



August 2011 | Issue 12

### In This Issue

President's Message	1
2011 CII AGM CONFERENCE	2
Welcome	2
Silent Auction	3
FEATURE ARTICLES	4
How Secure Is Your Cell Phone?	4
Ethical and Legal Considerations for Private Investigators in Today's Digital Age	6
MEMBER NEWS	11
Congratulations To Tanya	11
CII Birth Announcement	11
Jay Groob Guest Speaker	11
Brian King Makes Headlines	11
James Loh in the Spotlight	11
CII Founder's Son To Retire From PI Practice	12
CII member is a secret Lifeguard Rowing Competitor	12
EVENTS	13
Capturing the Magical Moments	13

# The International Councilor

## President's Message

BY Roy Whitehouse

Dear Members,

Welcome to the August issue of the Councilor, the last issue before the Boston 2011 AGM meeting in September.



As my year as President draws to a close, I must say that it has flown by. Our year together was not without it's tribulations, many of which have slowed the daily business of the council. In spite of those obstacles, I have been lucky to have been surrounded by some great people ready and willing to assist as needed.

One thing I have learned this year is that the council is in serious need of modernization. We are running a 21st century organization, with all the modern communication and technology, using an outdated 1950's business plan. The bylaws, rules, and regulations that benefitted the organization half a century ago have become an impediment to our progress. We spend our limited time and resources arguing over bylaws. Efforts to reform our business plan within the confines of the current structure is virtually impossible. By the time changes are eventually made, they are already antiquated.

CII relies heavily on the contributions of volunteers to run the council, and it's becoming increasingly difficult to find members who are willing and able to dedicate the time that it takes to keep the council moving forward. This issue is further compounded by the economic downturn experienced by all business owners, including our members. From my discussions with various members, I perceived the main reason for lack of interest and participation is due to the demands imposed upon members by their present financial situation. Members are finding it increasingly difficult to allocate the time that is required to actively participate, much less assist with the management of the organization and operation of the various committees. Our own businesses are absorbing most of our time and resources in order to stay afloat.

Like all of our members, I fully appreciate this economic downturn which is now of epidemic proportions and its effect on all professional associations.

In order to continue to be a leading professional organization in a changing world, we must get leaner and fitter in our daily and long term operations. Streamlining the bureaucracy will help us navigate through our present inertia and emerge as a stronger, more organized, and professional trade body, delivering the up to date services that you, our members expect and deserve.

➔ *continues on page 4*



# Welcome to CII AGM 2011 in Boston, USA

FROM our Host, Jay Groob, <http://www.AmericanInvestigative.com>

Jay can be reached at: [jgroob@americaninvestigative.com](mailto:jgroob@americaninvestigative.com); +1 617. 739.6060 (Boston); + 1 212 .810.6060 (New York)

It is indeed my pleasure to welcome everyone to the City of Boston, one of the oldest cities in America, for the Council of International Investigators 57th Annual General Meeting.

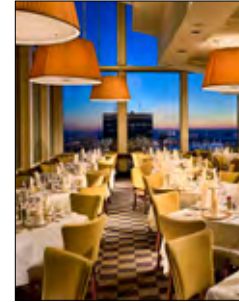


By way of introduction, Boston was founded on November 17, 1630 by Puritan colonists from England. During the early 1770's, British attempts to exert control over the thirteen colonies, primarily via taxation, prompted Bostonians to initiate the American Revolution. The Boston Massacre, the Boston Tea Party, and several early battles occurred in or near the city, including the Battle of Lexington and

Concord, the Battle of Bunker Hill, and the Siege of Boston. During this period, Paul Revere made his famous midnight ride.

Boston hosts more than 12 million visitors from around the world each year, and is a vibrant, thriving city renowned for its cultural facilities, world-class educational institutions, champion sports franchises, and its place at the forefront of American history. As the social and commercial hub of New England, Boston is able to accommodate and entertain you as few other cities can.

We have been working hard to make this year's AGM a truly memorable event, giving everyone the opportunity to experience everything our beautiful city has to offer. We have arranged what we feel is an exceptional program of events, sure to please everyone, beginning with a Welcome Recep-



tion to be held at the Top of the Hub, a beautiful venue on the 52nd floor of the landmark Prudential building offering guests a spectacular view of the Boston skyline from every table.

You may note that one of our meeting sites is Hennessy's Irish Pub, where we will gather for cocktail hour and a buffet prior to attending a performance of The Blue Man Group. Hennessy's is part of a group of restaurants in the Government Center area that include the famous (or infamous) Green Dragon Tavern, established in 1654, which was, coincidentally, a favorite haunt of Paul Revere and John Hancock, whose brother lived next door. Indeed, it was in the Green Dragon that the plans for the invasion of Lexington and Concord were overheard, thus starting the famous ride of Paul Revere. Today the Green Dragon still plays host to a diverse and colorful clientele, though the practice of eavesdropping has long since stopped!

Après Hennessy's, The Blue Man Group theater performance is sure to engage and delight everyone. The performance is a combination of high-tech audio and video with low-tech vaudevillian shtick, percussive pyrotechnics, and, of course, the innocence of the nonverbal, earless blue men.



No visit to Boston would be complete without attending a Boston Red Sox baseball game at historic Fenway Park, the home of the Red Sox since it opened in 1912. Fenway is the oldest Major League Baseball stadium currently in use, and considered to be one of the best-known sports venues in the world. The rabidly

CII Annual  
General  
Meeting

2011 Conference  
Boston, MA

Sept. 14-17, 2011

Welcome to CII AGM 2011 *continued*

dedicated Red Sox fans (collectively known as “Red Sox Nation”), have sold out every Red Sox home game since May 15, 2003, so acquiring tickets for this venue was no small feat. Everyone who visits Fenway is mesmerized by the ambiance, the seats in close proximity to the playing field, the camaraderie, and the exceptional fan support.

In addition, we have planned an outing to the Granite Links Golf Course, recently named to *Golf Digest’s* prestigious list of “100 Greatest Golf Courses in America” where the public can play. As Granite Links is a private club with limited public access, we were very fortunate to be able to arrange a tee time for our CII duffers on a course that offers the most scenic vistas anywhere, with breathtaking views of Boston’s skyline to the North, the Harbor Islands to the South and East, and the densely forested backdrop of the Blue Hills Reservation to the West.

Being a coastal city and major port, no trip to Boston would be complete without venturing out on the briny sea, so we have arranged for a dinner cruise on the *Spirit of Boston*, providing a perfect night out with a vibrant setting enhanced by dazzling city sights and harbor lights.

We have also planned a Boston Duck Tour aboard a WWII-style amphibious landing vehicle. On land, you’ll cruise by all the places that make Boston the birthplace of freedom and a city of firsts, and just when you think you’ve seen it all, it’s time for “splashdown” as your amphibious vehicle splashes right into the Charles River for a breathtaking view of the Boston and Cambridge skylines.

In addition, we have put together an exceptional roster of speakers, including *New York Times* best-selling author Joseph Finder, computer forensics specialist Mark Spencer, Diplomatic Security Service Liaison Officer John Milkiewicz, CBRNE specialist Frank Thibodeau, author and attorney Norman J. Groot, and international security expert Amit Gavish. This is one AGM you don’t want to miss!

On a more personal note, I would like to thank all those on the Committee who have assisted me with preparations for this year’s AGM: Jack Burke,

Jim Kirby, Nancy Barber, Rod Webb, Roy Whitehouse, President Brian King his creative son Jeremy and all the sponsors without whose generosity it would have been impossible to plan these events.

I’m certain each of you will have an enjoyable and memorable stay here in the City of Boston, and I thank you for attending the 57th Annual General Meeting. For last minute reservations, please contact me directly.

Your host, Jay Groob

## Silent Auction *Be the biggest winner at the CII AGM Boston 2011!*

The lucky winner of the bidding for the boat tour will join some Boston natives for sight-seeing on a 48’ sailing yacht! The winner of this item will get six hours of coastal cruising on *Scarlet* (the famous boat owned by our own Jay Groob’s, brother-in-law Berry) including time to anchor for lunch in Falmouth, MA, off-boat swimming, and possibly a nature walk. You and your guest’s will set sail around 10:30am in Marion Harbor in Buzzards Bay, MA (about an hour outside Boston), and return around 4:30-5:00pm just in time for the conference’s closing events. Transportation to and from *Scarlet* will be provided.



Weather in mid-September is rather pleasant and waters are warmed by the Gulf Stream so we will hope for a nice sailing day. Those who are not prone to sea sickness, and experienced sailor’s are great candidates to bid for the cruise. A word of caution for those thinking of bidding on the cruise: As they say “If you don’t like the weather in New England, wait a minute.” That said, we hope that we experience fair winds and a sunny day.

Sailing in New England is always an experience. That said, there are a few safety rules everyone must follow. Please remain in, or near the cockpit at all times when the boat is under way. Upon arrival you will receive instructions on how to use the on-board bathroom. We will be unable to sail in inclement

### Silent Auction *continued*

weather. Alcoholic beverages are available in moderation (wine, ale, and wine). We do not plan to curtail the trip if you experience Mal de Mer. Lastly, passengers will be allowed to steer Scarlet while under normal conditions.

The Knob at Quissett Trail is fun with a capital “F”! It winds through woodlands past views of quaint Quissett Harbor to a child’s paradise of ancient oak trees that invite climbing and are equipped with rope swings. Watch people searching for clams patrol a rocky beach in search of dinner. Then, for the ultimate experience in hiking, walk up onto a rise above an intimate, rock-lined, crescent-shaped sandy beach and across a narrow causeway of coarse beach grass to “The Knob.” This tiny round peninsula is located just out into Buzzard’s Bay and the view is spectacular. To the far left, the Elizabeth Islands mound on the horizon. The towns of Wareham, Marion, Mattapoisett, and Fairhaven follow the coast from right to left. Sakonnet is the last town before the coast shifts around into Rhode Island Sound.

Upon completion of the tour you and your party will set sail for Boston to continue the party with your CII colleagues. *Happy bidding!* ☐

---

### President’s Message *continued from page 1*

The AGM will soon be upon us, and there is still time to book your accommodations. I hope to see many of you in Boston. Let’s put our petty grievances aside and reunite as a strong organization. Don’t forget it’s your council too, and we need you.

Regards

Roy Whitehouse CFE, CII, President ☐

## Feature Articles >

# How Secure Is Your Cell Phone?

BY: Robert M. Kresson, CEO Empire Investigations & Security LLC

The threat to your security from everyday cell phone use is much greater than most consumers realize. Eavesdropping can occur either remotely or with the installation of software that does not modify the phone’s hardware. Remotely, such illegal spying is achieved by “roaming the airwaves” using unrestricted scanning devices that can unscramble even digitally encrypted signals. Spyware installation without the owner’s knowledge is the growing trend for such clandestine operations. This illegal spyware is widely available on the internet and being used with greater frequency to access call histories, contact directories, phone locations and emails and transmit them to a remote website. In addition, “spy phones” specifically designed for eavesdropping are becoming available in smaller sizes and being built into other devices (e.g. outlets) to make them more physically undetectable. Eavesdropping is one of the most costly security threats with espionage costing US corporations over \$500 billion dollars a year and rising. Although there are more powerful encryption technologies and anti-spyware software being developed, these are not yet widely available. There are several precautions an educated consumer can take to enhance cell phone security.

The threat to your security from everyday cell phone use is much greater than most consumers realize. Eavesdropping can occur either remotely or with the installation of software that does not modify the phone’s hardware. Remotely, such illegal spying is achieved by “roaming the airwaves” using unrestricted scanning devices that can unscramble even digitally encrypted signals. Spyware installation without the owner’s knowledge is the growing trend for such clandestine operations. This illegal spyware is widely available on the internet and being used with greater frequency to access call histories, contact directories, phone locations and emails and transmit them to a remote website. In addition, “spy phones” specifically designed for eavesdropping are becoming available in smaller sizes and being built into other devices (e.g. Eavesdropping is one of the most costly security threats with espionage costing US corporations over \$500 billion dollars a year and rising. Although there are more powerful encryption technologies and anti-spyware software being developed, these are not yet widely





available. There are several precautions an educated consumer can take to

- 1) Beware of discussing any sensitive or confidential information on your cell phone and turn it off and take out the battery for optimal protection. With the advent of Global Positioning System (GPS) technology, simply turning off your phone is not enough.
- 2) Password-protect access to your phone in case it is lost or stolen. This simple and obvious solution is rarely utilized by most cell phone consumers.
- 3) When your cell phone is working as a bug, regular calls cannot occur in most cases. While there are cell phones being developed that can run very high speed data in which additional voice channels can be simultaneously transmitted, these prototypes are not yet widely available.
- 4) If you notice that your cell battery is performing poorly or if your phone is unexpectedly warm even when not placing calls, it may be bugged.
- 5) Given that your phone must be physically accessed to load spyware, change your phones frequently.
- 6) If you have a GSM phone and notice a “buzzing” interference noise when you are not making a call, it is possible your phone is bugged. If delayed bugging is occurring (i.e., data recorded from phone stored in compressed format in phones memory to be uploaded later), this type is more difficult to detect since shorter transmission time is involved and often a poor battery performance is the biggest hint.
- 7) Be aware that systems such as Voice over IP, Caller ID, and voicemail options can also pose security risks. To avoid becoming a victim, be aware that the caller may not be who appears on your caller ID and use a PIN with all voicemail accounts so that someone without this PIN code cannot access your voicemails.

There may be instances when regardless of putting in place protection measures against eavesdropping, criminals may still intercept valuable information about you or your company. The best counter-measure is to

work with a reputable, knowledgeable professional, such as Empire Investigation LLC, with over twenty five years of experience and the latest in high technological equipment to offer you counter-espionage measures both regarding your cell phone and other aspects of your company’s security. ☐

## World News & Commentary on Passwords

In a June Article featured on *The Daily Beast*, journalist Daniel Lyons examined the recent “death” of the password. Lyons argued that a person’s inability to remember their entire repertoire of financial, e-mail, and social networking passwords has led technology, and computer security experts to look for “memory-friendlier alternatives.” The article noted that while a variety of options has been explored, the search continues. From fingerprint, retinal scans, and voice recognition software, to SmartCards and tokens the password still rules.

Lyons noted that a well-respected computer-scientist, identified as Mark Jakobsson, had devised what he believes to be an easy solution to the password problem. Jakobsson suggested using “fast words.” For example, if your favorite dessert is cake with white icing your Fastword may be “White Icing Chocolate” — words that come naturally to you, and are easy to remember.

Lyons noted the primary advantages of the Fastword system was that you can enter the words in any order, meaning if you are having trouble recalling two of the three words entering just one of the three words may help prompt you for the other two.

While the Fastword concept has not become the norm, it is gathering steam. Some major retailers have already started using Beta trails. Look for Fastwords to gain traction in the future. What will your Fastwords be?

Works Cited: “*Death of the Password*” by Daniel Lyons ☐

# Ethical and Legal Considerations for Private Investigators in Today's Digital Age

BY Sheila Ponnosamy, *Mainguard International (S) Pte Ltd*



Sheila Ponnosamy

“In civilised life, law floats in a sea of ethics.” This statement by Mr Earl Warren, Chief Justice of US Supreme Court (November, 1962), still holds true, particularly for private investigators (PIs). It is inevitable that PI work, which involves evidence and fact finding from public and private sources, raises legal and ethical questions, especially across international investigations and in today's digital age. How PIs, as professionals overcome these legal and ethical issues, forms the main discussion of this article.

PIs should know the law as most evidence and fact finding is used for legal purposes. With the global world and Internet age, businesses and private affairs are conducted across international borders. As PIs are thrown into the realm of international investigations, they are forced to deal laws in jurisdictions that are unfamiliar to them.

The laws surrounding criminal trespass and theft in different countries seem clear, as societies tend to have clear rules concerning ownership and privacy of their physical property. However, the boundaries can become a little blurred when the asset is information. In today's digital age, PIs need to understand all laws relating to privacy and information security, especially as it relates to storage and transmission of data and personal information in digital form.

While technology has crept into every facet of organizations and is a worldwide phenomenon, the laws protecting information lag behind and vary in different regions of the world. While private investigation tends to be licensed in the Western world, it remains unregulated in most coun-

tries in Asia and other parts of the world where ethics and cultural norms may take precedent.

## Ethics and Law

One can define ethics as right conduct or morale values. It's acting with an awareness to comply with rules, laws, and customs of the society, expectations of people, policies of organizations, and general needs of fellow human beings. Unlike laws which carry a mandate or prohibit certain behavior by governing authority, ethics are based on cultural norms of the society. Hence the differences between countries and each social group within a country are important. Ethics have always provided a yardstick for PIs to gauge their decisions and evaluate other people's behaviour.

In private investigation work, PIs are forced to make assessments of people and situations as well as judgement calls on what information to gather and what extent they should divulge. Ethics form the foundation of their professional conduct. For instance, in checking on a person's movements, a PI may need to decide if it is necessary to gain access to confidential records such as communication or financial data. These records are not available publicly and in some countries, it is illegal to retrieve them. The recent litigation involving Mr. Murdoch in England typifies this scenario.

When conflicted, we, as PIs, need to ask some simple questions:

- What does the law say?
- If the law is silent, then what are the options?

*In private investigation work, PIs are forced to make assessments of people and situations as well as judgement calls on what information to gather and what extent they should divulge.*

## Ethical and Legal Considerations *continued*

- What are the issues?
- What are the consequences?

When we compromise our ethics and engage in poor judgement, we often have to bear the negative repercussions. Our ethics and professional conduct reflect on our integrity and reputation. Can we afford to make this compromise? In PI work, reputation is the bread and butter of our business!

### Legal Considerations for PIs

The most pertinent legal and ethical issue facing PIs is related to breaches in privacy. Generally, this breach will relate to physical trespassing, and gaining sensitive and confidential information of someone—the Subject of investigations.

The laws affecting PI activities can be divided into 2 broad categories:

- 1) The laws relating to the PI's relationship with the public
- 2) The laws relating to the PI's relationship with the client

PIs need to understand the law mainly for their own protection, and also because it impacts on how they conduct their business of gathering facts for the client. They need to ensure that the evidence gathered is legally admissible and therefore adhere to the laws in the process of obtaining information. If they break the law, they will risk not having their business licence renewed as well as prosecution or civil litigation.

In relying on common law, a PI does *NOT* have any more power in carrying out his activities than a member of public. This means that:

- PIs cannot enter into homes without permission from the owner for any reason including for process service or repossession of client's property. They will be considered to be trespassing.
- PIs cannot interfere with another person's chattels (personal property). If a PI attaches a tracking device to a person's car for instance, they will be liable under common law relating to trespass and torts. Normally the remedy for such a situation is the client has to be a lawful owner of the property and provide authority to the PI to attach the device if it is necessary.

- PIs are limited in surveillance as common law offers protection to the public from surveillance of their activities on private property. Most of the time, surveillance is only freely conducted at public places where all members of public have equal rights to be there. After September 2001, most countries also have anti-terrorist laws which restrict PIs from taking photographs of government buildings and sites.
- PIs cannot use third party listening and recording devices as most countries have telecommunication laws that prevent third parties from recording another person's conversations.
- The laws on privacy of correspondence are not specific in most countries. However, there are laws which restrain the publication of confidential information and also legislation which makes it illegal to steal, tamper with or fraudulently obtain articles in course of post.
- Harassment is not consistently defined in various jurisdictions and countries. However, harassment incorporates the act of causing embarrassment to the Subject. Hence, PIs have to tread carefully when making inquiries about a person's past employer, business associates, or financial position.
- PIs have to ensure that their actions and findings do not cause infliction of nervous shock or emotional distress. Negative facts about a person should always be verified before appearing in an investigator report or the PI can be sued for defamation by the Subject. In the process of gathering information, PIs should also be careful that they do not cause any negative consequences, such as job loss to the Subject unless authorized to do so.
- PIs are not permitted to pass on information received in confidence in the absence of just cause or excuse such as the interest of public safety. For instance, PIs should only be passing on information to the client that is relevant to their case. The just cause or excuse will depend on the type of information and the source of the client's interest in the information.
- PIs have to adhere to consumer protection laws. These legal provisions prohibit PIs from unconscionable, misleading or deceptive conduct in the course of their business.
- PIs accessibility to information depends on the privacy laws of the country. Many countries in Asia, for example, do not have any Data

## Ethical and Legal Considerations *continued*

Protection Acts. The individual's general right to privacy is protected under parts of the common law regarding disclosure of information where the breach of privacy of Subject has caused him or her "damage" in some way, and they can seek legal recourse against the PI by way of civil suits.

- PIs do not have any more rights than a member of the public to access government held information which includes records held by company registry, courts, taxation, credit agencies, department and various authorities. There are normally specific laws which protect personal information stored by government agencies on the access via computer and in person, alteration and use of information.
- In countries where there is privacy legislation, such as the Privacy Amendment (Private Sector) Bill 2000 in Australia, PIs have to be careful to conduct their inquiries in a manner that is consistent with the guidelines in relation to the collection, storage and use of personal information.

*It is not always clear whether illegal and unethical conduct by PIs is the result of inadequate controls, intentional misconduct, or a lack of understanding of the laws regulating their activities.*

### Common Law Duties to Client

As a service provider, PIs have common law duties to their client which encompass:

- ▶ The *duty* to follow instructions by client  
All PIs should obtain authority from the client to act on their behalf as they enter into a contractual arrangement when the case is being assigned. PIs can only work within the agreed scope requested by the client. If the client request surveillance to monitor movements, PIs should not be searching for confidential records on the Subject, without the client's knowledge.
- ▶ The *duty* to act in person  
PIs have to take responsibility for the case assigned even if they delegate work to their employees. The PI should be responsible for the report and investigations process regardless of who it is being delegated to.

- ▶ The *duty* to act in interests of the client  
Other than being paid for services rendered, PIs should not profit from the findings discovered during the investigations. For instance, PIs cannot go to their Subject and reveal to them that they are being investigated in order to extort money from them.
- ▶ The *duty* to take care of the client's property  
PIs have to maintain confidentiality of information provided by the client and all photographs or documents should be stored securely.
- ▶ The *duty* to keep separate accounts  
The client's funds are always secure if a retainer is provided upfront.
- ▶ The *duty* to keep proper accounts  
Expenses have to be recorded. Accounts can be made available for inspection by client and licensing authority where applicable.

### Privacy Laws

With the advancement in information technology as more and more data are stored electronically and the advent of Internet, the issue of privacy has become the hottest topic in information security and PI work – where research most always require access to available public and proprietary databases.

Technological advancement has enabled the gathering of data from different sources to be stored, merged, sieved and sorted with ease through specialised databases. This technology has allowed people and organisations to collect, swap and sell personal information as a commodity, and the public are seeking government action to protect their privacy

Historically, the US has been the leader in the development and implementation of privacy and information security legislation to prevent the misuse and exploitation of information and information technology. Many western



## Ethical and Legal Considerations *continued*

nations such as the United Kingdom, Canada, Australia and the European Union have developed similar legislation to protect the privacy of their citizens. All countries with Privacy Acts will have similar laws and the implications for PIs remain the same.

In Asian countries, and even the more urbanised nations like Singapore, privacy and data protection is NOT protected under general and constitutional law. This means that conducting investigations in countries with no privacy laws will require the PI to exercise ethics. Ethics will be determined by what is common practice in the society and its culture.

For instance, the use of confidential sources will be more prominent in Asia as that is how accurate information is obtained. Furthermore, most countries in Asia may not have updated and accurate databases due to the lack of available technology, skills and funding.

However, even though there are no privacy laws, some countries in Asia have extremely strict laws which limit the extent of what PIs can do. For instance, in Singapore the public sector has strict laws to protect confidentiality of data held by government and statutory boards. They include:

- Official Secrets Act
- Electronic Transactions Act
- Central Provident Fund Act
- there are 150 laws with privacy provisions

### **There will be private sector sectoral privacy laws and industry code of practices such as the:**

- Computer Misuse Act
- Banking Act
- Telecommunications Act and Telecom Competition Code

Private investigators in Singapore are being regulated under the Private Investigations and Security Agencies Act (amended in 2006). Investigators who break the law under the provisions of the PISA Act may also be breaching the law under one of the above confidentiality acts where the penalty

include both a hefty fine, imprisonment and loss of licence to practice.

## Ethical Considerations for PIs

### *Surveillance*

Surveillance is an accepted legitimate form of investigations in most democratic countries, even with privacy laws. The argument is everybody has a right to privacy but that right is not “an absolute right.” It involves balancing privacy interest with competing interests. From a PI’s ethical viewpoint, there are codes of practice and specific legislation on evidence gathering, but it is the court that determines the reasonability and legal admissibility of the evidence obtained.

Most countries will allow surveillance in public places, but not in government buildings nor for the investigator to enter private rooms without permission from the owner to gather the evidence.

In some countries where the political system is based on a less open ideology, surveillance can be an extremely dangerous mode of operations for the PI as it is considered a threat to national security. Hence, it is not uncommon in some parts of Asia and Middle East where surveillance will not be used in the information gathering process.

### *Misuse of Information*

The use of confidential sources to retrieve information is less acceptable in countries where there are privacy law as the general community expects safeguards to protect their information from unauthorised persons. However, some cases such as in fraud investigations, debt recovery, this may be justified by the courts. The PIs when faced with this ethical dilemma should always ensure they are legally covered.

### *Subtle Coercion*

Subtle coercion is unethical practice for PIs, regardless of the legal systems. Here the PIs force co-operation from the subjects of investigations by threats or blackmail – directly or indirectly. For instance, in insurance investigations, the insured or their family may refuse to co-operate with

## **Ethical and Legal Considerations** *continued*

the investigator, who then provides a negative report which will disadvantage them in the claim process, even though the claim may be legitimate.

### *Interviewing*

Similarly, when conducting interviews, PIs have to ensure that they are not making threats or promises, or offer inducement, to procure information. The PI himself has no legal power and it is the attorney that can provide the legal options.

PIs have to always ensure that an adult is present when interviewing a minor, and ideally, they should have a witness when conducting the interview.

### *Unethical Request from Clients*

When clients make ethically questionable requests, a PI is expected to abide by the law and their own ethics to protect themselves. For instance, clients may request PIs to hack into computer systems, steal confidential information such as bank statements, phone records etc. Most countries have laws that will clearly state that such actions are illegal.

PIs should always also question the purpose of the client's need for the information and the implications once the client has that information. For example, a client may want to locate a person. The burden is on the PI to make sure the request is legitimate.

### **Raising the Bar for PIs**

Education and training is the only way for PIs to learn and understand the legal and ethical implications for what they do. The education can be in the form of a formal training programme in a classroom setting, or it can be through professional networking with other like-minded peers. All professional PI organisations will have codes of ethics to provide guidelines for PI in conducting themselves in the line of duty. The discussions with other fellow professions from different parts of the country and world will open the mind to learning how other investigators conduct themselves, and how they overcome their problems.

The law in one country may not be applicable to a fellow investigator based in another country and sometimes work can be accomplished legally and ethically through a professional strategic alliance.

The sensitive nature of PI work may be made more difficult by the privacy laws in countries where investigations are legislated. However, there is a strong sense of professionalism among investigators who are supportive of government's role to regulate the industry to lift the standards and image of the industry. This will mean governments will need to provide means of facilitating the benefits provided by PIs such as pre-service training, more active consultation with the industry, and especially productive balance between justifiable requests for information and the interest for personal privacy. This means that while the government can strengthen controls on access to confidential information held by government bodies, they can provide controlled access to PIs to retrieve information for legitimate purposes.

The key stakeholders in privacy laws and information security controls often have competing interests. There needs to be a healthy balance to manage the conflicting interests of investigators and their clients, the public who become targets of the enquiries, and the government who are responsible for law reform and regulation.

It is not always clear whether illegal and unethical conduct by PIs is the result of inadequate controls, intentional misconduct, or a lack of understanding of the laws regulating their activities. Through knowledge sharing and professional networking, it is envisioned that the PI professional bar will continue to rise in the eyes of public and governments. ☐

Sheila Ponnosamy is the Operations Director of Mainguard International (S) Pte Ltd. Singapore 199588 Tel: +65-6297 1229. She is also the Chairman of our CII Public Relations Committee. Sheila can be reached at [sheila.p@mainguard-intl.com.sg](mailto:sheila.p@mainguard-intl.com.sg) URL: [www.mainguard-intl.com.sg](http://www.mainguard-intl.com.sg)

## Member News >

By Joan Beach, CII

### Congratulations To Tanya

Congratulations to Tanya DeGenova of TSD Security Consulting Group for receiving the Competent Leader Award from Toastmasters International in May 2011. Tanya has been an active member with the Toastmasters Club, a professional public speaking club, for the past two years, including serving as the Vice President of Education. Tanya

was recognized for mentoring members and creating leadership development opportunities for local youth through her Toastmaster connections and her local Rotary Club. Tanya is a believer in giving back, thus she was willing to share her leadership skills with her local community. Congratulations Tanya, and thank you for giving back to your community and profession!



### CII Birth Announcement

Addie Ann Alpert was born on this past month. She is the daughter of Julie and Rick Alpert of La Plata, Maryland. Best wishes to everyone, especially the little PI.

### Jay Groob Guest Speaker

Jay Groob was one of the speakers at the recent Massachusetts Continuing Legal Education program held on July 26, 2011. Jay spoke about “The Impact of Social Media and Other Electronic Evidence on Your Domestic Relations Practice—Admissibility, privacy issues and ethical considerations.” The noteworthy faculty and program can be found at the following link: [http://www.mcle.org/program-calendar/program-catalog.cfm?product\\_code=2110353Po1](http://www.mcle.org/program-calendar/program-catalog.cfm?product_code=2110353Po1)



Graham Dooley's latest acquisition

### Brian King Makes Headlines

Toronto-based Canpro King-Reed LP (*formerly King-Reed & Associates*) made headlines recently, after busting a troubled doctor practicing outside the scope of his restricted license. The physician, Dr. David Lambert, was practicing under restrictions imposed by the College of Physicians and Surgeons of Ontario when Brian's team performed the investigation. The doctor's license had been reinstated to the medical profession with restrictions following a seven year suspension as a result of sexual misconduct allegations going back 20 years. Led by Chairman of the Board Brian King, Canpro King-Reed conducted a sting operation on the subject at the request of the College. The college's discipline committee is in the process of hearing the case and Canpro King personnel are expected to testify before the committee; detailing allegations that include the doctor having sexually abused one of the investigators working for CP-R.

### James Loh in the Spotlight

Singapore's James Loh, owner of SG Investigations, has been getting a lot of press lately. Most recently, James was featured in a collection of articles in newspapers and journals concerning South-East Asia.

In a June 14 article that appeared in the Straits Times, journalist Akshita Nanda spotlighted Loh after following him around a casino. Loh was on the job having been hired by a gambling addict's family to conduct surveillance on the addict.

In an unrelated feature, Loh gave ProcurementAsia Magazine some suggestions concerning “Best Practices” in procuring corporate investigative services.

➤ *continues on next page*

## CII Founder's Son To Retire From PI Practice

Our infamous Steve Kirby will be retiring on September 1, 2011 from Edward R. Kirby & Associates after nearly 40 years as an Investigator and certified Polygraph Examiner. (*Given Steve's youthful appearance, we can only conclude he entered the profession at the age of one*).

Kirby & Associates will be holding a retirement party for Steve in October to celebrate his entrance into the world of umbrella drinks and rainbows. While many of our members reside outside of the area and won't be able to attend the festivities, the Kirby's want you to be included in a big part of his send off.

### *Get involved*

Kirby and Associates has requested that join in Steve's send off by contributing letters, notes, and photos from Steve's work (*and play*) over the years.

- 1) A book of letters and notes from people who have worked with Steve either on cases or in the one of the many professional organizations he has belonged to is being assembled. Kirby and Associates would love for you to contribute a letter or a personal note.
- 2) A video of photos from Steve's professional experience is being assembled chronicling his years in the business. All submissions are welcome and appreciated. (*A special request was made for a photo of Steve during his brief career as a bicycle cab driver in India*). If you have the photos available in electronic format, please e-mail to [jkirby@kirbyinvestigations.com](mailto:jkirby@kirbyinvestigations.com). If you have the photo's that predate electricity, either scan them and e-mail them to Jim, or mail the original to Kirby Investigations, 783 North York Road, Elmhurst, IL 60126 United States and the original will be returned to you. On behalf of CII and the Kirby's we thank you! ***P.S. Jim Kirby needs the items ASAP.*** ☐

## CII member is a secret Lifeguard Rowing Competitor

**T**he *Councilor* has learned that Jack Devine's group got the bronze in the National Lifeguard Rowing Competition on the Cape this summer. Just click on the UTube links to see Jack valiantly fighting the surf and returning the flag. Ultimately the California team won but not before Jack's team brought home a point for the South Jersey Chapter of Lifeguards. But hey, we know all they do in California is play in the water anyway. Go Jack! ☐

Congratulations can be sent to [jackdevine@thearkingroup.com](mailto:jackdevine@thearkingroup.com)

<http://www.youtube.com/watch?v=VCULrijrd3g>

<http://www.youtube.com/watch?v=5qM1C4NWRt8>



**KELMAR**  
G L O B A L

**More Than  
30,000  
Investigations  
Completed**

**All Types of  
Investigations  
Including:**

- Background Investigations
- Due Diligence Investigations
- Financial Investigations
- Insurance Investigations
- Liability Investigations
- Surveillance

**Security Consulting  
Including:**

- Vulnerability Assessment
- Threat Assessment
- Construction Consulting

**Countermeasures**

**Regional Offices:**

- Dallas, TX
- Houston, TX
- Nashville, TN
- Tucson, AZ
- Oklahoma City, OK
- Miami, FL
- New York, NY
- Atlanta, GA
- Los Angeles, CA
- Baton Rouge, LA

**Mexico:**

- Monterrey/Cancun
- Guadalajara/Durango
- Aguaascalientes

**Since 1989**

**Kelly E. Riddle; TCI, TPLI**  
(888) 873-1714  
[www.kelmarglobal.com](http://www.kelmarglobal.com)  
Email: [Kelly@Kelmarglobal.com](mailto:Kelly@Kelmarglobal.com)  
2553 Jackson Keller, Suite 200  
San Antonio, TX 78230

© Copyright 2011 Kelmar and Associates #C05785





## Capturing the Magical Moments



18 June 2011. Sheila from the Kalastree family in the official national costume, the Kebaya with President S.R Nathan of the Republic of Singapore at the Istana during an official function for the Association of Chetti Melaka (Peranakan Indians) Singapore.

◀ Our fellow Asian CII members — Ponno Kalastree and his daughter, Sheila are Straits born Indians or known as Peranakans, where their ancestors are the Indian traders that ventured into South East Asia in the 14 Century. Peranakan Indians are a minority ethnic group.



CII Past Presidents Nancy Poss-Hatchl and Joan Beach at the Intellenet Annual 2011 conference in Crystal City, VA in April 2011

### ADVERTISEMENTS

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

Advertising Rates (USD)				
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
Half page	[4.5 in W x 7.0 in H / 115 mm W x 182 mm H]	125	200	275
Quarter page	[4.5 in W x 3.5 in H / 115 mm W x 88 mm H]	75	100	175
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](mailto:editor@ci2.org). Your support is much appreciated. ☐

## CII NEEDS YOU!

*Do you have the passion for investigations and do you want our industry to progress? Do you have a desire to make a difference to the PI industry in your part of the world?*

*Do you have the motivation to represent our CII in your region? If it is “yes” to the above, contact our President at [roy.whitehouse@ci2.org](mailto:roy.whitehouse@ci2.org). We are seeking for volunteers to be active Regional Directors and an Executive Regional Director. ☐*