



THE Connection

Official Newsletter of the Georgia Association of Professional Private Investigators, Inc.

UPCOMING MEETINGS

The Next
GAPPI Atlanta
Chapter Meeting
February 8, 2011
at Ryan's Restaurant
705 Jimmy Carter Blvd.
Norcross
(770) 840-9096

Networking and lunch from
11:30 a.m.—12:00 noon
Meeting from
12:00 noon—1 p.m.

The cost is \$15.00 for GAPPI
members

\$20 for non-members
(includes lunch and beverage)

Students and potential members are
always welcome.

"We look forward to seeing
you all there!"

When Does Legitimate Investigative Activity Become Intimidation?

By Colleen Collins

Recently, the media reported that a famous movie star hired private investigators to visit witnesses and make a "forceful impression." In November 2009, a San Francisco defense investigator was indicted by a San Francisco Superior Court criminal grand jury on one felony count of witness intimidation. A year earlier, two New Mexico women filed a lawsuit claiming a private investigator practiced intimidation after showing up at their homes, demanding proof of their U.S. citizenship and threatening to call immigration authorities.

The line between investigation and intimidation is often clouded with subjectivity and shaded by the manner and approach used by the investigator when approaching the witness. The law, however, will step in when an investigator does something that would cause an average, reasonable person to become fearful. In such cases, the investigator can be charged with intimidation.

Let's look more closely at the definition of intimidation. The FindLaw Legal Dictionary defines intimidation "to make timid or fearful," especially "to compel or deter by or as if by threats." A Colorado Supreme Court case from 1979, *People v. Jenkins*, used the definition of intimidation from Merriam-Webster's Dictionary, Third Edition p. 1184, to define "intimidate" as "to make fearful, frightened, compel action or inaction (as by threats)." The law makes it plain that it is lawful to investigate but that investigators cross the line when they perform some act intended to frighten the subject of the investigation.

An example of intimidation is to leave a dead fish on the windshield of someone's car with a rose in its mouth (which L.A. investigator Anthony Pelicano did to intimidate a newspaper reporter who was on the trail of a crime). The reporter was a witness before an official proceeding and Pelicano was charged with intimidating a witness with this not-so-subtle gift of seafood. While the FBI agents in the Sopranos could sit at the foot of Tony's driveway and even chat with him on occasion, they could not attempt to run his car off the road or interfere with his business because those acts constitute intimidation (or police harassment).

PIs are sometimes hired to discourage witnesses to testify in a court case, or to take photographs of an individual and his/her home, car, workplace. These investigative tasks can be easily accomplished without invoking fearful reactions from the subjects. But when these tasks are done in such a way to intentionally frighten people and/or drive them from either testifying or bringing a claim in court, those

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actions are legally classified as intimidation.

Private investigators are also regularly asked by bill collectors to visit debtors. This is a dicey area because federal credit collection practice laws permit contact but they don't permit collectors to harass, threaten with bodily injury or improper damage to the debtor's reputation. Any time that a debtor can prove that a PI is guilty of these acts, then the PI is personally liable, his firm is liable, and the collection agency is liable.

So how can a PI protect him/herself from being accused of using intimidation?

Stay calm. Even if a subject is baiting you, keep a lid on your reactions. Sneering, clenching fists, even prolonged staring are threatening signals that signal attack. Alternatively, relaxed body language encourages people to open up. A primer on using body language is at [Changingminds.org](http://changingminds.org) under "Techniques for Changing Minds/Body language" at http://changingminds.org/techniques/body/body_language.htm.

Document encounters. Especially if a subject is known to be difficult, have an associate photograph or film the encounter. At our agency, if we have reason to believe a subject is easily angered or prone to inflammatory, false claims, two investigators are assigned to the task. While one conducts the investigative activity, the other is nearby documenting the encounter with a still or video camera.

When possible, meet subjects in public places. People tend to be on their better behaviors, and more accountable for their actions, if they know they're being observed. Consider meeting subjects for interviews in such public places as coffee shops or restaurants.

Know and be sensitive to your witness. Find out about witnesses from others who know them, especially if a witness is elderly, frail, suggestive, or even involved in criminal activity themselves. Become prepared for those who might make false allegations based on cultural or societal differences (consider bringing someone from the witness's culture, for example, to the interview). Knowing your witnesses' soft spots can help you avoid allegations of threats or manipulation.

Keep your client under control and at a distance. Some clients like to couple your involvement with their own interpersonal tyranny. Example? Jack, your client, hires you to interview his ex-girlfriend about her domestic violence claims. Unknown to you, Jack calls the ex-girlfriend and tells her that he has hired a PI so that he can "prove she is a drug addict who abuses her children." Upfront, and in clear terms, tell your client to stay away from witnesses who may be sensitive to him.

Colleen Collins is a professional private investigator in Colorado and a guest writer for Plnow.com, which is a nationwide trusted network of private investigators. Visit www.Plnow.com to learn more.

9 TAX DEDUCTIONS FOR PRIVATE INVESTIGATORS IN 2011

Editor's note: PInow.com Weekly News Round-up writers are not tax advisors and you should not make financial decisions based on the advice in this article. We are simply offering you ideas to consider during your tax preparation. Please consult with your own tax advisor or attorney before taking any action regarding how you treat expenses in your tax filings.

With 2010 fast approaching its conclusion, it's time to start developing a strategy to save you as much money as possible during the 2011 tax season. During this time, it's important to figure out how your business-related expenses can be turned to your advantage when dealing with the IRS. We have included some tried-and-true tax deductions for [private investigators](#) as well as some updated or brand-new IRS tax provisions that may help your bottom line.

1. Start-up costs for new small businesses

If you started a new private investigator business in 2010, you might benefit from a tax deduction for start-up costs. The IRS says, "Section 2031 allows up to \$10,000 as a deduction for start-up expenditures and provides for a dollar-for-dollar reduction of the \$10,000 deduction if start-up expenditures exceed \$60,000."

To read more about this deduction and others that appear on the Small Business Jobs Act of 2010, visit <http://www.irs.gov/businesses/small/article/0,,id=230307,00.html>.

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2. Mileage for business use of cars

The Internal Revenue Service (IRS) said that people using vehicles for business purposes could deduct 50 cents per mile driven in 2010. That amount will increase a penny to 51 cents per mile in 2011. If you plan on claiming your car as a business expense, you need to first decide whether you will use the car solely for business because that will determine how much you can deduct. The IRS has two ways to decide how much you can deduct, the standard mileage rate method and the actual expense method, so you should visit the IRS website to determine which you are eligible for and which will save you the most money.

3. Buying “non-traditional” vehicles

The IRS is issuing tax breaks to those who purchase environmentally friendly vehicles. If you buy or lease a hybrid gas-electric or alternative-fuel vehicle before Dec. 31, 2010, you can receive an income tax credit. According to the Department of Energy, the amount of this tax credit is dependent on fuel economy, vehicle weight, and whether the tax credit has been phased out because the manufacturer has sold its quota of 60,000 vehicles.

You can also potentially get a tax credit if you buy or lease a plug-in electric vehicle. Depending on the vehicle's battery capacity, the credit can range from \$2,500 to \$7,500. To learn more about specific requirements and qualifications, visit the IRS website.

4. Equipping your business

Section 179, which allows you to write off newly purchased equipment, has doubled to \$500,000 because of the Small Business Jobs Act of 2010. Keep in mind that qualifying Section 179 property must be purchased and put into use by Dec. 31, 2010. Small-business owners can write off property including:

Office furniture and equipment, including scanners, fax machines, printers and copiers

Computers and off-the-shelf computer software

Other equipment and machines purchased for business use

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5. Carrying back 2010 general business credits

Eligible small businesses can carry back general business credits five years, as opposed to previously only being allowed to carry credits back one year. This carryback would provide tax refunds to businesses that were profitable but are now dealing with losses. According to the IRS, "the carryback is for credits determined in the first taxable year beginning after December 31, 2009."

In order for your business to qualify for the carryback, the IRS specifies that it must be:

A corporation whose stock is not publicly traded, a partnership, or a sole proprietorship, and;
The taxpayer must have \$50 million or less in average annual gross receipts over the three preceding tax years.

6. Deducting your marketing dollars

Spending money on marketing your business (even during a down economy) is key to achieving growth. These expenditures can also be written off during tax season. Marketing expenses that you can deduct include:

- Billboards, posters, fliers and brochures
- Money spent on promotional activities such as contests, special events to attract business or sponsorship of local events
- TV and radio advertisements
- Business cards
- Money spent creating and maintaining your business website
- Sponsorship of a sports team
- Advertising to fill a vacant position within your company
- Online directory listings
- Phone book listings

7. Association membership

Not only is joining your state or national association a smart business decision because of the networking and educational opportunities, but the membership fees are also deductible. Make sure you document how membership in the association is related to your profession, and keep any receipts as proof that you paid your dues. If you subscribe to trade publications or publications from your association, those costs can also be written off.

8. Business-related education

As in most careers, process servers and investigators can benefit from engaging in continuing education. Education helps process servers and investigators to excel in their jobs using newer technology, more effective techniques and knowledge of the latest legislation. Money you spend on classes, seminars, conventions, videos or CDs is tax deductible as long as these expenses are directly related to your profession and meant to improve your on-the-job skills and knowledge.

9. "Ordinary and necessary" business expenses

The following business expenses are classified as "ordinary and necessary," which makes them deductible: bank service charges, business-related magazines and books, casual labor and tips, coffee and beverage services, commissions, credit bureau fees, office supplies, parking and me-

ters, postage, and promotion and publicity.

Conclusion:

The lesson to take away from the preceding list of deductions is that while it's sometimes painful to open your wallet and spend money on your business, you can get some of that money back come tax time. All it takes is careful documentation of your expenditures, organization of your receipts and invoices, and possibly consultation with your trusted tax advisor or accountant. Good luck to you and your business in 2011 and feel free to send your favorite tax tips our way.

This article was written by the staff of PInow.com, which is a nationwide trusted network of private investigators. Visit www.PInow.com to learn more.

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