



INTELNET *News*

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Spring 2016



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Peter's Posting

by
Peter Psarouthakis
Executive Director, Intellenet



*Dear Intellenet Members:
Toronto is just around the corner ...*

We are just a couple weeks away from our annual conference in Toronto, Canada. This year's conference will once again be highlighted by an extraordinary line up of educational topics and speakers. A big thank you to George Michael Newman for putting together our education program this year. Toronto is a wonderful city on the water with a vast amount of things to do during the off hours of the conference. The city has great restaurants, theaters and all types of entertainment that will fulfill every attendees requirements for a grand time while at the conference. I encourage you to [click here](#) to see for yourself some of the things Toronto has to offer and make plans with your fellow conference goers

As you have seen on the association listserv, Intellenet has been active in helping individual members obtain billable hours opportunities that benefit the overall membership. The most recent initiative comes from member Kevin McClain. His program called READI RESPONSE has garnered

a lot of response from the membership already. If you are interested in finding out more about this program I encourage you to go to the following website and contact Kevin directly: www.readiresponseteam.com

If you are speaking with a potential client and would like help in marketing them by using Intellenet as a benefit, do not hesitate to contact me. Once a member makes contact with us we have a group of experienced people that will brain storm and help as best we can. We also have sample proposals that members have used in the past that can be tailored to your individual needs. By working together as an association we have the ability to help you increase your odds of obtaining that big client. If you have any questions do not hesitate to contact me.

"... It is a wonderful city on the water with a vast amount of things to do, and our education program is once again outstanding.

Complete details on our [website](#).

See you there!"

Toronto will be another great conference to network, learn, make new friends and rekindle old friendships. I look forward to seeing many of you there. I wish everyone a very good and prosperous spring and summer.

As always, you can reach me by phone at (734) 320-9240, or by email at peter@ewiassociates.com.



Member News

Welcome New Members !

Fernando ALVAREZ — Miami, Beverly Hills, Havana

Russ BUBAS — Canton, MA

John CORRONA — Vincennes, IN

Lisa EDRICH — Ft. Worth, TX

Leroy EVERHART — Winston-Salem, NC

John GASPAS — Daytona Beach, FL

John HENDERSON — Evergreen, CO

Tom HOWARD — Newbury, MA

Wendy KLEINKNECHT — Westport, CT

Gautam KUMAR — Mumbai, India

Jeff LUTHER — Vero Beach, FL

Samjim MWANYASI — Nairobi, Kenya

James NANOS — North Wildwood, NJ

Scott REBEIN — Rockville, MD

Tom SANTAGUIDA — Brunswick, ME

Darren SHELMEERDINE — Manchester, UK

Jennifer SIROIS — Ocean Grove, NJ

Jim TOTH — Ft. Lauderdale, FL

Mike TUMINARO — South China & ME

Emmanuelle WELCH — Brooklyn, NY

Ronald WHITE — Birmingham, AL

These are our new members since we last published. We can update our membership listings on the web and in the Briefcase Roster, by sending info to intellenet@intellenetwork.org.



“We hope you renewed your U.S. passport before the rush.”

Phil Johnson sent us a reminder of a news

item from earlier this year about renewing U.S. Passports. **Phil and Yin** shared the story on their Facebook, LinkedIn and Twitter feeds and received thousands of views. The U.S. State Department is expecting a rush on passport renewals this year, because millions are set to expire soon.

The story was first reported in the New York Times. You can find the story on the [Fox News](#) web site.

Many travelers when renewing are using state driver licenses that do not meet the new [REAL ID](#) requirements, which slows down the renewal process. Although airports are accepting the older versions of driver licenses until 2018, the State Department is not.

Speaking of a license ... License plate that is ...

Also earlier this year, Intellenet member **Rich Robertson** was interviewed for a story run by Fox Channel 10 news in Phoenix, Arizona regarding the use of license plate readers. If you get the opportunity, watch the video at <http://tinyurl.com/zxunshy>. The use of license plate readers may be a topic of discussion in state legislatures when it is considered a violation of privacy, which happened in California when readers were first introduced. Cooler heads prevailed and the legislature recognized license plate reader reports as information on the whereabouts of a vehicle on “public or public accessible property,” thanks to the efforts of the California Association of Licensed Investigators. **Rich** is a private investigator with R3 investigations in Mesa, AZ. "It's just one of the tools in the toolbox that investigators use to try and locate witnesses ..." said **Rich**, noting that the databases are only accessible by licensed professionals and provide no personal information.

Also, congratulations are due to Rich for his appointment to the Arizona Private Investigator and Security Guard Licensing Board. Rich will be a presenter at the Toronto conference.



Member News continues on next page ...



LPDAM's 25th Anniversary Celebration & Conference

Intellenet member and Licensed Private Detectives of Massachusetts (LPDAM) President **William Connors** is proud to announce that the LPDAM will hold its 25th Anniversary Celebration & Conference on September 16-17, 2016 at the Hampton Inn Conference Center, 319 Speen St., Natick, MA. The conference program features two days devoted to educating private investigators, law enforcement, attorneys, paralegals, investigative reporters, and those wishing to learn more about investigations. The conference will feature a collection of talented local and national speakers. We traditionally anticipate between 100 and 150 attendees for this event. Each participant is a professional who devotes a major portion of his or her practice and business to investigative matters.

Confirmed sponsors as of this time are: Intellenet, PI Magazine and the Campbell Group, more to come in the summer issue of *Intellenet News*. Speakers subject to final confirmation include: Intellenet members **Kitty Haley**, **Jeff Stein**, **Jimmie Mesis** and **Bruce Hulme**; Rick McMaster, Fox TV25 investigative reporter Bob Ward, Attorney Steve Lander, John Hoda and Attorney Eric Osterberg.

Hotel room rates for this event have been deeply discounted at \$119.00 per night. This rate will be available until August 30, 2016. For overnight accommodations, please call the Hampton Inn at 508-653-5000 (mention the LPDAM Conference).

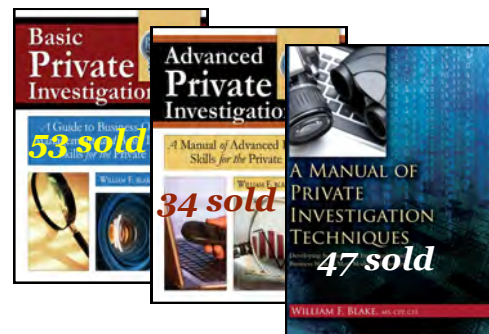
Look for more information in the *Intellenet News* summer newsletter or check out www.lpdam.org.



The Florida Association of Private Investigators (FAP) has announced that their annual training and litigation seminar will be held Sept. 21-25 at the Hilton Hotel in Altamonte Springs, Florida. The theme of this year's conference is International Investigations. To that end, **Harvey Morse** (Chair), is bringing in guest speakers from Asia, Mexico, Canada, the Middle East, South America and other locations regarding what can and cannot be done by the private sector in those geographical areas. There will also be training in medical investigations, an ethics course and other events. **Harvey** is pleased to announce that the Keynote Speaker this year will be Chief Jarrod Burguan of the San Bernardino Police Department, who will address the attendees on the terrorist attack in his city. Reservations can be made now at: www.myfapi.org. Typically, many **Intelleneter's** and **BAI's** are in attendance!

The Intellenet books continue to sell, with royalties attached ...

In February, Intellenet received a royalty check from Charles C. Thomas, Publisher for the most recent sales of the three books edited by **Bill Blake**, with contributing authors from the Intellenet ranks. According to **Ex. Dir. Emeritus Jim Carino**, the latest number of total sales are shown in the attached graphic. Jim thanks the authors and sends special recognition to **Bill** for marshaling these great reference books to publication.



Member News continues on next page ...

Intellenet Member Kevin McClain Announces ...



Get **READI** to Jumpstart Your Business!!

The **READI** Response Team is Looking for Intellenet Partners Nationwide

Join the only nationwide network of professional investigators that will be offering a rapid response to major incidents (accidents, slip /trip and falls, and risk management related issues) through a nationwide network of investigators connected through the patented pending technology of the **READI** Response Mobile App! Clients are ready to join the network we need investigators to be **READI!**

With your affiliation in Intellenet the most prestigious intelligence association in the world you are granted waiver from the fees for training, vetting and background requirements.

Successful candidates / agencies must possess the following:

- Excellent communication, both written and verbal, trial testimony experience is a plus;
- Excellent computer, smart phone and organizational skills with the ability to work independently;
- Flexible in work schedules, availability and willingness to accept assignments on a rush basis;
- Ability to work nights, weekends and holidays. When incidents happen we are first with boots on the ground;
- All candidates must have fully insured vehicle, proof of liability insurance, and proof of investigator license (states that require). Smartphone (I-Phone or Android) or I-Pad or Tablet compatible with operating system;
- We are also looking for specialist in accident reconstruction, security premise negligence, slip/trip and falls, claims, risk management, OSINT / internet / social media research, surveillance, executive protection, workplace violence, and background investigations.

THIS REVOLUTIONARY NEW CONCEPT IN INVESTIGATIONS IS SET TO LAUNCH SUMMER 2016!!

PRE- LAUNCH OFFER! THE FIRST 500 INVESTIGATORS WHO SIGN UP WILL RECEIVE:

1. REDUCED SUBSCRIPTION FEE 30% OFF! 100% GURANTEED RETURN OF YOUR SUBSCRIPTION FEE. IF YOU DON'T MAKE BACK THE INITIAL COST OF YOUR YEARLY SUBSCRIPTION BY THE END OF THE FIRST YEAR WE WILL REFUND THE DIFFERENCE! NO QUESTIONS ASKED! **THIS IS A LIMITED TIME OFFER FOR THE FIRST 500 AT \$349! LESS THAN \$30 PER MONTH! STANDARD SUBSCRIPTION RATE IS \$499 YEARLY.**
2. WAIVER OF TRAINING FEES: \$99 VALUE!
3. **SIGN UP NOW!** SAVE OVER \$249 OFF NORMAL RATES!
4. Call 877-532-1152, email: readireponse@gmail.com or visit: www.readireponseteam.com.



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WORLD INVESTIGATORS CONFERENCE

Montgomery, Texas
August 16-19, 2016

Gold Sponsors:



THE PRIVATE INVESTIGATOR AS A SECURITY CONSULTANT

By William F. Blake, CPP CFE

The private investigator has numerous skills that can be employed as a security consultant. The security consultant complements the private investigator's skill as the consultant is a proactive entity that demonstrates to clients that the private investigator is a viable response resource when an incident occurs that threatens the reputation and liability risks of the business.

An example of this relationship is using an impartial private investigator to conduct an internal investigation of a workplace violence issue. It is not in the best interests of any business to use internal resources to conduct an in-house investigation. In-house personnel normally do not have the requisite skills and will be considered prejudice in favor of the business that pays their salaries. Additionally, the security consultant can suggest other billable hours, such as developing appropriate policies and procedures, providing security management training, and conducting risk assessments.

Many businesses do not completely understand the potential civil liability they may encounter in the areas of premises liability and negligent security. Also they do not

normally realize the extent of potential financial judgments and damage to their corporate reputation. The private investigator is in a position to identify potential risks, develop appropriate countermeasures and provide investigative services as needed.

The proactive security management area is a niche area that appears to provide lucrative billable hours at a rate in excess of the normal private investigation hourly rate. One only has to be aware of the civil litigation potential of the recent rash of multiple shootings and hostage situations. In a recent multiple shooting and hostage situation, the shooter started his rampage by firing numerous rifle shots in the parking lot for several minutes before entering the unlocked building. This is a situation where a security consultant could have advised them to lock all exterior door in an incident occurring outside of the building. There will no doubt be some substantial litigation cases alleging negligent security come out of this situation.

The private investigator has numerous skills that can be easily transferred to proactive security management skills at a significant billable hour rate. You should consider expanding your business services as a proactive business partner. ♦♦

Bill Blake owns Blake and Associates, Inc. in Littleton, Colorado. He can be reached as billblake2@aol.com.

Debugging the Death Investigation: Medicolegal Entomology

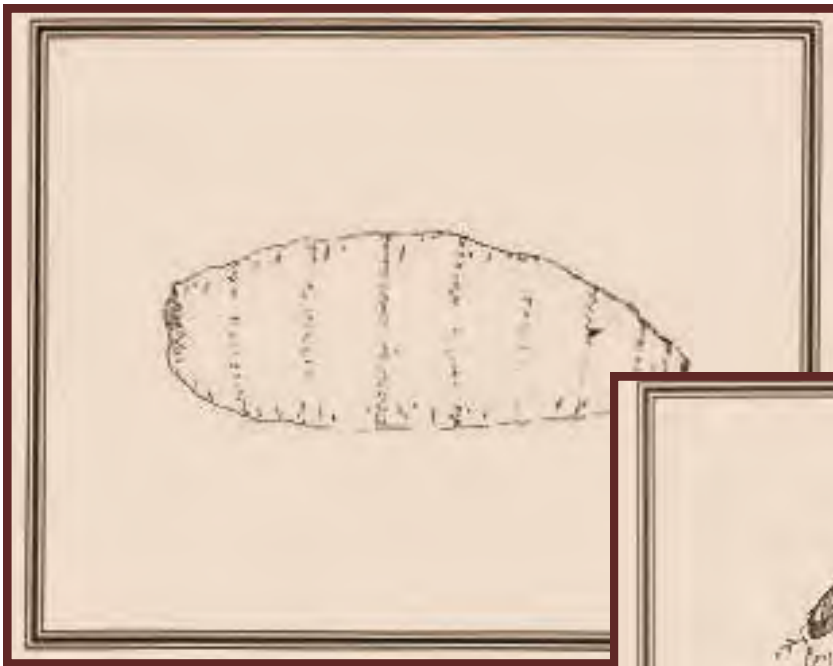
By George Michael Newman

The following article by Intellenet member [George Michael Newman](#) was originally published in *The Legal Investigator*, the periodical of the National Association of Legal Investigators. It is a significantly abridged version of Michael's chapter "Medicocriminal Entomology" as found in the Lawyers & Judges Publishing Company text, *Advanced Forensic Criminal Defense Investigations*, published in 2000.

As will be readily obvious, the article is dated; yet it still stands as a useful elementary primer relative to the art and science of forensic entomology.

Also, the article was scanned from a copy of the NALI journal, published in 1997, which accounts for the appearance of the text, with the exception of breakout boxes and sidebars.

The republication of this article is done with the consent of the author, the illustrator, [Kitty Hailey, CLI](#), and the National Director of the National Association of Legal Investigators, [Don C. Johnson, CLI](#).



Illustrations by Kitty Hailey, CLI

Continued on next page ...

DNA. Blood Spatter. CD ROMs and the Internet: the last decade has generated revolution after revolution in methods of nurturing an investigation from the question to the answer. An additional investigative discipline in rapid evolution is the science of forensic (or medicolegal) entomology, which often has application in both civil and criminal investigations.

In actuality, the "scientific" application of entomology has been around since the beginning of humankind's ability to observe the relativity of things, but like so many facets of life, ignorance and superstition have often obscured reality. Into the 17th century maggots, a valuable entomological contributor in death investigations, were thought to be produced by "spontaneous generation" as a natural constituent of rotting meat. In fact, there are very discernable, successive colonization's of a corpse by a generally predictable series of arthropod species.

What is thought to be the earliest known application of entomology in a death investigation occurred in 1235 AD, when Chinese death investigator Sung Tz'u recorded in his book *The Washing Away of Wrongs* the resolution of a murder by slashing in a Chinese village. An investigator had ordered all villagers to bring their sickles to one location. When flies were attracted to only one of the sickles, because of minuscule remnants of blood or tissue adhering to it, the owner of the sickle subsequently confessed to the murder.

Thus began what is currently called, and utilized as, medicocriminal entomology, or the analysis of insects and their artifacts in criminal investigations. More and more crimes are being resolved based upon the acquisition of entomological evidence.

However, the study of insects is not limited to criminal investigations, but is instead relative in a myriad of instances; deaths by occupational diseases and/or industrial chemical poisons are other examples.

W.D. Lord and J. R. Stevenson, pioneering forensic entomologists, in 1986 segregated the study of insects into three components; urban entomology (legal proceedings involving insects and related animals that affect man-made structures and other aspects of the human environment); stored products entomology (proceedings involving insects infesting stored commodities such as cereals); and, medicolegal or medicocriminal entomology.

An example of a medicocriminal usage of entomology in a non-fatal criminal context was reported in the Winter 1989 issue of *The Prosecutor*, wherein several small children were brought to a hospital with severe diaper rash and other signs of neglect. It was discovered their anal and genital areas were infested with larvae. Samples of the larvae were collected and sent to forensic entomologists for evaluation and it was determined that the maggots had been in the children's diapers for four-to-five days, indicating it had been at least that long since the diapers were changed. This evidence was then used in hearings regarding the children.

The examination of invertebrate fauna, or the lack thereof, is being utilized ever more frequently by law enforcement with regard to post-mortem interval (time of death) calculations, the location of death and whether or not a body has been moved from the original death site and cause of death and/or contributing factors (such as chemical causations and ingested drug quantities and types).

Insects rapidly discover a corpse. Blowflies detect death within minutes because of their propensity to lay their eggs on dead or dying tissue. The eggs become maggots, the maggots become puparia which evolve to adult flies. Because flies pick specific times and locations as to when and where they lay their eggs, their life cycles provide timeframes that may be utilized to calculate the time of death. Additionally, each type of arthropod (invertebrates with jointed appendages, exoskeletons consisting of chitin and protein, and an open circulatory system) which follows, including beetles and other insects, generally arrives in a loose sequence and has a systematic lifecycle.

Furthermore, various types of insects inhabit different environments, and all of this allows the presence or absence of certain insects and examination of their developmental stages to address time and location of death.

Additionally, many chemicals, including certain com-

monly abused drugs such as cocaine and morphine, can be identified and even quantified in maggots, a science commonly referred to as entomotoxicology. Studies are now being conducted which allow DNA typing of materials taken from entomological specimens.

Obviously, entomology contributes to criminal investigations. However, similar to evaluations of DNA and blood spatter evidence, while the basic scientific tenets are sound, the collection and evaluation of evidence and the assessments or conclusions derived from the evidence can be subjective.

Entomological evidence may be deemed accurate only in cases where representative specimens are identified, properly collected, preserved and analyzed. In many cases this may involve duplicating the scene environment and actually rearing, harvesting, studying and analyzing the lifecycles of the specimens found.

Larvae hatched from the eggs are often soft-bodied, such as maggots or grubs. As the larva grow they generally molt (shed their skins) to accommodate the growth. The number of molts varies among insect groups. The final stage, pupation, results in the larva surrounding itself with a hardened outer skin within which it undergoes its pre-adult development, and from which it subsequently emerges in adult form – for example, as a fly or beetle.

When blowflies (of the fly family Calliphoridae) arrive at a corpse they may begin to lay eggs immediately, perhaps after feeding on the protein in exuding fluids. Optimal sites are open wounds and natural body openings which provide moist and humid cavities. The location and number of eggs laid may depend upon species and climatic conditions, with warmer conditions allowing for more eggs.

Eggs hatch, becoming larvae (maggots), and secrete enzymes and spread bacteria, breaking down tissue, which they then consume. The larvae become full grown, de-

“... the study of insects is not limited to criminal investigations, but is instead relative to in a myriad of instances; deaths by occupational diseases and/or industrial chemical poisons are other examples.”

Entomological specimens are more often routinely being gathered and evaluated in death-involved cases by law enforcement, coroners and medical examiners, and because the science itself is rapidly evolving, it is logical to presume that cases with such evidence will be encountered by private death investigators in not only criminal cases, but also tort issues, insurance claims and a multitude of matters. An awareness of the complex ecology of the decaying process along with the important role insects play in decomposition, coupled with the collection of representative specimens and field data might well determine the outcome of many of these cases.

Several species of insects utilize a corpse as a food source and nesting site. Two of the most common insect groups to do so are flies (Diptera) and beetles (Coleoptera), which evolve through four distinct stages in their lifecycles: egg, larva, pupa and adult.

pendent upon species and weather, in a timeframe of days to weeks. Upon completion of the third larval instar, the larvae crawl off the corpse, burrow into the soil and pupate, eventually emerging as adults.

Because the ecology of various blowflies differs, the presence/absence of various types will contribute to time of death calculations, as well as whether a body may have been moved. A blue blowfly is generally a cooler part of the year fly while the bronze blowfly is found during warmer seasons. A green blowfly will be found in open bright habitats while a black blowfly inhabits shaded areas. Therefore, a body found in the autumn with bronze blowfly artifacts present might be discovered to have died earlier in the year during the warmer season. A corpse found in an open, sunlit field with black blowfly artifacts might have been dumped there after having initially lain in a shaded, cooler area.

As an example of the evolutionary process of flies, the cycle of a black blowfly would begin with the female laying eggs on dead/dying flesh. Assuming an air temperature of 80 degrees, the first (feeding) larvae (maggots) would emerge in about sixteen hours. The second stage of larvae develops about eighteen hours after the first emerges, and the third develops about eleven hours later. The post-feeding larva develops roughly thirty-six hours later, resulting in a puparium (shell/casing) developing an additional eighty-four hours later, or about one week after the eggs were laid.

In six more days the adult fly emerges from the puparium.

Should a body be found with a single generation of black blowfly larvae on a corpse in the post-feeding larval stage it could be presumed the person had died between eighty-one and one hundred sixty-five hours previous.

Since puparium darken as they age/develop, if specimens slice of the original cadaver) and their coloring compared, timeframes often can be narrowed.

Careful evaluation of the characteristics of the stages of insect development when a body is found, in conjunction with known information about the weather/temperature conditions the body/scene was exposed to and the cycle of development of the particular insects therefore provides a basis for evaluating factors involved with the death.

While the thrust of such evidence is of keen interest to police and prosecutors, it may serve a defendant equally well. In a murder case in San Diego County some years ago, the defendant who had shot a known, heavy drug user/dealer claimed it was self-defense because the man was under the influence of cocaine and attacking him. In panic, he had dumped the body in the backcountry, on Old Highway 94. The body was recovered weeks later,

in an advanced stage of decomposition. A deputy sheriff had had the acumen to harvest flora and fauna from on, around and under the body.

The defendant's failure to pick up the phone and report shooting the man, his dumping of the body and later lying to the police about the incident eroded his claim of self-defense.

There had been no witnesses to the shooting and therefore was nothing to bolster the defendant's claim that the heavily drugged assailant attacked him. It would have been logical to submit the entomological evidence for testing, if it had revealed a significant concentration of cocaine, this would have supported the defendant's story in light of statements from many people who reported that the victim was prone to violence when high. Advised of our intent to test the entomological artifacts for this purpose, a surprised prosecutor made an offer more appropriate to the defendant's crime. The defendant took the offer, saving a contentious, expensive trial.

References:

Entomology & Death - A Procedural Guide, edited by E. Paul Carr & Neal H. Haskell. Published by Joyce's Print Shop, Inc., P.O. Drawer 1606, Clemson, South Carolina, 29633. Library of Congress Cataloging-in-Publication Data. Catalog Card No. 90-064369. ISBN 0-9628696-0-0.

A Manual of Forensic Entomology, Kenneth G. V. Smith. Published by the British Museum (National History) & Cornell University Press, Library of Congress Cataloging-in-Publication Data; Smith, Kenneth G.V.; ISBN 0-8014-1927-1.

Medicolegal Investigation of Death, Spitz & Fisher. Published by Charles C. Thomas, Thomas Books, 2600 South First Street, Springfield, Illinois, 62794-9265. Library of Congress Cataloging-in-Publication Data, Card Catalog No. 92-49773; ISBN 0-398-05818-0.

Crucures in Crime. Nature Video Library, Thirteen/WNET & BBC - TV.

Web of Clues. The New Detectives--Case Studies in Forensic Science, The Discovery Channel, 5/97.

Author's Note: Thank you to Peter A. LaScala, Entomologist, for reviewing this article.

Investigative Resources for the Legal Investigator

By George Michael Newman

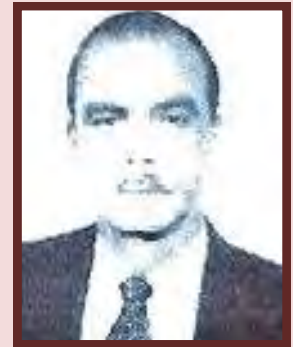
1. Perhaps one of the greatest resources available to a field investigator, or an investigator reviewing entomological evidence and related procedural processes or questions, is the reference listed at the end of the above article, *Entomology & Death—A Procedural Guide*. In addition to providing twenty-six case histories on the use of insects to resolve cases, it is replete with procedures and check lists, forms, and step by

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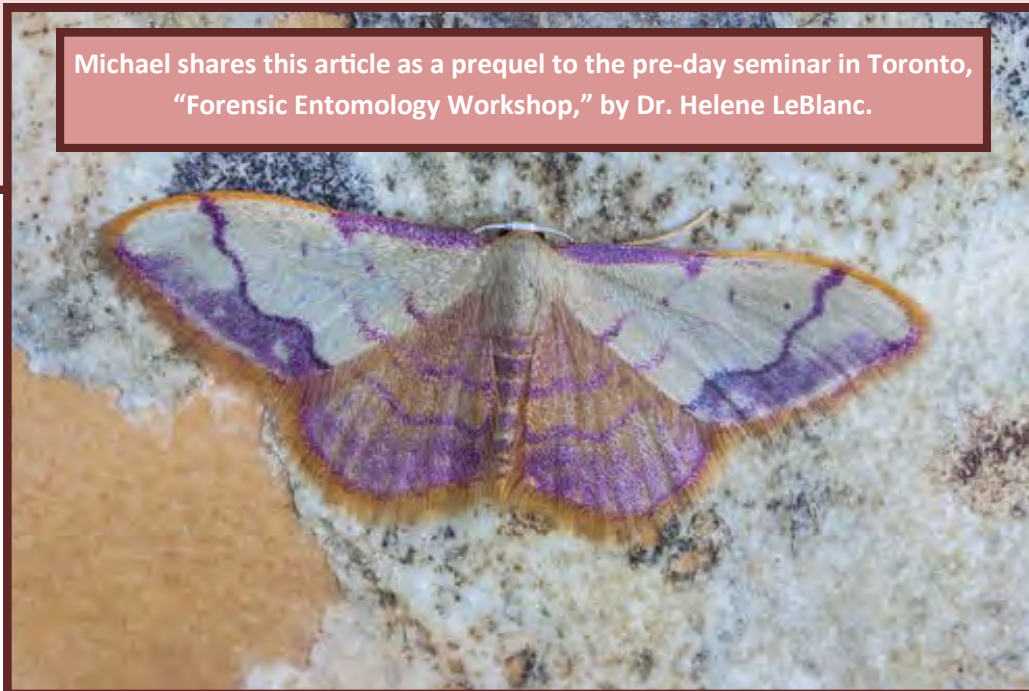
step “how to’s.”

2. In any instance wherein entomological evidence is to be presented, it behooves investigators and attorneys to have detailed knowledge of the death scene and any other known factors related to the incident, to include the security of the scene and evidence, the investigative procedures utilized at the death scene and the methods utilized in the retrieval of evidence. Further, additional collection of evidence at autopsy is an important part of the evidentiary chain.
3. “Disappearing evidence” is a factor with regard to entomological investigations, owing to the fact that the live insects themselves, or their remnants, are temporary, transient or unstable. Beetles and maggots beneath a corpse may bury themselves quickly when a body is removed, some may scurry, hop or fly away and still others may be misidentified. Post-feeding maggot larvae and/or their molted shells are often misidentified as rodent droppings due to their shape and color.
4. To learn more about forensic entomology, or to locate experts in the field, the Internet offers a panoramic selection of additional articles, education and listings of experts, to include:
 - A. The Forensic Entomology Home Page (www.forensicentomology.com/links.htm)
 - B. Forensic Entomology Information Resources (www.all-about-forensic-science.com/forensic-entomology.html)
 - C. The American Board of Forensic Entomology (www.forensicentomologist.org)

George Michael Newman, CFE, CCDI, CIP is the owner and executive director of Tactical Investigative Services in San Diego, CA. At the time of this article, Michael had conducted over 1,000 murder investigations, including 21 death penalty cases. He is past president of the California Institute for Professional Investigators and the San Diego County Investigators Association. He can be reached at 619.231.0933, or tacticalgm@sbglobal.net.



Michael shares this article as a prequel to the pre-day seminar in Toronto, “Forensic Entomology Workshop,” by Dr. Helene LeBlanc.





ISPLA News for INTELLENET

By

Bruce Hulme H. Hulme, CFE, BAI
ISPLA Director of Government Affairs

ISPLA's bipartisan political action committee, formed in 2009, created a mechanism for individuals and professional associations to participate in lobbying and to financially support qualified political candidates for office.

ISPLA has a memorandum of understanding with INTELLENET to provide its membership with government relations services which includes allowing ISPLA and its political action committee to solicit membership and donations. That memorandum reads:

"ISPLA will be retained to independently handle legislative and regulatory monitoring, government affairs, advocacy programs, and report on significant proposals, acts, treaties, agency and commission rulings, court decisions and laws which may affect INTELLENET members and the private investigations profession and the security industry.... ISPLA will have authority to conduct political action activity of INTELLENET members through ISPLA-PAC and through its government relations work on behalf of INTELLENET, to seek periodic voluntary individual contributions from INTELLENET members to fund to its non-partisan ISPLA-PAC, and to utilize INTELLENET's resources, in compliance with Federal Election Law and/or to periodically seek voluntary contributions or assessments authorized by the INTELLENET board, should such be enacted, from business and corporate members of INTELLENET to fund ISPLA's operating expenses in

compliance with rulings and provisions of the Federal Election Commission."

As both ISPLA's Government Affairs Director and INTELLENET's Legislative Liaison Board member, I urge you to read the letter on the next page from Al Cavasin, ISPLA's Executive Committee Chairman and to please donate to the ISPLA-PAC.

U.S. Supreme Court Orders Massachusetts to Review Ban on Stun Guns

Massachusetts is one of the few states prohibiting possession of stun guns. That state's Supreme Judicial Court had upheld the ban contending the Second Amendment's right to bear arms does not extend to stun guns. On March 21, the U.S. Supreme Court said "the explanation the Massachusetts court offered for upholding the law contradicts this court's precedent." They were referring to the U.S. Supreme Court's 2008 5-4 ruling in *District of Columbia v. Heller* that struck down Washington, D.C.'s handgun ban and said the Constitution guarantees the right to a gun, at least for self-defense at home. Now the eight justices, with no dissent, issued an unsigned opinion in favor of Jaime Caetano, who had been convicted of violating that state's anti-stun gun law. She claimed to have kept a stun gun in her purse for self-defense against an abusive former boyfriend. Massachusetts' highest court had ruled that state's ban on the possession of stun guns does not violate the Second Amendment to the U.S. Constitution.

The *Heller* decision was written by the late Justice Antonin Scalia, with four liberal justices in dissent. The Supreme Court has refused repeated pleas to spell out

ISPLA News continues on page 14...

A Message from ISPLA's Executive Committee Chairman, Al Cavasin, to ISPLA Members

Troops: Periodically, I find myself in the unenviable position of a "fundraiser." This is one of those times.

Investigative and Security Professionals for Legislative Action exists for one purpose and one only -- to influence legislation for the good of the industries. To accomplish that, we have exactly two tools in the shed; and they are equally important. First, is our PAC, which gets us a seat at the table where legislation is written -- and rules and regulations are promulgated. It opens the doors, ears, and minds of our legislators and establishes our brand. It was the primary driver in our founding. Without it, at best we are crippled.

Over the years our PAC has collected thousands of dollars, which we have used both judiciously and wisely. I am proud to report that EVERY PENNY has been contributed to winning legislators. Every Penny. While that is a laudable achievement, it would be foolhardy to think the job is done, that we can now rest on our laurels and all will be well. This is an election year, and not just any election year, but a Presidential election year which consistently produces the greatest amount of legislative activity. If we are to engage in this process, we need to be ready, and, at present, we aren't.

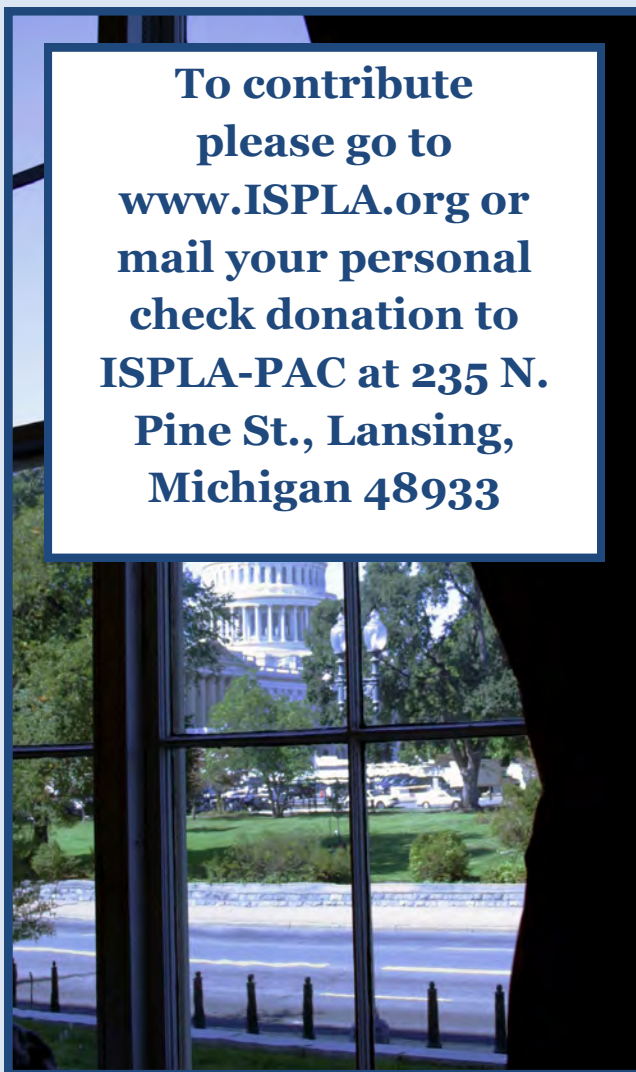
Today, our PAC funding is at its lowest level in our history, and I am writing this both in the hope -- and in the expectation -- that you will all help me remedy that. It is critical that we fund our PAC! For the work we have at hand, ***we need to raise \$8,000.00 over the next six months!*** Because it is necessary to lead from the front, I am going to kick off these donations with my personal contribution of \$130.00. That represents one hour of my investigations billing - or - one dollar for each of our security officers when I managed Great Northern. I always found that a good formula to use in these matters.

I respectfully request that each of you examine your own consciences and determine what you can contribute to our efforts. Since this is a PAC donation, it **MUST** be in personal funds -- either checks, Pay Pal or credit cards. We cannot accept corporate contributions.

Because The Only Thing That Could Possibly Be Worse ... than having to ask for money - is not asking at all and leaving your association crippled at the hour of greatest opportunity.

So please be generous, and thank you for your continued support! ♦♦♦

**To contribute
please go to
www.ISPLA.org or
mail your personal
check donation to
ISPLA-PAC at 235 N.
Pine St., Lansing,
Michigan 48933**



Continued from page 12 ...

the extent of gun rights in the United States, even prompting Scalia and Justice Clarence Thomas to vent their frustration this past December when their colleagues refused to hear an appeal over local assault weapon bans. Since Judge Scalia's death in February there is no way to know at this point whether his death affected the outcome or at least the court's approach in the Massachusetts case. This unsigned opinion was the first time the court's liberals had cited the Heller case approvingly. With gun

rights advocates voicing concern that Scalia's replacement may provide a fifth vote to overturn the Heller decision, some court watchers think that the liberal justices may have wanted to signal that they are not eager to overturn Heller. In any event, the court's actions until now have shown that the Heller case has not

proven to be a major impediment to effective gun control law. However, Justice Samuel Alito, joined by Thomas, wrote separately to criticize the state court ruling in blunt terms. Alito called Monday's ruling "grudging" and noted that the state court would now have another chance to rule against Caetano.

Above the law? New Jersey State Senator Seeks Law Allowing Legislators and Judges to Carry Handguns

Meanwhile, in a move likely to rankle advocates on both sides of the gun rights debate, a long-time New Jersey state lawmaker is seeking to make it legal for legislators and judges in that state to carry handguns. In a measure recently introduced by state Senator Gerald Cardinale (R-Bergen), the 120 members of the New Jersey Legislature and the hundreds of judges at the state's superior and municipal court levels would be allowed to obtain carry permits if they complete at least eight hours of firearms training. It is not

The law would exempt judges from a "justifiable need" rule...



clear if members of the state Supreme Court would also be included.

Cardinale, a member of that state's legislature since 1980, has frequently fought to loosen New Jersey's famously tight gun control laws. He states that lawmakers and judges face a greater risk of being attacked than most citizens.

"This measure will ensure that public servants have the means to protect themselves from those who might violently disagree with their viewpoints or decisions," he said in a statement. "A judge should feel safe return-

ing home each night no matter how they ruled or what they ruled on that day."

New Jersey is frequently cited as the state with the second-strictest gun control laws in the U.S., after New York. New Jersey currently requires applicants seeking a permit to carry a hand gun show a "justifiable need" to pro-

tect themselves and that the danger to their life cannot be avoided by means other than the firearm.

Cardinale's bill (S1982), if passed, would make lawmakers and judges exempt from the "justifiable need" rule. However, they would be required to show they were trained and do not have any disabilities that would exclude them under the current law. This bill was recently commented upon by Brent Johnson of NJ Advanced Media in NJ.com and provided to ISPLA by *Stateline Daily* of The Pew Charitable Trusts.

Alexander Roubian, president of the New Jersey Second Amendment Society, a gun rights group, is against Cardinale's proposal, saying he's "dumbfounded and insulted by the senator's logic. New Jersey legislators truly operate as a fiefdom Their mentality of 'good for thee but not for me' radiates in this proposed bill. Why are the politicians and judges more important than regular citizens?"

ISPLA News continues on next page...

CFPB Takes Action Against Two of the Largest Employment Background Screening Report Providers for Serious Inaccuracies: General Information Services and Affiliate e-Background-Checks.com, Inc. failed to verify the accuracy of consumer reports sold to employers about job applicants

Last fall, the Consumer Financial Protection Bureau (CFPB) took action against two of the largest employment background screening report providers for failing to take basic steps to assure the information reported about job applicants was accurate. The serious inaccuracies reported by General Information Services and its affiliate, e-Background-checks.com, Inc. (BGC), potentially affected consumers' eligibility for employment and caused reputational harm. The CFPB is ordering the companies to correct their practices, provide \$10.5 million in relief to harmed consumers, and pay a \$2.5 million civil penalty. We bring this to your attention to let you know that this action by the CFPB may very well become redundant of the authority often exercised by the Federal Trade Commission against information brokers and to a lesser extent private investigators. Members of INTELNET conducting employment background investigations should pay attention to this development.

"General Information Services and its affiliate failed to take basic steps to provide accurate background screening reports to employers about job applicants," said CFPB Director Richard Cordray. "Today, (Oct. 29, 2015) we are holding two of the largest companies in this market accountable for cleaning up the quality of their reports."

GIS and its affiliate, BGC, collectively generate and sell more than 10 million consumer reports about job appli-

cants each year to prospective employers. These consumer reports include criminal history information and civil records, among other types of data. Employers use the consumer reports to determine hiring eligibility of applicants and make other types of employment decisions. The companies are two of the largest background screening report providers in the United States. GIS is headquartered in Chapin, S.C., and BGC is headquartered in Dallas, Texas.

The CFPB found that GIS and BGC violated the Fair Credit Reporting Act by, among other things, failing to employ

reasonable procedures to assure the maximum possible accuracy of the information contained in reports provided to consumers' potential employers. Specifically, the CFPB found that the companies violated the law by:

- **Failing to take basic steps to assure accuracy:** The CFPB found that the companies failed to use basic procedures for matching public records information to the correct consumer. For example, the Bureau found that GIS did not require employers to provide consumers' middle names, and neither company had a written

policy for researching consumers with common names. The Bureau also found that GIS failed to use an audit process to adequately test the accuracy of the reports provided. The Bureau found that, between 2010 and 2014, nearly 70 percent of criminal history disputes consumers filed with GIS resulted in some change or correction to the information in the consumer's background report. As a result, the companies provided prospective employers with inaccurate reports that included criminal records attached to the wrong consumers, dismissed and expunged records, and misdemeanors reported as felony convictions. These inaccuracies can result in the denial of employment, missed economic opportunity, and reputational harm to otherwise qualified applicants.

- **Including impermissible information in consumer reports:** The CFPB also found that the companies unlawfully included certain information in consumer reports they



INVESTIGATIVE AND SECURITY PROFESSIONALS SHOULD TAKE NOTE OF CFPB'S SANCTIONS FOR IMPROPERLY CONDUCTING EMPLOYMENT BACKGROUND CHECKS.

provided to prospective employers. Specifically, the CFPB found that GIS and BCG failed to take measures to prevent non-reportable civil suit and civil judgment information older than seven years from being illegally included in its reports.

Enforcement Action ...

Pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act, the CFPB has the authority to take action against institutions or individuals engaging in unfair, deceptive, or abusive acts or practices or who otherwise violate federal consumer financial laws.

Under the terms of the CFPB order released today, the companies are required to:

- **Provide \$10.5 million in relief to harmed consumers:** The companies must identify consumers negatively affected by their conduct and provide monetary relief. The companies will pay approximately \$1,000 to each affected consumer.

- **Revise their compliance procedures:** The companies will revise procedures to assure reporting accuracy. These procedures include using algorithms to distinguish records by middle name and match common names and nicknames, using consumer dispute data to determine the root causes of errors, and using software to identify and reconcile discrepancies.

- **Retain an independent consultant:** The companies will hire an independent consultant to review and assess the companies' policies, procedures, staffing levels, and systems. The consultant will also recommend changes and improvements where necessary.

- **Develop a comprehensive audit program:** To test the accuracy, integrity, and completeness of the public-record information sourced to generate the companies' background reports, the company will develop a written audit program. The audit program will be implemented at a frequency necessary to reliably test the accuracy of the companies' background reports. At least twice a year, the companies will evaluate and adjust the audit program in light of the results and any material changes to the companies' operations.



- **Pay a civil monetary penalty of \$2.5 million:** Collectively, the companies will pay a \$2.5 million penalty for their illegal actions.

The 24-page consent order is available at: http://files.consumerfinance.gov/f/201510_cfpb_consent-order_general-information-service-inc.pdf.

Data Broker Defendants Settle FTC Charges They Sold Personal Information to Scammers: Court also enters \$4.1M default judgment against additional defendant

This is a follow-up to a prior ISPLA post. A group of defendants have settled Federal Trade Commission charges that they knowingly provided scammers with hundreds of thousands of consumers' sensitive personal information – including Social Security and bank account numbers.

The proposed federal court orders prohibit [John Ayers](#), [LeapLab](#) and [Leads Company](#) from selling or transferring sensitive personal information about consumers to third parties. The defendants will also be prohibited from misleading consumers about the terms of a loan offer or the likelihood of getting a loan. In addition, the settlements require the defendants to destroy any consumer data in their possession within 30 days.

The orders include a \$5.7 million monetary judgment, which is suspended based on the defendants sworn inability to pay. In addition to the settlement orders, the court entered an unsuspended \$4.1 million [default judgment with similar prohibitions against SiteSearch](#), the remaining defendant in the case.

“LeapLab purchased sensitive information, including Social Security and bank account numbers, from pay-day-loan websites, and then sold that information to entities it knew had no legitimate need for it,” said Jessica Rich, Director of the FTC’s Bureau of Consumer Protection. “That allowed scammers to steal millions of dollars from people’s accounts.”

In its [complaint, the FTC alleged that the defendants collected hundreds of thousands of loan applications](#) submitted by financially strapped consumers to payday loan sites. Each application contained the consumer's name, address, phone number, employer, Social Security number, and bank account number, including the bank routing number.

The defendants sold 95 percent of these sensitive applications for approximately \$0.50 each to non-lenders that did not use the information to assist consumers in obtaining a payday loan or other extension of credit and had no legitimate need for this financial information. In fact, at least one of those marketers, [Ideal Financial Solutions – a defendant in another FTC case – used the information to withdraw millions of dollars](#) from consumers' accounts without their authorization.

FBI v. Apple

The U. S. Department of Justice abandoned its attempt to force Apple to help it unlock the iPhone used by one of the shooters in the San Bernardino terrorist attack because investigators have found a way in without Apple's assistance, prosecutors wrote in a court filing this date. They indicated they had "accessed the data stored on" the shooter's iPhone and no longer needed Apple's help. They have asked the court to vacate an earlier ruling forcing Apple to provide assistance. This information should be noted by the reader when reviewing the information reported in the following two articles.

The FBI's last-minute decision to pause their legal fight with Apple over the San Bernardino shooter's iPhone is roiling the bureau's critics who accuse it of acting disingenuously. For weeks, critics pressed the FBI on whether it tried hard enough to hack into the device on its own, before it sought a court order to force Apple's assistance. Then on March 21, the FBI unexpectedly asked to cancel the first hearing in the case, saying it may have found a way in without the help of the company's engineers.

According to "The Hill" this eleventh-hour shift has given new ammunition to critics who argue that the agency's

focus was on setting a precedent on encrypted communications, not investigating shooter Syed Rizwan Farook's device. We now find that on March 21 the FBI contracted with Cellebrite USA Corp in the amount of \$15,278.02 to perform services. Speculation is that this firm may be the one to break the password of the subject device.

The FBI Claims Failure To Guess Password Will Make Data 'Permanently Inaccessible,' Which Isn't True ...

According to the *all-in-service-of-future-writs-and-exploitations* department of [TECH DIRT](#)

The FBI's attempt to force Apple to help it break into an iPhone hasn't been [going well](#). A lot of that has to do with the FBI itself, which hasn't exactly been honest in its portrayal of the case. It tried to fight off claims that it was trying to set precedent by claiming it was just about this *one phone*... which worked right up until it dropped details about [twelve other phones](#) it couldn't break into.

Comey's protestations of "no precedent" were [further undermined](#) by

law enforcement groups filing briefs in support of the FBI that basically stated they, too, would like Apple to be forced to comply with orders like these. And then there was the whole thing about some "[dormant cyber pathogen](#)" that was basically laughed off the internet within hours of its appearance.

There were also claims that Apple has done this sort of thing [70 times in the past](#) but was just being inexplicably obstinate *this time* for reasons the FBI could not comprehend. But that wasn't true either. Apple *does* provide law enforcement with access to data it can retrieve from its end -- which is *nothing* like writing software that would allow the FBI (and anyone else who gets their hands on it - or who makes similar demands following an FBI win) to bypass the security features of its phones.

Dan Gillmor of the ACLU has taken another look at the FBI's [motion to compel](#) and [found it has misrepresented how Apple's "auto-erase" \(which occurs after a certain number of failed login attempts\) actually works](#).

The FBI has been unable to make attempts to deter-



mine the passcode to access the SUBJECT DEVICE because Apple has written, or “coded,” its operating systems with a user-enabled “auto-erase function” that would, if enabled, result in the permanent destruction of the required encryption key material after 10 failed attempts at the [sic] entering the correct passcode (meaning that, after 10 failed attempts, the information on the device becomes permanently inaccessible)...

That's not what actually happens, Gillmor points out. All data is not erased once 10 failed attempts are recorded. An agency with as many technically-astute employees -- as well as access to a variety of data recovery and software forensic tools -- should know -- or likely does know -- that it doesn't work this way. The phone doesn't erase all of the data, nor does it make it “permanently inaccessible.” Instead, it just destroys one of the keys to the data.

The key that is erased in this case is called the “file system key”—and (unlike the hardwired “UID” key that we discussed in [our previous blog post](#)) it is not burned into the phone’s processor, but instead merely stored in what Apple calls “Eraseable Storage,” which is just a term for part of the flash memory of the phone designed ...

The data is still intact. The front door isn't. But the FBI can work around this by preventing the key from being destroyed in the first place -- without Apple's help.

So the file system key (which the FBI claims it is scared will be destroyed by the phone’s auto-erase security protection) is stored in the Eraseable Storage on the iPhone in the “NAND” flash memory. All the FBI needs to do to avoid any irreversible auto erase is simple to copy that flash memory (which includes the Eraseable Storage) before it tries 10 passcode attempts. It can then re-try indefinitely, because it can restore the NAND flash memory from

its backup copy.

Even if the FBI fails in its attempts to brute force the code, the data on the phone remains intact. By working with a copy of the flash memory, the FBI can restore the phone to its “10 guesses” state repeatedly until it finally guesses the code.

The FBI can simply remove this chip from the circuit board (“desolder” it), connect it to [a device capable of reading and writing NAND flash](#), and copy all of

its data. It can then replace the chip, and start testing passcodes. If it turns out that the auto-erase feature is on, and the Eraseable Storage gets erased, they can remove the chip, copy the original information back in, and replace it. If they plan to do this many times, they can attach a “test socket” to the circuit board that makes it easy and fast to do this kind of chip swapping.

It's literally unbelievable that the FBI doesn't have access to the tools to perform this or the expertise to get it done. Which leads

Gillmor back to the inescapable conclusion: this isn't about one iPhone or even twelve of them. This is about convincing a judge to read the All Writs Act the way the FBI would like it to be read -- a reading that would not only push the envelope for what it can demand from unrelated parties in the future, but that would also give it software to modify and exploit.

If it gets to that point, device users are going to have to start eyeing software/ firmware updates very suspiciously.

The FBI wants to weaken the ecosystem we all depend on for maintenance of our all-too-vulnerable devices. If they win, future software updates will present users with a troubling dilemma. When we're asked to install a software update, we won't know whether it was compelled by a government agency (foreign or domestic), or whether it truly represents the best engineering our chosen platform has to offer.



This is the end game for the FBI, even though it doesn't appear to realize the gravity of the situation. To it, Apple is the obstacle standing between it and the wealth of information it *imagines* might possibly be on that phone. Even if Apple is forced into compliance and the phone contains nothing of use, it will still have its precedent and its hacking tool and we'll be headed towards a world where patch notes contain warrant canaries.

EXECUTION NATION: A Report of Interest to Criminal Defense Investigators

A record 149 Americans were exonerated in 2015; 58 of them following wrongful convictions in homicide cases. The people to whom justice came last year had spent an average of 14.5 years in prison (imagine how much that cost taxpayers). Police and prosecutorial misconduct, false confessions, and dubious guilty pleas accounted for the vast majority of the cases that resulted in these exonerations. All of these details (and many more and good analysis, too) were included in a February 3, 2016 National Registry of Exonerations' new 2015 annual report. You can read that 30-page report [here](#). It was provided to ISPLA by the Brennan Center for Justice at NYU School of Law. It was compiled by the University of Michigan law School.

How one views this report, however, likely depends in large part upon what kind of person you are. Criminal defense investigators may view a justice system that is broken, along with some judges, lawyers and recently some politicians. There is becoming a sense of urgency to right the many wrongs the system has produced. *"The fact that justice delayed is justice denied doesn't mean that delayed justice doesn't feel great to those who receive it."* reports Andrew Cohen, a fellow at the Brennan Center for Justice. He further states:

"For every American exonerated last year there are five or 10 or 100 innocent people languishing in our prisons for crimes they did not commit, just waiting for good fortune and justice to come to them. These wretched people — and I believe there are tens of thousands of them — may have been wrongly convicted for different reasons but they still are imprisoned for the same reason; a stubborn refusal on the part of officials to admit they got it wrong and do something to make it right."

ISPLA BOARD: Member News Update



ISPLA is pleased to announce that our board member **Richard Horowitz** has joined the board of Genocide Watch, the coordinator of Alliance Against Genocide, comprised of 50 organizations from around the world focused completely on preventing genocide. It was founded in 1999. Genocide Watch is located at George Mason University in Arlington, Virginia. He is also an inactive member of INTELNET and has been a speaker on the subject of ethics at a number of professional seminars of INTELNET, ACFE and Bar associations. He is presently based out of Israel.

Richard will also be the lead-off speaker at The Monaco Wealth Forum in Monte-Carlo. The forum will include a focus on security issues. Also, Carlos Collazo of DuKlaw, a leading expert on cyber security, will also be a presenter on digital security and the importance of cyber defense in wealth protection.

On a similar topic of interest, [click here](#) to an ISPLA posting on pretexting call centers of financial institutions to commit fraud. It is on our website in the "Security Related Topics" section.

One aspect of the Registry's report focuses upon Conviction Integrity Units (CIUs) set up in some jurisdictions to try to ferret out wrongful convictions. Here, too, there is reason to be both optimistic and pessimistic.

"There were 24 CIUs in the United States in 2015, double the number in 2013 and quadruple the number in 2011. A record 58 CIU-exonerations took place in 2015. Overall, CIUs have helped secure 151 exonerations from 2003 through 2015; nearly three-quarters occurred in 2014 and 2015 (109/151)."

Unfortunately, the performance of these CIUs has been highly variable and some have been criticized as mere win-

dow dressing. Nearly half of CIU exonerations come from one office (Harris County, TX) (76/151), and almost 90% (134/151) occurred in four counties. Half of all CIUs have not been involved in any exonerations—and four others worked on one only—including several units that have existed for three to five years. Several CIUs have no contact information that's publicly available on the web or by telephone, including some that have been in operation for years.

The vast majority of state and local justice systems still aren't willing or able to face the truth about wrongful convictions in their midst. Occasionally there will be an order to release a prisoner who happens to get lucky and fortunate to have a dogged attorney (and defense investigator) press an innocence claim in a jurisdiction with a relatively enlightened prosecutor. But any locale without a

Conviction Integrity Unit, or a productive one anyway, is saying loudly and clearly that fixing wrongful convictions is too expensive and embarrassing to be a policy priority.

Wrongful convictions can never be eliminated. They will exist so long as our justice systems are human endeavors. Unfortunately, getting innocent people out of prison quickly is not a priority for most Americans. Most of us are, instead, seemingly comfortable allowing tens of thousands of our fellow citizens to languish in our overcrowded prisons (at our expense) while the real culprits of the crimes for which they were convicted remain free. ♦♦♦

Bruce Hulme, CFE, BAI is ISPLA's Director of Government Affairs. More at ISPLA.org.



ISPLA Special Report

INVASIVE DRONE DOWNING DEMONSTRATION CAPTURES ATTENTION

NATIONAL HARBOR, Maryland (May 11, 2016) — The Battelle **DroneDefender™** is the first man-portable, accurate and easy-to-use system to provide critical security protection against small UAS devices. It uses radio control frequency disruption to safely stop drones in the air before they can pose a threat to military or civilian safety. It is an inexpensive, lightweight point-and-shoot system with a demonstrated range of 400 meters. [Click here to see a simulation of it in action.](#) Presently, the technology is restricted to use by federal authorities under a strict permitting process, but sales thus far are approaching nearly 100 units sold to the U.S. Department of Defense and the U.S. Department of Homeland Security.



DRONEDEFENDER™

Drones will be a key topic of discussion at the [Intellenet Conference in Toronto](#), for the second consecutive year. Last year, **Remi Kalacyan** gave a well received presentation on the subject. This year, **James Nanos** of New Jersey and **James Acevedo** of Toronto, both experts on this subject matter, will be giving their presentation "Welcome to the Drone Revolution, Practical Applications, Emerging Threats and Countermeasures." Several ISPLA board members, who are well-versed on the subject of drones, will also be attending the Toronto conference.

More on Drones • Intellenet Conference • Toronto 2016