



An Attorney's Guide for Private Investigative Services



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Why Attorneys Work With Private Investigators

Regardless of an attorney's accumulated skill, experience, or efficiency, it's always an easy task to stay on top of all the work that comes through your door. When an attorney is working on multiple cases, it's often more difficult to find the time to fish for case-making facts as thoroughly as one would hope. There are ways you can outsource some of that time and expertise, though, allowing you to take on a wider variety of cases.

A private investigator can serve a crucial role in a criminal defense investigation, as they work to find witnesses and evidence that will establish reasonable doubt-- that will show the jury that there is reason to believe that the defendant is not actually responsible for committing the crime. If you're an attorney with a hectic work schedule, and you've never contemplated hiring a private investigator, this guide will provide you with tips to help understand why private investigators are useful, as well as insight to help hire a qualified investigator.



What Advantages Do Private Investigators Have?

Some people may wonder why they would bother with a private investigator at all if the person is essentially just a regular citizen who can only obtain evidence that would generally be available to other regular citizens. However, private eyes do have a number of advantages in a lot of cases:

Anonymity: One of the main factors that make PIs valuable for gathering evidence is that they do not come across as suspicious, or as people who should be avoided.

Experience: Private investigators are good at what they do. They know how to watch and listen without being obtrusive and they have the experience and resources to get full, detailed information. A non-professional might make a lot of mistakes that would either give them away or fail to garner enough information to be useful.

Time: Private investigators have the luxury of taking their time and waiting for opportune moments to occur. If a regular person were attempting the same thing then it is very likely that their regular life would get in the way. They would need to go to work, attend to their families, take care of personal business. With a PI their job is what they are doing so they can give it their full attention.

Freedom: People involved in the legal system are bound by much more strenuous rules and requirements than everyday people such as private investigators. For example police officers will need to have warrants. Attorneys and judges must also carefully follow codes of conduct and extra laws. However, a private investigator will generally have all of the regular freedoms of any other citizen, which can allow them to do things and obtain information that would not be possible for someone in the legal sector.



Finding Details That Were Initially Overlooked

Private investigators are fully trained to take the time to understand the charges and laws associated with a specific crime when an attorney uses a private investigator in an investigation.

Once the private investigator develops a concrete understanding of the case in question, he or she will go over all of the materials that the defense team has received from the prosecutor.

Throughout the investigation, the private investigator will scour routine police reports, copies of evidence, photographs, phone messages and witness statements related to the case, with the ultimate goal being to determine whether or not there are any inconsistencies from one witness to the next.

Additionally, a private investigator may re-visit or recreate the crime scene to see if there was any details that may have been overlooked. He or she may also decide to interview witnesses to see if their stories have changed or to verify that they do not have anything else that motivated their statements against the defendant.



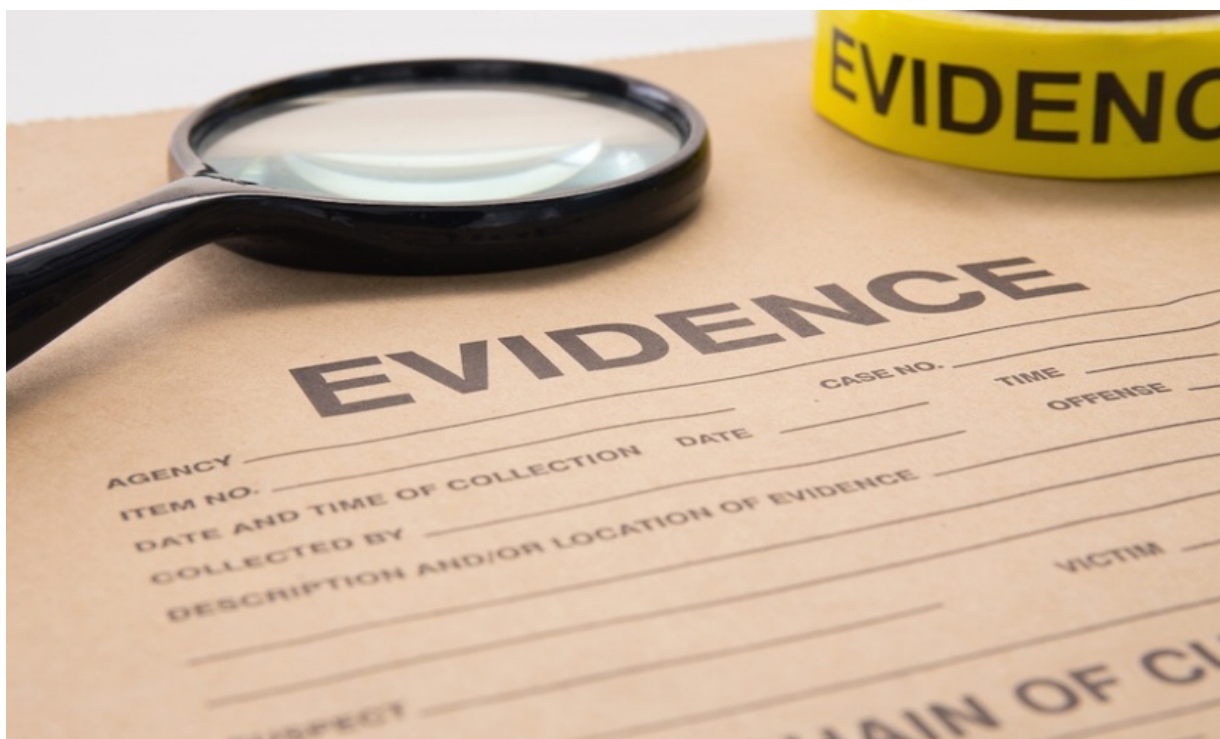
If the private investigator unearths any inconsistencies or ulterior motives, they may be able to be used as a part of the client's defense. By the same merit, if the private investigator finds out that there are other witnesses who had not come forward, he or she can then look into these developments further.

A private investigator can ensure fairness, leveling the playing field and providing the defendant with a neutral and impartial investigator to seek and gather the facts so that they can be assessed when the defendant presents his or her defense. This ultimately highlights how important it is for an attorney to hire a professional private investigator who knows how to conduct a thorough investigation.

What Type of Evidence Can Be Collected?

Professional private investigators aid in many situations for attorneys to argue their case effectively. They are known most for locating people and assets as well as collecting the needed evidence. Working with a private investigator can help leverage your position to find creative and efficient ways to help improve their odds to win a case. The following are the main types of evidence that private investigators can provide to a case:

- **Testimonial Evidence:** this is either spoken or written evidence given by a witness under oath. It can be gathered in court or through an affidavit.
- **Hearsay Evidence:** this consists of statements made by witnesses who are not present. While hearsay evidence is not admissible in court, it can be relevant and valuable in a workplace investigation where the burden of proof is less robust than in court.
- **Documentary Evidence:** this is documents that have been produced to be inspected in the courtroom. The documents can be real, original or hearsay.
- **Physical Evidence:** also known as real evidence, is evidence that is in the form of a physical object, such as a firearm or fingerprints from a crime scene. This can be presented in court as a physical object, shown in an image or video, or also referred to in documents.
- **Original Evidence:** this is a type of “out of court statement” that is presented for a applicable reasons. For Instance, such as to prove a person's mental state.



Understanding Costs and Fees

The costs for an investigator will vary greatly depending on the types of services desired. Rates for surveillance and special investigative work will generally be greater than that for servicing process or conducting research. Costs for conducting research will fluctuate depending on the type and number of databases that are accessed, the cost of informants, and the speed at which the information is needed. As we all know, most clients want the information “yesterday” which causes the agency to prioritize its list of jobs in order to accommodate their most demanding clients.



The main reason surveillance and investigative work may be more expensive lies with one word – manpower. When an individual investigator is “in the field,” he is considered immobile; that is, he is unable to engage in any other activity other than the task at hand. On the other hand, an investigator who is conducting research may be able to complete several jobs at one location or even while in limbo, such as waiting to testify. Moreover, a detective who possesses a specialized service or has completed expert training may command a higher rate.

This is sometimes necessary to cover infrequent and costly expenses such as special insurance, use of rare and sophisticated equipment and even providing expert testimony. Just as your client has come to you seeking professional advice, do not be disgruntled if an investigator informs you that a certain service will be at a premium, especially if his credentials justify it.

Questions to Consider Before Hiring a Private Investigator

How Do I Find the Right Private Investigator?

Your best source of information will often be your colleagues. Speak with other attorneys, especially those with the same legal specialization. They will be able to point you in the right direction to a reputable private investigator with which they may have had a positive experience with. Furthermore, you can find a local private investigator by searching online for individual private investigators or those who work with a security company.



Does The PI Work with A Security Company?

Why is it helpful that the private investigator you hire works with a security company? Reputable security companies ensure and are required to hire investigators who are educated and have had training in the field. Their employees will have to undergo the needed training and will be required to obtain the proper licenses depending on their level of expertise. You will find most investigators who are employed by security companies have had extensive of law enforcement or legal experience prior to become a private investigator.

Is The Private Investigator Licensed?

Simply put, private investigators should be licensed. In fact, Private investigators are required to be licensed in most states except Mississippi, South Dakota, Wyoming and Alaska ([Source](#)). If you are an attorney not located in the states above, then it is essential you only hire a licensed private investigator.

Questions to Consider Before Hiring a Private Investigator...Continued



Are They Well Referred by Others?

It's one thing to be referred by other attorneys who were pleased by the work provided. However, private investigators may or may not be able to provide you with references or testimonials as they sometimes handle sensitive or delicate situations. Clients have a right to their confidentiality and may not want to provide a reference or testimonial. Therefore, the most common source for referrals would be from other attorneys or from analyzing the amount of experience the investigator has. Additionally, you can talk with the security company they work for to see if they are a right fit for your case or not.

What Is the Initial Consultation and Contract Process?

Before hiring a private investigator or a security company for that matter, be sure they offer an initial consultation that is organized and lays out the intended process. This will ensure you can get to know one another, what type of work you are needing to be done and what they will do to help your case.

As you get to know one another, you'll be able to assess if the private investigator will be a good fit for your case, will keep you updated throughout the process and will adhere to what was laid out in the contract. Your private investigator should have a written contract for your protection as well as for his/hers. It should clearly and concisely outline exactly what the investigator will do and how much the services will cost. For this reason, make sure the investigator understands exactly what you want to achieve and what needs to be accomplished. Of course, always get a copy of the contract.

Interviewing the Candidate



Conduct a formal interview with the prospective applicant. Depending on your area of practice, comprise a list of questions that relate directly to your area of law. If an investigator tells you they have 10 years experience in criminal defense, and your main area of practice is divorce and family law, you may want to look elsewhere. Private detectives, like attorneys, usually specialize in specific areas of law, and will devote much of their time and subsequent education in that chosen area. You should also ask point blank if they or anyone employed by them has ever been arrested for a crime and if their company or any of those same individuals have ever been a defendant in a civil suit or complaint. Make sure that before you continue with the interview, the candidate answers your questions to your complete satisfaction. You can safely assume that an applicant who shows signs of uncertainty is not being candid and that you look elsewhere.

Scholastic credentials alone do not make an exceptional detective. One thing that can separate investigators from one another is the ability to quickly and efficiently acquire information through the use of informants and even a few uncommon means. Private detectives are extremely adept at the artful task of gathering information that is either unknown or unavailable to the nonprofessional (including paralegals). Although it is wise to have an investigator with an educational background, there can be no substitute for resourcefulness. Your job, if you choose to accept it, is to find an effective balance between the two qualifications so that you get the best of both worlds.

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Private investigators can be an invaluable tool and resources during throughout the legal process. The information and evidence gathered can make all the difference in obtaining a favorable outcome for a client. An experienced private investigator, under the direction of an attorney, can help discover and resolve any outstanding issues.

United Security Incorporated has developed a close network of experienced, professional private investigators to assist our clients. We have demonstrated commitment to our clients to sit down and determine the most appropriate strategy for each case.

**SIGN UP FOR A
CONSULTATION**



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