

# DIGITAL DISRUPTION

## The Next Wave in Workers' Compensation Surveillance

By Paul Colbert

**A**n anyone who is involved with workers' compensation fraud investigations understands that the landscape is rapidly changing. Strategies and techniques continue to evolve as the next versions of technological tools are unveiled. It's an exciting time in the industry, especially for those willing and able to embrace these changes and to utilize their benefits to the fullest.

Technological tools, combined with the popularity of social media, now form some of the most cost-effective ways a desktop investigator can develop information about a claimant before dispatching a field investigator. Social media is being used as a data-driven investigative tool. Much like an investigator in the field, desktop investigators are looking for clues and insights into the claimant's past, current, and future activities. To improve efficiencies, most of the data is compiled into a digestible format for the field investigator's use, setting the stage for a much higher level of success when a manned investigation is initiated. This "know before you" go mentality preserves the budget and allows for increased efficiency across the spectrum of the investigation.

### Social Snare

The benefits of using social media as an investigative tool are far reaching. It is much more than simply looking at the claimant's pages. The web of associations to which the claimant is connected also is fertile hunting ground. Claimants are typically better educated today, and most know not to post pictures of themselves engaged in ac-

tivity that might be contradictory to their alleged injury. Oftentimes the information developed to prove fraud comes from a posting by a friend or relative.

For instance, in a recent and successfully closed investigation, a circus employee was receiving workers' compensation benefits after claiming to be unable to work following an injury. The investigator researched the claimant's Facebook profile, which led to friends' pages where public messages and photographs revealed potential fraudulent activity. The possible fraudulent acts were later confirmed through surveillance efforts that captured the claimant on video walking the high wire while working for another circus.

Currently, investigators are forced to mine data from various sites, and then compile the information themselves. Development is underway for a more streamlined approach, where all sites can be pulled together under one umbrella. This will provide further efficiencies, and allow claims professionals to utilize the reserves in a more cost-effective way.

### Smile for the (Hidden) Camera

Social media is useful for developing information, but investigators still need to obtain photographic or video evidence in the field. A manned investigation typically involves the use of a vehicle to conceal the investigator and camera. In that situation, the investigator is limited by the surroundings, and somehow has to secure a location close enough to the claimant to document activity, but not close enough to be discovered. One of the benefits of using a vehicle is the avail-

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ability of a power supply that will support hours of documentation without the need to change batteries on the camera. However, manned surveillance has more than a few problems.

For one, when a claimant gains legal representation, he is cautioned that surveillance might be a possibility, and to be on the lookout for abnormal activity. A vehicle that is out of place, perhaps in a more rural location, or one that has been parked in the same spot for several days, might raise suspicion or be an outright tip-off to a wary claimant. It is not unheard of for a claimant to contact law enforcement for purposes of checking out a vehicle. Once law enforcement has been dispatched and draws attention to the scene, the integrity of the investigation has been compromised, sometimes irreparably.

Vehicles do have an application, provided they are used appropriately. For example, watching a parking attendant from a vehicle in a parking garage could be a great location for a vehicle, due to the sheer number of other vehicles to provide cover and stealth for the investigator.

Even in situations where manned surveillance can work logistically, it may not be the best option economically. Placing a person at a location for eight hours can cost up to \$700 per day, while the time/use cost of a remote camera can be 30 percent of that cost, at 24 hours per day. In those cases, unmanned surveillance may be the only option available. When a case does not warrant using a vehicle due to the location or the amount of time required on-site, there are several other options.

Remote technology is becoming increasingly sophisticated. One example of this technology is the use of cameras hidden in orange traffic barricade barrels. These are best utilized near construction sites or areas where work has recently been performed. In those situations, these units work well and typically go undetected. However, it would be far less effective to place a traffic barricade in a residential neighborhood where there is no sign of construction. They also pose a liability concern. If a driver becomes distracted by the barricade and an accident follows, the company that deployed the unit may be held liable.

For surveillance that requires closer



proximity to the claimant, concealed unmanned cameras are a great tool. Cameras can be hidden in items that we come in contact with every day: a cup, water bottle, a wrist watch, even a book.

In addition to fixed locations, there are body-worn cameras that can be hidden in places like baseball caps and eyeglasses. With wireless technology advancements, spy cameras and body-worn cameras now can be taken into areas that were previously limited because of performance issues, most notably range of use.

As with all wireless devices, there is always the potential for digital interference, which could jeopardize the integrity of the video. Something as simple as a wireless router in someone's home has the potential to distort the wireless signal in the spy camera. One way to prevent this is to make sure that the transmitter on the spy camera is not set to the typical frequencies utilized by most wireless devices.

Future plans for new technology in this area are already underway, according to researchers at Rambus, a leading U.S. technology company. It recently developed a camera with a 200 micron sensor. An inch equals about 25,000 microns, so this processor is smaller than the tip of a pencil. In addition to the stunningly small size, this camera utilizes technology that delivers a much clearer image. Rambus says that the whole purpose behind this new leap in technology is to reduce the size of spy cameras when a large camera module is not practical. With this

and similar advancements, investigators will be able to hide cameras that go completely undetected almost anywhere.

### **The Drones Are Coming**

Even though all of these James Bond inspired technological tools and advancements are effective and exciting, our industry will continue to seek out newer and better tools. One tool that is creating quite a bit of controversy and confusion lately is the drone.

While drones are making news today, aerial surveillance is not new. Historical records indicate a number of examples dating back to the mid-19th century. In 1898, the United States attached a camera to a kite and recorded one of the first-ever aerial surveillance photos. Since then, aerial surveillance has been used extensively in times of war to look for visual signs of enemy movements. In the early 20th century, drones were used to train combat pilots and anti-aircraft gunners. Now drones are commonplace in any number of aerial applications. What makes this concept "new" today are the remote controls or computer guidance systems employed to operate the units.

While drones come in various styles, shapes, and sizes, when most people think of drones they envision the quadcopters or hexacopters that we see in the media. Those are usually restricted to short-term use due to their limited power supply. However, there is another category that does not get much attention yet, and one that could become the most effective of all aerial unmanned units. It

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is a delta-wing style drone—a drone shaped more like the planes that the major airlines fly commercially. It is extremely valuable, not only because of its ability to take aerial video, but also because it can remain airborne for much longer than the quadcopter models.

However, the use of drones in workers' compensation investigations requires careful examination of applicable state and federal law. That is a significant problem right now, as many states do not draw very clear lines regarding the use of drones in private investigations, and federal law is not much clearer. The question of privacy is the primary issue.

As with all types of investigations, there are ethical questions to consider regarding an individual's privacy. In a May 2014 article posted on the Associated Certified Fraud Examiner's website, Jaclyn S. Millner, an attorney at Fitch, Johnson, Larson & Held, P.A., says, "there is nothing unethical or illegal about a defense attorney or an agent of the attorney, such as a company representative or investigator, accessing a fraud suspect's information and photographs that are stored on a social-networking site and are not protected with privacy settings preventing public access."

The lack of clarity from a legal standpoint is one problem, but there are also the practical issues presented when using a drone for surveillance. Drones typically have limited flight times, and most of the current



heavy-duty models are quite loud, so stealth is almost impossible.

For drones to be a useful tool in the workers' compensation arena, a few things need to change. First, we need the FAA to better define the guidelines and regulations for their use. Second, the well-known quad-

copters and hexacopters need to be built in such a way that they can remain airborne for more than 25 minutes. This isn't to say that there are no applications for their use in short time frames, but 25 minutes is a very small window in which to accomplish cost-effective and task-effective results.

Drone technology is here to stay; the FAA predicts that there will be over 30,000 drones in the sky by 2020. How and when they are going to be used remains to be seen, but the surveillance industry will certainly be hard at work to learn exactly how to make that happen.

What does the future of workers' compensation fraud investigations look like? First and foremost, what worked yesterday will soon be obsolete. Firms providing investigative services, whether in-house or outsourced, must possess and effectively utilize the latest technology and techniques. Current technologies will be advanced and improved. Future technologies will provide tools that either do not exist now, or only exist as prototypes or in someone's imagination. What's next is difficult to predict with any accuracy, but it is a certainty that there is a "next." And it will be exciting. ■



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