A Primer on International Investigations

PLUS:

Interviewing Children in Criminal and Civil Investigations – Part 2

Outsmart the Home Intruder

Firearms Training with the ‘Dummy Round’
FEATURES

11 TALI Austin 2014 in a Nutshell
The TALI Annual Conference took place Sept. 2-5 in Austin, Texas. Find highlights and photos of the event that took members “From the Minors to the Big Leagues in the World of Private Investigations.” BY PAUL WOLFSON

13 A Primer on International Investigations
One of the biggest mistakes some Western investigators make is not understanding and/or pre-briefing their clients on how much more complex third-world international investigations can be than in the West. BY JEFFREY A. WILLIAMS, CPP

16 Firearms Training with the ‘Dummy Round’
Take a moment to consider your basic shooting skills. Have you ever noticed, or ever been told, that you have an anticipation issue that is having a negative impact on your accuracy? Perhaps you could improve weapons handling skills while dealing with malfunctions. Most, if not all, firearms instructors will immediately implement the use of “dummy rounds.” These are an empty casing with a plastic or rubber bullet, no primer and no gunpowder — the perfect and safe training aid. BY DENNIS ROOT

17 Outsmart the Home Intruder
It’s 2:00 a.m. You are home alone asleep, and you wake up to a noise. There’s someone in the house. This is probably one of the greatest blood-chilling fears a woman could face. But since we are wise and cautious, simple safety measures could save our lives. If you can’t get out of the house, follow these simple rules. BY CHRISTINE PARSLEY, PI, PPS

18 Interviewing Children in Criminal and Civil Investigations
Interviewing children can be a challenge for an untrained investigator. There are many legal and ethical challenges as well as a child’s physical, emotional and mental health issues to consider. There are numerous barriers and hindrances with interviewing children that the prosecution or defense investigator may encounter. This is part two of a three-part series. BY CATHERINE SMIT-TORREZ, TCI
TALI Mission Statement
The Texas Association of Licensed Investigators is an organization that promotes and encourages the highest standards of professionalism among licensed private investigators through information, education, training, legislative action, membership support and networking.

TALI Code of Ethics
All members of the Texas Association of Licensed Investigators will subscribe to the following Code of Ethics:

- To be professional and to demonstrate integrity and honesty as an investigator and as a member of TALI.
- To give each client a full explanation of the work to be performed, rates to be charged and reports to be rendered.
- To preserve as confidential all information received in an investigation unless directed otherwise by the client or unless under specific order or legal authority.
- To conduct all aspects of investigation within the bounds of legal, moral and professional ethics.
- To apprise clients against any illegal or unethical activities and to cooperate with law enforcement or other governmental agencies, as required by law.
- To constantly strive for improvements as a professional, to respect the rights of others and to insure the same from ones employees.
- To loyally support TALI, its aims, purposes and policies as long as one remains a member.
From the President

Do Good Work

CAROL THARP, TCI
President
Texas Association of Licensed Investigators

THE TALI CONFERENCE ENDED SEPT. 5, and I was handed the reins as your next TALI president. I look forward at all of the things that we, the TALI Board, want to make happen in 2015 and 2016.

We have already reached out to all of you as members and vendors for your thoughts and comments. I have talked to many of you at the conference and heard from others by email.

Conferences are already scheduled for 2015 and 2016. We will be at the Sheraton Hotel in Arlington, Texas, on Feb. 10-12, 2015. Bill Pellerin, our speaker chairman, is already lining up speakers. Hotel websites will be going up soon, so you can begin planning for the next two years.

You were updated by email after our last board meeting and received copies of the minutes and financial information at that time.

Read the TALI AROUND TEXAS email every Monday for additional information.

I want to leave everyone with this simple, powerful thought: Do good work!

Gus Grissom was out in San Diego in the Convair plant, where they were working on the Atlas rocket, and Gus was as uneasy at this stuff as Cooper was. Asking Gus to “just say a few words” was like handing him a knife and asking him to open a main vein. But hundreds of workers are gathered in the main auditorium of the Convair plant to see Gus and the other six, and they’re beaming at them, and the Convair brass say a few words, and then the astronauts are supposed to say a few words, and all at once Gus realizes it’s his turn to say something, and he is petrified.

He opens his mouth and out come the words: “Well…do good work!” It’s an ironic remark, implying…because it’s my ass that’ll be sitting on your freaking rocket.

Excerpt from The Right Stuff by Tom Wolfe

There are a number of ways to interpret how and why this story is relevant here. For most of us, we are not only riding the rocket, but also building it. A thought like “Do good work” can serve as a simple reminder of the daily persistence required to accomplish our goals.

YOUR TALI BOARD IS HARD AT WORK FOR YOU.
The Basics of **Investigative Ethics**

BY RORY J. MCMAHON, CLI

**OUTLINED BELOW ARE THE MAJOR areas of concerns for investigators conducting business with honesty, legality, integrity and ethics. Practice of these tenets will avoid conduct detrimental to the profession and to an agency or individual’s reputation. Additionally, individuals and agencies should also adhere to all applicable standards and practices common to the general business community.**

**ETHICAL PRIORITY**

A private investigator must observe and adhere to the principles of honesty, goodwill, accuracy, discretion and integrity. He must be faithful, diligent and honorable in carrying out assignments and the discharge of his professional responsibilities.

A private investigator must observe and adhere to the principles of honesty, goodwill, accuracy, discretion and integrity.

**CONFIDENTIALITY & PRIVACY**

The purpose of confidentiality is to safeguard privileged communication and information that is obtained in the course of business. Disclosure of information is restricted to what is necessary, relevant and verifiable with respect to the client’s right to privacy. An investigator must not disclose, relate or betray, in any fashion, the trust of confidence placed in them by the client, employer or associate, without their consent. In accepting instructions from clients, an investigator guarantees and assures confidentiality, and serves to protect and promote the interests of his clients.

When a third party is involved, the key to confidentiality, when considering personal or confidential information, is to make certain that the client is notified. To further a truthful and legitimate manner of operation, respect, protect and promote the rights of clients. Refrain from divulging confidential information to newspapers, publications or other media for the protection of clients and to prevent interference in the administration of justice or a fair trial in the courts.

A client’s confidence must also be preserved beyond the term of employment. The disclosure or use of the confidences for the private advantage of the investigator or his employees, or to the disadvantage of the client, without his knowledge or consent, even though there may be other available sources of information, would be a breach of confidentiality. Professional files, reports and records should be maintained under conditions of security, with provisions made for their destruction when appropriate.

**TRUTH**

The obligation of commitment to the client’s interest is primary, but it does not eliminate the obligation to determine the facts and render honest, unbiased reports. Investigators are dedicated to the search for truth and the furtherance of their employers’ or clients’ interests. The search for that truth makes possible the establishment of ideals of fairness and justice for the benefit of the client in every case. The intention of every investigator is to treat honestly, justly and courteously all with whom they come into contact.

**KEEP INFORMED**

Investigators have an obligation to maintain technical competency at such a level that the client receives the highest quality of services that the investigators’ discipline is capable of offering. It is important to keep informed on developments and changes in matters such as law, proposed legislation, public policies, forensic or technical advances and techniques that affect the profession. Local, state and federal levels of information must be current to be able to offer an informed opinion and advise clients properly in their area of expertise and the feasibility of proposed assignments.


The Question and Investigation of **Fatal and Non-Fatal Injury and Causation**

**BY DEAN A. BEERS, CLI, CCDI**

**FORENSICS EDITOR**

**WHEN SHOULD YOU, AS A** private investigator, be consulted or seek consultation on a case? When the crime or wrong involves a series of events resulting in non-fatal or fatal injury(ies) — serious bodily injury (SBI) or death:

- Violent death (or SBI)
- Sudden or unexpected death (or SBI)
- Unattended death (or SBI)
- In-custody death (or SBI)

These are serious incidents that may result in serious criminal charges or be a cause of action in a civil or administrative action.

- Fractions of an inch or an alteration in an event, or series of events, may be the only difference between a serious bodily injury or death.

- Death investigation is not limited to homicide — an assault is a personal injury that requires similar investigative principles.

- Any component of death investigation can be applied to serious bodily injury investigation — from the chain of events leading to the injury and/or death, to the mechanisms of injury or death.

The majority of deaths are natural deaths with a diagnosed medical condition (i.e., cancer, congenital defect) or cause of death determined by medical history (i.e., diabetes, cardiac history). These will not typically be autopsied forensically. However, autopsies are often neglected because the cause of death is “obvious.” This is frequent in motor vehicle collisions and even some “suicides” that are “obvious.” One common type of case that investigators are tasked with investigating is the motor vehicle collision. This may involve a fatality or serious bodily injury, or both; and may involve criminal, civil or probate litigation — or all of the above, and even worker compensation cases.

Let’s take a look at how changes in events and different evidence may change not only the cause and manner of death, but also the type of litigation and investigation you may find yourself involved in.

**AN UNCOMPLICATED MOTOR VEHICLE COLLISION**

Joe Citizen, an 82-year-old male, is driving home from a wedding reception when he fails to obey a stop sign at a t-intersection and continues into an irrigation ditch. He experiences serious injuries and is pronounced dead at the scene. The coroner responds to the scene, and, after assessment and multi-agency investigation, determines that he died of multiple blunt force injuries due to impact with the opposing ditch bank at high speed, due to the loss of control of the vehicle.
For our purposes, acknowledge that law enforcement will investigate the incident and draw blood (most state laws require ethyl alcohol testing of all deceased persons of motor vehicle collisions), and it will be reported that he was not intoxicated. What considerations are there for cause and manner of death?

Natural, accident or suicide (homicide could happen, but this is an uncomplicated example)?

• Medical (natural) may include cardiac event, diabetic reaction or stroke prior to and causing the loss of control; or, even death, then causing loss of control. The latter would be natural; the former is important, and an autopsy may or may not answer the question.

As an example, one scenario could be that Mr. Citizen had a cardiac event and died, causing the collision that consequently killed his wife. In this example, Mr. Citizen died first, and his surviving wife (excluding any provisions of a will) inherits from him. Further, his double indemnity insurance clause does not apply due to the natural death.

Mrs. Citizen died second, due to injuries from the collision caused by her now-deceased husband. Her inheritance, preceded by Mr. Citizen’s, (again, excluding any provisions of a will) transfers to her biological children. Further, her double indemnity insurance clause does apply due to her death by accident.

As can be seen, death — and motor vehicle collisions — can be complicated by what is seemingly unimportant. The above scenarios could likely have been answered only by autopsy. Although plausible, it cannot be conclusive that Mr. Citizen did/did not have a cardiac event due only to his medical history.

What about criminal cases, such as if Mr. Citizen were intoxicated, negligent with his health, etc.? Let’s take another look at our scenarios involving Mr. and Mrs. Citizen. They have survived the collision and were hospitalized with well-documented treatment and injuries. After three to four days, one or both are deceased. This would still be a coroner’s case; an autopsy would not be necessary as the incident and subsequent treatment, care and demise are documented in the medical records.

If either survived the collision and were discharged from the hospital to a rehabilitation center, and then died of pneumonia (not uncommon), an autopsy would also be unnecessary. If they are released from the rehabilitation center to home with an expected death (also not uncommon), an autopsy would be unnecessary.

CIVIL, CRIMINAL AND PROBATE LITIGATION
The above scenarios are simplified and not uncommon. In reality, these may be complex events, which, to those traumatized, are more than just trivial information that can define an event; they define an outcome and can define their future. These types of incidents should be investigated the same for accuracy in cause and manner of death. From the point of this determination, and all factors involved, the tasks will then be specific to the nature of the assignment: 1) civil plaintiff or defense; 2) criminal prosecution and defense; 3) probate and hereditary issues; 4) work related benefits; and 5) insurance benefits. There are a variety of common and uncommon examples and an exponential number of incomes that are dependent on the evidence and interpretation of it.

Facts and evidence may have similar effects to be considered in other types of injuries and death. These may also include a fatality or serious bodily injury, or both, and may involve criminal, civil or probate litigation — or all of the above, and even worker compensation cases. Let’s take a look at some additional scenarios to see how important the investigative fact finding process is. These changes in events and different evidence may also change not only the cause and manner of death, but also the type of litigation and investigation professional investigators find ourselves involved in.

WRONGFUL DEATH - HOMICIDE OR JUSTIFIABLE SELF-DEFENSE?
The decedent was found outside his residence, deceased, with two gunshot wounds. Responding family members found two neighbors approximate to the decedent. By report, the neighbors were returning to their home when they observed the decedent being aggressive towards them. At that time, one neighbor retrieved his firearm, discharging three times and striking the decedent twice; the first shot was reported to be a warning shot.

Responding law enforcement personnel initially investigated the incident as self-defense. However, independent review
noted discrepancies in facts and reported information: 1) the vehicle incident position and final resting position; 2) trajectory of the ejected shell casings relative to likely and less likely positions of the neighbors and the decedent; and 3) positions of neighbors.

The empirical evidence with the series of events, as described by the neighbors, were inconsistent with the evidence of the official investigation. Specifically, the following findings present reasonable concerns that the findings of the official investigation are inconsistent with the evidence of the same. This includes the position of the decedent at the time of firearm discharge, position of the shooter at the time of discharging the firearm, position of the second neighbor at the time of discharges of the firearm, and the position of the vehicle at the time of the discharges of the firearm and its final resting position. Of primary concern, due to being unsupported by the reviewed evidence, was the position of the shooter.

- Inconsistent statements of the neighbors, together and individually, as to the actions of the decedent, location of the decedent at firearm discharge, and number of shots fired;
- Wound trajectories are inconsistent with the statements of the neighbors, together and individually, as to the actions and position of the decedent at the time of firearm discharge; and
- Locations of the spent shell casings are inconsistent with the statements of the neighbors, together and individually, as to the actions and position of the decedent at the time of firearm discharge.

**WRONGFUL DEATH - NURSING HOME ELDER DEATH**

The funeral home notified the county coroner’s office of this death with suspicious evidence of injury. Although the death had been reported as required to the coroner’s office, the injuries and consequential circumstances were not. Investigation revealed that the coroner’s office was given false information by the decedent’s nurse. Upon notification by the funeral home, an autopsy and thorough investigation were completed.

The records reflected that the underlying incident was the result of another unsupervised patient forcibly shoving the decedent backwards, causing her to fall and hit her head after landing supine. Her complaints of severe pain continued in the days following, including comfort care pain protocol. Vicodin was ordered, as was an increase in dosage and frequency of morphine. There was some noted concern of oxygen saturation levels below “adequate” and nearing “inadequate.”

This death was clearly exacerbated by the incident and the consequential required comfort care protocol. There were also found issues of improper incident documentation, corrective follow-up, family and health board notifications, resident monitoring, and enhanced staff training for handling these situations and residents.

Specific to the circumstances of death, the increased narcotic analgesics due to the incident and severe pain led to the inability of the decedent to maintain adequate oxygen saturation levels. This exacerbated the inability to metabolize the administered morphine, resulting in the elevated morphine levels found in postmortem toxicology. Investigation also determined that there was inadequate supervision, including staff-to-resident ratio, in the activity room at the time of the incident. There was no previous reported history of intra-resident physical altercations or deaths with unusual or suspicious circumstances. However, there were similar past occurrence reports that included issues of oxygen therapy, bowel movement checks and care, intra-resident abuse, etc.

Independent investigation concurred with the official ruling of accident due to morphine toxicity as a result of a fall. Had the injuries not been observed and reported by the funeral home, this death would have been ruled natural due to dementia, as the medical records prior to the incident supported.

**SUSPICIOUS DEATH – HOMICIDE OR SUICIDE?**

The decedent, a law enforcement officer, was found by officers of an overlapping jurisdiction. The official investigation was conducted by the decedent’s employing agency, which had jurisdiction. No independent official agencies were involved.

Review of the provided photographs, records and reports provided several concerns, beginning with the perfect and symmetrical position in which the decedent was found (supine) with his shotgun. The decedent had one injury, which was immediately fatal, as a result of a contact penetrating shotgun slug wound entering under the chin and traversing to exit the top of the head. There were multiple discernible wounds unanswered by the conclusion of suicide. Specifically,
in the act of a self-inflicted gunshot wound, there is no plausible explanation for the injuries and pressure patterns to the respective dorsal and palmar surfaces of both hands. Moreover, the decedent’s uniform and gear had indications of being involved in a physical altercation and on the ground prior to death.

Personal effects and items from his utility belt were strewn about the decedent, almost circular and at varying distances. His duty weapon was found several yards from him, over a chain-link fence topped with barbed wire. His backup weapon, on an ankle, was also removed.

Investigation determined that the shotgun was not in a final resting position consistent with having been discharged by the decedent, in any conceivable position of the decedent, and then coming to rest as found. The angle of the entrance wound, and wound path, are inconsistent with the decedent lying on the ground and his head also resting on the ground, and particularly without any consequential projectile defect to the underlying pavement.

The possibility that the decedent staged his own death as a suicide to appear as a homicide was considered. However, the physical evidence did not support this.

The expert reconstruction, conducted by a former employee of the investigating agency, only concentrated on the final resting position of the decedent. This was deficient and inconclusive based upon the physical evidence. Factors that were not considered in the whole included the position of the decedent at discharge, angle of the shotgun at discharge, and angle of the decedent’s head at discharge. Each possibility presented in this reconstruction was unfounded upon further study and evaluation.

It was determined that the official investigation was deficient concerning the circumstances of the cause and manner of death. It was further concluded that the scene, specifically placement of the shotgun on the decedent, was staged. It was also concluded that the decedent was in a manner of an upright position, with the muzzle of the shotgun pressed against the underside of his chin, the shotgun being held by another unknown person, and discharged by the unknown person. The finding of suicide by self-inflicted extraoral gunshot wound is inconsistent and not plausible based upon the documented information, facts and evidence reviewed. Investigation reveals that this incident presents concern of homicide concurrent with a physical confrontation.

SUSPICIOUS DEATH – ACCIDENT OR NEGLIGENCE IN CIRCUMSTANCES
The decedent, a male in his early 20s, was transported by ambulance to the emergency room, presenting with an apparent illicit multi-drug overdose. After autopsy, and negative toxicology, his death was ruled natural due to specified heart disease.

The complexities of fatal and nonfatal incidents is founded on the same principles as all other fact-finding investigations.

decedent lying on the ground and his head also resting on the ground, and particularly without any consequential projectile defect to the underlying pavement.

Prior to calling 9-1-1, friends reported that he had taken multiple illicit drugs, including ecstasy and psilocybin mushrooms — both of which are not in routine autopsy toxicology and have accelerated metabolic properties in blood specimens. Moreover, persons involved in the incident and reporting did not relate pertinent information to law enforcement, and the investigation was limited until after the autopsy, with subsequent findings not reported to the forensic pathologist. Of importance was that two friends bound the decedent by his hands and feet, and then together, lying him prone on the floor. This was done in an attempt to calm him down and keep him restrained. After being observed in respiratory arrest, 9-1-1 was called.

Investigation determined that the official investigation was deficient due to appropriate follow-up and incomplete statements by the decedent’s friends. An independent medical opinion was not pursued by the family to review the official cause of death related to heart disease. However, in the absence of the incident circumstances in this otherwise unexplained death, this medical diagnosis would remain plausible. Circumstances of the death include the consideration of the cause of death as “positional asphyxia due to an immobilizing restraint and multi-drug toxicity,” and the manner of death as accident. To be further investigated is the peri-mortem “hog tying” restraining of the hands to the ankles following a “sleeper hold” to incapacitate the decedent and cease an episode of drug induced hyper-erratic behavior and possible excited delirium.

THE ROLE OF THE PROFESSIONAL INVESTIGATOR
The complexities of fatal and nonfatal incidents is founded on the same principles as all other fact-finding investigations. Prepare by collecting all available information, inquire through an effective investigative process, analyze the information provided and determined in the course of the investigation, document the evidence in the series of events and consequences, and report your findings to the client via a verbal or written communication as appropriate.

The value of the complete and competent investigation is realized through the evidence and determination of an appropriate cause of action or defense. From simple assault to homicide and wrongful death or other negligence, the investigative process may involve criminal, civil or probate litigation, and even worker compensation cases. Investigative findings may support or refute all or part of the official findings, as well as answer questions and begin the process of closure for the families.

Carol Tharp takes on the new role as TALI President.
Mark Gillespie, Immediate Past President.

Terry Myer, Columbus Detective Agency, Reynoldsburg, Ohio, Third Vice President of NCISS, with Carol Tharp, TALI President.

Ed Martin, TALI Treasurer.

Brad Bacom, TALI Elections Chair. Hal Humphries, CFE, Executive Editor, Pursuit Magazine.
RenEarl Bowie, Assistant Director, Regulatory Services Division, Texas Department of Public Safety.

**TALI Austin 2014 in a Nutshell**

**SEPT. 2-5, 2014**
**AUSTIN, TEXAS**

**AT&T EXECUTIVE EDUCATION AND CONFERENCE CENTER AT THE UNIVERSITY OF TEXAS**

**BY PAUL WOLFSON**

There is probably one thing on this earth that is harder than herding the 600 odd cats that make up the membership of the Texas Association of Licensed Investigators.

That thing is putting together a conference for the amusement and education of the 600. As TALI members, we all owe Mark Gillespie and crew more than can be expressed easily in words, so suffice it to say, "Thanks."

Being a PI is never easy, but when the economy is lagging, all of our businesses could stand a boost. How many of us avoid the reality of business life in favor of the fun part of being a licensed investigator? There are only two answers to this question (1) We're aspiring to make it in the big leagues or (2) We're liars. Actually this is a trick question as Jimmie Mesis pointed out (3) Get a job.

Read the digital edition at www.naylornetwork.com/tli-nxt | Fall 2014 11
Business is a value proposition, not just dollars per hour but getting paid for the real value your services are worth. Shoddy, in-your-face marketing, according to Hal Humphreys, is virtually useless. Don’t concentrate on selling just commodities like surveillance and slogans. Tell your story. Craft your narrative and share your remarkable tale. Clients need you — remember for whom you work. And by the way, start now.

Toward the end of the conference, another reality of business came to the fore. Phil Klein presented a synopsis of the Hartman affair in South Texas. An article is in progress for the next issue of The Texas Investigator summarizing what has transpired to date as well as continuing coverage of this issue as it winds its way through the courts. Continuing with the conference theme, if you’re going to play in the big leagues and you crowd the plate, be prepared to get hit by an inside fastball. The lead author is Kelly Riddle.

“...forge the future of our profession and raise the bar of professional excellence. I will pass the torch to Carol Tharp on Friday and I take this opportunity to wish her luck and continued success as your new president.”

— Mark Gillespie

Carol, citing a passage in Tom Wolfe’s novel The Right Stuff” about Astronaut Gus Grissom, “Well...do good work!” It’s an ironic remark implying ‘...because it’s my ass that’ll be sitting on your freaking rocket.’ But the workers started cheering like mad. They started cheering as if they had just heard the most moving and inspiring message of their lives”

Do good work! Excerpted from Carol Tharp’s Presidential Message inside this issue.  

One of the biggest mistakes some Western investigators make is not understanding and/or pre-briefing their clients on how much more complex third-world international investigations can be than in the West.

The differences range from what information is available, how it is sourced, the time required to obtain it and the “blockers” involved, which all affect the fee structure of international investigators. The “blockers” can range from simple cultural differences; the fact that most information within third-world government agencies may not be available electronically, resulting in laborious hand searches; significant bureaucracy; apathy and a lack of professionalism and at times, even corruption; all related to the minimum wages government workers make in the third world.

In the United States, for instance, much information can be obtained electronically from government agencies, to include information sufficient for some levels of background investigations. There are some specialist investigative companies that do all their business electronically, in support of more standard investigative companies. For instance, one may be able to electronically conduct a lower-level background investigation for under $200 in the U.S. Investigators who are unfamiliar with similar investigations overseas are shocked that they may be charged upwards to $1,800, plus out-of-pocket disbursements, for the same investigation in a third-world country. They don’t realize that most of the time, the international investigator must take the old “shoe leather express” from agency to agency, in a situation where distance is not computed in miles or kilometers; but instead, in increments of time. An international investigator bills out in time increments, just like in the Western world, unless a project fee basis is agreed upon in advance.

A COMPLEX SEARCH
While “sources” may already be developed in some of the government agencies involved, they will generally...
not have been developed in all, or even most. The investigator faces a lower level of professionalism, sometimes apathy and occasionally corruption issues to circumvent, in accessing what often times is supposed to be from open source, government agencies. He or she may have to cultivate someone to assist, or at least work through initial and required cultural nuances before they can get down to the matter at hand. When a request for the desired information is made, often times the “source” or government employee records within the court involved. And even if you do find the right person in the national indices, often times it may only state the case number, type of crime, and a disposition or current status. Most of the time, the facts and circumstances of the crime will not be in this file, so the investigator would have to visit the specific court to review the record. The Philippines, for instance, is made up of over 7,000 islands, and the varied courts are spread far and wide. All of this adds to the time involved to run this lead.

**The culture of corruption is much stronger in third-world countries than it is in the Western world, as life is harder, with many scrambling just to make a basic living and sometimes only putting one meal on the table daily.**

can’t get to it right then, and asks the investigators to return at a future time, resulting in more time required to complete this particular lead.

Add to this, many third-world government agency records, such as criminal records, are not generally as thorough or accurate as they would be in the Western world. For instance, the subject’s name may be on file within a national, government criminal records database, often times lacking a middle name or initial, or occasionally, even a birthdate. When the international investigator conducts a routine check to determine if a criminal record exists, there may be 10 or more cases on file for individuals with the same first and last name, but no middle name or even initial indicated. The investigator then has to review all the background information the U.S.-based investigator has provided them, in an attempt to discard those names on file that are too young or too old to be the person of interest, and try to further define potentials, by the area where the crime occurred, compared to the subject’s former area of birth or residence. But even if you can get down to one possible “hit,” then you still need to visit the trial court involved to see if you can match your subject to the person on record through more accurate case file

---

**DANGEROUS SITUATIONS AND CORRUPTION**

Similarly, process service in third-world countries will definitely take more time than it would in the Western world, due to travel time and security concerns. While a Westerner may have met their Asian spouse in the capital city, or at least a larger city in Asian country concerned (or over the Internet), if a separation eventually occurs and the spouse returns to the Asian country, they probably have returned to their home province distant from the city where the Westerner met him or her. So, an investigator must travel to that location, and sometimes it can be in a high risk area, say in the southern Philippines, where even a Filipino Christian would be at risk from Muslim insurgents. Also, process service in more commercial situations can be more dangerous than they may be in the Western world, so a criminal records check and/or a neighborhood check may be required to determine what potential risks the investigator may be up against before the actual service. And then, two investigators may be required, depending upon the security concerns in the area where the service may take place.

Also, the culture of corruption is much stronger in third-world countries than it is in the Western world, as life is harder, with many scrambling just to make a basic living and sometimes only putting one meal on the table daily. Transparency International ranks most third-world countries toward the top of their list of corrupt countries. Unfortunately, that trickles down into our industry overseas. Many local providers may be able to conduct background investigations or conduct process service at lower rates than an international (Western) competitor, often times due to lower overhead and salaries. But sometimes this includes paying their employees below the minimum wage. So a general lack of motivation on the part of the actual investigator conducting the lead may result in he or she taking short cuts to include “ghost writing” negative results, never having conducted some of the leads that were required. Others may discard the papers required for process service and prepare a fraudulent affidavit of service. And a few other companies may take a required advance, and then you never hear from them again.

**FEES AND BILLING**

One area that would help international investigators in keeping their fees down is if the Western-based investigator would give them the entire background up front, as if they were part of their “team.” What is usually the case is that the Western investigator only gives the international investigator part of the background. The reasons can include, but are not limited to, because there is concern that the international investigator might circumvent him and go directly to the client; or, might violate operational security, as if Western investigators know more about operational security than international investigators. A simple non-disclosure or non-compete agreement can resolve such concerns.

The reason full disclosure can be important in helping to keep the fees down, is because the international investigator may see something in the background which might assist in the successful outcome of a matter. This could be due to his intimate knowledge of the local culture, what type of investigative direction offers the best chance of success with the least investment of time and effort, and circumventing local bureaucracy. Another example might be wherein a Western investigator insists...
on surveillance activity that is time and manpower intensive, but which might have lower chance of success than might be the case in the Western world. This may be due to the horrendous traffic encountered in for instance, Jakarta, New Delhi, Bangkok or Manila. Often times and while it may take longer, the same results might be achieved via an investigation, requiring much less time and manpower, thereby significantly reducing an International investigator’s fees to the Western investigator and his client.

Something to keep in mind with regards to billing in such relationships is that sometimes International investigators are not inclined to support Western investigators’ requirements overseas simply due to potential cash flow concerns. Cash flow is critical to almost all small investigative firms and small international firms cannot wait to be paid when the Western investigative firm is paid by his client. Therefore and as is often the case, an International investigative firm will require a 50 percent advance from a Western firm, as a way of sharing the potential for delayed payments. If the Western firm advances 50 percent for international support, there is a better than average chance that they will chase payment from their client much faster than otherwise, increasing the chances that both parties will be paid by the end client sooner than later.

And as an alternative, a Western investigator might reach an agreement with an international investigator to simply turn the client over to the International investigator with the agreement that the international investigator will pay the Western investigative firm a 10 percent “finders” fee for that piece of work from the actual client; or, even for all work given by that client over a fixed period, like six months after first invoice.

The last point is that it is very important for the Western investigator to reach agreement with an international investigator who is a member of a worldwide investigative association. Why? Because if after the work is completed, either side would have recourse through the senior hierarchy of that worldwide association, if there is a disagreement in either the results being as requested/purported, or payment is not forthcoming.

Jeffrey A. Williams, CPP was formerly a Special Agent and Counterintelligence Officer with the U.S. Air Force Office of Special Investigations (OSI) for 23 years specializing in counterintelligence and investigative matters worldwide. He was assigned to the U.S. Embassy, Manila in 1984, working Philippine-wide with most military, police and counterintelligence units. He is the recipient of the Bronze Cross Medal for Bravery from the Philippine National Police in 1991. He is Board Certified in Security Management by the American Society for Industrial Security - International. Since his retirement in 1992, he has worked commercial investigations and security consulting matters, Philippine-wide, to include in the high risk areas of Mindanao in the Southern Philippines, first with Pinkerton U.S.A. and thereafter running his own company, OSI, since 2001 (www.osi.com.ph). He was inducted into the USAF OSI Hall of Fame in 2009 in Washington, D.C.
Firearms Training
With the ‘Dummy Round’

BY DENNIS ROOT

Take a moment to consider your basic shooting skills. Have you ever noticed, or even been told, that you have an anticipation issue that is having a negative impact on your accuracy?

Perhaps you could improve weapons handling skills while dealing with malfunctions. Most, if not all, firearms instructors will immediately implement the use of “dummy rounds.” No, I am not insulting you! The “dummy round” is essentially an inert cartridge. It is simply an empty casing with a plastic or rubber bullet, no primer and no gunpowder — the perfect and safe training aid.

The firearms instructors know the value of training with dummy rounds. They will load your magazines and randomly load in one or more of these training cartridges. This will result in your being able to see the anticipation movement when it happens, or be forced to clear a weapon malfunction. Knowing the value of these inexpensive training aids, why is it that so very few actually continue to train with them? I have asked this very question and I was regularly told, “I will know where they are in my magazines.” We have a fix for this!

You will need the following equipment:
1. A box of cartridges — also referred to as “bullets.”
2. Dummy rounds (the number used is completely up to you).
3. An empty firearm (exercise is designed for the semi-automatic handgun).
4. Complete duty rig (gun belt, holster and magazine pouch).
5. Eye and ear protection.
6. Oh yeah, let’s not forget the need for a shooting range. Please do not do this at home!

The next time you are at the range, try this simple technique for working with dummy rounds:
1. With your empty firearm secured in its holster, remove the magazine from the weapon and from your magazine pouch.
2. Dump the cartridges into the box they came in and add your dummy rounds.
3. Close the box and shake the box so as to mix up the live cartridges with the dummy rounds.
4. Keeping the box closed, lay out the number of magazines you are going to load on the table/bench in front of you.
5. Now, (this is the important part) close your eyes.
6. Open the box and begin loading your magazines. Be sure to load them with the ammunition properly seated and facing the correct direction. In other words, do not load the ammo in backward!
7. Remember, your eyes are CLOSED!
8. Once all of your magazines are loaded, and with your EYES CLOSED, place the magazines back into your magazine pouch and insert the magazine back into your firearm. (NOTE: if your range rules prohibit you from inserting the magazine into the weapon like this, simply place the magazine into your pocket until you are on the line and can load the firearm. Keeping the firearm pointed down range, and with your finger off of the trigger, focus completely on the target, remove the magazine from your pocket and load your weapon.)

You are now ready to begin shooting drills and you will be completely surprised when you encounter a dummy round, just like you would if someone else loaded your magazines for you.

Stay safe and train hard!

Dennis Root, president of Dennis Root & Associates, Inc., Port Salerno, Florida, is a renowned law enforcement trainer and a nationally recognized use of force expert. He operates an expert consultant and investigative firm specializing in cases involving the use of force by law enforcement and individuals, as well as conducting independent reviews of internal investigations. Root’s area of expertise had him serve as the use of force expert during the well-publicized George Zimmerman trial and now has him working cases across the United States. www.DennisRoot.com.

The firearms instructors know the value of training with dummy rounds. Knowing the value of these inexpensive training aids, why is it that so very few actually continue to train with them?
It’s 2:00 a.m. You are home alone asleep, and you wake up to a noise. There’s someone in the house.

This is probably one of the greatest blood-chilling fears a woman could face. But since we are wise and cautious, simple safety measures could save our lives. If you can, GET OUT OF THE HOUSE IMMEDIATELY. If you can’t, follow these simple rules.

**PHONES:** Have a house phone and cell phone next to the bed. Call 9-1-1 from the house line (your address will automatically come up on the dispatcher’s screen). If you call from a cell phone, the police can not determine where you are. Do not hang up, even though you may need to move. Give as much information as you can (your location in the house, where the bad guy is, etc.). Have your cell phone bedside in case you can get out.

**CAR KEYS:** Get in the habit of putting your car keys on your nightstand (or keep your backup car remote there). If you push the car alarm button from your bedroom, your car alarm will sound off in the garage or outside. (Try this today and verify that there is no distance problem.) Yes, this will wake the neighbors. Trust me, they will know there’s a problem and react!

**WASP SPRAY:** Keep a can of wasp and hornet spray next to your headboard (not ant and roach spray). Wasp spray shoots 26 feet in a firm foam thick stream. This blinds the assailant until medically treated. This gives you the advantage of distance with no back splash. If you have a fan or AC blowing, mace and pepper spray mist can come back on you, thus disabling your escape.

**FIREARMS:** Unless you are FLUENT with a firearm (no, not just a four-hour concealed weapons class), do not count on a gun to protect you. In this high-stress situation, your adrenaline will skyrocket. Your fine motor skills will deteriorate. Your gross motor skills will increase. Using a firearm requires fine motor skills. Your shaking hands will miss the target, go through a wall or window, and possibly kill an innocent person. The bad guy could easily get the gun from you and use it on you.

Law enforcement officers, military personnel and protection specialists are trained to overcome the human reaction to high-stress-induced panic. If you are a civilian with a firearm, go to the range regularly (couple times a month) and become as comfortable with a firearm as you would be tying your shoe. I personally have all of the above in my room (home safety weapon of choice: safe action semi-auto Glock).

Share this with someone you care about. Be safe. God bless.

Christine E. Parsley, PI, PPS is a Florida licensed Private Investigator and Personal Protection Specialist and is president/owner of One Nation Investigations, Inc. She specializes in personal protection and undercover surveillance using identity alteration to build her unique portfolio. She served on the board for South Florida Investigators Association for five years and is presently a member of FALI. With over 20 years of martial arts training and teaching experience, Parsley feels that mental, spiritual and physical balance are the keys to dealing with ALL of life’s experiences.
This article is part two in a three-part series about the complications of interviewing children in criminal and civil investigations. Part one was published in the Summer 2014 issue of The Texas Investigator.

The officer and police detective will normally have the parent’s permission to conduct an interview, but even if the parent does not permit an interview, the police (or Child Protective Services worker) may not need the parent’s permission. This arrangement is not true for the defense attorney’s investigator. If the child is a minor, the investigator should always get the parent’s permission.

Private investigators are civilians, not law enforcement or a Child Protective Services Investigator; therefore, there are no laws that dictate that a private investigator must have parental permission prior to speaking to the child. However, if the defense attorney permits this type of interview, he may face the wrath of an angry judge or jury who learns that their investigator acted in such a manner. A jury may feel that the investigator acted like a “bully” toward the child in order to obtain favorable information for their client. Children, in general, respect adults and answer questions when asked because they feel that they are obligated. The jurors or judges who have children of their own would be debating this issue in their mind and likely be outraged with the private investigator. This action could affect the defendant’s case and tatter the reputation of the defense attorney and private investigator.

There appears to have been recent changes in some states regarding this issue. As stated in an article in The Seattle Times, “The 9th U.S. Circuit Court of Appeals in San Francisco got the attention of child-care workers nationwide when it ruled that investigators usually need a search warrant before taking a child out of class for questioning.”

The child or the parents may change their mind about the interview if the investigator chooses to delay. There are usually only a few options available. Since the investigator doesn’t get to choose a location for the interview, they must adapt. I’ve interviewed children while sitting in the car, sitting on apartment stairwells, in the child’s bedroom, in the living room, and while going on a walk. I prefer going on a walk the best because it is less stressful to the child. It is not easy to take notes while walking, so you will need to make some decisions for recalling the information by recording or just trying to remember and jot the notes later for your full report.
themselves of possible accusations of improprieties. If the child made an untruthful accusation, then it will be tough for the investigator to get that admission if they are in the presence of the adult. Sometimes once the parent listens to part of the interview and feels confident in the questioning, they walk away, but that is rare.

If there are doubts as to the validity of their accusation, the investigator can tell a story about another case in which a child felt that they needed to tell a story such as this because of pressure from a family member, anger or revenge, attention, or some other reason. When the child hears what the consequences are for the person being charged, they may recant. Tread softly and slowly in this area so that the child will feel comfortable to be truthful and informative. If the allegation is true, it will be evident (most of the time) in their body language as they try to explain things that they really don’t or shouldn’t understand.

Questions like: “Then what happened?” or “What happened next?” or “How did it feel?” or “What did you see?” are not leading questions. Dean Scoville explained, “Investigators are increasingly finding favor with simply allowing the victim to tell the story in his own manner over a period of time, as opposed to asking questions that may later be characterized as leading. By asking generic questions based upon recall memory — for example, “What did you do yesterday?” — interviewers can avoid clouding the waters with information obtained by recognition memory-based questions that may include risky prompts.” It is very important that the investigator does not ask a leading question such as, “Did Uncle Bill touch you on your breast?” It is easy to understand that a leading question usually gives the person the opportunity to answer with a “Yes” or “No” or a simple one-word response. A leading question will put the thoughts into their mind to obtain the response that they want to hear. Often, an investigator assumes certain conclusions and will frame their questions to affirm those ideas. Asking leading questions is not the correct method to obtain a witness or victim’s point of view or statement.

TO RECORD OR NOT TO RECORD?
If the investigator is allowed to record the conversation, they will not need to write notes while the child is speaking (as this may distract the child). I do not always record the interview if I feel that the family or child may be uneasy about it causing them to express themselves differently than if they are not being recorded. If the parent was reluctant to allow an interview, one should not press the issue further by asking to record it.

There are times that a video recording of the child during your interview would be extremely helpful for the defense attorney to assess the child’s ability to be a credible and genuine witness. Recordings may be a decisive tool that persuades the defense attorney to approach his client to take or dismiss a plea offer that may be in the defendant’s best interest. Recording the child during your interview is not currently illegal in most states, but it may cause a negative attitude from a jury if the parent did not give permission to do so. An investigator could use the argument that the recording was done as routine method of conducting business as a means of protecting themselves from false allegations. Consider that most forensic interviews are routinely recorded for evidentiary purposes and the recordings serve to amply demonstrate the investigator’s fact finding evidence. These recordings can serve to validate the original forensic interviewers report or to contradict the original interviewer’s conclusions as they can be made available in a criminal or civil court. In a civil action, if your interview is detrimental to your client’s case, the opposing attorneys are

PARENTAL CONCERNS
One should always try to interview the child alone; however, there are times that the parents are uneasy. Parents may refuse an interview unless they are with the child to hear everything said. If the child has not been truthful in the outcry, this interview could be doomed if conducted in the presence of the parents. Parents may feel especially uncomfortable leaving a male investigator alone with their child unless the child is within a reasonable proximity of the parent. The investigator should evaluate the decision to interview the child alone to protect
likely to make a discovery request for the recording and use it against your client in the trial. In a criminal case, the interview is considered “work product” for the defense that comes under the legal umbrella of “Attorney Client Privilege.” Each case is unique with its own set of circumstances, and the investigator should be well-coordinated with the client’s attorney and the attorney’s defense strategy. Private Investigators should be knowledgeable regarding their state laws concerning audio/video recordings.

DEALING WITH EMOTIONS

If you see that the child is feeling guilty for talking about the situation, it is very important to relieve them of those feelings. If the child is truly a victim, it is not their fault to be in the circumstance. The perpetrator is responsible and their own actions may have caused them to face serious consequences, not that the victim told someone about the incident. It is common for a perpetrator to put a “guilt-trip” on the victim to keep them silent so as not to reveal their actions. A perpetrator often tells the child that they wouldn’t want anything bad to happen to the perpetrator or they wouldn’t want the perpetrator to go to jail so they shouldn’t tell anyone. A child usually doesn’t want to hurt anyone or cause them trouble, and most children have been trained that they shouldn’t “rat out” anyone. With this burden, they are sure to keep quiet.

Keep in mind that not all children who allege being assaulted are true victims. I have interviewed children who were reportedly abducted by a man in a black pickup truck. The child claimed that after the man grabbed her and pulled her into his truck, he drove around to the other side of the school, opened the door and pushed her out to release her. The child sounded very convincing. The lead police investigator for Crimes Against Children cases worked for hours on the case and was fortunate to have been offered assistance by an investigator who had worked on the Amber Hagerman Task Force. After the task force investigator analyzed the child’s written statement, he concluded that the child was not being truthful. This author re-interviewed the child with this concept in mind and was able to get the child to recant and admit that she made the story up. The child said that she was afraid because she knew that her mother was going to spank her if she missed the bus that afternoon at school. Children have been manipulated by family members to report a sexual act, improper touching or exposing one’s self in order to discredit the person in a divorce matter. Women who date or marry men who are not citizens will use this as an excuse when caught being sexually active, knowing they would be in trouble. Students may falsely accuse a teacher or staff member because they don’t like them or as an act of revenge for failing grades or disciplinary actions. Regardless of the motive, a false allegation is a gross injustice to the defendant, and at the same time, the claim diminishes the validity of genuine victims.

An investigator, known to this author, claimed to be proficient with interviews of minor children. This investigator explained that he was not beyond placing himself between the school bus and the child’s home in order to question the child and ask them if they were lying about the accusation or their statement. An investigator must realize that such questions may re-victimize the child if he/she is a true victim. It is important that a professional private investigator take these concerns into consideration before encountering the child. The parent needs to give permission for the interview of a minor. Only investigators who have proper training regarding interviewing children should be allowed to do so to ensure children’s emotional stability as they proceed with the case.
REFUSING TO SPEAK
There are recent efforts to make it illegal for anyone but a parent to photograph or videotape a child in the states of Georgia and New Jersey. For the same reason, the investigator would only video/audio record the interview of a child with a parent’s permission, and that permission should be in writing. The decision to record is definitely a challenge if the child is the victim in a case. Often the parent will be very protective and possibly defensive to protect their child from anyone who is “helping” the perpetrator. The investigator will have to relieve that parent’s fears before they will allow you to speak with their child and for most investigators, this will be impossible. It is almost like being a salesman with a great passion to convince a parent that they should allow you to talk to their child. Most likely, the parents have been warned by the assistant district attorney who is assigned to the case that they should not talk to anyone about the case except for the district attorney. Private investigators need to know that the district attorney nor anyone involved in the prosecution of the case can tell the complainant, victim or witnesses that they are not “allowed” to talk to others. The district attorney can “suggest” that the victim refuse interviews and tell the parents that they prefer that they not talk to others, but the district attorney cannot say that the victim and their family are not allowed to permit interviews by the criminal defense team. When the prosecutors ask the parents not to talk to the defense or others, it causes the parent to be wary of anyone desiring to interview their child.

A father of a teen complainant refused access to his daughter for an interview because he had visited with the prosecutor the week prior and had been asked if they had spoken with anyone else about the case. The prosecutor proceeded to tell them that they should not be talking to anyone other than him. In this father’s mind, he felt that he should not allow the interview without first getting the prosecutor’s permission. He was going to call the prosecutor’s office the next day to ask about it. Permission to interview was never granted. This father could have helped his daughter by allowing the interview if she felt comfortable with it. She was approximately fifteen years old and likely able to make that type of decision. The investigator should begin by telling the victim that they can refuse the interview if they choose even if the parent has allowed the interview. Offering the child’s choice gives the child a “sense of control” that an assailant took away. A true victim needs to feel that sense of control of their safety and feelings again as part of the healing process.

In another case, a father allowed the interview of his four-year-old daughter. Prior to the interview with her, the investigator felt that the story was manufactured because of a pending divorce. After the interview, the investigator was convinced that her initial gut feeling was incorrect. Thereafter, the investigator was able to communicate her sincere story to the defense attorney. The defense attorney then asked the investigator to go with him to talk to his client in the jail. Together, they discussed with the client that if he chose to go to trial, he would probably get a maximum sentence as there would be no sympathetic jurors after hearing a little girl tell about this man who held a gun to this child’s mother’s head right in front of her as he pushed his way into the house and knocked the child down under the mother. The child would further testify that he took her mother into the bedroom and she heard her mother screaming as the child sat scared to death on the couch. Even though the child did not see the man rape her mother by knifepoint, the testimony corroborated the mother’s account of the rape in the bedroom. The child was extremely believable and confirmed information that the mother had told the police.

This article will continue in the next edition of The Texas Investigator.

Catherine Smit-Torrez, TCI is owner/manager, Stiletto Spy & Company Investigations, in Ft. Worth, Texas, and serves on TALI’s Board of Directors. She is a former police chief and has served in law enforcement for over 20 years. As a PI since 2008, Smit-Torrez specializes in crimes against women and children. She is also an accomplished speaker and author.

Read the digital edition at www.naylornetwork.com/tli-nxt  |  Fall 2014  |  21
Your Voice in Washington and Across America

BY JAMES E. HUCKABEE, NCISS PRESIDENT

DEAR MEMBERS AND COLLEAGUES:

As I begin the role serving as your President of the National Council of Investigation & Security Services (NCISS), NCISS is the most influential association in the United States whose main focus is being “Your Voice in Washington and Across America” as it relates to monitoring national and statewide issues concerning the security and investigation professions.

During the next few months leading to our 40th anniversary in 2015, you will be hearing details regarding the initiatives. I invite you all to join us in Washington, D.C., April 11–15 for the next installment of “HIT THE HILL.” NCISS is developing new strategies to assist state associations strengthen and grow. Consider membership with NCISS. Details are at www.nciss.org/membership/membership-information.php.

NCISS ANNUAL AWARDS

Duffy Award – Francie Koehler
The Duffy Award is the highest recognition which an NCISS member may achieve. It is named in the honor of John J. Duffy, NCISS’s first President, along with his wife, Eleanor. The award reads to Francie Koehler, “who by her specific deeds and accomplishments has exhibited the highest standards of conduct and service to the private investigation and security service industries.”

Wunder Memorial Award – Terry Myer
The Wunder Award was created to recognize persons whose contributions to the profession are not always in the limelight but who, by their continual dedication, hold NCISS together. The award reads: “For Dedication, Leadership and Distinguished Service to the Private Investigation and Security Professions.”

Vinson Award – Bill Fletcher
The Vinson Award has been presented annually since 2012 to an elected Director, Committee Chair, or other member in recognition of outstanding leadership, dedication and service to the National Council of Investigation and Security Services.

RECENT LEGISLATIVE ALERTS FROM NCISS

Archives of NCISS Legislative and Regulatory Alerts can be found at http://conta.cc/ZoQsTl.

S 1737/HR 1010 - Minimum Wage Fairness Act, Harkin (D-La)
S 1737 was introduced on 11/19/13 and placed on the Senate Legislative calendar (bypassing committee).

The bill would provide for an increase in the federal minimum wage progressively from $8.20/hour for the first 6 months, $9.15/hour 6 months later, then $10.10/hour the following year.

Many NCISS member security companies would be harmed by an increased minimum wage requirement and would be forced to curtail the number of jobs offered.

HR.1755/S. 815 - Employment Non Discrimination Act of 2013 (ENDA), Sen. Merkley (D-WV)
S. 815 passed the Senate and is under consideration in the House, where it was referred to five separate committees.

This legislation would ban employers from firing, refusing to hire, or discriminating against workers or job applicants based on their sexual orientation or gender identity.

National Labor Relations Board (NLRB) – The “Ambush” Rule
On March 11, 2014, the NLRB proposed new regulations that would radically change the process for union representation elections, effectively shortening election timeframes and limiting employees’ opportunity to hear from employers before making a crucial workplace decision. The shorter the election, the less time employers and employees have to communicate about the impact of unionization or about a specific union attempting to organize the workplace.

S. 2025 contains a prohibition of “pretexting” by data brokers, prohibiting “obtaining or solicitation to obtain personal information by false pretenses.” While it is unclear if the definition of data broker would extend to PI’s, prohibiting the use of pretexting by PI’s would deprive them of a valuable and necessary tool. Congress must insure that private investigators are not swept into the definition of data brokers, and should include a specific statutory exemption.

HR 1312/S. 639 “The Geological Privacy and Surveillance Act,” by Representative Jason Chaffetz (R-UT) and Senator Ron Wyden (D-OR)
The legislation would require consent of the subject when using of GPS technology for tracking individuals.

NCISS opposes the legislation. The use of the devices for surveillance significantly reduces accident risk during lawful surveillance.

The legislation would prohibit current or prospective employers from using a consumer credit report for either employment purposes or for taking adverse employment actions.

Editor’s note: This article has been abridged.
Gaining a Seat at the Table

BY BRUCE HULME, ISPLA DIRECTOR OF GOVERNMENT AFFAIRS AND ISPLA-PAC TREASURER

INVESTIGATIVE & SECURITY PROFESSIONALS FOR Legislative Action (ISPLA) appreciates the opportunity to provide members of TALI with information about federal issues and our proactive lobbying in Washington. We continually monitor and lobby against bills introduced before Congress that might have grave unintended consequences for our profession. The federal government’s attempts to limit access to Social Security numbers, ban the use of pretense, and prevent caller ID spoofing are examples and only the tip of the iceberg. The continual identity fraud and cyberthreats, fueled by almost daily data breaches, has brought forth numerous bills that, if enacted, would negatively impact private sector investigators.

Fortunately, thus far not one bill opposed by ISPLA in the 113th Congress has passed. Although ISPLA has grown in numbers since its formation five years ago and is now solidly branded as a strong advocacy group for the investigative and security professions, we still have to financially strengthen ISPLA-PAC. The effectiveness of our nonpartisan political action committee will be severely limited in the November election unless our war chest is increased.

As a TALI member, you know that there is an urgent need to establish and maintain our profession as a strong, concerned and active political force. In supporting ISPLA-PAC, you help to assure us “a seat at the table” in the decision-making process. Ill-conceived federal legislation and overly burdensome regulation determined by elected and appointed federal lawmakers and officials can adversely affect the bottom line of your business. This is “crunch time” if we want to support any candidate and gain a new champion to carry our spear in the 114th Congress, which begins in 2015.

By contributing to ISPLA-PAC, you are supporting candidates who have been endorsed because of their stand on issues important to our profession. It is our opinion that there is now only one ideal choice for our support in order for a small profession such as ours to get a good return on our investment.

This year ISPLA members have made personal contributions to ISPLA-PAC in amounts ranging from $100 to $500 each. It is our hope that as a TALI member you will consider making a personal donation in any amount to ISPLA-PAC. Use a PERSONAL credit card at http://ispla.org/isplapac or donate by PERSONAL check written to ISPLA-PAC and mailed to ISPLA-PAC, 235 N. Pine St., Lansing Michigan 48933. Thank you for your consideration of this request.

Bruce H. Hulme, CFE, government affairs director of ISPLA and treasurer of ISPLA-PAC, also serves as legislative liaison and member of the boards of INTELLENET, the NY Chapter of the ACFE, ALDONYS and SPI. He is also on an advisory board of John Jay College of Criminal Justice, a gubernatorial appointee to the New York State Security Guard Advisory Council, and is the PI profession representative board member of IASIR. www.ISPLA.org

The effectiveness of our nonpartisan political action committee will be severely limited in the November election unless our war chest is increased.
EL DORADO IS PROUD TO ANNOUNCE THAT WE ARE NOW THE OFFICIAL INSURANCE PROVIDER OF TALI

A Few Highlights of El Dorado’s Exclusive Program for Private Investigators:
- A Rated and Admitted Insurance Carrier
- No Policy Fees
- No State Taxes
- Auditable Both Up and Down
- Blanket Additional Insured
- Aggressive Financing Options
- Savings Available to TALI Members

Finding an insurance program designed specifically for the private investigative industry that meets all of your needs can be a challenge.

Our new, exclusive licensed and admitted insurance program is the solution you’ve been searching for!

Want to learn more? 800.221.3386 or specialist@eldoradoinsurance.com eldoradoinsurance.com