

HIRING A PRIVATE INVESTIGATOR...WHAT YOU NEED TO KNOW

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 PI on their staff, but if you are like the majority of smaller firms, you utilize the skills of a local private investigator on a case by case basis. This begs the questions, "What do I look for in a private investigator?" "What skills should they have?" And, "How do I find a private investigator that I can trust do to the job?"

The role of a private investigator has been some what glamorized by television. The fact is the job dedication and training. They are not all handsome or sexy (well, some may be) nor do they drive cars that talk and none wear a cape. The real investigator has skills, talent, and experience that go far beyond following a cheating spouse. However, if you do need surveillance the investigator should know how to conduct a proper surveillance. He or she 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. They must know the target and be able to anticipate likely moves, change vehicles or appearance. In other words, he or she has to think "out of the box."

A good private investigator knows how to properly document a crash, workman's comp., or personal injury scene. The photos must tell a story that 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 private investigator to go back as long as 24 hours before the accident to get a clear picture of why the accident happened. Locating and interviewing a witness is, without a doubt, vital. You need a private investigator that has the ability to do just that. Often a witness will leave the scene because they don't want to get involved or the police officers forget to get personal data on the witness, such as a contact number or valid address. Once the witness is located, the interview skills of the private investigator are crucial. He or she must know your state's laws as they apply to obtaining a sworn statement or conducting a taped interview, either in person or over the phone, so it is not only be admissible, but hold up under cross examination. 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 markings, posting warnings, archive weather conditions and so forth. In other words, an investigation can be detailed and tedious work. You want an investigator that understands this fact.

Locating an investigator to conduct a thorough and professional criminal investigation is a consideration for all criminal defense attorneys. The investigator 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, and many more details. Again the investigators interview skills are very important, they must know the 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 and the proper way to collect evidence and maintain the chain of custody for a possible court proceeding...many good criminal cases have been lost because of tainted evidence.

All investigators should know how important it is to have a good working relationship with the local police so that professional courtesy is afforded on both sides.

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 successfully use to defend your client.

Your firm may need a private investigator for purposes than personal injury or criminal defense investigation. An example would be the family law attorney that must find a missing parent in order to complete an adoption. In this case, the private investigator 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 an investigator who has the databases and resources capable of doing just such a deep search.

Many private investigators are former law enforcement officers, state or federal agents and thus have years of experience to draw. They have the professionalism and dedication it takes to manage the investigation, so it just makes sense to hire a private investigator that has former law enforcement experience.

Now, to address the question of how do you find the right investigator for your firm. You might want to consider contacting colleges who use a private investigator 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 just as you would any job applicant, get references, and do some homework such as checking with the regulatory department of your state that governs and issues private investigator license. They will be able to tell you if this investigator has a valid license and if there has ever been any complaints or disciplinary action taken against this investigator. If the applicant is a former law enforcement officer, I am sure he or she would not mind you contacting their former supervisor or providing letters of accommodation and training certificates.

Clearly there is a great deal to consider when hiring a private investigator, but once hired a qualified professional private investigator 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 much less to worry about.

