

Home Office Findings

*IPI responds to Government Department's
Report on Private Investigators*



Home Office

IPI / ABI Merger Talks Off



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Richard Akehurst Obituary

By David Palmer

Members are by now aware that we lost a great supporter of the Institute when Richard Akehurst passed away late in 2011. Richard had bravely faced a diagnosis of cancer which he tried to fight but, truth be said, was too far advanced to fight for long.

With that knowledge in mind, even if unspoken, Richard spent his last few months making representations and asking questions about issues which affected private investigators while also writing a blog about his combat with the Big C – his feelings, observations and experiences. I feel that said a lot about Richard – not hiding away, but doing something meaningful,



Richard Akehurst

and with absolute courage. A couple of weeks before the end, he was even haranguing me about interpretations of the Regulation of Investigatory Powers Act and the Human Rights laws.

I think I first met Richard at the

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Carlisle AGM towards the end of the 90s (Stephen Grant was Principal so it was 1997 or 1998). Richard was to be presented with his Fellowship at the banquet and was sat at my table with his lovely partner, Nicole. Richard, being silver-haired, appeared to be accompanied by the traditional 'millionaire's trophy wife', she looking so much younger than he. Stephen spent the evening trying to convince me that Richard was a very young-looking 72 years of age, which made the apparent age-gap even more striking! Richard came on to the IPI Board some time later, and was a loyal yet candid supporter of a Principal who'd been appointed (to his surprise) at about the same time.

Richard, being a staunch Conservative and active Party member, had that political nous that would prove to be very, very useful during some challenging times both internally and externally. He was also a contributor to the Institute Manual for Investigators (and therefore of the Distance Learning Course) with his exemplar Reports. I particularly recall the effort that he and Ian Hopkins put in to organising the 2003 AGM so quickly, after our then Secretary-General Peter Wigginton passed away so suddenly, and so close before the event. Richard and Ian's efforts turned a bad situation into a great success. At about that time Richard invited my wife and I to stay over at his flat in South London so that we could attend

Peter's funeral. Apart from the great welcome and lovely stay, my striking memory of that night was saying to my hosts how council houses in my (police) area had awful laminate flooring – before realising that my feet were resting on Richard's (rather higher quality) laminate floors! I got me coat... Richard and Nicole were blessed 7 years ago with the birth of the lovely Jacqueline and our thoughts go out to them. It may have been some time since Richard passed away so courageously, but that doesn't make it easy. Farewell, friend.

Leslie Rosan

We would also like to report the sad passing of member Leslie Rosan who died in June 2011. Mr Rosan was an Associate and his company was Rosan & Company, based in East Sussex. Les joined in 1994.

Board Retirement Roger Bunting FIPI

By David Palmer

It is with regret that we have to report that our longstanding Fellow, Board Member and Friend Roger Bunting has retired from the Board for personal reasons supported by the Board of Governors.

Roger has been an IPI member since 1988, and came from a Railway background, being responsible for revenue protection for many years. So much did that affect him that Jim Cole recalls how Roger would attend Board meetings in Blackburn. He wrote, "He travelled in a camper van. One day before I expected the member's arrival I went to the office {IPI} gents and as I stood there I was startled by the sound of a train engine hooter very, very close by. When I recovered I went to the window and there was Roger just getting out of his van which sported on the roof a British rail type train hooter which was powered from the air in his spare wheel!"

I first met Roger as he invigilated my entrance examination in 1990 at the Preston AGM of that



Roger Bunting

Roger just getting out of his van which sported on the roof a British rail type train hooter which was powered from the air in his spare wheel

year, and suffice to say his gentlemanly, friendly approach was helpful to a young (I was under 30!) trainee detective. I passed, but we didn't cheat. Roger lived at a farm – less busy than a railway yard, I would imagine – and is famed for raising tortoises Roger was once reported in The Times for catching a ticket dodger, the first time any such offence was reported in that esteemed paper.

Roger served two terms of varying lengths on the Board, serving in the second period from 2000 to date. Roger is a laid back, thoughtful kind of gentleman and his sage observations were always welcome, as were his efforts in recruiting members from the Railway revenue profession.

Roger has been overseeing the Admissions Committee for some time, and must have done a staunch job because our Institute's standards remain high and beyond reproach.

He had a shaky start in life, his education being interrupted by being moved from Essex to Dorset

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when his father received what was thought to be a good promotion. However his father's new employer turned out to be incompetent and much stress was caused to the family when father had to find another job. By 14 Roger had given up school and wandered up "Station Road" where he lived, to the railway station. There he was befriended by the staff who were very kind to him.

By the age of 15 he had been given sufficient training in the British Railways Rule Book and Regulations for Train Signalling that he was regarded as competent not only to operate two local Level Crossings, but also the local Signal Box. He joined the railway as a Junior Porter, but persuaded by his elder Mentors he took the clerical entrance exam, becoming a Booking Clerk and later Divisional Relief Clerk. Always wanting to be a "copper" but medically unfit, Roger was intrigued to find that at one of the stations where he often acted as relief to the local booking clerks, a Travelling Ticket Inspector lived, and visited the ticket office for administrative purposes regularly. The "TTIs" as they were known put fear and trembling into many of the staff let alone the passengers. Roger discovered that they were classed as "Investigating Officers" for the purposes of Judges Rules, the predecessor of PACE, had certain Powers of Arrest under Railway Legislation and later on under the General Arrest Conditions of PACE 84. At this

Q: "And where did you get this railway ticket?"

A: "Well, actually I made it. I have a little printing press at home"

particular station, which was set on a busy roadway in the outskirts of Bournemouth the platforms were down two flights of concrete stairs in a cutting. There was also a lift which could be operated by the station Porter for the favoured.

At the Entrance/Exit at the top of the stairs by the lift the Clerk would, on the arrival of a train, stand and collect the tickets of arriving passengers. On one occasion a lady with a push chair and three children was brought up in the lift by the Porter. She had no ticket and offered to pay from the previous station. Roger took the offered banknote and told her to wait and disappeared into the Ticket Office. He used an internal telephone to ring Bournemouth station and the telephone was answered. Roger asked to speak to the Guard of the train that would by now have arrived there and found that it was the Guard who had answered! Roger's request for information about the lady with pushchair and three children was greeted with some concern as they Guard made it clear that she had been running for the train,

he had already given the signal to start when he saw her, had stopped the train, waited for her, loaded the pushchair and children on board, and unloaded them at the destination. She had joined the train THREE stops back!. Roger put this to her, she agreed and he reported her and she was prosecuted.

Shortly after this, fraud on British Railways had become so prevalent that a number of additional Inspectors positions were created and Roger was successful in his application. However, on his first day in London, on being taken to the "Office" to be introduced to the inspectorate, he felt that "they" thought that he was the "Messenger"! Still aged 21 he found that not one of the established Inspectors was under 40, and most were over 50!

Roger found that he had a knack of detecting fraudsters, many of them run of the mill, but some very serious. On the day that he arrested his first culprit with a totally forged annual season ticket, he had observed small imperfections in the printing. Asking the passenger into the corridor for privacy he said "And where did you get this ticket?" Although having decided and knowing for himself, it still came as a shock when without any hesitation or argument the man replied "Well, actually I made it. I have a little printing press at home" The case made national headlines not just because of the serious nature of the offence but because it came to light that the culprit was a

Senior Executive of another major Nationalised Industry, as the railway was in those days.

Roger went on to arrest a further two passengers on similar charges, and interestingly when asked for his name one of them started off by giving his name as “Squadron Leader XXXXX”. Strange name... Another interesting case... Roger noticed that a Season ticket shown to him had dates for issue and expiry which indicated that it was valid for 15 months. The maximum period of validity for a season ticket was 12 months. Questioned, the passenger indicated that “We have a nice man at our station. He lets us have our next year’s tickets before the annual fare increase”. It was decided to send as many late turn Inspectors to the station concerned to ensure that every returning passenger with a Season ticket would have theirs properly examined, and Roger’s Chief Inspector said that the Manager in charge did not think that it was anything other than a “one off” but, “We had better be seen to do something”. The following day Roger entered the London office to be greeted by a smiling Chief Inspector. “They took another 16 tickets away last night” he was told. The Booking Clerk got “Done” for 17 charges of False Accounting. The passengers got a bill each.

By the time Roger was Acting Chief Inspector, the Capital Cards had been introduced. These covered travel by BR, London Underground, Docklands Light Railway and London Buses. They

“We have a nice man at our station. He lets us have our next year’s tickets before the annual fare increase”.

proved an opportunity for thieves and were being stolen in their thousands and marketed on street corners. A notable Armed Robbery on a London Booking Office – several men burst down the door, one holding a Shotgun. The others held out dustbin bags and the order to the Clerk was “Fill ‘em full of tickets” No money was taken. Roger devised a way of using the newly invented Psion Pocket Computer to list stolen tickets and to be given to every Inspector on British Railways, London Underground and London Buses. (He was still bringing that Psion II to Board meetings in 2009! – Ed)

He was “kicked upstairs” through 3 grades of promotion to management level. There he had the responsibility for the collation of criminal intelligence, principally concerning stolen tickets and cheque bouncers, Chairing the monthly meetings for joint operations with British Transport Police and the other London Transport Managers, and the advanced Legal Training of The Inspectorate, and he wrote the first official Legal Handbook for Railway Fraud Inspectors. Roger joined the IPI early in his career and was overjoyed to find that there

was a professional Institute for ALL Professional Investigators and not just for Police Officers. Roger freely acknowledged that he made a successful career because he was helped by so many other people, IPI Members, both railway Staff and the Inspectors, police officers and even a solicitor, the later eventually changing professions to become a Vicar. Roger has done his best to pass on all that he was taught, and a few things that he found out for himself, and would urge you all to do the same, and to encourage participation by all PROFESSIONAL Investigators, through IPI. On that, he leaves us for total retirement... (If there is such a thing?)

IPI and ABI Merger Off

In February 2012 James Harrison-Griffiths represented the IPI on what became an inaugural meeting of a new consultation group, named The Investigators Consultative Group. The ICG, in the first meeting consisted of IPI, ABI, EOPIC and ACFE representatives, but agreed to open membership to other organisations.

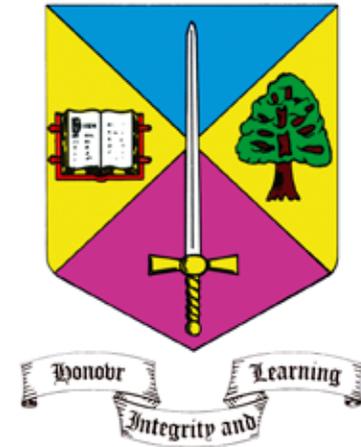
Rather than go into great detail of the rationale behind the meeting, I will summarise it.

The Meeting

The meeting was called by Gavin Robertson of the ABI to discuss a new consultation route for investigators. The agenda focused from the off on the vision of the ABI in seeking Chartered Status for professional investigators. In principle, the Institute Board agrees that such status is desirable. However, given that the size of the profession is unknown and may not be big enough for chartered status, we feel that waiting for licensing to come into being and focusing on that for the immediate future is more pressing. That said, once licensing finally gets here the industry will have a better concept of its size. Moreover it will be aware of the competency criteria to be applied, and whether it reaches the Privy Council's requirements or needs improvement.

The ICG agreed that, as a body "inclusive of all organisations representing those involved in private investigation as a business or occupation, it was the proper forum for industry discussion with the SIA going forward and not Skills for Security, a commercial organisation who, whilst they had responsibility for developing the National Operating Standards for our industry, were in no other way connected the industry." The ICG discussed whether the industry should continue consulting with Skills for Security, and Gavin made strong representations that we should not, instead seeking consultation through Skills for Justice.

As James was fairly new to the Board he was not aware of the excellent relationship we have with Skills for Security (SfS). Since the ICG meeting, therefore, the IPI has communicated to the ABI that while we agree that the industry would have been better served by being part of Skills for Justice because we more closely align our practices and processes with the legal sector, we have been served by SfS and unless and until Skills for Justice accept overtures from the sector we must continue to liaise with and through SfS. We feel that cutting ties before new ones exist is not productive. In that vein, in a telephone conference that took place on the 3rd of April it was agreed by those present (sic) that a meeting



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would be held at SfS on the 11th of June, all being welcome. In the meantime, Gavin Robertson reported that he has contacted Skills for Justice and things may well develop shortly.

One item of IPI concern was that the Chartered 'institute' was apparently intended to be opened, at least at first, only to private investigators. As such, the IPI would have to oppose such a restriction (which we feel would be unacceptable to the Privy Council in any case) because of the number of professional investigators in non-private sector employment. If a profession deserves chartered status, the WHOLE profession deserves chartered status. We have communicated this to the other participants.

I will state that this is a very brief summary of what was discussed. There is a lot of common ground between the various representative associations about making this profession show itself to be what it is, rather than what the press and public ignorance thinks it is. We only differ, agreeably, in the tactics and they remain open to discussion. Meanwhile, Gavin reported that he intended to meet with Skills for Justice and to report back. Following that, the IPI chaired a meeting with Skills for Security on the 11th of June (see post).

Anyway, in view of the current impetus in consultation and the different perceptions on

**We have advised the Association
that for these reasons, we have
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merger talks**

what to do now (while being agreed on what we would like to do in the future), it is necessary to report that we have advised the Association that for these reasons – differences of opinion on self-versus statutory regulation, Security for Skills, and our competing training projects (see elsewhere in this issue) – we have decided that there will be no further merger talks. A letter to that effect was sent to the Association on the 3rd of July 2012. In the event any formal reply is received after publication we will endeavour to pass it on to our Members.

Licensing Latest

Home Office Committee Seminar, Lynn Featherstone

On the 2nd of May 2012 the Principal attended a meeting at the Home Office with Lynn Featherstone MP, Minister with oversight of licensing 'progression' following recent events.

The meeting was by invitation only and amongst the non-triumvirate organisations represented were Risk Advisory Group (TRAG), G4S, the Bank of England and Outforce Corporate Investigations, headed by former ACC Paul Dockley. The SIA was also represented, of course.

In a nutshell (and it was only one hour long), and much to my surprise, everyone present agreed that licensing should be brought in sooner than later, with only the ABI's Tony Imossi pushing for self-regulation. The message that was politely transmitted was – we are ready, get on with it.

The only new observation that I hadn't much considered before was made by TRAG – would head-hunter organisations need licences? Under the current PSI Act template, the answer was

'only if the headhunter didn't know they were being investigated'. If they knew, and consented to an investigation into them, the Act exempted the investigatory activity. But it was interesting to see that new perspectives can still arise if people talk.

On the 22nd of May Miss Featherstone gave evidence to the Home Affairs Select Committee on the subject of PI licensing, along with other interested parties (Bill Butler of the SIA, and some lawyers!).

Apart from the usual on delays in licensing, and after some political sniping from the Committee, she was asked whether retiring police officers should be barred from becoming PIs on retirement, given that some (named) officers had acted inappropriately in the only case mentioned by the lawyers.



Peel house, London – Meeting Venue

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She said, “That is an interesting question. To date that hasn’t been the case, and in a way it is not surprising that serving police officers go into the business later. I think they are very well qualified to be in that industry. Whether or not there should be a gap, I don’t think that is the key issue. The most important thing is that there is no inappropriate behaviour. Whether they go immediately into a private investigation or whether it is X years hence, the real harm and the real damage is if they use their relationship inappropriately, in terms of the sort of things you can see on television when they say, “Well, we’re mates. You can let me have this bit of information”. That is clearly completely unacceptable, whether it is immediate or in the future.”

She went on, “I am not convinced that it is the cooling-off period that is the issue. In a sense, that is the whole point behind everything we are doing about licensing and regulating, so that you have a fit and proper person and you have competency and you have a code of conduct. The reality has to be to stop people who would use their relationships inappropriately. That is the key to everything we are doing, in terms of a licensing regime, to get fit and proper people and get rid of those people who are not fit and proper.”

Go to <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmhaff/uc100-i/uc10001.htm> for the full transcript. It does make interesting reading. In essence, the lawyers were concerned about some retired officers were acting for opponents in a case related to their clients – having been part of the prosecuting ‘team’ they were now employed by the defence’s team, and it was suspected that they had been interfering while officers, to assist with their future employers’ clients’ interests. In fairness, they did not call for a blanket ban, only raised the question, and one particularly objective lawyer specifically said that one case should not be used to suggest a general circumstance.

For that reason I recommend taking the time to read the whole document up until Ms Featherstone is asked to address the issue of Christians wearing crosses at work – gets a bit irrelevant after that point!

Home Office Seminar for Private Investigators

14th May 2012

After the meeting at the Home Office with Lynn Featherstone reported previously, James Harrison-Griffiths and Simon Smith represented us at the Home Office PI Seminar.

By Simon Smith



The Home Affairs Select Committee meeting took place on 14 May 2012 at Portcullis House, the Parliament offices adjacent to the Palace of Westminster. Four Parliamentarians were in attendance under the Chairmanship of the Rt Hon Keith Vaz MP.

Sadly, a good opportunity to hear from our sector was rather squandered for the reasons which will become clear in this narrative. Despite ourselves, ABI, WAPI and individual members of all and none of the above doing their best to focus on the need for licensing, this rather brought the meeting round, though to what effect remains to be seen. Initially, the Committee heard from four people :-

1. Richard THOMAS, the former Information Commissioner, who's clear agenda was to lobby for increased penalties for breaches of the Data Protection Act. He pointed out that, in the "News of the World" case, Mr WHITTAMORE received only a Conditional Discharge. He rather majored on this and the need for regulation to bring rogues to book. He acknowledged that, under

existing law, offences had been committed and that no regulation would have prevented those that wanted to break the law from doing so. The Committee politely refrained from asking him, despite the evidence of his then Senior Officer to LEVESON, why his initial inquiries had stopped there, without exploring the mass of Data in his Office's hands which would, actually, have blown the case wide open two years earlier. Instead he was allowed to allege that Private Investigation and its Practitioners were "shady". He cited two further examples where persons were prosecuted, one Anthony CLIFFORD in Surrey and a Mr Steven and Mrs Sharon ANDERSON, which proved topical as will be understood. He pointed out that despite these convictions Mr ANDERSON was still in business. Of course, as there is no licensing, he cannot be put out of business.

Jumping forward for a minute to the open discussion, it was Tony IMOSI of ABI who pointed out the difference between these latter cases of "Information Brokers", as he called them, and proper Private Detectives.

2. He was followed by a presentation by Jill ROBINSON. She is a TV Producer who has, more than once and for different companies, been involved in programmes about the Scientologists. As a result (and she admits her "tactics" include undercover footage etc. and other documentary "Dark Arts") she found herself on the wrong end of unwelcome attention, both in the USA and the UK. Friends and family were approached and questioned; those investigating her clearly had access to telephone numbers and car registrations. She had been followed by cars etc. A company, International Security Services Limited, had been identified. It was neither an IPSA or BSIA registered company and her allegations of their attention were not really disputed.

3. She was followed by her colleague Simon BERTHON who was involved in the same project and who, frankly, had clearly incurred the wrath of the same bunch of people. He told very similar facts about this. Whilst, obviously, both these

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witnesses were undoubtedly credible and had been harassed, no-one begged the questions of how they expected to be treated by and on behalf of these “cult” organisations who regard all criticism as wrong or about their own tactics clearly including undercover photography of people’s place of worship. Frankly, with religious fanatics, it could have been worse. Whilst two wrongs don’t make a right, it was hard to see their point, save that, if there were regulations, Investigators could be subject to complaint and removal from a Register.

However, overall, these witnesses wanted regulation so, however out of time, sang from our song sheet.

4. The fourth witness was Paul WOOLWICH who, no doubt entirely coincidentally was Producer of that night’s Channel 4 “Dispatches” documentary (See post, Ed.). Most of you will have seen it. The first company featured CROWN INTELLIGENCE was the aforesaid Mr ANDERSON’s company as mentioned by the First Witness. Again, activities shown were, as Tony IMOSSI, rightly pointed out “Information Brokers”. There was no evidence of surveillance or investigation as we would know it, merely acquiring information from sources including some legally obtained. He highlighted the second company, XFOR, as being SIA regulated already (it has SIA and ACS) and subsequently mentioned their CCTV work for railway companies and

Transport Police! Notwithstanding that, their investigative “sub company” was able to supply information including that illegally obtained. Whilst, therefore, this witness was, again, requiring licensing, the dichotomy of a company already licensed, albeit in another sector of the industry, was not addressed. [You will be pleased to know IPI has been involved in bringing this to the SIA’s attention].

The floor was then open and Investigators expressed their desire both for licensing and those in breach of the law to be dealt with. Besides Tony IMOSSI, Ian WALKER, a distinguished Investigator and Bailiff, Chris BROGAN, well known West London Investigator and former Police Officer, Graham DOOLEY, an EPIC member, the legendary Richard NEWMAN, Tim YOUNG from the Surveillance Group, Dave EDMUNDS and Brian FENWICK contributed. To the question “Why hasn’t licensing happened?” Si SMITH IPI Governor and IPSA Councillor pointed out how close it had been before the Election, and how important it was to recognise the many areas now where private companies were doing work traditionally done in the public sector including by Police. Ian WALKER returned to the microphone to confirm that point, as the “thin blue line” got thinner, we were needed more, not less. Anthony SMITH and Mrs FLYNN from WAPI both then rose to assure the Committee that WAPI membership, like ABI, would be withdrawn from those found culpable of wrongdoing.

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The session ended with a demonstration of bugging and tracing kit, showing the latest electronic equipment for these activities. Again, this was to some extent, though dazzling to the Committee, a distraction. Most of the morning, certainly the TV related witnesses, dealt with old fashioned “blagging” of information from records to which, frankly, access should not have been possible. The only “electronics” for which were a telephone!

Since the meeting, a further session has identified other problems. Mr VAZ made clear there was something on the agenda. RISC, a company in London, has now been identified , and serving and former Police Officers implicated. We can only hope this all strengthens our case for licensing and proper regulation!

Overall, however, this meeting was a missed opportunity. Too much time was spent hearing of methods already illegal, albeit inadequately punished, and a fascination with “James Bond” style gadgets. Not enough in pursuing why, at the

Overall, however, this meeting was a missed opportunity... too much time was spent hearing of methods already illegal, albeit inadequately punished

11th hour licensing stopped or why public offices including the ICO failed to pursue suspects. Of course, we all understand the need for Politicians to try and capture the headlines. After the meeting, taking a leaf out of their book, Tony IMOSI gave an interview to BBC TV and James H-G also gave a very good piece to BBC Radio 4 as one of our Governors. This was what was really achieved on 14 May; at least the sector was seen and heard by the public.

The IPI Report & Response to the Home Office Select Committee Report on Private Investigators

The report, published in July 2012, was the result of the Home Affairs Select Committee's own inquiry into the activities of private investigators which occurred in parallel to but distinct from the Leveson Enquiry, which was focused on the press and its culture.

There was a clear overlap based on the connections between the press and 'private investigators' like Mulcaire, but the Committee's remit was directed more towards private investigators, data protection and the delay in licensing.

A lot of written and oral evidence was provided to the Select Committee, and our Deputy Principal Ian Hopkins FIPI provided our own verbal testimony in the presence of Ian Withers and Tony Imossi.

As a result of their enquiries, the Home Affairs Select Committee came to the following conclusions, which are available at www.publications.parliament.uk/pa/cm201213/cmselect/cmhaff/100/10008.htm

For the purposes of space I have distilled them to their main points, and those which specifically relate to our sector:

1. It defined in a paragraph essentially what PIs do, adding "In future, it is possible that increasing numbers of investigations that are

now undertaken by police will fall to private investigators".

2. It recommended that tHMG consider what policing tasks PIs could undertake, and what they could not, particularly "in fraud detection, recovery of stolen goods, maintenance of public order and major investigations, such as murder inquiries".

3. The Government should set out a strategy for mitigating the risks posed by private investigators as soon as the Minister has read and reflected on the report.

4. They heard troubling **allegations** that private investigators maintain close links with contacts in public service roles, such as the police forces. These links appear to go beyond one-off contacts and therefore to constitute an unacknowledged, but deep-rooted intertwining of a private and unregulated industry with our police forces.

5. They recommend that the Home Secretary exercise her power under section 77 of the Criminal Justice and Immigration Act 2008 to strengthen the penalties available for offences

The Institute

For over 30 years, the Institute of Professional Investigators has sought to encourage and promote its members to achieve and maintain a high standard of professionalism whilst engaged in their investigative activities.

Our organisation is the only "Institute" within the private investigation sector in the United Kingdom. We consider our membership to be truly representative of the investigation sector. Membership of the Institute is open to serving Police officers, Her Majesty's Forces and Her Majesty's Customs & Revenue as well as individuals already engaged in investigative activities throughout the commercial sector.

The Institute regularly engages with and promotes the interests of its members to Government Agencies and Professional Associations. The Institute also co-operates with other investigative organisations in encouraging continuing professional development.

See www.ipi.org.uk and www.ipitraining.org.uk

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relating to the unlawful obtaining, disclosure and selling of personal data under section 55 of the Data Protection Act.

6. The Metropolitan Police's system of safeguards for reducing the risks of serving police officers being corrupted by conflicting interests—including declarable associations policies, a register of business interests and a list of incompatible interests—should be standardised across the country. However, these checks alone might not be enough to solve the problem. The Government must act to sever the links between private investigators and the police forces. **We recommend that there should be a cooling off period of a minimum of a year between retirement from the police force and working in private investigation.** Any contact between police officers and private investigators should be formally recorded by both parties, across all police forces. (Paragraph 50)

7. "Private Investigator" should be a protected title—as in the case of "social worker"—so that nobody could use the term to describe themselves without being subject to regulation.

8. They recommend the introduction of a two-tier system of licensing of private investigators and private investigation companies and registration of others undertaking investigative work. (This is addressed in our SIA briefings - DP.)

9. They recommend that the Government analyse the risks and benefits of granting **increased access to certain prescribed databases for licensed investigators, in order to facilitate the legitimate pursuit of investigation activities.**

10. They stated that "any contravention of data laws should result in the suspension of a licence and prohibition from engaging in investigation activity, linked to meaningful penalties for the worst offences".

And they concluded with "It should be possible to implement such a regime quickly after the creation of the new Security Industry Authority, **by the end of 2013** at the latest. There is no need to wait for the Leveson Inquiry to report before work to set out the principles of regulation and registration begins."

In a general sense, the IPI has no issues with most of the recommendations. Punishments for Data protection offences will be what they will be, and our adherence to the Law will protect us from any issues that increased penalties may bring about. The potential legitimate business opportunities for investigators that co-operation with police forces will bring about are welcomed, as is a potentially expedient ability to access hitherto inaccessible databases. The recommendations pursuant to a two-tier licensing regime seem sensible and the SIA has already briefed the Institute on that – the devil is in the

detail and at our recent meeting at Skills for Security we made plain what we think of how that should be implemented. Suspension of a licence on a breach of any criminal statute does not seem an unreasonable response.

However, we do have issues with the comments made at (my) paragraph 6, above.

First of all, I have to accept that unethical PIs have been known to seek out data through serving officers – sometimes former colleagues, sometimes just the corruptible. Some officers, like solicitors, accountants and other professionals, are dishonest.

But the majority – the VAST majority – are honest and beyond corruption. And I can't see why that should not be the default position rather than what the Committee has concluded.

A brief analysis of the evidence available in the Report indicated the Committee was relying on the following evidence when it arrived at this conclusion:

1. Evidence from senior former Met officers, one of whom knew of a data disclosure incident involving five officers 8 years ago, in a force of 40,000 officers: someone (not an officer) being advised by a PI that planting evidence on a PIs

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client's wife in a custody battle was a good idea, advice he acted on: and the murder of Welsh PI Daniel Morgan, in which officers were arrested but never successfully prosecuted. Only the first of these really had any bearing on the Police/PI connection. The other two had connections to PI work, but in a looser sense. The officers involved were corrupt, yes, but were corrupt independently of the industry. In the last case, it has always been suggested that the reason the PI was killed was because he was investigating the corruption of officers, hardly evidence of retiring officers being corrupt PIs.

The officers went on to say that intelligence had been received over time that officers received payments for information (as opposed to doing it for mates as their primary motive?), but one of the two witnesses said he'd not seen any evidence of this himself. He went on to say they'd been investigating PI companies since the late 1990s – apparently concluding that it was happening, but without finding any prima facie evidence? They did add that there were other categories of threat (identified by SOCA) – they were family and friends (duh!), criminals, commerce and the press!

They went on to say that they were aware that officers coming to the end of their service would tend to seek employment with ex-colleagues now in the industry. One MP suggested that this was not ethical – I call it common sense!

2. Evidence from lawyers who gave evidence about a case in which they were involved (Ibori). They made allegations against serving officers to the effect that they were interfering with (their own?) investigation into a corruption allegation involving a single, named PI company manned by ex-officers, and providing information given them by one side's legal team to the police.

Given that police officers and PIs do not owe the same legal duty to people as lawyers do, I think this a case of unethical behaviour than illegal behaviour, but I don't know the whole facts and reserve the right to be wrong. Unlike these witnesses, who used 'seem', 'apparently' and 'never seen it before' as adjectives to describe what they were trying to put across as un-rebuttable fact.

So, in a nutshell, it is my possibly ill-informed opinion that the Committee has for some reason seized upon these limited pieces of witness testimony, some wholly anecdotal and subjective, to justify an implied conclusion that police officers are inherently corrupt and should be prevented from being PIs for 12 months after retirement.

The Institute respectfully submits that the PI industry is a legitimate post-career proposition for retiring police officers, particularly those who have served in investigative roles. Their skills have been honed for thirty years, and the suggestion that they should be prevented from using them in retirement based on the limited evidence

provided to the Committee is, frankly, astounding. With respect, in a country which has a criminal justice that prides itself on the 'innocent until proven guilty' tenet, forbidding innocent retiring officers from engaging their skills in a private capacity seems unethical. The legalities of such a prohibition I shall leave to other experts, but I believe that there may be precedents which would make such a prohibition illegal on the grounds of restraint of trade of a very limited and specific section of the population, and Human Rights legislation. I respectfully quote Article 12:

"No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks."

And Article 23.

"Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment."

I respectfully submit that the evidence provided to the Committee is far from justification for the conclusion to which it came. I understand the conclusion – I believe that far more evidence (not anecdotal or mere intelligence) would be required even before the concept of restriction could be considered.

SIA / SCG Updates



As stated ante, the Skills for Security Sector Competency Group for the Investigations Sector met on the 11th of June at Security House in Worcester. The event was poorly attended, regrettably, partly because of traffic issues that prevented at least one attendee. That said, there were many apologies given, which provides support to the fact that some investigators and their associations still consider it a valuable forum. In the event, IPI, WAPI and ACFE were formally represented, while one ABI member attended in a non-representative capacity. It was also attended by Angela Lawson of Buckinghamshire University, which identified an academic body's interest in the future of PI licensing – and the required qualifications.

Routine stuff was dealt with first, and the IPI still chairs the group, now with a Vice-Chair in the form of WAPI's Ian Withers.

David Greer of SfS was the first speaker, and his main thrust was that the difference between SfS and Skills for Justice was that Skills for Justice was employer/employee/industry led, while Skills for Justice, being a Sector Skills Council, was led by Government. In other words, SfS listens to

us while SfJ would tell us what to do – in broad terms, don't quote me! Ruth Oliver (SfS) also told us that SfJ was also now closely engaged with Skills for Health, which may take their eye of the PI ball as they get to grips with the NHS..

Moving on, he reminded us of what we knew – that business regulation was to come in alongside individual licensing – and then dropped a potential bombshell by saying that the 'business regulation template' was likely to be the Approved Contractor Scheme, beloved only by the big companies. That was left to rest pending the arrival of the SIA representative, Raj.

Who promptly turned up moments later, and briefed us as to the current state of licensing affairs. In a nutshell, nothing is going to happen until Lord Leveson reports in October, at which time HMG may well make some sort of announcement on or about the day the report goes public. As far as the SIA is concerned, nothing is likely to change in terms of us getting licensed with competency and fit/proper person tests; it is only the business regulation idea that awaits a decision. Before that latter idea gets confirmed, there will be informal and

formal public consultation, this meeting being part of the informal process. And with that in mind, we expressed, in unison, our objection to the administrative and financially-challenging farce that ACS has proved to be for the smaller companies. One of the participants had experienced it, and abandoned it as pointless and bureaucratic.

Raj suggested that a decision may be made to make business regulation apply only to businesses over 10 staff (as an example), which resulted in Tim Harvey of the ACFE opining that the result of such a proposal would be that Dodgy PI Limited, currently with 30 staff, would become 4 different companies, each with 9 or less staff.

What was interesting is that subject to Leveson's urgency in his report (if any), HMG could bring in individual licensing while still considering business regulation, letting the one take hold while preparing the latter. This, I suggested, may at least help identify the size of the industry. A final nugget was that what happens is likely to be in keeping with the other licensed sectors, administratively.

continued>>

Competency criteria were raised, next. At the moment, there are few recognised qualifications. SfS suggested that the SIA may consider the situation (currently mooted by ACFE) where an established, respected body with suitable academic standing in terms of u-accredited courses (e.g. ABI, ACFE and us) would have their certification process acknowledged as acceptable. In other words, a qualified nod towards grandfather rights for those who have subjected themselves to assessment by their qualified peers. This will be taken back to the SIA. I'll be honest, I don't hold out much hope but the justification seemed reasonable.

That said, SfS offered to work with such bodies to create a more formal qualification structure, which is in keeping with their need to facilitate a career progression template for the security sector, including PIs. Angela Lawson, in her capacity as an accredited awarding body, suggested that provided the organisations were able to match Learning Outcomes against the NOS/SIA Competency Criteria (which we counselled should not change since their 2007 paper), they should be able to satisfy the SIA that qualification or not, the competencies have been met by a member. Food for thought.

Finally, Ruth addressed the "SfS or SfJ" issue by telling us that if the latter was to consider forming National Occupational Standards for Investigations under the ABI's influence (please don't take that to be a judgement, just a convenient term), the first thing they would have to do is – look to see if the NOS already exist for that skill group. If they did, and they do, then they would have to consult with all the stakeholders to see what they thought of changing them. That means WAPI, IPI, ABI, IAATI and the other independents who reviewed them for 2010. This is because once the NOS were approved they became part of the National Suite of Occupational Standards, which appears to be partly set in stone! You can't just 'decide' to change NOS from one sector to another, apparently.

In all, despite the small attendance some new perspectives were discovered which will focus the collective industry minds for a while to come. The next meeting will be post-Leveson, by which time licensing will be firmly back in the forefront of our respective agenda!

IQ News

The Institute has now become a Partner with Industry Qualifications, the provider of the approved SIA Investigators course

It is hoped that, in the near future, we will become a Centre for examination and training under their aegis. Additionally, IQ will be able to provide not only the base for the Licensing course when it becomes effective, but for other Institute courses in bespoke learning areas for specialist Investigators, as well, of course, as recognising our Fellowship process. Further exciting developments follow, but initially these will include development of a course for Investigators work “in house” but in licensable sectors, such as Retail Loss Prevention. In some, where investigator licensing will be necessary for Companies already regulated for other activities such as guarding, we will be co-operating with the Security Industry’s manned guarding body, the IPSA.

We are, as members will know, already co-operating with the Investigative and crime prevention elements of their maritime security courses. Speaking on behalf of IPSA, its President, the Rt Hon Bruce GEORGE , said he welcomed the input to this important and increasingly prominent area of security by our professional Investigators, with their unrivalled experience . The Chairman of IPSA, Mike WHITE, also welcomed our course becoming available

at a sensible level of expenditure to those IPSA members seeking the additional qualification both for CV enhancement and to upgrade their level of their “game” in the challenging world of security. As our representatives keep stressing, Si SMITH recently reiterating this to the Home Affairs committee seminar, many investigators who do not fit into the traditional areas portrayed by film and TV, are continuing (and indeed increasing) to provide necessary services from Store Detectives, through companies working exclusively for Councils, to experts working for Government and senior Public Authorities. This work will increase rather than otherwise.

Overall, therefore, we are meeting the challenges of the world today. We will continue and enhance co-operation with like-minded and forward looking bodies who’s areas of interest coincide or are complimentary to ours, for the good of our members, primarily, but also conscious of our wider responsibilities to society. We hope all IPI members will be pleased that IQ and IPSA, to start with, are on side over the vital issue of training and professionalism which, after all, is what we are here to achieve.”



AGM Notice

16th November 2012

London

The 2012 AGM will take place on Friday the 16th of November 2012 at the Civil Service Club, Great Scotland Yard, London.

At this moment details are still to be confirmed but we hope to have representation from HMG and the SIA present, hopefully discussing, advising and briefing

on the Leveson Report, which should have been issued and dissected by that date. Notices will be sent out by the middle of September.



News Shorts

Website Contact Details

Anyone who DOES NOT want their contact details on the web site should advise the office, since all contact details go on automatically and for some people in sensitive areas of investigation names etc. on web sites might be inappropriate. Many do advise us, but some don't. Please let the Secretariat know if you do (NO)T want contact details on the site, or need them edited for any reason.

Twitter and the IPI Website

Members should ensure that they make more visits to the IPI Twitter and websites, because these are routes through which we can update you immediately, and regularly on matters about which you may want to be made aware. This way, instead of waiting for the Journal (important as it is), you can be aware of issues as they arise so that we, your Board, can act on your observations.



Attendance at ABI AGM

On the 21st of April 2012 your Principal was honoured to be a guest at the ABI's Annual Banquet, hosted at The Royal Hotel in York. The City was unfortunately wet all day long, but the evening was a triumph of good food, great company, renewal of past acquaintances and establishment of new ones. Although one attendee did blanch at the price of a Coke at the bar – I believe £6 was mentioned. (I drank and so it was cheaper.)

Thank you for the invitation, ABI – it was a great evening.

Annual Subscriptions

Members are asked to ensure that any outstanding fees are paid as soon as possible to ensure their continued participation. Attendance at the AGM, receipt of the Journal and other notices and use of the MIPI post-nominal and crest are dependent upon currency of your fee status. Please contact the Institute Secretariat if you have any issues with payment that we may be in a position to resolve.

New Members

Welcome to Jonathan Ashe, who lives in East Sussex and trades as JJ Ashe Limited, and to Mark Allnutt from Hertfordshire.

New members are always invited to write a few words about themselves and their businesses in order to seek business opportunities where appropriate, and to open social opportunities, always.

Exam Passes

Congrats to John Heathcote and Richard Lee on taking and passing the first Institute examinations since (about) 1999. Having completed the Distance Learning Course they had to demonstrate that they could answer questions without access to the materials, and I must say I was impressed with the amount of information they had retained having completed their studies. Well done, both.

Other students are coming to the end of the Distance Learning phase of the course and will be invited to take examinations in the near future. Members of the Institute may be called upon to invigilate examinations at their (and the student's) convenience, and we are very grateful to our invigilators for their help in doing this.

Radio 4 – Crouching Low, Hidden Camera

On the 3rd of July, Board Member James Harrison-Griffiths was featured on the Radio 4 programme, which was about the industry in general.

James was the featured 'one-man band' detective for the first part of the programme, and he spent some time emphasising how the remit of the PI allows them small freedoms (*from bureaucracy*) that the police do not have. There was an apparent emphasis by the reporter (*Jake Wallis Simons*) on the fact that Jim was an ex-officer with contacts who were ex-officers, although he seemed to skirt around suggesting that there were contacts inside the police service, or that Jim was using such contacts. Jim quite rightly emphasised that he complies with all the legalities of investigation, while acknowledging that others in the industry consider the odd illegal act.

The reporter then moved on to another company, with a number of investigators – Answer Investigations of Guildford, in the form of Andrew Cross. (*They have a very American-looking website!*) He focuses on forensic investigations and surveillance. He showed the reporter some equipment and took him on a basic surveillance to identify if a vehicle was parked in a specific area. They then discussed investigation ethics, and the company boss told how medical and other records have been obtained by the unethical, and his

He paid an informer and as a result, recovered a very expensive, stolen painting – a Titian worth millions

feelings that only 10% of the industry act ethically. The interviewed their two-week employed, 20-year old female trainee investigator, too, before moving on to what they thought would be a BIG operator. They found a man, called Cliff – an ex-officer arrested in connection with the enquiry mentioned in the Lynn Featherstone debate, ante, or one very like it. Least said.....

They finished with Charles Hill, ex Met DCI, a freelance art recovery agent in Richmond. They described how he paid an informer and as a result he recovered a very expensive, stolen painting - a Titian worth millions (*Rest on the Flight into Egypt*).

Apart from Cliff, who was challenged briefly and ineffectively on his arrest, this was a refreshingly non-judgmental, un-opportunist programme on Private Investigators.

As a result of the programme, within half an hour of the end of the transmission, James received a contract for a tracing job. It pays to advertise.



Titian: Rest on the Flight into Egypt

Watching the Detectives – Channel 4 ‘Despatches’, 14th May 2012

This was an interesting but wholly expected programme by Channel 4’s investigatory journalism programme, where an undercover reporter (*no RIPA required*) investigated what the seedier investigation companies offer – illegally obtained information!

Reporter Chris Atkin created a company called Beverton Consultancy Limited, which purported to be an investigation company, in order to engage targeted companies to obtain intelligence on volunteer subjects. (*Let’s overlook fraudulent trading possibilities, here, for now!*)

The subjects who volunteered to be investigated included a political activist or two, and a businessman. With minimal detail, Atkin approached two companies – Crown Intelligence and XFOR – with a cover rationale for their interest, and asked for intelligence.

Over time, they were provided with extremely detailed and therefore illegally obtained information related to benefits claims (dates, times, amounts), bank accounts, telephone billing and – wait for it - details of doctor’s appointments down to date and time, with medical history covering acne treatment as teenagers.

Try explaining that to the Information Commissioner when you get caught!

I have checked – none of the names connected to the Institute (there’s a surprise).

Even if it was designed to undermine professional investigators it may have the desired effect of invigorating movement towards licensing.

Towards the end the reporter got rumbled by XFOR’s investigators, who did not overtly threaten but were undeniably intimidating. Ex-special forces types can do that, even by accident!

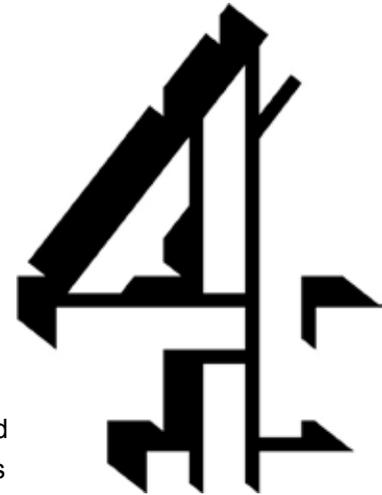
Tony Imossi was interviewed (*we weren’t approached, unusually*), and told the programme that these things are frequently happening, but I suspect he wasn’t allowed to put the case forward in any detail for the licensing we all want – or it was edited out. I didn’t sense malice or mischief in that omission, if an omission it was.

A retired SOCA agent Cameron Addicott unfortunately made the generalisation that ‘Private Investigators’ (*and by implication ALL of them*) offer this kind of service. He looked quite young for retired, and his website says he did ‘only’ 20 years in investigation before writing memoirs

and other non-fiction
He may be an expert
I have no reason
doubt his bona
fides but I wish
people would qualify
their statements instead
of attacking professions
wholesale like the Info
Commissioner did.

All in all an informative and reasonably balanced programme which, even if it was designed to undermine professional investigators, may have the desired effect of invigorating movement towards licensing.

On a lighter note – the political activist who would shout on a megaphone and annoy officials – teared up when he found out he’d been ‘hacked’. We should tremble if that’s the calibre of revolution these days



ABI Seminar

Investigators looking to the future

The Association of British Investigators is pleased to present a seminar which is designed to provide a clearer view of the future of our profession and of business as we reflect on the impact of The Leveson Inquiry, The Parliamentary Home Affairs Select Committee Inquiry into private investigators and, of course, the current economic climate.

We welcome the following key speakers:-

- **Tony Imossi** - President of The Association of British Investigators
The Road to Licensing
- **Steve Eckersley** – Head of Enforcement Information Commissioners Office
The Importance of Complying with the Data Protection Act for Investigators
- **Shaun Sweeney** - Managing Director of Turner Butler Ltd
Developing a Business
- **Nick Smith** – Assistant Director of Policy & Legal Security Industry Authority.
The Story of Licensing and Current Thinking

The seminar is enhanced by the presence of exhibitors from the accountancy world and financial planning who will be at hand to provide useful information on a one to one basis in relation to the everyday task of running a business.

Venue:

Mercure Leicester City Hotel
73 Granby Street
Leicester
LE1 6ES

For more information.

www.theabi.org.uk/the-association-articles/seminar-investigators-looking-to-the-future

Only the first 100 places are free, and must be booked by the 31st of July.

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