



# Focus On

Follow LAW TIMES on  
**twitter**  
www.twitter.com/lawtimes

## FORENSICS/PRIVATE INVESTIGATORS

# Ex-police officers make credible PIs

## Previous experience helps keep results of investigations out of court

BY DARYL-LYNN CARLSON  
For Law Times

It could be that police have such an affinity for solving mysteries that they can't bear to leave their line of work following their retirement. Regardless of the reasons, many former officers join established private investigation companies or start up their own businesses.

For lawyers who need a private investigator, retaining a former police officer is an ideal means to ensure that the results of an investigation won't be challenged and that the person hired has the proper training and credentials that will lead to a credible result.

Christopher Hicks, a criminal lawyer and founding partner of Hicks Adams LLP in Toronto, says many former police officers have the investigative training necessary to conduct a probe that will be accepted by all parties. As well, they have a wide range of experience and many connections within the profession that can be helpful in almost any type of investigation.

"Investigators who have worked with a police force, their training is very effective, especially if they did a lot of forensics work," says Hicks.

"Lawyers very much do want to be able to deal with experienced private investigators who have a background working on a police force as they have the appropriate background in investigations and a lot of connections to former colleagues who they can consult with if they have any doubts about a finding."

Hicks notes that as former police officers are unable to flash their badges, the best way to make up for that as a private investigator is to have good communication skills that will enable them to deal with subjects while working undercover and also explain their findings in simplistic terms to lawyers and other parties involved in the matter.

"It's important for them to be able to explain everything in simple terms, especially if it does have to do with forensics."

In one instance, three former detectives who worked for the Toronto Police Service went on to found MKD International Inc., a Toronto-based private investigations company that provides services for lawyers in the areas of criminal, civil, and family law. The company was founded by James Downs, Steve McCormick, and Thomas Klatt, all whom had extensive careers as detectives. They agree that explaining any findings in terms that anyone can understand is a very important aspect of the job.



Investigators need 'to be able to explain everything in simple terms, especially if it does have to do with forensics,' says Christopher Hicks.

Downs and McCormick note their company does all types of investigations for lawyers, including some that involve businesses with international operations.

According to Downs, the key to a successful investigation is ensuring the findings are both credible and explained in simple terms.

"It's very important that a private investigator has the credibility and the experience to back up any findings," he says. "We do all kinds of investigations for law firms for all types of their clients ranging from corporations to small businesses and individuals, most which involve surveillance work."

Downs notes that in the event a matter does go to

court, there are many protocols investigators have to abide by during their work. "Everything has to be court acceptable, meaning we have to defend our actions and the results of the investigation if the matter goes to court," he says. "That means we have to be very thorough and have certainty in our conclusions to justify the results."

Downs says it's very important that lawyers ask many questions when retaining an investigator for a case in order to ascertain their experience and expertise. "When they hire investigators, they should ask questions as to who's doing the work, what is their experience, and how are they trained as that is very important depending on the case or the area of the investigation," he says.

"For example, if a lawyer hires an investigator to do surveillance, they should ask about their experience in that field and whether they understand the laws to make sure that everything is done within the law."

As well, investigators need to know how to properly conduct an interview with a subject who may be the focus of an investigation or a witness. "With interviews, whether it's for civil matters or a criminal prosecution, there are all kinds of different techniques and rules that one can get through proper training and experience," says Downs. "So it's very important that an investigator has the experience and knows this area because there can be many things that can go wrong if they don't."

McCormick also says it's imperative that investigators have significant training and experience in the field to be certain their findings won't be subject to a lawsuit. "For us as former police officers, we are able to do an investigation as experienced investigators rather than going on a hunch, and that is very important for the conclusion of the investigation," he says.

"All investigators must have a particular skill set and stick to it and share that information with the lawyer when discussing the nature of an investigation."

Both Downs and McCormick say they founded MKD International in order to share their experience and knowledge of the law related to investigations and surveillance with lawyers and the private sector. "All of our people have solid experience and know how far they can go," says Downs.

Adds McCormick: "We know what we can do and what we can't do, which is very important in an investigation that could be contested if an investigator does not have the experience." **LI**