



# IAPI NEWSLETTER

IOWA ASSOCIATION OF PRIVATE INVESTIGATORS

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## President's Message By Dan Conroy

I hope everyone is doing well and again thank you to all of our IAPI members who attended/supported this year's annual conference.

We will face a lot of challenges such as adverse legislation, attracting new members and continually providing a solid conference at a reasonable rate for our members to get their required CEU'S!

2019 will be an interesting year for IAPI, but I can assure all of our members that your IAPI Board will continue to step up and work hard for everyone.

Also, I want to ask all of our members to keep recruiting new investigators to join IAPI, this will only make us stronger.

Please continue to reach out to your IAPI Board with any thoughts or suggestions.

Take care and thanks for all of your support and I hope everyone has a Merry Christmas and a Happy New Year!!!

Dan

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# How to not be spotted: A Private Investigator's Guide to Blending In

November 26, 2018 by PInow Staff

A successful investigator is able to remain undercover and unnoticed so that they can collect useful evidence to support their client's claim. Blending in with the surrounding population or daily activity is necessary so that the individual under surveillance does not become suspicious and thus change their own actions. Investigators should take extreme caution to expose their true purpose or else the investigation could be ruined. Here are some tips to stay undiscovered.

## A Quick Click

Leaning out of your car window to snap a photo is undoubtedly suspicious. Hauling a large camera and taking photos of unwarned individuals can cause alarm. When you are collecting photographic or video evidence, discretely snap a quick photo instead of pausing for an extended period of time. If your case requires constant recording or frequent photographs, consider investing in a hidden camera. If you are in a setting where taking photos look extremely out-of-place, opt for a phone camera instead. Smartphones can often take similar-quality photographs while drawing less attention.

## The Right Distance

Close proximity to the suspect may seem beneficial, however, you will want to avoid being within several feet of the individual as you will risk being identified. If the subject spots the investigator multiple times they will begin to recognize them. The subject may confront the investigator or ultimately seek to avoid them, perhaps destroying the possibility of collecting future evidence. Instead of getting too close, take advantage of your camera's zoom feature to avoid being recognized and maintain a safe distance.

## Part of the Crowd

Distance is not the only factor that plays into finding the perfect spot. Investigators will want to blend into the population. Before you travel to a location for a stakeout, do a Google search of the address and see if there are any coffee shops, parks, or parking lots nearby. Consider what regular people do in that area and how you can appear like another civilian going about their daily routine.

Bring something that would keep a normal person preoccupied when you are stationed at a spot for a long period of time. People won't stay in the same spot without a reason or entertainment. Bring a book, laptop, or lunch to validate why you are lingering.

## Research, Don't Follow

Don't blatantly follow your subject, instead, research their neighborhood, home, and office. Not only will people notice the same face, they will remember cars that constantly park nearby or follow them down streets. You decrease the chance of blowing your cover if you prepare for the most effective area to surveil. Ask your client if they have any information that will aid your investigation or otherwise, search online. Social media and public records are a great start to establish frequently visited locations. If you have little information on where your subject typically goes, consider alternating with another investigator and different cars. This will lessen the chance of being noticed. Investigators should also consider purchasing a car that is not flashy and popular in their service area. Commonly-owned cars are less memorable and therefore less leery.

## Believable Backstory

If your cover is ever in question, have a cover story explaining why you are there. Don't be extravagant as that may cause even more apprehension. Instead, choose something believable and every day. Think of reasons why you are there: picking up a child from school, scouting out real estate, or even lost and looking for directions. If they catch you with a camera in hand, don't shy away and pretend to hide it as that causes alarm and may acknowledge you collecting information. Instead, research why people use cameras daily. Some possible reasons are taking an adult photography class, you are visiting from out of town and taking touristy photos, you are a professional portrait photographer and need to test out various lighting and locations.

# How Process Servers Can Handle Complaints

November 05, 2018 by ServeNow Staff

Complaints happen to even the best of companies. No matter how much energy you spend on pleasing your customers, mistakes happen that directly impact a serve. Whether it's miscommunication, extenuating circumstances, or a technical glitch, client complaints are inevitable. But they don't have to leave a crater in your business. In fact, with the right attitude and response, even the worst feedback can be turned into an opportunity for your company to grow. The question is, how?

Below are some tips to help you handle complaints in a way that is effective and beneficial to your business.

## **1. Don't respond right away.**

You might feel tempted to respond out of anger or frustration, but this is never a good idea. Breathe deep and calm yourself as much as possible before responding in any way. Keep in mind that the issue is not personal. When a customer complains, it's about their situation and professional expectations, not about you personally. Also, being "right" or "winning" should never be your goal. Your goal is to salvage the situation in a way that satisfies both the customer and your company.

## **2. Listen up.**

Before you respond, attentively read or listen to the customer's complaint without creating excuses or interrupting. Not only does this show them respect, it also allows you to get as many details as possible so as to better address the issue. Ultimately, you'll want to ensure that the client feels heard and acknowledged before you attempt any sort of response.

## **3. How to react.**

First, acknowledge their experience and try to relate to them as much as possible. If you are speaking in person, phrases like, "I can see how that would be frustrating for you" or "I understand why you feel that way" expresses respect for what they're going through. Remember to not be aggressively cheery or pleasant, though, as that may seem callous. Show their situation genuine care and attention that's not scripted or passive aggressive. When discussing the problem, repeat back to them what they're asking for in order to make them feel heard and also make communication as clear as possible. If the fault lies with you or your company, own the mistake and make amends to rectify the issue. Otherwise, calmly and clearly explain the situation and their misunderstanding if the responsibility does not lie with your company. It's important to be kind but not overly submissive. If the issue cannot be easily resolved, be honest. Also, no complaint ever justifies a customer treating you, your coworkers, or your employees with disrespect.

If you are responding to a written complaint or a negative review, take the time to research their account and view the validity of their claim. By gathering the details, you will be able to make an informed and reasonable response. We recommend replying to all online reviews, whether good or bad, to show that you care for your customer and their feedback. Keep in mind that these responses are public and should maintain a high level of professionalism and respect. Thank the positive reviews and offer insight or mitigating steps for negative reviews.

If you disagree with a complaint or online review that is blatantly false, it is worthwhile to share your point of view and ask for feedback for how communication can be improved in the future. If it is important to stand up for your company's reputation if a complaint's aim is to solely disparage your company.

#### **4. Take action.**

Once you fully understand the issue and how the client expects it to be resolved, take ownership of the problem or calmly, respectfully, and professionally disagree. Your answers will vary depending on the situation, but there is never any reason for aggression and blame. Instead, make amends and explain to the customer the company's professional point of view and how you plan to resolve their complaint. To do this, it's important to know what you can and cannot do based on your company's standards. Don't make false promises just to make an irate customer temporarily happy. But do work your hardest to solve the problem quickly and effectively.

#### **5. Follow up.**

To make sure the problem is fully resolved, contact the customer personally a few days later to check in. Be aware that they may ask for a refund and be ready to respond appropriately according to your company's policy and the situation at hand.

#### **6. The aftermath.**

Even complaints made in anger can contain insight that can help you improve your business and processes. Don't write off a customer because they're upset or don't understand your processes. Their problems may shed light on a larger issue that you might not see otherwise. Feedback can also be organized in a way that identifies trends or common complaints.

No matter the company, it's good to have a plan in place for when you inevitably receive customer complaints. This way you're prepared and don't react in haste. But, in the end, you also shouldn't dwell too much on complaints. While they can give you insights on ways to improve your business, they can also bruise your ego and interrupt your ability to accomplish future serves. Learn what you can from negative feedback and move on to running your business in a way that makes you and your customers proud.

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## **IAPI member in the spotlight – VP Mark Mills**

Mark and Karen Mills started their PI business, Iowa Division Investigations, Inc. in 2005. Mark's background has been in law enforcement and as a security director for national aviation service providers. Some of his training is as a certified FBI hostage negotiator and ILEA firearms instructor. He has experience problem solving with the Department of Homeland Security as well as TSA Security Directors. With offices in both Ames and the Cedar Rapids area, Iowa Division Investigations, Inc. provides general investigative and process services throughout the state. <https://www.idinvestigate.com>

Mark is honored to be IAPI's Vice President and looks forward to working with the board and its members to grow the organization and provide the best resources possible for private investigators in Iowa.

## **Domestic Relation - Private Investigator Ethics (Expert Witness)**

Our agency was retained by private counsel on behalf of the petitioner in a dissolution of marriage action. At question were the methodologies used by the private investigators retained by the respondent. Multiple private investigators were retained to contact the petitioner under pretext to obtain incriminating information to be used in a child custody hearing.

Received and reviewed were records, statements and audio recordings provided to counsel during the course of the disclosure stage of the proceedings. Multiple private investigators had contacted the petitioner under pretext and had extended conversations. During the conversations leading questions were asked and responses provided that were offered as incriminating. At question were deceit, entrapment and invasion of privacy.

Independent review determined that these statements, taken as a whole and in context with the full conversations, were innocuous and simple banter. It was determined that there were no violations of state law, particularly involving the recording of a private conversation between two or more people. The state law permitted such recordings if at least one party had knowledge (a one-party state). The state does not license or regulate private investigators; however, the municipality did require registration. Therefore, there could be no violation of licensing regulations. However, when the private investigator is retained by counsel, they are bound by the same ethical standards. Both state and American Bar Association ethics rules specifically barred such actions as perpetrated by the private investigators. It should be noted that these private investigators were retained directly by the respondent, and not by his counsel. Therefore, there was no actual violation. In the same ethical rules it is advised that counsel not use evidence obtained in this manner, but it is permitted. Finally, professional investigators are advised to follow a code of ethics widely distributed, recognized and adapted by various professional associations. One flaw of pretexting is the use of leading questions, or entrapment. Entrapment is an action only of law enforcement. However, it is generally unethical to give a leading or misleading statement as it may produce a response that would not otherwise be the normal words of the subject. Invasion of privacy occurred when the private investigators encroached upon private property using deceit and trickery to gain access.

All applicable ethical codes forbid a private investigator from contacting a represented party without permission of the party's counsel and must also provide full disclosure. It was determined that these private investigators did violate these ethical standards, but did not belong to any professional associations.

The ideal, and ethically acceptable, environment and methodology would have been to engage or overhear the petitioner in a natural conversation in a public place. In doing so, there would have been no expectation of privacy and any utterances may have been considered spoken freely.

The presiding judge did rule that the private investigators violated accepted practices in obtaining information by using false identities and information – pretext. The information from the recordings was not permitted at future hearings.

The outcome of this case was favorable to the plaintiff.

# Financial Transactions & Social Media in Investigations

• December 10, 2018 by PInow Staff

Social media investigations are growing tools for private investigators to get to the bottom of their clients' cases. Almost every American can identify social media platforms like Facebook, Twitter, and Instagram, but what about applications such as Venmo? Most people view Venmo simply as a way to easily send money to their friends and families, but for investigators, it is much more.

## What is Venmo?

Venmo is an application that lets an individual connect to his or her bank account to send money to another user. Many people use Venmo to split a bill or pay for utilities/rent to a roommate.

Users simply request or pay their friends a predetermined amount. The recipient can store the money in their Venmo account to pay other users or transfer the money into their bank account. The transaction must include a description to keep track of the reason for sending or receiving payment.

## Venmo Privacy Settings

### **Public**

Many Venmo users have their privacy set to "Public" - meaning that anyone on the internet can view their transaction history. However, regardless if the payments are open to the public, the amount sent is always hidden.

### **Friends**

To easily pay your close friends, Venmo also allows people to "friend" one another. This feature allows them to see their friend's transactions: who they are sending to and receiving from other users.

When a user sets privacy to "Friends" the exchange is visible to the sender, recipient, and both the sender and recipient's Venmo friends. Just like "Public," the actual amount sent is not shown.

### **Private**

Users can also set their transactions to "Private," meaning that only the accounts involved in the transaction can view the payment and description.

## **How Investigators can utilize Venmo**

While most of the information on Venmo is harmless and inconsequential, investigators can use the public page to research for their client. However, the public feature may assist investigators in tracking who their subject is paying and decipher the reasoning behind a certain payment. Additionally, if their client is friends with the subjects on Venmo, they have a greater chance of tracking payments with that privacy setting. In certain investigations, this may help establish relationships, determine who their landlord could be, or the person they are living with, or find out the subjects eating and social habits.

For example, a Berlin-based investigator, Hang Do Thi Duc, was able to use Venmo's Public Dashboard to view all exchanges available to anyone with an internet connection. Hang was able to see trends in habits and transactions that certainly some parties would prefer to be kept secret.

## **Caveats**

To have a successful Venmo investigation, the private investigators must be sure that the user is actually the person under investigation. This may be tricky or impossible to completely verify, however, investigators can simply use Venmo as a starting point for their research.

Additionally, many younger users do not put a clear description on some of their Venmo transactions. People often use emojis to describe the exchange. Sometimes it is possible to deduce what the payment is for (e.g. a house emoji may be a rent payment) however, without any specific description, it is hard to prove the true meaning since there can be multiple explanations.

Venmo limits its user's total payment amounts to \$2,999.99 for verified users and \$999.99 for unverified users. While outside parties cannot see the amount sent, this monetary limit may restrict some investigations. A private investigator cannot assume a large transaction via Venmo was sent if they are trying to prove an exchange of money exceeding the limit.

Therefore, these caveats should lead the investigator to use Venmo as a starting point for their investigation. Investigators can use Venmo to gather initial evidence for habits, trends, and relationships. Additionally, it's highly suggested that investigators use other social media investigative tactics and surveillance to gather the evidence needed to prove their client's claim.

## **Users & Venmo**

Venmo (and PInow) understands that many users want control over their settings, especially when it comes to financial information. The intersection of social media and personal financial details create a gray area. If you use Venmo and do not want your information public, go to Settings, Privacy, and choose your preferred settings.



# Welcome these new members to our IAPI Association

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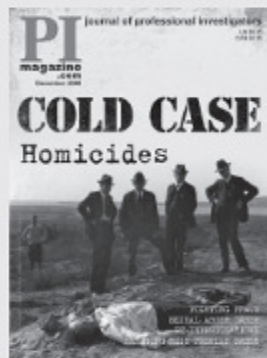
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