Here](#)

- An article showing how a Pearson assessment allowed a company to identify characteristics in their managers that were associated with higher or lower shrink levels.

[Click Here](#)

- National Retail Federation (NRF) recognizes CFI for Continuing Education Credits.

[Click Here](#)

- Survey from 24 major retailers with regards to their losses due to retail theft.

[Click Here](#)

- National Association of Property Recovery Investigators (NAPRI) which is now the International Association of Property Crime Investigators (IAPCI). Membership in this Association is free and they want Loss Prevention as well as Law Enforcement. They also sponsor their members in CyberCop. The CyberCop portal is an ULTRA-SECURE networking tool that houses email, and information as well as a members database. The CyberCop portal has members in Law Enforcement, Homeland Security, Federal Agencies, and Private Sector, IE: Loss Prevention.

IAPCI's WebSite

[Click Here](#)

IAPCI Membership enrollment link

[Click Here](#)

Cybercop Portal

[Click Here](#)

- Lessons of Abu Ghraib, as seen in The Atlantic, by Mark Bowden.

[Click Here](#)

- Search for potential job candidates, especially where contact with children may be part of the job duties.

[Click Here](#)

- With the recent events at places like Virginia Tech, a useful concept to have at the ready.

[Click Here](#)

- LERPNET provides Law Enforcement and Private companies the opportunity to share information, especially for Organized Retail Crime.

[Click Here](#)



QUOTE OF THE QUARTER

People with goals succeed because they know where they are going.
- Earl Nightingale

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Linking Research to the Field

The Paul Ingram case has received much media and academic play since it took place in November 1988. In the book review section, [Remembering Satan](#) chronicles the circumstances surrounding the arrest and conviction of Paul Ingram. The following analysis examines Richard Ofshe's role in the Ingram case.

The Facade of Scientific Documentation: a case study of Richard Ofshe's analysis of the Paul Ingram case

Psychology, Public Policy, and Law 1998, Vol.4, No.4 1182 1197

Karen A. Olio and William F. Cornell

Abstract

The case of Paul Ingram, a man who pleaded guilty to sexually abusing his daughters, has received widespread media attention. Richard Ofshe (1992, 1994) set forth a narrative of the case, which included his account of an experiment to test the veracity of Ingram's confessions and concluded that the inadvertent use of hypnosis during Ingram's interrogation resulted in the creation of pseudo-memories that convinced Ingram of his guilt. On the basis of an examination of the original source documents, the authors discuss the errors of fact, methodological flaws, and confounding factors in Ofshe's rendering of this case of alleged child abuse. They also cite examples of the extent to which Ofshe's imperfect narrative of this case and pseudo-scientific conclusions have been uncritically accepted and repeated in the literature, thus becoming an academic version of an urban legend.

The authors note there have been numerous anecdotal cases reported in the media that purport to document the existence of a "false memory syndrome."

The Ingram case has spawned media attention, a book and a television movie examining the repressed memory theory. At the time of his two daughters' allegations, Paul Ingram was a deputy sheriff in the state of Washington. Waving his rights to an attorney, Paul Ingram was questioned by Sheriff Edwards and the Undersheriff McCanahan followed by the detectives who normally investigated sex crimes.

Richard Ofshe, an interrogation critic, was hired by the prosecution and became involved in the case several months after Ingram's arrest. During his first day on the case Ofshe suspected Ingram was confessing to crimes he did not commit. Without asking, Ofshe concocted an

experiment to attempt to prove that Ingram's memories were implanted by his interrogators.

Judge Peterson expressed concern that Ofshe would conduct an experiment on his first day after joining the investigation. The judge also considered Ofshe less qualified to give an opinion than other experts in the case. In fact, Ingram's own psychological expert believed Ingram was a pedophile who "was badly in need of treatment." Ingram who had been sentenced to 20 years in prison attempted to set aside his guilty pleas, but the judge refused. Appealing to the United States Court of Appeals they also refused to overturn the guilty pleas, not believing there was a coercive environment during the interrogation.

There was some corroboration of the alleged sexual abuse. For example, Ingram's oldest son, who was unaware of his father's arrest, was asked by detectives why his father might be in jail. He immediately replied it would be because of sex abuse on the girls. He also reported that he had seen his mother tied to a bed and having sex with men including his father. When questioned about his own possible sexual abuse, the eldest son asked for a break and disappeared, leaving both his home and job.

In addition, another son testified before the parole board that his father, Paul Ingram, had sexually abused him by forcing him to perform oral sex. Ofshe dismissed this son's claims of sexual abuse offering instead that the son came forward only because his life was a disaster.

Sheriff Edwards remembered during his short initial interview with Paul Ingram, that Paul indicated the allegations were true. He also said that Paul Ingram said that "his sons would need some help too."

Based on the academic and media claims the authors felt a careful review of Ofshe's conclusions and conduct were warranted.

Did Ofshe's experiment document that Ingram made a false confession?

Ofshe conducted an experiment with Paul Ingram by introducing a supposedly false allegation into Ingram's interrogation. The false allegation concocted by Ofshe alleged that Ingram had forced his son and daughter to have sex together while he watched. At first Ingram denied remembering an incident similar to that. Ofshe asked Ingram to return to his cell and attempt to remember. Ingram returned the next day with a written confession to the incident. Over several hours Ofshe attempted to have Ingram recant the confession, but he would not.



Discussion

The authors conclude that the experiment using a purportedly false situation would confirm that a pseudo-memory had been created. However, based on the allegations, there was a likelihood that the children could have been forced to have sex with each other. Judge Peterson criticized Ofshe, suggesting “he should have used something that is totally foreign from anything that could possibly be true.” In fact, detectives familiar with the case said that just such a scenario had already come up during the investigation.

One of the daughters also described a scenario similar to the one confessed to by Paul Ingram the next day.

Ofshe concluded there were only two possible reasons for Paul Ingram’s confession:

- Ingram was lying
- pseudo-memories had been created

Yet, a third possibility exists. Paul Ingram is telling the truth when he admits to forcing his children to have a sexual encounter.

Questionable assertions regarding the Ingram case.

Ofshe claimed that Ingram maintained his innocence throughout the first day of interrogation and it was only when interrogators used relaxation techniques that he began to confess. This misstatement by Ofshe has been repeated by numerous other authors.

The sheriff and undersheriff reported that Ingram basically confessed in the first five minutes of their conversation with him. At the end of the opening day Ingram had confessed to having sex with each of his daughters describing some of it in graphic detail. These admissions all predate Ingram’s meeting with his minister and the interrogation team’s psychologist.

Assertions that Ingram was railroaded and coerced

Ingram was a veteran law-enforcement officer with 16 years of experience. Ingram knew when he returned to work and met with the sheriff that he was going to have to face the allegations. Yet, even being aware of the allegations and with 16 years of experience in law enforcement, elected to waive his right to counsel.

Both the Sheriff and Undersheriff had worked with Ingram for a number of years and found the allegations of sexual abuse “hard to believe”

The officers both expected that Ingram would deny the allegations, not make an admission and offer other victims.

Assertions that Ingram was a highly suggestible individual

Ofshe made no attempt to use standardized testing to estimate Ingram’s level of suggestibility. While Ofshe suggests Ingram was highly suggestible, one merely has to examine Ofshe’s own experiment to disprove this. When Ingram returned the second day with his confession to Ofshe’s purportedly false allegation, Ofshe attempted over several hours to dissuade him that his statement was not true. One would think that the highly suggestible Ingram would have recanted his previous confession, but he did not.

Anecdotal and experimental data from other contexts to prove Ingram’s confessions were false

In an attempt to obtain a pardon for Ingram, Ofshe and Elizabeth Loftus testified. Ofshe claimed that the psychologist’s use of visualization techniques caused his memories. Loftus pointed to new research conducted by Saul Kassin on forced confessions. She related that in his study almost 90% of the sample of normal adults confessed to an act they did not commit.

The article Ofshe referred to was a single study where a wrong key on a keyboard was struck damaging the computer. This simplistic laboratory experiment is hardly similar to being accused of repeatedly raping one’s daughters.

In conclusion, the authors refer specifically to Lawrence Wright’s book, Remembering Satan. They discount Wright’s allegation that “what happened to the Ingram family is happening to thousands of other people throughout the country who have been accused on the basis of recovered memories.”

The authors believe that Ofshe’s experiment in the Ingram case and his findings are at the very best speculative. “Use of Ofshe’s experiment in the Ingram case to support a “false memory” theory to account for disclosures of childhood abuse during psychotherapy becomes another “fascinating and chilling example of the ease with which an unsubstantiated hypothesis can be transformed into a social fact”. The authors note their article cites only a few examples where Ofshe’s “imperfect narrative and pseudo-scientific conclusions” have been uncritically accepted in the literature.



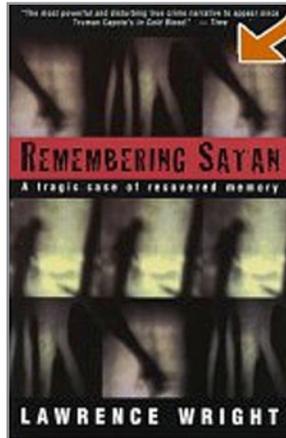


Book Review

Nicole Accardi, CFI

Remembering Satan by Lawrence Wright

Remembering Satan is work of nonfiction written by Lawrence Wright and published by Knopf in 1994. The story recounts a case of child sexual abuse and satanic ritual in Olympia, Washington in 1988. The Paul Ingram story has as its backdrop, numerous instances of alleged child sexual abuse, repressed memory, and satanic ritual reported during this period in the United States.



The story describes the allegations of two adult children of a well-respected deputy sheriff, Paul Ingram. The two make accusations their father sexually abused them over a number of years and continued to do so, as recently as a month before their complaint was made to the Sheriff's office. The author recounts how Paul Ingram was approached by Sheriff Edwards and his Undersheriff regarding the allegations. On page 5 the author writes of the initial conversation with Ingram:

“If this happened we need to take care of it,” Ingram said, but added, “I can’t see myself doing this.”

“Paul, there’s a problem” Edwards said. He asked if Ingram knew about the charges of sexual molestation that his two daughters, Erica and Julie, had made. (Erica and Julie were then twenty two and eighteen, respectively.) Ingram said that he did; however, he said he could not remember ever molesting his daughters. “If this happened we need to take care of it,” Ingram said, but added, “I can’t see myself doing this.”

As the police interrogations of Ingram and his daughter continued, the allegations grew to include torture, rape and satanic rituals. Ingram was also interviewed and began to recall these incidents in vivid detail. The confessions became so bizarre that it led investigators to look into the repressed memory theory and false or coerced confessions.

If you interview or interrogate I think you will find this book fascinating. The book delves into the psyche of both the investigator and defendant demonstrating the power of just one piece of evidence, Ingram’s admission of guilt.

Even if a confession is deemed inadmissible in court, the defendant is pre-judged.

However, not all confessions are gained legally and ethically. Not all suspects provide detailed confessions, devoid of duress and are free of coercion. Can interrogators lead the accused down a path that results in recovered memory and ultimately, a false confession? There are a number of factors that might compel an innocent person to confess to a crime they did not commit.

- low IQ
- minimal education
- youthful age
- mentally handicapped
- suffering from an addiction
- suggestive personality

This is a must read for both public and private sector professionals. It is one of the most gripping true crime novels ever written.

CFInsider note: *This is a controversial case, which has been cited and widely circulated in the media and academic circles. Dr. Richard Ofshe, an interrogation critic, was hired by the prosecution in this case. An academic review of the source material and actions of experts in this case is summarized in the Linking Research to the Field portion of the Journal.*

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The Ins and Outs of Hiring and Investigating Employees

As an employer, there are several considerations that must be analyzed when hiring and investigating potential employees. And once you have found and hired employees, you may need to monitor, investigate or even search your employees. Doing so without legal ramifications requires planning and knowledge of any applicable laws. This article will provide an overview of those considerations, with a concentration on interviewing, investigating and searching employees.

Find the Right Employee

As with any business, the key to establishing and maintaining a successful business is to employ the right people. In order to employ the right people, the right people have to successfully interview for the job. The interview process is daunting to say the least, both for the potential employee and the employer. However, there are several ways in which an employer can take affirmative steps to ensure that the interview process is successful and not overwhelming, at least for the employer. The key to a successful interviewing process is proper planning (i.e., knowing what qualifications are required for a given position; setting forth objective standards against which to compare the candidates, and training the interviewers on what questions should and should not be asked during the interview) and implementation.

The key to a successful interviewing process is proper planning

As an initial matter, the bulk of the research on the candidate (i.e., reading the resume and any application statements) should be completed before the interview. Likewise, the interviewer should review the job description and have a firm grasp on what qualifications and skills are desired and/or necessary. Next, it is important to know what questions to ask, and just as important, know what questions not to ask. For example, while it is permissible for an employer to ask an applicant whether he or she can perform various job functions with or without reasonable accommodation, the Americans with Disabilities Act ("ADA") prohibits an employer from asking the applicant medical questions until after a conditional job offer is made. Examples of such questions include inquiries as to the applicant's: (1) workers' compensation history; (2) health history; (3) alcoholism/substance abuse history, and (4) number of days missed because of illness.

Do Your Due Diligence on the Candidate

Now that you have found a candidate whom you feel would be a good employee, it is important to conduct a background investigation. With the increase in frequency of violence in the work place, employers are taking affirmative steps to protect their most valuable asset – their employees. Although there is not one particular way in which an employer can ensure the safety of its employees, many utilize background investigations on job candidates as a tool to weed out the "bad seeds." When conducting a background investigation, it is important to keep in mind any applicable federal and/or state laws.

...it is important to keep in mind any applicable federal and/or state laws.

For example, the Fair Credit Reporting Act ("FCRA") sets forth certain guidelines that an employer must follow when considering an applicant's consumer report. The FCRA requires employers to make a clear and conspicuous written disclosure to the consumer/applicant before the report is obtained (in a document that consists solely of the disclosure), that the employer will seek the applicant's consumer report. Additionally, the employer must obtain prior written authorization from the consumer, and authorization to access such reports during the term of employment may be obtained at the time of employment. Next, the employer must certify to the consumer reporting agency that the above steps have been followed, that the information will not be used in violation of any federal or state equal opportunity law or regulation, and that, if any adverse action is to be taken based on the consumer report, a copy of the report and a summary of the consumer's rights will be provided to the consumer. Lastly, before taking any adverse action based on such consumer reports, the employer must provide a copy of the report to the consumer as well as the summary of the consumer/applicant's rights.¹ Failure to comply with the FCRA can result in statutory damages, so employers should be well versed in its provisions.

It is also important to check the references listed by the applicant on the application form and/or resume. The application form should explicitly state that the employer requests both personal and professional references. In order to avoid any privacy concerns, have the applicant read and sign a consent form, authorizing you to speak with their former employer, and send the signed consent form to the listed former employers. It may also be helpful to have someone other than the interviewer check the applicant's references to get a more objective review.



Privacy Issues

In an effort to ensure a safe and healthy work environment, more and more employers are monitoring the daily activities of their employees. This may include telephone monitoring, computer and email use monitoring, as well as recording voice mail messages. As an employer, you have the right to listen to an employee's telephone calls made at work if the motivation is a legitimate business concern, such as the need for quality control. However, if while listening to the call, you realize that it is personal in nature, some federal case law suggests that you must immediately stop monitoring the call.² Additionally, employers can obtain records of the numbers dialed from a given telephone extension using a "pen register," which allows an employer to see a list of phone numbers dialed by a given extension and the length of each call.³

...you have the right to listen to an employee's telephone calls made at work if the motivation is a legitimate business concern, such as the need for quality control.

However, other methods of monitoring employees are subject to certain limits. For example, if you want to install a camera at the workplace to monitor employees, you must have a reasonable, legitimate reason such as discouraging thefts from a cash register or increasing security for customers and employees.⁴ Additionally, a court will likely find the placement of a camera in a bathroom, changing room or locker room illegal if not disclosed to employees, and if not installed for a reasonable, legitimate reason.

If an employee feels that their privacy rights have been violated, the employer may face a common law Intrusion Upon Seclusion suit, which states that "[o]ne who intentionally intrudes, physically or otherwise, upon the solitude or seclusion of another or his private affairs or concerns, is subject to liability to the other for invasion of privacy, if the intrusion would be highly offensive to a reasonable person." An employee must first establish, however, that they had a reasonable expectation of privacy, and that the objective reasonable person would have also had an expectation of privacy under the circumstances. Therefore, by implementing broadly worded search policies, it is possible to avoid some litigation arising out of alleged illegal searches and intrusions of privacy. In general, it is beneficial to draft a search policy that sets forth when the employer can search and what areas the employer can search. As a result, when a search of the employee

is conducted which comports with such policy, the employee cannot successfully argue that he or she had a reasonable expectation of privacy given the clear language of the company search policy.

Investigating an Employee

Assuming that the monitoring devices installed are effective, there may be instances where an employee's conduct raises a red flag, and you want to question the employee, and/or conduct a formal investigation of the employee's behavior. There are several options to consider. Will there be a search of the employee's person? Will you bring the employee in to a supervisor's office for official or unofficial questioning? Will you search the employee's personal belongings and effects? What laws are applicable to the search? These are just a few of the questions that should be considered when investigating or searching an employee.

If the decision is made that a search of the employee is necessary and proper given the circumstances, the employer should first ensure that they have preserved their right to search the employee's person and work area. Next, it is imperative to make an informed decision as to whether reasonable cause to search the employee exists (and retain documents that support such conclusion where possible). If the employee later challenges your basis for searching his work area or person, documentation of the reasons for conducting the search will be beneficial.

...the employer should first ensure that they have preserved their right to search the employee's person and work area.

It is important to remember that there are several potential legal restrictions on employer searches, not the least of which is the Fourth Amendment to the U.S. Constitution. The Fourth Amendment, applicable only to government as opposed to private action, prohibits unreasonable searches and seizures. Importantly however, some state constitutions have been interpreted to restrict private sector searches, and many states recognize a common law right to privacy that is applicable to private sector employees. Therefore it is important to err on the side of caution and only conduct investigations and searches of employees where there is a reasonable (and preferably documented) reason for conducting the investigation and search.



The Fourth Amendment, applicable only to government as opposed to private action, prohibits unreasonable searches and seizures.

Searching an Employee

What can an employer do if a search of an employee is requested and the employee refuses to cooperate? Initially do not physically touch the employee as this could lead to the employee filing a civil harassment claim or criminal charges such as false imprisonment, assault and/or battery. Rather, the employee should be notified that such refusal to cooperate is grounds for the immediate termination of the employee. If the employee still refuses to cooperate, have the employee immediately removed and have his or her personal effects mailed to the address listed in his or her personnel file. However, if the situation is such that the employee may have proprietary information of the company, or other situations wherein the employer would not want the employee to leave the premises, the employer may detain the employee until law enforcement arrives, provided that the length and mode of the detention is reasonable. If the employer did not have reason to detain the employee, or the mode or length of detention is found to be improper, the employer could be liable to the employee for various causes of action. When conducting a search, there are three key rules to keep in mind. First, do not conduct the search in public because public searches can expose the employer to possible defamation suits. Secondly, make sure that there is a witness present at the search who can testify as to what happened during the search. It is often preferable that the witness be the same sex as the employee being searched. At no time during the search should the employee be physically touched, even if the employee becomes uncooperative.

By keeping in mind the considerations discussed in this article, employers can ensure that they not only find the right employees by effective (and legal) interviewing and background investigations, but also protect their business and current employees by establishing a broadly worded search policy in the event that a search would be required.

Disclaimer: This article is intended for general guidance only. Company policies, legal decisions and statutes frequently change, and may vary from jurisdiction to jurisdiction. Questions about proper investigative techniques and other areas covered in this article should be handled on a case-by-case basis, and by consulting with an attorney.

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(Footnotes)

¹ 15 U.S.C. § 1681(b)(2); 69 Fed. Reg. 69,800 (Nov. 30, 2004) (to be codified at 16 C.F.R. § 698, Appendix H).

² *Watkins v. L.M. Berry & Co.*, 704 F.2d 577, 583 (11th Cir. 1983).

³ Employee Monitoring: Is There Privacy in the Workplace? Accessible at www.privacyrights.org/fs/fs7-work.htm.

⁴ Right to Privacy at Work FAQ. Accessible at http://smallbusiness.yahoo.com/r-article-a-2705-m-5-sc-51-right_to_privacy_at_work_faq-l



Legal Aspects

Loss prevention agent reports suspected shoplifting

Boykin v. Van Buren Tp., 479 F.3d 444, 2007 Fed App. 0098 (6th Cir. 2007)

Boykin was purchasing items from a store, including a drill. He discovered the drill was only five dollars and told the cashier to ring him up for a second one. Leaving his purchases with the cashier he went back to get a second drill. When he returned to the cashier, he placed the second drill in with the previously bagged merchandise; and with a wave to the cashier, he left the store.

Boykin's return to the department, and selection of the second drill, was observed by a loss prevention agent. The agent watched him return to the checkout and place the drill in a bag and leave the store seemingly without paying for the drill. Because of company rules and no backup the agent did not make a stop of Boykin on the property. Instead, the agent contacted Township Police and reported the theft giving a description of the merchandise, subject, vehicle and license plate number.

Police located Boykin at his home. The subject told the officers he had purchased two drills, but was unable to produce the sales receipt. The officers handcuffed Boykin and returned him to the store where he was identified by the agent. It was only then that the agent learned from the cashier that Boykin had purchased two drills a short time earlier. The police released Boykin and apologized for the error.

Boykin sued the Van Buren Township arguing there was no probable cause to make an arrest. The court disagreed and he appealed.

Decision: Affirmed

The court reasoned the officers were supplied with information they later corroborated when speaking with Boykin. Namely, he was at the store earlier and had purchased two drills, but was unable to produce the receipt for them. The officers had first hand information from a major retailer and they had no reason to doubt the information provided. In addition they were able to verify some of the information when they spoke with Boykin.

The officers could not be held liable since they were acting in good faith based on the information provided by the store. It is another question whether the agent should have concluded that a theft had occurred and contacted police.

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.

Mike Kaighan, CFI

by Jeremy Bailey, CFI

It is my pleasure to introduce this issue's CFI Ambassador, Mike Kaighan, CFI! Mike is a Manager in Kroll's Loss Prevention Practice. He has been with Kroll, Inc. since October of 2005. He has many daily challenges being employed by the world's leading risk consulting company. He spends a generous amount of his time with client management for the company's Loss Prevention customers across the country. He works closely with his clients to develop Loss Prevention programs and to manage investigations. His involvement also includes marketing his company's services to other potential clients.

Mike began his Loss Prevention career over 14 years ago as an EAS door attendant with Target. Since then, he has held various positions with a number of organizations from retail to accounting. Some of his retail stops include Just for Feet, The Limited Brands, and Saks Fifth Avenue. However, he eventually left retail for Deloitte and Touche where he worked for four years. Before becoming a CFI, Mike earned his CFE in 1999. He is currently a member of the Dallas ACFE, ASIS, and IAFCI.

Mike earned his CFI certification two months after the exam was first offered. He has the proud distinction of being a member of the first 100 CFIs to earn the certification. It should also be noted that he works with two of the persons who worked on the advisory board to develop the exam. He believes that the CFI certification has established a high level of credibility within the world of interviewing and interrogation. He further states that the testing and certification process has allowed seasoned LP professionals and investigators to represent their skills and knowledge in the art of interviewing. He believes that because such a high standard has now been set, it helps employers to have confidence that they are hiring someone who can correctly conduct interviews and interrogations for their company.

In the future, Mike believes that the CFI will become a required part of new hire training at Kroll and within other organizations, all of which will have a positive impact on advancing the CFI designation.



Mike Kaighan, CFI

KROLL



What Ever Happened to Post Confession Interviews?

Mark F. Lukens, CFE, CFI

You have just investigated an individual for cash theft in excess of \$5,000 and now want to move forward to the interview. You've done your background on the employee, have a solid case with great video evidence, and because of that you're very confident the subject will validate what you already know. You prepare the room for the interview and move to the next phase.

Your subject enters the room and you greet him with a cordial smile. After some brief behavioral norming questions you move into your introductory statement. Everything seems to be going fairly well as your subject starts to show signs of accepting his guilt. He looks down to the floor and starts to slowly fidget with his wedding ring. You see that behavior as an opportunity and sincerely explain "Bob, its tough being a young married man today and having two kids. I remember when my wife lost her job just as we were moving into our new house. It brought so much strain on our relationship. All you want to do is support your wife and kids and be the perfect family. But reality, Bob, is that everyone is going through what you and I are struggling with. You're not the exception Bob. Being able to sit down and talk about these difficulties takes a big man. When did all of this start, last April?" Bob answers with a sigh, "I never wanted this to happen."

You find out that Bob has been in debt for almost a year and it has been putting a huge strain on his family life. He validates each detail of your case and is willing to provide a written statement. When the statement is complete you discuss future restitution payments for the misappropriated funds. As a seasoned interviewer though you don't stop, you want to find out more. Not more about the incident, but what made Bob confess and really open up. Once Bob has completed the statement you get him a soft drink and wait for the right time. When he sits back in his chair and is totally relaxed you ask Bob some post interview questions.

The following questions and answers are from an actual post confession interview. The name has been changed.

So, do you feel better now that it's over?

"Yeah, I guess so. It's been tearing me up inside for the past couple weeks. I knew I was going to get caught sooner or later."

So what were you thinking about during the interview? Did I do anything that made it easier for you?

"To be honest, it wasn't about what you did or how you treated me it was the fact that you seemed to know everything that I did. It made me realize that I may as well come clean."

Was there ever a time you thought of just not talking?

"No, not really. I mean, you knew everything that happened or at least you seemed to. It was a lot easier to talk once you said you had me on video and stuff. I knew I was caught. It's not like I was thinking lets see what he has on me or anything."

So what were you thinking about as soon as you entered the room?

"When I was being brought back here I knew what it was probably about."

Did the way we talked make it any easier for you?

"Well, you were understanding and nice but like I said it wasn't all about that. My family has always taught me to tell the truth so when I knew I was caught I decided to tell you everything."

This feedback of what made the subject open up or what turned them off is invaluable information for future interviews.

The post confession interview above taught me a lot about how an individual's upbringing impacts the interview. Though the interview was conducted with a sincere approach, that's not what made Bob open up. The driving force behind Bob's confession were two things. First, his family culture and religion had taught him to be honest when caught doing something wrong. Second, the impression he had was that his guilt was already known. The interviewer's demeanor, though very important in other interviews, was only a small factor in this one.

Bottom line, many of us stop looking for the truth once an individual has confessed. If we take the time to really find out what the subject was thinking about during the interview, we'll receive some great feedback. This feedback of what made the subject open up or what turned them off is invaluable information for future interviews, post confession interviews in my mind, answer the toughest question:

"What is this subject thinking about right now as he sits in front of me?"



Comments, Facts & Interesting Tidbits

Daiyo kangoku means you are screwed

Daiyo kangoku is the Japanese system of police custody that, roughly translated, means substitute prison. Under Japanese law a suspect may be interrogated by police and prosecutors for twenty three days before being charged or seeing a lawyer. The police have complete control over the suspect determining when he eats, sleeps, and who he may see. There is no habeas corpus in Japan as there is in the United States. Although the Japanese Constitution guarantees a suspect the right to silence, police do not allow a suspect to refuse interrogation.

95% of the cases going to trial in Japan involve a suspect's confession to the crime.

Japanese attorneys note that that 95% of the cases going to trial in Japan involve a suspect's confession to the crime. The Japanese Federation of Bar Associations says only 7% of suspects plead not guilty and prosecutors enjoy a conviction rate of 99.8%. The lack of not guilty pleas by defendants may also be the result of a harsher penalties being levied against those who choose to plead not guilty. Interestingly, under Japanese law the prosecutor must share with the defense any information that will be presented at trial, but may withhold any thing else, including evidence which might exonerate the defendant. A recent United States study of prisons found that Japan has 45 prisoners for every 100,000 people, with Australia nearly triple that. America's incarceration rate is 15 times higher than the Japanese prison system. Amnesty International in a 2000 report on Japanese prisons wrote:

"Many detainees confess during this initial detention period. Some have reportedly been beaten and many have alleged that they were tricked into believing that if they confessed the detention would end. The forced confessions have been used in court as evidence."

.....prosecutors enjoy a conviction rate of 99.8%.

A report titled *Prisons in Japan* stated, "No laws specifically restrict the time or manner of interrogations or provide rapid redress for the unjust methods of conducting them. The interrogation may be conducted

without limit as to time, and a variety of methods to forcibly obtain confessions are used."

The report continues, "There are a variety of coercive torturous ways to obtain confessions." These include, "making the suspect extremely exhausted both physically and mentally by questioning from early morning until late at night every day for a long period of time; the beating, poking and kicking of the suspect's body by several policemen at the same time; binding the fingers unbearably tight; hitting the table or turning over the chair on which the suspect is sitting; making the suspect stand in a fixed position; shouting close to his ear; or by waking him up..."

These types of interrogation methods can continue throughout the twenty-three day holding period so it is no wonder most suspects confess. With all the world media focus on U.S. interrogation methods in Afghanistan, Iraq and Guantanamo it is interesting to note what other countries do to obtain a confession.



Happy 25th!

Happy Anniversary to Wicklander-Zulawski & Associates. Twenty five years ago, May 1, 1982, Doug Wicklander and David Zulawski put their shingle out in Schaumburg, Illinois as polygraph examiners and interview trainers. From that humble beginning WZ has grown to over 20 employees training interrogators from major companies and law enforcement around the world. Happy Anniversary!



Doug Wicklander and Dave Zulawski



Crossing Over: A Private Investigator's Perspective

Eric Echols, CFI

Crossing over, as most of us know it, involves taking our loss prevention experience and entering the operations side of the business. It's a natural progression that many in our profession view as a standard next step. As I discovered several years ago, another kind of crossover is possible: I left corporate loss prevention—with its firm rules, multilevel structure, and politics—to enter the realm of private investigation.

After 20 years of retail loss prevention experience as Regional Director, Manager of Investigations, Divisional Vice President, and Director of Loss Prevention with major corporations, crossing over to operations would have been the typical career move. But as I have learned, going the private investigative route has just as many synergies with my experience as going into operations.

Private investigation presents advantages such as autonomy, lack of big-company politics, and the opportunity to utilize my skills gained in the military, personal protection, and security. Most importantly, I have come to realize that what I learned in corporate loss prevention can be used readily in the private investigative realm.

Private investigation presents advantages such as autonomy, lack of big-company politics, and the opportunity to utilize my skills

The knowledge needed to be an independent investigator is the same as loss prevention. So my change of career was relatively seamless and I was able to accomplish the assignment just like when I was in loss prevention. For example, when interviewing, we still use the Wicklander-Zulawski (WZ) method, even in criminal and civil cases. The domestic cases deal with more covert surveillance, much like sitting in the camera room watching a dishonest employee at the register. Some of you may remember the days when we used to hide in boxes waiting for an associate to steal merchandise. The Shops are still the same—double buys, single buys, drops, hook-ups—though I have added some twists that I might not have been able to use in a corporate position. To catch a shoplifter we still apply the 5 elements of

proof. Operationally we still control receiving through proactive cycle counts, selecting them by looking at past inventories to identify top shrink items.

Putting together a shrink reduction program has not changed. A private investigator uses frontline matrices to quickly identify areas of lost sales, lack of training, and internal theft to reduce losses. The private investigator can act as a consultant to show companies the positive impact of controlling, auditing and monitoring the front line. As we all know these are keys to raising employee productivity and reducing or preventing internal theft.

In smaller organizations the private investigator takes on the role of contract loss prevention. Examining the organization's operational procedures allows the private investigator to offer enhancements to ensure proper merchandise credits and bill-outs, damage returns, inter-store transfers, hand markdowns, and vendor credits. Then Private Investigators generate operational recoveries through research, follow-up, and due diligence. Where needed investigators may focus on external theft prevention by enhancing physical security with in-store door alarms, guards, CCTV, raising the level of customer service and deterrent methods, such as EAS tagging. Finally, the private investigator may work with management to implement internal theft prevention and investigation programs.

The skills learned in loss prevention are directly related to the private investigator who acts a consultant for small organizations without a professional LP staff. There are still politics, but not the layers of administration to fight thorough to get the job done. A private investigator with a through knowledge of loss prevention can become a valuable resource to organizations trying to grow their business.

Eric D. Echols, CFI, is President/CEO of The LPS Group, Inc., a loss prevention, investigations, training, and security corporation. He has twenty-plus years experience in loss prevention in the areas of retail, hotel, and food industry; investigations and security; as well as a licensed Private Investigator Instructor and Firearms Trainer for the State of Georgia. He can be reached at 770.579.0188 or via email at eric@lpsgroup.net.





Welcome CFIs

The following individuals became CFIs during the quarter, February 2007-April 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](#).

Robert A. Blackford	Sandra R. Hughes
David A. Broom	Chad L. Lancaster
Carlton W. Calcote	Marilyn LaPierre
John D. DeYong	Gerald Patrick Lyons
Timothy D. Ferrell	Lonnie L. Mayhall
Robert B. Frasco	Gregory E. Murphy
Michael Lee Gaare	Nicholas J. Paulus
Brad R. Heard	Joseph A. Rosas
Reginald D. Holliday	Carol L. Rusinko
Tracy K. Johnson	Lisa M. Sampson
Andrew S. Moore	Richard A. Schalk
Janette L. Oswald	Daniel J. Taylor
William J. Patrick	Wilbur L. Thomas, III
Robert C. Pennucci	Karyn Elisabeth Viel
Christopher M. Perkins	James R. Webb, IV
Juanita K. Pye	Maxfield J. Whitson
Michael C. Reaves	Michael Christopher Anderson
Jose G. Rodarte	Andrew John Barborak
George C. Schweitzer	Joseph Phillip Conte
Jason M. Shaw	Johnny R. Custer
Barry D. Smith	Brenda Davis
Vincent Watkins	Eddie Dunkin
Aaron C. Wichmann	Gayle Eberhardt-Mitchell
Jeff L. Zulk	Robert E. Greenlee
Raymond P. Aldaco	Diane DeRoche Parker
Paul E. Brown	Marlin Leroy Quarles
Shannon Joe Burrell	Julie Shamp
Christopher W. Casson	Thomas Edward Smith
Michael Bernard Clark	Ronald A. Taylor
Scott R. Flint	William M. Thompson, Jr
Patricia A. Hamacek	Erik Van Herik
Martin Deto Hengst, Jr	
Yiu Chung Ho	



Organizations Represented

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

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

Albertsons Inc.	EAS Sensorsense
American Family Insurance	Panera LLC
Walt Disney World Assurance and Advisory	Fresh & Easy Neighborhood Market
Catalina Restaurant Group Inc.	Sherwin-Williams
Nike, Inc.	GolfGalaxy
GNC, Inc.	Simply Fashion Stores, Ltd.
Dave & Buster's Inc.	Helzberg Diamonds
H.E. Butt Grocery Company	K&G Superstore

CFI Recertification

Below are the individuals who are up for recertification who have not sent in their signed sheet saying the met they requirements to be recertified, the payment, or both. The individuals listed are for July 2007-September 2007. Please [click here](#) 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.

Omar Angulo	Scott Martyka
Grover Baker, III	Mark McClain
Roger Bergez	Bryan McDonald
Michael Bowers	William McLaughlin
Eric Buenaventura	Keith Miller
Diedre Burke-Leake	Valerie Nielsen
Mark Chavez	Michael O'Donnell
Perry Clark	Timothy Osbourn
Maureen Desilets	Shane Owings
John Fanning	Diane Perez
Kellie Gaither	Dina Phelps
Brandon Goodwin	David Pruett
Alyson Gunder	Brian Quast
Michael Harmon	Curtis Ryals
Kelly Harrison	Derek Schmidt
Kimberly Hodge	Janet Stalvey
Stefanie Hoover	Steven Vanderhoof
Geralyn Hopson	Gary Wasoski
John Lenihan	Laura Wilt
Robert Little	Mark Witsoe



CFIs Re-Certify

Our first group of CFIs have come up for recertification and we are proud to list those who have recertified. This list is for every person, from April-June, who has submitted their paperwork to continue their CFI designation through 2010. Congratulations on maintaining your CFI.

April 2007

Alecia A. Camps
Allen R. Flower
Andrew J. Heimkreiter
Anthony Antonelli
Armanda DaSilva
Barry S. Cohen
Brady R. Sowell
Brady T. Edwards
Brett Ward
Bryan L. Martin
Carl G. Clark
Caroline Noonan
Cary Jones
Chris Norris
Christopher R. Hinger
Christopher R. Dalton
Dale E. Werner
Daniel A. Patasnik
Daniel L. Romanic
David E. George
David John Alves
David R. Dehner
David J. Miglin
David Shugan
Dawn M. Olson
Deborah R. Maples
Dennis Nebrich
Dino E. Scaccia
Donna M. Dollen
Elizabeth Shanta Hunt
Ernest E. Bell
Frank T. Honey
George Christian Torres
Gerald B. DeClemente
Giorgio Bertucci
Gregory W. Braun
James J. Mulligan
James E. Elder
James M. Shepherd
James S. Johnson
Jason M. Coren
Jeff Baile
Jeffrey W. Aldinger
Jeremy M. Yeomans
Jerrett M. Sauer
Jerry C. Larsen
Jerry D. Holifield, Jr.

Jodie W. Murphy
John Brocar
John E. Burkowski
John Fice
John Allen Zeisloft
Joseph A. Sinischo
Joseph B. Greco
Joseph S. Ortega
Joseph H. Pfeifer
Karl L. Swope
Karla A. Leitgeb
Kate O'Donnell
Kelly E. O'Reilly
Ken R. Boston
Kevin R. Hogan
Kim Kidwell
Laura A. Raggiola
Laurie Sorensen
Lionel M. Halstead
Lou Tessmann
Mark Douglas Storts
Matthew W. Gilligan
Micah Hawk
Michael A. Mattone
Michael J. Kaighan
Michael L. Velazquez
Michael R. Iverson
Mike Campise
Mike P. Dorey
Mike Savino
Nicole M. Accardi
Nolan R. Wynn
Ralph L. Ruppe
Randy Council
Richard A. Portmann
Richard B. Dobson
Robert G. Campbell
Ronald W. Gillenberg
Rosemary Lernowich
Scott J. Springer
Stephanie J. Brown
Stephen Scott Crawford
Tracey L. French
Tracey L. Olsen
Vernon G. Bales
William E. Goga
William M. Tessier
William S. McDermott
William T. Tursi

May 2007

Brian C. Finnicum
Catherine Anne Daniel
Christopher Clement Cassidy
David R. Belniak
David R. Collins
Deanna L. Bonachea
Denise R. Roe
Dennis L. Braman
Donald S. Ward
Dustin L. Frady
Elisha Z. Toye
James Zeccolo
John J. Melli
Joseph E. Hajdu
Kevin D. Stewart
Kevin Robert Larson
Mark M. Neapolitan
Matthew A. Higgins
Melville D. Chiong
Patricia A. Morgan
Robert A. Selah
Robert D. Hyrmer
Sergio Martinez
Thomas Ray Wilson
William R. Chilcutt
Willie A. James

June 2007

Al H. Wood
Andrew J. Sekula
James B. McLemore
James F. Cardenas
Jason A. Contreras
John B. Seehoffer
John E. Cudal
Joyce Penrod
Kelly M. Moyer
Kimberly Horstman
Michael A. Toledo

CFIs in the News

Official newsletter of The Georgia Association of Professional Private Investigators, April Issue of the *Connection*, had an article written by Eric Echols, CFI.

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.lsiscan.com/scan_training.htm

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@gaapi.com) via email for an introduction.



More Tidbits

Brain scan to identify deception

Technology is being used to identify deception. Currently it is only the polygraph with a well trained examiner that can identify when an individual is lying. Studies of the polygraph depending on how they are conducted show accuracy ranges from 75% to over 90% accuracy in identification of truth and deception. The polygraph relies on the body's autonomic nervous system to indirectly read the subject's fear of detection. Now, there may be another way to identify when an individual is lying.

Research teams at the Medical University of South Carolina and the University of Pennsylvania have reported impressive accuracy using a new brain scanning technology called functional magnetic resonance imaging, or fMRI. The fMRI uses radio waves and a powerful magnetic field to create detailed images of the brain. These images allow the interpreter to view changes in blood flow to areas of the brain so they can determine which areas are working harder. Once the images have been obtained another computer analyzes the results and determines the individual's truthfulness.

Unlike the polygraph, the fMRI has not undergone extensive reliability studies to document its accuracy. Current studies approach the 90% accuracy range in mock case studies. In addition, the polygraph technique also has validated testing sequences for use during the test. These types of validated testing sequences have yet to be worked out for the fMRI.

There are additional problems with this new technique, such as portability, cost, examiner training and even whether it is legal under current detection of deception laws. However, it is interesting that the fMRI is focused directly on the brain, which is making the decision to be truthful or deceive. The polygraph uses the autonomic nervous system response to deception to make the decision. Looking into an individual's brain as they make decisions may ultimately prove to be the next generation lie detector.

CFI Preferred!

Looking to hire someone? When placing the ad or talking to the recruiter, how about encouraging Certified Forensic Interviewer Preferred. Each time an ad or recruiter seeks a job applicant with the Certified Forensic Interviewer credential it supports the designation and spreads the word. Add Certified Forensic Interviewer Preferred to all your requests for a new hire.

Looking for articles

The CFInsider Journal is looking for articles of interest, book reviews, interesting cases or interview strategy that we can pass along to the members. Generally, we are looking for 1000 to 1500 words in an article, which should be submitted as a word document.

CFInsider reserves the right to edit submitted material for length and clarity. Submitting material does not guarantee it will be used or when it will appear. Each article used is eligible for continuing education credits.



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 cfinders 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?



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 9 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:

- Joe Sinischo, CFI has taken a position as District Asset Protection Manager for The Home Depot.
- Brian Frasier, CFI is now a District Loss Prevention Manager with Albertson's.
- Mark Van Beest, CFI has been promoted to Director of Investigations for JC Penny.
- Jason Coren, CFI has been named the Director of Loss Prevention for PetSmart.
- Gary Moncur, CFI has been promoted to Regional Loss Prevention Director at Babies R Us.

How Do You Sign Your E-mails?

Have you added CFI to your e-signature?

*Alyson Gunder, CFI
Director of Asset Protection Operations
Polo Ralph Lauren*

cfinsider

■ The cfinsider journal is distributed in electronic format only. You can view back issues of this newsletter. [Click Here](#).

■ 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 recertification for your CFI designation, please [click here](#) to contact CISA.

