

# So, You Think We Only Do Surveillance...





Over the last 38 years, I have enjoyed working in the most rewarding industry as a licensed private investigator. For me, and likely several of my counterparts, I considered entering either the law enforcement field or private investigations. When I learned that the private investigation business allows one to get right into challenging and complex investigations, the choice was clear for me, with no regrets along the way.

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## So, You Think We Only Do Surveillance...

Most know that private investigators conduct surveillance. In fact, surveillance is widely used in the personal injury world. Some may not know what else a full-service investigation firm has to offer. Private investigators are retained every day to investigate corporate fraud or theft, criminal defence matters, intellectual property, financial due diligence, in-depth background checks, and of course, insurance claims beyond the scope of surveillance. This article will focus on the insurance industry.



Adjusters who handle bodily injury claims have likely used a private investigator to conduct surveillance on a claimant at some point. Surveillance is a great tool to help confirm the claimant's daily living activities and physical restrictions. Investigators are also asked to conduct online cyber investigations. Properly trained Open-Source Intelligence (OSINT) investigators have the tools to search out social media and other online sources to locate and document a claimant's pre and post-accident activities. It is important to utilize a firm that has the proper software to download information from social media in a way that is acceptable to the courts. There is no value in paying for a service that can be challenged in court and ultimately not accepted due to how the information was obtained. It is also important that no rules are broken in the process. A represented claimant is still a represented claimant on social media. No attempt should be made to "friend" or engage in any dialogue with a claimant who has retained counsel. If their profile is open to the public, then, of course, the information can be documented and used to help adjust the claim. Their posts and images of them engaged in activities such as cross country or downhill skiing, hiking, and other sporting activities are all fair game and especially useful if the claimant suggests in their post that the activities took place post-accident.

Investigators are also called upon to obtain statements. Interviews are conducted with employers, neighbours, associates, and other sources to obtain or confirm details provided in the claims process. The statements can either be recorded, handwritten, or typed and then signed. Memories can fade, which makes it that much more important to document facts on paper or tape to lock in details early in the process.

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Full-service firms also conduct financial investigations. This is particularly useful in subrogation matters in which an insurer has a need to identify assets for the purposes of recovery. It is crucial that you retain a firm with the ability to dig deep and with access to resources that can help locate assets beyond a simple vehicle and property search.

We are also often asked to locate individuals. Whether it is a witness to an accident or even attempting to find your own insured for an upcoming trial, investigation firms are there to help. The various resources and technology available to us have helped locate people who have taken extreme measures to avoid being found. Success depends on several factors, including financial restrictions. When considering a budget for a locate, keep in mind that there will be charges beyond the investigator's time. Search disbursements often take a huge chunk out of the budget. Often there is a small charge for the intake and opening of a file. Time is also needed to report the findings. Some locates are very simple and can be done within a couple of hours. Some take much longer. It is wise to have a conversation with your investigator to determine a realistic budget while keeping in mind your exposure on the claim.

In some circumstances, we may be asked to serve legal documents. This is particularly true in cases where the person being served is believed to want to evade service. Again, using the resources we have access to, investigators can do their preliminary investigation to help confirm the location of the individual, know what vehicles they have access to, identify family members and in some cases, find an image online of the person they are serving to make identification much easier. The straightforward services are usually reserved for document servers as their rates are generally much lower. However, law firms often turn to private investigators when they fail or if the individual is anticipated to be dif-



difficult to serve. Some investigation firms even have an internal commissioner of oaths who can witness and have the affidavit of service sworn.

In-depth background checks are another useful service offered by investigation firms. Often this includes a claims history beyond what may be available on an Autoplus report. These investigations regularly include OSINT, database searches, human intelligence, court searches, and good old-fashioned digging. Again, who you partner with for your investigations is important. Make sure you use a firm with access to the required sources and a proven ability to leave no stone unturned.



Address verification is another valued service. People are known to provide an alternate address for the purpose of obtaining a lower rate on their auto insurance policy. This is considered a material change in risk, and claims could be denied on these grounds. Red flags can include the location of the accident compared to the listed residential address, the location of treating facilities that are a significant distance away from their home, and/or their place of employment is located outside of their "home" area. For example, you may want to take a closer look if the claimant alleges that they reside in cottage country, yet the accident occurred in the city while on their way to work while also attending a Toronto-based treatment centre. It is not uncommon to find that some will use their cottage or a relative's home address as their primary place of residence, where insurance premiums are generally lower than in major urban centres. Investigation firms are used to confirm where a person is residing with background investigations, drive-bys, short periods of surveillance, and neighbourhood inquiries.

Investigators are also used to confirm attendant care claims, employment details, and even staged accidents.

This article covers some of what we, as private investigators, can



offer the insurance community besides surveillance. Many firms offer a range of services outside of this community. We are involved in undercover work in warehouses, where we pose as an employee to crack theft and drug rings. We aid in criminal defence matters, where our findings are led to the exoneration of people who were wrongly accused of a crime they did not commit. We also assist in the intellectual property rights where we

investigate counterfeit goods, trademarks, copyright, and patent infringements, as discussed during a recent WP Radio Podcast. Investigators also handle mysterious disappearances, life and health claims, and due diligence investigations relating to mergers and acquisitions of major corporations. Investigation firms are also able to assist in video enhancement, for example, brightened footage. This technology also allows for a different viewing perspective of a video that may help identify a license plate that may have been unreadable to the human eye. Pixilation is also very useful as it allows third parties, including minors, who were inadvertently captured on video to become unidentifiable by blurring their faces. Investigators also handle workplace investigations that include general harassment, "power" harassment, and sexual harassment. The list goes on and perhaps can be expanded upon in a future article.

As you can see, private investigators do more than just surveillance.



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