

# Surveillance Factors Educate Claim Personnel

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There are numerous reasons why surveillance on suspect injury claims is successful one time and the next is totally unproductive.

There are variable circumstances in each case that will strongly influence success or failure. A background investigation coupled with personal knowledge of the claimant will help you make an informed decision if surveillance is feasible. A claim may show the classic red flags of fraud but might also be so overwhelmed with negatives that you may want to put your efforts onto another assignment. Keep in the mind the following when evaluating a case.

## Lower Percentage Factors

- The claimant lives on a rural route. Surveillance in this situation is the toughest case since you normally cannot hold/sit within viewing distance of the target's residence. You often encounter multiple departure routes and occasionally you won't even be able to see a residence from the public roadway. Strange vehicles in the more remote locations can be quickly spotted.
  - ▶ Surveillance on foot sounds good but what do you do when the claimant leaves in a vehicle? Do you use two investigators and double your costs?
  - ▶ Thinking about going onto a neighboring property to avoid the claimant's land? When is the last time, if ever, you saw a property plat with a surveillance report? What if that property is leased to the claimant? Holding surveillance on an easement is an investigative urban legend. An easement is normally held between a property owner and a utility company or governmental entity. Access is granted to the parties by either a signed contract or by statute. It isn't an invitation for investigators or

anyone else to trespass on private property.

- People living in high-rise buildings with multiple exits, underground parking or secured parking. With a single investigator, you can only cover so many entrance and exit routes. If the parking is such that you can't identify a person's car or cover all the exit routes, you're going to have a hard time being productive. In this type of case, you are normally better off using two investigators for a short period of time until you develop a pattern on when and by what route a subject normally leaves.
- The claimant lives in a trailer park. The problem arises in that parking is limited and often the area is rural. If you try to hold surveillance within viewing distance of a target residence, you are usually within a few feet of someone else's mobile home. Strange vehicles with tinted windows can attract unwanted attention.
- Any case where surveillance can't be held within continual viewing distance of residence. If your subject resides on a court, on a road with no shoulders, on a rural route, on a dead end road or an area where no one parks on the street, you are at a huge disadvantage.
 

Any of the above scenarios could mean surveillance has to be conducted on an exit route while occasionally conducting "drive-bys."
- People who don't have a valid driver's license. Loss of driving privileges is frequently encountered by those on whom insurance surveillance is held. If the claimant can't legally drive, it is going to be a limiting factor in their ability to be employed or be active away from home.
- A person doesn't have a vehicle or unrestricted access to transportation. When you have expired license plates, vehicles



repossessed by a finance company, or three drivers sharing one ride, this will lower your chance of surveillance being fruitful.

- The claimant has a substance abuse problem. Add an injury claim and you won't have someone eager to return to work.
- A person has problems with childcare while employed in a low paying job. Figure the cost of child care, deduct commuting costs, deduct taxes and you have lost much of the incentive for an injured party to return to work.
- A subject receiving TTD or has adequate income from a spouse or live-in
  - ▶ companion. With an alternate source of money comes financial staying power to remain off of work or to



hold out until trial. When TTD is stopped or there is no alternate source of income, the financial pressure can work to your advantage.

- A person's spouse or live-in companion is on disability. They have been exposed to the methods of attorneys, insurance companies and investigators. Sure, this is one fraud indicator but experience on the part of the claimant works to their advantage.
- The subject is accurately described as being lazy prior to the incident date. If slow motion was their only speed before a claim, it only worsens once they have another reason for being the way they always were.
- The claimant is represented by a skilled

attorney. A coached plaintiff is often cautious at least in the beginning.

- Surveillance held within a few days of any hearing or trial date. Plaintiffs become more cautious as the payoff date draws near.
- Surveillance held on a rush basis without time to conduct all the needed searches. Not all needed pre-surveillance data is available with the move of a mouse and a click of a button. Data-bank searches are helpful but often have dated information.
- Cases where the claimant is aware they previously were under surveillance or when open inquiries were made in the neighborhood. It is not impossible to be successful the second time around but

it tilts the playing field in the claimant's favor. If surveillance or a canvass has been previously conducted then provide a copy of those reports to your surveillance vendor.

- A claimant is involved in criminal activity or is being pursued by process servers and bill collectors. If people are looking over their shoulder before a claim, here is another reason to be wary.

#### Higher-Percentage Cases

1. People who are homeowners. This is huge plus.
2. A claimant with children at least of school age. This reduces the need for child care