



May – June 2012 | Issue 16

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The International Councilor

President's Message

BY Brian D. King, CII, CFE

Hello to everyone around the world. I hope all of your summers are starting off great and you are considering taking some time off from your busy schedules to enjoy the season. (I guess this doesn't apply to our friends in Australia who will be having their winter!).



Finally, I want encourage everyone to continue to use the CII list serve to its fullest extent as it is a great tool and resource for receiving assistance from fellow members throughout the world.

Wishing everyone all the best!

Brian D. King

I want to remind everyone to consider registering for our 2012 AGM Conference hosted by President-Elect Eddie Sigurist be held at the Kwa Maritune Bush Lodge in South Africa from Monday, October 8, to Friday October 12, 2012.

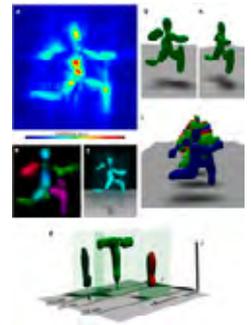
A big thank you from everyone on our executive team for Pascal Mignot who hosted the regional meeting in Vevey, Switzerland in late May where we had members from France, Romania, Germany, Switzerland and the UK in attendance.

I would like to also take a moment and commend the publication team on all of their relentless and unselfish work at preparing our CII Councilor for the benefit of our members.

Editor's Message >

Take a look at the RD News this month (page 6). We are featuring some exciting technology that enhances and illuminates the work we do in the field of investigation. Did we miss anything? We are always on the lookout for new and exciting technology!

Please let us know if you hear of anything of interest to those in our field, be it applicable to the individuals investigator or aspirational in nature. Email: editor@cii2.org



Private Investigators and Obstructing Justice

By Norman Groot

It is not every day that a private investigator makes new law in the Supreme Court of Canada, and has the Canadian Association of Chiefs of Police, the Canadian Crime Stoppers Association, the Canadian Civil Liberties Association, and the Criminal Lawyers Association all weigh in as interveners in his case. But that is what occurred recently in the case of *R. v. Barros*, 2011 SCC 51.

The story, as told by the Supreme Court, was as follows. A confidential police informer provided information to the Edmonton Police Service Drug Squad relating to drugs and guns in the home of lawyer Irfan Qureshi. During the resulting search warrant, police seized 1.5 Kgs of methamphetamine, 1.5 Kgs of cocaine, three handguns, a bulletproof vest, and drug cooking and packaging paraphernalia. A second search warrant netted another 4 Kgs of cocaine, a handgun and cash. Qureshi and others were charged with a number of drug and firearms offences.

Criminal defence counsel for Qureshi retained Ross Barros, a former police officer turned private investigator, to review the strength and weaknesses of the Crown's case. Barros decided it was necessary to discover the identity of the confidential informant. Barros arranged a meeting with associates of Qureshi, advised them that he was

working for the defence, that he needed their cell phones to determine who had been in contact with the police, and that if cell phones were not produced they should submit to a polygraph test. Barros further advised the associates of Qureshi that the informer in their midst should seek legal counsel and contact him so that they could work together.



Barros also arranged a meeting with one of his former colleagues on the Edmonton Police. Barros advised his colleague that he knew the identity of their confidential informant but had not revealed the informant's identity to Qureshi or his counsel. Barros went on to inform his former colleague that during his days as a police officer charges were sometimes dropped in order to protect the identity of confidential informants. Barros went on to advise that eventually he would have to inform Qureshi and his counsel of the identity of the informant. Although Barros

did not ask the police to drop the charges against Qureshi, they understood this was the implication of Barros' statements.

Barros was subsequently arrested by police for obstructing justice for attempting to identify the confidential informant for the purpose of interfering with the criminal proceedings against Qureshi. Barros was also charged with extortion for both attempting to induce Qureshi's associates and the

➤ [continues on next page](#)

In a minority dissent, one judge reasoned that while the police and the courts have a duty to protect a confidential informant's identity, there was no such duty on an accused or his investigators.

police into identifying the confidential informant. In his statement to police following his arrest, Barros stated that he knew the identity of the confidential informant and was aware that the informant would be in danger if his identity was disclosed. Barros advised that his motivation for his investigation was to ensure no harm befell the informant.

The trial judge directed an acquittal of Barros on the basis that as a private investigator, Barros was constitutionally entitled to take investigative steps to identify the informer as part of a criminal defendant's right to make full answer and defence. The trial judge noted that Barros had not explicitly asked the police to drop the charges against Qureshi and had not explicitly used threats of violence to obtain the cell records from Qureshi's associates.

The Alberta Court of Appeal, however, set aside the acquittal and ordered a new trial. The majority of the Court of Appeal held that the motives of Barros were inherently malevolent and oppressive and inclined to obstruct justice. The majority further noted that the policy basis for informant privilege depends on secrecy, and that the trial judge had misapprehended the actual impact of the evidence on the administration of justice. In a minority dissent, one judge reasoned that while the police and the courts have a duty to protect a confidential informant's identity, there was no such duty on an accused or his investigators. Because it was a split decision, Barros had a right to appeal to the Supreme Court.

The Supreme Court of Canada held that informer privilege has been recognized since the 1794 case of *The Trial of Thomas Hardy for a Treason* as an essential element in the investigation of crime and the protection of the public, and that the competing value of an accused person's right to make full answer and defence is a fundamental value to criminal justice. While a criminal defendant is entitled to retain his own investigators to obtain evidence to make full answer and defence, the methods to do so must be lawful. The Courts will not accept the defence that that the motive for unlawful investigative tactics was to make full answer and defence in circumstances where a confidential informant's well-being may be placed into danger, as is often the case when dealing with organized crime and

drug trafficking offences. The Court held that veiled references, such as those made by Barros, may constitute a threat for the purposes of an extortion charge. The interpretation by Barros' police colleagues as to the implied meaning of Barros' statements was highly relevant to adjudicating the obstruct justice charge. For these reasons, and others, the Supreme Court ordered a new trial was necessary. The results of the new trial are unreported to date.

The investigative tactics utilized in the Barros case is uncommon and certainly limited to the context of that case. That said, the Barros case provides an important exception general goal of justice to "search for the truth" and to the evidentiary admissibility rule as set out in *R. v. Leatham*, [1861-73] All E.R. Rep. Ext. 1646: "it matters not how you get it, even if you steal it, [if its relevant and reliable], its admissible." ☐

Norman Groot's law practice is focused on fraud recovery and investigation law. He may be contacted at Investigation Counsel PC, 350 Bay Street, Suite 1000, Toronto, ON M5H 2S6, 416-637-3141 and ngroot@investigationcounsel.com

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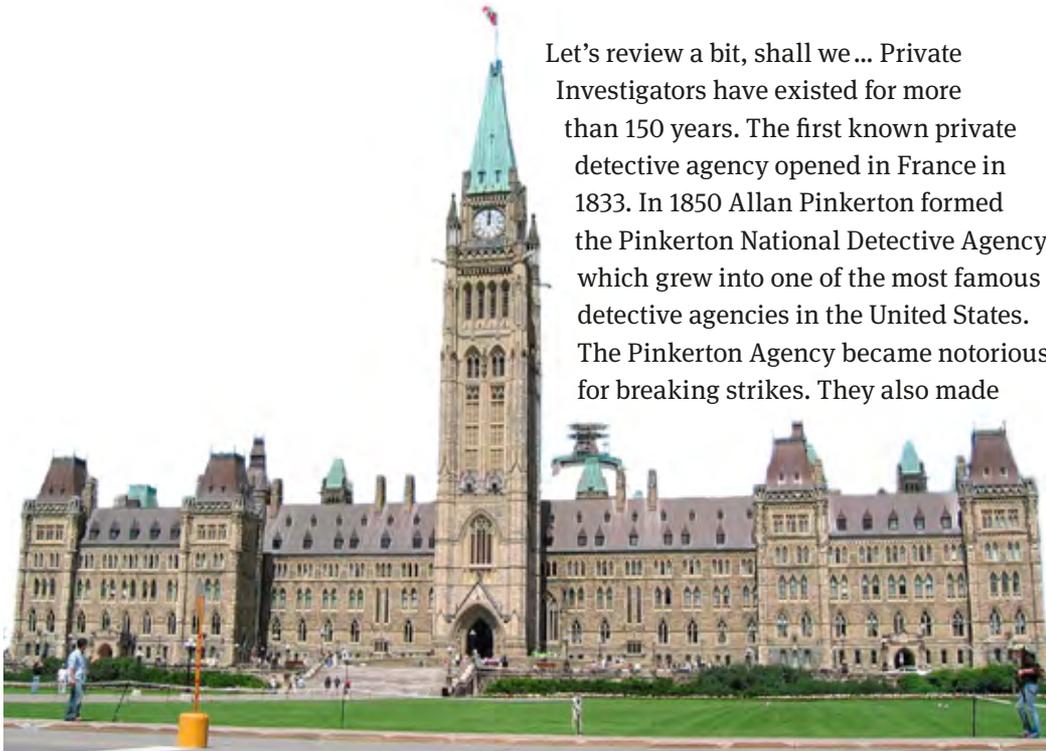
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Hiring A Private Investigator In Ontario

By Debra MacDonald, debbra3@gmail.com

The Private Investigator may be the most misunderstood professional in today's society. Most people formed early impressions of private investigators based on The Hardy Boys, Nancy Drew and Sherlock Holmes and from popular television shows such as Magnum PI, The Rockford Files and Moonlighting. In fact, the swashbuckling, adventure seeking, gun toting characters in these shows bear almost zero resemblance to the professional private investigator. As we in the industry know, private investigators provide valuable, often mundane information to private individuals and corporations. The first step in separating fact from fiction is to define the role of a private investigator.

Let's review a bit, shall we... Private Investigators have existed for more than 150 years. The first known private detective agency opened in France in 1833. In 1850 Allan Pinkerton formed the Pinkerton National Detective Agency which grew into one of the most famous detective agencies in the United States. The Pinkerton Agency became notorious for breaking strikes. They also made



significant contributions to the fields of law enforcement and investigation. The agency takes credit for the concept of the mug shot and the term “private eye” which came from the original Pinkerton logo.

Here in Canada, private investigation agencies and private investigators are regulated and licensed by the Province of Ontario. All private investigation companies must have an office and clearly display their agency license for public view. These regulations are in place to protect the public and ensure that all licensed agencies and investigators operate under the Act and within the governing bodies' guidelines. All members of the Council of Private Investigators – Ontario have been vetted by the Council to ensure they meet standard business requirements.

The CPIO members maintain the utmost level of professionalism and hold themselves to the highest ethical and business standards (www.cpi-ontario.com). 

Public Relations Committee Chairwoman Shiela Ties The Knot — Congratulations!

Ms. Sheila Ponnosamy, CII, was married on May 19, 2012 to Richard Mohgan. After ten years together and many wonderful memories, they decided to “tie the knot.” The church event featured over 500 guests including close friends from Australia, Malaysia, Sri Lanka, and Myanmar. Even though Ponno appears serious in the photo below, witnesses reported his joy was evident. CII member Nancy Barber attended the event. The happy couple expects to spend the next month honeymooning in Europe. Congratulations to Sheila, her new groom and her father, Ponno! ☐



Joan Beach Is On The Road To Recovery

Joan is recovering nicely after a surprise 5 part by pass heart surgery. Joan received tons of support from CII members with cards, emails, flowers and gifts. Everyone was anxious to convey to her just how dear she is to us. Joan can be reached at joanmbeach@aol.com ☐

CII Member and Past President John Swain

John Swain, our past President and host of our London Tower meeting recently moved in with his daughter Susan at 14 Village Green Avenue, Biggin Hill, Kent, TN153LP; England UK. We are sure he would appreciate a note. ☐

Laser Camera Can See Around Corners!

In 2010, MIT Media Lab began pioneering specialized technology that would permit greater camera visibility around corners and objects that were out of the camera's sight lines. Their recent video provides a great demonstration as to this exciting technology (http://www.youtube.com/watch?feature=player_embedded&v=JWDocXPY-iQ)

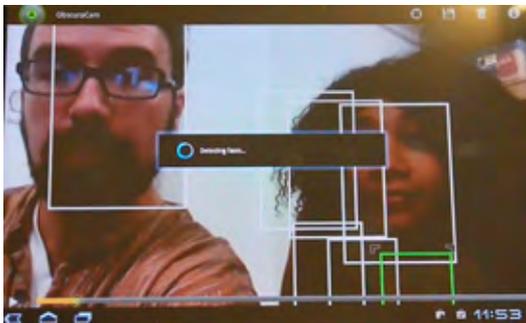


In layman's terms, the camera works by briefly firing laser pulses that are so incredibly short that they are expressed in quadrillionths of a second at a surface that is across from the object the camera is attempting to image. The laser pulses are fired at the object, bounce off it and scatter with particles hitting the targeted object and scattering. Some of these scattered particles bounce back to the camera itself which has a specialized sensor to retrieve the information. The camera is well equipped with the ability to gather a great deal of data very quickly by moving the laser at different angles which enables it to gather the dimensions of the object hidden from view.

The hope is that such a camera would help with rescue missions and assisting cars of the future. Such technology could also prove highly valuable to the seasoned investigator. □

Use Your Smartphone To Gather Evidence

ObscuraCam, part of a larger app suite called SecureSmartCam, is designed for human rights activists and individuals concerned with the privacy of their videos. This suite also features an app called InformaCam, which adds smartphone sensor data such as GPS and network information to videos and images captured which could then tag data obtained by a smartphone to use, potentially, as legal evidence.



ObscuraCam features the ability to automatically pixelate or block out the faces of those depicted using facial-detection software. You can also opt to put a funny Groucho Marx-type nose-and-glasses image over the face depicted. ObscuraCam can also strip identifying metadata for individuals concerned about their privacy who would like to post on social networking sites such as Facebook and Twitter that are currently working with Android technology. View the video at: http://www.youtube.com/watch?v=ghi4c_DCrkw&feature=player_embedded □

Online Press Creates Credibility Problems for Chinese Officials

Recently, a serious traffic accident occurred in Shenzhen, China. A drunk driver operating a luxury car caused the deaths of three individuals and fled from the scene of the crime directly following. When the police became involved in investigating the event, a suspect was named who was then held in police custody. Thousands of citizens became interested in this story online and doubted the identity of the detained suspect, claiming that the individual currently being held in custody was a scapegoat and not the real party who caused the accident. The police put forth abundant evidence to support



their claim, even producing DNA evidence collected from the scene of the crime. But unfortunately, thousands of people assert this evidence as fault in online communities.

Currently in China, the credibility of government and administrative departments has been called into question. The main justifications for distrust of government is the lack of a public credit system and bureaucratic officials who are viewed as corrupt. [icon]

Steven Spielberg Eat Your Heart Out

A surveillance camera developed by Hitachi Kokusai Electric can sort through data on over 36 million faces in one second to detect a particular face from moving footage or still photograph and identify it... Just as Steven Spielberg's fictional technology in the film "Minority Report" aimed to.



Hitachi Kokusai Electric to a trade publication. The company is requesting that interested parties contact them regarding implementation next fiscal year so if you know of an organization that is interested in such technology, please contact them directly. [icon]

This real and very new technology thumbnails images of potential individuals are generated to image in reference to previous surveillance footage of those individuals enabling the user to identify a questionable person's before/after actions.

"We think this system is suitable for customers that have a relatively large-scale surveillance system, such as railways, power companies, law enforcement, and large stores," commented a spokesperson from the



BY Goolam Monsoor

CII members coming from Romania, The Netherlands, Germany, United Kingdom, France and Switzerland met in Astra Hotel, a 4 star, for the dinner on Friday 25th. The establishment is over one century old and offers a delicious food and good service. In this ambiance, we started our networking with new members who arrived for that event, with pre dinner drinks and canapes.

CII MEMBERS BECOME PIRATES

On Saturday morning, Pascal Mignot and Irene Maldini, who hosted this meeting, took us out on the Lake Lemman, the biggest lake in Western Europe. The south east is the border of France.

We were “kidnapped” by the Pirates d’Ouchy on a sailboat which was 80 years old and we had a picnic on the lake. It was in 1144 that the inhabitants were called “pirates” because at that time, they were authorized by the Bishop Amédée to tax boats sailing on the lake.

The sunny weather, the silence of calm water and the view of the mountains around us, gave more opportunity to talk, drink Swiss wine and discuss business. Tired in the afternoon, we rested ourselves before climbing the mountain up to 1400meters.

DINNER AT LES PLEIADES

The dinner was organized in a typical original Swiss restaurant situated on top of the mountain called “les Pleiades”.

Of course, it was impossible for Alan Marr and Tom Davies to climb, so Pascal and Irene organized a special train for all of us to get there. What was funny, it stopped in between two stations, the owner of the restaurant got onto the train to serve us some white wine and more canapés before arriving for dinner. The same train was reserved to come back at half past midnight! In fact, there is no other way down the mountain other than the train.

“La fondue” is a special meal that you cook yourself with meat that you cook in a pot of boiling wine infused with herbs, which is placed on the table. Four people can use the same pot. We cooked ourselves beef, mutton and veal. This create warmer atmosphere for human relation and also to protect ourselves from the low temperature late in the night at 1400metres altitude.

SUNDAY AT CASTLE GRUYERES

On Sunday morning, we are still in full health and felt fit to visit the castle “le Chateau de Gruyère” which was constructed in the middle ages. Eddy Sigrist could not join us, as he had an appointment in Geneva. Tom had his flight back to London, Raul Fat had to drive back to Romania which took 17 hours. Some other Swiss Investigators associated with Pascal went back to Geneva.



So, Alan and Vicki, Joel Auribault, Pascal and Irene and myself with another new French detective, travelled half an hour by car for a marvelous sightseeing of the village and Chateau. We had a local Swiss lunch in a wonderful restaurant constructed over three hundred years ago. I took a steak and I controlled the cooking myself on a very hot brick laid on the table. The beautiful professional lady waitress was very busy, but came very often to enquire if everything was okay.

On behalf of the CII members and guests that attended I would like to thank Pascal and Irene for a memorable European Meeting.

I then left all my CII family to fly back home in Paris where my family waited for my arrival. I will do my best to go the 2013 mid year meeting in London.

All my best to all of you.

Goolam Monsoor, Paris, France

AGM News › AGM in South Africa



Dear CII Colleagues,

The number of registered attendees for the AGM in South Africa have reached 40 members with additional members who have confirmed but still need to register. Kwa-Maritane is a relatively

small bush lodge on a very large game reserve so register now, because:

- accommodation is limited
- some members may need to apply for a visa, which could take a several weeks.
- ask the CII office for an invitation letter for your visa application, if needed.
- direct flights are limited and seats are cheaper the earlier you book.
- give yourself time to plan an extended holiday in South Africa.

Please send your flight details to Sarah as soon as you have them so that we can coordinate your transfer from Johannesburg Airport to the Lodge as efficiently as possible.



The speaker line-up is taking shape and further speaker profiles will be posted to the CII website shortly, so stay tuned. Special emphasis is being placed on emerging markets.

The Gala Dinner will be in the wild, so the dress code is rugged!

More news on your SA adventure to follow.

With our warmest regards,
Jené and Eddy Sigrist

The Mystery Continues

This baby has still not been identified! Responses must be submitted with your own baby photo to the editor@ci2.org in order to be accepted. The identity of this individual will be published in our next Councilor but seriously members, why can't you do it?



ADVERTISEMENTS

If you wish to advertise in *The International Councilor*, the advertisement rates are as follows:

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Ad Size		3 issues	6 issues	12 issues
Full page	[9.25 in W x 7.0 in H / 237 mm W x 182 mm H]	200	300	400
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Business card	[3.5 in W x 2.0 in H / 89 mm W x 51 mm H]	50	50	75

Send the artwork in PDF or JPEG file format to us by 5th of every month. All artwork to be sent to editor@ci2.org. Your support is much appreciated.