

NEWS

Information & Insights from **RICK JOHNSON** PRIVATE INVESTIGATORS
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Domestic Relations

The Role of the Investigator

You're an attorney. You've just left a court hearing in a divorce matter.

You've obtained a good and fair result, but you're still wondering what else you might have done for your client.

It's a good and normal question that good investigators ask concerning their cases, as well.

But it's a question best asked earlier, rather than later.

Problems & Risks

Many separations and divorces move along without great difficulty, fueled by a mutual desire and intent to resolve family and economic issues as fairly and reasonably as possible.

Unfortunately, that isn't always the case

■ Where noteworthy assets are at stake, one spouse may be set against the other in a war of discovery that carries implications well beyond the scope of depositions and affidavits.

■ Where child custody issues are central, charges and countercharges – real, suspected, or imagined – may threaten the welfare, if not the wellbeing, of the children at the center of the dispute.

■ Where the safety of a spouse is in danger from threatened or actual physical harm, security can become the most important issue.

The Investigator's Support Role

Beyond the obvious and practical matters that may require the services of an investigator, there is one role that may occur only to the investigator:

The Consultant:

You can't assume that the opposing party is the only party under observation.

Your client's conduct and activities, even in the most commonplace and necessary activities, can be monitored and interpreted in the light most advantageous to the opposing party.

An investigator has the perspective and experience to provide advice in this regard that can avoid the need to confront ill-founded claims later on.

Security Issues:

The presence of an experienced investigator at a court hearing, a deposition, or in any circumstance involving the opposing party can be both a warning and a deterrent to a spouse who represents a threat.

There is ample evidence that, while necessary and often useful, restraining orders also can be of questionable value in the face of a real and determined threat.

The knowledge that a qualified investigator is providing security in support of an order by the court can be a strong incentive for rational conduct.

Surveillance:

Surveillance is both a tactical and a technical option.

It is tactical in the sense that it must be tailored to the circumstances. A suspect arriving at an airport may be met by someone, may rent a car, or may take a cab. A hotel has multiple entrances/exits that must be covered. Where a residential neighborhood is involved, consideration must be given to the type of vehicles used during surveillance.

It is a technical option in that any photographic or video recording equipment essentially must be invisible to both the subject and bystanders. On the one hand, a suitably equipped surveillance van may be used... on the other, an assignment in a public place may require a camera hidden in a briefcase. We have one that looks like an ordinary wristwatch.



An investigator must do more than merely observe and record the activities of a subject under surveillance.

The investigator must be alert for vehicles that may be used to pick up the subject. License numbers can be traced to the owners. Residential addresses can be traced to identify the owners. Even if a residence is an apartment, it may be possible to identify the owner by other means.

Children: Special Handling Required

An important part of our work is in the coordination of efforts to properly execute out-of-state court orders in child custody matters.

This often entails an effort first to locate the children, followed by the filing of paperwork necessary to the enforcement of an out-of-state order in Colorado, and finally the return of the children to the custodial parent.

When questions exist as to the conduct of one parent or the other with regard to the welfare of the children, surveillance again is an option.

The issue may not always be as simple as a parent stopping at a bar before picking up children at school, but alcohol and drug use do require outside contact and the use and abuse of substances often does have public components that can be observed.

Often where children are involved, it's not just a party to a divorce that is important... the people with whom that person associates while caring for children can be extremely pertinent.

Casual acquaintances can be at issue, but this is particularly important where a third party has moved in with the opposing spouse.

In any domestic matter, knowledge *is* power.



Discreet, Thorough, Accurate, Creative

- ✓ Former Investigator for the Denver and Jefferson District Attorney's Offices
- ✓ Police misconduct and related investigations for Central City, Breckenridge, Fowler, and Fort Lupton. And Risk Assessment investigations for Denver.
- ✓ The only private investigative agency in Colorado to be hired by the Denver Election Commission to investigate allegations of campaign fraud and kickbacks.
- ✓ Broad knowledge of criminal & civil law, insurance regulations, and common sense acquired through 30 years of investigative experience.
- ✓ One of the few investigative firms in Colorado to carry \$1 million in liability insurance.
- ✓ More than 30,000 civil and criminal cases investigated.
- ✓ President and Principal Instructor, Private Investigators Academy of the Rockies.
- ✓ Member:
 - Professional Private Investigators Association of Colorado
President 2005-2006
 - World Association of Detectives
 - World Investigators Network
 - Intelnet
 - National Council of Investigation and Security Services
 - California Association of Legal Investigators
- ✓ Associate Member, Colorado and Denver Bar Associations.

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