

CFIs: Are They Experts, Professionals, or Both?

By Eric D. Echols, CFI

Certified Forensic Investigators (CFIs) are considered professionals by virtue of the certification they hold. They also are regarded as experts in the field and may be asked serve as expert consultants. So, which is more important? Or are CFIs a notable combination of both? And why does it matter? If you ever are asked to testify in court or get deposed, it is advisable to be armed with some facts and examples of just how important both statuses are. The situation described in this article can serve as a model for how you can prepare.

Court Requests

I recently had the experience of being questioned in a military court in another country. I will have to leave out some of the identifying details, as ordered by the staff judge advocate and the commanding general. Though I am a civilian now, I will always be a Marine and follow orders. The process through which I was summoned is called a *motion to compel*. This motion was presented by the defense to the government and military court to request that I, as a Certified Forensic Interviewer (CFI), aid the defense in locating and conducting interviews with 19 military personnel. Below is a portion of the memo sent to the staff judge advocate and the commanding general.

SUBJECT: Request for Appointment of Eric D. Echols, Certified Forensic Interviewer (CFI), as an Expert Defense Consultant and Witness, United States v. [REDACTED]

SPC [REDACTED], by and through counsel, requests the Convening Authority to appoint Eric D. Echols, Certified Forensic Investigator (CFI), for the purpose of conducting a defense investigation. Mr. Echols will provide an independent defense investigation into the facts of this case; interview and evaluate witnesses; develop affirmative defense evidence and impeachment evidence; and identify and interview prospective pre-sentencing witnesses in extenuation and mitigation in the event of a conviction. SPC [REDACTED] further requests the expert consultant be designated as a member of the defense team bound by the attorney-client privilege, in accordance with Military Rule of Evidence (MRE) 502(a).

The alleged crime was committed in another country, but the military personnel who were potential witnesses had demobilized back to the United States. So, the defense—who were also military—wanted an investigator to locate the potential witnesses and conduct interviews when they were located. Some had even left the service since the incident.

When an investigator is requested by the court, the question comes up about whether a CFI is a professional called on to do a skilled task, an expert in the eyes of the court, or both. I was referred to the military due to my work as a private investigator. I do investigations for prominent law firms in Atlanta, among other clients. One of the firm's work includes military law, and that is how the military heard about me for this case. As a CFI, I am a professional private investigator. I also consider myself a professional based on the way I handle cases, treat my clients, and produce quality work. Now, the US government was calling me an "expert." This was based on my experience and areas of expertise, as well as the certification I hold and continue to maintain as a Legacy CFI.

During the motion to compel process, I was called (*remember, the alleged crime occurred in another country, so when it was time for me to testify, I was called via telephone*) and sworn in to

answer direct questioning from the defense and cross-examination by the government (prosecution) to validate my expertise in interviewing. It is likely that you have asked, "If I'm ever questioned in court about my CFI certification, what do I say?" As someone who just went through it with a military court, I can attest that it can be daunting. Thus, it is always best to prepare well ahead of time. Let me take you through the preparation and the questions I was asked, as I remember them, and my responses.

Professional Experience

First, I had to send the court my CV. I informed them of my background, what high profile cases I have worked, and the number and types of interviews I have conducted. All of this is standard. The court and counsel need to see where you have worked and what you have done at those jobs.

Longevity and experience in a career contributes to being a professional. In my case, I have more than 30 years of related experience. These are some of the high-profile cases that I have worked in the past:

- Tonya Craft – child molestation case
- Robert Champion – FAMU drum major who was hazed to death
- Anthony Hill – unarmed and fully unclothed veteran shot and killed by a DeKalb County police officer

Even though these cases were different, the common factor was that I located witnesses and conducted interviews. The end results were that my work contributed significantly to case outcomes.

- Tonya Craft was acquitted on 22 felony counts
- The Estate of Robert Champion was awarded a civil demand; some of the people who did the hazing were jailed and/or put on probation
- The police officer who shot Anthony Hill awaits trial for felony murder, aggravated assault, violation of oath of office and making a false statement

The first question that the defense asked me was about whether there was anything in my background or experience that is not included in my CV. This gave me an opportunity to talk about the method of interviewing I created, and that my program was approved by the International Association of Interviewers for other CFIs to obtain continuing education credits (CEUs). And I talked about my book "The Echols Files: Catoosa County Justice" My investigation into the biggest child molestation case in the south. (The State of GA vs Tonya Henke Craft)

I was asked, "What is a CFI?" I responded, "The CFI is the highest documented certification in the field of interviewing. To put it in prospective it's like having Esq. behind your name if you are in the legal field or CPA if you are an accountant." I then explained the process I went through to become a CFI, and what I must do to maintain my certification.

I was asked what a CFI can do that others cannot. Knowing that the room was filled with attorneys, and that they could do things which non-attorneys cannot, this is how I replied: "A CFI is trained in interviewing.

As a CFI, I know how to conduct an interview while reading the body behavior to detect deception, empathy, or sympathy. I know how to use techniques to bond with the interviewee. I know how

and when to rationalize and will know what rationalizations to use to get the interviewee to talk. CFIs learn how to identify and handle nonverbal denials, how to address verbal denials, and what to say if a person decides to get up and walk out of the interview, without using threats or intimidation.”

Expert Knowledge

After these questions that probed the professional status of a CFI, there were others that I consider as addressing my standing as an expert in the field of investigation. Here are the questions and answers as I recall them.

I was then asked why it was important to know the techniques I had described in my last answer, and specifically what were some things I looked for during an in-person interview. My response was to let the court know that CFIs get people to talk, and then expanded the answer based on my experience: “These techniques are important because the issue in any case is to get to the truth. You want witnesses to talk and provide the truth, or at least provide the interviewer with some information on the case to follow up on. When doing interviews, I look for body behavior (motions, gestures), I listen for voice changes (pitch, tone, dryness), I look to see if barriers are broken down, and I can tell when the interviewee is going into submission”

The next question was whether there were specific tactics and techniques that led lead to more successful interviews. My response was that the entire interview process is based on techniques and tactics, but certainly there are ways to ensure success. “I was trained in art of interviewing, then took that training, along my experience of doing over 1000 interviews, and developed a different interview process. Any interviewee who talks makes the interview a successful one. Effective CFIs get people to talk.”

One of the most important questions asked was this: “What are some benefits of having a civilian, rather than a member of the military, conduct interviews in court-martial cases?” This question could stir the pot if not answered prudently. One thing I did not want to insinuate is that the military CID would be incompetent in any way. So, I rationalized! I stated, “Often, I’m asked to participate in wrongful death cases (like the Anthony Hill case, in which a DeKalb County police officer shot and killed a fully unclothed veteran). Most people who have something to fear do not like talking to people who can get them in trouble. This is why people in the streets don’t like talking to police officers, because of the fear they may get arrested, or someone in the neighbor may retaliate. There is a similar mindset with soldiers. They may not want to talk to CID or JAG because of that same fear, but this time that fear could be Office Hours, Article 15, etc. Sending a civilian to conduct the interviews shows that the military court wants to get the truth. And getting the truth is so important, that they hired a civilian and sent that civilian to investigate the case. There is also the benefit of taking away the fear of the higher-ups (Officers) being in front of the interviewee.”

I was then asked why in-person interviews are more successful than interviews over the phone. For the most part, phone interviews are conducted by retailers with employees with no tenure, when a loss or wrongdoing is fairly insignificant. But in a criminal case, what professional would even consider doing a phone interview? This would be highly inadvisable in a case in which the accused could possibly spend life in the brig or on a sex register!

So, here was my response to the court: “In a case like this, doing phone interviews would be a disservice to justice. Phone interviews are only conducted when you have the facts of the case or concrete evidence, and you just need an admission from the interviewee. If a person is facing jail,

may be dishonorably discharged, or will be on sex offender registry for life, a phone interview is not the way to go.” Then I added the interviewer’s worst fears when doing a phone interview: “Also, during phone interviews, it is difficult to read the behaviors and bond with the interviewee. Worst of all, the person can just hang up the phone and leave the room.”

Among several other questions, I was also asked what I felt was the most important question about being an expert: “What could you bring to the defense team in this case?” When people ask me questions like that, I always think about the training I had, what it took to become a CFI, and what I have to do to maintain the certification. Most of all, I think about my ethics and motto. With all that in mind, this is how I answered the question: “I hope nobody takes this the wrong way, but what I bring is a true interest in justice. I don’t go into an investigation or do interviews that are biased. If I did that, I might discount valuable information, details, or evidence. As a CFI who is considered a professional interviewer, and an expert in my field of investigations, I always follow my motto: Truth, Fact, and Protect—get the truth, and find the facts, to protect the clients’ best interest. So, what I bring to the defense team is the ability and motivation to conduct a professional unbiased investigation and interviews.”

Now what do you think? Is a CFI an expert, a professional, or both? I say BOTH! We are professionals because we hold a national certification that is the highest in the field of interviewing, and we are trained to conduct interviews in any situation. We maintain this standing and follow a code of ethics and standards of practice under the guidance of the International Association of Interviewers. We become experts through experience, longevity, and the application of our professional skills. So, in the event you are asked to testify in court, or get deposed, you have some handy examples to refer to.

Eric D. Echols is Managing Partner and Sr. Investigator with TFP Company and has been a CFI since May 31, 2006, holding a Legacy CFI Membership. Eric is a former United States Marine and has worked for fortune 500 Companies in loss prevention as Divisional Vice President with Kmart, Regional Director with Lowes Home Centers, Director of Loss Prevention with SaveRite Grocery Warehouse, and Area Manager with Walt Disney World, to name a few. Eric has also developed an innovative style and format for interviewing employees to discover dishonesty and rollovers called the Retail AID Program, which stands for Retail Advance Internal Development Program. The Retail AID Program has been approved by the International Association of Interviewers for CFIs to obtain eight (8) continuing education hours. You can find the Retail AID program at www.tfptraining.net and Eric’s book The Echols Files: Catoosa County Justice on Amazon.