

HIRING A PRIVATE INVESTIGATOR?

Investigation is important to the successful litigation of any case. This is especially true in personal injury, workmen's comp., medical malpractice, or criminal case. When an investigation into the facts of the case is necessary, what do you do? Many large, or super firms, have at least one investigator on their staff, but if you are like the majority of smaller firms, you utilize the skills of a local investigator on a case by case basis. The first step is to seek the services of a licensed private investigator (a PI). Many PIs are former law enforcement, state or federal agents and thus have the training, maturity, and experience that will best serve you.

The role of a private investigator has been glamorized by television. The fact is it takes dedication and training to get the job done right the first time. They are not all handsome or sexy (though some maybe) nor do they drive cars that talk. The real investigator has skills, talent, and experience that go far beyond following a cheating spouse. However if you do need surveillance you should know that to conduct a proper surveillance, the investigator must know how to use covert cameras, the legal aspects of installing a G.P.S. and making videos of the target. They should know how to use the Internet, and many other devices available. The PI must know the target and be able to anticipate likely moves or change vehicles or appearance. In other words, he or she has to think "out of the box."

A PI with accident investigation or reconstruction experience can properly document a crash site, location of the job injury, or personal injury scene. The photos must tell a story so you, and more important, a jury will clearly understand the chain of events that lead to the accident, the actual accident, and the aftermath. It may be necessary for the PI to go back as long as 24 hours before the accident to get a clear picture of why the accident occurred. Locating and interviewing a witness is, without a doubt, vital. You need a PI with the ability to locate witnesses. Many times a witness will leave the scene because they don't want to get involved or the police officer doesn't get personal data, such as a contact number or valid address. Once located, the interview skills of the PI are crucial. He or she must know your state's laws as they apply to conducting a taped interview, in person or over the phone, so it is admissible and will hold up under cross examination. He must know the legal formats for taking statements and sworn affidavits. The investigator must have the dedication to spend hours researching possible contributors to the accident such as tracking the service record of a traffic control device, contacting the DOT, state or local government agencies responsible for road conditions, road marking, posting warnings, archive weather conditions and so forth. In other words, an investigation is detailed and tedious work. You want a PI who understands this and is willing to commit to the time and energy needed.

For you criminal defense attorneys, you need a PI who knows how to conduct a thorough and professional criminal investigation. This is where hiring a person with law enforcement experience is necessary. The PI must know how to take crime scene photos that will accurately detail the sequence of events so the jury will understand exactly what happened. The photos must document location, time, date, lighting, surroundings and many more details to address the who, what, where, when, and why of the case. Here too, the PI's interview skills are very important, they must know the exact questions and the optimal way to phrase the questions to obtain the information you need. Obtaining and preserving evidence is crucial to any criminal defense case. The investigator must know laws, the proper way to gather evidence and maintain the chain of custody for possible court proceedings...many good criminal cases have been lost because of tainted evidence.

A PI knows how important it is to have a good working relationship with the local police, after all he or she has “been there, done that” and is therefore willing to establish a professional working relationship with law enforcement. I have found that once this type of relationship is established, the investigating officer or detective is very co-operative and willing to share information.

Once the investigation is completed, no matter what type of investigation it is, your investigator must assemble a file in a chronological order of events with every detail of who, what, where, when and why clearly documented. It should, in other words, be a “work of art” that you can use to successfully represent your client.

It is not just the personal injury or criminal defense attorneys that need a PI. An example would be the family law attorney that must find a missing parent in order to complete an adoption. In this case, PI should know the requirements of your state and have the resources to conduct a Due Diligence search world wide. With today’s economy, many attorneys need to locate debtors who have been foreclosed or evicted and are concealing their whereabouts to avoid legal process service. Therefore, it is important for you to locate a PI who has the databases and resources capable of doing just such a deep search. These resources are all so beneficial to the corporate or divorce attorney who wants to find hidden assets or a deadbeat parent.

Clearly, conducting thorough investigation of a case, the time and energy that must be spent to collect all of the information and data you need to present the case would put a burden on your staff who, while is walking down the side of the roadway looking for a skid mark or trying to find a debtor, could be working on the cases you have or net working to build you business.

Now, to address the question of how do you find the right PI for your firm. You might want to consider contacting colleges who use a PI for referrals. Another good source is to Google your states private investigator professional organization or contact the National Association of Legal Investigators (NALI). Once you have a few names, interview them as you would any job applicant. Find out what their area of experience is, does this person have the resources to do a person locate or asset searches. After the interview, contact the regulatory department of your state that governs and issues private investigator license. They will be able to tell you if this PI has a valid license and if there has been any complaints or disciplinary action taken against this investigator. If the candidate is a former law enforcement officer, he or she should provide you with the name of his or her former supervisor or supply letters of accommodation and training certificates.

Clearly there is a great deal to consider when hiring a PI but once hired, a qualified PI can be a great asset to you, your firm, and your clients. Knowing that your investigative needs, whatever they may be, are being properly handled means you and your staffs have much less to worry about.

If you have any questions or would like additional information, please feel free to contact me at sandy@goldshieldli.com or at (386)295-6558.

About the author:

I, Sandy, have been a licensed private investigator in the state of Florida (C2500973) for six years and own Gold Shield Legal Investigations, Inc. (<http://www.gholdshieldli.com>) Prior to that I served more than 20 years in law enforcement in the Metro-Atlanta area.

