



INTELNET *News*

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In this Issue ...

PETER'S POSTING

By Peter Psarouthakis.....2

MEMBER NEWS.....3

THE VALUE OF A PROFESSIONAL WEBSITE

By Bill Blake.....4

READI RESPONSE: Special Report

By Jim Carino.....5

READI RESPONSE: IntelNet Initiative Update

By Kevin McClain.....6

THE ZOO IS JUST AS PRETTY WITHOUT THE ANIMALS

By Caryn Gloyd8

SAFETY, SECURITY & THE PROFESSIONAL

INVESTIGATOR *by Kitty Hailey*.....9

RESEARCHING RECORDS IN MEXICO

By Mike McHenry11

ISPLA REPORT *by Bruce Hulme*..... 14

SECURITY CONSULTING WORKSHOP Photo16

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Peter's Posting

by

Peter Psarouthakis
Executive Director, Intellenet



Dear Intellenet Members:

Our 2017 conference in Colorado was a huge success ...

We are now into spring and I hope that you all are doing well. In Denver in April, our conference attendees had great presentations to learn from and great networking with fellow members from around the globe. Thank you to all those that helped create such a memorable experience. Our 2018 conference will be in beautiful Aruba. Dates and location information will be sent out to the membership very soon so you can start your planning early.

We also were able to provide our first educational scholarships at our conference. Three scholarships were awarded to young people who provided an application and essay for consideration. At the conference in Colorado we had a very successful fundraising auction for the scholarship program. We will have another similar auction for this program in Aruba. Details to apply for scholarships will be up on the association website soon.

We continue to see members go due to retirement and wish them well and thank them for their years of support. However, that also means we need to recruit new members. As you go about your business and meet investigators in your travels, please be aware of any potential candidates for membership. Remember that they must have at least ten years of investigation experience.

*“Our 2018 conference will
be in beautiful Aruba.”*

Our Facebook page continues to grow. If you use Facebook please link to us. This is for members only. The page does have postings with additional information from members that typically are not

allowed on our general membership listserv.

I hope everyone has a great summer! You can reach me at peter@ewiassociates.com.



Member News

Welcome New Members ...

Tom BROOKS — W. Palm Beach, FL
David BROWN — Fairfax, VA
Donnie DOHERTY — Waltham, MA
Jim DOYLE — Haverhill, MA
Irv Ellman — Alexandria, VA
Don FLEMING — Palm Coast, FL
Joe HENDERSON — Orlando, FL
Jenna JOHNSON — Reno, NV
Miroslav KLARICA — COATIA
Dave KLEIBER — Steamboat Springs, CO
Stephen LEVINE — Albany, CA
Wayde LIVELY—Halifax, CANADA
Kevin PALACIOS — Quito ECUADOR
Laila SALEH — Cairo, EGYPT
Aaron SANCHEZ — Greeley, CO
Abdel SECK — Senegal, AFRICA (and CA)

These are our new members since we last published. To update your membership listing on the web, or in our Briefcase Roster, send info to intellenet@intellenetwork.org.

Congratulations, George Michael ...



We all know that **George Michael Newman**, CCDI of San Diego has distinguished himself as a conference program coordinator for Intellenet in recent years, most recently in Colorado for our 2017 conference. However, you may not know that Michael was recently honored by the Criminal

Defense Investigator Training Council with its *Lifetime Distinguished Member* award, presented by the council's founder, Brandon Perron of Florida. This honor follows a number of awards Michael has received over the years, including CDITC's *Investigator / Philosopher Award* in

2008. The following year, the combined defender organizations of San Diego County honored Michael with a career award for *"Years of Service to the Defense of the Accused by Providing Investigative Expertise, Ingenuity and Leadership."*

In addition, over the years, the National Association of Legal Investigators has honored Michael with its Editor/Publisher Award for articles in NALI's quarterly journal, *The Legal Investigator*. He was one of the first authors honored when NALI established the awards.

Michael's work in the criminal defense arena is well-recognized by his peers who also toil in support of the Sixth Amendment to the U.S. Constitution.

Ever humble, in commenting on these numerous honors, Michael said, *"I'm just doing what comes natural; just doing what I do."*



Congratulations, Michael Kidd ...

Earlier this year, **Michael Kidd**, Kidd Investigations in St. Albans, West Virginia (kiddinvestigations.com), was a featured speaker at an event hosted by the West Virginia Association of Justice, also known as the trial lawyers of West Virginia. Michael spoke to approximately 150 plaintiff lawyers and judges from all over West Virginia.

Congratulations, Brandy Lord ...

Brandy is president of the Indiana Society of Professional Investigators. The society and the Criminal Defense Investigator Training Council hosted an academy workshop in South Bend, Indiana in May. Thirty professional investigators from 11 states participated. In addition to intensive classroom training, the attendees worked a mock crime investigation. The event was featured on the local [ABC TV](http://abc.tv) affiliate. Intellenet members **Casey Major** and **Don C. Johnson**, past presidents of INspi, played roles in the mock crime scene enactment.

Continued on next page ...

A “Thank You” from your editor ...

It's never too late, I hope, to thank all the **Intellenet** members who were kind enough to send birthday greetings to me at a surprise party hosted by **Brandy Lord** in South Bend last fall. It was truly a surprise. I was there for a state association meeting and Brandy and co-conspirators ambushed me at our dinner that evening. I was overwhelmed by your kind words and warm greetings on a chilly fall evening. And thank you again, Brandy. You do indeed continue to surprise us all with your big heart.



The Value of a Professional Website

By William F. Blake, CPP, CFE

Marketing your private investigation or security consulting business is a vital task for business sustainability. However, the failure to have a website or a lackluster website is a demonstration of your lack business acumen.

The Internet is the primary method of identifying sources of information and business connections. Historically, the Yellow Page section of the telephone directory was the primary source of business information. Unless your business has a website that can be located on the Internet, you are losing business to your competitors.

One only has to search the Internet for private investigators and security consultants to identify websites that do not provide adequate information on the business or the services provided. An adequate website should, as a minimum, include contact information, services provided and the qualifications of the business.

The contact information should include a street or mailing address, city, state and zip code, telephone number—both landline and cellular, and an e-mail address. Caution should be exercised when using just a prescribed e-mail

form as it limits the potential client to a delayed response when such a response may not be appropriate.

The services provided section should explain in some detail what services are available and how they are supplied. A listing such as “Security Services” can have many different definitions and the prospective client may go to another website that more concisely identifies what services are available.

An “About Us” section should outline the professional expertise of the business, including types of services rendered and the experience level for each service. The experience definition should concisely state the experience—20 years in law enforcement does not provide an adequate experience description. The variety of experience is more important than number of years of general experience. Twenty years as a patrol officer does not necessarily indicate investigative experience. ◆◆

Bill is owner of Blake and Associates, Inc., Littleton, Colorado, and editor of the Intellenet books, published by Charles C. Thomas Publisher, Ltd.



READI™ RESPONSE

A SPECIAL REPORT

By Jim Carino, Intellenet Executive Director Emeritus

Kevin McClain's initiative is ready to begin beta testing immediately. I recently posted this message on our email list serve, but our need for members willing and able to participate continues. To be successful a major recruitment effort is needed. We are in immediate need of in-state members to assist from Illinois, Indiana and Missouri.

Due to the recent [TSA alerts](#) to the trucking industry **READI Response** will be doing an advanced launch of Phase 1 of **READI Response Mobile App!** The initiative is scheduled to be launched on a gradual basis as follows:

- 1 JUL:** Initial testing /beta truck companies in southern Illinois, Indiana and Missouri;
- 1 SEP:** Mid West (gradual expansion to rest of country);
- 1 JAN:** Nationwide.

To be successful a major recruitment effort is needed. We published previously an outline of cities/countries most in need of qualified members (see the Briefcase Roster); however, we need to rely on our in-state members to assist. Illinois, Indiana and Missouri have been identified as among the highest states with fatal and non-fatal tow away incidents. Consideration for applicant recommendations should consid-

er proximity to interstate highway /high population areas.

READI Response recruitment will also assist in our capability to respond to ETS audits as those requests move

westward from the east coast.

When recommending some for Intellenet recruitment, remember our requirement for a minimum of 10 years investigative experience. A general rule of thumb to be responsive to both initiatives is travel distance to the required location under ordinary circumstances should be about one hour. Over saturation of membership in high accident areas

is viewed as important to be able to have a response capability. Send your recommendations for membership to: Intellenet@intellennetwork.org, Peter and / or Jim .

This is going to grow the network faster than what we anticipated, but we feel we must offer this as a public service to protect our borders. Our clients will be

needing various investigations done as the network grows. We are going to need investigators **READI to Respond!**

Please contact readiresponse@gmail.com or visit the website www.readiresponse.com and the Join Us tab.

READI Response
is launching a nationwide network connecting trucking companies and drivers with professional investigators!



More on READI Response follows ...



READI™ RESPONSE

INTELLENET INITIATIVE UPDATE

By Kevin McClain

Sign up now for **FREE** with our pilot program. You have one full year for **FREE** to check out this concept and be part of this investigative network that will revolutionize our profession!

THIS SPECIAL OFFER EXPIRES SOON AS WE HAVE 500 INVESTIGATORS !

We are half way there!

Iwould like to thank Intellenet and its esteemed members for their assistance, valuable insight and patience. This project has been a three year journey and we are close to revolutionizing the investigative profession.

For anyone new this initiative and concept will be connecting investigators and clients nationwide through mobile app technology. When an incident or accident happens we will be able to rapidly deploy an investigator to the location. The investigator will conduct their investigation as well as submit their report from the scene. This concept is brand new and to the best of my knowledge has never been done.

Needless to say there have been some bumps in the road with setting up a national network, because of various state legal requirements and mobile app development, which is a science in of itself. I have been the sole investor and have boot strapped this all the way. I firmly believe in this and I am all in. I have been through four technology companies and we are

now with a national company that understands our concept and is putting the finishing touches on the iPhone version with the Android under development. I apologize for any delays, but we only have one time to do this right and I want everyone that has and will commit to be proud of their decision.

For all of you professional investigators that see the vision and were willing to step out on faith already, I thank you and again apologize for the delay. This has been due to working and fine tuning the mobile apps.

We are getting ready to do a beta Ttst with a local transportation provider. Once we complete that then we have a second beta test lined up with a medium transportation provider. After the Beta is completed and fine tuned we will be launching. The iPhone version will be tested first.

We have been meeting with one of the largest risk management providers (and just recently had a second meeting), have meetings lined up with some of

the Top 10 trucking companies in the country and are in discussions with a large telecommunications company. We have not met with any negative responses other than when will you have your network up and running? This is why it is so important that we have firm commitments and signed agreements so our potential clients can see we will be able to handle assignments.

In early February I went to the largest truck show in the Midwest. I met with the president of the largest TPA in the country. We have been asked for a follow-up meeting. They are in over 40 cities throughout the country. My firm already handles their WC investigations in the areas we cover. In addition, the largest truck insurance provider has requested a follow-up.

This is why I am reaching out again because, as we have had meetings as well as focus groups, the request for various investigative services has expanded. They now include the following:

- **Preliminary Accident Investigation** (Note: You do not have to be an accident reconstructionist for this phase of the investigation. We will have training.)
- **Conduct Interviews / Take Statements**
- **Asset Protection**
- **Transport of Drivers**
- **Workers Comp Investigations**
- **Insurance Fraud Investigations**

- **Slip / Trip-n-Fall Investigations**
- **Security Premise Negligence Investigations**

If you can do any of the above you should be signing up! We can train you to do the rest or have other investigators in the area assist with areas you are not comfortable doing!

This list has now expanded and will continue to grow which means that there will be increased opportunities for you / your agency for income potential!

We are half way to our desired goal of investigators to launch.

My ultimate goal for the launch would be to have nothing but Intellenet members on this investigative network. I know then the professionalism, skills and representation of our network is in good hands. That is why I am making this special offer and Final Request for the members who may still be deciding whether or not to participate. We have to get the coverage areas filled ASAP! I hope to hear from you and would be honored to have you on our team!



READI Response™
SPECIAL OFFER!

Limited Time Only! THIS SPECIAL OFFER EXPIRES SOON AS WE HIT OUR GOAL OF 500. We are half way there! Sign up now and receive one year FREE as part of our pilot program for investigators and their agencies. This gives you a whole year to check it out for FREE! We need investigators

READI to RESPOND!

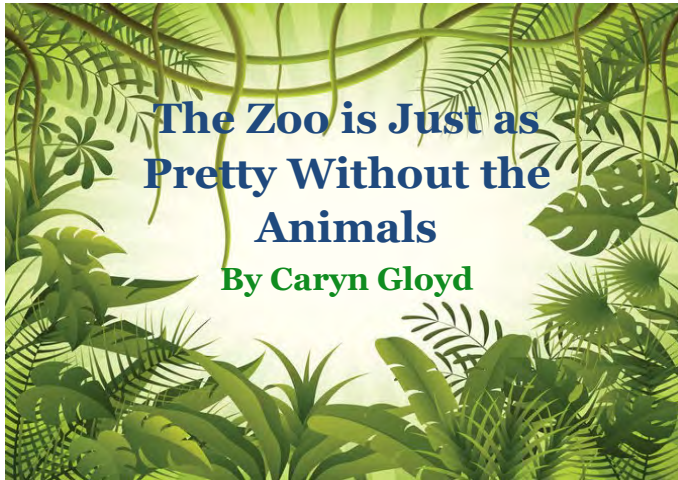
For work agreements call or email; please specify if you are an agency or individual! Go to:

www.readiresponse.com OR
readiresponse@gmail.com OR

Call 877-532-1152

Kevin McClain,
CCDI, BAI owns Kevin W.
McClain Investigations, Ltd. in
Centralia, Illinois; specializing in
criminal, civil and insurance
defense investigations.





From the title you're going to think that this is a pretty negative article. And you are sort of correct.

For many years my husband and business partner, **John Slagowski**, and I employed investigators of various degrees of skill, having expertise in different areas, and coming from diverse backgrounds. We found, however, that, as our company grew to accommodate our clients' needs, our company didn't grow in one essential element: personnel management.

For me, the most pleasant part of working with investigators was working with the young ones. They came to us unskilled, but they were bright and energetic. They had perceptions of what the work entailed, but they were not tied to these perceptions. "Moldable" is what I guess you would call them. They love to learn. They work very hard both in the field and in the classrooms we sent them to. Those who I couldn't make it as investigators became police officers or lawyers or doctors (just kidding). So, I like to think that we gave them a good background, and most of them check in once in a while, so we parted on very good terms indeed. Good personnel management.

The older, more experienced investigators, especially those with police backgrounds, seemed less inclined to learn about civil law, and certainly were not interested in working the weird hours that this job sometimes entails. After all, that is what they just retired from. Can't blame them for that. They put their time in, but they didn't much help the company. Bad personnel management

Our various administrative personnel were usually a pleasure, but of course there was the occasional bad egg. Letting things fester amongst them: bad personnel management.

It's interesting. As investigators we have to educate ourselves about everything: investigative techniques, new trends in research abilities, how to operate the various electronic devices we rely so heavily upon (and, yeah, how to fix them ourselves), we learn to deal with world-class rudeness from some of our clients, figure out how to pay the bills; and then eat, sleep, keep our house clean, pay attention to the kids and the parents, etc. For the most part, we all seem pretty sane considering the balancing act we are doing.

But nobody ever taught us how to manage personnel. In the beginning of my managing of personnel, it was basically "my way or the highway." In fact I was once dubbed "Little Hitler." This probably was not a good thing, but on the other hand things got done. Finally it was decided that I had to change my management style, so I went to Dale Carnegie school, took courses in fields that were designed to make me feel more empathetic to the needs of others, and other courses about personnel management.

Didn't matter. I changed, but nobody else did. People still talked about one another behind each other's backs. They still told endless stories about "my cousin's boyfriend's sister's neighbor who all live in Hoboken," and "I can't come to work because my neighbor's cat got stuck in the drainage pipe"; you know the stories. And some of them just plain couldn't get along. John and I were spending more time dealing with them than we were doing what we love to do: perform investigations.

Sooo, we dismissed them all and went back to working together. We are much smaller now, but our personal caseloads are much more satisfying. Our work is much more efficient because we have fewer distractions. And, of course, we no longer have to deal with stories about why "Aunt Sheila's ingrown toenail is going to make me late today."

There are still deadlines and problematic files. There are sometimes too much work and too few hours. It's still a zoo. But working this way is nice, just like zoos are pretty. And they are just as pretty without the animals. ♦♦♦

Caryn and John own S & H Investigators in Wilmington, Delaware (www.snh.net).

Safety, Security & the Professional Investigator

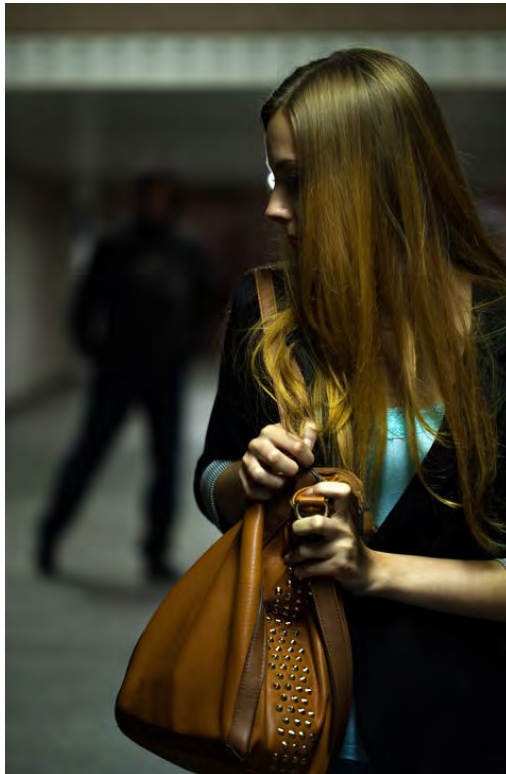
By Kitty Hailey, CLI

A majority of investigators are sole practitioners. Routines vary from day to day. There is generally no set pattern to life in the field of investigation as cases don't happen 9 – 5. Witnesses aren't always home during the regular work day. Fortunately, this allows ample time to play golf and arrange a schedule around picking up children from day care. Unfortunately it creates a safety issue. Interviews are often conducted in the homes of strangers, in rough neighborhoods and after dark. We sometimes forget to think of ourselves first. The issue of personal safety is infrequently raised; yet it is the most important part of an investigator's job.

In my own experience as a criminal defense, civil rights and personal injury investigator I can attest to numerous harrowing experiences where danger came in unexpected forms. I clearly remember the growling Pitbull I did not see when I walked up the front porch steps, the reluctant witness with the sawed off shotgun, the enamored client who believed I was much more than just his investigator and the 6'6" brothers who physically muscled me out the door because they were angry at me for representing the man who killed their friend.

When I was an investigator with the Federal Defender Capital Habeas Unit, the issue of safety came in many forms. We worked around the country and most often, alone. I would take one or two airplanes to my destination and then rent a car to drive more than a hundred miles into the Ozarks or up into rural West Virginia. While beautiful places to hike and vacation with family and friends, they are truly frightening to navigate alone while tired and unsure if the witness to a decades old murder is

truly interested in having an engaging conversation with a stranger from Philly. In my long experience as a professional investigator I have navigated swollen backwoods rivers in a Ford Fiesta, outrun one tornado and hunkered down for two more; alone and frightened. I've bravely stood up to gang members in the "Badlands" of North Philadelphia and squeamishly watched bugs, rats and assorted rodents nibbling off of garbage on the floors of trailers in rural America as I attempted to keep my composure and continue with an interview.



Even with a gun permit in one state, there is not always the ability to carry in another. And then, would that really put me at an advantage? Or is my handy pepper spray a better friend? Are the three years of Jujitsu sufficient to protect me against the 280 lb. quarterback who doesn't want to talk to me? I go to the gym every day, but is that going to save me if I'm followed or kidnapped or held hostage in a stranger's home? I ask myself these questions and I worry about those that do not.

The growing interest in our profession has hundreds of young men and women entering into a field on nothing but the promise of adventure. Every media depiction of an investigative female is a beautiful young woman with guts, grit and a gun. Every young man is handsome, viral and capable of slamming a 300 lb. uncooperative witness against an iron fence. In truth, the rosy picture of adventure and excitement is replete with potholes and pitfalls. Like realtor's who are asked to show a home in the woods in the dark, we are setting ourselves up as victims if we are not aware of our own safety issues.

Continued on next page ...

As the former owner/operator of a rather large predominately female investigative agency I used to have safety classes monthly. They consisted of either a safety demonstration by a trained personal safety expert or a practical class in the best places to kick, punch or place a well pointed fingernail on an assailant. My own advice (which I adhere to) was to do the following:

- 1) Attempt to make planned appointments at a neutral and safe location: restaurant, coffee shop, library, or other public place with semi-privacy access.
- 2) If a cold call, scope out the neighborhood first (Google is amazingly handy) and recognize routes of exit before parking your car.
- 3) Remove any enticing materials from the seats of your vehicle or the view of passersby. That includes wrapped gifts, laptop computers, and bags of merchandise or money in the center console. Put them in the trunk BEFORE entering a neighborhood.
- 4) Women should not carry a pocketbook. It's something that can be taken away easily. Put ID in your pocket or wear a lanyard. There is never need to bring money into a witness's home. Lock it up in the trunk or leave it home.
- 5) Carry only what you need (cell phone, notepad, statement forms, pens, pencils, recording devices and business cards). Less is more. Mobility is less hampered if there is not much to grab while running. And yes, sometimes we all have to run...or move very quickly.
- 6) If it's dark or late or the location is iffy, call a friend. Professional associations are a great source of helpful colleagues who are sometimes needed to provide a show of strength. A woman or man walking alone at night from a distant parking space to the home of a stranger is often viewed as a target for robbery, a

“Above all, be aware and be alert. Don’t text and walk, especially in a strange neighborhood. Keep your cell phone handy with 911 dialed in but not sent. Pressing one button in an emergency is easier than pressing four.”

suspected drug purchaser or a complete idiot for being in a rotten neighborhood after 9 pm.

- 7) Tell someone of your destination. Even if you do not work with anyone there are options. Leave your schedule and the name and address of the intended destination on your desk. At least it will make it easy for law enforcement to pick up your trail. My own habit is simple. I call a trusted friend and provide the name and address of my destination. I also provide the telephone number for the local police or in many cases, forestry service. My instructions were simple: call me in one hour if I don't report in to you. If you do not reach me in an hour and a half, call the police and give them my info. Again, it might just make it easy to find the body, but that's something.
- 8) Above all, be aware and be alert. Don't text and walk, especially in a strange neighborhood.

Keep your cell phone handy with 911 dialed in but not sent. Pressing one button in an emergency is easier than pressing four.

Do I sound like a worry wart? Maybe. Mostly I want investigators everywhere, men and women alike, to be conscious of the fact that our world is real. People we encounter are unpredictable. There is a level of trust and respect which we should give to others, but we would be foolish to expect it in return. ♦♦♦

Kitty owns Kitty Hailey Investigations in Philadelphia. She is the author of the “bible” on ethics for the professional investigator, “Code of Conduct: Standards and Ethics for the Investigative Professional,” now in its third edition. For more and to order, go to www.kittyhailey.com.



Researching Records in México

By Mike McHenry

The most commonly requested records within México may not always be available, but the following procedures offer the best options for access.

REAL ESTATE: Records are maintained at the local level. There are no nationwide or statewide searches. None of this information is available online. If you do not know where to perform a search, then there is little chance for finding what you are looking for.

Although these records are historically open to public inspection, it requires working with an office employee to perform the search. Computer terminals and registry books are not put out for public use. Search times can vary from a few minutes to days. Small towns offer prompt service.

In some places, these records are now not open to public inspection. This is a result of policy changes intended to prevent potential extortionists, kidnapers and burglars from finding a person's home location. Mexico City is now one of the restricted places.

Within thirty-one miles of the Mexican coastline, real estate cannot be owned outright by foreigners. This also applies to land within sixty-two miles of international borders. It has to be purchased through a bank trust, which is a common procedure. Alternate search means are sometimes

used in these instances. This restriction was created in the Constitution of 1917 after the U.S. took one-half of Mexico's territory following the Mexican-American war.

Most offices of Registro Público de La Propiedad require appearing in person to research records and obtain copies. Occasionally, telephone arrangements are possible.

CRIMINAL HISTORY: Not open to public inspection. Conviction and imprisonment records are maintained by police and prison authorities. Mere arrest records not resulting in conviction are not retained according to Mexican law.

DRIVERS LICENSE: Not open to public inspection. There are thirty-one states plus the Federal District. Each has its own motor vehicle department.

In Mexico City, lifetime drivers licenses are issued. Other states issue drivers licenses for varied times depending upon how long a term is purchased. We can assist with verification of a drivers license. Driving histories are not reliable because most traffic infractions are settled at the side of the road at the time of occur-

rence. Exceptions to this tend to be moving violations issued by the Federal Highway Patrol.

CIVIL COURTS: Not readily open to public inspection. Index records of twenty-four states, plus Mexico City (Distrito Federal) are available through a centralized subscription database. A search will disclose names of parties, date of a filing, case number and the court identity. There is no information in the index which will reveal the specifics of an issue.

In the remaining states it is necessary to have the name search performed by a person with direct access to the local files. This often is a cooperative court employee or helpful local attorney.

The actual court case file is an additional obstacle. Files are open to the parties and their attorneys and to law enforcement. An experienced direct appeal to a court employee often gets a result when accompanied by a gratuity.

Records will include business contract disputes, family court, bankruptcy, tax delinquencies, landlord-tenant disputes and debts.

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PROFESSIONAL LICENSING:

A prepaid government fee name search can be accomplished through the national records at Mexico City. The completion time is a full week, often longer. The search must be paid in advance at Mexico City. Records include doctors, dentists, architects, accountants and engineers. Only the person making a request can pick-up the official certified report later.

UTILITIES: Electricity in Mexico is provided by the Federal Electrical Commission. Customer records are not open to public inspection. Accounts are in the name of the property owner and not issued to renters.

Gas service for most all of Mexico is home delivery of propane by truck. There are hundreds of independent retailers in direct competition throughout the country.

Public water is furnished at the local level, usually by municipal government. An account would be in the name of the homeowner. The records are not open to routine inspection.

Land line telephone service is furnished through Telmex. This private company has nearly all the land lines in Mexico. There are no reverse listing directories and no white pages and no online listings. There is directory assistance through an international operator, provided the complete name and city is known. Recently, telephone book white pages have been prohibited by Federal law to protect subscribers from extortion calls and kidnappings and burglaries.

Cellular service is offered by at least five providers. Their customer records are not open to the public. Most cus-

tomers use prepaid cell phone cards to purchase air time. Most cell phones are not registered by owner's name and address as required by law.

VOTER REGISTRATION: A Federal agency called INE is responsible for nationwide voter registration. Files are not open to public inspection. A registration is valid for eight years. An INE credential is the most common form of photo ID in Mexico. Proof of address is required for registration.

CIVIL RECORDS: These include birth, death, marriage and divorce filings. Access to these files is subjective. They are readily available to the parties and their designated representatives. Persons wishing a record copy without a plausible explanation may be denied. These records are not nationwide. You need to know where to look.

IMMIGRATION: Not open to public inspection. The Federal government tracks the entry of each person into Mexico by air and sea. This includes persons arriving on a tourist visa. There is also a national registry of each foreigner residing in Mexico on a long term visa.

BUSINESS RECORDS: There are no publicly available government records that will yield information about business affiliation through a person's name search. It is necessary to know the legal name of a business in order to determine the identities of company organizers, officers and persons in authority. Copies of these records are maintained at the local level and if the business' lawful name is known, then a search is possible. There is no directory or data base of trade

names.

There are non-public records which could yield business information through a name search if the individual's Federal tax ID number is known.

MOTOR VEHICLE ACCIDENTS:

Reports are available to parties involved and are not automatically provided to representatives of insurance companies. Accidents resulting in serious injury or death are investigated by agents of Ministerio Publico. This is an agency located in each state which investigates serious accidents on behalf of the state prosecutor's office. See below for information to obtain these reports.

DEATH INQUIRIES: These occurrences are also investigated by Ministerio Publico when death is from other than natural causes and are not open to routine public inspection. See "General Information" (below) for more details.

MEDICAL RECORDS: Mexican law restricts the release of medical records. Record keeping is not required in some instances.

A medical record must be created and retained for five years if a person spends a night (is admitted) in a hospital or clinic. Mexican law restricts the release of medical charts, doctor and nurse notes and medicines prescribed. It also blocks the release of notes made during operations. The law says that hospitals and clinics may provide a written summary of the patient's hospitalization. This information may include diagnosis, types of treatment and discharge information.

Continued on next page ...

Although this is the law in Mexico, it is not followed consistently. There is no way to know how a hospital or clinic will respond to a request until it is presented in person. On limited occasions we have obtained medical records without an authorization. Attempts at this are discouraged as the risk of rejection is high.

Out-patients do not routinely generate medical records. This can include emergency room reception of a person for pronouncement of death.

Doctor offices and walk-in clinics routinely do not keep patient treatment records. It is not required by Mexican law. In light of the low cost of a doctor visit, USD \$2.00 to \$40.00, it would add overhead and raise costs to keep records. Medicines, except for narcotics and antibiotics, are sold over the counter. This availability includes anti-depressants, cortisone, diabetes drugs, blood pressure drugs, etc. Certain doctors who live in the border zone or other places where foreigners seek treatment are more likely to maintain records. They know that foreign patients need a record for insurance reimbursement. They are an exception. Walk-in clinics are required to keep a daily list of patient names, but no treatment data.

GENERAL INFORMATION: Records in Mexico are organized through the use of both last names.

The following is an example:

Juan Esteban Ramírez García

Juan: First name

Esteban: Middle name

Ramírez: Father's last name

García: Mother's maiden name

To properly search for a record requires both parent's last name. Indexing systems initially search for the first last name (Ramírez), then the second last name (García), and finally the given name. Without a second last name a search result may be compromised or even unworkable because of too many name similarities. A woman does not change her name upon marriage.

It is also important to know a date of birth for many searches. Knowing a person's age may be workable in some instances.

Business is routinely transacted in person within Mexico when a relationship has not already been established. It is easy and common to say, "No," by telephone. Many offices often do not answer the telephone and some, in small towns, just do not have a telephone. With occasional exceptions, it is necessary to appear in person at the government office that maintains the desired information. A gratuity to an underpaid office worker is still very much in practice.

Certified copies of most public and semi-public records are available for a small charge.

ACCIDENT REPORTS: Records of serious accident and death investigations performed by Ministerio Público

are of limited distribution. For a non-party to obtain a report requires the following:

An original letter outlining the need for the report has to be signed by an involved party, an immediate family member or legal representative of an estate and the letter must be notarized. If the letter is not written in Spanish, it must be translated here by a licensed translator. The letter must specify the person authorized to pick-up a copy of the report on behalf of the interested party. A copy of the signer's photo ID should accompany the letter. It often is also helpful to include a copy of a document that establishes the relationship between the requestor and the injured/deceased party. This could be a marriage record, birth certificate, death certificate or a probate filing. The document often has to be translated into Spanish.

This is rare, but offices of Ministerio Público have been known to reject a limited power of attorney and only distribute a copy to an immediate family member.



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ISPLA News for INTELLENET

By

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At the 2017 Annual INTELLENET Conference in Denver I spoke about potential pitfalls affecting private sector investigations that may arise from ill-conceived federal legislation or regulation. The following recaps much of that presentation.

Legislative and ethical dilemmas pose unforeseen risks for the professional investigator. Recent legislative and regulatory hot topics have included the use of drones and GPS tracking to conduct surveillance. Longstanding issues include the avoidance of Gramm-Leach-Bliley Act (GBLA) violations while locating assets or recovering ill-gotten gains and stolen property, compliance with the Fair Credit Reporting Act (FCRA) when conducting pre-employment and third-party workplace investigations, avoiding potential invasion-of-privacy lawsuits when conducting surreptitious surveillance or open-source intelligence and social media investigations, and the use of pretense, a recognized investigative tool when conducting interviews of witnesses and targets of investigations. All of the foregoing topics have been part of legislative or regulatory oversight of the professional investigator addressed by ISPLA since its inception in 2009.

There are several unusual court cases and aspects of conducting private sector investigations and nuances about which many professional investigators may be unaware, particularly when retained by an attorney. Court judicial decisions are often a precursor to legislation. In the United States Supreme Court case of *U.S. v. Antoine Jones*, the court addressed the privacy implications of Global Positioning Systems ("GPS"), holding that placing a GPS tracking device on a suspect's car was a "search" under the Fourth Amendment. I posited the following questions during

my presentation:

- 1) How this ruling may affect private investigators and security professionals?
- 2) What impact does this decision have on pending and future legislation banning the use of such technologies in the private sector?
- 3) How do Fourth Amendment implications for law enforcement compare with private sector use of GPS tracking causing invasion of privacy.

“Legislative and ethical dilemmas pose unforeseen risks for the professional investigator ...”

- 4) What are the other privacy implications? When is GPS tracking viewed as stalking?

Also, I addressed the FTC Act Section 5 "deceptive practices" and "Draconian" sanctions; "foresee-ability" issues with regard to the notorious homicides of Rebecca Schaffer, Amy Boyer and William Berkeyheiser; precautions to consider when dealing with attorneys and represented parties; and attorney work product protection. The issues and cases discussed included:

- Communication with represented person: 2009 Wisconsin Office of Lawyer Regulation v. Stephen Hurley;
- Social media: 2010 Bar Opinion - Bar Association of the City of New York;
- Surreptitious voice recordings of jailhouse snitch: 2005 *U.S. v. Tyrone Smallwood and Thomas Edward Smith, Jr.*;
- Prosecutorial misconduct with social media : 2016 Ohio Disciplinary Counsel v. Aaron James Brockler;
- GPS tracking and stalking : "Jackie's Law" and NY Suffolk County "Home rule" law .

On the federal legislative front, there was no significant adverse legislation passed during the concluded two-year session of the 114th Congress. The fact that neither political party controlled

both houses of congress contributed to the lack of any meaningful legislation being passed. However, as we are now in the 2017 first term of the two year session of the 115th Congress, one party-- the Republican-- will control the Executive branch and both the Senate and House of Representatives. Contrary to the belief of many of our colleagues, this situation does not necessarily portend well for our profession. We have seen in the past, that when one political party controls all branches of government, legislative mischief is more likely to happen.

Some of the potential recurring issues in general facing our profession in the future may include the "disrupter" Trustify; unlicensed practice debate; state deregulation of private investigation and security; UAS (drones) commercial use regulation by private investigators and for physical security purposes; anti-pretexting; anti-surreptitious surveillance; SSN redaction; public records closure legislation; and regulatory, training and vetting issues.

It is incumbent upon our colleagues and associations such as ISPLA to remain vigilant and ready to swiftly address Congress and regulators in a responsible and timely manner. ISPLA's bipartisan political action committee, formed in 2009, created a mechanism for individuals and professional associations to participate in lobbying and financially supporting qualified political candidates for office. Having a PAC has provided our profession with "a seat at the table rather than being the meal." We must do more than just monitor legislation and regulation; we must proactively lobby!

It should be noted that the INTELLENET Select Committee for Legislative Matters, established in 2003, was subsequently amended by Resolution of the Board, stipulating that the functions of this committee would be solely assigned to ISPLA, which will periodically confer with the INTELLENET Legislative Liaison Board

member, a role which I continue to fill. ISPLA is 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.

“It is incumbent upon our colleagues and associations such as ISPLA to remain vigilant and ready to swiftly address Congress and regulators in a responsible and timely manner ...”

ISPLA and/or the INTELLENET Legislative Liaison Board member are the sole authorized entities to provide information concerning legislative and regulatory issues to the listservs and publications of INTELLENET. ISPLA has the authority to conduct political action activity on behalf 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.

CYBER SECURITY ...

In February, I attended a fraud presentation at a seminar held at the New York Chapter of the Association of Certified Fraud Examiners where Larry Clinton, CEO of the Internet Security Alliance (ISA) gave a talk on "The Evolving Cyber Threat, and What is Being Done About It."

Mr. Clinton provided a broad update on the emerging and evolving cyber threat and how government and industry are (and ought to be) responding to it. Security breaches are a hot topic. He discussed:

- the evolution of cyberattacks (things are probably worse than you might think) and why they are likely to get even more dangerous.; how leading companies are responding by putting into practice enterprise wide cyber risk programs starting at the board level --- which are generating positive results; and
- how the cyber audit process is being updated and how that may affect associated issues such as compliance and liability.

Finally, he explained how cyber policy in the Trump Administration may differ from the Obama policies -- and where there may be little change. He is based out of Washington, D.C. and has testified before Congress on a number of cyber related security issues. See the following article for information based on his presentation and his blog.



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MOVEMENT IN THE RIGHT DIRECTION ON CYBER SECURITY

While the bulk of mainstream news coverage on cyber issues has been focused on macro issues such as Russian involvement in our electoral process, there have been less noted initial signs of progress on the more traditional cyber concerns such as the protection of critical infrastructure, theft of intellectual property and securing of personal data.

The most encouraging signs can be found in the draft Executive Order on cyber that floated into the community. While much of the draft order addresses organizational and timing issues the Trump Administration is considering, the most encouraging elements of the draft can be found in the direction the Order suggests the new Administration will take when addressing the cyber threat. Larry Clinton of the Internet Security Alliance is focused on what questions will the new team be asking as they develop policy, because if one asks the wrong questions one gets the wrong answers. Clinton's reading of the draft suggests the Trump team may be asking the right questions.

Specifically, the Order seems to suggest that the Trump team may view cyber less simply as an "IT issue" and more as system wide problem that has as many economic aspects as it does technical ones. In particular the draft order requires an analysis of private sector incentives for infrastructure development.

While the Obama Administration paid lip service to addressing the incentives for cyber security, in truth there was very little work done either in the Congress or Executive branch. The notable exception was enactment of the CISA information sharing bill, which used liability protections to promote increased information sharing.

Yet, understanding the complicated nature of cyber security is critical to creating a sustainably secure cyber system. on a worldwide basis).



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