



# THE PALI INFORMANT

Winter 2013/2014



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## Enhanced Video: Best Evidence

Rules of evidence have changed significantly in the modern courtroom, including the types of evidence presented and how it's introduced to the jury. Prior to 1963 and *Brady v. Maryland*, prosecutors routinely withheld exculpatory evidence from the defense. Photographic evidence was passed along the line of jurors for each to view in turn. In today's courtroom, jurors not only view images of the crime scene, but often see video of the crime as it occurs. Surveillance camera video has become commonplace today, and serves as the smoking gun in many criminal cases. Unfortunately, many such videos are of poor quality, suffer various lighting problems, or the incident occurs too fast to see what really happened. An agency with a state-of-the-art video enhancement studio and professional video editing skills can address these problems and create an improved version of surveillance video for courtroom presentation. The following case studies demonstrate how video enhancement can lead to favorable outcomes for our clients.

In October of 2011, local police were dispatched to a sexual assault at a national chain grocery store. Upon arrival, it was alleged that "Roberts" had touched the breast of a young girl shopping with her mother. Officers reviewed store surveillance video showing "Roberts" approach the juvenile from behind, move in front of her and brush against her breast while reaching for cereal. "Roberts" then returned the box to the shelf and grabbed the breast of the victim with an open palm. He was arrested, charged with indecent assault and cor-

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Any questions, suggestions or submissions for this newsletter may be addressed to its editor, Bill Everman, by e-mail to [wheverman@comcast.net](mailto:wheverman@comcast.net), by telephone at 610-494-0635, or by mail to PO Box 2006, Aston, PA 19014. Many thanks to Greg Pirnik for his help in editing, and to former newsletter committee members Barbara Thompson and Bob Kozura for their invaluable assistance.

# From The Editor

## by Bill Everman

It's been a good year for PALI! We've seen growth in membership and our membership has had the opportunity to take part in both the 2013 East Coast Investigators' Superconference in Atlantic City, NJ, and our own PALI seminar in Harrisburg. If you were not able to take advantage of either of these opportunities, I'd strongly encourage you to be a part in the next PALI seminar or other event. Most private investigators work in solo practices or small partnerships, so the opportunity to talk shop, or just get to know, colleagues from across the state is not something to be missed. And you will learn something you can apply to your business, even if you try not to!

2013 was also an election year, and we have had a few changes in the association's leadership, which are reflected in the list to the left of this article. Thanks to all those who have run for office, to those who have served and are ending their tenures, and to those who will continue to serve the association's membership into the future.

I would like to focus the rest of this message on two particular changes in PALI's leadership.

Since the very beginning of the association, James West, Esq. has served as our legal counsel, faithfully guiding us and meeting our legal needs. Jim deserves an enormous

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**APPS FOR  
INVESTIGATORS™**



Ziegler & Associates, Inc.  
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ruption of minors, and his attorney received a copy of the surveillance video through discovery. We were retained by the attorney and asked to enhance the video, and we found it to be typical, formatted in a unique closed circuit software designed to be played only within that software and not modified. Closed-circuit recording units use their own video software to avoid costly licensing fees. Having experienced this challenge previously, we've developed a technique to convert the digital information from most video software so that it can be accepted into our specialized (HD) High Definition video editing software. Once the video is loaded into our software we examine the footage, make clips of key sections, then do a frame-by-frame enhancement for brightness, contrast, color and sharpness. In the "Roberts" case, the camera position was fifty feet from the incident. We were able to zoom in on the action, frame out a section of the video and pan the zoomed image directionally to follow the action. Unfortunately for "Roberts", what began as a fuzzy, faraway image was now a close, detailed depiction that clearly showed his open palm touching the girl's breast. Her reaction and body language also supported her account of what occurred, providing clear evidence of the crime. The enhanced forty-five second clip, played for the attorney and client at various speeds, never found its way to the courtroom, as "Roberts" accepted the plea deal that was offered.

Recently retired from a successful career as a land developer and builder, "Jones" was a regular patron at a country Inn and restaurant situated on a beautiful lake with pavilions and sprawling grounds. "Jones" had organized several large parties and fundraisers at the popular Inn, and was well known as a gregarious fellow who wasn't shy about spending money. He could often be found at the end of the bar, joking and laughing with patrons and buying drinks for everyone. In September of 2011, "Jones" was home one morning drinking coffee after a night of partying at the Inn. His doorbell rang, and two police officers were soon explaining that he was being charged with indecent assault, unlawful restraint and false imprisonment. A waitress at the Inn had accused him of sexually assaulting her inside a small storage room next to the bar where Jones had been sitting. "Jones" admitted that he was intoxicated and did not remember all of that night. Police assured him there was video of the night's activities, and placed him under arrest.

In the thirty minute video, "Jones" is seen at the end of the bar, visibly intoxicated and ordering cocktails. He joked with patrons and waitresses as they passed the bar going back and forth to the kitchen. One particular waitress stopped for several minutes to chat with "Jones", touching his arm and lightly flicking his hair with her fingers. The same waitress returned minutes later, again apparently flirting with "Jones" before entering a supply room located near the bar. "Jones" got up from the bar, opened the storage room door and stood in the doorway for several minutes, then stepped into the room, the spring-loaded door closing behind him. The door remained closed for 42 seconds, and when it opened again, "Jones" exited, laughing and smiling. The waitress was also seen inside the storage room, but because the room was brightly-lit,

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the untouched image was overexposed and without detail. Our enhancement eventually revealed a clear image of the waitress's face inside the storage room after her alleged assault, wearing a bright and perky smile, the disclosure of which contributed greatly to the "Jones" case. This evidence, combined with testimony that the waitress planned to soak "Jones" in court, helped bring an end to the complaint.

The first warm Spring weekend of 2011 brought a record crowd to a dance club in a college town in central Pennsylvania. Police were posted in a marked vehicle 200 yards north of the club, anticipating a large crowd at the 2am closing. After enjoying a night of drinking and dancing with a friend, "Hughes" joined several other patrons as they walked two blocks north to an all-night diner. As the crowd filled the diner, the line of enthusiastic clubbers waiting for tables included "Hughes" and his friend. A group of 50-60 people gathered on the sidewalk out front, and at 2:13am police received a fight call from inside the diner. The officers left their vehicle and began walking to the diner while a supervisory officer in a patrol vehicle also responded. Meanwhile, the 6'4", 300 pound owner of the diner was already ejecting an intoxicated female who had punched another female. Cursing and flailing her arms, the assailant pushed her way through the crowd, striking one girl in the nose and "Hughes" in the chest. "Hughes" complained loudly and began arguing with the assailant, at which point the responding officers arrived and confronted Hughes and his friend, grabbing them and throwing them to the ground.

The supervisory officer's vehicle arrived in front of the diner, shining headlights onto the action as his in-car digital video camera recorded the incident. As the supervisors' vehicle stopped, the crowd separated and the two officers are shown with Hughes and his friend in their clutches, rushing across the sidewalk and into the street. Both Hughes and his friend were arrested and charged with aggravated assault on a police officer, resisting arrest, public drunkenness, and disorderly conduct. The original female assailant was overlooked by police and withdrew into the crowd, never to be identified.

The video presented several problems; this was a nighttime encounter, further distracted by reflective signs and red and blue strobes from the police vehicle emergency lights. After a series of adjustments to the lighting and contrast of the image, we discovered that the emergency light hit the darkened area at the center of the action, and in fact contributed to a clearer image. Reports by police and the affidavit of probable cause stated that "Hughes" repeatedly struck the officer and aggressively resisted arrest. The enhanced video did not match the officer's account of the incident, however, and when rendered in HD quality and played at a slow speed, the video showed the officer grabbing "Hughes" in a chokehold before throwing him to the ground, "Hughes" then assuming a submissive posture while being handcuffed. We were also able to illustrate the location of a witness, establishing that she was in position to see what happened, and by her account, the officers stormed the crowd

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# ***The Security Advisors***

## **Radio Show**

### ***PALI Members on the Air!***

Two PI's in Montgomery County are taking their expertise and experiences to the airwaves on AM 1440 WNPV radio station in Lansdale. The show is aired live and every Monday at 11:10am they start the show with their signature opening, "I'm Dave Gordon", "And I'm Mike Dayoc". "And we are The Security Advisors On Radio".

The next 50 minutes of the show is broken down into three segments, *In the News* where they comment on current events, such as the Navy Yard shooting in DC, and other local issues. The *Guest Interview* comes on next and has featured several state politicians and has even included some well known PALI members like Don Benn, Nora Nelle, Jeff Stein and Eileen Law (listed in order of appearance). The show closes with the segment *The Security Tip of the Week* that expands on the guest interview, offering sound advice to listeners on issues like; what to do on a first date with someone from a dating website to what you should do if you think someone is missing.

Mike and Dave graduated together from Bishop Kenrick High School in 1973. Mike went right into college at Montgomery County Community College and then to West Chester University. Dave left Kenrick and went to Parris Island for Marine Corp Boot Camp. After graduation Mike worked a few years in the Montgomery County Adult Probation and Parole Dept. After boot camp Dave went to San Diego for Field Radio Operator school. Mike moved on to the Upper Dublin Police Department and went from patrol work to being a detective. Dave moved through several bases and posts throughout Asia and was posted at the American Embassies in Indonesia and the Philippines. They ended up at the Katharine Gibbs School in 2007, Mike as the Chair of the Criminal Justice Department and Dave as an instructor in that same department. When the school closed in 2008 they decided to go it on their own as The Security Advisors.

If you're in Montgomery or Bucks County you can listen in on AM 1440; if you're outside the area, go to [www.wnpv1440.com](http://www.wnpv1440.com) to listen online. If you have ideas for topics or guests on their show you can contact them at 610-277-7700 or through email at [dagordon@thesecurityadvisors.com](mailto:dagordon@thesecurityadvisors.com).

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and grabbed “Hughes”, throwing him to the ground without questioning or investigating the situation further. The case proceeded to trial, and on the day of jury selection the DA re-viewed the enhanced video and dropped the more serious charges of aggravated assault and resisting arrest. “Hughes” accepted a plea of summary disorderly conduct.

Video enhancement contributed significantly to these cases and was ultimately a deciding factor in each disposition. The “Roberts” case demonstrates that while clients won’t always get their most desirable result, their attorneys can at least provide them with the most appropriate counsel. Individuals facing criminal charges often have difficulty accepting culpability and enter a state of denial, yet “Roberts” was able to accept responsibility for his actions after viewing the enhanced video, thus deciding to resolve the matter in the best way possible. In the “Jones” and “Hughes” cases, enhancements to the original digital evidence provided a better illustration of what actually occurred, providing the best and most just result for our clients. More importantly, we’re able to present the courts with evidence that complies with the best evidence doctrine—proof positive that digital enhancement can clear up uncertain events without altering the credibility of its source.

*Donald Pugh is a private investigator and jury trial consultant and Ian Pugh is a filmmaker, author and freelance writer. Together they operate Video Enhancement Studios in Honesdale, PA. 570-470-9148.*

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“thank you” for his dedication to this organization, and his willingness to answer questions, come to conferences, and support PALI from its infancy until today.

Stepping into the role of PALI legal counsel is Joseph Carroll, J.D. I was privileged to be among those who met with Joe to determine if he would be a good fit for PALI, and I cannot tell you how impressed I was with his passion to work with this organization. Joe is currently with the law firm of Obermayer, Rebmann, Maxwell & Hippel, LLP, and prior to that served as the Chester County District Attorney. Joe will be providing articles to this newsletter in the upcoming year concerning legal issues of interest to our membership.

Ed Linton has completed his tenure as the Region 5 director, but will continue to serve

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# The Unbreakable Walking-Stick Umbrella

## Product Review

### by Mark Maas

As a lifelong follower of the protective arts, I've bought more than one umbrella or walking-stick hoping it would be sturdy enough to deliver a defensive whack in extreme circumstances. The "Unbreakable Walking-Stick Umbrella" is one such implement, and thus far I'm impressed with the umbrella's workmanship and durability. The "Standard" model has a solid fiberglass main shaft and rubberized 'crook' handle, with just the right heft. The "Premium" model, constructed of steel and aluminum, features a limited lifetime warranty rather than the two years offered with the standard model, and the fabric can be replaced on both. The premium model can also be had with either a conventional crook or straight wooden handle with a knob fashioned on the end.

So why carry an umbrella that can also protect you from non-weather threatening elements? It's as sturdy and effective as a cane, yet doesn't stand out. If a person otherwise appears able-bodied, a walking stick can garner strange looks. This umbrella has no unusual parts and contains no more metal than a regular umbrella. Anyone who can use a stick for defense can use it to some positive effect, regardless of whether your skills are limited to baseball bat swings or honed to some exotic martial arts discipline. In places where you can't carry firearms, knives or pepper spray, such as schools, government buildings and airports, a defensive umbrella remains an option.

Thomas Kurz, the inventor and President of Real Self Defense, LLC, produces the Unbreakable Umbrella. Before coming to the U.S.A., Mr. Kurz studied physical education and several martial arts disciplines in Warsaw, Poland. Now in Vermont, he personally oversees the production and handcrafted construction of the umbrella. "The niche the umbrella fills in the realm of self-defense is the same one filled by a sturdy stick," said Mr. Kurz. While the origins of stick-fighting techniques can be traced back to the 1800's, many of those tactics still have merit today. Mr. Kurz cited several real-life testimonials from users in different parts of the world who have successfully used the umbrella to protect themselves. It has also been carried by members of the Presidential Security Group of the Philippines. More information and some impressive demonstrations can be found on his website, [www.real-self-defense.com](http://www.real-self-defense.com).

Although cautioned that serious repeated striking with the umbrella on a hard surface can abrade the fabric, I felt the urge to beat an old sofa into submission. Once the dust cleared, the umbrella functioned flawlessly, and I've had it open in some rather stiff winds without incident as well. So far I've found nothing to dislike about a self-defense option that doesn't require permitting, loading, charging or monitoring for an expiration date. I urge you to consider adding the Unbreakable Umbrella to your protective toolbox. Oh, and did I mention, it's great for staying dry in the rain?

*Mark Maas, a Gettysburg-area licensed PI and PALI member since 2007, was formerly a Captain with a state law enforcement agency, serving as administrator, investigator and firearms instructor. He still teaches firearms and protective tactics to law enforcement officers and civilian professionals, and has been previously published in The Informant, PI Magazine and POLICE.*

# New PALI Advertising Rates & Opportunities

PALI is now able to offer advertising opportunities both on the PALI web site and also in the newsletter, including package deals for both. Pricing options and packages are described below. If you are interested in advertising, or if you know someone who offers a product or service that would be of interest to the investigative profession, we'd love to hear from you! Please note that PALI members receive a discount of 10% on any advertising order over \$100.

Pricing for a large banner ad on <http://www.pali.org>:

3 months.....	\$200
6 months.....	\$375
9 months.....	\$500
1 year.....	\$650

Business card sized ad in the *PALI Informant*:

1 issue.....	\$30
2 issues.....	\$55
3 issues.....	\$75
4 issues.....	\$100

Quarter page ad in the *PALI Informant*:

1 issue.....	\$160
2 issues.....	\$300
3 issues.....	\$400
4 issues.....	\$520

Half page ad in the *PALI Informant*:

1 issue.....	\$250
2 issues.....	\$450
3 issues.....	\$625
4 issues.....	\$800

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Full page ad in the *PALI Informant*:

1 issue.....	\$375
2 issues.....	\$700
3 issues.....	\$925
4 issues.....	\$1200

**Package deals:**

Business card sized ad in the *PALI Informant* and large banner ad on [www.pali.org](http://www.pali.org):

3 months/1 issue.....	\$215
6 months/2 issues.....	\$425
9 months/3 issues.....	\$530
1 year/4 issues.....	\$700

Quarter page ad in the *PALI Informant* and large banner ad on [www.pali.org](http://www.pali.org):

3 months/1 issue.....	\$270
6 months/2 issues.....	\$500
9 months/3 issues.....	\$675
1 year/4 issues.....	\$850

Half page ad in the *PALI Informant* and large banner ad on [www.pali.org](http://www.pali.org):

3 months/1 issue.....	\$350
6 months/2 issues.....	\$625
9 months/3 issues.....	\$850
1 year/4 issues.....	\$1075

Full page ad in the *PALI Informant* and large banner ad on [www.pali.org](http://www.pali.org):

3 months/1 issue.....	\$425
6 months/2 issues.....	\$800
9 months/3 issues.....	\$1000
1 year/4 issues.....	\$1350

Remember, if you are a PALI member, you will receive an immediate 10% discount off the total price of your advertising order.

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PALI will also provide limited graphic design assistance if you do not already have an advertisement prepared for publication in the *PALI Informant*. Similarly, we will provide a simple banner ad for you if you do not already have one. Of course, all advertisements submitted are reviewed before inclusion on PALI's web site or in the newsletter.

Naturally, PALI is interested in finding advertisers outside of our membership, so if you have a vendor or service provider that you think would be a good fit for our web site or publication and refer them to us, and they purchase any advertisement other than a business card ad, we will provide a free business card ad for you in the next issue of the *PALI Informant* as a "thank you" for making the introduction.

If you are interested in advertising with PALI, have a referral, or have any questions about advertising, feel free to contact Bill Everman at [wheverman@comcast.net](mailto:wheverman@comcast.net) or 610-494-0635. Advertising with PALI is a great way to build your business and support your state association!

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PALI by chairing our Compliance Committee. Ed has been active in compliance work in his area even before taking up this responsibility: Ed has worked to ensure that an allegation of security work by an unlicensed firm be investigated by the district attorney of the county in which the firm was operating. He worked with his a local district attorney to address the issuance of a license to an individual currently working as sworn law enforcement. That license was voluntarily surrendered, as the Private Detective Act does not allow those employed as sworn law enforcement officers to hold private detective licenses. He also successfully testified on behalf of a licensed investigator who was in danger of being denied his license renewal.

Compliance is a big job, and local resources and knowledge are very important to doing the job right. But it is also vital work for PALI, for several reasons: we want an even playing field in our industry, so that anyone we compete with is abiding by the same rules and meets the same standards; and we recognize that our reputations are affected by the actions of all those who work in our field. For these reasons, I encourage you to consider volunteering your time to be part of the Compliance Committee, or to offer your services to the Compliance Committee should there be a need for investigation of alleged unlicensed activity in your area. If you're interested in helping out, get in touch with Ed or any member of the board. Your help will be greatly appreciated.

I leave you with best wishes for a happy, prosperous New Year!

*Bill Everman*  
*PALI Informant Editor*

# Help PALI, the Environment, and Yourself!

## Sign up for the digital edition of the *PALI Informant*

If you haven't already, sign up for the digital version of the *PALI Informant*! The digital edition saves

PALI printing and postage costs, helps the environment by reducing the use of paper, and helps you to dig deeper into subjects of interest to you by providing links to relevant web sites and e-mail addresses in articles and advertisements.

To sign up for the digital edition of the *PALI Informant*, simply send an e-mail to PALI's newsletter editor, Bill Everman, at [wheverman@comcast.net](mailto:wheverman@comcast.net), with "Informant Online" in your subject line. Your mailing address will be removed from the next newsletter mailing, and the digital version of the *Informant*, in .pdf format, will be sent to your e-mail address.

We are strongly considering moving all PALI members to the digital-only delivery in the future, while still mailing printed newsletters to non-members and members who specifically request printed copies. We believe that the digital version adds value for our members, since they can follow links from articles and advertisements to more information, but we also believe that one of our responsibilities as the largest PI association in Pennsylvania is to keep non-members informed, and we have e-mail addresses for relatively few non-member investigators.

If you have thoughts on this prospective change, please e-mail Bill Everman at [wheverman@comcast.net](mailto:wheverman@comcast.net).

## Help This Newsletter, And Your Business, To Grow!

We'd love to hear from you if you're interested in writing for or advertising in our newsletter. See the article on page 8 to find out how to get a free business card sized ad for helping us to spread the word about the value of advertising with the *PALI Informant*.

If you are interested in submitting an article, contact Bill Everman at 610-494-0635 or [wheverman@comcast.net](mailto:wheverman@comcast.net), or Greg Pirnik at 610-762-1422 or [gappi@rcn.com](mailto:gappi@rcn.com).

We are interested in working with new as well as seasoned writers, so whether you have a complete, polished article, or just an idea for an article that would be of value to your colleagues, we are eager to help you get from that initial thought to a published work.

**Pennsylvania Association of  
Licensed Investigators, Inc.**

P.O. Box 651

Lemont, PA 16851-0651

**Telephone:**(610) 696 - 7799

**Fax:**(610) 441 - 7539



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