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Summer 2020 Edition

WELCOME

Greetings and welcome to the second issue of the PALI Guidon.

You may ask why the PALI Guidon?



The significance and importance of the **guidon** is that it represents the unit and its commanding officer. In the case of PALI, it represents the organization and the Administration. It is a place to go for guidance and to rally around when power in numbers is necessary. There is always a comfort in the sight of the Guidon as you realize all of your comrades in arms shall also be heading there for support, guidance and to formulate a plan. Our Guidon is our legacy. It is what we stand for, believe in and what we want others to recognize us for. With all that is currently going on in the world it is good to have a rally point. A place to turn for guidance and know that one can seek respite under the flag recognizing that our brothers and sisters shall watch out for and over us while we rest.

As this newsletter continues to grow, we as editors hope that this newsletter shall grow into a rally point for PALI Members and Private Investigators, Law Enforcement, and Industry personnel from around the country and perhaps the world. The PALI Guidon is aimed at providing PALI members, and the industry information, initiatives, incentives, and the occasional interesting bit of worthless information.

You will also notice that this newsletter is completely digital by design. It is produced in this fashion to direct traffic to the PALI website. Members will be able to share it by copying the PDF as well as direct traffic to the PALI site by simply sharing the link in the hopes of creating increased awareness of the Association, what it stands for and what it does. As we grow as a digital footprint, so shall the newsletter reaching Attorneys, District Attorneys, Law Enforcement, Security and others who share the same or similar passion, vocation and avocation of PALI.

On this, the last day of summer 2020, Sandy and I hope you will find something useful in this newsletter. Whether it be information on an issue you were unaware of, a small nugget of wisdom you can take away, or perhaps a new way to grow your company in this POST COVID-19-2 world. Enjoy the newsletter and feel free to reach out to us at frank@deandfrea.biz with suggestions for the upcoming FALL/WINTER edition.

Authors of Articles are always wanted as well as recipes, information for the good of the order and ideas to make this better.

Remember, Wash your hands often, Cough into your elbow, and wear your mask.

Spread the word, share the link. <https://www.pali.org/>

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Hello, Colleagues!

Summer 2020 Issue

I hope this find you well during these unsettling times. I know we're all facing some financial and emotional hardships during the Covid-19 epidemic. I have just recently become certified as a Covid-19 Contact Trace Investigator through the Johns Hopkins University Hospital. I *thought* I had a pretty good idea of how the virus spreads as a result of watching the news. I was wrong! I'd suggest that everyone stop listening to those in politics and pay attention to those in the health care hierarchy and scientists.

I have *good* news and bad news. The bad news is that our conference at the Hershey Lodge has been cancelled for this year for the health and safety of our colleagues. The *good news* is we have contracted to go back to the Hershey Lodge next year to begin the evening of Tuesday, September 21st for pre-registration, and the conference itself on Wednesday and Thursday, September 22nd and 23rd, 2021. Further, all of our speakers and vendors have confirmed their availability for the new dates. The block of rooms we reserved increased in price from \$149.00 to \$155.00 per night. That is significantly less than their standard fee. We also negotiated to have our entire down payment applied to next year.

We are planning to have a Webinar via Zoom with Jeff Stein as speaker who will be addressing "Loss Prevention and How To Market Yourself" as ways you can work through this pandemic and bring in income. This Zoom webinar on – "Investigating Outside The Box" shall take place shall take place

Tuesday, September 15th at 11 am. Members may join the meeting with the following LINK:

Join Zoom Meeting

<https://us02web.zoom.us/j/85012609237>

Meeting ID: 850 1260 9237

I will send out a reminder e-mail via listserv prior to the date but please mark your calendars.

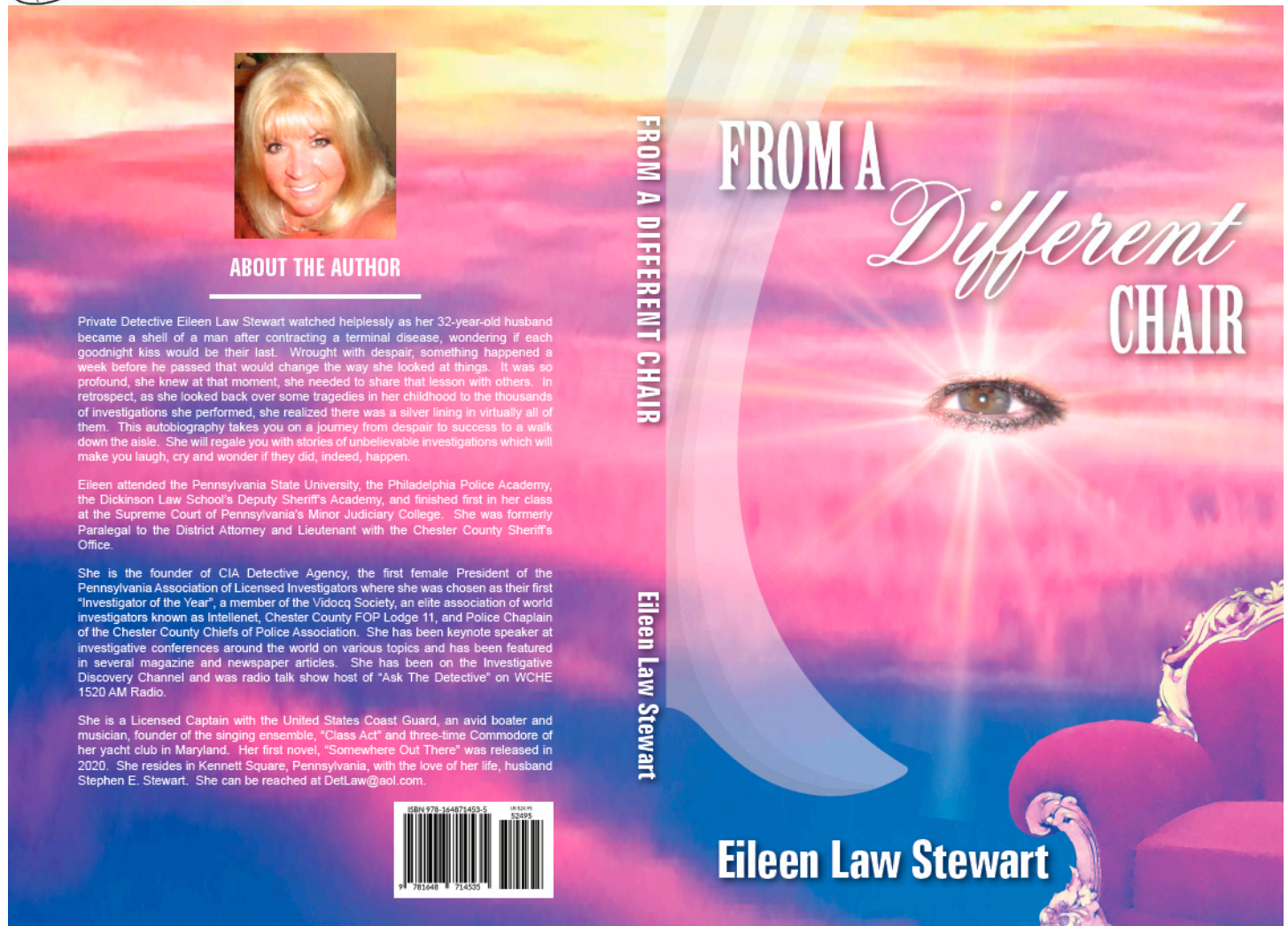
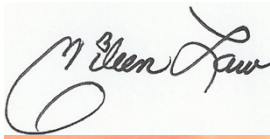
I mentioned in our first issue that I finished my second book, "From A Different Chair." I ordered 125 copies and they sold out within a week. It is now in its second printing. "Somewhere Out There" is also available if anyone is interested. It's a "how to" book on finding biological parents and children. You can purchase them by e-mailing me at DetLaw@aol.com or through PImagazine.com.

I also want to remind you that our great PALI supporter/sponsor/vendor, Dr. Tom Santarlas, has offered his very impressive software package "My Private Eye" at a 40% discount to our members. You will see more about that in the content of this newsletter. I'd be remiss if I didn't once again thank Frank and Sandy DeAndrea for their hard work and dedication to make Guideon happen.

Please stay safe!

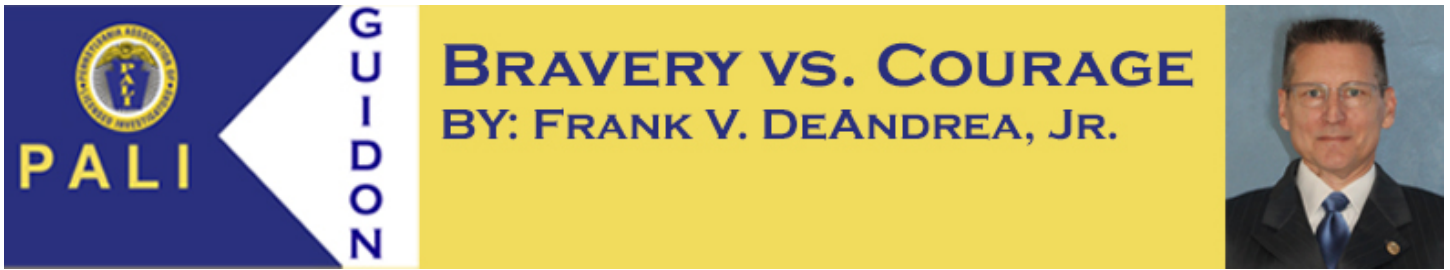
Best Regards,

Eileen Law, VSM, CMPE President



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Last Issue we asked: “What does your flag stand for?” In keeping with reminding us how important a guidon is and the significance and symbolism it holds, I would like to take you back in time. Come with me if you will to the year 1840. William H. Carney was born a slave in Norfolk, Virginia. His family was granted freedom and moved to Massachusetts. Carney secretly learned to read and write and when the war broke out, in 1863, he joined the Union Army. Company C 54th Massachusetts Colored Infantry Regiment. The first black unit recruited by the Union in the north.

In a few months Carney and his unit would find themselves in Charleston, South Carolina, July 18, 1863 Carneys’ Regiment charged Fort Wagner. During the charge, the color guard was shot. Corporal Carney was nearest the flag and seeing the dying man stumble, he caught the falling flag.

Cpl. Carney was shot himself several times but refused to allow the Flag to touch the ground. He crawled up the hill to the walls of Fort Wagner urging his fellow soldiers to follow him. Once there, he secured the flag in the ground and kept it upright until he was rescued, nearly lifeless from his loss of blood.

His heroism is solely responsible for motivating his fellow soldiers to winning the battle for Fort Wagner.

May 23, 1900 Sgt. William H. Carney was awarded the Congressional Medal of honor and is the first African – American recipient.



https://www.army.mil/article/181896/meet_sgt_william_carney_the_first_african_american_medal_of_honor_recipient

So why this article now? Well, there is a lot that can be learned from History. Perhaps what struck me in this article is the difference between Bravery and Courage.

There is a lot going on in the world right now. COVID-19-2 stress, Racial tension, Presidential election tensions, Media Bias beliefs. No matter where you look issues have taken on epic proportions to the point where cities are under siege and life as we know it is questioned, challenged, and changed. Regardless of the side you choose, these are unsettling times. As Law Enforcement members, specifically Private Investigators, we need to be cognizant of these issues and determine the path we will take based on beliefs, training, ethics, and convictions.

Some of these choices we will make immediately without hesitation. Many of the other choices will NOT be easy.

Hence, Bravery vs Courage.

Bravery is the ability to confront something painful or difficult, perhaps even life threatening without any fear. Bravery is a quality, not a state of mind. Someone is brave. To that person it is effortless. It is walking on the edge of a roof top without being worried about falling. It is accepting a friend's dare without care. It is jumping off a cliff into water far below without hesitation. Often Children are brave due to a lack of fear. It is often said that there is a fine line between Bravery and Foolishness.

Conversely, courage is the ability to confront something painful or difficult, perhaps even life threatening without any fear despite any fear. It is not a quality, it is a choice. The person feels the fear, pain and danger but chooses to continue anyway. Unlike Bravery, Courage is driven by a cause. The courageous person believes the cause is worth standing up for, worth fighting for, worth dying for regardless of all the reasons not to. Courage takes great effort.

Even the root of the words demonstrates the difference. Brave comes from the Italian "Bravo" which means bold, wild, savage. Courage comes from the French word for heart, "Coeur."

As you may know, I speak internationally on Police Policy and Procedure Reform. Why Cops do what they do. In 2019 after speaking to Intellenet in North Carolina, I was asked to speak to the Minnesota Private Investigator Conference in 2020. No one at that time knew that COVID -19 -2 or the current state of Police reform would be upon us.

At the time I was brave and said yes because as a 39 year veteran of Law Enforcement, it is NOT easy to speak about Police reform, especially to Police. But, I confront the threatening uncomfortable situations without fear because I believe it needs to be done.

With COVID-19-2 and all of the flight restrictions in place, I have been asked at least 5 times if I want to cancel being the Keynote Speaker at the conference. This is where my Courage kicks in. I believe so strongly in Police Reform that I am willing to traverse multiple airports, fly on several jet airliners and spend time in a room full of mask clad individuals to spread the word. I believe the cause of Police Policy and Procedure Reform is worth standing up for. I am willing to face the fear of flying and possibility of contracting COVID-19-2 and this takes great effort but I believe in the cause.

As we as PALI members and as Private Investigators move down the path of our beliefs, training, ethics, and convictions, we owe it to ourselves, our loved ones, our clients, our organization and the men and women who share our profession to choose our path recognizing one day, perhaps sooner than we would anticipate, it may need to be defended. If that time comes, one will hope the Guidon will rally others with similar beliefs to rush to the need and aid of a cause worthy of defending.

So, if you are worried that you do not have Courage, do not fear. You will find it when the time is right. Until then, remember,

A Guidon is nothing more than a signal of where to find the leader and in times of battle or strife, a call to arms and a rally point. Spread the word, share the link. <https://www.pali.org/>

Stay safe,
Frank

ABOUT THE AUTHOR:

Frank DeAndrea, Jr. has over 35 years of Law Enforcement experience to include the United States Army Military Police, retired Pennsylvania State Police Sergeant, prior Chief of Police City of Hazleton, Pennsylvania and is the President of DeAndrea Investigations & Security LLC.

Mr. DeAndrea is a certified coroner, a court certified expert in fingerprint and footwear comparisons, evidence collection, crime scene processing, and photography. He collected the evidence in six serial rape investigations that was the test case for DNA Admissibility in Pennsylvania.

He designed the first Mobile Computer system for the Pennsylvania State Police along with the Automated License Plate Recognition (ALPR) solution. He also designed the Motorola mobile computer screen in his garage.

He is a subject matter expert on police policy and procedure investigations and how to investigate police departments. He has written multiple regulations for state and municipal police departments and assisted in writing the Pennsylvania Gaming Regulations when he opened and commanded the first Pennsylvania State Police barracks at the first casino in Pennsylvania.

Mr. DeAndrea has spoken on Capitol Hill and the Pennsylvania State Capitol. He consults and trains federal and state congressmen, senators and representatives, and frequently lectures to federal, state and local law enforcement agencies and private investigators in police policy and procedure related issues. Frank can be reached at: Frank@DeAndrea.biz

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SHERLOCK HOLMES AND THE WEBLEY REVOLVERS

BY DR. DANIEL J. BENNY



In the Sherlock Holmes Canon, there is mention of Sherlock Holmes carrying a revolver. Various Sherlockian researchers have identified several Webley revolvers that Sherlock Holmes may have carried to include the Webley .422, the Webley .450 Bull Dog and the Webley .450 Short Barreled Metropolitan Police Revolver. These three Webley revolvers will be the focus of this singular investigation.

Webley .422

The Webley .422 revolver first appeared in 1868 as a standard weapon for the Royal Irish Constabulary (RIC). The weapon was manufactured in Birmingham, England. Because of its larger size it was used for open carry by the Royal Irish Constabulary (RIC). The .422 was too large to be utilized as a concealed carry revolver by the Metropolitan Police Scotland Yard detectives. The uniformed Metropolitan Police did not carry a firearm.



Webley .422

Webley .450 Bull Dog

The .450 Webley Bull Dog revolver first appeared in 1868 as a concealable weapon for the Royal Irish Constabulary (RIC). In 1878 Webley registered the trademark. The designation has come to designate any short-barreled double-action revolver with a swing-out ejector rod with a small grip.

Because of its small size the Webley Bull Dog revolver was used as a concealed carry revolver by private individuals in England and the United States. A Webley .450 Bull Dog sadly was used to assassinate United States President James A. Garfield on July 2, 1881.




Webley .450 Bull Dog.

Webley .450 Short Barreled Metropolitan Police Revolver

The Metropolitan Police Revolvers began production 1883 in Birmingham, England. This revolver was an update to the 1868 Webley Royal Irish Constabulary (R.I.C.) The updated model was adopted by the London Metropolitan Police in October 1883 for concealed carry by Scotland Yard Detectives.

X.
WEBLEY'S REVOLVER,
AS ADOPTED BY THE LONDON METROPOLITAN POLICE, OCTOBER, 1883.
DOUBLE-ACTION, WITH EXTRACTING ROD IN SPINDLE.
WEBLEY'S "M.P." .450 2½-inch Barrel, 60/- each. Nickel-Plated, 68/- each.

Beware of Foreign Imitations



Every Pistol is carefully tested in shooting and guaranteed for accuracy of performance.

REVOLVER PRACTICE FOR THE POLICE.

Extract from "THE STANDARD, May 20th, 1884.

At Nunhead yesterday, in accordance with the wishes of the police authorities, Mr. HENRY WEBLEY, of Birmingham, gave an exposition of revolver shooting in the presence of the representatives of the Metropolitan Police. The weapon supplied to the Metropolitan Police is a six chamber revolver with a 2½-inch barrel, and carries the service .450 cartridge. It is a double-action pistol; that is to say, it may be cocked for deliberate shooting, or discharged rapidly by the trigger action. Mr. WEBLEY, in demonstrating to those present the manner in which the revolver ought to be used, fired five shots at nine yards at a target having a bull's-eye 2-inches in diameter. The result was that the bullets were placed in a space 2½ inches by 1½ inch. The range was afterwards increased to fifteen yards, and five shots were fired at a similar target, the bullets in this case being put into a space 2½ inches by 1½ inch. A move was next made to a distance of twenty-five yards from the target, and at this range five shots were fired by Mr. WEBLEY, the bullets all lodging in a space 2½ inches by 3½ inches. The sergeants, acting under the instruction of Mr. WEBLEY, acquitted themselves satisfactorily in firing at short and long ranges, and the majority of them showed themselves already well able to instruct the members of the divisions under their supervision in using the weapons entrusted to them.

Extract from the "BIRMINGHAM DAILY MAIL," May 21st, 1884.

The armed burglar will study with no small amount of dismay the results of the revolver shooting experiments at Nunhead yesterday. In accordance with the wishes of the police authorities, Mr. HENRY WEBLEY, the well-known Birmingham gun-maker, undertook to give some of the Metropolitan Police a few lessons in scientific shooting. The weapon recently supplied to the Metropolitan Police is a six-chamber, with a 2½-inch barrel, and double-action; that is to say, it may be cocked for deliberate shooting, or discharged rapidly by the trigger action. In demonstrating to his police pupils the manner in which the revolver ought to be used, Mr. WEBLEY fired five shots at nine yards at a target having a bull's-eye 2-inches in diameter. The result was that the bullets were lodged in a space 2½ inches by 1½ inch. Then the range was increased to fifteen yards, and five shots were fired at a similar target the bullets in this case being put into a space 2½ inches by 1½ inch. The next move was made to a distance of twenty-five yards from the target, and at this range five shots were fired by Mr. WEBLEY. The same undeviating accuracy was maintained, a space 2½ inches by 3½ inches being riddled. Having witnessed the expertness of their instructor, the police sergeants had a little practice to themselves, and soon attested Mr. WEBLEY of their ability to make good use of their weapon at long and short ranges. The sergeants who took part in the experiments will in turn act as instructors to other members of the force, so that in course of time the London Police will possess some deadly "shots" who will be able to give even the armed burglar himself a lesson in scientific shooting.

Webley .450 Short Barreled Metropolitan Police Revolver advertisement with extractions from *The Standard*, May 10th, 1884 and the *Birmingham Daily Mail*, May 21, 1884.

The P. Webley & Son Model Metropolitan Police Revolver has a short barrel of 2 ½ inches in length. The short and stout revolver holds 6 rounds of .450 Boxer and was designed to be carried concealed by the Scotland Yard police detectives because it easy to carry unnoticed in a detective's coat pocket.



Dr. Benny's Webley .450 Short Barreled Metropolitan Police Revolver

To verify that a revolver is indeed a Metropolitan Police issue Webley one would need to examine the left side of the revolver frame. At that location it would be stamped "POLICE WEBLEY'S" over a pair of cuffed hands above the marking "M.P." for Metropolitan Police. It would also have had a Metropolitan Police inventory number stamped below the cuffed hands stamp. As an example, in the photograph the inventory stamp reads 1543.



Dr. Benny's Webley .450 Short Barreled Metropolitan Police Revolver with the Metropolitan Police markings and inventory number.

The top of the revolver frame would be marked "P. WEBLEY & SON/BIRMINGHAM". It would also be stamped with the words, London/Birmingham to further designate the revolver being manufactured for the Metropolitan Police in London at the Birmingham factory.



Dr. Benny's Webley .450 Short Barreled Metropolitan Police Revolver with the Webley London designation and name of city of manufacture.

Which of the Webley Revolvers Did Sherlock Holmes Carry?

Sherlock Holmes may have carried numerous types of revolvers. If Sherlock Holmes could carry only one of the Webley revolvers I submit that it would be the .450 Short Barreled Metropolitan Police Revolver.

I have made this deduction that Sherlock Holmes would have selected the .450 Short Barreled Metropolitan Police Revolver based on several observations. The .450 Short Barreled Metropolitan Police Revolver is smaller than the Webley .422 and would be more easily concealed in Sherlock Holmes coat pocket. While the Webley Bull Dog is similar in size it can only fire 5 rounds versus the Webley .450 Short Barreled Metropolitan Police Revolver six round capacity. It was the state-of-the-art revolver at the time in England. Assuredly as a Consulting Detective Sherlock Holmes would have acquired the most state-of-the-art revolver of his day. The most imperative reason why I believe

Sherlock Holmes would have selected the .450 Short Barreled Metropolitan Police Revolver is because of its connection to Scotland Yard and the Metropolitan Police.



The Metropolitan Police Revolver is the Webley that I would have selected if I were Sherlock Holmes, and in fact I did. I own the exquisite and historic .450 Short Barreled Metropolitan Police Revolver displayed in the photographs within this fine article.

ABOUT THE AUTHOR:

Daniel J. Benny, Ph.D., CPP, PCI, CII, CFE. CII is a Private Investigator located in Harrisburg, Pennsylvania, United States. He holds a Ph.D. in Criminal Justice. He is a member of the World Association of Detectives, Association of British Investigators, Council of International Investigators, Pennsylvania Association of Private Investigators, Pennsylvania Association of Licensed Investigators, Association of Certified Fraud Examiners, ASIS International and the Sherlock Holmes Society of London. He is the author of seven security related textbooks.

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HOW TO DETERMINE WHAT WORK CAN OR CANNOT BE DISCLOSED DURING A COURT PROCEEDING BY: BLAIR HORNSTINE, ESQ.



Disclaimer: The information contained in this article is general legal information and should not be relied upon as legal advice. Legal advice cannot be given without full consideration of all relevant information relating to an individual's situation. If you have a specific question, please consult an attorney.

There may come a time when you will be working with an attorney as well as a client for the purpose of civil litigation. As a member of the Pennsylvania Association of Licensed Investigators, you are bound by its Code of Conduct. Under PALI's Code of Conduct, Rule 1.6, you are required to ensure that all investigated matters remain in strict confidence barring specific exceptions as set forth in the Rule. However, there may come a time that you will be required to make disclosures of a private investigation.

Generally speaking, any information that an investigator gives directly to a client is not protected by privilege. If you do not have this protection, then your work can be subject to discovery during a court proceeding. This would mean that you would have to release your witness interviews, reports and other documents to potential adversaries involved in the litigation. Further, you may need to attend a deposition or testify at a hearing regarding these documents and the work you have done.

However, if your client is an attorney, you may have some protection through attorney-client privilege or the attorney work-product doctrine. It is important to note that being retained directly by an attorney does not shield your work from discovery. Most judicial decisions about whether your materials are protected or not is extremely fact-specific. There are no blanket rules that protect documents from discovery.

Attorney-Client Privilege

Attorney-client privilege usually will not attach to a private investigator's work. Overall, there are several elements that are needed for attorney-client privilege to exist. The client of the attorney is the only one that can assert the privilege. An attorney or a third-party working with the attorney cannot assert this privilege. The attorney's client must be the party who is making the communication and it must be made to the attorney. The communication must be made in confidence. The purpose of the communication is to obtain legal advice or assistance in a legal proceeding. This privilege protects communications by and between the attorney and the client. It does not stop the production of factual material.

If you are retained by an attorney as a third-party consultant, it is usually not for the purposes that are encompassed by attorney-client privilege. However, there are some circumstances where a court may determine that attorney-client privilege could attach to communications between a client, an attorney and/or a private investigator. If the communications were made for the purpose of rendering *legal* services, then it could be covered.

Work-Product Doctrine

The work-product doctrine is separate and apart from attorney-client privilege. The purpose is to protect documents used by attorneys to develop legal theories about cases without fear that it must be discoverable. This protects an attorney's written statement, private memoranda and other documents that are made in

anticipation of litigation. The work-product doctrine can extend to materials that are prepared by a third-party consultant. However, if documents are produced without an attorney's direction or supervision, a private investigator's material could be determined to be made in the ordinary course of their business. If the documents are not prepared for the purpose of developing legal theories for purposes of litigation, then it will not be covered under the work-product doctrine.

This distinction could be seen in the case of McIlmail v. Archdiocese of Philadelphia, 189 A.3d 1100 (Pa. Super 2018). An attorney hired a private investigator on behalf of the Archdiocese. The investigator met with witnesses, took notes and memorialized witness statements. Plaintiff requested these materials and the Archdiocese objected on the basis that the notes were protected under the work-product doctrine. The Superior Court found that the investigator's work was not related to legal work performed on behalf of the Archdiocese. The basis for this finding was that meeting with witnesses and creating documents related to those meeting was not related to an attorney creating legal theories or arguments to support a case.

Best Practices During Discovery Disputes

It is important to note that simply writing "attorney-client privilege" or "protected as a work-product" does not shield a private investigator's material from discovery. There are no tricks or quick fixes that ensure that your materials are protected from disclosure. If you are hired for the purpose of litigation, it is best to discuss these issues with the attorney beforehand.

If you are hired by an attorney, then you will need to follow the attorney's lead on when to produce documents. An attorney may inform you that they will be challenging discovery requests for production of documents before the Court. The attorney is responsible for producing documents or information as required by the Rules of Evidence, Rules of Civil Procedure and any Court Orders. Once an attorney instructs you to provide materials, it is best to comply with these requests. Refusal to comply with a Court Order can result in sanctions against the client and the attorney. Any sanctions that a client or attorney suffers due to a private investigators refusal to comply could result in litigation against the investigator.

Overall, you must be mindful of your own Code of Conduct. If you believe that an attorney is asking you to do something that you believe is wrong, you should discuss these concerns with the attorney that hired you. It is recommended that you memorialize your concerns in writing with that attorney. Following that, it is also acceptable to consult with another attorney if you require guidance separate and apart from your current case. It is never worth your license to assist a client or an attorney to do something that violates the Code of Conduct, a Court Order or the law.

ABOUT THE AUTHOR:



Blair Hornstine, Esq. is the managing partner of Hornstine Law, LLC. Hornstine Law, LLC and its affiliates law firms, represents clients in civil, criminal, commercial and disciplinary matters in Pennsylvania, New Jersey, New York and Florida. If you need further assistance, then please contact our main office at 215-568-4968.

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Website: www.mypi.us

facebook: <https://www.facebook.com/myprivateeyesoftware>

NOTE: NORMALLY ADVERTISING IN A NEWSLETTER IS PAID HOWEVER WHEN THERE IS SAVINGS AS A BENEFIT TO THE MEMBERSHIP THE ADVERTISING SHALL BE PLACED IN THE NEWSLETTER AT THE PRESIDENT AND OR EDITOR'S DISCRETION. ANY MEMBER WHO FEELS THERE IS A PARTICULAR BENEFIT TO THE MEMBERSHIP AS A WHOLE MAY SUBMIT AN ADVERTISEMENT FOR REVIEW.



Tuesday, September 21, 2021

07:00 – 08:00 p.m. Pre-registration for those staying at the Hershey Resort ~ Confection Lobby

Wednesday, September 22, 2021 ~ Wild Rose “A-B”

Vendors ~ Confection Lobby

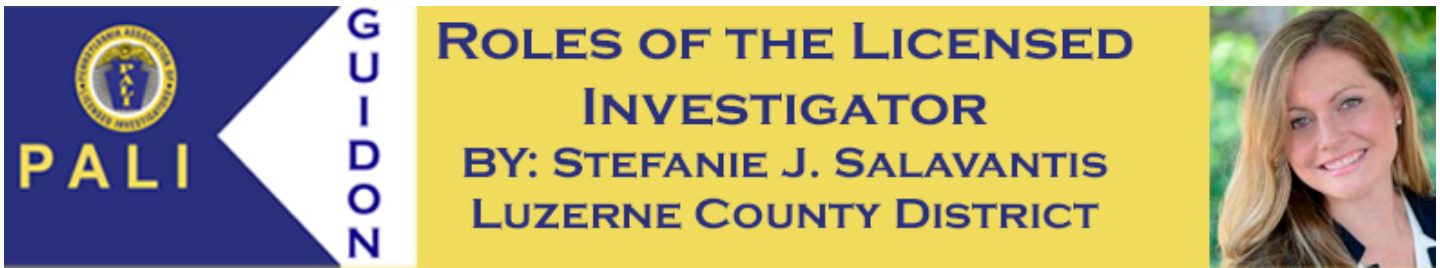
***** PLEASE HOLD ALL QUESTIONS UNTIL AFTER THE SPEAKER HAS FINISHED THEIR PRESENTATION.*****

07:30 – 08:30 a.m.	Registration and Continental Breakfast ~ Confection Lobby
08:30 – 08:45 a.m.	Opening Remarks & <i>Brief</i> Attendee Self Introductions ~ President Eileen Law
08:45 – 09:45 a.m.	"Are You Investigating Outside The Box?" ~ Jeff Stein, ELPS Private Detective Agency
10:10 – 11:30 a.m.	"Sock Puppets, Social Media Mining & Social Engineering" ~ Heather Honey, Haystack Investigations
11:30 – 12:00 p.m.	Vendors & Sponsors Presentations
12:00 – 01:20 p.m.	Lunch ~ Fire & Grain Restaurant
01:20 – 03:00 p.m.	"Current Drug Trends & Medication Meddling" ~ Special Agent Alan McGill
03:00 – 03:10 p.m.	Break ~ Confection Lobby
03:10 – 04:30 p.m.	"I've Fallen, But I Can Get Up!" ~ Gary M. Willsch, At The Scene, Inc.
04:30 – 06:00 p.m.	** Free time for registrants ** Board Meeting for Board Members ~ Magnolia "D"
06:00 – 07:15 p.m.	Dinner ~ Cocoa Suite 2-3 ~ "Professional Investigator of the Year" awarded
07:30 – 11:00 p.m.	Hospitality Suite with Karaoke & D.J. Steve ~ Crystal "A" ~ Open Bar for 1.5 hrs., then Cash Bar

Thursday, September 23, 2021 ~ Wild Rose “A-B”

07:30 – 08:30 a.m.	Continental Breakfast ~ Magnolia "C"
08:30 – 10:00 a.m.	"Elder Abuse & Nursing Home Investigations" ~ Churchill Huston, Esquire
10:00 – 10:15 a.m.	Break ~ Confection Lobby
10:15 – 12:00 p.m.	"Covert Surveillance & Assessment" ~ Jim Nanos, PI Magazine
12:00 – 01:15 p.m.	Lunch ~ "Revelry"
01:15 – 02:30 p.m.	"Ransomware Hackers & Attacks Crippling Our Nation" ~ John Sancenito, INA, Inc.
02:30 – 03:30 p.m.	"Stealing Wyeth" - The investigation into the theft of the infamous Wyeth Paintings (<i>books available for purchase</i>) ~ Bruce Mowday, Author & Newspaper Journalist
03:30 – 03:40 p.m.	Break ~ Confection Lobby
03:40 – 04:10 p.m.	"House Bill 37" & Constables Doing Security Work ~ James Freeman, Esquire
04:10 p.m.	Closing Remarks & Door Prizes (must be present to win) ~ President Eileen Law

Schedule is Subject to Change



As District Attorney of Luzerne County for eight years now, I have unsurprisingly overseen many high profile investigations both criminal and non-criminal in nature. Not unexpectedly, our office will often be contacted by Licensed Investigators (LIs) conducting their own investigation on behalf of a party or the party's attorney.

It is not lost on me that, at times, LIs are met with certain undeserved (but on rare occasion deserved) animosity by the official investigators in a case. Preliminarily, I do not hesitate to relay that I, myself, come from a civil litigation background, as do many of my supervising and part-time attorneys. As such, we certainly understand the important role LIs play in unearthing the true facts and evidence of a case. The work of the LI is often the difference between victory and defeat; however, as you hopefully agree, bringing a criminal to justice or clearing an innocent accused by the officials charged with those duties in the name of society must supersede the important, private work for which a party may hire an LI.

Against that backdrop, I was asked by your editor to share my perspective on an issue many LIs may face as seen from my perspective as District Attorney.

Roles of the LI

Like many professionals, the LI is required to wear many hats. For the purposes of this article, please permit me to focus on the three roles we encounter most frequently: 1) the criminal defendant's investigator; 2) the subsequent civil case investigator and 3) the follow up investigator.

The Criminal Defense Investigator:

Initially, as you know, due to the requirements of the Private Detective Act of 1953, LIs are often retired police investigators, some of whom find it difficult to represent an accused. Nonetheless, we recognize this role is an important one in the criminal justice system. Thus, all LIs likely know that police investigators and prosecutors alike are bound by very specific rules pertaining to the conduct of criminal investigations, the information shared with defendants and their defense teams and the prosecution of the case. As such, we do not often find ourselves working with LIs performing this function.

The Civil Case Investigator:

From the inception of many incidents that result in a criminal case, a civil case often follows. Many of you have likely been a part of a car accident for example which resulted from a Driving under the Influence (DUI) incident. Whether charges resulted or not, the police often initiated and conducted some manner of investigation into the incident. Thereafter, a civil attorney picks up the case and required further investigation

because the elements to be proven by that attorney can be irrelevant to a criminal case (*i.e. – money damages from lost wages*).

The Follow-Up Investigator:

Lastly, following a criminal investigation – especially when an arrest does not result - we are contacted regarding a follow-up investigation. The family of the victim will hire an LI to perform an independent investigation. Sometimes this investigation is commenced because it is difficult to accept a loss for which no one is to blame. We see this most often in case of accidents (which do not also involve criminal activity), suicides and drug overdoses. The LI plays a vital role in helping the family cope with the result, presuming of course the validity of the initial investigation.

Access to Investigative Files

In the cases of both the Follow-Up and Civil Investigator, I have received frequent requests by an LI to “review” or “gain access” to our file on the incident the LI has been hired to investigate. As the retired law enforcement LIs know, the boots-on-the-ground investigators have already had their supervisors, an assistant prosecutor, and a supervising prosecutor looking over their shoulder and poring over their work. They rarely are very accepting of an outside party or agency also scrutinizing them. I realize that this description of the LI’s work is literally imprecise, but accurate in how it is often perceived.

As every experienced investigator knows, it is one thing to read about an investigation and dissect a theory; however, it is quite another to see a witness’ reaction or hear a tone of voice versus read a statement or stand inside a scene versus review the photography.

All of the foregoing notwithstanding, *to share or not to share a file: that is not the question*; rather, the question is whether sharing violates the Criminal History Records Information Act (CHRIA).

CHRIA apply to any agency of the Commonwealth or its political subdivisions which collects, maintains, disseminates or receives criminal history record information. In other words, all District Attorneys, Attorneys General, state and local police and the like. Also worth noting is the fact that, on its face, the Act appears to only apply to criminal history, it is actually a misnomer. “Criminal History Record Information” is defined as information collected by criminal justice agencies concerning individuals, and arising from the initiation of a criminal proceeding, consisting of identifiable descriptions, dates and notations of arrests, indictments, informations or other formal criminal charges and any dispositions arising therefrom. The term does not include information already made public by police blotters, public filing, announcements, etc.

Under CHRIA, these agencies shall not disseminate such information to any department, agency or individual unless the department, agency or individual requesting the information is a criminal justice agency requesting the information in connection with its duties. Additionally, the request must be based on enumerated, reliable identification factors.

In my opinion, the purpose of the Act is not really to stifle further private investigation, but rather to avoid the chilling effect that the leaking of that information would have on future police investigations. In light of the existing reluctance of witnesses, imagine the detrimental effect of being dragged into depositions, cross-examinations and civil trials as a result of a statement given to police in a criminal investigation. Remember that false statements to law enforcement is a crime. Police often obtain information under the color of their authority which should not be then shared with those not subject to the same legal restriction.

In sum, while, as a matter of course, it is a bad practice to just share an investigative file which contains work product, opinions and theories of investigators, such a practice is also prohibited by law. However, law enforcement agencies may be able to share certain information that has been made public, is publicly accessible – but not easily found, or is not subject to CHRIA restrictions. It would be a daunting task to search public records to see if anything is relevant to what you are seeking. Sometimes a conversation with investigators or prosecutors can lead you to public documents with statements or attached exhibits that, while utilized for court purposes, are now in the public domain. To paraphrase a certain group of poet laureates, you can't always get it the way you want it, but if you try – *sometimes* – you get what you need.

ABOUT THE AUTHOR:

Stefanie Salavantis is the Luzerne County District Attorney. Elected in 2011 and winning re-election in 2015, Stefanie, like every District Attorney throughout this great country, fights every day to keep our communities safe as her county's chief law enforcement officer. She is responsible for coordinating serious investigations and prosecuting all crimes committed in Luzerne County.

In her position as District Attorney, Stefanie made it a priority to work closely with all local, state and federal law enforcement agencies and attorneys throughout Luzerne County. When she took office, her primary goal was to strengthen the communication between all law enforcement departments, knowing how a stronger relationship would benefit the fight against the increasing criminal activity occurring on our streets and in our neighborhoods everyday.

In addition to focusing on the partnership between all law enforcement personnel and attorneys, Stefanie is committed to building a stronger community by working side side-by-side with volunteers and various other professional organizations every day. She remains in constant contact with the public to answer any questions they may have and to be a face and voice for those who cannot speak for themselves. She also oversees victims' resource coordinators, community outreach programs and dedicates an enormous amount of time to various diversionary programs including programs that benefit our youth, veterans and the elderly in our communities.

In May of 2013, Stefanie was appointed and in 2015, reappointed by the Pennsylvania Supreme Court to the Pennsylvania Lawyer's Fund for Client Security to help preserve the integrity of the legal profession and restore confidence in the legal system and the administration of justice. She was also elected by her colleagues to the Executive Board of the Pennsylvania District Attorneys Association as well as being appointed as a member of the legislative committee of the National District Attorney's Association.

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For those of you that have had a lab for a while or are just getting started these are some great guidelines to streamline and maximize your time in the lab. From procedure steps to the machine options there are always choices that a lot of times will depend on how much you want to spend. This article will review the first stage of the setup. Part 2 will focus on the second stage of setting up a lab including staffing and management of a lab.

Step 1. What is the purpose of your lab?

Knowing what types of digital evidence, you want to process will help you to determine what equipment you need and the processes you should have in place. It is always a good idea to know what types of data you want to be processing if you are processing for-profit and to determine how long it will take you to get the money you invested in the lab back. If you are the public sector the same principles apply to make sure you are using your budget wisely.

Conduct a thorough evaluation of your capabilities and the availability of resources. We recommend doing a quick analysis that allows you to see what is going to work and what is not before you start investing.

Some questions to answer include:

1. What digital forensic services are you offering? For example, will this lab be a full-service digital forensics lab that handles all types of devices and casework, or will it be a lab that is focused on one particular niche such as mobile forensics?
2. What types of devices will you be examining (PCs, servers, tablets, smartphones, USB drives, DVRs, game consoles)?
3. What types of operating systems and file systems will you need to examine? Will these include Windows, Mac/iOS, Linux/Unix, Android, Chrome, NTFS, FAT, YAFFS, and EXT? Don't forget there is always accessory data as well such as SQLite, Plist, EXIF, and live memory data as well.

One final area is making sure you can extract, export, search, and to convert different types of data. This will be important so you know in the end what you are going to be providing as a work product. Whether it is reports, exports, or both you need to make sure you have a plan so that you add the science of a repeatable process into your digital forensic lab.

Once you define your services you will be able to better meet your customer's need. Make sure they are also areas you are interested in. Digital forensics is an ongoing skill set that requires continue education and development.

Step 2. What space do you have or need?

The first concern is always space as you need to keep your forensic area clear of other matters. Two reasons for this can make a big impact on you. The first is that evidence should always be treated as precious cargo and needs to be maintained, locked up, and have controlled access. Keep environmental controls in mind with a clean, cool, and dry environment. Nothing is worse than having damage happen to evidence due to poor controls.

The second is the mental health of your staff. When you are dealing with potential items that can be mentally harmful you must have a set area to keep it in. That way you can walk away from that zone and work from a separate area for day to day matters.

This second point is one often overlooked in digital forensics and needs to be addressed as a primary need. Keeping your mind sharp is part of what makes you a good digital forensic examiner and knowing you can close the door on a case and take a break is a great way to facilitate this.

Chain-of-custody issues need to be considered as well as the increased likelihood that evidence could be lost, misplaced, or damaged while in transit. You may also want to consider who your main clients are for your lab. Will the lab be convenient for them and does this matter? The location of your lab may also have a large impact on some of the upcoming topics we will be reviewing, such as network connectivity, environmental controls, power requirements, and security controls.

The Paraben lab uses lab tickets to help manage the intake of evidence into the lab. Those tickets are kept with the evidence as an internal tracking tool on top of the traditional chain-of-custody forms.

Finally, keep in mind digital forensics is not a spectator sport and the lab area should not be viewed by the rest of your workforce. Keep the data clean, secure, and private to ensure that any materials reviewed are done so in a professional manner.

Step 3. What equipment do you have or need?

As with many geeks out there you might have a bunch of equipment that you can use in your lab. There is nothing wrong with building a forensic workstation as long as you keep a few things in mind.

1. Make sure the processing power matches what you are working on.
2. Have a clean drive with a licensed operating system
3. Dedicate the machine to digital forensics.

When it comes to processing power needs change based on the types of evidence you deal with. Keep that in mind if you want to invest in one machine or two machines so you can dedicate a system for computer evidence processing and one to mobile evidence processing. Some labs will dedicate the less powerful systems to acquisition and have a primary power system for actually breaking down the data. No matter which option you use it is always a good idea to have more than one machine in a lab and then have options in the configuration.

Choosing a workstation configuration is an important step. The effectiveness of digital examiners depends on the way the workstation is configured. The workstation should work as quietly as possible. Silent workstation performance is achieved by using low-noise fans and passive cooling systems.

We recommend using two or more monitors for each workstation. The most effective work is achieved when a digital examiner uses two workstations in its work.

There are many forensic workstation providers out there such as [Digital Intelligence](#), [Forensic Computers](#), [EDAS Fox](#), [SUMURI](#), and many more. You can work with anyone of these vendors to design a workstation that fits your needs. Many of the custom workstations will come with specialized equipment such as write blockers built into the machines.

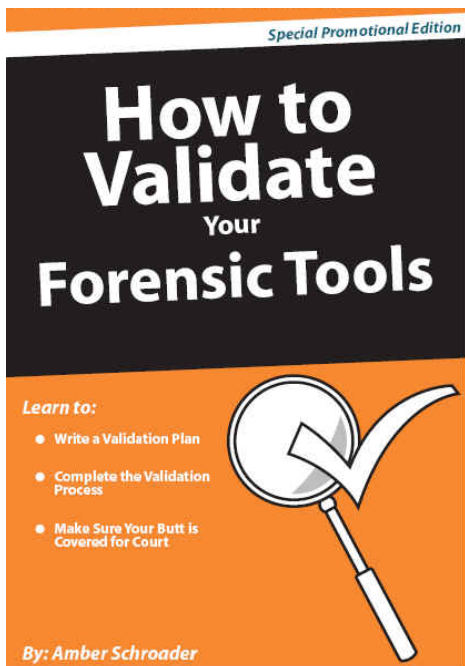
Keep in mind you also need to consider the storage of your evidence. Who will need to access the image files and where will they need to be accessed? Will you store image files on individual hard drives, on your forensic workstations, on a network storage device, or some hybrid?

Many organizations will choose to set up a storage network. There are lots of options available for this configuration. The best practice is for your digital forensics lab to have a stand-alone network consisting of its cabling, switch, and router. This lab-specific network will allow all devices within the lab to communicate with each other in a secure environment while allowing connectivity to the existing corporate network infrastructure and the Internet through specific secured ports and protocols. Implementing a lab-specific network can be done relatively inexpensively depending on the type of hardware you choose to implement and the installation costs for cabling.

Step 4. What software do you need?

Software is one of the highest expenses beyond people that you will have in your lab. The cost of software in digital forensics varies greatly between manufacturers. Keep in mind those costs are often higher just based on the size of the manufacturer you are dealing with. When purchasing software you need to do a comparison of all your different choices. Just because a company is the largest in the business doesn't mean that other smaller companies don't have something that is just as good.

Do an honest evaluation and make your decisions based on a few key points.



1. Always pick from forensic companies

You don't want to just pick a random tool for the internet for a job. Make sure the tool is designed to work with items as digital evidence. There is a lot that goes into the backend behind the scenes to make sure all that data is dealt with properly.

2. Evaluate the company service

When you add digital forensic software into your lab you are starting a relationship with that company. You want to make sure you know who they are and how quickly they will resolve issues you will have. Having issues when dealing with the large variety of data that exists in digital forensics is inevitable.

3. Is it supporting what you need?

Don't get caught up in a trend when you are starting a lab. Make sure you are getting tools that support what you need not what is hot. If your client base is not doing a lot of chat in WhatsApp then that should not be a feature you require your tool to have.

4. Have more than one tool

Don't think that you get a one and done when it comes to digital forensic software. You need to make sure you get a primary tool and a backup. Digital evidence should always be processed and cross-verified. There are lots of free and open-source options available such

as **Autopsy** that can be part of your lab. Get a foundation tool and cross-validate with something that is more budget-friendly. Take a look at our **Validation eBook** for the process to follow.

Many times, comparison charts are available, check the charts and ask how they generate them to ensure that the data you are seeing is fair and complete before following in a potential marketing trap.

Subscribe to our blog to get other helpful hints that will guide you in the world of digital forensics. Part 2 of this blog is scheduled for July 2020.



ABOUT THE AUTHOR:

Amber Schroader Founder & CEO

Ms. Schroader is the Founder and CEO of Paraben Corporation as well as the chief architect responsible for the design of Paraben's extensive line of digital forensic solutions. As a pioneer in the field, Ms. Schroader has been key in developing new technology to help investigators with the extraction of digital evidence from hard drives, email, and handheld and mobile devices.

Ms. Schroader has been a leader in the field of computer forensics for over twenty years. During this time, she has developed and taught numerous courses for the computer forensic arena specializing in the field of wireless forensics, mobile technologies, email analysis and extraction, as well as network forensics. Ms. Schroader is also a sought after keynote speaker, expert witness and appeared on NBC Nightly News other national and international media.

Ms. Schroader has extensive experience in dealing with a wide array of forensic investigators ranging from federal, state, local, and corporate. With an aggressive development schedule, Ms. Schroader continues to bring new and exciting technology to the computer forensic community world-wide and is dedicated to supporting the investigator through new technologies and training services that are being provided through Paraben Corporation. Ms. Schroader is involved in many different computer investigation organizations including The Institute of Computer Forensic Professionals (ICFP), HTCIA, and HTCC.

You can contact Ms. Schroader via her company website: <https://paraben.com/>

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PALI MEMBER SPOTLIGHT- RULES

PALI Member Spotlight:

EACH ISSUE A PALI Member will be spotlighted for her/his accomplishments in the Law Enforcement /Private Investigative world. Members will be able to forward suggestions of future spotlight members following these simple rules:

- 1 – NO SELF SUBMISSIONS
- 2 – Submitting Member must be a member of PALI in good standing.
- 3 – SPOTLIGHT Member must be a member of PALI in good standing.
- 4 – Submission shall include a brief, 750 words or less, BIO of the candidate that does NOT list every school, training, or good deed. The BIO should capture what the MEMBER has done that has changed the way PALI or the Private Investigation industry or Law Enforcement does business or capture what makes the candidate worthy of spotlighting.

Think big picture.

PALI Guidon SUMMER 2020 Member SPOTLIGHT

SUBMITTING MEMBER: Eileen Law



PALI MEMBER SPOTLIGHT- EDWARD F. LINTON, JR.



Edgar F. Linton, Jr.

PALI is *very* fortunate to have Ed Linton on the Board of Directors as our Compliance Officer. He wears many hats, and the one he wears in this role he wears very well.

Ed is a former Police Officer with the Altoona Police Department. He studied criminal justice at Penn State University, and attended Wilson Christian Academy in Pittsburgh. He has been performing investigations for nearly 30 thirty years most especially serving Altoona, Blair, Bedford, Cambria and central Pennsylvania counties.

He is a sports fanatic, most especially for the Pittsburgh Steelers. Ed has two sons, a daughter and a granddaughter. He became licensed as a private detective in 1991.

When a complaint comes in to PALI about a private detective, Ed jumps on it and does his due diligence. He does it quickly, thoroughly and fairly. He frequently spends time on the phone and in person with district attorneys all over. He gets to the bottom of the complaint and makes recommendations based on what he has found.

The bulk of Ed's work is in criminal, civil, general and domestic investigations. He also provides child custody investigations, pre-employment screening, trial preparation, service of process, background checks and missing persons cases. He enjoys the variety of each case he takes on. He claims he is no Magnum P.I. as he doesn't sport around in a Ferrari. Eileen Law says, "It doesn't matter what Ed

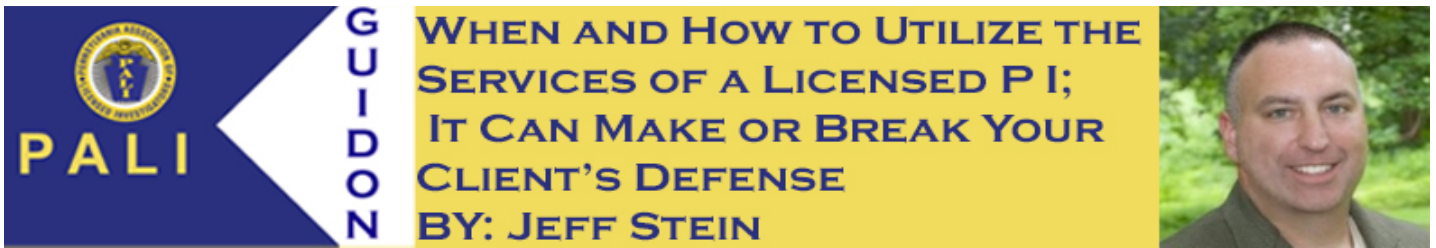
drives. He is the epitome of a decent and kind human being with attention to detail and a heart of gold. We are very lucky to have him."



Ed can be reached at (814) 540-9465, or by e-mailing ED427pa@atlanticbb.net. He can also be found on the website: edlinton.com. He is truly an asset to our fine organization.

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There are over two million people in jail or prison in the United States.ⁱ There is no scientific formula that can be applied to how many are innocent, but it is believed to be anywhere from two percent to as much as ten percent.ⁱⁱ Even on the low end, that equates to tens of thousands of innocent men and women who have been wrongfully convicted. Multiple contributing factors lead to wrongful convictions including false or coerced statements, ineffective assistance of counsel, lackadaisical police work, prosecutorial misconduct, false witnesses or jailhouse snitches, deceitful witnesses and even dishonest expert witnesses. For these very reasons, the defense must conduct its own investigation instead of relying on the investigation conducted by the prosecutorial team.

As an investigator with over 30 years of experience, I have worked with numerous attorneys on hundreds of cases. I see firsthand that an investigator can be key to advancing a winning defense. Unfortunately, I have also observed how a disconnect or delay in utilizing the services of an investigator have compromised the defense. Keep the following in mind on your next case.

First, Don't Delay

Surveillance videos may be lost over time, potential witnesses move and memories fade. These are just three of the myriad of reasons why an investigator should join the defense team as early as possible. The investigator then can analyze the case as it develops and gather information long before witnesses become tainted. This normally happens after witnesses get together to discuss their stories and the facts get conflated.

An experienced investigator will often memorialize witness accounts before an overzealous prosecution team taints their story and/or recollection. In my experience it has not been unusual for the prosecutor to manipulate naïve witnesses to modify their recollection of the relevant events.

Second, Choose Wisely and Ensure Your Investigator is Licensed

What kind of investigator should you be looking for? Not all investigators are the same. In the past a good majority of private licensed investigators had retired from a law enforcement career. Over the past two decades there has been a significant increase in private investigators without the typical law enforcement background. A law enforcement background is not a prerequisite for a respectable licensed investigator in the private sector. You should be looking for an investigator who is a good listener, has a professional demeanor, exhibits strong problem-solving skills, and is a “people person.” A good investigator will be responsive and confident, a critical thinker, persistent, trustworthy, creative and, when needed, tenacious.

Does the investigator you are considering have any advanced training or specialized certification in the industry? There are many different certifications, a few examples are:

- Board Accredited Investigator (BAI)
- Board-Certified Criminal Defense Investigator (CCDI)
- Certified Legal Investigator (CLI)
- Certified Fraud Examiner (CFE)
- Certified International Investigator (CII)

- Certified Protection Professional (CPP)
- Professional Certified Investigator (PCI)

In the United States, there are only a few states that do not require a license to work as a private investigator. Those states are Idaho, Mississippi, South Dakota and Wyoming. Pennsylvania Licensed Private Detectives are governed by the Private Detective Act of 1953. There are two types of licenses issued in Pennsylvania; an “individual license” for an individual or a “corporate license” for a corporate private detective agency. The license is issued by the court of common pleas in the county where the investigator’s office is located.

It is important to ensure that the investigator is licensed, and you should request to have the investigator provide you with a copy of the license. The danger of working with an unlicensed private investigator is that the investigator’s work product may be deemed inadmissible in court. Pursuant to the Private Detective Act of 1953, investigations and other activity by an unlicensed investigator may be considered a criminal offense.

You may be able to verify an investigator’s license by searching the Unified Judicial System of Pennsylvania [Web Portal](#).ⁱⁱⁱ Under the Case Information, select the “Common Pleas Court,” “Search Type,” select either “Participant Name” or “Organization” if it is a corporate license, under “Docket Type” select: “Miscellaneous.” Depending on the practices within a county by the Clerk of Courts, as to how much information is entered, you may be able click on the docket to pull up the details on when the license was issued and the term.

Currently, Pennsylvania requires that a licensed private detective only be bonded and not insured. As ridiculous as this may sound, Pennsylvania does not mandate insurance -- which is not in anyone’s best interest. I would strongly recommend that each investigator you retain has general liability insurance since he is working on your behalf.

A law firm may hire an in-house investigator. If the investigator is an employee on the firm’s payroll and not an independent contractor, then the investigator is not required to hold a private detective license. Nevertheless, I suggest that even in-house investigators should be licensed. Becoming licensed by satisfying state licensing requirements increases the credibility of in-house investigators when they testify or are deposed. Further, it alleviates any ambiguity about the investigator’s background, capabilities, experience and education within the profession.

Do You Have the Right Investigator for Your Case?

What experience does the investigator have? Does the investigator have experience with criminal defense work? There are over 50 different investigative specialties. For example, there are surveillance investigators who are pros at conducting mobile surveillance for workers’ compensation cases. However, they may not be the best investigators for a criminal defense investigation.

The best way to find a qualified private investigator is by seeking referrals from your peers. A recommendation from a colleague originates with the verification that the investigator has the experience you need on your team. Another method for finding a qualified licensed private investigator is through a state’s PI Association. Most states have their own PI association. In Pennsylvania, the state association is the Pennsylvania Association of Licensed Investigators (PALI). Through the association’s [website](#), you can search on its “Find Member” tab. Then refine your search by key words, company, last name, specialty, city, county, metropolitan area, state or zip code. There are also many different national associations which can assist in finding qualified private detectives including the Council for International Investigators, Intellenet, the National Association of Legal Investigators, and the World Association of Detectives. Each national association of licensed

investigators has its own requirements to become a member. For example, [Intellenet](#) requires ten years investigative experience. To put that in perspective, Pennsylvania requires three years of experience to become licensed and New Jersey requires five years.

Third, Vouch for Me

Criminal defense clients are often suspicious and distrustful. When you retain an investigator, make sure that your client and his family understands that an investigator is on the defense team. Much time has been lost by investigators who need to convince criminal defendants that they have been hired by the defense before defendants or defense-favorable witnesses are willing to cooperate. Counsel the defendant to be honest and open with the defense investigator.

Fourth, Understand My Method

As a Board-Certified Criminal Defense Investigator,^{iv} I recommend that investigators, when given the investigative opportunity, follow the Component Method.^v The six components of criminal defense investigation as defined by the Component Method are as follows and will be explained in more detail below:

- Investigative Case Review and Analysis
- The Defendant Interview
- Crime Scene Examination, Diagrams and Photography
- Victim and Witness Background Investigations
- Witness Interviews and Statements
- Report of Investigation and Testifying

Keep these six investigative principles and the promised descriptions of each in mind when working with your investigator.

Investigative Case Review and Analysis

Investigators should conduct a detailed review and analysis of all police reports, witness statements, affidavits, subpoenas and any and all documents associated with the investigation. Every page and every sentence should be scrutinized for anything that the investigator finds to dispute and impeach the statement or document based on factual evidence. Law Enforcement, although respected and appreciated, are not infallible. Due to their large caseloads, some police detectives sometimes cut corners. In the initial review and analysis, your investigator may identify other witnesses who were not interviewed by law enforcement. During the review and analysis phase, your investigator should also create a timeline of events and facts.

The Defendant Interview

A thorough and complete interview should be conducted with the defendant (client) as soon as possible. I have been involved in investigations in which the defendant was not interviewed until 18 months later! The delay can adversely impact the defense because a defendant can often provide key information to help with his defense. I have spoken with defendant/clients on numerous occasions, even after the initial interview, which allows for a more open and honest exchange of information.

Crime Scene Examination, Diagrams and Photography

Investigators should visit the crime scene as soon possible. This is often overlooked, but important for the Investigator to do, regardless of how much time has passed. The crime scene examination should include video, photographs and diagrams. The investigator needs to be extremely detailed during this inspection and leave no stones unturned. Expert witnesses such as blood splatter experts, forensics, ballistics, etc. may also be needed. A seasoned professional investigator usually has worked with these experts in the past and if not, the investigator's peers and contacts can assist in locating the expert that is needed.

Victim and Witness Background Investigations

Who is the purported victim? What is the victim's background, criminal record, civil litigation history, arrests, and address history? This is a small sampling of what the investigator should be looking for regarding the victim. A detailed profile of the victim should be provided to counsel. If possible, the victim should also be interviewed by the investigator. I have worked several PCRA^{vi} cases during which I have shown the victim a picture of the defendant and his response was "Who is that?" -- this makes for a great affidavit or recanted statement.

Witness Interviews and Statements

The investigator can help to locate witnesses that were mentioned in the reports and take impartial statements or affidavits. Sometimes subsequent witness statements will contradict the original statements to police. Further, while speaking to witnesses the investigator will oftentimes learn of additional witnesses that were not previously identified. It is also important to conduct detailed background checks on all witnesses. The investigator can also alert the attorney to any hostile or damaging witnesses whose testimony would be counterproductive to the defense.

Report of Investigation and Testifying

The investigator should be present and assist with all proffers, depositions and trials. The prosecution will have its detectives present. The defense investigator is intimate with the case details, witnesses, victim, defendant, and all other facts of the case. He can assist with filling in the blanks or providing the facts that he uncovered during his impartial investigation. The prosecution may still use pretext, unorthodox methods and good cop/bad cop coercions during the proffer. The client should have both his investigator and attorney present to represent him.

What should my report look like? If requested by the attorney, a Comprehensive Report of Investigation can be completed by the investigator. The report should include a synopsis of the case, details about the investigative case review, summary of defendant interview, witness and victim interviews, crime scene description and analysis, a timeline of events and summary of investigation and findings.

Additionally, it is a good strategy for the investigator to prepare investigative memos for the attorney labeled "Attorney Work Product, Privileged and Confidential" to update the defense team with pertinent information regarding the investigation.

Fifth, Let Me Help You During Voir Dire

An investigator can provide background information for the attorney during jury selection. What do you really know about each juror? Would it be helpful to know about the juror's criminal history, judgments, liens, marital status, family members, political affiliation and social media activity? The

investigator's background profiles of jurors (pre- or post-trial) can help the attorney develop a line of questioning to establish possible bias, support a challenge for cause, make decisions during the voir dire or support a request for mistrial because of jury misrepresentation and deception.

Sixth, Understand that Social Media is an Integral Part of Every Investigation

Social media due diligence should be conducted in almost every segment of the investigation. Therefore, it deserves to be listed in a category by itself. Social media sites like Facebook, Twitter, Instagram, Snapchat, Pinterest, Vimeo, LinkedIn and YouTube have become an integral part of every investigation. Social media can be researched for information related to the crime scene, the crime itself, witnesses, victims, the investigating officers, and possibly even the prosecution.

There are also numerous mobile payment apps like Venmo (owned by PayPal) that should be included during the social media review. Mobile apps like Venmo have different privacy settings. Users commonly allow their privacy settings to remain public permitting anyone the opportunity to search for them. If the settings are public, we can see payments that the users sent or received, to whom or from whom the payment was sent or received, and often the reason why the mobile payment was sent or received. This information can help to deduce valuable information such as relationships, locations, purchases and other personal data that may aid with the investigation.

In Closing

A licensed professional investigator should be used as an integral part of the defense team from the commencement of the case. His or her knowledge and experience significantly differ from that of the attorney. It is important to make sure you have an investigator that has the experience and skill set that would allow him or her to satisfy expectations and complete the investigation in a legal, ethical and professional manner. Interview a potential investigator and review his competencies, experience, education, professional development and curriculum vitae. Further, it is important to verify that he is licensed in the state where any investigation would be needed. It is also recommended that you confirm that the investigator has at a minimum general liability insurance.

ABOUT THE AUTHOR:

Jeffrey Stein, LPI, BAI, CCDI, V.S.M.

Jeffrey Stein has more than thirty years of experience in the investigative and security profession. He is President of ELPS Private Detective Agency, providing services to law firms, private citizens, the cannabis industry, and various businesses. Stein has conducted over two thousand internal and external interviews during his career in the private sector. He is a licensed professional investigator in New Jersey and Pennsylvania. He received his Bachelor of Arts in Criminal Justice from West Chester University. Stein is a Board-Certified Criminal Defense Investigator and Board Accredited Investigator.

¹ Peter Wagner and Wendy Sawyer, *Mass Incarceration: The Whole Pie 2018* (March 14, 2018), <https://www.prisonpolicy.org/reports/pie2018.html>.

¹ John Grisham, Why the Innocent End Up in Prison, (March 14, 2018) <https://www.chicagotribune.com/news/opinion/commentary/ct-perspec-innocent-prisoners-innocence-project-death-row-dna-testing-prosecutors-0315-story.html>.

³ Pennsylvania Judiciary Web Portal, <https://ujportal.pacourts.us/>.

⁴ Criminal Defense Investigation Training Council, <http://www.cditctraining.com/aboutus.html>.

⁵ Brandon A. Perron, *Uncovering Reasonable Doubt, The Component Method*, (Morris Publishing) (1998).

¹ <https://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&t1=42&div=0&chpt=95>.

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WHAT IS TIKTOK AND ARE THERE SERIOUS SECURITY CONCERNS?

BY: MICHÈLE STUART



TikTok, was the most downloaded app in the United States in 2018 and is reported to be the 7th most downloaded app of the decade. A research firm, Sensor Tower, estimated the app to have been downloaded over 800 million times worldwide; although, another source estimates as of today it is even higher with an estimated 1.5 billion downloads. Tiktok allows users to create videos ranging from 3 to 60 seconds. The app is owned by a Beijing based firm by the name of ByteDance, founded by Zhang Yiming in 2012.

Let's step back just a bit for a moment. Do you remember the incredibly popular TEENAGE app called Musical.ly? Well in November 2017, the parent company of TikTok purchased Musical.ly for \$1 billion dollars. Statistics show that 41% of the users on TikTok range in the ages of 16 to 24 and with its popularity this platform has shot up to the top for the younger age group to try and become TikTok famous. As with any app that pushes itself toward this generation, comes the concerns of predators and their ability to reach them via the internal messaging system. Recently, one of the largest charity groups in the UK, National Society for the Prevention of Cruelty to Children, conducted an in-depth survey of 40,000 students. Their report found that 25% of children admitted to connecting with a stranger and it further found that 1 in 20 of these children were asked to strip during live streams. Another important factor users should be aware of is that TikTok automatically sets all accounts to public. Users have also found TikTok videos surfacing that they didn't upload; however, had saved to their phone. Some of which are being used in ads.

Now looking into some of the concerns: In 2019 TikTok was found to be illegally collecting children's data, under the age of 13, and was fined by the FTC in the amount of \$5.7 million. The collection of data violated COPPA (Children's Online Privacy Protection Act) which protects children under the age of 13 from companies collecting information without parental improvement. Further accusations of data gathering came about in the end of 2019; whereas, a class action lawsuit from the US claims that TikTok installed "Chinese surveillance software" that violated consumer protection laws. Large amounts of private and personal identifiable user data were gathered and transferred to servers in China. A US college student by the name of Misty Hong filed another class action lawsuit when she found TikTok had transferred her information, including "users' locations, ages, private messages, phone numbers, contacts, genders, browsing histories, cellphone serial numbers, and IP addresses" to a Chinese server.

The concern over Chinese collection of data and the way it is controlling political information has become a national security issue. Chinese law requires Chinese companies to comply with government intelligence operations. With the ability of collecting massive amounts of data, the concern has become so real that both the US Navy and US Army has banned all enlisted from using this Chinese app on government phones. An Army spokeswoman, Lt. Col. Robin Ochoa, told Military.com "It is considered a cyber threat."

Not only can TikTok collect this data from your device, but if you choose to link it to other social media networks "(such as Facebook, Twitter, Instagram, or Google), we may collect information from these social media services, including your contact lists for these services and information relating to your use of the Platform in relation to these services."

A quick look at TikTok's privacy policy shows the amount of collection:

<https://www.tiktok.com/legal/privacy-policy?lang=en#privacy-us>

Not to be ignorant in the fact that almost all apps collect a certain amount of information, some more aggressively than others. The concern is who is actually data-mining this data from this particular app and what the use of the data will be used for.

Update since the article was first written.

As many as you have seen in the news, the President is currently looking at trying to ban the use of TikTok due to the aforementioned concerns. Microsoft has since come forward with the fact that it was interested in purchasing parts of TikTok. Reuters reported today "Microsoft Corp (MSFT.O) said on Monday it was in talks with ByteDance to buy parts of TikTok after U.S. President Donald Trump reversed course on a plan to ban the app on national security grounds and gave the firms 45 days to strike a deal." However, it doesn't look like China is too happy and may not be interested in conversation as "China will not accept the "theft" of a Chinese technology company".

https://www.reuters.com/article/us-usa-tiktok-china-idUSKCN25002I?utm_campaign=trueAnthem%3A+Trending+Content&utm_medium=trueAnthem&utm_source=facebook

ABOUT THE AUTHOR:

Michele Stuart has 30 years of investigative and training experience. Beginning her career in financial investigations, she then formed JAG Investigations, Inc. in 1997. Ms. Stuart's area of expertise includes OSINT, counterintelligence, insurance fraud investigations, financial investigations, threat assessments, due diligence, organized retail crime, corporate and competitive intelligence.

Ms. Stuart consults and trains federal, state and local law enforcement agencies, the military intelligence communities, fortune 500 companies as well as the financial and insurance industries in open source, social media and threat assessments / mitigation. She has been an Instructor at Quantico (FBI Academy) for International training programs and a former Adjunct Professor with University of Virginia.

In 2017, Ms. Stuart partnered with Pennsylvania Office of Homeland Security creating a program "Keeping Kids Safe", training administrators, principals, teachers, SRO's and parents on the dangers of online and social media activity, predator grooming as well as the dangers of applications / cellular security.

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PALI

KUDOS, CONGRATULATIONS, THANK-YOUS, AND FAREWELLS

When able we shall be posting various kudos, congratulations, thank-yous, and farewells. Should you feel the information you have will benefit the readership. Please submit it to me for review and possible inclusion in upcoming Guidon's.

First, a thank you received from Karen Fry, wife of Deceased member Jeff Fry.

August 20, 2020

Dear Members of PALI,

Thank you for the beautiful plaque that I received in memory of my husband Jeff Fry, and honoring him for his contributions to PALI. Jeff enjoyed his long career as an investigator, that began with three years in Army Intelligence in 1968, and continued until he sadly gave up his PI license because of his medical issues in 2014.

Due to the many years spent working in Harrisburg, he was asked by PALI to lobby for a bill to establish standards for licensed P.I's in Pennsylvania, a cause that he believed in and worked hard to achieve.

Jeff had a great deal of respect for, and became good friends with many PALI members from all over Pennsylvania. Thank you for honoring him in this way.

Sincerely,

Karen Fry

Second, in an e-mail to the membership, Longtime member Harry Van Vliet has announced his retirement:

My time has come to retire. I have not been able to regain my strength from my stroke in February of 2019. I had planned to be back [to work](#) by July 2020, but that has not happened.

I would like to thank the members who I've worked with over the years for their cooperation.

I would especially like to thank [Jim Carino who stood by me during this difficult time](#).

A [thank you to the board of directors](#) [also](#) for their concerns.

Thanks again to everyone at [P A L I](#).

*Harry R. Van Vliet
Van Vliet Investigations
Williamsport, PA
hrvanvliet@comcast.net*

We wish Harry all the best in retirement!



SECRET RECIPE

What better way to end a newsletter than with food!?! Each edition shall try to share a "Secret" recipe with members. Many will be able to be eaten with one hand while on surveillance. Others will need a bib and towelettes I am sure. Got a favorite Secret Recipe, share it with me at frank@deandrea.biz A word of warning: If you share with me your Mother's secret recipe for Lasagna please know your secret will NOT be safe with me as I will be revealing all my sources.

THIS EDITIONS SECRET RECIPE MISSISSIPPI MUDD PIE

Submitted by: Eileen Law, President CIA Detective Agency

Here is a recipe that is easy and served at one of the finer restaurants in Chester County:

7 Oz Oreo Cookies (crushed fine with cream still in – a food processor works best)

2 Oz melted butter

Add butter to Oreos and mix

Press Aluminum Foil into Pie Pan and press Oreo mixture into pan on foil.

Freeze. Then pull foil out of pan and peel off crust.

Fill w/2 lbs. favorite ice cream (coffee or vanilla works best)

Chocolate Sauce:

2 Oz Semisweet Chocolate

2 Tablespoons water

3 Tablespoons Karo Light Corn Syrup

1 Tablespoon butter

Heat water, Karo & butter until it boils.

Stir in chocolate. Let cool, then spread.

The calories are worth it!

Spread the word, share the link. <https://www.pali.org/>



As the GUIDON Grows each issue I will attempt to post information pertaining to what members are up to, Trainings and seminars being held.

Any member who has something of interest for the good of the order should submit it to the Editors for review and possible inclusion in the upcoming Guidon Newsletter.

UPCOMING TRAINING:

Jeff Stein, LPI, BAI, CCDI, V.S.M.

President at ELPS Private Detective Agency & Owner of PA Digital Surveillance Systems, LLC
Downingtown, Pennsylvania shall be hosting a Zoom webinar on – “Investigating Outside The Box”
Tuesday, September 15th at 11 am

Members may join the meeting with the following LINK:

Join Zoom Meeting
<https://us02web.zoom.us/j/85012609237>

Meeting ID: 850 1260 9237



THANK YOU

FALL 2020 EDITION

With this, the second Voyage of the PALI Guidon is complete. I would like to thank everyone who has made it to the end of this newsletter as well as the individuals who have spent their valuable time preparing information, articles and documents for this Newsletter to stand back up.

I hope that as we progress there will be much less content by the editor and much more content written and submitted by the audience, You PALI Members.

I ask that you share the link to this newsletter and that you share your thoughts with me at frank@deandrea.biz so we can make this the best newsletter any organization has. We already have the best founders and membership.

Until the next issue: wash your hands often, cough into your elbow, wear your mask, keep your powder dry and your blade whet. Fair Winds and Following Seas!

Stay safe,

Frank

Spread the word, share the link. <https://www.pali.org/>