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Editor  
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## **THE PRIVILEGE OF OBTAINING MOTOR VEHICLE INFORMATION**

By Mel B. Ashton

This year has been the year of audit results for some of us from the Division of Motor Vehicles. Mr. Kevin Park is the Assistant Director of the Division of Motor Vehicles. The Drivers Protection Act, a Federal Law, is what governs what information can be released and to whom it can be released. The information can be released in the following instances.

1. The person who submitted the information in the record, or, in the case of an incorporated business an officer of the corporation.
2. Any government agency, including any court or law enforcement agency in carrying out it's functions.
3. For use in connection with the matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls, or advisories.
4. For use in the normal course of business by a legitimate business to verify the accuracy of personal information submitted by the individual to the business.
5. For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State, or local court or agency.
6. For use by any insurer or insurance support organization, or by self-insured entity, in connection with claims investigations activities.

7. For use in providing notice to owners of towed or impounded vehicles.
8. For use by any licensed private investigative agency or licensed security service for any purposes permitted under the law.
9. For use by any requester, if the requester presents notarized consent from the individual to whom the information pertains.
10. For any other use specifically authorized under the law of the State that holds the record, if such use relates to operation of motor vehicles.

It is obvious that private investigators have the right to obtain motor vehicle information as stated in item number 8. However, that section relies on other sections for the lawful purpose which takes us to number 5 or possibly number 6 if we are working for an insurance agency. Therefore, we must be working as the agent of an insurance agency in connection with claims investigations, or tie our request to any civil, criminal, administrative, or arbitral proceeding in any Federal, State or local court or agency.

Mr. Park has told me that 22 percent of the audits failed to meet the criteria for obtaining records. If we want the privilege of obtaining motor vehicle records, we must comply with the law. When running license plates lets be sure that we comply with the appropriate section that permits the query.

One final comment is that it is not permissible to run a plate for an investigator from another agency. You must have in your file the basis for running the plate and know that it meets the permissible purpose for obtaining the information.

We plan to have Mr. Park at a future meeting of PIAU and it would benefit all private investigators to attend and obtain the information and ask questions.





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As this year winds down, I now have time to reflect on what we have accomplished with our association this year. As always, the members who are active have played a pivotal role in the organization growing significantly. We have grown to over 60 members which is a tremendous growth for us in one year. I believe it is because of the efforts of members such as Mel Ashton (Chairman of the PIAU Board & President Elect), Kelly Madsen (Chairperson of our Annual and Quarterly Meetings & Vice President Elect), Dennis Williams (Past President, and Editor of our newsletter) and all of the members of the board of PIAU who give so much of their time to make this organization the professional, and driving force for betterment of our profession.

All of the quarterly meetings this year were well attended, and were excellent training for those who attended. We had great information brought to us about titles, liens, and how to deal with these issues. We also had a CPA who came and told us about business plans, and how to make our business more effective. The best part of all of these meetings is meeting the people you get to see so infrequently, and meeting the new members who are trying to start their own careers. I met two new apprentices at our quarterly meetings who I immediately put to part-time work, and they are a great asset to me, and to our organization.

The annual meeting this year was again held at the Law and Justice Center, which is a great facility and allows us to have informative meetings, and meet each other in a professional setting.

As the year finishes, please support your new officers, contact them for help, or to offer your assistance, and let's make this organization even bigger. Invite PIs you meet and work with to join with us in working with the Legislature, and seeing that our ability to perform this job is not stripped from us.

As I leave this position, I want you to know that I have been honored to work with all of you I have had contact with over the years, and I look forward to meeting more of you in the upcoming year. Please become active in your organization, and support your elected officers. This is my last year in the business as I am retiring next year (again). Thanks to all of you who helped me along the way.

Ronald L. Probert  
President, PIAU

**From the desk of the:**

## **Chairman of the Board**

### **PI Legislative Outlook**

As we find 2005 coming nearer to a close and reflect on the past months, it is nice to realize that PIAU has had a good year. We continue to have the privileges we have fought hard to attain such as Driver's License information, DMV information and accident reports, all which are protected records. In a recent talk with Kevin Park, Assistant Director, Division of Motor Vehicles, I requested that he permit private investigators to obtain motor vehicle information by querying the name on the E-Utah website. He asked for a few days to check the audits. When he called me back he said that the audits showed that 22 percent of the PI audits were in violation. It is his position that any query by private investigators should be connected to a court case. As a word of caution for each of us, he said that they will have an increased audit of our use of the system this coming year. Let's be cautious and not lose this privilege!

I encourage each member to participate in PIAU and to talk with your associates that are PI's but not yet members.

Get them to join with us. PIAU has worked hard for our industry to make it the best that it can be. Let's work together this coming year to increase our membership and be a force for the betterment of our profession.

On the legislative front at home there is nothing yet filed that I have noted that would impact on our profession. The federal front is another matter. Congress recessed during the month of August without passing any unwanted legislation that would have affected our ability to obtain social security numbers. There is a bill at hand and that has been in committees last session which is a Privacy Bill that would prevent the sale of a social security number or personal identification data without the permission of the person it whom it belongs. One bill is the "Identity Theft Protection Act, S1408. NCISS has lobbied hard to make this bill palatable to our industry. They conducted a "Hit on the Hill" and had over 110 Congressional visits, according to NCISS President Brian P.

McGuinness. Many private investigators left their businesses and joined NCISS in Washington DC for this contact with Congress. Some Senators are expressing concern over "Unintended Consequences" of this legislation. There are several bills in both the Senate and the House that deal with privacy issues. It behooves each private investigator in our industry to support and become a member of NCISS. We surely don't want to wake up one morning and find ourselves legislated out of business. Annual dues are only \$125.00 per year and that is cheap insurance for protecting our access to social security numbers and other personal information. An application can be obtained at their website: <http://www.nciss.com> The telephone number is (800) 445-8408.

Let's have a prosperous year and work together to make PIAU better and more effective through cooperation in our industry.

Mel Ashton  
Chairman of the Board



## Editor's Comments By Dennis O. Williams

### **Lack of Reciprocity Can Get You Prosecuted and Cause You to Lose Your PI License**

This last year I became keenly aware of the danger of conducting any investigation in a state other than Utah without having a PI license from that state or having that state provide reciprocal authority to Utah. A person doing so can be arrested and prosecuted. And this could lead to the loss of his Utah PI license as well. This reciprocal authority is called reciprocity.

Although Utah does have reciprocity legislation regarding law enforcement officers, there is none regarding private investigators. This matter has been discussed by the PIAU Board and we are in the process of designing reciprocity legislation wherein Utah will grant

reciprocity to other states under certain conditions. This will help protect Utah PIs when working in other states to some degree and depending on which other state is involved.

In general for Utah PIs, reciprocity by other states is limited to those investigations initiated in Utah which require additional investigation in those states. Furthermore the reciprocity may require obtaining permission from that state and should not be assumed. And the reciprocity may be limited in time for each case under investigation. And of course each state may have different policies and laws regarding reciprocity.

### **Directional Analysis of Blood Spatter Crime and Accident Scenes for the Private Investigator**

By Louis L. Akin, LPI

Blood spatter analysis is an important part of contemporary crime scene investigation and, while not every investigator needs to become an expert at it, every investigator should at least understand the fundamental principles and procedures and be able to correctly record data at the scene for later interpretation by a blood spatter analyst.

A basic understanding of blood spatter analysis will allow the investigator to correctly collect blood stain data at the scene or from photographs of the scene and converse with the attorneys, medical examiner, and blood spatters expert regarding the blood evidence. This understanding is important, because the interpretation of blood spatter patterns and other evidence at crime scenes may reveal critically important information such as:

- The positions of the victim, assailant, and objects at the scene
- The type of weapon that was used to cause the spatter
- The number of blows, shots, stabs, etc. that occurred
- The movement and direction of victim and assailant, after bloodshed began
- It may support or contradict statements given by witnesses<sup>i</sup>.

The investigator may use blood spatter interpretation to determine:

- What events occurred
- When and in what sequence they occurred

- Who was, or was not, there
- What did *not* occur

## ***VELOCITIES OF BLOOD SPATTER***

The velocity of blood spatter is that of the force causing the blood to move rather than of the speed of the blood itself; low velocity blood may drip from a wound as a result of gravity, while high velocity blood may be caused by a bullet moving at 900 fps.

### ***Low Velocity***

Low velocity stains are produced by an external force less than 5 fps (normal gravity) and the stains are 3mm and larger. It is usually the result of blood dripping from a person who is still, walking, or running, and sometimes from cast off. Dripping blood often falls at a 90° angle and forms a 360° stain when it hits a flat perpendicular surface, depending on the texture of the surface. Spines can be caused by drops repeatedly landing in the same place, by the distance the drop falls, or by the surface upon which the blood lands. Low velocity blood may also be found in the trail of a person who is bleeding and larger pools of blood may indicate where the person paused.

### ***Medium Velocity***

Medium blood spatter is produced by an external force of greater than 5 fps and less than 25 fps. The stains generally measure 1-3mm in size. They are often caused by blunt or sharp force trauma that is, knives, clubs, fists, and arterial spurts.

Most medium velocity blood found at crime and accident scenes will be created by blood flying from a body as the result of punching, stabbing, or in the case of an accident, the body striking surfaces inside or outside a vehicle.

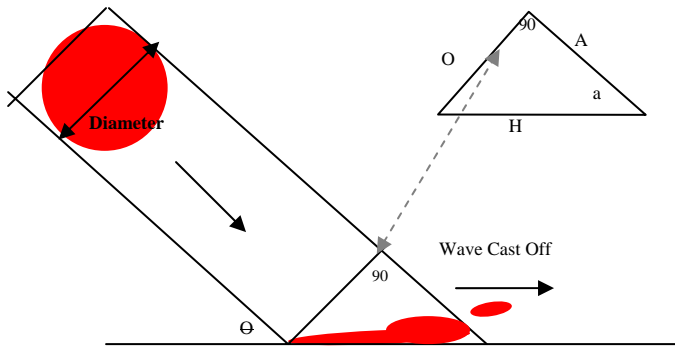
### ***High Velocity***

High velocity blood spatter is produced by an external force greater than 100 fps and the stains tend to be less than 1mm. The pattern is sometimes referred to as a mist. High velocity patterns are usually created by gunshots or explosives, but may also be caused by industrial machinery or even coughing, or sneezing. In any case, the spatter tends to be tiny drops propelled into the air by an explosive force. High velocity droplets travel the least far because of the resistance of the air against their small mass.

## ***THE THEORY OF BLOOD SPATTER INTERPRETATION***

### ***Angle of Impact***

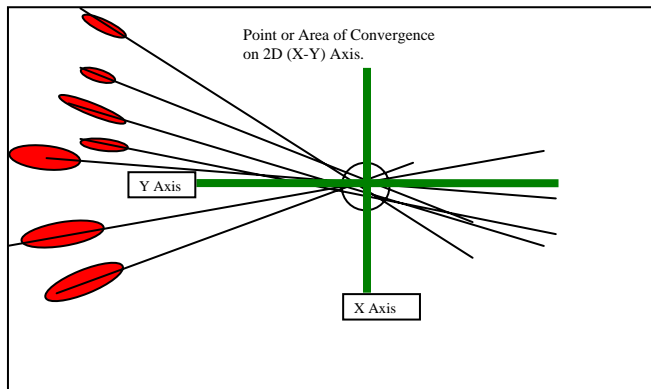
Experiments with blood have shown that blood tends to form into a sphere rather than a teardrop shape when free falling or projected in drop size volumes. When a sphere of blood strikes a flat surface the diameter of the sphere in flight will equal the width of the stain on the surface as seen in Figure 1. The following diagram will help the reader to understand the concepts being presented.



**Figure 1 Side View of blood drop in air, and then striking a flat surface**

***Point of Convergence (POC).***

The Point of Convergence or POC is the intersection where lines drawn through the center of the individual stains meet and is determined by drawing lines or strings through the long axis of individual spatters as seen in Figure 2 below.



**Figure 2 Lines through the central axes of the spatter cross at the Point of Convergence.**

***Determining the Angle of Impact (AOI)***

There are two ways to calculate the AOI. The traditional way has been with a handheld calculator. The problems with the hand held calculator are that 1. It allows for entry errors, 2. The user must remember the trigonometric formulas, and 3. It doesn't store or print out the calculations so it has to be typed into a computer anyway.

The latest software technology as that produced by *On Scene Forensics* eliminates these problems. The data is posted to a screen so that errors can't be made. The software knows the formulas and does all the calculations automatically. The information is stored and can be printed, emailed, or faxed. The software produces an easily readable word document that can be used universally by any agency.

## **THE SOFTWARE METHOD OF ANALYSIS**

When using software, performing the calculations to determine the Angle of Impact and Point of Origin are as simple as filling in the blanks. The user can forget all the information in the previous paragraphs and just enter the length and width of the representative blood stains and the distance to the Point of Convergence as seen in the illustration below and the Angle of Impact and Point of Origin appear instantly on the screen. This particular software product also calculates the trajectories of bullets from bullet holes and has an Artifact file that records each item of evidence recovered at a crime scene. The blood spatter and bullet trajectory data can be imported into diagramming programs.

Blood spatter analysis software programs range from \$149 to \$2000. The low end application by Digital.Cop costs \$149 and only calculates the angle of impact—nothing else. Any \$20 calculator will accomplish that much.

The mid-range software such as On Scene Forensics does all the calculations, saves a record that can be stored on hard drive or printed, costs about \$370, and requires no training. The software has the added features of bullet trajectory calculation, bullet caliber identifier. For the average PI this program is the best buy.

The more complex top-dollar software such as Back Track does all of the calculations, represents the results in a three-dimensional diagram program, and costs \$2000. Some people have complained that the high end program is too complicated to learn, but that is because of two reasons: one is the CAD ware learning curve, the other is that it does much more complex diagrams.

## **THE HAND HELD CALCULATOR METHOD**

The Angle of Impact is the inverse arc sin of the W/L ratio, so first calculate ratio (W/L) then SIN<sup>-1</sup> (2<sup>nd</sup> function) to get the degrees of  $a$  and AOI

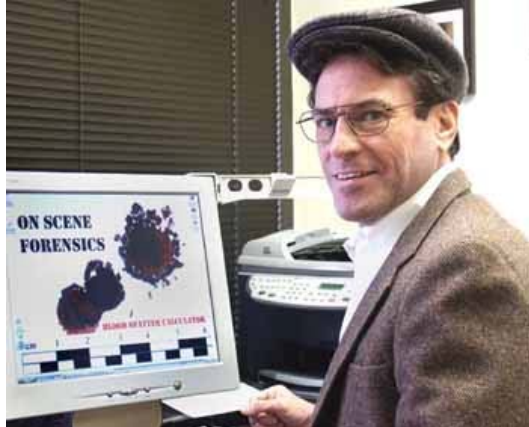
Lines drawn through the central axes of the blood drops will converge at an area that will be designated the Point of Convergence.

The Z axis is perpendicular to the surface at the Point of Convergence. It is easiest to imagine in relation to a floor in which case it would equate to the backbone of a standing person. However, the measurements are not always taken from a floor. They may be taken from a wall or the surface of a piece of furniture. In the case of a wall, the Z axis would be perpendicular to the wall. Once the point of convergence and the angles of impact have been established the next step is to locate the Point of Origin *three dimensionally* which will require a perpendicular axis.

The *Point of Origin* (PO) is located above the POC on the perpendicular axis 90 degrees perpendicular to the floor. It is the point from where the blood hemorrhaged or was disgorged from the body.

The formula to determine the Point of Origin on the Z Axis is similar to the one used to establish the Angle of Impact except that the TAN function is used. First, measure the distance from each blood stain along its central (Y) axis to the POC. Second take the TAN of the degrees AOI. Third, multiply the TAN of the AOI by the distance along the Y axis. The answer will be the height on the Z axis of the Point of Origin. **END**

## Author's Biography



Louis L. Akin, LPI, a licensed professional investigator and writer in Austin Texas with 23 years experience in investigation and crime scene reconstruction. He teaches blood spatter analysis to attorneys and investigators.

<sup>1</sup> James, Stuart H, Eckert, William G. Interpretation of Bloodstain Evidence at Crime Scenes, 2<sup>nd</sup> Edition, CRC Press 1999 p10-11

<sup>1</sup> Bevel, Tom; Gardner, Ross M. Bloodstain Pattern Analysis, 2<sup>nd</sup> Ed. CRC Press 2002

<sup>1</sup> James, Stuart H, Eckert, William G. Interpretation of Bloodstain Evidence at Crime Scenes, 2<sup>nd</sup> Edition, CRC Press 1999.

<sup>1</sup> Hueske, Edward E., Shooting Incident Investigation/Reconstruction Training Manual, 2002

<sup>1</sup> Akin, Louis L., *Blood Spatter Interpretation at Crime and Accident Scenes: A Step by Step Guide for Medicolegal Investigators*, [www.akininc.com](http://www.akininc.com)

<sup>1</sup> Sutton, Paulette T., Bloodstain Pattern Interpretation, Short Course Manual, University of Tennessee, Memphis TN 1998

<sup>1</sup> Blood Spatter Analysis On Scene Forensics Software, <http://www.onsceneforensics.com> , 2005

<sup>1</sup> Sutton, Paulette T., Bloodstain Pattern Interpretation, Short Course Manual, University of Tennessee, Memphis TN 1998

<sup>1</sup> Blood Spatter Analysis On Scene Forensics Software, <http://www.onsceneforensics.com> , 2005

## Annual Conference of the Private Investigator's Association of Utah

The Annual Conference of the Private Investigators Association of Utah was held on September 30, 2005 at the Law and Justice Center, 645 S. 200 E., Salt Lake City. Jensie Anderson, an Attorney with the Rocky Mountain Innocence Center was our first speaker. She spoke on the efforts to free those persons wrongfully convicted of crimes. Next we heard from Tom Smart and Lee Benson, authors of the book "In Plain Sight" further described as "The Startling

Truth Behind the Elizabeth Smart Investigation." Attorney John Williams then addressed us regarding what attorneys want from their investigators. Federal Magistrate Brooke Wells then spoke on "The Credibility of Investigators' Testimony." Our concluding speaker was FBI Supervisory Special Agent Greg Rogers who talked about "Using Confidential Informants – The Benefits vs. the Risks." Our annual conference was well attended

and the speakers were excellent, both informative and engaging.

To join the PIAU or to contact any of our members, please go to our website at PIAU.COM and follow the instructions to print out an application.

The following persons were elected as our new officers for the next year:

President:	Mel Ashton
Vice President:	Kelly Madsen
Secretary:	Linda Cropp
Treasurer:	Brigitte Stevenson
Board Members:	Veronica Berrest
	Kris Cantil
	Kevin Johnson
	Steve Ketter
	Hal Wallace
	Dennis Williams

**Welcome New PIAU Members**  
**By Linda Cropp, PIAU Secretary**

The members of the PIAU would like to welcome all of the following as new members of the PIAU:

Louise Westcott-Cook  
Mark Nosack  
Stacy Eoff  
David Doddridge  
Ronda Godard  
Tim Childs  
Kimberly Cooper  
Timothy Penney  
Gary Stubbs  
Mike Barker

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