

Why Does it Always Feel Like Somebody's Watching Me? Surveillance and Investigations in a Digital Age

Presented By:



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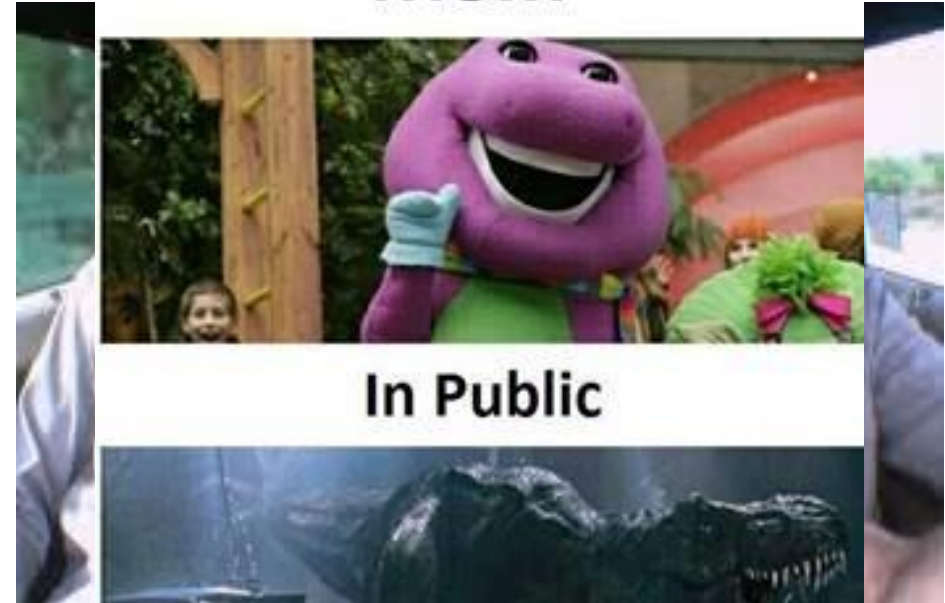
Introduction

- Why investigate?
 - WC fraud - \$7.2B/year
- Topics we will cover
 - Traditional surveillance
 - Social media investigations
 - Discovery methods
 - Evidentiary issues
 - Settlement negotiations
- Goals
 - Keep you entertained
 - Make sure you do not make investigative mistakes like Dwight

Traditional Surveillance

- PANDEMIC ISSUES – Lack of opportunity
 - Restrictions/lockdown
 - Lack of employment
 - Difference in appearance
- Strategies for success
 - Why use?
 - Perfect scenarios
 - When to use?
 - Timing is everything
 - How to use?
 - Information for investigator
 - How often?
 - War stories
- Ethical concerns
 - No direct communication
 - Private vs. Public threshold

Mom








In Public



At Home

Social Media

- New platforms
 - Facebook 
 - Instagram 
 - Twitter 
 - Snapchat 
 - TikTok 
- Technology
 - Information is everywhere
 - Constantly on phone
 - In-home devices
 - Search methods
- Pre-investigation
 - Employment application
 - Witnesses/co-workers
 - Secretary of state



Social Media

- Ethical concerns
 - Public/private accounts
 - No direct contact
 - No Facebook friending
 - No Instagram following
 - No Twitter following
 - No Snapchat friends
 - No TikTok following
 - Hire private investigators/outside vendor

Discovery

- Requesting information from employee
 - Interrogatories
 - RPDs
 - Depositions
- Requesting information from third parties
 - Third-party RPDs

Evidentiary Issues

- Hearing issues
 - How to use surveillance/investigative evidence at a hearing
 - Disclose to other side
 - If more than impeachment
 - 48 hours in advance prior to hearing
 - Waiver prior to hearing
 - Sending to doctors for opinion
 - Common objections
 - Hearsay
 - Defenses to the same
 - Authentication
 - Stipulations
 - Investigator testimony
 - Cross examination

Settlement Negotiations

- Leverage
 - When to use?
 - How to use?

Conclusion

- Overview – Ethical surveillance/investigations
 - Traditional surveillance game plan
 - Social media inquiries
 - Discovery methods
 - Hearing strategy
 - Settlement leverage
- Questions?
 - We have the answers

THANK YOU!



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