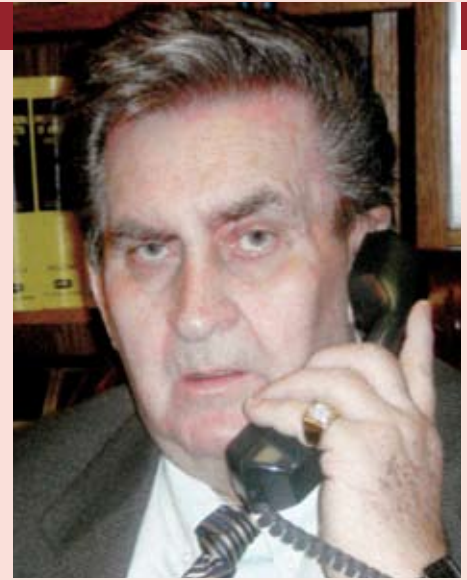


Ozzie Kaban, RPC, MCHt

The Role of the Private Investigator



The private investigator has proven to be a vital and important factor when it comes to criminal or civil actions.

In recent years, the use of the PI has become more prevalent than ever. Due to budgetary constraints, police can no longer have the comfort of unlimited financial resources and the manpower required to look at every case or complaint they receive.

To help prove their innocence or disprove accusations in reference to criminal or civil actions, the public sector—lawyers, corporations, and private citizens—may enlist the services of a PI for evidence-gathering. PIs can also assist the police department to put together a package that would be acceptable to the Crown to enable charges pertaining to criminal offences to go forward.

The requirement to obtain enough evidence to proceed with criminal or civil cases may consist of interviewing people, doing stakeouts, and obtaining video or photographic information to solidify charges or provide a defence for the accused.

In over 30 years as a private investigator, I have been exposed to homicide cases and corporate fraud.

A good investigator will develop relationships with people of all levels of society.

I have also obtained evidence in

- theft cases dealing with corporations as well as private citizens;
- theft by conversion and corporate timecard theft;
- investigation of domestic cases dealing with physical and verbal abuse, child custody, violence against children, and the elderly;
- drug investigations and neighbourhood squabbles that may erupt into physical violence;
- investigations of stalking and vandalism against personal property; and
- eyewitness accounts, video, and photographic information to proceed in criminal or civil charges.

Private investigators are usually experienced in law enforcement with a sufficient knowledge of the criminal code for the protection of themselves as well as their clients. It is extremely important that a PI does not put a client in jeopardy.

A good investigator will develop relationships with people of all levels of society. It is my opinion that the investigator who does not like people—and who does not respect people for what they are—cannot be successful.

The PI knows how to treat everyone with respect and dignity but is hard-nosed enough to be able to keep the investigation on track and to separate fact from fiction.

An investigator must be flexible and have the ability to adjust to various types of investigations. He or she must gather evidence methodically, use proper interviewing techniques, and have his or her own source of informants.

One advantage a private investigator may have is that people of questionable character are usually in conflict with the law and are either afraid or reluctant to talk to police, but feel more comfortable talking to a “Private Eye,” especially if the Investigator has a reputation for protecting his sources and uses the information to develop a case without burning the informant. The PI must be able to present evidence, whether hearsay or actual, and protect his informants.

The investigator must be aware that the main focus of the investigation is to determine the truth and thus bring the criminal to justice.

Dick Tracy-ism and publicity-seeking usually get the PI in trouble.

In homicides, the investigator must respect the actions of the police and be aware that police investigators are professionals who have a plan in place. A professional PI will let the police know he has been retained and assure the police that he has no intention of interfering, but will offer any assistance the police are prepared to accept.

In a fraud and theft investigation, the investigator must maintain impeccable notes and correlate any and all evidence in a systematic and understandable fashion.

The PI must not become emotionally involved in a case. He or she must be objective and deal only with facts.

Caution must be taken by the PI to disallow any clouding or biased opinion. If the investigator did not see it or record it, it did not happen. Systematically pursuing evidence and continuity of evidence is vital at all times. Taking proper statements, video, and/or photographic evidence is crucial. In an investigation where the perpetrator is identified in the criminal act, arrest and charges are easily laid.

A professional PI will spend time interviewing potential clients to determine the validity of a case. Some



With Pierre Elliott Trudeau

clients know only of the TV investigator who has performed miracles in a 1-hour program. Therefore, they have the expectation that their case will take 2 hours of your time, instead of 2 weeks or longer. A client may be under the illusion that the PI can contravene the Criminal Code and the *Privacy Act* and have the immunity to travel down the road at 200 mph!

In addition to being a PI, I am a Registered Professional Counsellor and a Registered Clinical Hypnotherapist.

The reality of a case must be brought forth to the attention of a client immediately. You must be totally and completely honest with your client and explain what you feel you can do and what you cannot do. It's better to let the client pay some other PI to try to fulfill his fantasy of achieving the impossible, rather than have him accuse you later of misrepresentation.

I have been involved in cases where clients have not been totally honest in their presentation of the background information. Clients will give the investigator their story—making themselves look wonderful and reducing the subject to be investigated to the lowest form of life in the universe.

From the beginning of the interview, I make it clear I will deal only with truth and honesty or we will be parting ways very quickly. There are times when a client will resent hearing the truth but, on further consideration, will come to respect your professionalism and relate that respect to potentially future clientele.

In probably 30 percent of my new-client interviews, I am able to advise the individual of other methods of solving the problems as well as point the person in a direction where he or she can produce the necessary results without my help.

A private investigator will encounter many types of people

with many types of expectations. Sometimes, a case that has no merit can be considered frivolous in the court system.

Taking the time to be professional can save you a lot of time that can benefit your client. When the PI is called to testify, the presentation of testimony must be properly detailed and believable.

- Have your evidence in place when you go to court.
- Answer when you are asked by counsel and answer only what is required.
- Respect the court and you will be just fine. If you don't, your credibility will be shot and you should be looking for a new career.

In addition to being a PI, I am a Registered Professional Counsellor and a Registered Clinical Hypnotherapist. My education in psychology and human behaviour patterns gives me the ability to deal with my clients in an informed manner. ▲

Ozzie Kaban, RPC, MCHt, is the founder and CEO of Kaban Protective Services Inc.



With Rudy Giuliani