

INTELLENET NEWS

December 2007

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Carino's Corner

Those of you in attendance at the San Antonio Intellenet Seminar will recall the briefing by Rob Dudash on the Palliative Care unit of the Philadelphia VA Medical Center that Connie (and I to a lesser involvement) participated in providing medical and counseling services to. Quite a few in attendance contributed to a fund for providing extant care and services to the veterans and their families.

In November 2007 I participated in Bereavement and Memorial Ceremony at the Philadelphia Veteran Administrations (VA) Hospital held for the families who had a loved one hospitalized and who passed on during 2007. The Memorial Ceremony and its following reception gave me a first hand opportunity to witness our contributions in action. The Ceremony itself included words of greeting and welcome from the VA Chaplin, a career army speed forces retiree (with extensive involvement in counterintelligence/counterinsurgency) turned Chaplin and a last call of the deceased as an integral part of the service. The Ceremony was heart warming and heart felt. The families were truly appreciative and asked that I pass on their deep gratitude for our (Intellenet's) support at this memorial service for their dearly departed. These sentiments were echoed by the VA Medical Center Chief and his staff. I wish you all could have been with us to also personally experience the

appreciation expressed by the attending families in their knowing that others cared enough to acknowledge the service to country of their loved ones in this final tribute.

The Palliative Care Unit is part of the VA Comfort Team that tends to any veteran with a serious illness. The team treats the pain, symptoms, and stress that can accompany serious illness to help patients live as comfortably as possible. The Palliative Care Unit also assists family members in providing care and helping those families facing life limiting and end of life illness cope. Our contributions also support the providing of transistor radios, in some instances long distance telephone calls to family members and other various and sundry services that add to the comfort our fellow veterans.

INTERPOL: an overview

Connecting police

INTERPOL is the worlds' largest international police organization, with 186 member countries. It facilitates cross-border police co-operation, and supports and assists all organizations, authorities and services whose mission is to prevent or combat crime.

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The General Secretariat is located in Lyon, France. INTERPOL operates seven regional offices—in Argentina, Cameroon, Côte d'Ivoire, El Salvador, Kenya, Thailand and Zimbabwe—and a representative office at the United Nations in New York. Each member country maintains a National Central Bureau (NCB) staffed by highly trained law enforcement officers. The NCB is the designated contact point for the General Secretariat, regional offices and other member countries requiring assistance with overseas investigations and the location and apprehension of fugitives.

Core functions

INTERPOL has identified four core functions on which to concentrate its efforts and resources:

Secure global police communications services—INTERPOL manages a global police communications system known as I-24/7 which enables police in all of its member countries to request, submit and access vital police data instantly in a secure environment.

Operational data services and databases for police—INTERPOL has developed and maintains a range of databases covering key data such as names of individuals, fingerprints, photographs, DNA profiles, stolen or lost identification and travel documents, and wanted persons. The organization also published and disseminates critical crime-related data through its system of international notices. There are seven kinds of notices, of which the most well-known is the Red Notice, an international request for the provisional arrest of an individual.

Operational police support services—INTERPOL has six priority crime areas: corruption, drugs and organized crime, financial and high-tech crime, fugitives, public safety and terrorism, and trafficking in human beings. INTERPOL also operates a 24-hour Command and Coordination Centre to assist any member country faced with a crises situation, co-ordinate the exchange of information and assumes a crisis-management role during serious incidents.

Training and development—INTERPOL provides focused police training initiatives for national police forces, and also offers on-demand advice, guidance and support in building dedicated crime-fighting

components. The aim is to enhance the capacity of member countries to effectively combat serious transnational crime and terrorism. This includes sharing knowledge, skills and best practices in policing and the establishment of global standards for combating specific crimes.

A truly global organization

INTERPOL has grown into an extremely diverse organization since its creation in 1923, employing staff from around 80 countries, including specialists from all fields of law enforcement who are seconded to INTERPOL by their national administrations. INTERPOL's four office languages are Arabic, English, French and Spanish.

Rules and governance

INTERPOL's Constitution prohibits "any intervention or activities of a political, military, religious or racial character." The intention is to assist international police co-operation even where diplomatic relations do not exist between particular countries. Action is taken within the limits of existing laws in different countries and in the spirit of Universal Declaration of Human Rights.

INTERPOL's supreme governing body is the General Assembly, which meets once a year to take all major decisions affecting general policy and comprises delegates appointed by member countries. Each country represented has one vote and all votes carry equal weight.

The Executive Committee oversees the execution of the decisions of the General Assembly and the work of the Secretary General. It has 13 members, elected by the General Assembly, who represent all regions of the world. The president, who chairs the committee, serves a four-year term; three vice-presidents and nine delegates serve for three years each.

The secretary general, the organizations chief executive and senior full-time official, is responsible for overseeing INTERPOL's day-to-day work of international police co-operation and for implementing the decisions of the General Assembly and Executive Committee. Nominated by the Executive Committee and confirmed by at least two-thirds of the General Assembly, he serves an initial five-year term.

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Financing

INTERPOL is primarily financed by member countries, whose governments pay annual statutory contributions calculated using a framework agreed on by members. INTERPOL's budget in 2007 was 44.5 million euros.

An Investigative Study of the Interstate System

*Thomas Miles
Hawk Security Company
Germantown, Tennessee
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America's interstate highways are truly marvelous, and local or cross-country drives on them are often a daily routine for investigators. But few people, even inquisitive PIs, actually understand the U.S. Interstate System -- its development and design features, the meanings of its signs -- or even how to properly navigate the system. Once known, these factors enable traveling investigators to work more efficiently and file precise tallies for case notes and billings

Interstate Origins

In the Depression of the 1930's, President Franklin Roosevelt first perceived a national system of expressways. Roosevelt wanted to bolster America's ailing economy, but he was also troubled by ominous threats from Germany and Japan. Having lengthy shores on two oceans, the U.S. was vulnerable to invasion. In wartime, a national highway system would greatly enhance national defense by allowing rapid deployments of military forces and supplies. FDR also felt that work from a massive national project would help America recover from the Depression. But his vision had to wait for another president, one with first hand experience on the threats of invasion.

Delayed by WWII, construction on the U. S. Interstate System did not begin until the late 1940s. As WWII ended, Eisenhower was impressed with the autobahns of Germany, and he later dedicated his two terms as president in the 1950s to build something similar for America. Interstate work escalated significantly after Congress passed the Federal Aid Highway Act in 1956.

Signs and Symbols

An early problem was how to structure and identify interstate routes, and the solution was simple -- planning committees decided to use military map principles plus an imposing shield symbol with the colors of our national flag. The selections were meaningful, but they fostered an enduring legacy which is still not commonly understood, even by observant investigators.

America's county roads have square-shaped or rectangular signs, and state roads are shown by circles or triangles. Federal highway signs, denoting highest authority, have a shield shape. Color tones for county signs vary, but all state and federal roads in the U.S. have black numbers or letters on white backgrounds. Interstate signs are strikingly distinctive -- shield-shaped signs colored in red, white and blue, and topped with the "Interstate" label. Each state has its own designs and standards for state and county roadways. But interstate highways are unique.

Savvy investigators should know the universal pattern of the interstates and how it's applied nationwide. The significance of interstate numbers is vitally important and warrants close scrutiny.

The Numbers Game

Initially, using horizontal and vertical courses, interstate plans were meant to facilitate high speed traffic across America purely for military deployments. Not surprisingly, all interstate routes are numbered and read like the grid lines on a military map -- in a numerical sequence, from left to right and from bottom to top.

Interstate routes are numbered with one, two or three digits. Odd-numbered routes with one or two digits indicate a vertical or south-north travel scheme. Interstate-5, for example, runs the west coast from San Diego, California, to Blaine, Washington. These odd-numbered courses increase in numerical order from west to east, ending with I-95 skirting the eastern seaboard from Miami, Florida, to Houlton, Maine. Routes with one or two digits, denoting even numbers and layered in numerical sequence, reflect a west to east travel mode. Starting along our southernmost border, I-10 is first, spanning the U.S. from Los Angeles,

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California, to Jacksonville, Florida. Ultimately, in a stacked format from south to north, I-90 traverses America's northern landscape from Seattle to Boston.

Special notice should be given interstate signs with three digits, and the first one is the key. If the first digit is an even number, the course circumnavigates a large city. But if the first digit is an odd number, the roadway is a spur -- it's a shunt into a city or large metro area. Starting with a "2," the first numbers in looping routes are also in sequential order (4, 6, etc.), still reflecting the west-east or south-north travel direction.

In Tennessee, drivers going east on I-40 can use I-240 to loop around Memphis, I-440 to by-pass Nashville and I-640 to avoid Knoxville. Heading northward on I-5 in Washington state, you can use I-205 to miss Portland and later take I-405 to skip Seattle. Washington, D.C. has excellent examples of both modes with its well-known "beltway loop" - - the circuitous path of I-495 sweeps around the capital, and a thrust into the city itself is achieved by using I-395.

Acting individually, all states use sequential numbers for the loops or spurs within their own boundaries. For example, northbound drivers wandering up the east coast on I-95 may encounter several routes designated as I-295, I-395, etc. -- but never within the same state.

Military Mentality

Roosevelt's economic goals were secondary and long-term; his primary concerns were for national defense. Military needs were the core plans in creating our interstate system, and the entire project was initially designed for defensive operations. This theme prevails today in all planning, construction and maintenance. Regardless of any economic or social benefits, local or nationwide, all actions regarding America's interstates must first comply with wartime defense standards. For studious investigators, especially those with military backgrounds, design and upkeep factors are logical and readily understood.

Federal funds perpetually finance 90% of interstate costs, and much legislation supports federal controls -- including federal government seizure of the entire interstate system, if and when deemed

necessary by Congress or a president. Civilian traffic can be denied at any time; Interstate traffic can be restricted to military usage only, pursuant to classified laws and authorization. Odd points illustrate this unpublicized premise with even more applications of military strategy:

- About one interstate mile in every five to seven miles is flat, straight and very capable of becoming a makeshift airstrip. V-shaped ruts in interstate median strips, emplaced for drainage, are ready-made trenches -- they could be used as improvised pits for vehicular maintenance or refueling, and they offer protection from enemy missiles and bombs or strafing runs by enemy aircraft.
- Also, hefty foliage and trees in many median strips, planted to prevent soil erosion, are ideal natural camouflage. Martial law, if it's ever imposed, would reap many advantages: The interstate highways are superb roadways, devoid of any obstacles, permitting unlimited speeds for rapid tactical deployments of military units and supplies. The same is true for national emergency responses after catastrophic disasters affecting the general populace of the U.S. Savvy investigators should be mindful of these provisions for any possible relevance or usage in case work.
- Rather than forming "optimum courses" between major cities, interstate routes are indirect; their paths often wander to take tactical advantage of key terrain features such as rivers and mountains. Exemplified by comparing interstate maps with topographic maps, this basic gesture in military operations is clearly depicted. Instead of linking major cities by the shortest or most direct means, interstate routes are designed to avoid open plains or deserts wherever possible and take full advantage of terrain features. Investigators may also benefit from these actions, particularly in aerial surveillance or remote photography.

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- Mile after Mile

Supplemental signs -- green and white mileage markers on small posts -- dot the roadsides of every interstate route, urban or rural. Though commonly ignored, these are survey points, measured respectively from the western and southern borders of any given state, based on a general travel direction of west to east or south to north. These markers allow you to confirm your location, verify directions, estimate times, check speedometer accuracy, validate odometer readings, plan for trip distances, assess fuel consumptions or needs, etc. -- all as the scenery rolls by!

In urban areas, special mile markers render detailed information. These particular signs are topped with large letters -- N, S, E and W -- to show your main travel direction. Below these letters are numbers appearing like fractions. The top figures are true mileage points, and the bottom numbers, including a zero, show that particular mile to the nearest two-tenths. These markers aid navigation by orienting traveling agents who are unfamiliar with the area.

Off and On

As mandated by federal laws, interstates have exit and access ramps every few miles. All exits have numbers for quick reference -- and these numbers routinely match mile markers within any given state. Multiple exits have letter suffixes (A, B, C, etc.), and abbreviations are used such as "BR" for Business Route or "BL" for Business Loop. A BR enters a city's commercial area and stops there; a BL penetrates a civic center but links once again with the main route. Depending on investigative case needs, these differences could be important.

When you approach an exit, look for signs about local commercial offerings. By federal law, and for fees paid to a state, business enterprises may advertise in any of three categories representing the main necessities for interstate travel -- lodging, food and fuel. Business names and logos appear jointly. Upon taking an exit ramp after seeing advertisements in any category, look for additional signs (plus names and logos) with small direction arrows. Exact driving distances to any facilities must then be expressed to the nearest tenth of a mile.

Other amenities -- schools, historic sites or scenic views -- are designated by signs with white letters or numbers on a brown background. Urgent travel items are depicted by white symbols on a blue background -- an "H" for a hospital or a handset image for an emergency phone. Federal laws insure uniformity nationwide.

Exit ramps are normally followed by access ramps - - and more signs. Federal laws require posted signs, within one mile after passing an access ramp entering an interstate, telling the distances ahead to major exits, populated areas or other features.

Point A to Point B

In reading road maps, most people know to look for red digits, set between red triangular markers, to see mileage distances for long spans. Black numbers are inserted for the mileage spurts between small towns or road junctions. These handy references supplement the mileage charts -- cross-reference tables for distances between major cities -- commonly included in a road atlas. But there is something else to consider with charts or signs: How are mileage figures calculated?

Essentially, mileage distances are based on computations involving geology and geodetic surveys all developed and agreed upon by different federal agencies. Precise base survey points, placed in or near centers of civic activity, are established for almost every American municipality, and they serve as official reference points for all distances nationwide. Accordingly, smart agents will note that highway mileage markers are misleading. When nearing a city, remember that posted distances refer to survey points in the heart of a community, and you will actually enter the city limits well beforehand. However, it's legal, logical and ethical to bill clients for time and mileage listed by a road atlas or an Internet map, so use this information for uniformity in case billings.

Surveillance in the Fast Lane

Effective vehicular surveillance requires at least two agents in separate cars with good communication by radios and/or cell phones. Mobile surveillance should also employ elementary techniques -- tapping tail lights, flashing headlights, etc. -- to confirm traffic locations or

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movements for both subjects and agents. Interstate surveillance can be greatly enhanced by simply noting and reporting passages of certain exits or mileage markers. If used safely, mile markers and ramps are excellent "rally points" for impromptu agent conferences.

Another interstate feature often overlooked is the presence of unmarked cross-over paths, commonly found near large freeway bridges or overpasses with no exit or access ramps. Designed for maintenance crews, these cross-cuts allow hasty travel reversals, if necessary. Sometimes the cuts have warning signs -- "authorized personnel only" - - but most are unmarked. Laws must be obeyed, but sharp investigators should be aware of these unpaved cross points and consider using them at one's personal discretion.

Special Notes, Special Capitals

The U. S. Interstate System has exceptions to its plans and designs. Minor deviations in route numbers or sign usage are found in many localities, especially in eastern states. And another invalid presumption is that all state capitals in the U.S. can be accessed by one or more federal expressways. Astute investigators should note that five state capitals are not presently serviced by an interstate -- Juneau, Alaska; Pierre, South Dakota; Carson City, Nevada; Jefferson City, Missouri and Dover, Delaware.

Before heading out on a trip, check the Internet sites for weather conditions, construction in progress and current accidents for possible delays or detours. To please and impress clients with reduced charges and fees, review map websites and consider a mixed usage of interstates, federal highways and good state or county roadways. Balance your actions on any trip for time and safety plus the best interests of your clients.

Full Speed Ahead

The minimum legal speed on interstate highways is 40mph, but safety experts recommend speeds not less than 10-15mph below posted limits for traffic flow stability. Slow drivers should always stay in the right lane for basic safety. Don't alter your pace for tailgaters or fast-moving vehicles approaching from behind. Instead, maintain your speed and slip to the right lane as soon as

possible. Interstate lanes are 12 feet wide, but shoulder widths are 10 feet on the right as opposed to only 4 feet on the left side. Cases may require versatility and hasty reactions, but safety ranks first.

Maximum interstate speeds vary considerably; they are regulated and adjusted by each state individually. Restrictions apply nationwide for non-motorized vehicles, but each state may specify its own rest areas, parking sites, litter laws and construction zones. Watch for such notices and heed them, especially the latter. Most states, for example, administer double fines for speeding within a construction zone, even if it's unoccupied or not in use.

Conclusion

FDR envisioned six expressways in his first plans, cutting the U.S. in semi-equal sections with three south-north and three west-east corridors. As a retired Army general, though, Eisenhower used his extensive military skills to modify our interstate system and promote its development by simple yet effective military guidelines.

Original plans specified an interstate network of about 25,000 miles, but ensuing changes have almost tripled that figure. Some 51,000 freeway miles are currently open and in use, new construction or repair work is constant, and final completion is scheduled by 2030. However, based on America's population growth and many economic factors, Congress is expected to authorize much more interstate construction and extend the completion date.

On your next interstate trip, for case work or pleasure, drive safely and enjoy the ride. Remember the points covered here, and take a closer look at the U.S. Interstate System and its signs -- for safety, efficiency, accuracy in billing for time and mileage -- or just for the fun of using your knowledge as a well-informed investigator.

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Another Nail in the Pretexting Coffin

Bridget M. Rohde

New York Law Journal

September 25, 2007

At one time or another, many corporations will need to examine their options in conducting, through in-house or outside counsel, an internal investigation. With the recent issuance of Formal Opinion No. 737 ([NYCLA Opinion No. 737](#)) by the New York County Lawyers' Association Committee on Professional Ethics, it appears that the use of pretexting or dissembling is not only legally restricted, but also ethically constrained.

BACKGROUND

The legal proscriptions against pretexting are many and varied. They include the Gramm-Leach-Bliley Act of 1999, which prohibits making false, fictitious or fraudulent statements or representations, or using documents that are forged, counterfeit, lost or stolen or contain false or fraudulent statements, to obtain financial information from financial institutions or their customers.[\[FOOTNOTE 1\]](#)

The Telephone Records and Privacy Protection Act of 2006, a federal statute enacted in the wake of the recent Hewlett-Packard scandal, prohibits the use of false and fraudulent statements or representations, or providing false or fraudulent documents, to obtain confidential telephone records from an employee or customer of a telecommunications carrier or IP-enabled voice service provider.[\[FOOTNOTE 2\]](#) The New York Consumer Communication Records Privacy Act, another recently enacted statute, prohibits the unauthorized acquisition of consumer telephone record information.[\[FOOTNOTE 3\]](#) There are also traditional criminal statutes that may apply depending on the particular facts of a case, such as the federal identity theft, mail fraud and wire fraud statutes.[\[FOOTNOTE 4\]](#)

OPINION NO. 737

Issued on May 23, 2007, NYCLA Opinion No. 737 addressed the question of "[u]nder what circumstances, if any, is it ethically permissible for a non-governmental lawyer to utilize the services of and supervise an investigator if the lawyer

knows that dissemblance will be employed by the investigator?" NYCLA Opinion No. 737 at 1. The opinion clarifies that "dissemblance refers to misstatements as to identity and purpose made solely for gathering evidence." Id. at 2.

The committee said that "Non-governmental attorneys may ... ethically supervise non-attorney investigators employing a limited amount of dissemblance in some strictly limited circumstances where:

(i) either (a) the investigation is of a violation of civil rights or intellectual property rights and the lawyer believes in good faith that such violation is taking place or will take place imminently or (b) the dissemblance is expressly authorized by law; and

(ii) the evidence sought is not reasonably available through other lawful means; and

(iii) the lawyer's conduct and the investigators' conduct that the lawyer is supervising do not otherwise violate the [New York Lawyers' Code of Professional Responsibility] (including, but not limited to, Disciplinary Rule ("DR") 7-104, the "no-contact" rule) or applicable law; and

(iv) the dissemblance does not unlawfully or unethically violate the rights of third parties." Id. at 5-6.

The disciplinary rules upon which the opinion was based make plain that a broad swath of conduct is prohibited. A lawyer shall not engage in illegal conduct that adversely reflects on his "honesty, trustworthiness or fitness as a lawyer." (DR 1-102(a)(3)). He shall not engage in conduct involving "dishonesty, fraud, deceit or misrepresentation." (DR 1-102(a)(4)). In representing a client, he shall not "knowingly make a false statement of law or fact." (DR 7-102(a)(5)). Notably, the lawyer "shall be responsible for a violation of the Disciplinary Rules by another lawyer or nonlawyer through involvement, knowledge or supervisory authority if the lawyer orders, or directs the specific conduct, or, with knowledge of the specific conduct, ratifies it." (NYCLA Opinion No. 737 (citing DR 1-104(d)). And he shall not "circumvent a Disciplinary Rule through actions of another." (DR 1-102(a)(2)).

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NON-ATTORNEY INVESTIGATORS

While internal investigations can take many forms, utilizing a multitude of different techniques, the clear implication of NYCLA Opinion No. 737 is that an attorney working with non-attorney investigators when conducting internal investigations cannot ethically direct or ratify the use of pretexting or dissemblance by the investigators, unless it is an investigation into ongoing or imminent violations of civil or intellectual property rights falling within the above exception or the dissemblance is expressly authorized by law.

Importantly, this precludes more than making false statements or using false documents to obtain financial information or telephone records. It appears to encompass all manner of conduct ranging from false statements and misrepresentations to false impressions and other permutations. An undercover investigation cannot be conducted. An investigator cannot assume a different identity to gain entry or access, nor can he do so to obtain information. While he may still ask all manner of questions, he must refrain from using false documents or statements to in any way grease the wheels. Any sting would have to be carefully planned and executed so as not to run afoul of this ethical opinion.

But what if an investigator undertakes this activity on his own after an attorney is involved in the internal investigation? If the investigator employs any kind of dissemblance for the client's benefit under such circumstances, the attorney cannot use its fruits. And in a rigorously conducted internal investigation, no attorney should be able to claim ignorance of dissemblance. The attorney conducting the investigation must have an investigative protocol and ensure that it is followed. Otherwise, there is the risk of causing more damage by the internal investigation, as happened with Hewlett-Packard.

What if an investigator undertakes this activity on his own before an attorney is involved in the internal investigation? An attorney who becomes involved subsequently should be reluctant to use the fruits of any dissemblance because of the risk of ratification. This risk of ratification multiplies if the investigator and attorney have worked

together previously, especially if a similar incident occurred.

LAW ENFORCEMENT EXCEPTION

Those searching for pretexting's faint heartbeat in the wake of the NYCLA opinion may seek out a safe haven for "dissemblance expressly authorized by law." In addition to the law enforcement exception found in the Telephone Records and Privacy Protection Act of 2006 and the Consumer Communication Records Privacy Act, the Gramm-Leach-Bliley Act of 1999 also has an exception for financial institutions in certain cases. The act provides that "[n]o provision of this section shall be construed so as to prevent any financial institution, or any officer, employee, or agent of a financial institution, from obtaining customer information of such financial institution in the course of ... investigating allegations of misconduct or negligence on the part of any officer, employee, or agent of the financial institution."[\[FOOTNOTE 5\]](#)

Some may argue that this exception goes so far as to permit the use of false pretenses, so long as a financial institution does so in the course of investigating allegations of misconduct or negligence on the part of an employee of the financial institution. However, the different, seemingly more expansive language of the law enforcement exception -- "No provision of this section shall be construed so as to prevent *any action* by a law enforcement agency ... " -- militates against the broader interpretation of the financial institution exception.[\[FOOTNOTE 6\]](#)

Further, the legislative history seems to support a more limited application of the exception, i.e., that a financial institution can recover its own documents even though the person who acquired them did so through false pretenses. It gives but one example bearing on legislative intent: "when a fraud prevention unit of a financial unit succeeds in retrieving information from an information broker that has been obtained through fraud or deceit, the financial institution is not in violation of this provision."[\[FOOTNOTE 7\]](#)

Notably absent are examples suggesting that the financial institution may affirmatively use false pretenses. Thus, a more conservative (and likely more accurate) reading of this exception, in light of

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the surrounding language as well as the legislative history, would limit its application to the retrieval of documents by a financial institution from someone who used subterfuge to get them.

Even if it is somehow still permissible for a financial institution's employees including in-house counsel to use dissemblance to investigate internal misconduct, may outside counsel conducting an internal investigation do so? The legislative history notes that the financial institution exception "extends to agents and contractors retained by a financial institution to implement antifraud and self-testing programs."[\[FOOTNOTE 8\]](#) But, a determination of whether this exception extends to outside counsel may turn on the identity of the client. Is it the financial institution itself, the board of directors, the audit committee or some other special committee? If the client is the board of directors or one of these committees, outside counsel may not be an agent of the financial institution privy to the "dissemblance expressly authorized by law" exception.

Further, broadly interpreting the statutes and NYCLA Opinion No. 737 may be unwise, especially given the purpose of an internal investigation.

CONCLUSION

An internal investigation is meant to rout out fraud and abuse, thereby contributing to the overall goal of corporate integrity. To act in any way other than in strict conformity with the law and ethical guidance runs the risk of undermining this very goal. Pretexting as an option in internal investigations, absent perhaps a few very narrow exceptions, appears now to be highly constrained not only legally, but ethically as well.

Bridget M. Rohde is a member of Mintz Levin Cohn Ferris Glovsky & Popeo. She practices in the firm's litigation section, focusing on white-collar criminal defense and internal investigations.

FOOTNOTES

FN1 See 15 USC §6821(a).

FN2 See 18 USC §1039(a).

FN3 See N. Y. General Business Law Section 399-dd.

FN4 See 18 USC §§1028(a)(7) (identity theft), 1028A (aggravated identity theft), 1341 (mail fraud) and 1343 (wire fraud).

FN5 15 USC §6821(d)(2).

FN6 15 USC §6821(c) (emphasis added).

FN7 H.R. Rep. No. 106-74, pt. 1 at 147 (1999).

FN8 Id.

Office Prayer

Whenever things get too much at the office, kneel by the side of your desk, bow your head and join your hands in prayer, saying loudly so that all can hear:

Grant me the serenity to accept the things I cannot change, the courage to change the things I cannot accept,

And the wisdom to hide the bodies of those people I had to kill today because they pissed me off.

Also, help me to be careful of the toes I step on today, as they may be connected to the ass I have to kiss tomorrow.

Bizarre Driving Laws

The Greek sage Aristotle once penned, "Even when the laws have been written down, they ought not always remain unchanged." Not only is this wise advice, but it was also prophetic; especially when you focus on some of the mystifying driving laws that linger on the pages of state statutes.

So as to assure that your next cross-country vacation does not get pricked by the thorns of legality, we at DMV.ORG have organized a list of arcane state laws you should be aware of. For nothing can be more embarrassing than having to phone your attorney from Alaska for legal assistance in escaping a fine for lashing your poodle to the roof of your car.

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Alabama

- Apparently 'Bama' is an acronym for Blunt All Motorist Adventures, for officials there have inexplicably made it illegal to drive while blindfolded.

Alaska

- Contrary to public opinion roof racks are not specifically designed for skis, snowboards and cocker spaniels. Or at least not in Alaska, where authorities have found it necessary to declare it illegal to tether a dog to the roof of a car.

Arkansas

- Think twice while in Arkansas if you harbor an unflagging passion for cold cut sandwiches and honking your car horn. Arkansas authorities have deemed it illegal to blare a car horn where ice cold beverages or sandwiches are served after 9 p.m.

California

- No matter how luxuriously comfortable that divided highway may look, it is illegal in Eureka, California, to use a road as a bed.
- In order to save money on having to crop dust their streets, officials in Chico, California, have made it illegal to plant rutabagas in roadways.
- Officials in Glendale, California, no doubt, caved in to insurance lobbyists when they inexplicably decided to make it illegal to jump from a car at 65 mph.
- Don't expect to find any salt-rimmed curbs in Hermosa Beach, California. Officials there have made it illegal to spill your Margarita on any street.

Connecticut

- No need to get your Lexus Sport Luxury Sedan painted blaze orange. Hunting from cars in Connecticut is illegal, even during deer season.

Georgia

- Going on an intuitive hunch that teeter-totters and cars don't mix, officials in Dublin, Georgia, have made it illegal to drive through playgrounds.

Illinois

- Beware if you own a bicycle in Galesburg, Illinois. The police there have no tolerance for "fancy riding."

Iowa

- Throw it and they (police) will come. In Mount Vernon, Iowa, it is illegal to throw your Red Ryder onto the highway.

Kansas

- In Derby, Kansas, it is considered a misdemeanor to screech your tires while driving. This abominable act can cost you 30 days in jail.
- In Topeka, Kansas, it is unlawful to transport dead poultry along Kansas Avenue. Lesson: look elsewhere for a KFC.

Kentucky

- Make sure your canine does not harbor a weird fetish for tailgate lights or trailer hitches while in Fort Thomas, Kentucky. You'll be fined if your pet molests a vehicle.

Maine

- Be careful about Jonesing for a Bavarian Cream while in South Berwick, Maine. You'll be ticketed if you park in front of Dunkin Donuts.

Maryland

- Keep in mind while traveling through Rockville, Maryland, that the streets there are rated G. If you possess a PG-17 vocabulary, take the bypass. Swearing from a vehicle in Rockville is considered a misdemeanor.

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Minnesota

- In Minnetonka, Minnesota if you drive a truck that leaves mud, dirt or sticky substances on any road you will be considered a public nuisance that is harming the peace, safety and general welfare of the town.

Missouri

- If you are a horn-honking hooligan you better be carrying your vehicle's bill of sale if you have the nerve to toot your horn while in University City, Missouri. Officials there have wisely made it illegal to honk the horn of someone else's car.

Nevada

- To prevent any literal interpretation of Reno's No Standing signs, authorities there have made it illegal to place a bench or chair in the middle of the road.

New Jersey

- Don't be feeling all fuzzy-warm about New Jersey residents if you're driving through the state with a "Honk if You Love Skippy the Kangaroo" bumper sticker soldered to your vehicle's trunk. New Jersey residents are required by law to honk before passing.
- Arbor Day requires careful planning in Blairstown, New Jersey, for local officials there have made it illegal to plant trees in the middle of the street.

New York

- Be sure to enter your vehicle feeling sartorially content while in Sag Harbor, New York. Officials there have made it illegal to disrobe while in your car.

North Carolina

- Officials in Dunn, North Carolina, apparently harbor no faith in the intuitive powers of common sense:

- First, they have made it illegal to play in traffic. So if you're a parent make sure your kids play Candyland on the floor of a living room rather than on the asphalt of a passing lane.
- Second, it is illegal to drive through a cemetery if you're not there to dig a grave or bury someone. So if you intend to visit the grave of a loved one bring really powerful binoculars.
- And third, even if you are considerate enough to yell "On your left," officials still deem it illegal to drive on sidewalks.

Ohio

- In Canton, Ohio, people wearing roller skates cannot share the streets with cars. And yes, this applies even during the "couples only" skate.

Oregon

- In Oregon you need to be not only alert for state troopers with speed guns, but also with stop watches. For you can be ticketed if you leave your car door open longer than is deemed necessary.
- You will be slapped with a Class A traffic violation if you use your car on an Oregon highway to prove your physical endurance.
- If you opt for driving on a sidewalk while in Oregon, be sure to not attract the wrath of the law by not yielding to pedestrians.

Rhode Island

- In Scituate, Rhode Island, it is illegal to drive with beer in your vehicle even if it is unopened. So, in other words, if you're a beer delivery driver you're screwed.

South Carolina

- There's a good reason why automakers don't manufacture models named the Dodge Dumpster or the Lexus Litterbin. For in Hilton

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Head, South Carolina, it is illegal to store trash in your vehicle due to rat problems.

West Virginia

- Virginia may be for lovers, but West Virginia is for meat lovers. Officials in the Mountain State have deemed it perfectly legal for anyone to scavenge road kill.

"Thinking outside the box defines the difference between a good and a great investigator—but first you have to find the box."

Rick Johnson

JUNIOR JUSTICE

Tom Miles

*Hawk Security Company
Germantown, Tennessee*

Following seminars or speaking engagements, I'm often asked what started my career in private security. Usually, I simply answer that I retired as a mustang Major, U.S. Army Counterintelligence, and then entered private practice. I never elaborate.

Until now, I've never told anyone the details – the true events that launched career duties that would include service as an intelligence agent, police instructor and PI. However, my story might generate fond memories and give someone a smile, even with its moral.

My first employment was in law enforcement, working for a legendary hero who became my personal mentor – Roy Rogers. He commissioned me as a Deputy Sheriff when I was just 6 years old. Qualifications were lax then, and POST certification wasn't required. In short, a cereal box top was readily available, but I had to borrow a dollar from my father to cover the application fee for my commission. My credentials were impressive -- an ID card (personally signed, of course, by Roy) and a 5-point star shield, bearing my rank and presumed to be made of pure gold.

A few weeks later, Santa gave me a nice patrol vehicle for Christmas, a little red bicycle with bright chrome rims. I taped a flashlight to the handlebars and covered the lens with some red cellophane

paper. Next, using a confiscated clothespin, I clipped a playing card to the bike's frame. My light was dim, but as the card hit my wheel spokes, I had a patrol bike that could rival the best from Harley-Davidson. After all, a Roy Rogers Deputy had to project a good image.

The worst criminal on our block was Charlie McCabe, a red-haired, freckle-faced, rock-throwing rogue living across the street in a house with ugly bushes. He was evil! Charlie was also 6, but he was an outlaw -- a neighborhood terror beyond redemption. He would make girls cry by putting grasshoppers in their hair, and he enjoyed screaming at cats to chase them up in trees. He was worse than anybody John Wayne ever encountered, and I was anxious to collar that thug on a felony charge.

Now I was ready. I had my ID card, autographed by Roy himself, and a solid gold shield (?) with my rank. My patrol bike, souped-up with a second card, was kept hidden away in our garage. I set up stake-outs and surveillance, patiently waiting for a chance to nail the notorious Charlie McCabe.

It was on a Sunday, a cool February day in Memphis, and I was working the day watch after attending church. My mom had gone to the store, and my dad was listening to the radio. From our porch swing, I stared across the street at the house with the ugly bushes.

Charlie soon appeared in the doorway with his mother, and I heard Mrs. McCabe tell her vile son to stay in the front yard because they were leaving soon. But I knew Charlie!

Just as I expected, Charlie waited a few minutes before jumping on his tricycle and heading down the sidewalk. I ran back to our garage, pinned on my gold shield, grabbed a pencil and rainbow-colored notepad, and roared out the driveway. (I thought about wearing my Lone Ranger mask, too, but I left it behind.....I wanted Charlie to know who got him.)

There was no traffic, so I pedaled across the street and pulled Charlie McCabe over a full 2 houses away from his front yard. Then I wrote him a citation for disobeying his mother. What happened next was an incredible, unforgettable incident – it was my first exposure to the despicable conduct

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and lawless nature of a hardened professional criminal.

Charlie crumpled up my ticket, popped it in his mouth, and ate it! It was shocking. But I steadied myself and wrote another ticket. Charlie ate that one, too, and he began to laugh. Humiliated and disgraced, I snatched off my double-card engine and slowly pedaled back home in sorrowful silence. A back-up call wasn't possible.

My mother helped me write a letter to Roy Rogers, asking for his advice, but he never replied. At first, that troubled me deeply. My father said no reply probably meant that I had to work things out myself. Or just leave Charlie alone. But I couldn't accept the last idea – something had to be done!

Days later, I had my older sister get me up early when she prepared for school. I slipped out before breakfast, took some pliers from my father's tool box, and meandered across the street. Quickly removing the handlebars from Charlie McCabe's tricycle, I hid them in the ugly bushes. I guess that was my first "black bag" operation. But my sister sought favor, so she rolled on me and told our father. All of my pleas for mercy were ignored.

Threatened punishment was mind-boggling -- house confinement for life! – so I agreed to a plea bargain. My commission as a Roy Rogers Deputy Sheriff was suspended with a 30 day rip, including my allowance of fifty cents a week. And I had to apologize to Charlie.

That last condition was tough. However, I was a bit consoled by the fact that ol' Charlie was out of business during an appeal process lasting several days. My father repeatedly denied negotiations, though, until I finally coughed up the location of the handlebars.

As time passed, Charlie McCabe stayed clear of me and his conduct improved. All I had to do was give him a mean stare now and then. And I learned something that only a law enforcement professional can understand: If you can't stop crime, you can at least slow it down with careful plans and sneaky tactics....if you're willing to risk the consequences.

Technology is a Beautiful Thing

*Michele Stuart
JAG Investigations
Gilbert, Arizona*

Technology is a beautiful thing; however, trying to keep up with it is somewhat exhausting. There are some that feel this way about the internet and its massive amount of information. Where do I start? How do I limit the information returned? How do I search the subject I am looking for? Have you ever asked those questions, or heard someone else ask them? Learning some simple tips can help you with your research. Instead of typing up some of these search options, below is a site from Berkeley that has already created a nicely laid out paper with search tips for Google.

http://www.lib.berkeley.edu/TeachingLib/Guides/Internet/Googling_Max-Exercises.pdf

When researching a subject, remember to change up your search criteria. You may start with a longer search phrase then narrow it down with limited words to try and establish a more specific return of results. Also remember to use "quotation marks" around your search criteria.

There are also sites that have categorized hundreds if not thousands of links for you. Using these sites will help you streamline your time by providing them for you in one location. These are a few of the sites that I personally like:

www.publicrecordcenter.com
www.blackbookonline.com
www.virtualgumshoe.com
www.searchsystems.net
<http://publicrecords.onlinesearches.com/>

I can't even begin to tell you how much information the next site provides; however, the abundance of links included here are not in a user friendly layout. There are so many links and categories located here; however, you will need to take some time to page down and down and down to locate what you are looking for; nevertheless, it is worth viewing.

<http://www.freepint.com/gary/direct.htm>

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When it comes to international research, you may want to check out:

<http://www.searchenginecolossus.com/>

This site has the amazing capability of providing research capabilities to explore "343 countries and territories" and the with the bonus feature of searching in numerous other languages.

Again, with the mass amount of information available on the internet, our lives personally and professionally have changed. We can now locate lost schoolmates, lost family members, career opportunities, suggestions and advice for just about everything. Professionally, it also provides us the ability to conduct a more thorough profile on our subjects. Happy surfing!

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