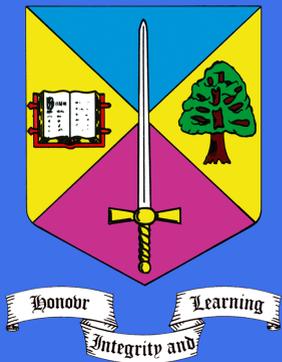


Personal Safety

For Professional Investigators



The Professional Investigator

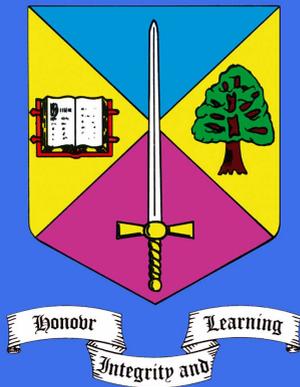
Spring 2019

The Institute of Professional Investigators

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Live and Learn

I have been working in criminal investigation, specifically, for 17 years. Since 2006 I have regularly been involved in obtaining Production Orders under PACE. In that time I have always – always - requested an authorising signature from a Superintendent.

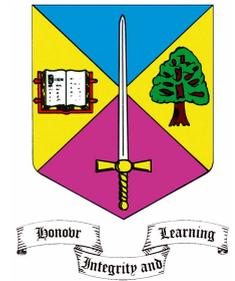
And at no time whatsoever, until today, has any one of them said, “An Inspector can do this.....”

In my defence, after being told this I spent an hour trying to find out exactly what level is stated in PACE - but I’m damned if I could find any reference at all to the level of authorisation!

No matter how good we get, we can always learn something new, which is one of the reasons I joined the Institute and one of the reasons I spend my time writing this journal.

Join me.

David Palmer FIPI
Editor



Board Meeting



The Board met in Luton on the 28th of March 2019, for its routine refocus on Institute business. The main points of the day are as follows:

We welcomed **Gary Murray MIPI** on to the Board, as a co-opted member, to address the retirement from the Board of our long-time Treasurer, **Brian Walker**. Brian retired after being on the Board from the late 1990s, and we thank him for keeping us honest, keeping us solvent, and in general for keeping us! Brian remains and will always remain an Institute stalwart.

Gary Murray F.Inst.PA MIPI is a Fellow of The Institute of Paralegals and Senior Partner In Euro-Tec Investigation Service. He served in The Armed Forces as an SIB Security & Criminal Investigator and, having joined the Board is offering free business templates that members might find useful in dealing with Data Protection and GDPR issues. (See post.)

Our Board Member Stephen Langley has also resigned from the Board.

The membership invoices will shortly be going out (sorry), and there is no increase in subscriptions for the 2019-2020 period.

The Institute is to create an email communications facility so that members can advertise any need for sub-contractors, or practice advice

The Institute is to create an email communications facility so that members can advertise any need for sub-contractors, or practice advice. Members will have to opt-in to this facility, and the protocol will be that a member will send an e-mail to a specific address, e.g. contacts@ipi.org.uk, which will then go out automatically to all signed-up members. They will reply NOT to 'contacts@' but directly to the initial email.

Which means NOT using 'Reply All', which is a nuisance and can be quite dangerous.

Members can also take advantage of the Journal by asking the Secretariat to arrange an advertisement.



Gary Murray MIPI

The costs will be competitive and it will be a great way of making other members aware of your services.

Finally, congratulations to **Richard Cumming FIPI**, who is our new Principal-Elect and will take over from **Brendan Tolan MIPI** at the AGM on the 25th of October in Derbyshire.

The Level 3 Award in Investigations Update

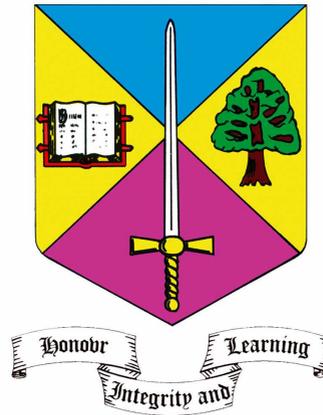
At our Board Meeting, the Board focused mainly on the challenge created when our short-term Awarding Body ProQual suddenly decided that (a) they would not do business with us after all, and (b) they would not talk to us about it.

Despite every effort on the part of our Principal and Secretary-General - which included a surprise visit on their premises which put them on the back foot, although the Tolans wish to emphasise that ProQual did speak to them and it was a polite and respectful visit – the fact is that they simply dug their heels in and there will be no resumption of their accreditation of our course.

Nevertheless, there is an extremely viable alternative and discussions are already underway to exercise on that, and we sincerely hope to resume provision of an accredited course in the short term.

In the interim, we wish to make the following absolutely clear to current students:

- Your learning is not wasted – once we have our new accreditation you will be invited to be assessed (exam or workbook) and there will be no additional cost to you. It's not your fault we were let down.



We have restarted the Distance Learning Course as an unaccredited course at a suitably reduced cost

- We are considering resuming the course as a non-accredited course, in the safe knowledge that as an accredited centre in the future, we will be able to put students of the 'unaccredited interim course' through to any assessment as having done the required learning hours, anyway.

The issue is and always has been one of legality – we could not sell our course as accredited once the Awarding Body declined to do business with us, hence the reason we pulled it from the website. But we can sell it as non-accredited, and valid for accredited prior learning, provided that is made clear to clients.

With that in mind we have restarted the Distance Learning Course as an unaccredited course at a suitably reduced cost, with the caveat that once completed, the IPI as a Centre (once re-accredited) will be able to recognise the students' completion of the course and allow them – at cost – to go through the Award process for their qualification.

Recovery of stolen art – Conflicts of Interest?

By Richard Cumming FIPI

Here is an interesting dilemma. We are a firm of Investigators and Risk Mitigation Consultants and at the risk of “Swinging the Lamp”, reiterate a past case in which we were told by an informant that he knew the whereabouts of a stolen piece of art worth approximately £1 million.

He said that he could recover the stolen property but wanted a suitable reward. 10% was not realistic but he would carry this out for £20,000.

The dilemma was: how to reconcile the competing interests in this scenario?

- The Insurers wanted to recover the artwork to avoid a £1 million pay-out or offset what had already been paid.
- The informant wanted his £20,000, which to the Insurer was probably a recovery fee worth paying in purely financial terms.
- The Investigator was happy to receive an additional recovery fee for time spent facilitating this, which again would probably be acceptable to the Insurer.
- The 4th participant in this scenario were the Police who may not be at all happy with the above arrangement and probably want to “feel someone’s collar” in the process of recovery.

Here are some thoughts which occurred to us:

- It may be that the informant stole or facilitated the theft himself and was seeking a reward as an alternative to selling on the Black Market. The Police would want to investigate this.

He said that he could recover the stolen property but wanted a suitable reward. 10% was not realistic but he would carry this out for £20,000.



- Even if this was not the case, the Police would want to establish where the Informant got his information from with a view to arresting the Handlers and/or Thieves and perhaps recovering other stolen art and/or preventing future thefts. The Informant would probably not want to be part of this for fear of compromise.
- Goods remain “stolen goods” until they are restored to the owner or other lawful possession. Does the Informant or Investigator count as “lawful possession”? If not, are we taking the risk of “Handling Stolen Goods” if for example the Police have mounted a surveillance operation and we are found in possession of stolen goods albeit en route to the Insurer – if we take possession of the artwork from the informant would either of us be committing the offence of “Handling Stolen Goods”? The phrase “Tell that to the Judge” springs to mind!
- We could argue that the point of dishonesty is not present but do we want to risk having these particular circumstances tested in the courts?
- If not “Handling”, would we be in jeopardy under the Proceeds of Crime Act whereby a person commits an offence if he acquires, uses or has possession of “Criminal Property”?

continued ►

In a previous case (and dare I say it, a previous age) we circumnavigated these conflicting interests by negotiating with the Police, who were satisfied that the Informant was not part of the theft, that they would effectively treat the Informant and Investigator as the conduit to "Lawful possession" and not pounce on the artwork in transit provided that a confidential Intelligence Report was forthcoming.

It would be interesting to any current views on this dilemma.

Editor: I naturally have my own answers to many of the questions asked by the author, but would really be more interested in seeing the views of my peers. We would love to see some responses at ipitrain@aol.com or david.palmer@ipi.org.uk

GDPR and other Templates

New Board Member Gary Murray F.Inst.PA MIPI has prepared a series of templates for use in private practice, mainly but not entirely centred around GDPR/DPA risk assessments. We have included them as pictures in this issue as an indication to their useful content, but members wishing to use them (and see them properly!) can go to the IPI Website members' section to access editable versions.

Note: This form is intended to be an example only - it is not exhaustive and it is recognised that there is no "one size fits" all for every organisation. Please amend, delete or add where appropriate to suit your organisation's requirements.

PRE ASSIGNMENT IMPACT ASSESSMENT

Case Ref: _____ Data Subject: _____

Client Name and Contact details: _____ Category of Client: _____
 Investigator
 Solicitor
 Debt Collector
 Individual
 Company
 Other

EXISTING CLIENT

Can we complete this assignment legally and within requested timescale?
 Accept Decline Decline communicated

Does client have terms of business? YES Acceptance of assignment sent
 NO Terms & acceptance of assignment sent

NEW CLIENT

Due Diligence checks completed on: Company Directors Individual

Results of due diligence checks were: Satisfactory Not Satisfactory

Can we accept and complete this assignment based on due diligence, legality & within requested timescale?
 Accept Terms of Business and acceptance of assignment sent to client
 Decline Decline communicated

Assignment Details	Lawful Basis for processing data during this Assignment tick as appropriate For full definitions of column headings below please turn over →		
	Personal Data		Sensitive Data
	GDPR1	GDPR2	SD 1-2

Further Details of Assignment _____
 Timescale _____
 Legal Constraints _____
 Special requirements _____
 Resources Databases Open Source Research Phone Enquiries Visit Other
 Sub-Agent to be used? YES NO
 Fee agreed Hourly Rate £ _____ Fixed £ _____ Mileage _____
 Location Logistics _____

Signed by person completing this assessment _____ Dated _____
 Name : _____ PLEASE TURN OVER →

Note: The basis listed below are for example purposes only. You must refer to both Acts to decide which apply to your organisation then delete or add accordingly. You will also need to amend the column headings under the 'Assignment Details' section of page 1 of this form.

Lawful Basis definitions:

insert company name here processes data in accordance with the following lawful bases stated in The Data Protection Act 2018 (DPA) and the General Data Protection Regulation (GDPR):
 GDPR1 Article 6(1f) Necessary for the purposes of legitimate interests pursued by the controller or a third party
 GDPR2 Article 6(1)(c) Processing is necessary for compliance with a legal obligation

SD 1-2 - Sensitive Data
 Article 9(2)(b) Processing relates to personal data which are manifestly made public by the data subject. (GDPR)
 Article 9(2)(g) Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity. (GDPR)

Note: The "Legitimate Interests Assessment" example below is intended to be completed once to generically cover the "investigative services" provided by an organisation, and the completed version printed on the reverse side of page 1 of this form to demonstrate compliance. The LIA should be reviewed on the basis stated below.

LEGITIMATE INTERESTS ASSESSMENT (LIA)

In accordance with the General Data Protection Regulation (GDPR) *insert company name here* relies upon "legitimate interests" as one of its legal basis for lawfully processing data (see overview). In accordance with ICO guidance published in the "Guide to General Data Protection Regulation (GDPR)" this LIA has been conducted and recorded to demonstrate *insert company name here*'s compliance in line with its accountability obligations under Articles 5(2) and 24 of GDPR.

Purpose Test

Why do we want to process the data – what are we trying to achieve?	
Who benefits from the processing? In what way?	
Are there any wider public benefits to the processing?	
How important are those benefits?	
What would the impact be if we couldn't go ahead?	
Would our use of the data be unethical or unlawful in any way?	

Necessity Test

Does this processing actually help to further that interest?	
Is it a reasonable way to go about it?	
Is there another less intrusive way to achieve the same result?	

Balancing Test

What is the nature of our relationship with the individual?	
Is any of the data particularly sensitive or private?	
Would people expect us to use their data in this way?	
Are we happy to explain it to them?	
Are some people likely to object or find it intrusive?	
What is the possible impact on the individual?	
How big an impact might it have on them?	
Are we processing children's data?	
Are any of the individuals vulnerable in any other way?	
Can we adopt any safeguards to minimise the impact?	
Can we offer an opt-out?	

DECISION: Based upon the above three part test *insert company name here* is satisfied that "legitimate interests" under both DPA and GDPR is an appropriate legal basis in respect of the investigatory services it provides to clients.
REVIEW: This LIA was conducted on *insert date here* in accordance with ICO guidance published in the "Guide to General Data Protection Regulation (GDPR)". It will be reviewed on a quarterly basis, and/or if there is a significant change in the purpose, nature or context of the processing.

OTHER CONSIDERATIONS:
 - *insert company name here*'s Privacy Notice states its legal basis for lawfully processing data
 - Under legitimate interests an individual's right to data portability does not apply

Form reviewed & updated on: _____

Pre-Assignment Impact Assessment

continued ▶

Note: This form is intended to be an example only - it is not exhaustive and it is recognised that there is no "one size fits" all for every organisation. Please amend, delete or add where appropriate to suit your organisation's requirements.

DATA PROTECTION AND GDPR PROCESSORS REPORT

Case Reference & Data Subject _____

Client Controller _____

Data Supplied

Full name : Yes No

Date of birth : Yes No

Current and/or previous addresses : Yes No

Background data : Yes No

Other : _____

Additional Sensitive Data supplied? Yes No

Is Yes tick which type -

Physical or mental health details : Yes No

Racial or ethnic origin : Yes No

Trade union membership : Yes No

Religious or other beliefs : Yes No

Criminal information : Yes No

Was data supplied to a sub-processor? Yes No

Was all data processed in accordance with Data Protection and GDPR Regulations? Yes
No

Security and Retention

(a) Documentation securely stored

(b) Accessible only by authorised persons

(c) Documentation due for disposal by secure means on :

Date Signed

INVESTIGATION RISK ASSESSMENT PLANNING & IMPLEMENTATION

Case Reference _____

Type of Investigation _____

Investigator(s) Assigned _____

Possible Constraints :

Legal Yes No

Physical Yes No

Location Yes No

Timescales Yes No

Resources & Budgets Yes No

Communications Yes No

Logistics Yes No

Liaison with relevant third parties : _____

Special Requirements : _____

Signed Dated

Data Processors Impact Report

Investigation Risk Assessment

continued 

INVESTIGATION PLAN

1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

Investigation Plan

REVIEW OF INVESTIGATION

Case Reference _____

**Client/
Data Controller** _____

Date Commenced _____ **Date Concluded** _____ **Time Taken** _____

<p style="text-align: center;">Successfully completed ?</p> <p style="text-align: center;">Yes <input type="checkbox"/> No <input type="checkbox"/> Partially <input type="checkbox"/></p> <p><i>Comments :</i> _____</p>	<p style="text-align: center;">Within Budget ?</p> <p style="text-align: center;">Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><i>Comments :</i> _____</p>
<p style="text-align: center;">Any Legal Issues ?</p> <p style="text-align: center;">Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><i>Comments :</i> _____</p>	<p style="text-align: center;">Operational Difficulties ?</p> <p style="text-align: center;">Some <input type="checkbox"/> None <input type="checkbox"/></p> <p><i>Comments :</i> _____</p>
<p style="text-align: center;">Was Client Satisfied ?</p> <p style="text-align: center;">Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><i>Comments :</i> _____</p>	<p style="text-align: center;">Third Party Complaints ?</p> <p style="text-align: center;">Some <input type="checkbox"/> None <input type="checkbox"/></p> <p><i>Comments :</i> _____</p>

Recommendations for the future _____

DATA PROTECTION AND GDPR REVIEW

Data Supplied Full name : Yes No Date of birth : Yes No

Current and/or previous addresses : Yes No Background data : Yes No

Additional Sensitive Data supplied? Yes No *If YES tick which type below*

Physical or mental health details Racial or ethnic origin

Trade union membership Religious or other beliefs

Was data supplied to a sub-processor? Yes No

Was all data processed in accordance with GDPR and Data Protection Regulations? Yes No

Security and Retention

(a) Documentation filed securely with report

(b) Accessible only by authorised persons

(c) Disposal to be by secure means in line with data protection policy

Signed Date

Review of Investigation

The Death of the Abbey Hotel

Disclaimer: Only the names of those whose identities were provided in the open court proceedings and have been revealed in the press have been utilised in this article, while some parties names have been omitted as irrelevant.

When I was appointed to the Gwent Police Fraud Squad in 2006, I'll admit I was a bit concerned I'd intellectually bitten off more than I could chew. I'd spent 'just' 6 years in general CID and had learned and experienced a lot in that short period but now I was, in theory, stepping up to be a specialist. Then along came a case which taught me a lot about what I needed to know.

It started in mid-2007 when a local CID officer expressed doubts about his own ability to dedicate time to a reported fraud, and my DS asked me to look into it to see if it was even a police matter. It turned out to be just that, so here is the background.

Greene King breweries owned the Abbey Hotel in Tintern, near Monmouth in Gwent. The hotel lay the other side of a small A-road from the famed tourist attraction Tintern Abbey. It was picturesque, and the premises can be best described as a typical rural hotel in a quiet setting with some 'olde worlde' rooms, but with additional motel-style rooms added at a later stage in its history. Bear in mind, this was on the run up to the Celtic Manor Ryder Cup of 2012 and a glut of Americans were expected to flood the Gwent area. The hotel's location and size promised profit, if marketed appropriately for that event. It would be a potential gold mine, but Greene King wanted to sell. There was also the possibility of building three 5-bedroom executive houses on the



Abbey Hotel before

He sought the help of an independent financial adviser from Bridgend, Robert Butlin... memory suggests they weren't the greatest of friends

land, and also the presence of a natural spring from which water could be bottled and sold.

Shades of Del Boy's 'Peckham Springs', I know.

Their manager at the hotel, David George, lived on the site in a nice cottage and wanted to buy the hotel, the land and the cottage, but had a little bit of an issue with Companies House Investigation Branch which prevented him from seeking to be a company director – a side issue which enabled the subsequent fraud. All the usual routes for a commercial loan of the £1.6m required to make the deal were closed to him, as commercial lenders would only lend to a company. The manager sought assistance, and perhaps here was lesson one in NOT becoming a victim.

He sought the help of an independent financial adviser from Bridgend, Robert Butlin. Memory suggests that the two weren't the greatest of friends but needs must, as they say. Butlin suggested that he involve a chap known to him by the name of Alun Weeks. Unfortunately, the manager had a history with Weeks which was not a pleasant one. Weeks was a bit of a financial facilitator – or at least he fashioned himself to be one. Through Weeks,

continued ►

a third party was invited in, a former independent financial adviser from Andover named Colin Harris. Harris was a 'former' IFA because he wasn't allowed to be one any more, but he traded as a financial intermediary and George was sold on the idea that Harris and Weeks could find the finance he needed to buy the hotel from Greene King.

As far as David George was concerned, the two facilitators went about their business and in due course they presented George with a prospective commercial lender from Newcastle, who would provide the funds on the (genuine) proviso that they did so to a Limited Company – which was the problem George had – while not yet barred from directorship of a company it was the likely outcome of the CHIB investigation, and therefore not worth fighting. How to get around this?

The pair suggested that the company Abbey Hotel (2007) Limited be set up, but while David would be 'running the show', the directors would be his wife and daughter, who worked at the hotel in domestic duties. Neither had any business experience or acumen, but as this solved a problem George and the ladies agreed to this set up. The company was established through the relevant paperwork submitted to Companies House, properly signed by the ladies; a bank account was set up, and the lender sent the buncie to the company as expected. Success!

This was where things started to go wrong.

He was appointed as company secretary, and memory tells me that this was done on a paper submission containing an allegedly forged signature, that of Mrs George.

Unbeknownst to the Georges, Weeks and Harris had brought in a third confederate, an accountant from the Newport area named Paul Dallimore. Dallimore ran a small accountancy firm, and part of his service portfolio was to set up limited companies for clients. Occasionally he would act as company secretary and, of course, he would also do their accounts. In this case, he had set up the company, but in doing so he also chose the relatively new add-on Companies House facility whereby notices of appointments, resignations and other submissions could be done electronically. When he established Abbey Hotel (2007) Ltd he was appointed as company secretary, and memory tells me that this was done on a paper submission containing an allegedly forged signature, that of Mrs George.

Mr George ... reported that Weeks, Dallimore and some 'heavies' had turned up, announced they were the owners of the hotel and demanded the Georges leave while they changed the locks

Once the company owned the hotel, Dallimore was instructed to replace the directors with Weeks and Harris. Later papers showed that he held an Extraordinary General Meeting of the company with himself (contrary to The Companies Act 2006), declared the ladies incompetent to be directors and appointed his confederates. He submitted the necessary documents electronically, and thus began a game of chess. When the Georges found out about this, each 'side' started a game of appoint and resign, where their preferred option was appointed and their objected-to appointments were 'resigned'.

It was at this point that the police were called, and so I became involved.

My DS and I visited Mr George at the Hotel to get an overview of their situation, and he outlined the history described above. We then went away and I looked at what he'd provided and what I could obtain from Companies House, and it certainly seemed to me plausible that the family had been well and truly done up as per a kipper. I subsequently made a second visit to record a formal statement.

Then things were kicked up a gear, but not necessarily by me. I received a desperate call from the sergeant covering the Tintern area. He'd been called by Mr George, who'd reported that Weeks, Dallimore and some 'heavies' (their words) had turned up, announced they were the owners of the hotel and demanded the Georges leave while they

continued 

changed the locks. Quite correctly, he also informed the sergeant that I was investigating the matter, so the sergeant called me and I made the 30-ish mile drive (at speed, it was urgent!) to 'assist'.

Things at the hotel were as described. A white van and some mean looking types waited outside while a few officers maintained a semblance of order, and so I went into the hotel. The sergeant briefed me and I him, and then I spoke to Mr George before inviting Weeks and Dallimore in for a quiet chat. They insisted that they were the directors of the company and had every right to act as they were. I responded by saying, "Yes, you are the directors of the company. But I am investigating how that came to be the case, and therefore things need to remain as they are until I conclude my investigation. So please leave, because if you don't I shall have to arrest you to prevent a breach of the peace – and I say you because you don't live here and are the ones likely to use force."

They left. And went straight to my DCI to make their formal complaint. In fairness, it was unusual to be complained about so early – I usually arrested someone before they complained, not later. I considered this a 'good thing'.

It became clear as I looked into it that something fraudulent had occurred and we needed to go all police on their sorry selves. I collated as much evidence as I could before making any arrests, mindful that although the ideal is to arrest people by surprise, the suspects already knew we were

A colleague found a piece of paper upon which was, in essence, a clear practice signature for one of the lady directors.

coming because George had told them, and so they were likely to have got rid of any evidence they could before we set foot in their doors. My ideal plan was to arrest all three suspects simultaneously but they lived in Caldicot (near the Severn Bridge), Cardiff and Andover and this presented logistical difficulties not experienced by bigger forces (or better organised forces....), so we elected to obtain search warrants for their address and offices and execute them one at a time. Far from ideal, but we got lucky.

First, the offices of Mr Dallimore, who we arrested on site. We took his computers with the assistance of our High-Tech Crime Unit and went away to interview him. He talked - a lot - but was a bit confused at some of the minor challenges to his account.

The next target was Mr Weeks. I had a warrant, but it was decided at 'above me' level that he would be invited to attend the station where I would arrest him, while colleagues executed the warrant in Cardiff.

"Then why have you got my Chief Inspector's direct telephone number on this Post-It?"

None of which was best practice but I wasn't in charge. I was later told that the DS was reluctant to execute the warrant as no-one was home but a family member let my colleagues in just as they were about to leave. (See later editions for my approach to 'absence')

As you'd expect, given the 'prior notice', they didn't find much but unfortunately for Weeks he made one error. A colleague found a piece of paper upon which was, in essence, a clear practice signature for one of the lady directors.

Weeks went no comment.

Then, to Andover. Well, I went to Andover but two of our team put the wrong postcode into their SatNav and went to Salisbury. Having addressed that, we went to the home of Colin Harris to execute that warrant – only to find he lived in a house on another address' land, which invalidated it. Fortunately, he was at home.

"You'll probably be expecting us," I said. "No," he replied, "What's it all about?"

Surprised, I explained the history and arrested him as we started the search of a very nice house. During which a colleague said, "I thought you said you weren't expecting us and didn't know what it was about? Harris replied, "I wasn't."

"Then why have you got my Chief Inspector's direct telephone number on this Post-It?"

continued ►

Away, interviewed, talked, bailed.

There was now that hiatus where we took stock, reviewed the evidence available and prepared the next set of interviews. While I was doing that, I received information to the effect that as Weeks had been expecting us, he'd moved all relevant materials to someone else's premises and it was due to be returned. As I said, we got lucky.

The following morning, three of us left the office to pop to Cardiff with a new search warrant. As we left, our DS passed us going the other way. Of course, he knew about the complaint that had been made.

"We're off to search Weeks' house again," I said, and he expressed his disapproval. I just politely waved the warrant and off we went.

On arrival in Cardiff, I knocked the door and Weeks answered.

"I have a warrant to search this house for materials relating to the Hotel."

His shoulders dropped and he just looked tired when he said, "It's in here," and escorted us to his home office, where it was still in the bags he'd used to transport it. Along with more computers – joy!

On the computers we found great evidence. One of the defence claims was that the ladies had signed contracts in which they'd agreed that Dallimore (who they'd never met), Weeks and Harris could take action in respect of the hotel (the details escape me, now). On the computer, we found evidence that proved that the documents were created several –

On the computer, we found evidence that proved that the documents were created several months after they were supposedly signed.

yes, several – months after they were supposedly signed. We also found the odd email which supported their conspiratorial efforts to 'steal' the hotel and sell it on at a profit, but as was later said to me by a person 'in the know', "it was the computers what done 'em." Well, that along with the forged and practice signature.

The trial was fun. It lasted about 2 weeks as I recall, and the main defence was that George was corrupt, that I was corrupt, that the ladies were incompetent ("you appointed them!"), and that the contract was genuine. These claims were easily dismissed, but this wasn't the fun part.

One of the defence barristers is now the Solicitor-General, Robert Buckland. He asked to look at disclosure records and I let him loose. I asked him, "Should I put Yellow Pages down my trousers?" and

The main defence was that George was corrupt, that I was corrupt, that the ladies were incompetent and that the contract was genuine.

I remember him smirking – part of the joke or part of a plan, I know not. In the box, he suggested I was in the pocket of the complainant, and listed "Six times you visited Mr George – was he telling you what to do?"

"First visit was to see if there was a case, second visit was to take notes for a statement, third was to get a statement signed, then to see what he had to say about what the defendants were alleging, then to take another statement, and then to keep him up to date with the case."

(You know, like the Victims Charter now DEMANDS.)

Nods from the jury, disappointment from the bar.

On another day, Dallimore's barrister was asking questions a bit too quickly for the judge to take notes. The judge asked him, twice, to slow down and while the barrister did slow initially, his exuberance got the better of him and he sped up. On the second occasion the judge suggested he 'watch my pen'.

The third time, the judge said, "I asked you to watch my pen."

"I can't see your pen, Your Honour, your calendar is in the way."

The judge took the calendar, flung it at the back of the clerk's bench and said, "Can you see it NOW, Mr *****!?"

The jury also asked for a timeline. I provided a 6-page Excel Spreadsheet. Now, I will admit it was

continued ►

definitely prosecution-biased and expected an edit request. But by the time it got to half a page, I was disappointed. But it turned out that during the interminable delays in arguing what should and should not be in it, the jury apparently made their own. Probably 6 pages long, and probably more telling than mine.

Finally, the verdict. At 1pm on the fateful day, the judge sent the jury away just in time for lunch. I drove to police HQ for mine, 6 miles away. I figured I had time. As I swung towards the court car park at 2.20pm – don't forget, the jury had lunch on the taxpayer – my phone rang as I stopped.

“Guilty on all counts.”

They were all sentenced to 32 months in prison, with varying justifications as to why they all got the same sentence despite their different levels of involvement and ‘personal histories’!

While all of this was going on, the lenders wanted their money back. A High Court hearing was convened in Cardiff, at which a barrister for the lender argued that Dallimore and Weeks had signed the hotel over to them and they wanted the Georges out. I attended, without invitation, and told the George's barrister that as the defendants-to-be had illegally dismissed the original directors, their ‘signing over’ had no validity. The judge gave the hotel back to the Georges. Unfortunately – legal ethics being what they are – the lenders took the same case to Leeds High Court without notice and took possession, albeit with the condition that the



Abbey Hotel today

They were all sentenced to 32 months in prison, with varying justifications as to why they all got the same sentence despite their different levels of involvement

Georges be allowed to remain in their cottage. They stayed there for a fair while until finally evicted, moving into a small council-house in Monmouth, with nothing to show for a lifetime of work.

But the hotel was never sold, and in the hiatus caused by the fraud it was allowed to lie dormant.

In the next issue, believe it or not, we shall meet our protagonists all over again.....

PERSONAL SAFETY FOR PROFESSIONAL INVESTIGATORS

Part 1

At the time of writing UK news media are publishing daily reports of knifings and other types of serious assaults against individuals of varying ages. Some attacks are random whilst other victims have been targeted for specific reasons. What has this got to do with Professional Investigators you may ask?

Well, for starters, we are all members of the public who could end up in the wrong place at the wrong time and find ourselves in a life threatening situation. In addition those of us field operating as Investigators and/or Process Servers etc come into contact with individuals who more often than not can easily become agitated having been surveilled or intercepted by a P.I. Aggressive behaviour seems to be the norm in most cases, a situation that we can possibly extinguish by simply walking away, however when an attack is launched on our person it is not always possible to do this, so the two options open to us are:

- (a) Submit, do nothing and hope you survive and live to tell the tale; or
- (b) Defend yourself with some sort of the self defence technique.

In theory defending yourself sounds straight forward, assuming of course you are capable of dealing with an attack. However thanks to the complicated and inexact British legal system once we become involved in any form of violent confrontation that results in 'force' being used then a **victim** could easily end up in Court as a **defendant** on charges of assault. This has occurred on a number of

occasions where CPS Lawyers have supported Police who decreed that offences had been committed by the **victim**.

Only a few months ago a professional Investigator instructed by a client to serve a summons issued out of the County Court was seriously assaulted by the defendant. The Investigator made a complaint to local Police who intervened and ended up accepting an untruthful statement from the perpetrator and arrested the Investigator for alleged assault. It seems after things quietened down no action was taken against either party.

Despite the fact that legislation states "proportional force" can be used to defend yourself, said legislation is complicated and at the end of the day it is something of a lottery operated by illogical Lawyers and Police Officers.

An example of such a situation can be seen in the following case involved three Police Officers and a suspect who was cycling on 26 March 2017 in Willesden, London. Please note for legal reasons names have been redacted.

A Police officer bitten by a suspected offender whilst helping his fellow officers in restraining him was held

to be "acting in the execution of his duty" for the purposes of the Police Act 1996.

Whilst the initial actions of his colleagues in restraining the man were deemed to be unlawful, the officer was found to have an independent justification for his intervention in order to prevent those colleagues from being assaulted.

*The High Court distinguished this matter from **Cumberbatch v Crown Prosecution Service; Ali v Director of Public Prosecutions [2009] EWHC 3353 (Admin)**.*

Background

The appellant was cycling early on 26 March 2017 in Willesden, when seen by three Police Constables (P.C.) patrolling in an unmarked vehicle.

The appellant fitted the description of the subject of an earlier intelligence briefing, who might be carrying drugs or weapons. A P.C. got out of the vehicle and asked the appellant to stop. When the appellant did not stop, the P.C. grabbed his arm. The P.C. was not arresting the appellant or attempting to use powers of stop and search. The

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appellant resisted the P.C.'s attempts to restrain him. Another P.C. then also attempted to restrain the appellant. The third P.C. was observing and believed that the appellant might be reaching for a weapon, improvised or otherwise. As such, the third P.C. attempted to restrain the appellant's arm, at which point the appellant bit him on the arm. The appellant was charged with assaulting the Police Constables in the execution of their duty under section 89(1) of the Police Act 1996. He was acquitted of the offences against the first two P.C.s but convicted of the offence with regards to the third P.C. The appellant appealed. The appeal was dismissed. The QC held that the appellant had bitten the third P.C., and that he had not been acting in lawful self-defence in doing so. The Court found that: "Although the P.C. had not been acting lawfully when he attempted to detain the appellant, the P.C. was nevertheless acting in the execution of his duty because he thought that the appellant might be reaching for a weapon in his waistband".

The appellant appealed to the High Court.

Outcome

The question for the High Court to decide was whether the Crown Court was entitled to find that the third P.C. was acting in the execution of his duty when the appellant bit him, in light of the first P.C.'s purported restraint of the claimant constituting an unlawful use of force.

The Court considered two decided cases:
Cumberbatch v Crown Prosecution Service; Ali v

Director of Public Prosecutions [2009] EWHC 3353 (Admin).

- In *Cumberbatch* the Court held that "where the arrest of an individual by a police officer was unlawful, other police officers who went to assist their colleague were not acting in the execution of their duty, so that an individual who used reasonable force to resist those police officers was not guilty of an offence under s.89(2)". However, in that case, the defendant, Miss *Cumberbatch* was reacting to the unlawful arrest of her father, and her response to this was held to be reasonable, i.e. she did not act unlawfully. *Cumberbatch* was capable of being distinguished. The High Court found that whilst Mr *Dixon* was entitled to use reasonable force to resist his unlawful detention and to protect his rightful liberty, he was not entitled to use unreasonable force. In fact, when the appellant bit the third P.C. he committed, himself, an assault, thus acting unlawfully.
- The case of *Ali* could also be distinguished as the officers who went to assist with restraining Mr *Ali* had no grounds for believing that he was exercising, or was about to exercise more than reasonable force to resist being detained. The third P.C., on the other hand, believed that the appellant was reaching for a weapon, or something to use as a weapon and therefore that he was using, or preparing to use more than reasonable force to resist detention.

For those reasons the court was "satisfied that on the facts found the Crown Court was entitled to conclude that the third P.C. was acting in the execution of his duty when he was bitten by the appellant", and hence the appeal was dismissed.

What can we learn?

- The decision will provide further clarity in cases involving an initial unlawful use of force following which a situation escalates. It is important to note that, whilst the actions of the first P.C. in grabbing the appellant's arm and subsequent attempted restraint of him was unlawful in itself, this did not render the entire chain of actions that followed unlawful. A subject of unlawful force is only entitled to use reasonable force to defend himself; and the use, or attempted use, of unreasonable or excessive force (in this case reaching for a weapon) will give lawful grounds to a P.C. to use force to prevent what would otherwise amount to an assault.
- The circumstances in which the P.C.s found themselves and their assessment of those circumstances were highly relevant to the interpretation of their actions. The use of body cameras may become increasingly important in order to establish whether an offender resisting unlawful detention was, in fact, using more than reasonable force and/or the officers reasonably believed that they were doing so or about to do so.

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- In similar circumstances, P.C.s and prosecutors should give thought to the alternative arrest or charge of common assault, which is not dependent upon the officer acting in the course of his duties and the question is simply one of whether the individual used excessive or unjustified force.

POSTSCRIPT

There you have a typical example of how complicated the Legal system can be. At the end of the day in such situations it is legally down to the amount of force used by all parties and the damage inflicted on the recipient. Added to that the logicity of the Police and CPS Lawyers will obviously play a major part in the outcome, which is always influenced by the degree of truthfulness of perpetrators.

For me personally, having faced a number of extremely violent situations as a professional Investigator, my first priority is to be safe and walk away to work another day. My 'rules of engagement' are:-

1. Always be polite, calm and respectful to everyone I come into contact with;
2. If faced with threats or aggressive behaviour I immediately ensure I am outside the other person's body space and commence to calmly negotiate.
3. In the event the situation goes to worms, so to speak, I will attempt to walkaway being fully aware of the demeanour of the other person as I withdraw; and

4. If I am attacked my first priority is to **survive** and I am always prepared to tender whatever force is required of me to do so. If legal complications present themselves afterwards then one has to deal with such situations accordingly.

I trust members will find the following of value, especially those of you who are lone workers.

Gary Murray, F.Inst.Pa, MIPI
5th Dan Martial Arts Instructor

Note: to protect my legal interests I always carry out a Risk Assessment prior to deployment and when in the field often utilise a pen body camera or miniature recorder when in doubtful situations.



Institute members Gary and Ben Murray during their tenure as Instructors at Eton College

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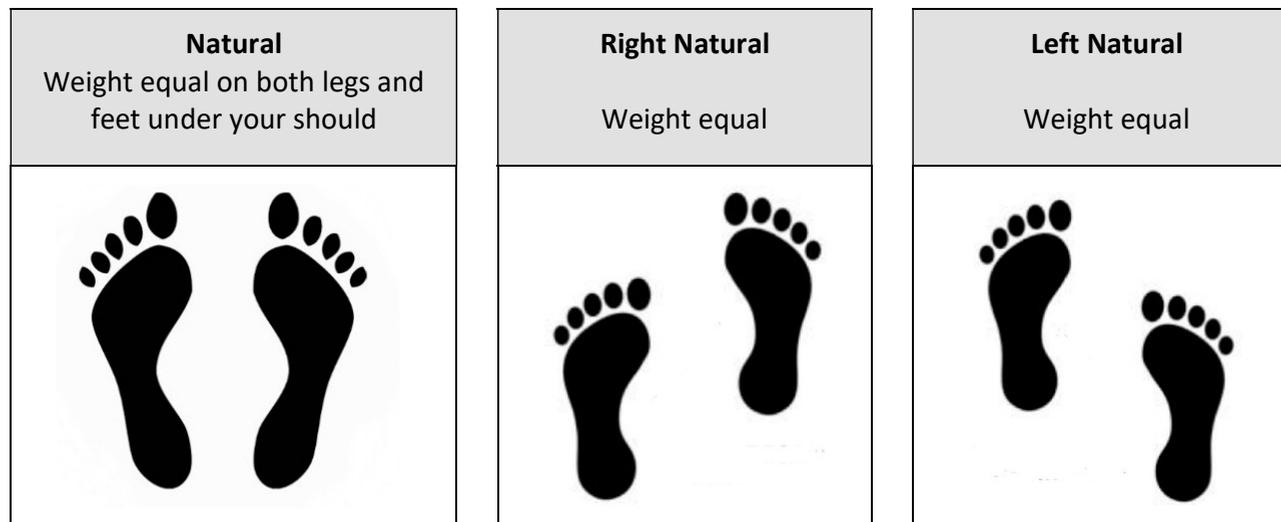
PERSONAL SAFETY

To survive an unarmed attack a defender does not require strength, instead if you can remember the saying "*bend like a willow in the wind*", and learn to relax and not resist an aggressor you should be able to defend yourself. In Budo this method of defence is referred to as Ju - gentle or non resisting - and adopting this method can enable a 5' person to defeat a 6' attacker. Indeed Ju-Jitsu/Judo derived their names from this principle with the word Judo translating to "*Gentle Way*" and Aikido refers to the "*Way of Harmony*" with an opponent.

At first you will likely find this difficult to achieve because it is instinctive to resist with strength when being attacked. In Budo one must allow the attacker to make the first move, if they move towards you, grab you, push and pull you, simply move with them prior to executing an appropriate defence.

POSTURE AND STANCES

It is best to adopt a stable stance, either natural or left/right posture in a relaxed state.



Important : ensure your knees are **unlocked** to facilitate quick movement.

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When involved in any form of self-defence activity posture, stance, breathing and mental attitude are vitally important

POSTURE	Should be such it allows all your weight to sink underside into the abdomen. Stand upright, shoulders relaxed allowing effective quick movements. It is best described as being like a coiled spring, if that makes any sense.
STANCE	Head in line with body, and both feet should be underneath your shoulders, with knees unlocked and very, very slightly bent. This will allow you to change direction quickly, and keep you on balance. If wearing high heel, get rid of them.
BREATHING	Try to regulate your breathing to a natural in-out rhythm. If stressed and in fear, breathe deeply to calm yourself: Mentally repeat to yourself "I will get through this"
EYES	Focus intently on the enemy, with a positive glare that says you will not be a push-over: Quite often an attack can be blocked by a certain look. Conversely, a frightened negative look might make the attacker feel more confident and encourage a violent attack, especially if it makes him feel more powerful than you. The eyes, and that certain look, are vitally important. NB: DO NOT look directly into an attacker's eyes, what you see there could frighten you into submission and defeat - Focus on the centre of his forehead. NEVER LOOK DOWN : Down = negative Ahead = positive

continued 

DEALING INITIALLY WITH PERPETRATORS

TYPES OF DANGER	<ul style="list-style-type: none">▶▶ Accosting for material gain, such as money, tablet, mobile phone, etc.▶▶ Attacks of violence, revenge etc▶▶ Abduction <p>If you are being accosted for material gain, surrender whatever is being demanded and walk away. Remember, property can always be replaced.</p> <p>Professional Investigators working alone are advised to abandon their mission and withdraw</p> <hr/>
PERPETRATORS	<p>As long as you are not being physically touched, then there is an opportunity for you to 'escape', or even possibly diffuse the situation. The choice is yours, and should be made depending on the circumstances, with which you are faced, plus location and your ability to move quickly to a safer environment.</p> <hr/>
DIFFUSING	<p>Should you decide to talk your way out of the predicament, try to adopt the following method of operation :-</p> <ul style="list-style-type: none">▶▶ Do not adopt a confrontational attitude or posture - no waving your arms or pointing at the enemy, this could aggravate him.▶▶ Speak calmly and keep control of your voice, avoid high pitch shouting, or begging and grovelling. Adopt a confident positive attitude.▶▶ Be firm, polite, and above all keep your distance – Do not look weak or negative.▶▶ Do not agree to anything, and if possible move the scenario to a safe environment <hr/>

continued ▶

MENTAL AFFECTS OF FACING DANGER

The brain and body of each individual reacts differently to a given situation. For example, one type of reaction might be anger, whilst another person might freeze and be unable to react.

A more experienced-in-life person, such as a law enforcement official, might remain calm and deal effectively with a dangerous situation - I say 'might' because it has been known for such people to go to pieces and panic when confronted with life-threatening circumstances.

Overview of Affects:

Symptoms

Anger	⇒	Increased blood pressure
Shock	⇒	Inability to think or move
Freeze	⇒	Sweating and loud beating of the heart
Panic	⇒	shortness of breath, sick feeling, jelly-like legs, collapse into a faint

continued ►

DEALING WITH AFFECTS

Breathe slowly and deeply



Control any anger urges



Assess the situation, and if at all possible remove yourself from the predicament



If unable to 'escape', remain calm and attempt to defuse the situation.



Consider calling for assistance, by shouting or telephone, even try knocking on a door or entering a shop.



If in a public transport vehicle, get off at the next stop, or ring the emergency bell.



Inside a building such as a house, office, rail station, etc seek assistance from a member of staff or security officer.

If all else fails, then it might be necessary to use **reasonable force** to protect yourself
- this is where controlled anger might be useful

continued ►

AVOIDING RISKY SITUATIONS

- ▶▶ When out and about in the public arena, places of entertainment, travelling, driving, etc., awareness and the ability to 'spot' danger signs is the best contribution ever for your personal safety.
- ▶▶ If walking, do so with a purpose: Be aware of what's going on around you, and avoid any group or individual you observe as a potential threat.
- ▶▶ Ignore anyone who approaches you, especially drivers in vehicles asking directions. NB: Never get into a stranger's vehicle, also beware of casual acquaintances.
- ▶▶ If driving keep vehicle doors locked and ensure that you avoid underground or multi-storey car parks.
- ▶▶ Plan your activities in such a way someone will be aware of your location at all times. Ensure you have carried out a risk assessment prior to deployment on an investigation.
- ▶▶ Avoid walking the streets with mobile phones clearly visible and, if off duty or jogging do so without wearing headphones etc. Be alert and aware of your surroundings.

continued ▶

Social Gatherings when off duty

Beware of:-

- Accepting drinks from strangers
- Leaving a drink unattended
- The amount of alcohol you consume

Remember to:-

- Keep in touch with your base/home
- If travelling by public transport, be aware of the time, and in particular the last bus or train
- Avoid lonesome journeys
- Carry a personal attack alarm

Public Transport

- Sit in such a position you can see all seats ahead of you
- Avoid eye contact with strangers
- Do not react in any way to approaches by strangers
- STAY ALERT

USE OF PERSONAL ITEMS AS WEAPONS

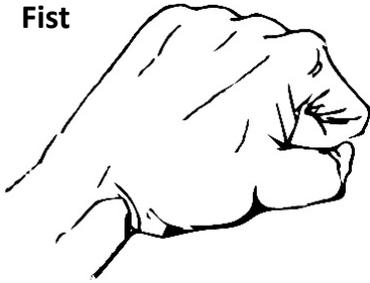
Heavy bag/shoulder case	Could be useful if used effectively
Rolled-up umbrella	Useful against a knife or violent unarmed attack if used effectively
A tightly rolled-up magazine	Could be very useful for delivering painful slaps to the face or jabbing the nose-eyes, etc.
Ready made weapons	<ul style="list-style-type: none">• Fists• Elbows• Feet• Fingers• Knees• Head
Attack Alarms	Better than nothing at all, especially if very loud and has a spraying of dye facility.

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Caution: Any weapons, ready made or items on your person should only be used in an emergency, and with **reasonable force**.

THE BODY'S NATURAL WEAPONS

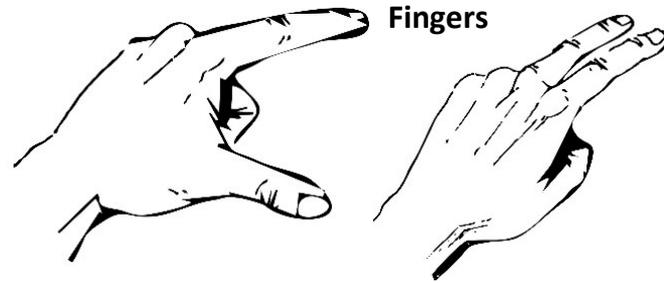
Fist



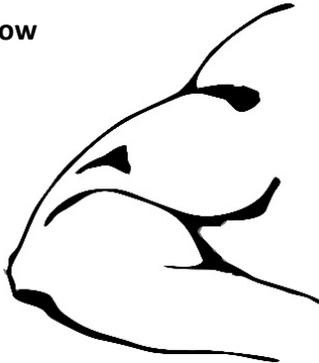
Edge of Hand



Fingers



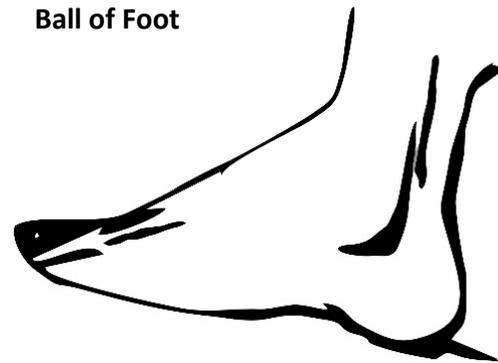
Elbow



Knee



Ball of Foot



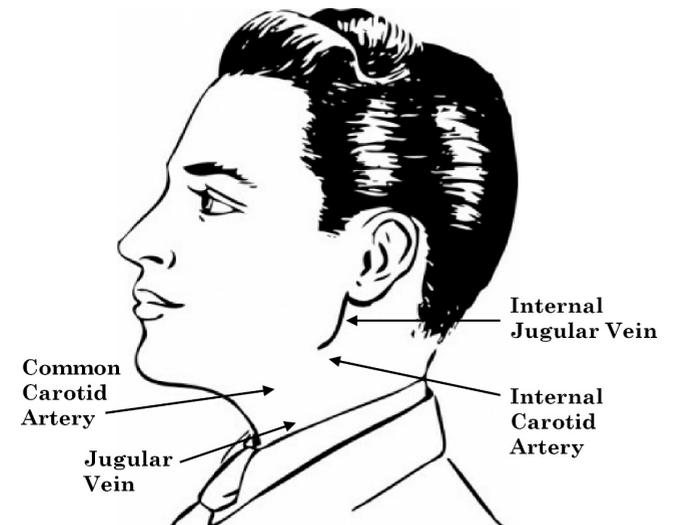
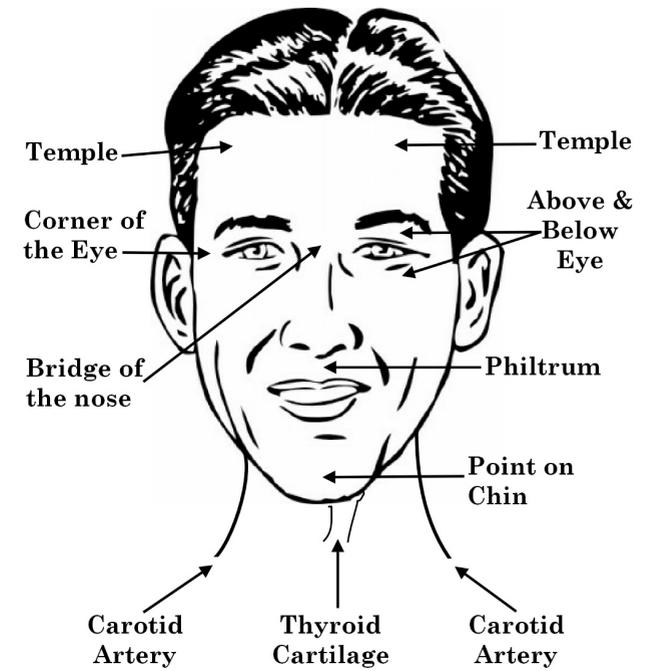
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VULNERABLE AREAS OF AN ATTACKER'S BODY

Full Body



VITAL POINTS - HEAD AND NECK



continued ▶

If you find yourself under physical attack for whatever reason, try to remember whatever self-defence techniques you have learned, and use them in a positive manner: For example, a good solid **punch on the nose** combined with a loud scream/shout will certainly startle your attacker. A nose is very delicate, and if punched **really hard** with a **clenched fist** will more than likely bleed and disorientate the attacker, which will give you time to escape. If possible, follow the punch with a good solid push with both hands - and another shout.

A FEW SELF-DEFENCE TECHNIQUES TO GET YOU STARTED:

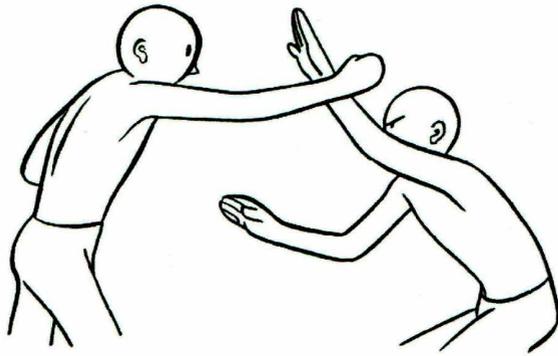
<ul style="list-style-type: none">• Nose	Hard straight punch
<ul style="list-style-type: none">• Under the chin	Upper cut punch
<ul style="list-style-type: none">• Eyes	Use fingers to poke or flick attacker's eyes
<ul style="list-style-type: none">• Groin	If involved in a 'tussle', a sharp knee or punch to the groin could well immobilise an attacker
<ul style="list-style-type: none">• Fingers	Firmly grab fingers or thumbs and bend them backwards

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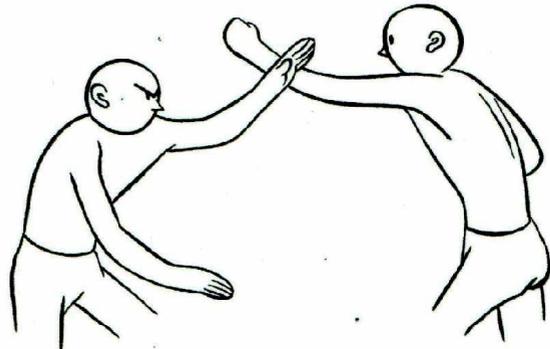
<ul style="list-style-type: none"> • Ears 	<p>Pull lobes of ears out and up – hard, or slap both ears with palm of hands, this is very effective</p>
<ul style="list-style-type: none"> • Face 	<p>If you have long nails, scratch attacker's face</p>
<ul style="list-style-type: none"> • Shoulder grab 	<p>Push attacker's arm aside and, using both palms, push away. Alternatively, punch on the nose</p>
<ul style="list-style-type: none"> • Wrist grab - 	<p>Grab fingers and bend them backwards to release, or twist your own wrist and pull free</p>
<ul style="list-style-type: none"> • Strangle from front or rear 	<p>Lift attacker's little fingers and bend them violently backwards: This must be done as quickly as possible, before you are strangled unconscious.</p>

REMEMBER: there is no guarantee of 100% success or safety

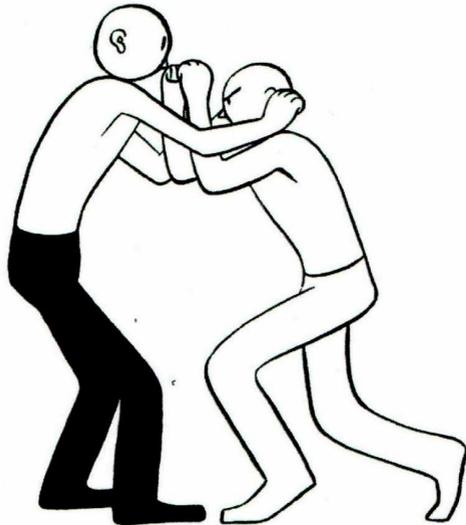
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Inside Parry

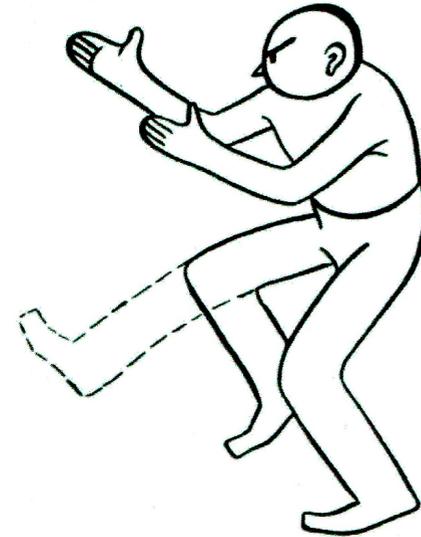


Outside Parry

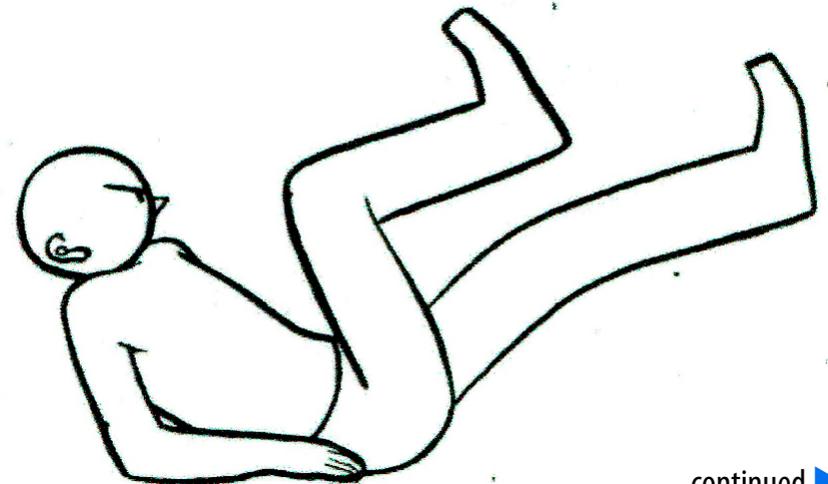


Double inside parry – knock arms outward, pull down on their body and follow with a kick or throw

Kicking – raise your knee first then kick out quickly



Kicking from the ground – use your legs as pistons and keep them away until you can get to your feet

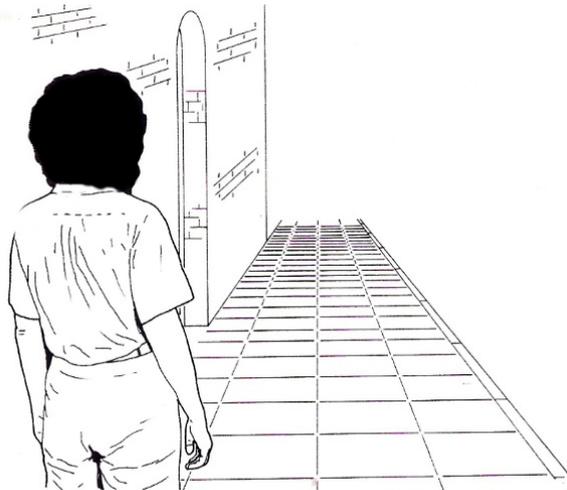


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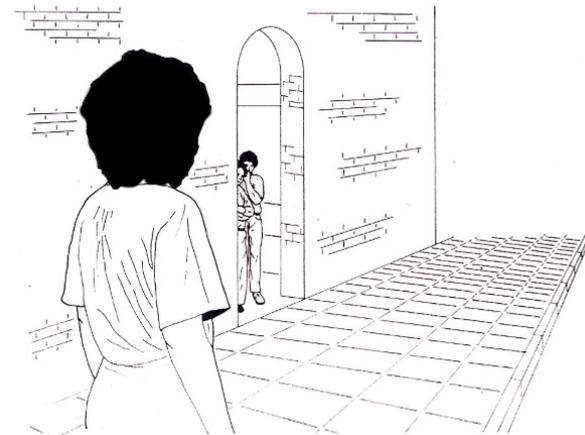
BE STREET SMART

- ▶▶ When out and about avoid isolated locations
- ▶▶ Avoid conversations with uninvited strangers
- ▶▶ Be aware of what's going on around you and avoid situations that appear unstable or potentially volatile.
- ▶▶ Keep all valuables secure, especially mobile phones, tablets, wallets, and purses
- ▶▶ When walking be positive and avoid lingering
- ▶▶ Stay focused and alert

Walking close in a wall gives you no indication of what or who could be lurking in a doorway ahead



Walking away from the wall can give you a better and clearer view of what lies ahead



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