



What You Need to Do Before Hiring a Private Investigator

THERE ARE VARIOUS REASONS why individuals and companies or law firms contemplate hiring a private investigator. For example, a matrimonial attorney may recommend the hiring of a private investigator to identify or document an adultery or other type of “marital or personal fault”; provide security for a spouse being stalked; locate and/or identify missing or concealed assets (bank accounts, cars, securities); or ascertain the presence and use of alcohol, drugs or pornography.

Regardless of the reason why you may need to hire a private investigator, the process can be complicated and you quite possibly have a lot riding on the success of the work you expect from the investigator. So this checklist will provide you with a means of identifying and evaluating potential investigators BEFORE you spend your hard-earned money and put your objective at risk.

Here’s **WHAT YOU NEED TO DO** before hiring a private investigator:

Assuming you do not have an established relationship with an investigator, reach out for recommendations from colleagues, clients or other professional sources. Do not retain an investigator without first reviewing a detailed resume, as well as conducting a personal interview.

Do not simply hire an investigator out of a “yellow pages” environment, and avoid the investigator who lists no address and merely provides a phone number and post office box.

Check with your state licensing authority, not only to verify that the proposed investigator is licensed and currently in good standing, but also for indications of prior misconduct of any kind.

Inquire about whether the investigator has been involved in any litigation, or whether there has been a prior separation from any police or governmental agency, other than on honorable terms.

Verify that the investigator has good back-up. When necessary, will there be enough agents available for multiple or simultaneous surveillance assignments? How many employees does the investigator have? Meet at the business premises for a personal interview of the investigator, and check for the use of computers and other modern tools (audio, video, photography, etc).

Avoid the investigator who is either too busy or who is being hired by too many other lawyers and law firms.

The investigator’s fee structure should be set forth in writing. Define the exact parameters of each assignment, whether hourly, daily, by specific task or on some other basis. Spending limits should be agreed upon at so that extravagant charges not accumulated.

Provide for express language in the investigator’s fee agreement, stipulating that you and or the law firm are to be indemnified against any negligence or intentional acts of wrongdoing (making clear that the investigator agrees to avoid any legal breach, such as trespass, illegal wiretap or invasions of privacy).

Depending on your state law, anticipate the possibility that the investigator’s report (either written or oral) may be discoverable in court proceedings. Will the report be subject to discovery if the investigator is retained by the lawyer (as opposed to the client) because of the work-product doctrine?

When interviewing the investigator, ask whether any investigative work is being performed for the adversary law firm. Can you obtain a representation that such an assignment will be refused, as long as your client’s pending matter remains unresolved?

Ask for copies of sample reports done for prior clients. Is the written product of the investigator thorough, precise and to-the-point?

A good private investigation may provide the key to creating a winning strategy for your client. Your due diligence in selecting the right investigator can make all the difference between accomplishing your objective and wasting your resources and risking your case.

BP Security and Investigations, Inc.
Investigations Division

Phone: (713) 661-2054
Email: Investigations@BPSecurityInc.com