

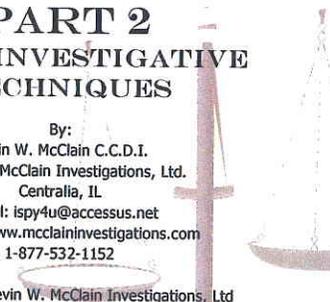
**UNCOVERING
REASONABLE DOUBT!**

PART 2

**FIELD INVESTIGATIVE
TECHNIQUES**

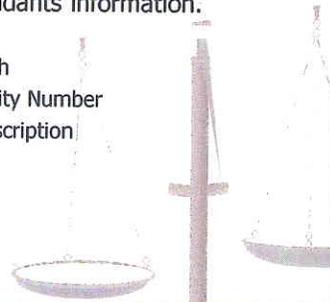
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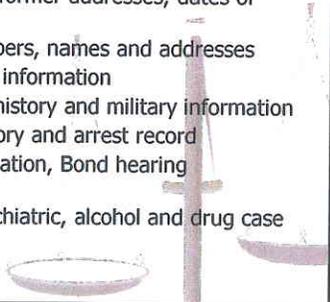
Initial Defendant Interview

- Obtain defendants information.
 - Legal Name
 - Place of Birth
 - Social Security Number
 - Personal description
 - Height
 - Weight
 - Hair Color
 - Eye Color



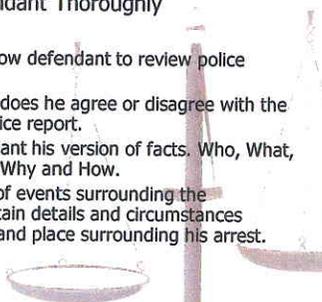
Initial Defendant Interview

- Present and former addresses, dates of residency
- Family members, names and addresses
- Employment information
- Educational history and military information
- Criminal history and arrest record
- Financial situation, Bond hearing information.
- Medical, psychiatric, alcohol and drug case histories



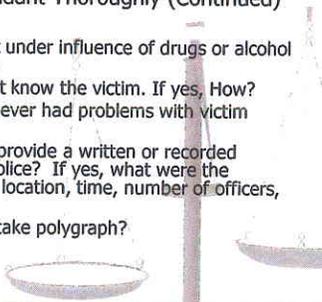
Initial Defendant Interview

- Question Defendant Thoroughly
 - If available allow defendant to review police report.
 - Ask defendant does he agree or disagree with the facts in the police report.
 - Ask the defendant his version of facts. Who, What, Where, When, Why and How.
 - Obtain details of events surrounding the allegations, obtain details and circumstances including time and place surrounding his arrest.



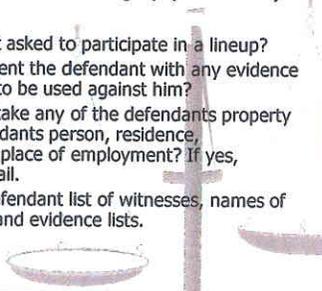
Initial Defendant Interview

- Question Defendant Thoroughly (Continued)
 - Was defendant under influence of drugs or alcohol when arrested.
 - Does defendant know the victim. If yes, How?
 - Has defendant ever had problems with victim previously?
 - Did defendant provide a written or recorded statement to police? If yes, what were the circumstances, location, time, number of officers, Miranda.
 - Did defendant take polygraph?



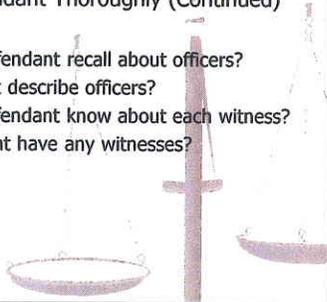
Initial Defendant Interview

- Question Defendant Thoroughly (Continued)
 - Was defendant asked to participate in a lineup?
 - Did police present the defendant with any evidence or statements to be used against him?
 - Did the police take any of the defendants property from the defendants person, residence, automobile, or place of employment? If yes, describe in detail.
 - Review with defendant list of witnesses, names of police officers and evidence lists.



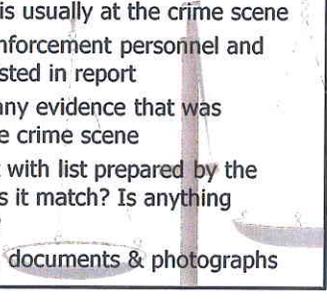
Initial Defendant Interview

- Question Defendant Thoroughly (Continued)
 - What does defendant recall about officers?
 - Can defendant describe officers?
 - What does defendant know about each witness?
 - Does defendant have any witnesses?



The Crime Scene Report

- Note: The biggest place where data and facts get manipulated is usually at the crime scene
- Identify all law enforcement personnel and forensic people listed in report
- Identify and list any evidence that was collected from the crime scene
- Compare that list with list prepared by the prosecution. Does it match? Is anything unaccounted for?
- Review evidence, documents & photographs

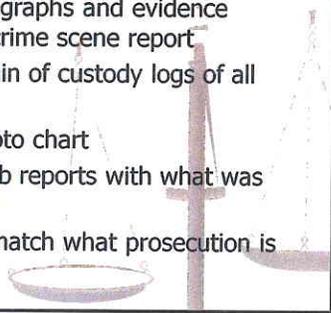


Evidence Chart



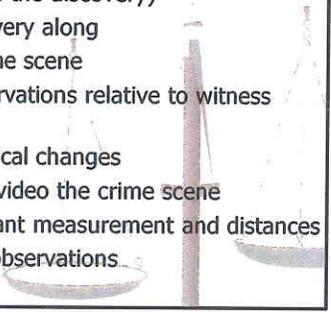
The Crime Scene Report

- Compare photographs and evidence documents to crime scene report
- Complete a chain of custody logs of all evidence
- Complete a photo chart
- Compare the lab reports with what was sent for testing
- Do lab results match what prosecution is claiming?



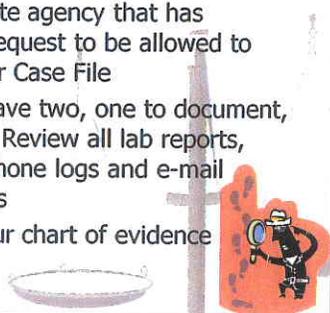
Crime Scene Report

- Go to the crime scene (try to go at the time that is consistent with the discovery)
- Bring your discovery along
- Examine the crime scene
- Record any observations relative to witness statements
- Record any physical changes
- Photograph and video the crime scene
- Obtain any relevant measurement and distances
- Document your observations



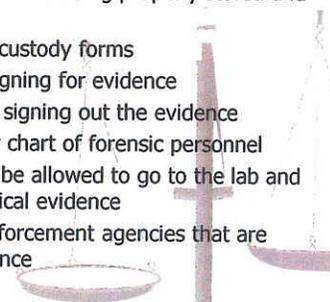
Examining The Evidence Part 1

- Contact the state agency that has evidence and request to be allowed to view the Master Case File
- Good idea to have two, one to document, one to inspect. Review all lab reports, bench notes, phone logs and e-mail communications
- Compare to your chart of evidence



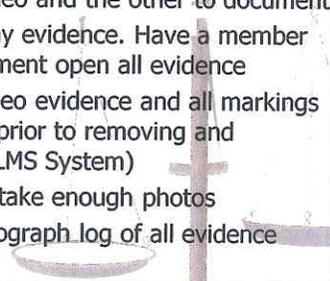
Examining the Evidence Part 1

- Verify that evidence is being properly stored and secured
- Review chain of custody forms
- Who has been signing for evidence
- When were they signing out the evidence
- Compare to your chart of forensic personnel
- File a request to be allowed to go to the lab and examine all physical evidence
- Go to the law enforcement agencies that are storing the evidence



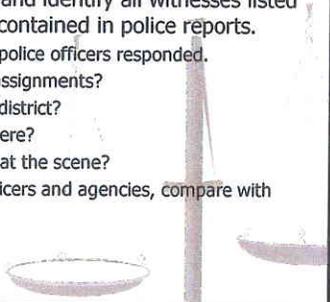
Examining The Evidence Part 2

- Should have two, one to examine and/or photograph/video and the other to document
- Never touch any evidence. Have a member of their department open all evidence
- Photograph/video evidence and all markings and bar codes prior to removing and examining (CALMS System)
- You can never take enough photos
- Prepare a photograph log of all evidence



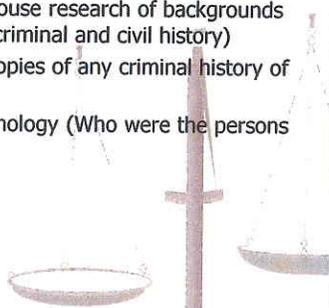
Victim and Witness Background Investigation

- Review discovery and identify all witnesses listed by state and / or contained in police reports.
 - Determine which police officers responded.
 - What were their assignments?
 - Were they out of district?
 - Why were they there?
 - What did they do at the scene?
 - Make list of all officers and agencies, compare with reports.



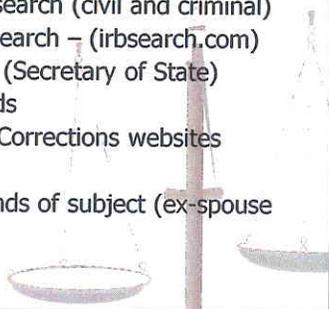
Victim and Witness Background Investigation

- Conduct a courthouse research of backgrounds of all witnesses (criminal and civil history)
- Obtain certified copies of any criminal history of state witnesses
- Background victimology (Who were the persons in their life.)



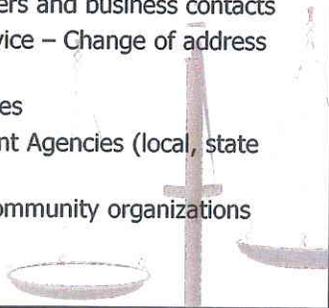
Location of Witnesses

- Courthouse Research (civil and criminal)
- Run database search – (irbsearch.com)
- MVR Records – (Secretary of State)
- Property Records
- Department of Corrections websites
- Public utilities
- Family and friends of subject (ex-spouse or in-laws)



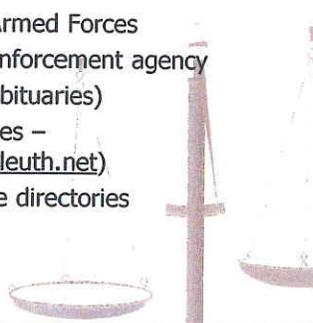
Location of Witnesses

- Former employers and business contacts
- U.S. Postal Service – Change of address form)
- Fellow employees
- Law Enforcement Agencies (local, state and federal)
- Business and community organizations
- Neighbors



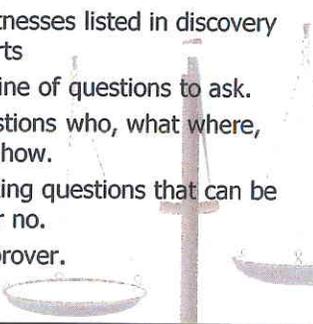
Location of Witnesses

- United States Armed Forces
- Child support enforcement agency
- Newspapers (Obituaries)
- Internet searches – (www.internetsleuth.net)
- Cross Reference directories
- Radio



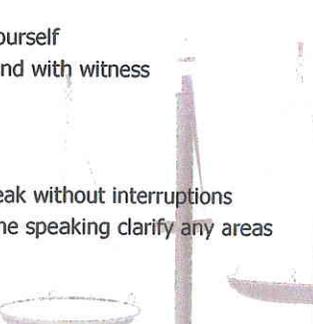
Interviewing Witnesses

- Interview all witnesses listed in discovery and police reports
- Develop an outline of questions to ask.
- Always ask questions who, what where, when, why and how.
- Try to avoid asking questions that can be answered yes or no.
- Always have a prover.



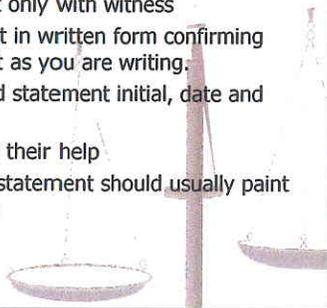
Interviewing Witnesses

- Properly identify yourself
- Find common ground with witness
- Ask for their help
- Be a good listener
- Do not take notes
- Let the witness speak without interruptions
- After witness is done speaking clarify any areas



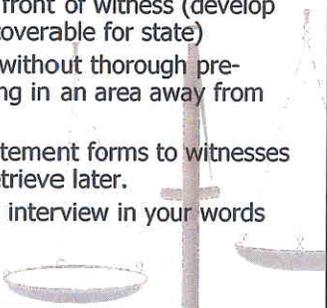
Interviewing Witnesses

- Review statement only with witness
- Prepare statement in written form confirming facts of statement as you are writing.
- Have witness read statement initial, date and sign
- Thank witness for their help
- Remember – the statement should usually paint a picture (details)



Pitfalls of Interviews

- Taking notes in front of witness (develop information discoverable for state)
- Tape recording without thorough pre-interview or being in an area away from distractions
- Giving blank statement forms to witnesses to fill out and retrieve later.
- Summarizing an interview in your words not the witness



Pitfalls of Interviews

- Interviewing a witness in the presence of another witness
- Making false promise to witness i.e. won't have testify.
- Threatening a witness with a subpoena if they don't talk
- Listing on your invoicing the name and / or address of witness contacted.

