

**PRIVATE INVESTIGATION
AND PROCESS SERVING**

PRIVATE INVESTIGATION AND PROCESS SERVING

**A Comprehensive Guide for
Investigators, Process Servers, and
Attorneys**

By

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With a Foreword by

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Dedicated to Sylvia Wickizer

*Private Investigator, Process Server, Genuine Cowgirl;
my mentor and friend.*

FOREWORD

In its present state, the world is becoming more and more intense with more and more dishonesty. There is theft and embezzlement of business assets by employees in all levels of a business entity. There is the sale of the company's trade secrets and processes to competitors by these same employees. The world is concerned with personal protection, at home, work, and play.

How do we handle these occurrences? How do we protect our businesses and persons? How are losses recovered from these perpetrators? How do we recover losses caused by these nefarious activities?

As an attorney, I use process servers to serve complaints on defendants to attempt to recover for losses caused by that defendant. I use private investigators to obtain the information needed to prevail. Attorneys cannot testify as to what was learned, but private investigators can. An attorney, when conducting a trial, can be compared to a conductor of an orchestra, where witnesses, such as private investigators, are the instruments.

I understand what private investigators do, but I have never undertaken the actual physical investigative work, leaving that effort to the private investigator. I know they are trained in that area, whereas I am not. I never realized how detailed and skilled an investigator has to be until I read this book. How does an investigator develop these skills? Begin by reading Mr. Siljander's book, and expand from there.

While this book is a cookbook of procedures, concepts, forms, and technical information, it is in plain, clear language, yet with a depth of technical knowledge that suggests substantial engineering and physics-type skills. I was especially impressed with Mr. Siljander's knowledge of the physics of optics and kinetics and his ability to develop these areas with simplistic comprehension that anyone can read and understand.

I tried to determine investigative and protective procedures that Mr. Siljander overlooked but without success. He covers techniques of pretext and roping interviews to obtain information. He covers surveillance techniques (including why both men and women are needed). I never realized that when following a car, the car is less conspicuous when occupied by a man and a woman. He details how to provide executive protection and bodyguard services, much as the police and Secret Service might undertake.

Mr. Siljander provides checklists of equipment, business forms, and licensing information on how to set up a private investigator's office. He then follows that with how reports should be written on various types of investigations and how to bill for those services. He even provides the rules and laws on Process Service and various forms of Affidavits of Service for Process Services. Then he provides information on how a private investigator should act and proceed in and during a courtroom trial.

Read this informative and detailed book. While it may not and could not cover every detail of highly developed private investigation, this book should be an essential tool and a continued resource for all private investigators and process servers, especially for those newly entering the profession. As an attorney, it would help for attorneys who need investigative work to read this book to understand the extent of detailed work performed by investigators.

WILLIAM E. "GENE" MORGA
B.S.E.E. & Math
M.S.E.E., Juris Doctor
Attorney at Law

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I would also like to thank Sylvia Wickizer, Hoofprint Investigations, Morristown, Arizona, and Thomas A. Watson, Maverick Investigations, Phoenix, Arizona, for so generously contributing to the preparation and content of this book, and for taking time out of their busy schedules to proofread the manuscript so as to ensure technical accuracy. Their contributions were invaluable because of the depth and diversity of their experience. Ms. Wickizer has many years of experience as a legal secretary, private investigator, and process server. Mr. Watson, prior to founding Maverick Investigations, was an investigator with the Department of Justice Immigration and Naturalization Service; Border Patrol Agent.

I would also like to thank Detective Darin Fredrickson, Police Department, Phoenix, Arizona, and certified member, International Bodyguard Association, for his contributions to the chapters on Bodyguard Service (*Executive Protection*), Interviews and Interrogations, Physical Surveillance, and Surveillance Photography.

R.P.S.

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**PRIVATE INVESTIGATION
AND PROCESS SERVING**

Section I
PRIVATE INVESTIGATION

Chapter 1

INTRODUCTION

SCOPE AND PURPOSE OF THIS BOOK

This book is intended for those who aspire to become a private investigator and/or process server, and for those already engaged in such occupations who read to expand the breadth and depth of their professional knowledge. Hence, experienced practitioners will benefit from this book because it will serve to enhance some areas while confirming their knowledge in others. Virtually all private investigators and process servers, like the practitioners of any other field, have areas in which they excel and areas in which they are weak. But, improvement in weak areas can be realized. It is this author's intention to assist in the reinforcement of weak areas. Investigative agencies that are competently managed, and with several investigators in their employ, will be aware of the strengths and weaknesses of each investigator and allocate work accordingly, and they can suggest areas for improvement. Private investigators working alone, under their own license, will simply have to manage with the skills they have and seek to upgrade weak areas as best they can. This writer frequently calls on other private investigators when he encounters a situation wherein he lacks a necessary skill or resource, and they do likewise.

Investigative agencies, when they hire a new investigator who has little or no experience, intending to train him or her, will ben-

efit by requiring the new employee to read this book or, during the training period, specify the reading of certain chapters to coincide with the training schedule. Security administrators can use it in a similar fashion.

Practicing attorneys and their staff will benefit from this book in many ways. For example, attorneys frequently find it necessary to determine the whereabouts of missing persons, owners of abandoned or escheated property, heirs to estates, or to have them served with legal documents. Attorneys also hire private investigators to do asset searches and to obtain a variety of information when preparing a criminal defense case. Attorneys often pay an investigator to obtain that which they or someone on their staff could obtain with one or a few phone calls or by use of their computer. This book will make them more aware of what information is available and from what sources. And, even if they don't elect to obtain information for themselves, it will leave them better aware of what can be expected of a private investigators services. Chapter 3, Interviews, Interrogations and Statements, will be of interest to attorneys because they frequently interview people and take depositions in both civil and criminal cases.

Although not suggested by the title, law enforcement personnel will benefit from this

book because of the manner in which it will expand their professional horizons; it will provide them with insight that will not be gleaned from texts written specifically for law enforcement. The author, having a combined background in private investigations, process serving, and law enforcement, has exploited that fact to make the book meaningful to both civilian and law enforcement readers.

This book will be especially useful for those law enforcement officers who intend to become private investigators once retiring from their current job, and many do. The skills that are essential for the law enforcement investigator, and the private investigator, are very similar yet in many ways different, especially in the manner in which they are often applied. This book will ease the transition from law enforcement to private investigations.

The author hopes that this text will meet the readers' expectations for contemporary information on methods and techniques, but that it will also leave them feeling satisfied with the peripheral information it provides, things that one often does not stop to think about as being important yet on a more subliminal level realizes them to be. It is hoped that the reader, after reading this book, will more fully appreciate the fact that private investigators and *process servers* are dealing with people and people-related problems. It is also hoped that the reader will be left inspired to pursue further education in a number of disciplines such as business law, criminal law, accounting, psychology, sociology, criminology, and cultural anthropology. One should endeavor to learn as much about human behavior as possible so as to apply investigation techniques and methods more effectively.

Knowledge and understanding is so important in this rapidly changing and increasingly complex world, a world that

seems to be growing increasingly troubled socially. Today, both technical knowledge and social awareness, for the private investigator and process server, is more essential than ever before. The technical, legal, and social climate is very different today than it was even twenty years ago. A consequence of that is the fact that changing times have resulted in more private investigators cultivating and practicing *specialty niches*. Those private investigators who chooses to remain a generalist will often sublet part of a case to a specialist investigator as needs and circumstances suggest. For example, the private investigator working an automobile accident case may sublet part of the case to a private investigator with specialized expertise in automobile *accident reconstruction*. Similarly, the private investigator doing bodyguard work may sublet debugging (*counterelectronic surveillance*) to someone with specialized expertise in that area. The private investigator who was formerly an arson investigator with a fire department will market that skill as a specialty area of expertise, and generalist investigators with an arson case will often sublet portions of the case to such a specialist. A private investigator with an appropriate law enforcement background would be an asset to attorneys when preparing a criminal defense case. Hence, serving attorneys with a criminal defense case could be cultivated as a specialty niche.

From many colleges of law, a student may graduate having studied only two semesters of criminal law: *Criminal Law* and *Criminal Procedure*. Many attorneys specialize in criminal defense and have an intimate understanding of current rules of search and seizure, rules of evidence, the nature of physical evidence, etc., but there are many who do not specialize in criminal defense although they periodically find themselves defending someone who has been charged with a crime. They often lack the necessary

intimate knowledge of criminal law and related issues possessed by those attorneys who specialize in criminal defense. The private investigator with an appropriate law enforcement background will tend to have a better understanding of the rules of evidence, rules governing police conduct, and physical evidence, than many attorneys who do not specialize in criminal defense. During the course of preparing a criminal defense case the attorney must obtain (*among other things*) a copy of the police report, and he or she must depose a number of people such as the arresting officer, assisting officers, witnesses, and victims if permitted and agreed to. However, when reading the police report, they may not be alert to some subtleties that can serve as a basis for defense. But, a private investigator who has been a police officer may note pertinent discrepancies. And, the private investigator can provide insight relative to some very necessary questions when depositions are being prepared regarding police procedure and evidence. Many criminal convictions have been realized on the basis of evidence that could have been excluded had the evidence been subjected to scrutiny, and probing questions asked regarding the manner in which the evidence was acquired, and the *chain of custody* that was maintained, or not maintained, from the time the evidence was acquired until its introduction in court. When the custody, and security, of evidence cannot be accounted for from the time it was acquired until its introduction in court, the issue of potential for tampering and alteration becomes a concern and can serve as a basis for its exclusion. Hence, the police report should be scrutinized with that in mind, and deposition questions prepared accordingly. Noticing, or failing to notice, one critical but seemingly insignificant detail can make or break a successful defense.

The private investigator with a law

enforcement background, as opposed to those who do not have such a background, will be much better prepared to conduct criminal investigations. He will know better who to interview, how to interview them, and what needs to be obtained during an interview. But, while any private investigator with a law enforcement background will be an asset to criminal defense attorneys, a specialty background is often essential. For example, if the attorney is defending a drug case, the private investigator with a drug enforcement background will be much more valuable than a private investigator who although having been a police officer has not worked drug enforcement. The former will be much more knowledgeable regarding the nature of the evidence, terminology, and the current legal issues pertaining to drug investigations.

All this discussion points to the fact that the private investigator with an appropriate law enforcement background would do well to consider cultivating, as a specialty niche, criminal investigations for criminal defense attorneys. While certainly not preparing the attorney's case for him, their specialized knowledge and insight can be invaluable, especially when retained by an attorney with a criminal defense case, but an attorney who does not specialize in criminal defense.

There are private investigators who also do process serving, having a license for each, although most don't. Those who don't will frequently refer work, and clients, to a process server. And, it is very common for process servers to refer clients, and work, to private investigators. Not infrequently a process server will employ a private investigator to locate someone who is to be served, but his whereabouts unknown, and pass the cost on to their own client with a handling or referral fee added to the bill. Hence, private investigators and process servers tend to refer considerable work between them-