

The False Sense Of Success: How To Know If You Have Good Film

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I was talking with a buddy of mine a few days ago. Both of us are seasoned PIs, and yeah, maybe even a little grizzled. When the conversation about family and friends was exhausted we drifted over to the business.

One of the things we talked about is the challenge of communicating with clients and how a lack of understanding of what happens (on both sides) occasionally hinders the progress and outcome of an investigation. We agreed Hollywood has done a great disservice to the private investigation industry.

From the Ferrari driving Magnum PI to the vampire turned investigator in Moonlight, Tinsel Town has created false impressions of the day to day activities of a PI.

I could list endless examples, but I think the biggest misconception they imply is that every investigation can be concluded in an hour, with 3-5 minute commercials every 15 minutes.

You can see where I'm going with this, so let's talk about a few of the real challenges that occur during the course of a Sub Rosa investigation, and especially what makes good surveillance film.

We are not in Kansas

First off, although we try our best, a surveillance film will not come out like a Hollywood-style production.

We can't place the subjects where we want them and can't yell for a re-take when we don't like what we see. Lighting might be poor depending on the surveillance site and where the sun is at the time of the shoot. We don't edit, so what you see is what we saw, and it can be long, silent and boring (longer the better).

Enough of that; let's talk about what to expect.

Steady as she goes

Film must be clear enough to identify the subject. Sounds simple enough, but at the far end of the spectrum, shooting through heat waves across a strawberry field around noon in Salinas when it's 102 degrees out there is almost like looking through wax paper. Usually an investigator will take a couple face shots for ID, but then should concentrate on the body part(s) in question. Video from the waist up while investigating a knee claim would likely be counter-productive.

Film should have a minimum amount of shaking. Yes, a minimum is okay. Not every shot is from a tripod. Shaking is not due to the excitement of the investigator getting good shots, but might occur in a parking lot as the Claimant is entering a building and the investigator hasn't had the opportunity to turn off his engine, or if the investigator is on the move. A few weeks ago I was following a subject who's vehicle broke down on the freeway. I took the next exit and found a field with trees along the hillside above; stopped my vehicle and ran through the field diving under some Oleander bushes to get shots of him walking around the vehicle while waiting for the tow truck, all without his cane. No tripod there, and in order to be mobile, I had to leave the "Big Gun" camera that helps compensate for the "shake".

Judges in particular, do not like shaky film. Watching it can make you seasick and the Judge could well decide it is too much effort to watch, and deem the video unusable.

Constant zooming in and out along with panning is a pet peeve of mine, and is something that can affect the overall quality of the film as well. There are times when it is necessary to use the zoom, like when

trying to show the Carpal Tunnel Claimant wrenching bolts under the hood of his vehicle, but for the most part there is no need, and too much zooming, might require a call by the viewer for some Dramamine.

Last but not least (must leave room for the other authors), film should not be edited and must show a true representation of the subject's physical capacity. A few minutes of video taken during a 2-hour baseball game leaves too many holes for Applicant Attorney to shoot through, i.e., 'you didn't show my client massaging his/her knee when sitting on the bench'.

Dindak's rule of thumb, if the subject's in view, shoot'em; you never know when an action might take place that will prove your case.

Make sure of what you got

You might have heard stories or experienced situations where what was reported by the Investigator wasn't seen on the film. Doesn't happen a lot, but can be embarrassing.

Recently my buddy was assigned to conduct an AOE/COE Interview as a follow-up to Sub Rosa investigation by another firm. The Sub Rosa report indicated film captured over an hour of the subject engaged in activity beyond alleged restrictions. The Adjuster had not reviewed the video, but just sent in on to the investigator to do the AOC/COE interview and went with what the report said. However, in viewing the film they found that under 5 minutes of it was actual activity and the remaining time was of the subject sitting in a chair.

Of course the Adjuster thought she had killer video, case closed. Consequently, there was some disappointment in hearing that although she had a great start, it wasn't time to get the statement and the Claimant fitted for an orange jumpsuit. If the video had been sent off to a doctor, it would have most likely been dismissed as inadequate, and after the medical report went out, too late for more investigation to build a case.

Keeping in mind, that although it takes time out of your busy day, review the video the investigator sends before forwarding it off to Med/.Legal. Make sure the report and film match up.

Make sure you know how much time was filmed of activity and where in the film inactivity occurred. If you consistently have reports that misrepresent the films obtained, you need to at least have a serious talk with the investigator.

Know the messenger

If you have not encountered these problems, you are working with an effective and knowledgeable team to defend your cases. I cannot say this often enough - work with high-quality professionals; they will make you look good.

If you have any questions about Sub Rosa, AOE/COE, Fraud or Investigation, email me. at david@2mypi.com