

JOURNAL

South Carolina Association of Legal Investigators

SCALI 2011 - Vol. 27, No. 3



SPACE FOR RENT

SCALI Executive Director's Message:

Fall Conference Report

The 2011 Fall Conference was held in Florence, SC at the Hilton Garden Inn on October 13-14, 2011. The event was hosted by Marion Brown and Jerald Brown, both of Marion J. Brown Detective Agency.

Hospitality was provided by Marion and Jerald who cooked a whole pig and served with all the fixings of a southern style BBQ. Several dignitaries were in attendance, including SLED Chief, County Sheriff, Politicians and Retired FBI & SLED. We had several SCALI members and numerous registered non-members in attendance to provide several top-notch networking opportunities.

Thanks to our sponsors, breakfast was provided to start the Friday morning sessions. After a welcome to the City by Mayor Wukela, the speaker line-up began with interesting perspectives by several qualified people. Each speaker was rewarded with a high participation of question and answer from the individuals present. The Honorable Ralph King Anderson closed the morning session with a very captive audience on how to be professional.

Lt. Ben Moore presented the SLED question and answer session during our lunch and Kershaw County Sheriff also provided an interesting perspective.

A new twist started the afternoon session with a Round Table Discussion that went better than expected for having never done something like that before. Several professional Private Investigators provided the roundtable and those in attendance provided great questions to present. The afternoon closed slightly ahead of schedule and certificates were presented.



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SCALI JOURNAL

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AFFECT OUR
PROFESSION

TO UPGRADE THE
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AND ITS MEMBERS
THROUGH
CONTINUED
EDUCATION

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is an official publication of the
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From The Editor's Desk:



Well, it's hard to believe another year has come and gone. Did you make resolutions last year? Did you keep them???

As for your business, it is booming, or is it struggling? With the economy as it is, the PI business could go either way, depending on the type of work you do. Hopefully, the conferences are not only providing you with helpful information, but are helping you network, putting faces with those names out there. That way, you feel more comfortable making and receiving referrals from other investigators out there.

This year has seen probably the biggest change since the beginnings of SCALI, after the most recent election of directors. Let's hope that our new leadership continues to lead us forward in a positive and productive manner.

We could really use some new advertisers, so if you've not had an advertisement in the Journal, think about getting one. Rates are very reasonable. If you are unfamiliar with how to put together an ad, I will be willing to help you with this.

Let's wave goodbye to 2011 and hope that 2012 will be the best year yet for all of us!

Donna

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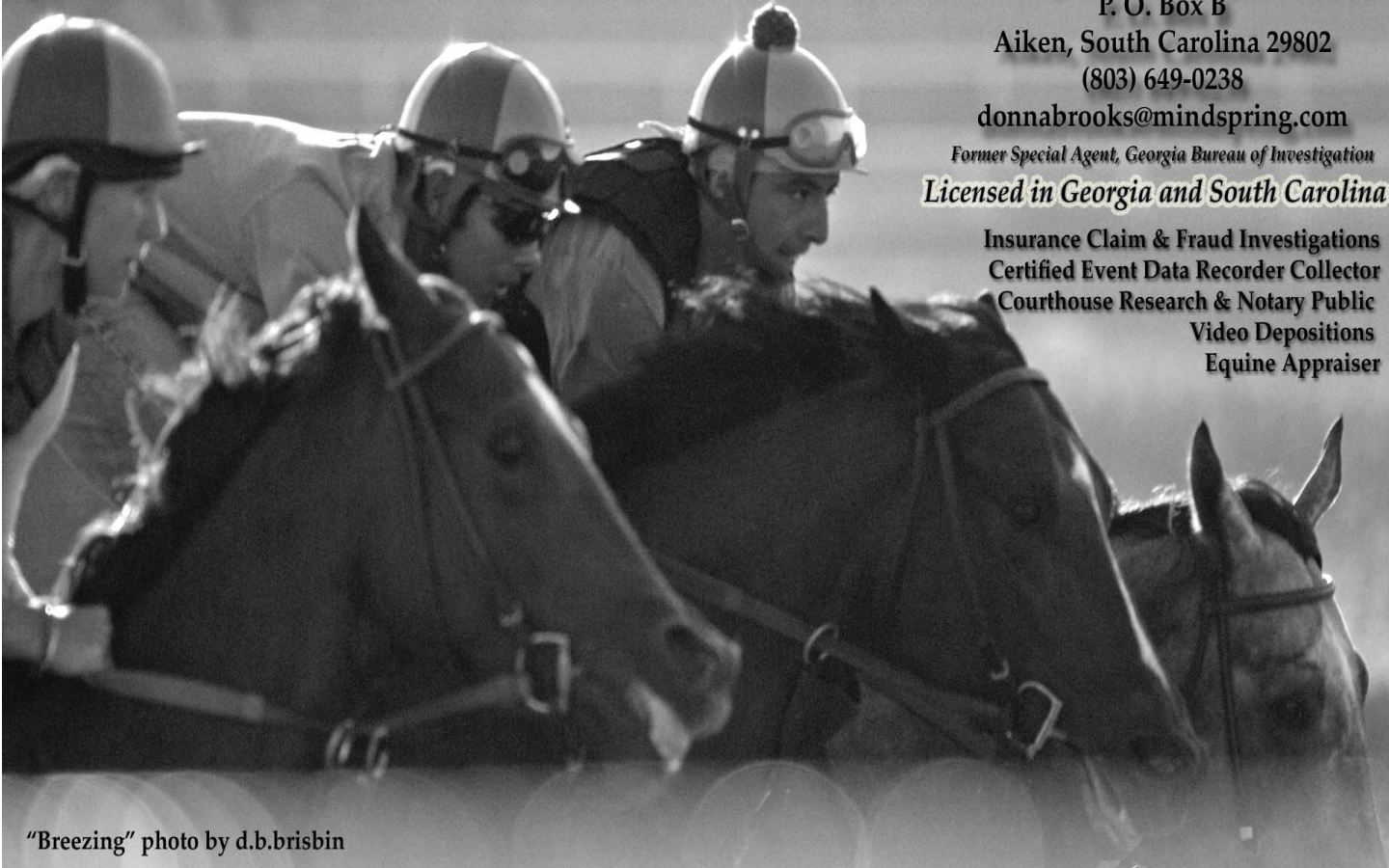
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Hit The Hill 2011

By David B. Mac Dougall
SCALI Legal and Legislative Chairman

On September 13, 2011, following some last minute instructions from NCISS Legislative Advocate Larry Sabbath, four members of the South Carolina Association of Legal Investigators (SCALI) Hit the Hill to meet with our Congressmen.

Vicki Childs, Tracy Hoshell, Joe Dorton and I brought the concerns of SCALI to the eight member South Carolina Congressional Delegation.

Our three day junket began on Monday when Joe Dorton drove us to

Washington, D.C. That evening we participated in a two-hour briefing on what to expect and the specifics on the important issues.

Tuesday morning began with an early breakfast and more training. After a rush hour cab ride to the Capitol, we had two Congressional office meetings before Vicki, Tracy and Joe attended the NCISS luncheon with more organizational info provided. I was fortunate to have been invited to lunch by Congressman Joe Wilson.

The afternoon was spent crisscrossing Capitol Hill in order to visit the entire South Carolina Congressional Delegation. Some meetings involved the four of us; some required us to split up into two teams.

By 4:30 pm we were on our way back to the hotel where we reviewed the day's efforts with Hit the Hill organizers and other participants. After dinner and a good nights sleep we set out for Columbia at 8 am Wednesday.

During our meetings we discussed the well intentioned, but ill-conceived, idea that prohibiting the sale and dissemination of Social Security numbers will halt identity theft. SCALI and NCISS are concerned that any of a number of pieces of pending legislation would make this practice illegal.

While we support the idea that Social Security numbers should not be sold on every street corner, we presented our representatives with facts that support our need to keep this information available to PI's and data bro-



Congressman Joe Wilson with Dave and Tracy



Staffer Craig Link of Congressman Jim Clyburn's office with Tracy, Joe, and Vicki

tion information pertaining to that child or to give consent for another person to intercept such information..." there is no provision exempting Private Investigators.

kers. Without the ability to buy Social Security number information these databases will become impotent.

Passage of this bill would ring the death knell for GPS trackers and loggers as currently



Jason Brown of Senator Lindsey Graham's office and Vicki

was familiar with our concerns and issues.

All four SCALI members met with Laura Evans in Senator Jim DeMint's office. This was my fourth time meet-

**Hit the hill is a continuous process that::
 Lets our representatives know we are concerned and serious about these issues
 And
 Keeps them apprised of the bills that present problems for private investigators.**

HR 2168 would prohibit the use of GSP tracking devices. This bill provides that "No person may acquire the geolocation information of a person for protective activities...or intelligence purposes except pursuant to a warrant..."

used by Private Investigators.

HR 1707 and HR 2577 references "pretexting" and could make the practice illegal.

ing with Laura. She is well informed and well aware of our issues and concerns.



Jennifer De Casper of Representative Tim Scott's office with Tracy, Joe, Vicki, and Dave

We had our first meeting with staffer Craig Link in Congressman Jim Clyburn's office.

Jennifer De Casper, of Representative Tim Scott's office, had an above average understanding of our need for Social Security and GPS information since she is a former prosecutor.

Tracy and Joe met with a member of Representative Jeff Duncan's office following lunch at the Capitol Hill Club. Tracy lives in Congressman Duncan's district.

At the same time Vicki and I met with Jason Brown at Senator Lindsey Graham's office. Since this was the second time I met with Mr. Brown he



Laura Evans of Senator Jim DeMint's office with Joe, Tracy, and Vicki

By visiting each office we established a line of communication between that member of Congress and NCISS Legislative Advocate Larry Sabbath. This allows Larry to contact a specific person in each office when a bill of concern starts moving through the Congress.

At 3:00 pm we met with newly elected Congressman Trey Gowdy's staffer Christopher Ingraham.

While there is a provision preserving parents right to..."intercept geoloca-

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It was especially important for us to bring our concerns to those newly elected to Congress.

Congressman Joe Wilson met Tracy

and me in his office. Joe offered his continued willingness to be on the lookout for issues of concern to SCALI.

Congressman Wilson has been a long

time supporter of SCALI and has spoken at SCALI functions.

While Tracy and I met with Congressman Wilson, Vicki and Joe paid a visit to the office of newly elected Congressman Mick Mulvaney.

Joe Dorton is one of Congressman Mulvaney's constituents. When the Congressman found out that Joe and Vicki were in his office he brought them in for a personal meeting. They seized the opportunity to explain our concerns directly to the Congressman.

At the end of the day the SCALI contingent met with nearly fifty other PI's who had been visiting their members of Congress.

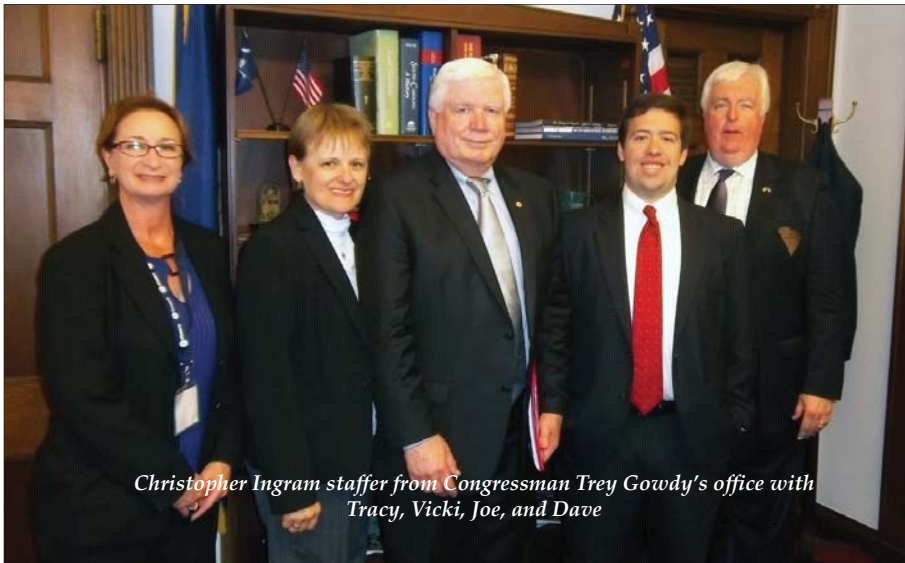
Hit the Hill is a continuous process that:

- Lets our representatives know we are concerned and serious about these issues and;
- Keeps them apprised of the bills that present problems for Private Investigators.

I believe Hit the Hill is worthwhile and should continue to receive SCALI's financial support. Legislation continually pops up in Congress often with unintended consequences for private investigators. We need to remain vigilant in keeping our concerns and solutions in front of the South Carolina Delegation.

NCISS has decided to move Hit the Hill to the spring starting in 2012. I hope SCALI will continue its support.

My personal thanks to Vicki, Joe and Tracy for their willingness to sacrifice their time and expend the effort each did to make this day a success. I know there was personal sacrifice on the part of each participant.



Christopher Ingram staff member from Congressman Trey Gowdy's office with Tracy, Vicki, Joe, and Dave



Congressman Mick Mulvaney with Joe and Vicki

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Wrongly Accused Man Gets \$50,000

By Allyson Bird
Charleston Post and Courier

Thursday, August 11, 2011

Jeffrey Knowles lost his apartment and his car and missed his son's birth when he spent five months in jail for a crime he didn't commit.

Last week Knowles took the Charleston County Sheriff's Office to trial, and a jury awarded him a \$50,000 verdict for a malicious prosecution claim against the agency.

Authorities arrested 46-year-old Knowles in September 2009 after the manager at Kentucky Fried Chicken on Savannah Highway identified him in a photo lineup as the man who ambushed her with a sharp object as she unlocked the restaurant one Monday morning. Someone had called in an anonymous tip to Crime Stoppers, and the U.S. Marshal's Fugitive Task Force picked up Knowles on an armed-robbery charge.

The Charleston man had served nearly 12 years in federal prison for an armed robbery of a Friedman's Jewelers in Conway. Investigators spoke about a possible connection to other armed robberies around the same area as the fast-food restaurant holdup.

But Knowles insisted that this time they had the wrong man. He gave a written statement, according to his attorney, asking sheriff's detective David Owen to check phone records, to speak with the man who walked

with him in Hampton Park close to the time of the robbery and to his neighbor who saw him that morning. He also asked the detective to check the security camera at Burris Liquor Store, where Knowles had applied for a job that day.

Unable to afford a lawyer at the time, Knowles scrounged up enough money to pay a private investigator to check out his alibi.

That investigator, retired North Charleston police lieutenant Tommy Blackwood, then called attorney Mark Peper and asked him to take up Knowles' cause.

"Two phone calls is all it took to get it dismissed," Peper said.

Peper contends that not only did the sheriff's detective fail to appropriately investigate Knowles' alibi, but he presented the victim in the robbery with a lineup that suggested Knowles' photo. Peper filed a civil lawsuit against the Sheriff's Office, offered to settle the case for \$10,000 last month and, when the Sheriff's Office declined the offer, headed to trial Aug. 1 in Charleston County circuit court.

After four days of testimony, the jury returned a \$50,000 verdict on a claim of malicious prosecution, or inten-

tionally bringing legal action without probable cause. The jury found in favor of the Sheriff's Office on a false-arrest claim, meaning Knowles receives no damages for that claim.

Sheriff's Maj. Jim Brady said investigators have not arrested anyone else in connection with the bank robbery. He said the Sheriff's Office would review the case and referred comments to the agency's attorney, Rick Corrigan.

Corrigan said the case is not over and that the judge still must hear post-trial mo-

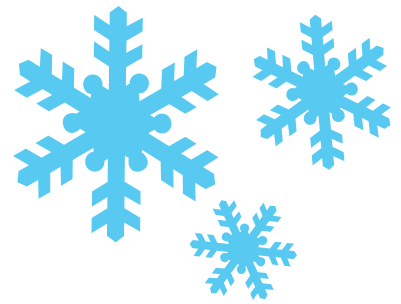
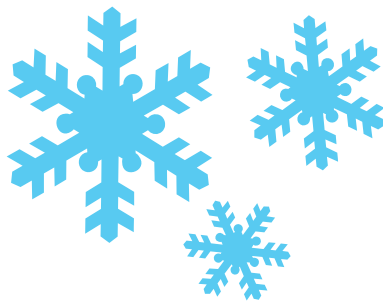
tions, though he declined to elaborate on what those might be. Common post-trial motions include requests for a new trial or that the judge overrule or amend a jury's verdict. Corrigan defended the officer's actions.

"Detective Owen did nothing but his job and did an excellent job protecting citizens of this county," Corrigan said. Peper said his client, who works for a local moving company, intends to use the money awarded to rebuild his credit and to make up for lost time with his family.

Reach Allyson Bird at 937-5594.

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Jeffrey Knowles lost his apartment and his car and missed his son's birth when he spent five months in jail for a crime he didn't commit.



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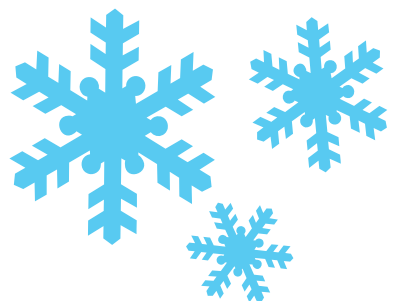
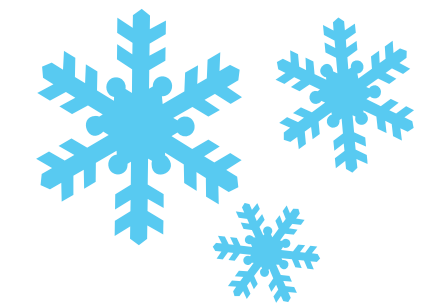
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C o n f e r e e n c e





CONFERENCE



I just wanted to say that this conference provided more than just an awesome performance. If ever there was a gathering of folks that at the end felt "a part of" a great association, this was the one. I think for the first time since I have been in attendance, twenty years plus, we finally came to realize just how important and worthy, all of our efforts prove to be to each and every member and attendee. The core issue that flowed with exuberance throughout the presentation was that the whole of the matter is because every one was here. Without our participation, how could one ever know and feel what we all did as a result of our efforts to be there. When we take into consideration initially that we all have to make certain sacrifices to attend one of these seminars, when you leave, it is like having gone to church, you just feel better!

The final outcome of this year's fall conference cannot be matched, it can only get better; and for this to happen we all have to show up to bat. I cannot remember when after the last speaker of the day, who as all speakers, did an excellent job, a line of members appeared before him with questions and comments. Sometimes in the past, it seemed that getting

Very well spoken, Jack. There are too many people to thank on my behalf, who helped with this conference. I must point out a few, knowing that I will leave someone out. Marion Brown and Jerald Brown first and foremost. These two men were the foot soldiers in Florence. Everything from picking the location, lining up outstanding speakers and also – providing the speakers with some ideas on what SCALI wants to hear. Most of the speakers were willing to participate, but Marion and Jerald gave them plenty of ideas on topics that would enhance our seminar. They did a good job matching the speaker with the right topic. As the weeks and days approached, Jerald and Marion communicated with me about every other day to make sure all the details were covered. As for the hospitality, Marion and Jerald donated everything to the BBQ dinner and would not accept compensation from SCALI for their expense. They then donated their

out of the hotel was more important. We now know different. The fellowship and camaraderie I witnessed this time was quite overwhelming; even in the parking lot on departure, many huddled with others to share and see some equipment that is being used for our success.

And, I must admit that the participation among the SCALI body was exciting. And you know, without each and every one of us, this could not be possible. There were no strangers when this event finished, how about that! This is what it is all about and with some effort can be achieved with outstanding results.

When Mike Spane contacts the membership regarding next year's awards, I hope each member will commit themselves to listing a member they feel would be worthy of the three awards. So please take the time to examine your thoughts and put down someone's name for each award.

I would like to thank everyone from the Director, who ran a great and disciplined show, to each and everyone who attended. I know a saying that pertains to this organization, "I can't, we can", and it was

time to prepare that fat pig and then made sure the hospitality guest list was a who's who among the investigator industry. We had Judges, SLED Chiefs, Sherriff's, Attorney's, FBI and lots of SCALI members and registered non-members. I just want to thank Jerald and Marion for their efforts.

Thanks to Carol Sutton, Roy Turner, Cowboy (Bill Roberts) and Guy Johnson for managing and assisting with the registration table. It was nice to delegate such an enormous responsibility and not have to spend much of my time doing the job myself. Thank you for taking on that task.

I want to thank the Membership that attended and the Non-members who were there. I believe there were discussions with all of the speakers when they asked for questions and I know every speaker was kept long after they were done, having one-on-one question and answer discussions.

demonstrated in full at this event. SCALI is one of the best associations nationwide, and can continue to be the best if we all lend our knowledge, suggestions and advice. These are the forums to do so and you did with flying colors.

A special thanks to Marion and Jerald, you guys did a great job and from what I know the food was excellent.

Thanks too, to those who were on the dais; all those Regional and At Large Directors; Carol, Roy, Guy and Bill at the registration desk; and again to all who attended; you are a vital part in our existence and do not think for one moment we can go on without you.

Good luck to all and I look forward to continued fellowship and a recognized team of good people who do care, we all do!

Sincerely,
Jack E. Geren, Jr.
Ethics Committee

Thanks to Lt. Ben Moore from SLED for making it down to provide us with SLED updates and feedback. Thanks Joe Dorton for all of the insight you provided. Thanks Dave Mac Dougall. Thanks Bob Joseph.

Thanks to Marty Henderson for helping with hospitality, thanks to Dave Causey, Mike Spane, Mike Arrington, Jerald Brown, Cowboy, Roy, Guy, Frank, and anyone else who helped carry one of my many boxes.

Thanks to Mike Spane for preparing the questionnaire. We had a lot of helpful feedback that will be used for future conferences.

Thanks to Ken Robison for the name tags.

Thanks to the Legal & Legislative Committee – you have a tough job ahead. Thanks Membership Com-



COMMENTARY . . .



mittee (because we now have about 12 new members for you to process). Thanks to the Finance Committee (you now have to pay for this conference and budget next years).

Thanks to the roundtable, Marty, Jack Geren, Brad Kandare and Glenn Harrell. I had a lot of positive feedback that the roundtable was a great idea and very helpful. I think we will use that format again.

Thanks to the entire Executive Committee and to all of the Committee Chair Persons for seeing my vision for the next few years.

Thanks Tracie for running to Best Buy

As a newcomer to the PI business and SCALI this was a awesome experience. It was a pleasure meeting the other SC PI's and learning from their experiences and stories. I have lived in the federal law enforcement and intelligence community for over 30 years and was not sure what to expect from the PI community. I found you all to be dedicated professionals with a true commitment to be the best you can be and I am proud to be associated all of you and SCALI. For Ken: The roundtable session

That was very well said. I too had a very enjoyable experience at this conference. The barbecue at the hospitality night was great and the organization and flow of the conference went very well as well. I enjoyed the speakers too. The location was great. Thank you to Gerald and Marion for hosting a great conference! Thanks Ken for all the hard work you put into this conference. I think it's great that we got so many new members to join our organization during this conference and as Membership

I had attorney meetings all day on Friday and could not attend the conference. I was however able to attend the executive committee meeting on Thursday night and eat that delicious barbeque. I enjoyed the fellowship as always. We are so fortunate in SCALI to have so many wonderful friends and professionals. As usual, I was thrilled to be around all of you.

I also want to commend Ken for doing such a find job running the meeting and being a good leader. Running SCALI is a rewarding, honorable, and at times tough job.

Having read the kudos offered organizers of the recent conference I would like to add mine by agreeing with all that has been said. It is rewarding to see that each successive conference takes a step up form the previous.

to purchase a camera because I forgot to assign an official photographer. Thanks Carlton Bridges for having one in your car. Send me that disc soon. If anyone else took pictures, please send me some.

I know I have left someone out, but to everyone who attended and especially to the SCALI members, thanks for making this step and commitment away from your work and family and thanks for being the professionals that you are.

Spring Conference is in May 2012. We have two good Hosts – Mike Spane and Ken Robison. I am sure they will duplicate the same efforts as above.

We also now have a golf committee – Mike Watson, Ryan Alphin and Brad Kandare. The pressure is on to all of you Columbia hosts to make Spring 2012 even better.

Thanks to Vicki Childs for always always returning my emails or phone calls when I had questions.

I know I left someone out, but I really had help. Thank all of them.

I hope to see many of you in Columbia in May 2012.

Ken Walter
Exective Director SCALI
Carolina Investigations

was an excellent idea and really validated my current business practices. Thanks to all the sponsors, organizers and SCALI for making this happen. If there is anything I can do to facilitate future events such as this one, let me know.

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Committee Chairman I look forward to welcoming each and every one of them.

Good job everyone!
Chris Hilditch
SCALI Membership
Committee Chairman
Central Carolina Investigations, LLC

I am sure you will all be happy (although not surprised to know) that Ken and the regional directors and committee chairs are working hard and smart to continue SCALI's success.

Great job Marion and Gerald for such great food and what I understand was a wonderful day of speakers. It was fabulous. Kudos to all.

Vicki D. Childs, MS
Blazer Investigative

Thanks to all who organized, spoke, helped and cooked... especially the BBQ cooks. It was an excellent dinner.

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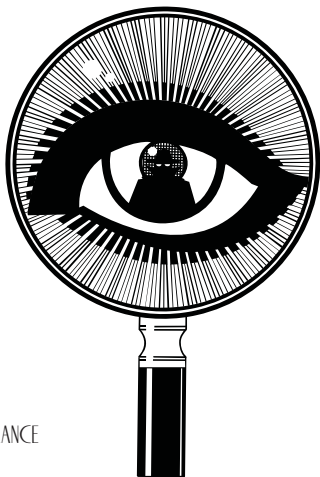
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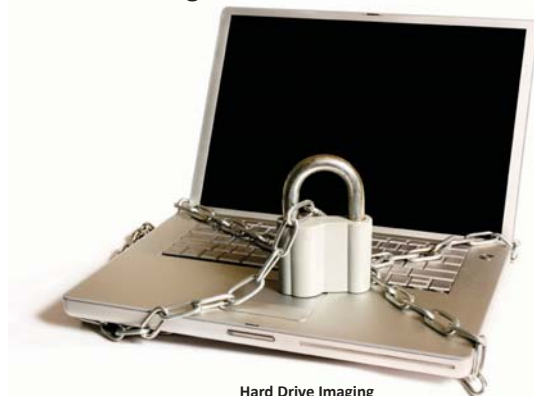
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Dumpster-Diving

Private Investigators Must Be Aware of Legal Hurdles

by PInow Staff

Editor's note: This article is not meant as a substitute for professional legal advice. It is simply a reminder that private investigators can make dumpster diving a less risky part of the job by arming themselves with relevant legal knowledge.

Although it's not the most glamorous part of a private investigators job, sifting through trash (a.k.a. dumpster diving) can turn up game-changing information. The credit card receipts, photographs, letters and other materials potentially obtained from trash receptacles may be just what you need to solidify a case.

Accessing this trash/treasure isn't always easy or possible. The growing risk of identity theft has led to stricter laws in some areas, which makes things more difficult for private investigators. Investigators who recover trash in violation of local rules could be at risk of having to defend themselves against trespassing or theft charges.

In order to protect yourself legally, conducting research about the area in which you're considering dumpster diving could save you from costly court battles later on. Here are a few things to look for when exploring whether dumpster diving is legal in your area.

Know Your Local Laws

State and local laws regarding access to trash vary, so the first thing you need to do is learn what your local laws have to say. For example, the laws in your area covering dumpster diving could be so relaxed that you

have free access to trash in most situations. Or the laws could define public areas more strictly than in other locations, which would affect your ability to dig through trash in areas such as street curbs or a dumpster next to an apartment building. And then you have places like Layton, Utah, where the city has banned dumpster diving entirely by imposing a city ordinance.

The main thing to understand here is that before trying to take trash from somewhere, you should have a solid knowledge of the local governing rules. Things you should pay close attention to include:

Private property vs. public property
Where the dumpster is located on the property can play a large part in whether the trash digging is deemed legal or not. If the trash is placed on the curb, it's more likely to be considered in the public domain. If the trash container is right next to a house on a

private driveway, your activities may be considered trespassing. Again, this distinction is entirely up to local laws.

Apartment Buildings

Collecting trash near an apartment building or other multi-unit living area is a situation that requires thought and knowledge of local laws. If the trash is located in a gated area of the complex, or in some other area not easily accessed by the public, you could be risking being accused of trespassing. It may be worth inquiring whether the trash collectors will cooperate with you during your investiga-

tion, or learning whether it makes a difference to the law if you received permission from the property owner before proceeding.

Office Buildings

The same rules regarding private property often apply to office buildings, so private investigators need to tread carefully in these areas. Over the years, businesses and organizations have become extremely sensitive to the threat of people stealing corporate trade secrets from the trash, and some courts have implemented legal measures to protect these organizations' interests.

Locked Vs. Unlocked

Trash Containers

If you're wondering whether it's legal to rummage through a trash container because it's unlocked, it's probably not okay. The legality of this depends more on the local laws and the location of the container than whether it is unlocked.

Final Words Of Advice:

As we stated at the beginning, keeping yourself informed is the best way to add dumpster diving to your services while also staying on the right side of the law. Discussing the law with a lawyer, your peers and your state association should give you a firm understanding of what is and isn't legal.

The main thing to understand here is that before trying to take trash from somewhere, you should have a solid knowledge of the local governing rules.

11 Ways for Private Investigators To Prevent Credit Card Chargebacks

by *PInow Staff*

Your investigation firm just concluded a successful case where you conducted hours of surveillance and searched through countless records to find out exactly what the client needed to know. You're feeling great about the successful job - until you discover that the client has initiated a chargeback on the credit card they used to pay you. You groan as you consider the hassles you are about to endure dealing with the client, the client's bank and your merchant processing company.

Private investigators occasionally face this frustrating issue and it has caused many to stop accepting credit card payment altogether. But it doesn't have to be this way. A combination of preparation, high-quality customer service and solid business practices can prevent chargebacks, as well explain.

Why would a client initiate a chargeback?

The reasons that a client might initiate a chargeback vary, but they can include dissatisfaction with services, confusion over billing, or even that the person wants something for nothing. For the purposes of this article, we will focus on preventing chargebacks from

clients resulting from billing confusion or a dispute over services rendered by a private investigator.

How can I prevent a chargeback? Here is a list of 10 preventative measures and resolution tactics you can use to reduce your chances of dealing with a credit card chargeback.

Clearly explain your billing and refund policies to clients and if possible have them sign a written copy to prove that they read and understand them.

Give clients a detailed written description of the services you will be providing. If possible, have them sign a copy of this outlined plan.

Make sure the business name on the credit card billing statement matches your firm's name (or at least let the client know which name will appear if it's different than your firm's name). People become highly suspicious when they see an unknown charge on their card and may respond with a chargeback.

Include a phone number on the statement so clients can contact you in the event of confusion or disputes.

Keep clients fully updated on the status of their investigation so they don't consider a chargeback because they don't know if their job is being handled.

If your investigation on the client's behalf will be delayed, let them know promptly so they don't try to have their money returned through a chargeback.

When choosing a merchant processing company or bank, research them thoroughly to compare chargeback resolution measures. Some merchant processing companies side firmly with consumers while giving little recourse to merchants or service-providers, so you should find a company that protects your rights and lets you fairly fight chargebacks.

Keep careful records of your entire interaction with each client. Hold on to notes about telephone conversations, records of e-mail conversations, receipts, contracts, copies of credit cards and more. The more information you can offer as proof in the event of a chargeback, the better.

Work with clients to resolve disputes before they resort to a chargeback. You may deal occasionally with a client who rebukes all attempts to resolve the situation, but often a healthy dose of reasoning and customer service can save the day.

If the client's bank issues a retrieval request, which is where they ask for proof that you delivered the promised services, respond as quickly as possible. The sooner you offer proof, the less chance of a chargeback.

Last but not least is a tip that you likely practice every day but is nonetheless important to preventing chargebacks: provide high-quality investigative services. Good old-fashioned hard work that produces the desired results is an effective way to keep clients from even considering a chargeback.





the legal investigator

The Official Journal of the National Association of Legal Investigators

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big victories an occasional series

HIDING IN PLAIN SIGHT "38-Year Fugitive Killer Found Running Arizona Wedding Chapel"



Pat Shaughnessy



Patrick Cote



Sheila Klopper

Three NALI members in two states teamed up to help track a killer who had absconded from parole nearly 40 years ago.

Investigators Sheila Klopper of San Jose, California, Pat Shaughnessy, of Phoenix, Arizona, and Patrick Cote of Casa Grande, Arizona, assisted in locating Montana fugitive Frank R. Dryman, who absconded from parole in 1972.

They found him running a wedding chapel in a small desert town south of Phoenix, living under the name of Victor Houston.



Before



After

It started when a California attorney hired Klopper on behalf of his client, Clem Pellett, an oral surgeon from Bellevue, Washington. Pellett had become fascinated with whatever happened to the man who murdered his grandfather, Clarence C. Pellett, in April 1951 near Shelby, Montana.



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THE MUSINGS OF A P.I. ON SURVEILLANCE

By Kenneth H. Robison Sr.

INTRODUCTION

Ah, the glamorous life of a Private Investigator. Dashing off to exotic locales, investigating massive art thefts, murders, vast conspiracies and frauds. Engaging in a wild car chase resulting in a shootout where the bad guy loses, goes to jail or the morgue, and the intrepid Detective is dining at his favorite bistro with a cocktail and friends.

Do they ever mention the Domestics?

You know, those "exciting" cases involving hours and hours of boring, sitting in your vehicle with no relief in sight waiting on someone to do something, anything, to break the monotony? Paranoid that every person walking or driving by your vehicle is calling the police or worse yet the subject and telling them your every move?

Nope, uh-uh.

What follows are the musings of a Private Investigator on surveillance during a Domestic case in the Columbia "area" of South Carolina. The names and places have been changed to protect me from a lawsuit from any number of people as you will see.

C'mon, you have ALL been there.

DAY/NIGHT 1, CASE #COL-11-11-11

10:00 pm

So here I sit in my now freezing cold Highlander, unable to start it and the heater since the lady walking her dog has decided my rear tire is a great

substitute for the nonexistent fire hydrant and I can rest assured if she realizes I am sitting here in the dark, at a low rent, high crime area apartment complex she will call the local constabulary faster than the bat Signal and demand they dispatch the SWAT team. I am praying Fido or fluffy, or whatever she calls this large bladdered, ball of fur will get on with his business before frostbite sets in. As Fido The Wonder Dog sniffs around my vehicle looking for more areas to defile my car I begin to review the details of my current case.

The client had called at 6:00 in the morning while I was still rubbing the cobwebs from a bad sleep out of my eyes and began rattling off the details of her "problem" faster than an auctioneer on Crystal Meth. Then suddenly, with a quick audible intake of breath paused, asking; "Did you write all that down?" As I set my notepad down on which was written the date and the words "The client called and....".

I calmly and confidently stated "Of course."

She then launched into an eloquent but violently delivered speech as to why her alcoholic, arrogant, big spending loser of a husband HAD to be having an illicit affair with someone, probably his ex-wife that he cheated on with her prior to each of them obtaining divorces from their respective spouses and that she KNEW it was true anyway because her personal psychic told her so.

Ok, I got it.

She then advises that if not his ex it MIGHT be one of the women in their "Swingers" Club.

Being a professional PI I don't skip a beat, calmly and coolly stating "Huh?" and receiving the following explanation in her usual staccato fashion; "We belong to a swingers group and we agreed to meet up with several other and sometimes individual single women for sex. About once a month or so"

"Oooookaaay", I state, in my best Magnum, PI voice, "So explain to me how that works?"

"Humph", she exclaims, "It's only allowed if we are BOTH there during the sex; but if he meets her without me that is cheating!"

So much for the sanctity of marriage.

"I want you to catch him tonight since I am going to my sisters until tomorrow." She continues, "And I KNOW he is going to see that hussy tonight!"

All I can think of is NOBODY says "Hussy" anymore.

11:00 pm

So here I sit, making an hourly report note on my digital recorder; "11:00 pm, subject has not left his apartment since my arrival at 2:00 pm. No movement or activity noted except for Fido

peeing on surveillance vehicle and a rogue squirrel dropping onto my hood from a tree resulting in the last of my hot coffee I was sipping adorning my dash, windshield, seat and, most painfully my lap." Deciding to take the glass half full approach I observed At least I wasn't holding my portable urinal at the time.

As I finish wiping up the coffee my subject exits the apartment, entering his vehicle and proceeding towards the main roadway at the front of the complex. Following my subject I pass the small group of young men standing on the sidewalk at the main entrance.

These young men are obviously official greeters employed by the apartments or local Chamber Of Commerce since they stand there, in their "hoodies" with gloves and a fire in a 55 gallon drum as well as the fact that they approach each and every vehicle that pulls up to them. These gentlemen must be charming indeed as it seems that multiple vehicles seem to arrive and stop where they stand, then after a brief moment where one of the men leans in the now open vehicle window and obviously exchanges pleasantries the car moves on. It also warms my heart when I see that in such a rundown area of town that after each greeting the young men turn to one another and shake hands.

How Polite!

My client drives one block over to a convenience store and parks in a handicapped space.

Scofflaw!

He hops out of the car and sprints like a paparazzi chasing J-Lo and Brad Pitt at the same time; entering the store. I observe him from my super secret ninja squirrel parking spot picking up a carton of chocolate milk and a large bag of Cheeto's@, approaching the counter to pay the clerk for his purchases. This causes me to feel ill.

Cheeto's@ and chocolate milk? I would rather die of starvation or the Ebola virus while having my lifeless body eaten by feral hogs before partaking of that combination, surely devised in the fevered mind of a demon possessed serial killer. I make a taped note of this along with a memo to advise my client to ask her attorney if her husband's purchase constitutes grounds for divorce and In my humble opinion advanced alimony. The subject returns to his car and drives back to the apartment complex. He shows his now obvious lack of manners by not even waving at the Greeting Committee at the front entrance. As a matter of fact the dastardly man speeds up as he passes them!

Possibly a Second ground for divorce?

I however make up for his callousness by jubilantly waving at the young gentlemen. They must have frozen hands as they each only use one finger to return my exertions. Anyway, my subject returns to his apartment, carrying his horrifying purchases into his apartment. I position my vehicle so as to be able to observe the subject's vehicle and apartment and settle down awaiting the next exciting activity I am sure will come.

Midnight

So here I sit, my cell phone vibrates; it's the client. "Whereishewhathishedoingwhoishedoinghaveyougotvideofit?" she immediately fires off machine-gun-like. "Hello, this is Ken." Is my clever response. "Well, whatcha got?" she says. Fighting back my desire to say "A burned crotch, bad breath and a headache as well as a need for coffee and sleep in copious amounts" I actually reply "He only went to the store once and came straight back". "Did he talk to any girls while he was there?" she asks in a whining, high pitched voice. "Uh, no", I reply, but he bought chocolate milk and Cheeto's@!" After a brief moment of silence my client replies; "Ummm, that sounds yummy! Keep on it until morning."

Then hangs up.

"HEATHEN!" I shout to the interior of my car.

1:00 am

So here I sit, my stomach now starts grumbling. I reach for my "Food stash" only to realize I had finished everything in it around 6:00 pm. Eleven hours into this surveillance and no end in sight. I begin thinking, Just what IS morning? Five am? Six am? Daylight? Or what? Sighing, I realize I will have the opportunity to ask my client when she decides to wake up and ask the regular eight hundred questions. Hey, maybe there are some crumbs in that empty Frito's bag.....

2:00 am

So here I sit bored, hungry and tired when my cell phone again vibrates. It is my Security Captain. You see, my business partner Mike and I in a less than brilliant move, decided to further complicate our already complicated lives and added a Security Agency to our list of problems. If you ever contemplate such a move may I politely suggest you instead place a hot poker in your eye? It is less painful I can assure you. Anyway I had forgotten that it was a Friday night and is going to be busy in the security arena. The captain advises that that one of our Officers called out sick, hurt or stupid, another had left home for their assignment and upon arrival realized they had left their gun at home and another at a "Recycling Center" (Read that as "Junk Yard") had been shot at by unknown person(s) and the Captain was in route. I advised him that maybe he should check with the Officer who forget his gun as maybe his wife took it and was shooting at the guard. He advised me that the officer is a female. I replied that maybe it's her husband? He calmly states "She is single". "Well," I reply, in what I think is a clever move, "I guess it COULD be her cat". Without missing a beat and sounding exactly like Joe Friday he

retorts "She doesn't have a cat, sir."

He just didn't get it.

3:00 am

So here I sit, the hunger gnawing at my insides. My only thought is that no matter how hungry I am at least I am not eating Cheeto's® with chocolate milk. A car pulls into the parking space next to mine missing my fender by inches. The driver exits and begins immediately relieving himself on the side of my car. Completing this he then drunkenly mumbles "Damn Foreign cars!" and staggers to the building next door to my subject's. As he enters the breezeway I wonder if he is Fido's owner's husband. Or maybe Fido's father.

My thoughts turn to plotting my revenge on my business partner. Not too long ago we received a call from an elderly couple advising they were being terrorized in their own home. They also suspected someone was accessing their attic and whispering through the air vents "Leave!" and "Go Away!" as well as other things, some too horrible or profane to repeat. They also wanted a sweep of the house for any listening or recording devices. I and my partner Mike go their house. Upon arrival we note it a nice Ranch style home in an upscale neighborhood.

Upon knocking on the door it is answered by a small, elderly man, no more than 5 feet tall, and a taller elderly distinguished looking woman. Together they resemble exactly what you would expect from a well to do couple in this area. After the necessary introductions and greetings we were ushered inside the house. Once inside we notice that the spacious hallways are piled from floor to ceiling with boxes. In fact there are so many that we have to squeeze sideways to get to the living room. As we enter that area there are newspapers stacked everywhere, including the couch and loveseat and any other possible place to sit.

I guess they stand around a lot.

As I look through the hallway to the left I observe the kitchen and dining areas. Both are stacked with boxes labeled "Tuna Fish" and "Peanut butter". Again, all the chairs, tables and counters are piled to the ceiling with these boxes.

HOARDERS!!!

I try not to moan out loud as the couple stands there staring at us. Suddenly the husband explains that they want us to mainly search the attic as that is where the "Little Man" comes from. As he says this he is smiling like the Cheshire cat and his wife is sitting as still as the Sphinx in Egypt with an expression that reminds me of a small child sucking on sour lemons, as if challenging us to contradict her husband. As I am standing there biting a hole in my lip Mike calmly asks who the "Little Man" is. The husband replies "We don't know, but when I am here alone he comes down out of the attic and slaps me then he runs away and hides." At this point I am checking to see if I have bitten my tongue in half.

Mike, however, doesn't skip a beat as he whips out the "Bug detector" and starts checking the walls and vents. I stumble around behind him trying to cover my giggles as I whisper "Come here Little man and "Marco Polo". Meanwhile the couple is shuffling behind us, following our every move, the husband still smiling that eerie grin and the wife still sucking those sour lemons. Finding nothing (SHOCK!) we proceed to the attic. As we begin climbing the pull down stairs the husband shouts "look out, he might attack you!". Upon hearing this I turn back to Mike and in a low voice state, "If that happens I want to advise you now that I will be violating South Carolina's statute prohibiting Dwarf Tossing."

Now Mike is fighting back laughter.

As we search the attic, Mike for listening devices myself for the "Little man" (Which I have now dubbed "The Slap-Happy Leprechaun") I note that the attic is stacked from floor to ceiling with literally hundreds if not thousands of cases of cereal. Each case is full of boxes with the bottoms neatly cut out and the cereal removed, then taped back up. As I look at the box I say to Mike "Psst, look!" as he observes that the box I am holding is from a case of Lucky Charms® cereal we both start firing off; "I got me Lucky Charms" I say; "Magically Delicious!" Mike replies. "Where's me pot o' gold?" I respond.

After all, we ARE Professionals.

Now satisfied that I have properly dubbed the "Little Man" with his REAL title, "The Slap-Happy Leprechaun, we exit the attic and advise the anxiously waiting couple that other than small droppings believed to come from a mouse (they were too small for a Leprechaun) we found nothing. Advising them to wait inside as we went out and checked the exterior for "Little Man Home Entry Holes" we wandered out; Mike to the back yard and myself to the front. As I am questioning the yard Gnome in the front yard (I could not get him to say a thing as he lawyered up on me.) a neighbor across the street waves me over to his front yard. After identifying myself he stated "I thought that's who ya'll were" and proceeded to advise me that the old couple were "Nice Folks" but just a little weird. He said that some evenings he and his family have seen the couple begin frantically loading luggage into their station wagon; tearing out of the driveway and not returning until daylight. Then he told me that recently the husband had angrily accused him of allowing the "Little Man" into their attic. "Hey, by the way, he asked, have you heard of the 'Little Man'?" "Yes, I advise him, "We are on a first name basis already." As the neighbor takes his finger and makes a circling motion around the side of his head I smile and tell him

"Ya think?" He laughs and then says he hopes we can help the couple somehow, but he doubts it. As I thank him Mike, who had been across the street in the front yard talking to the elderly couple, calls for me to come over to him. As I arrived the husband glares at me and says, "Don't talk to him, he and his family are part of the 'Little Man' conspiracy. We excuse ourselves and walk out of earshot by our vehicles. Asking what the neighbor had to say I advised him that in a nutshell he can forget the Lucky Charms@ as Fruit Loops@ is more appropriate.

Like I said, we ARE Professionals.

Mike then advises me that "To give them some peace of mind they want someone to sit, armed, in their car in front of the house until midnight or so." "Okay," I reply, "I'll get one of our Officers over here right away." As I reached for my cell phone Mike says "Hold on a minute." An icy grip of fear encloses my chest as I see him grinning; "They want YOU to do it." After a period of approximately five very quiet seconds I realized I had been had. "So let me get this straight," I began "I am now on a security detail to protect these looney toons from a cereal eatin', face slappin' leprechaun?" As he turned away and walked to his car he said "That about sums it up, see ya bye!". As I watch the rear of his vehicle drive away I vow that one day I will have my revenge for this. You know why?

'Cause tricks are for kids.

4:00 am

So here I sit, my stomach now screaming as I realize right about now I would give an arm and a leg for some Lucky Charms@ or Fruit Loops@. I make a taped note "Star date 11/12/11, Time vector 4:00 am, Investigator observed lights go off in subject's apartment. No other movement or activity noted. No more dogs or drunks urinating on my car. Nothing at all is moving except my stomach that I am

afraid is growling so loud it might wake my subject up." As I turn the tape recorder off I get a mental image of the subject curled up in his warm bed, cuddling his Teddy Bear, wearing his jammies, with a chocolate milk mustache and orange stained fingers.

I now believe I hate this man. I highly suspect him of being the Anti-Christ.

5:00 am

So here I sit, listening to some loon on talk radio advise the host that after thirty years of research he has conclusive proof and evidence that Aliens have invaded the White House and Congress and are now running the show. I think that he sure could have saved a lot of time and hassle if he would have just peeked at C-Span for five minutes he would have had all the proof he needed. Evidence?

Seek out the Congressional record my son!

6:00 am

So here I sit, remembering that I have another revenge to plot. A couple of months ago, while Mike was out of the country on his annual visit to his wife's home country, Chile, where, I believe, he rides donkeys up to the top of the mountain while wearing a sombrero and sipping exotic cocktails so he can kiss a llama, (Don't laugh, I have pictures!) I am sitting at my desk, enjoying the peace and quiet as I am the only person in the office, the phone has not rung once all morning, and I am catching up on my SCALI and NALI journals as well as the paper work that has stacked up during his "sabbatical" when the door buzzer rings. Grudgingly I drop my copy of the SCALI Journal onto my desk and go to the door. Upon opening I am struck almost instantly at the sight of the woman standing before me. She is wearing an ankle length dress that appears to be made from the draperies of a 19th Century hotel room along the lines of Motel 6@. To top this off

she is wearing (I swear to god!) horn rimmed glasses. She is clutching her black large purse with both hands to her chest. She stands about 4" 7", has gray hair under a net under her small hat (Didn't I see Carol Burnett wearing that hat in an old "Lucy" episode?) and appears to be around fifty years old, but it is hard to tell. Overall, her appearance reminds me of "Miss Hathaway" on the old TV show from the sixties, "The Beverly Hillbillies@".

So much for the "bombshell blonde" I was hoping for.

As she enters our reception area her eyes are darting all over the place, from my collection of all fifty states Highway Patrol miniature cars with shoulder patches to Mike's picture of himself, Dave MacDougal, Bob Joseph and Congressman Joe Wilson standing on the Capital steps, she scrunches up her nose. "Are you Kenneth H. Robinson Sr., a licensed Private Investigator in and for the State Of South Carolina?" she asks while squinting at a sheet of paper. "You must have some papers for me, give 'em here". I reply, a little shocked someone would send a server who looked like a washed up character from a canceled 1960's sit-com. "Is anyone else here?" she asks in a high-pitched yet squeaky voice, ignoring my earlier statement. "Uh, just us" I reply. "Show me you're Offices." She states in a commanding tone. "Ooo-kay." I reply as I point to Mike's office. "This is my partner's office he is out of the country investigating a Llama theft" I say with a straight face. "Well good for him." She retorts with no trace of humor. "I hope he finds the poor creature."

Oh yeah, this is gonna be great.

As I point out the various offices, equipment rooms. File room and conference room we arrive at the final office in the very back. It is our Security Operations Manager's Office, but we call it the "Mushroom Room" as it is tucked into a dark corner, has very low lighting, and as we say "We keep

him in the dark and feed him B.S and call him mushroom”.

Like I said earlier, we ARE professionals.

As we step up to the door I notice “Miss Hathaway” is staring intently at the pictures and posters on the door. You see, the Captain has a warped sense of humor (Did I mention he is my son?) and his favorite movie is “Ghostbusters”. On the door is a Ghost with a circle and red slash through it. And where the door name plate should read “Christopher Robison, Operations Captain” it instead reads, “Dr. Peter Venkman, Parapsychologist” . “Miss Hathaway” I observe, is intently staring at the sign, her nose almost touching it. “I can see I am at the right place.” She suddenly, lo and behold, has a small smile on her face. And her lips didn’t even fall off! “Can we talk about my problem now?” she asks. “By all means Ma’am” I reply, “Come up front to my office and we can get to your problem.” As we sit down, me at my desk and she across from it in a “client” chair I pick up my legal pad. “Can I have your name please?” I ask. “Jane Smith” she replies.

Wasn’t Miss Hathaway’s name “Jane”?

So I begin writing down her name, address etc... then ask the question we always ask new clients, “Where did you hear about us?” Sitting straight up in her chair she pulls out a business card from a local Sheriff’s department I work closely with and have for over 30 years. “Lieutenant John Doe of the Acme County Sheriff’s Department Criminal investigations Division, he said you were an acknowledged expert in my type situation.” I immediately draw in a deep breath. Lt. Doe said that about me??? I thought he would never see the light. Always calling me “Private Dick” or “The Ex-Police are here” when I walk into his office. He and I get along great and we even hang out in our off hours

but complement me to a civilian? I steal a glance in the mirror across from my desk. Nope, my head is not actually swollen, it just looks that way. Now sitting straight in my chair and pushing my chest out I advise her to continue on to her problem, sagely cocking one eyebrow and cupping my chin in my hand. “I need you to put cameras in my bedroom” she states, “I have a ghost that comes in every night.” As I slump back into my chair, my breath now hissing out and my chest deflating, I realize I have been had again. “I’m not sure we can help you Miss Smith” I advise her, waiting for the other shoe to drop. “Well, I was told by the nice Policeman that you are an expert, and you even have a paranormal investigator, a DOCTOR on staff!” she exclaimed. “Ma’am,” I reply, “I’m sorry but we are booked up solid right now”. I say this hoping to brush her off and get back to my Journal reading for the day. “But you don’t understand,” she frantically yells, “He sexually assaults me EVERY night!” Not missing a beat and seeing an opening to ending this nonsense I advise her, again, sagely; “Well since ghosts are invisible the camera won’t record anything.” Pushing her chair up to my desk she leans across, frantically reaching into her purse, pulling out a package of hundred dollar bills, at least several thousand, in a tightly bundled stack. “I can pay you well!” she fanatically states while waving the stack of bills about one inch from my nose. She is so close I can smell the lavender perfume she must have poured on today by the gallon. As she waved the money I became mesmerized, my head following the crisp stack of bills like a hypnotized cobra. “So,” I ask, momentarily thinking that I might have been too rash in trying to end this consultation quickly, “What does this ghost actually do to you?” Still leaning across my desk she again reaches into her purse, this time with her right hand as she is still holding that wonderful stack of cash in her left hand. “He makes me use THIS!” she sobs as she extracts an approximately

eighteen inch long, rubber “Marital Aid” from her cavernous purse and shoves it in my face. “He makes me do it over and over and over EVERY night and he won’t stop!” As she stands there repeating the same word over and over (This word is NOT appropriate for publication and would result in an “X” rating of this article) with the big, purple device weaving back and forth in front of my left eye and the stack of bills in my right eye I begin to wish I could remember which drawer on my desk contained my handgun, which had my pepper spray and which had my stun gun ultimately deciding that if that purple thing touched me I was going to use all three.

Did I mention we are professionals?

Instead of reaching for any weapons I jumped up and quickly went around my desk, taking her by the arm, careful to avoid the “Purple Monster” and easing her towards the door. “I am sorry we can’t help you but here is the name and number of another P.I. who has more expertise in these matters than we do.” I say, giving her one of my FAVORITE non-SCALI member’s information. As she steps outside looking at the card I had given her she opened her mouth and before she could say a word I firmly closed the door. Upon hearing the comforting sound of the lock engaging, forever extricating myself from “Miss Hathaway” I returned to my desk, picking up my SCALI Journal and resuming my perusal of its contents.

Lt. Doe, you are SO going down.

7:00 am

So here I sit, and as the newspaper man throws several folded papers around the front of the apartment buildings I wonder what paper would they get in THIS area; “The Daily Hood” or “The He-Said-She-Said Times?”? and will the headline scream “P.I. Found Dead Of Starva-

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tion In SUV" with a subtitle of "Urine Stains On Tires And Fenders!"

What a way to go!

8:00 am

So here I sit, as my cell phone vibrates. It's the client! For the first time I am actually excited at receiving her call. "Did ya get him?" she asks, sounding exactly like she did the last time I talked to her. I explained to her that

he never left the apartment and was still inside, lights out, and that nobody entered it throughout the night. Letting out a big sigh she told me she was heading home and to break off the surveillance. Then she asked if we could try this next weekend, and she would stay at her sisters for two nights. As I contemplated two days and nights dealing with this woman and her husband a sudden rush of adrenaline hit me "No problem, Ma'am," I said. "I will be out of town but my partner,

Mike, he will be glad to handle it."

Revenge is soooo sweet.

9:00 am

As I pull into my driveway I notice lights are on inside the house. I feverishly gather up my files and equipment and trudge up to the door, barely able to extricate my house key and unlock the door, dropping everything on the loveseat as I walk into the deliciously warm den, my wife asks me would I like something for breakfast. "Yes, oh yes!" I shout, a crazed look in my eye. "Well, what would you like?" she replies, used to my return from these type cases. I think for a minute of the long surveillance and all the things I was subjected to.

"We got any chocolate milk and Cheeto's?"



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Intentional Surveillance: *A Tool for the Criminal Defense Investigator*

Part 1 of a 2 Part Series on Surveillance

by TW Person

Editor's Note: This is the first article in a two-part series on intentional surveillance, which entails preparation, having a defined purpose and goals and expecting the unexpected. The second part will focus on tips for better intentional surveillance and its value to criminal defense investigators.

The odds are stacked against the criminal defendant. Stacked high. Depending upon the type or severity of the charges, by the time the defense comes into the picture, prosecutors will have had occasion to identify, document and classify their accusations. Even the simplest of charges can involve numerous personnel including law enforcement's uniform division, detectives, informants, experts, and attorneys ... all working toward the same end. They will have had the opportunity to select and accumulate witnesses and obtain statements from

tor backed up by a small office staff. Many attorneys even prefer to work without an investigator, not realizing what help a qualified criminal defense investigator can be to them. But, that is a subject for another time. So, do you see the difference in the sizes of the two stacks; defenders versus the accusers? If conditions warrant, surveillance can help reduce that difference. It can help to establish reasonable doubt and/or influence opinions of prosecuting attorneys as to plea bargains. If a case goes to trial, it can be a powerful tool in the eyes of the jury. An understanding of the possible benefits is limited, however, without some knowledge of what surveillance is and how it can be applied. Surveillance must be intentional to maximize its results.

Being good at surveillance is like being good at golf or baseball. Some inherent skills and attitudes are required, but you need a working knowledge and practice as well. Both working knowledge and practice can success-

We'll define intentional surveillance later, but first let's look at surveillance in general. By nature, it conjures up an image of sneaking around, hiding out and spying on somebody or something. And, many times, that's exactly what it is. Sometimes it may not even have an individual human focus. You may be asked to watch a particular location, a warehouse for example, to see what goes on there or doesn't go on there. You may be assigned to watch a vehicle, which can be done personally or by GPS. You may even be asked to observe and document the activities of a crowd or group of people ... or a group of animals or a specific animal. The possibilities abound.

There are different types of surveillance. Spot surveillance, for example involves maybe doing a series of drive-bys, ride-bys or walk-bys of a location to determine patterns and participants. Spot surveillance can be done by telephone. It can involve a regular schedule or random approach

Being good at surveillance is like being good at golf or baseball. Some inherent skills and attitudes are required, but you need a working knowledge and practice as well.

alleged victims. And, they typically do not make a case before or until they believe they will be successful. Time and technology are also on their side – not to mention budgets. Even after a suspect or alleged perpetrator is in custody, a team of professionals continues to work at shoring up their case.

Enter the defense. This team (if it is a team) might consist of one or two attorneys and perhaps an investiga-

tor fully come in the form of on-the-job training (OJT). In fact, no matter how much a person reads and studies surveillance, street learning will trump it. Reading and watching videos can help, of course, but only those individuals who share the rush and excitement of the hunt can become really good at surveillance. Having that "sixth sense" helps make surveillance naturally intentional.

depending upon desired results ("desired results" is a component of intentional surveillance). After patterns are established, stationary surveillance may be set up at recognized time intervals for effectiveness. Stationary surveillance involves being in one spot and staying there for a designated period of time (another component of intentional surveillance) and watching or watching for a particular target (also necessary for intentional surveil-

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lance).

A third type of surveillance may be thought of as a combination of these two and is called mobile surveillance. It involves moving from place to place based on the movements of the target. Sometimes, it means anticipating target movements in order to be in the right place at the right time without being detected. Mobile surveillance may be conducted by a solo individual, but is most effective and less likely to be spotted when done by two or more people in two or more vehicles with a common means of communication like radios and cell phones.

But, as beneficial as it can be, surveillance has its pitfalls. For one thing, it is a haven for Murphy's Law. What can go wrong usually does. What can get in your way, will. Stoplights that could change at the wrong time frequently do. And on and on. There is also the fact that you might be spotted

or "burned" by the target. That can be problematic in many ways, which is why surveillance should be left to someone who knows what he/she is doing. Criminals or criminal enterprises oftentimes have lookouts posted throughout their neighborhoods, thus performing their own form of surveillance, sometimes referred to as counter-surveillance.

There are three main things to be on the lookout for when conducting surveillance. One, you must be as constantly aware of your target as possible. Two, you must make sure your target is not watching you or watching out for you. And three, you must watch your surroundings. All three of these will contribute in some way to the success or failure of your surveillance operation every time. Except in extreme cases, it is better to lose your subject rather than do something which will alert him to your presence or purpose. Once a person thinks or

suspects he is being watched, things change dramatically. If a target knows he is - or may be - under surveillance, he can purposely do things which may adversely affect your defense, or you may even be putting yourself in harm's way. If it is known that a target is on to you or "jumpy", it requires even more tact and skill to achieve your desired results. You might say your surveillance becomes even more "intentional".

Stay tuned for the second part of this article, which will focus on tips for conducting intentional surveillance and its importance to criminal defense investigators.

TW Person has been a licensed private investigator for 18 years at OS 29 Investigations. Person published a book in 2009 called "Milo Powell PI," which is a collection of 40 short stories from his career. Anyone interested in hearing more about that book can email milopowellpi@aol.com.

Intentional Surveillance

Part 2 of a 2 Part Series on Surveillance

by TW Person

So, let's talk about Intentional Surveillance.

To be "Intentional", surveillance must incorporate six clearly identifiable facets:

The Target – you must know as much about your target as possible including residence, appearance, work habits, hangouts, play habits, vehicles, associates, enemies, drug or alcohol dependencies and even temperament. The more you know, the better chance you will have of accomplishing your mission.

Desired Results – be clear on what it is you want to find,

but be aware you may achieve results not desired or results even more desirable than you foresaw.

Time Frame – know at least a definite start time. Your ending time may be pre-determined or it may be determined by your target's activities. If you have a designated number of hours to spend, allocate them as well as possible based on your knows.

Expecting the Unexpected – always know that something will happen you have not planned for. It's very rare that surveillance is routine if your target is active. Perhaps like fishing, you're

never exactly sure what you'll come home with.

Documentation – keeping accurate track of where you've been and what you heard and saw is essential. A handheld digital audio recorder is ideal. If your desired results contain video footage, your equipment should reflect that. If still pictures will suffice, prepare accordingly. If you are dealing with still photos, be sure there is no flash. Keep track of every turn, driving speeds, times at which events occur and anything out of the ordinary. The more detailed your documentation, the more believable it becomes.

Reporting – be prepared to write a thorough report. It may be necessary to transcribe audio portions and even video portions of your results. A video example might be to be sure to point out with which hand an individual opens a door or how fast he/she walks. Be sure to be accurate and search for clues which may have been overlooked initially.

These guidelines are compiled from years of experience and hundreds of surveillance assignments and apply generally to perfect conditions. However, they are just that – guidelines. They will help you and are basic and mandatory to any surveillance effort you make. Having said that, you can never be too prepared. You may be working on another case or in some other town and suddenly see something which you feel pre-empts your current assignment and you need to begin surveillance. If that is the case, follow these six points as closely as you are able, but follow them. And, keep the three main points in mind always.

If there's any possibility you may be going on surveillance, have your bag packed. Keep a gym bag with a minimum of the following articles: binoculars, audio recorder, video recorder, flashlight, pee jug, radios, batteries, a towel and packaged snacks like crackers or granola bars. Bottled water may also be handy. Make for yourself a checklist of all necessary items each time you go out. If you are going on a mobile or stationary surveillance in your vehicle, make sure it is not too clean (except for the windows) or not too dirty. You want to blend in, not stand out. Your vehicle should be a neutral color like gray or light blue, not red or black. Your clothing should be inconspicuous also.

Another rule to keep from being noticed is to never make eye contact with your subject. Once you have done that,

it becomes more of an undercover assignment than surveillance. Do not converse with your target or be noticed at all if possible. Remain aware of your surroundings and blend in as much as possible. That's the key.

So, how can surveillance be of value to the defense investigator?

"The Criminal and Civil Investigation Handbook" by Joseph J. Grau points out that one main difference between criminal and civil investigations is there are more lies and liars in criminal cases. That has certainly

To be "Intentional", surveillance must incorporate six clearly identifiable facets.

proved true in my experience. And, in my estimation, that is a principal area where surveillance can be a successful and beneficial tool to the criminal investigator.

Establishing credibility or discrediting witnesses and victims can be very useful to criminal defense attorneys. If a witness has expressed that he or she does not know or associate with so-and-so, for example and you during surveillance see the two of them together, guess what? If a No Contact Order has been issued and it may be beneficial to the defense to verify it is or is not being violated, surveillance can do that. If you suspect and want to prove an individual frequents a certain location, it can help there as well. You may even be witness to further crimes or suspicious activity by persons associated with your case while conducting your surveillance. Your imagination might tell you how you could use that type of information.

If a victim or witness claims to have been injured in some way, or walks with a limp or claims to otherwise be hampered as a result of a crime (in the presence of certain people), it may be effectively disputed by surveillance.

If a witness or accuser is barred from driving and is caught driving dur-

ing surveillance, that could be useful. Or, perhaps a witness or victim is on probation and might be documented to be drinking or otherwise violating probation.

The activities of a spouse, significant other or alleged victim in a domestic assault or sexual abuse case can be documented if there is reason to believe they are lying to you or to authorities.

Some witnesses are very good at putting up an impressive front when they deem it may be beneficial. Finding out their real personality and behavior patterns can be

done with surveillance.

Surveillance at times may even uncover new evidence beneficial to the defense of a case. The more surveillance you perform and the more you use it, the more productive and useful it will become.

Conclusion

Intentional Surveillance entails preparation, having a defined purpose and goals and expecting the unexpected.

Similar in a way to a polygraph examination, surveillance can find untruths and uncover deception or deceptive behavior – and surveillance is admissible!

How, when and if surveillance can be beneficial to a defense rests in the minds of the attorney and investigator in each case, but knowing what surveillance is and can do is vital in making those decisions.

TW Person has been a licensed private investigator for 18 years at OS 29 Investigations. Person published a book in 2009 called "Milo Powell PI," which is a collection of 40 short stories from his career. Anyone interested in hearing more about that book can email milopowellpi@aol.com.

How Technology Has Changed Data Searches for Private Investigators

by *PInow Staff*

Data provider Whereas finding information about a person used to involve investigators spending hours with stacks of phone books and whiling away their days at courthouses, it now takes only the click of a mouse. Ironically, today's advances in technology are making information both harder and easier to find, which we'll explain below.

PInow spoke to Terry Kilburn from Tracers Information Specialists, Inc., an online data provider company, who discussed how technology and lifestyle changes have reshaped data collection and dissemination over the years. He also talked about why investigators need to embrace new technology in order to stay competitive. Here's what we learned from the conversation.

Why finding data is easier now
As people's lifestyles have increasingly incorporated modern technology, it has become much easier to monitor their activities and gather information about them. Kilburn gave several examples of how it is much easier to track down data today.

People's lives are online - People today conduct their lives online more than ever before, and that trend will keep growing. People pay phone bills and credit card bills online. They communicate through emails, instant messages and video chat. According to Kilburn, people's e-mail addresses are often as connected to them as their Social Security numbers because people choose e-mail addresses and keep them for many years. As people transfer more of their lives online, they will leave a larger digital footprint, which is welcome news to investigators.

Social media - "Today's generation

doesn't view privacy as we used to," Kilburn said. "They don't interact on a physical scale as much as the generation before, and the generation before that." This lack of concern about privacy leads people to use social media for activities that make them easily monitored. They post information about what they're doing at the moment - even which locations they're "checking into." They readily share birth dates, current photos of themselves, information about their relatives and associates, and much more.

More records in digital format - The days of going to courthouses to sort through mountains of paper records are slowly fading into a distant memory. Most government organizations are converting current and existing records into digital format so they can be accessed more easily online.

Better databases - Data providers have had to adapt to the changing forms of information available, but the result has been comprehensive databases that are quickly searchable by private investigators. In seconds, investigators can locate cell phone numbers, credit header data, email addresses, criminal records, court filings and more. The larger databases today hold hundreds of billions of public records in addition to many other valuable information types.

Why finding data is more difficult now

The previously discussed topics have made data more accessible, but several other relatively recent developments have hindered access to data. Kilburn pointed to the following reasons why finding and accessing data can still be tricky.

Young people's lifestyles are changing - The current generation of people

ages 18-25 moves more often, drops one job for another on a regular basis, and lives week to week on payday loans. This transient lifestyle keeps investigators on their toes and emphasizes the need for the most recent, accurate data available.

New laws and regulations - Kilburn said that 20 years ago simple curiosity was a good enough reason to look at someone's credit data, but now access to things like financial information and medical information are a thing of the past.

After some high-profile data breaches in the industry, many new laws and regulations have been instituted, and Kilburn says he's almost never seen a more regulated industry than the one data providers occupy. There are now strict privacy laws, data breach laws - the FCRA, GLBA, and DPPA to name a few - and many other regulations that govern how things are done.

One example of how things have changed is people's option in many states to opt out of having their information shared when they get their drivers' licenses or register their vehicles - a practice that used to produce valuable information for investigators. Investigators also used to be able to easily find full Social Security numbers and birth dates, but because of privacy laws it's often difficult to find untruncated Social Security numbers and birth dates (if they can be found at all). Between consumers opting out and states restricting access, these and other privacy-protecting practices have greatly reduced the number of records available.

Ability to alter or hide records - The internet allows people to hide or alter records, such as some online services

that will expunge records in exchange for money. People have much more control over their records, which can also reduce the amount of information available.

Higher cost of data – Although the equipment used to store data is becoming less expensive the data itself is quickly getting more expensive. States have figured out they can charge large sums for what was once free. As an example, Kilburn says that a subscription to Florida's vital records file used to be \$90. Now it can cost \$90,000 for a year's subscription. Data that used to be free or cheap now costs a lot of money, and the challenge lies in helping investigators afford access to the information they need.

Lower per-search costs - Competition and demand has changed the price of database products. Kilburn said that 15 years ago Traces Information Specialists, Inc. sold a simple people search by Social Security number for \$25. Today they sell the same search for 25 cents.

Why private investigators need to stay up to date with technology to remain competitive

It often takes as much creative thinking to find information as it did many years ago, but the methods used, tools available, and types of information needed are constantly changing. The days of investigators being paid by the hour to thumb through phone books

are over, and the new objective is using technology to quickly target and acquire hard-to-find information.

"Technology has definitely changed the way people do business, and to stay competitive you have to stay up to date with current trends and technology," Kilburn said. "There's still a place for the old gumshoe, who will do surveillance and use contacts in the police department."

With all the advances in technology, investigators need to know which data to look for and how to access it. Those who fall behind with technology will have a harder time staying competitive in today's investigation industry.



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Private Investigators Monitoring *Do Not Track* Legislation

by Bruce Hulme, ISPLA | Legislation

Private investigator legislationAccording to a Stanford University study by the Law School's Center for Internet and Society, as reported by the Washington Post, most "anonymous" third-party Web tracking is not anonymous.

There apparently are a number of ways in which a user's identity "can be associated with data that are supposed to be collected without linking to personally identifiable information." Privacy advocates are pointing to this study, led by graduate student and computer scientist Jonathan Mayer, as evidence that the industry needs Do Not Track legislation. The American Civil Liberties Union legislative counsel Chris Calabrese, in a statement, is quoted: "The sharing of detailed Internet records with the government is certain to have a chilling effect on Americans' First Amendment rights to speak and pursue unpopular subjects online. These practices must be brought in line with the Constitution." A Federal Trade Commission report contends that self-regulatory efforts "have been too slow, and up to now have failed to provide adequate and meaningful protection."

Senior Analyst Daniel Castro of the Information Technology and Innovation Foundation called Mayer's study as alarmist. "Internet users have more tools to protect their online privacy today than they had a decade ago, and the private sector is working diligently to strengthen and improve online advertising self-regulation."

The ACLU has an ongoing congressional lobbying effort underway stating "In the same way that other industries are bound by basic privacy principles to protect consumer information, it is time for Congress to require that similar principles be followed with regard to Internet privacy." They want Internet users to be able to have clear notice about the data collection practices involving their information, and data collectors explaining why particular information is needed and be

held accountable for how the information will be used. Users should be able to control what is shared and what is kept private. Their solution is a "Do Not Track" option, which would give consumers a universal way to opt-out of tracking, much like the popular "Do Not Call" registry that allows consumers to opt out of receiving telemarketing calls.

Websites are widely sharing one's log in name and personal information (i.e., first and last name and birthday). The ACLU cited for example, when one views a local advertisement on the Home Depot website, the user's "first name and email address is sent to 13 additional companies. The site okcupid.com packages gender, zip code and date of birth especially for advertisers." Advertisers then combine such information into profiles on individual consumers.

Personally identifiable information is almost completely unregulated on the Internet which raises some fundamental privacy questions. Advertisers sell this information to third parties, called data aggregators, who in turn sell it to other marketers, employers and, the government. Since 2001 data aggregation companies have had contracts

with the federal government and states to collect and share personal information about millions of Americans, including unlisted cell phone numbers, insurance claims, driver's license photographs, and credit reports.

As reported by ISPLA earlier this year, Senate Commerce Committee Chairman Jay Rockefeller, D-W.Va., has introduced legislation that would require websites to respect consumer choices about online tracking, although the committee's senior counsel, Christian Fjeld, said it was doubtful that the measure would pass.

"I wouldn't be counting on us passing privacy legislation in this difficult political environment," Fjeld said. "Having said that, my boss, Senator Rockefeller, is still committed to working in a bipartisan manner to see how far we can move forward. And if it's not actually passing legislation, than it certainly [will] still entail conducting oversight and having public hearings on this subject."

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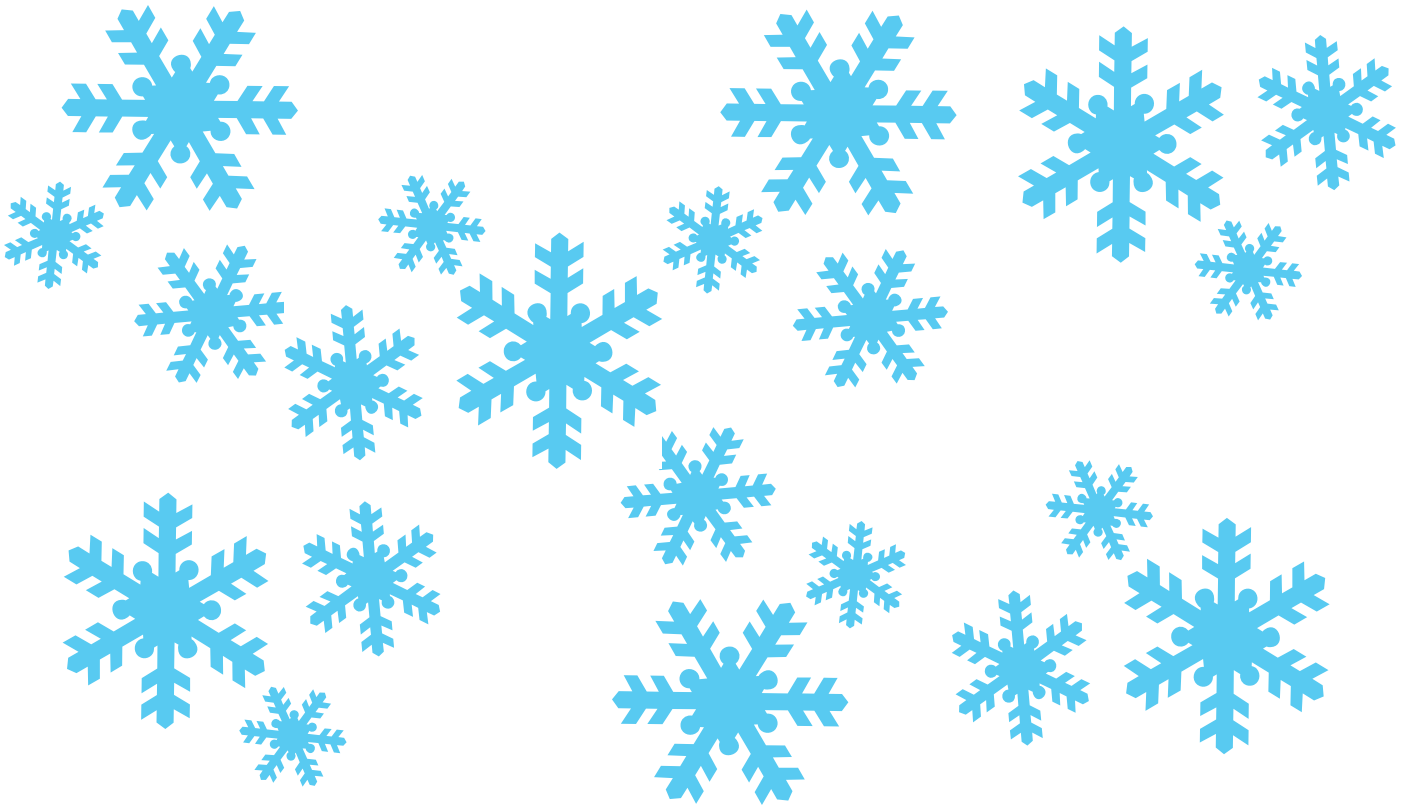
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