



INTELNET *News*

Official Newsletter of the
International Intelligence Network, Ltd.

Intellenetwork.org

Summer 2013

“Moving on Up”



In this issue...

Peter’s Posting.....2	Strong Passwords Policy.....9
Mission Accomplished.....3	Sovereign Citizens.....10
Member News.....5	ISPLA Report.....12
The Borinqueneers.....7	East Coast Super Conference....17
Bulletproof Passwords.....8	Guest Appearances.....18



Peter's Posting

by

Peter Psarouthakis
Executive Director, Intellenet

Dear Intellenet Members:

First, let me say thank you for the overwhelming response I have received from the membership since the announcement of my becoming the next Executive Director.

The many emails of heart felt encouragement has been much appreciated. Working with Jim Carino in many capacities over the years has been a privilege. Having Jim's stamp of approval now to take over his position as Executive Director is truly an honor that I do not take lightly. What Jim has created, along with the help of many people, has been nothing short of amazing. INTELLENET is the standard when it comes to investigation performance around the world, bar none. It is my goal to keep what Jim has created moving forward in a positive and constructive way that benefits each and every member. Having the support of Jim, Robert Dudash, the board of directors and the general membership, I do believe this goal is attainable.

Many of you have asked, "What will Jim's role will be now that he has stepped down as Executive Director?" Jim has graciously agreed to keep handling the recruiting and initiatives programs. When Jim sends out requests related to

"Communication is the key to keeping an association moving forward."

these two functions please do respond promptly if at all possible. Increasing our reach in parts of the world where we do not have members is a high priority. That membership reach is a big selling point in our initiatives projects, which we intend to keep growing.

Our annual conference in Philadelphia was a great success. As you could see from the many posts related to the conference, everyone had a great time seeing old friends, making new

friends, learning and just having a good time. The conference culminated with a Saturday night gala dinner honoring Jim Carino at the national constitution center. What an emotional and special night that was! Another big thank you to Joanne Dougherty, her husband Bob, and all those working in the background to make this event such a huge success.

Also during our annual conference we honored long time member Don Johnson with a Life Membership. You will find more information about this respected member and his award further inside this issue of the newsletter. Well done Don!!

The 2014 conference will be held in Puerto Rico next April and hosted by members Fernando Fernandez and his wife Olga. The planning for this conference has already started and it is sure to be another huge success. Once more details are available they will be posted on the listserv and a link to the conference website will be shared. Firm dates will be sent out soon so everyone can start making plans.

From June 26-28, 2013 INTELLENET will have a conference booth at the East Coast Investigators Super Conference held in Atlantic City, produced by members Jimmie and Rosemarie Mesis. If you are attending this conference please make sure to stop by the booth and say hello. Jim Carino and I will be there along with other members.

I will end my first Executive Director column by saying thank you again for this great opportunity. If anyone would like to discuss anything, feel free to contact me by email (peter@ewiassociates.com) or telephone (734-320-9240). Communication is the key to keeping an association moving forward.

My best to all.



Jim Carino-Intellenet Founder and Executive Director “Mission Accomplished”

By Robert Dudash, Intellenet Director of Operations

As you may know, at the end of April 2013, Jim Carino, the Founder and Executive Director of Intellenet, stepped aside and turned over the leadership role to Peter Psarouthakis, who assumed the position of Executive Director on May 1, 2013.

I have known Jim for well over 20 years and worked very closely with him for more than the past 10 or so years. My association with Jim has been one of the highlights of my career for all of the various jobs and positions I have held over the past 50 plus years, and that includes the 30 years I spent on active duty with the Air Force. Jim’s confidence and trust in me resulted in him first making me a Regional Director, a position Intellenet no longer has, and then he increased my responsibilities by making me the Intellenet Director of Operations, which was a position he bestowed on me in the summer of 2009. I cannot express how much I have enjoyed my involvement with -- and working closely with -- Jim, sometimes on a daily basis.

As a member of the Intellenet Board of Directors, along with the other 16 board members, the four Emeriti Board members and the three non-voting board members,

I was granted unanimous approval by the board to pursue and finalize an award honoring Jim for his foresight and leadership of Intellenet during the past 30 years. This assignment was especially easy for me to formalize because all the ground work had already been established by Jim himself. And so, the final product resulted in the Intellenet Board of Directors authorizing a special award to Jim Carino, specifically, “The Founder’s Special Recognition Citation.” The citation reads:

“Jim Carino, a man of vision and founder of Intellenet, an association that began 30 years ago and has grown under his leadership to be the premier investigative association in the world, unequalled and unrivaled. Intellenet’s established integrity and ability to set and maintain superior standards of excellence in the investigative profession is without equal. With superb management skills, Jim formed and led a small group of professional investigators on a path that developed into an association that is now the

Continued on next page...

Continued from previous page...

envy of the investigative profession. Under Jim's leadership, Intellenet has repeatedly been the go-to Association when major corporate clients required honest, factual and thorough inquiries to be conducted, both within the United States and on nearly every continent. Jim's work ethic has been a standard that others could only hope to achieve and few have. He is an expert witness in the field of security and his expertise is in constant demand. Jim is and has been spearheading an aggressive set of initiatives to seek out billable time for the members of Intellenet, often sacrificing his own personal time and personally paying his travel expenses; no other investigative association has pursued such an initiative. There is no greater asset in Intellenet than Jim Carino for *he is Intellenet*. His perceptiveness and perseverance in problem resolution has been an outstanding benefit to Intellenet and its members. His accomplishments reflect great credit upon himself, our Association and our profession."

Another Honor for Jim ...

On April 25, 2013, during the Intellenet annual conference in Philadelphia, Jim was honored by being made a Life Member of ASIS International (formerly the American Society for Industrial Security). There are only about 350 life members in the over 38,000 membership of ASIS.

Seen in the photo below, left to right: **Ray O'Hara**, Executive Vice President, International Operations, Andrews International (lunchtime speaker); **Jim Carino**; **Dan Kropp**, former ASIS President; and **Bill Lutz**, current ASIS Greater Philadelphia Chapter Chairman.

And an Interesting Pair...

Also attending the conference was Harvey E. Morse, Daytona Beach, Florida, who also is a Life Member of ASIS. Harvey was made a Life Member on June 24, 2010. Very interesting having two ASIS Life Members attending our conference.

In closing ...

It is an extreme pleasure to say that Jim is a true friend, a great colleague and mentor and a person I highly admire for his vision to establish a premier investigation association, an accomplishment without rival. Well done, my friend. ♦♦♦



Member News

Welcome New Members ...

These are our newest members since we last published. You should have seen their mention in one of Jim's *InfoBriefs*, or Peter's most recent *InfoBrief* or their own "e-introductions" subsequently. If we missed a name in this issue, we apologize. Let us know and we'll mention you in the next issue. Welcome one and all to the premiere network of investigative professionals and security specialists.

- ◆ Janice AYERS, Hartford CT
- ◆ Michael CHAPDELAINE, Hadley MA
- ◆ Ross ROLSHOVEN, Grand Forks ND
- ◆ Derek THOMASON, Clovis CA
- ◆ Phillip LATA CZ, Bangor ME
- ◆ Patrick ATKINS, Wichita KS
- ◆ Oliver PHIPPS, Orlando FL
- ◆ William (Bill) RATCLIFF, Wilmington NC
- ◆ James SOUTH, Hamilton NJ
- ◆ Ron WATKINS Jr, Garland TX

Congratulations to Fernando ...



Fernando Fernandez, Puerto Rico, recently announced the premiere of his regular appearance on a radio program. As Fernando posted on our list serve:

"The program name is *Enfocate Puerto Rico* and my section, *Analyzing Evidences*, is from 6pm to 7pm eastern time. You can listen in at www.radioisla1320.com or download the app in

the Android *playmarket* under *radio isla 1320*. The show is in Spanish."

Fernando and his wife, **Olga**, will be hosting the next Intellenet AGM in San Juan, Puerto Rico. Preparations are already under way, including, it appears, the possibility of specially designed swimsuits for attendees, seen her in preliminary sketches.



Fernando and Olga sent us this photo, just in time for the newsletter, with this caption:

"Fernando and Olga ready for the next Intellenet conference in San Juan, PR ... are you ready?"

The dates and other details for the 2014 conference will be posted when available.

For more PR news from Fernando, see the article on page 7, where he shares news of the Puerto Ricans of the 65th Infantry of the U.S. Army, known as the *Borinqueneers*, and their service in the Korean War.

Member News continued on next page...

Member News, continued ...

Council of Association Leaders...

Several Intellenet members were part of the **Council of Association Leaders** when COAL meet in Orlando, Florida on May 18, during the annual conference of the Florida Association of Licensed Investigators. Member **Kelly Riddle**, Houston, Texas (third row, second from right) chaired the meeting. The Intellenet delegate at the meeting was **Reggie Montgomery** (to Kelly's right). Membership in COAL is open to past or present executive officers of state and national associations. For more information on COAL, contact Kelly at kelmar@kelmarpi.com.



Congratulations to NALI's new Executive Council...

Several Intellenet members are also members of the **National Association of Legal Investigators**, and a number of them were in attendance at NALI's 46th annual conference in New Orleans, June 13-15 at the classic Le Pavillon hotel. The new NALI Executive Council was installed, including **David W. Luther, CLI** (left, in the photo) as the new National Director and **Don C. Johnson, CLI** (right) as the new Assistant National Director. Other Intellenet members on the executive council include **Rikki Glen**, Middleton, WI; **Harriet Gold**, Norcross, GA; **Sheila Klopper**, San Jose, CA; **Jayne McElfresh**, Phoenix, AZ; and **Ken Shelton**, Angola, IN. Congratulations one and all!



Member News continued on page 9...

The Borinqueneers

By Fernando Fernandez, CII, CCDI, CAS

As you know, I'm a proud native Puerto Rican, born and raised on this enchanted island, but also I'm a USA citizen and believe in the freedoms that give us the United State of America. Before I was even born, many of you or your fathers were already defending the American flag in wars like World War II, Korea or Vietnam.

I want to present to you the group of soldiers known as the Borinqueneers, the 65th Infantry of the U.S. Army. **The Borinqueneers are credited with the last battalion-sized bayonet assault in U.S. Army history.** In early 1951 while fighting in Korea, two battalions of the 65th fixed bayonets and charged straight uphill toward the enemy, overrunning and overtaking the enemy's strategic position. This unit was the one that the Korean Army feared the most. The Borinqueneers never gave up and obtained 10 Distinguished Service Crosses, 258 Silver Stars, 628 Bronze Stars and over 2,700 Purple Hearts.

Your support is needed to help the Borinqueneers obtain the Gold Medal of Congress. As you can imagine, Puerto Rico will be supporting this effort, but I would be proud to receive the support of others in the USA to make this cause a reality for our veterans, and to honor our heritage and secure a legacy of fidelity. Please help me in doing this.

Contact your two U.S. Senators and your U.S. Representative. The adoption of the Borinqueneers Congressional Gold Medal will require the vote/support from a majority (2/3) of U.S. legislators.

Contact them, preferably via telephone call or email, so there is a record. In many cases, the email method will be a web form which is easy to complete. Just include your contact info, and copy and paste the content of the sample letter/email in the link below, or use similar wording.

Here's the link to download the form:

<http://www.65thcgm.org/resources.html>. Also, go to the



Facebook page and LIKE

them at: [https://](https://www.facebook.com/BorinqueneersCGMAlliance)

[www.facebook.com/](https://www.facebook.com/BorinqueneersCGMAlliance)

[BorinqueneersCGMAlliance](https://www.facebook.com/BorinqueneersCGMAlliance). In Twitter:

@BorinqueneerCGM. In Pinterest: <http://pinterest.com/latinoalliance/borinqueneers-congressional-gold-medal-alliance/>

Once again, thank you to all my colleagues in the USA and around the world. I look forward to seeing you in Puerto Rico next year. ♦♦♦

Fernando can be reached at covertintelligence@yahoo.com,

on the web at www.covertintelligencegroup.com

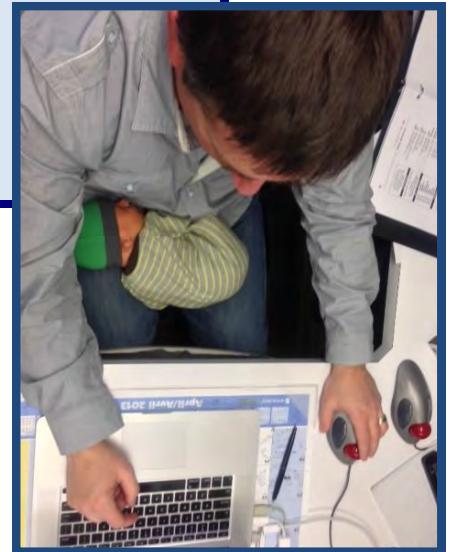


"The Puerto Ricans forming the ranks of the gallant 65th Infantry give daily proof on the battlefields of Korea of their courage, determination and resolute will to victory, their invincible loyalty to the United States and their fervent devotion to those immutable principles of human relations which the Americans of the Continent and of Puerto Rico have in common. They are writing a brilliant record of heroism in battle and I am indeed proud to have them under my command. I wish that we could count on many more like them."

General Douglas McArthur

Bulletproof (and Easy) Passwords

By Kevin Ripa, PI, EnCE, CDRP, CEH



In recent months, we have seen spam emails that appear to be sent from someone we know. Usually, you see an email advertising pharmaceuticals or making no sense at all, but with a link inside the email body.

These emails occur because the email login credentials for an account have been hacked, and once the hacker gets into the account, they send the spam email to everyone on that list or listed in the individual's address book. Sometimes they only send it to 11 of the contacts (don't ask me how they decided on 11).

Anyway, it does not matter if it is your Gmail, Hotmail, Yahoo, Shaw or any other email account; it can potentially be hacked. Now just to be clear: this is not a case of some maladjusted crank in his grandmother's basement banging away at a keyboard. These are sophisticated programs running automatically at thousands of accounts at once. They are using dictionary and brute force protocols to basically guess the password (typically your email address has already been harvested from the Internet, and the email is already your username).

The upshot is that the harder your password is, the less likely it is for the above programs to guess it. Ironically, this is also why people do not have hard passwords. They are too hard to remember. Well, here are some ideas for very difficult to hack, but easy to remember passwords.

- ◆ A password of just numbers is not adequate.
- ◆ A password that is an actual word or a name is not adequate.
- ◆ A password that is an actual word with a digit or two is not adequate.
- ◆ A password that uses numbers (55 instead of ss, or 00 instead of oo) is not adequate.

Here are two ways to create a bulletproof password.

METHOD 1...

Most individuals' first and last names are enough. Let's look at mine for example: Kevin Ripa. To begin we generate the following password: K1v2n R3p4!

Any password should contain the following:

Minimum of 8 total characters.

Minimum of 1 capital letter.

Minimum of 2 digits.

Minimum of 1 symbol character, such as any of these - !@#%\$%^&*()

In analysis, there are 11 characters, including 2 capitals, plus 4 digits and 2 characters. Yes, the space is a character. If you are not allowed to use a space, use an underscore, the point being it is easy to remember. We have capitalized the letters we would normally capitalize, and we have used sequential digits for the vowels. Then we have merely emphasized it all with an exclamation

mark.

METHOD 2...

Take a nursery rhyme or some other phrase that you use a lot. ("Git 'r done" even works!) I shall use one from Old Mother Hubbard. The phrase we want to remember is this: "Old Mother Hubbard went to her cupboard to get her poor dog a bone."

Seems simple so far. Now let's turn it into a bulletproof but easy to remember password: OMHwthctghpdab.08 — we have caps, digits, and a period. The date is the day of my birth.

Go to www.passwordmeter.com and test your password. Both of my passwords above are given 100% and a VERY STRONG rating.

Using the above methods and actually changing your password once in while will ensure that you are never an embarrassed victim of hacking. ◆◆

“A Strong Password Needs a Strong Password Policy”

By Rodney Johnson

The following is excerpted from Intellenet member Rodney Johnson's blog, found on his web site, www.eruditerisk.com. Visit the web site for more news from the Asian-Pacific theatre. Contact Rodney at info@eruditerisk.com.



One of the reasons attackers still go after passwords is because they are still one of the easiest things to attack. Organizations are still not training their personnel in effective password creation, management, usage, and protection ...

Passwords should be of sufficient length and utilize capital letters, numbers, and special characters. Sufficient length is at least 8 characters. The most commonly used letters in the English language are the letters that make up the Spanish word SENORITA. Most passwords are cracked using software that tries different combinations of letters until it hits on the right combination. The software is programmed to favor combinations that resemble normal usage of words. For example, it expects a capital letter at the beginning of the password. Since vowels are used far more than consonants, with at least one in every dictionary word in the English language, the cracking software favors vowels. Avoiding using vowels or replacing vowels with numbers creates a much stronger password ...

A strong password without a strong password policy is still putting your information at risk. ◆◆◆

Member News, continued from page 6...

Honoring One of Our Best!

By Robert Dudash, Intellenet Director of Operations

One of the pleasures I enjoy in my position is working closely with the Executive Director. In so doing Jim Carino and I discuss the achievements of Intellenet members who have contributed much more than has been asked of them... For the year 2012-2013 ... Intellenet chose Don C. Johnson, the Intellenet newsletter editor as the recipient of the 2012-2013 Life Member Award. The citation reads:



Jim presented Don with a Life Member Award in Philadelphia.

“Don C. Johnson has distinguished himself in the performance of outstanding and dedicated service to Intellenet. Since he joined Intellenet, he quickly established himself as a highly motivated and productive member. A leading expert in litigation support services, pre-employment screening and criminal defense, he is a valuable contributor to our profession. As editor of the Intellenet Newsletter, he has been instrumental in maintaining Intellenet as a premier investigative association. Don’s aggressive pursuit of newsletter articles has been instrumental in keeping the Intellenet membership abreast of both major and minor changes in investigative policies and ensuring that these articles are published in a timely manner. Since serving on the Intellenet Board of Directors, he has established himself as a loyal, dedicated and responsible contributor during board discussions on a wide range of issues; he has demonstrated an innate ability to quickly analyze the core issues of situations while logically determining solutions. Through his adroit monitoring of Intellenet’s day-to-day investigative operations, Don has raised the awareness of the investigative issued affecting our profession by ensuring articles published in the Intellenet newsletter are well researched and insightful. His pursuit of excellence, his high ethical standards and his dedication to mission accomplishment is an excellent model for others to emulate. The distinctive accomplishments of his long standing commitment to our profession, and being a consummate professional, reflect great credit upon himself and the world community.”

It is indeed a great pleasure to say that I have known and worked with Don for many years now and he is a great asset to our profession. Thank you Don!



“Sovereign Citizens”

Not of the USA, so to speak...

Earlier this year in an exchange on the Intellenet list serve, **Tom Severin** of Chicago posted a query about the sovereign citizen movement in the U.S. Tom had been appointed as a Special Process Server tasked with locating and serving a female alleged to be a “sovereign citizen” who also had an active arrest warrant. Tom acknowledged he had little information at hand on this group, labeled by the FBI as anti-government extremists.



known as Intellenet, Tom received advice from at least three of our members who had experience with the group. Two members posted comments on the list serve and they are quoted below. A third, **Stefan Salmonson** of Mora, Minnesota, phoned Tom, who said this: “*Stefan Salmonson took 30 minutes*

out of his day to brief me on the perils of dealing with (Sovereign) Citizens. We exchanged intel -- Stefan is THE expert with Sovereign Citizens.”

As we’ve come to expect from the intelligence resource

Continued on next page...

Intellenet members comment on Sovereign Citizens ...

“In my former life I worked these same types of folks. They were then known as ‘Tax Protestors’ and they were very dangerous people. Property liens, lawsuits and threats of violence against federal agents, agency executives, and federal judges were their stock and trade. I personally caused federal judges, some high level management officials and civil employees of our agency to receive 24/7 protection because of threats that were received from these folks. So, Tom, be very careful in your approach to these people. I consider them more dangerous to deal with than organized crime figures and major drug traffickers. This is because the Sovereign Citizens don't believe in the legitimacy of government and the laws imposed and enforced by government.”

Al Ristuccia
Pasadena, California

“Be very careful not to leave any personal information of yourself, if at all possible. They wreaked havoc in Michigan with the state police SWAT team when they put liens on all the members real property, after the team help(ed) with an arrest of one of their members. It took the IG months to clear things up and to eventually charge them criminally. Also, be prepared for her to attempt to take out an order of protection on you, as a result.”

Marty Bugbee
Grosse Pointe, Michigan



From fbi.gov ...

The Sovereign Citizen Movement

Sovereign citizens are anti-government extremists who believe that even though they physically reside in this country, they are separate or “sovereign” from the United States. As a result, they believe they don’t have to answer to any government authority, including courts, taxing entities, motor vehicle departments, or law enforcement.

This causes all kinds of problems—and crimes. For example, many sovereign citizens don’t pay their taxes. They hold illegal courts that issue warrants for judges and police officers. They clog up the court system with frivolous lawsuits and liens against public officials to harass them. And they use fake money orders, personal checks, and the like at government agencies, banks, and businesses.

That’s just the beginning. Not every action taken in the name of the sovereign citizen ideology is a crime, but the list of illegal actions committed by these groups, cells, and individuals is extensive (and puts them squarely on our radar). In addition to the above, sovereign citizens:

- Commit murder and physical assault;
- Threaten judges, law enforcement professionals, and government personnel;
- Impersonate police officers and diplomats;
- Use fake currency, passports, license plates, and driver’s licenses; and
- Engineer various white-collar scams, including mortgage fraud and so-called “redemption” schemes.

Sovereign citizens are often confused with extremists from the militia movement. But while sovereign citizens sometimes use or buy illegal weapons, guns are secondary to their anti-government, anti-tax beliefs. On the other hand, guns and paramilitary training are paramount to militia groups.

You can help. First, “be crime smart”—don’t fall for the bogus claims and scams of sovereign citizens. And second, if you have information on any suspicious activities or crimes, please contact us. ♦♦♦



From mintpressnews.com ...

FBI focused on “sovereign citizen” extremists

Since the enhanced focus on the group starting in 2009, the FBI created a national strategy to address the issue, which includes briefing state and local law enforcement around the country on signs to look for and how to prevent violence.

Casey Carty, a supervisor in the bureau’s domestic terrorism section that leads the sovereign citizen extremist program, said that people in the sovereign citizen movement do not tend to gravitate to one specific part of the country and reside in nearly every state. Carty also said that age, gender and race are not consistent among the movement’s followers.

AP sources, February 7, 2012

“Sovereign citizens” have confronted law enforcement officers with deadly force and have been responsible for several line-of-duty deaths. Most cops approach these people with great trepidation, as they’re unpredictable and sometimes dangerous.

Cellphone Tracking: Is it “junk science”?

At his trial last year on federal kidnapping and conspiracy charges, prosecutors sought to introduce cell tower evidence purporting to show that calls placed from defendant Antonio Evans’ cellphone could have come from his aunt’s house, where the victim was thought to have been held for ransom. Prosecutors routinely introduce cell tower evidence to place a defendant in the vicinity of a crime. In this case this defendant was acquitted.

Evans was one of three men charged in a scheme to kidnap the 15-year-old son of a Chicago-area junk dealer whom they thought was wealthy and hold him for a \$450,000 ransom. The youth was snatched off a street on his way to school by two men in April 2010 and held in the basement of a Chicago home for 36 hours before being freed unharmed.

“What made the Evans case unusual was the fact that the defense even put up a fight to keep the cell tower evidence out of the trial,” according to a June 1, 2013 article entitled *Prosecutors’ use of mobile phone tracking is ‘junk science,’ critics say.*” by Mark Hanson in *Law News*. The attorneys representing Evans presented evidence that the techniques by which cell tower evidence is determined is not scientific.

“Such testimony usually goes unchallenged, presumably because most defense lawyers either accept at face value prosecutors’ assurances that cell tower evidence is scientific or because they don’t know enough about the under-

lying technology to understand its limitations. And, on the few occasions that it has been challenged, the courts have always let it in” according to the article.

That is, until U.S. District Judge Joan H. Lefkow of Chicago, who tried the Evans case, took an in-depth look at the cell tower evidence the government was proposing to use and found it wanting. She wrote that “multiple factors can

affect the signal strength of a tower” and an FBI special agent’s “chosen methodology has received no scrutiny outside the law enforcement community.” As a result, in an August 29, 2012 opinion and order, she concluded that the government had not demonstrated that testimony was reliable.

Critics of cell tower tracking say the decision is long overdue. It marks the first partial defense victory against the use of such evidence on *Daubert* grounds, the test formulated in the 1993 U.S. Supreme Court case *Daubert v. Merrell Dow Pharmaceuticals*. That test says that the judge should rule on the admissibility of scientific information submitted to assist the fact finder. It is used by federal and most state courts to determine the admissibility of expert testimony. Critics hope the case

represents a turning point in the courts’ general tendency to submit when dubious scientific techniques such as cell tower tracking are proffered.

The article also quotes Michael Cherry, the CEO of Cherry Biometrics, a Falls Church, Va.-based consulting firm that has led the legal assault on cell tower tracking, calling it “junk science” and indicating that it should never be admitted in any court for any reason. He claims cell phone tracking is an easily disproved technique, which has been



around for a decade or more, and is routinely being used in court.

“No one who understands the relevant science would ever claim that data from a single cell tower can reliably be used to specify the location of a caller at the time a particular call is made,” he says. Still, in 2011, the nine largest cellphone carriers in the U.S. responded to 1.3 million requests from law enforcement for subscriber information of all kinds, including cell tower records.

Cell tower records, also known as call detail records, are the billing records cell companies use to keep track of their customers’ calls. They show the date and time of all calls made or received, the numbers called, the duration of each call, and the cell towers used to begin and end a call. And those requests have been rising at an annual rate of 12 percent to 16 percent in the past five years.

Cell tower records are not completely worthless. They can tell whether a person who has denied being in the coverage area of a particular tower at a given time was lying. However, they can not tell you where within that coverage area the caller was. In some areas, the caller could have been anywhere within a 420-square-mile vicinity of a particular tower. Cell tower records, unlike Global Positioning System technology, were never designed to be used for tracking purposes. But not all cellphones are equipped with GPS technology, which can pinpoint a caller’s location down to a radius of about 50 meters, leaving cell tower records the only way of tracking a phone without it.

Prosecutors in the Evans case stated the significance of the ruling was limited. They were allowed to put on evidence indicating that Evans’ cellphone repeatedly connected to two cell towers directly east and west of his aunt’s home. They also put on testimony from an admitted co-conspirator who said Evans helped plan and take part in the kidnapping scheme and was with him at his aunt’s house when the calls in question were made.

The evidence included the proposed testimony of FBI special agent Joseph Raschke, a recognized expert in cellphone analysis, who was expected to testify that by

comparing the call detail records for Evans’ cellphone with the location of the two towers it connected to, he could narrow the location of Evans’ cellphone to an area the size of a few city blocks, where his aunt’s home falls squarely in the middle.

After an evidentiary hearing, Judge Lefkow allowed Raschke to testify about how cellular networks operate. She said such testimony would help the jury narrow the possible location of Evans’ cellphone during the course of the alleged conspiracy. However, she refused to allow

“Cell tower records can provide a “general indication” of where a call was made down to within a few hundred yards under certain conditions, but may be too imprecise to place a caller inside a constitutionally protected space, such as a home.”

Raschke to testify that calls made from Evans’ cellphone could have come from the basement of his aunt’s home because he hadn’t demonstrated to her satisfaction that cell tower tracking is scientific.

The judge stated that Raschke’s testimony was based on the erroneous assumption that a cellphone will always connect to the tower with the strongest signal—usually the one closest to the phone when the call is made. Yet there are a variety of factors that determine which tower a phone will connect to, including weather, topography, physical obstructions, tower maintenance and whether the phone is being used indoors or out.

The judge also stated that Raschke had offered no proof that the tracking technique works, other than his assurances that he and other FBI agents have successfully used it to find people both living and dead, and had done so with a “0 percent” rate of error.

Evans, the defendant, claimed that the cellphone registered to him had been purchased in his name by another co-defendant, who has also pleaded guilty and is awaiting sentencing. He knew the co-defendant through the drug trade. He also pointed out that he, unlike his two co-defendants, had not been captured on surveillance cameras making ransom calls from various pay phones in the Chicago area.

Cell tower records can provide a “general indication” of where a call was made down to within a few hundred yards under certain conditions, but may be too imprecise to place a caller inside a constitutionally protected space, such as a home.

Continued on next page...

The TLO Debacle...

An NBC "privacy" television presentation by four private investigators which aired in March received mixed reviews as to whether interviews involving pretexting a willing "victim" by a purported fortune teller (actually a private investigator) enhanced the image of our profession. ISPLA was advised that the accessing of personal identifying information regarding the "victim" caused some consternation at TLO when the private investigators went online to surreptitiously run information data searches while the potential ID theft victim was being interviewed by an undercover private investigator posing as a mind-reader.

Although some investigative colleagues viewed the TV presentation as enhancing the image of PI's, others believe such broadcasts add fodder for privacy advocates to pressure legislators for more restrictive legislation. However, the presentation did at least make the public aware of how they can be deceived or defrauded due to the extent of information that is available about them on social media and public record sites.

During the same time period there was also talk of potential security breaches, lack of proper vetting and credentialing of private investigators utilizing TLO's services, and mass confusion and concerns by private investigators being denied future access. On May 9, 2013, TLO filed for Chapter 11.

In a South Florida Business Journal article of May 14, reporter Paul Brinkman provided the following:

"Conflicting information is being discussed in bankruptcy court filings for Boca Raton-based TLO LLC, regarding the value of the company. When TLO filed for Chapter 11 they cited \$109 million in liabilities, just months after the death of its founder Hank Asher. Recent appraisals of the data-mining firm estimated its value between \$30 million and \$300 million, according to a motion filed by shareholder William H. Price, who is litigating with TLO over issues related to his departure as an officer of the company."

Price's motion said he objects to a plan for Asher's daughters to contribute up to \$6 million for bankruptcy financing. Price alleges that would give Desiree Asher and Carly Asher Yoost – new co-CEOs – new equity of 30 percent. That rate, Price's motion said, would be "equivalent to a purchase price of Debtor of only \$20

million."

Instead, Price offered to fund the company at more favorable terms for TLO, but he didn't specify the terms. The company has reported that its revenues grew from \$2.6 million in 2011 to \$11.5 million in 2012 to \$7.8 million for the first four months of 2013. That puts TLO on track to have \$23.5 million in revenue for 2013."

On May 28, the Office of the U.S. Trustee appointed a seven-member creditors committee for the TLO bankruptcy. It will advise the judge in this complex Chapter 11 case and will be empowered to file motions in the name of the larger creditors. All of the appointees represent unsecured creditors in the TLO bankruptcy. Included are representatives of other data providers -- Equifax Information Services, Experian North America, Tracers Information Specialists, Dun & Bradstreet and LSSiDATA. Terry Kilburn, the chief operating officer of Tracers appointed to the committee, is known to many of our investigative colleagues. Other creditors with appointed representatives on the committee include Dell Financial Services and SMA Communications.

As some of you may know, the name TLO is an acronym for "The Last One." That said, this will no doubt not be the last we hear about this debacle.

Bad Press for PIs, Continued...

In 2012, ISPLA reported on negative publicity regarding private investigators that resulted in a number of criminal charges and regulatory violations being brought. Here are follow-up status reports regarding two of them.

In Maine, Alexis Wright, 30, a Zumba fitness instructor at the center of a prostitution scandal featuring sex videos, adultery and more than 100 clients was sentenced 10 months in jail. The former single mother was accused of conspiring with insurance business owner and private investigator Mark Strong to run a prostitution business in which she videotaped clients without their knowledge and kept detailed records over an 18-month period indicating she made \$150,000 tax-free. She also collected more than \$40,000 in public assistance.

The defense maintained in a court document that Wright became part of Strong's private investigation firm and was manipulated into believing she was an "operative" working for the state that was tasked with



investigating "all manner of sexual deviants."

Wright was sentenced under a plea agreement to 20 counts including prostitution, conspiracy, tax evasion and theft by deception. She had been originally charged with 106 counts. All the counts in the plea agreement were misdemeanors, including three counts relating to welfare and tax fraud that were reduced from felonies. Under the agreement, prosecutors will seek restitution of \$57,280.54.

Private investigator Mark Strong, 57, of Thomaston, Maine was convicted of 13 counts related to promotion of prostitution and was sentenced to 20 days in jail. The married father of two had acknowledged having an affair with Wright, and was originally charged with 59 counts.

In the fall of 2012, ISPLA reported that a Brooklyn private investigator had been charged by New York state officials with professional misconduct for allegedly threatening and intimidating witnesses and ordered to appear before a state administrative law tribunal. ISPLA stated it hoped that a tribunal would be "able to differentiate between an investigator employing aggressive bullying tactics of witnesses from the purported instances of actual witness intimidation." Acknowledging that private investigator Steven Rombom, like any other person accused by any governmental entity, is entitled to a presumption of innocence and due process of law, ISPLA offered an opinion that he would partially prevail in the impending matter on some of the charges – being acquitted of some of the serious alleged acts of professional misconduct, but not all charges. He and his company Pallorium, Inc. had been charged with engaging in acts that demonstrated untrustworthiness or incompetency with a number of provisions in the General Business Law.

Rombom and Pallorium, Inc., have admitted to seven allegations in the complaint in accordance with provisions of New York's General Business Law Section 79(1)(d). Each charge carried a maximum fine of \$1,000. According to a signed consent order, Rombom agreed to pay a fine of \$6,500 to the New York Department of State. A March 20, 2013 article in the Timesunion.com indicated that while the agreement settles the complaint, it does not address a set of allegations related to his activities in the Capitol Region. Those concerned charges he allegedly threatened and intimidated witnesses in violation of the law in a legal proceeding related to the Colonie, New York personal development business called NXIVM. His license was neither revoked nor suspended. He has advised colleagues that a complaining witness refused to testify and that the current manner in which consumer complaints are handled by the Division of Licensing Services should

include sanctions against any complainant who files a false report.

According to the article, the charges to which Rombom and his company admitted included advertising as an "investigative team" even though he was the sole state-licensed private investigator at Pallorium, and for continuing to practice after the state had dissolved Pallorium for failing to file tax returns or pay taxes in 2008, 2009 and 2010. The settlement document reflects that the failure to pay taxes was eventually resolved and that Pallorium, Inc. is again currently active.

Regulator to Require Psychological Evaluation of Applicants for Licenses ...



A state regulatory body, on or after July 1, 2014, may require certain personality assessment and procedures for licensure in the creation of a Bail Enforcement and Licensing Act. The State of Oklahoma Council on Law Enforcement Education and Training (CLEET) has jurisdiction over peace officers, private investigators, firearms, security guards, training, and bail enforcers. Although this regulation applies to bail enforcement, state regulators could very well make the argument that private investigators and private security guards undergo similar psychological testing as a condition of holding a private investigator license or being a registered security officer.

The 45-page Oklahoma Senate Bill No. 1013, Bail Enforcement and Licensing Act, will require a bail enforcer applicant to be administered any current standard form of the Minnesota Multiphasic Personality Inventory test (MMPI), or other psychological evaluation approved by CLEET, and administered in conjunction with training. The bail enforcement training school administering the test shall forward the response data to a state licensed psy-

-chologist for evaluation. The licensed psychologist shall be of the applicant's choice, who will also bear the cost of the evaluation. "No person who has been found psychologically at risk in the exercise of appropriate judgment, restraint, or self-control shall reapply for certification until one (1) year from the date of being found psychologically at risk."

There are some exceptions granted for retired peace officers who meet certain prerequisites within specified time frames. For example, retired peace officers who are not exempt and have previously undergone treatment for a mental illness, condition, or disorder which required medication or supervision, as defined by particular Oklahoma statutes, "shall not be eligible to apply for a bail enforcers license except upon presentation of a certified statement from a licensed physician stating that the person is no longer disabled by any mental or psychiatric illness, condition, or disorder."

The applicant shall have no record of a felony conviction or any expungement or a deferred judgment or suspended sentence for a felony offense, unless at least fifteen (15) years has passed since the completion of the sentence and no other convictions have occurred or are pending. No person convicted of a felony offense shall be eligible for an armed bail enforcer license.

Additional crime convictions at any level described as barriers to the granting of a license are: assault or battery, aggravated assault or battery, larceny, theft, false pretense, fraud, embezzlement, false personation of an officer, any offense involving moral turpitude, any offense involving a minor as a victim, any nonconsensual sex offense, any offense involving the possession, use, distribution, or sale of a controlled dangerous substance, any offense involving a firearm, or any other offense as prescribed by the Council.

A procedure was implemented to provide waivers to offenses more than five (5) years prior to the application date should the Council be convinced that the offense constituted an isolated incident and the applicant rehabilitated.

U.S. Supreme Court says police may take DNA samples from arrestees...

A split 5-4 Supreme Court ruled that police may obtain DNA samples as part of a routine arrest booking for serious crimes. It narrowly upheld a Maryland law, equating DNA samples being similar to fingerprints. The challenge to the Maryland law was brought by Alonzo Jay King Jr., from whom DNA was taken. After his 2009 arrest on assault charges King was booked and a cheek swab used to take a DNA sample. The swab eventually was matched to an unsolved 2003 rape and robbery of a 53 year-old woman for which he was charged and convicted.

The Supreme Court held that such procedure in utilizing a DNA sample for a serious offense was reasonable under

the Fourth Amendment and the intrusion negligible.

"DNA identification represents an important advance in the techniques used by law enforcement to serve legitimate police concerns for as long as there have been arrests," wrote Justice Anthony M. Kennedy in his majority opinion. The federal government and 28 states, including Maryland, allow taking DNA samples. All 50 states collect DNA from people convicted of crimes.

Kennedy stated: "Taking and analyzing a cheek swab of the arrestee DNA is, like fingerprinting and photographing, a legitimate police booking procedure that is reasonable under the Fourth Amendment." With the Court's major-

ity Kennedy took the position that collecting DNA is useful for police in identifying individuals: "The use of DNA for identification is no different than matching an arrestee's face to a wanted poster of the previously unidentified suspect, or matching tattoos to known gang symbols to reveal a criminal affiliation, or matching the arrestee's fingerprints to those recovered from a crime scene. DNA is another metric of identification used to connect the arrestee with his or her public persona, as reflected in records of his or her actions that are available to police."

The court split in an unusual fashion. Joining Justice Kennedy were Chief Justice John G. Roberts, Jr., and Justices Samuel A. Alito, Jr., Stephen G. Breyer, and Clarence Thomas. The dissenters were three of the court's liberals - Justices Ruth Bader Ginsberg, Elena Kagen and Sonia Sotomayor, who joined with conservative Justice Antonin Scalia. He showed his displeasure with the Court's majority by reading a summary of his dissent from the bench:

"Taking and analyzing a cheek swab of the arrestee DNA is, like fingerprinting and photographing, a legitimate police booking procedure that is reasonable under the Fourth Amendment."

Justice Anthony M. Kennedy

"The court has cast aside a bedrock rule of our Fourth Amendment law: that the government may not search its citizens for evidence of crime unless there is a reasonable cause to believe that such evidence will be found."

He added: *"Make no mistake about it: Because of today's decision, your DNA can be taken and entered into a national database if you are ever arrested, rightly or wrongly, and for whatever reason."*

Kennedy wrote that the decision was more limited than that: DNA can be taken from those suspected of "serious" crimes; that police have a legitimate interest in identifying the person taken into custody; and that the DNA samples could make sure that a dangerous criminal is not released on bail.

"By comparison to this substantial government interest and the unique effectiveness of DNA identification, the intrusion of a cheek swab to obtain a DNA sample is a minimal one," Kennedy wrote.

Emily Bazelon wrote an interesting piece for *Slate* that this decision now makes it much easier for the government to collect genetic information, writing, *"Scalia doesn't belabor the privacy costs, though he could. It's disingenuous to compare DNA collection to fingerprinting, given the additional information it conveys about sex, age, and details of physical appearance. Scalia, though, is largely offended as a believer in originalism- the theory*

that the founders' understanding of the constitution should be our understanding. Scalia speaks for them, and he is sure this is not what they had in mind."

The ACLU said the ruling created *"a gaping new exception to the Fourth Amendment."* Its director, Stephen R. Shapiro, stated: *"The Fourth Amendment has long been understood to mean that the police cannot search for evidence of a crime – and all nine justices agreed that DNA testing is a search – without individualized suspicion. Today's decision eliminates that crucial safeguard at the same time, it's important to recognize that other state laws on DNA testing are even broader than Maryland's and may present issues that were not resolved in today's ruling."*

A link to the U.S. Supreme Court decision in *Maryland v. King 12-207* is at: http://www.supremecourt.gov/opinions/12pdf/12-207_d18e.pdf ♦♦♦

Bruce Hulme, CFE, is ISPLA's Director of Government Affairs (www.ispla.org). ISPLA is a resource for the investigative and security professions, U.S. and state governments and the media.



Hosted By  **PI** magazine.com Presents **2013 EAST COAST INVESTIGATORS SUPERCONFERENCE** Atlantic City, NJ

Diamond Sponsor  Platinum Sponsor 

ISPLA is Silver Sponsor and a co-host with Intellenet at 2013 East Coast Investigators Super Conference, June 27 and 28 in Atlantic City...

Please visit ISPLA Booth 206 and INTELLENET Booth 314 at the 2013 East Coast Investigators Super Conference at the Tropicana Casino & Resort in Atlantic City to learn how Investigative and Security Professionals for Legislative Action (ISPLA) represents Intellenet and your interests in legislative and regulatory affairs, and s one of the "Silver Sponsors" at this conference. Pre-conference speakers from Intellenet on June 26 include William Blake, James Carino, Jimmie Mesis and Michele Stuart. Intellenet presenters at the main conference include Cynthia Hetherington, David Ziegler and me.

The conference hotel room block is selling out fast because of the low \$69.00 per night rate. If you plan on attending the conference call Tropicana reservations now at 800-247-8767 using Promo Code HPIMAG to obtain the discounted \$69.00 per night rate for Tuesday through Thursday nights and the \$109/rate for Friday night. When you register for the conference please indicate that you are a member of Intellenet, one of the cosponsors of this conference. Details about the conference are at: <http://www.pimagazine.com/AC2013/> ♦♦♦

Guest Appearances



Grayson James Joseph RIPA

Born April 11, 2013

Son of proud parents Kevin and Sheri RIPA

Amelia Jane GRAY

Born April 23, 2013

**Daughter of proud parents
Nicole BOCRA GRAY and
Keith GRAY**

