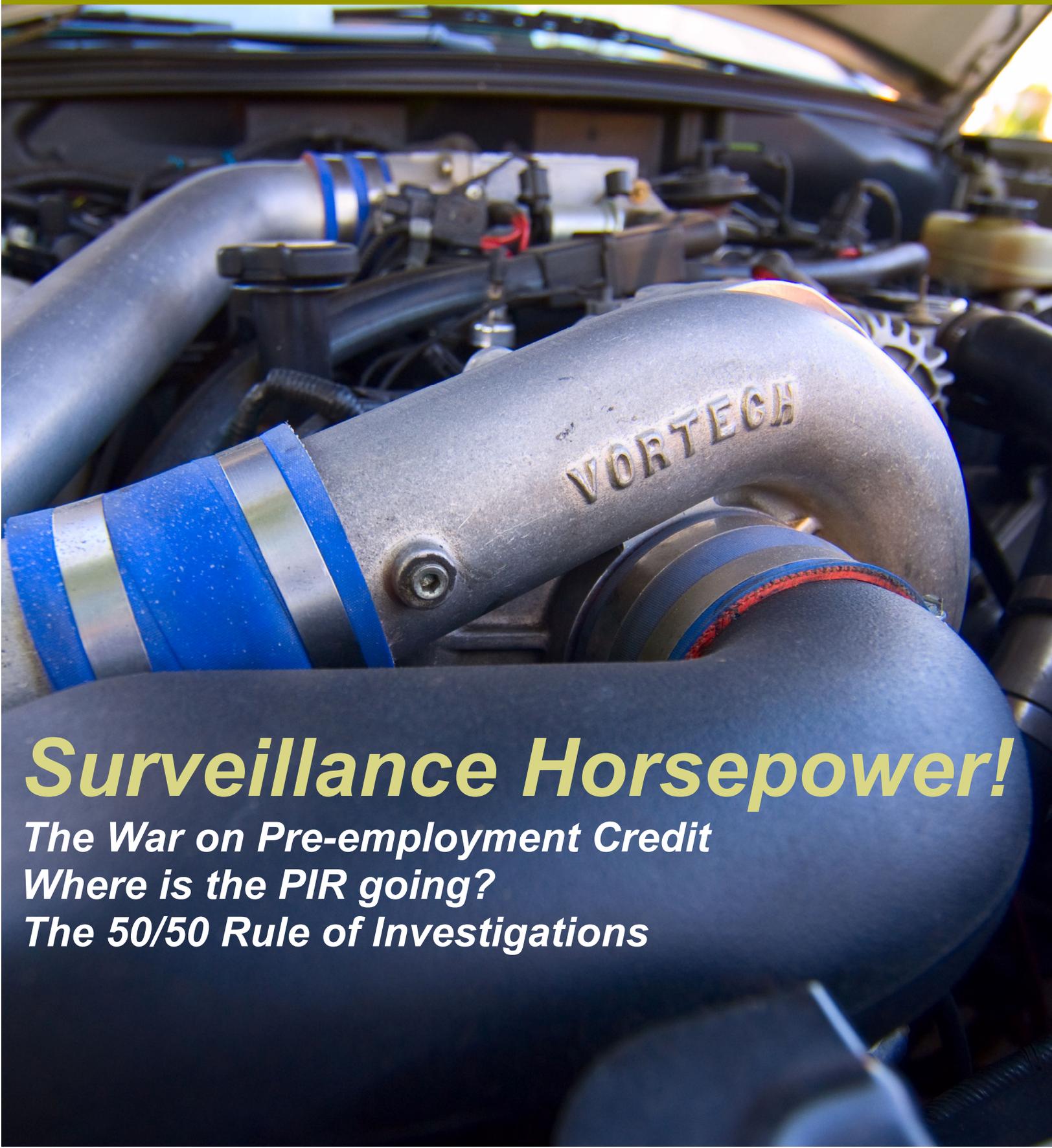




The PICA

# Investigative Reporter



## ***Surveillance Horsepower!***

***The War on Pre-employment Credit***

***Where is the PIR going?***

***The 50/50 Rule of Investigations***

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### Special points of interest:

- Using Surveillance as an investigative tool.
- State Legislators take a hard look at pre-employment credit checks.
- District Events
- Avoiding the "fatal funnel" in investigative work.

### Inside this issue:

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## President's Message -

*Paul Dryman, Acting President, Professional Investigators of California*

Well fellow PICA'ians, this year so far has been quite a ride. I'm going to keep this message positive, for that is how I look at PICA. As I've stated several times, it's all about the

members, and doing what's in the best interest of the members.

The job of the President is to listen to the recommendations of the Board of Directors that YOU elected. As a group, we run the organization with your best interest in mind so you can go forward and run your individual businesses.

PICA is a organization where you can find opportunities to network, look for jobs, ask questions, and learn.

I have run a District very successfully. Our events have always been well attended and

we've been able to provide the members with some great speakers.

I want to bring in educational opportunities for the whole organization.

With the election upon us, if elected will continue to make PICA an organization you ALL can be proud of. We have some great Board Members that are energized to bring PICA's members quality advantages and incentives. Together we can make this happen. Thank you for your support and well wishes.

-Paul Dryman



## Why PICA?

*by Inland Empire District Director Dana Griffith*

Professional Investigators of California, better known as PICA, is an association of professional investigators dedicated to the furtherance and preservation of the investigative profession in the State of California. It also exists to assist investigators to do business through work sharing, and to maintain a business through education, presenting and sharing of information and networking with other profes-

sionals.

PICA is divided into geographic districts throughout the state, and each member is also a member of their respective district. Those districts hold meetings on a quarterly basis, or more often if the membership desires. The PICA District Director is the main point of contact for member's needs, Districts schedule and hold

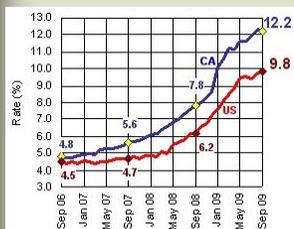
most educational seminars and classes.

PICA maintains a legislative presence in Sacramento to present the association's political desires and views to the legislators. Additionally, PICA maintains various other committees designed to assist members in many different fashions. Among those are the PIR Committee (newsletter),

(continued on page 4)

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California vs. United States Seasonally Adjusted Unemployment Rates

“With Jerry Brown in the Governor’s office, we’re in uncharted waters if AB22 is passed by both houses.”

## The War On Pre-Employment Credit

by Paul LeGrand, *Informed Decision*

California law is already much more strict than federal law when it comes to pre-employment screening. Employment background checks conducted by a third party, called an *investigative consumer reporting agency*, can only go forward if the employer certifies the report is used for a permissible employment purpose. The employee must give written consent, criminal convictions can only be reported for seven years, and bankruptcies can only be reported for the last ten.

Under CA Civil Code § 1785 an employer can obtain copies of an employee’s credit report for “employment purposes,” how-

ever Assemblyman Tony Mendoza’s AB22, a bill which had been introduced twice before and vetoed by Governor Schwarzenegger, has now passed the Assembly and is pending in the Senate Appropriations Committee. The bill narrowly defines when a consumer credit report can be used for employment purposes. Limiting credit checks to people who have both actual authority to hire and fire, plus access to money or confidential information, this bill is almost a blanket prohibition on employer’s use of credit reports. PICA’s representative Gary Brummond met for over an hour with Assemblyman Mendoza’s staff to voice oppo-

sition to the wording of the bill.

While the thought of pre-employment credit checks is certainly a hot button issue with California’s 11.9% jobless rate<sup>1</sup>, the reality is that under the current system FICO scores aren’t included, these checks see fairly limited use by employers, and when they are used, they protect employers and the public from a lot of harm. This time, with Jerry Brown in the Governor’s office, we’re in uncharted waters if AB22 is passed by both houses. The bill has heavy support from labor unions. The final form of the bill may still

(continued on page 11)

1. Bureau of Labor Statistics, April 2011

## Los Angeles District News

Los Angeles District Director Corey Friedman’s Evening presentation on Database Searches was a fresh look at this critical area of PI work, complete with live demos using a high speed wireless connection. Everyone found out something new they’d never used before. Like many other districts, LA is getting away from venues that have a banquet menu and a minimum attendance.



### Why PICA? (continued from page 3)

the ABM Committee (Annual Business Meeting Committee), the Benefits Committee and the Bylaws Committee to name just a few.

The current Board of Directors of PICA is an elected body dedicated to carrying out the stated mission of the association for the benefit of the membership according to their wishes and the bylaws of the association. The District Direc-

tors are also elected and are just as dedicated to service to the members of their district. PICA is a vital and growing force in California, both in membership and professional and political strength and influence and as a result, the members are going to be able to enjoy more professional stability, realize more benefits, share more information, engage in more professional and educational opportunities and be

recognized as a member of an influential professional association.

My limited experience with PICA has already allowed me to meet many good and dedicated people, I ask each of you to talk with your peers and urge them to join PICA, or renew their memberships in this association for the mutual benefit advantageous to all. There is strength in numbers

## San Diego District News

The biggest thing happening in the Orange County & San Diego Districts is PETCO PARK! PICA members, their friends, and anyone else wanting to support the Rady Children's Hospital Foundation can come enjoy the battle between the Los Angeles Dodgers and the San Diego Padres at Petco Park on August 1, 2011.



Tickets cost \$150. You'll get to enjoy the game from a catered luxury suite with food, drink, and a fantastic view of the field.

Each attendee is also guaranteed to win a raffle prize from the \$1,000 worth of donated prizes. John Leas, the San Diego Padres Security

Director, will be speaking to the group, and sharing a window on the world of security for professional athletes and a major league sports franchise. At this time, there are still 10-12 seats available,

however this event is quite likely to sell out. To attend, contact 2nd VP Joseph Travers at (949)310-8100 or San Diego District Director Richard Rivero at (760) 576-4747 to book your seat today.

For \$150, PICA members and their friends can enjoy a luxury experience at the PICA Suite at Petco Park in downtown San Diego. All profits from the event benefit the Rady Children's Hospital Foundation.

You'll get to enjoy the game from a catered luxury suite with food, drink, and a fantastic view of the field.

## Did You Know?

- The median cost to administer HR internally for companies with less than 250 employees is \$1469.00 per employee per year (US SBA)
- There's been a 2000% increase in employment litigation, since 1995 (US SBA)
- 60% to 80% of an employer's time is spent on non-productive administration (Forrester Research, Inc.)
- There are more than 40,000 pages of federal employment regulations plus state and local regulations (US SBA)
- The median jury award for employment cases in 2005 was \$276,711.00 (ABA)
- The average Attorney's fees for cases that settle before trial - \$95,000.00 (ABA)
- The # of harassment and intimidation cases against small companies filed with EEOC in 2006 - 8,650

Enforcement activity at both the Federal and state levels is up and will probably stay high for the foreseeable future. The best defense is to be in compliance. Clients should get the Human Resources Expertise their organization needs. If your client's need pre-employment screening, you need to know what's going on in their world.



**"We must acknowledge that the enjoyment of American life comes to us at a great price."**

**-Dana Griffith**

## What does it mean to be an American? *By Dana Griffith, Inland Empire District Director*

Living my everyday life as I choose to live it is what being an American means to me. I rarely think of the history that allows me to go so blithely about my business.

Sometimes lost in the roar of living as an American, is the awareness of the genius of our government by law, and the realization of the human cost of preserving it. Freedom is not

free, and we must acknowledge that the enjoyment of American life comes to us at a great price. We have what others dream about. Enjoy

**WARNING****U.S. Air Force Installation**

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Sec. 21, Internal Security Act of 1950, 50 U.S.C. 797

While on this installation all personnel and the property under their control are subject to search.

In the real world, it's typically a one man gig, and a firearm is more likely to be a liability than an asset on any given day.

**“Less than half the people who think surveillance is going to be their cup of tea are able to succeed at it over the long term.”**

**“Paying \$4.35 a gallon to quench a thirsty SUV that guzzles more than a Hells Angel named Tiny is preferable to losing your subject due to insufficient horsepower.”**

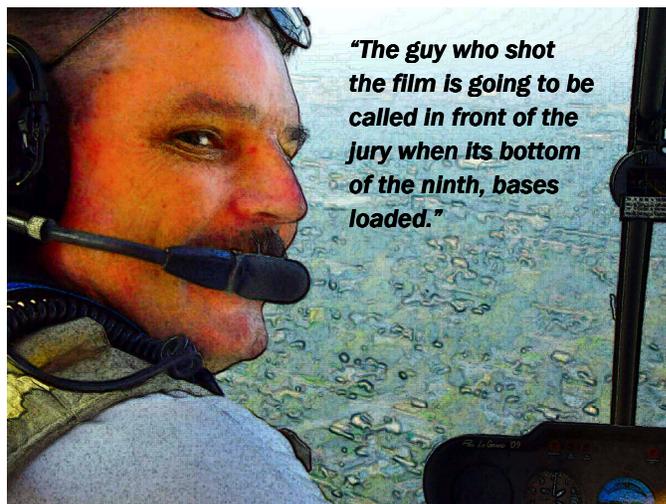
## Surveillance Horsepower - *by Paul LeGrand, Informed Decision*

The reality of surveillance is that it is an isolated, ephemeral world of split second decision making, bracketed by long periods of boredom, isolation, and extreme heat. A few investigators excel at it because they love the thrill of the hunt. It is a world where few on the outside comprehend the difficulties involved, and turning up the heat too high to produce short term results is usually catastrophic.

Surveillance in the private sector is also a world rarely talked about, especially in print. The few books that exist on the subject are mostly outdated, and sometimes skewed towards a specific niche. On TV, the bad guy gets nailed with a perfect camera angle minutes after the drama unfolds. In law enforcement, a whole team of cars, an aircraft, and selectable fire weapons are available. In the real world, it's typically a one man gig, and a firearm is more likely to be a liability than an asset on any given day. On those rare days you find a client willing to pay for a two man team, you can count on the assignment being a hard one.

Surveillance takes seat of the pants instincts, aggressive driving, a fair amount of camera operating skill, and the ability to keep ahead of what's likely to happen next. More importantly, the guy who shot the film is going to be called in front of the jury when its bottom of the ninth, bases loaded. Surveillance testimony in civil litigation invariably comes in the form of an investigator who testifies as an impeachment witness, taking the stand on the last day of testimony, right before closing arguments & jury instructions.

Most investigators don't have the full complement of skills needed to thrive in the surveil-



**“The guy who shot the film is going to be called in front of the jury when its bottom of the ninth, bases loaded.”**

lance environment. I'm not saying that in a bad way, I'm simply speaking the truth. Highly skilled interviewers, and experts at dissecting complex investigations are only good if they get footage, while young cowboys with steady hands and fast reflexes are only good if they can survive what Bill Rhettts would describe as an attack by the “three piece suit and the alligator briefcase!”

Here are a couple realities of the world of surveillance:

*Less than half of the people who think surveillance is going to be their cup of tea are able to succeed at it over the long term. Most will figure this out during their first few weeks and find a niche that better suits them. A few slugs will persist by repeatedly finding new clients.*

*The job is not dangerous, though you can make it dangerous if you don't have the skill to read situations. In fifteen years in the trade, I've known two co-workers who were killed or crippled, a handful that have had close calls with lethal force, and many who have never had an especially*

*high risk encounter. Those are better odds than the fire department.*

*Most of us don't call in “code fives” unless we really know the agency we're calling. This is a lesson quickly learned through experience, and has specific exceptions.*

*Someday Toyota will hopefully make a really fast Prius. Until then, paying \$4.35 a gallon to quench a thirsty SUV that guzzles more than a Hells Angel named Tiny is preferable to losing your subject due to insufficient horsepower.*

*If you subcontract, have licensing, certificates of insurance, clearly defined assignment memos, and 24 hour accessibility.*

*Insurance clients can want widely varying levels of report detail. Sometimes less is more, like medical malpractice defense, where investigator records are certain to be scrutinized by opposing counsel. In Workers' Comp, however, a detailed report may be used to settle a case*

(continued on pg. 10)

### The 50/50 Rule of Investigations —by Bill Rhetts, Hi-Caliber Investigations

Years ago as a police officer, I attended an advanced officer safety school. The first portion of the conference was on 'legal updates.' The speaker told the class, "I'm not here to warn you about the man with the gun, or the woman with the knife. I'm here to warn you about the man in the three piece suit, carrying the alligator brief case." He was talking about the civil rights attorney. Training us how to better prevent ourselves from being sued.

The next class was on building searches. Our exercise involved searching the inside of a large three story building. Whereas we were told that an armed man was waiting somewhere inside. Our mission... to locate and arrest the armed man. This exercise was high stress 'force on force' training, utilizing high-velocity paintball guns. The exercise revealed how too many officers (myself included)

were too caught up in locating the armed man. In other words, we would spend 100% of our time trying to locate the armed man. This is also known as the 'fatal funnel,' or 'tunnel vision.'

This is when I learned the 50/50 Rule. We learned that we should spend 50 % of our time locating the armed suspect, and the other 50% keeping the suspect from locating us (or giving up our location).

As a private investigator, I have carried the 50/50 Rule over into my investigations. While my loyalty is to the client providing he or she with an ethical defense (or what ever type of investigation I am working.)

I need to spend 50% of my investigation protecting myself from accusations. [1] Not just from the aforementioned man in three-piece suit (the civil rights attorney,) but from other

persons sporting a business suit ie, the District Attorney, or the United States Attorney (and some will make false accusations.)

I still keep my eyes focused on the client, but while making sure I am above reproach from any allegations by the District Attorney, or the United States Attorney. This not only protects myself, but helps the attorney and the client as well.

Sometimes we as Private Investigators can be so zoomed in on the case, that we lose focus; thus allowing ourselves to get 'tunnel vision,' or to put ourselves thru the 'fatal funnel.' A good attorney will also appreciate this approach.

[1] The word *time* here is not in the literal sense, ie 'the clock is ticking.' It is *figurative speech*.



"I need to spend 50% of my investigation protecting myself from accusations...this not only protects myself, but helps the attorney and the client as well"

-Bill Rhetts

### Additions To The Ranks . New & Returning PICA Members

Edward Albanoski  
Michael Alford  
Blaine Bennett  
Uriel Bejar  
Joseph Bradley  
Matt Brown  
Terrill Caplan  
Joseph Cipollini  
Justin Chappell  
Ryan Clock  
Ed Compton  
Ronald DeCaro  
Jim Dowling  
John Facchin  
Oleg Flaksman  
Kelly Duhs  
Charles Flipppo  
Lenny Gaeta  
David Gama

Erin Gill  
James Green  
Dana Griffith  
Craig Grischott  
Mark Habberfield  
Candette Hammond  
Janet Hanson  
Matthew Hansen  
Arthur Harrison  
Ben Harroll  
Roy Howat  
Thabit Jubran  
Shawn Larkin  
Andy Le  
Paul LeGrand  
Thomas Logue  
Ralph Nosek  
John McCarty  
Nathan Moser

Sam Nassrouie  
Julio Palacio  
Robert Peterson  
Daniel Pitts  
Bill Rhetts  
Josaf Rodriguez  
Stevan Rosenlind  
James Scott  
William Schneid  
Paul Starrett  
Julie Stein  
Derek Thomason  
Darin Thompson  
Joshua Travers  
Robert Velasquez  
Jayne Walker  
Richard Wirkkala  
David Wisotzki  
Darrell Wood

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# Where will the PIR go?

PICA is in a state of change. As this edition goes to print, the election of PICA's next generation of leadership is going to be up to our active members. Regardless of who wins the election, there will likely be dramatic change in our organization. Several things seem clear. Gone are the days of executive travel, with the membership paying for airline tickets and luxury car rentals so directors can attend board meetings. Gone are the days when a District Director could book a banquet room and pay a guaranteed minimum to the restaurant regardless of the turnout. Gone are the days when personal attacks or intimidation of individual members escapes scrutiny of an Ethics & Grievance system designed to be impartial. Gone are the days when a member who's gotten themselves into trouble with the Bureau of Security & Investigative Services can attempt to tie on to the PICA anchor in order to keep from being set adrift. Gone are the days of mass printing hard copies of the PICA Investigative Reporter on Chrome-coat to keep as showpieces for the few, while never actually mailing them to the General Membership.

We, the members, recognize that the turmoil caused by these past indiscretions hurt PICA as an organization. There are certainly problems inside PICA at the moment, including a lawsuit brought by a former District Director, but none of these problems are insurmountable.

As editor of the PIR, I realize clearly that if we put the emphasis on **professional**, we'll come out of this transition time with a strength and tenacity unrivalled in our history. As the PICA Investigative Reporter goes to press, you have probably noticed that it has been given a distinctly different, new look. Even though this edition was put out under some very short editorial deadlines, please note that I have made a concerted effort to change it's appearance away from the "newsletter" look. It's a magazine. It should look like a magazine, and it should have editorial content and professional quality photographs worthy of a magazine. While this particular edition doesn't have the longer, more deeply involved technical articles I'd like to see us produce, the year is still young.

There is room to grow, room for professionally written, thousand word articles that fit in with monthly themes. Those of you who can write and photograph well should take advantage of this change. By submitting editorial content, you can and will grow your business. The new digital-only format and the high quality, digital printer you probably already have in your office means you'll have a ready made promotional piece to show the depth and scope of your own investigative knowledge to your potential clients. Your articles will also be archived on the PICA website, where they will serve as a valuable reference for future generations of investigators. Though the current leadership is, and will continue holding the purse strings very tight, the PICA website, and therefore the digital PIR, has been singled out as an area where will soon be funding significant changes for the better. Archives of the new PIR are going to be part of that change. The Board of Director's goal is clear: Give PICA members a web presence that drives sales leads in their area directly to their respective businesses. This magazine is part of that plan.

Going to the new magazine format will be great, but I'm going to need serious help. The PIR will be a bimonthly publication. There will be a set of editorial guidelines published shortly for those of you who are interested in becoming writers and photographers for the magazine. If you're a photojournalist or an effective writer who can generate concise articles of interest to our readers, this is the opportunity you've been waiting for.

The theme for the next edition, which should go to press in September, is FAMILY LAW. Articles covering cellular phone and computer forensics, child abuse investigations, electronic discovery, or marital fidelity investigation are just a few of the possibilities. If you have an idea, I'd like to hear it. I'd also like to have space for all of the district directors to tell the members about important events. Finally, I'd like to bring aboard advertisers who realize they'll be getting serious exposure to customers who need their product.

This is a daunting task, but within PICA I know there's an untapped reserve of talent. We've got the capability to make the PIR the best trade publication for private investigators in the nation.

*Paul LeGrand—Editor*





To North Hollywood

# Surveillance Horsepower

(continued from page 6)

*early. Know your client's needs.*

*For every day you hang out at the beach in shorts, go skiing, or find a place where you can sit with the stereo and the air conditioner running, there will be an all day sit in the ghetto, curtained off with your motor shut down, and no shade in sight.*

*You're going find it tough to do hard core surveillance once you're past about age 50, especially in the desert heat.*

*The two places you don't want to sit are next to a liquor store, and next to a day care center.*

*Traffic citations can ruin a career. Traffic sermons can ruin a day's billing. Understand this dynamic and react accordingly.*

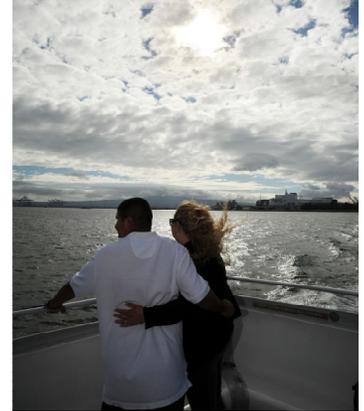
*Testimony is where the rubber meets the road. Every decision you make needs to be able to withstand direct and cross-examination.*

*Though your subject may determine the way you drive, know when to pull the plug. No insurance claimant is worth going seventy down Wilshire Boulevard for, regardless of what your client may say after you lose him.*

Surveillance is a potential revenue stream that many

PI's are missing out on, either because they don't want to do it, or don't understand it well enough to oversee subcontractors. Whether you choose to sit in the vehicle or not, understanding surveillance investigations will open up a potential revenue stream few investigation companies can afford to overlook these days.

One key to success is prepping your cases well. Like a good Process Server, we're into Facebook, triple credit headers, and the DMV. A more frequently overlooked prep is really figuring out your subject's schedule so you can time your surveillance to maximize results. Advance work pays off.



**For every day you hang out at the beach in shorts...there will be an all day sit in the ghetto, curtained off with your motor shut down and no shade in sight.**

## The War On Pre-Employment Credit

(continued from Page 5)

change quite a bit. Before becoming law, the bill would have to go through several committees. These would likely include the Appropriations, Judiciary and Industrial Relations committees.

If and when the bill clears these multiple hurdles, it will come before a Senate vote and then, if approved, it will go to the Governor's desk.

While Governor Jerry Brown is a Democrat elected with

union support, he's still a potential wildcard here. Jerry Brown is the first Governor to veto a budget in a very, very long time, and though the bill has solid union backing, it is difficult to see any positive economic impact resulting from the passage of the bill. If anything, AB22 would be yet one more reason for businesses to leave California, and that's something Jerry Brown doesn't need.

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**A Crown Victoria Police Interceptor with a new LED lightbar making a code three run through downtown LA's Chinatown.**

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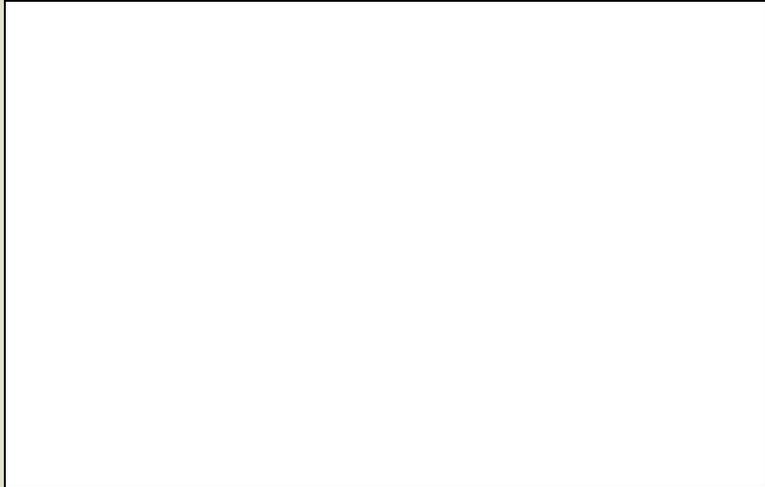
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