

Guidelines for Monitoring Surveillances

If possible, don't wait until the last minute. The closer you get to trial, the more likely the claimant will be inactive and/or will be looking out for investigators. On the other hand, the surveillances may have more impact if video tape is obtained just before a medical examine, deposition or trial.

Define the limits of the activity check/surveillance. The investigator should know the time authorized so that he/she can make the best plan. Determine approximate cost: This will help the investigator plan the investigation to get the maximum results for the allocated resources -- and not shock you at the end. An investigative firm charging \$40 per hour may provide you with a larger bill than a firm charging \$80 per hour. Watch out for hidden costs and "padding" of the bill.

The needs of the investigation may change, especially after the pre-surveillance check. For example, two investigators may be required or the claimant may not be at the provided address, hence the need for a locate investigation.

Flat Rates. If the investigator is billing you on a "flat rate" charge for an activity check, find out specifically what they do in their investigation. For instance, just knocking on neighbors' doors, under pretext, rarely provides accurate or adequate information and can "burn" your investigation early on. Some investigators only call the neighbors. If you go the flat rate route, we recommend at least three hours of surveillance be conducted in conjunction with another method. Be willing to pay a fair rate for thorough and quality work.

Pre-surveillance check. 1) Sources should be checked to confirm that the claimant is at the provided address and 2) a reconnaissance made to check out the setup of the residence to determine if visible from the street and whether there are any vehicles. The claimant may use the address to only collect his mail. In addition to being skilled in the art of surveillance, an investigator should have a vast array of resources to draw from in locating and confirming a claimant's residence - ask the investigator how he does this.

Activity check vs. surveillance. A "surveillance" - otherwise known as a "sub rosa investigation" - is the most intense form of investigation and involves physically watching the subject and recording his activities, normally with video tape -- the most dramatic form of evidence. An "activity check" refers to a limited gathering of information as to current activities, often done to determine if surveillance is warranted.

Understand the difficulties of surveillance. Investigators work cases where the claimant is inactive, sometimes inactive, or a person - who matched the general description - is wrongly video taped, or the most common, the claimant is lost in traffic. Tailing a subject for more than a few blocks should always be done with at least two investigators/vehicles and two-way radios. Tailing, without getting burned, is probably the most difficult task in the field of investigations. ([See our 1 hour course offering "Surveillance Challenges" for more details and examples of surveillance situations](#))

Assigning the case. Information should include the full name, address, phone number, date of birth, Social Security number, physical description, vehicles, claimed injury, medical restrictions, hangouts and any possible activities. A photograph or previous surveillance report can be invaluable. Advise if it is a "Rush."

Clarify street names and addresses. Spell out names of streets (i.e., Courtland vs. Cortland), note street directions and whether it's a Street, Avenue, Drive, Court or Circle.

Have investigator contact insured. Request the investigator contact the insured to obtain possible leads to include photos, vehicle descriptions, the claimant's hangouts, hobbies, etc. Contacting the insured may also show that aggressive measures are being taken to investigate the claim.

Approximately 29% of our provided addresses are incorrect. When possible, make sure you provide the most recent address. Sometimes claimants intentionally provide the wrong address to avoid detection. On many occasions, we have learned that a relative's residence is simply serving as a mail drop for the claimant. Checking medical reports, lien documents and forms from the applicant attorney may help detect false addresses.

Watch out for "sleepers." Some investigators stay up too late. Was the claimant at a doctor's appointment during the time that the surveillance-investigator reported that the claimant was at home? There may be a good reason, but it is probably worth asking why.

Watch out for "sitters." Some surveillance-investigators are known as "sitters." In my experience, most of surveillance persons fall into that category in varying degrees. That is, they get their assignment and then sit on the target location for the specified number of hours and record activity. This method will usually get the occasional "good" video that will appease the uninformed client. Over time, however, a lot of resources and money will have been spent foolishly using these "sitters." A pretext and/or background investigation, coupled with various record checks, should be part of the surveillance-investigation. Surveillance is a percentage game, much like baseball and golf; using certain principles and tendencies will increase the odds.

A surveillance-investigator who is more skilled, knowledgeable and resourceful will always do a much better job over time. It is absolutely necessary to keep track of an investigator's results. W&A uses a simple database to do this, the results of which can be provided to the client in various formats/criteria. In addition to critical review of reports (methodology) and invoices, the database plays an integral part in an investigator's evaluation.

PR vs. investigations. Some firms - mostly the bigger ones - put a large part of their resources into PR vis-à-vis quality investigations (i.e., higher pay, better equipment), a tactic that apparently works on uninformed clients and makes for big profit margins. For oversight managers who "genuinely desire" quality surveillance-investigations, the focus should be directed at the past and current reputation of the firm being considered or used. (Be wary of some references; a large number of oversight managers are uninformed about surveillance operations, few every having experienced one surveillance investigation or vehicle tail.)

Time of surveillance. The surveillance should be done during the most likely time the claimant will be active. Indicators as to the "most likely time" include what type of job the claimant held, i.e., waitress or landscaper. Surveillance should be early enough - not after 6:00 a.m. in most cases - so that the claimant's not missed going to work. Additionally, the investigator may need to get inside the neighborhood early so as to avoid detection. A vehicle can appear very suspicious to someone if it is observed parking without anyone getting out of it.

Equipment. Next to the "skill" and "resources" of the investigator, equipment is the most important element. When an opportunity is provided, it can mean the difference between getting video tape 20% of the time versus 100 %. For example, a well known firm had an assignment to obtain video tape of a claimant if she was active. She went to the gym to perform aerobics and lift weights; however, the surveillance-investigator did not have an undercover camera to take video tape inside.

Video camera. A zoom lens of at least 18x should be used. A good facial shot is a must so that positive identification can be made. The best tape formats are S-VHS and Hi-band 8mm, both provide 400 to 420 lines of resolution. Standard VHS or 8mm video tapes provide only 240 lines of resolution. A copy made from a standard VHS, VHS-C or 8mm will have only 120 lines of resolution.

Undercover video camera. This is a must. Most investigators do not have this capability; however, there are many occasions when it is quickly needed. For example, you follow your target to an inside location where he/she is working as a waitress, performing aerobics, lifting weights or dancing at a night club. The investigator should have this camera in the trunk and ready for immediate use - there may not be another opportunity.

Positive identification. No medical or legal decisions should be made based on the findings and/or video tape obtained during an investigation until positive identification is made of the claimant. Invasion of Privacy: The claimant is entitled to a "reasonable expectation" of privacy. Be on the look out for overzealous investigators that do not know the "privacy" laws. The insurer will likely also be liable for any tortuous acts committed by the hired investigator. Reference; Noble v. Sears, Roebuck & Co., supra.

An investigative-surveillance firm should provide quality investigations, prompt and consistent service at reasonable rates. While service and rates can be more easily evaluated, determining if a firm is providing quality surveillance-investigations can be difficult.

To do this, one must spend time learning about the surveillance field and evaluating an investigator's work product; hence the reason a trained and informed oversight manager should choose the investigators and evaluate their work/bills. The time spent will pay off with satisfied clients (insured) and more efficient use of money and resources. (1)

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