

# cfinsider

Journal for the Certified Forensic Interviewer

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# cfi insider

Journal for the Certified Forensic Interviewer



## Letter from the Chairman of the CISA Advisory Committee



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

First, let me hope you all had a wonderful holiday season and have a healthy and happy New Year.

This is the time of year we should consider our blessings and think about the twelve months past. News organizations each year review what they believe are the

key pieces of history we lived through and the implications for the future. I think a moment or two of self reflection in our lives makes sense with the hectic schedule we all keep these days.

What have we learned? Sure there were highs and lows, but what lessons are worthy of carrying forth with us as we move into the New Year? I can remember being a railroad police officer working on a case with the Chicago Police Department. The CPD officer put our suspect in the back seat right behind him. Moments later I discovered bullets in the suspect's vehicle and shortly thereafter a gun in the suspect's sleeve. This was a life lesson that could have turned out very differently, but I have carried it with me all these years, along with the horrified look on the officer's face.

Another lesson I will take away with me this year is never to trust an informant. Informants blow in the wind looking out for themselves, and they will change stories for reasons only they know. Recording an interview can solve a lot of problems and really lock someone into what they said. A recording can cut both ways as evidenced by a story out of the Bronx in this issue. But overall, I like the idea of having what was done and said there for all to see and hear. The police are moving toward recording at least serious criminal interrogations and I think the next five years will see the trend continue. One has to only look to the destroyed CIA tapes of terrorist interrogations to see the value placed on them by Congress.

When it is recorded, you have everything they said, as well as what was said by the interviewer. But from a

management point of view what a terrific monitoring and measuring tool. What is being said, how it is said, what is admitted, is all there.

There are many more lessons I learned this year. Maybe I will share them some other time. Enjoy the holidays, your family, and your lessons learned.

David E. Zulawski, CFI, CFE

## Hello from the Editor

Stefanie Hoover, CFI

Regional Loss Prevention Manager, Toys R Us

I have never been accused of being a sentimentalist. I always prefer to look forward and this year is no exception. In fact, I hereby declare 2008 the Year of Behavior. What better time for a student of behavior to hone their skills than an election year? Every debate is anticipated, not for the content, but to study the candidates' body language. They are so well coached, polished and controlled it is truly a challenging game to read their behavior.

As I read through this issue of the CFI Insider, I was glad to see articles written by successful Loss Prevention professionals who all have different styles. If you were to sit with these individuals and discuss what made them successful, you might hear things like consistency, hard work or integrity. If you really probed, you would probably get a common answer: they are all good at reading behavior.

From time to time I commiserate with other LP professionals about an interrogation that didn't go well or an admission that could have been better and my advice to my peers is always the basic, "Did you take the time to slow down and read behavior?" Even after having done countless interrogations, I still have to tell myself not to kick it into automatic with the recitation of my introductory statement and really slow down for the easy stuff, the behavior.

In our next issue you will find information about the ways cultural differences affect interviews and interrogations. I think you will find that behavior is still a fundamental element no matter the culture. If you have an example of cultural differences that you have encountered in an interview/interrogation, I encourage you to submit an article to share with your fellow CFIs.

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## Missing and Exploited Children

CINDY ZARZYCKI



**DOB:** June 8, 1972  
**Missing:** April 19, 1986  
**Age Now:** 35  
**Sex:** Female  
**Race:** White  
**Hair:** Blonde  
**Eyes:** Hazel  
**Height:** 5'6" (168 cm)  
**Weight:** 120 lbs (54 kg)  
**Missing From:**  
 EASTPOINTE, MI, USA

### Age Progressed



Cindy's photo is shown age-progressed to 30 years. She was last seen with two female juveniles at an ice cream shop at the intersection of Nine Mile and Rousch Streets in Eastpointe, Michigan.

ANYONE HAVING INFORMATION SHOULD CONTACT  
 National Center for Missing & Exploited Children

**1-800-843-5678**  
**(1-800-THE-LOST)**

Eastpointe Police Department (Michigan)  
 1-586-445-5111



If only she could be 35 years old, with a family to love, but in 1986 she met someone who ended all that, someone who took her innocence and her life. Cindy is still missing after more than 20 years. All she did was leave home to meet someone at the Dairy Queen on a Sunday morning, someone who took everything from her. Cindy's body has never been found.

The disappearance of 13-year old Cindy Zarzycki has been an open case for the City of Eastpointe, Michigan

police for over 20 years. Detective McLaughlin reopened the case and asked for the assistance of Wicklander-Zulawski & Associates to interview a prime suspect in Cindy's disappearance.

In early 2007, Wicklander-Zulawski investigators Lou Tessmann, CFI, Dominick Cappelluti, CFI, Bobby Masano, CFI, and Jennifer Liebow worked the case. Tessmann, Cappelluti and Liebow visited with Art Ream in his Michigan prison. Art was the father of Cindy's boyfriend at the time she went missing and is in prison for sexual misconduct with another girl about Cindy's age. This is his second conviction for sexually abusing young girls about Cindy's age.

During his interview Art made incriminating admissions linking himself to Cindy's disappearance and the sexual abuse of other minor girls in his family. Follow up interviews with Art's family confirmed the other instances of sexual abuse by Art with young female family members.

After additional investigation Macomb County prosecutors now believe they know who caused Cindy's disappearance. On January 2, 2008, Macomb County Prosecutor Eric Smith charged Arthur Ream, 58, with first-degree and second degree murder charges. Smith alleges Art Ream killed Cindy after she spurned his sexual advances.

Ream currently is imprisoned by the Michigan Department of Corrections after a 1996 conviction for third-degree criminal sexual conduct. He's serving a 4-to-15-year sentence stemming from that case in which he assaulted a 14-year-old girl. Prior to his current incarceration he served five years for another case involving the sexual assault of a female minor.



Art Ream, 58

Department of Corrections photo

Cold Murder Case Reheated. [Link Here](#)

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## Legal Aspects

*What would happen if a police officer being investigated for a crime administratively is ordered to answer questions about the incident, but lies to the administrative investigators about what happened? I understand the officer can decline to cooperate in the criminal investigation and the two investigations must be kept separate, but if he chooses to lie during the administrative investigation is there a problem?*

### Court limits Garrity immunity

The Garrity decision provided for the protection of an officer who is ordered to cooperate during an administrative investigation. Under Garrity any statements made by an officer during the administrative investigation were precluded from being used in a criminal trial. In a criminal investigation the officer has the right to remain silent to avoid self incrimination, but during an administrative investigation the officer can be ordered to cooperate and give a statement. In the event the officer lies he could be administratively disciplined for lying during the investigation, but whether or not he was able to be prosecuted for lying remained unclear.

At issue, until the current Court of Appeals decision, was whether lies told during an administrative investigation could result in prosecution. In the *United States v. Veal*, the U. S. Eleventh Court of Appeals ruled lying during the administrative investigation is a crime separate from the investigation. For the first time the court explicitly ruled on the admissibility of an officer's false statements during the administrative investigation in a criminal trial.

The case in question occurred in Miami and began with an informant alerting police to a contract hit on Camacho, an officer in the Street Narcotic Unit. Officers in the unit were notified of the contract hit and knew the house where the planned hit had originated. Officers from the Street Narcotic Unit, including Camacho, went to the home which was the residence of Leonardo Mercado. Camacho went into Mercado's home and was followed inside shortly after by the other officers. A short while later additional officers and an ambulance were requested. The first officer to arrive was told she could "get her kick in" after being told Mercado had put out a contract on Camacho. Mercado died at the scene from his beating. Later investigation linked some of the officers' shoes to imprints on the body. Unbeknownst to the officers, Camacho was photographed leaving the house with no damage to his shirt; however later in a Lieutenant's office an evidence technician photographed his shirt which now had a torn pocket and sleeve.

Homicide investigators were informed Camacho was involved in Mercado's death. The other officers denied any physical contact with

the victim and claimed the reason they went to the home was because Camacho had observed drug activity there. They also gave statements to investigators claiming Mercado was on the floor when they entered the residence and did not admit to being in the Lieutenant's office with Camacho prior to the now damaged shirt being photographed.

The FBI worked with Miami homicide on the Mercado death investigation ultimately leading to federal civil rights charges against the officers. Defense attorneys for the officers objected to the use of their statements under the Garrity decision. The officers' statements were suppressed and the men were later acquitted of conspiracy with the remaining charges resulting in a hung jury.

In 1993, four of the officers were again indicted by a Federal Grand Jury on a variety of charges, including knowingly misleading state investigators regarding the facts of the case. Three of the defendants were convicted of knowingly misleading investigators and appealed based on the Garrity decision. The Appellate Court determined Garrity does not give an officer the right to lie, but rather if he does, the lie is itself a separate criminal act.

The court said in part:

*"Although an accused may not be forced to choose between incriminating himself and losing his job under Garrity, neither Garrity nor the Fifth Amendment prohibits prosecution and punishment for false statements or other crimes committed during the making of Garrity protected statements. Giving a false statement is an independent criminal act that occurs when the individual makes the false statement; it is separate from the events to which the statements relate. . . . We agree. . . . Garrity insulated statements regarding past events under investigation must be truthful to avoid future prosecution for such crimes as perjury and obstruction of justice."*

*United States v. Veal*  
*United States Court of Appeals*  
*11<sup>th</sup> Circuit Court*

**CFInsider comments:** This is a Federal Court of Appeals decision directly applying only to the 11<sup>th</sup> Circuit's courts; however other Circuits may consider the wisdom of the 11<sup>th</sup> Circuit's finding in deciding their own cases. Until the issue is addressed by the United States Supreme Court there may still be some variations in how the lower courts make their decisions across the Circuits. However, it does seem reasonable when an officer lies during a formal proceeding he is likely committing another crime and can be held responsible for his false statements or actions in an attempt to conceal his past crimes.



## Human Resource Harassment Interviewing

By: Nicole Accardi, CFI  
Director of Loss Prevention  
J. Crew

Loss Prevention professionals confront it sooner or later in their career: an employee reports some form of misconduct and they are called on to initiate an investigation. The scope of the investigation will vary based on the seriousness of the case, but the important question is, what is the best way to proceed in order to reach a successful resolution?

There are many similarities between a Loss Prevention and a Human Resources investigation. However, the differences are significant and managing them appropriately will be essential to the successful resolution of a case.

When the complaint is one of illegal or unethical business conduct, it should commence as soon as is reasonably possible. The investigation should be comprehensive, fair, objective, professional and led by a primary investigator. Normally, integrity issues are assigned to Loss Prevention with Human Resources acting as a witness to the interview or final decision maker on termination. However, in the event the complaint relates to a discrimination or harassment claim the HR representative may take the lead in the investigation. But another question to be answered is who will conduct the final interview with the target of the investigation. In most instances Loss Prevention will do interviews relating to integrity and HR will handle personnel issues, however there will be instances when LP will assist in difficult situations. For example, when there are allegations of forced sexual encounters Loss Prevention may be asked for assistance since there may be criminal implications.

In a Human Resource investigation the employee raising the complaint should be interviewed in a private location within 24 hours of the allegation being made. During investigative interviews, especially those involving sexual harassment, one may have to explore delicate aspects of personal conduct. Questioning employees concerning inappropriate comments or activities is sensitive and can be uncomfortable for both the interviewer and interviewee. Stressing confidentiality and the sensitive nature of the conversation is crucial to setting the stage for the interview with the complainant. After developing rapport, it is useful to ask the complainant if she is comfortable speaking with the interviewer since the topics may be sensitive or embarrassing. Some

complainants may feel more comfortable discussing intimate details of an incident with an interviewer of the same sex.

The interviewer should consider the facts related by the complainant to identify other witnesses or investigative efforts necessary to substantiate or refute the allegation. If after interviewing the complainant, any witnesses, and conducting the required investigative follow-up the complaint is substantiated, then the final step would be to interview the alleged harasser.

As in any investigation there is no substitute for thorough preparation. The interview location should be carefully selected and the interviewer and witness determined. Since there is the potential for litigation based on the company's handling of the case, each step and the actions taken should be carefully documented.

Many times the setting for a sexual harassment interview is off site or after hours because of the sensitive nature of the case and to protect the privacy of the person being interviewed. The harassment interview is intentionally more informal and comfortable than an LP interview where room size, positioning and witness placement can be crucial. In most instances the LP interview has a time limit for completion while there is not a time limit for an HR interview.

Unlike the Loss Prevention interview where the interviewer does most of the talking, in a harassment interview the investigator will make a very brief opening statement then ask the individual a series of broad open ended questions prepared in advance. This encourages the suspected harasser to do the majority of the talking while the open ended questions direct the conversation. The interviewer will allow the accused to speak freely about circumstances and feelings without interrupting or cutting off information. (*CF Insider note: In this context the actions in a LP interview conform to an interrogation, while the HR interview parallels a traditional fact gathering interview which is unlikely to obtain a confession.*) The LP interview is controlled by the interviewer who discourages the subject from talking using physical gestures and the subject's name to stop denials before returning to rationalization, while the HR interview encourages conversation.

The interviewer attempts to solicit an answer from the subject for each allegation made by the complainant, and then documents each response in his notes. If the subject's story conflicts with the complainant's statement, the interviewer should ask for witnesses or evidence that would support his version of the story. After the subject's story has been elicited and confirmed for accuracy, the interviewer is

*continued.....*



ready to close the meeting. The subject is asked if there is anything else he would like to discuss, and then is told of any interim actions and the estimated conclusion of the investigation. Next, a brief explanation of the company's policy prohibiting retaliation against complainants should be reviewed with the subject before reassuring him of the objectivity and confidentiality of the investigation.

A timely follow-up meeting should be scheduled to communicate the results of the investigation with the complainant and alleged harasser. The information gathered through the HR investigation should support the ultimate conclusion reached by the investigators. However, as part of the process one must also assess the veracity of the interviewees to reach a fair conclusion.

- What was the "body language" of the interviewee? Nervous? Sweaty? Tone of voice? Eye contact? Posture?
- How did the interviewee react to the allegations? Defensive? Aggressive? Argumentative? Explanatory denials? Silence?
- Was the interviewee's chronology of events consistent or did they vary greatly with each telling? Was their version logical?
- Were they forthcoming or providing "one word answers."

The most significant difference between an HR and LP interview/investigation is that LP investigations generally have the facts clearly established before talking with the subject. With an HR investigation, unless there is an admission of guilt, the interviewers are dealing with many shades of gray. Even in those situations in which concrete conclusions cannot be drawn, there are typically valuable lessons to be learned and preventative actions identified to reduce exposure for future liability.

## What Does Your Business Card Look Like?

Have you added CFI to your card?



## QUOTE OF THE QUARTER

"If you have knowledge,  
let others light their candles in it."  
*Margaret Fuller*

## Arrested in theft of a million screws

*"Could it have been as many as 2 million screws?"*

*Berlin September 2007* – An assembly worker came to the attention of Bavarian Police who wondered where he was obtaining the large numbers of screws he was selling on the Internet.

He was arrested for stealing over a million screws from his employer over a two year period. The investigation revealed the worker would steal up to 7000 screws a day when leaving work by concealing them in a specially designed hiding place.

Police estimated the two years of screw thefts had a cumulative value of \$155,000. Police took the man into custody at his apartment and he later confessed to the scheme.

## Article Submissions

All CFIs are invited to submit articles, book reviews or other materials for publication. Submission of an article to CFI Insider does not guarantee it will be published.

CFI Insider reserves the right to edit any article for grammar, clarity and length, but the content or opinions contained therein will be those of the author.

Publication of an article, its contents, and opinions do not necessarily reflect the opinion, nor beliefs, of CFI Insider or the Advisory Committee.



## Book Review

*The Art Of Profiling; Reading People Right The First Time*

By Don Korem

International Focus Press, 1997

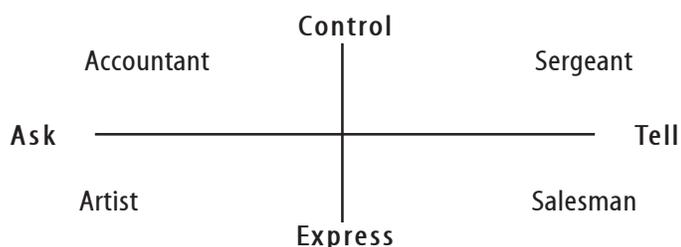
Recently, I took advantage of some free time and read a book by Dan Korem titled *"The Art Of Profiling, Reading People Right The First Time"*. The book discusses how to precisely profile people within a few minutes and calculate how a person is likely to communicate, perform on the job and make decisions. Does this sound like a skill you could use? Have you ever completed an interview without having a complete assessment of the person you're interviewing? Have you ever hired someone only to regret it later? Hopefully, this book review will entice you to take some time to learn for yourself or learn enough to teach others within your organization.

The author, Dan Korem, developed the Korem Profiling System during his time as an independent investigative journalist. During the late 1980's, Korem was asked by a number of major corporations to develop a profiling system that could be utilized in a professional environment. This system was presented to the FBI National Academy and was well received by law enforcement. Since then, Korem has authored several books and is the president of two communication companies.

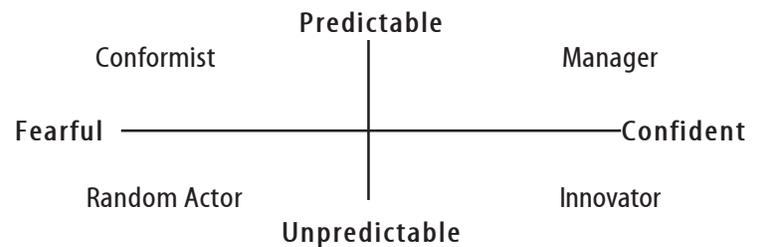
The overall system is set up for the profiler to gather data by answering four questions to reveal four of the eight traits. The traits are "Control or Express", "Ask or Tell", "Confident or Fearful" and "Predictable or Unpredictable". An example of a question the profiler will need to answer is, "Does this person typically control or express his/her emotions when he/she communicates?" Remember, the questions are for the profiler to answer. There are other sections of the book that discuss how to solicit information from the profiled individual.

Once the four traits are known, the traits are coupled to reveal two types of individuals. The types are the "Communication Type" and "Performance Type" as illustrated below. The types are found by overlaying the traits to create a compass with four quadrants. Each profiled individual can only have one communication and performance type.

### Communication Types



### Performance Types



For instance, Jane Doe likes to express her emotions when she communicates and prefers to tell others what she thinks. This would make Jane's Communication Type a "Salesman". In addition, Jane is confident when she makes decisions and her actions are typically predictable. This would make Jane's Performance Type a "Manager".

Now, that we know Jane's two types we can complete her comprehensive profile. Obviously, Jane is a Salesman/Manager. If we were hiring Jane, this comprehensive profile will provide us with information about her strengths, opportunities, tendencies, and even tips on how to interact with Jane to motivate her. If we had to conduct an interview/interrogation with Jane, the profile would provide insight into how she may react to confrontation.

Since we are in the business of investigations, I felt it was necessary to highlight one "Performance Type" that Korem suggests we notice in the book. Korem points out that people who are taken advantage of by a "Random Actor" often say, "But he seemed like such a nice man". Korem discusses cult like leader James Hydrick and how he was able to obtain a confession from this "Random Actor". The book also provides insight in how to manage and confront this performance type.

As with any skill we learn, practice makes perfect. Korem's book provides a timeline of when you should be able to complete an accurate profile. So, if your position requires you to hire employees, train managers, or even interview employees, this book may provide you with some additional tools for you and your organization.

Reviewed by: Don Ward, CFI, CFE

*Don is a Regional Loss Prevention Manager with Limited Brands, Inc. Don has held corporate and field level loss prevention positions with various retail companies. Don became a CFI in June 2004 and has conducted interrogations for over 10 years.*



## From a Private Investigator's Perspective: Conducting Dishonest Employee Interviews

By Eric Echols, CFI

Time and again, companies are faced with one of the biggest decisions they will have to make—one that can impact the company negatively if not handled correctly. The wrong move can affect company reputation, employee morale, and in some situations even company sales.

How should dishonest employees be handled?

### How to Handle Dishonest Employees

It's easy to say, "Just fire them." However, the reality is that you'd better be sure they are dishonest before you even talk to them. Have you dotted all your i's and crossed your t's before you accuse them? Here are just a few questions to ask about the situation:

- Did someone just tell you they were dishonest?
- When and how should you talk to them?
- What if the person is coming back from a Workers Compensation Claim?
- What if the person is a female who is pregnant?
- Would you talk to a female alone if you are a male?
- If you use a witness when you talk to an employee, will the witness be a male or female?
- What if the person is 16 years old and has a work permit?
- What if the person is a male between the ages of 18 and 21?

By now you might be saying, "WOW! These are things we as a company, never even thought about." Or, if you have thought about them, you might wonder, "Are we making the right decisions? Have we made the right decisions in the past?"

In this article, I will share what I consider the fundamental DO list (doing your homework), how to prepare for an interview, and a valuable DON'T list for how not to handle dishonest employees or those you suspect of being dishonest.

In my 17 years of experience conducting dishonest employee interviews and investigations I have developed some key principles. The first is "DO Your Homework." This means answering certain questions as soon as you suspect theft.

### 1. DO Your Homework

#### Research All Personnel Information

- Run a background check, looking for criminal activity, civil suits, property liens, etc.
- Review all employee files and get all personnel data (i.e., dependents, schools, activities, past work history, salary increases, promotions, demotions, references, etc.)
- Conduct Fact-Finding Interviews: Cover the policies and procedures, and find answers to these questions:
  - What was the loss?
  - How long has the loss been occurring, and how much was the total loss?
  - How was the loss identified?
  - Who identified the loss?
  - Why is the individual suspected?
  - Who else could have committed the theft?
- Research the operating system, including the registers. Find out how the loss could have occurred and what other losses could occur due to gaps in the system.

Note: The first person interviewed will be the one who alerted you about the loss; keep in mind that this person could be involved in the loss.

*You must understand what could have happened.*

#### Know How the Loss Occurred

You must understand what could have happened. For example, if the person is suspected of cash theft from a register, the investigator needs to be aware of the ways the cash shortage could have occurred. The cash theft could have happened in any of the following ways:

- Taking the cash out the register during cash sales.
- Doing a no-sale function to open the register and take cash.
- Taking the cash out of the register or register bag as the person begins the shift.
- Taking the cash at the end of the shift when closing the register.

As you can see there are many variations of how a theft can occur. Write them down and know which could and could not have happened. You need to identify how the loss happened and possible modes of theft.



### Identify the Act of Dishonesty

The method used to identify the dishonest employee must be believable to him. The interviewer should consider what investigative efforts would make the subject think he had been caught. It must make the interviewee think, "Did someone see me? Could they have me on tape? Did someone tell on me? Did they catch me?" Placing doubt in the mind of the interviewee is very important.

Continuing with the example, the investigative methods used to identify the dishonest employee causing cash shortages might include:

- Tracking cash shortages for employees working on the register and charting out each employee to the shortage.
- Using Exception Reports to identify registers conducting no-sales and compare the no-sale on the register to the CCTV.
- Conducting till audits during the day to identify and pinpoint cash shortages.
- Conducting integrity shops on registers.
- Using dedicated surveillance on the CCTV.
- Using covert cameras in select areas.

Considering possible investigative methods adds credibility to the interview. It lets the suspected employee know you investigated thoroughly. It sends the unspoken message that you know their personnel information, how the losses occurred and the extent of the losses.

*Do your homework.*

### 2. Prepare for the Interview

Once the investigation is complete, including any fact-finding interviews, you should have identified the dishonest employee. It's time to interview that person, with the objective of obtaining an admission.

How do you get ready for a confrontation? How do you prepare for sitting down with a person you hardly know to accuse him or her of theft? What about a person you have known for years? In all cases, ensure that you have followed the first principle of "DO Your Homework." This will put your mind at ease and make you much more confident to handle the situation.

### Interview Room Setup

It has been my best practice to use an office away from the eyes and ears of other employees. Sit in a chair across from the interviewee,

with his or her back toward the door so he can get up and leave if he chooses. If you are using a witness, that person should sit off to the side and slightly behind the interviewee. The witness is now out of line of sight of the interviewee so that the subject focuses his attention on the interviewer.

When there is a desk or a table in the interview room place the interviewee near the door and you sit behind the desk or on the opposite side of the table. This setup immediately sends a message that the interviewer is in control and the interviewee is in trouble.

### The Introduction

This is where it all begins, with the initial contact between the interviewer and the interviewee. As in a boxing match, you're in one corner and your opponent is in the other. When you both approach the center of the ring, you are eye to eye, and the next thing you hear is the bell signaling that it's time to come out fighting. You both dance and throw jabs, hooks, overhand rights, and upper cuts. As an Interviewer, the first thing you must do is take control. Throw the first jab by controlling the introduction.

*"My name is \_\_\_\_\_, and I'm an Investigator for \_\_\_\_\_. Please have a seat," pointing at the chair you want him to sit in. "I'm going to talk to you about some issues, but before I begin I want to go over some information to make sure everything is still the same."* Now you are in control and can cover all the personnel data gathered during the personnel file review. This lets the interviewee know you investigated and there must be a reason for the investigation.

Questions and doubts are now going through the mind of the interviewee. At this point you may get interrupted by the interviewee; remember that you are in control, and shut down all interruptions.

### Getting to the Point

Immediately following the introduction discuss how the losses occurred and were identified. Present this information directly to the interviewee using the way in which the interviewee was involved.

When preparing for this part of the interview, get ready for denials, both verbal and non-verbal. Verbal denials will include, "I did not do it! I would never do that because \_\_\_\_\_!" Or, "Show me what you are talking about." Non-verbal denials are those facial expressions made by a child when asked, "Who ate all the cookies?" or "Who spilled the milk on the counter and did not clean it up?" For example, the eyes get big and the wrinkles appear on the forehead and the shoulders shrug. The



head shakes from side to side while you are talking. Denials are the cornerstone of arguments from anyone who has done something he should not have done. In all interviews, the interviewee is thinking, *"When will be the best time to deny this? How can I best deny this?"*

The interviewer should be prepared to handle verbal and non-verbal denials.

- For verbal denials, there should not be a pause between the denial and the counter-denial. If an interviewee states, *"I did not do it,"* your immediate reply should be, *"You would not be in front of me if that were the case."* If the interviewee says, *"I would never do that because I am an honest person,"* then your immediate reply should be, *"That's why I'm here talking to you, because you are an honest person who made a serious mistake."*
- Non-verbal denials may come before the verbal denials and if the interviewer does not immediately address them they may gain strength. When getting a non-verbal denial, stop and say, *"Don't look at me like you do not know why I'm here,"* or *"Why are you making faces as if you don't know what is going on?"*

NEVER let a denial stand; you MUST be prepared to combat the denial before beginning the interview. Doing proper homework and doing a proper introduction will prepare you for most denials.

Bottom line: There are many facets of conducting interviews with dishonest employees. Even though I touched on my principles remember every interviewer's style is different and every interview proceeds differently because people are all different.

That being said, there are some actions to consistently avoid. As promised, here is the DON'T list.

### 3. Things NOT to Do

When you suspect an employee of dishonesty, **DO NOT:**

- Talk to other employees about the situation.
- Immediately bring the employee into the office and confront him about your suspicions.
- Document (write up) the employee.
- Terminate the employee for other reasons.

Here is why:

- The suspicion may not be true. (You may defame the employee's character.)

- If the situation is not handled in a professional manner, it will become confrontational.
- You may send the message that you don't know about the dishonesty and build the employee's comfort level.
- It may open the door for lawsuits, EEOC claims, and unemployment compensation.

When you observe an employee committing acts of dishonesty, **DO NOT:**

- Tell anyone except those who need to know.
- Immediately arrest the employee.
- Immediately confront the employee.

Here is why:

- The employee may learn of the investigation and quit.
- The opportunity to identify other employees involved is lost.
- You may fail to identify other instances of theft.

Remember the four main reasons why you do not immediately confront dishonest employees:

- It takes away the element of surprise.
- You eliminate the possibility of discovering the employee's additional thefts.
- You can not identify other employees involved.
- It reduces the opportunity to prevent future dishonest activity (it may get you an admission of the one theft that just occurred, but anyone else involved will be free to continue such activity).

If your company finds itself in the position of having to confront dishonest employees, I highly recommend using trained professionals to help you do your homework and conduct the interviews. Professionals in this arena have been trained to conduct effective investigations and interviews using legally acceptable methods.

*Eric D. Echols, CFI, is President/CEO of The LPS Group, Inc., a loss prevention, private detective, and security corporation. He has more than 20 years of experience in loss prevention in the areas of retail, hotel, and food industry; investigations and security; and as a licensed Private Investigator, Private Investigator Instructor, and Firearms Trainer for the State of Georgia. He can be reached at 770.579.0188 ext. 111 or via email at [eric@lpsgroup.net](mailto:eric@lpsgroup.net). Visit The LPS Group Web site at [www.lpsgroup.net](http://www.lpsgroup.net).*



## Using the CFI

By Jerry C. Larsen, CPA, CFE, CFI, CRT

I was asked to start a fraud investigation of an employee. It became very clear on reviewing her background information with the company owners and several employees, that the vectors were all positive for a potential embezzler.

- Middle age woman bookkeeper
- No internal controls
- Had a new Lexus
- Lived in an upscale expensive home
- Divorced (twice)
- Took expensive vacations
- Been with the company 19 years
- Traveled in high society

She did not have signature rights on the checks. These were all signed by the owner, a very wealthy and elderly scientist. Because of the size of his portfolio it was not unusual for the scientist to move large amounts of money between accounts. The company's bank had alerted the assistant bookkeeper (she had only been there a short time) that a cashier check for \$100,000 had been purchased with the payee being a decorator.

When the decorator was contacted, he said he was doing work on the target's houses. When I mentioned the Lexus was probably purchased with company money, I was told that the target could easily afford the payments, and the company owners defended the target believing she would not have stolen the money for the Lexus.

After considering the facts further, company officials wanted me to go through all the financial data and see how much she had taken. The target had been injured in a car accident and had not been in the office in 3 weeks. It was at this point I asked to interview the target using the partial list of what I believed she had stolen. Here only possible explanation was the money was a loan and the business owner really owned the three properties. Because of her injury, I elected to do the interview at her home.

What distinguished this fraud case from most was she had invested a very large part of the money in prime real estate. We realized that filing criminal charges would work against us in getting the real estate back.

I used the direct confrontation method and told her we had a list of what she had taken (it was really only partial) and I wanted her to make a list also and sign it. She wanted to see our list, which I refused to

provide, saying this was how we were going to check to make sure that she wasn't lying to us. She was aware that the IRS could investigate her for income tax fraud for the amount of just under a million dollars since none of it was reported on her income tax form. She made a list of three first class properties together with credit card bills and signed and dated a statement that she took the money without authorization.

When I got back to the office, the elated company officials could not believe she signed the statement. As I was leaving (this all took place in less than 36 hours) the assistant bookkeeper was going over copies of some checks that had just come in from the bank and she said, "Oh my God. Here is a check to the Lexus dealer." They probably won't get back 100% of the money she stole, but it will be pretty close. Without using my skills as an interviewer this case could have taken a very different and more costly outcome.

*Jerry Larsen, CPA, CFE, CRT, CFI works for Calvert & Associates. He became a CFI in April, 2004.*

## Inventive Use of Cell Phone

In recent months, Kurdish rebels operating on the Turkish border have killed more than a hundred Turkish troops and wounded at least two hundred more before retreating back into the Iraq mountain bases from which they operate. This is a problem similar to those facing Allied troops in Afghanistan, the extremists melt into the mountains across the border where the troops are forbidden to operate.

A tense air of unease permeates the region as suspicious troops stop and question strangers in the area. Scott Taylor, a reporter, was photographing a Turkish helicopter when he was stopped by border guards of the Turkish army. His camera, passport, and press credentials were seized and he was held in a guardhouse near where he took the photographs.

Ninety minutes later, Turkish secret service agents arrived to question the reporter, but it became apparent the questioning would be difficult since none of the agents or soldiers spoke English. Finally, a cell phone was used to contact an interpreter who helped confirm the reporter's identity and assignment. Scott Taylor was released after pictures of Turkish military equipment were deleted from his camera.

*CFI inside note: It may be useful to have the phone numbers of translators available in the event an unexpected apprehension or interview occurs where there is a language barrier.*



## 19<sup>th</sup> Annual Theft Survey by Jack L. Hayes International

The 19<sup>th</sup> annual survey on shoplifters and dishonest employees suggests theft is on the rise as reported by Jack L Hayes International, a loss prevention and inventory shrinkage control firm. According to the survey over 530,000 shoplifters and dishonest employees were apprehended and more than \$116 million recovered from those thieves by just 23 major retailers in 2006. Shoplifters and dishonest employees stole over \$6.0 billion in 2006 from these 23 major retailers.

This annual survey reports on over 530,000 apprehensions taking place in just 23 large retail companies representing 14,118 stores with combined 2006 annual sales in excess of \$537 billion.

Survey highlights include:

- Over 530,000 shoplifters and dishonest employees were apprehended in 2006, up 10.6% over 2005. The total dollars recovered from these apprehensions was over \$116 million, up 15.15% over 2005.
- 463,682 shoplifters were apprehended in 2006, reflecting an increase of 11.2% from the prior year.
- For the 6th straight year, the dollars recovered from those apprehended shoplifters (\$59.6 million) increased; this time by 13.9% over 2005.
- Surveyed companies apprehended 1 in every 27.9 employees for theft. (Based on 1.85 million employees.)
- The number of dishonest employees apprehended (66,507) and the dollars recovered during those apprehensions (\$56.6 million) both increased in 2006 (6.6% and 16.4% respectively).
- On a per case average, dishonest employees steal approximately 6.6 times the amount stolen by shoplifters (\$851.44 vs \$128.71).

For full survey results visit: [www.hayesinternational.com](http://www.hayesinternational.com)



Jackie Cato, CFI is presented with her framed Certified Forensic Interviewed certificate, at a Cracker Barrel company meeting, by David Shugan, CFI.

### CFIs in the Media

Walter Palmer, CFI, CPP, CFE: Pre-employment Screening Practices in the Retail Sector found in [Loss Prevention Magazine](#)

Jim Carr, CFI: Loss Prevention (November-December 2007) Source: [Click Here](#)

Cold Murder Case Reheated. [Link Here](#) Lou Tessmann, CFI, Dominic Cappelluti, CFI, and Thomas "Bobby Masano, CFI are involved in solving a case over 20 years old.

TOTAL RETAIL THEFT APPREHENSIONS	Difference			
	2005	2006	#!/\$	Pct.
Apprehensions	479,364	530,189	50,825	10.60%
Recoveries	\$101,003,146	\$116,307,051	\$15,303,905	15.15%
Avg. Case Value	\$210.70	\$219.37	\$ 8.67	4.11%

*Source: Jack L. Hayes International*

Have you seen or heard of CFIs in the Media? Drop us a note so we can share their success.

### Letters to the Editor

Every magazine provides an opportunity for readers to express their feelings about the content of the publication. We welcome your thoughts and comments to help us better address your issues. [Click here.](#)



## Links of Interest

[To catch a thief](#) from the Toronto Star - Ontario, Canada. Deals with Organized Retail Theft in Canada.

[Return fraud might cost retailers \\$3.7B](#)

## CFI Logo Suggestions

We are looking for suggestions for a shirt logo using the CFI designation. There were so many excellent suggestions for the CFI challenge coin we are sure you can come up with something for a shirt logo.

As you ponder your submission remember we are trying to brand the CFI designation so the CFI should be prominent in the design. The winner will receive a shirt with the new CFI logo embroidered on it.

All designs must be submitted to CFInsider by February 28, 2008.

## Did You Know?

In addition to the CFI Coin, we have received requests for numerous CFI items. While several are under development, we only have 6 commemorative CFI leather bound folders available. The cost is \$35.00 plus shipping. Please click [HERE](#) to order yours today!



## CFI Administrators

These two individuals help to run the administrative function of CISA. You may receive emails from them regarding any issues that come up concerning your CFI designation.

### Elaine Paszyna

Elaine Paszyna joined the Center for Interviewer Standards & Assessment, October 15, 2007, as the Sales & Marketing Assistant.

Elaine's previous background includes working for a contractor assigned to the United States Department of Energy at Argonne National Laboratory as a Data Analyst where she held a government security clearance.

Since leaving Argonne, Elaine has more than ten years experience as an Inside Sales Support/Marketing Coordinator. Elaine will be assisting Wayne Hoover, VP of CFI Programming with CFI tasks.

Please feel free to reach out to Elaine regarding any CFI questions you may have at 800-222-7789 X120 or via [email](#).

### Ellie Raftery

Ellie Raftery has been with CISA since its inception as an Administrative Assistant. Ellie works closely with Wayne Hoover to help manage the ever-growing CFI membership. Ellie handles all the processes involved once a CFI completes the test through their re-certification three years later.

"This has been an adventure since there were no systems in place when we began the CFI designation over 3 years ago. We have had to build everything from the ground up," said Ellie.

If you have any questions regarding your CFI membership status or if there is an update to your mailing/email address or phone number please contact Ellie at 1-800-222-7789 x 106 or [email](#).



## Comments, Facts & Interesting Tidbits

### You Never Know Who Might be Listening

*New York /* You think people would learn. There are video and audio recorders everywhere as evidenced by the number of times criminals and yes, even the police, have been caught in action. There are cell phones, cameras, and MP3 recorders on everyone's hip today. Recorders have silently documented actions like the improper use of force or simple criminal activity leaving little doubt what occurred. In one interrogation, the final written statement from the suspect was not even close to what was talked about in the recorded interview. Amazingly this occurred even when the detective knew he was being recorded.

In early December 2007 a veteran Bronx police detective was charged with twelve counts of perjury after testifying in an attempted murder case. The suspect had secretly recorded the detective's interrogation using an MP3 player and then passed it off to his mother with his other personal property.

During the April 2007, trial of the suspect the detective denied conducting any interrogation in the case. As a result of his testimony the 19 year member of the force was charged with twelve counts of perjury and suspended from the department. At the December 6, 2007 hearing the officer pleaded not guilty to the charges and was released on bond by the court. Under New York law, the officer could receive up to seven years in jail for each count in the indictment if he is found guilty.

The 17 year old suspect in the case had been arrested in conjunction with a Christmas Day shooting of a man in an elevator in New York's High Bridge neighborhood. The suspect's arrest came six days after the shooting and he was transported to the 44<sup>th</sup> Precinct in the Bronx for interrogation prior to being charged with attempted murder, possession of a weapon and other crimes. The detective testified at trial the only statement made by the suspect was to his mother after she came to the Precinct. The detective related the suspect said to his mother, "They want to know why I shot this guy." The detective also testified he did not ask the suspect any questions.

Unfortunately for the detective, the suspect had an MP3 player in his pocket and pressed the record button prior to the interrogation. The entire interview between the suspect and detective lasted about an hour and a quarter and was recorded. During the interview the suspect

admitted shooting the man, but claimed he did it in self-defense. The defense presented the recording to the prosecution during trial and they were quickly convinced the detective had committed perjury. The district attorney's office dropped the attempted murder charge and arranged a plea agreement with the suspect resulting in a seven year sentence for possession of a weapon .

Prior to revealing the existence of the recording the detective was repeatedly asked by defense counsel if he had asked any questions of the suspect. According to the trial transcript the testimony was as follows:

*Attorney:* "Now you said on direct examination that you never asked him any questions when you were alone with him in the room on Dec. 31, 2005. Isn't it true?"

"That's correct. He wasn't questioned."

"Isn't it true that you told him that if he didn't tell you where the gun was, you would keep him from seeing a judge for three days?"

"No sir."

"Did you ever tell him in that room that evening that you had no problems with him carrying a gun?"

"Never said it."

"Are you sure?"

"I never interrogated your client, sir."

Oops, seven times twelve is a lot of years if it was perjury. The recording clearly establishes what was said between the suspect and detective and it became clear than questioning had taken place. Honesty is the best policy or would have been in this case.

We are honor bound to tell the truth under oath.

**"I never interrogated  
your client, sir."**



## Welcome CFIs

The following individuals became CFIs during the quarter, August - October 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](#).

Angelopolus, Ryan T	Huss, John Richard	Stiefel, Larry J	Terna, Robert Michael
Bodurtha, Sarah Marie	Lopresti, Phillip	Truluck, Carolyn April	Valle, Mike Angel
Cruz, Daniel Edward	Marcano, Orlando	Walton, Michael Thomas	Yerkish, Edward D
Flohr, Geoffrey Cornell	McCormick-Berry, Edith Jane	Wozniak, Patricia Lyn	Angiolillo, William J
Harbin, Scott Allen	McCurnin, Jeffrey L	Zovishlack, Richard Allen	Coletti, John Giulio
Henderson, Aaron L	Mobley, Scott Anthony	Baum, Jr, Kenneth E	Downey, Gayle Marie
Reynoldson, Dean P	Moore, Larry E	Borecki, Frank Michael	Henderson, Andrew Cole
Stilwell, Shannon K	Morales, Gloria	Cairo, Jr, Marcello	Kennedy, Kevin W
Violette, Michael N	Pennington, Herbert Walker	Cato, Jacklyn Sue	Khalik, Faisal
Becker, Amy Irene	Pickert, John David	Ferlotti, Michael Stephen	Manto, Marjorie C
Berridy, Charles Anthony	Regiacorte, Cheryl Anne	Finley, Paula Jo	Martin, Andrew James
Berry, Michael Lance	Regiacorte, Frank P	Firlik, David Paul	McGreal, Thomas F
Clegg, Keith Richard	Savickas, Jayson George	Harris, Brett Evan	Oakley, Wesley Wade
Cohen, Andrew Mark	Sikes, James Barton	Mencos, Elena	Oden, Amy Ellen
Doll, David Michael	Sims, William Lee	Olschanski, Charles J	Shaffer, David
Finney, Robin Ann	Slivonik, John James	Pacheco, Laura Jean	Starling, Brian Lee
Gaughan, Kimberly Marie	Stanley, Jesse Joseph	Siemers, Henry B	Zahran, Ehab
Hester, Glenn D	Stewart, Michael Charles	Strait, David Joe	

## Organizations Represented

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

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

Alfa Insurance  
 Borders, Inc.  
 Grand & Toy  
 Macy's South  
 Marc's  
 New York & Company

## Are You Carrying Yours?



### 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 cfinder are intended for information, and is not meant to be used as legal advice.*



## 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 August - October 2007, who has submitted their paperwork to continue their CFI designation through 2010. Congratulations on maintaining your CFI.

Borquez, Jr., Edward J.	Johnson, Carl L.	Parker, Richard A.
Bowers, Michael Edward	Kopp, Julia T.	Patterson, Scott Howard
Burke-Leake, Diedre Diane	MacLeod, John L.	Pollard, Jr., John Edward
Chavez, Mark A.	Mattingly, Patrick M.	Ryals, Curtis E.
Clark, Perry D.	McClain, Mark D.	Schmidt, Derek C.
DeTray, Chris William	Nielsen, Valerie W.	Stalvey, Janet S.
Fanning, John F.	O'Donnell, Michael A.	Valentine, Jeffrey Allen
Gunder, Alyson K.	Owings, Shane S.	Wasoski, Gary M.
		Witsoe, Mark D.

## CFI Re-Certification Information

A link to the [http://certifiedinterviewer.com/seminar\\_classes.htm](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](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](http://www.policetraining.net)
- [www.w-zcampus.com/campusV2/campus/course\\_catalog.html](http://www.w-zcampus.com/campusV2/campus/course_catalog.html)
- [www.w-z.com/schedulecfi.php#schedules](http://www.w-z.com/schedulecfi.php#schedules)
- [www.lsiscan.com/scan\\_training.htm](http://www.lsiscan.com/scan_training.htm)

### Conferences:

- February 26-27* Eye for Retail Internal Loss Prevention Conference (London)\*\*
- March 2-5* Food Marketing Institute (FMI) Loss Prevention Conference\*\*
- March 5-7* Jewelers Security Alliance (JSA) Conference\*\*
- April 1-5* International Law Enforcement Educators & Trainers Association (ILEETA) Conference\*\*
- April 29-May 2* Retail Industry Leaders Association (RILA) Loss Prevention Conference\*\*
- June 23-25* National Retail Federation (NRF) Loss Prevention Conference\*\*

Should you be attending a national conference, company conference or seminar that requires name tags, email Wayne Hoover, and he will send you your CFI Ribbon to attach to the name tags.

**\*\*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@certifiedinterviewer.com) via email for an introduction.

## CFI Re-Certification

Below are the individuals who are up for recertification who have not sent in their signed sheet saying they met the requirements to be recertified, the payment, or both. The individuals listed are for January - March 2008. 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.

### January 2008

Faulds, James Arthur  
 Foust, Mark Edward  
 Fronckowiak, Michael M.  
 Ludwick, John A.  
 Martinez, Robert Haven  
 Peteja, Michael J.  
 Raza, Syed T.  
 Trimmer, Mark Lee  
 Winborne, Sarah Taylor

### February 2008

Anderson, Jerry Wade  
 Barragan, Russell Niles  
 Colby, Stephen Daniel  
 Haggard, Joshua Michael  
 Helton, Christopher James  
 Larue, Derlin Keith  
 Stokes, Jon Lawrence  
 Ybarra, Joel Thomas

### March 2008

Carpenter, Melvin  
 Hamlin, Brent Allen  
 Houseman, Jeffrey Linn  
 Jamrok, Kenneth Richard  
 Paredes, Adriana  
 Torres, Robin L.  
 White, Edward C.



## 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:

**Mark A. Chavez**, CFI has been appointed Regional LP Manager with Big 5 Sporting Goods.

**Dino E. Scaccis**, CFI was promoted to LP Director for Old Navy North Zone.

**Ian Vernon**, CFI was promoted to Regional LP Manager with Babies "R" Us.

**Jerry Snider**, CFI has been appointed Corporate LP Manager for Nashville based Old Time Pottery.

**David M. Lu**, CFI recently joined Apple as their East Coast Regional LP Manager.

**Shannon K. Stilwell**, CFI is the new Manager of Exception Reporting and Organized Retail Crime, Loss Prevention for Kohl's Department Stores.

**Kimberlee Marie Woo**, CFI has joined The Zellman Group as their West Coast LP Director.

**Brittney Alisa Vachon**, CFI has been named Director of Loss Prevention Manager for Polo.

**Mark Edward Foust**, CFI has been promoted to Divisional Director of Loss Prevention for Blockbuster, West.

**Scott Alan Dillaha**, CFI has been named District Loss Prevention Manager for District 8311 for JC Penney.

**Tameka McCray**, CFI is the new regional LP manager in LA for Abercrombie & Fitch.

**Tracey L. French**, CFI has been named director of LP for the Limited Stores.

**LeeRoy Hegwood**, CFI has accepted a Regional Asset Protection position with Petco.

**Kevin Hogan**, CFI has opened his own investigative company, Carolina Investigation & Research Services in Lexington, SC.

**Mindy Joy Marzec**, CFI recently took a position as a Special Investigations Unit Fraud Investigator for Sedgwick Claims Management Services.

**Carmen DuBose**, CFI was promoted to Regional Director for Hibbetts Sporting Goods.

**Joe Greco**, CFI accepted a Loss Prevention position with Radio Shack.

**Joe Conti**, CFI has returned to Marshalls on Long Island.

**Chris Dalton**, CFI was recently appointed the Zone Trainer for the new Loss Prevention Managers and Retail Loss Prevention Managers for interviewing and training with Limited Brands.

## CFIs Needed

CFIs needed to join CFI Insider Newsletter Committee: The Journal for the Certified Forensic Interviewer is always looking for new members with different talents to be part of the committee that puts this fine publication together for other CFIs to use. Please consider joining the ranks with other CFIs to help make this a valuable tool for all.

Members of the committee receive 4 Continuing Education Credits for being an active member on this committee.

## 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 in bold, it indicates we do not have current phone numbers, titles, organizations, or email addresses to reach them.

## 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 re-certification for your CFI designation, please [click here](#) to contact CISA.

