



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

cfinsider

June 2005

A PUBLICATION FOR THE CERTIFIED FORENSIC INTERVIEWER

CISA

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

CFI Code of Ethics

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

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

Click Here to link to the complete CFI Code of Ethics

www.certifiedinterviewer.com/ethics.htm

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Update from the

Chairman of the CISA Advisory Committee

"Will This Dog Hunt?"

This question was asked about the Certified Forensic Interviewer certification program. The answer is...not only is this dog hunting, but organizations are looking for those with the certification and asking current employees to obtain the designation.

Elite status, for the elite interviewer. The Advisory Board, after much discussion determined that there would be no grandfathering into the program. Those who put the time and effort into preparation would be those rewarded. While this is not the best way to jump start membership it was the conclusion of both the Advisory Board and Applied Measurement Professional, our testing organization, that this was the proper way to make the certification significant.

We are grateful to many for the progress we have made since work on the project began several years ago.

First, thank you to those members of the Advisory Board, from both the public and private sector, who from the beginning gave unselfishly of their time and talents to make the CFI designation a reality. The Board developed the initial survey which ultimately determined the knowledge sets that would be included in the examination. This group also developed the vision of how the CFI program would be expanded and moved into a career enhancing designation.

Second, thanks to all those, from the Advisory Board and the Item Writing Committee, who worked to develop the questions that are used in the CFI examination. This was difficult work that required meeting after meeting to review the items, agree on wording and check the answers against source material. The group also repeatedly took the examination so that statistical comparisons could be made and problem items identified

We were ably assisted by Dr. Jeff Kelley, our psychometrician, and his staff from Applied Measurement Professionals (AMP), who worked to make the test non-discriminatory and valid. This required considerable behind-the-scene statistical examination of items which helped identify problematic questions. Their advice during the development process was invaluable.

Third, we are indebted to those first 100 candidates who took the examination and patiently waited for their results. AMP required 100 examinations be completed before they were able to calculate what the "cut" or passing score would be for the test. Some of these people waited months for their results so that today's candidate can get an instantaneous score at the conclusion of the test. The first 100 candidates who passed the examination had their achievement and patience recognized receiving a commemorative portfolio to honor their efforts.

Fourth, we want to thank all those who over the years contributed to the concept in ways large and small. Their ideas, suggestions, questions and insights helped frame much of the initial work and organization leading to the development of the project.

Finally, to each of you who put in the time and effort to obtain the CFI designation we salute you for joining the vanguard of the future, the professionalism of our industry.

Warmest regards,
David E. Zulawski



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Advisory Committee

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An officer advises a suspect of his Miranda Rights the first day, but not the next. Are the suspect's statements made the second day admissible?

Facts:

A convicted felon was suspected of attempting to obtain a firearm using friends to make the "straw" purchase. The friends were interviewed and acknowledged that they had attempted to purchase a weapon for the suspect. During the interview one friend admitted that she actually succeeded in buying a gun, which she then turned over to the suspect.

The convicted felon was arrested and read his Miranda Rights. He agreed to speak with investigators and related that he did accompany his friends to a gun shop where he examined several weapons. However, he would not admit he received a weapon or had asked his friends to purchase a gun for him.

After being held overnight he was transported by an agent to court. On the way to court the agent asked if there was anything else he wanted to say about the matter. The agent reminded the suspect that he had read him his rights the previous day and asked if he remember them. The suspect agreed he remembered the warnings and went on to say he had asked two friends to purchase a gun for another convicted felon.

After moving to have his statements suppressed the suspect was subsequently convicted of being a convicted felon in possession of a firearm, plus aiding and abetting a "straw" purchase of a firearm. The defendant appealed saying that he did not knowingly and voluntarily waive his Miranda Rights.

Decision:

The 3rd U. S. Circuit Court of Appeals agreed with the lower court's decision to admit the defendant's statements. In its finding the court considered whether there was any form of coercion or trickery by the agent that overrode the defendant's free will in waving his rights. The Appeals Court also needed to evaluate whether the defendant had initially understood his rights and the possible consequences of waiving them. Finally, it considered whether there was a sufficient lapse of time or some significant event between the original warnings and the defendant's statements that would have caused him to misunderstand the significance of his waiver.

The court determined that the defendant understood the Miranda warnings and the implication of his waiver. It was also persuaded in this finding because the agent had reminded the defendant of the previous day's warnings and the defendant's had failed to ask the agent to reread them.

U.S. v. Pruden, 3rd U.S. Circuit Court of Appeals, No. 04-1863 (2005)

The suspect was arrested for aggravated sexual battery and transported to jail without being read his Miranda rights. The suspect was placed in an office where an officer read him the arrest warrant and the supporting affidavit. In response to the documents the suspect acknowledged that he had done some of the things alleged in the affidavit. Should the suspect's statements be suppressed?

Facts:

The defendant was arrested for aggravated sexual battery, handcuffed and transported to the County jail. The defendant was not questioned while he was being transported, nor was he advised of his Miranda rights.

The handcuffs were removed and the suspect was placed in an office. An officer entered the office and read the suspect the arrest warrant and affidavit which supported it. The suspect made some admissions to some of the allegations contained in the affidavit. The officer then read the suspect his Miranda warnings, after which the suspect asked for an attorney.

The defendant moved to have his statements suppressed alleging that his Miranda warnings had not been read to him until after he made the admissions. The trial court agreed and suppressed the suspect's statements. The state appealed.

Decision:

The Tennessee Supreme Court agreed with the trial court that the defendant's statements should be suppressed. It reasoned that the encounter was clearly a custodial situation and the officer's actions would be likely to elicit an admission from the suspect. The court determined while the officer was not expressly questioning the suspect he should have known that his actions would likely result in the suspect making incriminating statements. Thus, the defendant's statements that were made prior to the Miranda warning must be suppressed.

Tennessee v. Sawyer, Supreme Court of Tennessee, No. M2002-01062-SC-R11-CO (2005)

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Links of Interest.....

Juvenile Law - Case Summaries

Juvenile Law Case Summaries as seen in State Bar of Texas JUVENILE LAW SECTION, Justice and Advocacy for the Children of Texas.

Search incident to taking a juvenile into custody on a felony warrant was lawful despite post-detention questioning of juvenile [In re R.E.A.] (05-1-02). Click below to read summary.

www.juvenilelaw.org/CaseSummaries2005/05-1-02.HTM

Police Interview and Interrogation

The Agreement for the Provision of Law Enforcement Services to the Ann Arbor Public Schools (AAPS) by the City of Ann Arbor provides for two officers to function as school liaison officers on a full time basis. This is a sample agreement that provides guidelines for the interview or interrogation of students. Click below to read entire article from Ann Arbor Public Schools.

www.aaps.k12.mi.us/aaps.forparents/parents.studentrr/police_interview_and_interrogation

Weighing Science of False Confession

Weighing science of false confession as seen on Newsday.com. Click link below to review

www.newsday.com/news/local/longisland/ny-likogu0524,0,5253417.story?coll=ny-main-tabheads

NLRB

NLRB overturns Epilepsy Ruling in IBM case, requiring non-union locations to provide a witness during interviews, as seen at NLRB.gov.

www.nlr.gov/nlr/shared_files/weekly/w2952.htm#IBM

Organizations Represented

The following list comprises the organizations having employees that have successfully achieved the CFI designation as of May, 2005.

3 Tier Investigative Services	· Kane County, IL District Attorney's Office
Advanced Polygraph Services	· Kansas Department Of Revenue
Advantage Auto Parts	· KB Toys
Ann Taylor, Inc.	· Kids R Us
Armani Exchange	· Kmart
Army Air Force Exchange Service	· Lamonts
Auto Zone	· Lenscrafters
Bachrach	· Limited Brands
Bank One	· LL Bean
Barnes & Noble	· Long's Drugs
Barnes & Noble College	· Lowes Companies Inc.
Bealls, Inc	· Marmaxx
Bernards Twp, NJ Police Department	· Meryvns
Big Lots Stores, Inc	· Michael's
Blockbuster	· Naperville, IL Police Department
Bloomingdales	· Navy Exchange (NEXCOM)
Bon Macys	· Neiman Marcus
Calvert & Associates	· Office Depot
Carmax	· Office Max
Carolina Corporate Investigations	· Party City
Charming Shoppes	· PCG Solutions
Chicago Police Department	· Pep Boys
CNA Insurance	· Phoenix, AZ Police Department
Cole Vision	· Polo Ralph Lauren
Cracker Barrel	· Ratner Company
Creative Options	· Retail Brand Alliance
CSK Auto	· Robinson's May
Deloitte & Touche	· Room & Board
Department Of Defense	· Rush Enterprises
Dunham's Sports	· Safeway, Inc
Electronics Boutique	· Sally Beauty Company
Elmhurst, IL Police Department	· Schaumburg, IL Police Department
Eide Bailly LLP	· Smart & Final Grocery Store
Eurostar, Inc.	· Stage Stores
Ferrell Gas	· Stanley M. Slowik, Inc.
Filenes	· Starbucks
Finish Line	· Sterling Jewelers
Friedman Inc.	· The Gap
Future Shop (Best Buy Canada)	· The Sports Authority
Galyans Sports	· Tiffany & Co.
Gander Mountain	· Toys r Us
Hamilton Valuation Group, Inc.	· Tuesday Morning
Harris Teeter	· U.S. Air Force
Hechinger Company	· US Department of Health
Heinen's Fine Food	· Urban Outfitters
Horne Group	· Walgreens
Hudson Salvage, Inc.	· Walla Walla, WA Police Department
ICI Delux Paints	· Walmart
Illinois Conservation Police	· Warehouse Shoe Sales
Illinois State Police	· Waukegan, IL Police Department
Immigration Canada	· Wegmans Food Market
Intelligent Source Investigations	· Wicklander-Zulawski
Internal Affairs Investigations	· Wright's Foodliner
Jack In The Box	
JP Morgan Chase & Company	

CFI's

The following individuals are CFI's as of May 2005.

Nicole M. Accardi
 Frank J. Albany
 Jeffrey W. Aldinger
 David John Alves
 Patrick Douglas Ancil
 Jerry Wade Anderson
 Omar Angulo
 Anthony Antonelli
 David M. Arena
 Patricia Bethe Arisman
 Melissa J. Avaava
 Christopher T. Aye
 Kevin Michael Bahret
 Grover Cleveland Baker, III
 Jeff Baile
 Vernon G. Bales
 Christopher Barkis
 Russell Niles Barragan
 Ernest E. Bell
 Kimberly Bellsmith
 David R. Belniak
 Stanley F. Berger II
 James G. Bequette
 Jean R. Bergez
 Timothy R. Berry
 Giorgio Bertucci
 Deanna L. Bonachea
 Edward J. Borquez, Jr.
 Ken R. Boston
 Michael Edward Bowers
 Stephen R. Brader
 Boyd A. Bradley
 James D. Brady
 Dennis L. Braman
 Elizabeth Brantner-Smith
 Gregory W. Braun
 John Brocar
 David E. Brown
 Jerry L. Brown
 Stephanie J. Brown
 Dwayne Averille Bryant
 Eric H. Buenaventura
 Brian J. Burgess
 Diedre Diane Burke-Leake
 John E. Burkowski
 Margie E. Calloway
 Robert G. Campbell
 Mike Campise
 Alecia A. Camps
 James F. Cardenas
 Melvin Carpenter
 Christopher Clement Cassidy
 Mark A. Chavez
 William R. Chilcutt
 David Chitwood
 Melville D. Chong
 Mathew C. Christman
 Carl G. Clark

To view the current list of CFI's visit our web site or click below.

www.certifiedinterviewer.com/currentCFI.htm

Perry D. Clark
 Denise R. Clayton
 Barry S. Cohen
 Stephen Daniel Colby
 Chris J. Collier
 David R. Collins
 Damaris Colon
 Luis A. Colon
 Jason A. Contreras
 Tom Corcoran
 Randy Council
 Jason M. Coren
 Stehphen S. Crawford
 John E. Cudal
 Christopher R. Dalton
 Harold David Damaska
 Catherine Anne Daniel
 Armanda DaSilva
 Alfred L. Dauser
 Jennifer K. Dayss
 Gerald B. DeClemente
 David R. Dehner
 Maureen T. Desilets
 Chris William DeTray
 Scott A. Dillaha
 Joe DiMariano
 Christopher T. Dmytriw
 Richard B. Dobson
 Todd M. Dolan
 Donna M. Dollen
 Mike P. Dorey
 Dan Doyle
 Christopher E. Duke
 William L. Dwenger
 Brady T. Edwards
 James E. Elder
 Kali D. Erickson
 Timothy R. Erickson
 Jayme O. Escobedo
 Juan Estevez
 Kristy L. Evans
 John F. Fanning
 Kathleen Farrell
 Robert T. Farrell
 James Arthur Faulds
 Antonio Fernandez
 John Fice
 Christopher Stephen Fincke
 Brian C. Finnicum
 Andy E. Flores
 Allen R. Flower, Jr.
 Mike Floyd
 Mark Edward Foust
 Dustin L. Frady
 Tracie Ann Francis
 Tracey L. French
 Michael M. Fronckowiak
 Kellie T. Gaither

CFI's

Jorge Garces
 Deborah L. Garvett
 John M. Gay
 David E. George
 Ronald W. Gillenberg
 Matthew W. Gilligan
 William E. Goga
 Stephen M. Gonnella
 Claire Goldsmith
 Jose R. Gonzalez
 Brandon A. Goodwin
 Glenn R. Gratz
 Charles L. Gray
 Joseph B. Greco
 Bruce M. Grundy
 Gina Helen Guardamondo
 Alyson K. Gunder
 John Guzman
 Craig A. Hagan
 Joshua Michael Haggard
 Joseph E. Hajdu
 Lionel M. Halstead
 Philip M. Hamilton
 Brent Allen Hamlin
 Jong H. Han
 Duane Roger Harden
 Michael R. Harmon
 Scott David Harpring
 Christine Marie Harrison
 Kelly D. Harrison
 Micah Hawk
 Andrew J. Heimkreiter
 Jason A. Heisser
 Christopher James Helton
 Matthew A. Higgins
 Warren R. Hinerman
 Christopher R. Hinger
 Kimberly S. Hodge
 Kevin R. Hogan
 Jeffrey D. Holifield, Jr.
 Frank T. Honey
 Stefanie M. Hoover
 Wayne Hoover
 Geralyn A. Hopson
 Robert Anton Hough
 Jeffrey Linn Houseman
 Chris Huebner
 David E. Hughes
 William Scott Hughes
 Elizabeth Shanta Hunt
 Denise Hunter
 Laura E. Hunter
 Shannon W. Hunter
 Robert D. Hyrmer
 Michael R. Iverson
 Willie A. James
 Kenneth Richard Jamrok
 Edward D. Jeanes
 Paul H. Joeckel
 Carl L. Johnson
 James S. Johnson
 Carmon Jones
 Gary B. Jones
 Glenn R. Justus
 Michael J. Kaighan
 Zakary M. Kaiser
 Michale Keenan
 Kim Kidwell
 Ronald D. Kiefer
 Julia T. Kopp
 Frank Kowalski
 Thomas A. Kubaitis
 Ron Lance
 Jerry C. Larsen
 Kevin Robert Larson
 Derlin Keith Larue
 Karla A. Leitgeb
 John T. Lenihan
 Rosemary Lernowich
 Donald J. Lindemann
 Robert Little
 Kirk Lonbom
 Joe William Lozinski
 David M. Lu
 John A. Ludwick
 Mark G. Lukens
 John L. MacLeod
 Deborah R. Maples
 Janine D. Marin
 Mike Marquis
 Bryan L. Martin
 Robert Haven Martin
 Sergio Martinez
 Scott Martyka
 Thomas Robert Masano
 Patrick M. Mattingly
 Michael A. Mattone
 David W. May
 Stephen May
 Mark D. McClain
 Steven A. McClard
 William S. McDermott
 Bryan C. McDonald
 William E. McLaughlin
 James B. McLemore
 Steven D. McPherson
 John J. Melli
 David J. Miglin
 Keith R. Miller
 John Millner
 Juan F. Morejon
 Patricia A. Morgan
 Kelly M. Moye
 James J. Mulligan
 Jodie W. Murphy
 Warren Robert Najarian
 Joseph W. Nay
 Mark M. Neapolitan
 Dennis Nebrich
 Valerie W. Nielsen
 Caroline Noonan
 Chris Norris
 Matthew Stephen Nuzzo
 Michael A. O'Donnell
 Thomas Joseph O'Halloran
 Tracey L. Olsen
 Dawn M. Olson
 Steven M. O'Neal
 Kelly E. O'Reilly
 Emery Steve Orozco
 Joseph S. Ortega
 Timothy L. Osbourn
 Shane S. Owings
 Paul Daniel Paglia
 Joseph Michael Palinkas
 Walter Eugene Palmer
 Walter Palmer
 Adriana Paredes
 Richard A. Parker
 Sheila Michelle Parker
 Heidi Ann Parr
 Daniel A. Patasnik
 Scott Howard Patterson
 Joyce Penrod
 Diane Perez
 Michael J. Peteja
 Deborah R. Pettit
 Joseph H. Pfeifer
 Dina Marie Phelps
 Ramona Piec
 Tina-Marie Pilate
 John E. Plassmeyer
 John Edward Pollard, Jr.
 Richard A. Portmann
 David A. Pruett
 Rodney D. Pruett
 Brian E. Quast
 Anthony L. Raab
 Robert A. Rachel
 Douglas Andrew Rajala
 Syed T. Raza
 Jose Reyes
 Michael Riddle
 Laura A. Riggiola
 Paul Albert Roderus
 Rosario D. Rodriguez
 Daniel L. Romanic
 Steven Ray Ruley
 Ralph L. Ruppe
 James A. Russell
 Curtis E. Ryals
 Mike Savino
 Richard S. Sandell
 Jerett M. Sauer
 Dino E Scaccia
 Derek C. Schmidt
 Kim M. Schmidt
 Daniel Gray Schwalenberg
 Margaret P. Schwingel
 Martha J. Scrafford
 John B. Seehoffer
 Andrew J. Sekula
 Robert A. Selah
 Daniel L. Sendle
 James M. Shepherd
 David Shugan
 Joseph A. Sinischo
 Stanley M. Slowik
 John M. Slutz
 Kathleen Smith
 Marcus S. Smith
 Laurie Sorensen
 Brady R. Sowell
 Scott J. Springer
 Janet Stalvey
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 Edward C. White
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 Jane A. Woodland
 Michelle L. Wright
 Nolan R. Wynn
 Giselle M. Xavier
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 Jeremy M. Yeomans
 James Zeccolo
 John Allen Zeisloft
 Kate Zovnic
 David Zulawski

CFI Ambassadors

A 15-30 minute Powerpoint was put together, with help from Mike Iverson, CFI at the Limited Brands. This Powerpoint can be used in giving presentations to different organizations discussing the CFI program. When giving presentations on the CFI, or any interview and interrogation related topic, CFIs will receive Continuing Education Credits (CEC) towards their re-certification requirements.

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

Joe Nay was interviewed by Tom Wilson, CFI.

We all share a desire for professional standing. Being a CFI is more than just designation as an expert in Interview and Interrogation technique. To many, having achieved professional certification allows us to raise the bar of ethics and professional stature for all who practice in our related fields. Few however, bring more passion for this goal than this issue's CFI Ambassador, Joseph Nay CFI, and Loss Prevention Manager for Heinen's Fine Foods in Cleveland Ohio. Mr. Nay holds a MA in Criminology from the University of Memphis and obtained his CFI in December of 2004.

During my interview with Joe in preparation for this article he stressed his maturation in his field. "I began my career as an interrogator just over 11 years ago with AutoZone. I entered that job with the knowledge that I would be investigating employee theft and interviewing the suspects and witnesses. My training was mostly on the job although I did attend a training seminar on the Reid Technique. I remember my introduction into investigative interviewing as a baptism under fire. I began my interrogations in earnest, usually coming out on the wrong end of the equation, just as a young man would get pounded in a boxing ring after learning to fight from an instruction manual. You have to take your beatings in the ring to become good at boxing, for me the same can be said for the interrogator. I began to learn from my mistakes and started demonstrating good technique and skill in obtaining confessions. I am happy to say that although I don't admit to being the greatest interrogator in the world, I am proud of my humble beginnings and my high level of competency I demonstrate today." Most of us share similar memories of our own efforts to learn to interview effectively.

Joe stresses that he takes his skill set as an interviewer very seriously. He explained, "There is no room in our profession for thugs without moral and ethical guidance. We can sometimes take our skills for granted and in the hands of the wrong person, the outcome could produce more harm than good. I realized that

because of interrogation's power the suspect in the chair across from me would remember this interview for the rest of his life and even if he was a thief, I was still going to treat him the way I would want to be treated. I always believed my responsibility in obtaining the truth did not override my obligation to treat suspects with the highest level of ethical and moral standards."

Later in our discussion we touched on our Code of Ethics that we as CFI's subscribe to. Joe has some very sobering thoughts about this. "Like you, I am proud of my profession and I consider us as an elite group of professionals. This is why I sought certification and obtained my CFI in December of 2004. I want to represent my industry in the highest capacity I can and no other way exists other than the CFI. By being a Certified Interviewer I am telling the world that I am competent at what I do and I represent the best in my industry. My certification means that I am proud of my profession and would never act in a way to compromise myself, my organization, or any other person who works in investigative interviewing."

Near the end of the interview when Joe was asked what else he might like to communicate about our certification this is what he said. "The CFI was created to set universally accepted standards in our profession providing us guidelines of behaviors that must be followed. These are spelled out in the CFI Code of Ethics."

Joe Nay obviously brings a real sense of ethics and professionalism to our membership. Commitment is not always easy to bring to the table. Joseph Nay CFI does more. In today's retail business environment companies seek loss prevention staffs that can effectively perform their duties and limit exposure and liability. In Joe Nay it is obvious that Heinen's Fine Foods has the right man.

Heinen's Fine Foods is the locally owned, premier supermarket retailer in North-east Ohio with 16 full service supermarket locations and two warehouses. Heinen's has just celebrated 75 years of business and is owned by the Heinen family of Cleveland. www.heinens.com



heinen's
f i n e • f o o d s

Comments, Facts Interesting tidbits

Contributions added here may be eligible for Recertification Continuing Education Credits.

Union Representation Interviews

Submitted by Karl Swope, CFI

I would like to share an incident that occurred with an interview that I conducted in November of 2004 with a suspected dishonest employee of a retail grocer, who requested union representation. This was my first experience dealing with a union representative, and I believe that I learned some important lessons from this experience. I would like to share what I have learned with CFI's who may encounter a similar situation in the future.

In this case the employee requested that her union representative be present during the interview before it commenced; the request was granted. The representative arrived several minutes later, sat down without saying anything and proceeded to listen and take notes as I began my introduction. Not more than five minutes elapsed before the previously quiet representative began what I refer to as an inquisition. He began to advise the employee about which questions she should and should not answer, interrupting the flow of the interview. In addition, he demanded to see all evidence that pertained to my investigation of the employee.

At the time it was a little overwhelming because, as every good interviewer knows, flow of the interview, without interruption, is essential to identifying the truth and obtaining a confession. Because I had no previous experience with union representation, I was caught off guard. I assumed that the representative would remain quiet, sit and take notes—instead, he was acting as though he were legal council. It was clear to me that the interview could not continue under those conditions, so I decided to end it at that point. The employee was suspended based on the evidence that we had documented during the investigation, and was subsequently terminated based on that evidence.

In this case the union representative was acting improper: *Weingarten* states that a union representative's role is to "clarify facts," and the employer "need not bargain with the employee's representative." The court made it clear that the employer may insist on hearing the subject's version of events, and the representative is not permitted to direct the subject not to answer a question or tell the subject to answer questions only once.¹ In my situation the representative, for whatever reason, took it upon himself to try to control what was happening in the room—clearly contradicting what is stated in *Weingarten*. In the future, I now know that I have a couple of options regarding union representation.²

First, knowing that the union representative has the right to clarify facts concerning the employee, I will attempt to inform the representative before the interview, giving him/her the basic facts. At this time I will establish that if he has any questions regarding

the interview, to wait until the interview is over until he asks questions. If there is not agreement at this point from the representative, I will choose not to conduct the interview, and proceed with the case evidence.

Second, according to *Weingarten*, a company can choose not to conduct an interview if a union employee requests representation. A company can even request that the union employee waive their right to representation. If the employee declines, you can choose to proceed, or terminate the interview, and proceed on case evidence.

Third, if your case has strong evidence, i.e., documented video of cash or other thefts, prosecution without conducting an interview is a good choice, if the decision makers in your organization deem such action acceptable.

This article was written to offer some advice, based on my first negative union experience, and is intended to assist CFI's who may encounter a union experience in the future. These suggestions are based on my experience and research. Before you attempt to conduct an interview with union representation, you should consult with the appropriate HR and legal department of your company.

(Footnotes)

¹ Fraud Examiner

's Manual, Volume II, Legal elements, p-2.307.

² I use the example "union representation," as the NLRB reversed the Epilepsy Foundation of Northeast Ohio, 331 NLRB 767 (2000), enf

'd, 268 F.3d 1095. The reversal of this decision by the NLRB, for the present time, eliminates the right for a non-union employee to have a co-worker present during an investigatory interview.

CFI Re-Certification

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

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

2005

June 27 - 29
National Retail Federation
Loss Prevention Conference & Exhibition

July 10 - 15
Association of Certified Fraud Examiners

July 17 - 20
National Food Service Security Council

August 24 - 25
International Security Conference and Expo

August 29 - September 2
International Association of Financial Crimes Investigators

September 12 - 15
ASIS International

September 27
Retail Alliance

2006

January 16-21
ASLET

April 25-29
ILEETA

CISA will also recognize Organizational meetings that deal with the topic of Interviewing, Interrogation, or Investigations. Senior management will be required to sign off on the agenda to be submitted for approval.

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

www.policetraining.net/topic-interviews.htm

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

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

Did You Know?

By earning your CFI designation you may qualify for college credit...Click this link for more information:

www.ufps.edu/College_protective_business_studies.htm

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