



# IAPI NEWSLETTER

IOWA ASSOCIATION OF PRIVATE INVESTIGATORS

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## President's Message

By

**Karen Mills**

Your IAPI board has been planning this year's conference since December. It is definitely one you won't want to miss! In addition to outstanding speakers and conference topics, we will also have some fabulous door prizes including the opportunity to win free registration at the next IAPI conference, one year of free IAPI membership and a free night's stay at the Des Moines Northwest Holiday Inn & Suites.

This year we are offering an unprecedented deal. IAPI members attending the conference who bring someone who has never attended an IAPI conference in the past will get a \$50 Visa gift card AND so will their guest! That's like getting 1/3 off your registration fees!

Mark your calendars for September 14 & 15 and check your mailboxes soon for the conference brochure. You can register for the conference by completing the tear out on the brochure and mailing it in with a check or online using PayPal at <http://iowa-investigators.com/>

I look forward to seeing you there.

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The IAPI Newsletter is published quarterly by the Iowa Association of Private Investigators. Please make checks payable to IAPI and send all inquires, articles and related informational materials to: Jeff Marlin, Editor, IAPI Newsletter, PO Box 11183, Cedar Rapids, IA 52410 or email [jmarlin@marlinsspecialinvestigations.com](mailto:jmarlin@marlinsspecialinvestigations.com)

# Surveillance - A Concept of the Art

*May 29, 2017 by Eddie Cruz*

*Surveillance* is a newly published book pertaining to lessons, stories, and tips about the art of surveillance by Eddie Cruz. Below is an excerpt, "Report Writing," containing useful techniques and insights. You can read more about the author and find where to purchase the entire book by visiting his website.

## Report Writing

A written report is necessary for every surveillance. If you are working on a case that requires multiple days of surveillance, an individual report for each day of surveillance is recommended. You or your employer can provide the client with a supplemental or summary report at the end of the investigation, but daily reports are easier and convenient to follow.

Try to complete your report right after each surveillance, while the information is still fresh in your mind. Delaying or allowing unfinished reports to accumulate during other surveillances only causes confusion of the details. Your report should be grammatically accurate and free from any assumptions and embellishments. Present only the facts as you observed them, regardless of the outcome.

The surveillance reports I prepare follow a timeline, and it's important that your video recordings correspond with the documented times on your report. Most of my reports are documented with military time; very few employers that I've come across prefer civilian time. In my reports, I never document my full name, only my initials. I also write my reports in the third person so that it appears as if someone else is writing it, making my identity ambiguous to anyone on the opposing side who may read it for whatever reason. I understand that an employer may be required to reveal the name of the investigator if the case goes to trial or a hearing, but I continue to write them in this manner regardless. Your report should also be articulate, with as much reasonable detail as possible. Small details can lead to important clues and even the solution to your investigation.

Upon arriving at your assignment, take a quick video of the location. Then begin to document a detailed description of your findings. Is it a residential building? If so, is it a one-family or two-family home? Were the lights on or off when you arrived? Is it a brick or wood frame structure? What's the color of the domain? How is it designed? Is there a porch or garage? Is the type of community residential or commercial? How many vehicles are parked at the location?

If it's a private home, record the license plate numbers of the vehicles on the property. Are there garbage cans at the end of the driveway (an indicator that someone has been at this location recently)? I remember showing up early to location on a snowy day; I could tell there had already been activity and the direction of that activity because of the tire tracks on the snow leading out of the driveway. Also, take mental notes of the activity of the neighborhood, such as who's going or coming from work, who's going to school, who's walking the dogs, and at what time these things are occurring. This can be helpful to you or another investigator who conducts a follow-up surveillance and is searching for a good observation post.

When trying to point out the location of something being described, some use the terms left side, right side, front, or rear, but it is only relative from their perspective. Let me explain. If you are facing a house from the outside and describe an attached garage on the left side of the house, that location would be on the right side of the house from someone inside. To remedy this, some investigators use cardinal or compass directions: north, south, east, and west. The fact that these points are fixed makes this method the most accurate course to take in providing proper orientation for the reader.

Sometimes in a surveillance, you have numerous active players who may be known or unknown; referring to one as “the tall Caucasian male with the down coat,” for example, is not the most expedient way to document in your report every time this individual does something. What you can do here is look for a specific characteristic of the individual that helps in making him or her identifiable, and add the initials JD—for John Doe or Jane Doe—before that characteristic. So, if your player has a noticeable scar on his or her face, you can document this person on your report as “JD-Scar” or “JD-Scarface.” This is a placeholder name until you can identify or eliminate him or her from your investigation. When referring to your subject, you can refer to the individual as the subject, target, or by the subject’s last name. It depends on the policy of the agency you work for.

Essential to my reports is something called a “time shot.” These are video shots taken every hour, especially if you’ve been sitting at the same location for a while waiting for something to happen. This helps to prove that you were present and did not leave the location. If your subject is active and moving about, it isn’t so important to record every hour because you’re probably recording the subject’s activities. It’s also not that important that the recording be made exactly on the hour; just try to keep it close. At the same time, don’t force yourself to take a time shot if people are near you. They may see you. Just wait for them to leave and explain it in your report if necessary. Equally as important is that you also record the time of your arrival and departure.

One last thing here about reports. Some PI companies put a limit on how much time you can bill a client for your report. After a surveillance, it can easily take you up to two hours to organize your notes and match them to your video. If your employer imposes a limit of, say, one hour, and it took you longer to do it, you will not get compensated for that extra time. To avoid this, I write my draft on my computer or tablet while I’m in the field. This way, when I get home, all I have to do is make corrections and add other details rather than starting from scratch. Sometimes I still go over the allotted time but not by much and not often. If you’re good with your computer, you can even add photos to your reports that illustrate places and persons of interest. But this is not always necessary because you would also have video taken from your recording devices. Save all your reports for future references and in the event your investigation goes to trial.

### **About the Author**

Eddie Cruz was raised in the tough streets of the East New York section of Brooklyn, where he overcame the crime, drugs and gang activities that were part of his day-to-day life. What made for a challenging childhood prepared him with the skills necessary to be a successful undercover for the New York City Police Department, and later as a private investigator. During his years as an undercover he was immersed in the dark world of narcotics, where he also conducted numerous physical surveillances. Eddie’s success led him to even assist federal agencies during their own narcotic operations. Upon retirement, he entered the private sector and focused primarily on the surveillance component of private investigations. Eddie is a licensed private investigator who chooses to work as an independent contractor for various PI companies and is currently working with Jim Murphy President of Sutton & Associates located in Hicksville NY. Using the knowledge and experiences he gathered over his years in the harsh streets of Brooklyn, as an undercover in narcotics, and later as a private investigator, he created Surveillance, an easy-to-use and comprehensive guide.

# Using GPS Tracking Devices in Private Investigations

*May 15, 2017 by Stephanie Irvine*

For private investigators, GPS tracking technology is an invaluable asset when it comes to surveillance. Not only does it provide concrete evidence for private investigators, but GPS tracking devices are safe, efficient, and cost-effective. In a sense, it has revolutionized the way that PIs do business.

However, some private investigators are hesitant to use the groundbreaking technology in fear of legal repercussions. Despite the fact that many states do not have any laws on the books explicitly prohibiting the use of GPS, and federal laws are relatively ambiguous, private investigators are open season for being sued. The outcome, as past cases have shown, is realistically a crapshoot. This leaves private investigators to use the incredibly useful technology at their own risk.

## **Using GPS Tracking Devices**

Though the private investigation industry has a longstanding history as a legitimate field with private investigation businesses existing since the 1800s, it has changed as tools and resources for investigation has evolved. For private investigators, the reasons to surveil an individual are nearly limitless — investigations can arise out of criminal or civil matters, and GPS technology provides concrete evidence for private investigators hired to conduct surveillance. Whereas in years past, surveillance would have to take place in person with a private eye watching from a distance, perhaps taking pictures or video, GPS allows investigators to handle the job without the personal intrusion of being watched and followed in person. GPS devices, which are relatively small in size, can be affixed to the exterior of a vehicle without altering the vehicle. The device then sends data to a host about where it has traveled using the satellite.

For investigators, GPS technology not only provides concrete evidence, but it also provides a safer way to conduct surveillance. Private investigator Eric Echols explained, “In today’s society, people are more apt to pull a weapon in fear that someone is following them. The next thing you know, you’ve got a problem. I think that GPS is a needed tool for PIs.”

With our society becoming fearful and more hostile, as evidenced by increasing gun violence, it’s no wonder that PIs are opting to surveil from the office with the help of GPS tracking devices. It gives private investigators the safety that they need, as well as the information that they were hired to obtain.

Additionally, GPS devices provide an economical alternative for surveillance. For example, in larger cities where traffic and other visible obstructions may be present, an individual hiring a private investigator may, in fact, need multiple investigators to be able to perform the surveillance. This would result in much higher fees than a daily or weekly rate for the monitoring of a GPS device.

Furthermore, GPS devices give private investigators the ability to multitask and complete other tasks while still completing surveillance. GPS devices can also be programmed to only activate and transmit a signal when at a targeted location.

## **GPS Win in Georgia**

Recently in Georgia, a jury ruled in favor of Eric and Patricia Echols’ private investigation business, TFP Company, LLC. The ruling solidified that the use of GPS on the outside of a vehicle, when attached in a public place, was not an invasion of privacy.

The decision stems from a lawsuit filed in July 2015 by Melissa Atkins and her legal team alleging that the Echols’ private investigation company had trespassed, violated her right to privacy, and inflicted intentional emotional distress. Atkins and her legal team were seeking punitive damages, as well as legal fees to be paid by TFP.

Echols’ investigation company was conducting surveillance after being hired by Michelle Lewis, who is Robert Lewis’ now ex-wife, to surveil Atkins on the suspicion of having an affair with Robert. Both couples were in the midst of divorce. It was during the course of that investigation that the Echols’ investigation company used a GPS tracking device to conduct surveillance.

The GPS tracking device was attached to Atkins’ vehicle in a public place, without trespassing, and without her knowledge. However, because it was only tracking the vehicle, and the vehicle was only used on public roads, visible to anyone in the general public and even street cameras, the jury found that it was not an invasion of privacy.

Furthermore, private citizens, including private investigators, are not bound by the legal requirement to obtain a search warrant. They are free to observe the actions of another in a public place, but this does not mean that the observation and surveillance can be reckless: private citizens are prohibited from engaging in stalking behavior, as anti-stalking laws are on the books in Georgia.

Despite the jury's ruling in favor of private investigators and in the defense, Atkins was not satisfied, and filed a motion for a new trial on April 3, 2017, citing a violation of the rules of evidence, discovery, and specific Court Orders. The case is ongoing.

### **Supreme Court Rulings on GPS**

The 2015 certiorari Supreme Court ruling of *Torrey Dale Grady v. North Carolina* established that under the Fourth Amendment, the use of a GPS tracking device constitutes a search. In this situation, the case was remanded back to trial court to determine whether or not the search was unreasonable or unwarranted, as the Fourth Amendment only prohibits unreasonable and unwarranted searches.

The 2011 case, *United States v. Jones*, which was delivered by Justice Antonin Scalia, asserted that the unwarranted installation of a GPS tracking devices did, in fact, constitute an unlawful search. Despite this, the 2015 ruling cites that the nature of the search cannot be a blanket determination, as there are situations in which a search is warranted. Thus, the Supreme Court did not make an official ruling on whether or not affixing a GPS tracking device is a violation of an individual's privacy.

### **State Legislature's Decision**

Ultimately, the lack of a clear and steadfast ruling on the use of GPS tracking devices means that it is up to state legislatures to make decisions for their state. For private investigators in Georgia, it remains a situation of tracking at your own risk.

When considering an individual's right to privacy, state legislatures have to evaluate whether or not the use of a GPS device infringes upon that right. When considering privacy, it is important to consider that nothing stops someone from being surveilled at a distance in person in public places, such as on the road.

When asked about the lack of continuity and clear legislation from our governments, Echols commented that "The problem is that the laws aren't caught up with the technology. In Georgia, there are no laws prohibiting the use of GPS tracking devices. A bill came to Georgia, and it didn't pass. It should've been written to exempt law enforcement and private investigators."

Echols' sentiment echoed that of Judge Leonard in his order denying a summary judgment in favor of the defendant. Judge Leonard stated that "This case represents a classic situation where our jurisprudence and legislation have not kept up with rapidly-changing technology that is widely available and cheaply obtained. This Court invites the Georgia General Assembly to take up this issue of GPS tracking in a healthy debate and potentially pass legislation that it deems necessary [...]."

Echols proposed a solution to the legal mess of ambiguity: "Since the federal law isn't clear, that's why you see different states doing different things. The lawmakers need to make an exemption for law enforcement and PIs, such as in North Carolina, and with that exemption, there has to be a bonafide case that can be proven with a contract that you were hired. This way it wouldn't just be anyone [using GPS devices], and it would require PIs to show some restraint. PIs should be able to put [GPS device] on without going onto or into a person's property."

### **Future of GPS for Private Investigators**

What is clear out of all this is that state and federal governments need to get up to speed with current technology and determine what is fair and appropriate after considering all the facts.

With each case relating to the topic of GPS surveillance seemingly having a unique and independent outcome, there is no way to determine if private investigators would face legal repercussions (and what those repercussions could be) by employing the use of GPS devices to assist them in doing their job.

By not setting a standard on a recurring issue that affects the livelihood of private investigators and the rights as citizens of the United States, the United States government is doing a disservice to its citizens. After all, we as a society abide by laws within a legal system, and by not having laws set in place, how can we function?

## **ISPLA Alert: Drone Ruling of Note**

Calling the government's arguments "unpersuasive", the U.S. Court of Appeals for the D.C. Circuit struck down a Federal Aviation Administration (FAA) rule today requiring recreational drone users register their model aircraft with the federal government. This is a victory for the plaintiff John A. Taylor and other drone hobbyists. However, this ruling does not give a "pass" to investigative and security professionals utilizing UAS (Drones) for commercial purposes.

The court agreed with the plaintiff, a recreational drone pilot, who argued that the FAA doesn't have the power to make him register his toy drones because Congress already said the FAA can't regulate model aircraft. "The FAA's 2015 registration rule, which applies to model aircraft, directly violates that clear statutory prohibition," the opinion said. "We therefore grant Taylor's petition and vacate the registration rule to the extent it applies to model aircraft."

As drones increased in popularity and became more affordable, Congress and the FAA became increasingly concerned with drones entering into the national airspace. Congress directed the FAA to safely integrate drones into the national airspace in a 2012 aviation law. However, they included a special exemption for model aircraft.

In December 2015, the FAA issued an interim rule requiring drone hobbyists to register their recreational aircraft with the agency. The court called the registration process "quite extensive, as one would imagine for airplanes."

The rule — which had not been formally finalized — required model aircraft owners to provide their name, email address and physical address; pay a \$5 registration fee; and display a unique drone ID number at all times. Those who failed to comply could face civil and criminal penalties.

The appeals court cited the 2012 law in its ruling, saying that recreational drones count as model aircraft and arguing that that the FAA registration requirement constitutes a rule or regulation.

"Congress passed and President Obama signed the FAA Modernization and Reform Act of 2012," the ruling said. "Specifically, the 'Special Rule for Model Aircraft' [section] provides that the FAA 'may not promulgate any rule or regulation regarding a model aircraft.'"

The FAA argued that the registration rule is not a new requirement, but a "decision to cease its exercise of enforcement discretion," which falls within its mission to improve aviation safety. They contended that exempting some drones from the registration log would "create a gaping hole in FAA's enforcement authority and threaten the safety of the national airspace system."

Bruce Hulme, CFE, BAI - ISPLA Director of Government Affairs

[www.ISPLA.org](http://www.ISPLA.org)

Your Voice from State Capitols to the Nation's Capitol

## 2017 IAPI Conference Agenda

### **Thursday, September 14**

- 7:45 am Registration
- 8:15 am Color Guard and Opening Remarks
- 8:30 am Tracers-How to Get the Most Results from an Online Data Provider
- 9:30 am Break/Vendors
- 9:45 am Jeff Tilson/Integral Investigations-Finding Cell Phone Secrets
- 10:45 am Break/Vendors
- 11:00 am Jim McDonald-Adoption Searching: Reflections After 28 Years and Over 2000 Searches
- 12:00 pm Lunch – Introductions/Specialties
- 1:30-4:30 pm John Quinn – Basic Principles of Interviewing  
(Breaks discretionary)
- 7:00-10:00 pm Networking Night lower level conference room sponsored by Per Mar Security

### **Friday, September 15**

- 8:00 am Vendors and Conference opens
- 8:30 am Lavonne Short-DOT ARTs
- 9:30 am Break/Vendors
- 9:45 am Landon Dufoe-Civil Attorney
- 10:45 am Break/Vendors
- 11:00 am Hal Humphreys-Criminal Defense
- 12:00 pm Lunch-Round Table-Best Practices
- 1:00 pm Hal Humphreys-Criminal Defense
- 2:00 pm Break/Vendors
- 2:15 pm Darwin Rittgers/DER & Assoc.- Debugging Sweeps:  
The Client & What to Look For
- 3:15 pm IAPI Annual Meeting - Election of Officers

**Please note speakers and times may change.**

**Please visit the vendors during the breaks. Their presence provides professional growth opportunities you may not experience otherwise.**

## 2017 IAPI Conference Speakers

**Darwin Rittgers** began his career in law enforcement in 1979 as a police officer and eventually Chief of Police at Dunkerton, Iowa in northern Black Hawk county. In July 1980, he moved on to the City of Waverly in Bremer County as a police officer. Darwin worked a variety of assignments at Waverly PD including special investigations in street and biker gangs, drugs, undercover operations and was a team leader in the tactical anti-crime unit. During his time there, he received accommodation letters and was twice named police officer of the year. In 1999, Darwin was forced to retire due to an on-duty injury. In late 1999, Darwin started his PI business working in civil process, general investigations and accident investigations. He has worked over 900 cases in 27 states and two foreign countries. Darwin's business is now focused on debugging sweeps and cold case homicides. Darwin has been an active member of IAPI since 2000 holding most positions on the board since then.

**Jeff Tilson** is a retired Iowa police chief with over 30 years of professional investigative experience in the public sector, serving the last 23 years of his career as the Chief of Police in Vinton, Iowa. In addition to his municipal duties, he was also a sworn Federal Task Force Officer (TFO) with the U.S. Department of Homeland Security's Homeland Security Investigations (HSI) in the Immigration and Customs Enforcement division (ICE), based out of the Cedar Rapids, Iowa AOR. This is where he developed his expertise in data extraction and recovery from mobile phone devices with both CelleBrite and MobilEdit extraction technologies. He has been a member of IAPI since 2015, and lives in Waverly, Iowa.

**John F. Quinn** was selected as Chief of Police of the Waukee Police Department on March 16th, 2014. Chief Quinn leads a Department of 20 sworn officers and 2 administrative assistants. Chief Quinn brings with him over 32 years of dedicated law enforcement experience. Chief Quinn began his career with Department of Public Safety in 1983 after completing the 11th Basic Academy. He was first assigned as a Special Agent for the DCI working general criminal investigations. After 20 years investigating more than 100 homicides and numerous other crimes against persons or property, Quinn was promoted to Special Agent in Charge, supervising all field operations, investigations and personnel for DCI's Zone 1. In his years of service to DPS, Quinn has also been a DPS recruiter, head drill instructor for the DPS Academy and coordinated DCI firearms training. Quinn was also one of DPS' greatest resources in training officers statewide on the basic techniques of interviewing and interrogation. Chief Quinn is a 1982 graduate of Iowa State University. In his journey toward self-improvement, he also completed Drake University's Certified Public Management Program in 2006 and Northwestern University School of Police Staff and Command in 2007. Quinn is also a 2007 Leadership Iowa graduate.

**Jim McDonald** has been a licensed PI since 1989 and self-employed since July 5, 1974 when he received his last true paycheck. Over 28 years, his work has evolved into many

different areas. Today, he focuses on criminal investigations, missing persons, mediation and adoption searches. One of Jim's first cases was an adoption search. Without any prior knowledge, he was able to locate the birthmother in Florida 6 1/2 hours later without the aid of a computer, database, etc. He sponsored a monthly support group that helped individuals prepare for, and/or deal with the unintended consequences of searching. It is very delicate, sensitive work as he will explain in his presentation. In his spare time, Jim enjoys being on boards for clubs and events involving automobiles. He appraises collectable automobiles, works on diminished value cases, has appraised large collections and consulted on how best to market those collections.

**Hal Humphreys** is the executive editor of Pursuit Magazine and the founder/lead investigator of [FIND] Investigations, a PI agency in Nashville, TN. When he's not interviewing witnesses, or surveilling the unwitting, he's also a teacher, writer, radio producer, hiker, and fly fisherman. Pursuit Magazine is the leading educational media publisher for professional investigators. Written by, for, and about the most creative thinkers in the industry, Pursuit aims to lead the conversation about the future of how we gather and use information. [FIND] Investigations conducts civil and criminal defense investigations. With a Certified fraud examiner at the helm, we focus on white-collar civil and criminal defense. Lead investigator, Thomas H. Humphreys has worked on high profile criminal defense case, including capital murder and sexual assault cases

**Landon Dufoe** is the founder and owner of Dufoe Law Firm. Landon practices primarily in the areas of civil trial litigation, personal injury, motor vehicle accidents, products liability, wrongful termination, labor and employment litigation, ERI- SA matters, worker's compensation, family law, and trade- marks. Landon's practice takes him all over the State of Iowa and the Midwest. Landon will discuss effective ways he utilizes PIs in his practice, how PIs can market themselves to attorneys and what attorneys expect when they hire a PI.

**LaVonne Short** is an Executive Officer with the Iowa Department of Transportation, Office of Vehicle & Motor Carrier Services. She has been with the Motor Vehicle Division for more than 35 years, the past 15 in this office. Her main responsibilities include providing ARTs access for TPA and county users, bulk record requests and inventory management for the 99 county treasurers. LaVonne is married with three children, five grandchildren and an ISU supporter.

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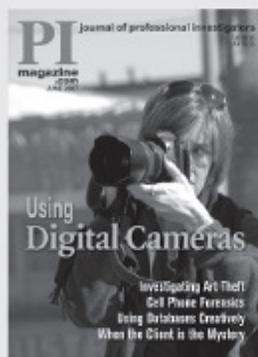
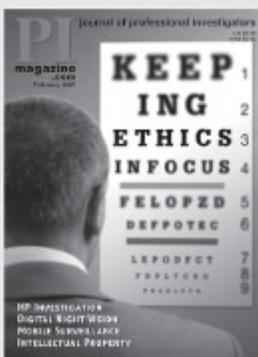
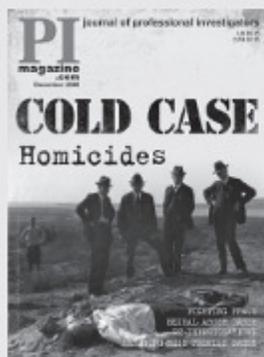
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