



Investigations Council
August 2008

**Investigations
Council
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Council Vice President

Chairman's Comments

As Chairman of the Investigations Council, I am pleased to point out that two of our members will deliver educational sessions at the annual conference. Steve Wager will lead a session in Spanish on "The Anatomy of an Investigation" and Jim Whitaker on "Mortgage Fraud." Jeffrey Williams leads the international team representing the Council through government briefings, and Peter Psarouthakis provides legislative updates on bills that could impact our industry. Other council members continue to provide support and value add services through local chapters and book reviews. They are a remarkable group of professionals that make this council productive to our members both inside and out of the investigative sector.

Legislative Update

As the 110th Congress goes into the home stretch in an election year, investigators continue to monitor actions that could affect the conduct of lawful investigations. Several measures are pending to address the public's concern with the potential of identity theft, and elected officials may be responsive to that concern prior to November.

All but a few states have enacted legislation to require businesses and other institutions to notify consumers when a breach of personal data occurs. Yet Congress may still choose to act because of the continued reporting of breaches of sensitive consumer information.

Of particular concern are bills that have passed committees in the House of Representatives (HR-948 and HR-3046) that would severely restrict access to Social Security numbers. Those bills could deny investigators the ability to access databases essential for locating witnesses, fraudsters and missing children. A Senate bill, S-1178, includes exceptions that would permit the necessary and appropriate access to such information.

Investigators and their clients also are on the lookout to ensure that Congress does not enact restrictions on "pretexting". Unless very carefully drafted, such legislation could limit or ban undercover investigations and other traditional pretenses necessary for the conduct of effective lawful investigations.

Peter Psarouthakis
Owner-EWI & Associates, Inc.
ASIS International member
ASIS Investigations Council member

International Investigations

U.S. members of Intelnet frequently receive requests from clients that require the assistance from our international members. For a myriad of reasons, some of these requests result in unnecessary problems for all parties concerned. It is the responsibility of the requesting investigator to educate his/her client on the problems involved in conducting an international investigation.

Among the many issues is the financial cost. It is unrealistic to expect that international hourly rates will be similar to, or lower than, rates within the United States. The recent decline of the dollar against the Euro and other currencies has dramatically increased the costs of an investigation. The current average hourly rate for international investigations is in the \$150.00 to \$200.00 range.

Another issue is the manner in which international records are maintained and the bureaucratic road blocks to speedy compliance with requests. In the United States, the vast majority of records and documents are accessible via computer with the generation of immediate results. It should be remembered that more than 90% of the world works to old-fashioned investigative standards and practices and has draconian secrecy laws for all investigations, including asset searches and background checks. In some instances, the bureaucracy requires that only a limited number of individuals have access to records. This could mean an extended period of response time when the designated person is unavailable to process the request.

Another issue in the international arena is the additional travel time required because of the distance involved in getting to records storage locations. In non-English speaking countries, there is also the cost and time required for translations. The actual and incidental bureaucratic costs of obtaining records on a timely basis must also be considered. In some foreign venues, non-native requests for information are not given the same priority as requests from indigenous personnel.

How to minimize the costs and time delay for completion of international requests is contingent on the preparatory actions of the requesting investigator. It is incumbent upon the requestor to advise the client of the difficulties encountered in international jurisdictions. Of primary consideration should be the explanation that foreign privacy and secrecy laws are considerably more restrictive than United States laws. Records that are commonly available in the United States may not be available in other countries.

Secondarily, the client needs to be advised that it normally requires additional time to complete an international investigation because of the unique situation in each country. There are certain steps that the requesting investigator can accomplish to facilitate the investigation.

1. Consider the international investigator as an integral part of your investigative team by taking the investigator into your complete confidence and providing ALL pertinent details surrounding your client's request. This could require the requesting investigator to obtain the client's consent and having the international investigator execute a non-disclosure or non-compete agreement if necessary.
2. The approach to information disclosure should be to "tell everything, as if you were handing over the case to a new investigator." This approach allows the international

investigator to analyze the request and prepare an investigative plan in accordance with the laws of the foreign area. It is essential to solicit advice from the international investigator who may be able to provide direction to an area not known to the requestor.

3. The agreement with the client should document the explanation of problems encountered in other countries, such as record keeping systems, translation problems, and travel. The agreement should also specify the approximate turn-around-time, costs and budget limits, reporting standards, i.e., need for official documents and signed statements, and translation responsibilities.

4. When considering time constraints, it is important to coordinate with the foreign investigator to arrive at a reasonable and manageable time line. Appropriate prior planning will prevent misunderstandings and unanticipated results.

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Bill Blake, CPP, CFE
President
Blake and Associates, Inc.

Jeff Williams
OSI, Philippines
Member of ASIS Investigations Council

Investigations Council Member Activities

Steve Wager attended the monthly meeting of Chapter 225, Bogotá, Colombia, in July 2008 and gave a short presentation on the significance of the ASIS ISO certification in relation to ASIS members and ASIS certifications. He has been invited to give a presentation on membership in ASIS Councils at the August 20 monthly meeting.

Peter Psarouthakis has prepared a book review that will be published in one of the upcoming editions of **Security Management**.

Investigations Council Mission

Promotes ethical and thorough investigations by private, corporate, and government investigators by providing analyses of emerging investigative technology and techniques in the global investigative arena.

Interested In Joining the Investigations Council?

The Investigations Council seeks qualified ASIS members with a professional investigative background to expand its membership to a full complement of fifteen professional investigators. If you would like information about the Investigations Council or if you would like to be considered for membership on the Investigations Council as vacancies occur, please contact Council Vice Chair and Membership Committee Chair Steve Wager, CPP at steve.wager@control-risks.com. We are a working Council and all members are expected to remain actively engaged to maintain membership.



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