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# cfi insider

Journal for the Certified Forensic Interviewer

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## Letter from the Chairman of the CISA Advisory Committee

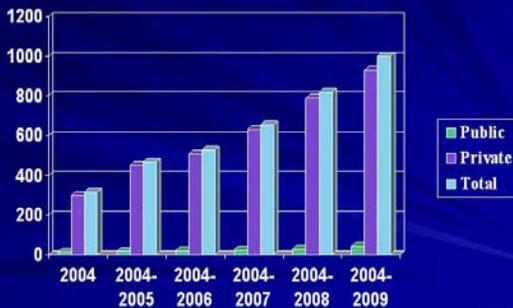


David E. Zulawski, CFI, CFE  
Chairman CISA Advisory Committee

1000<sup>th</sup> person was and their background later in this edition.

Well at long last, we have finally reached the 1000 CFI mark. See Table 1 for the growth trend of CFIs over the last five years. It seemed like we were near the thousand mark for so long that to have it arrive as the holidays approach makes it extra special. You will find out who the

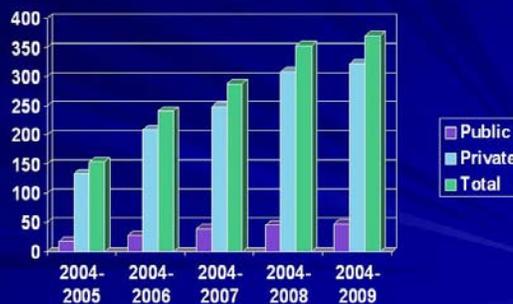
Table 1  
Total CFI w/ Recertification



We are beginning to make some headway with our members in the public sector, but we are still overwhelmingly drawing from private sector investigators. The second chart, Table 2, illustrates a very positive trend with over 350 organizations now having CFIs working for them. This helps spread the word regarding the value of the certification, plus many companies are now actively seeking CFIs as a preferred hire in their help wanted ads. Compared with the growth of other certifications that did not grandfather people we are remarkably ahead of the curve.

Table 2

## Organizations Involved



We are in our third year of recertification and are finding about 70% of CFIs are renewing their credential. Our recertification numbers are about where most certifications find themselves year after year. Of the 30% that have not recertified, the majority is because they have changed jobs, addresses, or emails and we have been unable to remind them of the need to recertify. Those who we have spoken with choosing not to recertify usually have moved on to another career or left to start a family. Make sure you have joined the CFI LinkedIn.com Networking group so we can contact you about CFI business.

CFIs are beginning to gather at events and there has been an interest in forming groups locally to share information and experiences. Wayne Hoover, CFI, met with Chris Batson, CFI, and a group of CFIs in the New York area after an Investigators meeting this month to create the first ever CFI Regional Chapter for our designation.

We will be surveying CFIs in the coming months about whether there is interest in more formalized meetings and exactly what the content might be. Your input will be important in deciding the path for the future.

Finally, bring a buddy. Introduce the idea of certification to coworkers or a friend.

Continued...

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If each of us was able to bring one person into the certification we would double in size in a single year! Part of our certification's growth is wearing our credential proudly. Is CFI on your email, business card, and signature line? When you write does CFI appear with your name?

Regards,  
David E. Zulawski, CFI, CFE



FROM OUR FAMILIES TO YOURS,  
HAPPY HOLIDAYS!

**CFI Certified Forensic Interviewer**  
"Focused on the Science of Interviewing"™

## Hello from the Editor

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

Well, the Holidays are upon us and with them come the delicate balancing act between our professional and personal responsibilities. You know the drill...we have to keep hammering away at work all while buying the presents, putting up decorations, and wrapping the presents at home. All this just makes us want to scream at times! Ugh...holiday stress! But despite how hectic and stressful this balancing act between personal and professional can be during the Holidays, maybe we have to recognize that WE are the cause, not the holidays themselves. Can we recognize that if not for our constant drive to make our tomorrow better than today...to be a better interrogator, to be a better spouse/parent/son/daughter/neighbor...most of this stress we feel may just go away? But if all this aggravation would disappear maybe the Holidays would not be as rich and meaningful

as they are. Isn't it true for most of us that it's not just a paycheck that makes us leave our families for 12 hours a day but rather it's our push to make things better than what they are? We want to provide a better life for those we love than what we had? We want our children to have a better Holiday experience than what we had as a child? We want to be a better interrogator tomorrow than what we are today? Because of our passion to improve either small or grand, to be a better forensic interviewer or to save the world, WE put this pressure on ourselves to

deliver to those that mean the most to us. So maybe holiday stress shouldn't be condemned but rather embraced as it is a product of our never ending pursuit to improve.

The editors and the Journal Committee of your CFInsider know that you will enjoy this final issue of 2009. We should all celebrate a great 2009 and recognize our CFI designation as it grows and reaches another

milestone. Please welcome our 1000<sup>th</sup> CFI, Martin Davis! You can read about Martin on page 5 and appreciate how significant the CFI designation is becoming in our respective industries. On page 8, Sam Reichman, CFI, contributes his tactics with external theft interviews. Too often we fail to recognize the differences between an internal and external interview and this article does a great job with offering an approach to these types of interviews. I know you will enjoy this issue and please share this with a co worker. While you're at it, encourage your colleagues to study for and attain certification. We are all ambassadors for the CFI and can all play a part in growing our ranks. Have a great holiday season and I can't wait to see you all in 2010!

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### Journal Committee

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## Legal Aspects

### Court Decisions Regarding Investigations

As seen on [Mondaq.com](http://Mondaq.com)

Employers are learning the hard way that gaining access to private employee information during workplace investigations can lead to lawsuits, liability and headaches. Two recent jury verdicts (one of which resulted in an award of \$1.8 million in damages to the employee involved) counsel in favor of caution and prudence when undertaking employment investigations that involve employee use of social media or access to an employee's personal information.

*Investigate Allegations of Employee Misuse of Social Networking Sites Cautiously.* Study after study has confirmed that employees are accessing social media sites at work. Even employers who block access to such sites face risks from employee use of those sites from their personal computers. Investigating claims that involve employee use of these sites can, however, be tricky. In a recent case, *Pietrylo v. Hillstone Restaurant Group* (D.N.J. 2009), two former Houston's Restaurant servers were fired after management reviewed a private, password-protected, invitation-only group the servers had created on MySpace.com called the "Spec-Tator." Posts on the site included sexual remarks about management and customers, and references to violence and illegal drug use. Management gained access to the site by asking for the logon credentials of an employee who had been invited to join.

After they were fired, the two employees sued Houston's parent, Hillstone Restaurant Group, for violations of the Stored Communications Act ("SCA") and for invasion of privacy. The two employees argued that Hillstone violated the SCA, which prohibits unauthorized access to stored communications, by coercing an employee into giving the company her logon credentials—a novel and untested theory. The court denied Hillstone's request for summary judgment, and a jury found that Hillstone had not only violated the SCA and the privacy rights of the two discharged employees, but that it had acted maliciously, thus entitling the plaintiffs to punitive damages.

*Don't Obtain Employee Personal Information Through Pretexting.* Many states and the federal government have legislated against a practice known as "pretexting," whereby a person uses fraudulent means to obtain personal information belonging to someone else. A Chicago jury recently returned a verdict of \$1.8 million against a company that obtained private information about one of the

company's former employees in just that manner.

In 2005, North American Corporation, already involved in a lawsuit over a pay dispute with a former employee, hired a private detective agency to investigate allegations that the employee, who was under a noncompetition agreement, was planning to take a large and recently acquired account to a competing business. North American's CEO directed his VP of Operations to oversee the investigation and to provide the agency with personal information about the employee including her date of birth, social security number and phone numbers. The detective agency used that information to pose as the employee and obtain her personal cell phone records in order to cull from the phone records contacts between the employee and competing firms. The former employee learned of North American's efforts, subpoenaed the investigation records from the agency and promptly amended her complaint to add a claim for invasion of privacy—a claim on which she prevailed and was awarded \$1.8 million in damages, including punitive damages.

Both of these recent cases involve jury verdicts, rather than appellate decisions, and therefore they have no precedential value. They do, however, highlight the need for employers to proceed cautiously in this area and to develop clear guidelines and policies that take into account the current state of technology. As technology evolves, there will certainly be room for more errors. Indeed, the contours of the law regarding employee use and employer monitoring of social media are evolving day-to-day. Keeping abreast of these changes will help your organization avoid these kinds of lurking landmines.

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## Miranda Update

The Supreme Court has a number of cases before it which may result in changes to the Miranda Warning. We will keep you updated in future additions, as the Court's rulings are released.

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## 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.](#)



## CFIs Continue to Learn at Big Lots

by Carl L. Johnson, CFI, Big Lots

I recently led a "Measuring and Monitoring an Interviewer's Effectiveness" training exercise for 11 CFIs. Big Lots requires every District Loss Prevention Manager and DC Loss Prevention Manager to go through this two day exercise each year to ensure the quality and uniformity of interviews that are being conducted by the LP field organization and to gain Continuing Education Credits needed to retain their CFI designation (Thank you Wayne Hoover for the tips and training material). Only one attendee was attending for the first time. The rest had been through the course as many as 4 times. It was the 5th time leading the course for me.

With the repetitiveness that we go through, one would think that the course would become stale. Unlike Joe Rogan's old show, fear IS a factor for me every year. I come up with new exercises for the process every year, but the driving point of the course always remains the same and I am anxious each year that the attendees will feel like this is "same old, same old". There is nothing like having several hundred years of LP experience thinking that they are getting killed a slow death by PowerPoint bludgeoning. Every year I am afraid of this, and every year it ends up a fun and informative exercise for the field organization. Every year attendees approach me after the course and say things like "I don't do \_\_\_\_\_ as much as I should"; "I forget to do \_\_\_\_\_ almost every interview." etc.

Some of the things that are learned by CFIs EVERY year:

1. All CFIs that attend vary their interview from the standard format to different degrees. Some more than others. It is good to reset the interviewer to the standard
2. What are all of the issues that can be revealed from an interview? Are the CFIs giving the subject the opportunity to reveal EVERY issue in EVERY interview? Are the right questions being asked?
3. Peers share tough interview situations and how they overcame the challenge. This is very informative for the other attendees.
4. Techniques utilized by other CFIs. Every year I learn a new rationalization story that I can relate to and put it away into the interviewer toolbox for a day that I may need it.
5. Empowering the CFI. Attendees learn how valuable they are to the organization and how much trust is put into them by the Company to represent professionally and limit liability.

The course not only gives CFIs the needed Continuing Education Credits but it refreshes our memories as to what becoming a CFI meant and how we represent not only ourselves and our companies but our certification and overall industry as well.

## 1000th CFI

by Martin J. Davis, CFI

*Organized Retail Crime Investigations*

*Lowe's Companies Inc.*

For the serious career minded LP and law enforcement professional I strongly recommend this certification. The test is very stimulating and challenging regardless of your tenure in the business. It's a very rewarding achievement and can be immediately applied to benefit your objectives.

The study material encompasses the full scope of investigations and interviews including the legal aspects. It has already benefited me and my company. Applying these refined skills to interviews of suspects involved in ORC Enterprises affords me a renewed approach when reviewing statements and confessions.



I am proud to be recognized as the 1000th CFI.

### Editor's Note:

We apologize for not crediting the Warren Tribune Chronicle for the article *Squirrel Pops Out of Woman's Shirt During Police Interrogation*, Issue 3, 2009.

For a follow up on this article, please [click here](#).

## Have you added CFI to your card?

**SAFeway** 

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## Questions from the Field

### Interviewing a Blind Suspect

I am certain this came up during my CFI study but I don't recall what the best practice is for interviewing a blind suspect. Specifically, it seems unlikely I will be able to come away with a written statement. We have not typically recorded interviews and it seems risky to record a verbal statement given that I would likely need to lead the suspect on what to say. I am considering simply having a witness in the interview. Any advice?

There are a number of issues involved in your question. First, an interviewer should determine if the individual has been blind from birth, became blind after having a vision, or is legally blind, but still has some sight. An individual who is legally blind often has enough vision to perform tasks such as writing even if only on a limited basis. Visually handicapped individuals may also have the ability to read. In these latter cases you may be able to obtain a written statement as you do in other cases.

A second option is to write the statement yourself conforming to the standard format of your organization. Here, you simply ask a question and record the individual's response in the written statement. This is done in exactly the same way as you would help the subject format his statement by using questions to have him include relevant information discussed during his confession. The result is a written statement which appears to be a narrative, but is actually a question and answer with the questions being omitted.

A third option as you suggest is to record the individual's summary statement at the conclusion of the interview. You are correct when you say you would lead the individual through his admission making sure that he incorporates the elements of the crime or policy violation you are investigating. This is exactly the same way that an attorney leads a witness through his testimony in a chronological order, asking questions when necessary to expand the answer.

When recording a statement the interviewer uses his questions to organize the content of the statement. He may begin the statement by asking biographical information about the individual and including his position, tenure with the organization. Then he moves in to the body of the statement which contains the subject's admissions and substantiation of the crime. Finally, the interviewer questions the subject about the reason for his actions and determines the voluntariness of the individual's confession.

However, it is better to ask open-ended questions which allow the individual to expand his answers, rather than to elicit simple yes or no responses.

"Did you steal money from the company?" "Yes"

Instead one might ask:

"When was the very first time you took money from the company?"

"I had been with the company almost a month when I took that money from the safe for the very first time."

The second question elicits much more detail increasing the believability of the admission and establishing the voluntariness of the conversation.

Prior to recording any interview or resulting statement the interviewer should determine the organization's policy on the audio or video recording interviews and statements.

In the alternative, as you suggest, a witness to the interview would also solve the problem of establishing what was admitted during the conversation. If the subject is unable or unwilling to write a statement, having it witnessed by a third party makes complete sense. However, the prudent interviewer should take a written statement from the witness for two reasons.

1) Having the witness write a statement will help them to remember the details of the interview in the event he needs to testify on what was observed.



2) If the witness is later terminated or refuses to cooperate it is more difficult for him to change his testimony once he has reduced it to writing.

Remember, the written statement is a reflection of what the subject has admitted and should contain the elements of the crime or policy violation and substantiation of the admissions.

*Continued ...*

## False Confessions

Could you let me know about any stats that you may have in relation to false confessions made through either the WZ method or the Reid's 9-step method?

Police Officer  
Ontario, Canada

Yours is an excellent, yet impossible question to answer. The primary difficulty is there is no absolute ground zero truth against which to measure how often false confessions occur.

This is the same difficulty that critics of interrogation face when they attempt to testify about how often false confessions occur. They have attempted to answer this question using staged research, which are unlike any realistic cases a police officer would face. For example, they staged a typing event for students and told them that under no circumstances should they hit the Alt key on the keyboard since it would crash the computer. The professor then intentionally crashed the system and an observer told the student he had observed him hit the Alt key. This resulted in a high number of false confessions were participants acknowledged pressing the key and causing the computer crash. While the results of this study had been replicated numerous times, and it is often quoted in the literature the circumstances surrounding a false confession in these instances is clearly different from whether or not you killed your mother.

While there may be uncertainty about whether a person accidentally hit the Alt key on the keyboard there is certainly no doubt about whether or not you participated in the killing. Yet, the researchers point to the high percentage of people who falsely confess in the Alt key study as an indication of what goes on in real life.

Wicklander-Zulawski & Associates in conjunction with DePaul University conducted a study similar to the alt key but with a significant difference. In the DePaul study students were asked to fill out a survey in a conference room with a broken lamp lying on the conference table. The students were then accused of breaking the lamp and not one of them confessed falsely to having done so. The primary difference here is the level of certainty of having committed the act.

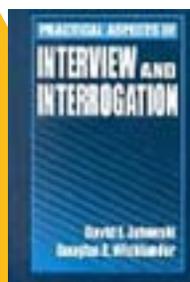
In addition to staged research, opponents of interrogation have also examined cases where no false imprisonment occurred. Two of the studies often pointed to are summarized in the bullet points below.

- Examined 350 cases of false imprisonment
  - In 49 of these, false confessions were involved
  - Some involved clearly coercive tactics by the investigators
- Examined 60 cases of false imprisonment over a 24 year period
  - 34 proven false confessions
  - 8 highly probable false confessions
  - Thus, proves that false confessions regularly occur

Unfortunately, it does not appear there is an easy way to estimate false confession rates since the academics current research is seriously flawed. There are also issues where a false confession is made concerning the circumstances surrounding the crime in an attempt to make the individual's actions appear more understandable. Almost any investigator can point to numerous cases where the perpetrator lies about some aspect of the crime and falsely confesses to certain actions that he did or did not take.

## Did You Know?

In addition to the CFI Coin, we have received requests for numerous CFI items. While several are under development, including a new logo for shirts, we do have 73 commemorative CFI leather bound folders available. The cost is \$30.00 plus shipping. Please click [HERE](#) to order yours today!



Dave Zulawski, CFI and Doug Wicklander, CFI recently found approximately fifty (50) 1st edition "Practical Aspects of Interview & Interrogation" Text Books. They have agreed to autograph each book and personalize it for those that may want them as part of their library. The cost will be \$50.00 per book. If you are interested please [click here](#) and state what you would like the personalized message to read.



## External Interviewing, Tactics, and Theory

By Sam Reichman, CFI

*This article assumes that its reader understands the concepts and theory presented in Wicklander – Zulawski and Associates non-confrontational interview technique. For further understanding of the Selective Interview, introductory statement, rationalization, submission, and accusation, please refer to Wicklander-Zulawski Practical Aspects of Interview and Interrogation 2nd Edition.*

Interviewing has not yet reached its purest expression in retail. This is because we have not yet navigated the external theft interview with the same intensity and focus we have applied towards internal theft interviews. Traditional interviews of organized retail crime subjects often follow a question and answer format and as a result will not result in a high success rate of a true admission. Questions such as “what is the street value of this merchandise” and “who do you sell this to” are by their nature closed ended questions. Research has already shown that close ended questions do not elicit explanatory admissions. This article delivers the theory that Organized Retail Crime subjects should be interviewed and not questioned. Within these pages is a true tactic that has delivered optimum admissions from ORC subjects. These pages contain the external tactics that were developed and used by the author over the last 3 years.

The unique qualities that existed within a subject apprehended for Organized Retail Crime resulted in specific tactics that were used during interview and interrogation in order to achieve a global admission. Although the techniques in interviewing did not change, the tools that exist within conventional interviewing became more select and exclusive. The tools that were impacted by the ORC tactics were the introductory statement, select rationalization, interpretation of submission, and specific accusation.

Non ORC apprehensions were also interviewed for prior theft admissions based on the subjects’ method of operation in executing the theft. Also provided are the 5 Behavioral questions specific to external that were used to elicit additional behavior from the subject to determine if a single act shoplifter (non-ORC) should be interviewed for prior acts.

### The ORC/External Introductory Statement

#### The Trimmed Introductory Statement

- With the exception of introducing themselves and stating their position, the interviewer does not educate the subject on their position. This is because the subject has been caught in the act and

has already experienced the interviewers’ position and role during the apprehension.

- The introductory statement should be trimmed by the interviewer with complete removal of Operational Loss and Internal Theft.
- ORC is the only theft type mentioned by the interviewer. Also, the interviewer should only provide 2 examples of organized retail crime technique instead of explaining traditional types of shoplifting behavior.
- Limiting the detail to 2 examples of organized retail crime creates a more fluid transition and flow into investigative technique. It is within investigative technique that the interviewer elicits the most behavior from the subject that can provide insight into their full scope of ORC activity.

The maximum impact an interviewer can make during the introductory statement is within investigative technique. This is where the interviewer has the highest probability to transfer the perception to the subject that the organized involvement has been exposed. In the investigative technique phase the interviewer used a selection of ORC investigative tools that move from a global to a specific perspective. This is because ORC is based on the premise that their activity will go unnoticed within the volume of business in a geographical area. The Global to Specific tactic educates the subject on how global activity can be successfully analyzed, trended, and then ultimately detect their organized activity. An example is provided below.

1. Overall item level loss is detected because of a loss of sales.
2. We then focus on those locations that drive the highest percentage of that item’s loss.
3. We then develop and see the geographical area those stores are contained in to establish a market of activity.
4. Using the adjustment dates of the item’s being counted and detected as missing; we can establish a time line of movement through the market.
5. Asset Protection teams within those stores then begin reviewing surveillance of those items in order to see who is selecting them.
6. Live surveillance is then used based on the movement through the market to anticipate the next theft. Technology can also be touched on to establish the perception that their full involvement is known. (Driver’s License Refund Velocity, Sku Level shrink, Video detection, RFID, etc)
7. Investigators then follow outside the walls of the store to determine where the merchandise is taken to.

Continued...



8. This process is repeated in order to establish global involvement.

The interviewer could easily replace this flow using Driver's License refund data, Credit Card fraud, Tag Switching, etc. The Author would like to state that using corresponding overages on low ticket items merged with shrink on high ticket items was very effective in presenting a rational decision to confess among Tag- Switchers.

### Select Rationalization

Select Rationalization was used for the ORC subject. Rationalizations were noted to fall within two categories concerning the ORC subject. The first is Motivation and the second is the Decision to Continue. The Motivation rationalization was normally detected by the interviewer through on time behavior and led them towards a rational decision to confess. The Decision to Continue rationalization tended to be displayed by the subject through their posture changing to an open position and resulted in an emotional decision to confess in a majority of the subjects.

A tactic found to be effective during ORC interviews involved using a choice question in tandem with a rationalization in order for the subject to relate. "Did you get involved because you wanted to break the law and make quick money or could you not find a job?"

The interviewer should use a selection of Motivation rationalizations with conventional delivery and interpretation. The most common Motivation rationalizations are:

1. Finance (can't find work)
2. Drugs
3. Peer Pressure
4. Family involvement in the ring

The rationalization for their Decision to Continue should be framed around fear and commitment. Individuals continuing to be involved in ORC activity were found to be doing so out of the fear of consequences or retaliation for quitting or turning an admission. Commitment to one or more of the ORC members out of Love, Obligation, or Dependence was also a common theme.

The interviewer should use a selection of Motivation rationalizations with conventional delivery and interpretation. The most common rationalizations for Decision to Continue are:

1. Fear of retaliation
2. Fear of prior Threat
3. Love for one of the members
4. Dependence on one of the members
5. Obligation of some nature

### Submission and Testing for Submission

The interviews did not regularly achieve traditional submission from the subject. The subjects trended toward a rational decision to confess based on the investigative technique phase of the interview and the Motivation rationalization. This resulted in the signs of submission being relaxed and expressed slightly. To the contrast, a lower percentage of subjects who related to one of the rationalizations surrounding their Decision to Continue made an emotional decision to confess and displayed traditional and pronounced submission. It was also important to note that a small amount of subjects were in immediate submission due to the apprehension.

### Using the Apprehension as a Wedge, and Role Reversal as Tools, to Test for Submission.

When the interviewer tested for submission, a tool was used that was not available in a majority of internal theft cases. The apprehension itself or a Role Reversal was used as a wedge in order to elicit a decision to break free from the ring. This tactic is unique to the external because unlike the majority of internal cases, the external is caught in the act. The ORC interview is occurring because the subject has been apprehended for theft. They know this interview concerns their activity. As a result the traditional insertion of "you" to test for submission would not result in the acceptance behavior we normally seek in internal subjects.

- Just as the interviewer used the investigation as a wedge to gain admissions in traditional interviews, the apprehension itself was now used as a wedge. "What's important now is that this has come to an end, and you have an opportunity to assist this investigation and influence what happens to you."
- Role Reversal was also used after the wedge. "If you were in our position and you apprehended two people involved in organized acts against you, and one person said nothing and didn't want to assist and do the right thing, but the other person decided to help themselves and provide information to right the wrongs and assist us recovering what we've lost, who would you feel better about?"

### Accusation

Direct Accusation was also slightly augmented for external interviewing. The interviewer used soft accusations with a trailing choice question in order to expose global involvement. The merging of the choice question into most accusations and rationalizations tended to elicit the most behavior from the subjects. "How much merchandise has your group taken? Have you taken a million dollars, or enough to sustain

your life?" As a general rule, direct accusation was not used due to the global nature of ORC.

Traditional ORC questions were only used once submission was reached: Where is the merchandise taken? How much merchandise is taken? Where is it sold?, etc.

It is important for interviewers to remember that their goal is to gain admissions from the subject which are tangible and credible enough for Law Enforcement to initiate a police investigation. Due to the volume of police investigations, the credibility of your admission is paramount. The majority of prior external admissions are resolved through civil demand vs. prosecution.

External interviews should be conducted immediately upon apprehension prior to the police arriving. With police present, it could be interpreted that loss prevention is acting as an agent of the police during the interview and as a result would require Miranda. Conducting the interview without the police present allows the interviewer to operate as they would during the interview of an employee. Also, most "Shopkeeper laws" require that the merchant only detain the subject for a "reasonable" amount of time. This prevents Loss Prevention from conducting a lengthy interview with the traditional approach and then contacting police as the time used could be interpreted as "unreasonable" in civil court. This is why the external technique's delivery is trimmed. It is built on speed.

#### Behavioral Questions Specific to External

BAI questions specific to external were also developed. The key to the external BAI questions is that they are all asked in an assumptive tone of prior involvement. In general, the single act offender would detect the assumption that they were involved in prior activity and would deny it. The repeat offender would elicit verbal behavior in response to the assumption.

The assumptive tone that prior thefts are known caused delayed behavior in the dishonest and progressive agitation in the single incident shoplifter. Just as denials grow stronger the longer an honest subject is interviewed, framing the BAI questions assumingly has the same accusatory effect and will weaken the repeat offenders denial and strengthen the single act subject's denial. This gave the interviewer the behavioral data needed to initiate the external interview or disengage the subject and move onto single incident processing. The five (5) questions that resulted in the most potent and contrasting behavior between repeat offenders and single act offenders are detailed below.

The interviewer should also listen for word usage by the subject that infers prior actions vs. single incident. An example would be a single act shoplifter answering the question with: "I feel terrible about what I did". The repeat offender tends to accept the assumption of prior acts and will simply answer. "Terrible".

#### 1. How do you feel about what you have been doing?

- Single Act
  - o What I did was terrible
  - o I can't believe I did this
  - o I haven't been doing this, this is my first time
  - o This was so stupid
- Repeat Offender
  - o Terrible
  - o Non verbal, shakes head
  - o Eyes look down internal conversation
  - o It doesn't really matter now does it
  - o Attempts to engage the interviewer in Q/A

#### 2. What is the easiest way to steal in our store?

- Single Act
  - o I don't know
  - o Definitely not this way
  - o Will assert this is their first time
  - o Will identify the assumption and reassert
- Repeat Offender
  - o Non verbal, deep breath, shake head
  - o What do you mean
  - o Repeats question
  - o Will provide details of method or methods

#### 3. When did you first think of doing this?

- Single Act
  - o Just now
  - o Will show aggravation with self "this was so stupid"
  - o Will use a metric of present time "10 minutes ago"
- Repeat Offender
  - o Today
  - o A while ago
  - o The last time I was in here
  - o My friend mentioned how to do it

#### 4. Why did you pick today?

- Single Act
  - o I have no idea
  - o Will grow aggravated
  - o Will want the process to be over

- Repeat Offender
  - o Will see them visually creating the answer
  - o Will hide their pause with a created job
  - o Non verbal, shake head
  - o Will simply not answer the question

5. What should happen to someone like you who has been doing this?

- Single Act
  - o I just want this to be over
  - o Will challenge the interviewer
  - o "Why are you asking me this?"
  - o Will use consequence words: divorce, arrest, jail, fine
- Repeat Offender
  - o Soften consequences. "Don't want to get in trouble"
  - o Hope nobody finds out
  - o Will attempt to negotiate with the interviewer

Although ORC is a potent exposure of loss in retail, 70.7 percent of external cases are not ORC. Also, the process of classifying ORC is not uniform for all retailers and varies greatly. Some retailers, and the law, classify ORC around the premise of "Organization" (individuals working in coordination with each other). Other retailers simply classify ORC as any external case exceeding a set dollar amount. This results in the percentages of ORC being reported as irregular. What one company reports as ORC another may not.

Regardless of whether a case is classified as ORC or as a repeat shoplifter, it is the admission that is most important. Internal case admissions include weeks, months, and sometimes years of theft activity. These are all combined and we arrive at a case total. We do this under the premise that if an employee has been observed committing theft, it is most likely not their first time or only method of operation. We do not assume or accept the single known act of internal dishonesty as the full exposure. This is why we interview and interrogate. This is how we measure Internal theft.

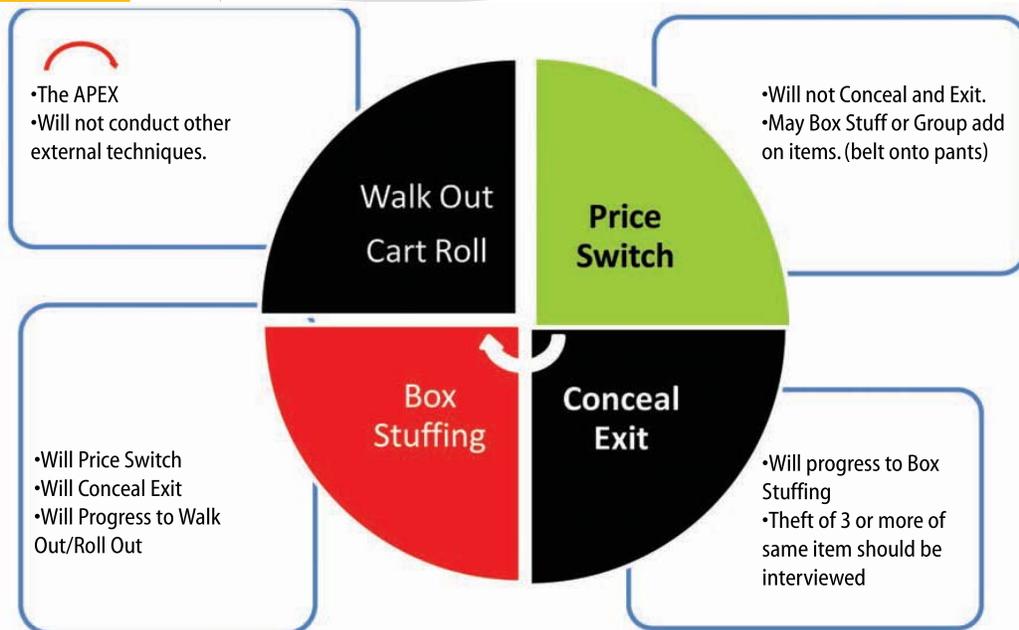
Externally, we make a fatal mistake to assume that the shoplifter who was just apprehended for stealing was caught in their first act. We report external loss totals as the single incident. This behavior has become a generalized theme in Loss Prevention... to dismiss and minimize the every day shoplifter.

It is not only Organized Retail Crime that has ripped through our industry for large case totals. The rule of numbers would suggest that if an apprehended shoplifter was caught on their third act of theft, the velocity of basic shoplifting activity totaled together would approach Organized Retail Crime Activity or result in a classification of ORC. In order to illuminate the true loss, we need to interview select external theft cases based on their method of operation.

Like other crimes, shoplifters follow a path of basic to more complex and extreme theft techniques. The interviewer should use the subjects' method of operation to determine the potential for prior admissions. For example, cart roll-outs are the most aggressive technique. This means that the subject has likely been stealing for an extended period of time and has become comfortable in their progression. This would warrant Behavioral questioning and the external interviewing tactics.

The results of over 200 external interviews revealed telling data in regards to the progression and habits of non ORC shoplifters and their technique of choice. Price Switching, Box Stuffing, and Walk Outs produced prior admissions of theft that also involved other techniques. Conceal and Exit cases tended to only produce prior admissions when the quantity of the same items stolen exceeded three.

The Progression Chart Below is a result of information acquired during over 200 interviews by the Author and is an accurate representation of his experience. Individual experiences and information may vary in regards to the progression of shoplifting behavior.





## How to Become a CFI

We know that CFIs circulate the issue of the CFInsider for others to read, and wanted to make sure you knew how to earn this designation. [Click here](#) to learn more about becoming a CFI.

## CFI Recertification

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, 2010**. 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.

Eric Agredano  
Raymond Aldaco  
Robert Blackford  
Paul Brown  
Brian Burke  
Shannon Burrell  
Carlton Calcote  
Christopher Casson  
Russell Churchill  
Michael Clark  
John DeYong  
Timothy Ferrell  
Scott Flint  
Robert Frasco  
Michael Gaare  
Patricia Hamacek  
Brad Heard  
Martin Hengst, Jr  
Sandra Hughes  
Tracy Johnson  
Chad Lancaster  
Marilyn LaPierre  
Gerald Lyons

Lonnie Mayhall  
Gregory Murphy  
Joe Patrick  
Nicholas Paulus  
Jack Pellerin, Jr  
Robert Pennucci  
Christopher Perkins  
Juanita Pye  
Michael Reaves  
Jose Rodarte  
Kimberly Rogers  
Joseph Rosas  
Lisa Sampson  
Richard Schalk  
George Schweitzer  
Jason Shaw  
Barry Smith  
Wilbur Thomas, III  
Vincent Watkins  
James Webb, IV  
Maxfield Whitson  
Jeff Zulk

## CFI New York Chapter

*Chris Batson, GSCLP, CFI*  
*Manager of Investigations, Gap Inc*

Happy Holidays to everyone!

I am honored to have been assigned the task of organizing the first CFI chapter. After the holiday season, I would like to invite all the CFI's in the Northeast to join me in working to create the foundation of a group that will help us all to grow our investigative skills. Wayne has virtually given us an open forum and agenda with which we can create a chapter that not only meets our networking, training, developmental and continuing education needs, but also gives us the opportunity to help shape the future of the CFI program and lay the groundwork for other chapters. It is an excellent opportunity for all of us.

In mid-January, I will begin to reach out to the CFI's in the Northeast to set up a series of conference calls and formally invite everyone to participate. For those interested, we will begin to draft a mission statement, define the purpose of the chapter, create bylaws, agree on an organizational staff and elect people into those positions. Ideally, we would like to be an fully functioning entity by March. It will be a lot of work, but I am certain that the rewards that we will collectively reap will be well worth the effort put forth.

I look forward to hearing back from everyone in January and enjoy the holidays!



## Quote of the Quarter

An interrogator manipulates and bends the mind... an amateur manipulates and bends the body.

*Paul L Contreras*  
Vice President C-HET Solutions Inc

## Links of Interest

An act relating to theft; amending s. 812.014, F.S.; increasing the minimum value attributed to certain property for the theft to reach the threshold for a third-degree felony; authorizing a law enforcement officer who has probable cause to believe that a defendant has committed retail theft to issue a notice to appear in lieu of arresting the defendant under certain circumstances; authorizing a state attorney to establish a retail-theft diversion program for the purpose of diverting defendants from criminal prosecution if the defendant meets certain criteria;

The [bill](#) in question in its entirety

The [last paragraph](#) about the diversion program is from a publication located on the Miami Dade state attorney website

The [summary](#) of the senate bill from the appropriations committee was taken from the Florida senate website

This [PDF copy of the law](#) in Aventura, FL was taken from the city of Aventura website (this is where the city will charge a monetary fee to a business if they fail to show for court proceedings)

This was an Awareness article in the CSO. [4 Ways to Catch a Liar](#). It has a good video link that compliments the article.

[Liars Blink Less as seen in Scientific American article called "The Load of Lying"](#)

[Law enforcement agencies get money to record interrogations](#)

Kifer said because recording interviews provides a clear and indisputable record of what went on during the interrogation, doing so can prevent issues from ....

[FBI Interrogators Argued in 2002 That 'Enhanced' Interrogation Techniques Were ...](#)

FBI/CRT interview strategies are most effective when tailored specifically to suit a suspect's or detainee's needs or vulnerabilities. ...

[www.auctionmapper.com](#) to look up e-bay products in your area for sale.

Kroll's [Annual Global Fraud Report](#) for 2009-2010.

[Guide to Sources of Information for Intelligence Officers, Analysts, and Investigators](#), created by Michael E. Chesbro

[www.trackle.com](#)

This site is used to track a number of sites when information is posted on the net about our brand, crime, ORC, interviewing, a person...etc

If you are interested in viewing the latest issue of Don Rabon's Hamlet's Mind, detailing different interviewing topics, you may contact him at [Hamletsmind2@gmail.com](#) to receive the current issue.

CFI from Kroll uncovers massive illegal Gun Sales at [Trade Shows in New York](#).

## Attention Yahoo.com and Nike.com Email Addresses

We have been experiencing a problem with Yahoo and Nike email addresses recently. A number of our emails are kicked back as undeliverable from these domains. If you have another email address, or a way of making emails from w-z.com accepted please do so. If you have an alternate email, please let us know as well. ([Click here](#) for Wayne's email)

## Survey Ideas

A few issues ago we posted the results of a survey regarding torture with great input from our CFIs. Should you have a topic you would like to survey other CFIs, please email [Wayne Hoover](#) with your ideas.

## Linkedin

Are you on LinkedIn? Have you changed your screen name to be recognized as a CFI? John Doe, CFI.

[Certified Forensic Interviewers \(CFI\) Networking Group](#): A place where CFIs blog about interviewing and interrogating.

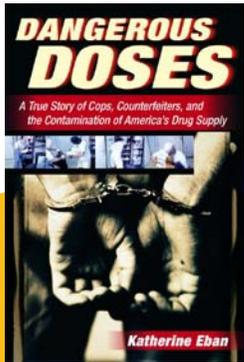


## Book Review

Reviewed by Stephen D. Bain, JD, CFI

Dangerous Doses: A True Story of Cops, Counterfeiters, and the Contamination of America's Drug Supply

by Katherine Eban



*Dangerous Doses* is an investigative journalist's look into the surprisingly under regulated world of pharmaceutical sales. The author, Katherine Eban, tracks the sale and re-sale of pharmaceuticals in the Miami, Florida area. However, the tracking of these often expired and sometimes purposely diluted or counterfeited medicines goes beyond Miami and involves numerous middle men and questionable dealers in several US states including Texas. The storyline highlights the exploits of a few over worked but dedicated

members of law enforcement who diligently try to thwart the bad guy drug dealers. The drugs involved are names that the reader will likely be familiar with from pain killers to chemo therapy.

The book reads like a crime novel sewing criminal intrigue with governmental bureaucracy and incompetence to tell an unbelievable tale of greed by the salesmen and exploitation of the ailing patients. The author carefully references and footnotes each chapter including legal pleadings to convince the reader that this hard to believe crime wave affecting many US consumers is truly taking place. *Dangerous Doses* also reveals the suffering caused by these profiteers who traffic in the trade of medications many of which no longer hold their potency. As such, the already vulnerable patients taking these inert or tainted pharmaceuticals either experience extreme pain or go untreated because the fake medication has no effect.

Readers will be surprised by the sheer audacity of the criminals highlighted in this book. Eban not only tells the story of needless suffering by the patients and their families but also explains the motivation of the criminals; some former illegal narcotic traffickers that move to the distribution of illicit pharmaceuticals due to the higher profit margins and extremely low criminal sanctions for illegal trading. Corporate America is also exposed for its shocking lack of interest in monitoring the sales of its own life saving medicines due to the potential reduction in corporate profits if true compliance was properly enforced by the Federal government. I found *Dangerous Doses* to be not only an interesting book, but also a frightening reminder of how US consumers need to be ever vigilant in questioning the accuracy of even their pharmaceutical purchases.

## Interesting Tidbits

### Cow Palace Tattoo Show

Submitted by Donald R. Hunter, Executive Director  
Crater Criminal Justice Training Academy

I received some interesting information (new to me) that may be of assistance in your investigations.

During a recent tattoo show at the Cow Palace, Officer Matt Fox came into contact with a criminal type from Oakland. Officer Fox established a rapport with the subject who divulged that criminals are commonly applying temporary tattoos to aid in concealing their identification during criminal acts. This subject said that it was common place (at least in the Oakland area where he resides), for criminals to apply large, distinctive, temporary tattoos, (a female's name prominently tattooed across the neck for example, or a gang symbol / moniker), prior to committing a criminal act such as an armed robbery.

Criminals believe (accurately I think) that victims / witnesses will focus on the distinctively visible tattoo, as will investigating law enforcement, in attempting to identify a perpetrator. Investigators may spend an excessive amount of time searching databases for a tattoo that really doesn't exist, as well as excluding a potential suspect due to the lack of such a tattoo. The lack of a tattoo upon a subsequent arrest will also emerge as a defense / identification issue in court.

I don't know the validity of this claim, however, it is a pretty good idea!

This distinct m.o. may already be widely known among our law Enforcement community, but it was new to me and I felt it was worth sharing.

### LPQ and LPC Eligible for Degrees

The Loss Prevention Foundation's LPQualified (LPQ) and LPCertified (LPC) certifications are now eligible for Bachelor degree credits at Fairleigh Dickinson University (FDU), New Jersey's largest privately held university. The Petrocelli College of Continuing Studies at FDU will accept three credit hours for the LPQ and six credit hours for the LPC towards a Bachelor's degree. FDU will post these credits in the same manner as transfer credits, which means no fee required. CFI also recognizes these certifications as a valuable partner, and will accept their training as Continuing Education towards your CFI recertification.

## Welcome CFIs

The following individuals became CFIs during the quarter, **AUGUST-OCTOBER 2009**. Congratulations to those who have achieved the CFI status this last quarter!

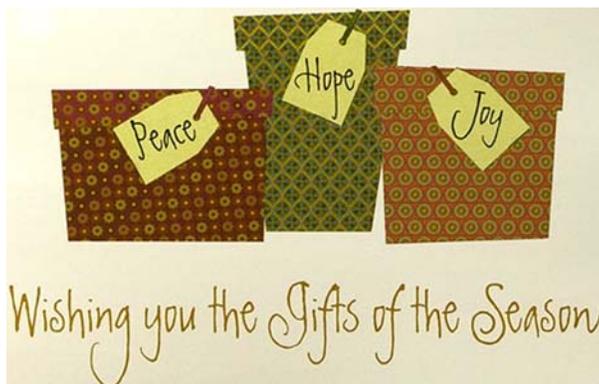
To view the current list of all CFIs, visit our web site, or [click here](#).

Victor Aguirre  
Marcos Chapman  
James Check  
Brent Cohen  
Mitchel Connors  
Timothy Daugherty  
Daniel Davies  
Martin Davis  
Timothy Flynn  
Larry Forwood  
Nathan Frazier  
Severiano Garcia, Jr.  
Michael Gorski  
Roy Greenway  
Jared Hammans  
Gregory Hord  
Daniel Jones  
Brian Kristel  
Herman Laskey  
Nathan Latsha

Casey Littlefield  
Lisa Maddox  
Matthew Maheu  
Kevin Mahoney  
Richard Mathers  
Stephen McIntosh  
Richard Milburn  
Fiona Murray  
Tina Pilate  
Calvin Poe  
Claude Poucher, Jr.  
Raynell Proctor  
Debra Pullins  
Debra Reed  
Laura Rivera  
Bryan Self  
Roy Stroud  
Terry Vannarsdale  
Danny Walker

## Twitter

Numerous people have asked if the CFI designation has a Twitter account, so they can learn about updates as they happen. We have started an account that CFIs can join if interested. If you are interested, go to [www.twitter.com](http://www.twitter.com) and sign up to follow the [CFInterviewers](#).



## CFIs in the Media

Walter Palmer, CFI on ["Incentives & Disincentives: Will They Affect Performance"](#) as seen in the the RILA Report, Vol 3, Issue 5 in Nov. 2009

David Zulawski, CFI and Shane Sturman, CFI on ["General Loss Interviewing: Part II"](#) as seen in the the RILA Report, Vol 3, Issue 5 in Nov. 2009

David Zulawski, CFI & Shane Sturman, CFI on "Admission Difficulties" as seen in the Nov/Dec 2009 issue of [Loss Prevention Magazine](#).

Mike Marquis, CFI on the "Devil is in the Details" as seen in Nov/Dec 2009 issue of [Loss Prevention Magazine](#).

David Zulawski, CFI & Shane Sturman, CFI on "Promoting the Business" as seen in the Sept/Oct 2009 issue of [Loss Prevention Magazine](#).

Mike Marquis, CFI on "Taking a Chance...or Not" as seen in the Sept/Oct 2009 issue of [Loss Prevention Magazine](#).

Casey Chroust on "Raising the Bar for Loss Prevention" as seen in the Sept/Oct 2009 issue of [Loss Prevention Magazine](#) mentions the CFI Certification.

## Organizations Represented

The following list comprises the new organizations that have individuals who have successfully achieved the CFI designation during the quarter, **AUGUST-OCTOBER 2009**.

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

Collective Brands, Inc.	Goodwill Industries
Academy Sports & Outdoors	Lutgen Consulting
Archiver's	Mesa, AZ. City of
City of Kansas City, Missouri	Morrison Management Specialists
Coca-Cola Enterprises	U.S. Deptment of Veterans Affairs
Compass Group	Victaulic
Costco Wholesale	Wegmans Food Market
CUNA Mutual Group	WZ-UK
Follett Higher Education Group	



## CFIs On the Move!

September - December, 2009



[losspreventionfoundation.org](http://losspreventionfoundation.org)

Loss Prevention Recruiters

[LPrecruiters.com](http://LPrecruiters.com)

**Mary Ellen Anastas**, CFI was named Field LP Manager with OfficeMax  
**Michael Anderson**, CFI was appointed to Corporate Loss Prevention Manager at Archiver's

**Christina Calidonio**, CFI was appointed to Regional LP Manager at Tilly's

**Larry Cockrell**, CFI was appointed to Regional LP Manager - Sephora

**Mark Foust**, CFI was appointed to Regional Manager LP – Hot Topic

**Reggie Holliday**, CFI was promoted to Territory LP Manager – North at Nike

**Greg Hord**, CFI was appointed to Senior Consultant for PICA Corporation

**Bill Hughes**, CFI was promoted to Regional LP Manager at Charming Shoppes

**Mike Iverson**, CFI was appointed to Regional LP Manager-TJ Maxx

**Chris Lutgen**, CFI has become Owner-Consultant at Lutgen Consulting

**John MacLeod**, CFI was promoted to Associate Director of Asset Protection for Polo Ralph Lauren

**Jay Martin**, CFI, CPP, CFE is now with Kinross Gold Corporation

**Gary Moncur**, CFI was appointed to Divisional LP Manager for Dollar General Corporation

**Christine Olsz**, CFI was appointed Security Manager with Macy's Logistics & Operations

**Shane Owings**, CFI was promoted to Associate Director of Asset Protection – Polo Ralph Lauren

**Sam Reichman**, CFI has accepted a position as a Regional Loss Prevention Manager for Radio Shack.

**Joseph Reyes**, CFI was appointed Area AP Manager with Best Buy

**Robin Rosario**, CFI was appointed to District LP Manager for JCPenney

**Kim Russell**, CFI is now Regional LPM for CVS

**Byron Smith**, CFI is now Director-Enterprise Risk Management at Conn's

**Thomas Smith**, CFI is now District Loss Prevention Director at Macy's

**Bill Suthard**, CFI was appointed SR. ORC Investigator TJX Companies

**George Torres**, CFI was appointed to Organized Retail Crime Field Manager- CVS CareMark

**Ian Vernon**, CFI was appointed to Loss Prevention Manager at Follett Higher Education Group

**Ryan Wagers**, CFI was named Regional AP Manager Supply Chain for The Home Depot

**Don Ward**, CFI is now District Loss Prevention Manager at Marshalls

**Ehab Zahran**, CFI was named Regional LP Manager at Follett Higher Education Group

## CFIs Recertify

We are proud to list those who have recertified. This list includes those who have submitted their paperwork from **AUGUST-OCTOBER 2009**, to continue their CFI designation through 2012. Congratulations on maintaining your CFI.

Martin Angeles  
 Stephen Bain  
 Robert Bearden  
 Brandon Brown  
 Charles Cherry  
 David Cobarrubias  
 Christopher Correia  
 Jack Hardeman  
 LeeRoy Hegwood  
 Melissa Hernandez  
 Timothy Kneidel  
 Kathy Laws  
 Deana McLees  
 Bobby Mothershed  
 Damien Pittola  
 Jerome Snider  
 Michael St. Clair  
 Paul Trindle  
 Jonathan Williams  
 Donald Wuchter

## 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.



## CFI Recertification 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 recertification 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 recertification:

[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)

[NRF Investigator Network Meeting Calendar](#)

### 2010

**May 17-18** Emerging Trends in Fraud Investigation and Prevention Conference, Columbus, OH,

\* **June 14-15** 2010 NRF Loss Prevention Conference & EXPO

**\*Note:** CFIs have mentioned that they will be at these conferences and/or presenting at the conferences. For networking possibilities with other CFIs, please contact [Wayne Hoover](#) for an introduction.

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.

## Are You Carrying Yours?



2010 continued

**February 2** Women in LP Caucus

\* **March 14-17** FMI Asset Protection Conference

\* **June 14-16** NRF Loss Prevention Conference

NRF Regional Investigator's Network Meetings.

*Schedule to be released in February, 2010*

\* **May 2-5** RILA Loss Prevention Conference

**April 11-13** ACFE European Fraud Conference

\* **April 19-24** ILEETA Law Enforcement Conference

**May 2-5** ACFE Canadian Fraud Conference

\* **July 25-30** ACFE Fraud Conference

**August 1-4** NFSSC Loss Prevention Conference.

\* **October 12-15** ASIS International Conference

### 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.

## Article Submissions

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

*CFInsider* 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 or beliefs of *CFInsider* or the Advisory Committee.