

CFE UPDATE
May-June 2006

Chapter Board of Officers

President: Joseph R. Dervaes, CFE, CIA (360) 710-1545
Vice-Chair of ACFE Foundation Board of Directors, 2003 Cressey Fraud
Lifetime Achievement Award Winner, ACFE Fellow, Regent Emeritus, prior
Member of the Board of Review, and the Chapter Distinguished Achievement
Award Winner for 1995, Association of Certified Fraud Examiners; Audit
Manager for Special Investigations, Washington State Auditor=s Office; and,
Founding President, Pacific Northwest Chapter/ACFE.
dervaesj@sao.wa.gov, Port Orchard, Washington

Vice-President and Training Director: Norman J. Gierlasinski, PhD, CFE, CPA, CIA
2002 ACFE Outstanding Achievement in Anti-Fraud Education Award Winner,
and the Chapter Distinguished Achievement Award Winner for 1996,
Association of Certified Fraud Examiners; Professor of Accounting, Central
Washington University (Des Moines Center) (206) 439-3800, Extension 3825.
normang@cwu.edu, Des Moines, Washington

Secretary-Treasurer: Roger B. Gulliver, CFE, CPA, CISA, CBA
President, Gulliver and Associates PS (253) 735-2392; the Chapter
Distinguished Achievement Award Winner for 2000; rbq1@mindspring.com,
Auburn, Washington

Director-At-Large: Bernadette McBride, CFE, CPA
Senior Investigator/Financial Examiner, Washington State Department of
Financial Institutions, Securities Division, (360) 791-8824; the Chapter
Distinguished Achievement Award Winner for 2004. bmcbride@dfi.wa.gov,
Olympia, Washington

Director-At-Large: Robert A. Goehring, CFE, CPA
Audit Manager, City of Kent - Finance Department, (253) 856-5262; the Chapter
Distinguished Achievement Award Winner for 2005; rgoehring@ci.kent.wa.us,
Kent, Washington

Association and Chapter Fraud Training and Meeting Dates

Be sure to mark the following calendar year 2006 fraud training meetings on your personal schedule and plan to attend:

June 28, 2006 (Wednesday). Annual Chapter Business Meeting and Fraud Training Seminar; Bahama Breeze Restaurant, 15700 SouthCenter Parkway, Tukwila, WA 98188, (206) 241-4448. For reference purposes, the restaurant is

located on the Northwest corner of SouthCenter Mall nearest to the intersections of I-5 and I-405. Door prizes will be awarded; but, you must be present to win. The luncheon and continuing professional education for the fraud seminar is free to Chapter members and \$15 for non-members. The luncheon begins promptly at Noon, followed by a brief Chapter annual business meeting. The fraud training seminar begins at approximately 1:00 p.m. and lasts for one hour.

(Confirmed) Katherine Tassi, Assistant Attorney General, Washington State Attorney General's Office, Seattle, WA. (Title and topic unconfirmed)

July 10-12, 2006 (Las Vegas, NV @ Venetian Hotel). Association's 17th Annual Fraud Conference and Exhibition. Register for this conference at www.cfenet.com. The meeting times are from 1:00-5:00 p.m. on July 10, 2005, for the Pre-Conference; 8:30 a.m. @ 12:30 p.m. on July 13, 2005, and from 8:30 a.m. @ 4:30 p.m. on all other days during the Main-Conference and Post-Conference period. Main conference fees for members: Register by April 4, 2006, for \$795; Register by May 25, 2006, for \$845; and Register after May 25, 2006, for \$895.

Vice-President Norm Gierlasinski will be the Pacific Northwest Chapter's official representative at the Chapter Representatives Meeting held in conjunction with the Annual Fraud Conference. He will provide a report to the Chapter on the events of this meeting.

President Joe Dervaes will attend the ACFE private non-profit corporation's Board of Directors Meeting held in conjunction with the Conference.

August 30, 2006 (Wednesday). Chapter Fraud Training Seminar; Downtown Seattle, at 1000 Second Avenue in a 28th floor conference room of the Washington State Housing Finance Commission. This is the old Key Towers Bank Building; but, the building currently has no name on it. The building is located across the street and one block North of the Jackson Federal Building (corner of Second Avenue and Spring Street). We begin all meetings promptly at 2:30 p.m., hold a 30 minute networking session at 3:30 p.m., and then complete the seminars at 4:45 p.m. The seminar fee is \$20 for Chapter members and \$25 for non-members.

(Confirmed) John J. Tollefsen, CFE, Attorney at Law, Lynnwood, WA. His topic will deal with one of his most recent fraud case studies where the judgment was over \$1 million. It will include a transfer of most of the defendant's assets to the victim. (Title Undetermined).

October 16-17, 2006. Joint Chapter and ACFE Two-Day Fraud Training Class at the Doubletree Hotel, 18740 International Boulevard; SeaTac (across the street from SeaTac International Airport), (206) 246-8600.

(Confirmed) The topic is: Investigating by Computer. The ACFE has not yet announced the speaker for this two-day class.

Note: The Association will provide breakfast pastries, lunch, and mid-morning and mid-afternoon refreshments on each of these training days. The Chapter Board of Officers will assist with registration duties for this class.

December 1, 2006 (Friday). Joint Chapter/WSCPA=s 10th Annual Fraud Conference at the SeaTac Marriott Hotel; 3201 South 176th Street, SeaTac (across the street and up the hill a short distance from SeaTac International Airport). The hotel telephone number is (206) 241-2000 or toll free at 1-800-228-9290. The registration fee for members of the WSCPA and the Pacific Northwest Chapter is \$195 (estimated) for this conference. There is also a \$10 (estimated) daily parking fee if you drive your car and park in the hotel parking lot. Car pooling is recommended to reduce the nominal cost of parking. Registration and continental breakfast is at 7:30 a.m. The conference begins at 8:00 a.m. and ends at 5:00 p.m. Register directly with the WSCPA by calling 1-800-272-8273 (Bellevue, WA). The conference includes eight hours of continuing professional education credit. The course registration form can also be obtained from the WSCPA=s web site at [www: wscpa.org](http://www.wscpa.org). You must call the WSCPA to actually register for the conference. Ask for Lisa Chin Iwata in the Education Department.

(Confirmed) Colin Parcher, CFE, Manager, Investigative Services, Financial Institutions Commission, Surrey, British Columbia, Canada. Colin is the President of the Vancouver B.C. Chapter/ACFE. His topic is: Linking Mortgage Fraud, Identity Theft, and Marijuana Grow Operations.

(Confirmed) Brock Phillips, CFE, CPA, Senior Forensic Accounting, Financial Integrity Unit, Microsoft, Redmond, WA. Brock was a speaker on the topic of: The CFEs Job Security: Internal Controls and Employee Theft at the ACFE Annual Fraud Conference in Las Vegas, NV in July 2006. His topic at our Annual Fraud Conference will be: Internal Controls and Employee Theft.

(Confirmed) Patrick De Langis, CPA, CFFA, Director of Litigation and Forensic Accounting Services, Berntson Porter and Company, PLLC, Bellevue, WA. His topic is: (Undetermined).

(Confirmed) Tim Wood, Special Agent, U.S. Secret Service. His topic is: Counterfeit Currency B Know Your Money.

President Joe Dervaes and Vice-President Norm Gierlasinski will co-chair the 10th Annual Fraud Conference.

Important Chapter Fraud Training Meeting Information for Downtown Seattle Location

All fraud seminars conducted by the Chapter in downtown Seattle are held at this location. We meet at 1000 Second Avenue in a 28th floor conference room of the Washington State Housing Finance Commission. This is the old Key

Towers Bank Building; but, the building currently has no name on it. The building is located across the street and one block North of the Jackson Federal Building (corner of Second Avenue and Spring Street).

Our host, the State of Washington Housing Finance Commission, controls the conference room where our meetings are held. In February 2005, the Commission revised its security for access to its training room. We are NO LONGER required to sign-in with the receptionist on the 27th Floor to obtain a visitor=s badge. Please report directly to the training room on the 28th Floor of the building.

We meet at the training room promptly at 2:30 p.m., hold a 30 minute networking session at 3:30 p.m. in the middle of the class, and then complete all fraud seminars at 4:45 p.m. sharp. The Commission has asked us to depart the training room promptly because their duty day ends at 5:00 p.m. We appreciate using this fine training facility for our fraud seminars, and respectfully request everyone abide by the Commissions rules.

If you=re looking for parking, Special Events parking rates (approximately \$6) usually apply for the parking garage at Benaroya Hall, just two blocks north of the training facility on Second Avenue.

(1) Links to ACFE and Chapters

The Board of Officers has identified the following CFE Chapter web-sites that may be useful to our Members. Here they are:

Association of Certified Fraud Examiners B www.ACFE.com
Pacific Northwest Chapter/ACFE B www.fraud-examiners.org
Oregon Chapter/ACFE B www.oregon-acfe.org
Spokane Chapter/ACFE B www.spokanefraud.org
Vancouver, B.C., Canada Chapter/ACFE B www.cfevancouver@yahoo.cca

(2) Additional Fraud Links

The Board of Officers provides the following additional links to its Chapter Members as a public service. Here are just a few of them:

Complaints about Internet Fraud may be filed with the Internet Fraud Complaint Center (www.ifccfbi.gov).

Complaints about e-mail and mail fraud may be filed with the U.S. Postal Inspection Service (www.usps.gov/postalinspectors). The primary use is for Nigerian (and other African countries) fraud e-mails or letters that are received. PS Form 8165 (Mail Fraud Report) lists many other uses as well. This form may be downloaded and then mailed to the U.S. Postal Inspection Service to file a complaint and submit the fraudulent document received. The mailing

address is U.S. Postal Inspection Service, Inspection Service Support Group, 222 South Riverside Plaza, Suite 1250, Chicago, IL 60606-6100.

The U.S. Postal Inspection Service web-site lists additional links to the The Chamber of Commerce and the Better Business Bureau (www.bbb.org), county or state Office of Consumer Affairs. In this state, that=s the Washington Attorney General=s Consumer Protection Division at www.wa.gov/ago, or nationally at www.naaq.org. The Federal Trade Commission can be reached at www.ftc.gov.

Identity Theft links are at the Identity Theft Unit sponsored by the Washington State Patrol and the Washington State Department of Licensing at www.dol.wa.gov; www.idtheftcenter.org; www.consumersunion.org; and www.consumer.gov/idtheft.

John E. Reid and Associates, Inc. (Fraud Interview Training), Chicago, IL, www.reid.com. The Reid Preferred Group of Associations (RPGA) number for the Pacific Northwest Chapter/ACFE is A20-049. The RPGA number must be shown on the registration form in order to receive a discount on seminar registrations or to purchase products.

(3) Other Training Opportunities

(a) John Reid and Associates, Inc. will be offering four 3-day training classes on the topic of The Reid Techniques of Interviewing and Interrogation during 2006. The dates of the classes are: August 1-3, 2006; and, November 6-9, 2006. All classes will be held at the Madison Renaissance in Seattle. This Chicago, Illinois, training sponsor can be reached at www.reid.com. The Reid Preferred Group of Associations (RPGA) number for the Pacific Northwest Chapter/ACFE is A20-049. The RPGA number must be shown on the registration form in order to receive a discount on seminar registrations or to purchase products. Registration for these classes must be handled directly with John Reid and Associates, Inc.

(b) NW3C is sponsoring a one-day fraud training class on the topic of ΔElectronic Law Enforcement on Tuesday, June 13, 2006. The training location is at the Red Lion Hotel, 1415 Fifth Avenue, Seattle, WA (downtown). The class begins with registration and a continental breakfast at 8:00 a.m. The class runs from 9:00 a.m. to 4:00 p.m. and qualifies for Continuing Professional Education credits. Visit <http://www.nw3c.org/outreach/index.cfm> to register for this seminar. There is a maximum class size, and advance registration is required. Registration is on a first-come, first-served basis, and as of May 10, 2006, there were approximately 70 open spaces in this class. You should sign-up early to guarantee a spot in the class. This invitation for free training comes from Martin Cordell from the Washington State Department of Financial Institutions. This should be a great opportunity to network with fellow professionals in the field.

(4) National Fraud Awareness Week

The Pacific Northwest Chapter/ACFE has partnered with the Association of CFE=s to sponsor National Fraud Awareness Week (July 9-14, 2006). The program=s motto this year is: Together we can increase awareness and reduce risk.

Fraud affects businesses and government entities of all shapes and sizes, and its impact is felt worldwide. Today, businesses and government entities face new challenges in the effort to detect, deter, and investigate fraud.

National Fraud Awareness Week is dedicated to increasing fraud awareness and advancing the global fight against fraud. The ACFE, along with official supporters of National Fraud Awareness Week from the public and private sector are proactively taking the steps to minimize the impact of fraud by promoting anti-fraud education.

We encourage professionals around the world to explore our ongoing anti-fraud efforts and get educated about the magnitude of fraud, its impact on the economy, how to report it, and the steps needed to prevent, detect, and deter it.

The National Fraud Awareness Week kick-off event is the 17th Annual ACFE Fraud Conference and Exhibition, held in Las Vegas, NV on July 9-14, 2006. Over 1,500 professionals are expected to attend the largest anti-fraud conference in the world.

Visit www.FraudConference.com to learn more about this event.

(5) Elections

Once again it=s time to vote for a slate of nominees for the CFE Chapter=s Board of Officers. See the ballot which follows as an attachment to this newsletter for complete details about the qualifications for each candidate for office. All five current members of the CFE Chapter=s Board of Officers have agreed to serve another two-year term in the same positions they currently hold. Show your support for these dedicated professionals by voting.

One of the primary qualifications for positions on the CFE Chapter Board of Officers is participation and attendance at our fraud training activities throughout the year. One of the primary functions of the Board is to find and obtain speakers on a wide variety of fraud-related topics for our seminars, luncheons, classes, and conferences. All of this work is performed behind the scenes, something most Members don=t see. It takes a lot of hard work and dedication to complete assigned tasks each year.

The Board encourages all Members to get actively involved in the life and times of our CFE Chapter. The professional networking opportunities are endless. Thanks for your support.

**Pacific Northwest Chapter
Association of Certified Fraud Examiners**
TERM: July 1, 2006 Thru June 30, 2008 (Two Years)
2006 ANNUAL BALLOT

Nominating Committee Report.

According to the Chapter By-Laws, the Nominating Committee consists of three chapter members appointed by the President. The following Chapter Members served on this committee this year: Morgan D. Jacobson, CFE, CISA; Clifford C. Whipple, CFE; and, Kent Hansen, CFE, CPA, CMA. The Nominating Committee has presented a slate of Chapter Members for the five positions on our Board of Officers. Chapter Members may also write-in the name of any other Chapter Member, with their concurrence, for any office listed.

Please vote for only one individual for each office of the Chapter Board of Officers. After voting, please complete the information below, **sign the form**, and either:

(a) **Mail** this ballot to the chapter at P. O. 215, Auburn, WA 98071-0215, in time for it to be received **before June 28, 2006**; or,

(b) **Bring** this ballot to the annual chapter luncheon business meeting **on June 29, 2006**. The meeting will be at the Bahama Breeze Restaurant; 15700 SouthCenter Parkway, Tukwila, WA 98188, (206) 241-4448 (in the SouthCenter Mall); Tukwila, Washington, at Noon on that date.

Unsigned ballots **will not** be counted by the Election Committee. Results of this election will be announced at the annual luncheon business meeting.

SPECIAL NOTE: The chapter plans to have a guest speaker at the annual luncheon business meeting. Thus, there will be one hour of "free" continuing professional education training credit available for all those in attendance. There is no cost for the meal if you are a Chapter Member. Details on the speaker and topic are announced in the May/June 2006 Chapter newsletter.

NAME:

SIGNATURE:

DATE:

PRESIDENT

JOSEPH R. DERVAES, CFE, ACFE Fellow, CIA. Joe is a Life Member; 2003 Donald R. Cressey Award Winner for his lifetime achievements in fraud deterrence, detection, and education; Vice-Chair of the ACFE Foundation Board of Directors; ACFE Fellow; Regent Emeritus; prior Member of the Board of Review; the Chapter Distinguished Achievement Award winner for 1995; and prior adjunct faculty member of the Association of CFE's. He authors a By-Line Column on Fraud=s Finer Points in *The Fraud Magazine*, the bimonthly international magazine of the ACFE. He is the Audit Manager for Special Investigations for the Washington State Auditor's Office where he manages the agency=s Fraud Program. He is the Founding President of the Chapter and is **the current Chapter President.**

VICE-PRESIDENT

DR. NORMAN J. GIERLASINSKI, PhD, CFE, CPA, CIA. Norm is the 2002 ACFE Outstanding Achievement in Anti-Fraud Education Award Winner and is a faculty member of Central Washington University-Des Moines Center. He is the Chapter Distinguished Achievement Award winner for 1996 and **the current Chapter Vice-President.**

SECRETARY/TREASURER

ROGER B. GULLIVER, CFE, CPA, CISA, CBA. Roger owns and operates a private firm, Gulliver and Associates, P.S. He is the Chapter Distinguished Achievement Award winner for 2000 and **the current Chapter Secretary/Treasurer.**

DIRECTOR-AT-LARGE

BERNADETTE MC BRIDE, CFE, CPA. Bernadette is a Senior Investigator/Financial Examiner in the Securities Division at the Washington State Department of Financial Institutions. She is the Chapter Distinguished Achievement Award winner for 2004 and **a current Director-At-Large for the Chapter.**

DIRECTOR-AT-LARGE

ROBERT A. GOEHRING, CFE, CPA. Robert has been an Audit Manager at the City of Kent since 2002. Prior to this assignment, he was employed by the Washington State Auditor=s Office for approximately 15 years and most recently served as the Senior Investigator in the agency=s Fraud Program. He is the Chapter Distinguished Achievement Award winner for 2005 and **a current Director-At-Large for the Chapter.**

ANNUAL CHAPTER LUNCHEON AND BUSINESS MEETING

Wednesday, June 28, 2005 -- Noon - 2:00 p.m.

The annual Chapter luncheon business meeting will be held at the Bahama Breeze Restaurant, 15700 SouthCenter Parkway, Tukwila, WA. For reference purposes, the restaurant is located on the Northwest corner of SouthCenter Mall nearest to the intersections of I-5 and I-405. Directions to the restaurant follow. When driving North on I-5, take exit number 153 indicating the SouthCenter Mall and SouthCenter Parkway and just before reaching the I-405 interchange. Take an immediate right at the traffic light on SouthCenter Parkway. Then, take an immediate left at the traffic light and proceed to an entrance to SouthCenter Mall (on your left). Drive through the Mall parking lot until you reach the restaurant location. There is plenty of parking at the restaurant.

Members will be able to order from a variety of menu selections offered by the Bahama Breeze Restaurant especially for our meeting. There is no cost for the meal or fraud training for Chapter Members and Associates. The cost of the meal and fraud training is \$15.00 for non-members.

Even though the cost of the meal is free for Chapter Members, Associate Members, and Affiliates of the Chapter, we still need your registration forms so that we can get an accurate head count on all attendees. Thanks for your assistance in this important matter.

Last minute registration will be held just prior to the luncheon that starts at Noon. A brief Chapter business meeting follows. Our fraud seminar will then begin at 1:00 p.m. Networking with Chapter Members follows the seminar.

Thanks for your early registration to attend this meeting. If applicable, make your checks payable to the Chapter, and mail this registration form to the following address:

Pacific Northwest Chapter of ACFE
P. O. Box 215
Auburn, WA 98071-0215

Speaker:

Shannon E. Smith, Senior Counsel, Consumer Protection Division, Washington State Attorney General's Office, Seattle.

Seminar Topic:

High-Tech/Internet Fraud and the Law.

SEMINAR REGISTRATION FORM
Wednesday, June 28, 2005 -- Noon - 2:00 p.m.

NAME: _____

TITLE: _____ PHONE: _____

EMPLOYER: _____
FAX: _____

ADDRESS: _____

CITY: _____ STATE: _____
ZIP: _____

Seminar Description

Speaker: Shannon E. Smith

Shannon E. Smith is a Senior Counsel in the Consumer Protection Division of the Washington Attorney General's Office in Seattle. Prior to joining the Consumer Protection Division, Ms. Smith represented the Washington Utilities and Transportation Commission (WUTC) as an Assistant Attorney General (1995 to 2005), where she specialized in telecommunications and energy regulatory law. As an Assistant Attorney General, she also represented the Departments of Health and Licensing (1989 to 1995).

Ms. Smith's practice has included utility rate cases, issues related to telecommunications infrastructure, carrier-to-carrier disputes, tariff interpretation, and general appellate matters. In her current position, she focuses on identity theft, data security, telecommunications consumer issues, and general consumer protection issues.

Seminar Topic: High-Tech/Internet Fraud and the Law

The speaker will cover the following areas during this presentation: (1) Introduction to Office of the Attorney General, Consumer Protection Division, and High-Tech Unit; (2) Goals of the Consumer Protection Division and means to achieve goals: Education, Litigation, and Mediation; (3) High-tech/Internet-related violations of the law, origins of the High-Tech Unit; (4) Statutes Consumer Protection Division enforces in the area of high-tech practices; (5) Discussion of state's first case under the Computer Spyware Act; and, (6) Future plans for high-tech education and litigation

Notes:

Please mail registration form to: Pacific Northwest Chapter/ACFE; P. O. Box 215; Auburn, WA 98071-0215. Or, bring your registration form to the Seminar for processing.

Many organizations require the **Federal Tax Identification Number** of the Pacific Northwest Chapter/ACFE in order to pay for their employees to attend our fraud training events. The number is: **91-1592735**.

We have entered into an agreement with the Washington State Board of Accountancy to meet its continuing professional education requirements.

John E. Reid & Associates, Inc.
209 West Jackson Boulevard, Suite 400, Chicago, IL 60606
800-255-5747 ! 312-583-0700 ! fax 312-583-0701
January -February 2006 Investigator Web Tip

The Significance of Identifying Precipitators During a Criminal Investigation

The first step of any criminal investigation is factual analysis. This describes the process of collecting and analyzing information and evidence surrounding a crime. One of the goals of factual analysis is to develop a list of possible suspects based on opportunity, access, motive or propensity. In many investigations factual analysis and interrogation are enhanced by identifying precipitators that led up to the crime.

Thankfully for investigators, crimes are not a random event. Before a person decides to commit a crime he goes through a specific thought process designed to accomplish particular goals. There are many possible goals to consider when committing a crime. Examples include: how can the offender gain access to the victim or property; how can the offender avoid being caught; how can the offender reap the most financial reward or psychological gain from the crime; will the assistance of others be required to commit this crime and, what will be a plausible cover-story to explain away possible evidence.

Even the simplest of criminal behaviors involve underlying decisions by the offender. Consider a 14-year-old girl who shoplifts a \$15.00 CD from a music store. This girl made the conscious decision to steal that particular CD from that particular store at that particular time and on that particular date. Events or circumstances that contribute to these underlying decisions are referred to as *precipitators* of the crime. To help identify precipitators an investigator should attempt to answer these three questions about the crime under investigation:

- (1) Why was this person or property selected to be the victim of this crime?
- (2) Why was the crime committed on this date, time and location?
- (3) Why was the crime committed in this manner?

In the shoplifting example, the girl met two friends at a shopping mall and they went to a music store. While inside the store the girl was looking at a particular CD with the intention of buying it because she liked the artist. She noticed that the store was very busy and that there were only two clerks present. The girl knew that she had only \$20 in her purse which would not leave her with enough money to buy the CD and purchase lunch with her friends. This information answers the first two questions. As for the final question, the girl took the easiest route to accomplish her goal of obtaining the CD without paying for it. Robbing the store or burglarizing the store to obtain the CD were eliminated as being far too risky options. Each of these circumstances and events represent precipitators to her crime. As this case illustrates, identifying precipitators of a crime is a key aspect of factual analysis. This is especially true when multiple possible suspects are developed during the course of an investigation. By objectively listing the presence or absence of known precipitators, suspects can often be ranked from least to most likely involved in a criminal offense.

Identifying precipitators of a crime is also beneficial during the interrogation of the guilty suspect. In the previous shoplifting case, consider that the desired CD was not available in the store, that the girl had \$50 in her wallet, and that the store had an obvious security system. If any of these conditions existed the girl probably would not have shoplifted the CD. This concept can be incorporated within an interrogation theme and used to deflect blame away from the suspect. For example, the investigator could explain to the shoplifter, "If your mom would have given you more money that day, and if that store had a proper security system in place you never would have been tempted to do this and I wouldn't even be talking to you right now."

In an effort to organize this material, precipitators will be presented by addressing the earlier mentioned three investigative questions. The suggested precipitators are merely examples of possible circumstances or events and are hardly exhaustive. An investigator should rely on experience and imagination to develop possible precipitators for a given crime or suspect. A very useful source of information in this regard is to specifically question suspects who have confessed to committing a crime. By asking the suspect, "Why did you decide to steal that particular car at that time and on that date?" the investigator will gain tremendous insight to the criminal mind.

Why this victim?

At the outset of an investigation, one of the first questions an investigator should ask himself is why was this person or property selected by the criminal. After all, the criminal could have burglarized any of a hundred other homes, stolen any of hundreds of other cars or robbed any of a hundred other people but did not. It is extremely rare to encounter a random victim. Almost always there is something unique that caused a particular person or property to be targeted for a crime, i.e., the thief consciously selected a particular deposit to steal, the pedophile consciously selected a particular child to molest, a particular man was selected to be shot. The following are possible precipitators to consider:

Deposit - unusually large amount; deposit left unattended; safe left open; person with immediate access to deposit has pressing financial need.

Burglary - home unlocked; no security system; occupants obviously not home; located in a remote area.

Robbery - victim displaying money or wealth; victim being vulnerable (alone, intoxicated, elderly, physically disabled).

Auto theft - keys left in the car; no security system; car parked in an unsecured area; valuable car in bad neighborhood.

Rape - victim wearing provocative clothing; engaging in friendly or intimate contact with suspect; allowing the suspect some intimate contact; being vulnerable (alone, lost).

Child molestation - child seeks attention; being alone with child; child instigates questions about sex; innocent exposure or contact that led to fondling (stepping out of a shower).

Why this date, time and location?

Consider that a fire is set in a warehouse at 10:00 PM on November 2nd. Because this arson was an intentional act the location, time and date were all consciously selected by the arsonist. The warehouse may have been selected so that the owner could file an insurance claim on merchandise that he claimed was burned, but was actually moved to another location. The time of 10:00 PM may have been selected to make certain that no one was injured and to avoid any witnesses. Finally, November 2nd may have been selected because the last of the merchandise was moved out of the warehouse that afternoon.

When answering this question a broad distinction can be made between premeditated crimes (such as the previously mentioned arson) and spontaneous crimes (the suspect striking his girlfriend during an argument). As a general guideline, in a premeditated crime the offender gives much more conscious thought about where and when to commit his crime. In a spontaneous crime, the events immediately preceding the time in which the crime was committed become the most important consideration.

Precipitators for premeditated crimes

Arson - failing business; new regulations that would require expensive updates; threats of unionization.

Homicide - discovery that spouse was having an affair; wife not granting a desired divorce; financial need (recently increasing death benefit on life insurance policy).

Embezzlement - gambling addiction; unusual medical expenses; pay tuition for son or daughter=s education.

Robbery - loss of a job; support drug addiction; unusual financial expense.

Precipitators for Spontaneous Crimes

Emotional Precipitators

Homicide/Assault - anger, humiliation, embarrassment.

Theft/ burglary - greed, excitement.

Arson (vandalism) - thrill, excitement.

Sexual arousal - seeing the victim partially clothed; inadvertent physical contact with the victim.

Unusual opportunity caused by negligence - leaving a safe unlocked, writing the combination to the safe down in plain view; not turning on a security system; leaving keys in car.

Stress: Loss of income; recently diagnosed medical illness; divorce, death or illness of loved one; legal proceedings (up-coming trial).

Judgment Precipitators

Alcohol.

Illegal drug use.

Medications.

Peer pressure.

Financial Precipitators

Legal actions - threat of eviction, re-possession of car, mortgage foreclosure; bankruptcy proceedings; divorce papers.

Unusual expenses - car repair; bail a friend out of jail; pay tuition; medical bill.

Threats - threats of harm if gambling debt is not paid; threat of garnished wages; threat of public exposure.

Date Factors

One of my first investigations involved the theft of an even million dollars from a bank. The money was purposefully stolen on the Friday before Columbus day because the thieves knew that the bank would be closed on Monday and the discovery of theft would be delayed by an extra day. In many cases the significance of the date of a crime only

becomes apparent after the guilty suspect confesses. Nonetheless, it is important to look for precipitators in the suspect=s life that may have caused the crime to be committed on that particular date. Some precipitators to consider in this area are:

Last day of work.

Birthday or other celebration (alcohol consumption; peer pressure).

Change in job assignment, hours, position.

Loss of access (no longer having high security clearance, alarm code).

Loss of opportunity (explosives being moved next week to a more secure area).

Wife leaving town (providing time alone with victim).

Time Factors

Statistics that track criminal behavior demonstrate various date and time correlations. Most of these follow common sense. More outdoor rapes occur during warm months (when people are outdoors), retail theft increases in November and December (holiday shopping) and alcohol related crimes are more common on nights and weekends when people are more likely to drink. The following are examples of possible precipitators centered around the time in which a crime was committed:

Unusually busy or slow (retail theft, drug use during work hours).

Change in shift (confusion to open range of possible suspects).

Public transportation schedules (as a means to get to or from the crime scene).

Lack of supervision (temptation, opportunity).

Late at night - affected judgment from fatigue, alcohol or drug use.

Victim=s schedule (going to bank with cash deposit at 6:00 each Friday).

Why was the crime committed in this manner?

With respect to the method selected to commit a crime, an initial distinction can be made between crimes that are readily detected (\$5000 deposit missing from a manager=s safe) and crimes that involve an effort to prevent discovery (embezzlement, Medicare fraud, dumping a homicide victim=s body in a lake). When a person not only commits a crime but also takes the time and effort to make the detection of the crime difficult, that behavior alone strongly points to the individual with the best opportunity and motive to commit the crime. Consequently, when a crime is discovered inadvertently (hunters discovering a body in a shallow grave, a surprise audit revealing a shortage in a teller=s drawer) or there is an effort to make the crime appear accidental or an act of nature, the obvious suspect is usually the person guilty of the crime.

Many crimes are readily detected and are committed in such a way as to conceal the identity of the offender. For example, robbers usually make an effort to conceal their identity and select a store where they are not well known; burglaries are committed when the home is vacant and an arsonist is careful not to be seen lighting his fire. When there is no effort to disguise the crime or make the crime difficult to discover, the following precipitators may help answer the question, "Why was the crime committed in this manner?"

Unusual access (discovering safe unlocked, keys left out, security system turned off, security guard sleeping).

Unusual opportunity (returning to work to pick up a check and discovering a deposit in manager=s office, coming home from work early and discovering wife with lover).

Previous success using that particular MO: entering unlocked windows of a home, pretending to have a gun in a coat pocket during a robbery, distraction techniques (calling in false fire reports on other side of town).

Because of their value during an investigation, precipitators should always be sought during the course of an investigation. This starts with focused observation of the crime scene where the investigator actively looks for answers to the questions: Why was this victim selected?; Why was the crime committed on this date, time and location? and, Why was the crime committed in this manner? Answers to these questions should also be pursued by thoroughly questioning a victim or witness. Precipitators should always be pursued during the interviews of possible suspects. Innocent suspects will be comfortably speculating and theorizing about such things as why a particular child was selected to be molested or why a home was burglarized at 10:00 in the morning or how the thief was able to get product out of the warehouse without getting caught. After all, the suspect is talking about someone else=s crime. Guilty suspects are not comfortable talking about the crime they committed and certainly do not want to reveal the precipitators that led up to their crime. Consequently, during the interview of any person suspected of an act of wrong-doing, the investigator should ask questions addressing precipitators. For example:

"Why do you think that store was selected to be robbed?"

"Why do you think the fire was started at night?"

"Why do you think no knife was found at the scene of the killing?"

During an interview speculative questions are perceived significantly differently from a guilty or innocent suspect, which results in completely different behavior symptoms. An innocent suspect who is asked the question, "Why do you think this particular car was stolen?" perceives the question as a hypothetical one and will predictably ponder the question before answering it. Their response is often reflective and qualified, e.g., "Gosh I don't know. Maybe because it was not in a garage or maybe because it was expensive, I'm not sure." A guilty suspect, of course, knows exactly why he selected that particular car to steal. To him, the question is not hypothetical, but rather quite threatening. Typically guilty suspects respond to speculative questions during an interview too quickly and exhibit a reluctance to offer an expansive answer, e.g., "How would I know?"

Occasionally guilty suspects will offer very detailed answers to speculative questions because of a psychological phenomenon called introspection. Under this circumstance the guilty suspect is revealing truthful information about their crime but does not consider the information incriminating because it is merely "speculation.", e.g., "Why do you think the driver of that car left the scene of the accident?" "Well, I think the guy was drinking and already had a couple dui arrests and left because he was afraid that he might go to jail."

In conclusion, identifying precipitators that led to the commission of a crime serves several important purposes. First, it will assist during factual analysis to help identify possible suspects and also rank order the suspects to help focus on the one most likely guilty of the crime. Second, pursuing precipitators during an interview may reveal behavior symptoms of a suspect's guilt or innocence. Because precipitators are so closely linked to the commission of the crime itself, they become valuable persuasive material to use during an interrogation. Finally, once a suspect has confessed to committing a particular crime, the investigator should actively elicit precipitators that led to the commission of the crime. This information will not only help corroborate the confession, but will also provide insight to criminal behavior which will be helpful in future investigations.

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The Use of an Interpreter During and Interview

A question that is frequently asked during our seminars concerns the proper use of an interpreter during an interview. This is particularly true when we train military personnel who regularly utilize translators in their effort to develop intelligence from a variety of sources. Our staff has successfully used interpreters both during interviews and interrogations. However, because interrogation is a more complex process, this article will focus on the use of an interpreter during an interview. The goal of an interview is to develop information from a subject and assess the credibility of that information. To accomplish this, the investigator must ask the right questions, phrase questions properly, ask appropriate follow-up questions and evaluate the subject's verbal, nonverbal and paralinguistic communication. Each of these tasks is dependent upon the investigator's ability to communicate effectively with the subject and correctly interpret the subject's responses to questions. When the investigator does not speak the same language as the subject, the success of the interview becomes dependent on the skill of the interpreter. *Selecting the Interpreter* In a perfect world a suspect who speaks a foreign language would be interviewed by a trained investigator who speaks the same language. Unfortunately, there are a very limited number of well trained multi-lingual interviewers; thus the necessity of an interpreter. When selecting or recruiting individuals to serve as an interpreter during the interview of a criminal suspect, the following considerations should be kept in mind:

1. The interpreter should not be familiar with the suspect. The interpreter's role during the interview is merely to accurately translate language and should be perceived by the subject as a neutral, uninvolved party of the communication. Using a member of the subject's family or other person acquainted with the subject as an interpreter is clearly undesirable. First, the interpreter may be sympathetic toward the subject's situation and not accurately translate incriminating information. Second, the subject may perceive a familiar interpreter as an adversary which may reduce that person's fear of detection, ultimately making it more difficult to detect deception.
2. The interpreter should be fluent in both languages. It is an added benefit if the interpreter has an understanding of the subject's cultural background, religious beliefs and value system.
3. The interpreter should be emotionally mature and confident. This is particularly important if the issue under investigation involves a sexual issue or a heinous crime. If the interpreter is uncomfortable discussing sensitive or revolting topics he may alter language used by the investigator or subject which, in turn, could affect the integrity of the entire interview.

In many investigations, there is no ideal interpreter so the investigator will have to make do with available personnel. There are a number of things an investigator can do to compensate for an interpreter's shortcomings:

1. If possible, the interview should be electronically recorded. This will not only memorialize the session but also serve as an incentive for the interpreter to make accurate translations. If it is not possible to electronically record the session but there is a concern that the interpreter may attempt to protect the subject and not accurately convey questions or responses, the interpreter can nonetheless be told that the entire interview will be audio-taped and later reviewed by a person fluent in the subject's language.
2. In preparation for the interview emphasize with the interpreter the importance of exact translations. For example, the investigator could write out a couple of similar response and comment on the significant differences between the two, e.g.:Q: Before we go any further let me ask, did you steal that deposit?"A: I didn't take that deposit." Vs. "I didn't steal that deposit.Q: Last Saturday evening were you with Paul Kingston at any time?A: Was I with him? No, not at all. Vs. No, not at all.Q: At 10:00 last night were you inside a blue car outside the Plaza liquor store?0A: I don't own a blue car. Vs. I wasn't in any blue car.
3. If the interpreter is not fluent in both languages there is a risk that the interpreter will guess at the meanings of some unfamiliar words or pursue an independent conversation with the subject to clarify the meaning of words. The investigator should anticipate this possibility and explain to the interpreter that if the subject uses unknown words this fact should be included within the translation. The interpreter should be specifically instructed not to pursue the meaning of unknown words.

*Positioning of the Interpreter*In our discussions with investigators who frequently utilize interpreters, they have described a number of different room arrangements involving an interpreter. Our experience indicates that the most desirable room arrangement is for the investigator to sit approximately 4-4.5 feet directly in front of the subject and for the interpreter to sit 2-3 feet off to the investigator's side. The arrangement allows the investigator to maintain a frontally-aligned posture with the subject which is important to transmit trust, openness and interest. This positioning also invites the subject to talk to the investigator rather than the interpreter. Finally, by sitting directly in front of the subject the investigator is in the best position to observe the subject's nonverbal behavior. Conversely, it is undesirable to position the interpreter directly in front of the subject. This arrangement affords the deceptive suspect greater comfort because he is not psychologically exposed to the investigator in much the same way that a guilty suspect feels protected if the investigator is seated behind a desk or table. Furthermore, if the investigator is not sitting directly in front of the subject, the interpretation of various nonverbal behaviors such as posture alignment and eye movements may be affected. The one exception to this rule is when interviewing a subject who is deaf or hearing impaired. Under this circumstance the subject needs a clear view of the signer's hand movements and mouth and the interpreter should sit directly in front of the subject. The investigator should be positioned directly to the side of the signer. In some situations it may be appropriate to position the interpreter out of the subject's sight, e.g., behind the subject. This arrangement emphasizes the investigator's control over the subject and tends to increase the adversarial relationship between the two. Consequently, this arrangement may be considered when the subject is in custody and is offering little cooperation. Another occasion in which this may be a desirable position for the interpreter is when the subject is familiar with the interpreter and the investigator wants to minimize the psychological bond between the two. *Procedures* Prior to the interview the investigator should spend a few minutes briefing the interpreter about the issue under investigation as well as the general procedures that will be used during the interview. It may be appropriate to reassure the interpreter that the suspect does not present a danger and that adequate security measures in place. If the interpreter is familiar with the subject's cultural background, religious beliefs or special status within the community the investigator should take advantage of this information to help formulate interview questions and, in particular, to develop an interrogation strategy. During any formal interview it is our recommendation that the investigator prepare for the interview by writing out, in abbreviated form, key questions that will be asked during the interview. It will be beneficial for the interpreter to review these scripted questions to help prepare for the translations and ask questions, if necessary, to clarify the meaning of certain words. Once the investigator and interpreter are seated in front of the suspect, the investigator should introduce himself but not the interpreter. The goal is for the suspect to perceive the interpreter as a disinterested, uninvolved party to the conversation. The investigator should look at the subject when asking a question. If this pattern is established from the outset of the interview, most subjects will also direct their responses to the investigator rather than to the interpreter. If the subject directs his response to the interpreter, the investigator should immediately interrupt the response and instruct the subject to talk to him. During the first several minutes of the interview the investigator should ask non-threatening background questions which appear to have the purpose of identifying the subject and obtaining general background information from him. The following are examples of introductory questions: Please spell your first and last name for me. What do most people call you? What is your present address? How long have you lived there? Who do you live there with? How much education have you received? Tell me about the school you attended.

In actuality, these questions serve a much more important function than simply identifying the subject. First, introductory non-threatening questions establish a communication pattern for the rest of the interview. That is, the investigator asks a question, the interpreter translates the question, the subject responds to the question (while facing the investigator), the interpreter translates the response and the investigator writes down the essence of the subject's response. Second, the initial asking of non-threatening questions allows the investigator to develop a

rapport with the subject. To conduct an effective interview requires that a special relationship exist between the investigator and subject. Regardless of the power or authority the investigator may hold over the subject, ultimately it is the subject who decides whether to answer the investigator's questions. This rapport involves a mutual understanding that the subject will not be physically harmed, that the investigator is sincerely interested in what the subject has to say and that the investigator has not judged the subject as a bad person. Finally, starting the interview with non-threatening questions allows the investigator to establish the subject's normal behaviors. This is especially important when interviewing a person from a different culture. There are three primary assessments of normative behaviors an investigator should make at the outset of the interview. The first is the subject's normal level of eye contact, e.g., does the subject maintain mutual gaze when answering non-threatening background questions? The second assessment involves the subject's communication skills. This ranges from a gross assessment of intelligence by evaluating vocabulary and comprehension to assessments of unusual paralinguistic anomalies, e.g., talking very fast or slow, long delays prior to answering a direct question. The final assessment is of the subject's initial emotional state. During the first several minutes of the interview did the subject appear composed, confident and interested or did the subject appear aloof, detached, preoccupied, frightened, or angry? None of these initial demeanors serve as a behavior symptom of guilt or innocence. However, the dynamics of the subject's change in demeanor during the course of a 30 or 40 minute interview can be very revealing in this regard. In summary, a language barrier between a subject and investigator in a criminal investigation can be largely overcome through the use of a competent interpreter and by modifying the interview procedures. Because the accuracy of translations is critical in the assessment of information during the interview, it is recommended that these interviews be electronically recorded. It is important for the investigator to work closely with the interpreter so that the interpreter knows exactly where to sit, what issues will be covered during the interview and the basic interviewing procedures that will be used. In this regard, especially during an interview that utilizes an interpreter it is important for the investigator to begin the interview by asking several minutes of non-threatening background questions.

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