

DEFINING MOMENTS IN “1 on 1” SURVEILLANCE

Is it patience, experience, positioning, luck, or perhaps a sixth sense at work for surveillance specialists who consistently provide clients with crucial video evidence?

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Severin Investigative Services, Inc.
Glenview, IL

The “1 on 1” surveillance specialist has no hope of controlling the fortunes that will benefit or curse his efforts. Good fortune can be visualized as a claimant who unexpectedly engages in prolonged, strenuous activity; finding a claimant’s vehicle that had been lost in traffic; making the yellow lights during a tail; a claimant who had been using a cane suddenly not using the cane. Bad fortune may be losing the claimant at a red light, the claimant who drives very slow or very fast or, the claimant who displays a high degree of awareness.

Without any doubt, the successful video surveillance of a bodily injury claimant is a combination of luck, patience, and positioning. But let’s not overlook the *advantage* factor. At the start of the surveillance, the investigator enjoys the advantage – the claimant is usually not aware of the investigator’s presence. Take away the luck, lose the patience, choose the wrong position and the advantage may shift to the claimant. The claimant stays in the residence, becomes *overly disabled*, or has *turned the tables* and is now following the investigator.

The type of surveillance vehicle and the investigator’s position in that vehicle is one of the first advantages to be considered. A vehicle that provides comfortable concealment for the investigator, such as a mini-van or SUV, is favored over a standard sedan. Windows with factory privacy glass will not prevent backlighting, and should be faced with dark cloth panels that have Velcro attachment points. The panels can be easily shifted to accommodate camera views and lines of sight. The large majority of surveillance operations in an urban environment will require the investigator to stay out of sight, behind the concealment afforded by the dark glass and curtains.

An appropriate *checking-in* with the local police may seem unnecessary in a high-density, inner-city surveillance environment, but must be considered mandatory in a suburban environment. It is definitely *bad fortune* when several patrol cars descend upon your ideal surveillance position. You may consider preparing an *investigator on surveillance* form, copied onto high-visibility paper, that you can provide to the officer on duty. When designing this form, include a photocopy of your detective and driver’s license. Also, provide the information that the police like to have; your name, vehicle and license plate, location of surveillance, the date and times of the surveillance, and cell phone number. You may also indicate on this form that you are conducting a confidential insurance investigation, and, in the spirit of cooperation, will report suspicious activity. What information will not be included on this form? The name and specific address of the person under surveillance is best kept confidential.

When deciding on a location for the initial surveillance position (ISP), do not base the selection solely on your ability to obtain video of the claimant’s initial activities. The population density of the surveillance environment will be one of the determining factors. The rule-of-thumb suggests that the higher the population density, the closer you can be, or must be, for the ISP. Other factors to consider for your ISP will include your knowledge of the subject’s mode of travel, vehicles registered to the subject, the location and exit points for garages, the presence of alley and on-street parking. Don’t be permanently committed to that initial location. Your perception of

the surveillance environment and its advantages and disadvantages can change through your observations of traffic flows, arriving vehicles that obstruct your view or exit route, or a simple realization that your initial location has serious flaws that will eventually jeopardize your efforts. When in doubt, your better decision may be to increase distance between you and the area of interest.

The rush of adrenaline that investigators experience at any indications of activity is a blessing and a curse. A blessing because your senses are heightened and you are ready for action. A curse because your eagerness to be successful may be activated a bit too early and result in discovery. The investigator's response to the initial 60 seconds – the first minute of the claimant's activity - may determine the success or failure of your efforts, not only for that day, but also for future surveillance attempts. Allow the claimant to begin their daily activities, to move into the routine they are comfortable with. The farther from the ISP you are when you move into a comfortable tail position, the more success you will have.

And now the mind-games really begin. Is the claimant driving to work? Out for shopping? Just dropping the kids at school? Does the claimant know about the surveillance? Are they suspicious already? This is where your powers of observation and experiences from past surveillances come into play.

What type of clothing is being worn? What is the subject's general appearance? Work boots, a lunch bucket, a hard hat, business wear, and a brief case, may suggest employment. Bathrobes, unshaven face, and kids with backpacks, suggests a return home, probably sooner than later. So... follow, or not follow? Risk discovery or risk wasting the day's efforts? Be aggressive and make the tail a calculated risk? Or, be passive and hope for the subject's return?

If you decide to follow, what is your attitude about tailing the subject? Is your following style **don't lose the subject** or is it **don't be discovered by the subject**? Often, the veteran surveillance specialist will continually blend both styles depending on traffic conditions. This tactic, often referred to as **rubber banding**, suggests that the distance between you and the subject's vehicle is determined by the surveillance environment, traffic density, upcoming traffic signals, and the awareness level on the part of the subject as perceived by the investigator. Be aware not only of the vehicles and traffic control activity in front of you but also of the vehicles to your sides and to the rear. Maintaining a vehicle-free zone around the surveillance vehicle provides additional options for maneuvering and lane changes that will occur as the tail progresses. Vehicles that may hinder your mobile surveillance efforts such as trucks, buses, and absent-minded drivers must be closely monitored. You may find that changing lanes to impede the progress of potentially troublesome vehicles will provide you with an enhanced surveillance position in the traffic flow.

Traffic conditions or a perceived anomaly in the subject's driving style may force you to **follow from the front**. In surveillance environments that have multiple cross streets, on-street businesses and light to medium traffic conditions, this tactic may seem risky but a careful watch in your rear-view mirrors will usually give you ample warning to make a U-turn or use adjoining streets or alleys to intercept the subject's vehicle.

The claimant's first stop of the day is when you start asking yourself, "Is video of this activity important enough to risk discovery, or losing the subject?" Traffic-flow options, anticipated activity at the location, vehicle positioning options, time of day, darkness or daylight, and the claimant's alleged disability must be considered before you make your decision.

The anticipated activity will be, in most situations, the primary deciding factor to position for video or stay in the background and concentrate on the departure and continuing tail. When the first stop of the day is at a convenience store. the drive-up window at a fast food location. or the

children are being dropped off at school, activity crucial to your surveillance probably will not be taking place. Instead, your search for a low-keyed, well-positioned vantage point must occur as soon as possible.

When the first activity involves pulling into a mall or larger shopping center parking lot, the investigator should begin anticipating the variety and sequence of events that can occur at this location: walking, shopping, pushing a shopping cart, unloading a shopping cart, to name a few. Initially, concentrate your efforts on observing the subject's initial activities from a distance – do not follow the subject via the same entry point into the parking lot. Look for alternative entry points or entry lanes to observation points that are located adjacent to the primary area of interest. Suppressing the urge to grab one minute of video of the subject walking away from the car will, in the long run, prove beneficial to your efforts as the surveillance progresses. Why? Your tail has been successful to this point; you have taken the subject away from the residence without being discovered – you are now “invisible”. You want to maintain the advantage and invisibility you have developed. Be patient, be discreet...you are not looking for a base hit; you are looking for the home run. After bringing the surveillance vehicle to a stop in a legal parking spot, do not start looking around with binoculars from the driver's seat. Take advantage of the concealment afforded by the rear of your vehicle. Use your binoculars to search for the subject. If you follow the subject into a store for covert videotaping, they will be easier to locate by clothing worn and unique physical features rather than by matching the subject's general features you thought you saw during the initial activity.

Indoor, covert- video can be obtained with high-tech devices such as hat, eyeglass, and pager cams. But, if the subject is in a store that provides shopping carts, you can go low-tech with a standard video camera concealed in a cart. Locate a cart and prepare the camera before entering the store. Adjust the zoom and focus for wide-angle use before concealing the camera with an item of clothing. Whether you aim the camera out the front or side of the cart is your choice – no matter how close you get to the claimant, the camera will be difficult for the casual observer to spot. After entering the store, immediately provide additional concealment for the camera by placing additional dry, low weight, bulky items in the cart – paper towels, bags of nuts, etc. Find your subject and act like any other consumer. When the subject moves to the checkout line, give yourself time to return to the surveillance vehicle to set up for videotaping the unloading of items from the cart. If the subject has purchased heavy or oversized items you may want to take a risk and beat the subject home so that you can obtain additional video of unloading activity at the residence. If you have chosen to stay with the surveillance vehicle and await the subject's exit from the store, take time to consider the options available to you for obtaining video, maintaining your invisibility, and positioning for the continuation of the tail. Take time to observe the pedestrian traffic patterns entering and exiting from the store. Select the doorway the subject will most likely exit from but also keep a watch on all the doors visible to you. No matter how well you have planned for videotaping the subject's exit from a store, be prepared for the recreational vehicle suddenly blocking your view.

The claimant arriving at a private residence or apartment building provides a variety of potential activity. Is the claimant giving someone with a ride, stopping for a prolonged visit, providing a relative, friend or **customer** with yard work, home or vehicle maintenance? Will the subject be leaving in another vehicle as the driver or a passenger? This is where your patience and sense of anticipation comes into play. You do not want to repeatedly drive by this location looking for activity. After the initial drive-by to determine the presence of unseen exits, alleys, the location of the subject's vehicle, and any outdoor activity, find a discreet location for your vehicle, stay alert, and WAIT. If you cannot observe the general area of the subject's location, allow at least 10 to 20 minutes to pass before you make your next decision. When the surveillance environment lacks suitable vantage points, consider walking by the area of interest.

The claimant perceived as *inactive* provides ample opportunities for ingenuity. imagination.

anticipation, and persistence on the part of the investigator. The author's experience suggests that given enough time, over 90% of all claimants eventually will make an outdoor appearance on the initial day of surveillance. Where and when this activity will occur is an event the investigator must continuously ponder. When surveillance efforts are commenced prior to 5:30 a.m. and the claimant has not been observed by 10:00 a.m., the investigator's expectations must change from anticipating a departure for day shift employment to the possibilities that the claimant has already departed for work or, is still at home and, hopefully, will be engaging in outdoor activities visible to the investigator. If the investigator has determined that the subject is within the residence, a review of anticipated activity will help in maintaining the investigator's vigilance. Activities may include: leaving the residence on foot or in a vehicle, retrieving mail, yard or home maintenance, and putting out or retrieving trash containers. Along with changed expectations the investigator must take on a renewed awareness on activities that may occur outside of the area under direct observation. Listening for the telltale noises of lawnmowers and other yard equipment, and taking a keener interest in the appearance of the residence, back and side yards, garage, gardens, indications of re-modeling, and painting are but a few activities to be on the look out for. Frequent reconnaissance, every half hour, or so, to determine the presence of such activity is crucial. When outdoor activity is realized and videotaping will be occurring from the surveillance vehicle, how you reposition the vehicle so as not to arouse the curiosity or suspicion of the claimant will become your top priority. If possible, plan on positioning the vehicle so you are videotaping from the rear windows. In the author's experience, the rear of the vehicle is perceived as less threatening by the subject. If you are concerned that the subject may become curious or suspicious, do not let that dissuade you from at least making the attempt at obtaining videotape of significant activity. Use structures, fences, trees, shrubberies and other vehicles as screens when repositioning the surveillance vehicle for an imminent video attempt. Present day video cameras offer very small batteries with a unique feature – they can provide enough power for over 10 hours of continuous use. Since a new videotape is the least expensive item in your equipment inventory, it may be beneficial to roll videotape whenever activity is anticipated; the 5 – 6 seconds it takes for a video camera to spool-up to operating power may cause you to miss out on obtaining videotape of crucial activity.

Although avoiding discovery by the claimant is one of the goals of the surveillance specialist, there will be times when "getting made" is inevitable. Sudden pullovers, slow driving, pointing, (and other hand gestures) all indicate that it is time to leave. When confronted with claimant behavior that indicates your day is over, your primary goal is to extricate yourself from the situation in a calm, deliberate manner – no hand gestures, no violence, no driving away like a madman. If you are the one under surveillance, and the claimant is being sneaky about it, just start driving away from the claimant's home turf. Most claimants will eventually tire of that game. If they're persistent, or becoming dangerous, law enforcement intervention may be necessary.

When the surveillance is drawing to a close, maintain your alertness and integrity. If you started the surveillance without being discovered, that is also the way you want it to end. Great videotape evidence has less of an impact at hearings or trials if the claimant and his attorney are aware of your surveillance efforts. As you drive from the area, clean yourself off – you want to make certain you're not bringing any uninvited guests home with you.