



**YOUR LEGAL RIGHTS**  
**J. ERICK SANTANA, ESQ.**

**PRIVATE INVESTIGATOR MAY BE WATCHING**

If you have been involved in an accident, have been injured due to the negligence of another, and are presenting a claim, be aware that you may be being filmed by a private investigator.

Surveillance is a tool used by insurance companies in order to confirm the restrictions being claimed by individuals making personal injury claims after accidents. Usually, following an accident involving injuries, whether it is an automobile accident or a slip and fall, after the injured person has completed treatment; their attorney will send what is called a Settlement Demand Package to the insurance company of the negligent party. The Settlement Demand Package consists of a letter reflecting the facts of the incident and why the insurer is liable to pay for the injuries; an outline of the injuries as indicated in the medical records for the insurance adjuster, and the changes in lifestyle the individual has endured due to someone else's negligence. An injured person's pain and suffering and their loss of the capacity for the enjoyment of life are part of the damages that may be claimed against the negligent party.

An insurance company may hire a private investigator to follow claimants at any time during the claim process or litigation; however, usually what prompts an insurance adjuster to hire a private investigator is the Settlement Demand Package sent by the injured person's attorney.

When an insurance company obtains this package they will look over a variety of factors in evaluating the case including, but not limited to, property damage, if it is an automobile accident case, the prior medical history of the injured person making the claim, the injuries being claimed, the facts of the loss and the injured person's profession.

In some circumstances, if after reviewing the Settlement Demand Package, the insurance company wants to confirm that the restrictions and complaints of pain are true and not an exaggeration, they will hire a private investigator to follow the injured person and film them.

With today's technology, the private investigator is able to follow the claimant almost anywhere undetected. Private investigators could be parked outside of the home in vehicles with tinted windows filming the injured person while he or she works in the garden; or with cameras as small as ballpoint pens, investigators could follow the injured person into supermarkets or a local gym without the injured person even knowing that they are being filmed.



Usually, insurance companies will spend the money to hire a private investigator when they see a “red flag” on a particular case. An example of a red flag on a case would be when a person is claiming to be severely injured in an automobile collision, where their vehicle sustained very minor property damage.

Clearly, a person can sustain serious injuries in a minor impact; however, insurance companies sometimes do not agree with this opinion.

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