

Specialized Investigators’ Basic Course Workbook Series Student Materials

Learning Domain 62

Case Management and Sources of Information

Version Two

**Basic Course Workbook Series
Student Materials
Learning Domain 62
Case Management and Sources of Information
Version Two**

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THE ACADEMY TRAINING MISSION

The primary mission of basic training is to prepare students mentally, morally, and physically to advance into a field training program, assume the responsibilities, and execute the duties of a peace officer in society.

FOREWORD

The California Commission on Peace Officer Standards and Training sincerely appreciates the efforts of the many curriculum consultants, academy instructors, directors and coordinators who worked with POST to develop this workbook. The Commission extends its heartfelt appreciation to the California law enforcement agencies who freely offered personnel who gave of their time to participate in the development of this training material.

This student workbook is part of the POST Basic Course Training System. The workbook component of this system provides self-study documents for every learning domain that makes up the basic course. Each workbook is intended to be a supplement to, not a substitute for, classroom instruction. Its objective is to improve learning and retention of information by a student attending the academy.

The content of each workbook is organized into sequenced learning modules to meet requirements as proscribed both by California law and the POST Training and Testing Specifications for the Basic Course.

It is our hope that the collective wisdom and experience of all who contributed to this book helps you, the student, to successfully complete the academy course, to advance to the Field Training Officer program and to enjoy a safe and rewarding career as a peace officer serving the communities of California.

A handwritten signature in black ink, appearing to read "Hal Snow". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

HAL SNOW
Interim Executive Director

LD 62: Case Management and Sources of Information

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Preface

Introduction

Student workbooks

The student workbooks are part of the POST Basic Course Instructional System. This system is designed to provide students with a self-study document to be used in preparation for classroom training.

Specialized Investigators' Basic Course training requirement

All law enforcement officers occupying positions as peace officers, as recognized by the California Penal Code and where the POST-required standard is the POST Specialized Investigators' Basic Course, must complete the course prior to the exercise of peace officer powers. The Specialized Investigators' Basic Course is comprised of 42 instructional units, called leaning domains (LD), from the Regular Basic Course, and 4 LDs specifically developed for the Specialized Investigators' Basic Course.

The content of each workbook is organized into sequenced learning modules designed to meet the requirements of the training specification document for the Specialized Investigators' Basic Course.

Student workbook elements

The following elements are included in each workbook:

- chapter contents, including a synopsis of key points,
 - supplementary material, and
 - a glossary of terms used in this workbook.
-

How to Use the Student Workbook

Introduction

This workbook provides an introduction to the training requirements for this Learning Domain. You may use the workbook in several ways: for initial learning, for test preparation, and for remedial training.

Workbook format

To use the workbook most effectively, follow the steps listed below.

Step	Action
1	Begin by reading the first two sections (POST Welcome and How to Use the Workbook), which provide an overview of how the workbook fits into the POST training program and how it should be used.
2	Refer to the Chapter Synopsis section at the end of each chapter to review the key points that support the chapter objectives.
3	Read the text.
4	Complete the Workbook Learning Activities at the end of each chapter. These activities reinforce the material taught in the chapter.
5	Refer to the Glossary section for a definition of important terms. The terms appear throughout the text and are bolded and underlined the first time they appear (e.g., <u>term</u>).

Chapter 1

Case Investigation

Overview

Learning need Investigators need to know how to evaluate and initiate an investigation.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E. O. Code
• explain how to develop an organized investigation work plan	62.01.EO5
• discuss the criteria for determining jurisdiction.	62.01.EO4
• discuss the importance of the statute of limitations.	62.01.EO3
• discuss the elements of a crime.	62.01.EO1
• explain inculpatory and exculpatory evidence.	62.01.EO2
• discuss the contents of a case file.	62.01.EO6
• discuss investigative costs.	62.01.EO7
• define time management.	62.01.EO8
• discuss the need for time management skills.	62.01.EO9
• apply recommended time management skills.	62.01.EO10
• discuss the importance of inter-agency relations.	62.01.EO13
• discuss possible case dispositions.	62.01.EO14

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Overview, Continued

In this chapter This chapter focuses on case assessment and initiation. Refer to the following chart for specific topics.

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Case Initiation and Documentation

[62.01.EO5, 62.01.EO6, 62.01.EO7]

Introduction

Investigators should establish an organized method for initiating and documenting investigations in order to ensure consistency in their investigations.

Create a checklist or work plan

Most investigators find it useful to spend a few minutes every day creating a checklist of tasks. The investigator should identify and prioritize those tasks that are critical to the investigation. An organized checklist or work plan will help ensure a logical and detailed approach to the investigation.

Identify suspect(s)

Investigations often begin with a vague description of the suspect. It is important to properly identify the suspect and his or her relevant background information.

Outside agency referral

An **outside agency referral** is any investigation referral from an agency other than the investigator's own agency.

Public complaints

Public complaints are complaints made by members of the public that are referred to an investigator for further development.

File contents

A file may contain **case activity records**, **notes**, **reports** and/or computer generated data (e.g., e-mail, CD, DVD, etc.).

A case activity record provides an overview of the investigation.

Notes are usually handwritten, computer entry notations, or recordings made by an investigator in order to remember specific events, dates, or conversations.

Continued on next page

Case Initiation and Documentation, Continued

File contents (continued)

A report is a detailed written summary of statements, evidence, or an event which provides documentation of the investigation.

NOTE: The contents of any file may be subject to the legal rules of discovery.

Case files used as a management tool

Case files are investigative files. Some agencies maintain automated case files that can also track the investigation activities. Case files may contain some or all of the following:

- time allocation for activities,
 - all original reports and notes,
 - investigative costs and documentation,
 - telephone numbers and addresses of witnesses and victims,
 - suspect information and photographs, and/or
 - case activity record.
-

Document investigative costs

Investigative costs are agency monies used to support investigation expenses, such as informants, undercover operations, equipment, incidentals, overtime, and hours spent on investigation, etc. All investigative costs should be tracked and appropriately documented.

Case Evaluation

[62.01.EO3, 62.01.EO4]

Introduction

Investigators should be able to evaluate a case prior to initiating an investigation.

Identify allegation

Before commencing any investigation, an investigator should identify the allegation. While an initial complaint may describe suspicious activity, suspicious activity alone does not necessarily violate any regulation or law.

Before beginning an investigation, an investigator should be able to determine if a violation may exist. An investigator should consider all criminal, civil, and administrative statutes that may apply.

Statute of limitations

The **statute of limitations** is the legal time limit in which a criminal prosecution must be commenced against an accused. A prosecution is commenced when either an indictment or complaint is filed or when an arrest warrant or bench warrant is issued.

Generally speaking, a misdemeanor must be prosecuted within a year of its occurrence. Most felonies must be prosecuted within three years of their occurrence. However, for a felony involving fraud or breach of a fiduciary obligation, the statute of limitations begins at the time of the discovery of the offense. There is no statute of limitations for crimes punishable by the death penalty or life in prison (*Penal Code Section 799*).

Before commencing an investigation, an investigator should determine the applicable statute of limitations. Even if criminal prosecution is barred, civil or administrative actions may apply.

Continued on next page

Case Evaluation, Continued

Jurisdiction

Crimes must be prosecuted in the county that has **jurisdiction** over that offense. A county has jurisdiction when the act(s) or effect(s) are felt within that county (*Penal Code Section 781*).

It is possible for more than one law enforcement agency simultaneously to investigate a person or persons for criminal activity. In order to facilitate inter-agency communication and cooperation, an investigator should determine the appropriate jurisdiction of the offense before beginning an investigation.

Examples

Example: A parent living in County A neglected his child. Several months later, the parent was apprehended in County B. Jurisdiction for the crime of neglect is either County A or County B.

Example: A woman living in County A planned to rob a bank with a man who was living in County B. They agreed on a course of action, and then the woman in County A carried out the bank robbery in County A. Jurisdiction for both individuals may be anywhere that the effects of the bank robbery were felt (e.g., where the crime was planned, where the crime was committed, where the suspects were apprehended, etc.).

Non-example: A man vandalized a car in County A, 600 yards from the county line for adjoining County B. The man can only be prosecuted in County A. He cannot be prosecuted in County B.

Criminal Statutory Provisions

[62.01.EO1, 62.01.EO2]

Introduction Because all crimes in California are defined by statutes, investigators should become familiar with the statutory provisions that pertain to an investigation.

Statutes Investigators should be aware that investigations are not limited to criminal statutory provisions. Investigations may also include violations of civil or administrative statutes or regulations.

NOTE: Please refer to your agency for specific regulations.

Elements of a crime Elements of a crime are the individual components of a criminal charge. To support a criminal conviction, each element must be proved beyond a reasonable doubt by the prosecution at trial. To conduct a successful investigation, the investigator must know and understand the elements of any relevant criminal statute. A good source to review is “Published Jury Instructions” (i.e., Cal Crime).

Case law The elements of a crime may be modified by court decisions or case law. Case law has the same force and effect as statutory provisions.

Evidence Evidence is anything that can be perceived by any of the five senses, and can include testimony, writings, or material objects. Evidence can be used to prove or to disprove any item of consequence.

Inculpatory evidence is evidence that tends to show that an individual *has* violated some rule of law.

Exculpatory evidence is evidence that tends to show that an individual *has not* violated some rule of law.

Continued on next page

Criminal Statutory Provisions, Continued

Examples

Example: In the course of an investigation into tampering with vehicle identification number (VIN) plates, an investigator determined that the suspect stole the VIN plates from a certain model and make of car. The investigator's repeated observations of the suspect standing near that model and make of car is inculpatory evidence.

Example: A man being investigated for insurance fraud claimed that he was debilitated by a back injury from a car accident. The investigator conducted a surveillance operation in which the man was seen walking slowly and with the aid of a cane. The observations of the man are consistent with someone who is truly suffering from a back injury and are exculpatory evidence.

Non-example: An investigator photographed a suspect offering a bribe to a local public official. In the background of the photograph was an intersection with cars, none of which were involved in the transaction. The intersection and cars are not exculpatory or inculpatory evidence of the bribery.

Case Management

[62.01.EO8, 62.01EO9, 62.01.EO10, 62.01.EO13]

Introduction Because of the demanding and complex nature of criminal investigations, investigators should develop effective methods of case management.

Time management **Time management** is organization of tasks to maximize efficiency. In order to accommodate the many demands on an investigator's time, investigators should develop time management skills.

Need for time management **Flexibility** is the ability to respond smoothly to the interruptions and demands of an investigation. Interruptions can include training sessions, court hearings, meetings, agency assists, and collateral duties. It is important to reassess priorities on a regular basis in order to make the most effective use of time. Without proper case management and task prioritization, an investigator can fall behind schedule, become disorganized and ineffective.

Time management skills The following chart lists recommended time management skills:

Time Management Skills	Benefit
Create a checklist of tasks for the day, incorporating any incomplete tasks from the previous day	<ul style="list-style-type: none">• Facilitates organization• Provides visual reminder
Telephone ahead to make sure necessary people and/or documents are present and available	Reduces wasted effort

Continued on next page

Case Management, Continued

Time management skills (continued)

Time Management Skills	Benefit
Plan a radius from the office, beginning with those tasks furthest from the office and ending with those tasks closest to the office	Ensures efficient use of time by minimizing geographical overlap
Calendar future appointment obligations, due dates and upcoming events	<ul style="list-style-type: none"> • Avoids conflicts • Effective time management • Do not rely on memory

Examples

Example: An investigator has been assigned an urgent case of high importance. The investigator prioritizes his tasks by creating a checklist, including meetings with allied agencies and updating his supervisor. This is an example of effective time management skills.

Example: An investigator needs to conduct multiple interviews with different witnesses. He schedules a logical order of interviews based on the witnesses' geographical locations, beginning with the interviews furthest from the office and ending with the interviews closest to the office. This is an example of effective time management skills.

Non-example: An investigator fails to obtain a calendar of upcoming training sessions, meetings, and hearings. As a result, he missed a court appearance and the case was dismissed. This is ineffective time management because he did not track and prioritize important tasks.

Continued on next page

Case Management, Continued

Interagency relations

Investigators should maintain good working relationships with investigators from other agencies. Networking or communicating with other agency investigators can also save time by eliminating duplication of effort.

In **multi-agency investigations**, more than one law enforcement agency is involved in the investigation.

Interstate investigations involve law enforcement agencies from other states.

Certain agencies create a **memorandum of understanding** (MOU) to clarify and facilitate multi-agency cooperation and organization.

Confidentiality

Investigators should be familiar with agency policy regarding confidentiality and release of sensitive information. Check with agency before releasing any sensitive information.

Case Disposition

[62.01.EO14]

Introduction

Investigators should know how to prepare a case for prosecution.

Case disposition

Because each investigation is unique, **case disposition** is determined individually based on the facts and with reference to specific agency policy and law.

Once an investigation has been completed, the case agent should organize and present the case to the appropriate charging agency. A case may be charged in one or all of the following venues, or courts: criminal, civil, or administrative. The charging agency will determine if any violation can be proved or if further investigation is necessary. The case agent is responsible for monitoring the case through the entire court or hearing process.

If the evidence is insufficient to establish any violation and no further evidence can be obtained, the investigation may be closed.

Discovery

Discovery is the legal process that requires information to be revealed before trial. Discovery rules apply after a complaint has been filed.

Media coverage

Once a case has been referred for possible charges, there may be an interest in media coverage.

NOTE: Please refer to specific agency policy for rules regarding interacting with the media.

Chapter Synopsis

Learning need Investigators need to know how to evaluate and initiate an investigation.

Elements of a crime [62.01.EO1] Elements of a crime are the individual components of a criminal charge. To support a criminal conviction, each element must be proved beyond a reasonable doubt by the prosecution at trial. To conduct a successful investigation, the investigator must know and understand the elements of any relevant criminal statute.

Evidence [62.01.EO2] Evidence is anything that can be perceived by any of the five senses and can include testimony, writings, or material objects. Evidence can be used to prove or to disprove any item of consequence.

Statute of limitations [62.01.EO3] The statute of limitations is the legal time limit in which a criminal prosecution must be commenced against an accused. A prosecution is commenced when either an indictment or complaint is filed or when an arrest warrant or bench warrant is issued.

Jurisdiction [62.01.EO4] Crimes must be prosecuted in the county that has jurisdiction over that offense. A county has jurisdiction when the act(s) or effect(s) are felt within that county (*Penal Code Section 781*).

Case initiation and documentation [62.01.EO5] Investigators should establish an organized method for initiating and documenting investigations in order to ensure consistency in their investigations.

Case files [62.01.EO6] Case files are investigative files. Some agencies maintain automated case files that can also track the investigation activities. Case files may contain: rough notes or sketches, telephone numbers and addresses of witnesses and victims, suspect information and photographs, work progress sheets, and/or copies of completed reports.

Continued on next page

Chapter Synopsis, Continued

Investigative costs
[62.01.EO7]

Investigative funds are agency monies used to support investigation costs, such as informants, undercover operations, equipment, incidentals, etc. All investigative costs should be tracked and appropriately documented.

Time management
[62.01.EO8]

Time management is organization of tasks to maximize efficiency. In order to accommodate the many demands on an investigator's time, investigators should develop time management skills.

Need for time management
[62.01.EO9]

Flexibility is the ability to respond smoothly to the interruptions and demands of an investigation. Interruptions can include training sessions, court hearings, meetings, agency assists, and collateral duties. It is important to reassess priorities on a regular basis in order to make the most effective use of time. Without proper case management and task prioritization, an investigator can fall behind schedule and become disorganized and ineffective.

Time management skills
[62.01.EO10]

Time management skills may include creating checklists, telephoning ahead to make sure that individuals and records are available and planning a radius from the office.

Interagency relations
[62.01.EO13]

Investigators should maintain good working relationships with investigators from other agencies. Networking or communicating with other agency investigators can save time by eliminating duplication of effort.

Case disposition
[62.01.EO14]

Because each investigation is unique, case disposition is determined individually based on the facts and with reference to specific agency policy.

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. However, by referring to the appropriate text, you should be able to prepare a response.

Activity questions

1. A young man walked into the police department in County A and reported that a group of people had staged a freeway “accident” in County C, resulting in the deaths of three people. All the group members reside in County A. The young man stated that he was responding to a local crime stoppers program that had aired the previous night in County A. You are an investigator in County A and have been assigned to assist in this investigation. Explain how you would proceed with the case investigation.

2. At an early stage of your investigation, a local law enforcement agency provided you with confidential information. You concluded the investigation successfully and submitted the case to the prosecuting agency. After a violation has been filed, do you have to disclose any of the confidential information in the case file or working file? Explain and discuss.

Continued on next page

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

3. During an investigation involving possible insurance fraud, you discover that another law enforcement agency is also investigating your suspect for possible fraudulent activity in that jurisdiction. What impact, if any, would this have on your investigation?

Chapter 2

Case Investigation and Information Resources

Overview

Learning need Investigators need to become familiar with different sources of information that are available as investigative resources.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E. O. Code
• distinguish between fact and hearsay.	62.02.EO1
• discuss the information that may be obtained from a law enforcement agency.	62.02.EO2
• discuss the information that may be obtained from a city or county.	62.02.EO3
• discuss the information that may be obtained from state agencies.	62.02.EO4
• discuss the information that may be obtained from federal agencies.	62.02.EO5
• discuss the information that may be obtained from an independent agency.	62.02.EO6
• discuss additional sources of information, including internet resources.	62.02.EO7

Continued on next page

Overview, Continued

In this chapter This chapter focuses on finding and using information sources in the public and private sector. Refer to the following chart for specific topics.

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Additional Sources of Information	2-15
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Types of Information

[62.02.EO1]

Introduction

Investigators should become familiar with all of the resources available to law enforcement agencies.

Types of information

Facts include documents and data providing objectively verifiable information such as age, date of birth, vehicle registration, criminal history, etc. Facts are considered more reliable than hearsay.

Hearsay is second-hand information that may be accurate but should be corroborated. Hearsay is often most helpful for determining a starting point for factual resources.

Evaluating types of information

Investigators should evaluate all sources of information to determine if it is fact or hearsay. For example, witness interviews are an important source of information and can provide facts, or hearsay, or both. Similarly, the Internet may be a valuable investigative resource, although the information obtained from it is considered hearsay.

Agencies as Sources of Information

[62.02.EO2, 62.02.EO3, 62.02.EO4, 62.02.EO5, 62.02.EO6]

Law enforcement agency information

Significant information is often maintained at law enforcement agencies, including the agency of the investigator seeking the information. The following chart lists information that may be maintained by a law enforcement agency.

Resource	Primary information available
Master name index	Comprehensive compilation of that agency's contacts with an individual
Incident report	Names, addresses and dates of birth of all reporting persons, suspects, victims, and witnesses
Arrest records or criminal histories	Information from National Crime Information Center, Western States Information Network, Federal Bureau of Investigation, etc., regarding an individual's application, arrest, conviction, or imprisonment history
Modus operandi files	Record of how certain crimes were committed
Gun registration files	Name, address, and physical description of the gun purchaser, as well as weapon description and date of the purchase
Identification and fingerprint files	Fingerprints for individuals required to submit fingerprints in the course of applying for certain types of employment
Warrants records	Indicate if a warrant was ever issued for the person or property

Continued on next page

Agencies as Sources of Information, Continued

**Law
enforcement
agency
information**
(continued)

Resource	Primary Information Available
Property files	All reported lost, stolen, or found property
Field identification cards or field interview cards	Name and address of the suspect and any companions, vehicle description, employment or school, and reason for contact
Juvenile contacts	Name, information regarding the juvenile's parents and/or siblings, and school attended
Pawnshop records	Descriptions of pawned property
Restraining orders (Domestic violence)	Name, parties involved, limitation on individual

Continued on next page

Agencies as Sources of Information, Continued

City and county resources

Public records often contain a great deal of information about an individual and can be accessed by anyone. The following chart lists several city or county resources for investigators to consider.

Resource	Primary information available
Assessor's office	Tax records for any county resident; records of real property including ownership, deeds, transfers and mortgages
Building department	Building permits, blueprints and diagrams of buildings, details on building construction
Civil service records	Personnel history, dates of employment, and any liens filed against wages
Coroner's office	Autopsy reports, names and descriptions of deceased individuals, cause of death, date of inquest or autopsy, description and disposition of property taken from the deceased
County clerk	Marriage licenses, adoptions, civil actions (e.g., lawsuits, damages awarded, judgments, attachments, insanity hearings, liens, and divorce proceedings), and criminal actions (e.g., complaints, court rulings and findings, convictions, probation reports)
County recorder	Records of judgments, trust deeds, mortgages, bankruptcy filings, marriage, birth and death certificates

Continued on next page

Agencies as Sources of Information, Continued

**City and
county
resources
(continued)**

Resource	Primary information available
County treasurer	Payment to county employees, school teachers, and welfare recipients; tax bills; taxes levied on lands, improvements, and personal property. (e.g., airplanes, boats, etc.)
Health department	Vital statistics, including dates of birth or death
License bureau	Business licenses and permits
Transportation or engineering department	Maps of the city, correct street numbers, former street names, location of alleys and easements
Voter registration	Roster of voters; names, addresses, occupations, places of birth, and places of previous registrations; registrant's handwriting (signature)
Welfare department	Personal data and social history of individuals involved in public assistance programs

Continued on next page

Agencies as Sources of Information, Continued

State resources

The following chart lists some commonly used state sources of information. For a comprehensive listing of all state agencies and descriptions of principal activities, please refer to: www.my.ca.gov.

Resource	Primary information available
Department of Food & Agriculture	Regulates, inspects and/or licenses individuals and businesses involved in meat and poultry, milk and dairy foods, and livestock identification
Department of Alcoholic Beverage Control	Maintains records of licenses to serve or sell alcoholic beverages, and issues suspensions or revocations for violations of the Alcoholic Beverages Control Act
Department of Consumer Affairs	Maintains records of licenses for many professions, including accountants, architects, automobile repair shops, barbers, chiropractors, contractors, engineers, doctors, nurses, and private investigators
California Highway Patrol	Investigates all crimes occurring on state property; maintains a computerized automatic statewide inquiry system that indexes stolen, recovered, wanted, impounded, and embezzled vehicles; conducts weighing and inspections of commercial vehicles
California Horse Racing Board	Regulates and licenses horse racing and racetracks; licenses associations and persons managing horse races; supervises wagering; and maintains records on races, jockeys, and horses
Commission on Peace Officer Standards and Training (POST)	Establishes minimum training curriculum and hiring standards for most California peace officers; certifies training presenters; maintains confidential peace officer training records; provides support services to California law enforcement agencies

Continued on next page

Agencies as Sources of Information, Continued

State
resources
(continued)

Resource	Primary information available
Department of Insurance	Maintains database of suspected fraudulent claims and records of all licensed agents, brokers, and solicitors
Department of Justice	Maintains the California Law Enforcement Telecommunications Systems (CLETS) that allows instant information retrieval on stolen vehicles; maintains records of civil or criminal litigation; maintains Cal-I.D. database
Department of Motor Vehicles	Maintains records on all motor vehicles and small boats; licenses all drivers; collects motor vehicle taxes; supervises private driving schools, manufacturers, dealerships, dismantlers, and salespersons
Department of Parks and Recreation	Maintains records on lifeguards, rangers, curators, and maintenance personnel in state-owned recreation facilities, beaches, parks, camping areas, historical monuments, and trails
Employment Development Department	Maintains labor market information, maintains tax records on employers, disperses unemployment and disability information
Department of Industrial Relations	Enforces labor laws, maintains records of employer and employer worker's compensation filings
Department of Developmental Services	Records on state licensed health care providers

Continued on next page

Agencies as Sources of Information, Continued

State
resources
(continued)

Resource	Primary information available
Department of Personnel Administration	Maintains list of state civil service employees and retirees
Department of Real Estate	Licenses all real estate brokers and salespeople
Secretary of State	Maintains records on articles of incorporation on all incorporated businesses, insurance companies, churches and associations, name changes certified by county clerks, papers filed by candidates for election to state offices, and election returns

Continued on next page

Agencies as Sources of Information, Continued

Federal resources

The following chart lists several federal sources of information that the investigator may want to consider.

Resource	Primary information available
Central Intelligence Agency	Correlates and evaluates intelligence relating to international and national security
Court records	Records pertaining to federal lawsuits, bankruptcy petitions and judgments; creditors
Department of Defense	Maintains records of all persons who are or who ever have been in the Army, Navy, or Air Force, including civilian employees
Department of Health, Education and Welfare	Administers and controls Office of Education, Social Security Administration, Welfare Administration, Public Health Service, and Food and Drug Administration
Department of the Interior	Investigates mining accidents, protects fish and wildlife, and investigates offenses involving alcoholic beverages and drugs on Indian reservations
Department of Labor	Enforces laws governing minimum wage, child labor, hours, industrial safety and health
Department of State	Coordinates foreign intelligence program; maintains information on the issuance of passports and visas
Department of Transportation	Maintains records of all persons who are or have been in the Coast Guard; licenses all civilian pilots and aircraft

Continued on next page

Agencies as Sources of Information, Continued

Federal resources
(continued)

NOTE: Three websites with information about federal agencies are the:

- Official web connection to federal government online services, www.firstgov.gov
- Louisiana State University Libraries Federal Agencies Directory, www.lib.isu.edu/gov/fedgov.html
- Official U.S. Executive Branch Web Sites, www.lcweb.loc.gov/global/executive/fed.html

Resource	Primary information available
Department of Treasury	Assesses and collects federal taxes; administers gun and explosives control laws; collects excise taxes on alcohol and tobacco; assesses and collects imports duties and investigates smuggling of contraband; investigates counterfeiting
Drug Enforcement Administration	Investigates violations of narcotic laws; maintains records of all licensed handlers of narcotics such as physicians, pharmacists, and other qualified persons
Federal Bureau of Investigation	Has jurisdiction to investigate all federal crimes not specifically assigned by Congress to another federal agency; maintains the world's largest collection of fingerprints; maintains scientific crime laboratory; maintains the National Crime Information Center (NCIC) index

Continued on next page

Agencies as Sources of Information, Continued

**Federal
resources
(continued)**

Resource	Primary information available
Food and Drug Administration	Enforces laws concerning shipment and branding of food, cosmetics, and drugs
Immigration and Naturalization Service	Maintains information relating to the admission, exclusion, and deportation of aliens, and the naturalization of aliens lawfully residing in the United States; maintains registration information and fingerprints of all aliens in the United States
United States Postal Service	Investigates theft from mail, use of mail to defraud or to harm, counterfeiting or forgery of money orders, stamps, and postal cards; maintains forwarding addresses, return addresses of all first class mail, traces mail delivery routes

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Agencies as Sources of Information, Continued

Independent agencies

Many of the activities of the national government are not assigned to a Cabinet department, resulting in the establishment of several independent agencies or commissions. These agencies have administrative powers and often conduct investigations in a specified area. The following chart lists some of these independent agencies that may be considered as a source of information.

Resource	Primary information available
National Transportation Safety Board	Regulates air carrier operations; investigates accidents involving civilian aircraft
Civil Service Commission	Maintains records of federal civil service personnel; conducts national agency checks, inquiries, and limited personnel investigations for sensitive positions; enforces civil service laws and rules
Federal Communications Commission	Regulates commerce in communication by wire and radio; issues broadcasting licenses; classifies radio stations and assigns frequencies
Federal Power Commission	Investigates and regulates rates, charges, and services of electric power and natural gas
Federal Trade Commission	Investigates restraints on trade, false advertising, and marketing of certain apparel or fabrics
Interstate Commerce Commission	Regulates motor carriers, water carriers, freight forwarders, and railroads
Securities and Exchange Commission	Investigates fraud and deception in the purchase and sale of securities
Veterans Administration	Administers laws involving benefits to former members of the armed forces, their eligible dependents, and beneficiaries

Additional Sources of Information

[62.02.E07]

Introduction

Investigators should be familiar with the variety of sources of information in both the private and public sectors.

Utilities

Investigators may consider utility companies as important sources of information. However, subscriber information generally can only be accessed by a search warrant or subpoena duces tecum. Utilities may include, but are not limited to, the following:

- telephone
 - gas and electric
 - water
 - cable television
 - refuse
-

Examples

Example: An investigator seeks an accurate address for a male suspect. A confidential informant has provided the suspect's unlisted phone number, and when the investigator dials the number, a male answers the phone. The investigator writes a search warrant for the phone number. The search warrant reveals the account holder's name and residential address.

Example: Investigators surveilling a house are unable after several days to determine who lives in the house. They see a water delivery service come to the house twice a week and write a search warrant for the water delivery records. The records provide the name of the primary household resident.

Continued on next page

Additional Sources of Information, Continued

Examples (continued)

Non-example: An investigator observes a suspect selling cocaine to an undercover informant. The investigator follows the suspect to a house and notices trash cans on the curb in front of the house. The investigator sifts through the garbage and determines the suspect's name from personal handwritten papers. The papers are not from an official information resource.

Schools

Educational records may be an important source of information; however, most information is privileged and can only be accessed by a search warrant or subpoena duces tecum. Statutory exceptions may exist for some agencies.

Information maintained by a school may include, but is not limited to, the following:

- student's name, address, and telephone number
 - name of parent or guardian
 - emergency contact
 - dates of attendance
-

Continued on next page

Additional Sources of Information, Continued

Examples

- Example: A young woman is the victim of a hit and run and provides the investigator with the license plate of the other vehicle. The registered owner of the car insists he was attending school at the time of the accident. The investigator writes a valid search warrant for the car owner's school records and determines that the car owner was not attending school during the accident.
- Example: An investigator follows a suspect from his residence to a nearby elementary school. At the school, the suspect meets a young boy and escorts the boy to a daycare center. After writing a valid search warrant, the investigator determines the suspect's name is listed as the child's parent.
- Non-example: An investigator has a hunch that a young woman is counterfeiting money. He asks her school's secretary for a copy of the young woman's current class schedule and grades. Because the investigator has insufficient probable cause to seek a search warrant, he will probably not be provided this information.
-

Continued on next page

Additional Sources of Information, Continued

Court records

Court records are public documents and can be a valuable source of information concerning lawsuits, judgments, liens, allegations, and involved persons.

Examples

Example: An investigator receives information that an individual is manufacturing fraudulent driver licenses. The investigator is also told that the same individual was prosecuted in another county several years ago. By checking court records, the investigator determines that the same individual was convicted of manufacturing false government documents three years ago.

Example: You suspect a business owner of criminal activity but find he is uncooperative when you approach him for a statement. You determine that he was sued in civil court two years ago by a private citizen. By reviewing court records, you determine that the business owner testified in a deposition connected with the lawsuit. Portions of the transcript are in the court file as exhibits. You read the transcript excerpts and determine that the business owner made statements which provide the basis for your continued criminal investigation.

Non-example: You are investigating an individual for identity fraud and want to find prior police reports regarding that individual. Although you may find other valuable information, court records generally do not contain police reports.

Continued on next page

Additional Sources of Information, Continued

Financial institutions

Financial institutions such as banks and credit unions can also be important sources of information. However, information can generally only be accessed by a search warrant or subpoena duces tecum.

Examples

Example: A real estate agent is suspected of submitting false financial statements to lending institutions. The investigator obtains a subpoena duces tecum of the agent's recent financial transactions in order to determine if fraud is taking place.

Example: An investigator receives information that a car repair shop may be falsifying smog certificates. The investigation leads to the shop owner. The investigator obtains a search warrant for the shop owner's financial records.

Non-example: An investigator seeks the bank records of a suspect and asks the teller for them. The teller refuses. Absent consent, the investigator must write and execute a valid search warrant to obtain the suspect's records.

Internet

The internet and specific on-line websites are an exceptional resource of information. The internet can be utilized as an informational resource for individuals and agencies if permitted by agency policy and reliability can be established.

Chapter Synopsis

Learning need	Investigators need to become familiar with different sources of information that are available as investigative resources.
Types of information [62.02.EO1]	Facts include documents and data providing objectively verifiable information such as age, date of birth, vehicle registration, criminal history, etc. Facts are considered more reliable than hearsay.
Law enforcement agency information [62.02.EO2]	Significant information is often maintained at law enforcement agencies, including the agency of the investigator seeking the information.
City and county resources [62.02.EO3]	Public records often contain a great deal of information about an individual and can be accessed by anyone.
State resources [62.02.EO4]	Some commonly used state sources of information are Department of Food & Agriculture, Department of Alcoholic Beverage Control, Department of Consumer Affairs, and California Highway Patrol. For a comprehensive listing of all state agencies and descriptions of principal activities, please refer to: www.my.ca.gov .

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Chapter Synopsis, Continued

**Federal
resources
[62.02.EO5]**

Several federal sources of information that the investigator may want to consider, such as Central Intelligence Agency, Department of Defense, Department of Labor, Department of Transportation, and Federal Bureau of Investigation.

**Independent
agencies
[62.02.EO6]**

Many of the activities of the national government are not assigned to a Cabinet department, resulting in the establishment of several independent agencies or commissions. These agencies have administrative powers and often conduct investigations in a specified area.

**Additional
sources of
information
[62.02.EO7]**

Investigators should be familiar with the variety of sources of information in both the private and public sectors.

Workbook Learning Activities

Introduction

To help you review and apply the material covered in this chapter, a selection of learning activities has been included. No answers are provided. By reviewing the different sections, you should be able to select an appropriate response.

Activity questions

1. An investigator is assigned to investigate an auto dealership for possible fraud violations. The only information provided is the name of the dealership. Describe what investigative resources the investigator should consider and what information might be obtained from each.

2. Explain the importance of assessing types of information. How would you assess information gained through the Internet? How would you assess information gained through a witness interview?

Chapter 3

Developing and Managing Informants

Overview

Learning need Investigators should know how to create and maintain an effective working relationship with an informant.

Learning objectives The chart below identifies the student learning objectives for this chapter.

After completing study of this chapter, the student will be able to:	E. O. Code
• define the term informant.	62.03.EO1
• give examples of common informant motives.	62.03.EO2
• discuss the privilege of confidentiality for informants.	62.03.EO3
• explain the use of an <i>in camera</i> hearing in relation to disclosure of an informant's identity.	62.03.EO4
• explain civil liability in relation to investigators and informants.	62.03.EO5
• discuss the importance of checking personal history of informants.	62.03.EO6
• describe the items recommended to be maintained in an informant's file.	62.03.EO7
• discuss the important principles in working with informants.	62.03.EO8
• discuss the recommended considerations in briefing and debriefing.	62.03.EO10
• discuss the importance of the informants file contents.	62.03.EO12

Continued on next page

Overview, Continued

In this chapter This chapter focuses on developing and managing informants. Refer to the following chart for specific topics.

Topic	See Page
Developing Informants	3-3
Managing Informants	3-6
Chapter Synopsis	3-11
Workbook Learning Activities	3-13

Developing Informants

[62.03.EO1, 62.03.EO2, 62.03.EO3, 62.03.EO4]

Introduction The investigator should be aware of the possible benefits and pitfalls of using informants.

Informant Any person who provides information to an investigator is considered to be an **informant**, regardless of whether that person is a criminal, a crime victim, a fellow investigator, a suspect, or a police dispatcher.

NOTE: The use of informants may vary among agencies. Please refer to specific agency regulations for details.

Reliable informant A certain type of informant is presumed to be reliable by virtue of his or her position or status.

Information contract Investigators should conduct a thorough interview in a timely manner (as soon as practical) to secure information. This will help avoid loss of information and preserve timeliness of the material.

Continued on next page

Developing Informants, Continued

Informant motive

Informants may be motivated by a number of reasons. An investigator should be aware of an informant's motive to provide information and how that might impact a case. The following is a list of common motives:

Motive	Example
Money	Wants to be paid for information
Revenge, spite, dislike	Reports former spouse's illegal activities in order to disrupt that spouse's new relationship
Unemployment	Wants to be paid for information
Fear	Fears physical abuse from suspect
Ego	Seeks recognition for providing information
Leniency	Avoiding or minimizing prosecution
Repentance	Wants to repay debt to society
Legal residency	Remain in country, gain citizenship
Counter-intelligence	Obtains information about the investigator's agency
Good citizenship	Seeks to help law enforcement

Confidential privilege

An investigator has a limited privilege to maintain an informant's identity as confidential. The investigator can have a search warrant affidavit sealed and, in certain legal hearings, may claim a confidential privilege against revealing the informant's identity (e.g., whistle blower) in open court (*Evidence Code Section 1042*).

Continued on next page

Developing Informants, Continued

***In camera* hearing**

When the investigator believes that the informant's identity should be kept confidential, the court may conduct an ***in camera hearing***, or a hearing not held in open court. During the *in camera* hearing, the judge will determine if the informant's identity should be disclosed to the public. The court will order disclosure if it finds there is a reasonable necessity to preserve the defendant's rights.

Managing Informants

[62.03.EO5, 62.03.EO6, 62.03.EO7, 62.03.EO8, 62.03.EO10, 62.03.EO12]

Introduction

An investigator should know how to manage a relationship with an informant.

Civil liability

Informants become employees when they act at the direction and instruction of an investigator. An investigator must direct the informant in a manner that reasonably insures the informant's safety and the safety of others. Failure of an investigator to properly supervise an informant may leave the investigator and/or agency liable for any injuries or damages caused by the informant in the scope of his or her employment.

Checking informant personal history

An investigator should carefully research any informant's personal history, whether a presumably reliable citizen or a well-known criminal defendant. Since a court will examine the motivation and bias of any informant, the investigator should document any information that could explain why the informant is providing information.

The following are recommended areas that an investigator should research:

- criminal history
 - known or suspected involvement in criminal conduct
 - known or suspected connections to criminal suspects or defendants
 - family relationships that include known or suspected involvement in criminal conduct
 - stated motivation in this investigation
-

Continued on next page

Managing Informants, Continued

Maintaining informant file

An informant may be used more than once and by more than one investigator. To document the informant's performance and reliability, it is advisable to maintain a file regarding the informant. The following chart lists recommended items to include in that record:

Informant File Contents	Reason
Informant activity log	Document date, times, locations, meetings, briefings, and activities
Informant identity and any confidential identifier	Maintain confidentiality of informant's identity
Expense records and receipts for payment	Account for investigative funds
Copies of any letters written on informant's behalf	Document informant's motive to provide information
Police reports relating to the case(s) for which the informant provided information	Demonstrate informant's record of performance
Informant's photograph	Identify informant by appearance
Criminal history	Document informant's known criminal conduct
Informant's DMV record	Determine personal information and if informant is properly licensed

NOTE: Investigators should be aware that informant files may be subject to the legal rules of discovery.

NOTE: Investigators should consult specific agency policy regarding maintaining an informant file.

Continued on next page

Managing Informants, Continued

Working with informants

Working relationships between investigator and informants may vary. However, certain principles remain constant. The following chart includes important principles in working with informants:

Principle	Reason
Maintain a professional relationship	Lack of professionalism can compromise an investigation and officer safety.
Don't promise leniency	A promise of leniency undermines the prosecution.
Determine if the informant can provide useful information or evidence	Clear expectations reduce the likelihood of wasted effort.
Identify the informant's motive	Motive impacts an informant's credibility.
Establish written guidelines	Clear boundaries may avert mistakes.
Verify all information provided	Inaccurate information can compromise an investigation.
Establish communication procedures	Clear communication is critical to the investigation.
Establish meeting and reporting procedures	Manage and monitor confidential informant relationship.
Communicate only necessary information	Sharing unnecessary information compromises an investigation and officer safety.

NOTE: Use of informants may vary by agency. Please consult specific agency rules and regulations for details.

Continued on next page

Managing Informants, Continued

Informant relationships

The following chart illustrates appropriate and inappropriate relationships between informants and investigators:

Good Relationship	Bad Relationship
Responds promptly to communication from you	Returns telephone calls or pages many hours later
Reports regularly and in timely manner	Must be prompted for informational updates
Suggests ideas but does not insist on implementing his or her suggestions	Believes he or she is running the investigation
Understands their limited role	Thinks of you as an equal

Briefing the informant

Prior to involving an informant in an investigation, the investigator should conduct a briefing. Investigators should consider the following in the informant briefing:

- choose an offsite location
 - explain the information or evidence sought
 - discuss expectations
 - answer relevant questions
 - make sure the informant understands the instructions
 - if using an undercover officer, make sure the informant and undercover officer can communicate and work with each other
-

Continued on next page

Managing Informants, Continued

Debriefing the informant

At the conclusion of the transaction, conduct a debriefing. Investigators should consider the following in the informant debriefing:

- choose an offsite location,
 - review the informant's performance, and
 - explain what else, if anything, is needed from the informant.
-

Chapter Synopsis

Learning need	Investigators should know how to create and maintain an effective working relationship with an informant.
Informant [62.03.EO1]	Any person who provides information to an investigator is considered to be an informant, regardless of whether that person is a criminal, a crime victim, a fellow investigator, a suspect, or a police dispatcher.
Informant motive [62.03.EO2]	Informants may be motivated by a number of reasons. An investigator should be aware of an informant's motive to provide information and how that might impact a case.
Confidential privilege [62.03.EO3]	An investigator has a limited privilege to maintain an informant's identity as confidential. The investigator can have a search warrant affidavit sealed and, in certain legal hearings, may claim a confidential privilege against revealing the informant's identity in open court (<i>Evidence Code Section 1042</i>).
<i>In camera</i> hearing [62.03.EO4]	When the investigator believes that the informant's identity should be kept confidential, the court may conduct an <i>in camera</i> hearing, or a hearing not held in open court. During the <i>in camera</i> hearing, the judge will determine if the informant's identity should be disclosed to the public. The court will order disclosure if it finds there is a reasonable necessity to preserve the defendant's rights.
Civil liability [62.03.EO5]	Informants become employees when they act at the direction and instruction of an investigator. An investigator must direct the informant in a manner that reasonably insures the informant's safety and the safety of others. Failure of the investigator to properly supervise an informant may leave the investigator and/or agency liable for any injuries or damages caused by the informant in the scope of his or her employment.

Continued on next page

Chapter Synopsis, Continued

Checking informant personal history
[62.03.EO6]

An investigator should carefully research an informant's personal history, whether a presumably reliable citizen or a well-known criminal defendant. Because a court will examine the motivation and bias of any informant, the investigator should document any information that could explain why the informant is providing information.

Maintaining informant file
[62.03.EO7]

An informant may be used more than once and by more than one investigator. In order to document the informant's performance and reliability, the investigator should maintain a file regarding the informant.

Working with informants
[62.03.EO8]

Working relationships between investigator and informants may vary. However, certain principles remain constant. Important principles in working with informants are: maintain a professional relationship; don't promise leniency; determine if the informant can provide useful information or evidence; identify the informant's motive; establish written guidelines; verify all information provided; establish communication procedures; establish meeting and reporting procedures; and communicate only necessary information.

Briefing and debriefing the informant
[62.03.EO10]

Prior to and at the conclusion of involving an informant in an investigation, the investigator should conduct a briefing and a debriefing.

Informant file content
[62.03.EO12]

An informant may be used more than once and by more than one investigator. To document the informant's performance and reliability, it is advisable to maintain a file regarding the informant. Some items the file may contain but are not limited to are: a photograph, criminal history, activity log and identity or a confidential identifier.

Workbook Learning Activities, Continued

**Activity
questions**
(continued)

3. A good citizen reports that a bartender at a local bar is selling drugs to patrons. During the preliminary stages of the investigation of the bartender, you determine that the bartender is dating the former wife of the good citizen. Explain what steps you should take and why.

GLOSSARY

Introduction **The following glossary terms apply only to Learning Domain 62:
Case Management and Sources of Information.**

case activity record Records case activities and/or evidence which provide an overview of the investigation

case disposition Individually determined based on the facts and with reference to specific agency policy and law

case files Investigative files

case law Law established by judicial decision in particular cases, instead of by legislative action

discovery The legal process that requires information to be revealed before trial

elements of a crime The individual components of a criminal charge

evidence Anything that can be perceived by any of the five senses, and can include testimony, writings and material objects.

Evidence can be used to prove or to disprove any item of consequence

exculpatory evidence Evidence that tends to show that the suspect has not violated some rule of law

Continued on next page

Glossary, Continued

facts	Documents and data providing objectively verifiable information such as age, date of birth, vehicle registration, criminal history, etc.
flexibility	The ability to respond smoothly to the interruptions and demands of an investigation
hearsay	Second-hand information that may be accurate but should be corroborated
<i>in camera</i> hearing	When the investigator believes that the informant's identity should be kept confidential, the court may conduct an in camera hearing, or a hearing not held in open court
inculpatory evidence	Evidence that tends to show that an individual has violated some rule of law
informant	Any person who provides information to an investigator regardless of whether that person is a criminal, a crime victim, a fellow investigator, a suspect, or a police dispatcher
interstate investigations	Law enforcement agencies involved from other states
investigative costs	Agency monies used to support investigation expenses, such as informants, undercover operations, equipment, incidentals, etc.
jurisdiction	The extent, range, or territory over which law enforcement is exercised

Continued on next page

Glossary, Continued

**memorandum
of
understanding**

A document created to clarify and facilitate multi-agency cooperation and organization

**multi-agency
investigation**

When more than one law enforcement agency is involved in the investigation

notes

Usually handwritten, computer entry notations or recordings made by an investigator in order to remember specific events, dates, or conversations

**outside
agency
referral**

Any investigation referral from an agency other than the investigator's agency

**public
complaints**

Complaints made by members of the public that are referred to as an investigator for further development

report

Detailed written summary of statements, evidence, or an event which provides documentation of the investigation

**statute of
limitations**

The legal time limit in which a criminal prosecution must be commenced against an accused

**time
management**

Organization of tasks to maximize efficiency
