



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

cfinsider

October 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

Inside This Issue

- Legal Aspects
- Links of Interest
- Submitted Columns
- Current CFI's and Organizations
- CFI Ambassadors
- CFI Re-Certification Tips
- CFI's On the Move!

© 2005, Center for Interviewer Standards & Assessment, Ltd.

Update from the

Chairman of the CISA Advisory Committee

What can we do to build the CFI certification into an organization?

This is actually a very difficult question to answer because of its complexity. Building the CFI certification into an organization would probably have been easier to start with an organization and then develop the examination since there would already be an infrastructure. But let's take a step back and examine whether the examination alone is enough.

With just the examination there is no sense of direction or community for a CFI. Certainly there is the accomplishment one feels in obtaining a credential, but what additional benefit is there to the effort?

There seems to be a natural evolution that takes place with a certification. It either stems from an organization's need to professionalize its members or from the certification's need to provide benefits and structure to those passing the test.

We all are in this second group.

As our numbers grow we can anticipate the need to expand services and benefits to existing CFIs. The first of these efforts was begun with this newsletter, *CFInsider*. CFIs have taken the first baby steps with the *CFInsider* by giving members of our elite designation a forum to communicate ideas and experiences

As more professionals achieve the CFI designation there becomes a sense of joining an elite community, but we must temper this growth by expanding in an orderly fashion. CFIs can help with the group's direction and growth in ways large and small. Always welcome is your input to the *CFInsider* by sending an article, news item, personal experience or even a note about how testifying as a CFI was received. When you come across something of interest to the profession pass it along so we can share it. If you become aware of a new law, court decision, or some forensic expert, please pass it along.

There are other things that can contribute to the CFI certification's success as a standard of excellence.

How about a presentation to coworkers or organizations? Fifteen or twenty minutes to present the idea of certification and what it means can be a powerful way of spreading the message. Each new CFI builds our reputation and encourages others to take the step of certifying their knowledge. Plus it sets you apart as a member of an elite group. Just a short email to *CFI Insider* will get you a PowerPoint program that you can use to make the presentation.



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

Continued on page 2

Advisory Committee

Dan Doyle, Beall's Dept. Stores
dand@beallsinc.com

Claire Goldsmith, Schaumburg Police Dept.
cgoldsmith@ci.schaumburg.il.us

Michael Keenan, Meryvns
mike.keenan@meryvns.com

Ron Lance, Wal-Mart Stores
rwlance@walmart.com

Kirk Lonbom, Illinois State Police
lonbomk@isp.state.il.us

Mike Marquis, The Limited
mmarquis@limitedbrands.com

Stephen May, LP Innovations
smay@lpinnovations.com

John Millner, Illinois State Representative
millnerinc@aol.com

Douglas Wicklander, Wicklander-Zulawski
dwicklander@w-z.com

Walter Palmer, PCG Solutions
wpalmer@pcgsolutions.com

Laurie Sorensen, Macy's Northwest
s00ljs@fds.com

Shane Sturman, Wicklander-Zulawski
ssturman@w-z.com

Mark Sullivan, Kroll, Inc
msullivan@krollworldwide.com

Alan Tague, Gander Mountain
alan.tague@gandermountain.com

Kevin Valentine, Sterling, Inc.
kvalentine@jewels.com

Fred Wilson, CarMax Superstores
fred_wilson@carmax.com

David Zulawski, Wicklander-Zulawski
dzulawski@w-z.com

Kathleen Smith, Safeway Inc
kathleen.smith3@safeway.com

Wayne Hoover, Wicklander-Zulawski
whoover@w-z.com

Need a new employee? Place an ad and include the line, *Certified Forensic Interviewer preferred*, as one of the qualifications. The Center for Interviewer Standards and Assessment (CISA) can confirm the CFI status of an applicant for you and establish what you already suspected, namely the CFI designation sets the applicant apart from the rest.

When sending a note, email or report include the CFI designation after your name to let people know you are a leader in our profession. The next time your need new business cards include CFI after your name. These are the little things that help the CFI designation and promote awareness of what it means.

In the coming months there will be opportunities to become more involved. As our numbers grow there will be new committees necessary to handle recertification, test development, ethics and important issues as they arise.

As a group we can build on each others' efforts and perhaps add structure and value to what we already have now, the pride of accomplishment in becoming a CFI.

Warmest regards,

David E. Zulawski

Legal Aspects.....

Can an employer request that an employee submit to a polygraph examination when there is no reasonable suspicion that the employee was involved in the incident?

Polkey v. Transtecs Corp., 11th Cir., No.04-14949, March 29, 2005

The United States Department of Defense contracted with a vendor to operate a base mailroom in Pensacola, Florida at the naval air station. The mailroom supervisor, Sabrina Polkey, discovered a number of open and undelivered Christmas cards in a wastebasket. The wastebasket was located at the front desk near where another employee had been assigned to work. Sabrina contacted her supervisor and told him she suspected the employee of tampering with the mail.

The supervisor arranged for all the mailroom employees to take a polygraph examination. The suspected front desk employee submitted to the examination and his test result indicated he was deceptive. The supervisor then asked Polkey and the remaining employees to take the examination as well. They all declined.

Shortly thereafter Polkey was fired.

Polkey sued her former employer under the Employee Polygraph Protection Act alleging that she was unlawfully asked to take a polygraph examination. She was granted summary judgment by the court and the claim was settled.

The employer had originally argued that the request for a polygraph examination was permitted under national defense exceptions. However, the court determined that this exception applies only to the government and not contractors or vendors.

The court also determined that the employer had failed in its burden to articulate a reasonable suspicion that Polkey was involved in the theft. The Employee Polygraph Protection Act requires that the employer is conducting an investigation, that the individual to be tested had access to the items stolen, plus there is a reasonable suspicion that the person was involved in the theft. In this case the employer did not suspect Polkey or the other employees, but requested the test to simply clear itself of liability.

Discussion

The Employee Polygraph Protection Act in most cases prohibits an employer from requesting, requiring or suggesting an employee take a polygraph examination. In general, to ask an employee to take a polygraph examination there must be an ongoing investigation, the employee must have had access to the items stolen and there must be a reasonable suspicion of the individual being involved in the incident. The employer must also provide a written notification regarding the test to the employee.

Specific questions concerning the use of the polygraph in employee investigations can often be answered by contacting the American Polygraph Association at www.polygraph.org.

Can an employee be fired for refusing to submit to a voice print analysis during an investigation?

Theisen v. Covenant Medical Center, Iowa Supreme Court 2001

An investigation into an obscene phone call to a female employee of the Covenant Medical Center led to a Security Manager at the facility. The caller's voice was identified as that of the security manager by the victim and three other employees. During the course of the investigation the security manager was asked to submit to voice print analysis and he refused. The security manager was discharged as a result of his refusal.

Following his termination the security manager submitted to a voice print analysis with an expert of his choosing. In the expert's opinion it was not the security manager's voice on the obscene call. The security manager subsequently filed suit alleging wrongful termination and defamation resulting from his dismissal.

The Iowa Supreme Court ruled that the employer's request for the plaintiff to submit to a voice print analysis did not violate public policy or any law therefore the termination was justified.

Discussion

First of all it should be noted that this is an Iowa Supreme Court ruling and is applicable only to the state of Iowa. A governmental investigation of a citizen allows that individual the right to silence and legal representation, however an employee has the duty to cooperate in a company investigation.

Regardless of whether the employee is the target or witness he is generally required to cooperate in the investigation. During an investigation it is expected that the employee will be honest and cooperate in the process. An employee's refusal to cooperate in the investigation is insubordination and could result in some form of discipline. In the preceding case the security manager was terminated by the organization's president for his refusal to comply "with the reasonable requests which could have determined with much more certainty the facts that were present."

This same theory is put forth in the Garrity decision where a police officer is being investigated administratively, rather than criminally by the police department. In Garrity the officer is required to cooperate in the investigation and his refusal to follow legitimate commands could result in his termination for insubordination. However, any statements or information developed during an administrative investigation cannot be used or shared with a parallel criminal investigation of the officer.

*The information contained in the Legal Aspects section is for information only.
It is not intended to be used as legal advice.*

3

Newsletter Committee

Cary Jones, Cracker Barrel
caryjones@futura.net

Mark Sullivan, Kroll, Inc.
msullivan@krollworldwide.com

Jack Ternan, Tuesday Morning
jternan@tuesdaymorning.com

Lance Williams, Big Lots
LansingWilliams@biglots.com

Wayne Hoover, WZ
whoover@w-z.com

David Shugan, Cracker Barrel
dshugan@crackerbarrel.com

Don Ward, The Limited
dward@limitedbrands.com

Mark Lukens, Target
marklukens@adelphia.net

Mark Witsoe, MarMaxx
mark_witsoe@tjx.com

Joshua Haggard, Office Depot
jhaggard@officedepot.com

Karl Swope, Intelligence Source Investigations
klswope@intelligentsourceinvestigations.com

Deborah Pettit, Macy's
s00drp@fds.com

Chris Norris, WZ
cnorris@w-z.com

Sheila Parker, The Limited
sparker@limitedbrands.com

Luis Colon, Old Navy
luis_colon@gap.com

Dave Dehner, Big Lots
ddehner@biglots.com

Tom Wilson, Ez Corp
tomipi49@yahoo.com

Steve McPherson, Tuesday Morning
smcpherson@tuesdaymorning.com

Mark McClain, Wal-Mart
mark.mcclain@wal-mart.com

Robert Little, The Limited
rlittle@limitedbrands.com

Joe Nay, Heinen's Fine Foods
jnay@heinens.com

James Mulligan, NEXCOM
james_mulligan@nexnet.navy.mil

Stefanie Hoover, Toys R Us
hoovers@toysrus.com

Kate Zovnic, WZ
kzovnic@w-z.com

Sharri H. Jackson, Marketsharr
sjackson@indy.rr.com

Patty Morgon, Bealls
pmorgon@beallsinc.com

4 Comments, Facts & Interesting tidbits

Question:

I recently had an issue at work. I was asked by the CEO of the company to transport an employee from a store to the corporate office for interviewing. I've done it at other companies, but was wondering, going forward, what are the downsides to driving an employee to corporate for interviewing?

There are a number of potential issues that could come into play with a request like this and possibly more depending on circumstances. Since the request was made by the CEO we can believe that this incident has gotten his attention or pressed his hot button making this an important interview. The question presented does not expand on the reasons to transport the employee to corporate for the interview, so some of the following issues may or may not be relevant.

The first item that should be addressed is the location of the interview. Is the corporate office the best location for the interview? Is there an overriding reason to do it there? Certainly one reason to do it there is the CEO's request. However, his expertise is in the operation of the company, not interviewing, so he might just plain be wrong in this decision.

Consider the following in light of his request.

- **What message does it send to the individual that is being driven to the corporate office?** If this happens as a matter of course in the business, it is probably no big deal. But if it is unusual for someone to be brought into the corporate office like this it may increase the employee's resistance to cooperate.
- **Is it unusual for loss prevention to bring someone to the corporate office?** Loss prevention is not usually in the habit of chauffeuring people around unless there are problems so this might increase the resistance during a later interview. Perhaps someone else would be better suited to transport the employee while Loss Prevention prepared for the interview. Depending on the circumstances it might be useful to have a supervisor drive the employee to a "meeting" at corporate instead of loss prevention so the supervisor can claim ignorance of the meeting's purpose.
- **What will be talked about during the ride?** Since we are not sure whether this is to be a short or long ride there is the

question of conversation to be considered. It would not be beyond the realm of possibility for the individual to ask, *What's going on? Why do I need to go into corporate?* The last thing that an interviewer would want to do is have to start the interview while driving. If someone else drives the employee the pointed questions can be more easily avoided.

- **How is the employee going to get back home?** Since the person's vehicle is not with him who will be responsible for driving home a potentially hostile ex-employee?
- **Claims of improper conduct may also be a consideration.** The driver should call when departing noting the starting and ending mileage on his vehicle for the trip. A careful record of the trip, time and mileage should be noted in the case report to defend against claims of impropriety by the employee. It might also be useful to travel with a female witness since false claims can be more easily avoided in this way.
- **Claims that the individual was falsely imprisoned by the company.** Could an attorney make a claim of false imprisonment because the employee was driven to the corporate office? This would be much less likely if the employee drove himself or arranged for his own transportation. The company could even arrange and pay for transportation allowing the employee to arrive and leave on his own. This, of course opens the possibility that the employee would avoid rather than show up for the meeting.
- **Potential liability for accidents.** Is a company car being used or the loss prevention manager's private vehicle? There may be insurance implications if there is an accident and injuries during the trip. A careful examination of your insurance policy should be undertaken to determine coverage if the vehicle is being used for work and an accident occurs.

There is certainly no problem doing an interview in the corporate office once the interviewer understands the reasons. However, the interviewer should anticipate the possible problems and implications of driving an employee into the corporate office.

If it is not in the organization's best interest to bring the employee to the corporate office for the interview it is the responsibility of the interviewer to make the CEO aware of the potential problems. It will then be up to him or her to accept the risks or create an alternate plan.

CFI's

The following Individuals became CFI's during the last quarter, June 2005-September 2005. Congratulations to those that have achieved the CFI status this last quarter!

To view the current list of all CFI's visit our
NEW web site, or click below
http://certifiedinterviewer.com/current_cfi.php

Adelman, David M.	Glover, Wayne	Rasmussen, Alan James
Aldridge, Brandon S.	Greer, James Alan	Rezendes, Joseph Louis
Barbagallo, Joseph Samuel	Harrelson, Bryan D.	Rosario, Robin Norbert
Battles, Mike	Haye, Christopher Donald	Rosell, Luis
Bilan, David A.	Henry, Britt Powers	Ross, Brenda K.
Blackwell, Lane	Hunter, Shane L.	Russell, Kimberly
Bouchard, Daniel John	Ilyavi, Jr. Hoda	Selby, Douglas Lee
Boyd, Lindley Ervin	Janisse, Brian	Shelley, Edward P.
Briguglio, Salvatore Vince	Lane, David Ronald	Silcox, Richard Matthew
Burchfield, Todd Mack	Lansberry, Craig L.	Skoog, Stephan Lawrence
Butler, Ian Hamilton	Lawrence, Joseph D.	Smith, Kenneth A
Copen II, John Edward	Lottes, Dan J.	Smith, Stephen Paul
Coppola, Marcella S.	Lundeen, Denise L.	Stocker, Gregory Ervin
Corderman, Clay Charles	Massey, Albert Jerome	Stoves, Lawrence Curtis
De Michelis, Stefano	Mauldin, III, Jim Milton	Tomassi, Anthony
Donner, David J.	McAfee, Joshua Paul	Trevino, Jose C.
Edwards, Maurice O.	McCardle, Michael Thomas	Vaughan, Thomas Daniel
Farrell, Kathleen D.	McCarthy, Michele L.	Vernon, Karen Lynne
Frasier, Bryan G.	McCullum, Shawn Michael	Walker, James Allen
Gardner, Steven	Moskal, Scott A.	Weldon, Don Max
Gibson, Byron Powell	Mulhern, John Paul	West, Jr., Gerald N
Gilbert, Christopher James	Nelson, David Bryan	Wilson, Lindsey

Organizations Represented

The following list comprises the organizations that have individuals who have successfully achieved the CFI designation during the last quarter, June 2005-September 2005.

Babies R Us
Bed, Bath and Beyond
Books A Million
Brookshire Grocery
Chase Consulting & Investigations LLC
Corporate LP Solutions
Countrywide Insurance
Ernst & Young
FBI
Goody's Family Clothing
Home Depot
Home Goods
Home Club
Kroll, Inc.
Lewis Danzig
Lock/Line LLC
Margolis & Company PC
Mattress Firm
Penn Traffic Company
Sears
TNT (Netherlands)

Links of Interest.....

ABA - Recommendation

Mandating video taping interviews.....

www.abanet.org/leadership/2003/summary/10a.pdf

From the 'Lectric Law Library's stacks - Miranda v. Arizona (1966)

www.lectlaw.com/files/case04.htm

Retail Gangs: A New Breed of Thieves

www.washingtonpost.com/wp-dyn/content/article/2005/07/30/AR2005073001434.html

Coerced Compliant False confession article...

www.zwire.com/site/

news.cfm?newsid=15218362&BRD=2303&PAG=461&dept_id=478976&rfl=6

An Example of Culturally Sensitive Interviewing

www.abanet.org/child/clp/Interviewing%20-%20Communicating%20with%20Children/Culturally%20Sensitive%20Interviewing%20With%20Native%20Children.htm

Did You Know?

Changes in the law

The United Kingdom has made some changes regarding conducting employee interviews. Previously, the employee had to have been notified in writing about the content of any discussion, especially if it could result in their dismissal. The rules have been relaxed to allow the interview without prior notification to the employee as long as a note taker is present to document the conversation.

Canada is also in the process of rewriting its laws regarding employee interviews so we can expect that there will be some changes from current practices.

We will have more on this in the next newsletter. If you are working in these areas let us know anything new.

CFI Ambassadors

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

Mr. Alan Tague CFI is Director of Loss Control and Risk Management for Gander Mountain Co. Inc. Alan is well known in our profession and an early supporter of the CFI certification program. Before the program was initiated he met with the W-Z staff in Vancouver where the idea of the certification was discussed. Alan was soon a member of the Center for Interviewing Standards and Assessment's Advisory Committee where he helped launch the CFI certification testing and requirements by which we all have been measured.

Alan also serves on the NRF's Loss Prevention Advisory Council where he has spoken many times at their conferences. In a career spanning nearly thirty years with several organizations, he is at the top of his profession, gained respect from his peers and cares deeply about the professionalism in his field.

When you speak with Alan you quickly see this is a man who cares deeply about the CFI certification program. He will talk about the great learning experience for the most seasoned interviewer when prepping for the examination. He strongly believes the certification brings credibility to loss prevention and elevates the profession.

Alan firmly believes the CFI certification will soon be the standard for those in the field and will be required for promotion in most companies. He is supporting this effort within his own staff as well as urging others to do the same.



Mr. Alan Tague CFI

Click here to learn more about Gander Mtn.

www.gandermountain.com



Anyone who wants to learn more about the importance of the CFI program, it's future or value, need only talk with Alan Tague CFI, for a few minutes. You will find that with leaders like Alan, the CFI designation is in good hands and has found its place in all sectors of interview and interrogation.

Tom Wilson CFI

About the author: Tom Wilson, CFI is a Regional Loss Prevention Manager for EZ Corp and obtained his CFI in May of 2004.

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

In Memory

Robert Farrell: Passing of a CFI Supporter

It is with great sadness that we inform the CFI community of the recent passing of Robert "Bob" Farrell. Bob played an integral part in introducing the CFI designation to Sterling Jewelers. He, along with Kevin Valentine, saw the value of the CFI and made it a requirement for their entire department.

Bob had numerous conversations with us about the CFI implementation. He piloted the program's rollout and considered how to manage the CFI process within Sterling Jewelers. He was able and willing to share information with not only us, but also other organizations that wanted to implement the CFI designation. For his insights we will be forever grateful.

May your thoughts be with his family, friends, and Sterling Jewelers as they have lost a very caring and special man.

CFI Re-Certification

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

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

www.w-z.com/schedulecfi.php#schedules

www.isiscan.com/scan_training.htm

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

2005

October 31-November 5

National Association of Certified Valuation Analysis (NACVA) Fraud Conferences

November 28-December 8

Western State Training Conference (Law Enforcement)

December 5-6

Eyefortransport (Cargo Security)

December 5-10

National Association of Certified Valuation Analysis (NACVA) Fraud Conferences

2006

January 16-21

ASLET

January 29-February 1

Food Marketing Institute (FMI) Loss Prevention

March 21, -24

Retail Industry Leaders Association (RILA)

April 25-29

ILEETA

June 5-7

National Retail Federation (NRF)

CFI's On the Move!



It is very important to keep us updated with your current mailing/email addresses, positions, and phone numbers.

Congratulations to those CFI's that have taken new positions:

Mark Sullivan

Managing Director of
Forensics and Litigation
Consulting
Services for Kroll, Inc.

John Brocar

Senior Director of Forensics and Litigation Consulting
Services for Kroll, Inc.

Shannon Hunter

Promoted to Manager of Corporate
Loss Prevention for Officemax

Chris Duke

Manager of Speciality Loss Prevention for Sears

Syed Raza

Promoted to Director of Loss Prevention-Europe
for Polo Ralph Lauren

Joe Sinischo

Owner of Chase Consulting & Investigations LLC.

Greg Braun

Director of Loss Prevention for Luxottica Retail

The *cfinsider* newsletter is distributed in electronic format only. You can view back issues of this newsletter at http://certifiedinterviewer.com/cfi_newsletter.htm

Opinions and ideas in this Newsletter are intended for information only. It is not meant to be used as legal advice. Statements of facts and opinions are made on the responsibility of the authors and do not imply an opinion on the part of the editors, officers, CISA, or its members.

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

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

Please visit our website at www.certifiedinterviewer.com