



Investigations Council

December 2010

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Chairman's Comments

I am pleased to report that ten members of the Investigations Council attended the Annual Seminar in Dallas, some members coming from as far away as China, Pakistan and the Netherlands. We had two members, Tim Reddick and Frank Schurgers, who gave presentations, and three others who served as moderators.

As the year draws to a close, we have accomplished many things, but we still have more to accomplish in 2011. We continue to recruit new members, and the council membership is now the highest it has been in years.

The Council has been asked to contribute to improving the PCI program and certification. And that will serve as one of the Council's goals for 2011. Additionally, the Council welcomes the new President, Ray O'Hara, and will support him to the maximum extent possible.

I would like to thank each council member for their support and efforts during 2010 and look forward to relying on their support again in 2011.

Conducting International Investigations

There was a warning repeated over and over again by the travelling salesmen in the famous Meredith Wilson musical "The Music Man", which stated: "You got to know the territory" and the same holds true when conducting International Investigations. The purpose of this article is to make you aware of some of the issues and challenges you will need to prepare for. Before we "Get to know the territory", as with any investigation, we need to understand what our goal is: are we investigating a loss or other type of crime; are we being asked to make a security assessment of a particular location; are we being asked to investigate an employee complaint, an outside vendor, a regulatory issue, production or supply chain shortage etc. Whatever the assignment, understanding your goal and the desired outcome is

the first step of the process. For this article, let us assume you are an outside investigator hired by a large manufacturing company to investigate the theft of product from a factory they have in the Ukraine, so we will be dealing with a criminal investigation.

Did you know in some countries it is illegal for anyone but the police to conduct investigations? So the first thing we need to do is understand how to describe our assignment. We do not want to say we are conducting an investigation, but, rather, we are conducting a review or an audit. In my experience, I have found that “an audit” is a universally understood concept and raises few questions. We now understand our assignment and how to describe it; now let’s “Get to know the territory.”

I organize my information gathering into the following categories:

- Information
- Resources
- Travel
- Case & Evidence

My first step to gather information is the Internet, and I go to the US Government CIA site.

<https://www.cia.gov/library/publications/the-world-factbook/index.html>

This site has a brief description of every country in the world. What is especially helpful is the description of the type of government and the judicial system.

ASIS members in-country are very helpful. Check the members page online

www.asisonline.org. You can also find helpful information at www.executiveplanet.com

My fourth site is www.virtualtourist.com. This is basically a travel site, but it will usually have ASIS members living in the city and country you are going to. This is especially helpful because, from my international investigations experience, understanding the culture is the single most necessary skill in securing a successful outcome to your “review.” You will not know your territory if you do not know the culture of its people.

This article is the first in a series of seven articles on international investigations and will be continued in our next newsletter.

Charlie Meade

Member of ASIS Investigations Council

Legislative Update

It does not appear that any bills affecting professional investigators passed in the 111th Congress. They included numerous security breach bills, Internet privacy bills, surreptitious surveillance bills, antispoofing bills, and bills which might have conceivably banned the SSN and thus adversely affected our access to credit headers. Although —it is not over until it is over – we doubt that the bills, about which we are concerned, will pass in the current lame-duck session. If so, we expect they will have exception language, which was drafted by industry representatives.

This past November congressional election resulted in the greatest change of power in the House of Representatives in over seven decades, with many new faces elected to positions at both the state and national levels. What does this mean for investigative and security professionals? It is too early to tell but, fortunately, organizations like ASIS and ISPLA has been working hard to give our federal legislators the information they need when making decisions that may impact our profession. The new members of Congress that come into office in January 2011 are already being identified and contacted so that they receive our message from Day One!

Below is information regarding legislative activities that occurred throughout the summer months as well as the fall. While it is now the end of the Congressional session, many of these same issues may appear again in the next Congress in 2011.

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

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

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

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

The investigation and security professions were once again well served by ASIS International and ISPLA regarding the obtaining of potential revised language in the recent S.3214 Surreptitious Video Surveillance Act, introduced by Sen. Arlen Specter [D-PA]. This bill had the potential to be a problem for security and investigative professionals who recognize and utilize surveillance as an appropriate tool. Washington, DC meetings with the sponsor of this bill by ISPLA and others were a key factor in obtaining the requisite exception language for the installation of fixed security cameras and covert video surveillance.

As always, there are the Social Security number access bills that have the potential to hinder our ability to do our jobs. Those bills, along with the many other bills related to access to information and general privacy, are always on the radar for our profession. Fortunately, we have ASIS International and ISPLA watching what is going on in Washington DC and protecting our interests.

The next Congress has many new faces and some old ones. Now is the time to get to know your own member of Congress as they prepare to begin a new session. Let them know who you are and the important work you do. Members of Congress, for the most part, do not understand the job we do or even realize we exist. By making efforts to contact your representatives, you not only make a potential new contact, but you help support your profession in a proactive way.

Additional information and research on the above mentioned legislation can be found at the following websites:

www.ispla.org

www.govtrack.us

Peter Psarouthakis
Investigation Council-Legislative Committee

Investigations Council Mission

Promotes ethical and thorough investigations by private, corporate, and government investigators by providing analyses of emerging investigative technology, techniques and trends 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 twenty-five 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 Membership Committee Co-Chairmen Harm Oosten, CPP at harm.oosten@contego.nl or Vincent Sheridan, CPP, CFE at vince@adventinvest.com. We are a working Council and all members are expected to remain actively engaged to maintain membership.



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