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Special points of interest:

Thank you to Tom Sheridan of Affiliated Investigative Services for sharing his experience and knowledge in our featured story!



The 2019 income tax filing and payment deadlines for all taxpayers who file and pay their Federal income taxes on April 15, 2020, are automatically extended until July 15, 2020.

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As our membership continues to grow, don't forget to invite your licensed investigator friends and colleagues to join our FREE networking group!

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COVID & THE COURTS

We hope all our members and their families are safe and well during this pandemic.

State courts across California are implementing a variety of measures to curtail public activity in many instances, and in others to shut down completely.

Chief Justice Tani Cantil-Sakauye has empowered the 58 individual superior courts to make their own decisions and do things like suspend jury trials, prioritize criminal matters, utilize videoconferencing and suspend civil proceedings to greatly reduce in-person court appearances.



Check with the specific county of interest to see the current rules and status, found at :

www.courts.ca.gov

W.C. INSURANCE FACTS

By: Tom Sheridan

Worker's Compensation Insurance was established in America about the time of the Industrial Revolution. It was implemented for two main reasons the first was to protect employees from injuries on the job. The second reason was to protect workers from unscrupulous employers who were taking advantage of employees in an effort to deny responsibility for injuries sustained on the job.

In the late 1880's and early 1900's the employers utilized what was known as The Unholy Trinity of Defense. Contributory Negligence, The Fellow Servant Rule and the Assumption of Risk. These were defenses among other things employed by Giant Industry to take advantage of workers. Over the years Workers' Compensation Insurance has evolved as a benefit to assist injured workers.





Photo Panel (left)

THE FIVE INSERTED IMAGES ARE FROM A WORKER'S COMPENSATION CASE WHERE MR. SHERIDAN DETERMINED THE CLAIMANT WAS WORKING UNDER THE TABLE SHOVELING ICE AND LIFTING LARGE, 50 POUND BAGS, WHILE RECEIVING DISABILITY COMPENSATION FOR A WORK RELATED BACK INJURY.

W.C. INSURANCE FACTS

(continued from Page 1)

Worker's Compensation Insurance investigation is a lucrative source of income for many Private Investigators. Why is that so. Is there more fraud committed by claimants who file claims in that arena than in other types of insurance? Possibly not, however statistics indicate that twenty percent (20%) of all claims are fraudulent. An even greater percentage of claims are exaggerated out of scope.

Temporary Disability payments can be paid for a period of from three years to seven years and there is no limit to the length of time Permanent Disability payments can be paid. What can happen and often does is some injured workers become very comfortable remaining at home and receiving a weekly check in the mail.

Prior to 1991 when Worker's Compensation Insurance Fraud was made a Felony claimants ...

receiving Worker's Compensation benefits were often found to be working "on the side." Much but not all of that ceased. Claimants still attempt to get away with "side job." As most of you probably know, they frequently engage in activities which they report to the various doctors they are unable to do.

Insurance Companies are cost conscious; therefore, they limit the cost of investigation generally from a few to several days. For that reason, Worker's Compensation Insurance investigation is not as lucrative as Domestic, Family Law and Corporate investigations. The sheer volume of work in the Worker's Compensation industry however makes up the difference.

Investigation is generally assigned by a Claims Supervisor or Claims Manager. Rarely does the Claims Adjuster have the authority to assign cases to an investigator. When the Adjuster finds a reason to question a claimant's veracity, he / she brings the matter to the attention of the manager or supervisor.

(cont. P4)





USEFUL CODE:

The CA Evidence Code for presenting printed representations of images found on computer programs or the internet.

CA Evidence Code 1552.

(a) A printed representation of computer information or a computer program is presumed to be an accurate representation of the computer information or computer program that it purports to represent. This presumption is a presumption affecting the burden of producing evidence. If a party to an action introduces evidence that a printed representation of computer information or computer program is inaccurate or unreliable, the party introducing the printed representation into evidence has the burden of proving, by a preponderance of evidence, that the printed representation is an accurate representation of the existence and content of the computer information or computer program that it purports to represent.

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Investigator Spotlight



**DAN ALVAREZ—FRAUD EXAMINER -
LICENSED PRIVATE INVESTIGATOR -
CPTED PRACTITIONER**

Dan Alvarez is a Professional CPTED Physical Security Practitioner and California BSIS Licensed Private Investigator. He has 40 years of combined professional experience in law enforcement, private sector fraud investigations and physical site security assessments.

Prior to founding Alvarez & Associates, Dan served as a Deputy Sheriff for the Los Angeles County Sheriff's Department. After leaving law enforcement, Dan served as Director of the Special Investigations Division for a number of national insurance carriers, specializing in fraudulent Worker's Compensation and multi-line claim investigations.

In 1989 Dan founded Alvarez & Associates-CPTED, Inc. The firm is a full service Risk Mitigation consultancy that offers: Certified Title IX Investigations, W/C and General Workplace Investigations, CPTED Campus Threat Assessments and varied safety and security personnel training services.

In 2007 Dan developed and founded CPTED Safe Schools Risk Mitigation Services. The risk mitigation programs and services (provided by experts in the field) were specifically designed by our staff to protect and serve the students in our public schools as well as the dedicated teachers and administrators that are entrusted with their education and safety.



Noble v. Sears Roebuck and Co. (1973) 33 Cal. App. 3d 654, 659, the court ruled that "... an unreasonably intrusive investigation may violate a plaintiff's right to privacy."

The Noble court also ruled that a "hirer of a detective agency may be liable for the intentional torts of employees of the private detective agency committed in the course of employment."



USEFUL CODE:

The CA Evidence Code for presenting printed pictures of images stored on video or computer.

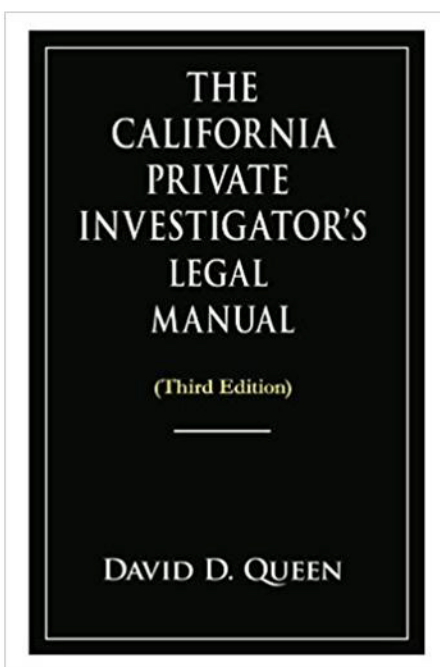
CA Evidence Code 1553 - A printed representation of images stored on a video or digital medium is presumed to be an accurate representation of the images it purports to represent. This presumption is a presumption affecting the burden of producing evidence. If a party to an action introduces evidence that a printed representation of images stored on a video or digital medium is inaccurate or unreliable, the party introducing the printed representation into evidence has the burden of proving, by a preponderance of evidence, that the printed representation is an accurate representation of the existence and content of the images that it purports to represent.

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Excerpt from David Queen's - The California Private Investigator's Legal Manual



In *Redner v. Workmen's Compensation Appeals Board* (1971) 5 Cal. 3d 83, the Supreme Court said a film of a worker's comp claimant could not be used where an investigator concealed his true identity and purpose and invited a claimant to his ranch. Once there, the claimant was plied with food and alcohol and talked into going horseback riding, which, of course, was secretly filmed. The court described the investigator's actions as "fraud in the inducement." Saying the insurance carrier which hired the investigator "should not profit from its own deceitful conduct," the court reinstated an award in favor of the claimant.

W.C. INSURANCE FACTS

(continued from Page 2)

Frequently a Defense Doctor will indicate in a report that he has doubts as to the amount of pain and / or disability the claimant is reporting. In somewhat frequent instances the Claims person will be notified that a friend, neighbor or co-worker is faking an injury.

Years ago, we worked a case after the Claims person received a telephone call from the wife of a clamant. The woman who was separating from her husband reported that the husband was "faking his injury." We conducted surveillance at the claimant's residence which so happened to be the weekend he was moving out. The claimant and a friend carried furniture and household goods from his residence to a truck. The activity continued when the two men drove to the husband's new residence where they unloaded the truck.

Months later when the case went to court, the claimant arrived with the wife from whom he was separated. The couple had it was learned found love again and resumed living together. The relationship may have again be ruptured when I was asked on the Witness stand why we chose that day for surveillance. I stated that we were aware of the move due to the telephone call to the Adjuster from the claimant's wife. I can only wonder how their relationship played out.

With the liberal policies in California, we seldom see a "Take Nothing" decision in the courts of today however diligent investigation on the part of the Private Investigator frequently has a mitigating effect that greatly benefits the insurance companies. TS