



By Michael J. Ramos

## Blind Followers: Popular Misconceptions About Surveillance

Inspector Javert may not have been a kind man, but he was a thorough professional, the right man to infiltrate the students' movement and to help quash the Paris Uprising of 1832. He did as he promised when, in the musical adaptation of Hugo's *Les Misérables*, he sang, "I will join these people's heroes. I will follow where they go. I will learn their little secrets. I will know the things they know."

Unlike in great works of literature or musical theater or film, surveillance in the real world is not often as successful. It is a blunt tool, useful only in certain circumstances. Just as a fingerprint answers one question, to wit, "Did this person touch this surface?" surveillance answers one question, "Where did this person go?" Circumstances of a matter may allow one to extrapolate such information to answer other questions and there are cases in which people are observed not only at a given location but doing something interesting at that location, but for the most part, the product of surveillance can be summarized in a chart that shows a given subject's location at a given time. Surveillance can tell you where someone is at a given time, possibly what they are doing, and possibly with whom they are doing it—that's it.

However limited, such information can be invaluable in certain circumstances. Does your former employee, who is subject to a non-compete agreement, commute each day to the office of a competitor? With whom is your top saleswoman having a secretive lunch—a competitor and possible future employer? If placing a subject at a location at a given time is relevant to or a determinant in your investigation, surveillance is your tool. If not, surveillance might be an expensive distraction.

Many people love the idea of surveillance, probably because they think it can answer the same questions it answers in movies and on television. As a general matter, it cannot. The television private eye always sees the closing door of the office into which the subject has just stepped. Nine times out of ten, painted upon that door is the name of the company. The corporate investigator follows a subject into a building in midtown Manhattan. When the subject stops at a security desk to produce the identification needed to pass through a turnstile on his way to his meeting, the investigator cannot get close enough to eavesdrop without blowing his cover and cannot follow the subject through security because he does not have an appointment with anyone in the building. What have we learned? The subject had a meeting

with one of thousands of people working at one of hundreds of companies on one of the building's sixty floors.

And as for following the subject out of his meeting, it is challenging even when the investigator knows the likely time of the subject's exit. That office building has banks of elevators and multiple exits on two avenues and two streets as well as exits to adjoining shops and restaurants, to an underground concourse, and direct access to the subway.

The posse in *Butch Cassidy and the Sundance Kid* tracked Butch and Sundance for days through mountainous wilderness. Relentlessly pursuing, they never lost sight of the outlaws, even when miles distant. Let's say the investigator is lucky and prepared—lucky enough to follow the subject out of the office building and watch him get into a cab and prepared enough to have a colleague waiting in an idling car. The investigator nods and just as his colleague pulls into traffic to give chase, the cabbie makes a U-turn across six lanes of traffic and speeds through a red light. What have we learned? The subject left the building at a certain time and headed uptown.

In addition to having things set up to work out for them, Hollywood private eyes also frequently take liberties when conducting "surveillance." They enter private offices and residences, root through desk drawers and rummage through closets looking for clues. In real life, no client wants to be associated with any investigator who would do that.

The Hollywood private eye always works alone, which is possible only because surveillance subjects in films travel slowly and obliviously through life. In real life, successful surveillance is a team sport. Subjects tend to notice when the same person or car follows them. Depending on the situation, the team needs members in cars and members on foot—professionals trained in covertly recording images. If the subject is a woman, the team better have female members. And like all team sports, surveillance can get expensive. Is the client prepared to field a team of four operatives for six to eight hours?

People recall with fondness the film *The French Connection* because of the performances of Gene Hackman and Roy Scheider, because of the chase sequences, or maybe because that's how they learned about rocker panels. Notably, it is one of the few works in popular culture that depicts surveillance realistically. Today's viewer—more impatient than the audience of fifty years ago—will notice how time seems to drag during the surveillance sequences. When things do happen, the viewer is confused, unsure what the events mean because they lack context. In the film, as in real life, surveillance is capital intensive—many people spend many hours on it—and even when successful, it is valuable only when supported by facts developed through other methods. In the film, context was provided by wiretaps and intelligence from other law enforcement agencies, but in private investigation, the context is provided by open source research. Rare is the case in which surveillance alone provides answers satisfactory to the client. Clients tend to want to know the identities of the people with whom the subject meets and the possible links between such people and the matter at hand. That is where solid open source research comes in; it adds meaning to what is observed in the field.

In fact, a talented researcher can use the information gleaned from open sources to establish links between and among people and entities that, depending on the matter, may obviate the need for surveillance. Finding your subject's name on a deed or an incorporation paper next to someone else's name tells you far more about the closeness of that relationship than video of the two people walking together. International surveillance can get even more expensive, so commissioning open source research that identifies an Instagram post in which the subject photographed herself in front of the Eiffel Tower is a cost-effective way to establish the subject's presence in Paris on that date. Similarly, a surveillance team could have followed one jetsetter for days, but when she posted to Twitter a photograph of her week's date book entries to show her followers the busy life she led, she put the team out of business. One researcher made one telephone call and the busy socialite was served with process the next day, just where her date book said she would be.

Although not the multi-dimensional tool Hollywood believes it to be, surveillance can be useful, in

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some cases invaluable, assuming it is employed in the right circumstances on behalf of a client who understands its limitations and its cost. In some cases, open source research may provide some of the same information that surveillance would otherwise develop, but in many cases, there is no substitute for wearing out the soles of your gumshoes.



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