

The Value of Data: Is Your Skip Tracer Licensed?

By Scott Gray

Almost every legal services provider advertises “skip tracing,” which is simply the task of finding someone who has moved, or “skipped” from their last known address, as one of their ancillary services. When the spotlight of scrutiny shines on this practice, a number of potential pitfalls reveal themselves immediately.

First, a skip tracer locating the whereabouts of people, or who gathers facts about them for a fee, is required (in Minnesota) to have a valid private detective license issued by the Board of Private Detective and Protective Agent Services (which is part of the Minnesota Department of Public Safety). By a skip tracer obtaining this licensure, you, the consumer, can be assured that your skip tracer and their staff is qualified, properly trained both initially and through continuing education requirements, and properly insured and bonded. You can also have a greater assurance that their methods and practices are not only ethical, but legal as well. The use of illegally obtained investigative material could jeopardize your case or expose you and your client to litigation.

Second, one must question the quality of the data used for research by non-licensed skip tracers. The majority of the premier and reliable database resources require subscribers to possess a valid private detective license. Consequently, a common practice among those unable to access the more professional resources is make use of the numerous web based commercial sites that perform the search for you and charge a set fee, usually \$15.00 to \$40.00. Use of these commercial sites is easy and quick and enables the skip tracer to provide you with a rapid report, with an often substantial “up-charge” by simply buying the search from one of these providers. Unfortunately, in conducting a search in this fashion, no human is examining the data accessed or verifying in any way its accuracy or credibility. Realistically, if that is the extent of the effort put forth by your skip tracer, you may as well access one of these sites yourself and save the up-charge. We monitor virtually every data resource available and are always reviewing and testing the quality of the information provided by existing and new providers. We have found that nearly half of the addresses obtained through the set fee, computer generated commercial sites are inaccurate, as compared with nearly a 85% success rate obtained by our skip tracers using our subscription

based investigative tools which provide valuable data used by our investigators.

Third, the ultimate result of unsuccessful skip tracing is the preparation of an affidavit of not found. In years past almost any form of affidavit of not found was acceptable insofar as enabling you to pursue service through alternate methods- such as publication. Of late, the content of the affidavits of not found are being far more closely scrutinized by the courts in terms of determining whether a reasonable and thorough effort was made to locate someone before issuing a ruling against the absent party. The days of attempting a “last known” address and cranking out a not found are gone. A proper effort to locate someone prior to issuing a not found should include researching drivers license records, motor vehicle records, employment records, civil and criminal records, bankruptcy records, neighbor interviews, relative contacts, consumer credit information, USPS searches, and in many cases a broader “national” search. Much of this data is not accessible to the public and as referenced above requires a valid private detective license to gain access to it.

A common misconception in the legal community is that there are varying likelihoods of a successful outcome as you move from process server, to skip tracer, to private detective when in fact they are not mutually exclusive. In fact, the most professional service providers around the country provide all of these services as part of their routine offerings. Depending on the urgency, value, and magnitude of the case at hand, any or all of these resources may be utilized to complete your specific project. For example, a process server can perform surveillance to complete service, but if you wanted the surveillance on video and/or audio, we may then use one of our private investigators to complete the task. When you use a properly licensed and professional service provider, they should possess the complete set of legitimate tools to handle any project you may have ethically, legally, and accurately.

Scott Gray is the vice president and operations manager for Metro Legal Services with over 30 years of process service experience. Metro Legal Services, in its 43rd year of operation, is the leader in the upper Midwest in providing ancillary services to the legal community. Questions/comments welcome at 602.349.9512, or visit www.metrolegal.com.