



IAPI NEWSLETTER

IOWA ASSOCIATION OF PRIVATE INVESTIGATORS

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President's Message By Dan Conroy

The 2018 Iowa Association of Private Investigators annual conference will be here before we know it. Your board is working extremely hard to make our 33rd year conference one not to miss!

The conference dates are 9/13/18 and 9/14/18 in Des Moines, Iowa at the Holiday Inn on Merle Hay Road. We will have again quality speakers on industry related topics.

This is your chance to learn from professionals in our industry and network with fellow IAPI members. The goal every year is to make this a memorable experience for our IAPI members and to get high value from attending.

In closing I would ask again our members to keep diligently recruiting new members for our organization and keep giving us positive input on how we can become a better organization. Take care and thanks for all of your support!

Dan Conroy

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IAPI Member Benefit – Save Money on the Conference

The IAPI Board has adopted an incentive for current members to recruit new members. Each one (current member and new member) will receive a \$25 credit towards the registration fee of the next IAPI continuing education conference. The investigator being referred must complete the membership application process and be approved by the Board. The credits have no cash value, cannot be transferred, and may be used only for registration at the next conference. Only one current member will receive credit for each new member. All members are encouraged to recruit multiple investigators to join IAPI to save conference registration fees. The new member must be a true new member, not a returning one, even if there was an absence of more than one year. The referring member should let Tom Smith, Treasurer and Membership Committee Chairperson, know that he/she made the referral. The applicant should indicate in the Comments section of the application form who referred him/her. (Referring member: tell applicant to do this to get his/her credit.) In the event of more than one member referring the same investigator, the decision of the Treasurer/Membership Committee Chairperson shall determine who gets the credit. Yes, if a current member recruits enough new members, he/she could receive enough credits to pay the entire conference registration!

Investigative Timelines in Criminal Defense Investigations

Investigative case review and analysis are the heart and soul of any criminal defense investigation. In a criminal case, “discovery” is how the defense learns everything they can about the State’s case against their client. Poring over police reports, witness statements, and other documented evidence is where holes in the prosecution’s investigation are discovered, alternate theories manifest, missing links are found, and reasonable doubt is born.

A good criminal defense investigator must learn to dig through and organize thousands of documents and use that information to create a visual presentation of times, places, and events pertinent to the event in question. Patching together the State’s evidence, one piece at a time, is how the defense team determines what story the prosecution will most likely tell in court—and how to counter it with their own (hopefully) more plausible and compelling story.

The hardest part is getting started.

Where to Begin

Reviewing a complex investigation can be daunting. Discovery can range from dozens to tens of thousands of pages. And don’t be surprised if you find the documents out of order, incomplete, or in a format that doesn’t lend itself to any kind of systematic analysis.

It’s your job to carve order out of that chaos. First, you’ll need to devise some way to organize the giant pile (or piles) of paper—by document type, say, or by chronology. Then, a kind of triage: If possible, figure out what materials might be most helpful *or* most damaging to your case—the “good” and the “bad” facts—and start reading. Make a spreadsheet or keep a detailed notebook as you go—whatever works best for you to keep all that information straight along the way.

Enter the Investigative Timeline

The investigative timeline serves as both a reference and a visual tool to identify the relationships between people, places, dates, times and (of course) evidence. All criminal defense investigations should begin and end with an investigative timeline. The legal team will use it to organize their case behind the scenes and may also find it helpful as a visual aid at trial.

Preparation

Investigative timelines come in a variety of formats, ranging from a traditional linear timeline to complex databases. Whatever the format, the timeline should be functional and help the investigator and defense counsel visualize how all people, events, locations, and evidence are interrelated.

Commercially available software such as [SmartDraw](#), [Visio](#), and [RFFlow](#) can help you create an organized and visually-appealing timeline. Excel is a great option, too, either as a stand-alone timeline platform or in support of another method. Excel is easily searchable and lets the investigator filter the timeline by categories.

As you review discovery and collect new information for the case, you’ll need to enter all information relating to dates, times, locations, people, events, and evidence into the timeline. It’s vital to note the source of each piece of information entered.

The timeline will remain a living document throughout the investigation, allowing the defense to develop a clearer picture of the facts and create a road map for the investigation.

How to Use the Timeline

A well-developed timeline provides clarity to a complex case, and it should be used as a reference to understand important relationships. By studying a timeline, both the investigator and defense counsel can find gaps in the

investigation, document the movements of witnesses and victims, exploit inconsistencies, develop alibis, and evaluate the plausibility of the opposing counsel's case.

An easy-to-understand timeline also makes an excellent defense exhibit, assisting defense counsel when cross-examining witnesses and presenting reasonable doubt to jurors.

Conclusion

The investigative timeline is a tool that many overworked defense teams overlook as they build complex cases with limited time and resources. But I've found it to be too important a tool to leave in the box. It can not only help the legal team fortify their case; it can help them dismantle the prosecution's storyline and introduce reasonable doubt to their audience—the jury.

Documenting inconsistencies in witness statements and reported events can elevate defense counsel's position during negotiations, help lower bond for the defendant, reduce charges, or even result in a dismissal of the case.

About the Author:

Private Investigator Steven Mason of [Mason Investigative Solutions](#) is a former federal criminal investigator and certified Federal Law Enforcement Training Center Adjunct Instructor. Mr. Mason's curriculum vitae has been accepted by the United States District Court for the District of Arizona, approving him to conduct federal criminal defense investigations.

Legislation Alert

**S. 395 - (Wyden, D-Or) Geolocation Privacy and Surveillance Act, or GPS Act --
House companion - H.R. 3470 (Farenthold, R-Tx-27)**

This bill makes it unlawful to intentionally intercept the geolocation information of another person; intentionally disclose or use geolocation information knowing or having reason to know that it was obtained in violation of this bill; or intentionally disclose geolocation information knowing or having reason to know it was obtained as part of a criminal investigation with the intent to improperly obstruct with a duly authorized criminal investigation.

There are several exceptions to this prohibition against intercepting geolocation information: (1) information obtained in the normal course of business, (2) information obtained while conducting foreign intelligence surveillance, (3) consent, (4) information readily available to the public, (5) theft or fraud involving the device, (6) issuance of a warrant, and (7) emergency circumstances.

Geolocation information shall not be used as evidence in a legal proceeding when disclosure of such information would be in violation of this bill.

The bill creates a civil cause of action for any person whose geolocation information is intercepted, disclosed, or intentionally used in violation of this bill.

The bill makes it a criminal offense to knowingly and intentionally obtain, or attempt to obtain, global positioning system (GPS) records from a geolocation information service through fraud or by other means. It also makes it unlawful to intentionally and knowingly sell or transfer GPS records without the consent of the customer.

The GPS Act

For the last two Congresses, Lobbyit and NCISS have been tracking The GPS Act, legislation prohibiting the use of global positioning systems for tracking individuals or vehicles except under certain tightly proscribed circumstances.

NCISS members will recall previous dispatches on this legislation, noting that it was sponsored by Senator Wyden in the Senate (D-Or), and Congressman Chaffetz (R-Ut) in the House. As such, it had sponsors from very different ends of the political spectrum.

Upon Congressman Chaffetz's retirement in late 2017, we hoped the bill would die a quiet death in the House. While prospects for passage are still somewhat remote -- in either Chamber -- this legislation received a new lease on life in the house with its re-introduction by Congressman Blake Farenthold (R-Tx). Like Cong. Chaffetz, Farenthold is considered a more doctrinaire conservative, and the renewed introduction of the legislation gave cause for concern.

Then, in recent weeks, Cong. Farenthold announced he would not seek reelection in 2018, likely attributable to some form of sexual harassment settlement he reached with a former employee. It was reported that he previously settled such charges against him, paid for out of taxpayer funds.

On a side note, it has long been rumored in the Nation's Capital that the Washington Post was on the cusp of publishing stories naming up to 50 Members of Congress who reached similar settlements over the last decade. Such stories have yet to issue, but are expected imminently.

So, while again we find ourselves in a situation where the primary House sponsor of the GPS Act is on his way out of Congress, our discomfort persists in that such Members might pressure leadership to pass this bill as part of their legacy.

In the Senate, the GPS Act has changed somewhat, in that a new exception is included for those using GPS "in the normal course of business". Even this exception, however, is narrowly drawn, and would not likely afford NCISS members any protection. The House bill has no such provision.

In addition to discussing the prospects for legislative hearings with the committees of jurisdiction in both the House and Senate (there are no current plans for movement), Lobbyit also spoke with counsel for the legislation's sponsors in both Chambers. Both are willing to consider language carving out private detectives from the larger prohibitions, and both are willing to sit down with NCISS members when you are in DC in March.

Lobbyit will arrange these meetings, but we encourage you to go and see your Members of Congress, as well!

Respectfully,
National Council of Investigative and Security Services
7501 Sparrows Point Blvd.
Baltimore, MD 21219

AUDIT OF THE HANDLING OF FIREARMS PURCHASE DENIALS THROUGH THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM

The National Instant Criminal Background Check System (NICS) is used by Federal Firearms Licensees, importers, and manufacturers (collectively, "dealers") to determine whether a prospective purchaser is legally prohibited from doing so. The Department of Justice's Office of Inspector General has compiled a report on the subject of NICS firearms purchase denials, a timely subject in light of recent "mass shootings." The Department of Justice has also announced its intent to prosecute those who answer falsely to the questionnaire utilized in the search process.

The process begins when the person provides a dealer with photo identification and a completed Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Form 4473. The form asks questions corresponding to the categories of persons prohibited by federal law from possessing firearms. Providing false information is a federal crime.

If a prospective purchaser answers "yes" to any questions, the sale must be denied. Otherwise, the dealer generally must request a NICS check from the Federal Bureau of Investigation (FBI) or their state point of contact. The transfer can occur only if the check does not identify prohibitive criteria, or if it takes more than 3 business days. If 3 business days pass without a determination that the transaction can be approved or must be denied, the dealer can either complete the sale (unless prohibited by local law) or wait for the check to be performed.

For approved transactions, identifying information about the purchaser and firearm is purged from NICS within 24 hours pursuant to federal law. For denied transactions, the FBI sends relevant information to ATF's Denial Enforcement and NICS Intelligence (DENI) Branch for possible investigation. For a "delayed denial," where a firearm transfer to a prohibited purchaser occurred because the check took more than 3 business days to complete, ATF is charged with recovering the firearm.

Additionally, ATF consults with U.S. Attorneys' Offices (USAO) to decide whether to refer for possible prosecution denial cases that it believes have prosecutorial merit.

The Department of Justice (DOJ) Office of the Inspector General (OIG) undertook this audit to examine (1) the effectiveness of the FBI's quality control processes for NICS transactions, the impact of state reporting and recording on FBI NICS determinations, and the FBI's referral of denied NICS transactions to ATF; (2) ATF's initial screening and referral of denied transactions to its field offices for investigation, and ATF field offices' investigation of denied transactions; and (3) the USAOs' prosecution of crimes associated with denials.

Regarding FBI Processing of NICS requests, the DOJ's OIG found the FBI generally has an effective internal control system and quality control process. The FBI processed more than 51 million NICS transactions from 2008 to 2014, and approved or denied about 50 million of them (state authorities processed more than 68 million requests during the same period).. The FBI denied 556,496 of these transactions. The FBI advised its quality control process results in an accuracy rate that ranges from 99.3 percent to 99.8 percent.

The full 66-page report is available at: <https://oig.justice.gov/reports/2016/a1632.pdf>

Becoming a more professional private investigator

Merriam-Webster defines a *professional* as someone who conforms to “technical or ethical standards...exhibiting a courteous, conscientious and generally businesslike manner.”

To that end, consider these tips:

Email

A professional image begins with your email address. An email address should reflect your business and be consistent with your branding. Kate.Jones@jonesprivateeye.com or john@akronpi.com are appropriate. Web-based email such as Gmail or Hotmail should be avoided.

Likewise, email addresses with cartoonish phrases such as *Ispy4you*: Just don't do it. They're amateurish and cause clients to question your legitimacy.

Phone Calls

The main complaint leveled against private investigators is that they fail to return phone calls in a timely manner. Obviously, you can't answer the telephone every time it rings, but make sure you follow up appropriately.

Phone Greeting

Have a friendly and professional voicemail greeting. Maybe you were in the Marines or spent thirty years as a homicide detective. That's no reason to have a gruff and unwelcoming voicemail. Clients are calling for help and understanding.

Attire

It's unfair, but you're judged by how you dress. When meeting with clients, a professional dresses the part. Men wear a suit and tie. Women are attired in a pant suit, dress, or skirt and blouse. Dress better than your clients. You'll exude confidence and success.

This industry is populated by all manner of egoistic “characters.” Meeting clients in buckskin jackets, shorts, mini-skirts, or leopard print fosters the image of private investigators as incompetent eccentrics.

Grooming

Professionals don't have dirty fingernails, bad breath, or stains on their clothing. It sends the message that you can't be bothered with little things. If you can't pay attention to hygiene, how can a client expect you to give attention to their more serious, weightier problems?

Make sure your hair style is acceptable for the current decade. Bathe daily, use deodorant, and brush your teeth.

Punctuality

Be. On. Time. Arriving late is disrespectful. It's arrogant. It suggests your needs are more important than the client's. Be punctual and reliable.

Your System

A Big Mac is the same in Kentucky and Spain. You need a system too—a process for how investigations are conducted and when surveillance starts. Get Michael Gerber's book, *The E-Myth*. It'll help you create your own processes.

Are you a one-person office and think you don't need a system? Think again. It'll relieve stress and make you more efficient and organized—in other words, more professional.

Fee v. Value

What's your worth? How do you respond when a client asks, "What do you charge?"

If you answer directly, you've already lost. You've agreed that the entire conversation will be about money. The correct answer is, "It depends." You can't quote cost until you know what the client needs.

A professional typically does not lower their fee at the client's insistence. If you do, you send the message your value as an investigator is negotiable. You hurt yourself and the industry. And you look desperate.

If a client says, "I called ABC Investigations. They only charge \$50 an hour," you know their only concern is cost. My reply? "If cost is your only concern, hire ABC." I explain that we are not Walmart. We charge more because we offer more value and experience.

Improvements

Jim Rohn said, "Work harder on yourself than you do on your job." Self-improvement is a lifelong effort. Listen to audio books and podcasts. Earn professional designations such as CFE, CPP, etc. Take community and adult education classes.

And finally:

Give back!

[Zig Ziglar](#) once said, "You can have everything in life you want, if you will just help other people get what they want." Regardless of the type of investigative work you do, it boils down to one thing: *We help people.* Mentor and advise other investigators. I don't understand why some investigators are so insular and selfish. There's enough business for everyone. Give back.

About the Author:

Scott Fulmer is the Utah Sleuth—a Utah private investigator and principal at Utah Sleuth, a private investigation firm providing actionable intelligence to decision makers throughout Utah and the Intermountain West. He is a decorated combat veteran of the Gulf War and has a degree in criminal justice from the University of Texas at San Antonio. He is currently finishing a book describing his 30 years as a private investigator. It should be published in early 2018. You can find him on the web at utahsleuth.com.

Capitol police receive John Duffy Memorial Award

Two U.S. Capitol Police special agents are being honored for their heroism with the 2017 John J. Duffy Memorial Award from the National Council of Investigation and Security Services, or NCISS.

Special Agents Crystal Griner and David Bailey are being recognized for their actions June 14 when they stopped a shooter, saving the life of House Majority Whip Steve Scalise and other members of Congress at a softball practice in Alexandria, Virginia.

The awards will be presented March 20 at the NCISS annual Hit the Hill Luncheon in Washington, D.C.

The award is named for Duffy, co-founder of the Davenport-based Per Mar Security Services, who served as the first president of NCISS.

The award is the council's highest honor and is given every other year to a person or entity outside the NCISS membership, who is being honored for their specific service, heroism or other exemplary deed. This year's honorees were selected by past recipients.

"Special Agents Griner and Bailey are true heroes and I can't think of more deserving individuals to get the award named for my grandfather," said Brad Duffy, president of Per Mar's Security Officer Services and 1st vice president of NCISS.



Welcome this new member to our association.....

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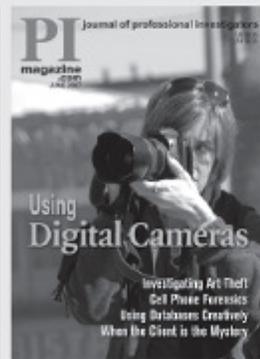
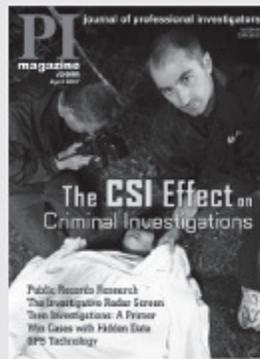
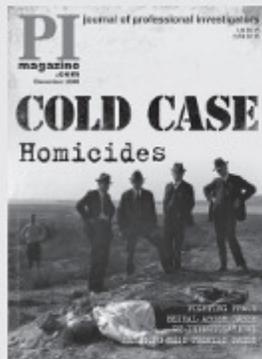
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