



# INTELNET *News*

Official Newsletter of the  
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*Fall 2014*

## “Infused with Complementary Ideas”

*By George Michael Newman*

Notes on the IntelNet  
Conference, April 29-May 1,  
2015 in Las Vegas, Nevada at  
the New York New York  
Hotel and Casino.

***Book your rooms now!***

*See page 20*



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# Peter's Posting

by

**Peter Psarouthakis**  
**Executive Director, Intellenet**



*Dear Intellenet Members:*

**As** *I type this column I see out my window that the fall colors here in Michigan have begun to change on the trees. As with the seasons, our association continues to change in an ever evolving process. I see these changes as very positive ones that only make our association stronger.*

My first two years as Executive Director have been very rewarding, challenging and at times frustrating. I wouldn't change anything about it! We are starting to see a lot of new faces in our membership ranks, and we are also seeing some longtime members retire and leave us. To those long time members we say thank you and you will always be part of the Intellenet family. To those new members we say "welcome" to the family.

The 2015 conference in Las Vegas, Nevada is shaping up to be a great event. The conference will take place at the New York New York hotel. The pre-day training will take place on April 28<sup>th</sup> with the main conference dates being April 29-May 1, 2015. Information is available on the new and improved Intellenet website. Our local host is Maurice Hicks and our new Director of Education is George Michael Newman. Both are working hard to provide us all with a great conference experience.

**"In 2015 Intellenet will become more visible at state and national conferences. We will also be exhibiting at client related conferences (legal, insurance, manufacturing, etc.). The goal is to market Intellenet to other professionals in the investigation and security sectors and to potential clients."**

We continue to work with members on "initiative" programs. Recruitment in areas where we are lacking members is very important for current and future initiatives. If you know of a qualified person that would be a good fit for membership please reach out to him or her. If they are interested, we will then send them an application package.

In 2015 you will start to see Intellenet become more visible at state and national conferences. We will also be exhibiting at client related conferences (legal, insurance, manufacturing, etc.). The goal is to market Intellenet to other professionals in the investigation and security sectors and to potential clients. By doing so we hope to drive them to our website and ultimately to our members who can provide the services they need. While we cannot attend every conference, we would be interested in your input on which ones you think would be good for the association to have a presence at. Send me a note with your thoughts.

If you have any questions regarding the annual conference, our initiatives programs or anything else do not hesitate to contact me directly ([peter@ewiassociates.com](mailto:peter@ewiassociates.com)). I wish everyone a successful and prosperous fall and winter.



# Member News

## Welcome New Members ...

Rod BAKER—Tulsa, OK

George CERVANTES—Austin, TX

Vic CORNETTA—N. Charleston, SC

Dan CORSENTINO—Pueblo, CO

Lori HUNNICUTT-HAYES—Amarillo, TX

Michael REITER—Palm Beach, FL

Alex SANTOS—Panama City, FL

Carol THARP—Dallas, TX

### And for our Supplemental Support List:

Dwayne HALL, IntelliGENETICS DNA Testing

These are our new members since we last published. Peter introduced each in a Info Brief, and all were invited to send an email with a brief biography. If you haven't sent your brief bio yet, please do; and, as a reminder to all of us, make sure your information in our web directory is accurate and up to date.

## Michele Stuart's "Deep Web and Online Open Sources" Seminars Much in Demand!

Your editor sends an apology to Michele for not publishing this issue in time to announce Michele's seminar in North Carolina on September 27, hosted by Eagle Eye Investigations Group. But if you mark Michele's web site, [www.jaginvestigations.com/training](http://www.jaginvestigations.com/training), you'll be sure to know about the next one. Michele's seminars always reflect the ever evolving nature of the Internet, as search techniques and web resources change daily. Her seminars are fresh and her presentation is always fascinating.



## PALI's Annual Investigators Conference, October 7 & 8 in Harrisburg ...

We are publishing in time for a last minute notice to anyone interested in attending the Pennsylvania Association of Licensed Investigators annual event. There are pre-conference seminars on Monday, October 6 featuring Intelnet members: one track is **Jimmie Mesis'** popular marketing and sales seminar and the other is **Nicole Bocra** on "Open Source Intelligence," another popular speaker on web research. For conference details go to [www.pali.org/2014-conference-schedule/](http://www.pali.org/2014-conference-schedule/). Accommodations are at the [Sheraton Harrisburg Hershey Hotel](#). It may be too late for the conference rate at the hotel, but if you are in driving distance, check it out.



## Congratulations to Brenda Beyersdoerfer of Quest Associates of Ohio, LLC ...

Thanks to **Jay Groob** for alerting us to great news out of Cincinnati. Here's Jay's note:



"Brenda has received two very important accreditations which can be of importance to all Intelnet members. This is of importance for folks who are contracting work with the government or states who are seeking contracts in security and related fields.

Brenda has these certifications: WOSB (Woman's Owned Small Business) and WBENC (Woman's Business Enterprise Certification).

Perhaps there's someone out there who would be interested in considering a partnership with her, which can be a mutually beneficial situation; especially for those members who are so involved and familiar with the process (in seeking government contracts)."

Member News continued on next page...

## Carrie Kerskie Receives Congressional Honor ...



**O**n March 27, 2014 Congressman Mario Diaz-Balart honored **Carrie Kerskie** for her hard work and dedication as a private investigator and identity theft expert. Here is the Congressman's transcript:

*"Mr. Speaker, in recognition of Women's History month I rise today to honor Ms. Carrie Kerskie, an outstanding individual*

*and someone who has continuously supported the South Florida community. Ms. Kerskie is currently President of Marcone Investigations, Inc. and is a highly sought-after speaker, trainer and consultant specializing in identity theft protection, detection and restoration. Prior to her work with Marcone Investigations she worked for some of the top investment and insurance companies in the country. She is also an accomplished author, penning Your Public Identity; Because Nothing is Private Anymore. On top of all this, Ms. Kerskie is the founder of the Association of Certified Identity Theft Investigators, and created the Certified Identity Theft Investigator Program. She developed this program after her years of experience working with identity theft victims had given her ample knowledge to develop procedures that greatly reduce the restoration process of these victims, saving them time and money. Ms. Kerskie's expertise in the identity theft field has made her a featured guest on NBC News, ABC News, and Fox News. She has also written articles, and been highlighted, in Gulfshore Business, Southwest Florida Business Today, PI Magazine, and Adverse Witness. Her tireless efforts have also garnered her recognition, being given the 2010 American Business Women's Associations Neapolitan Chapter "Woman of the Year" award, the Harvey R. Morse Founder's Award given for outstanding service to the Florida Association of Private Investigators and the private investigation industry, and in 2009 was selected as one of Gulfshore Business' "Top 40 Under 40." Mr. Speaker, I am honored to pay tribute to Ms. Carrie Kerskie for her continued service to South Florida and I ask my colleagues to join me in recognizing this remarkable individual."*

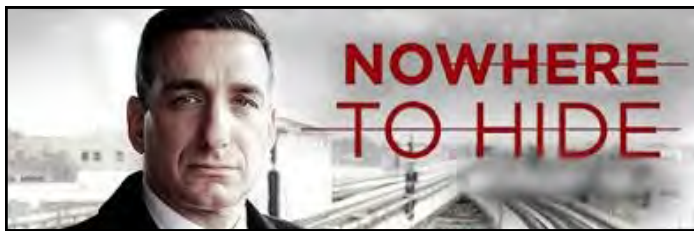


## John Hoda Does It Again!

**Y**ou will recall John's case study we published in the Winter 2014 issue of *Intellenet News* (available on our web site), in which John detailed how he proved an eye witness to a shooting could not have seen the crime. John has done

it again. The sole eye-witness to a crime recanted in a four-page statement to John, and John found six alibi witnesses who paced the defendant on the other side of town and two scene witnesses who said the alleged eye-witness was with them elsewhere at the time of the shooting. You can find details of the story in the [New Hampshire Register](#). Congratulations, John!

## PIs Portrayed in Positive Light in Steven Rambam's TV Show on "Investigation Discovery"



**O**ur congratulations continue to **Steven Rambam**, another Intellenet member who has received notice recently for the outstanding work behind the cases he is bringing to the cable TV show, *Nowhere to Hide*, featured on the Investigation Discovery Network, which "... features documentary style programming dealing with true crime subjects, including criminal investigations (primarily homicides, forensics and other crime-related documentaries." (Wikipedia)

Steve's work on the show has been praised by many who have seen it, as quoted her (author lost in transit):

*"Having just watched Steve Rambam's show, 'Nowhere to Hide, on Investigation Discovery, this week's episode, Three Doctors, One Wife, was a very interesting case indeed. Kudos to Steve for portraying PI's in such a positive manner. Look forward to seeing more of Steve's cases in future weeks."*



## Congratulations to John Feighery of El Paso, Texas ...

**T**he Texas Association of Licensed Investigators honored **John Feighery** with its 2014 Hudgins-Sallee Award, the highest honor bestowed upon a TALI member.



# Professionalism and Ethics

by

William F. Blake, CFE, CPP

## Professionalism and ethics are the most important qualities that the private investigator or security management professional should possess.

While many individuals actually possess these qualities, they frequently do not acknowledge the entire range of each quality because they have not taken time to examine the actions expected of them. It is important to favorably impress the executives who employ you and not necessarily impress your peers. The executives may have an older sense of values that are very important to them.

### “What is Professionalism?”

Many individuals consider “*professionalism*” as conducting a reasonably competent investigation or other task for their client. But stating that you are a “*professional*” does not mean that you subscribe to the attributes of professionalism. A person can be associated with any profession but he would not be termed “*professional*” until the time he demonstrates standards of the highest degree that a particular profession requires.

There are many qualities of a professional beyond the quality of the task you are performing for your client. It is important to remember that you will probably be interacting with executive level management who are generally of an older generation and have different ideas of the attributes of a professional. You may not be interacting with your peers and, to be successful, you must favorably impress the older generation with their values which may be more formal than those of younger professionals. The older generation with authority to expend funds are the ones to whom you particularly should present a professional image.

A professional personal appearance is highly necessary. Unless it is necessary to “dress down” because of a special requirement, the traditional dark suit and tie should be the professional’s dress code. Sport shirts, Docker pants, and athletic shoes do not present a quality professional image. Part of your appearance that may be offensive to the older generation is evidence of visual tattoos and piercings. Hair style can also be offensive to some executives. Neatly styled hair of a reasonable length should be the norm. Excessively long hair, unusual hair styles, i.e.,

Mohawk cuts or pig tails, may not be acceptable. Of course, regardless of the hairstyle, the hair must be clean. Dreadlocks giving the appearance of being styled with automobile grease are not acceptable for the professional.

As investigative and security professionals it is important that we remember that we are private citizens and not law enforcement officers. Any professional working in civilian style clothing should not display the accoutrements of a law enforcement officer. That means no gun, handcuffs or badge

prominently displayed. The appearance of this equipment could provide an erroneous belief of your enforcement powers and could result in future civil litigation or even a criminal charge of impersonating a law enforcement officer.

One trait that can quickly and easily destroy your reputation is the language style you use. There must never be any verbal or visual evidence of bias. It is wise to consider the ramifications of a lapel pin or other device that you wear. While they may not be offensive to you, others may be greatly disturbed by their presence, i.e., wearing a White Power or political badge on your coat.

The words spoken can also be problematic. It is important to use common acceptable language and avoid idioms.



Continued next page ...

The use of local vernacular can be offensive to some. These include such idioms as “I ain’t got—”, “I reckon—”, “I’m fixing to—” which you might find in the Southern United States. It is also not wise to use law enforcement or security terminology. Using the terms “perp” and “subject” may not be meaningful to some individuals and create animosity and reduce effective interaction. This terminology may also reinforce the thought for the uninformed that you might have special powers as a law enforcement officer.

Another trait that identifies the professional is the manner in which he/she communicates with others. Words spoken can convey meaning that is not intended and may create antagonism. For example: When you tell another person that “*I want to talk to you,*” it can be intimidating and indicate that your conversation will be one-sided and there will be no mutual discussion. It is much better to say “*I want to talk with you*” which indicates that there will be a mutual discussion and not an adversarial conflict.

Communications with others include prompt response to voice mail and e-mail messages. If an individual leaves some form of message and is expecting a response, common courtesy demands that you do so in an expeditious manner. The keeping of appointments and commitments is another critical obligation to others. It is important to remember that “*time is money*” for the business executive who normally has many appointments scheduled. The United States military had a common statement that “*If you were less than 15 minutes early for an appointment, you were late.*” This is a good theme to follow as it allows extra time for possible traffic and parking problems.

For some reason, common courtesy toward others appears to be disappearing from historical standards. The professional should exhibit the traditional forms of common courtesy to all persons contacted. This includes shaking hands with individuals, standing when someone comes to your desk or when speaking to others who may be standing. This is not a dissertation on common manners but the need to show respect for those with whom we interact. Regardless of your opinion of a person, they should be treated with appropriate respect. It is wise to remember that you may not like what a person did, but you do not have to dislike the person as a human being.

Many times showing respect for someone who is not accustomed to such and not expecting it will pay many dividends.

The premier representation of an individual’s professional performance is the work product produced. If your work product is sloppy, incomplete, or of poor appearance, it will suggest that everything you accomplished will be of the same quality. This could include written reports or the manner in which your investigators or security officers dress and perform their duties. Among other things, any written report must be complete in all aspects to answer the client’s concerns, be impartial and lacking in bias. Your task should be to get impartial facts regardless of the side they appear to favor. You are not there to get only facts that favor your client.



One aspect of professionalism that is often overlooked is your business name. It should represent respect for yourself and those with whom you interact. Some names border on the frivolous and do not demonstrate a serious attitude or professional approach to a very serious business. Some examples of less than ideal business names include “gotchpi”, “peye069” which

some may feel is related to a sexual activity site, “fatguypi”, and “007investigations” which may give the impression that the individual is a James Bond aficionado conducting intelligence activities.

Professionalism is not only your level of knowledge but the manner in which personal business is conducted and the quality of your actions.

### “What is Ethics?”

Ethics is an interlocking component of professionalism. You cannot have one without the other. There are many definitions of “ethics” but all have a common basis. Ethics may be defined as a principle of right or good behavior; a system of moral principles or values; the study of the general nature of morals and the specific moral choices an individual makes in relating to others; and the rules or standards of conduct that govern the conduct of a profession. There is no single universally accepted code of conduct for investigators or security management personnel.

*Continued next page ...*

One of the most important tasks related to professional ethics is to avoid evil or the appearance of evil. Without knowing the complete facts or situation, an individual may be doing something you believe is improper when, in fact, it is a legitimate activity conducted in a professional manner. Some activities are obvious while others may be more subtle. For example: You observe an investigator coming out of the Horse Ranch, a legitimate brothel in Nowhere, Nevada. Your first impression may be that he is sampling the services available at the ranch while in reality he is on a legitimate work assignment interacting with brothel management. First impressions are not always right.

Some activities may be completely unprofessional and unethical. For example: You are working as an investigator for a plaintiff's attorney who has initiated civil litigation against the Acme Corporation. You receive a telephone call from an attorney representing the Acme Corporation against your attorney's plaintiff. The Acme attorney states he would like to meet you for dinner at an exclusive club to discuss the allegations against Acme. If you accept the invitation you are engaging in unprofessional and unethical practices because your total allegiance is to your client. The Acme attorney is also violating professional legal canons and various laws.

Other activities may be improper at first view. For example: You are being paid by a client for personal vehicle travel at a given rate per mile. As you are leaving for work for your client, your wife asks you to drop her off at the local shopping mall where they are having a "fabulous" sale. Is this an unprofessional and unethical act? Depending on the precise situation, it may or may not be improper. If you had to drive many miles out of your most direct route to your work place and charged the mileage to your client, it would not be proper. If your only actions were to pull over to the curb on your direct route to work, it probably would not be improper.

## Summary

You must be constantly aware that you are responsible for the professional and ethical standards of your employees and contractors. All of their improprieties will be attributed directly to you and your business. If you are a truly professional investigator or security manager, you will inherently have and adhere to a good code of ethics. Without ethics you will never be a professional. Ethical issues may be obvious or very subtle. Each one is a minefield with the potential to explode in your face.



Many professional security and investigative organizations have codes of ethics but all normally have a common basis. One of the more common codes of ethics has been promulgated by ASIS International and includes the following canons:

- A member shall perform professional duties in accordance with the law and the highest moral principles.
- A member shall observe the precepts of truthfulness, honesty, and integrity.
- A member shall be faithful and diligent in discharging professional responsibilities
- A member shall be competent in discharging professional responsibilities.
- A member shall safeguard confidential information and exercise due care to prevent its improper disclosure.
- A member shall not maliciously injure the professional reputation or practice of colleagues, clients, or employees.

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# 10 LIMITATIONS OF BODY CAMS YOU NEED TO KNOW FOR YOUR PROTECTION

A special report from the *Force Science Institute*

*Ed. Note: A special thanks to Susan Daniels for suggesting we reprint this article and to Scott Buhmaster, VP of Operations, Force Science Institute, for his kind permission to do so.*

**The** idea is building that once every cop is equipped with a body camera, the controversy will be taken out of police shootings and other uses of force because "what really happened" will be captured on video for all to see.

*Well, to borrow the title from an old Gershwin tune, "It Ain't Necessarily So."*

There's no doubt that body cameras--like dash cams, cell phone cams, and surveillance cams--can provide a unique perspective on police encounters and, in most cases, are likely to help officers. But like those other devices, a camera mounted on your uniform or on your head has limitations that need to be understood and considered when evaluating the images they record.

"Rushing to condemn an officer for inappropriate behavior based solely on body-camera evidence can be a dicey proposition," cautions Dr. Bill Lewinski, executive director of the *Force Science Institute*. "Certainly, a camera can provide *more* information about what happened on the street. But it can't necessarily provide *all* the information needed to make a fair and impartial final judgment. There still may be influential human factors involved, apart from what the camera sees."

In a recent conversation with *Force Science News*, Lewinski enumerated 10 limitations that are important to keep in mind regarding body-camera evidence (and, for the most part, recordings from other cameras as well) if you are an investigator, a police attorney, a force reviewer, or an involved officer. This information may also be helpful in efforts to educate your community.

(Some of these points are elaborated on in greater depth

during the *Force Science Certification Course*. Visit [www.forcescience.org](http://www.forcescience.org) for information on the course. An earlier report on body cam limitations appeared in *Force Science News* #145, sent 3/12/10. You will find online it at: [www.forcescience.org/fsnews/145.html](http://www.forcescience.org/fsnews/145.html))

## **1. A camera doesn't follow your eyes or see as they see.**

At the current level of development, a body camera is not an eye-tracker like *FSI* has used in some of its studies of officer attention. That complex apparatus can follow the movement of your eyes and superimpose on video small red circles that mark precisely where you are looking from one microsecond to the next.

"A body camera photographs a broad scene but it can't document where within that scene you are looking at any given instant," Lewinski says. "If you glance away from where the camera is concentrating, you may not see action within the camera frame that appears to be occurring 'right before your eyes.'

"Likewise, the camera can't acknowledge physiological and psychological phenomena that you may experience under high stress. As a survival mechanism, your brain may suppress some incoming visual images that seem unimportant in a life-threatening situation so you can completely focus very narrowly on the threat. You won't be aware of what your brain is screening out.

"Your brain may also play visual tricks on you that the camera can't match. If a suspect is driving a vehicle toward you, for example, it will seem to be closer, larger, and faster than it really is because of a phenomenon called 'looming.' Camera footage may not convey the same sense of threat that you experienced.

"In short, there can be a huge disconnect between your field of view and your visual perception and the camera's. Later, someone reviewing what's caught on camera and

*Continued on next page ...*





judging your actions could have a profoundly different sense of what happened than you had at the time it was occurring."

## **2. Some important danger cues can't be recorded.**

"Tactile cues that are often important to officers in deciding to use force are difficult for cameras to capture," Lewinski says. "Resistive tension is a prime example.

"You can usually tell when you touch a suspect whether he or she is going to resist. You may quickly apply force as a preemptive measure, but on camera it may look like you made an unprovoked attack, because the sensory cue you felt doesn't record visually."

And, of course, the camera can't record the history and experience you bring to an encounter. "Suspect behavior that may appear innocuous on film to a naive civilian can convey the risk of mortal danger to you as a streetwise officer," Lewinski says. "For instance, an assaultive subject who brings his hands up may look to a civilian like he's surrendering, but to you, based on past experience, that can be a very intimidating and combative movement, signaling his preparation for a fighting attack. The camera just captures the action, not your interpretation."

## **3. Camera speed differs from the speed of life.**

Because body cameras record at much higher speeds than typical convenience store or correctional facility security cameras, it's less likely that important details will be lost in the millisecond gaps between frames, as sometimes happens with those cruder devices.

"But it's still theoretically possible that something as brief as a muzzle flash or the glint of a knife blade that may become a factor in a use-of-force case could still fail to be recorded," Lewinski says.

Of greater consequence, he believes, is the body camera's depiction of action and reaction times.

"Because of the reactionary curve, an officer can be half a second or more behind the action as it unfolds on the screen," Lewinski explains. "Whether he's shooting or stopping shooting, his recognition, decision-making, and physical activation all take time--but obviously can't be shown on camera.

"People who don't understand this reactionary process won't factor it in when viewing the footage. They'll think the officer is keeping pace with the speed of the action as the camera records it. So without knowledgeable input, they aren't likely to understand how an officer can unintentionally end up placing rounds in a suspect's back or firing additional shots after a threat has ended."

## **4. A camera may see better than you do in low light.**

"The high-tech imaging of body cameras allows them to record with clarity in many low-light settings," Lewinski

says. "When footage is screened later, it may actually be possible to see elements of the scene in sharper detail than you could at the time the camera was activated.

"If you are receiving less visual information than the camera is recording under time-pressured circumstances, you are going to be more dependent on context and movement in assessing and reacting to potential threats. In dim light, a suspect's posturing will likely



mean more to you immediately than some object he's holding. When footage is reviewed later, it may be evident that the object in his hand was a cell phone, say, rather than a gun. If you're expected to have seen that as clearly as the camera did, your reaction might seem highly inappropriate."

On the other hand, he notes, cameras do not always deal well with lighting transitions. "Going suddenly from bright to dim light or vice versa, a camera may briefly blank out images altogether," he says.

## **5. Your body may block the view.**

"How much of a scene a camera captures is highly dependent on where it's positioned and where the action takes place," Lewinski notes. "Depending on location and angle, a picture may be blocked by your own body parts, from your nose to your hands.

"If you're firing a gun or a Taser, for example, a camera on your chest may not record much more than your extended arms and hands. Or just blading your stance may obscure the camera's view. Critical moments within a scenario that you can see may be missed entirely by your body cam because of these dynamics, ultimately masking what a reviewer may need to see to make a fair judgment."

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## 6. A camera only records in 2-D.

Because cameras don't record depth of field--the third dimension that's perceived by the human eye--accurately judging distances on their footage can be difficult.

"Depending on the lens involved, cameras may compress distances between objects or make them appear closer than they really are," Lewinski says. "Without a proper sense of distance, a reviewer may misinterpret the level of threat an officer was facing."

In the *Force Science Certification Course*, he critiques several camera images in which distance distortion became problematic. In one, an officer's use of force seemed inap-

propriate because the suspect appears to be too far away to pose an immediate threat. In another, an officer appears to strike a suspect's head with a flashlight when, in fact, the blow was directed at a hand and never touched the head.

"There are technical means for determining distances on 2-D recordings," Lewinski says, "but these are not commonly known or accessed by most investigators."

## 7. The absence of sophisticated time-stamping may prove critical.

The time-stamping that is automatically imposed on camera footage is a gross number, generally measuring the action minute by minute. "In some high-profile, controversial shooting cases that is not sophisticated enough," Lewinski says. "To fully analyze and explain an officer's perceptions, reaction time, judgment, and decision-making it may be critical to break the action down to units of one-hundredths of a second or even less.

"There are post-production computer programs that can electronically encode footage to those specifications, and the *Force Science Institute* strongly recommends that these be employed. When reviewers see precisely how quickly suspects can move and how fast the various elements of a use-of-force event unfold, it can radically change their perception of what happened and the pressure involved officers were under to act."

## 8. One camera may not be enough.

"The more cameras there are recording a force event, the more opportunities there are likely to be to clarify uncertainties," Lewinski says. "The angle, the ambient lighting, and other elements will almost certainly vary from one

officer's perspective to another's, and syncing the footage up will provide broader information for understanding the dynamics of what happened. What looks like an egregious action from one angle may seem perfectly justified from another.

"Think of the analysis of plays in a football game. In resolving close calls, referees want to view the action from as many cameras as possible to fully understand what they're seeing. Ideally, officers deserve the same consideration. The problem is that many times there is only one camera involved, compared to a dozen that may be consulted in a sporting event, and in that case the limitations must be kept even firmer in mind.

## 9. A camera encourages second-guessing.

"According to the U. S. Supreme Court in *Graham v. Connor*, an officer's decisions in tense, uncertain, and rapidly evolving situations are not to be judged with the '20/20 vision of hindsight,'" Lewinski notes. "But in the real-world aftermath of a shooting, camera footage provides an almost irresistible temptation for reviewers to play the coulda-shoulda game.

"Under calm and comfortable conditions, they can infinitely replay the action, scrutinize it for hard-to-see detail, slow it down, freeze it. The officer had

to assess what he was experiencing while it was happening and under the stress of his life potentially being on the line. That disparity can lead to far different conclusions.

"As part of the incident investigation, we recommend that an officer be permitted to see what his body camera and other cameras recorded. He should be cautioned, however, to regard the footage only as informational. He should not allow it to supplant his first-hand memory of the incident. Justification for a shooting or other use of force will come from what an officer reasonably perceived, not necessarily from what a camera saw."

[For more details about *FSI's* position on whether officers should be allowed to view video of their incidents, see *Force Science News* #114 (1/17/09). You will find online it at: [www.forcescience.org/fsnews/114.html](http://www.forcescience.org/fsnews/114.html) ]

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"A camera's recording should never be regarded solely as *the Truth* about a controversial incident ... It needs to be weighed and tested against witness testimony, forensics, the involved officer's statement, and other elements of a fair, thorough, and impartial investigation that takes human factors into consideration."

**10. A camera can never replace a thorough investigation.**

When officers oppose wearing cameras, civilians sometimes assume they fear "transparency." But more often, Lewinski believes, they are concerned that camera recordings will be given undue, if not exclusive, weight in judging their actions.

"A camera's recording should never be regarded solely as *the Truth* about a controversial incident," Lewinski declares. "It needs to be weighed and tested against witness

***"... the best evidence and the worst evidence. ..."***

testimony, forensics, the involved officer's statement, and other elements of a fair, thorough, and impartial investigation that takes human factors into consideration.

"This is in no way intended to belittle the merits of body cameras. Early testing has shown that they tend to reduce the frequency of force encounters as well as complaints against officers.

"But a well-known police defense attorney is not far wrong when he calls cameras 'the best evidence and the worst evidence.' The limitations of body cams and others need to be fully understood and evaluated to maximize their effectiveness and to assure that they are not regarded as infallible 'magic bullets' by people who do not fully grasp the realities of force dynamics."

[For a printer-friendly version of this report visit: [www.forcescience.org/bodycams.pdf](http://www.forcescience.org/bodycams.pdf)]

*Our thanks to Parris Ward, director and litigation graphics consultant with Biodynamics Engineering, Inc., for his help in facilitating this report.*

For more information on the work of the Force Science Institute, visit: [www.forcescience.org](http://www.forcescience.org). To reach the Force Science News editorial staff e-mail: [edi-tor@forcescience.org](mailto:editor@forcescience.org).



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## Association Conference Notes



The North Carolina Association of Private Investigators will host its Fall 2014 Conference at Harrah's Cherokee Casino in Cherokee, NC from Nov. 12-14. Use reservation code SIINCPI for the hotel; conference details at <http://goo.gl/a4DB8f>. NCAPI is also sponsoring Jimmie Mesis' program, "How to Build & Double Your PI Income," Nov. 15 at the Holiday Inn Asheville Downtown. NCAPI members enjoy a reduced rate of \$99 [Reg. \$150]. Seating will be limited. Reserve your seat by contacting Jimmie at 1-732-308-3800 or by email at [jim@pimagazine.com](mailto:jim@pimagazine.com) and enjoy another day in the beautiful mountains of Western North Carolina.



The Professional Private Investigators Association of Colorado hosts its 2014 Rocky Mountain Private Investigators Conference Oct. 3-4 at Ameristar Casino, Resort & Spa in Black Hawk, CO. Presenters include Cody "The Spy Guy" Woods and a representative from DORA, Colorado's licensing authority, discussing the new mandatory licensing for PIs, which goes into effect June 1, 2015. Conference details at [http://ppiac.org/ailec\\_event/2014-rocky-mountain-private-investigators-conference?instance\\_id=180](http://ppiac.org/ailec_event/2014-rocky-mountain-private-investigators-conference?instance_id=180)





## ISPLA News for INTELLENET

By Bruce Hulme, Director of Government Affairs

Congress has returned from its summer recess. Before gearing up for a mid-term November election, it must deal with major international issues that include the continuing tension between Israel and Palestinians in Gaza, confronting ISIL in Iraq and Syria, and addressing Russian annexation of Crimea and their stealth invasion to promote revolt in eastern Ukraine.

Few measures affecting private investigators and security professionals are expected to pass in the divided two-year term of the 113<sup>th</sup> Congress that will conclude this year. Although members of Congress are primarily concerned with the fall election, we are mindful of proposed bills still pending: to revise the Patriot Act, address the “Snowden” revelations and concerns with the Fourth Amendment versus security of the Homeland, eliminate GPS tracking in the private sector, impose sanctions regarding information security breaches and to potentially implement restrictions in obtaining personally identifiable information under the guise of preventing identity theft, and to reign in actions of the EEOC. ISPLA will be carefully watching the actions of Congress during the *Lame Duck* session after the general election. We conclude this report with a lengthy item by Senator Ron Wyden (D-Oregon) which illustrates some of the issues ISPLA monitors and that will continue to have to be addressed in the future.

## ISPLA SEEKS PERSONAL CONTRIBUTIONS TO ISPLAPAC: Needed for our Congressional “Spear Carrier”

Investigative & Security Professionals for Legislative Action (ISPLA) has lobbied key members of Congress in order to ensure that our profession’s interests are taken into consideration when they address these important issues of concern. In addition, although ISPLA has been successful in increasing its membership, we have not had similar success obtaining personal donations from our investigative and security professional colleagues in order to strengthen the financial standing of ISPLAPAC. The effectiveness of our non-partisan political action committee will be severely limited in the upcoming election unless our war chest is replenished.

**The effectiveness of our non-partisan political action committee will be severely limited in the upcoming election unless our war chest is replenished.**

ISPLA has an agreement with INTELLENET to address legislative and regulatory matters on behalf of its membership. That agreement also includes solicitation of ISPLAPAC funds in accordance with Federal Election Commission requirements.

Regarding our ISPLAPAC account and the upcoming November elections, this is crunch time if we want to support any candidate. It is our opinion that there is now only one real choice for our support in order for a small profession such as ours to get a good return on our investment. That candidate is Lee Zeldin, who is running for Congress in New York. Some of you who are (or were) members of NCISS may recall that organization’s support of this

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candidate when he first ran for Congress in 2008. The current ISPLA executive committee and some members of INTELNET also financially supported him. As a political unknown returning Army veteran from the Iraq War, Lee lost that election by a narrow margin. Since that time, he was twice elected as a New York State Senator and has been aggressively working to win the upcoming Congressional election. He won his primary and is in a great position to win in the November general election. This is a person who not only knows who we are and what we do, but has a father that has been in our profession for decades.

Although ISPLA has continued to grow in numbers and is solidly branded in the investigative and security professions, we now have less than \$2000 in the ISPLAPAC. Now is the time to gain a new champion to carry our profession's spear in the 114<sup>th</sup> Congress! Lee Zeldin is a major contender to win this election and members of INTELNET should consider supporting him. That can best be done by making a personal donation to ISPLAPAC now.

You can use a PERSONAL credit card at <http://ispla.org/isplapac> or donate by PERSONAL check written to ISPLAPAC and sent to ISPLA-PAC – 235 N. Pine St., Lansing Michigan 48933.



## INDUSTRY SUPPORT AT IASIR ANNUAL CONFERENCE ...

An integral part of our proactive lobbying efforts is to seek like-minded allies as part of our *Educate to Legislate* program by making presentations before professional associations in both the private and public sectors. One professional association supported by ISPLA is the International Association of Security and Investigative Regulators (IASIR) which is comprised of state and provincial government regulators of the private investigation, contract security, armored car, and alarm industries as well as law enforcement and industry members from across North America and, increasingly, other parts of the world.

This fall, the Kentucky Board for Licensure of Private Investigators will host the 2014 Conference of the International Association of Security and Investigative Regulators to be held November 12 – 14 at the Galt House Hotel in Louisville, Kentucky. The main topic of the IASIR conference this year is “Regulating in the Digital Age: *Bridging the Gap between Man and the Machine.*” Recent technological advances are altering the way investigative and security services are provided. GPS tracking is increasingly utilized in surveillances. Unmanned drones also perform surveillance to prevent crimes, follow subjects and criminals, or conduct investigations. Investigative services, alarm monitoring, and a host of online security and information database services are increasingly being used across state and international borders. As these new technologies are implemented, how does regulation of these services keep pace with innovation and ensure protection of the public?

Traditionally, the private investigation and contract security industry has focused on physical security. As crime becomes more complex and most fraud cases involve some electronic aspects, will governments regulate the information security industry in the same manner it does with private investigation and private security? Should information security professionals be subject to criminal background checks by regulators to insure their integrity? Is the private security industry evolving properly to provide security solutions to physical and electronic assets? These are some of the questions that regulators of our profession seek answers. They will be taking into consideration the presentations below:

- The Association for Unmanned Vehicle Systems International will be presenting on *Use of Drones by the Private Sector.*
- Katherine E. Stern, Senior Counsel, The Constitution Project, will speak on *Guidelines for Preserving Privacy and Civil Liberties.*
- ISPLA board member Nicole Bocra Gray of Infinity Investigative Solutions will be presenting *Using Social Media as an Investigative Tool.*
- There will also be presentations on *Regulating Foreign Alarm Monitoring Centers with No Local Presence* and *The Future of Security Guarding using Security Robots.*

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- I will speak on *Use of GPS by Private Investigators: A Legal Review*. I am also the IASIR board member representing the Private Investigation industry and scheduled to appear on a panel to discuss a pending U.S. Supreme Court case where arguments have been scheduled to be heard in October. Additional information about the implications of this litigation is more fully explained in the next topic reported in this article.

A block of rooms at a discounted rate of \$100 per night for IASIR attendees has been set aside in the all-suite tower. This rate will also be available three days prior to the conference and three days after for those wishing to extend their stay. To receive this special rate, call the Galt House (502-589-5200) by Monday, October 27, identifying yourself as a conference participant. Additional conference details on registration and fees are at: [www.IASIR.org](http://www.IASIR.org).

### **U.S. SUPREME COURT TO HEAR ARGUMENTS ON STATE ADVISORY BOARDS AND ANTI-COMPETITIVE ACTIVITY ...**

INTELLENET members and the state regulators having jurisdiction over our professions' activities should be made aware of recent activity of the Federal Trade Commission and its testimony before Congress by that agency concerning the position that state licensing boards promote anti-competitive activity. While the state of Colorado is presently formulating regulations relative to implementing licensure of private investigators, in recent years there has been an emerging trend to lessen, or in some instances, repeal government regulation of our profession. For example, several years ago the state of Indiana held a hearing regarding a measure to deregulate private investigators and security guards. Peter Psarouthakis, then the chairman of ISPLA's executive committee, testified against such action, as did members of two state investigative and security professional associations. Intellenet member Don C. Johnson lobbied behind the scenes against the bill, disregarding advise that he could lose his appointment to the

Indiana PISG Licensing Board. The measure was withdrawn.

Now we have the U.S. Supreme Court scheduled to hear arguments in October on a case involving another profession that may have an impact on IASIR's regulators and our profession. The case is *In the Matter of North Carolina Board of Dental Examiners v. Federal Trade Commission* 717 F.3d 359 (4th Cir. 2013). The 4th Circuit decision held that the North Carolina Board of Dental Examiners engaged in an unfair restraint of trade by attempting to restrict the practice of teeth whitening to only licensed dentists.

After receiving complaints from dentists, the Board opened an investigation into teeth-whitening services performed by non-dentists. After their investigation, the Board indicated to practicing dentists that it was attempting to shut down these non-dentist providers. They issued 47 cease-and-desist letters to 29 non-dentist teeth-whitening providers. Several letters indicated that the sale or use of teeth-whitening products by a non-dentist is a misdemeanor. The Board is made up of six licensed dentists, one licensed dental hygienist, and one consumer member.

The cease-and-desist letters resulted in non-dentists no longer being legally able to provide teeth-whitening services in North Carolina. Manufacturers and distributors of the teeth-whitening products used by these non-dentist providers halted their supplies of such to North Carolina. The Board also contacted the North Carolina Board of Cosmetic Art Examiners to request that the Cosmetic Board inform its members and licensees to refrain from providing teeth-whitening services.

In 2011, the FTC issued a final order that the Board had engaged in an unfair restraint of trade. In 2013, the 4th Circuit upheld the FTC's decision. The U.S. Supreme Court in 2014 accepted the case for review and decision. Its findings will likely define the test to which state licensing boards are held when regulating industries they not only

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**The FTC has testified before Congress about its concerns that state licensing boards promote anti-competitive activity.**

oversee, but often participate in. The question will be just how narrow will the Court focus in determining whether lower courts will be required to inquire as to whether the regulatory means employed by the licensing board are congruent with a legitimate governmental end.

## FTC TESTIFIES BEFORE HOUSE COMMITTEE ON SMALL BUSINESS ON HOW LICENSING CAN EFFECT COMPETITION ...

In testimony before Congress in July, the Federal Trade Commission described how it evaluates the potential competitive effects of regulating occupations, trades, and professions, and the agency's efforts to promote competition among professionals. It should be reviewed by professional associations concerned with potential changes in their licensing and regulatory statutes of the investigative and security fields.

Testifying on behalf of the Commission before the House Committee on Small Business, Andrew I. Gavil, Director of the FTC's Office of Policy Planning, discussed the impact of licensure on occupations from nursing to accounting. For some occupations, licensure may be an appropriate policy response to identified consumer protection or safety concerns. Some licensure regulations, however, can impede competition while offering few, if any, significant consumer benefits, the testimony stated.

"In the long term," the testimony stated, some licensure regulations "can cause lasting damage to competition and the competitive process by rendering markets less responsive to consumer demand and by dampening incentives for innovation in products, services, and business models. Occupational regulation can be especially problematic when regulatory authority is delegated to a nominally 'independent' board comprising members of the very occupation it regulates. When the proverbial fox is put in charge of the henhouse, board members' financial incentives may lead the board to make regulatory choices that favor incumbents at the expense of competition and the public."

To address these concerns, the FTC selectively responds to calls for public comment and invitations from legislators and regulators to identify and analyze specific licensure restrictions that can harm competition without offering significant consumer benefits, the testimony stated.

The agency urged federal, state and local policy makers, as well as private, self-regulatory authorities, to consider whether a particular licensure regulation is likely to have a significant and adverse effect on competition, is targeted to address actual risks of harm to consumers, and is tailored to minimize any burden on competition, or whether less restrictive alternatives are available.

For example, FTC staff advocacy comments have ad-

ressed the physician supervision requirements some states impose on advanced practice registered nurses (APRNs), because they enable some health care professionals to restrict access to the market by other health care professionals, potentially raising prices and reducing access to some primary health care services. The staff has suggested that mandatory supervision of APRNs may not be a justified form of occupational regulation.

Since the 1970s, the testimony noted, the Commission staff has submitted hundreds of comments and *amicus* briefs to state and self-regulatory entities on competition policy and antitrust law issues regarding real estate brokers, electricians, accountants, lawyers, dentists and dental hygienists, nurses, eye doctors and opticians, and veterinarians. In recent years its competition advocacy efforts have also addressed advertising restrictions, automobile distribution, nursing scope of practice restrictions, accreditation standards, taxicabs and related forms of passenger vehicle transportation, casket sales, and real estate brokerage.

The FTC also has used its enforcement authority to challenge anticompetitive behavior by independent boards of occupational regulators, as well as private actors who

**"For some occupations, licensure may be an appropriate policy response to identified consumer protection or safety concerns. Some licensure regulations, however, can impede competition while offering few, if any, significant consumer benefits, ..."**

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restrain competition, the testimony noted. Its actions have included challenges to agreements among competitors that restrained advertising and solicitation, price competition, and contract or commercial practices, as well as direct efforts to prohibit competition from new rivals, without any significant justification.

**“STANDING UP FOR AMERICAN INNOVATION AND YOUR PRIVACY IN THE DIGITAL AGE” -- Portions of Remarks on the “Third-Party Doctrine” by Senator Ron Wyden (D-OR) at the TechFestNW Conference ...**

“I’ve concluded that securing innovation and privacy in the 21st Century requires reforming a decades-old legal rule known as the “Third-Party doctrine” so that when an individual shares their information with a person, business or institution, they no longer automatically lose all their privacy rights.

For centuries, individual privacy was protected to a large extent by the limited resources of governments. It simply wasn’t possible for governments to secretly collect huge amounts of personal information about every single citizen without building massive networks of spies and informants. Not that some didn’t try. A handful of repressive regimes like East Germany and Soviet Russia actually did this. By some counts the Stasi had more than 100,000 people watching targets through binoculars, planting bugs, children spying on their parents and neighbors spying on each other. This pervasive surveillance had an extraordinarily corrosive and destabilizing effect on those societies over time. Luckily, this sort of massive, dragnet surveillance was more the stuff of novels than reality for the citizens of most nations in the 20th century.

**Our luck has run out.** Here in the 21<sup>st</sup> century, this dynamic has already shifted in a profound and fundamental way. Advances in technology have made it possible for govern-

ments around the world to vacuum up and rifle through the personal information of huge numbers of law-abiding citizens.

If you would defend a society built on the principle of individual liberty you need to recognize that you can no longer rely on the fact that mass surveillance is hard – **in the 21<sup>st</sup> century, it’s easy.** The only protections that we can count on now are those that are written into law, upheld by a responsible judiciary, and enforced by a public willing to

stand up for their own freedoms.

Fortunately, our Founding Fathers left us with some pretty darn good legal principles that can guide us when it comes to privacy. The Fourth Amendment guarantees the fundamental right of the people to be secure from unreasonable searches and seizures. Justice Louis Brandeis called this the right to be left alone.

This is the right to be confident that our government will not arbitrarily enter our homes and search our closets and bedrooms and seize our belongings, the way that British officials did in colonial times. And it is our right to communicate privately with one another, without having

that communication searched or seized without due process of law.

If our government wants to search your house or open your mail, the Constitution requires the government to go to a judge, show probable cause, and get a warrant. These fundamental principles have served our country well for more than two hundred years. So the task before us is to figure out how to ensure these principles are upheld in the digital world.

This task is actually pretty straightforward if we keep a few key principles in mind. In America, the law is not, and should never be, written for the convenience of the



**“Advances in technology have made it possible for governments around the world to vacuum up and rifle through the personal information of huge numbers of law-abiding citizens.”**

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government. To the extent changing technologies present new challenges regarding privacy, they should be challenges for our government and its agents, not the individual.

As such, the same protections that apply to your personal papers, conversations and correspondence in the physical world must, by default, protect your privacy in the online world.

What is new and distinctive about our era is that private companies now often hold large amounts of data about their customers. This is part of the technological revolution that allows me to carry far more than the sum of Thomas Jefferson's library and Ben Franklin's papers in the palm of my hand. If only this revolution could grant us the wisdom Jefferson applied to the protection of the individual against the overbearing power of government.

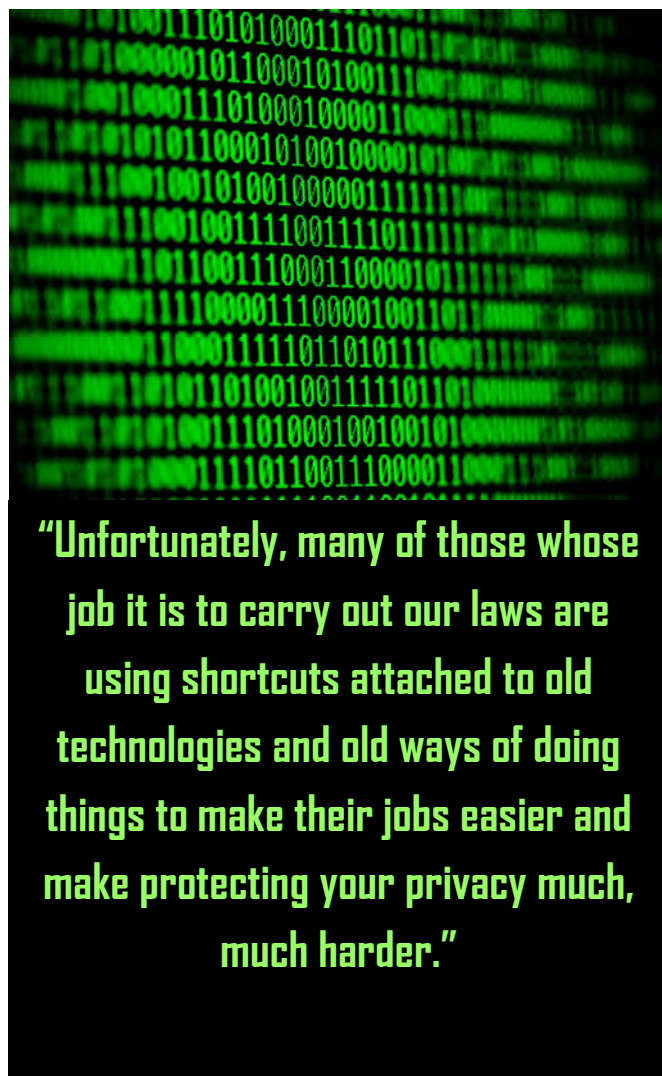
Here's how I see the new realities. Individuals now consent to share information with companies under mutually agreed upon terms. If a particular company were to violate those terms it would risk ending up in court, and low barriers to market entry ensure that its customers would soon take their business elsewhere. Market forces can provide a powerful means for people to get the privacy that they demand.

While more can and should be done to assure that both sides in this transaction understand their rights and responsibilities, one thing is certain: there are only two parties to these transactions, the business and the individual. I believe the government should have no special rights in this new reality.

### ***The Third-Party Doctrine ...***

I consider that common sense. Unfortunately, many of those whose job it is to carry out our laws are using shortcuts attached to old technologies and old ways of doing things to make their jobs easier and make protecting your privacy much, much harder.

Decades ago, in a series of decisions made by judges who did not fully understand 20th Century technology, much less anticipate the technology we have today, courts made law that took ordinary commercial transactions, like phone calls or a bank deposit, out of the protection of the Fourth Amendment. The courts' rationale for this third-party doctrine was that by dialing a number and conveying it to your phone company, or by sharing financial information with



your bank, you were giving up any expectation of privacy. And under this 'Third-Party doctrine,' the records of that call or that deposit now became business records available to the government without Fourth Amendment protections.

Some will still argue that by sharing data freely with Facebook, Google, Mint, Uber, Twitter, Fitbit, or Instagram, Americans are choosing to make that data public. But that is simply not the case. I might not have any expectation of privacy when I post a handsome new profile picture on Facebook, or when I send out a tweet to tell people I'll be at the Tech Northwest conference. But when I send an email to my wife, or store a document in the cloud so I can review it later, my service provider and I have an agreement that my information will stay private. Neither of us has invited the government to have a peek. Basically, I think sharing this information with Google is like putting

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property in a safety deposit box, but the government thinks I'm posting it on a billboard....

Citizens have agreed to a contract with Google or Mint that keeps their email or financial data private. In many cases these companies don't even know what information they're holding for you. Making information available to a service provider for a limited business purpose - so that they can give you a new app, or provide targeted ads, or do any other kind of business with you - is simply not the same as broadcasting that information to the public. In the view of the law this data **should** be as secure to your person as if it were sitting in a locked filing cabinet in your home office.

Even if one is inclined to agree with the reasoning behind these flawed court decisions, it is indisputable to me that they have not kept up with the times. When the Smith v. Maryland case was decided in 1979, an individual might use many different phones each day to make calls. Today, you will likely use just one. Those phone records, when combined with email, texts, pictures and web activity all contained on your cell phone now document the vast majority of your interactions with the world. No reasonable judge would have deliberately given the government warrantless access to this trove of private data and it's time that the law reflected this reality. It is time to reform outdated legal doctrines and laws to reflect both the constitution and public expectations ...

### ***A Path Toward Reform ...***

**S**o, if all of you and I are serious about this goal, and we agree that it is time to toss this outdated legal doctrine on the junk heap and replace it with an updated framework that adheres to the values of the Founding Fathers, protects individual privacy, and promotes innovation, where do we start?

...so one place that I'd like to start is with updated rules for America's intelligence agencies. Those of you who follow the news closely will know that the Senate is now considering a serious overhaul of the domestic surveillance stat-

ute known as the Foreign Intelligence Surveillance Act. There's still a lot of work to do, but I'm encouraged by the direction that this debate is heading.

I believe that any serious effort to reform this law needs to end the bulk collection of Americans' personal information, starting with their phone records. I have been challenging this program for years on the grounds that (it) isn't just harmless old metadata. Furthermore, I believe that Congress needs to reform the Foreign Intelligence

Surveillance Court, to make it more transparent and to include an advocate for the American people. Additionally, there needs to be much greater transparency from intelligence agencies about the scale and scope of domestic surveillance activities, and private companies should be given the ability to disclose much more information about requests they receive from the government. Most of all, Congress must close the loophole that intelligence agencies are currently using to read a significant

number of Americans' communications without a warrant.

If Congress can do all that it will be a great start for intelligence reform. And it will go a long way toward restoring confidence in America's technology brand, where our digital services are the envy of the world. That confidence has been significantly shaken by revelations about excessively broad NSA, FBI and CIA surveillance. The next step will be to seriously examine collection that is done overseas.

When the Foreign Intelligence Surveillance Act was written in the late 1970s, it was written to only apply to collection done inside the United States. But that was back in an era when each country essentially had its own separate communications infrastructure.

Now those separate systems have been replaced by an integrated global communications network, in which calls



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and emails within one country might be routed through multiple different countries. When you combine that shift with new technology that makes it much easier to obtain large amounts of data, it no longer makes sense to assume that collection done overseas will not sweep up the communications of large numbers of law-abiding Americans.

This means that the rules that govern collection overseas will need to be substantially revised. These are governed by something called Executive Order twelve-triple-three, which is more than 30 years old and predates this sea-change in global communications. I was encouraged a few weeks ago when the Senate Intelligence Committee recognized this fact, and voted to advance a bill that would begin to establish some firmer rules in this area.

It will also be important to reform law enforcement authorities as well.

For example, most people may not realize that the federal law governing law enforcement access to email, known as the Electronic Communications Privacy Act was written back in 1986, so it assumes that any email that is still sitting in your inbox after six months has been abandoned. I see a couple gray-haired techies in the crowd who can probably explain that one to the younger folks that are scratching their heads. 20th Century laws aren't going to cut it for 21st Century expectations.

And there are a number of other laws that need to be updated to keep pace with advancing technology. In particular, I believe that the laws governing the electronic tracking of individuals' movements and whereabouts need to be overhauled and modernized, and I'll come back to that in a minute.

It will also be important to further clarify the relationship between surveillance authorities used for law enforcement and those used for intelligence-gathering. I have certainly supported efforts to bring down unnecessary barriers to information-sharing between law enforcement and

intelligence agencies. But it is also important to have clear rules about when information gathered using intelligence authorities can be used for non-intelligence purposes.

The various reforms that I have just laid out would all help rein in intelligence and law enforcement agencies that too often have been acting outside our Constitutional protections, particularly the Fourth Amendment. And this principle should be applied even further. All federal legislation must recognize that changing technologies should empower the individual, and not empower the state at the individual's expense - technological progress should never weaken the rights upon which our nation is built.



### *In Closing ...*

There is no question it is a dangerous world out there where America faces real threats and there are those who do not wish us well. Intelligence and law enforcement agencies have a vital role to play. The vast majority of the professionals at these agencies are hard working men and women who make enormous sacrifices to protect national security and public safety. And I think it's fantastic that advances in technology have given these men and women new tools. But new tools require new rules. And applying the Founding Fathers' principles to the age of high-tech digital surveillance is also going to require some new thinking.

Along those lines, I'll make a quick plug for a bill that I've introduced along with a Republican congressman from Utah named Jason Chaffetz that we call the GPS Act. This bill would establish new rules for the use of location-tracking technology. Specifically, it would say that if the government wants to get an individual's location information from a private company, the government needs to show probable cause and get a warrant or emergency authorization. It would permit private companies to obtain and share their customers' location information with the customers' consent in the normal course of business, but

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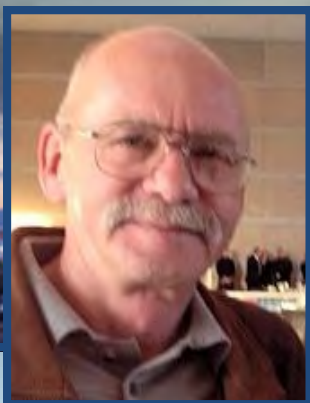
... it would prohibit private individuals from using tracking technologies if this consent is not given.

For example, right now if a woman's ex-boyfriend secretly taps her phone, he is breaking the law. Our bill would also make it a crime to hack her smartphone and track her every move. And I believe that will help a lot of domestic violence victims in particular rest easier.

... I hope this provides insight for how Americans can have both innovation and privacy in the digital era. Together we're going to have to construct and build out a new legal

framework that demonstrates privacy and innovation are not mutually exclusive. This new framework isn't going to be built in a day, and this outdated doctrine about people waiving their privacy rights when they share personal information with private companies isn't going to be overturned overnight. It's going to take some time, and it's going to take a lot of work by a lot of people...let's begin that heavy lifting now." ♦♦♦

*We are grateful to our Intellenet colleagues who have supported ISPLA's mission. We welcome prospective new members. Please go to [www.ispla.org/](http://www.ispla.org/) and join today! Thank you!*



*By George Michael Newman*

## Infused with Complementary Ideas

I am, candidly, rather excited about the line-up which is evolving for our conference in Las Vegas, April 29-May 1, 2015, including the pre-conference seminar on April 28, at the New York New York Hotel and Casino. Almost without me addressing it, those with whom I am negotiating presentations, scheduling, etc. are buying into the concept, and I quote ...

***“Give me something practical, that I may take from the presentations, walk out the door and promptly and realistically put to use in the real world”***

... and all seemed to be infused with complementary ideas. A majority of the presenters thus far are Intellenet members and we hope to have more. Our venue is a favored one by many, and promises an exciting time. Please go to our [web site](#), where you can book your hotel room now, and we will post soon registration and conference program information. I look forward to seeing you there!

