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professional investigator magazine

US \$7.95 • CAN \$8.95

September/October 2018

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An Investigative
Tool — Part II

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Electronic Canvassing

A Must Have For Your Investigator's Toolbox

BY **MATTHEW SPAIER, PI**



How often do you field a phone call from a technology data company promising the magical answer to all your needs at one click of a button? As professionals, we are constantly trying to keep up with the latest technology and the latest trends to better-solve or get answers for our cases. It certainly can be challenging if you don't understand an effective way to approach the technology.

In the past five to six years, we have all seen the boom in technology. Understanding the limits and the benefits can give you an edge. I attended a presentation by a company which offers a solution for object and behavior recognition. The presentation was a good demonstration of technology, but there were several in the room who failed to consider this beneficial and time-saving solution. After the meeting, I met with the company and helped them craft a product that was more in line with the needs of our industry. Today, this solution is a key component in a juror profile product we market to our clients. Not every solution out there has

the same success story, but as investigators, it is in our best interest to find a solution that works.

The key to this process is understanding that there is no “magic bullet” solution. It takes a combination of OSINT resources, paid resources and good old fashioned gumshoe work to get results. Sometimes, the situation calls for a specialist to help you get the best end-result. I have learned two things over the years that I think help. First, you need to spend money to make money. Having a resource, you can tap into that gives you first-rate information can make your case. At the end of the day, your client wants results and sometimes that comes with a price. The second piece of knowledge I have learned is that sometimes it is better to “know a person” than to be “the person.” Using a vast network of investigators that specialize in certain areas saves me time to focus on the work I excel at.

One of the areas my business, Satellite Investigations, has focused on is electronic canvassing. This is a must-have for your “investigator’s toolbox.” With the advent of social media and our society’s need to be heard, this is an untapped and rich resource for information. My business focuses on personal injury cases. Our electronic canvassing

techniques locate individuals that have witnessed accidents and have posted about what they saw. These people do not stick around for the authorities to come and often do not end up on the police report. The key to this technique is using geo-tagging and geo-fencing technology. There are several companies out there that offer this service and you should “test drive” their product. You should be comfortable with their dashboard. Some companies offer data going back to 2010. Some give you access to the major social media accounts, while others only focus on one or two. Implementing this solution will require an investment, so make sure you are comfortable with the company you choose. I prefer to work with companies that have strong customer support and even offer managed services.

Electronic canvassing can work in every aspect of the personal injury process. We have gathered information for attorneys who are making pitches to be retained. We have used electronic canvassing to find notice witnesses, do site investigations and perform due diligence on expert witnesses. We have also seen the process work during trial. You can even provide customer service monitoring for attorney clients if they are interested in knowing how their clients feel about the service they are getting from the firm. If you understand this technology and its benefits, it can provide real leverage to your clients on their cases.

However, there are some downsides to these types of investigations. The landscape of what is permissible and what is not is constantly changing and you need to stay on top of the rules and regulations. In NY for example, it is unethical to pre-text a person to gain access to a private account. See **NYSBA ETHICS OPINION #843 (9/10/10)** As investigators, we are an extension of our clients and we are bound

to the same ethical standards that they are. By using research technology, you can often find enough evidence to convince a judge to issue an order for the release of IDs and Passwords for social media accounts. This is called an in-camera inspection. Another factor that can be prohibitive for this solution is the cost. An initial investment is required, but if you know and understand the benefits, it is easy to get your investment back quickly.

In conclusion, there are vast benefits to using technology to help you gather information. It is important to always stay informed on new technology, new rules and trends in the industry. Some of the best ways to do this are to join statewide or national organizations, attend networking events, enroll in webinars and subscribe to trade magazines. Give your business an edge by learning and using the latest tools available to you in conjunction with a broad network of resources. **PI**



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