



THE INDIANA INVESTIGATOR™

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From the President

As I listened to the presentations throughout the day at our recent training seminar, I couldn't help but think about those of you who couldn't make it and what you were missing! For those of us who were fortunate enough to attend, it was a very informative and educational day. Plan now for our next meeting November 17th!!!

Our board meeting went well and I am ever-grateful to our board for their dedication and the expertise they bring to the INspi table.

Our training seminar got off to a "jump start" with Nicole Bocra – "the lady in the skirt that digs for dirt". While short in stature, she provides a "dynamite" presentation on all aspects of social media. I know my eyes were certainly opened in many areas that will assist my staff and me in our future investigative research. Check out her website at www.infinityinvestigative.com

Several of our vendors were able to be with us for the day, including The Campbell Group Insurance, Case Point, NCISS and BRB Publications. I heard numerous testimonials during the day from our attendees of how they have benefited from our vendor's services. If you haven't checked them out, you need to make a point to do that soon.

Our carefully planned agenda included a "working lunch" and we were honored to have Joseph Hoage, who was recently appointed Public Access Counselor for the State of Indiana. He shared how his office is structured and how they handle the complaints that come their way. We all will most likely need his services from time to time and I'm certain Joe will be more than willing to assist us.

Our association is very fortunate to have a number of professionals who specialize in various areas of our profession. Among those are Don Johnson and Dave Shelton.

Don's presentation was twofold; first he took us back to the very early years of INspi and pointed out so vividly how our business/working relationships in this business often turn into close, long-lasting, personal friendships. He shared such a relationship with Gene Plummer. Gene, who was INspi's first president, has become a very close personal friend to many. While he was invited to attend our meeting, health issues prevented him from doing so. I can only add my humble thanks to those who paved the way in making INspi what it is today. The second part of Don's presentation dealt with a presentation he made recently to the Regulated Occupational Evaluations Committee at the Indiana State House. Don will share more about this subject in a separate article in this issue. Be sure to read it carefully!



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WHAT'S NEW?

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WILLKOMMEN



NEW at

www.indianainvestigators.com

http://www.indianainvestigators.com/resources_2011.php

We are pleased to provide a listing of useful web resources!

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Dave Shelton capped off our day with his presentation on providing low-tech surveillance techniques to obtain high-quality results. Certainly in this day of conserving time and money, we all are looking for ways to do our jobs better for less money/equipment.

Once again, I want to extend my sincere thanks to the presenters, vendors, sponsors, advertisers, JulianVail, and last but certainly not least, our members. Without all of you this fantastic seminar would not have been possible.

I am so pleased to share with you that our membership continues to grow. We are up to 73, and growing! I urge you to keep talking to your fellow PI's and share with the benefits of joining INspi. I believe all of us who were in attendance at the August Training Seminar can attest to the countless benefits of membership. We get together to network, share ideas/concerns, and hear about the latest happenings in the many facets of our work.

In my closing remarks at the Seminar, I challenged those who were present to encourage their fellow PI's, employees and friends to support the association and to take advantage of the benefits of INspi membership. I now issue that same challenge to each of you. Remember, for the remaining months of 2011 prospective members can join for 50% less and still receive 100% of the benefits! A Principle Member, (the license holder), can now join for \$50.00, an Associate Member, (the employee); can join for \$25.00, and the Affiliate Member, (anyone who shares the "aims and principles of the society"). Together we grow. I encourage you to set a personal goal of obtaining at least one new member within the next 30 days. Each new member means one more opportunity you have to increase your business by a referral and it costs you nothing, notta, zip. Please join me in investing in our future.

T. E. A. M., Together Everyone Achieves More

It's great to be your President,
Ken Shelton

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SAVE THE DATE!

INspi's next member training meeting:

Thursday, November 17, 2011

**Mark your calendars!
More Exciting Things To Come!**

August 25 Training Meeting Recap in Pictures



Attendees at the INspi Membership Training



Mr. Don Johnson, Past President presenting the history of INspi



And the 'door prize' WINNER is...



Ms. Sears is a winner!



Ms. Nicole Bocra left attendees yearning for more. **What a HIT!**



Dave Shelton presents "Low Tech Surveillance Techniques"

A Word About the Training Event

From Treasurer, *Brandy Lord*:

The INspi event in Indianapolis August 25th was full of information and networking opportunities. I very much enjoyed the opportunities available, and I wanted to give a brief recap of the keynote speakers, as their presentations were so useful. You may want to keep these folks in mind as resources for the future.

Nicole Bocra is a certified fraud investigator as well as a private investigator, and she is involved with many national and regional organizations. Her discussions on issues and resources were full of good information. Our own David Shelton gave an excellent presentation with tricks for investigators, video surveillance and "how-to's" for transferring the data to dvd, and he brought a box of "surveillance" gear - that offered all kinds of ideas. His video of his young son (acting out the role of a fraudulent "injured worker") was very funny and also true to life - I know I've seen that behavior in suspects who claim injuries... until they think no one is watching them.

Don Johnson, of Trace Investigations, Inc., is one of fewer than 100 Certified Legal Investigators in the U.S. Not only was his speech full of good information, but Mr. Johnson is also our voice to the IN Private Investigator and Security Guard Licensing Board. His work in that role is critical to all of us in this industry, as he is aware of licensing and board changes and what is most needed by those of us doing this work. He shared his phone, email, and skype information, so he's a great contact if you need information about the licensing board and its activities.

Finally, Joseph Hoage was a warm and welcoming voice as the IN public access law counselor. This is an important position for any of us involved in researching public records when we have difficulties with access. Mr. Hoage seemed very friendly and gave a presentation full of useful information on the many ways his office works to keep Indiana public information



President Shelton at the helm



President Shelton introduces Mr. Joe Hoage
Indiana Public Access Counselor

friendly. Essentially, contact his office if you are denied access to public records or have data retrieval issues. They can advise you or assist directly with filing a complaint or understanding procedures for information release.

We also had a short speech from Mr. Kevin Whaley of the Cambell Group about our INspi member insurance program. This is a great, money-saving benefit of your membership. If you haven't yet seen the discounts on insurance his company can bring you, please check it out. The member insurance program is another example of how our new president and board are working to bring new and valuable benefits to our membership.

So many people worked hard to make this event such a success! I would especially like to acknowledge Ken Shelton, Val Vail-Shirey, and Larry Julian - they did a great job with coordinating all those little details that are so essential to bringing this event to life. The INspi conference is always informative, and I encourage anyone who has not been able to participate in the past to make the effort for the next time. I especially want to personally welcome our new members. I hope you find the many benefits and networking opportunities available through this group to be just as useful and valuable as I do.



Every year there are a dozen or so incidents involving fabricated crimes that make national headlines because the motive behind the reported crime fascinates the general public. Recently a woman in Vancouver, Washington reported that she was the victim of an acid attack, where a black woman threw acid onto her face. After an extensive investigation which first focused on trying to find the perpetrator and then explored the possibility that the claim was falsified, the woman was eventually confronted and confessed to staging the attack herself. Her reported motive for doing so was because she was unhappy with her appearance.

There are a number of possible motives for making a false claim of being a crime victim. The most common is to conceal another crime such as a homicide, theft, or infidelity. However, when the "victim" receives psychological gain as a result of reporting the crime, it falls into the category of an attention-motivated crime.

The Investigation

While all reported crimes must be initially approached as legitimate, many false reports are considered suspicious at the start. Perhaps something does not make sense within the victim's account, or physical evidence does not support the description of the crime. In the previously mentioned case, for example, it was considered suspicious that there were chemical burns only on the woman's face, and none on her clothing. In addition, the woman's eyes were supposedly protected by sunglasses which were miraculously purchased shortly before the attack, even though the woman was not in the habit of wearing sunglasses.

In these investigations it can be very beneficial to have the victim initially write out a detailed account of everything that happened to them relative to the crime. This written statement

can be initially analyzed to assess the person's credibility and identify investigative leads. If the crime appears to have been falsely reported, the statement can be used as a powerful visual prop during an interrogation to point out inconsistencies in the suspect's statements over time, or with respect to physical evidence that does not support the claim.

It is common for these alleged victims to stage aspects of the offense such as ripping their own clothing, cutting, scratching or burning themselves. The staging of the crime is often the red flag that casts doubt on the veracity of the report. As an example, crisscross scratch marks are an indication that the scratches were self-inflicted. Oftentimes, a person inflicting their own injuries may initially scratch themselves and, because it takes a while for scratches to be visible, they do not see any immediate evidence of the scratch so they re-scratch themselves. The second set of scratch marks may be at a slightly different angle causing the tell-tale cross marks. There are unique forensic phenomena with many self-inflicted injuries and all injuries should be photographed and examined from both the perspective of identifying the perpetrator and the possibility that the injury was staged.

Individuals who falsely report crimes for attention often are going through a stressful period in their life. Perhaps they experienced an emotional breakup of a relationship, are doing poorly in school, were recently diagnosed with a medical illness, had a parent die or have an upcoming stressful event such as a wedding, surgery or court trial. The prevalence of an emotional precipitator has such a high correlation in these cases that the investigator should always pursue the victim's personal life during the investigation. In the Vancouver case, one wonders if this woman experienced some form of rejection or insult, perhaps based on her appearance, that precipitated the false report.



The reason these false reports are considered as attention-motivated is that the "victim" experiences a strong need for comfort, support or pity from others. Indeed, after making the report, many of these "victims" do feel better for a short period of time and relish their notoriety by welcoming friends and relatives and openly speaking with the media. Eventually, however, the psychological gain wears off and the individual simply wants to go on with their life. They become less cooperative with the police, start shying away from further publicity (e.g., cancelling the Oprah Winfrey appearance) and become disinterested in catching the perpetrator. This gradual apathy toward the investigation is another indication of a false report.

The Interview / Interrogation

Once a report is considered suspicious, the victim should be approached in an effort to set up an interview. A reasonable pretense for the interview is that further clarification is required to assist the investigation. The interview should be conducted in a private setting away from family members or other individuals who may increase the subject's embarrassment or shame. The structured format of the Behavior Analysis Interview is ideal to gain further investigative information from the subject as well as behavioral information that will be instrumental in making a determination of the subject's credibility.

During the interview it is not recommended that the investigator directly address inconsistencies or suspicious circumstantial evidence that casts doubt on the claim. Rather, the interview should focus on eliciting the subject's descriptions and explanations surrounding the alleged crime. Regardless of the subject's apparent deception, the investigator should maintain an objective, non-accusatory tone. If the results of the interview continue to support the likelihood that the claim was falsified, the investigator should conduct an interrogation.



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The confrontation at the outset of the interrogation should directly accuse the suspect of making up the story. To use a softer statement such as, "Our investigation indicates that you have not been completely truthful with us about what happened" allows the suspect to make small corrections in the original account but, because the accusation is ambiguous, it is unlikely that the suspect will ultimately acknowledge that the account was falsified. To learn the truth from these individuals requires that the investigator express high confidence in the fact that the story was made up.

Individuals who fabricate crimes for attention are certainly aware of the underlying factors that precipitated the false report and the investigator should introduce a theme that addresses the stresses the suspect has experienced and attribute the false report on the need for attention. Other themes to consider include (1) the report was the result of being over questioned by authorities; (2) the report was initially the result of affected judgment (alcohol, drugs, medications); (3) the report started as a joke or prank and got out of control.

There are a number of possible alternative questions to consider during these interrogations. The investigator could ask, "Did you make this up simply for attention, or are you vindictive and planned to put an innocent person in jail?" or,

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"Did you wake up that morning planning to make up this wild account, or did it happen in small parts, where the more questions they asked the more you had to add to your story?" As a final consideration, "Did this thing start because you told a little white lie when you were drinking and you didn't know how to fix it so you kept adding to your original story or, do you get your kicks out of manipulating other people and you feel powerful and important because you were able to get four police departments involved in this investigation?"

If the suspect acknowledges that the story was made up, the investigator must corroborate the suspect's confession. Falsified claim investigations are unique in that there is no dependent corroboration (information concealed from the suspect). Consequently, the investigator must develop independent corroboration of the suspect's offense. This is information not known until the confession which is then independently verified as true.

For example, a number of years ago a college student claimed that she was abducted from her apartment and held captive in a nearby swamp. Her hands were bound with duct tape and there was a bottle of cough syrup next to her body, which the student claimed she was forced to drink. After the police became suspicious of her story they brought her in for an interview, which led to an interrogation. When obtaining the confession the investigator did a very good job at developing independent corroboration of the woman's guilt. The investigator asked the woman where she obtained the duct tape and bottle of cough syrup used to stage the abduction. She stated that she purchased them with her credit card that morning at a neighborhood store near her apartment. The investigator then went to that store and was able to recover the credit card receipt, which confirmed the purchases of the duct tape and cough syrup.

In conclusion, there are a number of possible motives for a person to falsely claim to be a victim of a crime. If the victim received psychological gain from reporting the crime, it is considered to be attention-motivated. Once physical or circumstantial evidence suggests that a crime was possibly falsified, the victim should be scheduled for a structured interview during which behavior symptoms of truth or deception should be actively elicited. If the interview results support probable deception, the victim should be interrogated in an effort to learn the truth behind the falsified claim. Finally, the investigator should corroborate the victim's confession by learning something about the false report that was not previously known, and verifying it.

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Dissecting the Discovery: The Utilization of Frame by Frame Analysis

By : Kevin W. McClain C.C.D.I.

As investigators we are always given the daunting task of reviewing discovery. This is usually looked on as a must do task instead of a have to do requirement. Face it, your attorneys are already overwhelmed with trying to file all the necessary motions and trial preparation that goes along with any complex criminal case.

I have found that viewing the review of discovery, and more specifically, analyzing the police reports, witness statements and victim allegation provides a great opportunity to verify the information and to conduct the review in a methodical manner known as Frame by Frame Analysis.

To explain this concept, imagine yourself with your remote control to your VCR or Tivo. You have the ability to stop, pause, rewind, go fast forward or take it frame by frame. By doing this in a methodical manner (Frame by Frame) you answer the questions that every professional investigator should be able to answer anytime they are confronted with a scenario: Who, What, Where, When, Why, and How.

In Frame by Frame you examine each sentence in this methodical manner extracting every detail out of each sentence. By examining in this manner you will be able to paint a broader picture of all the facts surrounding each event that is transpiring. Imagine as if each sentence is a scene from a movie. You want to see everything that is going on in that scene; where is everyone located, what is happening, why is it happening, how did it happen. I think you get the picture, pardon the pun. As you are analyzing each frame (or sentence) you are now trying to visualize the entire scene. This type of approach is really helpful when you are reviewing a rape case.

One of the areas that you can do the frame by frame is the alleged incident. Replay the scene in a frame by frame review and see if the allegations

can be supported by the body mechanics of your client. Example: is it physically possible for my client to have both of the alleged victims arms held above her head while he is unbuttoning her button fly jeans at the same time.

I have done this type of analysis for many years I just didn't really know how to describe exactly what it was that I would do. I tried to explain it like you are trying to extract every fact out of every sentence and to paint a visual picture in my mind of the events.

It wasn't until I read the book "Rape Investigation Handbook" written by a good friend of mine, Brent Turvey and his colleague John Savino that I saw the term Frame by Frame Analysis and then it hit me; that is what I have been trying to describe all of these years. The book is one of the foremost authorities on the proper procedures for conducting a rape investigation.

I have taken this same Frame by Frame concept and have applied it in my other investigations especially in death penalty investigations as well as with DUI'S. This concept was just utilized by one of my investigators Marty Perkins as he was assisting one of our attorney clients with deposition questions for use on the police officer's investigation of an alleged rape.

I have used this concept on a Death Penalty case, where by conducting a Frame by Frame analysis, I was able to identify a witness that had been briefly mentioned in a police report. By analyzing this witnesses information in a Frame by Frame method it lead me to interview the witness which then lead to twelve other fact witnesses that were able to establish specific timelines that refuted the states theory of when the murder happened. In addition, it lead to additional witnesses that helped in the victimology part of the investigation.

The totality of all this new information along with the work of a great defense team eventually lead to the dismissal of the Death Penalty case. This was the first time in Illinois that a Death Penalty case had been dismissed prior to trial time since the Capital Litigation Trust Fund had been established. By taking the time to methodically

review each document and sentence helped lead to a 20 year old young man's life being saved.

I can't stress the necessity to take the time and review all the documents in an analytical manner as the Frame by Frame, it may help to save a person's life or freedom and what could be more rewarding for you as an investigator to know that even though most of society had turned their back on this person you stayed the course and searched for the truth. Your diligence was the only thing that helped that person from ending up being another statistic of wrongful convictions. I know no better testament a person can state than helping to save a fellow man's life.

An example of using Frame by Frame Analysis follows:

VICTIM STATEMENT

I ate dinner at home and later I went out with some friends to a party across town. After having some fun and a few drinks, I left the bar and headed home. When I got to my building, a man came up behind me and put his hands on my face. He pushed me to the floor and pulled up my skirt...

FRAME BY FRAME ANALYSIS

I ate dinner at home **Alone? What time?** and later on **What time?** I went out with some friends **Who are the friends? Did they pick you up? Did you meet them? Did you go by subway? By automobile?** to a party across town. **What kind of party? Who was there?** After having some fun and a few drinks, **How many drinks? What kind of drinks?** I left the bar **Alone? What time? What route did you take? What type of transportation?** and headed home. When I got to my building, **Were you on foot? Did you get out of a cab?** a man came up behind me **When did you first notice him? Where did he come from?** and put his hands on my face. **Where were you at this time? Were you in the building? Did he put both hands on your face? Did he say anything?** He pushed me to the floor **Where were you? Any injuries?** and pulled up my skirt...

POLICE OFFICER'S REPORT

On the above date at approximately 2329 hours, I (Deputy Smith #109) was patrolling IL Rt. 24 eastbound near the area of 625 E. I observed a vehicle (black Ford truck) in front of me traveling at approximately 45 mph and also noticed the vehicle to be swerving as it crossed the center line several times, as well as the white lines several times. I then noted the vehicle to have IL registration 9973K. I then activated my patrol vehicle's overhead lights and informed dispatch of my location and stop.

FRAME BY FRAME ANALYSIS

On the above date at approximately 2329 hours, I (Deputy Smith #109) was patrolling IL Rt. 24 eastbound near the area of 625 E. **Where were you prior to this? What does this location look like?** I observed a vehicle (black Ford truck) in front of me **When did you first observe the vehicle? Where was it?** traveling at approximately 45 mph **How did you determine the speed? If radar was used, what type? What experience and training do you have with this type of radar?** and also noticed the vehicle to be swerving as it crossed the center line **Where did the vehicle cross the center line?** several times, as well as the white lines several times. **Where did the vehicle cross the white lines? How many times?** I then noted the vehicle to have IL registration 9973K as I then activated my patrol vehicle's overhead lights **How long did you follow before activating his overhead lights?** and informed dispatch of my location and stop **What did you say to dispatch?**

In closing, from my own experience, taking the time to review all documents of any case using Frame by Frame analysis really can save the life of a wrongfully accused suspect. I can't think of a better reason to implement this process in every case we handle.

Kevin McClain is the principal of Kevin W. McClain Investigations, Ltd., in Centralia, IL.



UNLICENSED ACTIVITY: A PROBLEM THEN – A PROBLEM NOW.

By Don C. Johnson, CLI, CII

Recently I came across an article on unlicensed activity that I wrote in 1996, for the first issue of “The Indiana Investigator,” when I was vice president of our association and editor of the newsletter. We published the old-fashioned way in those days, on paper, but one thing hasn’t changed over the years: Unlicensed activity was a problem then and it continues as a problem to this day. Let’s change that for the better. As of July 1st, 2011 the Indiana Private Investigator and Security Guard Licensing Board (Board), a division of the Professional Licensing Agency (PLA), has been given the authority to issue cease and desist orders against individuals or companies operating without a license. (There is a hearing process before the Board to establish the validity of the complaint before a cease and desist can be issued; reference IC 25-30-1-22. These orders are enforceable in the circuit courts of Indiana.)

The codes are clear; an individual who holds himself or herself out for hire as a private investigator or security guard provider must be licensed (IC 25-30-1-3 and IC 25-30-1.3-7). Previously the Board had no authority to investigate unlicensed activity brought to its attention. We had to refer complainants to the Office of the Attorney General (OAG,) or a member of the Board could act as the complainant and file with the OAG. There are those who would argue that the consumer complaint process through the OAG is defensible and effective. There are those who would argue that the process is not user-friendly and that many complaints are never resolved. I will add to that discussion here only to note that all the boards and commissions are presently under review by a committee established as an act of the General Assembly, the Regulated Occupations Evaluation Committee (ROEC).

The ROEC’s members were appointed by the governor and the reviews started in January 2011. Part of that review process is the consumer complaint process. The PISG Board has already presented to the ROEC and it remains to be seen if any of our recommendations will be considered. The Board asked for a compliance officer whose responsibilities would be similar to compliance officers already available to some boards, the accountancy board for example. Compliance officers conduct audits of licensed businesses and can bring complaints of unlicensed activity directly to the Board’s attention for the purpose of a hearing. Compliance officers are not investigators,

they act as auditors primarily, but they have one key advantage in our fight against unlicensed activity: they will be interacting regularly with licensees who may have direct knowledge of recent or ongoing unlicensed activity.

The concerns expressed by the Board about unlicensed activity and the complaint process are similar to the concerns of numerous other boards. It should not be considered a reflection on the OAG but on the process itself. Perhaps the ROEC will recommend a review of that. In the meantime, let’s take advantage of the Board’s new authority.

If you know of someone presently operating without a license, bring it to the attention of the Board or, if you’d rather, to the president of INSPI, Ken Shelton. Ken, much to his credit, has committed the society to a proactive stance in addressing the problem. Make sure to get as much information as you can about the unlicensed operator; name and address of the business, those running it, phone numbers, web presence, local advertising, their activities, etc. You can email me directly at dcjcli@comcast.net or you can email INSPI directly at info@indianainvestigators.com. Ken has assured me that the society will do everything possible to keep your name in the background. It will be an officer of the society who brings it to the Board.

At its last presentation to the ROEC the Board noted that unlicensed activity is against the law and that we have a duty to pursue it for the protection of the consumer and those who hold licenses. We now have a new tool in that fight. Let’s use it.

Don C. Johnson, CLI, CII is a founding member and past president of the Indiana Society of Professional Investigators. He currently serves as president of the licensing board. This article reflects his own views on the topic and serves to share public information with the reader; Don did not write this on behalf of the licensing board or the Professional Licensing Agency. (A copy of the licensing codes is at <http://www.in.gov.pla/pisg.htm>)



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