



SURVEILLANCE 101

WHAT IT TAKES TO BE SUCCESSFUL

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What does it take to be a successful Surveillance Investigator? What is it that makes a person good at surveillance? Is it experience? Is it luck? Is it intuition? A sixth sense? Street smarts? Maybe it is a combination of all these things and the patience of a saint. I believe the formula for a great surveillance investigator includes someone interested in what people do and why they do it. A good surveillance investigator can identify how they will do it, even before the subject does. They must be someone who can outthink an opponent, a chess player, and a puzzle solver.

Most of the people conducting investigations have some of what I would call “the right stuff,” but only a few have it all. I know many surveillance experts, all of whom have been in the business for many years. They have passed their knowledge on to numerous others over the years but dollar for dollar, they are the best in the business. I have spent many years working with, talking to, and drilling into what makes these “surveillance experts” successful.

Every one of these surveillance leaders said they have family that supports them and understands that they may not be home for some special events. I can confirm that for years, holidays were celebrated late in the day, if at all.

In this article, I explore ways surveillance professionals collectively agree on the right way to conduct a successful surveillance investigation.

ASSIGNING A FILE FOR SURVEILLANCE

First things first: the collection of data and building case information. The client needs to understand that any information can be helpful. They need to provide all information available, including written reports, depositions, court filings, pictures, and even an original job application if it is available. You may not have filled out an application lately, but there is a small innocuous section that includes emergency contact information. That is a person who the subject trusts and believes will be at that number if needed. Guess what? They will probably know where your subject is as well.

PRE-SURVEILLANCE

This is where the rubber meets the road. Taking the information provided by a client and analyzing it. Use what you gleaned from what is already known and determine what is needed.

1. Mapping - Checking mapping applications to get a feel for the area is important. You may need to use a dif-

ferent type of vehicle to blend in with the locals. Mapping will also show what the surrounding area offers and where the potential shopping areas and local restaurants are located. Most importantly, assess the easiest ways in and out of the neighborhood, not just for the subject but for the savvy investigator.

2. Internet presence - Checking for an individual’s internet presence may yield pictures of your subject and their family. You may uncover what they do regularly, such as planned activities, vacations, family outings, or a work schedule. Sometimes surveillance may not be required following an internet presence report. Posted content may show physical activities that appear to conflict with alleged limitations.

3. Background check - A background check can supply insight into the type of person you will be watching. Knowing a subject’s criminal and civil records show a propensity to do things that might change the focus of your investigation. A person who has multiple criminal charges from bar fights to domestic violence should be watched from a greater distance, and you may want to focus on nights and weekends instead of work activities. Civil

cases may give your insight into why they filed the claim. If you uncover a bankruptcy, recent divorce, or other financial hardship could show that they need money to satisfy creditors. Never rule out potential greed.

4. **Driving history** - Checking a subject's driving history and determining all their registered vehicles is invaluable. Some states even provide driver's license pictures, registered vehicles, and a physical driver description. These records are essential when more than one potential subject may reside at the residence.

SETTING UP SURVEILLANCE

The prep work in your pre-surveillance has hopefully allowed you to gain an advantage over the subject or at least leveled the playing field. On some level, you should know where the subject could potentially go and how the subject may get there. Positioning can easily make or break your surveillance. Where you choose to set up is essential and understanding potential activities that could benefit the file can determine where you choose to position yourself. For example, if a subject doing yard work can close a file, your position will need to be where that activity can be documented. Here is where the patience factor comes in. Once you choose a spot, you cannot be moving around in the vehicle or changing positions in the area. Think of it this way, by arriving early in the morning; the vehicle is now part of the neighborhood as people wake up. If it is set in one spot for an hour, then moves to a new location, your subject may not be suspicious, but the neighbors may be alerted. If the subject working away from home is important to the matter, then your position needs to be where it is easier to follow the subject from the area.



FOLLOWING A SUBJECT

Following the subject is the most challenging portion of the surveillance process. Not only do you need to outguess the subject you are following, but you must be ready for every potential move other drivers might make in traffic. Shortly after starting to follow someone, you will need to profile their driving habits, so you can see or recognize

what they will do before they might do it. For example, next time you are driving, pay attention to the vehicle in front of you. Most people telegraph the move they are going to make. Before someone changes lanes, they will start to fade toward the lane they will move into. Someone preparing to turn right may begin to move left to have more space to make the turn; I call this the *Muncie Swing Turn*.

You must constantly calculate how long a light will stay green, watching for other drivers and pedestrians, all while staying out of your subjects' mirrors. Once you have followed them to a location, you may not know the area and need to determine where you can document their activity quickly.

This all plays into the chess player analogy where experience comes into play. Let's not discount the luck factor; however, "proper planning prevents poor performance."

DOCUMENTING ACTIVITY

Long before you arrive on surveillance, you have tested your equipment, charged your batteries, curtains are in place, and ensured that your tripods are in working order. Again, patience is essential, but you must be ready to go when any activity starts.



The simplest files will be when the subject is active at home on multiple occasions and stays at home. However, experience dictates that is not how it goes. When a subject leaves home and makes multiple stops, you must make tough decisions as to what activities will benefit the file. You need to determine, "is the squeeze worth the juice." For example, documenting someone driving from their home and stopping to pump gas is always useful information, but if they go into a mini mart, is there anything they will do that will help the file? If the injury is a traumatic brain injury, where the claimed limitations are they can't do anything, especially where they would be required to do calculations or interact with the general public, surveilling them in the mini mart could be a good step. The surveillance experts' consensus is that most files wait for other activities like grocery shopping, big box stores, or clothing stores to film in-doors.

Once a subject arrives at a worksite or other location like a park, where you can document activity for an extended time, it will be necessary to identify the potential activity and where you can discreetly document the majority or all of what your subject is doing. The surveillance team and the client need to have reasonable expectations. Sometimes you will be able to see and document everything, but there will be times when the subject will walk in and out of view.

REPORTING

Investigative reports culminate all that has happened before and during the surveillance. The report should be written from the perspective of a disinterested third party: "Just the facts, ma'am." There should be a comprehensive summary of the whole surveillance. When the report is completed, it should include all media the documentation collected. Embedded links are an industry standard at this point.

The final key differentiator for a surveillance investigator is being ready to testify. Investigators are rarely called upon in liability and disability files but much more often in workers' compensation claims. Regardless of the type of file, the investigator must always be prepared to testify. The client's attorney should prep the investigator before their testimony, including any known tactics by the subject's attorney.

Over the years, this group of surveillance experts has conducted thousands of successful investigations. They have obtained innumerable hours of video of subjects doing everything from mundane daily activities to racing cars or skydiving. This important surveillance work has saved millions of dollars on claims. Moreover, surveillance is a valuable tool for many types of files. I hope this overview gives your insight into surveillance considerations and what it takes to succeed.



Matt Mills is vice president/business development of Marshall Investigative Group. Matt has been in the surveillance and investigative field for 37 years. He has conducted surveillance investigations in every state except Alaska and in several countries. He has trained numerous surveillance investigators over the years. At present, he is guiding his clients on the best practices and efficient use of their claims dollars. He is a member of many claims organizations, exhibits and speaks at conferences around the United States and has spoken at Lloyds of London on several occasions.