

INTELLENET NEWS

April 2006

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Carino's Corner

In September 2005, at the suggestion and volunteering of Bill Blake, Intellenet published its first e-newsletter. Too big to be sent out over the Listserv, these are "published" on our website under our menu caption "News and Bulletins." Our Webmaster Peggy advises we can retain these on our website for an indefinite period of time.

This is our third such issue. Published quarterly as any print media outlet requires, we not only need input, but input of interest to our members and the PI community readership in general.

In February Bill assembled sufficient input to put out a Special Edition newsletter addressing the single topic of Product Diversion and Counterfeiting. Bill has other ideas for Special Editions but special issues require our membership experts on the topic to step up and put some of their expertise and experience into writing. Without getting into specifics at this time, as such

would be premature, the chances are excellent that the February Special Edition may lead to billable time for quite a number of our members. Simply, that special issue showed that Intellenet members have great expertise in a specialized field. Hopefully details will be available by the time of the May Calgary Intellenet Seminar.

So if Newsletter Editor Bill Blake contacts you to prepare a Newsletter article, please give it serious thought. It's good PR for you, for Intellenet and our profession.

As another notable Intellenet member Editor, Don Johnson (PI Magazine) the NCISS quarterly, related "*Investigators should consider themselves the key element in the success of any association newsletter or trade journal. PI Magazine would not be a success today without the contributions of our many readers and those who submitted articles. The readers tell us what they need to know to succeed in their business, and the writers share their wealth of knowledge and experience on*

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various topics of interest to our readers. As editor of the NCISS Report, I know for a fact I could not complete each issue without the input from our members. The same holds true for all association publications. Without reader input, they die on the vine so to speak. Yes, we're all busy, but there's a lot going on out there, especially in our profession. If you're not participating, if you're not informed, your business may die on the vine, too"

So, why not, when you get the call, be part of the solution?

Know Your Fellow Members



Kevin J. Ripa
Computer Evidence Recovery, Inc
Calgary, Alberta, Canada

Kevin Ripa started in the investigative field in 1993 after a number of years in the Canadian Armed Forces where he served in many hotspots around the world including the first Gulf War. His initial entrance onto the investigative stage was in the

area of child abduction recoveries (16 successful reunions to date), executive protection, and insurance surveillance. Over the years, Kevin has protected or escorted many influential people across North America, including executives, their families, and movie and music personalities. He has also been involved in security work for the Academy Awards.

In 1998, Kevin made the move from surveillance investigations to computers. He credits much of his computer forensics skills to the guidance and mentoring of fellow Intellenet member Michael Mosbach. Computer Evidence Recovery has expanded at very fast rate to become a computer investigations company that now operates globally. Computer Evidence Recovery also has a Data Recovery division run by his son Stuart. This division has performed remarkable work recovering data from computer media that was otherwise thought to be damaged or lost forever.

On the personal side of things, Kevin lives in Calgary, Alberta, Canada, and has done so for the past 20 years except for his time in the military. He is an information junkie, spending what little free time he has on constantly learning new things, computer related or otherwise. Kevin will be obtaining his fixed wing private pilot's license this summer, and also enjoys scuba diving, sky diving, and traveling.

Request for Authors

ASIS International is seeking a subject specialist to update the current material on "Due Diligence" in the Investigations chapter in the new Protection of Assets Manual (POA). The selected author must have expertise in the subject, but not necessarily be a previously-published writer. Current text of this section will be provided.

Authors are contracted for "work-for-hire" and are remunerated. Biographies of all contributing authors will be listed in the front of the 4-volume set. You must be able to write in the coming months in order to complete this project before year-end.

Additional security topics are still available for prospective writers.

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For further details, or questions, or to request an author submission packet, please contact Eva Giercuskiewicz at ASIS International Headquarters, 703-518-1470, or e-mail evag@asisonline.org.

You May Enjoy Your Work, But Don't Work for the Fun of It — Make Sure You Get Paid!

Rosalie Hamilton
Expert Communications
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A common refrain among expert consultants is, "How do I make sure I get paid?"

The most important step in getting paid is *planning* to get paid. Being compensated for your work is too important to leave to chance, hope or optimistic confidence in the decency of your clients. It's business, for goodness' sake!

Do attorneys like to sign payment agreements? Usually not, particularly plaintiff attorneys. But you should ask yourself why. If the fees are agreed upon, and you are obligated to do the work just as the client is obligated to pay for the work, why should putting that agreement in writing be a problem?

My recommendation is to use an agreement that lays out simply and clearly, at a minimum, your rates for review, deposition, court appearance, travel time, and expenses, as well as your required retainer. I also recommend that you include a cancellation policy so you are not left holding an empty bag along with an empty waiting room or office when deposition or court appearances are postponed or cancelled. There should be signature lines for you and the client and dates for both signatures.

In your engagement agreement, you can also choose to spell out your expected payment schedule and other details. You can specify additional elements as venue in case of disagreement, although some experts do not wish to bring up the negative.

Your engagement agreement can be called a Fee Schedule, Litigation Consulting Agreement or Contract, or it can be part of an engagement letter.

The most important points in getting paid are:

- 1) Do not begin reviewing files until you receive a retainer for the estimated time of the review.
- 2) Do not deliver your written report until your invoices are brought current.
- 3) Do not leave your office for a deposition without having received payment from (usually opposing) counsel covering estimated testimony time.
- 4) Do not leave your office for a court appearance without having received payment from retaining counsel covering estimated testimony time and bringing all other invoices current, unless you have an established relationship with the law firm.

You will notice in my recommendations, (which are based upon many true stories with unhappy endings), the absence of the words, "having received a promise that counsel will have your check when you arrive to testify."

In working with our expert clients on their fees and collection procedures my policy is this: If you are assertive, you will rarely have to become aggressive. For most people, having to be aggressive is not a pleasant experience, especially when dealing with attorneys. Avoid this situation by handling the administrative, invoicing and collecting procedures of your practice in a business-like manner — that is, clearly, consistently, and as early as possible.

— Excerpted from *The Expert Witness Marketing Book* by Rosalie Hamilton

Quote of the Month: "Crime does not pay ... as well as politics."
Alfred E. Newman

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Tips for Surviving a Business Lunch

Laura Morsch
CareerBuilder.com
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If you're asked to "do lunch" with an interviewer, client or contact, you're not just out to fill your stomach. Restaurants, with their more relaxed and social atmosphere, are a great place to get some important work done.

But when you conduct business over a meal, a high-stakes interview or meeting can be even more stressful. Now, on top of your business savvy, you're being judged on your table manners, choice of restaurant and yes, even your entrée. You may be the perfect candidate for the job, but it will be much harder to convince your interviewer when you have soup on your tie.

Here are some tips to help make any business meal invitation easier to swallow.

When you're meeting with a client or vendor...

If you're hosting the meal, it's all in the planning. It's up to you to choose the time, place and tone of the meeting.

First, consider how much time you and your guest have available for the meeting. If you have a limited schedule, breakfast meetings (which typically last an hour or less) or lunch meetings (which last less than an hour and a half) are good choices.

Be strategic about when you schedule your reservation, skipping the noon lunch rush if possible. "A 1 p.m. appointment allows you and your guest to complete a full morning's work and be ready for a more relaxed meal," advises Beverly Langford in her book, "The Etiquette Edge" (AMACOM).

Choosing the restaurant may be the most difficult – and important – part of your duties as host. This is not a time to be adventurous. Choose a restaurant you know has good food, good service, decent lighting and is quiet enough that you will be able to conduct business. And don't forget to confirm the

place, date and time with your guests to avoid any embarrassing miscommunications.

Once there, don't get down to business too early. Experts advise waiting at the very least until after the menus have been cleared. Many recommend waiting until after the meal is finished to talk business. And if you are treating, slip the host or maitre d' your credit card early on to avoid any awkwardness when the check arrives.

When you're at a networking luncheon...

If you're attending a networking meeting where guests will be eating while standing and greeting other guests, be careful what you're putting into your mouth. Choose only foods that are easy to eat, like grapes or crackers – nothing messy. "Steer clear of the chewy, dripping, garlic-laced, hard-to-eat items at the hors d'oeuvres table," suggest Anne Baber and Lynne Waymon in their book "Make Your Contacts Count" (AMACOM).

Don't forget to take small bites. When you will be socializing and making frequent introductions, it's important not to talk with your mouth full or make others wait for you to swallow before you can speak.

If you make a connection with someone at a networking meeting, exchange business cards and set up a time to have lunch later that month. And when you do meet, it's best to split the check. After all, networking is supposed to be an equal relationship.

When you're at a lunch interview...

Although an interview over a burger may seem more relaxed than meeting in a stark conference room, don't lose your guard. You are still being evaluated. This is a chance for the interviewer to see you act when you feel the pressure's off or see how you would represent the company in front of clients.

First, be careful what you order. Order food that's easy to eat and can be easily managed with a fork. Spaghetti may be your all-time favorite food, but dribbling marinara sauce down your crisp white

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shirt looks far from professional. Get a salad instead.

Even if your interviewer encourages you to order anything on the menu, try to stick with something moderately priced. And don't drink anything alcoholic, even if everyone else at the table is having wine. You need to be sharp.

Although the meal may feel more social, stay focused on the job and your accomplishments. The interviewer will almost always pick up the tab, but bring enough money to cover your share, just in case. However, if you're invited out for a lunch interview and the company doesn't pay, it may be a sign of financial trouble.

When you're out with co-workers...

Dining out with co-workers is a much more casual event, but remember, you're not out with your college friends. Don't get too relaxed, gossip or share too much personal information.

Your menu options are more varied here – just remember to bring mints or gum to mask that garlic breath. Follow others' leads when it comes to alcohol. If everyone else is having a beer, you may have one too, but limit it to one for a lunchtime meal.

Laura Morsch is a writer for CareerBuilder.com. She researches and writes about job search strategy, career management, hiring trends and workplace issues.

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Publicity and Creditability through Writing

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When your expertise is publicized in articles and books, it does not look like advertising, it does not feel like advertising, but, delightfully, it *works* like advertising. Publicity is, in fact, the best promotional avenue after networking. Even better - it is usually free.

Appearing in publications as a writer confers credibility and authority upon the author. Your profession may even demand that you have peer-reviewed, published works. One tangible benefit from writing is that attorneys search the Internet for publications related to the subjects of their cases in order to find related, qualified expert witnesses. Being a published author can create additional publicity in the form of media interviews, book signings, and book reviews. While writing requires a tremendous effort, the benefits of being published definitely make the effort worthwhile.

Legal Periodicals

Many legal newspapers, magazines and journals will accept articles from non-attorneys on a subject that will benefit their readers.

Trade Journals

Being published engenders instant respect from your peers, who know how challenging it is to write anything of substance. If an attorney consults trade journals to find experts, you will stand out.

Mainstream Publications

Reporters and editors seek out experts to comment on current news items. They maintain a large card file of people who can provide a "sound bite" spontaneously for print or air. Even one successful contact could provide valuable public exposure and enhance your credibility as an expert in your field.

Opinion Pages, Letters to Editors, Book Reviews

Keep in mind that these reach the general consumer rather than targeting the legal community. They are, however, free forums and, in many cases, widely read.

Note: Remember to identify yourself and list your contact information on any writing you submit for publication.

— Excerpted from *The Expert Witness Marketing Book* by Rosalie Hamilton

Q: Do you know what a redneck's last words are?

A: Hey, fellas, watch this.

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There Is No Silver Bullet When It Comes to Security

Matt Valley, Editor

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Whenever we publish an article on terrorism, we run the risk of being labeled as sensationalists trying to peddle magazines. Yet when New York City's former police commissioner, Howard Safir, states bluntly that many high-profile office buildings around the country remain vulnerable to a terrorist attack, his message is worth listening to because he is such a credible source. Safir, now a security consultant, recognizes that most security guards are underpaid and inadequately trained, and that technology needs to play a larger role in building safety.

Because nearly 40% of our readers are owners and managers - many with Class-A trophy properties in major cities in their portfolios - we've elected to tackle the sensitive topic in this month's cover story by addressing the problem with a sense of proportion. I use the word "proportion" because the vast majority of office buildings are not susceptible to a terrorist attack. The challenge for all owners is to weigh the potential threat and determine the appropriate level of security for each building. There is no silver bullet.

Research by the Building Owners and Managers Association (BOMA) reveals that owners are thoroughly assessing their needs. In 2003, for example, security costs among government-owned and leased office buildings were double that of privately owned buildings on a square foot basis: \$1.26 vs. \$0.55. "The rationalization is that most government offices perceive themselves as potential targets," says Henry Garcia, vice president with Kroll, Schiff & Associates, a Chicago-based security consultant. "Consequently, they have committed to spending more money on security to try and mitigate that potential risk."

Hiring well-trained security guards is one way to mitigate that risk, so why then is their overall skill level so roundly criticized by security experts? "We have made improvements in terms of conducting criminal background checks and hiring better quality officers, but in terms of training and overall

upgrade of performance, my thoughts are that it hasn't changed a great deal since 9/11," says Garcia.

The marketplace will eventually solve the guard problem over the long term, Garcia believes. The salaries of security guards will rise as tenants and landlords place greater demands on them. "You are going to get better trained individuals, more interested individuals and people looking at this as an acceptable career alternative."

The good news is that owners are far more knowledgeable today about building safety than three years ago, and they recognize that security plays a vital role in maintaining their tenant base. Shortly after 9/11, Garcia made a presentation to a group of REIT executives to explain his company's services, which include performing risk assessments for facilities and implementing recommendations. "They were stunned that these services could be carried out in such an objective and comprehensive manner." Translation: Prior to 9/11 security did not rank high on the priority list of most office owners.

Ultimately, the best defense, Garcia says, is to combine good management and sound procedures with trained security officers and adequate technology. As we were putting this issue to bed, the 9/11 Commission released its final report on the tragedy, the events leading up to it, and the aftermath. On the issue of preparedness, the report summed up the issue perfectly: "Defenses cannot achieve perfect safety," according to the 9/11 Commission. "Just increasing the attacker's odds of failure may make the difference between a plan attempted, or a plan discarded."

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Bob, Billy, and Jethro were standing on one another's should trying to measure a flag pole. Just then, Betty Sue walked by. "Why don't you just take down the pole and measure it on the ground?" she asked. "Sometimes women are so dumb," muttered Billy. "We want to measure its height, not its width."

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Did You Hear The One About The Ex-Con Director Of Security?

Anthony Marshall

Florida International University
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It was an elegant birthday dinner. I was standing around with an Old Fashioned in hand when I noticed an attractive lady in a cocktail dress looking at me from across the crowded room. She rose from her chair and walked toward me.

"You probably don't know who I am," she said, "but it's time we met. In 1993, I was the general manager of the Sheraton Design Center in Fort Lauderdale, Fla.," she said. "Over the years since then, without you knowing it, I've sat through many of your hotel security lectures as you spoke about me."

1993 ... Sheraton Design Center ... Fort Lauderdale

"The bomb threat," I blurted out.

She smiled and nodded as I replayed the story in my mind.

It was the grand opening of the hotel's new sports bar. All the corporate brass were there. It was the perfect moment for a grandstand play, and this one was a doozy. The hotel's director of security (we'll call him "Joe"), hungry for corporate-level recognition and praise, snuck away from the gathering to a nearby pay phone and dialed 911 to call in an anonymous bomb threat targeted at his own hotel. Joe wanted his bosses--particularly of the corporate variety--to witness his remarkable command of an emergency situation. This could be his one-way ticket to a corporate-level position.

Joe reported the threat to his general manager, Joy Smatt. She immediately activated the hotel's safety-and-security plan (I give her great credit that she had a written plan in 1993, and that it worked). And there was Joe, taking charge and delivering an award-winning performance. Later, with no bomb being discovered, he stepped front and center to humbly receive the outpourings of praise from all his new corporate admirers.

One person was skeptical.

"I know that voice," the local police chief commented to himself upon listening to a replay of the 911 recording. Two weeks later, the police chief played the 911 tape to the hotel's executive staff.

"Don't tell me who you think it is," the chief instructed. "Just write the name down." Each wrote a name down, and the chief read each one aloud. They had all written Joe.

Joe must have gotten wind of the brewing suspicion because he disappeared, only to be apprehended shortly thereafter, tried and convicted.

At the time of his arrest, a standard criminal background check revealed a long list of previous crimes, including, unbelievably, Joe's most recent conviction for impersonating a police officer.

"How did this guy slip through the cracks?" I asked Smatt at the party.

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"I never thought of requesting a background check on my own director of security," she admitted. "I had inherited him upon being transferred there."

The 1993 incident ultimately proved harmless, but it was embarrassing for Smatt and the hotel. And it could have easily been avoided. In 1993, a full local, state and national background check, including a criminal check, could be obtained for less than \$25. One glimpse of those convictions, and Joe never would have been hired.

What's the law? Common law mandates hotels exercise reasonable care for the safety and security of guests. Hiring a convicted felon as a director of security might have a wonderful sense of irony, but it isn't reasonable. And, since Joe's criminal record could be reviewed easily and inexpensively, the hotel was extremely lucky that none of his actions resulted in a guest injury or death.

Generally, hotels aren't liable for the criminal acts of employees. Criminal acts fall "outside the scope of his or her employment" and are not "foreseeable" by management. But what if such an act was foreseeable? This is where background checks come into play. Let's assume a hotel doesn't order background checks of its employees because it's trying to save a few bucks. A criminal assault occurs. It turns out the employee involved has a history of violent behavior, which would have been revealed had a background check been done. The hotel might be liable. Carelessness on the part of the hotel placed the guest in danger.

Hotels should always have employee background checks on file, particularly for security, child-care and room service positions, and any employee who carries a master key. There's no way to hide from liability if you know or should have known of an employee's criminal history and a similar criminal act occurs.

"Don't take it for granted when you are transferred to another hotel that due diligence in background checks has been accomplished," Smatt recited, like it was tattooed on her brain.

She's now the GM of the Pier House Resort in Key West, Florida. I'll bet her director of security has a

spotless background record, has never cheated on his taxes and teaches bible study on Sundays.

Anthony Marshall, dean emeritus of Florida International University, has practiced hospitality law, focusing on issues of safety and security, for almost 25 years. He can be reached at amarshall@ei-ahla.org.

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"One If By Land,...Two If By Sea" The Maritime Security Problem

A snap-shot discussion

Michael Joseph Walsh

STANDA, Inc.

Milton, NH

The purpose of the following article is to surface a hopefully enlightened discussion on the Maritime Security issue as it relates to the United States and the United States' relations with the rest of the world. No fingers are pointing at anyone. I merely wish to enliven the discussion, generally, and hopefully stimulate the professional thought processes of all concerned with Maritime Security. We're spinning round a bit on many fronts nationally. We're actually still behind the power curve re-development-wise. National Intelligence infrastructure changes, inter-agency interoperation and enforcement mechanisms take time to develop. Never hurts to take time, sit down, grab a cup of hot coffee, and see *where we're at* during these trying times.

Going back a bit:

During the American Revolutionary War when British military forces were marching into Boston, the announcement signal of what to expect, and, how to respond to that incursion has echoed down through our history. Hence, the title of this article. Then, at the singular flash of light, the British Army came by land. The light came from the belfry of the Old North Church. The structure remains standing. Now, in our time, the second lantern signal has issued its warning. The trouble is the signal has been sent a number of times in the past few years. It does not appear, however, to have

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resonated down to the American people of just how critical this maritime threat is to our national security. Now in the 21st century we find ourselves in the perplexing dilemma of being attacked by sea, and not by the British. They have become our brothers-in-arms and our closest allies since hostilities subsided. The Triple Threat Environment may not be a thing of the past after all. What the Triple Threat Environment was geared towards was destroying your enemy by over-whelming his defenses in a multi-dimensional environment. A US Aircraft-Carrier (CV) for instance would be subjected to attack by SSN type submarine(s), surface ship missile attack and aerial assault. A skill, Russian naval bombers are good at.

Just taking this one step further, please hold the triple threat environment thought. What we have in the makings' now is a viable surface detonated nuclear weapons threat, coordinated precision attacks to our critical infrastructures via the internet and other attack Modus Operandi and assaults to our ability to retain maritime supremacy. Something the Chinese are paying close attention to. How to overwhelm us! And it will all come at us at once.

Before proceeding further along, let us take a look at some other historical maritime security issues from our own history. Back in the days of sail, a combined British Navy and Army operations Task Force sailed up both the Patuxent and Potomac Rivers to attack Washington, D.C. The attack was successful, key buildings were destroyed, the city was burned. The British launched this attack from Bermuda, sailed straight into the rivers and disgorged British Army forces to attack our nation's capital. Very bold move. It was their last show of strength before that war, which cost both sides much, came to a mutually agreed closing. Both sides saved what face they could. We were starting to mature.

Another facet of the war of 1812 which has escaped notice generally is the Battle of New Orleans. After the War of Independence, the United States was in a terrible struggle to gain its place in the world. George Washington knew better than anyone that the US could not afford another war, with anyone. The country was as yet (still) struggling with itself to emerge from the Crucible

of Revolution to a unified nation, knowing its place in the world.

Which is to say we were not quite gyro-stabilized enough to fight anybody. The Continental Army was all but disbanded, the nation was deeply in debt, the states were still fighting each other over their own self-interests and Washington's dream of westward expansion was going slower than he would have wished. What the Brits did was look at the map, and study it very carefully and methodically. Picture if you will a map of the US back then. Heavily marked with topographic features. Those terrain features stood out predominantly. They were navigational way-points men looked for when traveling. The outline of the country, in all its natural splendor, must have appealed to merchants, legislators, military campaigner, frontiersman and land-shark alike. The Mississippi River so dominated the picture. All rivers from east and west and north poured into this mighty river. And where did it all flow to they asked themselves. Looks like New Orleans m' Lord! Yes, yes, quite right old chap. Picture men gathered round the table coming to conclusions, 'That, gentlemen, is what we must attack and hold. Our gaining of New Orleans will give us the strangle hold on the American economy we must have; and, we shall then have our franchise back.'" Then someone could chime in: 'You'll be knighted for this m' Lord". Enter Stonewall Jackson. The old general wisely figured this out. No, he was not alone. There were many minds at work on this problem. Jackson, however, was the officer the nation counted upon to retain the City and its environs in American hands. The war of 1812 was largely financed by the Rothschild's Bank, which should indicate the importance many in Great Britain placed upon it's the capture of New Orleans. There was much at stake here. Ownership of New Orleans meant trade. Trade brings national prosperity. And it all goes by ships sailing upon every sea. The Battle of New Orleans saved our most critical port. New Orleans remains our most critical port to this day.

Most of our citizens pay little attention to such issues as critical ports. New Orleans to most people simply means Mardi Gras, great spicy food and wonderful French influenced architecture. All true. What is also true is that most of our oil imports

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flow into this sunken basin. Most of our grain exports flow from there as well. A large percentage of our refining goes on there as well. To lose this port due natural disasters, such as the recent Hurricane Katrina, or through the use of nuclear weapons or through simple maintenance negligence, will seriously imperil the entire country. We cannot afford to allow this. The City itself may not be precisely attacked. A well planned attack on what keeps the city afloat, potable water supplies and the destruction of road arteries would mount a terrible toll in lives and property.

In furthering this discussion let us now consider the impact of rivers upon us in the overall maritime picture. I'm using a river other than the Mississippi to broaden out thoughts into the situation as it exists globally. In South America for instance, there are over 500,000 kilometers of rivers:

The CIA says that any body of water 12 feet or greater in depth is considered 'navigable'. Rivers basically break down into Primary, Secondary and Tertiary bodies of water. Although I hasten to add there are some exceptions to the perfect world scenario wherein one goes gradually from larger to progressively smaller bodies of water. For instance, when one paddles or drifts along the current of the Bene River in Bolivia one can go from the main river straight to a tertiary stream. The entrance to this particular stream in mind was camouflaged. In truth, the only reason I found this entrance is: we stopped to conduct surveillance on the river to ascertain just how much traffic was moving on this river both day and night. While answering nature's call and looking down at the water I noticed a small piece of plastic wrapped around the base of a plant, very close to the ground. It was knotted round the base of the tree. This told me it was placed there with deliberation and was not drifting flotsam. When I looked further inward the canal I found a cable tied off exactly at its base and leading straight back along this tributary going back for some miles directly to a processing camp/lab complex. The stream measured about 5 feet wide and 2 feet deep. Plenty of water for flat bottom boats hauling illegal product to greater vessels on the main river. There were no trails associated with this tertiary river. A quick reconnaissance of the first 1 meter either side of this little tributary, proved that. The water was

still. Nothing but triple canopy jungle on both sides, and animals that can kill and eat you. I knew then, the Bolivian Military never came anywhere near these places. They would have been cut to pieces. Also, we discovered that the maps at that time were 40-60 miles in error running east-west. That situation has now been resolved. Rivers connecting to the sea require serious consideration. Our next Battleground is Africa. It has already begun. The sheer size of that continent's coastline, immense river systems, jurisdiction problems, AIDS, economics and natural resources. The key to Africa in my view is WATER. Once potable drinking water is brought too much of this landscape blighted by war, famine and disease, the incentives for our adversaries to seek refuge in these places will begin to dwindle. Again, this takes time.

Our national patience needs strengthening if our children are to cope with what awaits them.

No one appreciates high tech more than yours truly. However, our emphasis on the total reliance of highly technical means of surveillance could probably be balanced somewhat with more "men on the ground" type surveillance. The simple act of using a grappling hook to secure my small patrol boat – a 17ft Boston Whaler- on a main river in Bolivia and again in Colombia, Panama and parts of Honduras, reinforced the notion of the value of human surveillance. Systems don't have judgment, only people do. I also believe that such would impact upon a very lucrative portion of the economy as many are on board the federal blizzard of contracts for every idea someone in the Federal Bureaucracy comes up with regarding Homeland Defense. If we are not careful, we can lose our way. It has become obvious to me over the years that distracting us – meaning the US – is not all that difficult. More than one Muslim has told me that during this past year in Iraq. The wise blending of highly technical means to secure ourselves by surveillance large areas of ocean, river, port complex, is welcome indeed. One area ripe for innovation is sub-surface detection. I have seen recent side-scan sonar pictures of a man and a California sea lion passing thru the scope of surveillance. No mistaking man from beast. This particular system had a 180 degree arch. The battery is replaced semi-annually. The system can

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be tiered to a base station. A live human monitors the screens. Sub-surface pipelines, other key sub surface installations can now be seen 24/7. We appear to be on our way to considering the sub-surface environment defense.

If I may, and since this is an article/discussion on perspectives mainly, I should like to equip you with a Navy SEAL perspective on things. When swimming under an Aircraft Carrier it is both exciting and humbling. This particular ship was at what is known as Whiskey-50 anchorage in Hampton Roads. Good time for us to train. The weather is bad, the sea state is choppy and the current is running up-river. The current carried me to the bow of this giant ship. One senses his own self against such girth of steel. From the surface of the water it is difficult to see anything. Even swells of 1 foot make the work of satisfying that nagging

New Technology and Old Police Work Solve Cold Sex Crimes

James Markey

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In 2001, when the court system convicted a serial rapist of multiple sexual assaults in both Arizona and Florida, a new dawn began for his victims. During cross-examination, victim after victim described how their lives had been changed forever. The rapist's life sentence, though, finally gave his victims the chance to return their lives to normalcy. Many victims had experienced dramatic life changes, and they had been waiting months, or even years, for a conviction. The credit for arriving at this point goes first to the victims for surviving and never giving up hope and, second, to the detectives who diligently pursued these cases while employing new technology to uncover the guilty suspect.

The offender's rapes spanned over 20 years, and police speculate that the total number of rapes he committed could register in the hundreds. After confessing to some recent crimes under investigation by the Phoenix, Arizona, Police Department, the rapist also began to describe details of numerous other unsolved crimes still carried by police departments across the country. In essence, these investigations had gone cold, but

underwater question: Where am I? We plan by time and distance on combat swims. It is the same with every Frogman unit in the world. That's one perspective. Now enter the port from Boston Whaler to say Fishing Vessel height. Then graduate that sense on up to Carriers, ULCC, VLCC and Cruise Ships. One sees remarkably different things from each of these aforementioned perspectives. Also I have the propensity of looking out to sea and as well as looking to shore and getting the over-all look down-shoot down vertical photo of what it is we're considering here. Our understanding is that most people do not think of the whole range of maritime is multi-dimensional. What goes on under the water is either friend or foe. Very little neutrality in that sphere, as any SSN Captain will tell you. Those guys live three dimensionally every waking minute that boat is underway.

the Phoenix Police Department began to see an opportunity arising. Could it solve some unsolved crimes by reinvestigating and trying to match known offenders to these unsolved crimes? Realizing that sex crime offenders have expansive careers and analyzing the rapist's span of crimes, the Phoenix Police Department determined that solving serial sex crimes needed a new formula.

ESTABLISHING A COLD CASE TEAM

Across the United States, hundreds of unsolved sexual assault crimes exist. What happens to the victims of these cases? Many of the victims still may be living in a state of fear or shock. Moreover, nonresolution by police in high-profile cases erodes victims' and the public's confidence in the justice system, and this same nonresolution empowers suspects to believe that they can beat the system. Upon completion of the serial rapist's case, the Phoenix Police Department conducted an internal audit of its resources and began to ask many questions. How can thousands of victims be better served? How can victims be given new hope and confidence that their cases will remain priorities with local police departments? Within most sex crimes units, detectives' tenures fluctuate, and investigations are worked until all leads are exhausted and have resulted in no suspects. The Phoenix Police Department realized that reopening these cold cases, solving the complex crimes,

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linking multiple offenses, tapping into new DNA technology, and presenting a resolution to the victims represented department priorities. After all, a component of community-based policing includes solving crimes.

Early in the audit, the department realized that this effort deserved a multidisciplinary team approach. The department's investigation, laboratory, and victim services divisions all combined to form the nucleus of the team. With a strong nucleus assembled, the department explored outside its doors for additional partners in the effort. Through good public relations and hard work, the department secured grant funding for the program and solidified the strong, existing relationship with the local prosecutor's office. With assembly of the team finished, the first cold case sex crime team devoted specifically to investigating sexual assaults could offer new hope for many sexual assault victims.

DEVELOPING A STRATEGY

The internal audit of the Phoenix Police Department revealed over 1,700 sexual assault examination kits gathering dust while waiting for evaluation and screening. In addition, over 700 new sexual assaults were being reported each year. The first priority of the new cold case team became gaining a genuine commitment from the entire chain of command of the police department. By gaining a commitment and a vow of cooperation from every officer, including the chief, this goal was reached, allowing investigators to begin research.

After identifying the need for a team effort, the logistics of establishing a team became the priority. In 2000, the department applied for a state of Arizona grant just as it became available. After a review process, the department received the grant, resulting in 18 months of funding for the creation of the Phoenix Cold Case Sex Crime Team. (1)

Upon release of the funds, the cold case team began to develop a strategy for success. With the understanding that a program is only as good as the people who run it, a seasoned investigator, with 10 years of experience in sex crime investigations, was chosen to lead the team. A complete understanding of sexual offenses, rapists, and their victims is a key component for the successful investigation of these crimes. With an

investigator in place, the team began to enlist other partners to ensure success. The department's laboratory was in the process of obtaining national certification for DNA testing. Knowing that lab results would play a big part in these investigations, the team forged a relationship. However, resources, including personnel, became an issue. The cold case team witnessed an evidence bottleneck occurring in the lab--the limited staff could not handle the dozens of requests for sex kits. Thus, the cold case team decided to transfer the grant-funded position of detective to the lab to hire a new analyst. The lab, in turn, looked for additional funding. The lab located funding in a National Institute of Justice grant that would allow it to outsource kits to private labs for screening. (2)

DEALING WITH NEGLECTED VICTIMS

The cold case team next wondered how it should approach victims living with unresolved incidents for extended periods of time. Professional advocacy became the logical solution. Funding allowed the department to hire an advocate to deal with the multitude of victimization issues that would arise from these cases. Most victims had left the area, moved their lives forward, or done their best to forget the crime. However, most still were interested in prosecuting and had been wondering what had become of the investigation.

To help reluctant or frightened victims cope with the reopening of a case, the advocates, generally civilian police employees, specialize in victim assistance and crisis intervention. Furthermore, advocates can act as a resource referral for long-term assistance. These advocates help victims over the initial fears and concerns of prosecution, explain the justice system, gain their confidence, and occasionally renew cooperation. Several cold case victims simply are pleased, and most certainly surprised, to find their cold case not forgotten but still an active case.

Two specific hurdles of investigations and prosecutions are deceased and unwilling victims. A basic right of accused individuals is to face their accusers. How should this be addressed with no victim? As with all obstacles, police departments should work closely with prosecutors to develop a review process that addresses each case on an individual basis. All victims, including those

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deceased, (3) make statements at or around the time of the assault. These statements typically are voiced to police, medical personnel, and, on many occasions, friends. Courts may treat these statements as exceptions to the hearsay rule, and witnesses of these statements may be able to testify to them in court. Combining these statements with corroborating evidence collected at the crime scene has proven successful at combating the issue of deceased victims.

On the other hand, many victims simply do not want to pursue their case any further. Victims have blocked it out, moved on, or may just not want to relive the trauma. Ultimately, this is the victim's decision. The Phoenix Police Department respects this decision, offers as much assistance to the victim as possible, and believes other police departments should follow suit. The department also believes in avoiding court proceedings with these cases if the victim wishes to do so. Many times the prosecutor's office will negotiate a strong plea agreement with suspects. This practice satisfies most victims while avoiding harmful court trauma and still holding suspects responsible for their actions.

After establishing the cold case team, Phoenix investigators tackled numerous neglected victim cases, but which, when they turned cold again, were filed without new leads or suspects. For many victims in the community, resolution never arrived. Taking a step back and assessing the entire situation, investigators used the theory, typical rapists commit multiple attacks during their careers, to their advantage. By deciphering "old" cases, investigators began to see patterns in "new" cases. Linking these crimes can enhance prosecution, produce longer sentences and more plea agreements, and instill a community belief that the police continue to work and solve difficult, high-profile cases.

INVESTIGATING "NEW" CASES

The cold case sex crime team conferred with the department's existing cold case homicide squad and adopted its successful tactics, resulting in a unique database for organizing and tracking unsolved cases. All cases were reviewed and evaluated for solvability based on a set of criteria. These criteria included the reevaluation of all evidence (still in property), initial victim interviews,

and all witness interviews. Investigators also deliberated the possibility of linking cases through offender behavior, method of operation, and signature.

Reevaluating Evidence

When reevaluating physical and biological evidence in these cases, investigators noted the evolution of DNA technology in the last 5 years. The cold case squad quickly learned that sex kits evaluated as recently as the early 1990s needed retesting for biological evidence based upon advances in DNA technology. With new methods and more refined testing, many cases relinquished previously unfound evidence with the use of new DNA technology.

Identifying Suspects with DNA

As with all investigations, identifying the unknown suspect ranks as the first priority. After identifying the suspect, the focus shifts to locating the newly identified suspect. In many cases, a DNA hit from the Combined DNA Index System (CODIS) database from a cold case results in a second investigation into a suspect's current location. Not only must investigators locate and apprehend the suspect but they also must obtain a new DNA sample to confirm the original cold hit. DNA databases provide investigators with new leads in these cases, but these new leads mean starting some investigations all over again.

Recently, CODIS and other local DNA databases have begun to expand the amount of profile information investigators can access. The comparative abilities of these DNA information systems continue to evolve and improve almost on a daily basis. Each week, these DNA information systems compare more unsolved cases to known offenders than the previous week. These databases have two distinct sections. The first is built on blood samples contributed by convicted offenders. (4) The second section originates from DNA evidence collected, profiled, and submitted by law enforcement agencies from unsolved crimes. Even though the amount of information continues to expand, law enforcement has a long way to go in this area. As an example, a U.S. Department of Justice study in 1999 showed that of 746,962 suspect (offender) blood samples, only 362,987 have been DNA profiled, analyzed, and entered

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into CODIS. While waiting for comparison to unsolved crimes, unrecorded offender profiles lie dormant. Unfortunately, in the real world, personnel, multiple priority cases, and other internal factors have an impact on how and when these databases are able to fulfill their investigative potential.

The Phoenix Police Department discovered that many cold case DNA hits stem from crime scene evidence (generally biological) submitted by other law enforcement agencies on their own unknown or unsolved cases. These DNA cold case hits can help revive investigations. For example, a department may have a case go cold, with no identified suspect; however, it may find, through DNA evidence, its investigation linked with another department's unsolved case. These two agencies then could communicate and share information, helping to keep their respective investigations alive.

What happens, though, when DNA matches a known suspect? Questions begin arising, such as "Is the suspect incarcerated?" "Is the suspect out of custody, roaming in another jurisdiction?" and "Is the suspect's exact location known?" The Phoenix cold case team discovered few procedural or investigative guidelines to answer these questions. The cold case team also recognized that once a cold case hit identifies a suspect in a DNA database, the investigating agency must determine when, where, and how investigators took the original blood sample from the suspect. Chain of custody of the original blood sample can become a huge impediment for investigators. Most prosecuting attorneys concur that a second, fresh sample of the suspect's blood is required. Analyzing this second sample confirms the initial database cold hit and ensures a clean chain of custody for future prosecution.

The Phoenix cold case team discovered that with multiple jurisdictions involved, legal issues addressing warrant and court orders for suspects' blood samples become substantial investigative and prosecutorial concerns. Again, interagency communication and cooperation become paramount. Regardless of suspects' current location, investigators must remain aware of the local jurisdictional laws and follow them to avoid investigative errors. The key to successful prosecution is minimizing or eliminating

investigative errors that may aid the defense. Even though a quick and thorough prosecution remains one of the goals of any investigation, the Phoenix Police Department has found that identification in a cold case simply means the start of a second investigation. However, the second investigation gives victims new hope and strengthens police departments' connections with their communities.

CONCLUSION

Establishing a means for using cold sex crime cases to supplement current investigations constituted a creative vision that has become a monumental success for the Phoenix Police Department. Clearly, the success of any new police crime-fighting initiative is based on a multidisciplinary approach. Technology, old-fashioned police work, victim advocacy, and interagency cooperation need to work in harmony to produce positive results. All team members must be committed to their particular role, to their profession, and, most of all, to the victim. Police administrative leadership must understand and realize the importance of such programs, not only within the department but also within the entire community. If the public and victims lose their hope and their confidence, the community will follow suit. Police departments hold the future of victims and communities in their hands, and how police departments across the United States approach high-profile crimes, especially sex crimes, will map the future of community life.

Endnotes

1 This grant has been renewed for 2003.

2 For 2003, the federal government has earmarked additional grant funding for equipment and testing related to the backlog of DNA evidence. All agencies across the United States should apply for funding because many programs, if described correctly, are eligible for assistance.

3 These are mainly elderly victims who have passed away from causes unrelated to the rape.

4 State laws are in place as to who must provide blood samples for entry into CODIS (e.g. convicted sex offenders).

Statistical Recap of the Cold Case Team

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As of June 2003, the cold case sex crime team reviewed in excess of 1,000 cases dating back to the 1960s. The team identified 31 suspects with DNA evidence or another method of forensic or trace evidence and cleared 58 cases (charged, submitted for prosecution, or used as an aid in prosecution).

Remedy to Statute of Limitations

Statutes of limitations also become investigative hurdles and concerns for investigators. The Phoenix Police Department recently reopened one cold case from 1994 when a DNA cold case hit from a suspect in federal custody was identified. The state of Arizona statute of limitations was 7 years for the offense under investigation. This limited the investigators' response time to file charges to a few weeks. Fortunately, the relationship with the Maricopa County Attorney's Office put the investigators in a position to file charges prior to the time limit. In August 2001, as a remedy to such problems, the Arizona legislature removed the statute of limitations for sexual assault.

DNA Success

One example of a cold case success involved a 68-year-old female who was approached by a suspect in her bedroom. The suspect robbed and sexually assaulted her. The suspect fled the area and was never identified. In January 2000, detectives on the Phoenix Cold Case Sex Crime Team reviewed this case and reexamined the sexual assault kit for biological evidence. Prior tests of the kit revealed no DNA, but with new, more refined testing, DNA presented itself. Detectives submitted this evidence to CODIS, resulting in a nationwide search. They received a hit indicating that the suspect was in custody in Alabama on unrelated charges. Detectives flew to Alabama and interviewed the suspect who admitted his involvement. In March 2002, authorities convicted the suspect of sexual assault and kidnapping.

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Q: What do a tornado and a redneck divorce have in common?

A: Either way, someone's going to lose a trailer.

Best Practices of a Hate/Bias Crime Investigation

Walter Bouman

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FBI Law Enforcement Bulletin*

On April 23, 1990, the U. S. Congress signed the Hate Crime Statistics Act into law. (1) Previous to this act, hate/bias crimes existed, but were not tracked or focused on as a specific type of crime. For example, Adolf Hitler's attempted genocide in the 1930s and 1940s registers as one of the most heinous acts in history and the abomination that all hate!

Bias crimes are measured against, but, at the time of its discovery and investigation, no act or specific guideline for investigating and classifying hate/bias crimes existed.

The FBI defines a hate/bias crime as "a criminal offense committed against a person, property, or society which is motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, or ethnicity or national origin." (2) Hate/bias crimes destroy communities, as well as hoard resources from law enforcement agencies. Hate/bias crimes tear at the very fabric of American society--a society based on clear and certain truths intended for all citizens and communities and distinctly stated in the Declaration of Independence. "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the pursuit of Happiness."

Law enforcement agencies and officers need to know the issues, guidelines, and action steps that comprise an effective hate/bias crime response and investigation. (3) Law enforcement agencies also should ensure that investigators receive training in such critical elements as understanding the role of the investigator, identifying a hate/bias crime, classifying an offender, interviewing a victim, relating to a community, and prosecuting an offender. When hate/bias crimes occur, they deserve investigators' timely response, understanding, and vigilance to ensure an accurate and successful investigation. While veteran investigators of hate/bias crimes recognize these basic tenets, they also know the importance of revisiting them periodically to remind law

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enforcement officers how to handle fragile victims, families, and communities that have been traumatized by the hateful act of a criminal. Furthermore, the events of September 11, 2001, require the law enforcement community to render special attention to these crimes because the hated community was the entire United States and its way of life.

Understanding the Investigator's Role

All investigators responding to or helping in the investigation of a hate/bias crime must be caring and compassionate persons. They must tolerate all races, religions, national origins, sexes, sexual orientations, and disabilities to maintain a nonjudgmental attitude throughout an investigation. Investigators must have comprehensive knowledge of the general elements and motivations behind hate/bias crimes. Investigators also need to recognize the potential of such crimes to affect the primary victim, the victim's family, other members of the victim's group, or the larger community.

When working with the victims of a hate/bias crime, the role of the first responder is critical. (4) In many instances, the investigator is the first contact with law enforcement, the government, or the justice system that the victim may have experienced. Investigators become representatives of their entire agency, and, without a good first impression, the victim may feel driven away. Driving a victim away, even unintentionally, will slow an investigation and cause the victim to feel even more alienated. Responding to a potential hate/bias crime in the correct fashion can open the lines of communication between the victim and the investigator, but it also can ensure that the search for offenders begins in the right direction.

Identifying Hate/Bias Crimes

* Was the victim a member of a targeted class?

A common, but critical, mistake in a hate/bias crime investigation is the misidentification of the crime. Attempting to correct a misidentification with a victim, community, or within a law enforcement agency is time consuming and difficult at best. Officers unsure about identifying a potential hate/bias crime should consult with a supervisor or an expert on the topic. They should

use the department chain of command to inform the department of the incident and to update key members throughout the investigation. Questions similar to the following will help investigators identify hate/bias crimes and begin an investigation.

* Was the victim outnumbered by the perpetrators?

* Did the victim and offender belong to different groups?

* Would the incident have taken place if the victim and offender were of the same group?

* Have other incidents occurred in the same locality or in a similar place?

* Have other incidents happened at similar times?

* Is the time significant to hate-motivated groups?

* Were the victims of these incidents members of a targeted group?

* Was the victim a member of a protected class that is outnumbered by members of another group in the neighborhood?

* Did the offender use biased oral comments, written statements, or gestures?

* Were bias-related objects, items, or symbols used or left at the crime scene?

Classifying Offenders

Equipped with the answers to these questions, investigators should be able to determine if the crime was committed based upon hate or bias and, if so, begin to investigate the motivations of the offender. Hate/bias crimes, offenders, and their motivations all typically fit within five basic classifications.

1) Thrill seeking: Generally groups of young people, these offenders are motivated by the experiences of psychological or social excitement, mere pleasure, or the gain of bragging rights. Their targets often are unknown outside the groups they represent. Hate/bias-based graffiti or verbal or

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physical assault represent offenses of this classification.

2) Organized: Motivated by the need to express their profound resentment against, for the most part, minority groups, these offenders look for a role model or leader who will organize and encourage them to act. Skinheads and their activities exemplify this classification.

3) Missionary: Usually identifying with a specific leader or higher power, these offenders seek to rid the world of evil by disposing of the members of an identified and despised group. Those led by Hitler typify this classification.

4) Reactive: Typically showing a lack of tolerance for individuals of other groups, these offenders protect and defend what belongs to them (a country, community, neighborhood, school, or church) from outsiders. Average citizens defending their race against another race characterize this classification.

5) Identity conflicted: Motivated by self-hatred or self-protection, these offenders assault targets with whom they share common traits or characteristics. A homosexual person targeting or assaulting other homosexuals epitomizes this classification.

Once a crime has been responded to, recognized as a hate! bias crime, and classified as such, investigators should conduct a timely and comprehensive follow-up investigation. Knowing and understanding the five typical classifications, as well as remaining aware of meaningful calendar and anniversary dates (e.g., Hitler's birthday), key symbols (e.g., tattoos, mantras), or previous patterns of activity significant for these groups and their agendas, can assist in an effective investigation. Investigators must proceed promptly to keep the incident from escalating, apprehend the perpetrator, and diligently process all physical evidence, all while remaining sensitive to the feelings and needs of the victim or surrounding community.

Interviewing Victims

Hate/bias crimes are uniquely violent and traumatic. Victims of these crimes feel degraded, isolated, frightened, suspicious of others, powerless, and depressed. Some victims

experience severe trauma and denial about the incident, and some victims and families may feel emotionally disturbed for extended periods of time. This long-term stress can take a substantial toll on a family and the surrounding community. Effective investigators know and understand these elements of hate/bias crimes.

Responsive and sensitive investigators also understand how important their communication skills are in these cases and that, in many cases, listening is more important than talking.

When interviewing the victim of a hate/bias crime, investigators must pay attention to the victim's state of mind and do everything in their power to gain useful information while creating a nonstressful environment for the victim. Investigators should interview victims in private. This will help calm victims and remove them from any distractions. Investigators who allow a close friend or family member to join the interview will experience calmer victims. These people will provide support, keep the victims focused, and help them relax. However, official statements cannot be made for victims by friends and family, and investigators should make this clear. Some victims also may require, or be more comfortable with, an interpreter.

Investigators should ask questions slowly and allow the victim plenty of time to think or recall important details. Some questions will be difficult to ask and answer; therefore, investigators never should become impatient or argumentative with the victim. Investigators need to collect critical information about specific acts or words used by the perpetrator, as well as record and compile anything else that can help establish a motivation of hate or bias. Victims also will need time to vent frustration and display emotions. To help facilitate this, investigators should express a genuine sense of care and concern throughout the investigation. Last, investigators must help victims connect to sources of support in the community. The critical information gathered during these interviews will be advantageous to a thorough and expeditious investigation, the apprehension of perpetrators, the prosecution of the crime, the response to other such crimes, and the prevention of hate/bias crimes in the future.

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Relating to Communities

Many citizens do not understand hate/bias crime laws, investigation procedures, or the time required to complete a successful investigation. Thus, investigators need to work as liaisons between their agency and the community. Educating victims and others about hate/bias crimes should become a priority and coincide with an investigation. Victims and communities will then better understand probing and inquisition regarding the incident. Moreover, education could become a valuable investment in future prevention or response to such crimes.

Investigators can use many tactics to educate, train, and empower communities to fight hate/bias crimes. Establishing and training Neighborhood Watch groups, encouraging community meetings and community problem-solving activities, and supporting community efforts by involving local law enforcement agencies are just a few of the ways investigators can make a good first impression with the community. Investigators also can train targets and victims of hate/bias crimes as responsive and preventive advocates; engage members of local community organizations to help with the response, investigation, and prevention of hate/bias crimes; and help coordinate critical support services for primary and secondary victims. Vigorously responding to and investigating hate/bias crimes in the local community and using the media proactively to inform and educate the community also will generate trust for investigators within a community. On a larger scale, using national resources, programs, and models for prevention, response, and healing will help revive communities.

Working with the families, friends, neighbors, and communities that surround a hate/bias incident becomes as important as working with the victim. Secondary victimization induces blame, outrage, or fear in a family, group of friends, or community. These groups may be motivated to act in response to a hate/bias crime and retaliate in their own ways unless they are educated and provided other options for response or healing. Moreover, no better advocates exist in a community than victims of a hate/bias crime. Training victims and communities to cooperate with law enforcement and other community programs takes the control out of the hands of the perpetrator, instills

confidence in the victim and community, and prevents future crimes.

Prosecuting Offenders

To instill even more confidence in an affected community, investigators must help with the prosecution of offenders. Keeping the state district attorney's office informed and involved is absolutely necessary for effective prosecution of individuals involved in hate/bias crimes. Federal violations will require the involvement of federal agencies. In these cases, establishing rapport with the federal agency assisting in the investigation and with the U.S. Attorney's Office will constitute the correct avenue for investigators. Also pertinent to investigations is the fact that some states do not have hate/bias crime laws. Departments and investigators in these states must be willing to assist the federal agencies and unite with the U.S. Attorney's Office to ensure the prosecution of suspects. A working relationship with any state or federal attorney's office and its investigators can help develop a joint road map to a successful investigation and prosecution, secure needed search warrants, establish rapport between the victim and the prosecutor, and introduce the victim and community to the inner-workings of the justice system.

The goal of an investigation is to bring the criminal to justice. Prosecution of the perpetrator will help the victim and community bring closure to the horrid events and will bring law enforcement and the community more into harmony, thus creating a safer place for people to live and work.

Conclusion

Law enforcement officers who respond to or investigate hate/bias crimes must understand the complexities that define such acts. In turn, they will benefit from informed choices and actions that can help keep or return a community to a safe, secure, and peaceful state. Before the goal of returning a community to normalcy can be achieved, however, investigators have the task of dealing with families, the community, and the local media, in addition to the victim and offender. Furthermore, multiple law enforcement agencies must be included in the investigation to ensure that every logical question is asked and every practical scenario is investigated. Law enforcement

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agencies and departments that understand the connections between these actions and results will promote the sensitive, timely, and effective response and investigation of hate/bias crimes in their communities.

Endnotes

(1.) U.S. Department of Justice, Federal Bureau of Investigation, Uniform Crime Reporting Program, Hate Crime Statistics 2000 (Washington, DC, 2001). For more information on collecting hate crime, see U.S. Department of Justice, Federal Bureau of Investigation, Uniform Crime Reporting Program, Training Guide for Hate Crime Data Collection (Washington, DC, 1997), 60.

(2.) Ibid., Training Guide for Hate Crime Data Collection, 59.

(3.) The author reached the conclusions in this article by drawing on his 15 years of teaching experience on hate/bias crimes, as well as his 33 years of experience with the Los Angeles County, California, Sheriff's Department.

(4.) In some agencies, the first responder is also the lead investigator, while in other agencies the lead investigator is a different officer. For the purpose of this article, the roles of the first responder and the lead investigator are combined and referred to as the investigator.

Mr. Bouman currently trains federal officers in California and New Mexico in cooperation with the Federal Law Enforcement Training Center (FLETC) based in Glynco, Georgia.

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Selfridge ANG: It Was the Nerve Center For Super Bowl Security

Kyle Lohmeier
Staff Writer
The Voice
New Baltimore, Michigan

Buried deep inside a brick building not far from the runway at Selfridge Air National Guard Base, is a room with dire warnings regarding the use of

deadly force posted on its external door, a door which cannot be opened at the same time the internal door is open.

It's the Joint Air Special Operation Center, the nerve center that kept airspace over Detroit safe and secure last weekend during the Super Bowl. Rows of computer workstations facing a giant projection screen filled the small room. Inside, representatives from the Federal Bureau of Investigation, Michigan State Police, Detroit Police Department, Oakland County Sheriff Department, U.S. Air Marshal Service, Transportation Safety Agency, Federal Aviation Administration, U.S. Coast Guard, Air National Guard, Canadian Air Force and NORAD worked away at the task of keeping the NFL's first international Super Bowl safe from any terrorist threat.

Commanding the entire Super Bowl security effort was Rear Adm. Robert J. Papp, Commander of the U.S. Coast Guard Ninth District and tapped by Department of Homeland Security Secretary Michael Chertoff to head up the effort. He worked closely with Brigadier General Michael L. Peplinski, commander of the 127th Wing at Selfridge, to coordinate those efforts.

"We're always a busy border area, midway between the Blue Water Bridge in Port Huron and the tunnel and bridge crossings in Detroit. It's a great place for a base, " Papp said. "We're well prepared. We had a dress rehearsal called The All-Star Game - I coordinated that and now we're back together for the Super Bowl.

Papp said the degree of preparedness and the precautions being taken are on par with other Super Bowls held since Sept. 11, 2001.

"I'd say this event is different because we're on an international border," Papp said.

To address technical and jurisdictional problems the indefinite border running down the center of the Detroit River, Lake St. Clair and the St. Clair River presents, the U.S. Coast Guard has deputized several members of the Royal Canadian Mounted Police. Conversely, several members of the U.S. Coast Guard have been designated Supernumerary Special Constables by the Canadian government; the arrangement is expected to enable law enforcement from both countries to work on either

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side of the border as need be on a temporary basis.

Temporary flight restrictions were in effect over Detroit as well, and its proximity to the international border made it impossible to restrict airspace within a 30-mile radius of Detroit without coordinating with Canada.

Fortunately, NORAD's authority covers all of North America and not only are airspace restrictions coordinated with Canada, but Canadian Air Force CF-18 Hornet multi-role jets, similar to the US F/A-18 Hornet, are participating in the operation as well.

Quite a variety of aircraft from both countries and different branches of military service were busily flying overhead last weekend as part of the operation. F-16 Fighting Falcons, C-21 Lear jets, HH-65A Dolphin helicopters, Canadian CH-164 Griffons, Coast Guard HU-25 Guardians and an E-3 Sentry Airborne Warning and Control aircraft.

The Sentry is based on the Boeing 707 frame and mounts a 30-foot wide radar dome on the top of the fuselage. With that radar and the plane's integrated electronics, it can monitor a huge portion of airspace while simultaneously tracking and dispatching airborne assets.

Of course, at the controls of all those planes are the dedicated pilots that keep them aloft. Those pilots came from all over North America to participate in the Super Bowl operation.

"We handle search and rescue and marine environmental issues, wherever we're stationed, we're doing that same mission. We won't be doing fisheries here so much, but as trained pilots we're all trained to do the same things," said Lt. Rodney Rios who flew to Selfridge from Atlantic City on Wednesday, Feb. 1, to assist with the Super Bowl operation. "Anytime you can help out with keeping the citizens secure, that a wonderful experience."

Of course, Selfridge is home to the 127th Wing and its F-16 Fighting Falcons, which played a major role in keeping the airspace safe last weekend.

The degree of readiness wasn't anything new for the pilots, who've been sitting alert 24 hours a day, every day, since Sept. 11 and have flown scores

and scores of random patrols over the region since that day. One such pilot, Lt. Col. Bill "Tree" Hargrove described the role of the fighter jets assigned to Super Bowl security as the very last line of defense, after efforts by the FAA and TSA fail to divert a potentially hostile aircraft out of the restricted airspace. From Selfridge, F-16s on the tarmac could be over Detroit very quickly, according to Hargrove.

"I made it from Selfridge to Alpena in 16 minutes one time," Hargrove said. "We can be anywhere in a hurry."

And, should the worst happen, Hargrove said they do have the authority to shoot down hostile aircraft if all other efforts to divert it fail. While the F-16s armaments include a 20mm gatling cannon and the ability to carry a variety of air-to-air missiles, their precise loading for the weekend was among the secrets Papp and his subordinates weren't letting slip.

"We'll be in the air during the Super Bowl," Hargrove told the reporters gathered on the base's tarmac.

War Zone Surveillance

John Sexton

Sexton Executive Security

Fairfax, Virginia

I arrived in Zagreb, the capital of Croatia in February of 1995, having spent the previous year in Mozambique working with the United Nations on the ONUMOZ mission. I would eventually discover that the UNPROFOR mission in the former Yugoslavia had grown to become the largest U.N. mission in history. Slovenia had broken away from the other Baltic States in a fairly bloodless revolution but sadly, the same could not be said for Croatia, Serbia and Bosnia/Herzegovina. It was hoped that the introduction of 45,000 International peace keeping troops and civilians would help to restore peace into the troubled region.

I was appointed Deputy Chief of the Special Investigations Unit (S.I.U.), based in Zagreb. The team consisted of International Investigators from Great Britain, New Zealand, Australia, Belgium, Czech Republic, South Africa, Norway and Ireland. We answered to the Chief of Security who oversaw the various security detachments throughout the

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region - from the Slovenian border in the North to Macedonia in the South. When serious incidents or allegations came to light, the office of the Special Representative of the Secretary General would instruct SIU to investigate the validity of the claims. Some examples of the types of cases that we were asked to investigate included; murder, kidnapping, embezzlement, grand larceny, black marketing, unfair hiring practices, etc. Actually, we were responsible for every type of investigation except war crimes involving genocide. The "ethnic cleansing" crimes were the responsibility of the War Crimes Tribunal in the Hague.

Since UN employees, both local and international staff, are paid in dollars, there is always a significant influx of US currency where very little existed previously. The local criminal element soon figured out the benefits of getting heavily involved in counterfeiting the popular currency. One of the first joint investigations I experienced was working along with the Organized Crime Bureau in Zagreb. Like all of the other Government agencies, there was never a sense of urgency. Nothing could be started before many meetings over endless cups of thick Turkish coffee. It was after a few of these joint-task force meetings that I decided I was going to learn the local language. The unit's local investigator/translator was a former Croatian Police Detective who had changed sides due to being offered a salary that was many times greater than that which the local Police were paying. Davor was in his element back amongst his former colleagues. With a cigarette in one hand and a coffee in the other he would talk animatedly for long periods without coming up for air. Whenever I saw the opportunity to get a word in edgeways I would ask him what they were saying. "Don't worry John", he would assure me, "it's all bull".

Apart from a cluster bomb attack a few weeks after my arrival, Zagreb city was fairly safe. However, since we had the responsibility to conduct investigations throughout the entire theatre of operations, we had to cross the front lines of the war torn region on a regular basis. Usually not having the luxury of back-up or being able to call back to H.Q. for assistance, we had to rely on our own wits and communication skills to talk our way out of trouble. It's quite amazing how creative one can become when a battle-hardened soldier sticks an AK 47 in the driver's window and starts asking why you are attempting to drive through his area. Fortunately, I found out that as an Irishman, I was

accepted by all of the factions no matter which side of the divide I happened to be on. I was told by the Serbs that the Irish were just like them; "We fight the Croats and Irish fight the English". Of course the Croatians had good time for the Irish since Croatia is largely Catholic and they believed that every one from Ireland was automatically a Catholic. The Bosnian Muslims were in love with the Irish ever since Bono and U2 started highlighting the plight of those under siege in Sarajevo during their concerts. The city later made Bono an honorary Bosnian.

In March 1995 I was sent to conduct an investigation into UN employees involved in black marketing in Sarajevo. As I mentioned earlier, there was a good level of security in Zagreb. police men walked the beat and drove around in police cars, people walked around the city, the trams worked, children went to school, etc. However, Sarajevo was under siege from the Republic of Serpska and all law and order had broken down. Hundreds of snipers lined the mountains around the city and constantly shot into the streets killing indiscriminately. When the C-130 I flew down on was about to land, the pilot had to nose-dive for the landing strip of the airport and make a tactical landing. A month previously the then Chief of Security was accompanying the SRSG, Mr. Akashi, down to Sarajevo for some meetings. As the UN aircraft made its approach, it came under fire from the Republic of Serbia forces that were encamped around the airport. The chief of security took a number of rounds of fire. He survived but had to be airlifted to Germany and returned to the States when he was able. We later discovered that he would be crippled for the rest of his life as a result.

Since the authorities did not know the extent of the black marketing, the investigation had to be extremely covert and had to be conducted without involving any of the civilians based in the city. I was therefore adopted by a European military unit who were based up on the grounds of the 1984 Winter Olympic Stadium. Unfortunately the Stadium had been bombed beyond recognition but thankfully it did have a good underground bunker to which we would all dart every night once the mortar attacks started up after midnight. After some fact gathering and surveillance, I was ready to hit the streets in order to try and identify the UN employees who were involved in selling black market items "on the street".

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There were fortunes made by the local gangsters who would rip off humanitarian aid and sell it for astronomical amounts of money. During the early days of the siege, in 1992/93, a kilo of salt (2.2 lbs) sold for 20 Deutschemarks or \$10.00. A bag of sugar sold for twice that amount. A lady once told me a story of how she went to visit her husband in the hospital after a mortar had torn through their apartment building and had nearly killed him. In order to cheer him up, she spent the last of her money on an apple at the market. That one apple had cost her \$5.00.

It was reprehensible that UN people who were supposed to be helping with relief work would be involved in selling over-inflated items that they had purchased from their duty-free PX. The officials back in Zagreb needed to find out who was involved and stamp it out before the local citizens looked upon every one down there as a criminal. The Commanding Officer of the unit who was looking after me dispatched vehicles to help me conduct the surveillance. Unfortunately, the military's idea of keeping me safe was to put me into a huge Armored Personnel Carrier and to have a couple of jeeps riding in front and behind. The only way for me to actually see out of the APC was to pop my head out of the machine gun turret every once in a while. The next day I talked one of the young soldiers assigned to the convoy into letting me ride up front in the jeep. This worked a little better and I could actually observe the UN vehicle involved in supplying the local bars with illegal alcohol. However the young soldier was so nervous that I was going to get myself killed riding in his jeep instead of the APC, that he kept losing our subject.

On the third day I was losing my patience trying to conduct surveillance from the middle of a military convoy. As we drove along "sniper alley" where the UN vehicle had returned to re-stock the local bars, I grabbed my camera equipment (stuffed into a pillow case so as to not look too valuable) and told my nervous driver to pull over as I was jumping out on foot. The only way I could get him to actually stop was to assure him that I would tell the Camp Commander that it was all my idea and that he had tried his best to talk me out of it. With that, I joined the locals in darting from street corner to street corner in order to make ourselves a harder to hit target for the snipers. At least I was a harder target in the very beginning.

By about the third day of foot surveillance I became so engrossed and so focused on my target that I forgot to dart and crouch and to always keep a concrete bollard between me and the snipers. I had finally found a perfect spot to shoot a video of the transaction between the UN staff member delivering cases of illegal alcohol to a bar owner along "Sniper Alley", complete with him holding his hand out and receiving the cash. I was all proud of myself until a sinking feeling came over me when I realized that I was standing dead-still within clear shot of the sniper's position about 80 – 100 yards from the front lines of Serb-controlled Sarajevo. I could just about feel the cross hairs of someone's scope on my back. After a couple of days of successful video taping of the culprits I was able to put a clear-cut case together and following a few more days of interviewing, arrangements were hastily put in place to have those involved repatriated back to their own country. Mind you, any kind of prosecution was just about non-existent. No matter how grievous the offense, the ensuing disciplinary action nearly always resulted in a paid ticket home.

When I tried to return back to Croatia I found that my flight had been the last flight into Sarajevo before they had closed down the airport and put it on red alert. Nobody knew when conditions would be safe enough to resume flights, so every evening I had to put my name on a passenger manifesto and go to the airport the following morning at 6am in a military convoy to see if that was the day I would be allowed to leave. This "groundhog day" trip continued for a full week before I took matters into my own hands. I contacted the civilian transport section and asked them if they had any drivers going up to H.Q. in Zagreb. Luckily there were a couple of vehicles that needed to be brought up and I was able to talk my way into getting a lift. The only problem with this was that I did not show up any list like the others. I had flown in to the country and legally I should have only left by another flight out. Therefore I was actually being "smuggled" out of Bosnia and if one of the many paramilitary checkpoints along the route were to discover this, it could be bad for everyone in the vehicle.

The first three checkpoints went like clockwork. The fourth and last was the problem. The soldier on the border duty studied my diplomatic passport and the way he looked at me, I figured he knew something was wrong. Thankfully the driver was

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well experienced in the ways of the local custom and after he produced a carton of cigarettes and lit one up with the soldier, we were waved through with no more thought. The head of the security section in Zagreb was very pleased to see that I had made it back in one piece. During the height of the war, communications between Zagreb and besieged Sarajevo were hit and miss so the authorities had no way of telling if I was alright or if had become a casualty.

Apparently the investigation had gone down extremely well and the authorities were so happy that the blackmarketeers had been identified and removed from the mission that they decided to reward me. My "reward" was to go back down to Sarajevo two weeks later to uncover a suspected stolen car ring that was believed to include locals and UN employees from the transport section. Only this time I did not have the advantage of being able to remain anonymous as I blended in with the local population on the streets. On my next trip I had to go around UN H.Q. and question local and international staff about the stolen vehicles and interview suspects. After a couple of days of "rattling cages" an employee who became concerned for my safety advised me to be very careful and to watch my back. She graphically reminded me that people were shot every day by snipers in Sarajevo and it was such a common occurrence that if I were to turn up with a bullet hole in me, the Police most likely would not even investigate it. I couldn't help but think of the irony in that statement. Here I was risking my neck conducting investigations in a war zone, yet if I something happened to me down there I would probably just become another statistic that didn't even warrant a decent autopsy.

Suddenly the hazard pay seemed well-deserved.

CDs and DVDs For Backup & Storage

Kevin J. Ripa

Computer Evidence Recovery, Inc.

As many of you may or may not know, there are no real life tests to compare the manufacturers' claims to. Although it is commonly held that 5 to 10 years is the life expectancy, I wouldn't hold a great deal of stock in that. The amount of time that a media disk may last is governed by a great many factors. In no particular order, I am going to list the many factors that can dictate the life of a disk.

You get what you pay for. Cheaper disks have a higher failure rate. It is not uncommon to get a spindle of 100 blank CDs and have upwards of 10 of them that won't work (for cheap disks). Get a good brand name.

I have some disks that are 8 years old now and are working fine. I have had disks that were 4 years old fail on me.

Believe it or not, burn speed is important!!! The slower you burn something, the better quality the burn will be, and the longer it is likely to last.

As you all know, there are writeable disks (R) that you burn data to once and they cannot be used again. re-writeable (RW) can be used over and over. Two problems with Re-writeables though. ONE. In order to see the data in any other machine, you must "lock" the disk with the machine that created it. If you don't, you will be out of luck if you lose or bust the machine that created it. TWO. Re-writeables by their very nature will not live as long as writeable only.

The top of the disk, or the label side is the important side!! I see so many people carry a disk and are so careful to protect the bottom side because they mistakenly believe that is where the data is. Although it is important to keep the bottom scratch free, if you get a scratch, at least you won't lose your data. The "plastic" of the disk acts as a lens and a medium. The data is actually collected on the bottom side of the label or "paint" on the CD. Scratch that label or paint and your data is toast.

If you choose to use disk media for long term backup and storage, I suggest you go out and buy a DVD player to store with it. I get so many different types of tapes, disks, etc. to recover because the client no longer has anything to read the media with.

I would suggest that hard drives are a better long term storage device. Their drawback though, is that they are mechanical and have moving parts that could fail. Stiction is a rare problem with hard drives that haven't seen use in a while. This is where the spindle seizes up due to the hardening of the lubrication in the motor. Usually a good whack will fix it, but.....

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Let us look at a cost analysis now. Many people decide on CD or DVD storage because they view it as a cost effective back up methodology.

A good brand name CD-R will cost about 44 cents per Gigabyte of storage space.

A good brand name DVD-R will cost about 25-30 cents per Gigabyte of storage space.

A hard drive will cost about 40 cents per Gigabyte of storage.

Not including dropping, a hard drive is more durable than a disk when it comes to handling.

Size becomes an issue. Maximum storage size on a CD-R is 700 MB. Maximum storage size on a DVD-R is about 4 GB for single density, and 8 for double density. Maximum storage on a hard drive is over 500 GB and climbing. If you are like me and back up in excess of 500 GB per month, obviously hard drives are the only viable option.

Without getting too terribly geeky, aural density is an important consideration. aural density is the closeness that each data bit is to the next data bit. For example, a CD holds 700 MB. A DVD holds 4000 MB. The size of the disk is the same, so how can a DVD hold so much more? The answer is that the technology of DVD basically crams much more data into the same space, which means the instruments that read it have to be built to a much higher tolerance, and data loss is less forgiving.

Another thing to think about with disk storage is labeling. The glue in the stick on labels can make the media deteriorate more quickly. Remember that you are sticking it directly onto the burnt data. Also, if you aren't careful placing the label on, it could cause an imbalance in the disk as it spins, causing it to shatter in today's high speed players. Just ask member Sandra Stibbards!

My vote is always for hard drive storage. I personally am not yet comfortable enough with CD or DVD storage as a long term solution. Obviously individual mileage will vary.

Voluntary Incident Reporting Increases Liability

*William F. Blake
Blake and Associates, Inc.*

Property owners and managers have a legal obligation to provide a safe and secure environment for their employees, customers and visitors. A key factor in any negligent security litigation matter is the issue of foreseeability. In other words, did the property owner or manager make a reasonable effort to determine the probability of a security incident occurring on the property?

One element of this evaluation is the effort made to identify the number of security risk incidents occurring on the property. Frequently, property owners and managers rely on their building occupants to report security risk incidents to them. This reliance on voluntary reporting creates numerous problems and increases the potential for negligent security liability.

In the case of *Lisa P. v. Bingham*, 50 Cal. Rptr.2nd 646 (California, 1996), *the court found that the defendants' efforts to investigate criminal activity were not reasonable. They solely relied on volunteered reports of crime and on conversations among employees.*

One problem that influences reporting is the fear of adverse public relations and the self-interests of the occupants. To counter this reluctance, the property manager or owner must require mandatory reporting of specified incidents to management. This can be accomplished through lease provisions when working with multiple tenants and through senior management approved policies for internal company control. Not only must this requirement be promulgated to all occupants but it must be consistently enforced by management.

To ensure an effective mandatory incident reporting process, minimum reporting criteria must be developed. The following actions or incidents, as a minimum, should be included in the reporting requirements:

1. Any action or incident resulting in financial loss to any person or corporate entity in excess of a specified minimum amount. The minimum

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amount criterion is essential to eliminate non-cost effective reporting, e.g., the loss of \$1.00 in a soft drink machine.

2. Any action or incident which **could result** in financial loss to any personal or corporate entity in excess of a specified minimum amount. Many incidents occur and the amount of loss is not known at the time of reporting. An example would be when a possibly caustic fluid is sprayed on vehicle in the parking lot. When initially reported, the extent of damage, if any, may not be known.

3. Any action or incident which is in violation of any criminal law or ordinance. This category is one that has considerable impact on liability issues. Any crime against a person or property is included in this category.

4. Any action or incident which **could result** in civil litigation on behalf of, or against any occupant, manager or owner. This is normally a situation where the extent of loss or injury is not known at the time of reporting and most frequently results in litigation. Facts and circumstances must be identified at the earliest possible time and not when notified of litigation.

5. Any action or incident which **could result** in a request for security services at a later date. A complementing human resources policy may require employees to provide notification when there is a spousal abuse restraining order in effect. This could result in a need for security services if the restrained party enters the property without authorization.

6. Any termination of an employee which **could result** in injury to any person, damage to property, or disorderly conduct. This requirement necessitates a complementing human resources policy to provide protection against the abusive employee who is being disciplined or terminated.

7. Any irregular occurrence resulting in a requirement for immediate or possible future care. Employee injuries and on-the-job illness exemplify this requirement. At the time of reporting, the potential for liability may not be known and it is essential to collect factual information at the earliest time to counter future potential litigation.

8. Any action or incident wherein the occurrence should be reported to management and

recorded for information and future reference. The receipt of a telephone warning of a potentially violent public demonstration against the company or organization should be immediately documented and brought to the attention of management. This allows for preparations to counter a potentially hazardous occurrence.

An essential item of incident reporting is that information be documented in many cases prior to the critical need for the information. Delays in documenting information result in routine deterioration of information quality due to the length of time between the incident and the documentation. The primary issues are what happened and what could result at a later date from a reportable incident. Too much information serves a better purpose than the lack of information.

You Might Be A Cop If—

- You have the bladder capacity of five people.
- You have ever restrained someone and it was not a sexual experience.
- You believe that 25% of people are a waste of protoplasm.
- Your idea of a good time is a robbery at shift change.
- You call for a records check on anyone that is friendly toward you.
- You disbelieve 90% of what you hear and 75% of what you see.
- You have your weekends off planned for a year in advance.
- You believe that a "shallow gene pool" should be grounds for an arrest.

Get Involved! Don't gripe about things unless you are making an effort to change them. You can make a difference, if you dare.

Richard C. Holbrook, Former U.S. Ambassador to the United Nations

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