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Investigating Fraud in the Marijuana Industry

Staying legal in an otherwise illegal industry

Workplace Investigations: Complainant and Respondent Motivation

Hiding in Plain Sight: How to Find and Exploit Hidden Data in Digital Images

The Differentiation of **Self Inflicted Stab Wounds** versus **Assault Inflicted Stab Wounds**

Understanding Client Objectives

BY **KELLY CORY**

Knowing the objectives of an assignment IS essential to the very essence of investigative work, including the legal means by which they are performed. By understanding your client's objectives, you can deliver a tailor-made solution to their investigative needs. When you meet your client's needs and demonstrate an understanding of how you can assist them with their work, you are likely to ensure repeat business. As we all know, keeping clients is easier than making new ones.

KNOW WHO YOUR CLIENT IS AND WHAT THEY NEED

First, understand who your client is so you can grasp what they need: Attorney (plaintiff, defense, non-litigation representation), Human Resources, Claims Adjuster, Private Client

Determine the type of services your client provides to their clients. Identify the desired outcome or their intended use of the information that will be developed through investigation. This information will shine light on the purpose for the assignment.

A defense counsel or insurance claims adjuster may need to develop information to verify, refute, deny or contradict a specific allegation or claim. Identifying outside sources of injury, documenting exaggerations on claimed restrictions and finding a prior history of litigation may help strengthen their defense and reduce the damages they may be required to pay.

A plaintiff attorney or private client may need to build a case by gathering evidence and documentation. They may have a specific budget that requires a direct approach in gathering information. The business or HR client must balance the needs of their company/employer with the needs of the employee's claim.

UNDERSTAND THE ASSIGNMENT

Prior to initiating an investigation, it is important to grasp the client's intended outcome in hiring an investigator. Understanding why the client has selected your services and why they have chosen to work with an investigator rather than conducting the research themselves, is important. Is cost an issue? Their lack of resources? Are they seeking expertise? Efficiency? An unbiased approach? Knowing their reason for hiring you is important as it can help you deliver the best possible product to meet their needs.

It is important to understand the nuances of the type of investigation requested. What type of work are they assigning to you and why?

LOCATE INVESTIGATIONS

Be aware that the purpose of a requested locate investigation directs the course of the research and approach for confirming a person's current whereabouts. Fully understand who you are locating and why, as well as who your client represents. The methodology for locating your client's client is very different than locating someone for service of process or surveillance.

In nearly every instance you must confirm the person's whereabouts rather than conduct a "skip trace" by developing only an address history. Attorney and insurance clients usually have access to Westlaw and Lexis Nexis and can develop an address history themselves. They are hiring you for your expertise in confirming a person's current whereabouts. It's our job as investigators to educate our clients as to the value of using a trained investigator over relying solely on their databases.

BACKGROUND INVESTIGATION

What is the client trying to find? That answer directs the resources searched, scope and depth of the records reviewed and the extent of your research. Know before you research whether your client will require certified court records. It can be helpful to know how far back to search for information relevant to the case. The purpose of the background investigation will dictate if you need a signed authorization from the subject prior to your investigation and will determine which sets of laws will govern your research.

ASSET INVESTIGATIONS

The specific reason for an asset search opens investigation options and can restrict access to others. Understanding if your client seeks an asset search prior to litigation will inform youNESS they are looking for both means of recovering damages if awarded, and possibly whether the person is hiding assets prior to litigation. If the asset investigation is for judgment recovery however, options outside of real and unsecured property assets, such as outstanding liabilities, places of employment and bankruptcies would also be interest. Conducting bank searches requires specific permissible purposes. Clients do not always understand that. Be sure to inform them.

SURVEILLANCE

Understanding what the client is looking for in a surveillance can help guide your approach. A person who claims stress or social anxiety will have different limitations than a person with a back injury that prevents them from lifting heavy objects. Although the investigator's job is to document any activity by the subject in public view, knowing the specific limitations they claim can help determine when to zoom in for a better view of their activities, highlight specific movements in a report, or identify when additional research is needed to supplement a situation we observe (i.e. go back to a store to check the weight of an item they had been seen carrying). Understanding the claim and restrictions helps the investigator identify what results would be meaningful and pertinent to the claim to best describe the data collected.

Ask the client if there has been a prior investigation and if that caused the subject to be "heated up." Know if the subject is represented, not only to determine if it is legal for you to contact them, but also to have an idea about whether the subject may have been coached to watch for surveillance investigators.

SERVES

Ask your client if prior service of process efforts have been made and the outcome of such efforts. This will provide significant insight to design a successful approach. A person who does not know they are about to be served is easier to serve than one who is aware and has time to consider evasive activities.

RECOMMENDATIONS

It is always best to use your insight, training and access to other modes of investigation to make recommendations to a client based on your findings. This not only enhances the client's perspective and representation of their client, it could give you an upsell or referral to a colleague.

It is in every PI's best interest to understand how to serve our clients and how to provide the best possible information product. PI

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