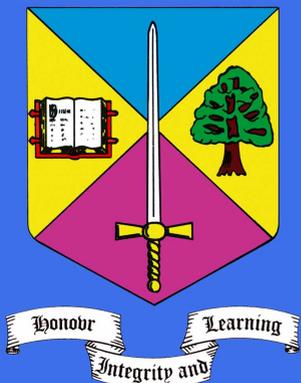


Money Laundering

by Richard Cumming MIPI



The Professional Investigator

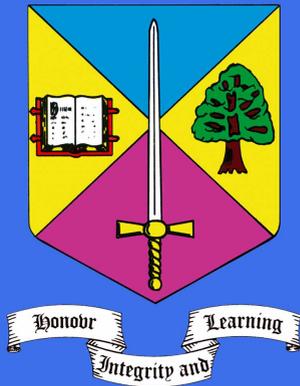
Spring 2014

The Institute of Professional Investigators

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Editorial

In July last year, Teresa May announced that the SIA would-be introducing licensing by October of this year, which meant that the SIA and Home Office had until this April to get the licensing criteria 'right' so that applications could begin. At the time of writing no announcements have been communicated to the Institute and no news has been made available through the SIA website. This means that licensing, if it IS to happen by next October, is going to be hard to introduce if there are to be any changes – meaningful changes – to the original qualification and character criteria.

An aside on report writing: I recently heard about an investigator who had to compose a report on a complicated case because the first report, by a colleague, was described as too complicated to follow easily. She had some sympathy with both the author and counsel – the case covered a very messy, complicated fraud.

There's a lot to be said for simplicity in communication, spoon-feeding your audience so that their comprehension develops as they follow the story

It raised my awareness that when we compile a report we do so from the perspective of someone who has lived the case, possibly for some time, so what we write can inevitably be tempered by the fact that we know what we are writing about – forgetting that the uninvolved reader won't have that benefit.

There's a lot to be said for simplicity in communication, spoon-feeding your audience so that their comprehension develops as they follow the story. Chronological order is often key, although not always.

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There are also three important pieces of advice I stand by.

First, grammar – it is amazing how often poor grammar sneaks into a report, making it necessary to read and re-read a sentence until it is properly understood. Learn how to punctuate. I've lost track of how often I read 'the family of John' because the writer doesn't know where the apostrophe goes in 'John's family'. Stop using 'however' where the word you should use is 'but'. General rule – 'However' starts a sentence, 'but' interrupts it. (Senior police managers please note.)

Stop using 'however' where the word you should use is 'but' ... 'However' starts a sentence, 'but' interrupts it

Second – a particular bug of mine – is tense. I read report after report where it starts in the past tense because what is being reported happened a while ago, then suddenly the reader arrives in the present tense and it becomes a running commentary, before reverting back. It's like Essex-speak. For some reason (television) people have to talk like Essex police officers (bless 'em) and describe something is 'so I does this and then he does that'

Next – don't perpetuate multi-syllabic obfuscation until you know how to use the words in a sentence. A colleague once commented on how many times, surrounded by senior officers, he heard them use the word 'nuance' in one meeting. I'd have asked them what it meant, just to see them stammer. And I **detest** the word 'obviously', particularly when it is **not**. It has replaced 'actually', which was until recently the big word for 'erm'. I stood behind a colleague who used it so often I started raising a finger every time she used it. I got to 5 before she told the suspect, who had been arrested, what I was doing. And I didn't start until after she'd used it the 8th time.....

Finally, when speaking, talk slowly enough that you think before you say something, thus obviating (nearly!) the need to use those 'posh-word' fillers that aren't actually posh. If you use big words inappropriately, or when a simpler one would do – particularly with a police-speak accent – you sound like someone pretending to be something they're not.

Like I said – keep communication simple.

Board Meeting, March 2014

At the Board Meeting held at the Civil Service Club, there was a lot of discussion about the future of the Institute's sources of revenue, which in the main consist of membership subscriptions and Distance Learning Course fees

In respect of membership subscriptions, the Institute has reviewed its financial status and concluded that it is necessary to increase subscriptions by £10 per annum for members, and to increase Associate, Student and Retired members' fees accordingly.

However, this is hopefully the last increase for the medium term because our Secretariat have announced that they are to retire by the date of the Annual general Meeting, which is now set for the 17th of October at the Civil Service Club. As a result of their decision the opportunity has arisen for cost savings to be made, and as these are in the early stages we are not yet in a position to confirm how they will be achieved, but we are hopeful that they will be substantial and enable us to keep membership costs lower once any changes have set in.

Distance Learning

In respect of the Distance Learning course, we have decided that from the 1st of April the cost of the course, which will include an electronic copy of the IPI Manual and the cost of the IQ examination (which is still expected to comply with the SIA's competency requirements for licensing), will be £650 + VAT. As not all members will need the full course, Refresher mornings will be arranged at a cost of £350+VAT, which will include the cost of a morning's refresher session and the afternoon IQ examination. For those who are not able to fund such a session, the electronic Manual remains available at the price advertised on the IPI website.

The Examination

On that point, there have been many rumours spreading about the

difficulty, or otherwise, of the examination. Having taken the IQ examination after the Board meeting, I will say this – it will be extremely difficult for the uninformed. I say that because my own assessment of the examination we undertook, with support from the other candidates, was that some of the questions were ambiguous, some of the legislation referred to was suspected to be incorrect, the focus was less on 'investigation' than it was on 'public accountability' (DPA, HRA and ethics) and one answer appeared to rely on the fact that the PSI Act was actually in being for investigators – which it patently is not.

Normally I would be reluctant to repeat an exam question outside the room but specifically, the question asked - what legislation should be considered when taking instructions from a client? The options were;

- A. PSI Act.
- B. Computer Misuse Act 1990
- C. Criminal Justice Act 1967
- D. Regulation of Investigatory Powers Act 2000.

(There was no 'pick any 2 from 4' option.)

My assessment – B doesn't apply if there are no computers involved. C doesn't apply if it's not a criminal matter. D doesn't apply if it's not being

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done for or by a public body. The question didn't tell us what DID apply, which left A, which has not yet been enacted for investigators. Their answer – is still awaited but we have asked.

There were questions which were confusing; e.g. questions about Scotland and where RIPA applies, whereas it is in fact RIP(S)A - RIP(Scotland)A - which applies north of Berwick-upon-Tweed. I checked.

As such no-one left that room confident of a pass.

As such no-one left that room confident of a pass. It had been suggested that another company's exam was so easy that four out of five 'girls in the office' passed that exam. If it is compared to the one we took – then we believe they guessed the 'tick in the box' answers. Alternatively, they were well versed in HRA, DPA and H&S and didn't even NEED to know what a statement or investigation looked like.

The Board is reviewing the examination we took and, having been advised that the SIA set the tone for the Awarding Bodies' examinations, we are considering whether to contact the SIA and ask them ***what the hell are they thinking?***



Membership Levels

With the onset of licensing the Board discussed whether, or not, membership levels should change to reflect the qualifications for obtaining a licence. Traditionally membership of the IPI has been equated to Level 4 NVQ, and the licence requirement is only a Level 3 Award. The question was – should we make Level 3 our standard for entry (other qualification criteria still to apply e.g. time in the profession), and introduce a new 'higher' grade for current members who had previously reached or exceeded the Level 4 assessment. Fellowship would remain at Level 6, regardless.

As one Board member opined that the exam was so easy it was decided to leave things as they are and allow Associate status for Level 3 Award holders. That will be kept under review as we see the effect of the licensing examination on the industry.

Stalker Law Consultation

The Government recently reported on their consultation into the effectiveness, or otherwise, of stalking laws (mainly the Protection from Harassment Act).

Readers of past issues of The Professional Investigator will be aware that investigators could find themselves accused of harassment offences if (for example) surveillance or repeated attempts at service of process were considered by the subject as harassment, and an ill-informed police officer or CPS decided to test that allegation in a courtroom. Indeed, recent press reports surrounding the efforts of local authorities to discover whether sick employees are swinging the lead have resulted in the tediously repetitive yell that 'something must be done to stop' something which, properly executed, is a legitimate and proportionate investigative method.

So HMG consulted (and it has become apparent to me that consultations are not very well-publicised, which results in a risk of polarised focus groups being the only respondents), and the resulting report was recently published.

I now summarise the findings of relevance to professional investigators who may be accused of such activity:

1. First, Police Information Notices, which are used to advise the recipient that what they are

HMG decided that search powers would be introduced, specifically catered for the still summary only offence. From a PIs perspective this could be worrying



doing has been considered by someone, and/or the Police, to be harassment. This is not 'proof' of an offence but it makes it harder to argue 'I didn't think it was harassment' when it plainly is, and you've been told. The Police thought they were wonderful, probably for that reason; the public thought they were a waste of time, but were probably not aware of the potential probative value in their issue. However, there was a general consensus that even when issued, they were never followed up. HMG said, "Carry on, we'll review how they are used."

2. The next question asked if police should be given search powers to investigate stalking offences, which they currently do not have as the offence is a summary-only offence. Changing it to a triable-either-way offence would make searches possible under PACE without the need to create separate powers of search. HMG decided that search powers would be introduced, specifically catered for the still summary only offence. From a PIs perspective this could be worrying. A subject

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of an investigation makes an allegation and the search powers kick in, meaning your home or office could be made subject to search – and this would definitely include access to, and more likely removal of, computer(s). This would have a massive impact on your business (unless your records were in the computer ‘cloud’ and securely accessible, of course).

3. Stalking is too broad (or not broad enough) a term and it needs to be more specifically defined. This could arguably be an opportunity

Stalking is too broad (or not broad enough) a term and it needs to be more specifically defined.

for the industry to influence the legislation by arguing for the creation of a ‘legal process’ defence, whereby investigation under contract is accepted as reasonable subject to certain provisions, e.g. adherence to the SIA standards of behaviour, BSI102000, the associations’ codes of conduct, and so on. The only problem is that a police investigation starts with acceptance of the complaint and searches, not with asking you for your view and then taking action. Another alternative would be for the legislation (or PSI Act related

legislation) to ensure that instead of simple searches being permissible, the use of PACE Production Orders and search warrants should be the norm when dealing with investigative professionals and their practices – bearing in mind that by the time any of this is implemented, licensing should have started (!) and police would be on notice that they are dealing with a licensed investigative professional. The need for a Production Order or PACE warrant would require, at least, a judicial pre-read of the evidence/allegation, and it would put the investigator on notice that an allegation has been made, which in turn would allow time for the ‘legal investigation’ argument to be put before the police and the court.

4. The report states ‘Victims should be taken more seriously’. I have no issues with that concept, except to the degree when it becomes ‘the victim will be believed not matter what’. An investigation should always be a search for the truth, and if there are doubts at the outset these should be investigated as thoroughly as the allegation and, wherever possible, before invasive and intrusive action is taken. We must not become victims of witch hunts because mistakes have been made by others.

It is too early to see what impact any changes will have, and to be frank we still await the first, well-

publicised arrest and prosecution of a PI for ‘doing his job’ but where the subject of an investigation has made a harassment complaint. So we need not be overly worried at the moment.

But just be aware – such changes may be a learning requirement for the licence you hope to get next year!

Jim Cole, Companion

At Jim Cole's funeral on the 4th of February, the Principal was asked to provide the eulogy. This is what he said:

"I have been honoured to be asked to say a few words in tribute to Jim. I do so as the Principal of the Institute he founded, but also as someone who he honoured by calling me his friend.

My own relationship started with my introduction to the profession of investigation, when I introduced myself to the Institute. The Institute of Professional Investigators was created out of courage and ideal. It was intended to be an academic arm of another organisation, but when that organisation, of which Jim was a stout and loyal supporter, elected not to support the ideal of an academic and professional Institute for investigators then despite knowing that it meant expulsion from that organisation, he and other idealistic men broke away and founded the Institute of which I have been a proud member for 23 years, and from which and through which I and others have been able to develop our professionalism for ourselves and for others.

Over the years, with Jim at the helm, the IPI has become a major influence on the way the profession has been dealt with by government, and it is tragic that on the very verge of the profession getting what it has been seeking, led by the IPI and others and greatly influenced by Jim, that he should be taken from us. Jim, we are



Over the years, with Jim at the helm, the IPI has become a major influence on the way the profession has been dealt with by government

grateful that you and your brave friends started this, for us.

Institute

When I joined the Institute, I was really only a wannabe detective. In truth, I knew little and as I worked with Jim I learned just how little, but after working with him and with other people in the Institute that he co-founded with other great professionals I discovered a new sense of excitement and was also driven to discover more about the profession of investigation and the fact that it ain't just police who do it, and they don't know it all. In fact, as I often sat in at seminars and meetings that Jim organised, I kept my mouth shut because half the time what they were talking about was a mystery to me.

As a result I became a better investigator, but I also discovered the world of contribution and debate the like of which I had not hitherto experienced. In truth, I also learned that knowing the rules was important, because in the event that a rule was about to be broken, the deep, resounding, 'Mister Principal' that cut the meeting short would be followed by a reasoned, knowledgeable and occasionally blunt reminder

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of what could and could not be done. Jim instilled in me a desire to be a front-seater, to volunteer to contribute, and I know he did that for others, too.

I reflect upon what some of the IPI members have said in tribute to Jim, and realise that he was a great believer in people and in their potential. One person said, "Jim Cole will probably not remember me. However, back in the 1980s he was a member of the interview panel who allowed me to join the IPI in spite of the fact that I could not answer many of the questions they asked. He said: 'Don't worry son. You're the right sort and all the rest will come with time'.

Another said, "I only met Jim on two or three occasions but found him quite inspiring. He encouraged me to persevere in a male dominated field & I thank him for his encouragement."

Jim knew about diversity before many of us, because he treated everyone with respect, dignity and compassion.

Family

Notwithstanding his service to his peers, Jim was always a family man. In our telephone calls, Jim spoke proudly of his family, and I was kept up to date on Hamish's promotions, Lorraine's activities, James' professional efforts, Danielle's pregnancy and latterly Harry's growth rate. While he of course mentioned his illness it was never an issue, just information.

To provide another indication of Jim's caring I would

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TRACING

An Investigators Guide To Finding Wanted and Missing Persons

By David C Palmer FIPI F.Inst.L.Ex

Investigations into tracing missing persons are taking place constantly - at professional and amateur levels, within and outside the legal sphere. They are done for a number of reasons, but the methodology is principally the same.

This book is intended to aid those whose work, or interest, lies in finding people. It is a guide to the methods and the legalities surrounding what can be very interesting work, the resolution of a puzzle which is not overly affected in its solving by evidential restrictions. It is also intended to address investigations into those persons who are lost either through time, or through a decision to go missing as a result of excessive pressures, legal, sociological and psychological.

It is not intended to find kidnapped people, or genuine 'missing' persons who have gone missing as a result of mental illness. In its pages, investigators will be provided with advice on how to solve the riddle of a missing or wanted person enquiry: the definitions which apply, and which may direct their enquiries; the techniques of asking questions and developing information from documentary evidence; details of resources that they need to utilise in order to solve their riddles; and much more besides. Such guidance is rare. The majority of books on this subject are published in the United States, with a bias towards their methods and availability of information - methods and information that simply aren't available to British investigators.

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like to repeat the words Jim wrote to me when my own father passed away at the same age, and for the same reason. He wrote about my father, "I am sure he was a good man, the proof is in the way he obviously brought you up and turned you into a fine man, husband and father." They were great words of comfort.

And we can also take some solace in knowing that he has been reunited with his beloved Joan.

Let's not forget that Jim also had a sense of humour. His great friend John Grant tells me that on one occasion they had spent a day out when they decided to camouflage their cars with branches for the home journey. They were greatly amused by the face of a local farmer when two bushes drove by, forcing him off the road. I wonder who got breathalysed when they reported that to the police.

On another occasion the two of them told an Isle of Man taxi driver that they had been sent to the island to administer a formal birching Scottish style. The driver was so convinced, more so when the same driver, on the return journey, heard the screams and squeals of the recipient of their beatings that had reverberated around the scene of the punishment.

In Conclusion

Another friend of the Institute, Roger Bunting, wrote after Jim passed on and said in words more eloquent than I could manage:

His great friend John Grant tells me that on one occasion they had spent a day out when they decided to camouflage their cars with branches for the home journey

“ On life's journey there are a wide variety of people that come into contact with each of us. Some of them stick in our minds throughout the rest of our life and occasionally come to mind when something prompts the memory. Sometimes the reasons are not so good. Someone that has been unkind to us, or rude, or just plain stupid, like some of the "villains" that many of us have dealt with.

Others stay with us throughout our lives because of more worthy reasons. Those that have taught us how to behave, how to view life, and how to view and deal with other people or situations, and often in difficult situations, but also just by the way that they lead their lives and interact with those around them.

They shape our own characters and influence our own standards and the way that we lead our own lives and the way that we react with other people whatever the circumstances.

The Poet Byron once wrote *"To live on in the hearts and minds of those we knew, or loved, is not to Die"*

Jim Cole lives on, and will always do so whilst there are those alive for whom he was an influence for good, and whose standards will even be passed down to future generations that may never have known him, but are influenced by those of us that had that great privilege and are able to pass on what we have learnt from those wiser than we were, before and until we met them.”

Roger, as usual, is a wise man.

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I was able and grateful to speak to Jim the week before he passed away and I can testify to the dignity, and even contentment that Jim expressed in the knowledge of what was to come. I know we feel cheated that it came so soon.

My favourite author writes that when deciding how we should live our lives, one way of searching deeply within ourselves is to imagine our own passing, and to write what we would like our family, friends and colleagues to say about us at our funeral, and then to live so that they do say it.

I don't know what Jim would have thought about that, or what he or we would have written, but I am certain that he would have been more than satisfied with what those people would say, what he did for them, and who he was. Rest in Peace, Jim – and thank you.”

Tributes

The following tributes were sent to the Institute:

“I am so sorry to read this very sad news. The IPI has lost another of stalwarts and founder members. I knew Jim when I first started in this business as a teenager, and used to meet up quite regularly in the Court of Session in Edinburgh with him along with my late father and John Grant. Can you please pass our condolences to all the family.

Alf Goldberg

“Both Michael and I were very sorry to hear the news about Jim Cole. Please would you pass on our sincere condolences to his family.

Nicola Amsel and Michael Green

“Very sad and sorry to have heard this news. Please send my condolences and regards to his family members.

Stewart Wong MIPI

“Please pass on my condolences to Jim's family. I only met him on 2/3 occasions but found him quite inspiring. He encouraged me to persevere in a male-dominated field and I thank him for his encouragement.

Susan Ward

My late husband, Geoff Bradley, was a member of ABD, CII and IPI, and I think he was actually a founder member of IPI, because I vividly remember those early meetings at the Preston Crest Hotel, when discussions were taking place regarding the formation of the Institute. Geoff and I were in business together as B & S Investigations (Chesterfield) from the 1950s until the 1980s when he became ill and subsequently died in 1988.

Throughout the years since then I have kept in touch with Jim, John Grant, Vince Carratu and Peter Heims, and I knew that Jim had really been struggling, particularly since Joan died.

I have contacted Hamish, but I just wanted to add my condolences to the members of the Institute and best wishes to anyone who might remember us.

Sincerely and sadly,

Mavis Bradley

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Best wishes were sent to Jim just before he passed away, from Max Hoskinson and Mick Verling, one of whom wrote:

“Jim Cole will probably not remember me. However, back in the 1980's he was a member of the interview panel who allowed me to join the IPI in spite of the fact that I could not answer many of the questions they asked. He said: 'Don't worry son. You're the right sort and all the rest will come with time'. He gave me a chance and here I still am— a career as a licensing investigator and decades later.

But it goes further...

I have had two apprentices in my time (and a third at the moment). I have made the same comment to them at interview as Jim made to me, and I'm glad to have done so because the first two turned out just fine. One joined the army, and became a military police officer who will retire in a few years with his full career pension. The second is a Customs & Excise Officer, and the third will probably get through in time. So, thanks Jim. Thanks for my career and a for a few others.”

Thank You

Richard Newman would like to express his thanks for the messages of support he received from IPI colleagues on the passing on his wife Meg, who passed away after a long illness throughout which Richard was an ever-present support.

Guest column - Frank China

Lavoisier, we have all heard of him haven't we, once propounded the theory that, 'Matter is neither created nor destroyed', it can only be changed into something else and, of course, he was absolutely right. As indeed a few other great scientists before him realised.

So, I was thinking the other day how important it must be to have a truly professional investigator on your side and where I researched this first was the industry's professional body itself. You lose something, you know it must be somewhere, but of course the question is where. A truly professional investigator, if he doesn't know where, the chances are, say the Institute, he would know where to start looking.

In these days of modern technology, looking for something lost should be a 'doddle'. This, however, does not seem to be the case for Malaysian Airways. After all, things just don't disappear, that really is in the realms of fantasy, so what did happen to their aeroplane. Sure, it has not been converted into something else, and it was no where near the Bermuda Triangle, so it has been lost, very careless of course and to lose such a large thing is almost inexcusable, but to also lose over two hundred passengers with it does seem a little careless.

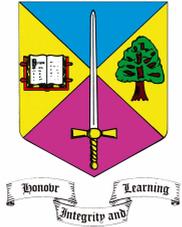
We are all speculating as to what has happened although by the time you read this, we all may know, but at this moment in time, personally, I simply do not believe that twenty-four nations searching for a clue haven't yet some idea as what happened and you are not going to tell me that some astute passenger wouldn't have telephoned his 'nearest and dearest' to say that they have been hijacked, had they been so! So the only conclusion is it is on the way to be 'converted to something else'. What I am trying to say is that you really need the

professionals on your side when something as large as an aeroplane with over 200 passenger on board simply disappears – but of course in this instance we may have to rely on technology to provide the answer.

You wouldn't call the Institute for lost car keys, lost credit cards or something that can easily be replaced, but when you get into the realm of lost aeroplanes, lost people or even a lost wife or husband, it might well be to your advantage to seek out a professional. If you can put a price on what is lost, or if it is so hard to put a price on it that you consider it priceless, then professional help is a must. That, say the Institute, is where their professionals can help and, they stress, it is they who are the professional body for this investigators sector.

Sometime this year the industry's 'professionals' will be shrunk, from the many thousands calling themselves professional investigators to a number so diluted that simply a few thousand may be left standing and, says the Institute, we have no reason to disbelieve them. The Institute's numbers will remain constant, and will almost certainly increase in months to come. So anyone thinking of entering this industry should not miss out. If they can get their foot in the Institute's door, don't take it out no matter how difficult the entry may be. Licensing is here, and rather like the auto-industry's MOT, which got rid of many old 'bangers', there will be a few 'young and old bangers' unemployed in the investigative sector shortly. Sad? No, not really, since I am led to believe that the Institute has been campaigning for this for decades and finally 2014 will be a year to celebrate.





Letters to the journal

Haven't been any – again.

Please take the time to email the IPI at admin@ipi.org.uk if you discover anything about which we should be aware – consultations, legal decisions, advice from clients on service provision and so on or just write us a letter or article with an opinion.

Please.

IPI 'Manual for Investigators'

A comprehensive guide to conducting investigations of many kinds

By David C Palmer FIPI F.Inst.L.Ex

Taking the reader from basic ethics through generic investigation methodology and finally to specific types of investigation, the Manual will show how to exercise basic administrative and operational practices so as to be able to mount and complete a high quality investigation for a client, or for the public.

Written by a practising and professional investigator, and starting with a 'template' methodology that causes the reader to think like a professional, the reader will find that the basic practices described in this book can be applied to any kind of enquiry. There is no other book like it! Many books describe 'investigations' but none are as thorough in describing the thought processes and operational needs behind an investigation. Its contents include instruction on

- dealing with clients
- preparing interviews of all kinds
- taking statements
- assembling and managing evidence
- writing reports
- tracing
- corporate enquiries
- criminal investigation from the prosecution *and* defence perspectives
- process serving
- traffic collision investigation

... and more.

Learn to be an investigator the right way – by using the knowledge, experience and standards of the members of the Institute of Professional Investigators!

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SIA Announcement

We are obliged to IPSA for the following update about business licensing:

“I am writing with an update about the planned Business Licensing which the SIA is in the process of introducing. Yesterday afternoon I attended a meeting at the SIA, with the SIA and Home Office and also certain other industry representatives.

I am sure there will be announcements via other sources, including the SIA, however this is the current state of Business Licensing:

- The required legislation has not yet been approved, so the SIA are not able to “open for applications” at the start of April 2014.
- The Home Office are still trying to get legislation passed and would like to still have Business Licensing up and in place for April 2015.
- The Home Office accept that the lack of notice does not help businesses and have provided two assurances:
 - ◇ There will be a period of at least six months for applications to be processed before it becomes an offence
 - ◇ The Home Office will give businesses at least three months’ notice to a new “open for applications” date



Security Industry Authority

I would advise companies to do everything they can to make sure their accreditations (i.e. British Standards inspections) are in place and to submit their application as soon as possible

A simple calculation shows that if the Home Office still wish to have Business Licensing in place by April 2015, the latest they could make an announcement would be the start of July this year, with application starting in October.

Those who have been following SIA announcements will recall that the SIA were originally advising businesses to make sure they had their applications in by the start of October in order to be sure that there is enough time for the application to be processed before the offence date. Therefore if Business Licensing does still proceed later this year, I would advise companies to do everything they can to make sure their accreditations (i.e. British Standards inspections) are in place and to submit their application as soon as possible.

I did ask the question about what if we do not get an announcement by July, and was advised that as there will be Parliamentary Elections in May 2015 it is unlikely that there would be anything which commences before the election and finishes after, so it would be likely that the introduction would be postponed till after elections.”

Please note that this refers to Business Regulation and not individual licensing, in respect of which we still await the promised announcement by April.

THE IPI LOOKS EAST

As another facet of investigation training, the IPI has endorsed Basic, Intermediate and Advanced Anti Money Laundering (“AML”) courses to be delivered to Law Enforcement agencies in the Middle East.

IPI member Richard Cumming, Co-founder and Director of STRIX GLOBAL (www.strixglobal.com) and his colleagues have been asked to design and deliver AML training initially to one but hopefully other Law Enforcement agencies in the region.

Having reviewed the courses contents the IPI has endorsed these syllabuses and will jointly issue certificates to those successfully completing the courses.

STRIX GLOBAL would also like to roll similar courses out to financial institutions in the region as, Richard argues, the staff of such companies are the front line troops in the fight against Money Laundering:

Money Laundering is a particularly difficult crime to detect. Most prosecutions tend to be associated with another crime of, for example, Fraud. So once the Fraud has been detected there are further offences of Money Laundering carried out by the fraudster or his associates.

To detect Money Laundering per se is more difficult and relies very much on financial institutions detecting suspicious behaviour in



their clients and reporting to Law Enforcement, who can continue the investigation. So it is very important to train these “front line troops” to detect suspicious transactions and give them the appropriate support and thanks.

The messages that need to be conveyed are:

1. Money Laundering is not just some technical financial offence it is a process which enables criminals to maintain the “lifeblood” of their operations; to keep up the flow of drugs to our

high streets, fund terrorist atrocities and enjoy the profits of their crimes. It also attracts a maximum sentence of 14 years imprisonment in the UK.

2. At a higher level, it also undermines the reputation and integrity of financial institutions, corporate entities and business systems: for example the demise of the Bank of Credit and Commerce International – BCCI.

continued>>

3. Ultimately it has the ability to destroy local, regional and national economies and ultimately, to destroy democratic systems: take for example the Iran Contra scandal and its damaging effects on the US Government.

Here are some other interesting facts to illustrate the scale of the problem:

1. Annual worldwide income from drug trafficking is £328 billion but estimates go even higher to £500 billion: even based on the lower figure, £131 billion comes from within the EU.
2. US Currency: it is estimated that the US treasury have no knowledge of where half of its \$300 billion worth of currency is located – or indeed ends up.
3. US estimates are that \$300 billion worth of dirty money circulates the globe electronically each year looking for a safe home – the United Nations has described the international payments system which handles more than 70,000 transfers totalling \$2 trillion daily as a “money launderer’s dream”.
4. Reliable estimates have concluded that \$1500 million per annum is illicit grey money which requires laundering. This staggering total is a quarter of all the money circulating around the planet.



I think you will agree that there is a powerful argument for equipping our colleagues in the financial services sector with all the tools available to detect and report these hidden tendrils of illegal money circulating around the globe.

Richard Cumming MIPI, *Board member*

Client or Court?

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In a recent edition of *The Legal Executive* journal it was reported that a solicitor had been suspended from practicing having misled a court as to the facts, and after he had submitted a knowingly inaccurate document to the court. Notwithstanding the ins and outs of the case, the decision addressed the apparent conflict between the need to represent a client's interests, and the need to act with integrity towards a court and in reflection of the public's trust in the profession of law. To quote ILEX's question – what should you do if you find in acting for a client's matter (and complying with the principle which states that you must act in each client's best interests), this creates tensions with your duties to the court?

The answer, ultimately I paraphrase thus: "if a conflict arises between two principles, the principle which takes precedence is the one which best serves the public interest in the particular circumstances, *especially* (my italics) the public interest in the proper administration of justice."

The article itself goes into detail – what lawyer wouldn't – but for investigators I think it remains clear that if we act with integrity, report only the truth and are as accurate, thorough and objective with the facts in our report as we are expected to be, no conflict arises. The client and the administration of justice are always served by the 'truth'. And a professional investigator who takes improper instructions to the contrary deserves all s/he gets when the inevitable happens.

I'd be interested to hear members' thoughts on client confidentiality vs. the court's needs, and on conflicts of interest generally.

EU News

Our thanks to the Institute of Credit Management Journal for the news that the EU, in its wisdom and its ever increasing desperate need to make law and debt enforcement impossible, are considering making it a lawful requirement that if an individual doesn't like what's written on their credit report – they will be able to demand its removal. And not just the entry, necessarily – perhaps the whole record.

It is also going to suggest that creditors will be denied access to 'sensitive data' about debtors – for example, whether they have a CCJ held against them or has previously been made bankrupt. Nor will lenders be allowed to ask for the gender of an applicant.

I know what I'll be voting in that referendum that will never come.....

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