

WHITE PAPER



Hiring a Private Investigator in Ontario

Prepared by:
The Council of Private Investigators - Ontario
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The Council of Private Investigators-Ontario is an Ontario non-profit corporation whose purpose is to serve the interests of licensed private investigators in the province. It was formed in 1994, taking over and modifying the charter of the Association of Investigators and Guard Agencies, which had been established in 1965. All directors and officers are volunteers, their primary career being as private investigators.

www.cpi-ontario.com

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Introduction

The Private Investigator may be the most misunderstood professional in today's society. Most people formed early impressions of private investigators based on The Hardy Boys, Nancy Drew and Sherlock Holmes and from popular television shows such as Magnum PI, The Rockford Files and Moonlighting. In fact, the swashbuckling, adventure seeking, gun toting characters in these shows bear almost zero resemblance to the professional private investigator. In reality, Private Investigators provide valuable investigative services to private individuals and corporations. The first step in separating fact from fiction is to define the role of a private investigator. Private investigators are people who are paid to gather facts. Unlike police detectives or crime scene investigators who work for the government, Private Investigators work for private citizens and businesses. While they sometimes help solve crimes, they are not law enforcement officials. Their job is to collect information, evidence and facts, not to apprehend or prosecute criminals.

Private Investigators have existed for more than 150 years. The first known private detective agency opened in France in 1833. In 1850 Allan Pinkerton formed the Pinkerton National Detective Agency which grew into one of the most famous detective agencies in the United States. The Pinkerton Agency became notorious for breaking strikes. They also made significant contributions to the fields of law enforcement and investigation. The agency takes credit for the concept of the mug shot and the term "private eye" which came from the original Pinkerton logo.

Private Investigation Agencies and Private Investigators are regulated and licensed by the Province of Ontario. All Private Investigation companies must have an office and clearly display their agency license for public view. These regulations are in place to protect the public and ensure that all licensed agencies and investigators operate under the Act and within the governing bodies' guidelines. All members of the Council of Private Investigators – Ontario have been vetted by the Council to ensure they meet standard business requirements.

Council of Private Investigators – Ontario members provide the highest level of professionalism to every client. The Council is committed to internal discipline and is proactive in reporting all verified complaints to the provincial ministries. All members have agreed to the Council's Code of Ethics and Privacy Policy which can be found on the CPIO website at www.cpi-ontario.com.

The Council and our members maintain the highest ethical standards for protection of personal information and acknowledge the importance of national standards. Members of the Council adhere to best business practices, protection of the public and public safety. The Council represents a large percentage of the total licensed agencies and private investigators throughout Ontario.

CPIO protects personal information in accordance with the requirements of Canada's Personal Information Protection and Electronic Documents Act (PIPEDA). The act sets standards pertaining to the collection, use and disclosure of personal information. CPIO members will only collect personal information on individuals where there is a potential contravention of the law or a breach of agreement that permits the legal collection of "Personal Information" under the laws of Canada. Members of the CPIO have met the requirements for investigative body status under this act.

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We have implemented the CPIO Code of Conduct which complies with the principles outlined in the CSA Model Code for the Protection of Personal Information. We also follow the rules of our governing body, under the Private Security and Investigative Services Act, 2005, The Trespass Act, The Canadian Evidence Act and the Criminal Code. Members of the Council act within criminal and civil laws both provincially and federally.

When you hire a CPIO member you can be confident that you are hiring a licensed and insured professional who has investigative body status.

The duties of private investigators depend on the needs of their clients. They have finely honed skill sets and are often specialists in certain areas of investigation. Investigators are mindful of the law when conducting investigations. They are educated on provincial legislation and the Federal, Provincial or Municipal laws that affect their work. Investigators must know how to collect evidence so they do not compromise its admissibility in court. Member agencies will always define the scope of investigation and work to complete the assignment in a timely and cost effective manner.

Private Investigators typically specialize in distinct areas of investigation and are able to assist you to;

- Obtain publicly available information on the whereabouts, identity, conduct or credibility of a person or company
- Conduct background checks or searches of potential mates, business partners or corporations
- Locate missing persons
- Monitor people and report on their activities
- Pre-screen job applicants or prospective business partners
- Check the legitimacy of a potential investment
- Help research a crime, wrongdoing or threat
- Investigate the cause of fires, property damage or accidents
- Safeguard your property, assets, employees or information
- Locate and recover lost or stolen property
- Verify short term and long term disability and WSIB compensation claims
- Implement electronic counter measures for your office or home

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While you might never have considered retaining an investigator in your private or professional life that may simply be because you weren't aware of the broad range of services the industry provides.

Private Investigators are highly trained professionals with unique skill sets that assist you in gathering information for specific reasons. They are licensed and insured. They work closely with law enforcement and the legal community. They know how to gather and protect evidence so that it is admissible in court. They are an independent third party professional not emotionally attached to your case.

There is a reason to hire lawyers, accountants and doctors. Private Investigators are professionals in the same right and in the proper circumstance they can be a valuable asset to your legal team.

Hiring a Private Investigator

You have decided that you have a situation that needs a private investigator. How do you go about choosing a private investigation agency that is right for your project? The following is our hiring guide;

1. Go to the Council of Private Investigators - Ontario website, the yellow pages or search online for Agencies or Investigators who specialize in the type of investigation you require. <http://www.cpi-ontario.com/findapi/>
2. Call your lawyer and ask for recommendations.
3. Consult with a friend or acquaintance that may have been in similar circumstances.
4. Identify three agencies local to you that provide the type of investigation services you require.
5. Prepare a written list of questions you are going to ask each company.
6. Confirm that the Private Investigation Companies or Private Investigators are licensed and insured.
7. Check the company name and individual license number on the Ministry of Community Safety and Correctional Services.
 - a. http://www.mcscs.jus.gov.on.ca/english/PISG/LicensedAgencies/agency_list.html
 - b. http://www.mcscs.jus.gov.on.ca/english/PISG/LicensedIndividuals/licensee_list.html
8. Visit the agency office. It is required by law that all Private Investigation Agencies have a physical office address with a public entrance.
9. The business licence to provide private investigation services should be clearly displayed in their office. Request to see a copy of their certificate of insurance.

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10. Request to see a sample report format.
11. Make an inquiry to the Better Business Bureau.
12. Inquire about experience, education, training and length of time in the industry. What is their level of expertise in the areas of investigation you require?
13. Ask for client references or letters of recommendation.
14. If you retain a Private Investigation Agency insist on having a written receipt for any retainer/deposit you have provided and ask for the companies HST number.
15. In most cases a Private Investigation Agency will require you to sign a contract or agreement. The agreement should clearly state what the investigation will entail, provide an estimated budget, identify a breakdown of the costs associated with the investigation and include a proposed timeline for completion. If progress payments are required clearly define the deliverables prior to signing the contract.
16. Establish specific times when you will be updated about the investigation. Define if the updates are to be written or verbal.
17. Define the deliverables you will receive after the investigation is completed. Reputable Private Investigation Agencies will provide a full written report with details of the investigation, the time spent on investigation tasks (such as surveillance), and a detailed invoice itemizing costs associated with all phases of the investigation.

Private Investigation Services

Private Investigation Agencies and Private Investigators offer a myriad of services to individuals, small to medium sized businesses and corporations alike. While the following description of investigative services is by no means complete, it is meant to give you, the reader, a general sense of what to expect from a private investigation agency or private investigator.

As a private citizen there are many reasons you may want to retain a Private Investigator. The most recognized use of private investigation services are in family law and child custody disputes. In these cases the typical services offered could include anything from locating and interviewing of witnesses, undercover operations, surveillance and lifestyle analysis that confirms accurate income and activities are being reported.

In these situations the Investigator's finding of evidence, new witnesses or facts becomes a valuable asset to your legal team and provides information critical to the success of your case.

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In addition to family law matters there are many other investigative services tailored to the private citizen.

Pre Relationship Screening. Many people now conduct background checks into prospective partners prior to entering into a relationship. It is estimated that 40% of new relationships begin with online introductions or through online dating services. With the cloak of secrecy that the Internet provides, it is important to many people to verify integrity and honesty prior to investing time, energy and emotions in a relationship.

Background Inquiries. Many times, as family members, we see those closest to us getting involved with people who clearly have an ulterior motive. Unfortunately we are not able to convince them of the imminent danger. A private investigator can prepare a detailed background report and provide clear evidence to prove or disprove suspicions.

Caregiver Screening. As the population ages many of us now have the responsibility of securing caregivers for aging parents. Finding the right person for this role can be a daunting task. A private investigation agency is able to screen and interview prospective caregivers and provide you a qualified shortlist to assist in making an appropriate hire. Private investigators are also experienced in installing nanny cams and granny cams to provide the assurance that your loved ones are being cared for safely.

Criminal and Civil Defense. Perhaps you have the misfortune of being sued civilly, or are facing criminal charges and feel you have been wrongfully accused. Perhaps you were just in the wrong place at the wrong time. A private investigator can be a valuable asset providing evidence to your legal team.

Private Investigators also offer services specifically for the small to medium sized business owner. As a small to medium sized business owner you could use a private investigation firm for;

1. On site visits to analyze and report on potential security breaches.
2. Due diligence and background inquiries on new suppliers and customers. Making a mistake in the choice of major suppliers or customers can be devastating to a small business.
3. Reputation inquiries and verification on prospective partners and investors. Again making the wrong choice of a business partner or investor can have disastrous results.
4. Employee screening. Are you aware that 3 out of 10 business failures are caused by employee theft, average workplace violence awards exceed \$1 million and as many as one-third of employee application forms contain outright lies. Both federal and provincial laws limit your actions when conducting background inquiries. Private Investigation Agencies can assistance with pre-employment screening and in the interview process in order to help you make the right hiring choices.

If you are an executive in a large corporation a private investigation agency and its investigators provide services designed to protect your employees, your company and its assets. Corporate investigators conduct both internal and external investigations. Internally, they may investigate drug use in the workplace, ensure that expense accounts are

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not abused, or determine whether employees are stealing assets, merchandise, time or information. Externally they attempt to thwart criminal schemes from outside the corporation such as intellectual property theft. Investigators help clients stop illegal activity, and provide intelligence for prosecution and civil action.

Private Investigators secure computers, tablets and handheld devices and provide a chain of custody that protects the device and the stored data. They work with technical forensic investigators who specialize in recovering, analyzing, and presenting data. Investigators determine the details of intrusions into computer systems, recover data from encrypted or erased files, and recover e-mails and deleted passwords.

Investigators may be instructed by criminal lawyers preparing defense cases to locate and interview witnesses and police, serve legal documents and gather evidence. They collect information on all parties to litigation, take scene photographs, assemble evidence packages, produce court briefs for trials and testify in court.

Financial investigators may be hired to prepare due diligence reports for mergers and acquisitions, develop profiles of potential investors or partners or review the financial stability of major customers and suppliers. Many are retained to uncover complex corporate fraud and asset theft. They are also used to track missing assets and assist in recovering bad debts. Often Certified Fraud Investigators work closely with investment bankers and other financial professionals to analyze data and information.

When you analyze and understand what the industry delivers, it is easy to see that Private Investigation Agencies and Private Investigators offer a complex array of services designed to meet the needs of private citizens and their legal representatives, small to medium sized businesses and large corporations.

About The Council of Private Investigators - Ontario

The Council of Private Investigators - Ontario is a non-profit organization that seeks to further the interests of Private Investigation Agencies and Private Investigators licenced in the Province of Ontario. The Council is committed to educating the public on the valuable services provided by our members and how to select a private investigator for your specific requirements.

In support of our membership we hold regular professional development seminars in different locations throughout the province, where our members upgrade their skills, network with other professionals, and share best practices. Membership in the Council of Private Investigators shows a commitment to professionalism and ongoing development of our industry. All members of the Council must be licensed by the Province of Ontario, insured and agree to the Code of Ethics and Privacy Policy of the organization. They must always conduct themselves in the best interests of the public.

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Our Mandate

The mandate of the Council of Private Investigators – Ontario is as follows;

1. Increase public awareness of the private investigation industry through consumer education.
2. Promote public safety through awareness and fraud prevention.
3. To promote our members in good standing through our website and publicity.
4. Represent Private Investigation Agencies and Private Investigators in Ontario.
5. Hold regular member information seminars across the province.
6. Report vetted complaints against licensed or unlicensed investigators to The Registrar.
7. Keep lines of communication open with the Registrar, the Ministry of Transportation and the Privacy Commissioner as stakeholders in representing licensed private investigators in Ontario.

The CPIO members maintain the utmost level of professionalism and hold themselves to the highest ethical and business standards.

Contact Us

Website: www.cpi-ontario.com

Ethics: www.cpi-ontario.com/governance/code_of_ethics.asp

Privacy Policy: www.cpi-ontario.com/governance/privacy_policy.asp

Email: president@cpi-ontario.com

CPIO Board of Directors: www.cpi-ontario.com/board/