

# A Private Investigator Reveals the Rules for Spying on People

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Jack Nicholson as private investigator Jake Gittes in 'Chinatown' (1974)

On Friday a federal judge ruled that an *Ocean's 11*-esque ruse used by the FBI to build a case against an illegal gambling ring was in fact in breach of the defendants' rights. The plot involved the FBI cutting the Internet in \$25,000-a-night villas at Caesars Palace in Vegas. When the rooms' guests complained to the hotel, agents showed up dressed as cable guys, gaining entry to fix the problem, and secretly searched the hotel rooms. "By creating the need for a third party to enter defendant's premises," the court report states, "and then posing as repairmen to gain entry, the government violated the defendant's Fourth Amendment rights."

I'm sure the FBI does all kinds of crazy shit to catch their perps, but this particular stunt got me thinking about what exactly goes into the art of investigating. To find out more, I spoke with Rod Devine, a licensed private investigator in Pennsylvania and owner of the excellently named Devine Intervention Detective Services.

First, I asked him what he thought of the case, and if he thought the judge had ruled fairly. "From what you've told me about that case," Devine explained, "it does sound like the judge was certainly correct with that regard. Being a licensed private investigator, there are parameters and restrictions that we have to abide by when conducting an investigation."

Devine went on to explain that the public doesn't really understand what investigators can and can't do. "I get calls on a regular basis to do things that the general public may have a misconception about. Particularly in my business I think a lot of people have preconceived notions about the private-investigator field, because they see different TV shows or movies, or read a dime-store novel and think that we pick locks or break into places to get information."

Wait... private investigators don't do that? I'd assumed that being a P.I. meant wearing a long trench coat, punching deadbeats, and cracking safes. Devine says that preconception "couldn't be further from the truth... We have to abide by certain criteria."

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Maybe it was because I was a little spooked to be talking to a P.I., but I let him know in no uncertain terms that I was recording our interview so that I could transcribe it. He then told me that he has to do the same thing when he's on the job. "Pennsylvania's a two-party state," he said, "so if I wanted to tape a conversation with you we would both have to have knowledge of the taping. The state of New Jersey as an example is the opposite." I had no idea there were so many restrictions. "Being in the private investigative field you have to be very aware of the laws that pertain to your state," says Devine, "to keep you and your clients out of trouble."

Do all these rules and regulations make Rod Devine's job harder? He doesn't really think so. However, he said, "it's really difficult if you don't understand the laws." Which, Devine says, happens a lot. "Someone called me this morning that wanted me to place a tracker, a GPS device, on someone's car. I cannot do that unless I have permission from that person."

Whoa, so how does he ever get trackers on cars, I asked.

"If its co-owned by the family members and the wife calls me and says, 'Can you put a tracker on my husband's car?' If she has co-ownership on that vehicle, I can place a tracker on the vehicle."

For all the snooping Rod Devine and his company do, he's very sensitive to the issues of privacy at play. "Privacy is very important these days," he told me, "and being a licensed private investigator I'm also privy to social-security numbers and private documents that belong to people." But don't worry; he mostly uses "those as tools to find deadbeat dads and moms."

And he also has to take into account who his potential client is and what they really want. "I've got to make sure that I vet my clients because there are times when I get calls from potential clients that I'm suspect of." For instance, sometimes a husband will call saying that his wife took the kids and disappeared. When this happens, Devine does a thorough screening process to make sure he's "not putting them in harm's way... because of abuse. It's a difficult situation sometimes and you've got to do your homework prior to doing a case."

So with all these regulations, safety measures, and parameters on what a P.I. is allowed to do, is it ever as exciting as the recent FBI case or a dime-store novel?

"There was a fraud case," Devine replied, "where I was trying to locate an individual to serve him up with a subpoena, and the individual was repeatedly using the internet to fleece the buyers of high-end cars." The individual had hoodwinked people for hundreds of thousands of dollars, and he lived in a classic movie hideout. "He lived in a lockdown environment, a big home with gates where you couldn't get in there. What I had to do was act as a potential out-of-state buyer to set him up so he'd meet me and I could serve him up papers. And I met him in an underground garage, he had a couple guys with him, so in that regard it was pretty close to a dime-store novel."

As someone who hates confrontation, that scenario sounds like a nightmare to me. But my talk with Rod Devine answered two important questions for me. Are there safety nets to prevent investigators from abusing power? Yes (in some states). Is it still kind of cool to be a P.I.? You bet.



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