

FIELD OBSERVATIONS OF AUSTRALIAN PRIVATE INVESTIGATORS CONDUCTING FRAUD INVESTIGATIONS

By Michael King¹

Abstract

It has been over a decade since the last study was conducted investigating the nature and role of the private investigation profession. To fill this gap, this study uses semi-structured interviews and field observation of private investigators working within the metropolitan area of Brisbane, Queensland, Australia to obtain data to further this field. This study focuses on the investigative methods used by private investigators to conduct their investigations and examines the ethical and legal issues arising from their work. Despite some advances in training and licensing, the industry is still prone to investigators adopting questionable ethical practices such as deception to solve cases. The objective of this paper is to provide a greater insight into this little understood profession.

Key words: private investigators; insurance fraud; surveillance; interviewing

¹ School of Justice Administration, Brisbane North Institute of Technical and Further Education, PO Box 319, Underwood, Brisbane, Australia, 4119.

Corresponding author. Email: mbking1@optusnet.com.au
www.internetjournalofcriminology.com

Introduction

It has been 15 years since research was last conducted on private investigators in the United Kingdom (Gill and Hart, 1997a) and Canada (Ehler, 1997). Gill and Hart's (1997a, p.565) concluding comments that 'private investigators are destined to emerge from obscurity and claim a more prominent place in policing modern society' have not prompted significant academic interest in the profession Australia, and it has been over a decade since the last study of Australian private investigators took place (see Prenzler and King, 2002). Thus, the private investigator remains obscure in academic research, signalling a need for current research. This is particularly the case for the Australian private investigation industry, which has undergone significant licensing developments over the last decade. Therefore, in this paper, we present an observational study of four private investigators in Brisbane, Queensland, Australia.

Empirical studies of private investigators (and the wider private security industry) have typically focused on gauging the size of the industry, attempting to measure its effectiveness and examining the legal and ethical issues that the industry faces. Little empirical research has examined the roles that investigators play in fraud detection and investigation and the methods they use to undertake their investigations. The present research aims to address this gap by adopting an ethnographic approach to observation to understand the contexts in which private investigators conduct their casework.

Australian researchers have generated a large body of work on the private security industry in Australia and its contributions to the criminal justice system (see Prenzler, Earle and Sarre, 2009; Prenzler, Martin and Sarre, 2010; Prenzler and Sarre, 2008; Prenzler, Sarre and Earle, 2008). However, private investigators have been less well focused upon. One issue discussed in research and common to both the private security and private investigation industries is that 'a major impediment to effective regulation is the fragmentation of industry' (Prenzler and Sarre, 1998, p.4). The largest private investigation firm in Australia employs approximately 300 private investigators (Bode, 2009). These private investigators are typically employed as contractors to undertake specific investigations; they frequently work for other private investigation firms as well. In 2001, Prenzler undertook the first Australian study to examine the private investigation industry independent to the wider private security industry. The study described the investigators' work as falling under four broad categories: insurance, legal, commercial and domestic investigations (Prenzler, 2001, p.33). Work provided by insurers was the most significant source of work for a large number of investigators (Prenzler, 2001, p.32). The study also found that investigators wanted a more active regulatory regime and for professional and ethical standards to be applied to the industry (Prenzler, 2001, p.45-47). Prenzler's study supported the findings of Gill and Hart (1997a), who demonstrated that the role of private investigators in the United Kingdom had shifted away from traditional matrimonial investigations, towards becoming a viable alternative to public policing in commercial, insurance and litigation investigations.

The Australian private investigation industry has undergone significant changes over the last four decades. In the 1960s and 1970s, domestic surveillance was the primary role of investigators, conducted under fault-divorce legislation. In the 1980s, this role extended to surveillance in the workers' compensation and insurance market. The mid-1990s saw the growth in workplace investigations using undercover investigators and electronic surveillance equipment, and investigators could find employment detecting breaches of intellectual property, copyright and trademark

investigations. During the 2000s, there was a gradual increase in private investigators undertaking commercial investigations in the areas of corporate fraud and asset tracing, while contracts with government agencies to investigate issues such as employee misconduct and fraud also became common (see King, 2004).

This study builds on prior research by Prenzler (2001) and Prenzler and King (2002) of Australian private investigators, but is unique in that its aim is to conduct field observations of the investigative methods and practices of private investigators. These observations will be assessed against common themes that have emerged from prior research. Of particular interest is the issue of investigative malpractice, and assessing what types of investigations investigators undertake.

Method

This study draws on fieldwork conducted in Brisbane during 2011. The research objective of the study was to observe a range of private investigator work methods in the field and to speak with industry figures undertaking different types of investigations. The aim was to provide insights into the private investigation profession in Australia. Twenty-three days (131 hours) of fieldwork were observed. A range of investigative work was observed during this period, including: five surveillance cases, nine investigative interviews, eight cases of attendance at a crime/incident site, the service of 15 court summons and three repossessions. Four interviews with respondents were also conducted. As already mentioned, all of these observations and interviews took place in Brisbane.

The study consisted of a sample of four private investigators from metropolitan Brisbane, Queensland. The target population was derived from the online Yellow Pages telephone directory entries for Brisbane metropolitan private investigation firms, which gave an initial population of 14 businesses. The reason for selecting 'metropolitan' private investigators was due to the need for proximity to the researcher's home base, to allow for the researcher's access to the business and to maximise time in the field with the respondents.

Candidates were secured by consulting directly with the business manager or owner of each of the 14 investigation firms by telephone. The researcher provided an overview of the study at the time of the initial telephone conversation. After this, an invitation to participate in the study was made. The written invitations were sent in the form of an email with an attached informed consent form. Of the 14 potential respondents approached, four agreed to be interviewed and to be observed at work by the researcher.

Agreement to participate in field observation was seen as a critical element of this study. Unlike English (Gill and Hart, 1997a) and Canadian (Ehler, 1997) private investigators, Australian private investigators have yet to be observed undertaking their investigations. Another important factor was that the investigators had to be conducting investigations during the three-month period set by the researcher for field observation. The interviews and fieldwork provided the qualitative data for the study.

The study developed and used two research instruments: a semi-structured interview and field observation. The interview questions were adapted from Prenzler's 2001 study of private investigators. The interviews probed study participants for the following information:

- What do they do?
- What factors promote or impede legal investigations?
- What are the ethical issues arising from their work?
- What investigative methods do they use?

The data collection began with the semi-structured interviews conducted in July 2011. The length of the interviews was between one and two hours. They were conducted using open-ended questions. Probing questions were used to encourage elaboration of responses. Each interview was recorded using a digital tape recorder and was transcribed verbatim. Each of the interviews occurred at the private investigator's office, all of whom operated from their private residences.

The field observation occurred over a period of three months (July, September and October 2011). During this period, field observation of each respondent at work was conducted. The hours of observation varied for the four respondents and these are recorded in Table 1. The hours were dependent on the availability of the respondent for undertaking their investigations. None of the respondents conducted their business in a traditional office environment.

In the private investigator's dealings with clients, the researcher adopted an unobtrusive field study approach of observation without comment or other interaction. For example, the researcher observed some interactions between respondent and client from the investigator's motor vehicle, such as when a respondent was serving a summons and insisted that the researcher remain in the vehicle for his or her personal safety. When the private investigator was conducting interviews with clients, the researcher was introduced as a person who was 'here to observe the process'.

Field notes were recorded in a field researcher's diary to record each interaction across the three-month period of observation. The field notes did not disclose any information that could identify either the private investigator or his or her clients.

Table 1. Hours of field observation for each respondent

Respondent	Hours in field
1	35
2	41
3	45
4	10
Total	131

All interviews were unitised and prepared for data analysis before moving to the field observation. The units of data analysis were found in the interview transcriptions, notes and case records. During the field observation period, special attention was given to comparing themes that emerged from the observation and patterns that emerged through the field observation process. An effort was made to triangulate the data sources by interviewing respondents, rereading field notes and reviewing case records.

Findings

The findings of this study are presented in three parts. The first part gives a case summary of the field studies, addressing the question of what the respondents do. The second part discusses the factors that promote or impede investigations and the ethical issues arising from investigative work. This third part describes the common investigative methods used.

Case Summaries: The Respondents

Four private investigators were interviewed and observed in the field. All respondents were licensed Queensland private investigators. All respondents held the Certificate III in Investigative Services (a licensing and educational requirement). All respondents were male. The respondents were all aged in their late thirties to early forties. None of the respondents held any formal university qualifications. None of the respondents belonged to any professional associations. One respondent was a former Queensland police officer.

Work Profile

The respondents provided a diverse mix of the general type of work private investigators in Australia undertake, including insurance surveillance, factual insurance investigations, domestic investigation, process service and family law matters.

Respondent 1

This respondent was a 37-year-old male, with three years private investigative experience. He had been undertaking insurance surveillance since commencing in the industry. Prior to this work, he had worked in the retail industry. He was contracted to a major investigation firm in Brisbane and the type of investigations he undertook was limited to personal injury surveillance related insurance cases. The respondent had two motor vehicles that were used for surveillance (a work van and a family sedan). The respondent allowed the researcher to undertake field research on eight different days (a total of 35 hours). The longest period of field observation was for six hours, during which time the respondent was required to travel some 191 kilometres while following a claimant.

Respondent 2

Respondent 2 was a 42-year-old man, with seven years' experience as a private investigator. The respondent was a former Queensland police officer who had spent the majority of his time undertaking uniformed duties. The respondent undertook mostly process service, repossession and domestic investigations (such as surveillance, family law and missing persons). The respondent undertook work for a number of law firms and debt collection agencies between the Sunshine Coast, Brisbane and the Gold Coast. He also undertook domestic investigations for either private individual clients or family law firms. The respondent allowed the researcher to observe his work for a total of 41 hours over five days.

Respondent 3

Respondent 3 was a 35-year-old man, with nine years' experience as a private investigator. The respondent had formally worked as an insurance claims officer for a government department. The respondent undertook contractual work for two major Queensland investigation firms, as well as for a New South Wales-based firm. The

respondent routinely performed a variety of factual insurance investigations, including concerning stolen motor vehicles, vehicle accidents, home and contents claims, injury claims and workers compensation claims. However, most of his investigations involved general insurance claims, home and contents claims and motor vehicle claims. These investigations typically involved interviewing claimants, witnesses and third parties; examining incident sites and vehicles; and taking statements. The respondent allowed the researcher to conduct a total of 45 hours of field observation across seven days.

Respondent 4

Respondent 4 was a 44-year-old man, with 12 years' experience as a private investigator. The respondent was formally a Queensland Government public servant that worked across a number of departments. The respondent undertook a variety of factual insurance investigations. However, he focused on injury claims (compulsory third party traffic accident claims) and State Government and self-insurer company workers' compensation claim investigations. These investigations involved interviewing insured drivers, accident witnesses and third parties; examining incident sites and vehicles; pursuing leads; and taking statements. The respondent undertook contract work for one major Queensland investigation firm. The respondent allowed the researcher to conduct a total of 10 hours of field observation across three days.

The Legal and Ethical Factors Arising from the Work of Private Investigators

The respondents were aware of the various legal considerations relating to their investigative work. The respondents' pre-licensing training course, the Certificate III in Investigative Services, covered a number of ethical and legal cases in which investigators had been involved in misconduct or had acted illegally or unethically. Although the expressions were slightly different among the individuals, the respondents' views can be summarised as follows.

Those undertaking insurance investigations have access to a lot of information (such as names, addresses and occupations) and they are more regulated in their approach to investigations by the nature of their contracts with insurance companies. Conversely, the respondents undertaking domestic investigations have access to limited information, but they are expected to provide a lot of information to clients, often without much consideration for where and how the information was obtained. Those respondents undertaking insurance investigations appear to be given clear instructions and delineations by which to conduct their investigations; for example, 'please conduct 20 hours optical surveillance', or 'interview the insurer to ascertain their whereabouts at the time of the loss'. Despite these clear requests, respondent one stated:

The instructions can be frustrating. If the report states they suffered a back injury, I just have to record what I see. Sometimes, it [is] fairly pointless. How can five seconds of video disprove a back injury? It is different if it says they cannot move and I record them moving for 20 minutes with no breaks.

For the respondent undertaking domestic investigations, instructions are less specific; for example, he may be asked by a solicitor to serve legal papers on a spouse that has moved out of the marital address to a location unknown. The solicitor may have provided very limited information. Respondent two stated:

You would think solicitors would get more information from clients, but they don't. They don't want to ask for it either, so you spend more time than you need following up various ends and cannot get paid for it.

The respondents undertaking insurance investigations reported they had access to more information than other investigators. For example, the insurance company can access police reports, hospital records and medical reports to verify the claim. One respondent produced a complete transcription of a coronial inquiry, as they were required to interview several witnesses and the insurer driver involved in the accident, which had resulted in several fatalities.

Respondents said that another feature of insurance investigations was that the insured had a legal obligation to cooperate during the insurance claim process. Ultimately, respondents said that if a policyholder would not cooperate with an investigation, the insurance company could and would place the claim on hold or could deny a claim. Thus, the policyholder could be compelled to assist the investigators, which would not occur in other types of private investigations.

All respondents commented that they provided a cost-effective service to clients in detecting fraud or collecting debts. Both of the respondents conducting insurance investigations reported their investigations had led to the denial of some claims. The third respondent stated that he had seized property and collected debts of a significant nature, and that if he had not, the creditor would have gone bankrupt.

In terms of the investigation of insurance claims, while it is a requirement of the insurer that all incidents be reported to the police, frequently police will not physically attend a motor accident, especially if no one is injured, so the claimant has to report the accident to the police prior to lodging the claim. This can occur several months after the fact and the police report states that the matter was 'reported for insurance purposes'.

Generally, respondents did not dwell on the possible ethical considerations of their work. All agreed they simply provided a service to those who needed it. However, respondents did express some concerns regarding instances in which their investigations led to the claimant being denied a payout because they were not aware of the policy wording, or specific clauses. A respondent recalled an instance when he was investigating a home and contents claim for an elderly person who had become sick and moved in with a family member. The insured residence was vacant for a period of six months; thus, according to the literal reading of the insurance policy, the property was considered vacant. On this basis, the claim was denied.

Respondent one and two noted that they frequently engaged in pretexts; that is, they illicitly obtained personal information by claiming authority to access that information. Respondent two stated:

I will pretend to be a local council employee and say I am checking rates or water bills and ask the person to verify the occupant details of the people at the house. It even works when you speak with neighbours.

While not illicitly obtaining personal information respondent one did admit to undertaking what could be considered unethical conduct:

I regularly play a courier service guy. I knock on the door and ask for the person. Then I can serve the summons.

Investigative Methods Used

The methods respondents used to conduct their investigations depended on the type of investigation they were conducting. The three major methods of investigation involved locating persons, surveillance and factual investigations.

Process services, repossessions and debt collection all frequently involve the private investigator making enquiries into the location of a person. The respondents had access to a range of free online services and fee-for-service databases. The free online services range from electronic phone directories to Facebook profiles. The fee-for-service databases frequently held government records such as company records and land titles. They could also access private company databases as needed.

During the field observation, it was noted that the investigator was provided an address and that he attended that address to either serve a legal summons or repossess a motor vehicle or household appliance. The method involved much trial and error; for example, in the field observation, one investigator attended the same address on three different days (at 7:00am, 5:00pm and 6:30pm), only to finally speak to an occupant and find that the person sought had moved from that address 12 months beforehand. This resulted in the investigator conducting a variety of searches, but not finding the person. The investigator was only paid for the one attempt at serving the summons. While methods used in domestic investigations were varied, during the observation in the field, one respondent, performing spousal surveillance, searched a home computer (at the request of the client) and identified the unknown party (through a pretext call and surveillance).

Surveillance for insurance and domestic purposes was undertaken in a similar manner. The investigator would wait outside a residence or workplace and attempt to record the person using a video recorder. The time spent waiting was often substantial, especially in extreme weather. This was then followed by periods of stressful driving, while attempting to follow the person under observation.

One finding of this study is that the information available to the private investigator was often limited. For instance, in insurance surveillance, despite the insurer having access to significant medical information, the investigator was provided with only limited physical descriptive information to undertake the surveillance investigation. The difficulty of the investigator's position was compounded by his operating alone, with no one assisting him.

During one period of observation, the investigator spent approximately 30 minutes attempting to locate the claimant's residential address in a rural area on the Sunshine Coast. Once the address was located, the investigator realised that he had no direct view of the property. On another occasion, the claimant lived in a townhouse complex comprising 50 dwellings. Although surveillance was undertaken, the video obtained was of limited value.

The factual investigations undertaken by the respondents consisted of investigative interviewing, taking statements, taking photographs of accident sites or insurer property, measuring roads and making various inquiries at the request of the insurance company. Aspects of the factual investigation appeared to replicate much of the initial police investigation. For example, despite having been supplied with a complete police report, during a home and contents claim following a robbery, the respondent examined the residence, photographed the window (which still had fingerprint powder on it from the police) and took a list of the stolen property.

During observations of the respondents, a digital tape recorder was used to record some of the interviews, and a notebook computer was used to type other statements that could then be printed off for signing. The interviews consisted of the investigators asking a mix of closed and open questions, with the investigator frequently following an interview template. The interviews varied in length between 30 minutes to two and a half hours and all interviews with policyholders occurred at the policyholder's residence.

Discussion

Most of the findings in this study support the evidence in the existing private investigator literature regarding what investigators do, and what their role is in investigating, detecting fraud and recovering losses (Gill and Hart, 1997 a and b; Gill, Hart and Stevens, 1996; King and Prenzler, 2003; Prenzler, 2001; Prenzler and King, 2002). The respondents all operated as sole-traders managing a home-based small business. This was similar to the findings by Gill and Hart (1997b), who found that the majority of private investigators managed small businesses, most commonly owned and managed by one or two individuals. In the case that the investigator has a partner, that individual often provided administrative support for the business (Gill and Hart, 1997b). This was also the case with two of the respondents in this study. The two respondents that undertook insurance investigations and contracted to larger firms relied on other agencies to undertake administrative functions such as database searches and editing their investigative reports.

Commercial savvy, as described by Gill and Hart (1997a), was demonstrated by each respondent. One respondent stated that with insurance investigations you were only as good as your last job. A substandard investigation has consequences for both the investigator and their contracting agency. Another respondent stated that, while many people will attempt process service, a good deal of work is required to make a reasonable income.

All respondents had a practical knowledge of technology, and used information technology to conduct their investigations more effectively. All respondents used mobile computing technology and mobile phones. Respondents were able to access a range of online services that investigators did not have in the field a decade ago. For example, through only one online service provider, respondents were able to access company registrations and business trading name details, bankruptcy searches, credit reports and land and property details. This was in addition to the information gathered from free online search tools. The respondents stated that they could use email to send updates and reports immediately to clients. One respondent said that with the advent of free WI-FI at coffee shops and fast-food venues, he had started to use these establishments to meet clients or even conduct interviews.

All respondents found that managing their business was difficult in terms of its long-term viability and their limited scope for expansion. This was made worse by the fact that they were awarded work based on individual merit, especially in the cases of those respondents undertaking insurance investigations, rather than having the work granted to their business. This expectation of 'personal' service restricts them from offering additional work to other investigators.

Prenzler and King (2002) report that private investigators 'occupy a critical place in the justice system'. This appears to be accurate, at least in terms of the civil justice system. None of the respondents undertook what could be considered criminal investigative work, nor did they undertake criminal defence casework. As found in

prior research (see Gill and Hart, 1997a; Prenzler and King, 2002), insurance investigations continue to comprise a large portion of private investigative work.

Private investigators working for insurance companies are contracted to provide a degree of certainty that the claim is legitimate (although in some cases, the investigation is limited to verifying the police report). The claims investigation (regardless of insurance product) frequently involves an examination of financial records (for example, sales, expenses, wages, receipts, liabilities and assets), which may uncover the falsity of a claim, or indicate that the policyholder did not disclose certain essential information at the time of taking out the policy. In these cases (called 'fraudulent claims' in the industry), the insurer can deny the claim. Additionally, insurers must refer the claim to the police, who will then make a determination on whether the matter meets a criminal fraud standard of proof.

In terms of the number of investigations conducted, the respondent private investigators were busy. During the period of field observation, the respondents collectively conducted five cases of surveillance (four insurance claims and one domestic surveillance), served 15 summons, repossessed two motor vehicles and one white-good, conducted nine investigative interviews (six with claimants and three with witnesses) and visited eight incident sites.

A frequent feature of private investigator research has been the investigators' relationship with traditional law enforcement. This study found that a law enforcement background is not essential to success in the private investigation field. In terms of competing with police investigative functions, the study did not find this to be the case. While police attended residences that had been broken into and conducted some inquiries into stolen motor vehicles, the police service had limited capacity to attend all but the most serious motor vehicle accidents. Respondents undertaking insurance investigations reported that the only regular contact they had with police was to verify that matters were reported to the police and any traffic or crime report numbers were correct. However, contacting the police could be difficult, as the officers responsible for having attended the scene and making the report were frequently not contactable (due to changes in rosters or duties), or on leave. Often this meant that the police report was closed by another police officer. While the insurer provided copies of police reports to the respondents, many of these cases had been closed with no findings. Respondents reported that police rarely elaborated on the contents of their police reports, and they argued that police were often unable to either fully investigate or solve these crimes.

In terms of investigative cases, two examples stood out. In the first case, the respondent took a statement from a policyholder who had had three family members in his or her vehicle at the time of the accident, in which they collided with another four relatives in another vehicle. The respondent's investigation found the incident was not as serious as reported to both the police and the insurance company. The policyholder had reported to the police that the vehicle was written off. The respondent photographed the vehicle and found no damage. Further investigation revealed that some of the relatives involved had long claim histories, which had not been disclosed on the claim forms. The case was referred to the police, who charged the policyholder for not providing a report in the legislative timeframe.

In another case, while conducting insurance injury surveillance, a claimant was found to be undertaking work (which had not been disclosed), while also receiving welfare payments. Not only was the claim significantly reduced in the payout to the claimant, but the case was also referred to Centrelink to investigate a possible welfare benefit fraud.

From the observations in the field and interviews with respondents, it appears that clients of private investigators have little choice but to use their services. For domestic investigations, Australia had non-fault-divorce rules, which means that parties to a domestic relationship do not require proof of fault (Limb, 2003). In the 1970s, prior to this change in law, finding proof of fault was a significant element of private investigator work (Feneley, 2009). Today, private investigators are engaged to provide 'peace-of mind' or satisfy client concerns. Such investigations may lead to further casework, such as process service of family law documents. While court Bailiffs can serve summons, enforce judgements, collect debts and seize goods, there are too few Bailiffs to undertake the work. In Brisbane, for example, there are currently only four Bailiffs for the metropolitan area, as compared to 30 process service agencies in the same area (Beckmann, 2012).

For insurance companies, the problem is more significant. There were 5,395 motor vehicles stolen in Queensland in 2010 (CGU, 2011). For the same period, there were 1,494 arrests (Queensland Police Service, 2011). This indicates insufficient police resourcing to investigate such cases; cases in which the insurance companies have a stake, as by preventing theft, their payout of claims is reduced. In the field observation of stolen motor vehicle investigations, all the motor vehicles stolen were found. Some were found burnt out, while others were found stripped of valuables and vandalised. In these cases, the private investigator's role is not to catch the thief, but rather to ensure that the claimant had no role in the theft. Thus, the investigation centres on the nature of the theft (how the vehicle was stolen), what the claimant was doing at the time of the theft and their financial position at the time of the theft. A similar focus is applied by insurance companies in conducting arson and burglary claims.

For personal injury claims, the investigative focus is on the victim of the injury, rather than on the policyholder. Thus, the private investigator is required to interview the policyholder and take their statement. They will also interview any witnesses to the incident, and perform a general investigation. However, under Queensland law, permission is needed to interview claimants in personal injury cases, although most solicitors will advise their clients to provide a statement. For this reason, insurance companies rely on optical surveillance to observe claimants. Respondents state that, for surveillance to be successful, it needs to capture evidence of exactly what the claimant can and cannot physically do; otherwise, the surveillance is of limited value in the claim process.

A concern expressed in prior research has been the possibility of private investigators infringing on the rights of others. Gill and Hart (1997a) claimed that there remains significant scope for abuse by private investigators, especially in matters that are unlikely to proceed to litigation. This remains a valid concern, as demonstrated by examples of private investigator malpractice such as the United Kingdom's phone hacking scandal (AFP, 2011), the falsification of Queensland insurance statements (ABC, 2000) and the impersonation of New South Wales police officers (Arlington, 2008).

During the field observation, the researcher observed some questionable practices, which could be interpreted as invasions of individual privacy. On one occasion, a respondent was observed trespassing on a property after knocking on the door and receiving no answer. He walked around the outside of the residence, looking into windows and testing the garage door to see if it was locked. They also looked in the letterbox to see whom the mail was addressed to, before returning the mail to the letterbox. On another occasion, the respondent called a person who worked for a pizza

call centre to see if a name was on their database. When asked, the respondent said that it was a good source of information because when people moved house, they often could not be bothered cooking the first night, so they ordered pizza.

Another frequently observed questionable investigative method was the use of pretext. Pretext is a covert means of gaining information; for example, the investigator might represent him or herself as someone else, such as a sales representative, or a call centre employee to collect or check information. Pretext was often used to see if the person under surveillance still resided at the address provided.

Some findings of the current study also contradicted previous studies, especially concerning tougher licensing, training and access to information. For example, Prenzler and King (2003) found that license training was not adequate to develop practical skills. However, since that study, licensing has changed in many Australian states, including in Queensland. Now, private investigators are required to undertake the Certificate III in Investigative Services, regardless of their prior investigative experience. They must also have their fingerprints taken and submit themselves to a criminal history search. The Queensland Government also requires all license holders to have their fingerprints taken as part of their license renewal process. Such measures ensure that investigators have a high level of probity. Similarly, since Gill and Hart's (1997c) study, private investigators in the United Kingdom have become subject to licensing requirements introduced under the *Private Security Industry Act 2001*. Respondents were confident that the changes in Queensland licensing would improve standards of conduct, forcing some rogue elements in the profession out when their licenses come due for renewal.

The respondents did report that training remains an area lacking in development. However, all said that they knew enough to be able to do their job and that they had no need to undertake further training. Despite this view, over the last decade, there has been a significant growth in the availability of university compliance and investigative training not focusing on police practices. (La Trobe University and Charles Sturt University now offer fraud investigations courses, for example). A number of private training institutes also offer specific interviewing and statement taking courses for civil investigators. One private training provider also offers three to five day surveillance training courses for civil investigators.

Accessing information, more specifically gaining access to government databases, has been subject to misuse by Australian private investigators (Independent Commission against Corruption, 1992; Criminal Justice Commission, 2000). While Prenzler and King (2003) reported that, 'they would provide a greater service to victims of crime if the government allowed them greater access to information', the respondents said that there was no compelling reason that private investigators should have greater access to information. Those undertaking insurance investigations already had access to ample information relevant to their inquiries, such as motor vehicle details and police and medical records. For investigators undertaking process service, repossessions and debt collection, they were frequently asked to find people who did not want to be found. At the same time, government agencies or the police may also have been pursuing these individuals; as such, their available details may not be current.

In one example observed, the respondent was asked to serve a summons from Centrelink on a person who had been overpaid welfare payments. The department provided the pursued parties last known address. However, they could not provide any further information on this person, despite their extensive database. It was likely that

this person was working cash-in-hand and living with another person, and thus could not be located.

Conclusion

This study built on research conducted over a decade ago. This work is significant in that, for the first time in Australia, a researcher has had the opportunity to observe private investigators in the field. Private investigators were observed undertaking a wide variety of investigations typically associated with the industry.

This study has provided insight into, and a foundation to understanding, the work undertaken by private investigators in the criminal and civil justice processes. Some of the more significant findings were that for some clients, the services of private investigators were the only means they had to provide necessary business services and certainty. It was also found that the work of the investigators did not intrude on public police investigations. Further, a former career in law enforcement was deemed non-critical for working in the industry. Finally, while licensing and training have improved in recent times, the industry is still vulnerable to dubious work practices. Further research is required, especially focusing on the role of private investigators in insurance investigations.

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