



INTELLENET NEWSLETTER

SEPTEMBER 2010

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Carino's Corner

James P. Carino, CPP, VSM
Executive Director

This past quarter has seen completion of two major projects. Intellenet's entry into the publication arena was realized with draft completion of a two volume set dispatched to the publisher. The theme addresses the organizing and managing a successful private investigation business. The 42 chapters in the books were all authored by Intellenet members.

Our second project involved the establishment of an Intellenet Speaker Bureau. Over 40 members have listed more than 200 topics for presentation. This brochure will receive wide distribution and is also available upon request, free of charge, both to our member base and other associations.

Other developments include solidifying our strategic partnership with the International Association for Asset Recovery (IAAR) based in

Miami, Florida. The membership base of each association is a perfect fit to foster the goals and objectives of both IAAR and Intellenet and will enhance marketplace exposure for each. For those interested in additional information of each, check out www.IAARonline.org and www.intellenetworking.org. Intellenet will be providing speakers and will also be an exhibitor at the IAAR Conference in Las Vegas, November 4-5, 2010 to complement an outstanding program. Also, IAAR will initiate its Certified Specialist in Asset Recovery (CSAR) certification program at this conference.

In other arenas we continue to seek out and develop new initiatives to increase investigative activity for our members. Intellenet now serves as the investigative arm for three business entities. Many of these opportunities are a result of proactive efforts by members. In that regard, we have developed several brochures and other business development materials that are available

to assist our members in promoting and expanding their business base.

In addition to the IAAR exhibit we will also be returning for the third consecutive year as an exhibitor at the National Federation of Paralegals Conference in Philadelphia in October. This will be our fourth appearance as an Exhibitor this year.

We will soon be disseminating the plans for the 2011 Conference in the Washington DC area to be held April 13-17, 2011 so mark it on your calendar. Continuing with our free Pre-Event Seminar, we will be visiting the Library of Congress on Wednesday April 13, so plan your arrival in DC not later than April 12, to take advantage of this terrific offering.

Members in the News

Harvey Morse, Daytona Beach, Florida, has been appointed to the Board of Directors of the Volunteer Law Enforcement Officers Alliance; **Tim Salamone**, Lancaster, New York, gave the keynote address on Terrorism at the Buffalo, New York, ASIS Chapter meeting, June 15, 2010; **Al Ristuccia**, Los Angeles, California, **Kevin Ripa**, Calgary, Alberta, Canada, and **Brian Ingram**, Waxahachie, Texas, **Cynthia Hetherington** and **Linda Candler** are scheduled speakers at the IAAR conference in Las Vegas, Nevada, November 4-5, 2010; **Jim Carino**, Gladwyne, Pennsylvania, and **Bill Blake**, Littleton, Colorado, will be Intellenet exhibitors at the National Federation of Paralegals Associations, Cherry Hills, New Jersey, on October 7-8, 2010. **Patricia Shaughnessy**, Phoenix, Arizona and **Shelia Klopfer**, San Jose, California, participated in "Hiding in Plain Sight", an Internet Radio Show discussing the location of a man 38 years after he vanished. **Werner Preining**, Vienna, Austria, **Dave Aggleton**, Supplemental Support List, and **Richard Kelly**, D-List, will be presenters at the 2010 ASIS International Seminar in Dallas, Texas on October 12-15; **Hai Yang**, China, has an article in the August 2010 issue of PI Magazine titled: A Brief Insight into Investigations in China. **Ed Spicer**, Beverly, Massachusetts; **Peter Psarouthakis**, Chelsea, Michigan, and **Nicole Bocra**, Arlington, Virginia will be speakers at the Pennsylvania Association of Licensed Investigators conference on September 29-30, 2010 in Harrisburg, Pennsylvania. **Bill Blake**, Littleton, Colorado, had an article entitled "Quality

Private Investigations" published in *Facts & Findings*, the in-house publication of The Association of Legal Assistants-Paralegals.

Know Your Fellow Members



Jeff Stein
ELPS Private Detective Agency
Exton, Pennsylvania

Jeff has over 20 years of investigative experience concentrating on identifying and documenting the elements of theft, fraud and criminal conduct or civil misconduct based on data mining, interviewing, investigating and foot and mobile surveillance.

He has over 20 years experience training, evaluating, developing and managing security programs, and developing new practices to identify and reduce financial risks while mitigating theft and fraud. His previous work experience includes Fugitive Recovery Agency, Director Loss Prevention, senior management positions at

Fortune 1000 retailers and working for various investigative agencies.

New Members

Tom Brabston, Brabston Legal Investigations, Inc, Mobile, Alabama, **Don Hubbard**, Don L. Hubbard and Associates, Inc, Charlotte, North Carolina, **Kelly Riddle**, Kelmar and Associates, Inc, San Antonio, Texas, **William Scott**, Mannahawken, New Jersey, **Allen Stidger**, ALS Investigations, Fort Worth, Texas, **Ken Shelton**, Shelton Investigations, LLC, Angola, Indiana,

Supplemental Support List Member

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Since its founding in 1970, National Medical Services (NMS) has served the forensic science community from its corporate headquarters in the metropolitan Philadelphia area as a full service, independent forensic and bioanalytical laboratory. NMS provides forensic toxicology testing, DNA analysis and crime laboratory services to law enforcement agencies, government agencies, private investigators, attorneys, and courts of law.

Staffed by nearly 200 highly trained scientists and criminalists, NMS offers over 2,500 tests and serves more than 2,000 clients across the globe.

NMS handles a wide range of criminal and civil cases requiring blood and semen identification, DNA testing, identification of drugs found on premises, product tampering of food or beverages, quality assurance analysis, trace analysis for hair and fibers, drug testing in biological specimens and other forensic case work. In addition to laboratory analysis, NMS provides expert legal testimony, consultative services, independent review, and case review.

National Medical Services' secured facilities and strict chain-of-custody handling of evidence meets the most rigorous demands necessary to assure admissibility in any court environment. In concert

with its comprehensive laboratory resources, NMS provides expert legal testimony, consultation services, reports and analyses.

Prevent Claims Tip

Beville May

*Prevent Claims, LLC
Exton, Pennsylvania*

Pie in the sky expectations can scuttle mediations—or to mix metaphors—cause your client to eat crow. Here are a few tips for achieving a successful mediation.

Out of line expectations may lead to impasse

Parties often approach mediation fueled by an expectation that their case will settle for the maximum they might garner at trial. As a representative or attorney for the participant, you can help them reach an equitable settlement that is not pie in the sky. A few tips:

- Help your client understand that a fair settlement rarely means getting the max
- Explain that mediation is a great venue for getting some important intangibles, not just money settlements
- Counsel your client that concessions have to happen on both sides
- Remind your client of the cost, uncertainty, contentiousness, and delays of litigation

In short, help temper your client's expectations to avoid impasse and conclude a successful mediation.

Whether facing discrimination case, a medical malpractice claim or other potential litigation, think mediation first. A successful outcome guarantees you'll be glad you did.

Book Project Update

Bill Blake

*Blake and Associates, Inc.
Littleton, Colorado*

The books have been sent to the publisher, Charles C. Thomas, Publisher, St. Louis, Missouri. One

book is entitled "Private Investigation—Success or Failure as a Business: Business Organization and Management and Basic Investigative Skills" consisting of about 356 pages. The second book is entitled "Private Investigation—Success or Failure as a Business: Advanced Investigative Skills" consisting of about 276 pages.

The final versions will be dependent upon suggested changes by the publisher. The market arrival date is not known at this time. The books will ultimately be published in two version—hard cover and soft cover—to keep the cost reasonable. Intellenet members will be able to purchase copies at a reduced cost. Each author will receive a free copy. ASIS International Book Store has already asked for a copy.

The following individuals authored portions of the books:

"Private Investigation—Success or Failure as a Business: Business Organization and Management and Basic Investigative Skills"—**Skip Albright**, Castle Rock, Colorado; **Bill Blake**, Littleton, Colorado; **Greg Caldwell**, Maryville, Tennessee; **Jim Carino**, Gladwyne, Pennsylvania; **Jack Chu**, Hong Kong; **Fred Coward**, Honolulu, Hawaii; **Chris Finley**, Pittsburgh, Pennsylvania; **Diana Garren**, Atlanta, Georgia; **Mary Fischer**, Berlin, Germany; **Tom Miles**, Germantown, Tennessee; **Reggie Montgomery**, Allendale, Pennsylvania; **Warren Sonne**, New York, New York; and **Michael West**, Little Rock, Arkansas.

"Private Investigation—Success or Failure as a Business: Advanced Investigative Skills"—**Lynn Bergh**, Coto de Caza, California; **Dave Duchesneau**, Milton, New Hampshire; **Steve Kirby**, Elmhurst, Illinois; **Bill Marshall**, Fairfax, Virginia; **Beville May**, Exton, Pennsylvania; **Kevin McClain**, Centralia, Illinois; **Reggie Montgomery**, Allendale, New Jersey; **Harvey Morse**, South Dayton Beach, Florida; **George Michael Newman**, San Diego, California; **Dana Picore**, Calabasas, California; **Nancy Poss-Hatchl**, Santa Ana, California; **Kevin Ripa**, Calgary, Alberta, Canada; **Al Ristuccia**, Los Angeles, California; **Fred Rustmann**, West Palm Beach, Florida; **Barry Ryan**, Harrisburg, Pennsylvania; **Dan Ryan**, Harrisburg, Pennsylvania; **Stefan Salmonson**, Mora, Minnesota; **Michele Stuart**, Gilbert, Arizona, and **Barbara Thompson**, West Chester, Pennsylvania.

Jim Carino and I would like to send a special thanks to each author for their work. They have proven that Intellenet is a premier private investigation association.

Kudos

Many individuals do great things for their profession; others do nothing and wait for someone to handle all the problems, including the direction of future business prospects. A person who deserves exceptional credit for foresight and growth in the security profession is **Bruce Hulme**, Special Investigations, Inc, of New York, NY. Bruce has been extremely active for many years as legislative liaison for Intellenet and other professional security groups. He has monitored activity at the State and Federal levels for legislation that would be detrimental to the security profession. He has testified before various legislative committees to provide input from the security profession perspective. His actions have contributed significantly to the suppression of adverse regulation and beneficial refinement of other regulatory activity. His major contributions include his interaction with numerous legislators, knowledge of the security profession, and continuing actions to keep the security profession members apprised of the status of legislation. Bruce is definitely a credit to the professionalism of Intellenet.

Comprehensive Workplace Violence Prevention Program

Bill Blake

*Blake and Associates, Inc.
Littleton, Colorado*

Many workplace violence programs fall short of adequate as they do not comprehensively encompass all aspects of the potential workplace violence issues within an organization. Many plans only address situations of employee on employee violence.

Basically there are four types of potential violence that should be addressed:

- Category #1—Violent acts by criminals who have no other connection with the workplace, but enter to commit robbery or another crime.

- Category #2—Violence directed at employees by customers, clients, patients, students, inmates, or any other for whom an organization provides services.

- Category #3—Violence against coworkers, supervisors, or managers by a present or former employee.

- Category #4—Violence committed in the workplace by someone who doesn't work there, but has a personal relationship with an employee—an abusive spouse or domestic partner.

Category #1 violence by criminals unconnected to the workplace accounts for nearly 80 percent of the homicides usually motivated by theft. This type of violence falls heavily on employees in jobs which make them vulnerable; i.e., taxi drivers, late-night store clerks and other nighttime jobs. Prevention strategies include an emphasis on physical security measures, special employer policies, and employee training.

Category #2 cases typically involve assaults on an employee by a customer, patient, or someone else receiving a service. Violent reactions by a customer or client are unpredictable, triggered by an argument, anger at the quality of service or denial of service, delays, or some other precipitating event. Employees experiencing the largest number of Category #2 assaults are those in health care occupations.

Category #3 and #4 violence involve past or present employees and acts committed by domestic abusers or arising from other personal relations that follow an employee into the workplace. Violence in these categories is no less or more dangerous or damaging than any other violent act. When the violence comes from an employee or someone close to an employee, there is much greater chance that some warning sign will have reached the employer in the form of observable behavior.

Violence in the workplace affects society as a whole. The economic cost, difficult to measure with any precision, is certainly substantial. There are intangible costs also.

Like all violent crime, workplace violence creates ripples that go beyond what is done to a particular victim. It damages trust, community, and the

sense of security every worker has a right to feel while on the job.

The success of the workplace violence prevention effort depends on the concern and actions of a number of entities:

- Employers have a legal and ethical obligation to promote a work environment free from threats and violence, and, in addition, can face economic loss as the result of violence in the form of lost work time, damaged employee morale and productivity, increased workers' compensation payments, medical expenses, and possible lawsuits and liability costs.

- Employees have the right to expect a work environment that promotes safety from violence, threats, and harassment.

- Law enforcement agencies are leading the way in how they and the rest of the criminal justice system respond to domestic and school violence. Those changes have placed greater emphasis on prevention and responding to threats and minor incidents, rather than the traditional view that police become involved only after a crime has occurred, that serious effort and police resources be reserved for serious offenses. This proactive approach, utilizing community policing concepts, can be applied to workplace situations as well.

As with most other risks, prevention of workplace violence begins with planning. Also, as with other risks, it is easier to persuade managers to focus on the problem after a violent act has taken place than it is to get them to act before anything has happened. If the decision to plan in advance is more difficult to make, however, it is also more logical. Any organization, large or small, will be far better able to spot potential dangers and defuse them before violence develops and will be able to manage a crisis better if one does occur. If its executives have considered the issue beforehand and have prepared policies, practices, and structures to deal with it.

Cayman Money Laundering

Richard Horowitz

*Richard Horowitz and Associates
New York, New York*

It does not take long for a visitor to the Caymans to realize that the 1993 film *The Firm* still arouses the ire of those in the Cayman financial sector. Even today in certain circles Cayman is synonymous with money laundering and other financial misdeeds. Others however recognize that Cayman is far from the world's money laundering haven and is in fact exploited by fraudsters because of its record of political and financial stability.

Cayman is certainly a financial success. A February 2010 International Monetary Fund paper entitled *Cross-Border Investment in Small International Centers* reported that Bank for International Settlements statistics "indicate that banks resident in the Cayman Islands held over \$1.7 trillion in assets at the end of 2008 (more than Italy, Portugal and Spain combined)." And the March 2010 Global Financial Centers Index ranked Cayman as 28th in the world, tied with Edinburgh and Seoul and right ahead of Dublin, Hamilton and Munich.

Despite its negative image in certain circles, it is telling to review material where Cayman is found to be unremarkable or is not found at all.

A simple check of indexes of relevant books shows that the Cayman Islands is not listed in *The Money Launderers: Lessons From The Drug Wars-How Billions of Illegal Dollars Are Washed Through Banks & Businesses* (1992), *Washed in Gold: The Story Behind the Biggest Money Laundering Investigation in US History* (1994), nor in the recently published *Infiltrator: My Secret Life Inside the Dirty Banks Behind Pablo Escobar's Medellin Cartel* (2009). Other significant books make little reference to Cayman.

Nor, for example, is the Cayman Islands mentioned in the International Monetary Fund's 2009 report entitled *Ponzi Schemes in the Caribbean*, which discusses seven other Caribbean islands. Even the one hundred forty page report entitled *Hedge Funds, Leverage, and the Lessons of Long-Term Capital Management* compiled in 1999 by the President's Working Group on Financial Markets

(consisting of the Treasury Department, the Federal Reserve, the SEC and the Commodity Futures Trading Commission) mentions Cayman several times only because LTCM, headquartered in Connecticut, consisted of partnerships in Delaware and the Cayman Islands. Cayman though was mentioned only in the context of bankruptcy and other legal strategies and not in connection whatsoever of wrongdoing on the part of any Cayman entity or person, a theme which repeats as this issue is researched.

And the NGO Global Witness' 2009 report *Undue Diligence: How Banks Do Business With Corrupt Regimes* discusses numerous Caribbean and European countries but has nothing to say about Cayman.

In fact, despite its image problem, no Cayman entity or person has been responsible for any of the major and newsworthy financial crimes in years. While these major cases have been widely reported and the institutions heavenly fined, contrasting them with cases where the Cayman Islands has been implicated is telling.

In 1999, the Bank of New York was found to have laundered \$7.5 billion in Russian money. In 2000 a BoNY vice president pleads guilty to the laundering and in 2005 BoNY settled the matter with the Justice Department. Other fines in 2005 - Riggs Banks for conducting transactions for former Chilean dictator Augusto Pinochet and for Equatorial Guinea's ruling family, the New York branch of Jordan's Arab Bank for failure to maintain proper AML practices and ABN AMRO for improperly supervising its North American Regional Clearing Center for processing approximately 20,000 transactions valued at \$3.2 billion using shell companies in the United States, Russia and other former Soviet Union countries.

In 2007, the Russian customs service sued Bank of New York for lost revenue on the aforementioned laundered money and the parties reached an agreement in 2009, where among other things, BoNY paid Russian customs \$14 million.

After a two-year investigation in 2009, U.S. and New York authorities fined Credit Suisse and Lloyds for conducting illegal transactions for Iran. Both banks deleted information from wire transfer documents to hide their Iranian origin and advised Iranian banks on how to avoid detection. Credit

Suisse was found to have conducted 7,000 illegal transactions amounting to \$700 million and fined for assisting the Iranian banks and other institutions like Iran's Atomic Energy Organization and its Aerospace Industries Organization to facilitate.

Lloyds was found to have made \$300 million of Iranian transfers and another \$20 million worth of Sudanese transfers. Its employee training manual even contained a section on how to conduct these illegal transactions.

In addition to the Lloyds-Credit Suisse and Iran matter, a 17 July 2008 Senate Investigations Subcommittee report entitled Tax Haven Banks and US Tax Compliance focused on UBS and LGT. In this well-known case, UBS agreed to pay a US government fine after one of its private bankers, Bradley Birkenfeld, resigned in 2005 and informed the US government that UBS had assisted thousands of US citizens in evading US taxes. The Subcommittee Report cited UBS' estimate that it held in Switzerland 1,000 accounts of US citizens which have been declared to the IRS and 19,000 accounts which have not, these totaling \$17.9 billion.

The second part of this report dealt with the information revealed by former LGT employee Heinrich Kieber, now in hiding, who copied LGT files showing how it assisted 1,400 clients from numerous countries to evade taxes and provided them to several governments, first to Germany. Within a month the United States, Germany, the United Kingdom, Italy, France, Spain, and Australia Canada, New Zealand, Sweden were investigating the material provided by Kieber.

In March 2010, Wachovia Bank agreed to pay a fine for AML violations regarding improper due diligence of transactions involving Mexico. For example, from 2004 to 2007 Wachovia processed over 2 million wire transfers amounting to approximately \$374 billion on behalf of 13 Mexican correspondent customers without proper AML controls. And in May 2010, Italian police announced they are investigating 7,000 account holders from HSBC Holding's Swiss private bank after a former Geneva-based HSBC employee turned over a list of 127,000 accounts belonging to 80,000 people to French officials.

Individuals as well as institutions have been in the

news. In 2008, Hernan Arbizu, a native Argentinean and vice president of JP Morgan Chase's Latin American unit based in New York was indicted for fraud. While at JP Morgan, Arbizu, a former UBS private banker, pretended to his UBS clients that he continued working at UBS and with the help of a willing accomplice at UBS sent documents with forged client signatures to UBS in order to transfer money to certain clients' from the accounts of other clients. He was caught trying to send a UBS client money from a client's account at JP Morgan.

Salah Ezzedine a Lebanese businessman was arrested in Lebanon in 2009 and charged of conducting a one billion dollar pyramid scheme. There is no need to detail the Madoff and Stanford Ponzi schemes.

But after all, the Cayman Islands do have its history with money laundering and other financial improprieties. Arrested in 1975, Frank Lucas, the drug dealer who monopolized the Harlem drug market in the 1960s and 1970s and played by Denzel Washington in the 2007 film American Gangster, had an estimated \$52 million in Cayman banks (though at the time money laundering was not a crime in the United States nor in Cayman). Called Operation Coast, from 1981-1993 the South Africa apartheid regime tried to develop biological and chemical weapons in contravention of the Biological and Toxins Weapons Convention with their principal companies for this effort incorporated in the Caymans.

In recent years, the Senate Finance Committee held a hearing on 24 July 2008 entitled The Cayman Islands and Offshore Tax Issues. The Wall Street Journal of 30 September 2008 published an article written by former Manhattan District Attorney Robert Morgenthau entitled "Too Much Money Is Beyond Legal Reach". Morgenthau cited Long Term Capital Management, two collapsed Bear Stearns hedge funds and BCCI as all being chartered in the Caymans.

Senator Carl Levin who chairs the Senate Investigations Subcommittee entered this article into the Congressional Record two days later.

Estimates are that Enron established between 400 and 700 subsidiaries in the Caymans. Parmalat's books showed a balance of \$3.9 billion in the account of its Cayman subsidiary which in fact was

empty. And much has been made of the Uglad House beginning in March 2004 with an article published in Bloomberg Market entitled "The 150 Billion Shell Game." North Dakota Senator Byron Dorgan stated from the floor of the Senate on 12 April 2010 that Uglad House "in 2004 was the official home to 12,748 corporations . . . since that time, since 12,748 corporations used that little 5-story house to avoid paying taxes, it has now grown to over 18,000 corporate addresses."

Statements made from the floor of the House of Representatives also reflect this negative attitude about Cayman.

What then can be understood from the pejorative statements regarding the Cayman Islands, particularly in light of the numerous international frauds perpetrated by reputable institutions and ostensibly reputable individuals without any Cayman connection?

There are several indications which put the issue of financial crime in the Caymans into perspective. First, those who routinely insinuate that the Uglad House facilitates tax evasion do not present examples corroborating their assertion. Similarly, the aforementioned 2008 Senate Finance Committee hearing on Cayman lasting about an hour and forty minutes made scant reference to the Cayman Islands itself. Most of the witness statements and subsequent questions dealt with the overall issue of tax evasion, unrelated to the Cayman Islands.

In fact, one of the hearing's witnesses who is one of America's leading authorities on financial crime and offshore centers, attorney Jack Blum said, "I listened to the comments about Uglad House and must say to you that Uglad House represents the best of offshore."

Second, a report entitled Large US Corporations and Federal Contractors with Subsidiaries in Jurisdictions Listed as Tax Havens or Financial Privacy Jurisdictions, published by the GAO December 2008 found that according to 2007 revenue figures, eighty three of the 100 largest publicly traded companies and sixty three of the 100 largest publicly traded US federal contractors reported having subsidiaries in tax havens. In short, the report emphasized that the establishment of these offshore subsidiaries is itself legal.

In fact, the point of Senator Dorgan's April 2010 statement was to highlight that US law allows offshore subsidiaries to be established and that the problem is their abuse ("It was a legal dodge by companies setting up an address in order to funnel revenue through that address to avoid paying taxes to the United States.

("How about helping me close those loopholes?") Senator Levin similarly entered DA Morgenthau's Wall Street Journal article for the same reason, stating "we have a lot more work to do to rectify" the problem of abusive offshore entities. And Morgenthau himself wrote "We have to learn from our mistakes" and warned of the consequences "if Congress and Treasury fail to bring under US supervisory authority the financial institutions and transactions in secrecy jurisdictions."

Third, A July 2008 GAO report entitled Cayman Islands - Business and Tax Advantages Attract US Persons and Enforcement Challenges Exist stated that "US officials consistently report that cooperation by the Cayman Islands government in enforcement matters has been good" and quoted a senior Justice Department official who "indicated that the Cayman Islands is the busiest United Kingdom overseas territory with regard to requests for information, but also the most cooperative" and that Cayman is one of DOJ's 'best partners among offshore jurisdictions". The report also noted Cayman's "reputation as a stable, business-friendly environment with a sound legal infrastructure [which] also attracts business. This activity is typically legal."

Even a FinCEN Advisory dated July 2000 reported Cayman's "records of cooperation with criminal law enforcement authorities in the United States is excellent".

Perhaps it is not a coincidence that the SEC chose CIMA as its partner for their April 2010 regional training program. And a May 2010 review of the Caymans by QFinance reported the following: "The 'dark days' of the Cayman Islands' financial services and banking centre, when the Islands were a haven for money laundering, are now well and truly over."

What we can conclude therefore is as follows. Despite the numerous and significant international cases, there have been no major Cayman entities or individuals known as international fraudsters.

Even in his 15-page whistle blower letter of February 2008, Rudolf Elmer, the former COO of the Cayman Branch of Bank Julius Baer & Trust Ltd, criticized the Swiss private bank for aiding clients to evade tax but alleged no wrongdoing on the part of any Cayman entity or person.

His criticism of Cayman was directed against Cayman law which allowed for certain financial transactions, which he thought should have been prohibited; his letter made no claim that a Cayman entity or person violated Cayman law or conducted any other impropriety.

Many institutions and individuals are attracted to the Cayman Islands because of its political and financial stability and business-friendly environment, accessible by Americans with a thirty minute flight from Florida. The Caymans has a strong record of bilateral and international cooperation. And much of the abuse associated with Cayman is due to loopholes in US law that Congress has heretofore been unable to close.

It appears therefore that the reasons for the negative view of the Cayman Islands may be best explained by public relations rather than financial and criminal analysts.

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TRANSPORTATION AND CARGO INVESTIGATIONS

Kelly E. Riddle
Kelmar & Associates
San Antonio, Texas

The transportation and cargo industry is a beckoning ground for the private investigator that recognizes opportunity and economic fundamentals. Nearly every company, business, government and consumer in the world is dependent to some degree on the transportation and cargo industry. This makes private investigations a ready-made fit for a large industry that battles an increasing organized crime problem, growing pilferage, equipment thefts, and international border concerns.

In a post 9/11 environment where Homeland Security has taken center stage in all aspects of America, how can only one-quarter of executives at trucking firm's state that homeland security would

be a priority over the next twelve months? The Transportation Security Survey prepared by Deloitte and Touche¹ indicated that more than eighty percent of these same executives anticipated an increase in spending for security over the same twelve months. This conflict points to the fact that transportation executives feel compelled to deal with security but are doing so in an ineffective manner. Action for the sake of action does not always equal a positive outcome. The U.S. legislature has passed countless laws with more pending, placing a heavier burden on the transportation industry. While executives have an obvious desire to uphold security initiatives and compliance directives, many are flailing their arms like a boxer missing the mark.

Government compliance has become a myriad of frustration and confusion. As an example, one analysis concluded that there are more than 25 different jurisdictions charged with managing U.S.-Canadian cross-border freight movements.² Homeland Security, the Transportation Security Administration, Immigration Customs Enforcement and other premier law enforcement agencies all have their requirements for transportation companies. Since the inception of the Homeland Security agency, every law enforcement department has had to re-think their duties and responsibilities while being reconfigured and set back into a new puzzle. During this transformation process, executives within the transportation industry have repetitively been given different and often conflicting marching orders. The average company assigns the task of security to a mid-level or senior executive that is already overtaxed and who has little, if any experience with security compliance. Budgets are quickly developed with assumptions that adding or upgrading CCTV systems or other technology will bring the company up to speed with security. This "patch the hole and move on" tactic has been costly and mostly ineffective to date. Even with all of the new regulations and technology available, transportation and cargo thefts continue to increase.

¹ "The Unfinished Agenda-Transportation Security Survey", Deloitte & Touche, LLP

² "Homeland Security and the Trucking Industry", Center for Transportation Studies, University of Minnesota.

Organized crime has found this industry to be particularly fruitful because of the relative ease in attacking their prey while at the same time having only their hands slapped when caught. Since this is a white collar crime that affects "large companies" and those that insure them, the victimless crime continues to be perpetuated. Making the most of technology, organized groups of criminals and specifically Cubans, have been productive in infiltrating their victims. They typically have someone obtain a job in the warehouse of popular manufacturing or distribution warehouses to gather intelligence on shipments. Armed with this information, they are able to discretely place a GPS device in the load to allow their compadres to tail the shipment from a distance. When the driver stops for any length of time, they move in and hijack the load with little to no effort. To no surprise, the states with the main interstate thoroughfares are also the hardest hit.

You can see from the figure above that Texas and Georgia are the two hardest hit states when it comes to cargo theft. Texas, with the proximity to Mexico and international trade is an obvious choice. Likewise, Georgia is a good staging ground for loads coming out of the Florida ports and the Atlanta hub. Both Texas and Georgia have major highways that intersect and cross through their states allowing great opportunity for criminal activity. Prosecution often becomes entangled in these and other locations due to the mobility of the shipment through various jurisdictions.

Other useful information related to transportation and cargo thefts evolve around the business cycles. The most opportune time for thefts is when there are less people around and the longest time between the theft and the chance for discovery. The weekends are therefore the best time for thefts to take place and are usually not found until Monday when workers return to their normal shifts.

THEFTS BY DAYS OF THE WEEK

Armed with this knowledge, investigators can more readily identify trends and help clients become more proactive. There are many factors that make the recovery of stolen equipment and cargo more successful and include:

1. Rapid reporting of theft to law enforcement. Although few jurisdictions have a task force specifically for these types of crimes, having

the items entered on NCIC and the particular state's similar system allow recovery when officers come in contact with the unit. A private investigator can benefit their client by insuring that the information has actually been entered and broadcast in a timely manner.

2. Rapid on-scene investigation by a private investigator is crucial. Statistics have shown that if a load is not recovered within the first 24 hours, the success rate dramatically decreases. For those transportation, cargo and insurance companies that work closely with private investigators, the theft of an 18-wheeler or the cargo is immediately reported to the local PI and response to the theft location is mandatory within a 2-4 hour framework. The information gathered by talking to the driver, witnesses, reviewing CCTV video and acting as a liaison with law enforcement is crucial.
3. Developing a team effort with law enforcement officers who work in auto, fraud and other divisions will allow information, leads and intelligence to be shared.
4. Reviewing crime trends in the area helps to identify new methods being utilized by the criminal element. Some of these include special methods for stealing or hijacking loads, areas where truckers are often paid thousands of dollars for the load in exchange for delaying calling law enforcement, areas where make-shift paint booths are set up to disguise the equipment, etc.
5. Working with the client to authorize rewards and flyers to be posted at truck stops, industrial areas, or similar settings.

While these types of investigations are not usually "tough" investigations, there are circumstances that arise that create obstacles such as the load being taken into Mexico, driver involvement, arguments between the driver and employer over pay issues giving the driver an idea that they can hold the load hostage until paid, lack of law enforcement response, failure to add the information on NCIC, inability on the part of the owner to prove ownership through titles and related issues. The PI can be a huge asset to their client in helping not only recover the loads but working through these types of situations.

Best Practices

Donald M. Berlin

Investigative Consultants, Inc.
Washington, District of Columbia

"Best Practice" for conducting any search on a person or business using an online database source (whether fee-based, subscriber, open source, web-enabled application, or historic records that have been rebuilt with a supposed cross-identifier such as a DOB or SSN) is to also check the court of original jurisdiction.

An online check of the Court hosted database is still not considered "best practice" because identifiers are often stripped out or not corrected after a self-confessed DOB is offered by the defendant in a criminal case and later found to be wrong after the prints are rolled.

Thus, best practice is:

-First conduct a full Name, SSN scan on the subject using the widest possible search service. Our personal favorite is www.identichek.com, as it includes everything in Lexis, Accurint, Merlin, Tracers, Skipsmasher, WestLaw AutoTrak or Clear, and all data is untruncated (full SSN or DOB) for licensed attorneys and investigators only.

-Search at the court house, first going to those nearest the person's past residences for the preceding 10 years, and conducting a NAME ONLY search.

-For those courts that still display a DOB or Address, any hits should be noted and all files should be ordered. The arrest sheet or complaint should be copied and the remainder of the file carefully examined. If one additional match is found (description, DOB, age, address, etc.), it should be considered POSITIVE; if name only and perhaps age, it is HIGH PROBABLE.

-If the hit is a POSITIVE, the original class documents showing at least the features being relied on should be obtained and kept in the case file. Only then should a report be presented to the client asserting the allegations in the complaint.

-For those files that are NAME ONLY hits, attempt to obtain a middle initial or name or address of the

defendant. If full name and address match, it should be considered PROBABLE. For just NAME only, it should be considered POSSIBLE. In all cases, the original class document from which you are making the conclusion, should be copied and maintained.

-If a Civil Case, obtain a copy of the Summons and Complaint as well as the Return of Service Affidavit showing the address of the parties, including the defendant. If the ADDRESS matches that which is reported when doing a Live Credit Header Search and a Historic Banking, Financial, Credit and Assets Header search, then a copy of the complaint only, the docket sheet for the full case, and the confirmatory pleading showing the matched information should be copied and maintained.

Criminal background history searches using databases only carry very high liability. They should be viewed as "footprints in the desert" only and nothing more. They should be used only to help direct the investigation and not to make a conclusion as data records often are incomplete, contain truncated data, mistaken data or totally wrong information.

(Disclaimer: The information in this article is the sole responsibility of the author and is not a requirement, suggestion, or dictate of Intellenet as application of this information must be consistent with the purpose for which it is utilized.)

Legal Issues

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There are additional legal requirements when the person being interviewed is a member of a labor union. Principal among these are the requirements of *NLRB v. J. Weingarten, Inc.*, 420 U.S. 251, which was decided by the United States Supreme Court concerning the rights of unionized workers. The pertinent parts of this decision are³:

- *Weingarten* rights apply only during investigatory interviews. An investigatory

³ Robert M. Schwartz, *The Legal Rights of Union Stewards*, 1999, Works Rights Press.

interview occurs when: (1) management *questions an employee* to obtain information; and (2) the employee *has a reasonable belief that discipline or other adverse consequences may result*. For example, an employee questioned about an accident would be justified in fearing that she might be blamed for it. An employee questioned about poor work would have a reasonable fear of disciplinary action if he should admit to making errors.

• Under the Supreme Court's *Weingarten* decision, the following rules apply to investigatory interviews:

◆ The employee can request union representation before or at any time during the interview.

◆ When the employee asks for representation, the employer must choose from among three options:

1. Grant the request and delay questioning until the union representative arrives;

2. Deny the request and end the interview immediately; or

3. Give the employee a choice of: (a) having the interview without representation or (b) ending the interview.

• If the employer denies the request for union representation and continues the meeting, the employee can refuse to answer questions.

• Employers sometimes assert that the only function of a union steward at an investigatory interview is to observe the discussion; in other words, to be a silent witness. This is incorrect. The steward must be allowed to advise and assist the employee in presenting the facts. When the steward arrives at the meeting:

◆ The supervisor or manager must inform the steward of the subject matter of the interview; in other words, the type of misconduct being investigated.

◆ The steward must be allowed to have a private meeting with the employee before questioning begins.

◆ The steward can speak during the interview, but cannot insist that the interview be ended.

◆ The steward can object to a confusing question and can request that the question be clarified so that the employee understands what is being asked.

◆ The steward can advise the employee not to answer questions that are abusive, misleading, badgering or harassing.

◆ When the questioning ends, the steward can provide information to justify the employee's conduct.

• An employer does not have to inform an employee that he or she has a right to union representation.

QUESTIONS AND ANSWERS REGARDING WEINGARTEN RIGHTS

• Steward's Request

Q: If I see a worker being questioned in a supervisor's office, can I ask to be admitted?

A: Yes. A steward has a right to insist on admission to a meeting that appears to be a *Weingarten* interview. If the interview is investigatory, the employee must be allowed to indicate whether he or she desires the steward's presence.

• Coercion

Q: An employee, summoned to a meeting with her supervisor, asked for her steward. The supervisor said, "You can request your steward, but if you do, I will have to bring in the plant manager and you know how temperamental she is. If we can keep it at this level, things will be better for you." Is this a *Weingarten* violation?

A: Yes. The supervisor is raising the specter of increased discipline to coerce an employee into abandoning her *Weingarten* rights.

• Can Employee Refuse to Go To Meeting?

Q: A supervisor told an employee to report to the personnel office for a "talk" about his attendance. The employee asked to see his steward but the supervisor said no. Can the employee refuse to go to the office without seeing his steward first?

A: No. *Weingarten* rights do not arise until an investigatory interview actually begins. The employee must make a request for representation to the person conducting the interview. An employee can only refuse to go to a meeting if a supervisor makes clear in advance that union representation will be denied at the interview.

- Medical Examination

Q: Our employer requires medical examinations when workers return from medical leaves. Can an employee insist on a steward during the examination?

A: No. A run-of-the-mill medical examination is not an investigatory interview.

- Lie Detector Test

Q: Do *Weingarten* rights apply to polygraph tests?

A: Yes. An employee has a right to union assistance during the pre-examination interview and the test itself.

- Sobriety Test

Q: If management asks an employee if he will submit to a test for alcohol, does *Weingarten* apply?

A: The employee must be allowed to consult with a union representative to decide whether or not to take the test.

- Locker Search

Q: If a guard orders an employee to open a locker, can the employee insist on a steward being present?

A: No. A locker search is not an investigatory interview.

- Counseling Session

Q: An employee was given a written warning for poor attendance and told she must participate in counseling with the human relations department. Does she have a right to a union steward at the counseling sessions?

A: This depends. If notes from the sessions are kept in the employee's permanent record, or if other employees have been disciplined for what they said at counseling sessions, an employee's request for a steward would come under *Weingarten*. But if management gives a firm assurance that the meetings will not be used for discipline, and promises that the conversations will remain confidential, *Weingarten* rights would probably not apply.

- Private Attorney

Q: Can a worker insist on a private attorney before answering questions at an investigatory interview?

A: No. *Weingarten* only guarantees the presence of a union representative.

- Recording the Interview

Q: Can a supervisor tape record an investigatory interview?

A: This depends. The *Weingarten* decision itself does not forbid an employer from tape recording an investigatory interview. But, if this represents a new policy on the part of the employer, the steward can object on the ground that the union did not receive prior notice and have an opportunity to bargain.

- Questions About Others

Q: If a worker is summoned to a meeting and asked about the role of other employees in illegal activities, can he insist on assistance from a union representative?

A: Yes. Although the employee may not be involved in wrongdoing himself, he risks discipline if he refuses to inform on others or admits that he was aware of illegal activities. Because what he says at the meeting could get him into trouble, he is entitled to union representation.

- Obstruction

Q: The company is interviewing employees about drug use in the plant. If I tell my people not to answer questions, could management go after me?

A: Yes. A union representative may not obstruct a legitimate investigation into employee misconduct. If management learns of such orders, you could be disciplined.

WHAT ARE THE RIGHTS OF A NON-UNION EMPLOYEE IN A UNIONIZED BUSINESS?

For various reasons, it is not uncommon to have a mixture of union and non-union employees in the same business entity. These individuals may have chosen not to be a member of the union. Others may be excluded from union membership because of their supervisory or management positions. These individuals do not have *Weingarten* rights.

As a matter of fairness and to preclude potential allegations of impropriety, they should be allowed to have an observer of their choice present during the interview. The observer should not be allowed to participate in the interview in any manner. The

observer is not an adviser to the interviewee and both parties should be made aware of this restriction. The observer should be seated in a position where it is not possible for the interviewee and observer to exchange non-verbal cues.

At a later date, the circumstances of an interview may be called into question for the purpose of claiming intimidation of the interviewee. As a precaution, the circumstances of the interview should be documented. As a minimum, this documentation should include the start and ending times of the interview; the location of the interview room and the location of each person within the room; all persons present during the interview and the reason for their presence; how long each person was present in the interview room; any refreshments provided to the interviewee, and the times and length of each break in the interview process. If the interviewers have drinks or other refreshments, the interviewee should be provided with similar amenities.

The Electronic Footprint

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As professional private investigators, one of the best attributes of our chosen profession is the diversity of subject matters we can be retained to investigate. When asked, what you investigate, my frequent response is "anything or anybody within the confines of the law." Another positive feature of investigative work is the uniqueness of every case. Although many investigators successfully find niches that are professionally rewarding and financially sustaining, many investigators conduct investigations in a wide realm of venues. Seasoned investigators contend that the good investigators develop an intuition that is acquired through years of experience and judgment. But today's investigator must also develop some familiarity with technology. The advent of web-based online databases has significantly improved access to records and reduced the cost of record searching. The advances in video camera technology cost and size has significantly improved the ability of surveillance investigators to obtain quality documentation of the requested, routinely illicit, activity. The art of writing a professional investigative report is clearly advanced by word

processing programs which enable photos and brief video clips to be inserted. The ability to instantaneously email photos to clients to confirm the identity of a subject is paramount.

Along with these givens, investigators today must become acquainted with the "Electronic Footprint" left behind by most members of today's society. This Electronic Footprint is often referred to as Electronically Stored Information (ESI). As our society evolves into a digital age, professional investigators must prominently address the presence of ESI in their cases. The criminal defense team working on the nationally publicized Duke Lacrosse Rape Case utilized an array of Electronically Stored Information to have their clients acquitted. They acquired phone records, ATM records, access card records, digital photos, security videos and credit card records. They developed a timeline that corroborated their client's account of events. Many of these records are readily attainable. However, if Electronically Stored Information is to be utilized in a formal legal proceeding, investigators must acquaint themselves with the science of Computer Forensics.

Although the word "forensics" is commonly bantered about on popular television shows, many are not familiar with its definition. Forensics is defined as the use of science and technology to establish evidence that is replicatable. When evidence is deemed to be forensically sound, it is then admissible in court. This leads us to the admissibility of digital evidence. Often it is not retrieved in a forensically sound manner and is excluded from being entered as evidence. With computer forensics there must be caution applied. Many competent IT professionals are not versed and certified in the science of computer forensics. When recognizing that ESI exists and may be an essential element in your investigation, be certain to consult with a computer forensic expert to insure the admissibility of evidence. Investigators must also familiarize themselves with electronic espionage criminal statutes. The use of key loggers, GPS trackers, spyware and other digital interception tools may result in criminal penalties for the investigators or their clients utilizing these illegal techniques.

The author, Sean Mulholland, is the president of Mulholland Investigation in Jacksonville Florida. He is also the Managing Member of Mulholland

Forensics LLC. He is a licensed Investigator in Florida since 1990 and is also licensed in Georgia. Sean, along with his partner, Robert Jones have presented many seminars on the topic of Computer Forensics. If you are interested in such a seminar please contact Sean Mulholland at sean@mulhollandforensics.com.

Innocent until Proven Guilty? Can the Guilty Really be Innocent?

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This past June, Pennsylvania exonerated its' 11th person based on DNA. The client was convicted in 2001 of a robbery/house invasion based solely on the identification of the victim. He was given a 70 year prison sentence. In 2009, he was in the prison yard when he overheard another inmate talking about a conversation that inmate had several years prior with a third inmate. The third inmate had confessed to the crime that the client was convicted of. After the client's attorney learned the identity of the person who confessed, she filed a new evidence petition and a petition seeking DNA testing of the new suspect. Since the new suspect had been in and out of prison several times, his DNA was already available.

After filing the petition seeking DNA testing, the prosecutor advised her that back in 2006 he had received information from the State Police that the DNA found at the scene of the crime matched exactly to this new suspect.

At this time, I suggested to the attorney to subpoena the prison visitor log to verify if any detectives did or did not visit with the inmate who allegedly confessed to the crime. The next step was to compare photos of the client and the new suspect. Photos from the late 90's and early 2000's were obtained from family members of the client, Pennsylvania Department of Corrections, and social networking sites. It was noticeable that the inmate and new suspect had a striking resemblance of each other.

The prosecutor asserted he sent the client a letter about this in 2006 however; he could not produce any evidence that the client had ever been advised of this information.

After hitting the streets, visiting with local law enforcement, reviewing past court cases of the new suspect, interviewing the suspect's mother and conducting surveillances, I located the actual perpetrator. In an attempt to serve him with a subpoena to appear in court, he ran from me and barricaded himself in a residence. Ironically, the statute of limitations has expired and he could not even be tried for the crime he committed.

Later that month there was a Post Conviction Release Act (PCRA) hearing and the next day the Commonwealth agreed that the sentence should be vacated and that the client will not be retried. The client has a 9 year old daughter who has never known her father outside of prison. It is days like today that makes doing what we do worthwhile.

Please note the client's attorney was the driving force of this case and demonstrated on several occasions that there are innocent people that are convicted of crimes that they did not commit. For more information visit Fox News Video regarding this case:

http://www.myfoxphilly.com/dpp/news/local_news/pa-innocence-project:-a-new-trial

Over the years I have worked on several criminal defense cases and it never ceases to amaze me that there are innocent people in jail. I am currently working on a murder defense case, where the client has been incarcerated for over 15 years. He had declined a plea bargain as he has maintained his innocence all along. As this case is still on-going, I cannot get into all of the details. However, I can say that I had recently interviewed the witness to this murder and he has provided me with information that confirms my client was not the shooter. Obviously a lot more work needs to be done and it is not as cut and dry as having DNA evidence. A new evidence petition was recently filed and the investigation is on-going. Having interviewed several inmates and fugitives over the years, we all know they all claim to be innocent. Most of the time, they are guilty. However, my advice is to not dismiss potential clients who claim they are innocent. They just might be!

ISPLA UPDATE

Bruce Hulme

ISPLA Director of Government Affairs

This is an update of our work on behalf of investigative and security professionals. ISPLA's director of government affairs, Bruce Hulme, was recently an invited panelist at the American Bar Association's 36th National Conference on Professional Responsibility in Seattle. His presentation concerned the recognized investigative tool of pretexting, the misuse of which can ensnare lawyers as well as investigators. When utilizing the services of private investigators, attorneys must set boundaries of permissible conduct or face possible disciplinary proceedings. At times, they may even face criminal charges or exposure to civil liability if unaware of the pitfalls of using deception in certain types of investigations. The same hold true of private investigators.

Having the opportunity to speak as the first non-lawyer, and representing ISPLA and the viewpoints of private investigators on *The Law and Ethics of Investigations*, was an honor. Lawyers in many practice settings, and in many practice areas, are frequently called upon to conduct, oversee, plan, or use the fruits of investigations. The ethics rules and case law limit a lawyer's role and activities in investigations: Is any deception permitted? When does surveillance stray into trespass, stalking or invasion of privacy? Are forms of online interaction forbidden?

Additional information on pretexting may be found on our website www.ISPLA.org in the Current Legislative News section entitled "Pretense: An Essential Recognized Investigative Tool". One must scroll back to November 16, 2009, to read it. However, it is still applicable today as is the recently disseminated paper on the same subject matter purportedly co-authored by the current president of another national association and its newly elected regional director from New England. The truth is that article was mainly written several years ago with input and assistance of the current ISPLA chairman, Peter Psarouthakis, Hulme, the ISPLA director of government affairs and others.

While on the subject of pretexting and misrepresentation, it is fortunate for state licensed

private investigators that a number of years ago Hulme prevailed upon the International Association of Security and Investigative Regulators, an organization of state regulators in the U.S and provincial regulators in Canada, to pass a resolution stating that the use of pretense is an essential recognized investigative technique. Resolutions obtained by Hulme over the years from IASIR have greatly assisted our profession's interests before Congress when addressing privacy legislation. This past month, he was one of the IASIR board members who assisted in obtaining a resolution from that association to present to Congress its major concerns regarding recently introduced H.R 5300, Fairness and Accuracy in Employment Background Checks Act of 2010, sponsored by Rep. Bobby Scott [D-VA-3].

On June 9 the House Committee on the Judiciary, Subcommittee on Crime, Terrorism and Homeland Security held hearings on "Collateral Consequences of Criminal Convictions: Barriers to Reentry for the Formerly Incarcerated." A link to the prepared testimony of witnesses is at:

http://judiciary.house.gov/hearings/hear_100609.html

There are reportedly 50 million people with arrest or conviction records. The National Employment Law Project found that the government has been mistakenly denying credentials to tens of thousands of workers, partly due to flawed criminal record reports. In 2006, "The Attorney General's Report on Criminal History Background Checks" disclosed that almost 50 percent of criminal records in the NCIC failed to note court dismissals of charges.

Representative Scott's legislation seeks to require the FBI to track down any missing data before issuing a report and allow job applicants a copy of such report as well as an opportunity to challenge inaccurate information in the government's database. Should the accuracy of a criminal record be challenged, the Attorney General would have 30 days to investigate and make changes in the government's database and report back to the applicant and the employer. The FBI would be required to correct inaccurate information and to raise fees to cover costs for correcting the data.

ISPLA is working with other groups that have concerns with aspects of this legislation. One of the concerns with the bill is that an "Exchange (of

information) shall not include any information about an arrest more than one year old as of the date of the request for exchange, that does not also include a disposition (if any) of that arrest." Should the bill pass in its present form, a state regulator of our profession could end up approving a weapons permit, security officer registration, or private investigators license for one awaiting trial for a violent felony for more than a year if the state where the individual is held is slow in reporting. In practice, states are often slow, and it is unlikely that the necessary resources will be spent to determine the disposition of each arrest. Thus, criminal information will be dropped from the reported data. ISPLA has worked with Congressman Scott in the past on other issues and will continue to do so on this one.

Other recent posts in that same section of the ISPLA website comment on the following issues:

July 25 - HR 5777, the Best Practices Act and Boucher-Stearns Discussion Draft

July 23 - HR 4173, Wall Street Reform and Consumer Protection Act of 2009

July 1 - Michigan Vehicle Tracking bill granting exemption to private investigators

During the 111th Congress, ISPLA has been at the forefront in alerting the investigative and security professions to recently introduced legislation and breaking news and developments on pending legislation. We have also used our federal and state legislative tracking system to alert other national and state associations where we have common interests. Our government affairs director, Bruce Hulme, has conferred with his fellow government affairs representatives from other stakeholders, including Jack Lichtenstein of ASIS International, Steve Amitay of NASCO, and Larry Sabbath of NCISS, notwithstanding the animus recently directed towards ISPLA by the latter organization's current leadership. If we do not all come together to formulate targeted action on key legislative issues our profession will not be well served. The government affairs representatives of these professional organizations are aware of that fact, as is ISPLA and its twelve member executive committee.

For example, not only did ISPLA assist the profession regarding the obtaining of potential

revised language in the recent S.3214 Surreptitious Video Surveillance Act, introduced by Sen. Arlen Specter [D-PA], but we also alerted the profession to the various anti-spoofing bills which passed in the House and would have to be resolved with the Senate version supported by ISPLA, namely S.30 Truth in Caller ID Act of 2009 sponsored by Sen. Bill Nelson [D-FL]. Washington, DC, meetings with the sponsors of both bills by ISPLA and others were a key factor in obtaining the requisite exception language for the installation of fixed security cameras and covert video surveillance. We also met with counsel for Senator Nelson, sponsor of S.30, who has assured us that the "intent" language supported by ISPLA will survive in the final conference to resolve differences between the Senate and House versions.

Last year, the ISPLA chairman, Peter Psarouthakis, provided testimony on behalf of the investigative profession to the U.S. House of Representatives Committee on the Judiciary, House Subcommittee on Crime, Terrorism and Homeland Security. His testimony pertained to the subcommittee's investigation into public defense reform in Michigan and around the country. ISPLA continues to work with members of Congress and coalition members on this important issue. On the ISPLA website is a July 25 posting in the section "Current Legislative News" entitled "Sixth Amendment and Indigent Defense."

ISPLA is only concerned with addressing legislative and regulatory issues. Its volunteers are very much committed to this singular purpose. All serving on its executive committee are leaders or experts in the investigative and security profession. They have decades of legislative advocacy experience. They include four national directors of NALI, two former NCISS presidents and chairmen of the board, the executive director of INTELLENET, and six who have served as presidents of their respective state professional associations. Eight members have served as officers or board members of NCISS.

On the regulatory front, ISPLA has held ongoing meetings with the FTC, FEC, SEC and DOJ on specific issues affecting the investigative and security professions. ISPLA will continue to keep Intellenet and investigative and security professionals apprised of the latest legislative and regulatory issues affecting our colleagues. We are continually working in order to ensure that our

members have continued access to database information and to protect our access to public records. We encourage you to assist ISPLA in its sole mission: combating ill-conceived federal legislation and overly burdensome regulation. We are grateful that Intellenet recognizes the work we are doing and the depth of our experienced leaders. ISPLA also formed the first non-partisan political action committee for the both private investigative and contract security profession. Help protect your profession with your membership in ISPLA.

To join online today go to www.ispla.org.