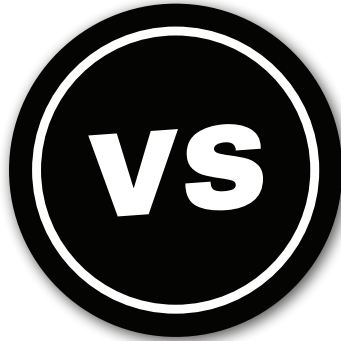


SINGULARITY



THE SPECIAL INVESTIGATIONS UNIT

Implications for the AOE/COE and Cargo Theft Investigation

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I was born and raised in Chicago, home to the innovators and creators of the cell phone, the skyscraper, and softball. As a child, I dreamed that one day in the future, automobiles would fly and that screens would replace rotary telephones. I know what you are thinking, but unfortunately, life would lead me on another path and direction. Despite the angst of having lost out on that fortune by failing to chase those dreams, I became an attorney. After a successful career as a litigator for a global insurance carrier, I transitioned into the world of private investigations, and fortunately for me, into the fertile learning grounds of the Special Investigations Unit for Marshall Investigative Group.

With my childhood dreams serving as a backdrop and while being sound asleep on my way into the office in my fully self-autonomous driving 2021 Tesla Cyber Truck, I had a nightmare revelation. What impact might the dawning of Singularity and Artificial Intelligence have on future investigations? Notably, the Special Investigations Unit (SIU), responsible for conducting the AOE/COE and Cargo Theft Investigation in the transportation industry.

According to the Department of Transportation Federal Motor Carrier Safety Administration, as of April 2020, there were 928,647 for-hire motor carriers, 799,342 private motor carriers, and other motor carriers

combined for a total of 84,763. Approximately 8 million people are employed in the trucking economy, excluding about 4 million self-employed truck drivers.

WHAT IS SINGULARITY?

The technological Singularity hypothesizes that the invention of artificial superintelligence (AI) will abruptly trigger runaway technological growth, resulting in unfathomable changes to human civilization. This powerful superintelligence will, qualitatively, far surpass all human intelligence.

Artificial Intelligence (AI) is prevalent across all major industries, and the private investigative industry is not immune. In all facets, the industry is impacted in important

and vital ways. The simplistic view is to regard the dawning of Singularity and AI with skepticism, fear, and distrust. Let's face it, it is a valid concern that 'we' will be replaced. The investigative industry in general, and the Special Investigations Unit in particular, will be obsolete and in peril. The impact is real and formidable but not insurmountable. There is no alternative but to accept the changing landscape from the old to the new. The ongoing development of applications coupled with the creation of more advanced machine learning algorithms will attempt through efficiency and reduced operating costs to eventually replace human beings.

In investigations, tools that utilize artificial intelligence make information gathering and analysis quicker and cheaper while proving to be reliable. The vital component is that we will consistently provide our business partners with timely, accurate, and corroborated evidence critical to any investigation's success. Unequivocally, there is no room for ongoing debate or controversy that the practical and useful application of AI technology will expedite the time-consuming activities of collecting and analyzing data. This technology allows the SIU investigator to accelerate fast-paced investigations geared towards providing consistent, efficient, and swift conclusions translating into our business partners' successful results.

To combat our replacement, MIG-SIU has embraced the age of Singularity and AI by implementing simple yet effective steps to remain viable and competitive in this ever-evolving landscape. MIG-SIU has adopted policies and procedures to accommodate a delicate balance between implementing the new technology and techniques with their long-standing and established investigatory practices.

WHAT IS AN AOE/COE INVESTIGATION?

AOE means "arising out of employment," and COE means "in the course of employment." An AOE/COE is an investigation to determine the facts surrounding an alleged injury to a worker on the job to establish whether the employee's alleged injury was, in fact, work related and occurred while in the course and scope of employment.

The traditional AOE/COE investigation initiates when a truck driver notifies their employer that they have sustained an injury while working. During processing, the claim's professional may notice "red flags," which may prompt an investigation and subsequent SIU assignment. Currently, the AOE/COE investigations conducted by MIG-SIU in the transportation industry have been straightforward with excellent results for our business

partners. This success begins with our team at MIG-SIU: comprising former practicing attorneys, law enforcement officials, insurance industry experts, psychologists, and medical consultants. Fast forward to the age of Singularity and self-autonomous tractor-trailers. What will be the new model to conduct an AOE/COE investigation under these circumstances?

Fortunately, the new model is easy to envision, with retrained truck drivers operating multiple tractor-trailers across the country from a command center. Undoubtedly, at some point, due to human error, accidents will happen. Immediate change and effect will be realized on many levels, with the most concrete and manageable scenario to envision the types of injuries investigated. How will we determine compensability? The simple "slip and fall" with broken bones will not be the most common accident in this scenario. The more traditional orthopedic injuries will be supplanted by the more difficult to defend: psychological injuries.

At Marshall, the SIU approach will begin an investigation at the pre-employment stage and monitor throughout his/her tenure. They will utilize traditional investigative techniques while also using AI technology to support the underlying research. Moreover, the advent and increased efficacy of predictive modeling will also be a key component in investigating and rooting out any potential fraudulent claims through this revamped approach. Investigators spearheading the investigation and AI as their trusted partner will be an easy, seamless transition to manage during the dawn of Singularity and AI in a similar fashion involving the Cargo Theft investigation.

WHAT IS A CARGO THEFT?

Cargo theft is defined as "the criminal taking of any cargo including, but not limited to, goods, chattels, money, or baggage that constitutes, in whole or in part, a commercial shipment of freight moving in commerce, from any motor truck, or other vehicle or from any intermodal container, intermodal chassis, trailer, container freight station, warehouse, freight distribution facility, or freight consolidation facility."

According to CargoNet, there was a 300% year-over-year increase in cargo theft activity in April 2020. The majority of the thefts were inside jobs committed by employees. What does the cargo theft investigation look like now in the face of Singularity?

In the age of Singularity, the traditional cargo theft investigation procedures will essentially remain intact. The theft investigation will begin with the reported loss and immediate requests to review and evaluate the complete file. The pertinent witnesses are

identified, located, and interviewed to complete the relevant documentation related to the loss. Thereafter, recorded statements will be obtained and synopsis with analysis and recommendations by MIG-SIU.

Again, the MIG-SIU approach will build on its already successful results for its business partners by enacting a new mitigation strategy before the theft happens, early in the process, and the time of recruitment of prospective employees. Before hiring, we will encourage clients to conduct a thorough forensic analysis of any potential applicant's background. In correlation, we work a more robust holistic investigation using AI and specific algorithms to investigative known associates both personally and professionally to look for specific indicators. The monitoring with the use of AI will continue uninterrupted throughout employment. To combat our replacements, MIG-SIU will handle these new types of investigations by focusing and hiring investigators with backgrounds and degrees in cybersecurity, software engineering and management information systems.

AI is prevalent and vital in today's digital environment. I am (somewhat) reassured by the fact that in all likelihood, we will not be replaced as private investigators anytime soon. AI may use its automated algorithms to calculate and predict patterns in data and human behavior, but only humans can comprehend and relate to humans. Human beings perpetuate insurance fraud and all types of fraud. Even the most advanced AI algorithm cannot and will not be able to entirely process what it means to be human and/or to process nuances of body language and the importance of eye contact.

The Special Investigations Unit at Marshall accepts the value of AI in the private investigation industry. Marshall Investigative Group Special Investigations Unit will strive to continue to harness the use of AI positively for the benefit of the sector going forward.



Juan Antonio Rodriguez is general counsel and vice president of Marshall Investigative Group's Special Investigations Unit. With more than 15 years as general counsel for a global insurance carrier, Juan brings vast experience and knowledge to lead a nationwide team of SIU investigators in the arenas of criminal and civil liability claims, casualty and workers' compensation, intellectual property, premise liability, truck and cargo thefts, statements and examinations under oath and other various types of investigations.