



The importance of preserving claim-related evidence

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Whether a copier catches on fire, water damage forces a business to close or an employee is injured while using machinery on the job, failing to preserve the claim-related evidence can prove to be costly.

When an injury, property damage or product failure happens, a forensic investigation company should be used to secure, collect and preserve the critical evidence. Only then can the claim be properly processed and brought to clarity by determining who or what is at fault.

Consider this example – An office employee sits down to begin the day and his chair breaks causing him to fall and injure his back. The employee has extensive back injuries and the time off he needs to recover causes the business major productivity issues. The reason why the chair malfunctioned may be lost if the evidence is not preserved.

If forensic experts are brought in, they will not only preserve the evidence, but can also do an extensive investigation and ask questions like – how did the chair malfunction and was it the chair that caused the injury?

Those questions lead to others, such as – how many of these chairs does the employer own and how many employees are exposed to this hazard? From a risk standpoint, it is important for the employer to know so they can prevent additional employee injuries. From a legal perspective, the outcome of the investigation may result in a subrogation case against the manufacturer of the chair or unveil negligence on behalf of the user.

CROSSING EVERY "t" AND DOTTING EVERY "i"

The forensic investigation process includes identifying, collecting, storing, preserving, examining and testing evidence so the interested parties will know with certainty what caused the loss. A quality investigation will include a rigorous, detailed process with established industry standards that must be followed to ensure accuracy. It requires a skilled, experienced team that is trained in the recommended and accepted protocols that are part of a scientific method of processing physical evidence.

All evidence should be professionally collected, stored and preserved in accordance with applicable standards of care. The environment where the evidence is stored must be safe, secure, clean and organized in order to protect it from loss, contamination and degradation. The security and integrity of the physical evidence must be maintained from the time it is discovered through its collection, examination and testing. Steps including the receipt, transmittal and release of evidence must be fully documented by experts in evidence custody.

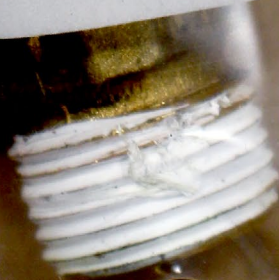


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Fire Sprinkler



In addition to workers' compensation claims, forensic investigations are also conducted for property, casualty and liability claims. Here are a couple examples of situations where the expertise of a forensic investigation team can be valuable:

#1 A medical facility has a major water leak coming from the 3rd floor that causes employees and visitors to slip and fall, damages the building's drywall, ceilings, fixtures, mechanical and electrical equipment, and various items on the floors below. In this case, there are possible workers' compensation injuries, property damage and liability claims. There is a need for a thorough investigation into the cause of the water leak. It is prudent that a forensic investigation company is promptly dispatched to go there immediately, secure the evidence and start the process of figuring out what happened and who is liable. In addition to professional investigators, the risk manager will also send workers' compensation, property and liability claims adjusters to determine the scope of the loss and process the claims, and send forensic engineers to determine the cause of the water leak. Once the origin and cause of the loss are identified, the forensic investigator will photograph the evidence, bag it, tag it, label it, transport it, store it and preserve it in a secure storage facility until it can be examined and the cause of all of these claims is properly identified and documented.

#2 A pharmaceutical company that uses refrigerators and freezers to store drugs had a refrigeration unit that stopped working, causing an entire supply of chemotherapy drugs to spoil. There are some important questions to ask – why did the drugs spoil, how did they spoil, were the right protocols in place and whose fault is it? Unless it gets investigated and all the evidence is properly captured promptly on the front end, there's a high potential for spoliation of the evidence. If somebody tampered with the refrigeration units or drugs, or changed them in any way, the evidence is not being preserved properly. A professional forensic investigation company is the right choice for managing the insured's duty to preserve all evidence that can be subject to litigation.

PHOTOGRAPH

LABEL

TRANSPORT

STORE

CATALOG

PRESERVE

PEOPLE + PROCESS = PERFORMANCE AND RESULTS

When something bad happens, you need an expert in the item that failed or caused the loss – a generalist is less likely to provide a thorough, informed investigation.

At Unified Investigations & Sciences (Unified), we have highly-skilled specialists who follow industry standards for methodical collection and preservation of evidence. We photograph it, label it, transport it and store it, and then catalog it and preserve it in one of our secure evidence facilities. We follow guidelines for the safe and systematic investigation and analysis of incidents including evidence handling and storage; the collection and preservation of information and physical items by any technical investigator pertaining to an incident that can be reasonably expected to be the subject of litigation; and for labeling physical evidence collected during field investigations, received in a forensic laboratory, or isolated, generated or prepared from items submitted for examination.

Not everybody in the claims process is up to speed on these standards – but Unified's forensic experts are. It is important to have experts who are trained, experienced, and know how to follow the guidelines to the letter – they must cross every "t" and dot every "i" to meet the requirements. For example, the standards for labeling items properly in the laboratory indicate that the following details must be included – unique file number, date and time collected, name of the person who collected it, a description of what the item is and where it came from. If the labeling is missing any of these details, then it's incomplete. For someone who is not experienced in the collection and preservation of evidence, odds are they are not going to complete the labeling process with those standards, and they are not going to cross every "t" and dot every "i" in the investigation process.

Common mistakes include failure to identify and preserve the evidence, and altering the evidence before all interested parties are able to examine it. These mistakes can cause problems if the case goes into litigation and the evidence is needed.

When a claim occurs, companies and insured parties need forensic investigators who follow the scientific method, and faithfully use a dedicated, disciplined process to ensure they can accurately determine the cause of the loss.

POWER STRIP: CULPRIT OF OFFICE FIRE

An insurance company insured a commercial office, the office building caught on fire, and the fire department came in and put the fire out. The insurance company hired Unified as their forensic investigation company to come to the scene, secure the evidence and figure out what caused the fire. Unified identified the area of origin was a desk in a corner office with a laptop that was plugged into a new power strip with an electrical outlet in the wall. We took the laptop, power strip and wall outlets into evidence. The Unified team did some non-

destructive testing with X-rays and our electrical engineers examined all the evidence. We determined that the power strip had a fault in it so the party that manufactured the device was put on notice. The manufacturer's experts took a look at it and determined that our test results were correct. Instead of the insurance company writing a \$3,000,000 check to replace the office building that burnt down, the company that manufactured the power strip accepted responsibility for the damages. None of that would have been possible if the evidence was not correctly preserved.



