

**Practical
Handbook
for
Private
Investigators**

Rory J. McMahon

While most books on private investigation tackle specific topics, *Practical Handbook for Private Investigators* provides the first comprehensive coverage of the field. Rory McMahon, CLI (Certified Legal Investigator), a recognized leader in the industry, clears up many misconceptions. He guides experienced private investigators, as well as those wishing to enter the field, in how to perform investigative duties easily and effectively. This practical handbook is a compendium of work done in this field, with descriptions of different types of investigations, case studies, and practical tips.

Topics include:

- Skills needed to become an investigator
- Interviewing, interrogation, and taking statements
- Types of investigation including fraud, criminal, insurance, arson, background, and domestic
- Computers and the Internet
- Surveillance
- Testifying in court
- Setting up your practice and getting licensed

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PREFACE

The book is designed for individuals studying to become investigators, as well as private investigators of all types and with all levels of experience. The author shares what his research and experience have taught him. He does not claim to have all the answers, as there is something new to be learned about investigations and people every day. From his perspective, this is one of the most attractive features of this career. This book is for use in the academic realm for the many private and community colleges offering classes in investigation and as a perspective that may be useful to private investigators in terms of their approach to working cases. It is certainly not meant to be the definitive thesis on how all investigations should be performed.

Most of the author's research on the various types of investigations was performed while he was a college teacher at a small private junior college in Fort Lauderdale, and during his 25 years as an investigator. Much has been borrowed from a wide variety of academic and professional sources over the years. It is hoped that the information will be useful to both students and professionals in the field of private investigation.

ABOUT THE AUTHOR

Rory McMahon has been an “investigator” of some sort for most of his adult life. In 1973, as a probation officer in Westchester County, New York, he investigated and supervised persons convicted of state crimes. In 1978, he was appointed a Federal Probation Officer in the Southern District of New York, which comprises New York City and the surrounding area, investigating and supervising persons convicted of federal crimes. He transferred to the Southern District of Florida in 1982, where he conducted presentence investigations on persons convicted of federal crimes in Miami, and subsequently supervised convicted career criminals—primarily organized crime members, major narcotics traffickers, and white collar offenders—as a member of the Special Offender Unit in Fort Lauderdale.

In 1990, he left government service to become a private investigator, working a wide variety of investigations. He became a Certified Legal Investigator (CLI) in 1997, specializing primarily in legal investigations. At the same time, he taught private investigation classes to college students pursuing careers as investigators. Based upon these experiences, he has written this book.

ACKNOWLEDGMENTS

I would like to thank Steve Mallon for hiring me to teach at City College in 1990, after I left government service. He helped me begin my career as an investigator and was an invaluable friend in those early days.

I would like to thank all of my students from 1990 to the present, who have been the source of inspiration for my writing, and for whom I hope this book will be the culmination of all the areas of learning from their City College careers. Special thanks to Gary Diehl, who provided his typed notes for use in classes; Celia Hochtman, who was one of my best students and became a lifelong friend; and Susan Henry, my recent student, who provided valuable input for several chapters in this book.

Finally, to my family, without whom I would be lost. Kelly, for her independence, loyalty to her friends and family, and dedication to her career. Tara, for her encouragement, her journalistic spirit and integrity, and her love and support; Conor, who is everything a ten year old son should be; Joseph Patrick, my beautiful newborn son; and my gorgeous wife, Fran, for her constant encouragement, support, and love.

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DEDICATION

To my mother, Patricia Maguire McMahon, whose death in July 1995
still leaves an incredible void in my life.

To my father, Judge Daniel F. McMahon, whose integrity and work ethic
has been indelibly instilled in all of his six children.

1

INTRODUCTION

Since the trial of O.J. Simpson, the profession of private investigation has risen to a new level of respect among both the legal community and public at large. The success of O.J.'s "Dream Team" was largely a result of the brilliant work of the defense investigators.

The Dream Team found the witness who exposed Mark Furman's racism. They fashioned successful responses to everything that the prosecution witnesses testified about.

JOB OUTLOOK

According to the *Occupational Outlook Handbook* published by the U.S. Bureau of Labor Statistics, employment of private detectives and investigators is expected to grow much faster than the average for all occupations through the year 2005. Demand for investigators is expected to be generated by increase in population size, increased economic activity, and domestic and global competition. These forces are expected to produce increases in crime, litigation, and the need for confidential information of all kinds. As crime continues to increase, more firms will hire or contract for the services of private detectives. Additionally, investigators will be needed to meet the need for information associated with criminal defense and litigation for companies and individuals. Greater financial activity will also increase the demand for investigators. As competition becomes more intense, growing numbers of companies will hire investigators to control internal and external financial losses, and prevent industrial spying.

EARNINGS

Earnings of private investigators vary greatly depending on their employer, specialty, and the geographic area in which they work. According to studies done in 1994, private investigators averaged about \$36,700 per year, earning an estimated \$15,000 to 18,000 per year to start, with experienced investigators earning \$20,000 to 35,000. Entry level corporate investigators earn \$40,000 to 45,000, with experienced corporate investigators earning \$50,000 to 55,000. However, a successful self-employed P.I. can earn \$100,000 and more.

Investigators bill their clients \$50 to 250 per hour to conduct investigations. Most investigators, except those working for law firms and corporations, do not receive paid vacation or sick days, health or life insurance, retirement packages, or other benefits. Investigators are reimbursed for expenses and receive pay for mileage.

In my experience in South Florida, intern investigators earn from \$8 to 15 per hour. Investigators with two or more years experience earn from \$15 to 35 per hour.

The potential earnings for those entering the field is unlimited. There has never been a greater need for these services than right now. Additionally, investigators are finally receiving the professional recognition that they deserve. Business is good, and the prospects for the future are incredible!

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SKILLS NEEDED TO BECOME A SUCCESSFUL INVESTIGATOR

All investigations, regardless of type or purpose, depend on the gathering of factual information. Gathering factual information is the main purpose of any investigation, without which no case would be solved, no stolen property recovered, and no missing person located. Factual information in a concise written report is the product that we sell to our client.

Today's investigator must learn to think of himself as a highly sophisticated camera with the lens always open, recording and observing everything. Regardless of the case, the investigator wants answers to the questions who, what, when, where, how, and why. The private investigator is often the last hope for many people.

Three methods that investigators use to obtain information are:

1. Researching public records
2. Interviewing individuals with relevant information
3. Surveillance of individuals to learn about their behavior.

Investigators must use one, two, or all three of these methods in order to obtain the information needed by the client. To excel as an investigator, one must know how to do all three very well.

WHAT IS AN INVESTIGATOR?

An investigator is a professional researcher who uses observation, inquiry, examination, and experimentation to obtain evidence and factual information upon which sound decisions can be made. In order to achieve success as an investigator, certain basic guidelines must be observed.

Ask many questions when seeking information. Often, this means repeating questions in order to uncover discrepancies, and following up on initial questions with more detailed ones. You can never gather too much information. It is easy to eliminate nonessential information later on.

Recognize that suspects, criminals, and other subjects of investigation come from all walks of life and are represented by all races, both sexes, and an endless variety of lifestyles.

When investigating the crime scene, do not commit yourself to the guilt or innocence of anyone at the scene whom you may question. Remember, your purpose is to gather facts; judgments will come later.

Do not be overconfident. Be certain that you have gathered all the information. Before you conclude the investigation, ask yourself, “Is there more information I should attempt to obtain? Have I overlooked anything that could make a difference in the outcome of the investigation?”

Do not jump to conclusions.

Never take things for granted — make no assumptions about how much information is needed before you begin searching. False assumptions often lead to the loss of valuable information and evidence.

Work with evidence you find at the scene. Examine all evidence carefully; pieces of paper, documents, tools, fragments of cloth, or personal items belonging to a possible suspect or other person involved in the incident that you are investigating — any physical evidence can provide an important investigative lead.

Develop informants and sources of information before you need them. No investigator can get along without sources, because they can provide shortcuts to many investigative problems.

ATTRIBUTES OF A SUCCESSFUL INVESTIGATOR

The following attributes are the special qualities that will help you achieve success:

Suspicion

Be cautious of obvious things and wary of persons who are quick to provide alibis and identification. Demand verification whenever possible.

Curiosity

Develop your own curiosity and follow up on it. Have the desire to learn the truth. An inquisitive mind is essential to the investigator.

Observation

Your five senses are important tools of the trade. It may be important for you to remember unusual things about an individual (i.e., his manner and posture or the way he dresses). Learn to observe details.

Memory

The ability to recall accurately the facts and events or the physical characteristics of a suspect is a valuable skill.

An Unbiased and Unprejudiced Mind

Bias and prejudice will result in a poor investigation, unfairness to suspects, and clouding of facts that need to be uncovered objectively. Do not let personal likes or dislikes interfere with investigations.

Ability to Play a Role

This skill is especially important for private investigators who work alone most of the time. Using his own identity could expose the investigator to recognition and danger. The ability to assume convincing identities is particularly valuable in surveillance, undercover activities, and a variety of confidential inquiries.

Persistence and Capacity for Hard Work

Many times, you will find yourself working late into the night to follow-up a promising lead or question a particularly valuable witness.

Resourcefulness

An investigator must be able to adapt to all types of stressful situations that may demand technical skills.

Ability to Obtain the Cooperation of Others

In the course of your work you will make many contacts. Some will be clients, some will be witnesses, some will be suspects, and some will just be well-meaning citizens who can provide information. It is essential that you obtain cooperation from as many people as possible in order to secure the vital facts and information that you will need to conclude an investigation. You will need patience, courtesy, tact, and understanding.

A suspect or witness who has been intimidated, frightened, or angered by an impatient investigator is of no value.

Interest in Your Work and Pride of Accomplishment

True success in any profession is based on sincere interest and pride in a job well done. The knowledge that your efforts can bring a criminal to justice, locate a missing loved one, or save a business large sums of money can bring you immense satisfaction.

Street Sense

You should have an intuitive understanding of the way the world works and how people move through it. This can be developed and refined. The more time you spend on the street and the more attention you pay to detail, the sharper your street sense will become. This can be learned and sharpened as you work in the investigative field.

Good Listening Skills

You need to be a good listener in order to effectively communicate. In order to be a good interviewer, you must be able to understand the person who you are questioning. If you do not have good listening skills, you will never be an effective interviewer. Therefore, you will not be a successful legal or corporate investigator.

Ability to Put People at Ease

In order to convince people to submit to interviews, you need to be able to “schmooze,” which means to make people feel comfortable talking to you. This is a very necessary skill to have in order to conduct successful interviews.

Ability to Speak at the Level of the Audience

There is nothing that turns a person off quicker than someone speaking down or using language that is difficult to understand. You must be able to speak to anyone from a high school dropout to a professional doctor in language that is appropriate and understandable.

Understanding of Body Language

To know if a person is truthful in an interview situation, you must be able to read body language. As a legal investigator, you may interview a potential witness for 30 minutes. At the end of that time, you must gauge that person's honesty and credibility as a potential witness.

Good Manners

There is no excuse for rude behavior — at any time!

Flexibility

You must have the ability to adapt to whatever situation presents itself.

Intuitive Understanding of Human Nature

People are people regardless of the circumstances you may be investigating. As investigators, we see people — our clients, subjects, and suspects — often at times of extreme emotional distress.

Self-Confidence

You need to have belief in your ability to handle any situation.

In my opinion, if you possess the above skills, you will be successful as an investigator and, more importantly, as a human being.

3

PRINCIPLES OF INVESTIGATION

Private investigation combines the skills of both science and art. Given the proper knowledge, tools, and money to operate, few cases exist that cannot be solved if the investigator devotes the time and energy necessary to complete the assignment.

Private investigators perform the following activities:

- Criminal investigations
- Matrimonial or domestic relations investigations
- Negligence investigations
- Security
- Expert witness
- Electronic countermeasures — also called communication security sweeps (i.e., debugging)
- Corporate investigation
- Shopping services
- Skip tracing
- “Day in the life” productions
- Undercover investigation
- Process service

TYPES OF INVESTIGATION

There are several types of investigation that will become part of your routine as an investigator.

Criminal Investigations

Private investigators work either for the victim or for the defendant or his attorney in criminal proceedings.

Serious crimes, which may lead to arrest and conviction of a subject, are the source of cases for the legal/criminal investigator. Burglary, theft, homicide, fraud, auto accidents, arson, kidnapping, and so on, are all examples of activities where violations of laws have taken place and you may be called to investigate. These cases typically fall into two categories:

1. Felonies — serious crimes which may involve punishment by death or imprisonment in state or federal prison in excess of one year.
2. Misdemeanors — lesser crimes usually punishable by a fine or imprisonment in a city or county jail, not to exceed one year.

Civil Investigations

This pertains to anything involving lawsuits in which questions of money or property must be settled. Violations of the law are usually not involved. Divorce, bankruptcy, personal injury and negligence cases, and lawsuits of various types are examples of civil matters that may require investigation.

Civil Actions

An attorney or client may hire an investigator to prove either one of the parties to the suit is liable. There are two terms an investigator must know.

1. The *plaintiff* is the party who brings a legal action; one who accuses other person of wrongdoing.
2. The *defendant* is the accused; the one who must defend himself against charges brought by the plaintiff. While he may be accused of wrongdoing, he is assumed innocent until proven guilty by the plaintiff and the plaintiff's attorney.

Negligence Investigations

This type of investigation is conducted either for the plaintiff's attorney to prove liability or for the defendant's company or business to prove the absence of liability or absence of a permanent serious injury. This can be accomplished through the use of surveillance (often video or photo), locating and interviewing witnesses, or trying to establish that a