

the COUNCILOR

CII NEWS | EVENTS | INDUSTRY INSIGHTS

2022 AGM
RECAP

**SUPPLY
CHAINS:
THE TRUE COST OF
COUNTERFEIT GOODS**

**Q4
2022**

**WORKPLACE HARASSMENT
INVESTIGATIONS**





Council of International Investigators

Council Headquarters
PO Box 1510
St. Helena, SC 29920 USA
Phone: 1-917-292-0613
E-mail: office@cii2.org

President:
Toine GOORTS (The Netherlands)

Vice President:
Gautam Kumar (Mumbai, India)

Secretary:
Paddy BEINER (Berlin, Germany)

Treasurer:
Nancy BARBER (San Francisco, USA)

Board Members:
Jacob LAPID (Tel Aviv, Israel)
Jeremy KING (Toronto, Canada)
Niclas FRANKLIN (Sweden)
Ajit SINGH (India)
Ron BOSEMAN (SWITZERLAND)
Yosh WONG (Hong Kong)

Magazine Editor:
Brad TREW (Toronto, Canada)

the COUNCILOR

2022 Q4

FROM THE PRESIDENT

3

SUPPLY CHAINS

The True Cost of Counterfeit Goods

7

When is a Duck Not a Duck?

10

FROM THE ARCHIVES

13

WATCHING THE DETECTIVES

Member News and Announcements

18

LIAR, LIAR, PANTS ON FIRE

Detecting Signs of Deception

24

WORKPLACE HARASSMENT INVESTIGATIONS

27

PERSONAL MITIGATION HAS THE GREATEST POSITIVE IMPACT ON SENTENCING

31

TRINIDAD AND TOBAGO

The Rising Cost of Crime

32

STAYING INSIDE THE LINES

How to Avoid Pitfalls While Conducting
Investigations

38

PRESIDENT'S MESSAGE

Let me start by expressing my enormous appreciation to being elected President for another term and I would like to thank you all for the support the past year and hopefully ongoing support for 2022-2023.

I also want to mention and thank Mr. **Galen Clements** and Mr. **Marc Reed** for their support and hard work on the Board and in behalf of the entire membership, not only this past year, but many years. It was an honor to working with them.

At the AGM in Haarlem, The Netherlands, new Board members were elected as well. We have a great group of people on the Board. The membership elected Mr. **Jeremy King**, Mr. **Ronald Bosman**, and Mr. **Ajith Singh** as the new Board members. Our Vice President for 2022-2023 is **Gautam Kumar**, Treasurer **Nancy Barber**, and Secretary **Paddy Beiner**. Members of the Board are **Jacob Lapid**, **Yosh Wong**, **Niclas Franklin**, **Jeremy King**, **Ronald Bosman**, and **Ajith Singh**. Together we will make new things happen for the Council.

Although the AGM is officially over, I am sure there will still be a lot of sensation about it. In Haarlem, The Netherlands, we had a great conference. I am just impressed by the number of members and guests that attended. Hosting an AGM would not have been possible without the support of our Executive Director **Lois Colley**, members, and colleagues **Britt van de Kerkhof**, **Brett Mikkelsen**, **Steve Kirby** and, of course, my family.

The AGM sponsors were very generous and with their help we were able to create a great event. In the Van de Valk hotel in Haarlem, an impressive group of people gathered, and you could tell, from the first moment we met, it was "game on" again. Amongst the almost "usual" visitors, we also welcomed a few new members and first timers. I was very pleased to see Emeritus and Senior members present and watching them interact with the newer and younger members. Of course, the reality set in that valuable members were missing. In their honor, let's try and celebrate life. Let's make as many memories as possible. We need each other, maybe more than ever.

The seminars were excellent, and the attendance was great. At the auction, we witnessed the more than excellent and often hilarious work of Mr. **Jimmy Gahan** and Mr. **Steve Kirby** at it again! Because of this great show, the 2 charities (The CII-Kirby Family Legacy Scholarship Committee and the Dutch Veteran Search team) will receive an enormous donation. On behalf of both, I want to thank Steve and Jimmy, very much.

As from today, the Board will work hard to get the Council going forward with the aim of getting the best members ever, the best business opportunities, and new horizons to explore.

I am confident we can achieve this, but we need to do it together. Don't hesitate to come forward with your ideas. One of the good ways to do this is by attending the monthly FIKA. Just 30 minutes of small talk and laugh, but above all, time to have fun.

Toine Goorts

President, Council of International Investigators





FROM THE COUNCIL OFFICE

by **Lois Colley**

Members are raving about what a great time they had including all 95 attendees at this year's 2022 AGM in Haarlem. The 58 members in attendance were indistinguishable from the guests until the spouse tour launched at which point the chosen few headed out the door while the members barricaded themselves inside the Amsterdam room to attend the general meeting on Thursday.

The 30 somethings clearly held their own throughout the week in the hospitality suite and at the vitamin smoothie machines the following morning. Among the generous donations bestowed by CII members were a great many empty beer bottles. President **Toine Goorts**, his side kick **Britt van de Kerkhoff** and his family worked tirelessly to ensure the week ran smoothly. The Van de Valk hotel was a lovely venue.

The food was plentiful and the hospitality was fabulous. I for one, brought my tulip bulbs home with me.

The week began with presentations from three CII members forced to overcome unique and challenging circumstances. There was a kidnapping case study by **Jacob Lapid** and the anatomy of a Crypto Injunction by **Jeremy King** and **Norm Groots**. Attorney Gie van den Broek spoke of counterfeit practices and **Age van der Woud** provided the lowdown when it comes to covert entry. (I

don't think anyone will bother locking their doors after that presentation). Lastly, **Marko Bogdonovic** gave a great talk about going incognito on the dark web.

The infamous AGM auction was hosted on Thursday night by **Jimmy Gahan**, his spouse, Mairead Kelly, and "the real Irishman" known as Steve Kirby. The POD ball was mistakenly returned to Ireland after Laurena Nally concealed it under her shirt and passed herself off as expecting something other than a POD ball.

The gala dinner was Friday night and Saturday included a tour of Volendam topped off by a fabulous banquet. Food and drink were plentiful all week long, not to be surpassed by the unyielding hospitality encountered everywhere in the Netherlands.

This was the year of "The AGM daughters". Tonie's daughters, Renske and Janneke Goorts, Melissa's daughter's Kenzie and Kylie Hilton and Kalista Wong, Yosh's toddler stole everyone's hearts.

Award winners:

Congratulations to **Norman Willox**, (United States), the 2022 recipient of the Meritorious Service Award and **Mick Symons**, (Australia) the 2022 Malcolm Thomson Service Award winner.

Welcome board members:

The close of the AGM welcomed three new board members, **Ron Bosman**, **Jeremy King** and **Ajit Singh**, who join board members **Jacob Lapid**, **Yosh Wong** and **Niclas Franklin**. This year's officers include **Toine Goorts** who was reelected as President, **Gautam Kumar**, Vice President, **Paddy Beiner**, Secretary and **Nancy Barber**, Treasurer.

Thank you corporate sponsors:

Last but not least we have our generous

donors who make all things possible. Our donors seem typified by a response I received from Ellie and Rick Quinn who were inadvertently left off the promotional pieces at the AGM. While downplaying the oversight, the Quinns reiterated their desire to contribute to the council regardless of any recognition. That seems to be a reflection of what CII has always been about. Also appreciated were the donations that flew in including a batch of ink pens from **Marc Feegel** and some much needed travel adapters from **Chris Ballou**.

RD's on the prowl:

Watch out for your regional director, they may be interviewing you. The Regional Director's are turning into roving reporters for the Councilor. If you want to help out your RD or your region, submit some news. Tell him or her how your business is doing or whatever you want to share. Better yet, submit an article of interest or a piece of news to **Brad Trew** at editor@cii2.org.

We are still looking for locations and willing hosts for a regional meeting in Asia and the American continent in 2023. We have pop up displays for promotional events in Europe, Asia and the Americas. Just ask and we will get it to you. In fact, CII plans to exhibit virtually at the OSMOSIS seminar in Orlando next month, all thanks to the generosity of CII member **Cynthia Hetherington** who is fronting a booth for the association.

The Council office is collecting taglines about what CII means to you? If you have a thought to share please email it to office@cii2.org.

For those of you who weren't able to make this year's AGM, we hope to see you in Istanbul in May 2023 and Melbourne Australia in September 2023. And in case you haven't heard the 2024 AGM venue is Columbia. Did someone whisper 2025 in Paris? ■

FROM THE MARKETING CHAIR

by **Jeremy King**



If you are a private investigator, there is no better organization than the Council of International Investigators (CII). The quality and dedication of our membership truly makes us the leader in worldwide intelligence gathering. Our collective expertise in our regional markets ensures our clients receive the same top-tier service in any area they require it. It is a great honor to represent our membership on the board, and one I do not take for granted.

The Annual General Meeting (AGM) in Haarlem, Netherlands was a great success! It was an enjoyable week of exchanging knowledge and sharing our passion for our wonderful profession. Immersing ourselves into each other's culture first-hand is such an amazing benefit of this great organization.

As a young professional, being able to learn from the collective experience of our members has been invaluable to the growth of both my business and abilities as an investigator. Since 2011 I have been fortunate to travel to AGMs in Boston (2011), San Francisco (2014), New Delhi (2015), Gothenburg (2016), Panama City (2017), Milan (2019), and Haarlem (2022), meeting new colleagues and experiencing local delicacies and customs.

During my first term on the board, as the group's marketing chair, I look forward to reflecting on the rich history of CII, while charting a course forward to ensure sustained growth and enhanced member benefits.

Starting in 2023, we will be featuring a new column in The Councilor reflecting on CII's past presidents. We will also be spotlighting the 2023 AGM in Melbourne, Australia and unveiling new sponsorship opportunities, so that those who contribute to the success of the AGM can be rewarded with strong ROI throughout the year leading up to our distinguished annual conference. Let's also not forget about the amazing regional meeting opportunities as well, such as Istanbul, Turkey in the spring of 2023.

Over the next year, I look forward to connecting with as many of you as possible to ensure your voice is heard as the Council modernizes its marketing efforts into 2023 and beyond!

"Quality is never an accident. It is always the result of intelligent effort." – John Ruskin ■



FROM THE EDITOR

by **Brad Trew**

When I first took over as editor of The Councilor in December 2021, we introduced a change in the format, look and direction of the magazine. One of the biggest changes was rebranding The Councilor from a newsletter to a magazine and creating something that represents the wealth and experience of our members. I commented at the time about how quickly time travels and how change is becoming our new normal.

Just 9 months later and we are facing more changes. It is with sadness that my friend and mentor **Marc Reed** is stepping down from the

role of PR/Marketing Chair. Marc has been an ever present part of my life over the past 10 years and he has always given me the support that I've needed. His contributions and guidance will be missed.

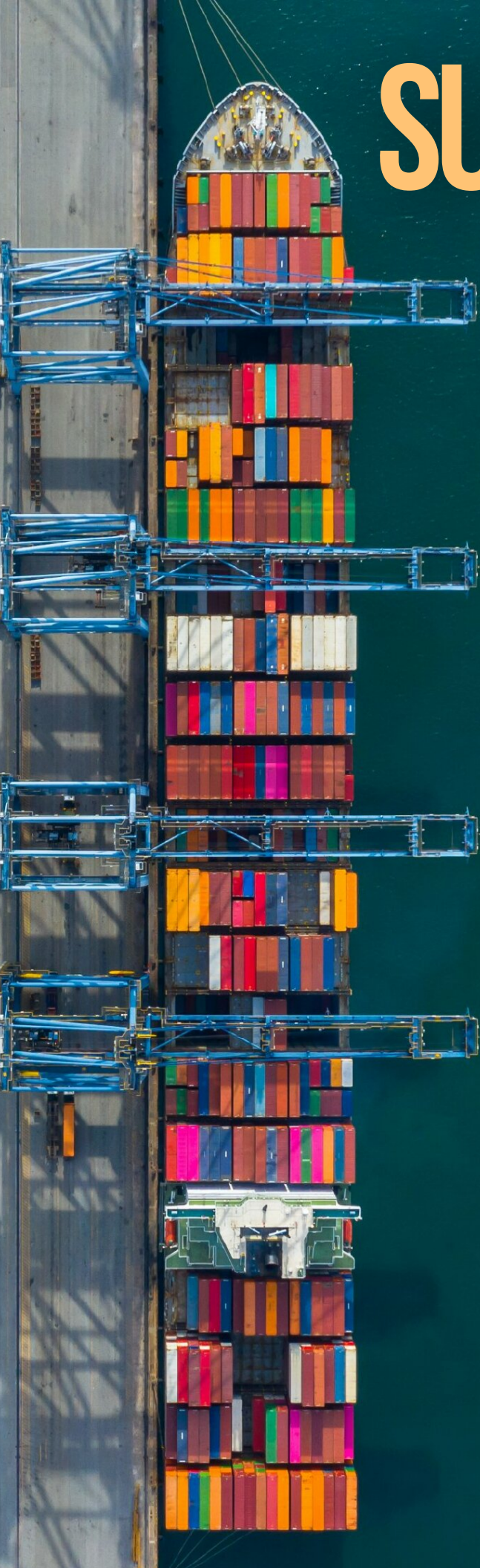
However, with change, always brings new beginnings and it is with anticipation that I welcome **Jeremy King** of King International Advisory Group as the new Marketing Chair. Jeremy and I both call Toronto home but, ironically, we've always bumped into each other at conferences around the world.

Jeremy and I, along with **Lois Colley**, have had discussions about the future of The Councilor and it was unanimously agreed that we would continue to build on the solid foundation already in place. We have a rich history from all the talented professionals that have come before us as well as fresh, new and enthusiastic new members that bring their own perspective to our profession. They say that is our differences as well as an understanding of what makes us the same that make us stronger. As always, The Councilor is a collaborative effort and is the culmination of our many skills, disciplines and experiences. We are always looking for new content to help share those experiences while helping to promote you to our fellow members.

I hope everyone had a great time at the AGM and, although I couldn't join you, I was there in spirit after work demands prevented me from being there in person. My hat goes off to **Toine Goorts** and everyone else who helped organize, and who attended this AGM, making it a great success.

Congratulations to all the new board members and I look forward to meeting you and working with you in the future.

So, with change, comes new beginnings and with it is with enthusiasm, excitement and confidence that the road is indeed bright ahead. ■



SUPPLY CHAINS: THE TRUE COST OF COUNTERFEIT GOODS

by Lorne M. Lipkus, David S. Lipkus and Melissa J.
Tarsitano of Kestenberg Siegal Lipkus LLP

Counterfeit goods remain a global problem that impact all industries and pose serious health and safety risks to consumers while detrimentally impacting businesses and economies in a variety of ways. When developing strategies to address counterfeit goods, a great place to start is the border. Curbing the importation of counterfeits is vital in the fight to keep consumers safe from dangerous products. The risk of consumers purchasing counterfeit goods continues to grow and as global trends shift, counterfeit networks adapt in an effort to continue their business amid supply chain disruption in a post-pandemic world. While legitimate businesses are shifting production and manufacturing channels, bad actors are doing the same.

With travel restricted, and constantly changing physical distancing measures bringing new challenges to traditional bricks-and-mortar commerce and manufacturing channels, many industries and business have felt they have no choice but to embrace a shift in their business model to survive. Unfortunately, with this shift, the development of new online marketplaces, including shoppable social media outlets, have played a

significant role in the growth and continuing global threat of counterfeits. Brands have also moved towards vigorously marketing themselves on social media and collaborating with the appropriate online marketplaces. The expansion of popular online marketplaces and platforms and creation of new outlets have attributed to the difficulty consumers face when shopping and ensuring the goods that they are ordering are authentic, legitimate goods. Consumer demand for low cost, easily accessible, and quickly shipped items purchased over the internet has surged, making counterfeiting even more accessible. The multi-faceted ecosystem of e-commerce enables counterfeit networks to operate efficiently. It is a relatively easy process to create an account and purchase sponsored advertisements linked to counterfeit goods. Moreover, it is easy for a consumer or local supplier on a reputable social media outlet or marketplace to feel a false sense of security when they “add to cart”—and not check if the seller is, in fact, legitimate.

Despite the growth of e-commerce over the last 2 years, counterfeiting has been part of the supply chain for much longer. Consumer goods, automobile parts, pharmaceuticals and electronics have been entering the stream of commerce from ports overseas long before third-party sellers began creating their own online storefront. The global pandemic highlighted certain vulnerabilities in the supply chain that businesses, rights holders and manufacturers could not avoid. Not surprisingly, fraudsters capitalized on these shortfalls. By way of example and to the importance of health and safety, the increased demand for medical supplies and personal protective equipment made it incumbent on brand owners to be proactive in their approach to combat counterfeit goods at the height of the COVID-19 crisis. Policing counterfeit networks is increasingly difficult as new technologies develop and sophisticated techniques are used to evade detection and subsequent enforcement. It is imperative for rights holders and brands *—of all sizes—* to create and implement transparent, coherent policies and processes that ensure all appropriate steps are taken to protect the health and safety of consumers and the quality of their products.

EDUCATING CONSUMERS & REGISTERING RIGHTS AT THE BORDER

There are several measures that can be taken to protect copyrights, trademarks and the goodwill of brands. Increased consumer engagement and brand awareness can assist with respect to the threat of increasing false and/or misleading advertisements. Educated consumers may be more inclined to be an important part of any solution and report phony advertisements, fake social media accounts and phishing emails if they understand the magnitude of the harm and know what to look for. When companies acknowledge their shortfalls and communicate with end consumers, expectations are better managed, and consumers can empathize with the ongoing repercussions that all industries are faced with.

A supply chain ecosystem that incorporates the consumer and places an emphasis on *educating the consumer* is crucial in this current climate.

Additionally, an important resource for rights holders in all sectors is their local border agency. Canada Border Services Agency (CBSA) uses the Request for Assistance (RFA) program. This enables rights holders to record their registered trademarks, copyrights, and geographical indications with the CBSA, and empowers Border Services Officers to *detain* commercial imports and exports containing suspected counterfeit and/or pirated goods. There is no filing fee to record IP rights with the CBSA and it remains a relatively inexpensive tool to have in a robust, comprehensive anti-counterfeiting toolbox. Notably, for small and medium enterprises (SMEs), this means that for little or no cost, in many instances, they can take effective steps to protect their IP rights and prevent counterfeit parts and goods from entering the stream of commerce.

In the past two years, the CBSA has detained an increasing number of shipments of all sizes that have become pivotal in identifying: recidivist importers, widespread local selling groups and major distributors overseas. With the influx of shipments that have been detained in the past two years, and the review of real time documents received from CBSA, trends that counterfeiters and networks are relying on in their effort to evade enforcement and detection have emerged. This is information that all brands, especially SMEs, can share with each other and collectively they can take steps to protect their IP rights—sharing costs and resources that benefit all brands. Often, information relating to the importer and exporter of the counterfeit shipments allows for an immediate investigation into the respective businesses, resulting in data that can be used to assist in the termination of fraudulent merchant payment processing abilities, locating warehouses and production facilities and provides an effective deterrent to the illegal activity being conducted by all parties involved.

Law enforcement, government agencies, brand owners, and allies must refocus their efforts on targeting unlawful activities connected to criminals who have exploited the pandemic and supply chain downfalls as an opportunity for quick profit and personal gain. Digital technology forced companies to rethink the traditional supply chain model. Now, current world events and environmental impacts have reinforced the need for a global, harmonized effort that is necessary to combat the bad actors working tirelessly to distribute and market substandard, unauthorized, and counterfeit goods in high demand through multiple channels. ■

About the Authors

Lorne M. Lipkus, David S. Lipkus and Melissa J. Tarsitano are lawyers at Kestenberg Siegal Lipkus LLP in Toronto, Canada and specialize in brand protection.

WHEN IS A DUCK NOT A DUCK? A PRIMER ON COUNTERFEIT GOODS

by Brad Trew

They say if it looks like a duck, walks like a duck and quacks like a duck then it must be a duck. The same can't be said for counterfeited goods. With advances in manufacturing and motivated producers, It is becoming increasingly difficult to identify fake goods. Producers are driven by profit and loss and go to extreme lengths to develop goods that match the counterfeited brand in appearance but not in quality. It was estimated that, in 2016, the world economy was comprised of 3.3% counterfeit goods representing \$509 billion. The top 5 most produced counterfeit products are footwear, clothing, leather goods, machinery/equipment and watches. The Department of Homeland Security indicates that most interceptions originated from a small group of economies, 73% of the total being from China, Hong Kong (China), the United Arab Emirates, Turkey, Singapore, Thailand, India and Malaysia respectively.

Realistically, people will knowingly buy counterfeit goods for the benefit of having high-end branded items such as Louis Vuitton, Coach or Michael Kors for a fraction of the cost. Canal Street in Manhattan is known as a hot bed of counterfeit goods and shoppers will visit the shops there to seek out and buy name brand products knowing they are counterfeit. They are part of the problem because their naiveté, greed and indifference feed the supply and demand. The flip side of this is when counterfeit goods are being sold as the real deal at the brand's listed prices. Because the price is reflective of the legitimate product, and the efforts made to reproduce the counterfeited product, buyers are duped into believing they are buying the real thing.

WHAT IS THE DIFFERENCE BETWEEN COUNTERFEIT, PIRATED AND COPYRIGHT INFRINGEMENT?

The term "counterfeit" or "knockoffs" refers to goods that have been manufactured to mimic the original brand's products without the knowledge or consent of the original manufacturer. Because these are manufactured illegally, without accountability and adequate quality control and as a revenue generating resource, they are typically done to the lowest possible standards in order to maximize profits. Counterfeit goods often extend beyond the product itself and include all forms of labelling, bags/packageaging so that a side-by-

COUNTERFEIT GOODS BY THE NUMBERS

3.3%

The percentage of counterfeit goods compared to world trade.

\$ 509b

The dollar amount of counterfeit and pirated goods introduced into the global trade economy each year, up 2.5% since 2013

79%

The percentage of counterfeit goods produced in mainland China and Hong Kong. Other top producers are Turkey (4%), Saudi Arabia (2%) and Taiwan (2%).

side comparison can be difficult to determine the actual product; even for the experts. Some will go as far as to mimic the holographic images that are put on authentic goods to thwart counterfeiting efforts.

The term “piracy” describes the act of reproducing movies, music, books or other copyrighted works without permission from the copyright owner. In some cases, pirated works are also created in a way to mislead the public into believing they are purchasing a bonafide product.

WHY DOES IT MATTER?

There is a real world impact of counterfeit goods in the marketplace. Counterfeit goods can pose a danger to public safety. Many goods that are counterfeited come from regulated industries with strict guidelines and oversight. An example would be cosmetics that can burn or disfigure the user, substandard car parts or industrial/electrical parts and even child safety products are being sold and potentially causing injury, death and liability. As an example, the Department of Homeland Security has highlighted risks associated to counterfeit airbags that do not deploy, are underinflated, overinflated or explode upon deployment. They also highlight counterfeit lithium-ion batteries which pose significant risk of extreme heat, self-igniting and exploding. Overheating of counterfeit lithium-ion batteries in the cargo hold of aircraft have ultimately caused a fires and crashes. And in a more direct example, Partnair Flight 394 crashed in September 1989 killing all passengers and crew. The subsequent investigation found the cause to be counterfeit aircraft parts, specifically 3 out of 4 bolts holding the rear fin of the aircraft in place sheared off causing the plane to break apart (whereas the only bonafide bolt remained intact).

Adding to the complexity of the supply chain issues, in some cases, counterfeit goods can mistakenly enter mainstream markets through distributors and be mistakenly sold through big box stores as the legitimate brand unknowingly by both the retailer and the buyer. This can place serious liability on the retailer.

Buying from an online marketplace or third-party vendor (such as a flea market) does not afford you the option to fully inspect goods or know their provenance. In many instances, on-line purchases are a one-way transactions where websites make it nearly impossible to return the product and get a refund.

In many cases (most, in fact), the average consumer does not see, handle and buy authentic high-end goods. Their only exposure to these brands is through knock-offs which, while done convincingly, is not an accurate representation of the genuine product. This devalues the brand and public perception.

WHY SHOULD WE CARE?

Counterfeit product manufacturing does not operate within industry regulations, licensing requirements, government oversight, or government inspections. They are often manufactured through the use of child labour and human trafficking and other adverse worker conditions. Counterfeit goods cause a financial loss to the brand. The impact is not only financial, but it devalues the brand reputation due to substandard products being sold as the real deal. They diminish a company's sales and reduce their revenues, but they also damage their brand and reputation. The sale of counterfeit goods also creates a false economy because products due

not have the same lifespan as authentic goods and need to be replaced sooner.

Counterfeit goods are used to finance other criminal activities. Because they are a transnational crime, they fund transnational criminal organizations and can be used to fund terrorism or launder money.

HOW TO TELL THE DIFFERENCE?

Because counterfeiters are typically operating in non-English speaking markets, oftentimes spelling mistakes will appear on packaging. Sometimes, counterfeiters will make small, intentional alterations to provide some deniability on the part of the manufacturing. An example of this is Webster's Dictionary. Counterfeit versions were produced under the name Webster Dictionary which, while technically not being passed off as an authentic product, consumers could be fooled into buying it. Also, many of the packaging items are the result of scanning the original packaging so that the images and text are not as crisp as the original.

The most telling way is how and where the product is being sold. As a rule, high end brands will only sell through their own marketplaces and do not use third party retailers. For instance, Rolex (or Rolex owners) will not sell their watches through eBay. Similarly, authentic Louis Vitton products will not be sold through Facebook Marketplace. And, no high end products would ever be sold at flea markets.

The issue is in identifying the lower valued brands such as Otter Box cell phone cases for instance. Many retailers will offer counterfeit cell phone cases. While a consumer expects that they are buying an authentic Otter Box and its accompanying guarantees, that may not be the case and it becomes a matter of "buyer beware."

Can you spot the difference? One of these Gucci bags is real and one is counterfeit (or they are both real or both counterfeit). I will post the answer in the next issue.



Have a [look](#) at these side-by-side authentic and genuine products. For more information, you can read the articles [here](#) and [here](#). ■

About the Author

Brad Trew is the Director of the Cyber Investigations and Special Investigations Unit at Reed Research Limited in Toronto, Ontario, Canada.



from the archives...



A SURVIVOR IN MANY WAYS by Seth Derish

On November 8, 2018, at 6:30 in the morning, the Camp Fire ignited because of a faulty electrical transmission tower in in Paradise, California, a mountain town of 27,000 residents in the rural North part of the state. It was one of the most destructive fires in modern U.S. history with 11,000 houses burned down. It depopulated the town and scattered most of its residents far and wide.

One of the survivors of this fire was an old college friend of mine, Kevin Johnson. We both met in 1974 at Chico State University, located in a bucolic college town just down the hill

from Paradise. It's always been a mystery if Kevin was actually a student as he hung around the campus a lot and contributed to the college newspaper, *The Wildcat*, where I worked as well. Rumor had it that he attended one semester, dropped out, and then just hung around the campus. He was considered a "Gonzo" journalist in the tradition of the late Hunter Thompson and his stories were informative, humorous and sometime outrageous (we would receive several letters of complaint over the years). We would collaborate on stories together and I remember walking around the campus and sometimes students yelling at me because of our work.

I graduated in 1979 after bumming around the Middle East for six months and moved to San Francisco where I eventually started my private eye business. Kevin hung around Chico, worked at the *Wildcat* and then moved with the newspaper off campus as it became the community newspaper, *Chico News and Review*. Sometimes from afar, Kevin would help me with investigations and would do a fine job – we would do murder defense, fraud cases, and general political intrigue. But it was never enough work to sustain him as he lived four hours away.

I would occasionally visit Chico and was dismayed that Kevin eventually left the newspaper, hooked up with a wild woman, had a child, and to my horror, became a drug dealer. He was actually proud of his dealing and would show me handfuls of \$100 bills. I could only say, "Make sure you stash some of this money for legal defense fees" and of course, in his fogged out mind, thought it would never happen.

A few years later I was sleeping in my Victorian home in San Francisco and I received a collect call at 4 in the morning – "This is the Colusa County Jail and an inmate is calling you collect, do you accept the charges?" I accepted and a frantic Kevin was on the phone. "Listen, I need help, I was just stopped on the side of Highway 20 in this small county and a Highway Patrolman pulled over and started searching my car. "When I asked him what the officer found, there was just silence.

Colusa County is about 120 miles North of San Francisco and not really known for anything except large mechanized rice farming. The county is the size of a small European country and has a population of just 21,000. What I found out the next day was that Kevin was illegally parked on a highway at 2 in the morning, with his lights on and was urinating on the side of the road when a patrol officer pulled up behind his old, beat up 1964 Ford coupe. The officer thought Kevin was acting a bit odd and searched his car and found about six ounces of powder cocaine hidden below a seat. At that time, it was the largest drug bust in the county's history.

Like many of you, I've traveled the world, interviewed people from all walks of life, captains of industry, heads of state, presidents of universities, average everyday people and law enforcement personnel of all types. Out of all of the people I have met in life, Kevin stands out like a brilliant lightbulb. He reads voraciously, has a memory like a steel trap and can express himself in writing like no other. In other words, he was a genius that could be saved.

I immediately swung into action – the first thing I did was contact a leading defense attorney in Northern California, Dennis Latimer, and then my old friend Dave Reuben, retired Chicago police inspector and then chief investigator for the Alameda County District Attorney's Office (based in Oakland, California across the bay from San Francisco). Dave didn't know Kevin but based on my word he started working on a plan to keep Kevin out of prison. Dave

growled at me, "I'm taking your word on this guy and if you're wrong, in my book you will be the biggest hairball on earth!"

Meanwhile, my father-in-law at the time, Francis Xavier Farley, a crusty street-smart New York Irishman turned schoolteacher living in Chico, was recruited to raise \$10,000 so we could bail Kevin out of the Colusa jail. Of course, Kevin never did set aside any money for legal defense and Fran was entrusted to visit all of Kevin's "customers" who owed him money and make the collections. Fran was soft spoken, with a square jaw, jet black hair and stood well over six feet tall. In other words, he could terrify these locals.

Within 24 hours Fran called and said he had the dough and asked what he should do with it. It was 8 o'clock at night and I told him to drive to Colusa, about 45 minutes away, and post the bail at the jail and free Kevin. About two hours later I received an irate call from the Sheriff of Colusa County called and he was not very happy. He said that some old guy showed up with a bag of cash and demanded that the jailer free Kevin and of course, the jailer called the Sheriff, who was home watching television on his couch. The Sheriff said he had to go down and pick up the money and take it home as they didn't have a safe at that time that could hold it. Kevin was freed that night!

A few weeks later Dave Reuben was able to get a commitment from the District Attorney to hire Kevin on a trial basis to assist in the investigations defending the county, especially police officers!



Well, the big court day was coming in Colusa County in front of Judge Carrion. I remember arriving at the small-town court house, the kind with the imposing white Ionian pillars in front and the mahogany court rooms that always smelled a bit musty. I drove the three hours to Colusa in my best cheap suit and was

met outside the courtroom by Kevin, Dennis Latimer and Dave Reuben. We all entered the courtroom and there was Judge Carrion, his white crown of hair and big, black flowing robe. He first heard all of the other accused get up and tell some very sad stories and then it was our big moment.

Mr. Latimer made one of his flourishing famous speeches about Kevin, his poor upbringing, his service to the community and how opportunities always seemed to evade him. Then Mr.

Reuben presented a letter from the Alameda County District Attorney and said that if Kevin was released, he would have a job.

We all waited for Judge Carrion and he finally spoke: "Well, in my 25 years on the bench, I have never seen such a spectacle in my court room. All of you fancy big city types coming up here and thinking you were going to fool the court." Kevin looked sick, I was about to cry as Mr. Latimer and Mr. Reuben stood stoically by.

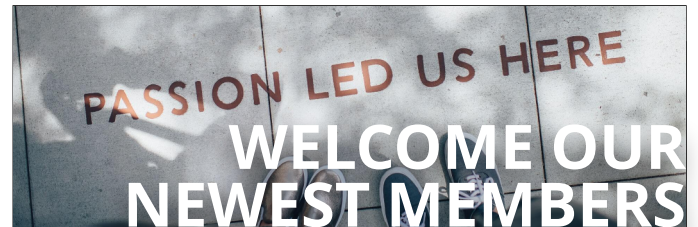
"But ..." Judge Carrion resumed, "this all is quite impressive that all of you so much believe in this young man so I'm going to take a chance and place him on probation so he can go to work for Mr. Reuben". He wagged his finger in front of Kevin's face and admonished, "But I better never, ever, see you in the courthouse again, in fact, anywhere near this county, or you will wish you never met me."

We all went home very happy. I went back to San Francisco and a few days later called Fran Farley to thank him and my mother-in-law, Juanita Farley, said he was out in the countryside throwing away a truck load of marijuana plants. I thought that was a bit strange as Fran was an upright, law-abiding citizen and I asked Juanita why he would have a large quantity of an illegal drug. "Well, Seth, I thought that marijuana was such a pretty plant that I just grew a whole lot of them behind the house but after Kevin's trial, Fran thought it best to toss it out."

Meanwhile, Kevin went on to help Mr. Reuben for several successful years and ended up as a first rate brilliant paralegal serving attorneys all over Northern California. He moved from Chico to Paradise until ... (to be continued).... ■

ABOUT THE AUTHOR:

Seth Derish has been licensed in California since 1979 and is the president of Costa Rica Investigations, SA. He has been a member of CII since 1998 and is the co-district director for South and Central America and the Caribbean Islands.



Anton Kohut (Dubin, Ireland)
Affiliate

Baswaraj Kurbkhelgi (Bangalore India)
Affiliate

Bradley Moore (US Georgia)
Qualified

Brian Phillips (US Illinois)
Associate

Christine Cuzon (Strasbourg France)
Certified

Darrin Giglio (US New York)
Certified

Jacob Toresen (New Zealand)
Associated

Kevin Wyatt (US Utah)
Certified

Odagwu Ossai (Nigeria, Africa)
Certified

Recep Igci (Netherlands)
Certified

Robert Scott (United Kingdom)
Certified

SUNDAY LAWS

In Force in the Province of Ontario

PROHIBIT

1. **LABOR.** With certain exceptions this includes:

- (a) **THE WORK OF LABORERS, MECHANICS and MANUFACTURERS.**
- (b) **ALL FARM WORK**, such as **SEEDING, HARVESTING, FENCING, DITCHING.**
- (c) **WORK ON RAILWAYS**, such as **BUILDING and CONSTRUCTION**, and also **REPAIR WORK**, except in emergencies, and **TRAFFIC**, excepting the forwarding of **PASSENGER AND CERTAIN FREIGHT TRAINS.**
- (d) **ALL BUILDING, TEAMING, DRIVING FOR BUSINESS PURPOSES, THE WORK OF BAKERS AND BARBERS, Etc.**
- (e) **THE WORK OF MUSICIANS AND PAID PERFORMERS OF ANY KIND.** Works of necessity and mercy excepted.

2. **BUSINESS.** It is unlawful to **MAKE CONTRACTS** or to **BUY, SELL** or **DELIVER ANYTHING** on Sunday, including **LIQUORS, CIGARS, NEWSPAPERS, Etc.** Generally speaking the only exceptions are **DELIVERING PASSENGERS' BAGGAGE, MILK** for domestic use, and **SUPPLYING MEALS AND MEDICINES.**

3. **ALL GAMES, RACES OR OTHER SPORTS FOR MONEY OR PRIZES**, or which are noisy, or at which a fee is charged, and the business of **AMUSEMENT or ENTERTAINMENT.**

4. **ALL EXCURSIONS** for hire and with the object of pleasure, by **TRAIN, STEAMER or OTHER CONVEYANCE.**

5. **ADVERTISING** in Canada, unlawful things to take place on Sunday, either in Canada or across the line.

6. **IMPORTING, SELLING or DISTRIBUTING FOREIGN NEWSPAPERS** on Sunday.

7. **ALL GAMBLING, TIPLING, USING PROFANE LANGUAGE**, and all other acts which disturb the public quiet.

8. **ALL PUBLIC MEETINGS**, except in Churches.

9. **HUNTING, SHOOTING, FISHING; also BATHING** in any public place or in sight of a place of public worship, or private residence.

THE PENALTY IS FROM \$1.00 TO \$500.00

THE GAME LAW

Of the Province makes Sunday a **CLOSE SEASON** for all **GAME** and **HUNTING and SHOOTING UNLAWFUL** on that day.

THE PENALTY IS FROM \$5.00 TO \$25.00

The Lord's Day Alliance Of Canada
280 CONFERGATON LANE, SUITE 100
TORONTO





WATCHING THE DETECTIVES

MEMBER NEWS AND ANNOUNCEMENTS FROM AROUND THE WORLD

CONGRATULATIONS ON A SUCCESSFUL AGM HELD IN HAARLAM, NETHERLANDS

Question: What do you get when you mix 58 enthusiastic CII members, 37 energetic spouses/partners/guests, diverse and interesting educational topics tossed in with real-life thought-provoking presentations, “magical” networking opportunities and a trip to a picturesque town where participants went undercover in traditional Dutch attire?

Answer: You get a successful 2022 Council of International Investigators (CII) Annual General Meeting (AGM) hosted by **Toine Goorts** in Haarlem, Netherlands.

Thank you as always to our Sponsors:

BRONZE SPONSORS			SILVER SPONSORS		GOLD SPONSORS
					
					
					

The full list of sponsors can be found [here](#). There will be further recognition of the sponsors in subsequent editions of the Councilor.

The AGM kicked off Wednesday morning with a welcome message from CII President and conference host **Toine Goorts**. Toine was followed by a representative of CII's sister organization, the Alliance of Business Lawyers and the Netherlands's Veteran's Search team.

The Wednesday presentations were well received. There was a case study involving an international kidnapping by **Jacob Lapid**, recipient of the 2021 International investigator of the Year award. **Jeremy King** and **Norm Groot** of Canada analyzed their investigation of the freedom convoy protests that captured the world's attention in Ottawa, Canada in August 2022.

That night, CII members congealed for the first time in three years in the Birdy Bar where hugs, screams of delight and memories were exchanged.

2022 AGM RECAP, CONT'D

Thursday was the actual All General Meeting itself, which was held in the Amsterdam meeting room of the Van de Valk hotel. The spouse tour of Haarlem ran concurrently which, by all accounts, was a great success.

Just prior to the meeting convening, the annual awards were announced.

In case you haven't heard, the CII Kirby family legacy scholarship program awarded 9 scholarships in 2022 totalling \$12,000 in fees that were given away. We will be accepting applications for 2023 awards after January 1st, 2023. Scholarships are available for any member, spouse or partner, child, or grandchild of a member. The rules and regulations, along with an application, are available on the website.

This year's Meritorious Service award went to Scholarship fund founder **Norman ("Norm") Willox** (USA) and the Malcom Thomson Service award which was given to **Michael ("Mick") Simons** of Australia. The new members were welcomed as well and an acknowledgement of the members we have lost over the past year, in particular **Vivek Kumar** and **Michael Duffy**. Thursday evening was a traditional Dutch dinner where of every drink and food group on the planet was offered.

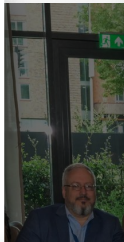
The seminars launched on Friday morning including counterfeit practices, covert entry, and insights on the dark web. A spectacular Gala dinner was held on Friday night. Everyone was dressed to the nines!

The evening was topped off by the auction where \$11,000.00 was raised thanks to some amazing donors and bidders, We raised \$11,000.00 in charitable funds. The names are displayed on the website under awesome donors. Out of the \$11,000.00, \$5,000.00 USD was donated last week to the [Veteran Search Team](#) and \$6,000.00 will remain in the Scholarship Fund. We have a healthy balance but can always use help so feel free to click [here](#) to make a contribution.

There was one last evening of drinks in the Birdy Bar and the hospitality suite before the official gathering drew to a close. Not to be outdone, Toine implemented a Saturday tour of Volendam, a local fishing village, including a shopping tour and a wonderful banquet. All good things come to an end but as we realize there are no Good-Byes.

The next planned in person event is the European-Israeli meeting in Istanbul in May 2023 (details to be provided soon!) and the AGM in Melbourne Australia in September 2023. We hope to see you there.

They say a picture says a thousand words. Based on the photos coming out of Haarlam, it looks like the conference was a great success! You can see a sampling of the photos by **Ed Kelly** on the next page. For the full album, visit the link [here](#).



For a full album of photos, visit the link [here](#).t

ANNOUNCEMENTS

RANDY JOHN ONTIVEROS 1950-2022

CII member **Randy Ontiveros** passed away peacefully at home on the morning of August 5, 2022, 80 days after complications from surgery to remove a sizeable vascular meningioma brain tumor.

Randy was raised in Southern California and moved to the San Francisco Bay area when he was in his twenties. He received his California private investigator's license in 1982 and became a polygraph examiner in 1983. In 2015, following a successful PI career, he retired from a second career in factoring. Always eager to help others and be active, he did occasional investigations for former clients and developed a thriving handyman business for as long as his body allowed.

Randy's celebration of life will be held on May 6, 2023, during his favorite holiday weekend, Cinco de Mayo. Details will be posted as the date draws closer. In lieu of flowers, contributions can be made to the *Wrap Around Wellness Center (Randy Ontiveros Memorial Fund)*. The Wrap Around Center, which is sponsored by the Neighborhood House of North Richmond, helps young adults in Richmond recover from the trauma of violence and regain their physical, mental, and emotional health. Donations will be gratefully accepted at The Neighborhood House of North Richmond, 3065 Richmond Parkway, Suite 114, Richmond, CA 94806. ■

CII REPRESENTED WITH BOOTH AT 2022 ACFE CONFERENCE IN NASHVILLE, TENNESSEE

The AFCE Global Fraud Conference was held in Nashville, Tennessee on June 19 to 24, 2022. The conference was attended by 5,000 members of the Association of Certified Fraud Examiners from around the world.

CII had a booth to promote our association manned by **Lois Colley** where she was joined by **Marc Reed**, **Keith Elliott** and **Cynthia Hetherington**.



Keith was also one of the speakers at the event where he presented two sessions on "Investigations and Surveillance in Today's Landscape."

Also of interest, was a wide display of historical artifacts from the PI Museum Collection provided by founder **Ben Harroll**. ■

NEWS AND VIEWS

FORMER NYPD OFFICER TURNED PRIVATE EYE CHARGED WITH STALKING CHINESE EX-PAT

A former NYPD sergeant-turned-private eye was among eight people charged with illegally participating in a Chinese government program that seeks to force expatriates to return to China to face prosecution.

A federal complaint filed in Brooklyn federal court alleged that Michael McMahon, a private detective licensed in New Jersey, was hired in October 2016 to “investigate and surveil” a former city government official from China living New Jersey.

McMahon later joined in the alleged stalking of the target — identified only as “John Doe-1” — as part of a failed campaign of coercion and intimidation that included bringing the ex-pat’s elderly father to the US and leaving a threatening note taped to the front door of his house, court papers said.

“If you are willing to go back to the mainland and spend 10 years in prison, your wife and children will be all right. That’s the end of this matter!” the note said in Chinese.

The scheme was part of a Chinese program called “Operation Fox Hunt” to “forcibly repatriate PRC citizens living in the United States and other countries who are wanted in the PRC for allegedly committing various crimes,” court documents say. The program has seen operatives regularly flout US law, despite “repeated warnings” to Beijing, the papers charge. For more, read [here](#) and [here](#). ■

FORMER HOUSTON TEXAS POLICE CAPTAIN TURNED PRIVATE EYE CHARGED WITH AGGRAVATED ASSAULT

At the height of recent U.S. election, many investigators found employment not only in the traditional “political investigation” but a broader effort to challenge the validity of the election.

A Texas investigator was retained to prove voter fraud claims. A former Houston, Texas police captain, who remains licensed by the State of Texas was accused of holding an innocent air conditioner repairman at gunpoint after running him off the road in an attempt to locate fraudulent ballots.

The Harris County District Attorney “His alleged investigation was backward from the start-first alleging a crime had occurred and then trying to prove it happened.” The private investigator-Mark Anthony Aguirre-was charged with aggravated assault with a deadly weapon, a second-degree felony.

Aguirre was one of 20 investigators that were hired to look into potential voting misconduct nearly every day leading up to the election.

Aguirre related to police he was part of a group of private citizens called Liberty

Center, who were conducting a civilian investigation into the alleged ballot scheme. Aguirre conducted surveillance on the victim, and developed a theory that the air conditioning repairman, and detained him by ramming his van and forcing the driver to the ground. Upon inspection, the truck contained only air conditioning parts and tools. The investigation was part of a larger unsuccessful lawsuit to have Harris County ballots tossed. For more, read [here](#) and [here](#). ■

PRIVATE INVESTIGATOR ILLEGALLY SELLS US DATABASE INFORMATION TO BRITISH PRESS

A private investigator revealed that a British tabloid paid him large sums of money to spy on Meghan Markle at the onset of her relationship with Prince Harry.

Daniel Portley-Hanks, who is now a retired private investigator out of Los Angeles, was hired by The Sun to obtain private information about Markle, now the Duchess of Sussex. The investigator illegally obtained Meghan Markle's social security number and other sensitive information

The paper's invoices by Portley-Hanks in which he was paid \$2,055 included charges for information he obtained through the restricted database service TLOxp where addresses, cell phone numbers, and social security numbers can be found. The private information of Markle, her family, and her ex-husband were located and sold.

The U.S. allows this information to be used in criminal and civil cases. However, it is against the law for such sensitive intelligence to be sold to news agencies. You can read more [here](#) and [here](#). ■

CITY OF LISBON, PORTUGAL ASSESSED 1.3 MILLION DOLLAR FINE BY DATA PROTECTION COMMISSION

The mayor's office in Lisbon, Portugal's capital, was fined \$1.4 million for sending the personal information of protest organizers to foreign diplomats whose countries were the targets of those political demonstrations, the European country's data protection commission announced Friday.

Among the countries that received such sensitive data was Russia, where authorities are accused of increasingly cracking down on its critics. The national commission ruled that the fine was justified based on the 225 instances in which Lisbon authorities violated the General Data Protection Regulation.

The practice of data-sharing, which dates as far back as 2012 under a previous mayoral administration, became illegal after the sweeping set of data-protection laws were enacted across the European Union in 2018. Nevertheless, data-sharing continued until last year. You can read more [here](#). ■

LIAR, LIAR, PANTS ON FIRE

by Steven Kirby, SII

Most of us remember the childhood taunt, "Liar, liar pants on fire. Nose is long as a telephone wire." Oh, if it were only that easy to spot a liar. If every time someone told a falsehood their pants went ablaze our jobs would be much easier, as would life in general (except for the fire fighters). Or if, like Pinocchio, the liar's nose grew exponentially with each lie. But in our profession, it's just not that easy.

People lie all the time and for a variety of reasons. PsychCentral claims that there are 30 common reasons people lie. Here are a few I am aware of.

- Some lie to make the recipient feel better or to not hurt their feelings. *"No dear, that dress doesn't make you look fat."*
- On the other hand, some lie to cause harm to other. *"I think John stole the money."*
- The term gaslighting has become common, when a manipulative person lies to a victim of their abuse to convince the victim they are wrong. *"I wasn't with any girl at the tavern last night. You must be paranoid."*
- Some just lie to get ahead. *"I shot a 4 on that hole."*
- Some witnesses lie because they don't want to get involved or they are afraid. *"I had my back turned so I didn't see anything."*
- A procrastinator, or just a lazy person, will lie to avoid doing what needs to be done. *"I was too busy to get to that report."*
- Some people lie to cover up a hidden past. *"I have never been convicted of a crime."*
- Lying can minimize consequences. *"I didn't mean to do it. It was an accident."*
- Some lie to avoid embarrassment. *"I didn't clog the toilet."*
- What better way to impress someone than to lie about accomplishments? *"I graduated first in my class."*
- People lie to get sympathy. *"I had to walk to school 3 miles with hole in my shoes... In the snow."*
- Salesmen lie to close the deal. *"This car was driven by a little old lady on Sundays to bible class."*
- Narcissists lie to make themselves look better. *"I won the 2020 US election."*
- A person who wants to believe a falsehood badly enough may lie out of habit. (See above)
- But the most common reason for lying is self-protection. To avoid trouble and consequences. *"I didn't do it."*

As investigators, our job, in a nutshell, is to ferret out the truth. In short, we are truth finders. So, with so many liars out there, and with so many reasons to lie, how do we determine truth from fiction? Fortunately, most liars aren't very good at it. Most are not comfortable with their lies and lying creates conflict. In theory, when a person lies about something consequential, there is a perceived threat to the liar that his lie will be exposed, and they will suffer the consequences. A person being questioned by the police fears incarceration. A person being questioned by the boss could fear termination. A lying witness being cross examined on the stand might fear being caught committing perjury. That fear creates a fight or flight response in the autonomic nervous system, which manifests itself in behavior symptoms, which are an effort to alleviate the stress of lying.

There are a couple of caveats in analyzing behavior symptoms. First, behavior symptoms are not evidence per se. Rather they are an indicator to the astute investigator that there is a probability that they are being lied to. The symptom must be timely and specific to a certain question. Most

witnesses and subjects are nervous because they are being questioned, so general nervousness is not necessarily a reliable indicator. However, if a fairly calm witness suddenly starts to display nervousness only when a pointed question is asked, that might be just what you are looking for. A good way to test is to watch the subject's behavior when inconsequential questions are asked, such as the spelling of his name. It's important to note whether they are calm at the onset and become nervous when asked specifics, as opposed to being nervous from the get-go, even when non-threatening questions are asked.

VERBAL INDICATORS OF DECEPTION

Vocal tone: If a person's vocal tone changes when asked a hot question, raises in pitch, the voice croaks, or they whisper an answer, be aware. Sometimes vocal tone is caused by dry mouth, another good indicator.

Qualifying answers: Answering a question by first saying things like, "To the best of my recollection;" "Not that I can recall;" or similar qualifiers are often said so that the person thinks they can't be accused of lying if they claim that they don't remember. The problem is that to a direct question, it's a ridiculous statement, and a strong deception clue. Q *"John, were you in the house when the gun shots rang out?"* A *"Not that I can recall."*

Objecting / not denying: A weak liar will sometimes answer a direct question, or accusation, not by denying but by trying to convince you he's truthful. *"I wouldn't do something like that. I'm a Christian."* Note that they are no longer denying the accusation. The ironic thing is that most objections are true. In this case the subject is most likely a Christian, just not a very good one, at this point in time.

Repeating the question: Repeating the question, particularly a direct one, is a way to stall for time so that the liar can think of a good answer. Unless you mumbled, he heard you. He's just delaying. It's often followed by a question back to the interviewer with an objection. *"Did I steal that money? Why would I do that? I have plenty of money."* Of course, the proper answer for the truthful person is a simple no. The reason for repeating the question is usually to give the subject time to make up a lie or to simply avoid answering the question, therefore not technically lying.

Swearing the truth: Other than when taking an oath in court, the odds are when a person swears to a higher God, or on a Holy Book, or their mother's grave, aside from being a liar, they are kind of disrespectful. Similarly, if you hear *"may God strike me dead,"* or *"may I be struck by lightning,"* don't be impressed and look out for thunder.

Clipped answers: Often a subject or witness will only offer the briefest of explanations when asked an open question like "What happened?" Then, if asked for more details, is a little more forthcoming. This must be considered in context, but if you feel like a dentist pulling teeth, and have to drag the story out of them, you may be confronting a liar.

Saying too much: On the other side of the coin is the liar who just goes on and on trying to deceive you by confusing the issue.

Clearing the throat: An on-time clearing of the throat before answering can be a good clue that a lie is about to follow.

NONVERBAL INDICATORS OF DECEPTION

Eye contact: Judging eye contact can be tricky but also can be a reliable indicator of deception. A subject or witness might just be shy and never looks anyone in the eye. Or, like an uncle I once had, was simply too shift to ever look someone eye to eye. Still, if the subject averts their eyes

(usually looking down) when asked a specific question, or when denying a specific accusation, it can be very telling.

Fidgeting: The person who can't sit still, makes seismic shifts when asked the hot questions, and is constantly moving is typically beyond just general nervousness. Often, the shift to the killer question is accompanied by looking away from the interviewer.

Covering the mouth: Imagine the psychology of a liar who, when lying, puts his hand over his lips to unconsciously block the lies from coming out of his mouth. Hard to believe it happens, but it does.

Grooming: Brushing imaginary lint from clothing (typically a lap or arm), picking at fingernails, examining an imaginary item on their hands, or other distracting movements are most often the subject trying to avoid the question.

Non-congruent gestures: Perhaps my favorite nonverbal indicator is the subject who answers no while nodding his head yes or vice versa.

Crossed arms and legs: This is a defensive posture by the liar to keep your words away from him.

Red faced / sweating: Both can be a tell.

Inappropriate yawning: Unless you are boring the subject, he shouldn't be yawning. That is more likely a defensive mechanism.

IMPORTANT TO REMEMBER

Behavior symptoms are not evidence but are rather an excellent aid to a good investigation.

Having questioned people in several foreign countries, I have found that behavior symptoms are universal. As most CII members know, we are more alike than different.

Between verbal and nonverbal indicators, nonverbal are the more accurate because they are the indicators the liar often cannot control, and usually doesn't even know they are there.

In order to illicit behavior symptoms, the lie must be something of importance, which has consequences. If there is no threat to the subject for lying then the fight or flight mechanism will not be triggered and the subsequent signs of deception will not be notable.

An important note of caution is that in order to be an effective sign of deception, behavior symptoms must occur in clusters, the more the better. The investigator cannot rely on the single absence of eye contact, or a one time clearing of the throat to brand a subject as a liar. Ideally, the verbal and nonverbal indicators should occur concurrently, for example answering, "Not that I know of," while shifting in the chair. Or, looking directly at the questioner until each time a hot question is asked and then averting eyes, or completely looking away, while brushing that invisible lint away.

Finally, just as an accomplished poker player will try and control their tells, effective liars will typically display less bad behavior symptoms. But, for the average person, thankfully, like said in the Eagles hit song, *"There ain't no way to hide those lying eyes."* ■

About the author:

Steve Kirby is a licensed private investigator in Illinois and Wisconsin and has been licensed since 1975. He was also a licensed polygraph examiner in Illinois for over 25 years before retiring from that profession. He is currently semi-retired. He was the Executive Director of the Council of International Investigators from 2013 to 2020. And that's the truth.

Copyright 2022 Permission is granted for CII members to share with attribution.



WORKPLACE HARASSMENT

THE OBLIGATIONS OF EMPLOYERS, THE RIGHTS OF EMPLOYEES, THE RISKS OF NOT ADHERING TO THE CURRENT LEGAL OBLIGATIONS, AND WHO CAN INVESTIGATE

by Kelly Burgess

The impact it had on him was initially surprising. Shane was a new employee and did not expect to hear his boss tell him how good it was to see such a pleasant face in the branch meeting that day. In the subsequent encounter, his boss playfully grabbed his shoulders and suggested he should stop smelling so good at work. The next day, his boss told him to come to his office immediately. In the office, his boss asked him casually about his sexuality. He was no longer surprised; he felt harassed.

His employee reminded Samir of his first real relationship after he became honest about his sexuality. He understood how he must feel being a gay man in a highly corporate, almost militant work environment. He felt like he needed to support and mentor him. However, he wasn't sure how to broach the subject or make him feel at ease, so he cut to the chase and asked. He was mortified when he was later accused of sexual harassment.

In the above example, there is the Complainant's version, the Respondent's version, possible witnesses, organizational dynamics such as employee/supervisor relationship, legislation, policies, rights, and training implications. Not to mention the psychological harm done. Employers are required to investigate complaints and a decision must be made about who conducts the investigation, an Internal or External Investigator, and the need for that person to be trauma-informed.

Notwithstanding the above scenario, there are many separate and distinct types of harassment that can occur in the workplace, and investigators need to be well-versed and upskilled in these particular investigative areas. Some examples of workplace conflict issues include:

- Discriminatory Harassment
- Harassment Based on Pregnancy
- Harassment Based on Race, Colour, Ethnic Origin and Religion
- Harassment Based on a Disability
- Harassment Based on Sexual Orientation
- Harassment because of sex in workplaces
- Sexual solicitation by a person in a position to confer benefit, etc.

As a result of many high-profile cases, employers recognize the need to get ahead of potential public bombshells and see workplace harassment complaints as opportunities to fix problems and improve workplace culture.

In my 28 years of investigative experience in criminal, regulatory and private sectors, I have seen my share of poor management, harassment, sexual harassment and bullying. The common questions that arise are:

- is poor management a form of harassment?
- what is workplace harassment?
- what are your rights as an employee and your obligations as an employer?
- what are the risks of not investigating allegations of harassment or discrimination in the workplace? How do you decide who should investigate claims of workplace harassment?

WHAT IS WORKPLACE HARASSMENT?

In Ontario, Canada, the Ontario Human Rights Code (OHRC) defines harassment in employment as comments or actions that are unwelcome to you or should be known to be unwelcome. You have the right to be free from humiliating or annoying behaviour based on one or more Code grounds.

Workplace Harassment, as defined under the Ontario Occupational Health & Safety Act (OHSA), means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome and includes workplace sexual harassment. Additionally, the Canada Labour Code (subsection 122(1)) defines harassment and violence as “any action, conduct or comment, including of a sexual nature, that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee, including any prescribed action, conduct or comment”. This also includes any negative behaviours based on the prohibited grounds of discrimination identified in the Canadian Human Rights Act.

EMPLOYEE RIGHTS

All workers are entitled to a safe and healthy workplace. Workers in the workplace who see a health and safety problem such as a hazard or contravention of the OHSA have a duty to report the situation to their employer or a supervisor.

EMPLOYER RESPONSIBILITIES

Employers are required to investigate allegations of workplace harassment. Period.

Section 32.0.7(1) (2) of the OHSA explains the employer’s duties to protect employees from workplace harassment. The employer shall ensure that:

- (a) an investigation is conducted into incidents and complaints of workplace harassment appropriate in the circumstances.

(b) the worker who allegedly experienced workplace harassment and the alleged harasser, if he or she is a worker of the employer, are informed in writing of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation.[4]Bills 132 and 168 amend the OHSA to empower health and safety inspectors to require an employer conduct an investigation, at the employer's expense, by an unbiased party and to obtain a report at the employer's cost from that impartial party. They must also maintain policies and programs to address workplace harassment. The procedures must set out how incidents or complaints of workplace harassment will be investigated and handled.

Bill 168 amends the OHSA and requires employers to have policies and programs in place to address workplace violence, workplace harassment and domestic violence that may occur in the workplace. Employers must also have procedures in place for workers to report incidents. Bill C-65, which came into force in Canada on January 1, 2021, amended the Canada Labour Code and now refers to the Workplace Harassment and Violence Prevention Regulations. The Regulations introduced several amendments to strengthen the existing harassment and violence prevention framework. This includes sexual harassment and sexual violence, discrimination, and family violence in federally regulated industries and workplaces. It mandates that Supervisors/Managers follow steps towards a resolution process within specific timeframes when responding to notifications of harassment and violence.

IS POOR MANAGEMENT HARASSMENT?

Unfortunately, many workplaces struggle with ineffective leadership, which erodes employee trust and confidence. The goal is to have a robust and well-informed management team who understands their legislative obligations and instills and demonstrates a culture of respect for all employees. Nonetheless, there may always be employees with maladaptive tendencies in the workplace who enjoy the tension related to conflicts and could make false or spiteful complaints.

WHAT IS NOT WORKPLACE HARASSMENT?

As defined in the OHSA under Bill 132, Schedule 4, 1(3) (4), "a reasonable action taken by an employer or supervisor relating to the management or direction of workers or the workplace" is not workplace harassment.

EMPLOYER RISKS FOR NOT INVESTIGATING HARASSMENT COMPLAINTS

Canada has had several high-profile workplace investigations, from Hockey Canada to the Canadian Military to the billion-dollar RCMP civil suit. Failure to act when harassment of any kind is reported to the organization, failure to meet your obligations under the legislation, failure to investigate, or failure to conduct a proper investigation can have devastating effects on the employer's brand, image or credibility. In addition, the organization may face lawsuits under the Human Rights Code, such as "Constructive Dismissal" related to discrimination, and penalties and fines under Health and Safety legislation related to a harassment complaint.

Your company could also experience a backlash from disgruntled employees, further complaints, and face substantial legal costs and pay out money for damages. You, your company or your employees could also face civil lawsuits that could take years to resolve. Akin to financial distress and negative media attention, anyone who has been under investigation or connected to an investigation knows the personal toll and devastating impact investigations can have on their wellness and mental health. It is all-consuming and, for some, life-altering.

Knowing these risks and consequences, employers can reframe how they see workplace complaints and allegations as opportunities to find out what is happening internally and address a

problem before it's too late.

DECIDING WHO CAN BEST INVESTIGATE ALLEGATIONS OF WORKPLACE HARASSMENT

Depending on the organization's size and structure, internal investigations can be attractive from an employer's perspective as they can feel less intrusive and appear more cost-effective at the outset. However, the complexities and problems that can arise from an improper internal investigation may quickly outweigh the appeal of handling it internally.

Often, internal investigators may be members of a Human Resource Department and may not regularly conduct investigations as a job function. Furthermore, internal investigators may be viewed as biased towards the employer by the parties involved.

External investigators are seen as neutral and unbiased. Well-trained Investigators will reinforce that mindset when they meet the parties involved, which tends to affect employee morale positively.

External investigators understand the expectations and requirements should litigation arise following allegations of workplace harassment, violence and discrimination.

THE BENEFITS OF AN EXTERNAL INVESTIGATOR

In Ontario, currently there is no regulatory body to oversee Workplace Investigators. The choice of an external investigator should be based on best practices:

- independent of the organization even though the employer has hired them
- impartial and perceived by the participants to be impartial
- skilled to conduct the investigation through relevant training, education and experience
- the investigator must ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation
- having a trauma-informed approach is becoming increasingly more critical in Workplace Investigations.

In our workplaces, we may want to be more mindful of the dynamics of our often well-intentioned but flawed human conditions. To support our human experiences at work, employers need to have clear policies related to harassment, violence and discrimination-related behaviour in the workplace and ensure those policies are communicated and enforced.

Employees must adhere to the policies and speak up when they witness, or experience harassment and discrimination in the workplace. Employers must adhere to their legal obligations to investigate when appropriate. The risks and consequences are too significant.

Each Province in Canada has their own, similar, Workplace legislation and policies. For helpful assistance on how employers on Ontario can meet their legal obligations, please visit the Ontario Ministry of Labour's 'Code of Practice to address workplace harassment. The site has general information for guidance as well as a template for a workplace harassment policy, a workplace harassment program and an investigation plan. You can read the code of practice [here](#).

Check back for the next issue when we discuss topics related to **Workplace Assessments and Workplace Restorations**. ■

About the author:

Kelly Burgess is a certified workplace investigator specializing in witness interviews with Reed Research Limited in Toronto, Canada.





PERSONAL MITIGATION HAS THE GREATEST POSITIVE IMPACT ON SENTENCING

by Anna Stowe

In his April 17, 2022, article entitled Modern Sentencing Mitigation, John B. Melxner, Jr., states that mitigation is a central predictor of sentencing outcomes. Melxner took data points from mitigation memorandums such as personal mitigation, health, mental health, remorse, and offense and studied how each affects sentencing outcomes. He cross-analyzed how important it was to show evidence of each factor. Mitigation Specialists could have predicted the outcome of his studies.

Not surprisingly, his data observed that personal mitigation, health, and mental health had the greatest positive impact on sentencing and that the more words written about this evidence, the higher the positive impact. Sentencing memorandums must include as much personal mitigation as possible, followed by evidence of physical and/or mental health challenges throughout the client's lifetime. Documenting each struggle, when it began, how the caretakers reacted to the need, and the outcome is significant and most often does lead to a reduction in sentence.

An example would be an emotional concern of the client around bullying in elementary school. The client informs her parents of this concern, and the parents fail to act or show support. In middle school, the client is failing two classes. The parents also fail to address grades or inquire about the client's mental health. In high school, the client begins using drugs as a coping mechanism. Parents are aware of drug use but do nothing of substance to curtail the behavior

or inquire about the client's mental health. By documenting each of these stages and using real-life examples told in the client's own words, the Mitigation Specialist is building personal mitigation and the neglected need for mental health services.

I cannot emphasize enough how critical it is to write an impactful, detailed history of your client's family of origin and any neglect. Remember, what may seem normal in one culture, can be viewed as neglectful in another. Some cultures don't address mental or physical health unless there is an observable emergency. Despite cultural acceptance of neglect, your client more than likely went to school with others from different cultures and formed their framework of what is acceptable outside of the family unit. They knew others were treated differently in their homes.

Finding, providing, and creating an impactful personal mitigation memorandum along with evidence of mental or physical neglect can be very powerful. Today's judges are more informed and more likely to consider personal history when formulating a sentence. If you'd like to see Melxner's article, you can find it [here](#). ■

As CEO and Lead Investigator at Anna Stowe Investigations, Anna helps attorneys looking to achieve the best possible outcome for her clients. With over 22 years as a mitigation and criminal defence investigator, she uses a collaborative approach to bring her client's history and story to life in the courtroom.

TRINIDAD AND TOBAGO: THE RISING COST OF CRIME

by Pauline Hamilton



TRINIDAD AND TOBAGO HAS SPENT MORE MONEY ON CRIME THAN ANY OTHER COUNTRY IN THE CARIBBEAN & LATIN AMERICA, ACCORDING TO AN IDB STUDY. THE PROPORTION OF FIRMS PAYING FOR SECURITY RANGES FROM 44% IN SAINT LUCIA TO 85% IN TRINIDAD AND TOBAGO. HOW IS THE RISING COST OF CRIME AFFECTING THE PRIVATE SECTOR?

Crime is ubiquitous; it has adverse effects on all spheres of society. Even with constrained economic resources, government must therefore continue to invest heavily in control measures, which are traded off against spending on other critical public services such as healthcare, education, utilities, infrastructure, social services and public sanitation. Criminality distresses individual citizens as well as the commercial sector, which reports that there is scarcely any business which has not been affected by crime.

Criminal actions are commonly divided into five main categories: property, inchoate (such as solicitation and conspiracy), statutory, personal, and financial. Every crime produces undesirable consequences for the victim, whether psychological, physical, financial, or a mix of these; and they can be short- or long-term.

MAPPING THE COST OF CRIME

The financial impact of crime is felt strongly by the business community, since it increases the cost of doing business.

There are two aspects of the economic impact of crime. At the primary level there are costs expended in the anticipation of crime, especially measures to circumvent it: locks, monitored alarm systems, CCTV surveillance, security officers, etc. There are also costs incurred as a consequence of crime, such as loss of property, medical expenses, and victim support. There is a cost to responding to crime too, involving the police, fire and ambulance services, prosecution, court proceedings, and legal fees.

The secondary financial impact of crime takes into account the national economy, where it can discourage domestic and foreign direct investment, tourism, and economic growth. It can also reduce the quality of life and property values. The fear of crime often deters businesses from wanting to expand or continuing to operate in certain geographic areas. Even businesses operating in relatively crime-free zones may experience a decline in patronage as citizens are reluctant to venture out, especially after dark.

The costs incurred by businesses when they put in place measures to mitigate against crime can send the cost of goods and services to the customer spiralling upwards, resulting in reduced sales. Or, if these costs are borne by the operator, they reduce profitability and can eventually lead to smaller companies going out of business.

TRINIDAD AND TOBAGO'S CRIME EPIDEMIC

An increase in crime and violence in Trinidad and Tobago, particularly since 2000, has intensified perceptions of insecurity among citizens and businesses. Table 1 shows fluctuations among key offences, over a five-year period.

Offence	2018	2017	2016	2015	2014
Burglaries & break-ins	2017	2176	2187	2111	2592
Fraud offences	540	568	1016	592	223
General larceny	2054	2153	1952	1870	2364
Kidnapping for ransom	20	17	3	4	3
Larceny of motor vehicles	573	785	647	785	742
Robberies	3239	2913	2595	2469	2672

Table 1: Selected offence indicators which may impact the private sector, 2018 to 2014

Between 2014 and 2018, robberies in Trinidad and Tobago increased by 21%, and fraud offences by 142%. There was a fall in burglaries and break-ins, general larceny and larceny of motor vehicles (see Figure 2). There is no data available to better understand the impact on the workforce/businesses of crimes committed against employees.

Crime in Trinidad and Tobago takes a heavy toll on the private sector in terms of costs. Often overlooked is the collateral damage incurred by the victim, whether individual or business. In the case of a business the internal business loss might be \$20,000 from a safe, but the external or true loss would include the cost of repairing or replacing the safe, replacing the broken door or window through which entry was gained, replacing any destroyed electronic surveillance systems, and the cost of further hardening the target. On top of all that comes the likelihood of an increase in insurance premiums.

In Trinidad and Tobago, the local corporate community invests heavily to protect businesses, especially during the hours of darkness: is it possible that this could motivate criminals to become more brazen and operate by day, judging the effort to reach the target too great at night? This seems to be the trend: more and more business-related crimes are taking place in daylight during business hours, such as the attempted robbery at Trincity Mall which took place at 1pm on a busy Saturday in October.

The fear created by daylight crime can result in more consumers shopping on international websites, thereby decreasing the market share of local businesses. Other trends in Trinidad and Tobago are carjacking and credit and debit card skimming: both have been around for a while but appear to be on the rise, and are also contributing factors to growth in online shopping which can be done relatively safely at home. Last

year's report from the Office of the Financial Ombudsman showed an increase in account and transaction complaints from the banking public, often referring to unauthorised transactions such as card-skimming.

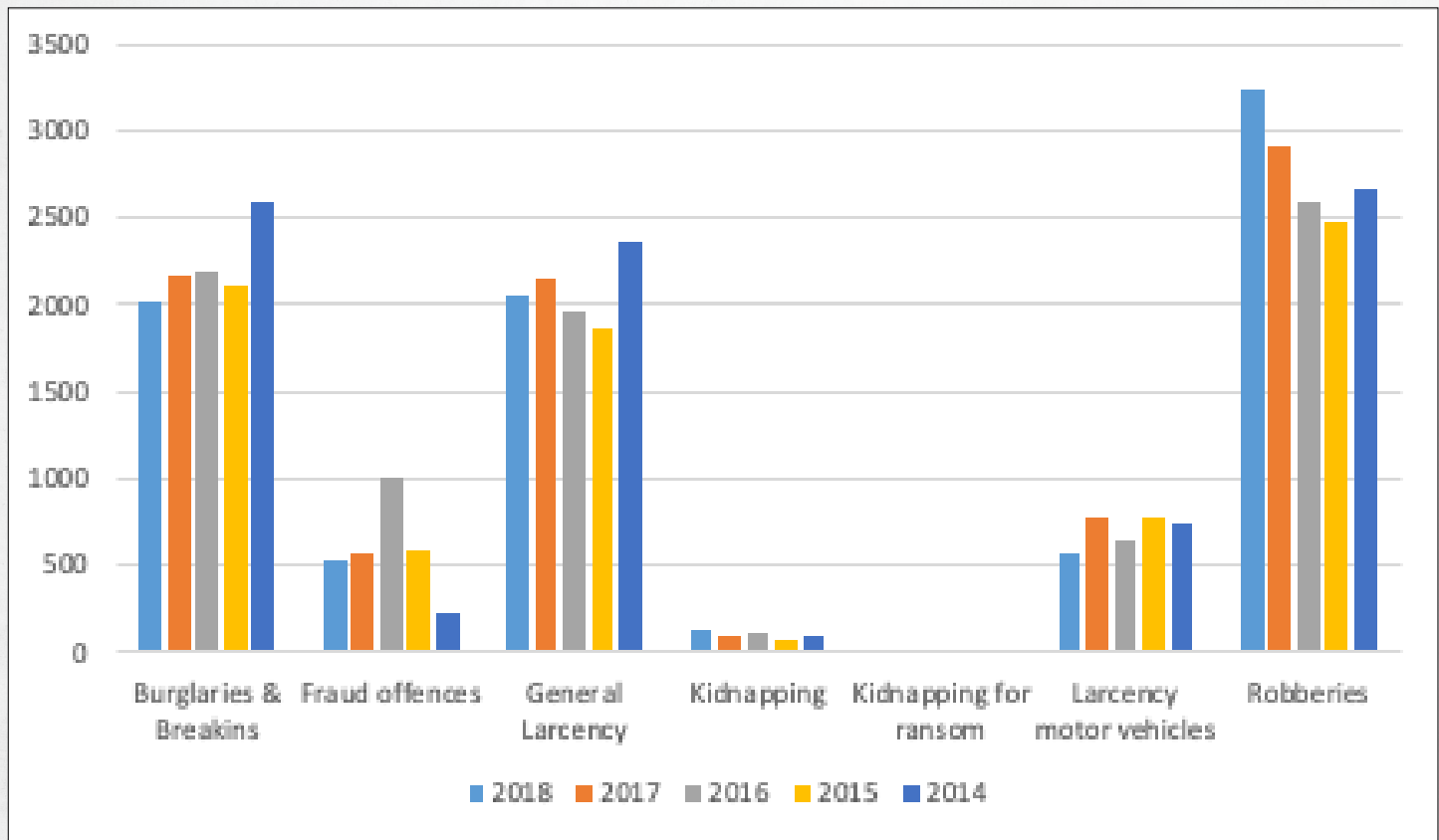


Figure 2: Growth in selected offence indicators Impacting the private sector, 2018 to 2014

PRIVATE SECTOR INITIATIVES

Apart from the effects of crime on the local private sector, what causes crime? And what can be done to deter potential criminals?

The most readily accepted theories cite parental neglect, alcohol and drug abuse, lack of education, poverty, the influence of gangs, unemployment, and a dwindling middle class. All these factors are clearly evident in our society and are likely to be contributing factors to crime.

But what should be done about them, and by whom? Is the government doing enough to curb crime? The local justice system is plagued by processing delays, long backlogs, and low conviction rates. Just as we harden targets to protect them and deter criminals, why are we not making crime itself more unattractive to criminals by improving their chances of arrest and conviction and increasing the impact of penalties?

Community outreach is one way of working with at-risk youths. The Trinidad and Tobago Police Service, in collaboration with corporate leaders, has established about 113 youth clubs across the country. These provide training, education and recreation for young people, many of whom are offered part-time employment during school vacations by businesses. A number of them have even gone on to become permanent employees.

Effective rehabilitation can change the mind-set of prison inmates by improving self-esteem and the ability to fit into society after serving their sentences. Without the skills and knowledge to lead productive lives, they often leave these institutions even more committed to a life of crime.

Over the years, the Trinidad and Tobago Chamber of Industry and Commerce, with the aid of the private sector, has established over 500 neighbourhood crime watch groups across the country; this project is still ongoing. Conspicuous signs are erected in the community, with residents monitoring the neighbourhood and reporting back any suspicious activity.

The general consensus of the business community and the broader populace is that there needs to be a more concerted effort by government to address crime which, if allowed to continue unchecked, will damage Trinidad and Tobago's long-term economic sustainability, FDI levels and skilled workforce.

TRENDS IN THE CARIBBEAN

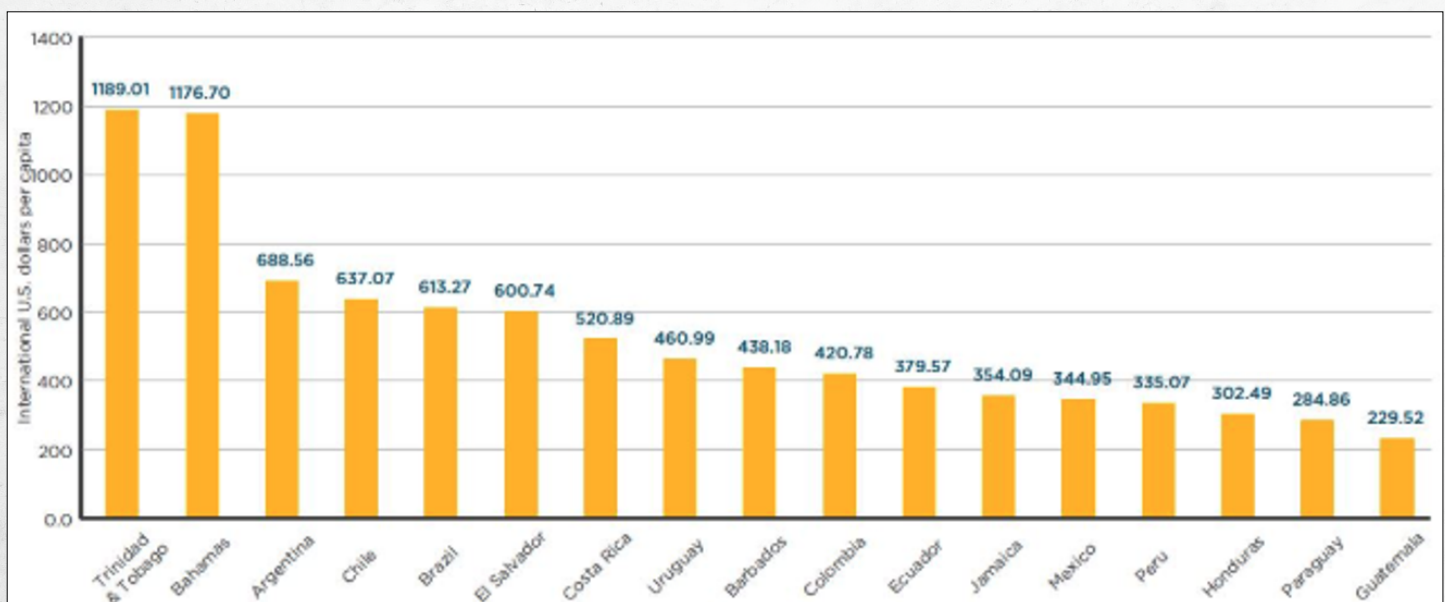


Figure 3: Crime-related Costs (Upper Bound) in U.S. Dollars Per Capita in Latin America and the Caribbean, 2014

The 2017 IDB report states that nearly one in four Caribbean businesses (23%) reported losses due to theft, robbery, vandalism or arson. While the percentage of businesses that suffer losses is relatively high in the region, the average amount lost (2.3% of annual sales) is lower than the Latin American and Caribbean regional average (3.6%) and the international average (4.8%).

Beyond the costs of being victimised, 70% of regional firms reported spending money on security, including equipment, insurance, personnel, and professional security services. This is substantially higher than the world average in the World Bank Enterprise Survey (55.6%). On average these expenses accounted for 2.4% of annual sales.

The portion of firms paying for security in the Caribbean ranged from 44% in Saint Lucia to 85% in Trinidad and Tobago, the highest in the region. Most firms reported spending

on alarm systems, security cameras, and gates. At the time of the study the local detection rate was also the lowest in the region, 13%, which was extremely low and declining.

Public expenditure on crime per capita was highest in Trinidad and Tobago at US\$460.60 per capita per annum, which was more than double the regional average of US\$194.50.

Trinidad and Tobago also had the highest crime-related costs in the entire Caribbean and Latin American region at US\$1,189 per capita per annum, and the third highest as a percentage of GDP at 3.52%.

From 2014 to 2018, robberies in Trinidad and Tobago increased by 21%, and fraud offences by 142%. Conversely, there was a fall in burglaries and break-ins, general larceny and larceny of motor vehicles

Beyond the costs of being victimised, 70% of regional firms reported spending money on security, including equipment, insurance, personnel, and professional security services. On average these expenses accounted for 2.4% of annual sales

While 85% of T&T businesses 'spent money on security', the highest in the region, at the time of the study the local detection rate was the lowest in the region. ■

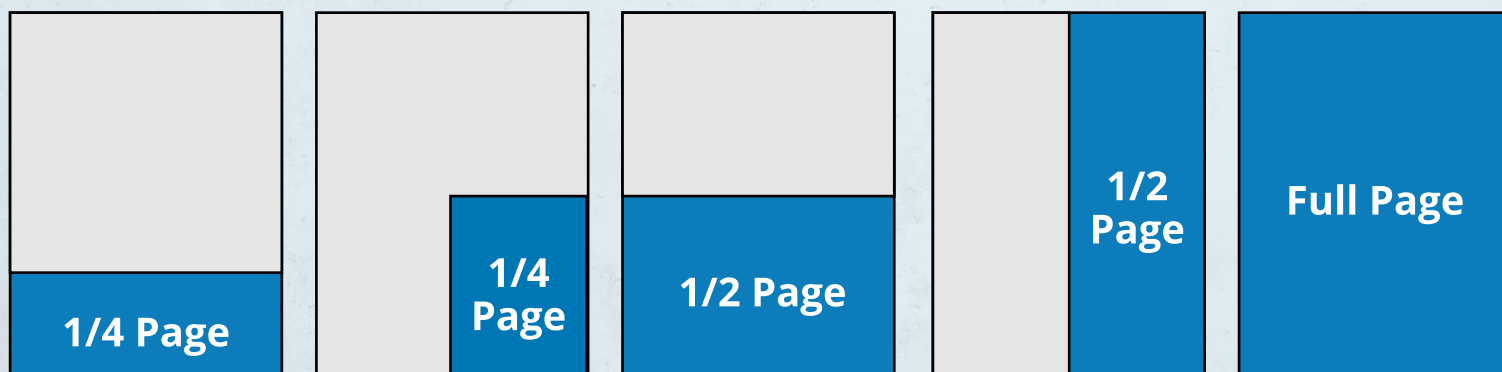
Pauline holds a MSc degree in Risk and Security Management, BSc Criminal Justice and Logistics, Diploma in Business Management. Pauline is the Security Technical Advisor to the Ministry of Education (MOE) GORTT. She is a specialist member of the Institute of Risk Management (UK) with SIRM.

LET THE WORLD KNOW WHO YOU ARE... ADVERTISE IN THE COUNCILOR

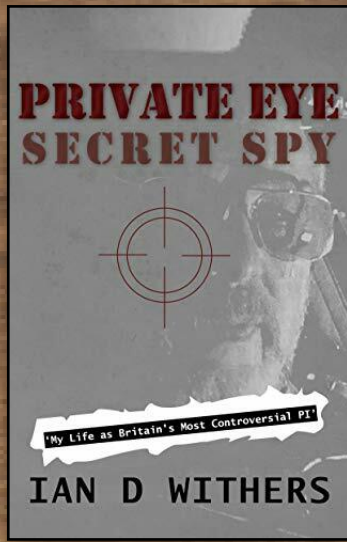
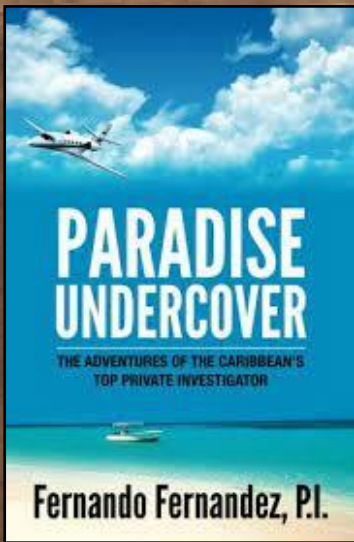
Issues	Ad Size	Dimensions	Price
1	Full Page	11" H x 8.5" W	\$ 150
2	Full Page	11" H x 8.5" W	\$ 250
1	1/2 Page (horizontal)	5.5" H x 8.5" W	\$ 100
1	1/2 Page (vertical)	11" H x 4.25" W	\$ 100
2	1/2 Page (horizontal)	5.5" H x 8.5" W	\$ 150
1	1/4 Page (horizontal)	3.75" H x 8.5" W	\$ 75
1	1/4 Page (vertical)	3.75" H x 8.5" W	\$ 75
2	1/4 Page (horizontal)	3.75" H x 8.5" W	\$ 100

Guidelines for submission:

- Only eligible for active CII members
- Digital files only. Press-ready PDF or JPG (200 dpi or greater) in actual size
- Ads to be emailed to editor@cii2.org
- Content to be submitted prior to March 1, June 1, September 1 and December 1 respectively
- Page placement and magazine placement is at the discretion of The Councilor staff
- We reserve the right to reject ads that do not meet this criteria or do not conform to the CII Code of Ethics.



THE INVESTIGATOR'S BOOKSHELF



Click on the book covers to be taken to a purchase page on Amazon.com. Do you know of an interesting book you've read (or written) that has helped you in your career? Share it with your peers by sending an email to editor@cii2.org.



The Councilor | 2022 Q1



The Councilor | 2022 Q2



The Councilor | 2022 Q3

Click on the magazine covers to be taken to previous issues.

STAYING INSIDE THE LINES

by Brad Trew

We are taught as children to colour within the lines but to find our individuality. As adults we are taught to stay in our lane but think outside the box. We are encouraged to stay the course but also to take the road less travelled. It's an ambiguity that we struggle with throughout our lives. There are pros and cons to each avenue.

In some cases, bending the rules or even breaking them can yield far better results. History has been shaped by rule breakers and some of our greatest inventions have originated by those who work outside of the norm.

One of my favourite quotes is "If you always do what you always did, you always get what you always got." Or, as they say, "Those who say it can't be done should move out of the way of those doing it."

Great lessons can be learned by taking risks, and can be met with great rewards but also great consequences. Professional golfer Arnold Palmer has said "Know how to win by following the rules." And rapper Tupac Shakur says "Follow the rules or follow the fools."

YouTube is full of videos to learn how to do things from building a fence to flying an airplane. There is an infinite wealth of information given freely by experts in their fields. Knowing the correct method of doing something is only half the battle

and does not, by any means, make you an expert. Knowing how to light a fire does not teach you what to do in the event that fire gets out of control.

YouTube is also a great place to see how *not* to do things. Learning from other's mistakes can be a greater learning experience. It can show how to avoid pitfalls that we may not have previously realized. And it can help mitigate personal risk without compromise.

In an industry fraught with regulations, litigation and other consequences, this is sound advice. We as an industry are governed by our ethics and we pride ourselves on our integrity. It is said that

reputation is what others think or believe about you while integrity is what you know or believe about yourself. You cannot have a good reputation

without first having integrity.

Now, more than ever, we live in an information age to the point of information overload. It is nearly impossible to operate today without public oversight, scrutiny, review and criticism. It is equally impossible to know it all so it is in your best interest to fortify yourself with a strong foundation of knowledge, guidelines, policies, regulations and legislation so the line in the sand is clearly marked. Relying on external lessons can guide us down the right path. We now have the luxury to learn from the mistakes of others without putting ourselves in peril.

For examples on what can happen when you cross the line, see the news articles posted to this issue's *Watching the Detectives*. ■

"Intelligence is the ability to learn from your mistakes. Wisdom is the ability to learn from the mistakes of others."