

# THE CPIRC NEWS

CANADIAN PRIVATE INVESTIGATORS' RESOURCE CENTRE



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## The Use of an Interpreter During an 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 paralinguis-

tic 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 multilingual 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:

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.

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*Luminol and other tests for blood produces false positives test results for blood in the presence of vegetable products related to the potato.*

## Murder in a Potato Barn

If you want to commit a murder and have the blood go undetected do it in a potato barn or a horseradish factory. Luminol and other tests for blood produces false positives test results for blood in the presence of vegetable products related to the potato.

There are two tests for blood which create color changes in the chemicals used to test a stain or unknown liquid for the presence of blood. Luminol differs in that it produces a change in the light being emanated from the substance. The light is produced by a chemical reaction between the Luminol and the presence of certain chemicals. Some of these chemicals are present in blood.

Luminol is a very sensitive test for these chemicals and can detect them up to 15 years after the event (Saferstein, 2004).

Items or surfaces sprayed with Luminol must be viewed in the dark. The other tests available do not require darkness. These tests may be more suited to outdoor scenes although Luminol can still be used at night in uncontaminated scenes outdoors.

None of the tests for blood will

tell an investigator whether the blood is human or animal in origin.

The Kastle-Meyer colour test replaced the Benzidine test. Phenolphthalein and Hydrogen Peroxide is mixed and applied to the suspect stain or pool of liquid. If blood is present the swab will turn pink (Saferstein, 2005).

Hemostix are normally used to detect blood in urine. They can be used to detect blood in unknown pools of liquid. Both of these tests require fairly large visible stains or pools of liquid.

Luminol can detect minute traces of blood even after attempts to clean it up have been made. Swipe marks and blood caught in rough surfaces can be detected even years after the event. Luminol also does not interfere with DNA testing which is important because none of the test can distinguish between animal and human blood (Osterburg & Ward, 2000).

Evidence such as a clean area in an otherwise dirty one, painted areas and removed rugs and seat covers can indicate an area in which Luminol may reveal traces of blood.

Luminol is not an indicator of "human" blood. It only indicates the presence of certain chemicals. At a site where other evi-

dence exists of a crime such as photos Luminol patters can give investigators added evidence of the events of a crime. Once blood residue has been detected the lab can confirm the source as human or animal.

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## Laser Listening Device Threats & Audio Noise Masking

The basic concept of a Laser Listening Device (LLD) relies on bouncing a laser off of a reflective surface (typically glass), and then receiving the laser reflection. The theory is that the reflective surface will modulate audio onto the laser reflection, and therefore the audio can be recovered. Many people are concerned about this type of

threat because of the fear that it may be easily implemented without having to actually enter the target environment.

To better understand LLD systems, some common questions are presented:

Question: Does the system have to be perfectly perpendicular to the window, does the angle of

the LLD system affect performance, and does the transmitter and receiver have to be perfectly aligned?

Answer: A perfect reflection perpendicular to the surface will provide the best performance, however:

1. It is also possible to use other angles, separating the

## Laser Listening Device Threats & Audio Noise Masking (cnt'd)

Laser transmitter from the Laser Receiver producing an angular bounce,

2. Additionally, if the glass is dirty or there are other factors that produce diffraction on a window, it is reasonably possible to get enough of the diffracted/scattered signal level at odd angles of alignment, but this is not ideal and is application specific. Performance may be dependent on the cleanliness of the glass, etc.

3. Using a telescope on the laser receiver can greatly increase the performance and increases the possibility of relying on scattering as described above.

Question: What is the quality of the audio from an LLD?

Answer: Quality audio can be retrieved using an LLD system in optimal situations, however in practical "real-world" applications the performance quality is based on many factors. Below are some of the more dominant considerations:

1. Environmental conditions greatly affect performance. Particles blowing through the air create interference noise in the system. For example, if it is raining heavily, the system will not work because the Laser signals are greatly distorted by raindrops. Humidity and air particulates such as pollen, sand, dust, smoke, etc... create distortion and audio noise as well.

2. Modern windows are typically double or triple paned. The interior glass pane will vibrate more from interior noise while the exterior pane will vibrate more from exterior noise (road noise, wind, city noise,

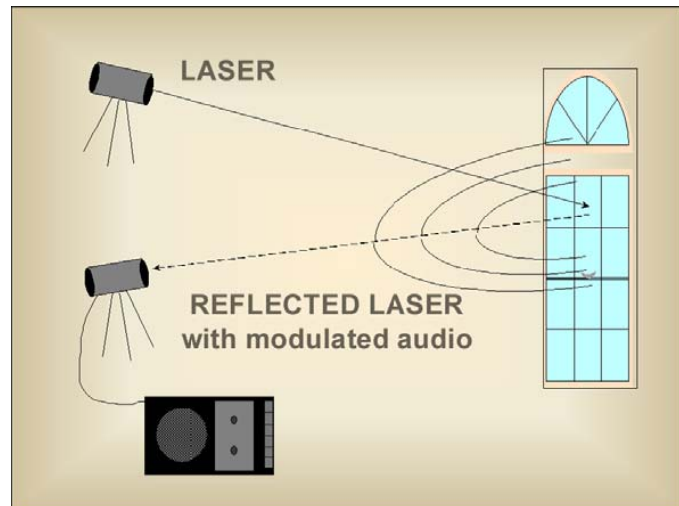
etc...) Hence, it is difficult to separate ambient outside noise from the desired audio.

3. The quality of the audio is greatly dependant on the fundamental inertia of the reflective surface. If the glass is "highrise" building glass and each panel is thick, large, heavy, and well secured, then the inertia of the glass is very high and the ability for a low power audio pressure wave to transfer energy to the glass is very weak. However, a small single glass pane hanging in an interior picture frame old house would be much more susceptible to audio energy.

4. In a tall building, the window will also contain a reasonable amount of structure-born audio. In other words, the building structure will contain audio noise from wind, interior equipment (elevators, machines, etc.), walking, talking, music systems, intercom systems, Heating and Cooling, etc...

Question: What is the best Countermeasure for this threat, will closing the blinds defeat a LLD?

Answer: Simply closing the blinds can diminish the audio leakage onto glass panes as well as keep a laser threat from coming in through a window and bouncing off of an interior surface, however this may not completely prevent retrievable audio from leaking onto the glass. Properly implemented acoustic noise masking is a very effective countermeasure against LLD threats. The basic concept is to inject audio noise into the glass so that the glass window will be dominated by masking noise (i.e. white noise) rather than the room audio.



Because of the other factors described above, it takes very little noise energy to greatly impact a Laser threat. Gluing a transducer directly to the glass panel provides the most direct impact to the Laser threat. The implementation problem is to determine the power level of the injected noise to be sure to mask a potential threat. REI has developed a simple and inexpensive method of achieving this. It provides the ability to turn a computer (laptop) into an effective audio spectrum analyzer measurement tool to evaluate audio leakage and proper noise levels.

For more information on noise masking against Laser Listening Device, and protection against other types of structure bound audio leakage, see REI's Noise Masking Primer on the web at [http://www.reiusa.net/quick/Noise\\_Primer](http://www.reiusa.net/quick/Noise_Primer).

Article obtained from REI Newsletter Q4 2005

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## The Use of an Interpreter During an Interview.

*Continue from Page 1*

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.

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:

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.

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?"

A: "I don't own a blue car." Vs. "I wasn't in any blue car."

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



*"If you tell the truth you don't have to remember anything"*

- Mark Twain

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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## Resource Centre Roundup

### Pretexting Made Easy

Pretexting is the practice of getting personal information under false pretenses. Investigators and skip tracers often use pretexting to obtain information that would otherwise be impossible. You may now purchase calling



cards that allow one to change what someone sees on their caller ID display when they receive a phone call. You also have the option of disguising your voice and recording your phone calls. Cost ranges from \$10 for 60 minutes to \$40 for 240 minutes.

To purchase calling cards visit the “Free Investigative Software & Publication Downloads” category in the Resource Centre.

### Cyber Criminals Changing Tactics

The world's biggest security software maker, Symantec, is reporting that cyber criminals are changing their attack strategy.

No longer are they interested in attacking large targets but have now turned their attention towards smaller, more targeted attacks taking aim at desktop and web applications instead of broad attacks seeking to breach firewalls and routers. Why? They are trying to avoid widespread media coverage of the attacks which leaves more people vulnerable.



How do you protect yourself? Make sure your anti-virus and firewall software are updated regularly. For

free security software visit the “Free Investigative Software & Publication Downloads” category in the Resource Centre.

### Getting Rid of Your Old Computer?

Many businesses overlook the critical steps of insuring that company data and are no longer accessible from the computers' hard drives. When companies sell, donate or throw away their old computers they are putting themselves at great risk. But you deleted all important files and reformatted the hard drive? Information is still present and can be retrieved. To ensure a company's privacy, proprietary information must be permanently destroyed. You have two options. Using a wipe disk program which will securely delete all files from your hard drive or by physically destroying the hard drive rendering it useless.



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