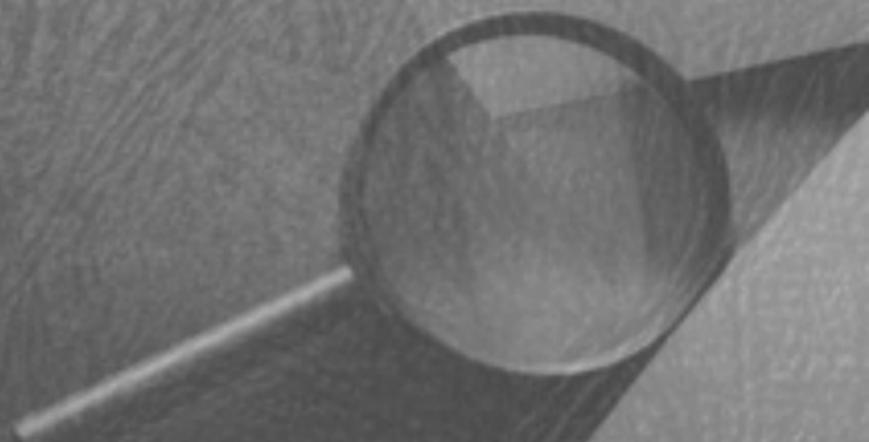


The Professional Guide For Alabama Private Investigators



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Acknowledgements:

The Private Investigative field has been a constant learning experience for me. I have had the honor of meeting and working with some great People in my career and have witnessed many changes in the profession born of both revised laws and advances in technology. One thing that has never changed, is the fact that an Investigator constantly needs continuing education.

I began my journey in this field in the late 1980's working for Jim Daniel of Mark II and associates. Jim Daniel had started his company from scratch but had impressive determination and dedication. I learned quite a bit from him and credit him for helping me to aim my career in the right direction.

Among the many great Investigators that I have had the privilege of knowing and working with is Kelly E. Riddle, co-author of this book, who has always been quick to share advise and contacts with fellow Investigators word wide. Kelly was a tremendous help in getting this book together, not only with his writings but in other aspects of publishing as well.

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Chapter 1 - Introduction

This Guide is intended to primarily serve two purposes; to help new Investigators with the basic knowledge they need to understand some of the common task, responsibilities laws and liabilities of a Private Investigator working in Alabama, and to help the seasoned Investigator, who has made the jump from another state or from law enforcement or similar fields, to understand the basic rules and guidelines that are specific to Alabama for Private Investigators. This book is intended as a guide, but nothing in this book should be considered as legal advice. I recommend that anyone who is faced with a legal question or decision should seek advice from an attorney. There are many different areas of practice pertaining to Private Investigators; this guide will arm the Investigator with a general knowledge of in-field practices and some extremely specific knowledge of rules, regulations, and liabilities both legal and civil. This guide will also offer the insight of two seasoned Investigators, Kelly Riddle and Jim Casteel. You will find that some writings that are of the same subject matter but from a different perspective are marked with the names of the specific author.

Chapter 2 - Definitions

Board: The Alabama Private Investigation Board. A state government regulatory board established for the protection of the public.

APIB: The Alabama Private Investigation Board. A state government regulatory board established for the protection of the public.

APIA: The Alabama Private Investigator's Association. A non-government non-profit organization created by Private Investigators for the purposes of advancing the profession through continuing education, networking and legislative pursuits.

Applicant: Any individual seeking licensure by the Board who has submitted an official application and paid the application fee.

Biennial: Every two (2) years.

Felony: A criminal offense that is defined and punishable under the laws of this state, or an offense committed outside the State of Alabama, which if committed in this state, would constitute a felony under Alabama law; a crime in any other state or a crime against the United States which is designated as a felony; or an offense in any other state, territory, or country punishable by imprisonment for a term exceeding one year.

Licensed Private Investigator (LPI): A person licensed by the Board to provide private Investigation services.

Private Investigation: The compensated act of any individual or company engaging in the business of obtaining or furnishing information with reference to any of the following:

- a) A crime committed or threatened against the United States or any state or territory of the United States.
- b) The identity, habits, conduct, business, occupation, honesty, integrity, credibility, including, but not limited to, the credibility of a person giving testimony in a criminal or civil proceeding, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputations, or character of any person.
- c) The location, disposition, or recovery of lost or stolen property.
- d) The cause or responsibility for fires, losses, accidents, damages, or injuries to persons or to property.

Private Investigator: A person who is engaged in private investigation as defined herein and who is licensed in accordance with this act.

- a) A person who, for compensation, performs one or more of the private investigation services defined and regulated by this act.
- b) A person who, for consideration, advertises as providing or performing private investigation. The term does not include an informant who, on a one time or limited basis, as a result of a unique expertise, ability, or vocation, and who provides information or services while under the direction and control

of a licensee of the Board, that would otherwise be included in the definition of private investigation.

Stationary Surveillance: Surveillance conducted from a stationary position from a vehicle, structure or outdoors (wooded areas). This can be performed from an area that is legally accessible to the public or on private property with permission of an authorized person.

Mobile Surveillance: Surveillance conducted on a person or persons while the person or persons are moving from one location to another.

Time shots: Also referred to as integrity shots; video or still photos that are date and time stamped, taken at regular intervals to verify the investigators presence. Time shots are typically taken when arriving in the area of a surveillance assignment and every hour until completion of the assignment.

Burnt: This is an industry expression to explain that an investigator has been exposed or detected by the person that they are attempting to conduct surveillance on.

Drive-by or Spot check: This is just a brief pass of a location in which the investigator will film to document vehicles, situations or people but does not remain or set up stationary surveillance.

T.S.C.M: Technical Surveillance Counter Measures.

Board Camera: Also known as printed circuit board cameras. These are small optical devices (lens) and image sensors mounted directly onto a circuit board. Many features and components are sacrificed to keep it very small in size. These boards typically do not include a recording device, but the video output (usually through RCA connectors) can be fed to a recording or transmitting device.

Ribbon Camera: Ribbon cameras are typically a micro lens camera feeding to a small video recorder/ IP transmitter. These cameras usually can be easily hidden and viewed via internet as well as recording to an onboard SD card.

Pin Hole Camera:

Camera with a cone shaped lens and small hole in the tip to make it easy to conceal.

L.E.T.S. This is Alabama's Law Enforcement and Traffic Safety agency.

SD Card: SD cards and Micro SD cards are common media storage in many types of video cameras ranging from sports cameras, drone cameras, covert cameras and professional video and still cameras. The Micro SD cards are basically a small version of the standard SD cards. SD means (secure digital).

Body worn: Refers to a camera or audio recording device that is typically worn on the Investigator's person or carried as an accessory. These cameras and audio recorders can be covert or in plain sight depending on the investigator's needs.

Open Source: Research done from free online sources and searches such as county and government site, social media sights etc.

Break off: To discontinue surveillance efforts and leave the area.

L.E.: Law enforcement.

Chapter 3-Legal Aspects, Limitations and Liabilities

(By Jim Casteel)

License and Reciprocity:

Who has to be Licensed?

Any individual, who performs Private Investigative services, as defined in chapter Section- 34-25B-2 et. Seq. (1975), for compensation is required to hold a Private Investigative license. The license must be a state issued license issued by the Alabama Private Investigation Board. There are some exemptions listed in chapter Section- 34-25B-24 et. Seq. (1975). But basically, if you advertise to do private investigative work for the general public or for a companies or law firms who you are not a W-2 employee of, you are required to be licensed in most cases.

Alabama currently has a limited license recognition agreement with some of our surrounding States. In a nutshell this means that an Investigator licensed in Alabama can work in those states on cases that originated in Alabama but are limited to the conditions of the agreement with each State these agreements are reciprocal.

The agreements are available on the A.P.I.B. website. Always check before entering another State to conduct investigative services. There are no exceptions for entering any other licensed states without reciprocity other than holding an active license in that state as well. There have been cases where an Investigator will feel that he or she has a right to enter another state if the Investigation originated in Alabama or if the subject was under mobile surveillance when entering the other State. If this occurs and the Investigator enters a State where he or she is not licensed and there is no reciprocal agreement, not only can the evidence accumulated be thrown out having been illegally obtained, but the Investigator could face criminal

charges in the non-reciprocal State that he or she entered and preformed Investigative services in without a license. With that stated, it is important to put human life and safety first when making decisions in the field. Attorney Steven W. Shaw pointed out to me that there may be times that an Investigator has to go into the civilian or good Samaritan mode when circumstances may indicate that a life is in danger. If an Investigator is working a case and he or she observes a crime that is endangering or potentially endangering lives, such as an abduction situation or impaired driver, they should continue following that person and notify the authorities even if that person travels to a non-reciprocating State. That is a moral call and there is no guarantee about how the other state will react to those actions, but it's my experience that intent goes a long way.

It is important to realize that licenses are issued to individuals for those individuals only and there are no exceptions that allow an individual who is not licensed to preform investigative duties under a licensee's license. If you have a non-licensed friend or relative help you by preforming any type of surveillance or investigative services that you are billing a client for and/or are paying them for; you are in violation of chapter Section 34-25B.

Laws that every Investigator should know:

Laws are subject to amendments and revisions therefore every Private Investigator should make a habit of learning local State and Federal laws that pertain to your specific scope of investigations and monitor the system for changes and revisions of these laws as well as passing of new laws that may have some effect on how you perform your investigations. Laws should not be the only determining factor in an Investigator's actions, although the Investigator should never violate the law there are circumstances where the Investigator's actions may not be illegal but may still be unethical and/or could put the Investigator in a civil suit. Common sense and a basic knowledge of right and wrong goes a long way in protecting any Investigator. A good practice is that "when in doubt check it out" in other words if you are not

sure if a task or action that you have been requested to preform will put you in a liable situation; ask an attorney before you move forward. If even then you are slightly uncomfortable with the requested task, just don't do it. This may even mean refunding some money to a client if you do not already exclude that type of task in a contract, adding the exclusion to future contracts to avoid the same situation in the future might be a good idea.

You will very rarely find a client who will bail you out of legal and/or civil situations that you put yourself in on their behalf, and they cannot repair your reputation once it's scared; so just don't do anything that you are not comfortable with or that is unethical or illegal.

Trespass By Alabama Law:

Note that there are several degrees of trespass. Common sense tells most of us not to cross a fence or enter onto posted property. Always look for signs or posting before you enter a wooded area or onto any property that may be privately owned. The rule of thumb, that I try to follow, is to restrict my wooded surveillance to areas that are open, not fenced, posted, or developed. It is always good practice to film the property, before and immediately after you conduct surveillance, from the point at which you accessed it to illustrate that it was not fenced or posted at the time the surveillance was conducted. That will help to prevent the property owner from posting the property after the fact and claiming that it was posted at the time the surveillance was conducted. The Following text is taken straight from section 13A-7-4 of Alabama's criminal code.

Criminal trespass in the first degree.

Section 13A-7-2 et. Seq. (1975)

(a) A person is guilty of criminal trespass in the first degree if he knowingly enters or remains unlawfully in a dwelling.

(b) Criminal trespass in the first degree is a Class A misdemeanor.

Criminal trespass in the second degree.

Section 13A-7-3 et. Seq. (1975)

(a) A person is guilty of criminal trespass in the second degree if he knowingly enters or remains unlawfully in a building or upon real property which is fenced or enclosed in a manner designed to exclude intruders.

(b) Criminal trespass in the second degree is a Class C misdemeanor.

Criminal trespass in the third degree.

Section 13A-7-4 et. Seq. (1975)

(a) A person is guilty of criminal trespass in the third degree when he knowingly enters or remains unlawfully in or upon premises.

(b) Criminal trespass in the third degree is a violation.

Another form of trespass to be aware of is trespass by motor vehicle, this may include driving into a parking deck that is posted "employee parking only" regardless of whether it says "no trespassing". Be aware of parking lots or decks that are posted "residence only" "Tenants only" "owners and their guest only" etc.

Criminal Trespass by Motor vehicle:

Section 13A-7-4.1 et. Seq. (1975)

(a) A person commits the offense of criminal trespass by motor vehicle when the person, after having been requested not to do so by a uniformed law enforcement officer or by a properly identified owner or an authorized agent of the owner, parks or stands an occupied or unoccupied motor vehicle in, or repeatedly drives a motor vehicle through or within, a parking area which is located on privately owned property and is provided by a merchant, a group of merchants, or a shopping center or other similar facility for customers if:

(1) The parking area is identified by at least one sign as specified in this paragraph, and if the parking area contains more than 150 parking spaces, then by at least one such sign for every 150 parking spaces, each such sign shall be substantially as follows:

Notice Private Property.

Entry restricted to our tenants, their customers, employees and invitees. Remaining after proper use is prohibited. Violators may be charged with trespassing.

(2) And the motor vehicle is parked, is standing, or is being operated other than for the purpose of:

a. Transporting some person to or from the interior of the place of business of a merchant identified by the sign or signs in the parking area or to or from the interior of the shopping center or other facility so identified.

b. Making use of a telephone, vending machine, automatic teller machine, or other similar facility located in the parking area.

c. Meeting the requirements of a situation in which it has unexpectedly become impossible or impractical for the motor vehicle to continue to travel on the public roads; or

d. Carrying out an activity for which express permission has been given by the owner of the parking area or an authorized representative of the owner.

(b) A person who commits the offense of criminal trespass by motor vehicle shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine:

(1) Not to exceed \$50.00 for the first such offense;

(2) Not to exceed \$100.00 for the second such offense; and

(3) Not to exceed \$150.00 for the third or subsequent such offense.

Stalking: (by Jim Casteel)

The line is often drawn between a legal investigation and stalking by intent. If a client wants to hire an Investigator to follow an individual to intimidate him or her or wear them down emotionally, and the Investigator does so with the intent of intimidating that person; the Investigator would be stalking that person. However, if surveillance is conducted in a case in which litigation is anticipated and the Investigator's intent is to remain undetected and/or to gather evidence to use to protect the client or client's assets by displaying the truth in a court of law; the Investigator is simply using covert surveillance as a method of discovery and documentation. This can be applied to almost any type of case. If the Investigator's intention is to cause mental or emotional harm; however, that can, and likely

will, be considered stalking. If the Investigator's client is under a restraining order or protection order, potential charges against the client and the Investigator could be compounded. It is good practice to question the client about intent and ask if there has been any instances or allegations of domestic violence or similar charges and, if so, ask if there are any court orders in place. It is also recommended to have a signed contract in which the client represents that there are no court orders that would prevent the Investigator from lawfully sharing information about the subject of the investigation with the client and have the client agree to inform the Investigator if any changes in that situation arises during the course of the investigation. The following is taken from section 13A of the Alabama criminal code.

Code of Ala. § 13A-6-90. Stalking in the first degree. (1975)

(a) A person who intentionally and repeatedly follows or harasses another person and who makes a threat, either expressed or implied, with the intent to place that person in reasonable fear of death or serious bodily harm is guilty of the crime of stalking in the first degree.

(b) The crime of stalking in the first degree is a Class C felony.

Code of Ala. § 13A-6-90.1. Stalking in the second degree. (2012)

(a) A person who, acting with an improper purpose, intentionally and repeatedly follows, harasses, telephones, or initiates communication, verbally, electronically, or otherwise, with another person, any member of the other person's immediate family, or any third party with whom the other person is acquainted, and causes material harm to the mental or emotional health of the other person, or causes such person to reasonably fear that his or her employment, business, or career is threatened, and the perpetrator was previously informed to cease that conduct is guilty of the crime of stalking in the second degree.

(b) The crime of stalking in the second degree is a Class B misdemeanor.

Code of Ala. § 13A-6-91. Aggravated stalking in the first degree. (2012)

(a) A person who violates the provisions of Section 13A-6-90(a) and whose conduct in doing so also violates any court order or injunction is guilty of the crime of aggravated stalking in the first degree.

(b) The crime of aggravated stalking in the first degree is a Class B felony.

Code of Ala. § 13A-6-91.1. Aggravated stalking in the second degree (2012)

(a) A person who violates the provisions of Section 13A-6-90.1 and whose conduct in doing so also violates any court order or injunction is guilty of the crime of aggravated stalking in the second-degree.

(b) The crime of aggravated stalking in the second degree is a Class-C-felony.

Invasion of Privacy: (By Jim Casteel)

What constitutes a reasonable expectance of privacy? In general, I look at it like this; If a person can sit in a spot or area with nothing other than his or her birthday suit on and not be at risk of being arrested, they are probably in a place where privacy is expected. If that person would be at risk of arrest if a Police Officer or even a neighbor observed them, and the person who observed them was not trespassing, it is doubtful that they have any expectancy of privacy. To make it easy, just ask yourself if the person you are about to film was nude would someone likely call the police and report them. That works in at least 90% of the situations an Investigator may find him or herself in.

Fair Debt collection act: (By Jim Casteel)

Beware of questioning people whom you are serving papers to or interviewing when the case is in relation to collection of a debt. Although one is not required to be licensed as a Private Investigator in the state of Alabama to act as a process server; many Private Investigators do serve papers. It is advisable to simply serve the papers and if any questions are directed to you from the person being served simply ask them to contact the number provided on the papers. There have been occasions where an Investigator has been asked, by a party who has hired the Investigator to serve papers, to question the person to be served about their place of employment or their income, property ownership etc. These questions may violate the Fair Debt collection act if proper disclosure is not given; it's always a good idea to get advice from your own legal team or, if getting the instructions from a client attorney on an issue that you're not comfortable on, have him or her put it in and email so that you will have record of it.

Impersonating an officer:

There have been cases when Private Investigators have been charged with impersonating a Peace Officer; this usually involves the use of a badge by the PI who may flash the badge and identify him or herself as a Detective or Investigator without clarifying that he or she is a Private Investigator and not a Law Enforcement officer. Just because an Investigator doesn't say "I am a police officer" does not mean that he or she did not hold themselves out to be a Police Officer. Impersonating a Police Officer is a serious offence; make sure that the person you are speaking to has a clear understanding that you are not Law Enforcement when you are identifying yourself as an Investigator or Detective. It is also important to understand that if you are impersonating a federal officer or government official, the penalties are much stronger.

Impersonating peace officer:

Section 13A-10-11 et. Seq. (1975)

(a) A person commits the crime of impersonating a peace officer if he falsely pretends to be a peace officer and does any act in that capacity.

(b) Impersonating a peace officer is a Class C felony.

Reckless or distracted Driving: (By Jim Casteel)

For the Investigator who engages in mobile surveillance; keeping a good focus on your driving and on the safety of the people around you are challenges that you must take seriously. There is no case worth jeopardizing your life or the life of another. The ability to follow someone and remain undetected is greatly reliant on the Investigator's ability to maneuver in traffic and negotiate intersections without losing sight of the subject while at the same time being aware of vehicles, pedestrians, and traffic signals so that you may preform your services effectively but safely without violating any traffic laws. The challenges grow with technology such as GPS tracking which is used in certain cases with the proper permissions in place. GPS tracking can make the Investigators job safer in many ways because the threat of losing the subject is reduced or eliminated; however, it also gives the Investigator a map to read which could distract the Investigator's eyes from the road. You may also find yourself driving with a camera in one hand; it is advisable to find a way to mount a camera discreetly in a window to film when the vehicle is mobile, I use dash cameras mounted strategically in the vehicle. When dealing with distractions such as cell phones, cameras, trackers, etc., learn to put safety of yourself and others first.

Unlawful use of State Seal: (as written in Alabama Law)

Section 13A-10-13 et. Seq. (1975)

Unlawful use of great seal of state or printing of official identification card.

(a) It is unlawful for anyone to use an image or facsimile of the Great Seal of the State of Alabama as described in Section 1-2-4 for any commercial purpose.

(b) It is unlawful for anyone to print or distribute, or both, a facsimile of an official identification card issued by the

Alabama State Law Enforcement Agency, which does not have a disclaimer of the authenticity of the card printed on the front of the card. The disclaimer shall be of the same size and type as the type used for the largest type on the facsimile of an official identification card.

(c) A violation of subsection (a) or (b) of this section is a Class C felony punishable as provided by law.

(Acts 1994, No. 94-716, §§1, 2.)

False reporting to law enforcement authorities. (As written in Alabama Law)

(a) A person commits the crime of false reporting to law enforcement authorities if he knowingly makes a false report or causes the transmission of a false report to law enforcement authorities of a crime or relating to a crime.

(b) False reporting to law enforcement authorities is a Class A misdemeanor.

Title 18, United States Code Section 1001 makes it a crime to: Knowingly and willfully make any materially false, fictitious or fraudulent statement or representation in any matter within the jurisdiction of the executive, legislative or judicial branch of the United States.

This is something that you may want to consider before even thinking about using a pretext to get information from a government source or enter onto a government property.

Eavesdropping:

Criminal eavesdropping: (as written in Alabama Law)

Section 13A-11-31 et. Seq. (1975)

(a) A person commits the crime of criminal eavesdropping if he intentionally uses any device to eavesdrop, whether or not he is present at the time.

(b) Criminal eavesdropping is a Class A misdemeanor.

Installing eavesdropping device. (As written in Alabama Law)

Section 13A-11-33 et. Seq. (1975)

(a) A person commits the crime of installing an eavesdropping device if he intentionally installs or places a device in a private place with knowledge it is to be used for eavesdropping and

without permission of the owner and any lessee or tenant or guest for hire of the private place.

(b) Installing an eavesdropping device in a private place is prima facie evidence of knowledge that the device is to be used for eavesdropping.

(c) Installing an eavesdropping device is a Class C felony.

Divulging Illegally obtained information: (as written in Alabama Law)

(a) A person commits the crime of divulging illegally obtained information if he knowingly or recklessly uses or divulges information obtained through criminal eavesdropping or criminal surveillance.

(b) Divulging illegally obtained information is a Class B misdemeanor.

Defamation: (as written in Alabama Law)

Any person who, with knowledge that a statement is false or with reckless disregard of whether the statement is false or not, publishes or otherwise disseminates any accusation against a private citizen, not currently holding or running for public office, which falsely and maliciously imports the commission by such person of a felony or any other indictable offense involving moral turpitude shall be guilty of a Class B misdemeanor.

Criminal surveillance: (as written in Alabama Law)

Section 13A-11-32. et. Seq. (1975)

(a) A person commits the crime of criminal surveillance if he intentionally engages in surveillance while trespassing in a private place.

(b) Criminal surveillance is a Class B misdemeanor.

Aggravated criminal surveillance: (as written in Alabama Law)

Section 13A-11-32.1 et. Seq. (1975)

(a) A person commits the crime of aggravated criminal surveillance if he or she intentionally engages in surveillance

of an individual in any place where the individual being observed has a reasonable expectation of privacy, without the prior express or implied consent of the individual being observed, for the purpose of sexual gratification.

(b) Aggravated criminal surveillance is a Class A misdemeanor, except if a person has a prior conviction or adjudication under this section the offense is a Class C felony.

(c) For purposes of determining prior conviction or adjudication under this section, convictions in municipal court shall be included.

Perjury:

Definitions. (Alabama section 13-A-10-1 et. Seq. (1975)

(a) The definitions in Sections 13A-10-1 and 13A-10-60 are applicable in this article unless the context otherwise requires.

(b) The following definitions are also applicable in this article:

(1) SWEARS FALSELY and FALSE SWEARING. The making of a false statement under oath required or authorized by law, or the swearing or affirming the truth of such statement previously made, which the declarant does not believe to be true. A false swearing in a subscribed written instrument shall not be deemed complete until the instrument is delivered by its subscriber, or by someone acting in his behalf, to another person with intent that it be uttered or published as true.

(2) MATERIAL. A statement is "material," regardless of the admissibility of the statement under the rules of evidence, if it could have affected the course or outcome of the official proceeding. It is no defense that the declarant mistakenly believed the falsification to be immaterial. Whether a falsification is material in a given factual situation is a question of law.

(3) OATH. Such term includes an affirmation and every other mode authorized by law of attesting to the truth of that which is stated. For the purposes of this article, written statements shall be treated as if made under oath if:

a. The statement was made on or pursuant to form bearing notice, authorized by law, to the effect that false statements made therein are punishable; or

b. The statement recites that it was made under oath, the declarant was aware of such recitation at the time he made the statement and intended that the statement should be represented as a sworn statement, and the statement was in fact so represented by its delivery or utterance with the signed jurat of an officer authorized to administer oaths appended thereto.

(4) REQUIRED OR AUTHORIZED BY LAW. An oath is "required or authorized by law" when the use of the oath is provided for by statute or municipal ordinance.

(5) OFFICIAL PROCEEDING. Any proceeding heard before any legislative, judicial, administrative or other government agency or official authorized to hear evidence under oath.

(6) JURAT. A clause wherein a notary public or other attesting officer authorized by law to administer oaths in connection with affidavits, depositions and other subscribed written instruments certifies that the subscriber has appeared before him and sworn to the truth of the contents thereof.

Perjury in the first degree: Section 13A-10-101 et. Seq. (1975)

(a) A person commits the crime of perjury in the first degree when in any official proceeding he swears falsely, and his false statement is material to the proceeding in which it is made.

(b) Perjury in the first degree is a Class C felony.

(Acts 1977, No. 607, p. 812, §4905.)

Perjury in the second degree: Section 13A-10-102 et. Seq. (1975)

(a) A person commits the crime of perjury in the second degree when he swears with intent to mislead a public servant in the performance of his duty and his false statement is material to the action, proceeding or matter involved.

(b) Perjury in the second degree is a Class A misdemeanor.

(Acts 1977, No. 607, p. 812, §4906.)

Perjury in the third degree: Section 13A-10-103 et. Seq. (1975)

(a) A person commits the crime of perjury in the third degree when he swears falsely.

(b) Perjury in the third degree is a Class B misdemeanor.

(Acts 1977, No. 607, p. 812, §4907.)

Perjury prosecution for inconsistent statements; highest degree of perjury for which conviction may be had.

Section 13A-10-104 et. Seq. (1975)

(a) Where a person has made statements under oath which are inconsistent to the degree that one of them is necessarily false, each having been made within the jurisdiction of this state and within the period of the statute of limitations, the prosecution may proceed by setting forth the inconsistent statements in a single count alleging in the alternative that one or the other was false and not believed by the defendant to have been true when made. In such case, it shall not be necessary for the prosecution to prove which statement was false, but only that one or the other was false and not believed by the defendant to be true.

(b) The highest degree of perjury of which the defendant may be convicted shall be determined by hypothetically assuming each statement to be false and perjurious. If perjury of the same degree would be established by the making of each statement, the accused may be convicted of that degree at most. If perjury of different degrees would be established by the making of the two statements, the accused may be convicted of the lesser degree at most.

(Acts 1977, No. 607, p. 812, §4910.)

Corroboration required for perjury conviction, exception.

Section 13A-10-105_et. Seq. (1975)

In any prosecution for perjury, except a prosecution based upon inconsistent statements pursuant to Section 13A-10-104, the falsity of a statement may not be established by the uncorroborated testimony of a single witness.

(Acts 1977, No. 607, p. 812, §4915.)

Denial of guilt in previous trial not to be prosecuted as perjury.

Section 13A-10-106_et. Seq. (1975)

No prosecution shall be brought under this article if the substance of the defendant's false statement was a denial of his guilt in a previous criminal proceeding.

When retraction of false statement bar to perjury conviction.

Section 13A-10-107_et. Seq. (1975)

No person shall be convicted of perjury if he retracted his false statement in the course of the same proceeding in which it was made before it became manifest that the falsification was or would be exposed. Statements made in separate hearings at separate stages of the same trial or administrative proceeding shall be deemed to have been made in the course of the same

proceeding. The burden of injecting the issue of retraction is on the defendant, but this does not shift the burden of proof.

Irregularities no defense to perjury prosecution.

Section 13A-10-108_et. Seq. (1975)

It is no defense to prosecution for perjury:

(1) That the oath was administered in an irregular manner.

(2) That there was some irregularity in the appointment or qualification of the person who administered the oath, if the taking of the oath was required or authorized by law.

(3) That the document was not sworn to if the document contains a recital that it was made under oath, the declarant was aware of the recital when he signed the document, and the document contains the signed jurat of a public servant authorized to administer oaths.

(4) That the defendant mistakenly believed the false statement to be immaterial.

(5) That the statement was inadmissible under the law of evidence.

Unsworn Falsifications to Authorities:

Section 13A-10-109_et. Seq. (1975)

(a) A person commits the crime of unsworn falsification to authorities if, with an intent to mislead a public servant in the performance of his duty, he makes or submits any written statement, which he does not believe to be true, in an application for pecuniary or other benefit, or a record or report required by law to be submitted to any governmental agency.

(b) The provisions of Sections 13A-10-104 and 13A-10-107 shall be applicable to all prosecutions under this section.

(c) Unsworn falsification to authorities is a Class C misdemeanor.

Laws in Reciprocating States: The laws that I have pointed out, here in this book, are primarily Alabama laws and may differ some from similar laws in other states. Any time that a Private Investigator travels to a state that they are not familiar with, it is extremely important to research and review not only the laws pertaining to working as a Private Investigator in that state but also any laws that pertain to specific task or usage of

equipment such as GPS trackers, audio recorders, drones etc. and, for those of us that have firearms, any laws pertaining to reciprocal firearm agreements. Note that some states have different laws pertaining to a private citizen as opposed to a Licensed Investigator when it comes to firearms, be sure to have a clear understanding of those laws as well.

Chapter 4- Alabama Regulatory Act:

Section- 34-25B-1 et. Seq. (1975) ALABAMA PRIVATE INVESTIGATION REGULATORY ACT.

This chapter is designed to cover some of the particularly important parts of this law although the entire law is important, and we advise that you study the actual law which is posted on the Board's website. For that reason, as well as to keep up with any legislative changes that effect these laws; we advise that you revisit the laws at least once after each legislative session each year.

The act was effective August 1, 2013.

The license became mandatory by the board April of 2014.

Definitions: Although some of these terms may have a slightly varied meaning in some references; it is important to know the meaning of these terms adopted by Section- 34-25B-1 et. Seq. (1975) of Alabama law.

(1) FELONY. A criminal offense that is defined and punishable under the laws.

of this state, or an offense committed outside the State of Alabama, which if committed in this state, would constitute a felony under Alabama law; a crime in any other state or a crime against the United States which is designated as a felony; or an offense in any other state, territory, or country punishable by imprisonment for a term exceeding one year.

(2) PRIVATE INVESTIGATION. The compensated act of any individual or company engaging in the business of obtaining or furnishing information with reference to any of the following:

a. A crime committed or threatened against the United States or any state or territory of the United States.

b. *The identity, habits, conduct, business, occupation, honesty, integrity, credibility, including, but not limited to, the credibility of a person giving testimony in a criminal or civil proceeding, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputations, or character of a person.*

c. *The location, disposition, or recovery of lost or stolen property.*

d. *The cause or responsibility for fires, losses, accidents, damages, or injuries to persons or to property.*

(3) PRIVATE INVESTIGATOR.

a. *A person who, for compensation, performs one or more of the private investigation services defined and regulated by this chapter.*

b. *A person who, for consideration, advertises as providing or performing private investigation. The term does not include an informant who, on a one time or limited basis, as a result of a unique expertise, ability, or vocation, and who provides information or services while under the direction and control of a licensee of the board, that would otherwise be included in the definition of private investigation.*

c. *A person who is engaged in private investigation as defined herein and who is licensed in accordance with this chapter.*

Section- 34-25B-12 et. Seq. (1975) requires all applicants to pass a criminal background check.

This section of the chapter is very important because it refers to everyone including anyone hired or contracted by the licensed investigator. All must carry a license and cannot work under another person's license. In other words, if a licensee hires someone just to watch a post or person as an extra set of eyes or hires a person to assist in following someone or uses a spouse or friend to assist in following someone, that person must also be licensed. If that person who is helping is not licensed, the both the unlicensed person and the licensee using that unlicensed person are in violation of Section 34-25B-10 et. Seq. (1975). There are exceptions to the license requirement listed in the chapter.

No person shall practice private investigation or hold himself or herself out to the public as a private investigator or use any

term, title, or abbreviation that expresses, infers, or implies that the person is licensed as a private investigator unless the person at the time holds a valid license to practice private investigation as provided in this chapter. All applicants shall pass a criminal background check based on criteria established pursuant to Section 34-25B-12 et. Seq. (1975)

Section 4. covers the Alabama Private Investigation Board – Creation, composition.

Listed is a basic breakdown of the Board composition. Chapter 34-25B also details the terms of appointments, liability of the Board, the structure of the Board officers and the funding of the Board.

(a) There is created the Alabama Private Investigation Board. The membership of the board shall reflect the racial, gender, geographic, urban, and rural, and economic diversity of the state.

(b) Private investigator members provided for herein shall have had five years of experience as an investigator prior to his or her appointment. Beginning on August 1, 2018, private investigator members who are appointed to the board shall have been licensed pursuant to this chapter as a private investigator for a period of at least five years prior to his or her appointment.

(c) The following members shall be appointed to the board:

(1) Three persons appointed by the Governor, two of whom shall be private investigators in this state and one of whom shall be a consumer who will represent the public at large.

(2) One person appointed by the Lieutenant Governor, who must be a private investigator.

(3) One person appointed by the Speaker of the House of Representatives who must be a private investigator.

(4) One person appointed by the Attorney General who must be a private investigator.

(5) One person appointed by the Alabama State Bar Association who must be a member in good standing for an initial term of four years.

(6) One person appointed by the Alabama Private Investigators Association who must be a private investigator.

Section 8 will cover the promulgation of rules; canons of ethics; personnel; legal services. Although ethics are covered to some extent in this book; we recommend that you study chapter 34-25B thoroughly.

Section 10 covers the practice of private investigation without a license and penalties as follows.

(a) Except as otherwise provided in this chapter, it shall be unlawful for any person to act as a private investigator without first obtaining a license from the board. For prosecution purposes, a violation of this chapter is classified as a Class A misdemeanor.

(b) Each person licensed in accordance with this chapter shall designate to the board a physical address where his or her records are to be kept. (Act 2013-306, § 10.)

Section 11 covers to requirements for the license application.

An application and all information on an application for licensure as a private investigator shall be treated as confidential and shall be filed with the board on forms prescribed by the board. The application shall include all of the following information of the applicant:

- (1) His or her full name.*
- (2) His or her date and place of birth.*
- (3) All residences during the immediate past five years.*
- (4) All employment or occupations engaged in during the immediate past five years.*
- (5) Three sets of classifiable fingerprints.*
- (6) A list of convictions and pending charges involving a felony or misdemeanor in any jurisdiction*

Each individual applicant shall meet the following criteria that he or she:

- (1) Is at least 21 years of age. (this may change with legislation to include a lower age for apprentice or interns)*
- (2) Has not been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease unless a court of competent jurisdiction has subsequently declared the applicant competent.*
- (3) Has not been convicted of a crime of moral turpitude, with the board having the final determination on the interpretation of moral turpitude.*
- (4) Has not been convicted of a felony crime.*

(5) Has passed an examination to be administered twice annually by the board designed to measure knowledge and competence in the investigation field.

Section 14 covers the Board issued Identification Card.

(a) The board shall issue to every private investigator licensee an identification card, which shall be issued in credit card size, be permanently laminated, and contain the following information of the licensee:

(1) Name. (2) Photograph. (3) Physical Characteristics. (4) Private investigator's license number. (5) Expiration date of license.

(b) The identification card shall be carried on the person of the licensee when engaged in the activities of the licensee. (Act. 2013-306, § 14.)

Section 15 clarifies the penalties and possible consequences for making false statement to the board.

Making a false statement to the board shall be punishable by a civil penalty not to exceed one thousand dollars (\$1,000) and assessment of the maximum application fee. (Act 2013-306, § 15.)

Section-16, Investigation into veracity of application, is important especially with section 15 in mind.

Upon receipt of an application and applicable fees, the board shall conduct an investigation to determine whether the statements made in the application are true. (Act 2013-306, § 16.)

Section 17 refers to expiration and renewal of license and is also very important to study. The information listed in this book refers to the law at the time the book is written and is subject to both legislative and executive changes. This information does not represent the entire section and we advise an applicant or licensee to study the law and revisit the law at least once a year.

(a) All licenses issued or renewed under this chapter shall be valid for a period of two years from the date of issuance. The board shall provide each licensee with a renewal application 60 days prior to the expiration of the license.

(b) Each application for renewal shall be reviewed for criminal convictions and civil fraud findings.

Section-18 covers suspension, revocation, etc., of license, penalties.

(a) The board may suspend, revoke, or refuse to issue or renew any license issued by it upon finding that the holder or applicant has committed any of the following acts:

(1) A violation of this chapter or any rule promulgated pursuant to this chapter.

(2) Fraud, deceit, or misrepresentation regarding an application or license.

(3) Knowingly and willfully making a material misstatement in connection with an application for a license or renewal.

(4) A conviction by a court of competent jurisdiction of a felony.

(5) A conviction by a court of competent jurisdiction of a Class A misdemeanor, if the board finds that the conviction reflects unfavorably on the fitness of the person for the license.

(6) The commission of any act which would have been cause for refusal to issue the license or identification card had it existed and been known to the board at the time of issuance.

(b) In addition to, or in lieu of, any other lawful disciplinary action under this section, the board may assess a civil penalty not exceeding two thousand dollars (\$2,000) for each violation.

(c) A license may be suspended for the remaining license period and renewed during any period in which the license was suspended. (Act 2013-306, § 18.)

Section-20 covers the Board's ability to negotiate reciprocity with other states. It is important to be aware of which States we have reciprocity with and to know that it is not legal to travel into another state which has license requirements unless we are in a reciprocal, limited license, or similar agreement with that State or unless you are also licensed in that state. It makes no difference if you are in pursuit a subject of an investigation when you enter the state or where the investigation originated if you are crossing into a State which has license requirements, and which has no agreement with APIB.

The board may negotiate and enter into reciprocal agreements with the appropriate officials in other states to permit licensed investigators who meet or exceed the qualifications established in this chapter to operate in reciprocal states under mutually acceptable terms. (Act 2013-306, § 20.)

Section 21 refers to the Boards responsibility to provide a copy of statutes and rules; these rules are provided on the APIB web site.

Section 22 covers violations of chapter 34-25B and consequences.

(a) The following acts when committed by an individual licensed as a private investigator in Alabama shall constitute a violation punishable as a Class A misdemeanor:

(1) To knowingly make a material misrepresentation as to the ability of the individual to perform the investigation required by a potential client in order to obtain employment.

(2) To make unsubstantiated monetary charges to a client for services not rendered or transportation not utilized.

(3) To knowingly make a false report to a client in relations to the investigation performed for a client.

(4) To continue an investigation for a client when it becomes obvious to the investigator that a successful completion of an investigation is unlikely without first advising the client and obtaining the approval of the client for continuation of the investigation.

(5) To reveal information obtained for a client during an investigation to another individual except as required by law.

(b) Persons licensed pursuant to this chapter shall report any suspected instances of child abuse or neglect to a local law enforcement agency or the Department of Human Resources, or both. (Act 2013-306, § 22.)

Section 24 covers exceptions to chapter 34-25B. It is important to realize that these exceptions do not cover anyone who is advertising to the general public to perform private investigative services as defined in chapter 34-25B

This chapter does not apply to the following:

(1) An employee of any business or entity that is not primarily engaged in the business of private investigation when that employee is performing duties related to his or her employment.

(2) *An investigation of the internal affairs of a private business entity investigating a current or prospective employee.*

(3) *An employee of any business or entity that is not primarily engaged in the business of private investigation when that employee is working under a contract for his or her services that his or her employer signed with a third party.*

(4) *Any person or professional, including without limitation an attorney providing legal services, who is not primarily engaged in the business of private investigation, but who in conjunction with his or her business or profession may occasionally perform private investigation services.*

(5) *Any business or entity that is not primarily engaged in the business of private investigation.*

(6) *A consumer reporting agency as defined by the Federal Fair Credit Reporting Act.*

(7) *Any certified public accountant authorized to engage in the practice of public accountancy in the state or any entity licensed or otherwise permitted to engage in the practice of public accountancy in this state or the affiliated entities thereof.*

(8) a. *An attorney-at-law in good standing and licensed to practice* law;

b. *An employee of a single attorney or single law firm who is acting within the employee's scope of employment for the attorney or law firm; or*

c. *A consultant, accident reconstructionist, or forensic scientist when the person is retained by an attorney, insurance company representative, or appointed by a court to serve as an expert witness or to investigate, or to make tests, conduct experiments, draw conclusions, render opinions or make diagnoses, where those services require the use of training or experience in technical, scientific, or social science field.*

(9) *Any individual engaged in any of the following:*

a. *Computer or digital forensic services.*

b. *The acquisition, review, or analysis of digital or computer-based information in order to obtain or furnish information for evidentiary or other purposes or to provide expert testimony before any court, board, officer, or investigating committee.*

c. *Network or system vulnerability testing, including network scans and risk assessment and analysis of computers connected to a network. (Act 2013-306, § 24.)*

Section 25 covers the Board's division of Investigation. This section can also give the licensee some insight as to their responsibilities during a board investigation of a complaint.

(a) *There is created within the board a Division of Investigation that shall be the board's official investigative agency.*

(b) *Each licensee shall provide to the investigative division staff all records that pertain to the exact nature of the complaint under investigation and upon the issuance of a subpoena.*

(c) *The board or an executive director of the board may subpoena those persons or documents necessary to any investigation undertaken under this chapter if other means including, but not limited to, notification by return receipt registered United States mail, have not produced the desired results. Any subpoena issued shall be limited to investigations by the board of its members and shall not extend to any other matter. (Act 2013-306, § 25.)*

Section 26 covers the continuing professional education requirements. Although in one area it states that each licensee shall complete eight hours of continuing professional education acceptable to the board in each calendar year, the accepted standard is two have 16 hours of credit within the two-year renewal period regardless of when, during that period, the hours were accumulated and that two hours of the 16 be in ethics.

(a) Each licensee shall complete eight hours of continuing professional education acceptable to the board in each calendar year.

Chapter 5 - Alabama's Administrative Code

ALABAMA PRIVATE INVESTIGATION BOARD ADMINISTRATIVE CODE

The administrative code is established and regulated by the Alabama Private investigator's board, as so authorized in section 25B of Alabama law.

The code is made available on the Alabama Private Investigator's Board's website.

The Alabama Private Investigator's Board has authority to make changes to the administrative code with certain guidelines. The board is good about posting changes and updates, so make sure to check the website periodically.

If you are planning on testing for Alabama Private Investigator license; you must read and understand the administrative code. Following are some highlights of the code as it was at the time this book was published; again, check the Board website for updates.

Purpose:

As stated in Act 2013-306, the law for the regulation of the profession of private investigation and the establishment of the Alabama Private Investigation Board (APIB), the purpose of this law and the APIB is to provide for the membership, terms, filling of vacancies, powers, including disciplinary powers, and duties of the Board; to provide for the application for and licensure of private investigators; to establish the Alabama Private Investigation Board Fund within the State Treasury and to

provide for an appropriation from the fund to the Board; and to provide penalties.

Private investigator services in Alabama affects the public health, safety, and welfare of the citizens of Alabama. It, therefore, should be subject to regulation and control, in the public interest

to protect the citizenry against unauthorized and unqualified private investigation services and from unprofessional or unethical conduct by persons licensed to provide private investigation services.

Definitions:

(1) Board – The Alabama Private Investigation Board.

(2) APIA – The Alabama Private Investigators Association.

(3) Applicant – any individual seeking licensure by the Board who has submitted an official application and paid the application fee.

(4) Biennial – every two (2) years.

(5) Felony – A criminal offense that is defined and punishable under the laws of this state, or an offense committed outside the State of Alabama, which if committed in this state, would constitute a felony under Alabama law; a crime in any other state or a crime against the United States which is designated as a felony; or an offense in any other state, territory, or country punishable by imprisonment for a term exceeding one year.

(6) Licensed Private Investigator (LPI) – a person licensed by the Board to provide private investigation services.

(7) Private Investigation – The compensated act of any individual or company engaging in the business of obtaining or furnishing information with reference to any of the following:

a) A crime committed or threatened against the United States or any state or territory of the United States.

b) The identity, habits, conduct, business, occupation, honesty, integrity, credibility, including, but not limited to, the credibility of a person giving testimony in a criminal or civil proceeding, knowledge, trustworthiness, efficiency, loyalty,

activity, movement, whereabouts, affiliations, associations, transactions, acts, reputations, or character of any person.

c) The location, disposition, or recovery of lost or stolen property.

d) The cause or responsibility for fires, losses, accidents, damages, or injuries to persons or to property.

(8) Private Investigator – A person who is engaged in private investigation as defined herein and who is licensed in accordance with this act.

a) A person who, for compensation, performs one or more of the private investigation services defined and regulated by this act.

b) A person who, for consideration, advertises as providing or performing private investigation. The term does not include an informant who, on a one time or limited basis, as a result of a unique expertise, ability, or vocation, and who provides information or services while under the direction and control of a licensee of the Board, that would otherwise be included in the definition of private investigation.

Organization and Administration:

(1) The Alabama Private Investigation Board shall be composed of eight members.

(2) Three members appointed by the Governor, two shall be private investigators in this state and one shall be a consumer member who will represent the public at large. The initial terms shall be for three years. Successor members shall be appointed for a term of four years each.

(3) One member appointed by the Lieutenant Governor shall be a private investigator. The initial term shall be for two years. Successor members shall be appointed for a term of four years.

(4) One member appointed by the Speaker of the House of Representatives shall be a private investigator. The initial term shall be for two years. Successor members shall be appointed for a term of four years.

(5) One member appointed by the Attorney General who shall be a private investigator. The initial term shall be for two years. Successor members shall be appointed for a term of four years.

(6) One member appointed by the Alabama State Bar Association shall be a member in good standing. This position shall be for a term of four years.

(7) One member appointed by the Alabama Private Investigators Association shall be a private investigator. This position shall be for a term of four years.

(8) Private investigator members of the Board shall have had five years investigator experience prior to his or her appointment. After August 1, 2018, private investigator members shall have been licensed as an Alabama Licensed Private Investigator for at least five years prior to his or her appointment.

(9) The composition of the Board shall reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

(10) All members shall serve until their successor is appointed.

(11) Board member Oath of Offices shall be filed with the Secretary of State.

(12) Members of the Board are immune from civil liability and may not be liable for damages when acting in the performance of their duties.

Terms of Office:

(1) Except for the initial Board appointments, the term of office of all members shall be four years.

(2) No member may be appointed for more than two consecutive full terms.

(3) A vacancy in an unexpired term shall be filled in the manner of the original appointment.

Officers of the Board:

(1) The Board shall elect a Chair and Vice Chair each time a new member is appointed to the Board.

(2) The Vice Chair shall fill any vacancy in the office of the Chair.

(3) The duties of the officers shall be as follows:

(a) The Chair shall preside at meetings of the Board, appoint members to serve on committees as may be created, serve as ex-officio member of all committees, and determine the rules of order of Board meetings.

(b) The Vice Chair shall preside in the absence of the Chair and shall assume the duties of the Chair when necessary.

Duties of the Board:

(1) The Board shall perform the following functions:

(a) Set licensure fees, including, but not limited to, application, initial, and renewal.

(b) Establish standards of continuing education in accordance with those standards developed and accepted by the profession.

(c) Examine for, approve, deny, suspend, and renew licensure of duly qualified applicants.

(d) Promulgate and publish rules in accordance with the Administrative Procedures Act.

(e) Conduct hearings on charges calling for denial, suspension, revocation, or refusal to renew a license.

(f) Maintain a current roster of licensees.

(g) Maintain a current list of persons whose license have been suspended, revoked, or denied. The list shall include the name, Social Security number, type, date, and cause of action, penalty incurred, and the length of the penalty. The information on the list, except for the Social Security numbers, shall be available for public inspection during normal business hours.

Meetings of the Board:

(1) The Board shall comply with the Alabama Open Meetings Act.

(2) A minimum of two regular meetings shall be held each year.

(3) Special meetings may be called by the Chair or by a quorum of the Board.

(4) A majority of the members of the Board shall constitute a quorum for the transaction of business.

(5) A majority of those members on the Board present and voting on any matter shall decide the matter before the Board, except on procedural and evidentiary matters which are provided for in the Administrative Procedures Act.

(6) Board staff shall keep a record of all regular meetings. The minutes shall be transcribed and presented for approval or amendment at the next regular meeting. The minutes or a true copy thereof, approved by the Board, shall be open to public inspection. The minutes shall reflect:

(a) The time and place of each regular meeting of the Board;

(b) Names of the Board members present;

(c) Names of guests present;

(d) Names of staff members present;

(e) Place of meeting notice advertisements;

(f) All official acts of the Board;

(g) When requested by a dissenting Board member, specific reasons shall be recorded; and

(h) A roll call vote may be taken upon the request of a Board member.

(7) Requests to present information to the Board during a regularly scheduled Board meeting shall be in writing to the Executive Director at least fourteen days prior to the meeting. Exceptions may be made in extraordinary circumstances at the direction of

the Chair. All requests are subject to review and approval by the Chair. The usual time limitation for presentations will be five minutes with exceptions made by permission of the Chair. Written requests should include:

(a) Contact information of the designated spokesperson; and

(b) Summary of information to be presented.

Employment of Personnel:

The Board may employ an executive director, investigators, inspectors, attorneys and any other agents and employees and assistants as may from time-to-time be necessary to establish and

maintain administration and enforcement of the Alabama Private Investigation Regulatory Act and rules and regulations established by the Board. With the exception of the Executive Director, all

personnel shall be subject to the provisions of the state Merit System Act.

Use of Forms:

Applications shall be made on the prescribed forms approved by the Board. Copies of instructions and forms are available from the office of the Board.

Maintenance and Inspection of Board Records:

(1) The Board shall maintain its records in accordance with the Alabama Open Meetings Act.

(2) Public records maintained by the Board shall be subject to public disclosure pursuant to the Alabama Open Meetings Act and the Alabama Open Records Act.

(3) Upon request to the Executive Director, public records maintained by the Board shall be available for inspection and duplication at the office of the Board during regular business hours. The inspection and duplication of public records shall be under the supervision of the Executive Director or an authorized designee.

(4) Any person wishing to obtain copies of public records shall submit a written request to the office of the Board and will be supplied copies upon payment of the cost of copying, handling and postage.

(5) Public records maintained by the Board that are available for inspection and duplication include, but are not limited to:

(a) Board minutes, except those minutes recorded during an executive session that are prohibited from disclosure by the Alabama Open Meetings Act;

(b) Names and addresses of current licensees;

(c) Names of persons whose licenses have been suspended, revoked, or denied, including the type, date, infraction, the penalty incurred, and length of the penalty;

(d) Rules and regulations of the Board, as promulgated and published in accordance with the Sections 41-22-1, et seq., Administrative Procedures Act, Code of Alabama (1975);

(e) Other written statements of policy or interpretations formulated, adopted, or used by the Board in the discharge of its duties and functions; and

(f) Final orders, decisions, declaratory rulings, and opinions issued by the Board.

Rules and Regulations:

All rules and regulations of the Board shall be adopted, amended or repealed in accordance with the Sections 41-22-1 et seq., Alabama Administrative Procedures Act, Code of Alabama (1975).

Petition for Adoption, Amendment or Repeal of a Rule:

(1) Any interested person may petition the Board requesting the adoption of a new rule or the amendment or repeal of an existing rule. The petition shall be in writing and shall include:

(a) The name and address of the petitioner;

(b) An exact statement of the proposed additional rule or amendment or identification of the rule to be repealed; and

(c) The pertinent facts, data, opinions or arguments in support of the petitioner's position.

(2) Upon submission of the petition, the Board shall initiate rule-making proceedings or deny the petition in writing on the merits, stating its reasons for the denial at its next regularly scheduled meeting.

(3) A petition requesting adoption, amendment, or repeal of a rule may not be considered by the Board if the subject of the petition is the same or similar to the subject presented in another petition considered by the Board within the previous twelve months.

Declaratory Rulings:

Any person substantially affected by a rule may petition the Board for a declaratory ruling with respect to the validity of a rule or the applicability to any person, property or state of facts of any

rule or statute enforceable by it or with respect to the meaning and scope of any order of the Board.

(1) The petition shall be in writing and shall include:

(a) The name and address of the petitioner;

(b) A statement of facts sufficient to show that the person seeking relief is substantially affected by the rule; and 6

(c) The rule, statute or order and the reasons for the questions.

(2) Failure of the Board to issue a declaratory ruling at its next regularly scheduled meeting, following receipt of request, shall constitute a denial of the request. The Board shall provide the petitioner written notification of its decision to deny the request and shall state therein the reason for the denial.

(3) Circumstances in which rulings shall not be issued include but are not necessarily limited to:

(a) Lack of jurisdiction.

(b) Lack of clarity of the issue presented.

(c) No clear answer determinable.

Board Member Compensation:

(1) Each member of the Board shall serve without compensation, but shall be reimbursed for travel expenses incurred in attendance at meetings of the Board and any other business of the Board at its discretion. Mileage rates shall be the same as established for state employees.

(2) Board members shall also receive a per diem allowance following the guidelines for state employees.

(3) The reimbursement for expenses shall be paid from funds derived from the Alabama Private Investigation Board.

Board of Private Investigation Fund:

(1) A special trust fund is established in the State Treasury known as the Alabama Private Investigation Board Fund. All funds received by the Board shall be deposited into the fund and shall be expended only to implement and administer this act. No monies shall be withdrawn or expended from this fund for any purpose unless the monies have been appropriated by the Legislature and allocated pursuant to Sections 34-27B-1, et. Seq., Code of Alabama (1975). Any monies appropriated shall be budgeted and allocated pursuant to the Budget Management Act in accordance with Article 4, (commencing with Section 41-4-80) of Chapter 4 of Title 41, and only in the amounts provided by the Legislature in the general appropriations act or other appropriations act. Funds shall be disbursed only upon a written warrant of the State Comptroller upon itemized vouchers approved by the Executive Director.

Qualifications of Applicants for Licensure:

(1) Each individual applicant shall meet the following criteria:

(a) Be at least 21 years of age.

(b) Has not been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease (unless a court of competent jurisdiction has subsequently declared the applicant competent).

(c) Has not been convicted of a crime of moral turpitude (with the Board having final determination on the interpretation of moral turpitude).

(d) Has not been convicted of a felony crime.

(e) Has passed an examination by the Board designed to measure knowledge and competence in the investigation field.

(2) The applicant shall submit a completed application form and pay all required fees.

(3) Implementation for licensure shall begin on the effective date of the adoption of the rules and regulations. The initial licensure period shall be dated to begin on May 1, 2014.

(4) All licenses issued or renewed shall be valid for a period of two years from the date of issuance.

(5) Persons working as a private investigator, unless otherwise exempt, shall have a valid private investigator license.

Licensure by Examination:

(1) The applicant for licensure by Examination shall pass an Examination approved by the Board designed to measure knowledge and competence in the investigation field and shall submit:

(a) A completed application

(b) Required fees

(2) Any applicant who seeks to qualify for a private investigators license must apply directly to the independent testing organization selected by the Board to prepare and grade such examination. Payment of any examination (or re-examination) fee shall be the responsibility of the applicant. The independent testing organization will notify each examinee of the results of the examination.

(3) Applicants for private investigator license must be on file with this office and approved prior to scheduling examination(s).

Author: The Alabama Private Investigation Board Statutory Authority: Code of Ala. 1975, 34-25B-1 through 34-25B-29

Renewal of License:

(1) Licensure periods:

The private investigator license shall be valid for two years. The continuing education earning period is a two-year period of time in which at least sixteen (16) contact hours shall be accrued (eight (8) hours in each calendar year). This is the time period of the current license.

(2) The renewal of license shall be accomplished prior to expiration of the current license.

(3) Failure to renew prior to the expiration date of the current license will result in an additional late fee. Licenses may be renewed up to thirty (30) days after expiration date.

Private investigators will not be permitted to work as a private investigator if their license has expired.

(4) Renewal notices may be mailed or transmitted electronically. Notice shall be sent to the applicant's address of record sixty (60) days prior to the renewal date.

(5) To be eligible for renewal, the applicant shall:

(a) Hold a valid, active Alabama license;

(b) Submit a completed and signed renewal application and required fee(s);

(c) Meet continuing education requirements;

(d) Pass a review of criminal history for criminal convictions and civil fraud findings.

(6) The applicant is responsible to supply current mailing address records to the Board.

(7) Failure to receive the renewal application or notice shall not relieve the licensee of the responsibility of renewing the license by the expiration date.

(9) Any license not renewed within thirty (30) days following the expiration date shall lapse. Any individual who practices with a lapsed license shall be subject to penalties established under Chapter 741-X-6 – Disciplinary Actions.

Change of Name or Address:

(1) The applicant or licensee shall notify the Board of any requested name change. Appropriate legal documents and fees shall be submitted prior to changing the name of the licensee on the license card.

(2) The applicant or licensee shall notify the Board in writing within thirty (30) days of any change in his or her address. The address of record is the address provided by the applicant or licensee.

Lost License:

The licensee shall promptly report, in writing, the loss of a license card to the Board.

Verification of Alabama License:

(1) Verification of licensure will be available by telephone and on a Board maintained web site.

(2) Upon receipt of a written request, the Board's designee shall provide written verification of Alabama license.

Fees:

(1) Fees and fines are not refundable.

(2) Fees are payable by certified check, cashier's check, corporate or business check, money order, or personal check.

(a) Counter checks are not an acceptable method of payment. Personal checks shall be imprinted with the name, address, and account number of the applicant or licensee.

(b) Personal checks by third parties are not acceptable.

(c) Applicants or licensees who submit personal checks returned due to insufficient funds may be prohibited from paying any future fees or fines by personal check.

(d) Statutory charges for returned checks shall be paid by the applicant or licensees within ten business days from receipt of notice to remit full payment pursuant to Ala. Code Section 13A-9-13.01 (b) (2) and pay the maximum fee allowed by Ala. Code

Section 8-8-15.

(3) Fines are payable by certified check, cashier's check, corporate or business check, or money order.

(4) The Board may allow payment of fees by electronic means.

(5) Payment, regardless of the method, that is not honored by the financial institution may result in disciplinary action and/or reporting to the appropriate legal authorities for possible prosecution.

(6) A license may not be issued until funds are received by the Board.

(7) The current schedule of fees and charges are included in the appendix.

Fingerprinting:

(1) An applicant shall furnish the Board with three (3) sets of classifiable fingerprints with his or her application for the purpose of allowing the Board to forward the fingerprints to the Alabama Law Enforcement Agency (ALEA) and Federal Bureau of Investigation (FBI) as required by the Alabama Private Investigation Regulatory Act. An applicant shall be

deemed to have furnished the Board with three (3) sets of classifiable fingerprints if he or she causes a private company or agency contracted by the State to electronically transmit the applicant's classifiable prints directly to the ALEA and FBI and to forward a classifiable hard copy of the applicant's fingerprints to the Board on standard ALEA/FBI applicant cards. The Board shall notify every applicant in writing of the name, address and telephone number of any company or agency contracted by the State to provide such a service. All private investigator applicants shall comply with the following requirements regarding the payment for the fingerprinting service:

(a) All sets of classifiable fingerprints required by this rule shall be furnished at the expense of the applicant;

(b) If the applicant chooses to request that the Board process the fingerprint cards, then the applicant shall submit with his or her application three (3) sets of classifiable fingerprints on cards provided by the Board for processing through the ALEA and

FBI. The applicant shall pay to the Board all processing fees established by the ALEA and FBI.

(c) If the applicant chooses to use the services of a company or agency that has contracted with the state to provide electronic fingerprinting service, then the applicant shall make the arrangements for the processing of his or her fingerprints with the company or agency directly and shall be responsible for payment of any fees associated with processing of fingerprints to the respective agency.

(d) In the event the State no longer contracts with any company or agency to provide an electronic fingerprinting service, then the applicant shall submit three (3) classifiable ALEA and FBI fingerprint cards with his or her application and shall pay the Board all processing fees established by the ALEA and FBI.

(e) Applicants shall in all cases be responsible for paying application fees as established by the Board regardless of the manner of fingerprinting the applicant chooses.

(2) In the event an applicant furnishes unclassifiable fingerprints or fingerprints that are unclassifiable in nature to

the Board, or the Alabama Law Enforcement Agency or Federal Bureau of Investigation (FBI), the Board may refuse to issue the requested

license. For the purposes of this rule, "unclassifiable fingerprints" means that the electronic scan or the print of the person's fingerprints cannot be read, and therefore cannot be used to identify the person. Should an applicant's fingerprints be rejected by the ALEA or FBI, the applicant shall pay any fees assessed by the ALEA or FBI for resubmission.

(3) In the event that the fingerprint card submitted by an applicant is rejected or otherwise unable to be processed by the Alabama Law Enforcement Agency (ALEA) and/or the Federal Bureau of Investigation (FBI), the applicant shall submit a new fingerprint card together with any additional fee(s) charged by the ABI and/or FBI for processing the new fingerprint card. Author: The Alabama Private Investigation Board Statutory Authority: Code of Ala. 1975, 34-25B-1 through 34-25B-29

Exemptions from Licensure:

Nothing in these rules shall be construed as preventing or restricting the practice, services, or activities of the following:

(1) An employee of any business or entity that is not primarily engaged in the business of private investigation when that employee is performing duties related to his or her employment.

(2) An investigation of the internal affairs of a private business entity investigating a current or prospective employee.

(3) An employee of any business or entity that is not primarily engaged in the business of private investigation when that employee is working under a contract for his or her services that his or her employer signed with a third party.

(4) Any person or professional, including without limitation an attorney providing legal services, who is not primarily engaged in the business of private investigation, but who in conjunction with his or her business or profession may occasionally perform private investigation services.

(5) Any business or entity that is not primarily engaged in the business of private investigation.

(6) A consumer-reporting agency as defined by the Federal Fair Credit Reporting Act.

(7) Any certified public accountant authorized to engage in the practice of public accountancy in this state or any entity licensed or otherwise permitted to engage in the practice of public accountancy in this state or the affiliated entities thereof.

(8) (a) An attorney-at-law in good standing and licensed to practice law;

(b) An employee (meeting the definition of employee by the IRS) of a single attorney or single law firm who is acting within the employee's scope of employment of the attorney or law firm; or

(c) A consultant, accident reconstructionist, or forensic scientist when the person is retained by an attorney, insurance company representative, or appointed by a court to serve as an expert witness or to investigate, or to make tests, conduct experiments, draw conclusions, render opinions or make diagnoses, where those services require the use of training or experience in a technical, scientific, or social science field.

(9) Any individual engaged in any of the following:

(a) Computer or digital forensic services.

(b) The acquisition, review, or analysis of digital or computer-based information for evidentiary or other purposes or to provide expert testimony before any court, Board, officer, or investigating committee.

(c) Network or system vulnerability testing, including network scans and risk assessment and analysis of computers connected to a network.

Author: The Alabama Private Investigation Board

Statutory Authority: Code of Ala. 1975, 34-25B-1 through 34-25B-29

Professional Standards of Practice:

(1) The licensee shall at all times recognize the primary obligation to protect the health, safety and welfare of the public in the performance of the licensee's professional duties.

(2) The licensee shall perform services only in areas of his/her competence. The following acts or commissions, among others, may be deemed to be incompetence and be cause for

denial, suspension or revocation of a private investigator's license:

(a) Malpractice – includes but is not limited to recklessness, or excessive errors or omissions in the licensee's professional practice.

(b) Disability – includes but is not limited to mental or physical disability or addiction to alcohol or drugs as to endanger health, safety and interest of the public by impairing skill and care in providing professional services.

(3) In providing services, the licensee shall take into account all applicable laws and regulations. The licensee shall not knowingly provide services resulting in the violation of such laws and regulations.

(4) The licensee shall be completely objective and truthful in all professional reports, statements, or testimony. He/she shall include all relevant and pertinent information in such reports, statements, or testimony.

(5) The licensee, when serving as an expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of his/her testimony.

(6) Conflicts of Interest:

(a) The licensee shall not accept compensation (financial or otherwise) from more than one party for services on or relating to the same investigation, set of circumstances, court case, or issues unless all interested parties' consent in writing after full disclosure by the licensee.

(b) The licensee shall avoid all known conflicts of interest with his/her employer or client, and shall promptly inform his/her employer or client of any business association, interest, or circumstance which could influence his/her judgment or the quality of his/her services. When such a conflict is unavoidable, the licensee shall forthwith disclose the circumstances to his/her employer or client.

(c) The licensee shall take reasonable steps to ascertain the existence of potential conflicts of interests among his/her employers and/or clients. A conflict exists when a private

investigator, because of some personal interest, finds it difficult to devote himself/herself with loyalty and singleness of purpose to the best interest of his/her client or employer.

(d) No licensee shall contact or cause to be contacted any individual under investigation for the purpose of revealing confidential information to that individual. Any such contact with a subject being investigated, whether intentional or unintentional, shall be made a part of the investigative file of such case.

(7) Misconduct:

(a) The licensee shall not knowingly associate with, or permit the use of his/her name or firm name in business venture by any persona or firm which he/she knows, or has reason to believe, is engaging in business or professional practice of a fraudulent or dishonest nature.

(b) The licensee shall not furnish any services in such a manner as to enable unlicensed persons to evade the licensure requirements of the Alabama Private Investigation Regulatory Act.

(c) The licensee shall not represent, identify, or suggest to anyone that they are associated with any law enforcement agency.

(d) The licensee shall not bill a client for services or expenses, which have not been provided or incurred. A complete and comprehensive itemized statement of services and expenses must be provided to the client upon request.

(e) Misrepresentation of qualifications and identity.

The licensee shall not falsify or permit misrepresentation of his or her academic or professional qualifications. He or she shall not misrepresent or exaggerate his or her degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of associates, joint ventures, or his or her past accomplishments with the intent and purpose of enhancing his or her qualifications.

(f) A licensee may be deemed by the Board to be guilty of misconduct in his/her professional practice if:

(i) He/she is convicted in a court of competent jurisdiction of a felony; or misdemeanor, which the Board finds reflects unfavorably on the licensee's fitness for licensure;

(ii) His/her license or certificate of registration to practice private investigations in another jurisdiction is revoked, suspended or voluntarily surrendered as a result of disciplinary proceedings.

(8) Confidential Client Information:

(a) A licensee shall not disclose any confidential client information without the specific consent of the client.

(b) The rule shall not be construed to:

(i) Affect in any way the licensee's obligation to comply with a validly issued and enforceable subpoena or summons.

(ii) Prohibit review of a licensee's professional practice by the Alabama Private Investigation Board.

(iii) Prohibit a licensee from utilizing any such relevant information in the defense of a claim asserted against a licensee.

Disciplinary Action:

Definitions:

(1) Reprimand: A formal censure by the Board.

(2) Fine: A monetary penalty imposed by the Board.

(3) Probation: The monitored service of private investigation, which permits the private investigator to continue to provide inspection services pursuant to specified conditions as set forth by the Board.

(4) Suspension: The temporary withdrawal of the license by Board action.

(5) Revocation: The withdrawal of the license by Board action.

(6) Voluntary Surrender: The voluntary relinquishment of a license that has the force and effect of revocation.

Grounds for Application Denial, Suspension, or

Revocation: The Board may suspend, revoke, or refuse to issue or renew any license issued by it upon finding that the holder or applicant has committed any of the following acts:

(1) A violation of the Alabama Private Investigation Regulatory Act or any rule promulgated by the Board.

(2) Fraud, deceit, or misrepresentation regarding an application or license.

(3) Knowingly and willfully making a material misstatement in connection with an application for a license or renewal.

(4) A conviction by a court of competent jurisdiction of a felony.

(5) A conviction by a court of competent jurisdiction of a Class A misdemeanor, if the Board finds that the conviction reflects unfavorably on the fitness of the person for the license.

(6) The commission of any act which would have been cause for refusal to issue the license or registration card had it existed and been known to the Board at the time of issuance.

Grounds for Discipline of a License or Denial of Renewal or

Reinstatement:

The Board may reprimand, fine, probate, suspend, revoke or otherwise discipline a private investigator upon proof that the person:

(1) Is guilty of fraud or deceit in procuring or attempting to procure a license by:

(a) Filing false, forged or altered documents or credentials, including required continuing education documentation.

(b) Misrepresenting or falsifying facts in applying for original licensure, renewal, reactivation, or reinstatement of license.

(c) Having another person appear for a licensing or certification examination.

(2) Has been convicted of a felony offense.

(3) Has been convicted of, or has entered a plea of no contest, nolo contendere, nolo contendere, or has entered a plea of guilt, regardless of court disposition (including adjudication withheld), to a charged criminal act involving moral turpitude or gross

immorality that would tend to bring reproach upon the private investigator profession. Such criminal acts include, but are not limited to, offenses involving drugs, theft, lewdness, sexual misconduct, abuse, violence, fraud, or any other conduct deemed

detrimental to the public's health, safety or welfare.

Investigation:

(1) Upon self-disclosure or receipt of a written complaint alleging that a private investigator has violated a statute or rule by committing one or more of the actions specified as grounds for disciplinary action, an investigative committee shall be formed consisting of one Board Member, one Board Counsel, one Board Investigator, and the Executive Director.

(2) The committee shall review the complaint and other information submitted to determine if further investigation is warranted.

(a) If an investigation is warranted, the investigator shall work under the direction of the Executive Director to conduct further investigation.

(b) At the conclusion of the investigation, the investigator shall submit an investigation report to be reviewed by the investigative committee who has the authority to act on the report as described in Chapter 741-X-6-.05.

(c) The investigative committee shall send written notification to the complainant and the private investigator, against whom the complaint was made, of any action it decides to take in response to the investigation report.

(3) If the committee determines that an investigation is not warranted, the Executive Director may close the investigative file, provided that the matter may be reinvestigated at any time if circumstances so warrant. The Executive Director shall notify the complainant and the private investigator, against whom the complaint was made.

Board Action Following an Investigation:

The Board or its authorized designee shall have the power to act on the report of the investigation as follows:

(1) Dismiss complaint.

(2) Commence disciplinary proceedings.

(3) Accept voluntary surrender of a license.

Administrative Procedure Act:

The Board hereby adopts by reference as its rules Sections 41-22-1 et seq., Alabama Administrative Procedures Act, Code of Alabama (1975), as amended, governing contested cases, appeals, and related proceedings.

Final Disposition of Contested Cases:

(1) At least thirty days prior to the administrative hearing, a notice of hearing and a copy of the charges shall be served on the applicant or private investigator personally or by registered or certified mail to the last known address shown on records of the Board.

(2) The Board's complaint may be amended prior to the hearing but no amendment shall be permitted which is not

germane to the charge or charges or which materially alters the sufficiency of the complaint.

(3) A motion for withdrawal of the complaint may be filed with the Board's designee. The circumstances surrounding the attempt to withdraw the complaint may be explained by the person who is attempting to withdraw the complaint and the explanation shall be considered. No complaint that is well founded will be dismissed solely upon the motion of the original complainant.

(4) Pleadings relating to disciplinary proceedings pending before the Board shall be filed with the Board's designee. Pleadings shall be deemed filed upon actual receipt.

(5) Requests for subpoenas shall be filed with the Board at least ten days prior to the hearing along with the appropriate subpoena-processing fee. Any expense for service by a sheriff, process server or other entity shall be the responsibility of the party

requesting the subpoena. Any expenses incurred relative to subpoenas requested by a respondent, either for witnesses or related to production of documents are the responsibility of the party who requested the issuance of said subpoena.

(6) The hearing shall be conducted by the Board or by a hearing officer appointed by the Board. All testimony shall be under oath and shall be transcribed by a court reporter scheduled by the Board. Telephonic or other real-time electronic testimony is admissible at the discretion of the hearing officer.

(7) A continuance may be granted by the Board or its designee upon the filing of a written motion and affidavit detailing the reasons for the continuance. No motion for continuance shall be granted unless filed at least five days prior to the hearing.

This

provision may be waived upon showing of an emergency.

Informal Disposition of Contested Cases:

(1) Complaints or controversies may be considered and resolved by the Board or Board designee through alternative dispute resolution, informal conferences, meetings, or other informal means. Such informal measures shall be held without prejudice to the right of the Board thereafter to institute formal

proceedings based upon the same or related material if circumstances so warrant.

(2) Informal dispositions may be made of any contested case by stipulation, agreed settlement, consent order or default or by another method agreed upon by the parties in writing and as approved by the Board.

Decisions of the Board:

(1) Based upon the evidence presented at the administrative hearing or pursuant to informal disposition the Board action may be one or more of the following:

(a) Dismiss the complaint.

(b) Reprimand the respondent.

(c) Probate the respondent's license.

(d) Suspend the respondent's license. A suspended license is subject to expiration during the suspension period.

(e) Revoke the respondent's license.

(f) Deny approval of the application.

(g) Deny renewal or reinstatement of a license.

(h) Impose other sanctions or restrictions.

(2) The Board may levy a fine not to exceed \$1,000 per violation. Each day of a violation after notice may be considered as a separate violation.

(3) The decisions of the Board shall be in writing in the form of an order, a copy of which shall be mailed or delivered to the respondent or the respondent's attorney.

(4) The decisions of the Board shall be subject to public dissemination.

(5) Appeals from decisions of the Board are to the Circuit Court in Montgomery County, Montgomery, Alabama and are to be perfected in accordance with the Administrative Procedure Act.

Application Following Denial of Licensure:

(1) Application for a license following denial of licensure shall:

(a) Include evidence of rehabilitation, or elimination or resolution of the conditions for denial.

(b) Be made according to Chapter 741-X-6.

(2) Board action on applications following denial of licensure may be resolved either informally or through the formal hearing process.

(3) In considering a subsequent application for licensure, the Board may evaluate factors that include but are not limited to:

- (a) The severity of the act(s) or omission(s), which resulted in the denial of license.
- (b) The conduct of the applicant subsequent to the denial of license.
- (c) The lapse of time since denial of license.
- (d) Compliance with any conditions stipulated by the Board as prerequisite for a subsequent application.
- (e) Rehabilitation attained by the applicant as evidenced by statements provided directly to the Board from qualified individuals who have professional knowledge of the applicant.
- (f) Whether the applicant is in violation of any applicable statute or rule.

Reinstatement of a Revoked License:

(1) Application for reinstatement:

- (a) May be made twelve months after the effective date of revocation unless otherwise specified in Order or Agreement.
 - (b) Shall be made according to forms and guidelines provided by the Board.
- (2) Applications for reinstatement of a revoked license may be resolved informally or through the formal hearing process.
- (3) In considering reinstatement of a revoked license, the Board may evaluate factors that include but are not limited to:
- (a) Severity of the act(s) that resulted in revocation of the license.
 - (b) Conduct of the applicant subsequent to the revocation of license.
 - (c) Lapse of time since revocation.
 - (d) Compliance with all reinstatement requirements stipulated by the Board.
 - (e) Rehabilitation attained by the applicant as evidenced by statements provided directly to the Board from qualified individuals who have professional knowledge of the applicant.
 - (f) Whether the applicant is in violation of any applicable statute or rule.

Education

Continuing Education:

(1) Each licensee shall complete eight (8) hours of continuing professional education acceptable to the Board in each

calendar year. A private investigator shall be individually accountable for continued competence to provide private investigation services and shall maintain documentation to support all continuing education necessary for renewal.

(2) The Board may prescribe a continuing education program for reentry into practice.

(3) Units of measure for continuing education shall be:

- (a) 1 contact hour = 50 minutes
 - (b) 0.5 contact hour = 25 minutes
 - (c) 15 contact hours = 1 academic semester credit hour
 - (d) 10 contact hours = 1 academic quarter credit hour
- (4) Hours required.

(a) Each licensed private investigator shall complete sixteen (16) contact hours of continuing education over the two-year licensure period. Of these required hours, two (2) hours in Ethics will be required over the two-year licensure period.

(b) Any course accepted for credit shall be at least 25 minutes in length.

(5) Waiver or extension of continuing education.

(a) The Board may grant an extension of the deadline to complete the required hours of continuing education if it can be shown that compliance was beyond the control of the person seeking the waiver.

(b) Deadline extensions will be considered only on an individual basis and may be requested by submitting the following items to the Board office:

- (i) A written request for a deadline extension and a written and signed explanation of the reason for the request; and
- (ii) Any documentation, which supports the reason(s) for the deadline extension requested or which is subsequently requested by the Board.

(c) A deadline extension approved by the Board is effective only for the renewal period for which the waiver is sought.

741-X-7-.02 Standards for Continuing Education

(1) The Board or another organization recognized by the Board may approve providers of continuing education.

(2) The Alabama Private Investigators Association continuing education activities, which pertain to private investigation, shall be considered prior approved, providing they meet all other requirements for contact hours.

(3) The continuing education program must be a formal program of learning which contributes directly to the professional competence of the licensee.

(4) The following additional methods may be utilized for obtaining continuing education hours:

(a) By taking and passing (with a grade of C or better) a college or university course which comprises part of the professional requirements for a formal education in a criminal justice education program, or any course that shall enhance a private investigator's professional growth and development.

(b) Membership in professional organizations, holding office in, or participating on Boards or committees pertaining to Private Investigation may be counted up to two

(2) hours for each renewal period.

(c) By completing a self-study course, such as a course offered on the internet, which has been approved by the Alabama Private Investigators Association or the Board for a specific number of continuing education hours.

(d) Preparation and presentation of a lecture approved for continuing education hours under these rules shall be eligible for two (2) contact hours for each contact hour of presentation for the first presentation. Subsequent presentations of the same lecture will not be awarded additional contact hours.

(5) Private investigator related educational offerings as described in this Chapter will be acceptable for continuing education credit provided the courses meet minimum time requirements for contact hours as stated in 741-X-7-.01 (3) and provided these organizations and their affiliates maintain records documenting educational programs and rosters of licensed private investigators who attend their programs. Such documentation shall be retained for three (3) years and made available to the Board upon request. An acceptable Continuing Education Provider is defined as any individual, organization, institution, association, firm, or other entity that provides ongoing training services to the private investigator that directly relates to the practice of private investigation. Acceptable Continuing Education Providers are listed below:

(a) Associations – The Board will accept continuing education credits for instruction provided by legitimate private

investigator associations. This shall include, but is not limited to, state and national associations which are properly incorporated and in good standing with the appropriate incorporating body.

(b) Company Training – Companies may develop continuing education courses to provide training solely for their own employees.

(c) Institutions – Institutions that provide training for profit.

(d) Distance Learning – Distance learning shall include, but is not limited to, online internet-based training and correspondence courses.

(e) Individuals and Firms – Individuals and firms that provide training for profit.

(f) State Board or Commission – Continuing Education approved by a Licensure Board or Commission for Private Investigators.

(6) The Board specifically reserves the right to approve or disapprove credit for continuing education claimed under this Chapter.

(7) Continuing education credit will not be allowed for the following:

(a) Regular work activities.

(b) Independent unstructured or self-structured learning such as home study programs, except as authorized pursuant to Chapter 741-X-7-.02(4)(c).

(c) Training specifically related to policies and procedures of an agency.

Private Investigator Trainers:

(1) Qualifications of Certified Trainers - Any person offering private investigation training must first be certified by the Board. In order to qualify as a Certified Trainer or instructor, or both, the trainer shall meet the following criteria:

(a) Is at least 21 years of age.

(b) Has had at least three years' experience satisfactory to the Board with an investigative company or proprietary entity or with any federal, United States Military, state, county, or municipal law enforcement agency and relating to the block of instruction.

(2) Assistant Trainers shall be under the supervision and control of the Certified Trainer by whom they were appointed.

The Certified Trainer shall be held accountable for the performance of each Assistant Trainer.

(3) Qualifications of Assistant Trainers - Assistant Trainers may work under the supervision of a Certified Trainer in the implementation of a training program. In order to qualify as an Assistant Trainer, the applicant shall meet the following criteria:

(a) Is at least 19 years of age.

(b) Has had at least one year of experience with an investigative company or any United States Military, state, county, or municipal law enforcement agency.

(4) An application for Certified or Assistant Trainer shall be filed with the Board in the prescribed form.

(5) The Board shall be notified in writing within ten (10) days of any material change in information furnished in connection with an application for trainer certification.

(6) Upon approval of a Certified Trainer or Assistant Trainer application, the applicant shall pay a fee for certification (see Appendices I – Fees). Certification shall expire two (2) years after the date of issuance and shall be renewable biennially for a renewal fee (see Appendices I – Fees).

Certified Training Program:

(1) Each certified trainer shall provide each student a syllabus/outline prior to their enrollment in a training program. This syllabus/outline shall include:

(a) the number and type of course(s) to be taught in the training program;

(b) The amount of time to be devoted to each course;

(c) The title and author of each textbook to be utilized by the certified or assistant trainer(s) in their instruction. If students are required to purchase texts for a program or course, information as to where such text(s) may be purchased and the approximate price thereof should also be included;

(d) The name of each Certified Trainer responsible for the administration of the training program and the name of each Certified or Assistant Trainer to be utilized in the implementation of the program;

(e) All fees to be charged to enroll in and complete the training program;

(f) The maximum number of students to be enrolled in the program at any one time.

(2) Maintain a record of each student enrolled in the training program for a period of three

(3) years after their completion thereof. Such records shall be made available to the Board upon reasonable request.

(3) Provide classroom space to adequately accommodate students. Students should be seated at individual desks, tables or in a proper learning environment.

(4) By applying for certification as a trainer, an applicant agrees to permit periodic monitoring of his/her training program by the Board for the purpose of evaluating the program content, instructor performance, or any other relevant aspect of the administration and conduct of such training program.

(5) The Board may revoke or suspend the certification of a trainer or program if, after reasonable notice and opportunity for hearing, the Board finds that such trainer or program:

(a) has violated any provision of the Alabama Private Investigation Regulatory Act, this Chapter, or any other Chapter of the Rules and Regulations of the Board;

(b) has become certified through fraud or misrepresentation;

(c) has falsified any statement or record required to be submitted or kept hereunder;

(d) has been convicted by a court of competent jurisdiction of a felony or a misdemeanor, if the Board finds that such conviction reflects unfavorably on the trainer's fitness for certification;

(e) is demonstrably incompetent to conduct private investigator training;

(f) has made any material misrepresentation as to the information contained in the syllabus/outline provided to prospective students, or

(g) is guilty of misconduct or gross negligence in the operation of a training program.

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(6) If an individual wish to terminate his/her status as a Certified Trainer, he/she shall notify the Board in writing. The notice shall include the effective date of the desired

termination, and shall be accompanied by the certified trainer's original certificate.

(7) Upon completion of each training program, the certified trainer shall submit to the Board a certified list of the names and addresses of those individuals successfully completing the program.

(8) No certified trainer, or program shall represent that he/she or any aspect of his/her business or activity, has been recommended or endorsed by the Board.

(9) Students of Private Investigation Training Programs may not participate in actual private investigation fieldwork. They may, however, participate in mock fieldwork exercises supervised by a certified or assistant trainer.

(10) No Certified Trainer or Assistant Trainer may utilize students in their training program as apprentice investigators without prior approval of the Board.

Reporting Requirements for Audit:

(1) A private investigator shall:

(a) Provide a signed statement of affirmation, under penalty, of the degree of compliance with continuing education requirements for license renewal including but not limited to compliance with:

- (i) Earning the required number of contact hours of Board-approved or Board recognized continuing education activities;
- (ii) The designated earning period;
- (iii) Content and acceptable activities, and
- (iv) Any other requirements in these rules.

(b) Maintain individual continuing education records for three (3) years following the renewal date for which the contact hours were earned including but not limited to certificates, transcripts, or other documentation of attendance at continuing education activities to substantiate earned contact hours.

(c) Submit documented evidence of meeting continuing education requirements within thirty (30) days of the date a written request is mailed first class to the address of record of the private investigator.

(2) A private investigator who fails to comply with reporting requirements, requirements for audit, requests for documents, or submitting false, inaccurate, or incomplete evidence of

meeting continuing education requirements shall be subject to disciplinary action by the Board.

(3) A private investigator who fails to provide evidence meeting continuing education requirements for license renewal shall not have the license renewed.

(4) Providers:

(a) A provider's compliance may be evaluated by participant evaluations, provider evaluation, random on-site visits, or an audit of the provider's reports and records by the Board or its designee.

(b) Audits of providers may be conducted upon written complaint by any individual for failure of a provider to meet criteria for approval. The provider shall submit requested documents within thirty (30) days of the date a written request is mailed. Failure to comply may result in sanctions by the Board.

(c) A self-evaluation report of compliance with standards shall be submitted to the Board according to Board guidelines as part of the application for continued approval.

Fee Schedule

Application Fee \$100

License Fee \$300

Renewal Fee \$300

Late Renewal Fee (Penalty) \$200

Certified Trainer Fee \$500

Assistant Trainer Fee \$250

Mailing Label Fee \$100

Law/Rule & Regulation Book \$ 50 (for non-licensees)

Author: The Alabama Private Investigation Board Statutory

Authority: Code of Alabama (1975) 34-25B-1 through 34-25B-29

Forms List:

Application

Proof of Citizenship (POC)

Verification of License from Another State

Complaint Form

CEU Reporting Form

Renewal Application

Request for Reinstatement Application

Change of Information Form

Chapter 6 - Ethics in the Investigative Field

Truth in reports: (By Jim Casteel)

There is some detailed information about the charge of Perjury in chapters 3 and 19 of this book, but some less severe actions may not put the Investigator at risk of perjury charges but may nevertheless be unethical in practice. An untruth in a report can be the result of a few different actions or mistakes and are not always intentional. That does not reduce the responsibility of the Investigator to assure that his or her reports of facts and findings are accurate and, when unsure, to state that you are unsure.

Some common reasons that untruths are found in reports are:

1. Mistaken identity of a person or vehicle.

(It is the Investigator's responsibility to verify through tag or VIN numbers or have someone who can identify a subject verify their identity.)

2. Investigator made assumptions based on changes in the situation or unverified facts.

(Example: The Investigator drives past a subject's residence in an injury fraud case, the subject is standing near his truck and there is a lawnmower sitting on the ground next to the truck. The Investigator drove around a building to access a parking area that he or she could film from without risking exposure and finds the lawnmower is now in the bed of the truck and the subject is walking toward the house. The Investigator reports that the subject lifted the mower into the truck but at the final court date they produce video from the subject's home security cameras that shows that a neighbor

had walked over and lifted the mower for the subject. The Investigator missed that part while trying to acquire a position and then made a false statement based on an assumption.)

3. Investigator exaggerates the situation in his or her report rather than documenting the facts as they were observed.

Points to be taken:

Always tell the truth on reports and in court, do not lie or exaggerate.

Verify your facts before testifying in court do not make assumptions.

Proofread your reports.

Responsibility to Clients: (By Jim Casteel)

When taking in a case an Investigator has certain responsibilities to the client. The client does not always know or understand what they should do in the case and what the Investigator should do. The Investigator has a responsibility to conduct him or herself professionally, to commit to tasks that will meet the client's needs, be legal and ethical and not put the client in danger legally, civilly or physically. The Investigator should always be upfront and honest about his or her level of expertise in any given situation or task. If unsure about the legalities of a situation or task to be performed the Investigator should always advise the client to seek legal advice before moving forward with it.

The Investigator should never provide the client with information that is unlawfully obtained or unethically obtained, that may put the client in a legal bind when they try to use the info. In that, I am speaking of records such as phone records, medical records, financial records etc. It is important to know what information the Investigator should attempt to access, and which information should be subpoenaed by the client's attorney.

Never misguide a client on the placement or use of camera, audio, or GPS tracking equipment. The Investigator is expected to know what the boundaries are in the use and placement of any equipment that he or she uses or recommends to a client.

Improper use or placement of equipment could cause the client and/or the Investigator to face severe civil or criminal consequences.

Example 1.

Investigator is working a child custody case for a client who is recently divorced. The assets in the case have been divided and the client's former spouse has possession of the former marital residence and the minivan. To cut back on manpower and save the client money the Investigator offered to place a GPS tracker on the minivan. The Investigator just put him or herself at risk of civil action and possibly criminal action if trespassing was involved while placing the device and inadvertently has given the other side some leverage in the case. In addition to the civil and criminal complications the Investigator's evidence can be ruled inadmissible because it was illegally obtained.

Example 2.

Investigator is working a possible adultery case and is asked by the client to place a hidden camera in the guest room of the marital residence in case the spouse brings the Paramore in that room. The camera is placed and left operating in that room for several weeks. During this time, some out-of-town guests use that room and on a couple of occasions the underage daughter has friends stay over and use that room. The legal and ethical problems with this should be obvious. A point to remember is that, in a civil case, the evidence should be strong enough to satisfy a reasonable mind where in a criminal case the evidence would need to be strong enough to prove beyond a reasonable doubt. With that said it would, in most cases, not be necessary to obtain film of the spouse and the Paramore in the actual act but sufficient to film them entering the room, closing the door behind them, and remaining for a period of time. Even in a divorce case, a father and a mother have some level of civil relationship to maintain in order to co-parent. A healthy attitude towards a co-parenting situation is already very difficult in many divorce situations therefor an ethical Investigator will find the best balance that will allow him or her to obtain enough evidence to achieve the goals of the case without creating additional problems or friction between the parties. Consider the way

many people would feel if their most intimate moments and private aspects of their lives were put on film to be displayed in court; many people would feel so strongly that they have been violated that they will develop a deep and lasting hatred towards the spouse, and this can present a problem when it comes to co-parenting in the future. Remember that your client may not think of these things when they are dealing with emotional stress over an extra marital affair so it is up to the Investigator to avoid actions that may cause regret for the client and unnecessary drama for the children involved in the case. Always check the client's motive for the actions they request of the investigator and make sure the motive is ethical and not a form of revenge for their anger or pain felt at that moment.

Points to be taken:

1. Make sure that any information provided to a client is legally obtained and provided to use for a legal and ethical purpose. It's best to provide sensitive or personal information directly to the client's attorney and let the attorney decide what is to be shared with the client.
2. Confirm that you have proper permission to place a tracking device on any vehicle or asset and that you are not going on private property to place the device without having permission to be on that property. Make sure that the tracking is done for a legal and ethical purpose such as to obtain evidence in a case or to assure that an abusive spouse is not violating a protective order.
3. If you are going to install covert cameras, have a contract or service agreement written by an attorney and always make sure that you are doing everything within reason to protect others privacy. I recommend an agreement which involves the client purchasing the equipment and agreeing that the placement does not threaten anyone's privacy and that the client is responsible for the discontinued use or relocation of the equipment if the situation changes. I would further recommend that the client agrees that the evidence obtained from the installed equipment is for the sole purpose of exercising their right to discovery in the case in which the

Investigator was hired for and will not be used for any other purpose, unless a criminal act is detected, and at that time the evidence can be released to law enforcement. Always consider the results of your actions and how the outcome will affect your client in long run. Keep in mind that you are installing equipment with electrical circuitry, and you may be asked to take apart an appliance or furnishing to place this equipment. This creates a risk of damage to the appliance or furnishing as well as other liabilities that may present themselves. I recommend that your service agreement includes a damage and liability waiver and specifies your limitations of qualifications in certain aspects such as electrical wiring or automotive disassembly or reassembly. Include minor damages to auto panels, clips, electrical connectors etc. Before running wire, cutting into ductwork, disassembling a television or other appliance, or even putting a pinhole in a painting, have a very detailed description of the items and a waiver that includes any damage to items as well as damage caused by malfunction or even improper installation of these devices and be sure that there is clear mention of the risk or possible risk.

Example: Investigator Goodguy, and company agree to install a covert camera in a ceiling exit light and feed the power/video cable to a detached recording device through the ductwork, investigator is not an expert in the assembly and disassembly of the exit light and will not be held responsible for any damages to the light fixture, housing, or any components. The client further agrees to hold Investigator Goodguy, his employees and/or associates harmless from claims of any damage or injury directly or indirectly resulting from the condition, performance, installation or use of the equipment installed regardless of severity of damage.

Dealing with Possible conflicts of interest: (By Jim Casteel)
Conflicts of interest arise differently in different types of cases; some conflicts must be handled differently in different situations. For example.
Example 1.

Investigator is asked to investigate a personal injury case for a plaintiff attorney in which a friend or family member is the defendant. In this case you would simply tell the plaintiff attorney that you would have a conflict.

Example 2.

Investigator is contacted by an individual or their attorney in a divorce or child custody case in which the Investigator has already been hired by the opposing side. This becomes more complicated because, if the Investigator simply states that he or she has a conflict, that lets the other side know that an investigation is in progress. This can damage the Investigator's ability to obtain the evidence that he or she was hired to obtain and violate a confidentiality agreement or obligation to the client. Many Investigators have developed ways of handling this situation for example, just telling the party that you are booked up for several months and recommend that they find someone who would be more readily available. Whichever way that you decide to handle the situation; the most important point is to recognize the conflict before obtaining any more details of the case or information than necessary and absolutely do not take any type of payment from an opposing side.

Your actions in the case: (By Jim Casteel)

When determining whether to attempt a task that a client requests, think about how it will look if the court, the opposing attorney, or anyone else for that matter were to know of it because it may come out at some point.

A saying that I have always hung onto is "if you have to think about what you are going to say when you get to court, you're already in trouble".

A client may ask you to put a GPS tracking device on a vehicle that you have no right to track or illegally record a conversation or they may even ask you to obtain records (phone, bank, etc.) illegally. An ethical Investigator will know immediately that this is a bad idea and adamantly refuse to participate.

Points to be taken:

Always be sure that you have no conflict in a case before you get too deep into obtaining information from the conflicting party.

Never take money or favors from the opposing side of a case.

Be certain that your actions are legal and ethical, no client or fee is worth your reputation and your career.

Personal conduct: (By Jim Casteel)

A professional should conduct themselves as a professional in any field; however, a Private Investigator will likely find his or her character in question on stand at some point. The credibility of the Investigator may weigh heavy on whether his or her evidence is admissible. How an investigator conducts his or herself in their personal life may become part of the Investigator's resume on stand during a trial. It is important to consider your conduct when doing anything that may be made publicly available. That includes postings on any type of social media or networking sites, actions in public places, actions and/or conduct that may become part of any court case, police statement, court filing or any other form of public record.

Example: A Private Investigator was angry with a person that he was in a relationship with and made a sworn statement claiming that he feared for his life because that person had assaulted him and further threatened him with a firearm, as a result a protective order was issued. Later the two became civil with each other and the Investigator dropped the case, and the protective order was dropped.

In another case in which one of the parties was involved the Investigator was asked, in a deposition and while under oath, about the assault and the threats that the Investigator revealed in the statement that he had made to obtain the protective order. The Investigator testified that he had misrepresented the facts in that statement which was used to obtain the protective order and that the girlfriend did not assault him nor threaten him with a firearm.

The Investigator had conflicting testimony in two different official sworn statements. This could only mean that in one of the two statements his testimony was untrue. That had become a part of public record and could now be accessed by the

opposing legal team in any case the Investigator testifies in and used to argue that the Investigator has a history of lying.

This could render the Investigator's testimony in any case questionable and make the investigators services useless in a court of law.

That is, a hard-fact impeachment of an Investigator's character but sometimes more subtle attacks are made such as use of distasteful or embarrassing post on social media. Remember also that anything you do or say in public can be filmed or recorded so always conduct yourself ethically and morally in your personal life as well as your professional life.

Points to be taken:

1. Be truthful in all statements made under oath or that you swear to on any official document.
2. Be careful about what you post or allow to be posted on social media.
3. Conduct yourself in a manner that you will not be ashamed of in a court of law or anywhere for that matter. That is not to say that you should not cut up with friends and have fun in the proper settings, just always keep in mind that when in public you could be on film.

Responsibility to the public: (By Jim Casteel)

Private Investigators have access to information that the general public does not have access to. In many cases the information that a Private Investigator can access is protected and can only be accessed for permissible causes such as the anticipation of litigation or fraud prevention.

That places a certain level of responsibility on the Private Investigator when it comes to the handling and distribution of this type of information. Most of the data bases used to access this level of information have usage agreements and requirements. It is important to understand that, even though the Investigator has the ability to access the information legally, the misuse or mishandling of the information could land the Investigator in a lawsuit.

Example:

I was contacted by a man who was trying to locate an individual that had been an acquaintance many years ago, but they had lost touch. This man had tried most of the common methods to locate her and his efforts yielded no results. The man simply wanted an address and phone number. The conversation progressed and I was beginning to feel uncomfortable with the persistence this man displayed in locating the woman; I informed him that our policy would allow me to find her, contact her, and relay a message to her giving her the option to contact him. He first said that he would be afraid that an Investigator contacting her would appear extreme and he would rather that I just gave him her address and he would send a letter. I of course refused, but our conversation continued, and it began to appear that the man was getting more anxious about locating her. I stood my ground. Finally, the man broke down and stated, "look man I just need to explain to her what she did to mess up my life; she was my judge and she sent me to prison for five years". Now ask yourself what position you would be in if someone like that had obtained the Judge's location from you and sought revenge.

A common call that I get is "I need someone to run a tag because this car has been hanging around the neighborhood and we've had a lot of break-ins". That almost sounds legitimate but is likely a job for local law enforcement. The individual does not have a right to obtain information on every vehicle plate that goes through his neighborhood and the Investigator has no way of proving that the caller is being honest. This could be a girl's tag number that the guy, who could be a stalker, has taken an interest in and wants to hunt down, cyber stalk or worse. There is no way to tell how many other Private Investigators have already rejected his request and given him a good reason for the rejection which may have helped him to perfect his story to you.

There are many scenarios that could land a Private Investigator in a lawsuit if a client uses information such as, vehicle

registration information, social security numbers or even an individual's address and/or location that was provided by the Investigator, for the wrong reason and the person who was wronged decides to file a civil suit on the Investigator. Would you really want a judge or jury to decide if you had the right to release that info and if not what your restitution to the victim should be?

A rule of thumb that I follow is to only release information in cases that are involving litigation and then to release it only to the attorney of record in the case. That will always give you a buffer between the individual and if the attorney elects to share the information with his or her client it will be that attorney's responsibility and not the Investigator's.

Many Private Investigators have prior Law Enforcement experience and has friends in Law Enforcement. This sometimes creates the temptation to ask a friend to supply some information through law enforcement data basis such as L.E.T.S. (Law Enforcement and Traffic Safety) This can cause legal problems for the Investigator and the friend.

Points to be taken:

1 Always look for the legal and ethical way to achieve your client's goal and avoid putting yourself and/or your client in a criminally or civilly liable situation.

2 Be smart and ethical about distributing sensitive information and, whenever possible, use the attorney of record in a case to buffer you from delivering this type of information directly to an involved party.

3 There are many aspects of ethics and situations, practices, technologies etc. that develop daily, and may present new ethical considerations. The best policy is to seek continuing education in ethics on a regular basis especially in your particular field of expertise or pertaining to technology that you will be utilizing such as GPS tracking, drones, hidden cameras etc. and reach out to an attorney for guidance when in doubt. It's also a good idea to build a relationship with fellow Investigators through associations, seminars etc. and discuss situations and scenarios with them to find a good ethical way to handle whatever it is you are unsure about.

Payments to Others: (by Kelly Riddle)

If a person, company, or attorney hires you to perform an investigation and they fail to pay for your services, you still have to pay those that performed the work on your behalf. That is a hard pill to swallow for some. Let's say you were hired by a law firm that represents a person requiring some background and surveillance work. You perform the background work and sub-contract the work to another company or Investigator (ex: ABC Investigations). They complete the assignment and return it to you in a timely and professional manner. You in turn provide the finished report and invoice to the law firm. The attorney notifies you that the client does not think the investigation helped their case and they therefore have refused to pay the invoice. In this situation, you have to pay ABC Investigations as they accepted and contracted with you to do the work on your behalf. Your client, and in this case, the end client or individual is not the client of ABC Investigations. You are the client of ABC Investigations. I have seen this type of situation numerous times. Ultimately it is your responsibility to either obtain a retainer before the work is conducted or to invoice the client upon completion of the work. Either way it is your responsibility. Technically your client is the law firm and not the individual that hired the law firm. I have had to point this out several times to the attorney because there was nothing previously agreed upon that would indicate the law firm was not directly responsible for paying the investigative invoices. I would also remind anyone that when you get another Investigator to do work for you and who does this at a discount, you have a responsibility to pay them quickly and not make them wait!

Double Billing Cases: (By Kelly Riddle)

I have found investigators who try to double-bill for their time on separate cases. As an example, an Investigator is assigned multiple surveillance cases. They figure out that there are two cases that are only 10-15 minutes from each other. The Investigator may start surveillance at 7:00am on the first cases and document the status of the house and cars. They may leave that case and quickly drive to the 2nd case where they document the status and vehicles at that location. Throughout

the day the Investigator runs back and forth, assuming that no activity has taken place while they were away checking on the 2nd case. They will then bill for time and expenses on both cases for the entire time. There are so many things wrong with this scenario, but it happens. The Investigator may get away with it a couple of times but eventually a car will leave, and they will have to do some "creative writing" to cover up why they didn't see the vehicle leave. This is one reason a good case manager and a good case management system is important.

(Note) Intentional over billing can be a federal offence if the invoice is delivered by mail or email. Mailing a fraudulent invoice is Mail fraud and e-mailing a fraudulent invoice is wire fraud.

Video Alteration: (By Kelly Riddle)

In conjunction with the double-billing of cases, you will often find altering of video to coincide with this type of situation. Most surveillance clients request hourly time-shot videos that consist of 30 seconds – 1 minute of video showing the house, vehicles and area to document that the Investigator is on site and no activity has taken place. Forensically this can be defeated, and documentation of the actual time and date can be verified. However, there are Investigators that will take their time shot, change the time for an hour ahead and shoot another time shot. They will do this to cover 3-4 hours and then leave and do the same thing at another case. If you suspect someone of doing this, watch the shadows of trees, cars, houses, and similar items as the shadows will naturally change as the sun moves.

Another concern regarding video is recording sound. I discourage it except for rare situations. Having an attorney or jury view your video while the audio captures some things that should not have been said can be embarrassing. In some public locations it is illegal to record audio and video without written consent and/or signs notifying the public of possible recordings.

The Use of a Pre-text (By Kelly Riddle)

Part of acquiring information is knowing how to utilize a “pre-text” line of questioning. A good P.I. knows that some people will give you information but refuse to if they are identified or if they are giving it to the police. These types of people also place P.I.’s in the same category as police. Therefore, certain methods have to be utilized to place the person at ease and make them comfortable about talking with you. A technique of “miss-direction” may therefore be required to complete the task.

For example, if you have obtained information that your subject may be living at a new address but are unsure if they are the same subject, you may want to call some of their neighbors. Through the record searches previously outlined, you have a list of neighbors but do not want to scare the subject into moving again if he finds out that someone is searching for them. Depending on your reason for finding a person, you may need to “miss-direct” the neighbors. You can call the neighbors and advise them that you work for a collection agency and are trying to locate a subject that has failed to pay one of your customer’s accounts. You can then ask them if they know the subject in question who lives nearby the neighbor. You may be able to determine that the subject did recently move in, what the subject looks like, etc. Once you receive the information, you can then advise the neighbor that the subject living by them apparently is a different subject than the one you are looking for. This allows you to accomplish your goal, you put the neighbor at ease, and they probably won’t tell the subject since you advised them it was not the same person. NOTE: Remember “caller I.D.” that displays the number calling their home. The use of telephone “Pre-Text” methods should be discouraged in these areas.

Understand that it is illegal to use a pre-text to obtain financial information about a person from a bank or financial institution. It is also illegal to pre-text to obtain medical information or records of another person without their written authorization.

Chapter 7 – Continuing Education:

(By Jim Casteel)

Associations: National and state associations.

The primary state association in Alabama at this time is the Alabama Private Investigator’s Association known as A.P.I.A. This association has an annual membership fee and offers CEU’s at quarterly meetings as well as at their annual training conferences. There are similar associations in most states that welcome out-of-state conference attendees and commonly advertise their conferences on their websites. Although there are several national associations; not all of them have annual training conferences but some do. It is important to search out topics that may help you enhance skills that pertain to the specific areas of your expertise but advisable to look at new skill areas as well. Associations in other States like Florida, Georgia, Texas etc. offer CEU’s and have non- member attendee rates as well as associate member options in some States. Also consider non Private Investigative associations that may help you to reach investigative goals such as Law Enforcement conferences for those doing criminal work, photography and videography classes which help in almost every field of investigation, classes, courses and seminars that can advance your skills in computer programs, apps and software, audio recording laws, speaking skills (may help in court testimony), writing and language skills, and basically anything that will help you with the many different aspects of the job, which can vary from case to case.

Check with your state board about which credits they will or will not except for continuing education hours and see if they will except the unconventional courses if you can show how they relate to your investigative needs. Some companies discourage their employees who are licensees from joining associations because they are concerned that they may find better job offers.

Books: Industry specific, related industries, and special niches or interest.

Although you can seldom get CE credits from the material that you read outside of a class or course; there many publications that are great sources of information and education. Look past the basic outline of what you specialize in to find material that will help you to be better in the field. For example, if your main area of focus is surveillance you may want to study some materials on photography, Videography etc. If your niche is in interviews and statements, you may read some directly related material and also venture into some subject matter on human behavior to better understand the behavior of subject's that you are interviewing. When it comes to this type of continuing education you set your own limits but keep in mind that this is for your personal growth and does not necessarily involve credits, certificates, or documentation of your studies. You may find that the most current information and technology is often found via eBooks and blogs.

Online Courses: (By Jim Casteel)

There are many resources for online courses. The acceptance of the courses for CE credit is somewhat varied; a course would most likely count towards continuing education credits as long as it is presented by a knowledgably speaker qualified in the subject he or she is speaking on and pertains to private investigative services or a field that relates to the licensee's particular investigative niche. Some states require that a course be approved by the state, a state investigative or related association, or be presented by a licensed certified trainer. Before investing in online courses solely for the purpose of obtaining CE credits; check with the state board to make sure that the credits will be accepted. That should not deter you from taking courses of interest that do not provide acceptable

CE credits if it is a subject that you feel will enhance your abilities and is given by a source that you feel is credible.

Online informative videos are another source of education and information that may not necessarily provide CE credit but can help you better understand the case you are working at the time. Let's say you were hired on a personal injury case and your social media research revealed that the subject was offering freshly caught blue crabs for sale. You may want to see if you can find a YouTube video on ways to catch blue crabs. From there you may have more of an insight as to whether the guy is walking through the water netting crabs or dropping crab traps from a boat and going back after them. This could help you determine surveillance times, and positions. For example, if you find that the guy has a boat in his yard and you can tell, from what the YouTube video taught you, that the boat is set up for crabbing and what the best times to set the traps are, you will know when to plan your surveillance and you can go ahead and search for the local boat launches. Once you get him going to the launch and heading out, if you are lucky, you may be able to find a view of where he is in the water and anticipate where he will come back to retrieve his traps. If you aren't lucky enough to see where the traps are dropped, you will still know where he will have to go to launch when he is ready to retrieve the traps. The YouTube video has taught you what the process is for removing the crabs from the traps and any cleaning or storage requirements. The same thing applies to any situation, and I have used this to get a preview into possible activities with injury claimants who were involved in activities such as brick laying, playing in a band, Fishing in a Bass tournament, deck building etc.

Related Education: (By Jim Casteel)

This refers to education pertaining to a field that relates to the licensee's particular investigative niche. This may not always involve continuing education credits or certificates; in some cases, it's just a matter of increasing your knowledge to better serve your client. For example, if you were doing a lot of surveillance from wooded areas in camouflage, you may want to seek studies on hiking that provide information on hazardous plant types, animals etc. in your area. If you are investigating a roofer or a framer on an injury claim case, you

may want to seek some online videos that illustrate the process of their jobs so you can anticipate certain actions that may help to obtain evidence that may disprove their claims.

Colleges and vocational technical schools: (By Jim Casteel)

There are many opportunities from these educational institutes in courses such as, criminal justice, psychology, photography, electronics etc. Most States recognize these types of courses as acceptable CE hours as long as the licensee can show how it pertains to the type of investigative services that they provide but always check prior to the investment (although any education is beneficial even if CE credits aren't provided).

Continuing education basically means to keep learning, which is what an Investigator does on every case. A client will contact an Investigator to seek out answers that neither the client nor the Investigator has at the time, and the Investigator's job is to learn the answers through whatever legitimate means necessary. We learn on every case through a variety of means whether it be interviews, data research, surveillance etc. The extent that an Investigator goes to learn about the subject, people or person involved, situation or activities, can, in many cases, measure the quality of the services rendered and the level of success that the Investigator has.

Important note: Continuing education is sometimes just for the benefit of the quality and success of the Investigator's work rather than for CE credits, diplomas, or certificates. High quality and a high success rate with cases generally results in steadier workflow for that Investigator.

Field Experience: (By Jim Casteel)

I cannot say enough about the benefits of hands-on training, however it's important to have a knowledgeable mentor when possible. There are also advantages in working with a variety of different people to get insight from different perspectives. Keep in mind that hands-on experience may not always apply to just Investigative work but to other fields that one may have to develop knowledge of in order to succeed in an undercover assignment that the Investigator is anticipating.

The experience is only helpful if you use it. It is almost impossible to have everything go as well as it can possibly go in a surveillance case because you know very little about what

you may encounter. Times, place, activities etc. are all up to the person you are watching, and you seldom have a heads up on those types of details. When things tend to surprise you or catch you off guard, you have to improvise and find a way to accomplish your surveillance goals in spite of the situation.

It is important to look back over every case and ask yourself what you can learn from that experience that can make your next similar situation work out even better. The best Investigators are the ones that keep this mindset rather than those that get bored with the job but not the paycheck. Those are the Investigators who tend to start looking to accomplish just enough to justify billable hours. I've always said and will probably say more than once in this book, there is a major difference in a run-of-the mill Investigator and a really good, high in demand, Investigator and the following paragraphs will explain that difference.

A run-of-the -mill Investigator will come back from a case with legitimate reasons for why he or she was unable to get any evidence. These are legitimate reasons that describe situations and obstacles that inhibited the investigator's ability and caused the failure to achieve what he or she set forth to accomplish.

A good, high in demand, Investigator will come from working the same case with the same situations and obstacles with some great stories about how he or she overcame the obstacles and obtained the evidence that they set forth to get for the client and did so in a perfectly legal and ethical way.

Experience is important in all cases, but the importance of field experience is even more crucial in cases that can result in a child being awarded to an abusive or neglectful parent or a person being convicted of a crime they did not commit. The law states that it is a violation to "knowingly make a material misrepresentation as to the ability of the individual to perform the investigation required by a potential client in order to obtain employment". That would include claiming that an Investigator has experience that he or she does not have. This type of violation could lead to a civil suit from the client who suffers the consequences of the deceit.

Chapter 8-Types of Investigative Services:

Civil vs Criminal: (By Jim Casteel)

The burden of proof in criminal cases calls for proof beyond reasonable doubt. In civil cases the burden is reduced to a level of proof adequate to satisfy a reasonable mind. Criminal cases can become civil cases in some circumstances.

Types of Criminal cases: (By Jim Casteel)

Private Investigators are used in several different types of criminal cases; some are better left up to those with prior training or knowledge in police procedure's, protocol, and boundaries. Some may require more specialized skills in forensics, accounting etc. while other can be successfully worked with a knowledge of basic investigative skills or surveillance technique. Below we touch on some of the more common types of criminal cases.

Murder:

Investigation of suspected murder case: (By Jim Casteel)

This type of investigation is best left to those with specific training in the field and it is helpful to have a working knowledge of police procedures and protocol. The Investigator should be mindful of the efforts being made by Law Enforcement and take care to avoid crossing boundaries or hindering a Police investigation especially if contacted by a victim's family who is concerned about the results of an ongoing Police investigation.

Private Investigators are commonly contacted by defense attorneys to investigate murder charges on behalf of the accused. This could involve speaking with alibi witnesses and/or actual witnesses. I, again, recommend that these types of investigations be handled by those who are trained for it so that the Investigator avoids crossing lines that would hinder a Law Enforcement investigation or arouse accusations of intimidating witnesses.

Cold case murder investigations: (By Jim Casteel)

This is another type of case that is best left to those with some degree of law enforcement training and/or knowledge. Having

knowledge of Law Enforcement procedures and tactics can help the Investigator spot flaws, mistakes or oversights in prior investigations as well as knowing what information may be available through the information that the original investigation yielded. There are many cases where the original investigation was very thorough but, since that time, new information, witnesses, or technology has come to light or become available. Having knowledge of law enforcement procedure and tactics doesn't always translate to having worked in Law Enforcement; knowledge can be obtained many different ways such as courses, training under someone with that type of experience, taking classes etc.

Criminal defense of the accused: (By Jim Casteel)

We have discussed criminal defense pertaining to murder cases, but all types of criminal cases must be defended and there are many criminal defense firms that use Private Investigators.

Assault: (By Jim Casteel)

There are a few different types of assault, and the client could be a defense attorney, a victim, or a family member of the victim. Just keep in mind that any time that you work a criminal case for a victim, law enforcement may already have an investigation underway.

Theft: (By Jim Casteel)

Theft is another area that is often handled by Law Enforcement. However, they do have to prioritize where they apply their efforts. If the department or agency dealing with the crime has a heavy case load a theft of property case wouldn't take priority over a missing child or homicide spree.

In some instances, you may be dealing with theft of an item that holds sentimental value to your client and they are willing to pay a Private Investigator to help recover their loss. This type of investigation may consist of interviewing the client and anyone who may have knowledge of circumstances or occurrences. It may also consist of scanning through online sales groups, checking local pawn shop or other outlets for the person to sell the stolen items. It is important to get a good assessment of the client's state of awareness as well, in some cases if the victim is elderly and somewhat forgetful or was recovering from a medical issue and on medication when the

theft occurred, you would have to consider that the victim may have actually misplaced the item.

In other cases, you may be asked to investigate a reoccurring theft situation; I prefer this scenario because it often allows the Investigator the opportunity to set up surveillance or hidden cameras and catch the thief in the act. I always prefer to figure out and document the situation and once this is done, bring in Law Enforcement for the confrontation and arrest.

Internal Theft: (By Jim Casteel)

Internal theft can be occurring in a fixed environment which can often be a good fit for hidden cameras with respect to areas where an individual would have a reasonable expectancy of privacy. If the theft is occurring in the field such as product being stolen from a delivery vehicle, physical surveillance may be necessary and, where legally possible, GPS tracking of the vehicles and/or the product could be useful. Delivery trucks are often loaded and inventoried by warehouse personnel, so when this type of theft occurs there is often a payoff situation between one of the drivers and one of the warehouse loaders responsible for inventorying and logging the merchandise on that vehicle. Since most warehouses have at least some cameras on the loading docks, you may be able to narrow down suspicions by seeing which trucks have at least one side that is not in view of the cameras during loading and then installing covert cameras in all the places that are exposed.

Fraud: (By Jim Casteel)

The word fraud is defined in several ways including “intentional perversion of the truth in order to induce another to part with something of value or to surrender a legal right” and “an act of deceiving or misrepresenting; and also “a person who is not what he or she pretends to be”. With that said, there are many different means that can be used to investigate fraud depending on the type of fraud. In some cases, research, surveillance, interviewing and other common investigative services may be in order. In other cases, the investigator may need to seek the assistance of a specialized expert in fields such as computer forensics, forensic accounting, handwriting experts, speech analysis experts etc.

Some of the more common types of fraud cases a Private Investigator is likely to see is:

Insurance fraud: to receive undeserved benefits or compensation, the claim can be for any property or person that is insured such as personal injury, automobile theft or damage financial loss due to robbery or theft, damage to real property, loss or theft of jewelry, art, coins or other items of value or even false claims of death.

Bank Fraud: To embezzle money or obtain loans under false pretenses.

Resume or application Fraud: To gain employment one may not be qualified for. This type of fraud isn't usually considered a crime but can lead to termination of employment giving the employee very little grounds to dispute.

Bigamy: When a person has a second or more spouses a Private Investigator may be hired to investigate suspicious behavior and unexpectedly uncover this type of fraud in some cases and in other cases the Investigator is acting on the client's suspicions of bigamy and finds that the subject lied about divorcing his last wife. I handled a case in which the client, who was the wife in this case, had two children and her husband who was proposed to be an operative for the CIA and was gone for a couple of weeks at a time doing work, that he could not discuss, in Columbia. The husband had convinced the wife that he could only have extremely limited contact during his tours because of his deep cover status. The wife became suspicious when he contacted her to let her know he would be flying home in two days which was a little later than expected but the guy that provided the confidential transport to the remote airfield had been detained on another situation and wasn't available for two more days. This seemed like par to the course at first until a friend of hers called and said that she thought she had seen her husband and a woman with some children at a restaurant in Huntsville Alabama earlier that day. She told the woman that she was probably mistaken that he was out of the country on business. The woman then stated that he must have a twin then because the resemblance was striking. This stuck in the wife's mind and shortly after her husband returned, they were going to dinner and he stopped to get gas, as he was pumping gas and she was perfecting her

makeup she began searching for a napkin in the car and found a gas receipt dated the same day of his return from Cullman Alabama. This was odd because he always told her that he left his car in a military hanger at the Birmingham airport and flew out in a government jet. When in town he worked at an educational concern to maintain his undercover status as a teacher and substituted between a couple of different facilities. On his next mission out of town, the wife contacted us and retained us to investigate what he was up to. My first reaction was that I would turn the case down rather than investigate the activities of a Federal Agent, but the more she talked the more I became suspicious that he wasn't even an agent. The woman had all these red flags in front of her but wasn't even seeing them herself. When I mentioned the possibility of the CIA job being a hoax to cover a separate life, she acted shocked and explained that that couldn't be the case because his career as an agent was a huge part of their lives, and he would always explain things about things CIA agents did in movies they watched and there was just no doubt in her mind that he was a CIA Agent. So, I backed down but was even more convinced that he wasn't shooting straight with her when she explained that all of their finances, credit, phone accounts and just about everything was kept separated not protect her. The woman paid a retainer, gave me some of his personal information and left. Before the day was up, I had located data base information that provided me with an address for him in Huntsville that went to house he owned and shared with a woman about two years younger than him. This woman also had two children, my wife and fellow Investigator, Betty Casteel, immediately put in an order for marriage certificates in Madison County. The next evening, we traveled to Huntsville and found his vehicle, which was supposedly in a government hanger in Birmingham, in the driveway of his Huntsville house. As the case developed, we learned that he was not at all affiliated with the CIA nor had he ever been and that he had been married to the wife in Huntsville four years longer than the one in Birmingham and had children with her as well. This type of fraud is sometimes committed for financial gain but in this case, it was more of a mental disorder in my opinion, the guy just really got into living this fake life he was so admired for by these two

families he had. As it turned out neither family was that into it and the client shared her evidence with the other wife's attorney who had been retained shortly after the other wife was subpoenaed to deposition.

The list of different types of fraud goes on as does the list of motives. For almost every case you work you could probably find a colleague that has dealt with similar case somewhere in the country or even internationally and can help you learn from his or her success or mistakes, networking can be an Investigator's greatest asset and pride his or her greatest liability.

Stalking: (by Jim Casteel)

This is a very sensitive case type in my opinion because a true stalking victim is going through a terrorizing experience and needs help. The confusion comes in when you have to determine if the victim is truly being stalked or if they are suffering from some sort of delusion as a result of a mental off balance or possibly drug induced delusional behavior disorder. I realize that we are not qualified to make a diagnosis and we certainly don't want to make the wrong call and turn away someone who needs help; but that is why I consider this a sensitive, and sometimes confusing, case type to deal with. There are those cases where it is apparent that the potential client has legitimate concerns and others where it is obvious that they are likely to be delusional.

Example 1: The potential client had a protection from abuse order against an individual but despite the PFA (Protection from abuse) order the person continued to harass or abuse the potential client and was jailed for a couple of years for the violation. The potential client comes to you believing that he or she is being stalked because the day that the convicted stalker was released from jail, the potential client began to receive anonymous calls and the caller had obviously used a voice altering device. In addition, there were threatening texts made from untraceable phone numbers to the victim and a rock

had been thrown through his or her window. This is likely to be a legitimate case.

Example 2: The potential client believes he or she is being stalked but has no idea who would do this or why. (So, this could be someone who became obsessed with the victim after seeing her at work or the grocery store; this could be legitimate). But then the potential client goes on to tell you that they know everything that he or she does and thinks and has actually implanted thoughts in their head and can control them through beeping devices in the wall. The police had been called many times, but they never hear the beeping sounds because they are specifically programmed for the victim's ears. You get the picture.

Now should that stop you from taking in the case and making a little money? The answer is "of course"!! If that's not the way you see you might need to seek some more continuing education hours in ethics.

The main problem is in ethics, but you also should consider that, in most cases, if you get involved with a delusional person, and try to pacify them, you will either solve their problem or, in their mind, become part of the problem. You can't solve a problem that doesn't exist.

Franchise infringement: (by Kelly Riddle) These types of investigations usually deal with violations of contracts including infringement upon a geographic territory, failure to abide by the contract or work or services being performed outside the agreement. For example, if a person buys a franchise, it is generally for a stated geographic location such as a city, county, or state. If they start offering these services in another geographic area that is not included in their territory, they may be in violation of the contract and could be encroaching upon another franchisee's territory. A Private Investigator may be hired to help prove that this is occurring.

Trademark infringement: (by Kelly Riddle) Companies file trademark and copyrights for their name, logo, and products. If they discover that another company appears similar, they may hire an Investigator to obtain photographs, copies of brochures, examples or products and similar services so that the company and their attorneys can evaluate these to

determine if they are intentionally copying their trademarked and copyrighted products and brand.

Corporate undermining and/or sabotage: (by Kelly Riddle) Employees who become disgruntled because they don't feel like their talents are recognized and are passed over for promotions may start to undermine the company by sabotaging computers, documents, products, or similar activity. Before quitting, they will often download privileged and confidential information and try to use this in seeking employment with a competitor. The Private Investigator will often work hand-in-hand with Computer Forensic Investigators, TSCM (bug sweep) Investigators and surveillance Investigators to prove and document these types of activities.

Employee misconduct: (By Kelly Riddle) Companies are increasingly becoming more aware of the liability associated with the activities of their employees and often hire Private Investigators to document these activities before terminating the employee. This is done to both confirm the activities and to help prevent wrongful termination lawsuits by the employee. For example, an employee's personality continues to become more aggressive and unstable while at work and has almost gotten into altercations with other employees. The company suspects the person may have an issue with drugs or alcohol and have provided resources for counseling and rehabilitation for the employee in the past. They hire the Private Investigator who determines that the employee was arrested recently for DUI, assault, or similar charges. The employee is suspended and offered additional counseling but makes threats against the company. The Private Investigator may be employed to conduct surveillance of the employee to determine if his activities become a concern or if he attempts to return to the company property for some form of retaliation.

Locating Missing Heirs and Judgment Recovery (By Kelly Riddle) – You can monitor the probate records at the courthouse and determine those cases where there are no known heirs. Through investigative research you may be able to determine living heirs and contract them to obtain a portion of the proceeds in return for helping the family locate and obtain the assets.

Undercover Operatives (By Kelly Riddle) – Often businesses suspect they have an internal theft or drug problem. To confirm their suspicions, they will employ undercover operatives to act like an employee, but they pay attention to the activity around them. These are normally longer in duration (6 weeks to 1 year) because it takes time to infiltrate clichés and gain the trust of fellow employees.

Mystery Shoppers: (By Kelly Riddle) – As part of quality control, many companies pay mystery shoppers to enter their establishment to determine the warmth of their employees, how they were treated, the speed and accuracy of the purchasing process and other such factors.

Drug Screening: (By Kelly Riddle) - You may have employers that want to purchase drug screening panels to test employees and potential employees. They can send employees to a local medical clinic, have a nurse come to their location or purchase the drug screening panels and administer them onsite. The panels can test for a minimum of 4 drugs to panels that test for more than 20 different drugs. You can purchase the panels for as low as \$4.95 wholesale and resell them for double or triple the price. Again, this can be a simple pass-through where you don't actually maintain any inventory.

Pre-employment background screening: (By Kelly Riddle) - As mentioned earlier in the book, this can be a landmine if you are not careful. You can achieve some truly remarkable income through offering these services if set-up and handled correctly. Again, this is a volume-based service. You may make as little as .50 per search or as much as \$5.00 but if you have a large volume this will easily make you a good living. There is a major distinction between pre-employment background checks and investigative backgrounds in both legal framework and resources. This is discussed later within this book.

Security Consulting: (By Kelly Riddle) – This is an area that includes several sub-categories within this service area. You can provide vulnerability assessments to determine the lack of security within a business and make recommendations to remedy these issues. You can also conduct pre-construction and construction related consulting. In doing this, you work with the client to determine the level of security they need for their business. You incorporate the recommendations for cameras, card access readers, fencing, guard shack, bollards, emergency lighting and similar equipment into the architectural drawings. The contract then uses this information to actual build the new building(s).

Personal Injury Fraud: (By Jim Casteel)

When working a personal injury case, the Investigator will be working on behalf of either the Plaintiff's side or the Defendant's side. Typically (and there are always exceptions) the Plaintiff work would involve taking statements from possible witnesses and researching any devices, tools, or equipment that may have been a factor. Locating witnesses and/or former employees of a business can also be a big part of the Plaintiff side of a case. Work done on the defense side usually entails more surveillance type work however there are situations where the Investigator would be asked to track down documentation and/or witnesses to a prior injury. Research may involve paid data access portals both government and private as well as open-source resources such as social media, chat groups etc.

Example 1. While working for the plaintiff side of a case where the plaintiff was severely injured by a saw in a shop, the defense claimed that the saw was purchased as it was with no special safety guards attached. Using a web site that logs historical data and screenshots of other websites, the Investigator found an old photo from the defendant's company website where they had just set up the new saw; the photo very clearly showed a guard over the saw blade. The owner of the company and the maintenance supervisor were in the photo with the saw.

Example 2. While working on the defendant's side of a personal injury case in which the plaintiff claimed to be 100%

disabled, the Investigator went to the claimant's Facebook page and found that he was in a racecar group. The Investigator visited the open group and was able to see conversations about the claimant helping in the pit at a race that very evening, it even listed the track, race time and name of the driver that he was helping.

The Investigator went to the race and obtained video evidence of the claimant working as the claimant displayed his ability to bend, jump over a 4' fence, lift tires that were mounted on wheels, run etc. In this particular case the claimant lived in a rule area down a long dirt drive that was gated and posted, surveillance had been attempted by other Private Investigators but had just yielded a large invoice and no results.

The surveillance often requested in this type of case is covered in more detail in chapter 14.

Most of the time a report is expected that includes the Investigator's name and license number, the name of the claimant or subject, a description of the subject's residence and surroundings, and a detailed report specifying date and times and detailed descriptions of activities observed. The reports will be discussed in more detail in chapter 11.

Along with a detailed report, most clients will expect video footage including hourly time shots, film of the residence and vehicles and film of all activities observed that pertain to the claim or claimant.

Divorce: (By Jim Casteel)

Divorce cases can be sensitive for several reasons. In most cases you are either working for a client that is emotionally involved or you are working for an attorney or family member on behalf of a client who is emotionally involved. Be extremely cautious about sharing real time information with a client when the client's spouse is with a paramour, the temptation to make an appearance may be overwhelming and can end disastrously. Also, in your first conversation with your client it is a good idea to ask them what level of confidence they have in the security of the phone that they are talking to you on. In numerous cases I have found that a wayward spouse has put monitoring software and/or devices on the client's cell

phones and, in their vehicle, and even in the lining of their purse to have a heads up if they start to get suspicious.

With that said, your next step is to make sure that your client is aware of the value that your services may or may not bring to their case. Sometimes the value of evidence is not an issue; the client simply wants to know what is going on. Other times the client may seek evidence assuming it will have a desired effect on his or her case financially or affect the division of the marital assets. Keep in mind that your client most likely has not dealt with this type of situation before and is going on assumptions based on things that they have heard from friends, family or even on television shows; they are often misguided. It is always a good idea to recommend that your client find a good Domestic Relations Attorney and let that Attorney guide them as to which services will benefit them and which services will not. The client may still want evidence that will help bring closure to the situation regardless of the value of the case; but at least you have not misled the client. If a client request surveillance or other services for the purpose of intimidating another person or people; walk away. The intent of the actions taken by an Investigator can define the difference between a legal investigation and criminal stalking.

Now that you and your client have decided to move forward with the investigation, a contract or service agreement is recommended. Be careful about promising you clients anything other than your best efforts and always be honest and transparent about your experience and qualifications. It is recommended that the service agreement also requires that your client swears to have given you accurate and true information pertaining to subjects including but not limited to information pertaining to ownership rights or interest in assets, vehicles, and real property that you have been asked to access, monitor, or track as well as being transparent about any domestic violence issues harassment charges protection orders, restraining orders or anything of that nature.

Once you have an agreement and are ready to move forward, your first step is to acquire as much information as possible from your client including the subject's appearance habits hobbies, schedules address, vehicles, associates etc. It is always recommended that you find out what type of vehicle

your client drives as well so that you don't make the mistake of following the subject in a vehicle that looks just like your client's vehicle.

In many cases the client already has an idea of who the paramour is; make sure to get as much information about him or her as possible from your client. Next thing is to verify all of the information that you received, if asked in court how you knew the ownership of a certain vehicle or the occupant of a certain residence, you don't want to reply, "I just took my clients word for it".

Now you are at the point where you can begin your accumulation of facts and knowledge of the subject and the paramour if you have identified who that is. It is a good idea to use a proxy server to hide your identity when doing online research, even a basic Google search can lead a subject back to you if they have the right type of software. There are programs that can be purchased that will let an individual know anytime their name is put into certain online searches, as well as the IP address and identity of the person conducting the search. That type of software can end an investigation before it even begins if the Investigator is not cautious.

Be as thorough as possible with your online research especially the public resources such as google, Yahoo, Bing, Facebook, etc. It never feels good to inform the client that, after spending quite a bit of their retainer, you finally found out who the paramour was only to hear them say "yea I know, my sister found that on google or Facebook a week ago, I just thought you already knew".

Moving forward with your surveillance efforts now that you are armed with as much knowledge as you can reasonably be expected to gain of the situation, it is time to think about strategy and preparation.

Most anyone could buy a home video camera and try to follow someone around and take video of them; but there is a lot more expectations when a consumer pays a professional to do the job. There are challenges in filming such as avoiding blurred shots due to autofocus, bad film due to not having the ability or training to compensate for low light situation or sudden changes in lighting i.e. The porch light comes on just as

someone walks out the door, or having the zoom capabilities to obtain identifiable video of a subject.

When people hire a professional, they expect both professional experience and professional equipment. What would you think if you called for a tow truck and the professional you hired to tow your car showed up with a pick-up truck and a tow rope?

The Investigator will have to decide if GPS tracking is an option to assist in his or her surveillance efforts. GPS can be a great asset but cannot replace the Investigator being there to observe and film. I have seen GPS used correctly and I have also seen it ruin an investigation when relied upon too much.

The Investigator should anticipate possibilities of where the surveillance may lead to and be prepared for it. Having a few wardrobe options is always a good idea and some specialized camera equipment for filming covertly in restaurants, liquor stores, hotel lobbies etc.

Sometimes the situation may require the Investigator to retrieve garbage from a residence or business to obtain evidence. The most important point to remember when it comes to trash pickups is that the trash containers must be set out to the street; the Investigator (unless permission from a property owner is obtained) cannot trespass to retrieve the trash. It is always a good idea to film the location of the container(s) before making the pickup, film the contents being removed and, once you're in a secure location, film and inventory of the trash that was taken. My wife, Betty Casteel, being the sharp Investigator, she is, has gone to the extent of having the Investigator contracted to pick up the trash, and to replace the trash he picked up with bags he picked up on the next street over to prevent the subject from noticing the empty can before the Garbage truck made its run. That simple move helped to enable the continued trash pick-ups over an extended period of time and was instrumental in a conclusion of the case which saved our client several thousands of dollars a month for the rest of his or his ex-wife's life. Always wear plastic or latex gloves when looking through trash and go slowly to assure that you do not run into any unexpected sharp objects such as broken glass or syringe needles. Although photos of alcohol containers, receipts, love letters etc. are typically sufficient when properly documented and introduced, it is

always wise to save and index the contents of the trash incase further verification and authentication is requested.

The result of your efforts is the evidence that you have obtained, and a report that describes your efforts and results in detail and, in many cases, your testimony. I cannot express enough how important is to anticipate any angle that the opposing attorney may use to try to discredit the accuracy of your findings, so that you can document well in the field when the evidence is being obtained and judge when you have all that you will need to prove your point or determine if you need more evidence. There is usually someone with a law degree on the other side who is paid to defend his or her client and often that involves an attempt to eliminate or discredit any evidence that you may produce. Never let the opposing counsel rush you into an answer on stand, take a moment to think about the question and how to best answer it truthfully. That is not to say you should think about what the truth is; you should already know the truth just need to think about the best way to make the point.

Example: The opposing attorney opens the Private Investigator's report to a page that has photos of the subject drinking from an aluminum cup. The caption reads "subject was observed drinking beer from a Yeti type cup as he operated the ATV with the 5-year-old child on the back." The attorney asks the Investigator "do you have the ability to see through the metal cup and be able to determine what is in it?". The Investigator takes a moment to think and realized that this was actually two questions, (Do you have the ability to see through the cup?) And (Are you able to determine what is in the cup?) Knowing that the opposing counsel would likely cut the Investigator off if he were to answer the first part, without giving him the opportunity to get the full answer in, the Investigator answered "The answer to the second part of that question is yes I was able to determine what was in the cup, and the answer to the first part is no, I do not have the ability to see through the cup.". The attorney then asked, "How could you possibly determine what was in the cup without being able to see the contents?" (Note that most seasoned attorneys typically will not ask a question that they don't already know the answer to; however, this one did.) The Investigator

replied, "As shown on page seven of my report; I observed and filmed the subject as he stood by his truck, opened a can of Bud Light and poured the contents into the metal cup before walking over to the ATV.

Child Custody: (By Jim Casteel)

Child custody cases are often combined with divorce cases but not always. Sometimes the parents are already divorced or had never been married. I have even had cases where one parent was deceased, and a family member was fighting for custody of the child or children or a relative of the child had been awarded custody because the biological parents were unable or unwilling to properly care for the child or children. The primary goal is typically to prove that the child or children are abused, endangered, or neglected and/or the parent is not complying with an agreement or a court order. It is important to understand that, as a licensed Private Investigator, you are a mandatory reporter when it comes to crimes against children. If the Investigator sees that a child is endangered, he or she has a responsibility to notify someone to attempt to protect the child. This could jeopardize the Investigator's ability to continue the work on the case; but it is the safety of the child that should always come first. It may also be difficult to testify in court that you believed the child to be endangered and did nothing to help. If the Investigator can find a way to bring the danger to someone's attention and remove the immediate danger, he or she may be able to continue the surveillance assignment, but the authorities should be notified regardless. I have been in such situations where we were able to eliminate the factors that presented the danger and the Police Officers that responded simply told the parent that a concerned individual in the neighborhood had observed the situation and notified them. In that situation there was a small child playing in an opened third story office window balancing on his stomach and reaching outside he did this twice but had stood back up inside the window. The mother was in another part of the office building unaware of the situation. The Investigator made the decision to notify the Police but remain close enough to shout to the child if the child moved too close to the

windowsill again. After the Police arrived, they brought the hazard to the mother's attention and she was able to get the window secured and eliminate the immediate danger.

The Investigator did the right thing although it could have potentially blown his cover and cost him any future work on the case.

There are other types of endangerments or abuse that are more direct and intentional and should always be reported immediately. On the other hand, keeping a child out past their normal bedtime or allowing them to eat junk food may upset your client but it is not a criminal act.

If the Investigator's client does not have an ownership interest in the vehicle that the opposing party is using to transport the child or children, a GPS should not be used unless the permission from the owner of the vehicle is obtainable (such as a family member who has provided the vehicle but wishes to cooperate with the investigation). In a case where the vehicle cannot be tracked, many attorneys approve the use of a tracker on a toy, car seat, diaper bag or just about anything that the child may have with them that belongs or was purchased by the client.

Surveillance methods are basically the same in most cases; the Investigator has just got to be prepared for different types of scenarios when it comes to evidence. The Investigator may be looking for the parent or guardian to purchase or use alcohol or drugs, it could be a case where it's suspected that the child or children will be left in a vehicle or at home unattended. I have even dealt with cases in which the child had been allowed to smoke cigarettes or consume alcohol. The key is to be prepared for any scenario, even if it is not the scenario that your client expected, and always have a camera within reach and ready to film. I would recommend that the Private Investigator ask the client specific questions when going into a child custody case such as "what do you think the subject is doing that makes him or her a bad parent and how did you become aware of it? It is important to try and get enough insight to help determine if surveillance is going to provide the client with the results he or she is looking for. I have had many cases where the client suspected that the other parent was purchasing and using illegal drugs. In these cases, if the client tells me that he or she

suspects that the other parent is getting the drugs at work in a restricted access facility and using it there or at home, I advise against surveillance and suggest that they speak with their Attorney about the possibility of having the other parent drug tested. If the client tells me that the other parent is going into bad areas of town at odd hours and staying briefly then coming home appearing to be stoned or high on something, I will move forward with the surveillance assignment. In a case like this it is optimal to have a GPS tracker on the subject's vehicle with frequent motion intervals (motion intervals is the frequency in which the software for the device reports updates on the device's location). Even with this it is necessary to have the Private Investigator set up close to the subject so that he or she can attempt to stay as close as possible when the subject starts to move. Without the usage of GPS, multiple Investigators will be required, and the expense would be much higher. In some cases, I have had clients tell me that they want anything they can get on the subject because they don't like the fact that the subject has started dating since their divorce and they know nothing about the subject's habits or the people that the subject is dating. This can be a legitimate concern, but not always. I have worked cases in which the evidence shows that the subject is dating seemingly reputable people, and that the subject is not bringing the people that he or she dates around the child but rather is spending his or her time with the child in what appears to be a respectable and bonding way. The evidence is presented to the client and rather than feeling relieved that the child is ok, he or she says "well we have to keep digging because I don't want them to be involved in the child's life at all so I must get their parental rights taken from them" you have a no-win situation on your hands and if it's obvious that your services will not benefit your client, you should tell your client that, and back out of the case.. Unfortunately, all cases are not cut and dry and your job is to investigate and let the Court decide how significant your findings are. Another scenario to be cautious about is when you are contacted by a perspective client who has not seen or spoken with their child in a few years and just wants to know where the child is currently living, and perhaps get some photos of the child. I have had that call more than once in my

career and the first thing I ask is “do you have any type of restraining order PFA against you that prevents contact with the child?” From there I do some in-depth research myself. Even with that I will usually turn the case away unless the perspective client agrees to retain an Attorney and all information and evidence I collect would go to the Attorney and can be turned over to the client at the Attorney’s discretion.

Co-habitation: (By Jim Casteel)

Co-habitation usually falls in with child custody or alimony reduction/elimination or both. The most important thing to remember when it comes to an alimony reduction/elimination case is that you will likely only have one chance to provide adequate evidence to prove your client’s case in court. Be careful not to underestimate the cost of this type of case when talking with a perspective client. I had a case in which the client had hired an inexperienced Private Investigator and went into a court hearing with nothing more than Facebook screenshots showing the client’s ex-wife claiming that she was in a relationship with a man and five photos showing the man’s vehicle parked at the ex-wife’s house taken over a seven-week period. Some of the photos were taken just before midnight and some at daybreak but they were not taken in the sequence of night and morning after. The client had been paying alimony for sixteen years and faced paying alimony for life. The evidence presented was not sufficient to prove co-habitation and the client walked away from court with the same alimony burden as he had before his investment in the legal fees that he had incurred throughout the case. The ex-wife and her boyfriend purchased a camper, set it up in her back yard and put a privacy fence around the yard to avoid surveillance. This made obtaining evidence in the future very difficult. Co-habitation is not a case you want to limp away from licking your wounds! It’s important that your client understands this going into it and has the funds to do the job right.

I always start off with the easiest and least risky evidence to obtain. This usually consist of documenting that a vehicle is parked in the driveway and doing some data base and open-source research. While documenting the vehicle I try to get shots that show time and date just before midnight and then in the very early morning hours of the very next morning (example: 11:08 p.m. on May 5th, 2021, followed by a shot taken at 2:45 a.m. on May 6, 2021) This should be done every night and morning for the first 10 or 12 days in a situation

where a stationary surveillance set up comes with a risk of exposure. If stationary surveillance can be done with no risk of exposure, then I will usually jump straight to a setup that will allow shots of them coming and going. I find that it is more cost effective to base the surveillance efforts around the work schedules of the subjects of the investigation. For example, if the ex-spouse and the person suspected of residing with him or her both work a 9a.m. to 5p.m. job, I would recommend setting up at 4:30 p.m. in order to film both going into the residence then remaining until they leave the next morning on the first day of surveillance. On the next several days I would suggest setting up at 4:30 p.m. and remain just until the lights all appear to be out in the house (we use the term “put them to bed”) and then return just before daylight the next morning and remain until they have both left for work. This needs to be planned during weekdays so that it will be more likely that they both come out and depart early. This is a procedure I like to follow for a couple for weeks at the beginning of the case and then move to some other focus points like showing that they are in an intimate relationship by filming them dining together, and possibly filming a show of affection that will help define their relationship. There are some other aspects of the subject’s lives together that are important to document such as travelling together, driving each other’s vehicles, entertaining guest together and contributing to the maintenance and/or upkeep of the residence. Once I’ve obtained a satisfactory amount of this type of evidence using surveillance, social media, trash pick-ups etc. several weeks have passed and the client and/or the client’s Attorney are ready to discuss filing the case in court. Before they file, I try to spend one more week of steadily documenting the subject and the subject’s partner spending the night at the residence. I always check to see if the person residing with the client’s former spouse has a residence of their own as well and if they do I try to show who, if anyone, lives there. This can be especially important if the house is being used as a rental, if there are no utilities on at the house, or if the house is on the market. Co-habitation in a child custody case is usually less intense because, in most of these types of cases, it is not necessary to prove that the person, living with the ex-spouse, is living there

as a full-time resident. Your objective is to prove that they are violating the terms of the custody agreement which is most commonly that they are to have no overnight guest of the opposite sex out of wedlock who are not related to the child.

Missing Persons: (By Jim Casteel)

These types of cases vary from those who intentionally hide or runaway, to cases where the missing person was abducted or murdered. A point to keep in mind is that when investigating missing persons an Investigator should find him or herself interviewing the last people know to have seen the subject. If the case turns out to be homicide one of the last people know to have seen the subject may also be the perpetrator. This could be a dangerous position. The biggest dilemma an Investigator may face is to determine if the person being sought wants to be found and if they don’t, are you intruding on their right to privacy by divulging their whereabouts or even worse, are you putting them in harm’s way? I use the same rule of thumb as I would use on any person locate request; I offer to attempt to locate the individual and if successful let the missing person know that someone wishes them to make contact and let that person contact your client (unless that person is a child or incapacitated). Even with that precaution, I turn away many missing person cases after thoroughly interviewing the perspective client. If I feel the person who the client wants me to find is intentionally hiding from the client, I avoid the case unless there is a legitimate legal reason to locate the individual and, in that case, I insist on dealing directly with an Attorney who represents the client. Consider if the person is hiding from the perspective client and the Investigator locates them and informs them that the client would like them to contact him or her, even though you assure that person that you will not divulge their location to the client, that person, may likely take that as a message that they can be located. Depending on the reason behind that person hiding from the client and no matter how respectable the Investigators intentions are, that could really stress that individual. If the

missing person is located but appears to be in danger, mentally incompetent, or held against their will, you should bring law enforcement into it immediately.

Chapter 9 – Background and social Media Research

Paid Government data resources: (By Jim Casteel)

There are options that vary from State to State for access to State government information such as court records, motor vehicle registration records, accident reports etc. most are paid sites with either a monthly fee or a pay-per search fee. Two primary paid state information sites are <https://www.alabamainteractive.org/> and <https://v2.alacourt.com/>.

Free Government data sources: (By Jim Casteel)

Some information is available on government sites at no charge such as property ownership information on county probate court sites or information on ownership and formation of corporations on Secretary of State sites.

Open-source investigations: (By Jim Casteel)

Open-source research are the searches that can be accessed at no charge on websites such as Facebook, Instagram, tweeter, craigslist, chats, blogs, wayback machine etc.

Paid Private data and research sources: (By Jim Casteel)

There are several options for paid data service, some are available to the public and may have limited or poorly sorted information, and some are of a more professional class with more strict policies on access and use. The professional sites may require copies of you driver's license and professional license and possibly an onsite inspection of your office to gain access to their data. These information providers can be found as sponsors on most Investigative association websites.

Data Sources and their integrity: (Kelly Riddle)

Although all good Private Investigators know police officers, bankers, and other people in the business community, seldom do these sources ever provide information to Private Investigators. For example, all police departments have access to a computer which provides criminal records on subjects and is called the "N.C.I.C." records. This computer system receives information from all of the law enforcement agencies throughout the United States. Although this computer is the quickest way to check a person's criminal records, it is not always the best. The N.C.I.C. information is overseen by the Federal Bureau of Investigation (FBI), and they have started an intense effort to catch those law enforcement officials who sell or use the information for a purpose outside of their law enforcement functions. Besides police officers refusing to check the N.C.I.C. computer for Private Investigators because of the fear of imprisonment, the information is not always current or complete. It is not uncommon to find arrest information in other records which for one reason or another, never made it to the N.C.I.C. computer. Secondly, Private Investigators have to provide information which they can testify to in a court of law. If information obtained cannot be documented and shown that it was legally obtained, the Private Investigator and their source could face criminal charges. In addition, Private Investigators provide the information for a client who pays good money for information they can use. These clients do not want their businesses or themselves involved in any scandals.

The information obtained by Private Investigators is obtained through sources and records which are accessible to the public. The reason for Private Investigators is simple: most people do not have the expertise to locate the proper records and/or the time.

Note that the State of Alabama uses the L.E.T.S. (Law Enforcement and Traffic Safety) system which is also illegal for Private Investigators to access or obtain information from. As mentioned in chapter 6 of this guide; to ask a member of Law Enforcement to access information on this system for you is putting them at risk of discipline, possible termination and/or even criminal charges as well as exposing them and their agency or department to possible lawsuits.

A majority of the records discussed in this book can be searched by computers in the Private Investigators office. The general public does not qualify for these computer connections and therefore has to call the offices or go to them to conduct the searches. The records, however, are open to the public — if you know where they are, how to access them properly and what the records contain. The Investigators that are employed in law enforcement agencies are too busy to assist the average person with personal matters. The need for personal assistance and a more in-depth investigation helped create the private investigative industry. Even though Police Officers have a lot of “power”, the general public does not realize that the officer does not have immediate access to half of the information a PI, or for that matter, the general public has. Most police officers have access to criminal records, driver’s license records, motor vehicle records, and utility records. As you will see, the PI and the general public have access to tremendous amounts of other records. The information covered in this book provides the average person with the easiest methods to research records, any minimal costs which apply, and easy step by step instructions on investigating and obtaining pertinent information.

After you complete the record searches, you have to analyze what you have learned. It may be that you are still not satisfied, or you need to confirm some of the information gathered. Or it may be that virtually no information was obtained and you therefore have not satisfied your goal through the record searches. It may be necessary to contact some of the parties associated with the subject or people who may possibly know the person.

I can’t over-emphasize the need to be careful in this area. While it is improbable that anyone will know that you searched the records discussed, you create new hazards once you begin talking to other people. The questions that need to be answered before you proceed with contacting other subjects include:

Is there a need? Do I really think any information learned in this manner will significantly alter the other information or facts already obtained?

Is what I hope to learn worth the possibility of the person finding out that someone is investigating them?

If the person you are investigating finds out you are investigating them, what are the anticipated risks and responses?

Should you contact these sources in person or by telephone? If the conversation does not go the way you anticipated, you can always hang up if you have called them. However, some people prefer to talk to other people face-to-face and may be more likely to talk to you in person.

You should anticipate the possibility of one of the sources becoming agitated by your inquiry. How would you handle this?

How should you approach the conversation? Should you use a pre-text or direct line of questioning?

Recognize that it takes PI’s years of developing interviewing skills, people skills, and instincts that enable this type of investigation to be carried out successfully.

Once these and other questions have been answered and the need to contact other possible sources has been accessed, proceed with caution.

Disclaimer: Although the information discussed is available to the general public, care and caution should be maintained concerning the uses of the information. In addition, this information is intended for a person who has personal data that needs to be researched. Each state has a State Board that regulates Private Investigators and certain requirements must be met before you can investigate records or another party. For example, it is generally illegal for a person to provide an investigation (record search, surveillance, etc.) for someone else in exchange for money/profit unless they are licensed by the state as a Private Investigator.

With knowledge comes responsibility. Access to information is increasing to a point where almost any information on a subject is available if you know where to look (with the exception of medical and bank information which are protected

by federal laws). However, this data will remain open and accessible if it is used correctly, lawfully, and responsibly. Each legislative session there are attempts to close access to many of the records discussed herein. I would therefore encourage you to be one of the people that helps guard the privacy and sacred data we are privileged to access.

Many Investigators are lost if they can't find the data in on-line sources. You should therefore have a working knowledge of where records come from. **Any record or information obtained on-line and not directly from the originating source should be considered an unverified lead and should be collaborated with other information.**

The courthouse records and their locations should be fully understood to be properly used. The records are under the direction of certain court clerks. The following is designed to assist you in understanding this structure.

Courthouse Offices

<u>District Court Clerk</u>	<u>County Court Clerk</u>	<u>Tax Assessor</u>
1. Criminal records	1. Civil records	1. Vehicle taxes
2. Civil records	2. Criminal records	2. Property taxes
A. Divorces	3. Assumed names	3. Business taxes
B. Delinquent debts	4. Deed records	B. Delinquent debts
C. Delinquent taxes	5. Birth records	C. Delinquent taxes
D. Property damages	6. Financing statements	D. Property damages
E. Personal damages	7. Marriage records	E. Personal damages
F. Judgements	8. Tax liens	F. Judgements
	9. Grantor/grantee indexes	
	10. Livestock brand indexes	

There is a definite difference between an “investigative background” and a “pre-employment background” check. There are huge differences in laws, penalties for misuse and resources available for these. A general background investigation is often done to determine the general character

of a person or to verify information provided by a subject. In almost every state, you have to be a licensed Private Investigator to provide these services.

Pre-Employment Background Investigations
(Kelly Riddle)

There is a difference between conducting “pre-employment” background investigations and conducting “investigative backgrounds”. The laws dramatically differ regarding the two with those related to employment being regulated by numerous laws including the Fair Credit Reporting Act or FCRA.

• Identity theft victims and active-duty military personnel have additional rights. For more information, visit www.consumerfinance.gov/learnmore.

You can see from the above that the government highly regulates pre-employment backgrounds. The candidate must give written permission to have a background investigation conducted (2) the candidate must be advised of the outcome (3) the candidate must be given the opportunity to contest any information contained in the background report and other such requirements.

You should also understand that the investigative databases that Private Investigators have access to strictly prohibit the Investigator from using these databases for pre-employment purposes. One such database used by many investigators have this statement at the top of each report:

This is NOT a CONSUMER REPORTING REPORT and does not constitute a "consumer report" under the Fair Credit Reporting Act ("FCRA"). This report may not be used to determine the eligibility for credit, insurance, employment, or any other purpose regulated under the

FCRA.

This system may be used only in accordance with your Subscriber Agreement, the Gramm-Leach-Bliley Act ("GLB"), the Driver's Privacy Protection Act ("DPPA") and all other applicable laws. User agrees to having knowledge of all applicable laws pertaining to the usage of data. User accepts all responsibility civilly and criminally for any use of this system.

Violations of these restrictions or misuse of this system will cause your access to be terminated and will cause an immediate investigation.

You should also understand that database searches have limitations (including government records) as outlined by the following information:

Note: Although many of the following examples are from Texas data sources and counties, there may be similar situations in any State including Alabama.

Posted on Tue, Nov. 25, 2008

Texas DPS' criminal databases missing thousands of records

BY DARREN BARBEE

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More than a third of criminal records are missing from the online Department of Public Safety database available to the public according to a recent study. Even government agencies, which have access to more detailed criminal records to screen teachers, doctors, volunteers, and tradespeople, use a DPS system fraught with gaps, officials and experts said.

Problems exist because of human error and because of spotty reporting from law enforcement agencies, courts and district attorneys that provide information. Even records of Death Row inmates are missing from the public database, according to the study by Imperative Information Group. The company studied 562 felony and misdemeanor cases.

The public database lists reported convictions, and those are listed only after DPS has received complete records, from arrest to final disposition of the case. Government agencies and others authorized by the Legislature, such as private schools and nursing homes, can view more detailed information, including arrests and open cases. But agencies often look only for convictions. Even if they check the more detailed secure database, there may be gaps in it as well, such as when a conviction is not reported, a DPS official said.

Past problems

Tela Mange, a DPS spokeswoman, said such problems aren't new. Some counties report as little as 17 percent of convictions to DPS. "It's been going on for a number of years," she said. "There's nothing we can do to force them to fix that problem." Statewide, local agencies reported 747,216 criminal charges to DPS, according to 2006 statistics, the most recent year available; **69 percent of those were listed as completed.** DPS has no way of knowing how many of the missing dispositions were convictions or might reflect dropped charges or acquittals.

Mike Vaughn, a criminal justice professor at Sam Houston State University, said similar problems, including typos and erroneous information, have been found in the Texas Crime Information Center. The center is a separate database that provides law enforcement agencies with information about stolen property, wanted and missing people, sex offenders and other information.

"Any time you have human beings entering data, there are going to be mistakes," Vaughn said. "I think there needs to be more people assigned to the tasks if we're going to rely on these systems. The government has obligation and a duty to make sure the systems are accurately reflecting the criminal histories of people within the database."

The Texas Medical Board, which is aware of limitations of the DPS database, uses several additional screening methods to check the criminal history of applicants for medical licenses. It also uses FBI criminal history reports, queries of other states' sex offender lists and various other databases to verify applicants' professional character, Jaime Garanfio, director of licensure, said in an e-mail.

Tarrant County system

The Tarrant County district attorney's office has 43 agencies that routinely submit cases for review and filing, Tarrant County prosecutor Miles Brissette said. Each has the option of using more reliable electronic filing or the older paper forms to submit cases. The Sheriff's Department, for example, electronically communicates arrest information, spokesman Terry Grisham said.

The district attorney's office updates information to DPS every day at midnight. Upon completion of a felony case, information is sent by the district clerk's office to DPS. For misdemeanors, the county clerk uploads the information to Austin. "The days of fingerprint ink on a prisoner are really going away by the wayside," Brissette said.

In Tarrant County, 49,029 charges against adults were reported to DPS in 2006, and 80 percent of those were reported completed, according to the agency.

The study examined 62 Tarrant County cases in the public database and found that **43.5 percent had records missing**. The study was done in October.

Again, records are simply a source of information that should be confirmed by the investigator.

If your goal is to determine the person's financial status, this can be done legally and with a minimal amount of time. First, check the Bankruptcy Court Records which are found in the federal building. These are located in the capitol city of the state and some states have more than one office depending on the size and number of cases. You can access the records often time by a telephone number which allows you to punch in the person's name using the telephone keypad. The case number, persons involved, date it was filed, and the attorney will commonly be provided. You can then go down to the office or write for a copy of the file for your review. The information contains the financial records, property, assets, stocks, bonds, and any other pertinent information about the subject. Contact with the attorney and/or the creditors can provide a clearer picture of the person's finances.

The County Deed Records will be another good place to search due to the files indicating information on property being sold or transferred, inheritances, tax liens, judgements, and other various records. These records are usually found in the county clerk's office at the courthouse and are free to search.

The County Financing Statements are records filed to protect a bank or creditor when they make a loan to a business. They will list any collateral which belongs to the business and any lienholders. The records are also found in the county clerk's office in the courthouse and are free to access.

The County Appraisal District records are usually located in or near the courthouse. A name search can be conducted free of charge and will provide any property owned by the subject in that county. The mortgage company and appropriate addresses will usually be shown in the records as well.

The County Tax Assessors office, which is located normally in the courthouse, is a good source to check. The records will list any taxes owned by an individual or company. A company will have to pay taxes on assets such as office equipment even if they do not own the building, they are in.

The County Assumed Name records is located in the county clerk's office in the courthouse and is free to access by the public. The records can be searched by name and will list any businesses or names that the subject may be doing business as.

The County District Civil Records, which is located in the county district clerk's office in the courthouse and the county civil records which is located in the county clerk's office are worth researching. Both can be searched in person, by mail, and generally by telephone. The records may provide information as to the property owned by the subject if there is a divorce case, bad debt case, or other related cases on file. If a case is located, ask the clerk to review the file to better determine any useful information.

Chapter 10 - Contracts and Managing Clients:

(Jim Casteel)

Purpose: To protect all parties involved and give your clients a clear understanding of what to expect from you and what you expect from them. Contracts can be used to prevent your client from interfering in the investigation, manage the degree of contact your client has with you and method of contact, and to assure that you have proper permissions to access property, speak with their attorney or, in some case, family members, and share information. You should never promise an outcome to the case since you have no idea what results you may end up with until it's done. You can however guarantee that you will make every reasonable effort within the client's budget. It is also a good idea to have an agreement in the contract about how the evidence that you obtain is expected to be handled, managed, distributed etc. This allows the Investigator to protect him or herself from liability of slander or defamation of character if the evidence is misused by the client.

Types of Contracts: Some service contracts cover topics such as work quality expectations, rates, client, and Investigator responsibilities etc. Others may cover non-compete clauses and non-disclosure agreements, special permissions etc.

Special Permission agreements: (By Jim Casteel)

These types of contracts are important because they provide a legal buffer for the Investigator in the case that a client intentionally or unintentionally gives false information when claiming ownership interest in an asset or property where they have requested that equipment be installed.

Example 1:

Investigator places a tracking device on a vehicle that the client claims is a marital asset, but the Investigator later learns that the client was untruthful, and the vehicle is registered to a relative of the client's spouse or that there is a prenuptial agreement separating assets that includes the vehicle on which the tracker is being placed. The Investigator should try and verify ownership to some extent but sometimes the verifying

documentation may not be publicly accessible. The Investigator should have a special permissions agreement that specifies the vehicle identification information and states that the client swears to have an ownership interest, recommends that the client seeks advice from an attorney as to his or her right to track the vehicle, the client has no prenuptial agreement that would separate that vehicle and that the client has no PFA or restraining order that would prevent the client or the Investigator from tracking the vehicle. This will serve as a factor in showing that the Investigator did not have intent of wrongdoing in the placement of the tracking device and could buffer the Investigator from legal repercussions.

Example 2:

The Investigator is asked to place a hidden camera in a house to catch a housekeeper who is suspected of stealing. The Investigator hides a camera in a position to film the nightstands on each side of the bed where medication and cash are kept. The client accompanies the Investigator during the installation and the Investigator obtains a copy of the client's driver's license to verify that she is the homeowner and even pulls property deeds for verification.

After the video had recorded for weeks, the Investigator learns that he or she is being subpoenaed to court because the client's spouse had been granted, by the court, exclusive use of the residence and that the client was not allowed on the premises at all. The case was high profile therefore the judge had sealed the case. The Investigator did what he or she could to make sure that everything was done legally but the client was very believable and there was no way to detect that the situation was not as the client described. Having a special permission agreement in which the client swears to the facts surrounding the authorization she had given for the placement of the camera could very well save the Investigator from any legal or civil action that might be taken against him or her.

Managing clients: (By Jim Casteel)

People do not typically care to be managed but it is necessary in many businesses from car service centers to medical offices. Your doctor will not typically allow the patient to prescribe the

actions needed to address your medical situation, your attorney does not allow the client to choose the proper course of representation and the Private Investigator should not allow the client to guide his or her course of action.

With that said there are many factors to consider when deciding the best way to manage your relationship with a client. The type of case is a factor, the level of the client's emotional involvement can be a factor, and the client's budget should always be a consideration on how to manage a client.

The Investigator is the expert and should not let a client lead him or her into any actions that the Investigator feels is illegal, unethical, or detrimental to the outcome of the case.

It is advisable to have the language in the service agreement or work contract that allows the Investigator to terminate the relationship with the client under those circumstances.

Meeting with clients: (By Jim Casteel)

I will not go into how you should act, look, speak etc., to each his or her own on that subject.

I will however warn you about setting up meetings with clients without a screening process.

Every Investigator will get calls where a person on the other end of the line will say "I need to hire you, but I can't talk about it over the phone, I just need to set up an appointment". That is always a huge red flag for me, my response is always the same. "We always do a free phone consultation before we set up an appointment so that we don't risk wasting each other's time if we elect not to get involved or if you don't agree with our rate; that way it doesn't get awkward in my office". I have found that, when you do allow people in your office that are requesting something illegal or unethical, it is hard to get them to leave.

I recommend that you cover the following topics on the phone before setting up a meeting:

Do you have a conflict?

Are their needs something that you can and want to help with?

Do they understand your rates for services?

Do they understand your work methods and policies and are they willing to comply?

Things you should know about your client:

(By Jim Casteel)

I personally like to know as much as possible about my client's but there are a few things that every Investigator should know about any client asking you to investigate another person's activities or background.

Who is your client? At least name address and phone number.

Does your client have a PFA or restraining order against them that relates to the requested work?

What is the client's motive behind the request for your services?

Can your client pay for your services?

Will the services requested benefit you client, and if not, does your client understand that it may not benefit them?

Detecting the symptoms of Paranoid Delusional Behavior:

(By Jim Casteel)

Note: This section is based on the opinion of Jim Casteel, Private Investigator, and not the opinion of a licensed or trained medical or mental health expert.

Private Investigators seem to be a magnet for people that suffer from paranoid delusional behavior. This condition sometimes will cause a person to believe that they are being followed, stalked, spied on, or even terrorized by other people for no apparent reason. Most of the people I have been in contact with that I put in this category are functioning adults who have developed this paranoia, and most have isolated themselves from friends and family.

Most calls, that Investigators get in this category, are for bug sweeps or counter surveillance. The perspective client believes that there are hidden cameras in their home and/or they are being followed. The red flag should go up when they start describing things that sound unrealistic such as ("the cameras say things to me, but I can't find them") or ("people are spying on me through my radio in my car"). There are times when the signs are much subtler and more difficult to detect. I find it

important to know when you're dealing with a person that suffers from this type of condition because, commonly, if you can't solve their problem, they may assume that you are part of a conspiracy against them and if the problem doesn't exist you can't solve it.

One tactic that has been effective for me is to, during your initial telephone interview, ask them if they know of any reason someone would be surveilling them (such as litigation they are involved with, a company takeover, domestic issues with a lover etc.). If the answer "no", ask the person if they have had any social gatherings at their home at which a friend or relative may have planted something in their home. This is a probe to see if they will give you information that will establish that they are not in close contact with any friends or relatives but have isolated themselves from most of the people who were once close to them.

There are a number of creative ways to try to establish whether you feel the perspective client is suffering from a disorder or has a legitimate case. If you do feel the client is obviously delusional, I would recommend that avoid moving forward and/or taking any money from them.

Understanding your client's needs and liabilities:

(By Jim Casteel)

This probably seems redundant, but it is particularly important to understand what your client's needs are in order to help him or her in their situation. Sometimes what your client may request of you is not exactly what they need and may even be a move in the wrong direction. Also, your client may not know their liabilities so it's up to you to understand the reason that they want the information, that you would attempt to provide to them, and how they hope to use it.

Example: Your client may come to you and request a background check to see if a person who is a factor in a child custody case has a criminal record. The Investigator runs the check and finds that the person in question has prior charges for Domestic Abuse and child neglect. Two weeks after you release the information to your client, the client calls and tells

you that the Attorney, who represents the client, would like to get some surveillance to prove that the individual you did the background research on is around the child however your client continues to inform you that they had taken the information that you provided, posted it up and down the street outside and around the individuals place of employment and they are now being sued by him for slander. Just because it's true doesn't mean that it's not slander, this is a liability that your client should have been made aware of and can be covered in your original contract with the client. The best route is to deliver the information directly to the client's Attorney (with the client's written permission which should be part of your contract) and that way the Attorney can provide legal advice to the client and explain the liabilities that may exist.

As a professional you should guide your client to seek legal advice before acting on their own with any information that you provide to them. The best alternative (although not always possible) is to work directly for the Attorney involved.

Understanding your client's expectations: (By Jim Casteel)

Sometimes it seems that your client has watched too much Si-fi and has unrealistic expectations from you. It is always best to talk with the client and have a clear understanding of what they should realistically expect from your services before you begin. Be up front about cost and have an understanding about the client's budget. If you know that to do the quality of work that you want to put your name on in a certain type of case can easily cost \$10,000 to \$15,000 make sure the client understands that, Realize that many clients, who are dealing with a spouse who is having inappropriate relations with another person, may have a hard time keeping their mind in the conversation and comprehending everything that's being said to them. I've been told that the best way to assure that a person acknowledges what you are saying is to offer it into their mind in three different ways; have them hear it, read it, and speak it. I usually put an estimate of the possible minimum amount it would take into a contract and as they are reading it I ask them "what amount did I have listed there for the estimated minimum?". That way as they are reading it, I get them to speak it and I repeat it back out loud and comment on it to assure they hear and understand it. i.e., "now \$15,000.00 is a

significant amount of money and it can exceed that, are you sure that this is what you want to do?" To me the worse thing for a Private Investigator's reputation is having to turn over a report of a less than complete investigation that is lacking in final results because the client didn't think the cost out very well and decided that the cost was too much for them before the investigation was completed. Make sure that you don't get too anxious to take in a case and become inconsiderate of your client's budget.

Information that you should and should not provide to a client:

(By Jim Casteel)

Everything that is asked of a Private Investigator comes with a reason and with consequences, in many cases the reason is to protect the client from fraud of dishonest testimony and the consequence is that the Investigator carries through and testimony from the Investigator helps protect the clients and their assets. But not all clients are forthcoming about their motives and supplying information and/or evidence to the wrong person has consequences as well.

There are some types of sensitive information that is protected by privacy laws and can only be given to the legal counsel for the client in anticipation of litigation. Wrongful distribution of that type of information could land the Investigator in jail or in a lawsuit.

But what about video evidence in a domestic case?

I can't count the times when I have heard a client say something like "I can't wait until you give me the evidence so I can post it all over social media and let the whole world know what a tramp she is and how she ran around with my husband!". And that is exactly why we turn the evidence over to the attorney and not directly to the client even if the client is the payer in the case. We have that understanding in our service agreement as well as the agreement that our evidence will only be used for purposes of litigation in the case we were hired to provide evidence for. As I mentioned earlier in this book; your client may be under the common misunderstanding that if you post the truth about someone no matter how bad it is, it isn't slander if it's true. That is not the way it works at all,

the determining factor when deciding if it is or isn't slander may depend heavily on the motive of the person who posted it and not on the information being true or false.

Much of deciding what info should be turned over to whom goes back to Chapter 6-Ethics.

Local -VS- out of State clients: (By Jim Casteel)

This deserves attention for a couple of reasons, first is your ability to collect from the client if they are less than credible when it comes time to tally up. Most insurance companies and large law firms are credible and will pay, but when dealing with individuals, other out of state investigators and even some independent attorney's it is always a good idea to get at least enough to cover your cost and some of your time in advance. With local client's it's a little easier to collect because they know you could always file a small claims case, which you can do in out of state cases as well but with more difficulties.

The other consideration with out of state clients is court testimony. Most individual clients in domestic cases don't think that far ahead so it's up to you to explain the expenses involved in appearing for court to authenticate your evidence. There can be other provisions made to get your evidence and/or testimony in if the court agrees such as a deposition given by an Alabama Attorney or, I have even had a Texas judge allow my testimony via telephone during the trial.

When it's necessary to drop a client: (Kelly Riddle)

No one wants to have to drop a client, but there are times when it is better to do so than to deal with some clients who are trying to micro-manage the Investigator or who interferes with the investigation to a point it jeopardizes the safety or integrity of the Investigator.

If a client asks the investigator to conduct surveillance because they suspect their spouse is going to a pre-planned business-related social event and then the client shows up at the event, this has the potential for violence and altercations.

Your contract should outline that you have the right to terminate your agreement with a client. An example would be:

Any interference by the client in this investigation or any misrepresentation of information will render this contract null and void and any retainer shall be forfeited to (PI Company Name).

The contract should also confirm that you will only operate within the legal framework. An example would be:

The client understands that our agency shall use the best efforts to investigate or retrieve the information in the matter indicated, however, no specific results are guaranteed or promised. The client hereby agrees to allow the Investigator(s) to perform the investigation at their discretion utilizing any lawful means deemed appropriate.

There are clients that try to dictate how the Investigator should do their job and can be very aggressive about their "instructions." If the investigation is not going as well as the client would like, they may try to push the Investigator into crossing the line and doing illegal services. It is up to the Investigator to educate the client and keep them in check. The wording in the contract will assist in helping with the client in these circumstances.

Disclaimers: (Kelly Riddle)

There are certain types of wording that should be included in financial contracts and reports to protect you and your company. An example of one we use is as follows:

This report is confidential and is solely for the information and use of the client to whom it is addressed. (Company name) does not guarantee the accuracy or completeness of outside agency records. The background information contained in this report is subject to the limitations imposed by the respective custodians of record and the accuracy of their files at the time of inquiry. The client and/or their representatives has represented to (Company name) that the information enclosed in this report will be utilized in a lawful and non-violent manner and agrees to hold (Company name) and their representatives harmless from use or mis-use of any or all of this information.

I, _____, hereby testify that I am the authorized card holder for the credit card listed below and I authorize (Company Name) to charge my credit card the amount of \$_____ for _____ services rendered and agree not to contest this charge.

Retainers: (Kelly Riddle)

You should start off with the policy of obtaining contracts and retainers from clients. Many companies and law firms may be apprehensive as they typically want to be billed at the conclusion of a case. However, unless you have a track record with them, I would highly suggest a retainer be obtained to prevent you from not getting paid. You also need to state what the “net” will be for any billed or unpaid balance. Normally a 30-day net is the average, but some try to stretch it to 60 or 90 days. You should not be shy about this because I assure you, an attorney would not be shy about asking you for a retainer if you hire them.

Dealing with the public and individuals require an absolute policy of obtaining a retainer before any work is done. Should you finish the goals of the investigation before using the entire retainer, you need to have a policy in place regarding the balance. Do you refund the balance, do you keep it on file for future use against court testimony expenses or similar expenses or you have a flat no-refund policy? These are decisions you need to deal with before you have to answer the question.

Credit Cards: (Kelly Riddle)

It will be highly unlikely that you will be able to operate without accepting credit cards. Individuals are accustomed to paying with credit cards and many companies prefer to pay with this method. The bank that you use can help set up these procedures. However, their rates are almost always higher than going through a third-party provider. You can do a simple internet search to come up with a host of companies that offer the services. As a new company you can expect to pay a little higher rate because you are a higher risk. Each credit card type also has different rates with American Express

normally being the highest. The charge you, as the merchant a percentage of the sale (2.5% – 3.5% is normal).

You need to understand that a person can dispute a charge because they did not receive the outcome they were expecting or for any other reason. You will be given up to 7 days to respond when the credit card company notifies you of a dispute. If you fail to respond, the person will get a refund and the amount will be deducted from your bank account. It is always advisable to try to work out any issues with a client. Ultimately, if you provided the services outlined and the person is just unhappy that you didn't “catch” their spouse or something similar, they still have to pay for your services. You will have to document that you did in fact provide these services. This can get a little tricky since we are Private Investigators and confidentiality is part of our contracts, regulations and ethical responsibilities. I have used a copy of my contract, a copy of the invoice and if really pushed, a highly redacted portion of our report. You also have less of a leg to stand on if you don't have a signed credit card form giving you authorization from the client to charge their card.

Some people may also want to pay with other services such as PayPal. Again, be careful with this because your fees and services can be disputed. While there are some risks associated with credit cards and PayPal, there are also risks associated with accepting checks. A person can stop payment on a check or there may not be sufficient funds in the account when the check is presented by your bank. You are within your right to ask the person to pay for the insufficient funds fees as well as asking them to pay by money order or cashier's check. You certainly do not want to accept another check that might bounce.

EMPLOYEES VERSES 1099

(Kelly Riddle)

The issue of employees is always a hot topic. Should you have employees? When should you hire employees? What should you pay them? These are just many of the questions you will have to deal with in your new business. While the licensing

board and regulations do not deal with this issue, this is one that the Investigator should be aware of and address earlier on. The IRS has guidelines on their website related to this topic. Under the common law test, a worker is an employee if the purchaser of that worker's service has the right to direct or control the worker, both as to the final results and as to the details of when, where, and how the work is done. Control need not actually be exercised; rather, if the service recipient has the right to control, employment may be shown.

Depending upon the type of business and the services performed, not all of the twenty common law factors may apply. In addition, the weight assigned to a specific factor may vary depending upon the facts of the case.

If an employment relationship exists, it does not matter that the employee is called something different, such as: agent, contract labor, subcontractor, or independent contractor.

Payroll Taxes: (Kelly Riddle)

As an employer, you are required to withhold taxes from an employee's check and are required to pay that money to the government the following week after payroll is issued. This is where a person's "retirement" comes from. Over the working years of an adult, each employer withholds and pays this money to the government and in theory, when you retire the money is waiting on you and provides a suitable income for retirement. Programs like QuickBooks help you figure out what these tax rates are and when to withhold them. I still recommend consulting with a Certified Public Accountant (CPA) and have them review and analyze your financial data each month. They will provide financial reports that show you where your money is being spent and will provide monthly, quarterly and yearly reports that are required. The CPA can provide valuable counsel on how to avoid state and federal audits as well as help you adjust along the way.

Setting up your QuickBooks or your accounting program is an important issue. You need to properly categorize your spending and income. I would recommend making different income categories based on the type of investigative work you perform. Each year you will then be able to determine what

services are the most profitable and in what percentages. You should also create proper categories for reoccurring expenses such as hotel, records, database fees, etc.

IRS Description of an Employee

The state licensing board that regulates Private Investigators often have terminology that indicates anyone licensed under your company license is an employee. That may be true for their purposes but ultimately whether an Investigator is considered an employee is up to the IRS. The relationship, direction given, equipment provided, financial risk and other factors help make the determination.

Common Law Rules¹

Facts that provide evidence of the degree of control and independence fall into three categories:

Behavioral: Does the company control or have the right to control what the worker does and how the worker does his or her job?

Financial: Are the business aspects of the worker's job controlled by the payer? (These include things like how worker is paid, whether expenses are reimbursed, who provides tools/supplies, etc.)

Type of Relationship: Are there written contracts or employee type benefits (i.e., pension plan, insurance, vacation pay, etc.)? Will the relationship continue and is the work performed a key aspect of the business?

Businesses must weigh all these factors when determining whether a worker is an employee or independent contractor. Some factors may indicate that the worker is an employee, while other factors indicate that the worker is an independent contractor. There is no "magic" or set number of factors that "makes" the worker an employee or an independent contractor, and no one factor stands alone in making this determination. Also, factors which are relevant in one situation may not be relevant in another.

The keys are to look at the entire relationship, consider the degree or extent of the right to direct and control, and finally,

¹ <https://www.irs.gov/businesses/small-businesses-self-employed/independent-contractor-self-employed-or-employee>

to document each of the factors used in coming up with the determination.

INSURANCE

(Kelly Riddle)

Insurance is something that will most likely be required by many contracts. Smart insurance agents supply a certificate of Insurance (often referred to as a certificate), or a document showing you have liability insurance coverage. If you provide a copy of your Certificate of Insurance to a plaintiff attorney who is trying to decide whether or not to file a lawsuit against you, they often will see how deep your pockets are. If you have a certificate of occupancy showing \$1 million in coverage, or an errors and omissions policy, that may give them just the reason to pursue a lawsuit.

When entering into contracts, the client will often ask for a "Certificate" documenting you have the stipulated amount of insurance required in the contract. They will most likely ask to be added as an "additional insured" on the certificate. Some agents charge a nominal fee to supply an additional added insured certificate. This is simply an endorsement that your insurance coverage extends to another party and they are named specifically. While really not necessary, as your coverage would cover you while conducting services that are insured, some commercial clients see it as an extra safeguard on their behalf.

Hired and Non-Owned Coverage

This type of policy is designed to provide coverage for any **claims against your business if an employee has an accident while using their own (or rented) vehicle for business purposes.** This optional upgrade adds coverage as part of your general liability limits to your business owner's policy. Word of caution however, this most likely will not cover your employees' damages to their personal vehicle. This type of coverage is designed to protect your business, not the individual's vehicle. A person using their car for business has to have added coverage to protect them and their car that is separate from the business insurance. This is also required on most contracts for corporations.

Worker's Compensation Coverage (By Kelly Riddle)

No one wants to see an injury, but should this occur, worker's compensation insurance will provide coverage and benefits. This will include payment for medical services, lost wages and in extreme cases, death benefits. Again, if entering into contracts this may be a stipulated requirement. The cost for this insurance is usually dependent upon your company income as well as the type of services you provide.

Key Man Coverage

As the owner of a company, you most likely are the "key man" in the business. This type of life insurance policy can be taken out by a business to compensate that business for financial losses that would arise from the death or extended incapacity of an important member of the business. It is designed to keep the business open and running during a traumatic situation.

Complaints: (Kelly Riddle)

Should a complaint be filed against you, you can expect the licensing board to conduct an inquiry. Depending on the nature of the complaint, it may be a simple letter asking you to address an issue. The licensing regulations require you to cooperate with an inquiry by a regulatory or Law Enforcement agency.

Common complaints involve a dissatisfied client who doesn't feel like the investigation accomplished what they wanted and therefore do not want to pay for the services. The licensing board may contact you to determine if you did in fact conduct the investigation, if you offered the client a contract (as often required by licensing and administrative regulations), if you attempted to resolve the issue or a similar inquiry. If it involves a complaint about fees, this is a civil matter, and the complaining party will have to file a lawsuit if things cannot be resolved. As long as there is no indication that you committed fraud, mis-represented yourself as a law enforcement officer or something similar then the licensing board probably has no authority over that type of complaint. You should, however, respond to the licensing board respectfully and in a timely manner.

Chapter 11-Reporting and documentation

Report types and style: (By Jim Casteel)

As there are many different types of investigations, there are many different types of reports as well as styles. Many fields have come to expect a certain format or report style as an industry standard, but everyone's work product is their own. Where there are certain facts and details that are expected to be included in a professional report, there is a lot of flexibility in styles and format which will depend on the Investigator's preference as well as the client's. To form an industry wide preset for reports may inhibit an Investigator's ability to "build a better mouse trap" so to speak. Style, Font, format etc. are considerations but there are certain standards that have been adopted for many fields such as accident reconstruction, arson or fire origin investigations. The important thing is to know and understand what is expected in your particular area of expertise; if you don't have experience then you should be mentored by someone who does and seek education in the area before you attempt to work in the field. I find that in most surveillance reports the clients expect time entries explaining the activities as they occurred.

Example:

04:30 A.M. Investigator Cappello departed from his Madison office in route to the area of the claimant, John Doe's residence.

05:06 A.M. Investigator Cappello arrived in the area and observed that the residence was a multi-level single family dwelling surrounded by a rod-iron fence. There was a 1966 MGB parked in the circular driveway in front of the residence. The claimant was observed as he waxed the vehicle. Investigator Cappello observed the claimant as he displayed his ability to bend at the waist, lift a 5-gallon bucket of water, squat, sit, stand, and reach. (See video)

This is one style and there are many options and opinions on what the Surveillance report introduction should look like. I personally prefer the introduction to include the subject's name, address, and vehicles as well as a thorough description of the residence and directions from the Investigator's point of origin. This was a small glimpse of how an official report should look but it is recommended to take classes on report writing if you are new to the field,

Field notes and/or audio recordings: (By Jim Casteel)

Keeping field notes will allow the Investigator to keep a record of specific information that may later be needed for the detailed final report. Sometimes it can be difficult to keep a pen and paper in hand while conducting surveillance and trying to film. I have found that audio recorders can be somewhat useful, but my greatest assist in the field has become GPS vehicle trackers. I keep my surveillance vehicles equipped with GPS and I use a system that provides detailed reports so that I can go back and find addresses of homes and businesses that I followed the subject to, miles driven and times that the case was worked. Video cameras are also instrumental in documenting detail; using the audio on your video footage to elaborate on details that the visual doesn't pick up is an option however I prefer to avoid recording audio with my video. I do use the time shots for reference on my reports.

Fact verification: (Jim Casteel)

Any part of your report that is found to be untrue can and likely will affect the integrity of the entire report. When describing vehicle ownership, relationships between people, even minor details like beverages and food, make sure you describe them or identify them accurately. Avoid making assumptions such as identifying someone as the subject's wife or husband because you know the subject is married and you have observed the subject in a display of affection with a woman that appeared to be living in the house with him. I have made that mistake only to find out later that the subject (in a workman's comp fraud case) had stayed at home when his wife had traveled to visit a sick relative; the woman in the video was a woman that the subject was having an extramarital affair with. A simple social media search may have helped to

avoid the mistake (this did not affect my evidence, but it did cause a scene in court when his wife saw the video). If you don't know, just say you don't know and state what it appeared to be or what you believe it to be. It is hard to challenge a witness about the way something appeared to them and what they believed it to be, this language always leaves room for error.

Example:1

"The woman believed to be his wife" "what appeared to be a glass of wine".

Furthermore, when describing someone's movements or physical state in an injury case, one question that you will be asked often by opposing counsel is "are you a doctor?" or even "where did you get your medical degree?" Be careful about how you describe someone's actions, if you report that the subject or claimant moved in a normal manner with no signs of pain or impairment, you will most likely be questioned on how you have knowledge of what is normal for that individual. Did you know the claimant before the accident? Have you ever seen the way the claimant walked before the accident? What training do you have that makes you an expert on signs of pain or impairment? Words mean everything in a report, now what if you were to say the same thing but use some precautionary words that allow you to describe what you observed without giving the impression that you are overreaching your qualifications? "The claimant moved in *what appeared* to be a normal manner with no *objective* signs of pain or impairment." Now you are testifying to the way it appeared to you and you are speaking objectively about signs of pain or impairment.

Example: 2

The Investigator is watching a man at a park and observes that the man is drinking from a bottle that looks like a beer bottle. The Investigator is just a bit too far away to determine the brand. Now if this Investigator were to state in a report "the man was observed drinking a beer", the opposing attorney may ask what type of beer. If the Investigator doesn't know what type of beer it was; the next question will be "well then how do you know it was beer?" If the Investigator didn't take steps to verify the type of beverage that the man was drinking; the

report should have stated "the man was drinking an unidentified beverage from a bottle". Now keep in mind that the burden of proof in a civil case is to satisfy a reasonable mind; the judge will see the video and draw his or her own conclusion. Another alternative is that, when asked what type of beer it was, that the Investigator is able to answer "It was a Coors beer" and when asked how he made that determination the Investigator answered "I observed the man as he tossed it in a trash can then walked away, I then approached the trash can and filmed that there was only one bottle in the trash can and it was a Coors beer bottle." Now the Investigator has accurately described the beverage bottle; the man could argue that it was filled with water, but again you are only trying to satisfy a reasonable mind.

Verification of vehicle ownership, real estate, and other assets should involve supporting documents such as deeds, titles etc. that come from a state or County source when possible.

Accusations and insinuations: (BY Jim Casteel)

It is important to verify that a crime was committed before making accusations in an official report. Always keep in mind that a person is presumed innocent until proven guilty. I always find myself looking out for anything that might be an invitation to a lawsuit; therefore I try to stick with the most accurate description of my observations and leave it up to the people who review my report to decide if a crime was committed.

Bad Example:

The Investigator films the subject, who is believed to be cheating on his wife, walking hand in hand with a woman and entering her apartment where he spends the next two hours. This scenario is repeated several times over the next few weeks along with some dinners they had together and a walk in the park. Your report reads "The subject was found to be committing adultery with Jane Doe". You must ask yourself if you have definite proof of the criminal charge of Adultery because it is a criminal accusation. Keep in mind criminal cases require a stricter standard of proof than civil cases. Would this open the door to a civil case? So, you didn't catch them in

bed together, but you do definitely have evidence of a relationship that can easily be defined as inappropriate, and it is a relationship that is occurring outside of and in addition to the subject's marriage. If you were to define it as an inappropriate extramarital relationship, you may reduce your liabilities.

NOTE TAKING: (Kelly Riddle)

Taking clear, detailed notes during any investigation is extremely important during any investigation but is more difficult in surveillance cases. Proper notes should be taken during the investigation and the file updated after each time the case is worked. If the Investigator gets sick, leaves the company or other situations arise, the follow-up investigator will have very little to work with if the file notes are not current. The details also seem to be forgotten after other cases are worked and time goes by, therefore the notes should be written while they are still fresh in the Investigator's mind.

It is also recommended that the term "approximately" be utilized when relating a specific time. This may prevent unnecessary scrutiny of you or the report by an aggressive attorney.

Surveillance Notes: (By Kelly Riddle)

Each Investigator has their own method of taking notes during surveillance which they feel comfortable with, and which works for them. Whichever method the person chooses, it should be a process that is effective and consistent. The investigator may want to have a small notepad on a base that is attached to the windshield or dash through suction cups. The Investigator may wish to have a briefcase in the seat beside them to use as a desktop for scribbling notes on a pad. Some Investigators prefer to use a tape recorder and transfer the notes to paper later. If the tape recorder method is chosen, the Investigator will have to be constantly aware of their location in respect to the person being followed so that they do not raise

the recorder to speak into it when they are directly behind the subject in traffic or in other situations where this may be seen. In addition, the Investigator should always have a small pocket size notebook available to take notes on when the person is being followed on foot, in a building or other similar situation.

After the manner in which notes are to be taken is satisfied, the next step is the proper taking of notes. Commonly this involves the who, what, when where and why scenario and includes the following:

A. Initial Notes: The Investigator should indicate when the surveillance was initiated which will include the date and time, as well as the address or location. A description of the house should be noted along with any unusual or distinctive items observed. The area of town should be indicated which should indicate the closest main streets that the reader may recognize. The initial notes should list a description of the vehicles, boats, trailers, or other similar vehicles. The type, year, color, license plate number and registration information should be listed. A typical starting paragraph may be related as follows:

Kelmar personnel initiated surveillance at the claimant's reported address of 180 Roberto St. at approximately 1:00 P.M. on November 11, 2020. The house is located in the Oakwood Subdivision in Southeast San Antonio near Military Dr. and Lackland Air Force Base. The residence is described as a one-story white wood- frame structure with a two-car garage, a chain link fence around the backyard and a decorative water fountain in the front yard. Upon arrival, a red 2018 Chevy Camaro, license number 194-CBS, which is registered to Timothy O'Roudy, 180 Roberto St., San Antonio, was parked in the driveway.

B. Body of Notes:

Once the preliminary facts are stated, entries should then be made based on the observations. If the subject leaves in a vehicle, the Investigator should attempt to indicate which

streets the subject traveled on, which businesses they stopped at, any activities that they were involved in, as well as other similar information. For example:

At approximately 1:10 P.M., the subject entered the red Chevy Camaro (license 194-CBS) and turned right on Lewis St., left on Roberto Lane, headed north on IH-35, exited on Malone and stopped at the Exxon convenience store at the corner of Malone and Division. The subject then began to pump gasoline into the tank of the car (see video) and paid the attendant before returning to the car.

The body of the notes should be specific in regards to the activities and their relation to the injury. If the subject is supposed to have an injury to the right wrist and shoulder, you should indicate that the subject picked up the newspaper, opened the door or performed other activities with the injured hand. If the subject has an injured back and is observed outside with only a T-shirt on without a back brace on, indicate the same in the report. If you had the opportunity to observe the claimant at a doctor's appointment with a cane or back brace and subsequent surveillance resulted in the cane or back brace not being observed, indicate the same in the report. In short, any activities that occur by the subject or at the subject's house should be indicated in the report. The report should only indicate what was determined or what activities were observed, without any bias or opinions being indicated.

Report Conclusion:

Most reports do not require a paragraph at the end entitled, "conclusion". However, the Investigator may want to indicate certain information or make suggestions that would be appropriate at this time. For example:

Surveillance was conducted at the subject's residence on eight different days. On six of these dates, the subject was observed outside of their residence working in the yard, talking to neighbors and walking the neighborhood for exercise. The

client may wish to consider additional surveillance due to the subject's active lifestyle to better document the subject's activities and abilities.

Most of the time, any information important enough to put into a conclusion should also be indicated in the summary paragraphs. The wording should be changed to not sound as repetitive and to further place the ideas in the reader's mind.

Proof-Reading the Report:

It is the Investigator's responsibility to provide the report information to the clerical staff in a manner that will allow them to easily type the notes. If the notes are handwritten, they should be as much like the final copy as possible to prevent both the Investigator and the secretary from having to make too many corrections and alterations. Likewise, if notes are dictated on tape or provided in some other manner, they should be easily typed. It is the Investigator's job to relate the notes in a clear, concise, and logical order. The only items the secretary should be asked to enter that are not in the actual notes are information regarding the license plate registrations or other records. However, blanks should be left in the notes to indicate to the secretary that the record needs to be placed there. Often, the Investigator should go ahead and write record information into the notes to keep the logical sequence of facts flowing properly in the report.

Once the notes are turned into the secretary, the report should be typed, printed out on rough draft paper and returned to the Investigator to proofread for facts and corrections. Once the investigator makes the corrections, the secretary should make the noted corrections and then proceed with printing the final report.

E. Report Attachments:

The clerical staff should print the final copy of the report out, including a cover sheet and attach certain records with the report. The records should include copies of license

registrations, social security trace reports, record checks conducted and any other useful information obtained during the investigation.

WRITTEN REPORTS: (By Kelly Riddle)

The secretary is responsible for typing the written field notes, tape recorded notes or other records into the standard report format. The rough draft is to be printed and proofread by the investigator involved and returned to the secretary for corrections and completion of the final report. The report format is to include the following:

The *Cover Sheet* is printed on letterhead and will include the client's name, the contact person's name, the client's file number, the name of the person being investigated, the date of the incident in question, your company case number and a statement of disclaimer.

The *Request of Client* will be the first paragraph on the second page and indicates whom the client and the contact person are. In addition, the purpose and goals of the investigation will be re-stated along with the name of the person(s) being investigated. The name of the Investigator(s) assigned will also be identified.

The *Summary* paragraph(s) will be the second sub-heading on the second page and will summarize the findings and major topics of the investigation. NO OPINIONS are to be included anywhere within the report as we are to provide only factual events and documentation. The Investigator may include a statement indicating that additional surveillance or investigation time may be needed to further document the client's goals.

The *Details of Investigation* is the third paragraph that is the body of the report and provides the details and findings of the Investigation. Any information obtained through record searches, surveillance or other sources should be included in this section.

The *Conclusion* may or not be necessary. Typically, this is used to support the need for additional investigative work, suggest alternatives or relate similar information.

A report is the opportunity for the Investigator to shine. This is what the client will see and evaluate your services on regardless of what verbal updates you have provided. The report should be professional, well written and contain only facts that are supportable by the details of the Investigation.

Chapter 12 - Equipment

Standard investigative equipment: (By Jim Casteel)

Standard investigative equipment is the equipment that the Investigator would always expect that he or she may need in the field. This will vary depending on the Investigator's specialty. Most niches require an Investigator to document details therefore a pad and pen is a no-brainer and possibly a recorder. As technology advances more of these needs can be met with a smart phone. Standard equipment for an Arson Investigator will differ from that of a Surveillance Investigator or a Criminal Defense Investigator.

Specialized investigative equipment: (By Jim Casteel)

Specialized equipment for an Arson Investigator may include evidence containers, cloves, tweezers, a camera appropriate for taking black and white photos and possibly some technical equipment that can be used to detect accelerants such as a gas chromatograph or a gas chromatography mass spectrometer.

Specialized equipment for surveillance can include DVR s, NVRs or their successors, Silent running heating and cooling equipment for surveillance vehicles. signal jammers to avoid camera detection while installing surveillance equipment, computer forensic software, alternative charging options for surveillance equipment, frequency scanners, metal detectors, countersurveillance equipment etc.

Conventional Camera equipment: (By Jim Casteel)

Standard video cameras that are consumer, prosumer, and professional grade fall in this category as well as SLR (single lens reflex) and mirrorless cameras. This is one of the many things that an Investigator should refresh his or her education on periodically. Since I have been in this field, I have seen the standard change time and time again for camera media. In the 1980s VHS tapes and Betamax tapes were the standard and toward the late 80s or early 90s it began to transform to smaller

formats beginning with VHS-C (the "C" is for compact) which greatly reduced the size of the camcorder then to Hi-8 and on to Mini DV tapes before getting to the currently used SD (secure digital) card which is the most common type of media storage at this time in most video and still cameras. This is subject to change again and again in the future and may eventually stream from your camera to your phone and then to your cloud server without the need of media storage. The technology is already being used on some types of cameras. Not to make predictions, but simply to point out that equipment is an ever-changing technology that requires an Investigator to continue seeking the latest and greatest. The main points to keep in mind is to always focus on what features are required to meet the needs of the case (manual focus, zoom, low light capabilities etc.) and to remember that your client is paying professional rate and should expect professional results. You are only as good as your worst piece of equipment. One especially important point that I will make about photography, both still and video is that most all clients will expect a date and time stamp. I personally carry a variety of cameras because smaller consumer grade camcorders work better in some situations and a more advance camera may be needed in other situations.

Covert and custom-built camera equipment: (By Jim Casteel)

In some cases, an Investigator can enter a store, restaurant etc. and film with his or her smart phone without being detected; I don't condemn that, but it does require some caution and has its limitations and inconveniences. There are many types of covert camera's available which range from body-worn and handheld to stationary. Some cameras are built to be disguised as key fobs, watches, buttons, light switches, you name it. Others are simply board or ribbon cameras (see definitions) that give the technically inclined Investigator the flexibility of designing his or her own covert camera. There are different levels of quality with these types of cameras therefor some are much more reliable than others and have sharper pictures and a greater low light capability. The media storge capability differs in these cameras as well so be sure to understand what the maximum storage capacity is and how much of that capacity is

available. Media storage is one of the two greatest hurdles to negotiate with covert cameras and the other is power. Body-worn and handheld devices typically rely on battery power which always has its limitations, stationary covert cameras have power options such as A/C or solar charging.

One other especially important consideration when using covert cameras is to make sure that the placement of the camera does not violate any trespass or privacy laws. Even body-worn or handheld cameras can present a problem if you are entering a place that is posted (No Cameras or Video equipment allowed) this is common in concert halls, strip clubs etc. Remember that the best way to handle a lawsuit is to avoid it!

Cellular or sim card-based cameras.

These cameras can be extremely useful in the field and there are several options such as Rio Link, Arlo Go, etc. These cameras can transmit a live video signal to your phone or, in some cases, your laptop without being connected to Wi-Fi. They do, however require a cell service plan which comes with a monthly fee. The one I use allows me to record directly to my cell phone and I can email, text or store the videos. I can also set it to record to an app anytime motion is detected. These cameras are not very covert at this time but that may be the next thing coming. Some of the cameras have camouflaged covers that help a little when it comes to hiding them in wooded areas. Remember to always check to make sure that you're not trespassing when placing one. I typically use this type of camera in a parked vehicle to keep an eye on a vehicle or situation remotely. The camera can be placed anywhere where cell service is available which is just about anywhere these days. It has an internal battery that will typically last for days or weeks depending on how constant you are about viewing the stream. These can be particularly useful when handling theft cases in a remote area where Wi-Fi isn't available such as a hunting camp or lake house.

Useful Surveillance equipment.

There are many other types of tools, accessories, and devices that I consider useful if the investigator is working in a surveillance type field. The largest of these would most likely be your vehicle. Many Private Investigators prefer SUVs or Minivans to standard sedans or coups, but different vehicles work better in different situations. I have had success in many cases driving vehicles such as a Honda Accord hatchback, a large Thunderbird sedan or a Toyota Camry. I have used SUVs and minivans quite a bit and I have used industrial vans and tool bed utility trucks. I have had a few cases where I would hire a pilot and rent a small aircraft and have even used helicopters. The two main factors in choosing a vehicle for a case is adaptability and budget. The vehicle that you choose to be your primary surveillance vehicle should be equipped with everything you can foresee needing for the assignment that you are taking on. In my case I always have a way to power devices such as camera chargers, laptops, etc. many vehicles have onboard inverters which allow the use of 120 V A/C devices. Those with onboard inverters typically only have one receptacle to plug into and are very limited on the watts available. A 300-watt inverter with dual receptacle's can be purchased at most big box department stores, auto part stores and some truck stops as well as online. Some investigators take long term surveillance jobs more seriously than others and want a back-up battery system to assure that they can still have enough power to start their vehicle once the job is concluded. I have a series of 100-amp lithium 12 VDC batteries in my primary vehicle which are charged through a 12 VDC on board smart charger which is linked directly to my vehicle's primary battery which is referred to as the donor battery. If the donor battery drops below 12.4 Volts, the charger will not allow further drainage. The series of batteries power a 1500-watt inverter which is a little excessive for the typical fan and chargers, however I have it running a small room air conditioner which has an exhaust that feeds out from a vent mounted in the floor of the vehicle. This allows me to remain covert in tight areas without running the engine of the vehicle.

This is an idea situation in very hot conditions where running the engine would draw too much attention but is very expensive. The 100-amp lithium batteries cost around \$900.00 each and a series of at least three are required if using an isolator and charging with your vehicle's alternator; two will work if using a 12-VDC charger. The more practical alternative is to cool with a small 12 vdc fan which is available at most department stores and auto parts stores. With the use of a fan, I would still recommend a back-up battery even if you just use a single 12 vdc deep cycle marine battery and charge it between jobs. Visual aid is another handy piece of equipment, although you can use the zoom on your camera for most of these types of tasks, a good pair of binoculars is always a good addition to your equipment arsenal. Binoculars range in quality and in price, you can let your own desires and budget guide you, but a \$150.00 to \$250.00 pair will do just fine although you can spend in excess of \$3000.00 easily. A monocular is another option and can be purchased online for as little as \$25.00. There are so many different types of covert cameras, GPS trackers, audio recorders etc. that keeping chargers for all of them can be a challenge; I recommend keeping a variety of charge cords and adapters on hand as well as a small pack of AA-batteries and AAA-batteries as well as spare camcorder batteries and any other specialty batteries that you might need. Gear for wooded surveillance is something else that I like to keep on hand. You never know when an assignment will turn into a wooded surveillance job. I have started surveillance in a tight knit gated community where there were no woods around and there had never been a need for wooded surveillance in the three months that I worked the case. On that day though, the subject met a girl at a state park, and they took a hike up a trail. I have also had cases in an urban area with not much more than a hedge in the side yard, but, with the owner/client's permission, I was able to hide in the hedge with camo and film the subject and the paramour as they came out together. There are a lot of different styles of camo, but I prefer a thin mesh type that is made to pull over the cloths that you already have on. This way you are already dressed for the climate, and you don't have to carry one set for warm weather and another for cold. That is even more important during the times of year

when you can be burning up during the day and freezing at night. This is another reason that wearing dull, or earth tone colors can be helpful, I prefer colors such as tan, brown, black, dark or hunter green etc. Face coverings are also available in the thin mesh, but I like to carry a warmer camo mask for the winter. The same goes with gloves. A good flashlight is a lifesaver if you need to film a tag at night, but you can't get in a position to shine your headlights on it without being exposed. Plastic, latex or rubber gloves are a must as well as both small plastic bags and some larger garbage bags. You never know when you may have to grab someone's trash or pick up something that could be used for evidence. I used to carry labels for evidence bags, but it seemed to be too much of a task to keep them from getting damaged after a while, so I started carrying a sharpie and a roll of painter's tape to make labels with. If you have room in your vehicle and expect to be retrieving trash on a case, I recommend carrying a large plastic tub with a lid that has a good seal. Trash can leak in your vehicle and/or produce an odor that you wouldn't want to have to tolerate. Props are handy in many cases; most surveillance vehicles are not big enough to carry every possible prop that you might could use, so there are a few things that are easily stored such as a traffic vest, emergency cone (the fold out type work) hard hat etc. Hard hats are touchy because different companies, counties and municipalities have different standards in hat colors to indicated if the wearer is a worker, foreman etc. If you happen to be trying to pull off a setup near someone's home who is familiar with the local standards, you could give yourself away. You don't want to impersonate a county or city official for any type of setup and it is much easier to pass yourself off as an independent contractor. Example: I had a suspected injury fraud case in a rural area with no practical position for surveillance. There was a ditch running down the side of the road with just enough room to park a vehicle. The area was mostly flat with grassy yards and some small bushes but wide open for the most part and the yards were all several acres. I first thought about pretending to be a contractor working on gas pipes, but I wasn't sure if they even had gas out there and was pretty sure that they would know so I wasn't to keen on that story. I went to a local

hardware/ farm supply store and bought two large couplings made from plastic. The couplings were about 2.5' wide and 1' deep and were heavy black corrugated plastic. I loaded these couplings in an enclosed bed of a utility truck, which was purchased specifically for these types of surveillance situations, I also loaded some post hole diggers and some shovels. When I set up in the area, I placed a camera on a PTZ (Pan Tilt Zoom) panhead in the back of the truck, set the shovels and couplings at the edge of the ditch and then just sat in the front seat of the work truck dressed like a worker. Within 30 minutes of the setup a curious neighbor stopped to see what I was doing there. I explained that I was sent there by my employer who does contract work for a chemical testing company that is putting some sort of traps in the ditch, something about testing to see if the weed killers used would affect the wildlife in the area. I further explained that all of that was above my head, and I didn't really understand it, but my job was to dig holes and put the sleeves (couplings) in. I also explained that the ground had a lot of slate in it, my boss told me that they were sending someone out with a jackhammer, so I was just waiting which was fine with me because I get paid \$6.75 an hour anytime I'm on the clock. That did the trick and I remained there the rest of the day and was able to film the claimant cutting grass, carrying 5-gallon buckets, working on a fence etc.

Smart phone apps for the Private Investigator:

(Jim Casteel)

Again, this is one of the many areas where an Investigator should refresh his or her education in periodically. The word "app" may be obsolete in five or ten years. Right now, there are many apps (smart phone or computer applications) that can help with a variety of tasks such as scanning for IP transmitting devices, putting date stamp on your phone's

camera, taking measurements etc. It's always a good idea to explore what's out there and network with other Investigators to see what they have discovered in this area.

Drones: (Jim Casteel)

There are two sides to consider with this technology, it can be a tremendous help and it can also get an Investigator in deep trouble if used illegally or inappropriately.

Drone designs, features and sizes are variable and are changing as quickly as drone laws are. Again, keep up with the technology and with your laws that govern the restrictions concerning the places and purposes for which a drone can be used. The fines associated with mis-use can be significant not to mention exposure to possible lawsuits that could accompany the consequences. In most cases a permit, for each specific case or task, is required if you're planning to use a drone. With that said, there are many good uses for a drone in this profession. Drones can provide accident Investigator with the most current look at the layout of an intersection or accident scene that one could possibly get with an option of a multitude of angles. I have seen a drone used in a capital murder defense case to illustrate the path the shooter took while fleeing from the scene, this was significant to show that this was the path to his home and that he wasn't just trying to chase down the victim. I have seen drones used to check riverbanks for missing kayaks that went adrift. Drones can be handy in conducting preliminary surveillance in rural areas to determine means of travel, local attractions such as fishing areas, shopping centers etc. The one thing you don't want to do with a drone is to look over a privacy fence or onto any property that is privately owned and offers a reasonable expectancy of privacy. I have spoken with Investigators who carry small drones in their equipment pack when doing surveillance from a wooded area. This was done to help them get directional assistance if they were detected by dogs and had to go in deeper to avoid being detected by the dog's owner. This can cause the Investigator to have to travel a distance through the

woods very quickly and could result in the Investigator losing his or her sense of direction. A drone will allow the investigator, once out of danger, to look around and find his or her way back out of the woods.

There are restricted areas where drones cannot be used, check online for these locations and be sure that you are not violating the perimeters of these areas. I had a case that I was helping Kelly Riddle with which required aerial photos at a location that was very near to an airport. We knew that this area would be restricted and for good reason, so I hired a pilot with a small aircraft to fly me over and take the photos that the case required. In most cases there are solutions to allow a legitimate method to reach the client's needs.

Drones have become an asset in locating missing people in cases where the people were hiking, camping, hunting etc. Most of the time Law Enforcement or Forestry Service is involved and will have their own drones, but in cases where they don't, they will often expect help from anyone who does. These types of drones can be equipped with thermal imaging cameras that allow the user to see the heat signature of the person or people who are being searched for.

Chapter 13- GPS Tracking Equipment:

(Jim Casteel)

When, where how and if GPS can be used. GPS (Global Positioning Satellite) technology is used in many different types of consumer products including video cameras, drones, and navigational equipment, but for investigative use we will be speaking about GPS technology used in asset or vehicle tracking devices.

Types of GPS tracking devices.

There are many different types of GPS tracking devices which vary in size, shape, power source, performance options etc. The smaller devices come with sacrifice of either battery life, frequency of updates or both. These are still useful in short term covert assignments. Most cell phones have location services that utilize GPS technology and I have had many clients come to me with suspicions that arose from the location services on a spouse's phone. It's important to understand the difference in the way that information from GPS technology on a phone is delivered to the end user as opposed to the way a GPS vehicle tracker delivers it. The primary difference is that if a vehicle or asset tracker loses the GPS signal it will default to the last known position and a cell phone locator will typically default to the nearest cell tower. The phone is made to automatically switch to using the cellular service vs the GPS (Global Positioning Satellite) service when GPS signal is lost. That difference can be significant because the cellular service will show the location of the nearest tower to the phone which may be up to five miles away. That can be a problem if the end user doesn't know how to determine if the location report is indicating GPS or cell and assumes that the device being located is at the tower location being shown when the device is actually in the spouse's purse in her office at work just as it should be but just has no GPS signal. I have had a lot of unfounded suspicions which arose from that misunderstanding of the technology. The Asset tracker, on the

other hand, can usually be set to different intervals of updates and will show the level of strength of the GPS reception. The approximate location can be determined with this information. Example: The tracking software shows that the device was traveling at 12 mph on a city street, it is set to update every minute when moving and once an hour when stationary. The device has not updated in three hours, but the battery had plenty of charge. The person who operates the vehicle being tracked has an office about a block away and while there they park in a deck. You can calculate that the vehicle is at the office. Both systems can be fairly accurate, but they work differently and knowing what you are reading and what it means can be the difference in making inaccurate evaluations of the situation.

Legal aspects:

Laws that regulate GPS tracking vary from state to state and are subject to change with each legislation session in each state. Always check to make sure that the method in which the device is used is within state law where the device is being used, especially in reciprocating states. The two primary considerations when using a Tracking device are:

1. Where and how the tracker is placed. The location of the tracker on the vehicle plays a big part in the reception that the device will get from both the GMRS side or cell side of the device and the Global Positioning side or the side that reads satellites to calculate its location.

When placing a Tracker on a vehicle, the location of the vehicle that the investigator is accessing to place a tracker on is important because, even if you acquire proper permission to track a vehicle, trespass can still be an issue.

Example: The Investigator has permission from a client to place a GPS tracker on a vehicle driven by their spouse. The spouse has left home and is currently staying with a friend or relative. Can the Investigator go onto the property to place the GPS without the property owner's permission?

The simple answer is no. There are some exceptions such as a multi-family dwelling with public property; but privately-owned property is normally off limits and violations of that can

lead to criminal and/or civil action being taken against the Investigator and his or her clients.

Ownership of the asset or vehicle that the tracker is placed on. The rule of thumb that I currently go by in Alabama is to make sure that my client has a legal and/or equitable interest in the vehicle. That would mean that the vehicle is titled, at least in part, to the client, or the client is listed as a lienholder on the vehicle, or the vehicle is titled to a company that the client has an ownership interest in or is a marital asset, or the vehicle is titled to the client's spouse making it a marital asset. If the ownership interest is based on the vehicle or the company that owns the vehicle being a marital asset, it is important to have the client sign an authorization form in which he or she swears that there is no pre-nuptial agreement separating those assets.

There are other uses for GPS tracking as well, tracking assets to prevent theft is one use and tracking a child's toy, diaper bag, car seat etc. is another use but cannot be legally done in some states. Again, always check local laws. Some GPS devices found online may also have the ability of sending or recording audio; beware of this because in most situations it is illegal for a Private Investigator, or anyone for that matter, to record a conversation that they are not a party of. That means that, even with the vehicle owner's permission, if you record a conversation, or even listen to it through the transmission from the device, and you were not a party to it, you are in violation of the law. If this is considered an illegal installation of the device, a Judge could rule that any evidence discovered through these illegal means be deemed inadmissible.

Placing a GPS on an asset:

GPS trackers are made in a variety of sizes but with smaller size there usually comes the sacrifice of either the duration that the battery will last or the intervals between location updates. Some of these devices are easily hidden on different types of assets and are commonly used by Investigators in a variety of different types of cases. The devices that are used more commonly by Private Investigators consist of the GPS unit, an extended lithium battery pack, and a waterproof case with one or more magnets. These devices are generally placed beneath

the vehicle. It is important to make sure that the device is not placed near any moving parts or where it would interfere with the functions and operation of the vehicle. It is also important to place the device away from any source of extreme heat such as exhaust components. The devices can transmit and receive through plastic and glass but can be blocked or partially blocked by metals. It is important to keep this in mind when choosing a place on the vehicle for the device. Areas beneath plastic rear bump covers are the most common area to place the devices, the device would be magnetically attached to a piece of metal support or unibody panel under the plastic bumper cover to keep it concealed but allow optimal connection to the satellites and cell towers. This is not always an option, especially in trucks and some types of Jeeps where the bumpers are all metal. One major problem with these vehicles is reception from the limited locations that are available, but today's GPS devices work much better in low reception areas than the devices of ten years ago. Many of the newer vehicles have a large percent of alloy in the metals that are used for the unibody as well as the exterior structural panels. Alloy body parts make attaching a magnet very difficult, in some cases a lighter weight box and industrial strength Velcro as opposed to a magnet is the best option. Always carry some sort of wet-wipe and a dry cloth to wipe an area down with before using Velcro. Keep in mind that vehicles must be serviced, and service technicians may point the device out to the vehicle's driver if they see it. Consider what areas are commonly accessed for standard service and avoid placing the unit where it can be seen while working in these areas.

In child custody cases, in states where GPS can be used without breaking laws, GPS is often used on vehicles when there is permission from a party that has ownership interest; but once the parties are divorced, if the custody issues continue the right to track the vehicle is gone in most cases (and must be removed from the vehicle if possible, if not possible a record of the termination of service to the device is recommended). That is when Investigators may consider tracking a toy, a car seat or travel or diaper bag that belongs to the client but is kept with the child. In these cases, the battery

only needs to last through the duration of the visitation and, even if the battery dies, the toy, or asset may be coming back with the child. Looking at tracking assets or product inventory for theft detection is a completely different story, you may even consider the GPS as a disposable tool. There are GPS asset trackers that can be hard-wired to a trailer or piece of heavy equipment and has a relatively low monthly service charge but has extremely limited location detection intervals, perhaps as seldom as once a day. The standard GPS trackers offer location intervals as frequently as every 10 seconds but come with a higher monthly service charge. These devices do offer more features such as geo fence or perimeter options. Perimeter options allows the user to set areas on a map and alerts that will message the users phone anytime the device goes in and out of that area. There are many other features available such as speed violation, low battery warning excessive idle and engine off and on (in wired in devices) and many other options. It is important to try and maintain the ability of Private Investigator's use of GPS tracking devices, most legislation that has been introduced in other states to restrict the use was introduced as a result of someone in power getting caught doing something and GPS tracking was used by the Investigator who obtained the evidence. The truth is that, in most cases, they were caught before the Private Investigator was ever hired. The only question was, "how much was it going to cost to get the evidence?". In most adultery cases the subject of the investigation either ends up paying for the Private Investigators services or if it comes out of the assets that are to be divided. Either way, using a GPS just saved the subject some money, the evidence would usually be obtained with or without it. The unfortunate part of the restrictive legislation is that it does prevent people who are less fortunate financially from using a Private Investigator to protect themselves against a spouse who is abusive and has a restraining order or PFA against them or to investigate allegations of child abuse or neglect. GPS tracking technology has made it possible for lower income families to afford private investigative services and provide the court with information that assist a Judge in making decisions that will protect a child for abuse or molestation. Before GPS tracking

was available; only children of wealthy parents were privileged to that level of protection. It is unfortunate that some states have stripped those children of that protection in a failed attempt to protect wealthy men from having their misadventures exposed.

Chapter 14 - Surveillance: (Jim Casteel)

Stationary Surveillance:

Stationary surveillance simply means to conduct surveillance from a stationary position. This can be manned or unmanned surveillance.

Manned stationary surveillance is usually conducted from a parked vehicle or a building; but can also be conducted from other locations such as a wooded area, boat, dumpster, cardboard box etc. The position depends on what the Investigator's best legally accessible option is and sometimes the Investigator's determination.

No matter where the surveillance is being conducted from, there are some important factors to consider. Having a position that is likely to allow the Investigator a view of the area where the activity of interest may occur or be occurring is especially important. In many, or I should say "most" cases, it is equally important to remain undetected. In some cases, having a position that will allow you to quickly convert your efforts to mobile surveillance (or tailing the subject) can be equally as important.

It does not take much to make yourself stand out from the crowd, the way you park your vehicle or the area that you park in can give you away. Try to blend in with other vehicles or with normal activity for your surroundings. Just to share a couple of techniques that have worked for me, I'll tell you about time I was working in a Wal-Mart parking lot out of a rental car, and it was too hot to sit in the back seat with the AC off, so I sat in the front passenger seat so, it would appear that to others, that I was waiting for someone who was in the store. That works in some cases, I have also had situations where the

subject of an adultery investigation was sitting in a parked vehicle in a public parking area with the paramour engaging in intimate contact. In more than one of these cases, I would hide in the rear of a van or an SUV and have someone drive it for me. I would have the driver pull up next to the subject's vehicle and then get out and either walk away into a nearby business or get in another vehicle and leave, giving the impression that the vehicle was now a vacant vehicle. I have also used this same concept but without a second drive or a pick-up vehicle. In that case the subject and the paramour were parked at a ball field which had a running/walking track around it. I put on some running clothes that I had in the vehicle with me and got out of the vehicle. The couple had seen me pull up and were keeping an eye on me so I made sure that they could see me stretching and then taking off down the track. As soon as their view of me was blocked, I snuck back up using my vehicle to hide behind then re-entered my vehicle from the rear door on the opposite side of the side that they were parked on. This allowed me to sit there and film from behind tinted windows while they were under the impression that my vehicle was vacant.

Be aware of who else may be able to see what you're doing, even if they are not part of the situation, a good Samaritan can cause problems by pointing out to your subject that you are filming him or her.

When conducting surveillance from outside of your vehicle always make sure that you are not trespassing while choosing the area that you will be setting up in. If you are a smoker, you may want to consider dropping the habit while on surveillance; smoke coming from the window of a vehicle is an advertisement letting people know the vehicle is occupied.

When conducting surveillance from a wooded area it is best to have some camouflage apparel with you or at very least some earth tone colored clothing on. If you plan on spending a bit of time in the wooded area it is important to carry water (a dry throat can cause a cough that may give you away), extra batteries for your camera, a cell phone (kept on silent) and some type of snack. Be aware of dogs in the area, they can smell you and your food. In extreme cases I have had to go to the extent of washing my close in scent reduction detergent

made for hunters as well as using special deodorant, toothpaste etc. all designed to reduce the human scent. Another rather extreme but sometimes necessary measure is to carry a plastic container to avoid leaving a scent on the ground when nature calls. Rubber boots rather than leather help reduce scent as well.

Mobile Surveillance:

A particularly important fact to remember when conducting mobile surveillance or following/tailing your subject, is that an Investigator has no special authority that allows you to break traffic laws. If you speed, run a traffic light etc., you are on your own. A Law Enforcement Officer may or may not give you a citation; but if you have or cause an accident while violating a traffic law you could be held liable civilly and criminally as could your client in some situations. I would never recommend valuing a case above the value of your own safety or livelihood.

Radical driving can bring attention to you and cause you to stand out from the other vehicles on the road always try to blend in.

Keeping a distance from the subject is a balancing act for an Investigator, a long gap on an open highway can present a problem if you suddenly arrive in a congested area with many turn-offs and traffic lights. Allowing a vehicle between you and the vehicle that you are following is a good idea in some situations but at other times that cover vehicle could allow other vehicles to get in front of them and then one of them gets stopped at a light and leaves you stuck while your subject disappears. There is a level of skill that comes with experience but losing sight of a subject when following without the aid of GPS can and likely will happen to anyone.

When you lose sight of your subject, you will need to conduct a methodical search to relocate him or her. Knowledge of your

subjects likes, habits, friends, etc. can play a big part in the search. Knowledge of the area is also a benefit. These are reasons for doing a preliminary assessment before beginning a surveillance assignment. The prelim should include looking over the area surrounding the subject's residence, knowing a bit about the subject's vehicles, the businesses in the area, any area attractions and checking your subject out on social media to help determine what his or her interest are.

Feet on the ground Surveillance:

There are many situations that an Investigator might find him or herself in that would require the Investigator to follow on foot. These situations range from malls, and shopping districts to business complexes, vacation areas, festivals, concerts etc. There can be many challenges such as too many people or too few people that will cause the Investigator to increase the level of cautiousness as well as the distance. These situations can also change at the turn of a corner and require quick adjustments. Those are factors that the Investigator just must adjust to and find the best technique for the situation; however, there are situations that could arise that will put the Investigator in the position to decide whether to follow the subject into an area that may be private property. The Investigator should make every effort to assure that he or she is not breaking any laws. It has been my experience that when it comes to trespass, intent is important. Always look for signs, fences, or any indication that the area is not intended to be accessed by the public. Remember that it doesn't help your client to get evidence that you can't use, and you never want to put yourself or your client in a liable situation. As mentioned elsewhere in this book, to use a pretext to gain access to a government facility is a felony violation of Federal law.

The Investigator may have to be crafty in changing his or her appearance during a lengthy on foot surveillance attempt. I have walked into a store and bought a hat or shirt off a rack to quickly change when the subject was in another part of the store, and I have walked in and out of surrounding buildings in order to watch the subject through windows and reduce exposure. Some techniques that I use I have developed on my own, but most I have picked up over the years from various speakers at conferences all over the country.

Every situation is different and requires a different approach. I once followed a blind man across country and stayed on his trail for several days in hotels, shopping centers, restaurants etc. throughout Boise ID. This was tricky because his family warned me that he could detect the people around him by the way they walked, the cologne they wear or their voices and accents. I had to be very careful about speaking at all around him and change up my pattern of walking, shoes, avoid scents etc. This is just one example of many scenarios, you may have to adapt to physical, cultural and/or professional differences from what you are accustomed to, a good preliminary research effort can help you prepare. If the Investigator expects that the surveillance will turn to a lengthy “feet on the ground” surveillance, it would be a good idea to use multiple Investigators so that the subject doesn’t see the same faces around him or her often enough to build suspicions. Many Private Investigators work alone and have no employees or contractors that work with them. This is one of the primary reasons that a Private Investigator should network through associations. Association meetings and continuing education conferences gives Private Investigators a chance to mingle with other Investigators in their area and other areas where their cases may lead them to. Another scenario I’ll warn about is the Investigator’s appearance to others while following someone on foot. Always be aware of how your actions may appear to others, you never know when someone will take an interest in your behavior and feel obligated to point out to the person that you’re following that they are being followed or stalked.

Chapter 15 - Counter Surveillance:

(Jim Casteel)

Physical and mobile Counter Surveillance:

Although Private Investigators should always hold themselves to a standard that would not allow them to conduct surveillance on a person for an unethical or illegal reason, there are people out there that will still conduct surveillance on people for the wrong reasons. These individuals are usually not Private Investigators and can vary from attempted stalkers or even rapist to people hired to intimidate or just to learn who a person is doing business with, to steal customers or sabotage an individual’s business or corporation. The motives can be financial, emotional, political etc.

Knowing a little about the situation can help to determine the methods and amount of personnel required to succeed in the assignment. The Investigator or Investigators will also need to assess the level of danger that their client or clients may be in as well as themselves. Sometimes this type of counter surveillance can be conducted with a single Investigator or a crew of Investigators and other times it may require some electronic monitoring through covert and/or security cameras. It may be necessary to contract with a licensed security camera installation company to assist. I have used multiple dash cameras powered from a continuous power source to surveil from the potential victim’s vehicle in every direction. Some of these cameras can be set to motion activation mode and film any activity around the vehicle even when parked. This is a relatively short chapter because much of the information I would like to share here is covered in the “stalking” portion of chapter 8.

Electronic Surveillance Device Detection:

Also called T.S.C.M. for technical surveillance counter measures or bug sweep.

This type of service is currently exempt from license requirement in the state of Alabama but is something that is commonly requested of a Private Investigator. Professional equipment, to assure the most accurate results possible, is expensive and requires extensive training. This can be well worth the investment of time and money although many of the contacts you get for these types of services cannot afford to pay the fees associated with this type of investment. There are less expensive methods, but they are much less accurate and/or thorough. If you elect to go that route a disclaimer is always a good idea, and it is important to explain to the client the difference in the price / quality of service factor. The investment of top-quality equipment can be in excess of \$30,000 but can be well worth it if the Investigator can find the work to cover it and it can lead to a lucrative career. Many Investigators who chose this niche prefer to limit their clients to corporate and executive clients to assure they reach clients who have the means to pay. The Investigator's resume and reputation can go a long way as well. If the Investigator has extensive experience, military background or is former L.E. it can be an asset in attracting corporate clients. It is common to have to travel around the country to be able to keep a steady workload in this field and the travel expenses can be negotiated with the client. One of the most common reasons that corporations find a need for T.C.S.M. services is employee mistrust with one or more employees. This could also lead to surveillance of the employee(s). When the Investigator is traveling to a State where T.C.S.M. experts are not required to be licensed in that state but Private Investigators providing investigative service are, it may be necessary to contract with some local investigative licensees.

Chapter 16 -Interviewing and recorded statements:

(By Jim Casteel)

Equipment to use for audio or video statements:

Most clients who hire Investigators to take statements require a recorded audio statement and some may request that the statement be videotaped. A good quality audio recorder is needed, and I always carry a second recorder to assure that I have the entire statement recorded even if one recorder fails.

If you intend to video, you will of course need a video camera with audio and, in most cases, a decent tripod. I would also recommend backing up the video with an additional audio recorder.

Preparing to take a statement or interview a witness:

An uninterrupted statement is usually the best way to go although there are exceptions such as needing a break due to an extremely long interview or because the person giving the statement needs to reboot emotionally. Make sure you have a quiet place to take a statement if possible and try to situate yourself in a reasonably private area. Keep water or beverages on hand for you and the person giving the statement. Most find it better to take a statement in person because the person giving the statement might feel more comfortable in person and therefor be more likely to open up to the Investigator.

Techniques of interviewing:

Most Investigators who conduct interviews develop their own styles and methods. I use a combination of methods that seems to give me the results I need. In many cases my client will provide a list of questions that they are seeking answers about an incident or situation that the person to be interviewed has or may have knowledge of. Most of the interviews are concerning an incident that occurred at a specific time and place such as an accident, explosion, dispute etc. Other interviews are

concerning a longer-term association or situation that may have led to an incident or predicament.

Example:

An individual was injured due to a failed device or piece of equipment at a commercial location. The Investigator may be asked to interview past and current maintenance personnel and supervisors to establish that the device was not properly maintained or that there were safety issues with the device that the responsible party was aware of but failed to correct.

When I sit down to interview the individual, I establish his or her name, that I have their permission to record the statement, that they understand who I am and who I work for and what their relationship to the matter is (if they are a witness, former employee, manufacturer of the device in question etc.).

Once that is established and before asking any further questions, I instruct them to think back to the date or incident of interest and tell me everything that they can remember in as much detail as possible carefully describing every aspect. I let them tell the entire story without interruption from me as I take note when I hear something that I may want them to elaborate on later. Once they have finished their story, I look over the questions that the client wanted answered and determine if I have obtained those answers. If there are unanswered questions or points that need to be elaborated on, I then go back and ask the person being interviewed some questions.

That routine does not work in every case and each situation may need to be handled with consideration to surrounding circumstances.

Why take a statement from a witness? That is a question I asked of some of my clients, after all wouldn't be better just to subpoena the individual to a deposition? I found several good answers and of course the bottom line seemed to be discovery purposes but to be more specific several clients primary purpose was to determine if it was worth the expense of deposing the individual or the trouble to subpoena him to court. Another common answer was to determine if they could provide information that would lead us to witnesses that we weren't aware of. One interesting answer was that the attorney anticipated deposing the witness but was concerned that,

between the time a subpoena was issued for a deposition and the time the deposition occurred, that the other side would have influenced the witness's testimony. The statement would at least provide a record of the witness's recollection of the incident given closer to the time of the occurrence which leads me to the other interesting answer and that is to get the information while it was fresh on a witness's mind. I have never been called to testify to a recorded statement nor has any of the other Private Investigators that I have spoken with who do recorded statements; but that does not mean that it can't happen. Always be as thorough and professional as possible when taking a statement or as Private Investigator and former A.P.I.B. member Charles Hopkins once said to me, "anything that you do, do in such a way that you will be proud of it". In some cases, the Attorney in the case will request that you have the statement transcribed and have the printed version signed by the witness.

Alabama is a one-party state when it comes to audio recording, that means that if the person making the recording is a party to the conversation no other party has to be notified that the recording is being made. With that said, it still seems to be a standard to get permission, from the witness, to record their statement and have them confirm, on the recording, that they are aware that the conversation is being recorded. I believe this is a good idea and have been told that it is a federal standard, but I have not verified that. Bottom line is that it never hurts to err on the side of caution. If you prefer to skip that in your statements, I suggest that you consult an Attorney first and preferably the Attorney-client or the Attorney who will be representing your non-attorney client in the case. Some other things to include in the opening of the recorded statement is the witness's name, position or job title when relevant, date, time and place of where the interview takes place, investigators name.

Chapter 17 - Sub-contracting for specialized services:

(Kelly Riddle)

There are many reasons why an Investigator may sub-contract work to another Investigator. First, it may be geographically outside of your area or in another state where you are not licensed. The case may require more Investigators than you have available, or the requirements of the case may need certain expertise.

Handwriting Experts: (Jim Casteel)

Handwriting experts can be extremely valuable in a variety of cases from criminal forgery or fraud, corporate contract verification and even prenuptial agreements that are sometimes disputed in domestic cases.

Speech analyses: (Jim Casteel)

Alabama is a one-party consent state for audio recording which means that a person can record any conversation that he or she is a party to without making any other parties aware that they are being recorded. (Most laws have exceptions so always seek advice from an attorney). With that said, I have seen more than one case where an individual who has been recorded denied that the voice on the recording is his or her voice. That is one example of where a speech analyses can be an asset.

Computer Forensic Experts: (Kelly Riddle)

Computer and cell phone forensics are a very specialized area of investigations. Think of the number of cell phone makes and models, different cables and accessories and you can begin to understand all that is needed just to access the cell phones. In both cell phones and computers, there are chain of custody and legally acceptable methods of conducting the forensic review, documenting the evidence and ensuring the integrity of the

evidence. The Forensic Investigator must first have a legal right to access the devices. Often a person will ask the Investigator to check “their” cell phone, but it becomes obvious that it is not their cell phone because they do not even know the password. The Forensic Investigator also never works directly with the computer directly. They image the device and make a copy and they forensically analyze the copy to maintain the integrity of the original device. The correct level of training, education, equipment, and software along with the correct understanding of laws is one of many reasons these services are often sub-contracted to those with specific expertise.

Forensic accounting Experts: (Kelly Riddle)

A forensic accountant is a CPA that has special skills in tracking irregularities in the accounting ledgers to determine fraud, embezzlement, or similar issues. They often work hand-in-hand with the Private Investigator who provides details about the person or entity that has been developed. The client (usually a company or estate) provides the forensic accountant access to bank statements, QuickBooks records and related documents. The account looks for fake vendors, over-payments, transfer of funds to other unknown accounts and generally takes an overall look at the accounts receivables and the accounts payables.

Polygraph Technicians: (Kelly Riddle)

“Polygraph” means an instrument or electronic or mechanical device which records or measures physiological effects of psychological stimuli to permit the examiner to form an opinion concerning the veracity of statements made by the person examined. Polygraphs are traditionally not accepted by courts but are one of many tools Investigators and their clients may be able to use to help determine the accuracy of a person’s alibi, character, or credibility. The polygraph technician has specialized training and equipment and typically requires a quiet room to be available for use during the polygraph. There are many requirements that must be met before a polygraph can be offered to a person. For instance, if there is a group of people who are suspected of theft, you cannot single a person out and request they take a polygraph. The group of suspects must be offered the test, which has to be in writing giving them

the date, time and place of the polygraph examination. The notice has to give them notice that they have the right to seek legal counsel and a sufficient number of days must be given (usually 5-7) to enable the person to seek advice from an attorney.

TSCM: (Kelly Riddle)

Technical Surveillance Countermeasures: Often referred to as “bug sweeps” this is a very specialized portion of your profession. To perform a basic or minimal sweep requires a variety of equipment ranging in the \$20,000 - \$50,000 range. To conduct higher-level threat sweeps or corporate sweeps, you can expect to spend more than \$100,000 for all of the equipment needed. That does not include the in-depth training needed to understand what the equipment is telling the investigator. There are too many ways for someone to “bug” a location and is dependent upon factors such as lawsuits, trade secrets, money involved and similar factors. The spectrum of wave lengths that have to be analyzed for transmissions, the ability to locate cameras, the use of “cloaking” signals and similar factors requires great skill not normally possessed by the Investigator. It should be noted that using a single device that can be purchased for \$250 - \$1,000 will not perform a full inspection and will leave the Investigator open for liability and lawsuits.

As with most services in any industry that requires a higher level of training, equipment and expertise, the rates charged for these services are higher than normal fees.

Chapter 18 - Production and preservation of Evidence:

When to turn over evidence and to whom: (By Jim Casteel)

The first things to consider are the type of case and the type of evidence. If you are working a criminal case or are working a civil case and come across evidence that may have criminal implications, your obligations on when to release the evidence and to whom you would release it may be quite different than your obligations in a civil case. By Alabama Law a Private Investigator is required to report any suspected instances of child abuse or neglect to a local Law Enforcement agency or the department of human resources or both. It is also stated in Alabama code chapter 35-25B-22 line 5 that an Investigator is in violation if he or she reveals information obtained for a client to another individual except as required by law. This is why my contract for services with a client has a line for the client to give written permission for me to share information and evidence with their attorney or whoever else they wish me to share it with.

I would recommend to any Investigator who has a need to report evidence to Law Enforcement to first speak to your attorney and seek legal advice as to how to move forward.

As far as releasing information in a civil case, you should have an area in your contract or service agreement to cover this and your obligation is to the best interest of the client but that does not remove your responsibilities to others. In most cases this will mean that your responsibility is going to be to assure that your evidence can be used to assist your client in reaching the truth. Unfortunately, you have a situation in some cases where the opposing attorney will try to obtain your evidence prior to a deposition, although they will have every right to discovery prior to a trial, the content of your report should not have an effect on their client’s truthful testimony but knowledge of what you have discovered may prevent their client from giving the whole truth.

Example:

The Investigator has video of the subject in a display of affection with her paramour and there were a couple of incidents where the GPS, that was legally placed on the vehicle that the subject drives, appeared to indicate that the vehicle was parked at a hotel. The Investigator attempted to travel to the area to obtain evidence however the hotel was always a couple of hours away and the subject only stayed for an hour. On one occasion the Investigator arrived in time to see the paramour's vehicle as it approached an interstate ramp at the same exit that the hotel was on but did not see the two together.

If the subject was asked in deposition, without having full knowledge of the Investigator's findings, if she had visited her paramour on that date at that hotel, she may be likely to tell the truth in fear that she may get caught in a lie. If, however she had full knowledge of the report she may be likely to avoid admitting the truth.

The best way to handle these situations is to have the attorney hire you rather than a party of the case. That can give your evidence some protection as the attorney's work product. I personally gather facts and make some field notes, but I avoid doing intermittent reports, Therefore the report is not compiled until either the case is over, or the client (preferably the attorney) requests the report.

Some attorneys will ask for periodic or intermittent reports. When this happens, I use a basic presentation in a word format marked "draft" as opposed to a printed and bound copy that I use for the final report. I do this to prevent any confusion between the final report and a draft of a previous and partial report. The final report is what will be used to testify with and the legal teams on both sides of the case will have a copy. It is important that everyone has an exact copy to avoid confusion on the witness stand. You might think that even the draft should be the same as that portion of the final case, but as an investigation advances there may be details that did not appear to be of relevance earlier when the draft was written but new information that has come to light has made a person, vehicle or a situation become a point of relevance.

Level or limits of your responsibility to preserve evidence:

(By Jim Casteel)

Again, the level of responsibility differs between criminal and civil cases. I regulate the limitation of my responsibilities in my work contract or service agreement. Every Investigator should take reasonable caution to assure that the evidence obtained is not compromised, lost, destroyed, or stolen. I had a lesson in this when operating systems in most desktops began to change from 32 bit to 64 bit. I discarded the warning signs when my back-up drives would only work on some of my older machines, the newer drives were fine but everything that was over four years old was getting to where it only worked on certain computers. I had no idea what caused it and, since I still had some access, didn't worry much about it. I would back up my data daily and every three years replace all hard drives in my computers to avoid hard drive crashes. When I received a call from a client about a case that had been worked five years prior, I realized that I could no longer access the older drives on any of my devices. I thought the drives had just crashed and had no idea that I needed to find an older model 32-bit computer to access the files. I finally got a mac laptop to recognize the drive, but it still would not read the files. It showed it as an unformatted drive, so I reformatted the drive and then ran a file recovery program to recover the files. I did get the evidence back and provided it to the client, but I realized that we are subject to circumstances that may be beyond our control, and I needed to find the best way to reduce my liabilities.

My solution was to:

Limit the period that I would be responsible to preserve the evidence to two years per my service agreement.

Set up a cloud back-up as well as a back-up system both on an attached external drive and an in office secure server.

Upon completion of the case, I would provide the client or their representation with copies of all evidence and have them sign a release form assuming responsibility for the preservation of the evidence.

Methods to preserve evidence: (By Jim Casteel)

Not all evidence comes in the form of reports, audio or video files and photos; in some cases, the Investigator may have

items that can't be stored on a computer such as trash that has been collected, damaged items, flawed improperly assembled devices, the list goes on. I prefer to document these types of evidence with photos, videos, indexed lists etc. and then turn the evince over to the legal team for storage if there is a need to keep the items. That is a standard that may not work in some criminal cases but has served me well in civil cases.

Media used to store evidence: When I began my career storge of reports and video evidence consist of file folders full of reports and documents along with photographs and negatives. Video was still on either VHS or Beta tapes. In the early 1990's we began to store photos and video clips on floppy disk which was soon followed by CD.s and then DVDs. Video tapes evolved from VHS to today's SD cards which are digital. Digital media was a huge step because a third or fourth generation (or copy) was just as clear as the original Although preservation of video in most cases is about a two-to-five-year concern, there are situations where video should be stored longer, especially if it is an older video that has been discovered and will be used in evidence such as in an adultery or pornography case. In these cases, it is important to make a digital copy of the tape as soon as possible in case the original fails. Video tapes do have a shelf life. Video tapes have magnetic particles that can decay as they lose their lubricant, this is called remanence decay. This is one of a few reasons that video tapes don't last forever or can become difficult to view. Some other reasons include storage conditions being too hot or to damp, being stored next to something with large magnets such as speakers etc. The downside of making a digital copy is that you can't experiment with the pause and tracking features as you can on older VHS, and VHS-C. I have found that a video on VHS/VHS-C that was originally recorder with a high quality 4-Head recorder or camera but then recorded over with a lower quality 2-head recorder can show portions of the older recording when paused. This is one reason to keep the original VHS.

Chapter 19 - Professional Testimony

Appearance: (By Jim Casteel)

Professional appearance in a courtroom not only lets the Judge and Jury know that you have respect for the Judge and the court, but also can add integrity to your testimony which helps you to better serve your client.

Professional mannerism: This is especially important in establishing the respect that you have for the system and your knowledge of the expectations of the court. While giving testimony; it is important to answer questions with a direct and simple answer and not to elaborate or offer information that was not asked of you. Always refer to the Judge as "your honor" and address others by name or title if they hold a title. I once was corrected by Judge Ferguson in a Jefferson County court room for referring to a licensed physician as MR. rather than DR. Respect has a very important role in a courtroom and a professional Investigator should show respect for all people and parties involved. I look at it this way; I am not a party to the case but simply a trained professional who has rendered a professional service. I am not there to testify for or against anyone but simply to testify to the accuracy and authenticity of my reported finding. Beware of an opposing attorney who may try to seduce you into showing animosity or dis respect toward the subject that you were hired to investigate, that can reduce the integrity of your testimony.

Example: I have had the opposing attorney, in a personal injury case, ask me "you don't really like workman comp claimants, do you Mr. Casteel?" which of course triggered an immediate objection from the defense attorney. But sometimes it comes in a subtler and perhaps even unintentional way. I had been questioned by opposing counsel about a GPS tracking device that had been placed the vehicle that his client drives (the vehicle was a marital asset) the attorney was under the impression that I had placed the device on the vehicle while the

fact was that my client had placed the device. When the attorney asked me (I was on stand under oath) if I had placed the device on the vehicle, I responded with a simple “no”. The attorney then asked in a half question half statement form “so if my client said that you put a GPS tracking device on her car, she would be lying?” Now I certainly did not want to be on stand disrespecting this woman by insinuating that she was lying, after all is it a lie if she believes it to be true. My response could not be “no” because that would indicate that she was being truthful, and I was being dishonest which certainly was not the case. I responded with “she would be incorrect”. That response made the attorney think further and later he came back and asked if I had knowledge of my client placing the GPS on the vehicle and I responded “yes”.

Now the wrong way to handle that would be to act in a biased way and reply with something like “a guess so she lied about everything else!”. That is a good way to remove any professional respect the Judge or the court has for you.

Another point to make is to try to avoid what every Investigator has been through after testifying in court although it’s inevitable to some extent. That is the point when you have completed your testimony and you are driving back to your office and start thinking “I should have said this or answered in this way”. That happens to everybody and will likely happen in every case you ever testify in; however, you can learn to reduce or prevent it somewhat by simply stopping to take a second to think before you answer each question.

Example:

I was asked by opposing counsel as he held up a photo of a frosted bathroom window that was lit from the interior lighting, there were the shapes of what appeared to be a tall person and a much shorter person as they appeared to be standing with a shower running over them. The question was “you can’t positively identify my client from this photo, can you?”. Now looking at the photo there were no facial details, just two blurry shapes and I knew that even my client, who was married to the man in the photo for over thirty years, could not identify her husband from that photo. My first thought was to reply “no, but” however I knew I would be cut off and the attorney would not let me elaborate on my answer. But then I

realized that I could identify him from that photo, after all I took the photo after watching (and filming) him walk from the bedroom of the small one-bedroom apartment into the bathroom with this woman, the blinds were open in the bedroom and the two were easily observed from public view. I had set up the night before on a public road outside the apart and the apartment was completely dark. I had observed and filmed the two arrive together and the man used a key to open the door. I also filmed the two of them as they laid down on the bed the night before and turned off the lights. I remained in position throughout the night and on a few occasions had filmed one or the other getting up and walking into the bathroom. So, I knew exactly who was in the photo that I had taken and could anticipate that any person of reasonable mind would come to the same conclusion. I testified that, “yes I certainly can positively identify the people in that photo”.

Have a good working relationship with your client’s representation.

It is always helpful to meet with the attorney that you are working with before court. I mentioned in a previous chapter that I had answered a two-part question on the witness stand. I answered the second part of the question first because I was concerned that the opposing attorney would cut me off before I had a chance to fully answer the question if I didn’t get the key point out to begin with. That worked out well in that case but may not always happen that way. It is good to discuss any concerns like that with the attorney that you are working with so that they can come back and ask you the questions needed to get the rest of the story out. This type of working relationship creates a much more professional appearance on the witness stand.

Depositions: (By Jim Casteel)

It is not uncommon for an Investigator to be subpoenaed to be deposed by opposing council. There are multiple reasons that they may want to depose you. The most common is just to find out what you might testify to in open court. Depositions are

like court testimony in that there are typically two attorneys present and a court reporter. It is my understanding (and I use that language as a disclaimer) that one major difference in depositions and court testimony is that the depositions are used for discovery and the attorneys are more likely to ask questions that they don't already know the answer to in order to gain information that could benefit their efforts further down the road whereas in a courtroom setting attorneys usually don't like surprises so they are reluctant to ask if they don't believe they know what the answer will be.

Depositions can also be used as a hunt for anything that the Investigator has done that could be considered inappropriate, outrageous, or illegal.

Example:

Mr. Bad Investigator was subpoenaed to a deposition in an injury fraud case where the investigator had obtained some very damaging video of the claimant working roofing houses on several days at several different locations. The plaintiff attorney became suspicious of the way his client had been located at these places because each time the case was worked the report stated that the claimant was located at the jobsite, but there were no time shots from the claimant's house prior to the claimant going to work nor was there mention of mobile surveillance which led the Investigator to the job site.

In deposition the Investigator was asked if he had used a GPS tracking device and he stated that he had not. When asked how his client had been located the Investigator stated that on each case he just happened to be in that area and recognized the claimant's vehicle. The attorney then produced some still shots from the claimant's ring doorbell camera and asked the Investigator "how would you explain the video of you approaching my client's vehicle, which is parked on his property, and placing a device underneath the car?"

The first lesson is not do anything that you don't want to testify to remember that if you have to think about how you're going to explain something in court, it's probably something you shouldn't have done in the first place.

The second lesson is to never go into a deposition without an attorney. That typically is not an issue in a personal injury case because your client will almost always be sure that you are

represented, but in a domestic case you may consider the expense of an attorney for depositions be included in the service agreement.

Perjury: (By Jim Casteel)

This subject is covered as far as what the legal definition and severity of the charge can be in Chapter #3 of this guide. Here we will just touch on the difference in committing perjury by being dishonest while giving sworn testimony and just having your facts wrong.

Example: Investigator testified under oath in open court that she had observed and filmed the paramour's vehicle at the subject's marital residence on seven different dates. The opposing council noticed that, on one of the seven dates, the vehicle that the Investigator had filmed was a different vehicle. This vehicle was the same make year model and color but had slightly different wheels and on this date the Investigator could not see the license plate, just the front of the vehicle. That type of mistake is never a good thing but once pointed out the Investigator agreed that she was mistaken, and the court did not have the impression that the mistake was intentional or that the Investigator was aware of the mistake when testimony was given. Intent is important in these types of situations. Also, if a false statement is redacted during the course of the same hearing, it might not be considered to be perjury.

The reason that I wanted to point this out is to help the new Investigator understand that, although it is important to always be truthful, don't let the thought of making a mistake keep you from testifying with confidence. In the above situation the Investigator was not a big car buff and the difference in the wheels didn't stand out to her. She also had reason to believe that it was the same vehicle simply because it was parked in the same place that the paramour parked each time he visited.

Some good ways to avoid accusations of perjury:

Always be truthful in your testimony, your reputation is what will create stability in your career.

Always double check and verify details in your reports.

When unsure or even if you think that there is a remote possibility that your assessment of the situation could be

wrong, use terms that can help explain exactly what you observed without assumption based on the way you interpret the situation to be.

Example: Let's say the Investigator in the previous example, who believed that vehicle to be the same vehicle that she filmed six times in that location worded her report like this.

"Investigator observed the paramour's vehicle at the subject's marital residence on several separate dates. Six of these dates the Investigator was able to identify the vehicle through the license plate, on the other occasion the Investigator filmed what appeared to be the same vehicle but was unable to view the license plate for a positive identification."

This has a better appearance, and the court would be less likely to think that the Investigator was trying to pull something.

Private Investigators are constantly battling the old fallacy that all Private Investigators are shady characters. This has been stamped in history for two reasons.

The first is simply the fact that nobody wants to be labeled the bad guy or girl or a wrongdoer, so when a Private Investigator would provide evidence, knowledge or testimony (especially in the days before photo and video evidence was available), the accused would deny it, accuse the Investigator of fabricating evidence and being untruthful etc. It's the old reversal tactic when a person lost a lawsuit or a custody battle because they were acting inappropriately, they would not want to admit that to their friends and family so they would blame the Private Investigator.

The second reason that fallacy was started is because there were many shady people in the Private Instigative field at one point and many States had low on non-existing standards for those operating as Private Investigators.

Today the majority of States have set standards and license requirements to protect the consumer as well as the general public. This has raised the bar for Private Investigators (although there has always been good respectable and professional Private Investigators around) and helped to educate many clients on the level of professionalism they can expect from a licensed Investigator. We should assure that we uphold an honorable level of work ethics and honesty as so

many bad characters of the past have tainted the reputation of the profession since one of the very first known Private Investigative agency was founded by Eugene Francois Vidocq in 1833. This Investigator, according to the writings of Ciaran Conliffe, had a troubled criminal life for the first part of his life but then ended up making some ingenious contributions to the investigative profession. Vidocq went on to be credited with the introduction of record keeping, criminology, and ballistics to criminal investigations. Vidocq also made the first plaster casts of shoe imprints, he created indelible ink and unalterable bond paper.

It should be important to all Private Investigators to help re-affirm the level of standards and ethics held by those who work in this profession today.

About Kelly E. Riddle

Kelmar Global Investigations

Professional Experience Narrative: Mr. Riddle is the President of Kelmar Global Investigations and has more than 41 years of investigative experience. He earned a Bachelor of Science degree in Criminal Justice from the University of North Alabama. He was chosen as the “**PI of the Year**” by the National Association of Investigative Specialists and the PI Magazine named Mr. Riddle as the “**#1 PI in the United States**”. He has been designated an expert in surveillance, insurance investigations, nursing home abuse and computer investigations. He was chosen as “**One of the Top 25 PI’s of the 20th Century.**” Kelly obtained his **Texas Certified Investigator** designation (less than 50 in TX.) Mr. Riddle is also the past **President (2010-2012) for TALI** - the Texas Association of Licensed Investigators; **Board of Directors (2007-2010) for TALI** as well as being on the Board of Directors for the **Freedom of Information Foundation of Texas**. Kelly is on the **Advisory Board for FAPI** - the Florida Association of Private Investigators and is on the **Public Relations committee** for the **Council of International Investigators**. Kelly is also on the **Board of Directors** for the **Intellenet Board Accredited Investigator** certification and the Membership Chair for the San Antonio Chapter of ASIS. He is a Founding Board Member and Board Advisor for the non-profit organization “Can You Identify Me.” Mr. Riddle is on the **Board of Directors** for the **National Council of Investigation and Security Services** and the **National Association for Missing and Exploited Children. Region 4 Director for National Association of Legal Investigators (NALI)**. Kelly was the recipient of the **2013 Investigator of the Year award**, the highest recognition presented by the Texas Association of Licensed Investigators.

Mr. Riddle is the author of 14 books and has published more than 40 articles. Kelly has been the guest speaker at more than 850 events and has been featured in newspapers, magazines and on national TV, radio and podcast programs. Kelly was also presented the **NALI Editor-Publisher Award** in 2004.

Prior law enforcement experience includes being a member of the SWAT team, a Training Officer, Emergency Medical Technician, Evidence Technician, Arson Investigator, Juvenile Specialist and Traffic Investigator. Mr. Riddle is the Founder and President of the **PI Institute of Education**, as well as the **Association of Christian Investigators** with more than 1500 members in the U.S. and 19 countries. Kelly is the Founder of the **Coalition of Association Leaders** comprised of past and present board members from state, national and international associations.

Mr. Riddle is a member of TALI, NAIS, INTELENET, NALI, FAPI, CALI, ASIS, NCISS, USAPI, ACI, PICA, WIN, CII, NLLI, CTIP, CLEAR, IOPIA, TIDA, ASSIST, ISPLA

About Stephen W. Shaw

Steve Shaw joined Wallace, Jordan, Ratliff & Brandt in 2020. He practices in the areas of Family Law, White Collar Crime, Campaign Advice and General Litigation. He has represented public officials and witnesses and conducted internal investigations. This gives him a unique understanding of involvement in both Federal and State investigations.

Steve is a member of the Alabama State Bar, the American Bar Association, the Birmingham Bar Association, and the National Association of Criminal Defense Lawyers. He is admitted to practice law before the United States District Court for the Northern and Middle Districts of Alabama and the State Courts of Alabama.

He received his BS in Business from the University of Alabama and his Law Degree from the University of Alabama. Following graduation, he served one year as the law clerk for United States District Judge E.B. Haltom, Jr. in the United States District Court for the Northern District of Alabama. From 1981 to 2020, Steve practiced law with Redden, Mills, Clark & Shaw in Birmingham and in 2020 he and his law partner, Bill Clark, joined Wallace, Jordan, Ratliff & Brandt, LLC.

Steve has been actively involved in numerous civic, charitable and religious organizations including: The University of Alabama President’s Cabinet, Rotary Club of Birmingham, Leadership Birmingham (2010), Nine years on the Alabama Commission on Higher Education (ACHE) (Chair), The University of Alabama A Club Charitable and Educational Foundation, the Mountain Brook Library Board (President), the Mountain Brook Library Foundation (Chairman) and the University of Alabama National Alumni Association (District Vice President) and Independent Presbyterian Church. In 2015 Steve received the Omicron Delta Kappa, Frances Summersell Award from the University of Alabama. He has been recognized since 2009 for his practice of White-Collar Crime, DUI Defense, and Family Law by Alabama and Mid-South Super Lawyers. =He has made numerous presentations and training for State and local elected officials and public employees under the Alabama Ethics Law and Campaign and Election Laws.

Education

The University of Alabama School of Law - 1980

The University of Alabama, Tuscaloosa, Alabama - BS Business 1977

Bar Admissions

U.S. District Court Northern District of Alabama 1981

U.S. District Court Middle District of Alabama

State of Alabama 1980

About Jim Casteel

Jim Casteel has been a Private Investigator since 1989 and has taken part in the passing and support of Alabama's laws which monitor and regulate the Investigative profession.

Jim has held membership of many state and national investigative associations and have served on the executive boards of some.

Jim worked as an Investigator with ample experience and training in Surveillance, records research, Child Custody cases, Divorce cases and Injury Fraud cases and charged with the responsibility of training new investigators; Jim Casteel, and became an expert in field surveillance while working with Jim Daniel at Mark II and Associates in the late 1980's, Jim left Mark II in 1996 to operate his own detective Agency. For the following five years, having started up a company known as Altima Investigations, Mr. Casteel tested his interest in Product liability investigations, internal theft, missing persons, drug and substance abuse cases and undercover drug operations. Mr. Casteel has had the pleasure of working close together with Law Enforcement in theft stings (Birmingham P.D.), missing persons cases, child abuse and neglect cases and lengthy undercover drug operations where Mr. Casteel worked in deep cover inside factories to weed out employees who sold drugs on company time and property (Calhoun County Drug Task force and Anniston P.D).

In 2001 Jim Casteel Formed "The Casteel Agency" (Current legal name is Casteel & Associates LLC). The Casteel Agency strives to assist people whose lives are turned upside down as a result of divorce or Child Custody issues. The Casteel agency specializes in surveillance in both domestic and corporate cases (Injury fraud, child custody, divorce, cohabitation, internal theft etc.) The results of Jim's work have been illustrated on ABC's Dateline.

Jim Casteel has served his profession as the President of the Alabama Private Investigator's Association for two full terms as well as serving the consumer on the Alabama Private Investigator's Board.

Jim has worked close with child advocate programs to bring in speakers to our conferences that will educate Investigators on the early warning signs of domestic abuse and child endangerment. Jim and wife Betty also operate a Spy Store that sells personal protection items as well as child tracking and monitoring items and support a "don't be a victim" program taught in the Birmingham area.

Jim continues to support efforts to improve the standards of the Investigative profession and develop educational and training opportunities for Private Investigator's. Jim contributes his success with his career to the help and support of his wife Betty Casteel who is also a Private Investigator and has worked as a team with Jim on many covert cases.



FROM JIM CASTEEL

Thank You to Kelly E. Riddle and Stephen W. Shaw for their contributions of knowledge and support. I would not have been able to put this book together without their help.

This book will give the investigator some basic knowledge that will help to launch his or her career, some knowledge of legal limitations to protect the investigator from putting him or herself in a legal or liable position, a look into ethics that will help them to uphold the integrity of the profession, and some real-life examples of in-field situations that will offer some insight into the expectations that one might have when entering into Private Investigations as a new career.

I hope that those who read this book will take enough away from it to help them to move forward with their career, seek out further education, treat clients well and discover your own styles, techniques equipment etc. and share your newfound knowledge and findings with others in this field.

