

Umberto Eco (writer) Italian
“The Name of the Rose”. (Fictional)
Teaching monks investigations and interviews to solve the murders of fellow monks.
Interviews and scene examinations.

Ockham’s Razor

- William of Ockham.
- the **simplest** explanation is best.
- **Scholastic** method.
- Sherlock Holmes – Deductive reasoning.

Modern Police Departments 14th c. France
19th c. England
(policing was a private matter prior)

“Thief-Takers” **private police force** 16th, 17th, 18th centuries (France/England)
- Paid by the king for every criminal they arrested (Bounty hunters).

Highwaymen English countryside robbers.
- Jack Sheppard
- Dick Turpin

Footpad Street robber

Bow Street Runners

- Henry Fielding
- 1st Modern Police Force.
- Lists for **pawn shops**
- First official **crime reports**
- Small investigative unit

19th century policing France – *Police de Surete*
- 1817 Paris detectives - Eugene Vidocq.
- **“It takes a thief to catch a thief”. (French method)**
- used prison undercovers. (Surete)
- **Trade Protection Society** – credit reporting agencies (forerunner).

England – Sir Robert Peel (“Bobbies”)
- London Metropolitan Police.
- Scotland Yard
- **Community Policing.** (they did not want to work in plainclothes)
- Howard Vincent – directorship of CID (Special Branch). Used French methods to target Terrorists.

Boston - Francis Turkey
Chicago- Allen Pinkerton “founder of criminal investigation”.
Philadelphia- Chief of Detectives Wood
NYPD- Capt. George Walling – Daily Reports.

Edward Rucker (attorney) – partner of Pinkerton.
Kate Warne – first female detective.

Mug shot - Pinkerton
Handwriting - Pinkerton

Rocky Mountain Detective Agency
Wells Fargo & Co. (Henry Wells and William Fargo)
Revenue Cutter Service – (Revenue Violations)

William J. Burns Detective Agency
Pinkerton – Code of Ethics.

Investigations Management

Investigation - systematic examination and report.

Defalcation - failure to properly account for money held in a **fiduciary** capacity.
(Embezzlement).

Case level - particular case.

Strategic Level - planning, organizing, equipping, staffing, preparation.

1. Objectivity - rational, no pre-judging.
2. Thoroughness - all relevant leads, corroboration.
- Independent case management. (pressure from above).
3. Relevance - How deep to dig.
- Details without confusing the facts.
- Cause and effect.
4. Accuracy - Credibility

Eyewitness is LEAST

BUT: Whistleblowers = MOST Credible (corp. environment)

5. Timeliness - Balance is the key.
- Resolution not always achieved.
- Regular and timely communication.

Public vs. Private

Private:

Protects the company.

Recovery/Restitution/**Risk** Reduction.

Administrative or employment action.

Determine acceptable outcomes.

May focus on external matters (ie. Telecomms).

Internal issues are caused by lack of internal controls.

Public:

Protects society in general.

Higher standard of proof.

Legal counsel – attorney work product. (Communicate only through assigned counsel)

Strategic level **High-level** management. (Legal counsel must be involved)

Operational level technical aspects of how the department operates.

Case level techniques, protocols.

Goals **Overarching (Long term)**

Objectives **more specific (Measureable Metrics)**

Investigative objectives – specific to the short-term project

(Both MUST be Compatible with the Business Plan)

Ethics !!!

Compliance
Return on Investment

Regulatory
Restitution

Outsourced Investigations
Internal Investigative Unit

Charges can be passed on to Business Unit.
High cost. \$\$\$

Shortest reporting chain is best.

Outsourcing

cost benefit analysis.
Independence
Specialized/Expert
Vetting process
Intellenet.org
Be wary of smaller firms.

The responsibility for ensuring the proper training and licensing rests with the hiring organization.

Investigative Unit

“War Room”

Functional Charter

Issued by the **CEO or equivalent**.
1-page or less.
Unit’s strategic goals.

Policy Statement

Procedure for **initiating and conducting investigations**.
Applies to other departments in the enterprise as well.

Objectives

Metrics/Targets
Revised frequently (annually).

3 I’s of Investigators:

Information
Interrogation
Instrumentation

Experience is most important.
Communication skills are critical.
Curiosity
Good math skills (Analytical).

Be familiar with equipment being deployed.
Telephone – different prefix.
Tip line.

Transition = Personality Dependent.

Geographic Assets – pre-staged.

Managing Investigations

Lapping	Crediting one account with money from another account.
Defalcation/Embezzlement	Appropriation of property by a person to whom it has been entrusted .
Skimming	Keeping some of the cash.
Due Diligence	Inquiry to verify information provided.

Support the organizational mission as well as Strategic and Business Goals.

Demonstrate that the unit pays for itself. (Risk avoidance in monetary terms).

Overhead costs are the easiest to control.

Aggregate or Follow-On basis- use of the data including statistical analysis, program evaluation, strategic planning, and budgeting forecasting.

Initiation/Source	Most credible=Employee tips. (Whistleblowers) Awareness program. No retaliation. SOX
Investigation	Case management system. All investigations must be authorized.
Reporting	Documentation. (record keeping)
Results/Follow-up	Trend analysis. Systematic failures. Synergy – the issue at hand and to correct conditions that allowed it to happen.

Objectives/Motivation/Training – motivating the investigative team is a key task.

Participative management style

Investigation is a creative process

Analysis diagram	links details re: persons, events, etc.
Horizontal diagram	comparison of the different periods of a company's financial statement that will be beneficial during a fraud investigation.
Suspense Log	tickler file
Interim Reports	- include information from the prior interim report. - latest report includes all information to date. - NO INFORMATION RELEASED WITHOUT ATTORNEY APPROVAL.

Cover Sheet - **Sensitivity and destruction** instructions.

Liaison - internal and external (P. 49)
- formal and informal

Joint Task Forces - difficult to protect information due to different policies.

Operational Security - **totality** of all security and planning. (THIS IS NOT OPSEC)

Backstopping - to **support covers** or contrived identities.

Carding - keeping data about sources.

Operations Security **OPSEC**
- simple method of employing **safeguards** to protect critical information.
- identify assets.
- define the threat.
- assess vulnerabilities.
- analyze the risk.
- develop and implement countermeasures based on Risk Analysis.
- defining critical information.

Direct Vulnerabilities Physical or electronic interception.
Indirect vulnerabilities such as **increased activity** in the security department.

Public info = Protect it anyway!

Cultural differences are the **most challenging** problem in international investigations.

- Liaison
- Diversity

Types of Investigations

Incident - **complaints. (MOST common).**
- each enterprise must establish thresholds to determine whether to investigate.
- Embezzlement – ca\$h disbursements are MOST common form.
- should be approved by executive management.
- **Decision Logic Matrix** – who investigates, who is notified, L/E or legal?
- standard intake form.

Misconduct - **determine outcome and discipline at outset.**
- written corporate policy is a MUST.
- inform employees.
- **Title VII** are **compliance** and are **MANDATED.** (ie. Harassment)
- conflicts of interest.

- Diversion

- Conversion
- Disguise
- Divergence

- **48.5% of loss = Employee Theft.**
- Workplace Violence Prevention = Background Investigations.
- Substance Abuse = \$81 – 100 billion annually.

DO NOT Postpone discipline during treatment.

Compliance

- ie. Sarbanes-Oxley
- Enforcement/ Monitoring/ Employee Training.
- Biggest challenge is to get employees to come forward.
- multiple hotlines can be confusing.
- **corporate investigations tend to be BROADER than Law Enforcement.**
- Federal Criminal Sentencing Guidelines
 - Culpability Lessened by having an effective program.
 - No program = HIGHER fines.
- Clear corporate policy.

Techniques and Tools

- evidence collection and handling is a key component.
- Surveillance = take notes.
- ABC Method of Foot Surveillance
 - Keep 2 sides of suspect covered.
 - A follows subject, B follows A, C is across the street.

Computer Forensics

- **electronic evidence is latent.**
- **equipment and software necessary to make visible.**
- extricate information.
- use Key Word searches.

Force Multiplier

- Any activity, capability or **resource that enhances** the effectiveness or efficiency of the investigative function.
- 1. on-line information (must be corroborated). ie. TLO
 - 2. Liaison – Highest levels first and never violate a trust.
 - 3. Intelligence information.

Joint Task Forces

- Parochialism** – members arrive with varying agendas.
- **“check your own files first”.**
 - Contact should be coordinated through the originating investigator.
 - Tailored OPSEC plan.

Report Writing

- Initial – few days.
- Progress – 30 days.
- Special – MUST stand alone from Progress Reports.
- Final

Summary – every major point must have at least one line in the synopsis.

Narrative – Details. (each step is a separate paragraph).

Conclusions – collect relevant data BUT, **B/U decides actions to be taken.**

Retained by Attorney ONLY.

- Privilege can be lost due to an unnecessarily wide distribution.

Ethical Standards = CREDIBILITY.

Homeland Security is a collaborative effort (ie. NYPD Shield)

Undercover Investigations

- used as a **LAST RESORT** (when no other options are available).
- Law enforcement only when necessary (ie. Buying drugs).
- main problem = Exposure.
- Pinkerton – first to write about it. Founded US Secret Service.
- Timothy Webster – Pinkerton’s favorite U/C.
- Carrie Lawson – first female U/C.
- Mollies – rose up against oppressive labor practices. Murdered L/E and company executives.
- Reading Railroad President Francis Gowen – infiltrated unions.
- Detroit Auto makers – used U/Cs for employee theft and alcohol abuse. (1920s and 1930s)

Preferred method for Substance Abuse and Criminal Activity in the workplace.

- “sub-rosa” – under the rose (Secrecy). Interactive investigation.
- **Conversion** – receiving **money or property** of another and permanently **withholding** or applying it to one’s own use.

Federal Law prohibits surveillance or investigation of union activities BUT: DON’T rule out undercovers for misconduct/theft just because a workforce is unionized.

Team HR, Security, Attorney

Vendors

Certificate of Insurance - **“OCCURRENCE” based, NOT Claims made.**

OCCURRENCE – protection provided regardless of when the claim is made.

CLAIMS-MADE – only during the duration of the policy.

Cold hire - applies like everyone else.

Controlled hire – placed.

Back Story – only known to the targeted employee.

Project Management Team:

1. U/C
2. Project Manager – from investigative agency.
3. Client Rep. – primary point of contact.
4. Corporate Attorney – attorney/client privilege. (Employment lawyer)
5. L/E if necessary – ie. purchasing drugs.

Relationship building = **MOST important phase.**

- Daily Reports.
- Basic Operative Report. (Chronological, p. 125)
- Structured Narrative. (Paragraphs with alpha numeric codes, p.127)
- Investigative Summaries – 10 days work.

- Special Report – special events.

***** **Written in 3rd person** ***** (allows for **modification**).

- Operative speaks to Project Manager DAILY.

- Custodian of Record – maintains case file.

***** Interviews that follow a U/C investigation often begin with those MOST involved.

- The best time to remove an operative (U/C) is once he has been named as an offender.

- **Drug purchases MUST include L/E.**

- Drug investigations are relatively easy and not always dangerous.

- Qualify the dealer:

1. Pre-existing behavior.
2. why he wants to sell to you.

- **Buy DOWN**, not up. (Opposite of L/E).

- **Buy the SMALLEST amount possible** = Proof enough.

- Done on company time.

- Ion Scan Technology.

- Discipline is preferred over prosecution.

- Investigations should include more than just an undercover operation.

Theft

- attract the thieves.

- **COGNITIVE CONSISTENCY** – “ a thief is a thief”.

- Operative (U/C) can participate in the theft. (pre-approved by project mgmt. team)

- **Buy/Bust** = one-shot deal.

- **Sting Op** = longer, more complicated.

- multiple buys are preferred...Stronger case.

- mark all evidence.

- Videotape operation.

- Recoveries – Why? How? (Return on Investment).

Why are they stealing?

How is the property being disposed?

Uses

- elderly.
- child abuse.
- stolen technology/secrets.
- awareness = action.

Reports

Narrative

Investigative Summary

Special Report

Code name.

Real name.

Real name, and references code name.

*** Informant may be required to sign if used as evidence.

Due Diligence

- Prudent for a reasonable person – **not an absolute standard.**
- There is no absolute due diligence.
- Evaluating an asset.
- Doing one's homework.
- Don't rely on information from the target....**VERIFY.**
- Risk? Risk management.
- Insight.
- Protect assets.

Information Sources

Primary – interviews or observations. (hear/see)

Secondary – public records, commercial records, company records, news/media.

Public companies

Filing with SEC

10K Annual

10Q Quarterly

(Private companies do not have to file with SEC)

UCC (Uniform Commercial Code) - records **commercial debt.**

Criminal Records - county clerk. (NO legal method to check entire country)

Credit Reports - **MUST have a signed release.**

Dun & Bradstreet - corporate.

CorpWatch - guide to researching company background.

U.S. Patriot Act

Foreign Corrupt Practices Act

Internet - MUST be Verified.

www.marketing-intelligence.co.uk/pubs/case-studies.htm

5 Years

Business Plan

Capital Expenditures

Environmental Liabilities

Financial Statements

Operating Data

10 Years

Pension Plan

Retiree Medical Benefits Liability

Marketing - Top 10 Customers, by product line.

Due Diligence reports are marked CONFIDENTIAL.

- Adverse media.
- **DBA Filings - fictitious names. (Usually NOT available on-line)**
- Liens and Judgements.
- UCC = debit/credit.

Background Investigations

- Pre-employment screening (1980s).
- Title VII (ie. Defense contractors = NO Aliens). Civil Rights Act of 1964
- Screening = loss prevention
- **Resume fraud – discrepancy in 49%.**
- 96% of companies screen.
- Legal precedence for holding an employer liable if they should have known about any history that would suggest.... (ie. Due Diligence).
- **More than 50% of companies had fraud the prior year:**
 - 85% Employee**
 - 55% Management**
- Most EXPENSIVE steps done LAST.
- Prevents loss.
- Limits turnover costs.
- Due Diligence – MAY provide legal protection.
- Upper management must sanction. (Legal counsel)

Workplace Violence

- **4th leading cause of fatal occupational injury. (Death) =HOMICIDE**
- **10% of FATAL injuries.**
- 77% of drug users are EMPLOYED.

Fair Credit Reporting Act (FCRA)

- **Criminal history**
- **CREDIT history is NOT covered** under this act and is NOT considered public information.
- Higher Position = MORE scrutiny.
- Some industries are mandated by federal and state statutes.

Common Foundation

- Data collection.
- Background investigations and screening.
- Data analysis and **hiring decisions.**

Background Check – confirmatory.

Background Investigation – actively searches to uncover information.

7 steps to a comprehensive pre-employment screening policy

1. Well-defined job descriptions.
(if 15 employees, MUST comply with American Disabilities Act)
2. Assess the risk of each job classification.
3. Based on risk – the scope of screening. (May be different)
4. Hiring Packet:
 - Standard application. (Considered a test)
 - Resume is a promotional device.
5. Establish criteria for evaluating information.
Standard of proof to deny hiring is GOOD FAITH.
6. Communicate the policy.
7. Periodically review policy compliance.

Privacy Act - relates to Military records disclosure.

Criminal records - convictions, pleas, nolo contendere.

*** MUST have a SEPARATE release for CREDIT check. (separate from application)

Interviews

Initial - in person with NO negative questions.

Pre-Employment Screening

- Drug/Alcohol - mandated for some positions.
- Psychological - Personality tests.
 - Overt testing (asks explicit questions)
 - Indirect testing – dependability, respect for authority.**
- Intelligence tests - good predictor of job performance.
-
- **Aptitude tests** - **cognitive ability** in a particular area.
(memory, vocabulary, numerical)
- Medical screening - **MUST specifically relate to the job.** (Essential Function)
(may require an offer prior to screening, in some states)
- **Polygraph** - **NO GOOD as of 1988 for PRE-EMPLOYMENT screening purposes.**

- HR is ideally suited for conducting pre-employment screening.
- US employers **MUST disclose negative findings and allow prospective employee to correct** false or misleading information.

Turnover Calculator

Wage/Benefits = x 1.3

Turnover = .25 of the 1.3

Interview and Interrogation

- Persons involved are MOST valuable.
- Interview technique is most prized talent.

Interview

Informational
Administrative
Non-accusatory
General

Interrogation

Confrontational
Investigatory
Accusatory
(Monologue)
Suspects
DON'T take notes. (inhibits)

1. Obtain facts.
2. Eliminate
3. Identify
4. Confession

3 I's

- Information
- Interrogation
- Instrumentation

Behavioral Science

Maslow: Survival – Safety – Affection – Esteem – *Self-fulfillment*

- Behavior is motivated by a goal.
- **Theft Triangle – Desire/Rationalization/Opportunity.**
- Rationalization – excuses. (help the offender to rationalize)

FLOATING POINT STRATEGY – Continuously re-evaluating hypothesis.

- Rapport – non-adversarial.
- Develop a “THEME”.
- Active listening.
- Personnel files = High PRIORITY.
- **Locker + Employee's lock = Expectation of Privacy.** (4th amendment)
- Legal Counsel – may be protected from discovery.

*** In the United States, any admission obtained by a private citizen who conducts an interrogation in violation of due process, but otherwise follows constitutionally prescribed conduct, may be admissible.

Location

- Fair, neutral, private.
- If Witness - can be at home.
- Uncooperative – security room or interview room.
- Seated to the side. (not across a desk or table)
- Distance = **approx. 5 feet**.
- Witnesses – seated to the side.
- Subject – clear path to exit.

Order

- Not likely to be readily available later.
- Most pertinent.
- Hostile.
- **Suspect/Offender**.

Females – same sex or keep door open.

Audio/Video – **consent and equipment NOT hidden**. (OR consult with counsel)

Interview Log.

Notes: **record all verbal and non-verbal responses**.

Have you used **drugs/alcohol** in the past **24 hours**?

Stockholm Syndrome - emotional bond.

Pygmalion Effect - **self-fulfilling prophecy**. (Influencing behavior)

Tort of Slander - if **deliberately and knowingly** makes a false and damaging statement about the subject.

Child may sit on parent's lap.

Conducting the Interview

- “Do you know why you're here?”
- **“YES” conditioning**.
- Casual conversation.
- **Broad/General → then Specific**.

- **Closed Questions**: Limited number of possible responses.
- **Open Questions**: Avoid leading questions. (Narrative)

- Verbal vs. non-verbal responses:
 - Verbal = nodding head.**
 - Non-verbal = body movements, gestures, position changes.
 - Displacement Behavior** = ie. picking lint. (effort to relieve anxiety)

Lying subjects - “as far as I know...”
Religious references.

Truthful subjects - uses **DEFINITIVE words** such as rape, steal, rob, kill, stab, etc.

Non-verbal responses are MORE THAN ½ of information and meaning.

- Displacement – grooming, picking lint, etc.
- **Supportive gestures** – hands over mouth, crossing arms/legs, etc.

Eye contact – beware of cultural differences. (ie. Asians)

Behavioral Analysis Interview (BAI)

John E. Reid A **systematic evaluation of a subject’s verbal and non-verbal behavior** during the course of a **structured interview** in which both investigative and behavior-provoking questions are asked.

Designed to draw out specific verbal responses or behavior that can be studied to distinguish between a truthful person and a person who is lying.

More than 30 behavior-provoking questions.

Purpose question - “**What is your understanding...?**”
Truthful – accurate
Deceptive – vague

You question - “**If you had anything** to do with this, you should tell me now”.
Truthful – quick, definite.
Deceptive – longer, unemotional.

Knowledge question - “**Do you know who** might have done this?”
Truthful – offers suspicions.
Deceptive – “No, I do not.”

Suspicion Question - “**Who do you suspect?**”
Truthful – substantive suspicions.
Deceptive – “I don’t have any idea”.

Vouch/Trust Question - “**Is there anyone who would not do this?**”
Truthful – eliminates suspects.
Deceptive – will not vouch for others.

Confrontational Interview

Reid 9 Steps

1. **Positive Confirmation** **confronts with accusation** then transitions to sympathetic and Understanding manner.
2. **Theme** Development Moral justification. Makes it easier to admit guilt.
3. **Handling Denials** **Blocking** statement.
4. Overcoming objections Trait objections – “I wasn’t brought up that way”.
Factual objections – “I don’t even have access to...”.
(Both are feeble explanations but do not argue)
5. Keeping a suspect’s attention - ensure suspect listens but **DON’T focus on punishment**.
Draw nearer to him/her.
6. Handling suspect’s **passive mood** **Intensify** the theme.
7. Alternative questions two incriminating choices based on assumption of guilt.
(either answer is an admission of guilt)
8. Having **suspect relate details** Acknowledge the admission of guilt.
Help suspect to rationalize.
Open-ended questions, free of emotion.
9. **Converting an oral** confession Leave the room and return.
Written by subject, OR
Authored by interrogator and signed by subject.
Transcribed/Recorded.
Recitation of ALL FACTS.
“Write your name here”, NOT sign here.
Subject signs each numbered page of statement.
Interviewer and witness sign last page.

Weingarten - right of interviewee to have **others present**. (ie. Union Rep)

Do not promise anything, including outcomes.

Free to leave at any time.

Consent can be withdrawn at any time.

*****MOST cases are solved with information from interviews.**

CHAPTER SIX Evidence

Proof or an indication of an assertion.

Direct - real, material.

Indirect - **highly informed** inference, circumstantial, hearsay.

Circumstantial

Real

Inanimate - less subject to human errors.

Animate - that which can be misleading.

Hearsay: - not admissible, except “Dying Declaration”, OR against self-interest, OR

Res-Gestae – “things done” Naturally, Spontaneously, and Without Deliberation.

1. Words or phrases which either form part of, or explanation of a physical act;
2. **Exclamations which are so spontaneous as to belie concoction**, AND
3. Statements which are **evidence as to state of mind**.

Separate Witnesses.

Rapport.

Inquire as to witness's condition.

Start with open-ended questions:

Open “What can you tell me about the car?”

Closed “What color was the car?”

Have witnesses RECREATE the incident.

Avoid contact with the Media.

Thoughts or feelings at the time.

Start with open-ended questions → then Closed-ended.

- Make no promises or offer of reward.

Documentary Evidence

Handwriting **CANNOT DETERMINE age, sex, personality, intent.**

Exemplars:

- **Separate sheets of paper.**
- Writer and witness date and initial each page.
- Dictate exemplars.
- From **BOTH hands.**
- Upper and Lower case.
- Obtain **previous writings.**

Typewriting:

- most common = Typebar machine.
- **FABRIC ribbon CANNOT be read.** (Remove and put typewriter in the **stencil position**)
- **CARBON film can SOMETIMES be read.** (Submit ribbon and correction tape)
- Word for word texts – **TWO times.**
- Service/repair history.

Photocopies - **10 Exemplars** (sometimes can be matched to machine producing)

Paper - Watermark

Burned paper - ship in container in which it burned.
- polyester film encapsulation or layers of cotton.

Age of doc. - Can Sometimes be determined.

Rubber Stamps - Submit **Un-cleaned.**

Plastic Bags - Roll from which obtained can SOMETIMES be determined.

Anonymous letters - Keep a file.

Shipping - No plastic. **FEDEX** and **Regular mail** ok for chain of custody.

Physical Evidence

TANGIBLE

Corpus Delicti - proves a crime was committed. (Body)

Associative Evidence - circumstantial. (Prints, DNA)

Identifying Evidence - associative evidence that determines **identity of suspect.**

Tracing Evidence - assists in the possible **identification and location.** (Credit Card receipts/laundry mark)

Trace Evidence - examination in **lab**. (fibers, paint, glass)

Impression Evidence - firearms, tools, marks, bite marks, footprints.

Searches

Visible areas - cautious search.

Concealed areas - vigorous search.

Personnel may be assigned TWO or more RESPONSIBILITIES.

Person in charge

Scene security

Admin. Log

Walkthrough

Narrative

Final decisions

Scene Supervisor

Extensive notes

Relief

Security of personnel

Preliminary search - tool for planning a search.

Focus **first** on evidence that could be lost.

POSTMORTEM LIVIDITY – **blood flow** to lowest part of **gravity** in the body.

Photography

- test shots
- log
- **eye-level**
- use a **scale** (but first take shot without scale)
- use landmark
- 360 degrees of coverage

Sketches

- in relation to **2 UNMOVEABLE objects**.

Physical Evidence

- **MOST common = Fingerprints**.
- Search from general to specific.
- Obtain known standards (ie. Carpet fiber)
- Photograph Log.
- Evidence Log.
- Person in charge releases scene after final survey.

Examination requests

- **separate communications for separate cases**.

Shipping

- trained and **qualified evidence technician** a MUST.
- Custody Form.
- Evidence/Bio-Hazard/Latent on inner container.
- International Air Transport Association's "*Dangerous Goods Regulations*".
- US EPA – Resource Conservation and Recovery Act (**RCRA**).
"Cradle to grave". (Generator's responsibility)
HAZ MAT + EVIDENCE = DOES NOT APPLY to RCRA.
- U.S. Department of Transportation Regulations for Hazardous Materials.
- Firearms = "ORM-D, cartridges, small arms"

Abrasives	plastic bags, paint container.
Adhesives	plastic bags, pill bottle.
Bullets	rifling characteristics. Components packaged separately. Residue on clothing – paper. Wadding- gauge and manufacturer.
Bones	dry them. Paper bags.
Audio	"write protect" . Keep away from magnets .
Building materials	paper bag.
Chemicals	1. Cut small sample 2. plastic bag 3. unstained swab as a control.
Large stained evidence	Cut a sample, air dry, plastic bag.
Computers	- Deleted files = Bit Stream back-up. <ul style="list-style-type: none">• type of computer, network software, location and number of computers on network, if encrypted or password protected.• Submit CPU and storage media.• No loose foam pieces for packaging.• Mark "Keep Away from Magnets".• FBI Computer Analysis Response Team
Controlled Substances	Do NOT submit field test kit with evidence.
Nuclear DNA	Blood, semen, body tissue, hair WITH tissue at roots .
Mitochondrial DNA	Naturally shed hairs, hair fragments, bones, and teeth.
Blood	Qualified medical personnel. At least two 5 milliliter tubes. Purple top – DNA testing.

	Gray top – drug/alcohol testing. Refrigerate.
Blood on person	NO plastic containers.
Blood in snow or water	freeze it.
Bloodstained garments	paper.
Bloodstained objects	preserve PATTERNS.
Immoveable objects	swab.
Blood Exam Letter	if animal blood present. Victim's medical condition. (ie. AIDS, Hepatitis, TB).
Oral swabs	no plastic.
Hair	no plastic, refrigerate.
Saliva/Urine	swab, clean paper. (cotton cloth or swab)
Cigarette burns	Do not submit ashes. No ashtray unless latent prints requested. No plastic.
Semen	No plastic.
Tissues/Bones/Teeth	Airtight plastic container WITHOUT formaldehyde. Freeze evidence.
Dyes	Cut small sample.
Electronics	Keep away from magnets and magnetic fields.
Feathers	Heat-sealed plastic bags or paper bags.
Firearms	DO NOT MARK --- Tag them.
Glass Comparison	Film canisters or plastic pill bottles.
Laminated Glass	mark " Inside ", " Outside ".
Vacuum sweepings	leak proof container – NO paper or glass.
Glass Fracture	entire piece between plywood or sturdy cardboard. Do NOT process for latent prints. Vacuum sweepings- no paper or glass containers.
Hairs	collect at least 25 hairs from different areas on head or pubic. Clean paper.

Fibers	Clean paper. (When possible – submit entire garment)
Images	PHOTOGRAMMETRY – Dimensions. (Dimensions can be determined from photographic images through the use of mathematical formulas or on-site comparisons.) - submit clothing and firearms for other examinations before image comparison.
Automobiles	National Automotive Image File.
Recordings	NEVER PAUSE recordings.
Facial Comparison	ensure face or head fills MORE THAN HALF the frame.

*** Do not touch or move surveillance cameras except to remove the film.

*** **Exams CANNOT determine how long ink has been on a document.**

Latent Fingerprints

- **photograph prior to any processing.**
- 35mm, macro lens, half-size to full-size reproduction.
- T-max 400 film, aperture f/11.
- **3 exposures BRACKETING** (Below, at, and above recommended exposure).
- Identification label on the same plane as the latent prints.
- Maintain a LOG.
- Submit **fingerprints** and **palm prints** of everyone who may have handled evidence.
Mark **“ELIMINATION PRINTS”**

Lubricants

- entire item = paper bag.
- Swabs = plastic bags.
- Separately in leak-proof containers.

Metals	Causes of failure or damage CAN be determined.
Non-compliant materials	substituted in contracting frauds.
Burned/heated/melted materials	1. Approximate temperature to which it was heated. 2. If electrical short circuit.
Cut or severed metal	How it was cut/severed.
Metal fragments	IMPULSIVE – short duration, high strain rate. Detonation velocity.
Lamp bulbs	whether they were glowing.
Internal Components	x-ray radiography.

Paint	1. Must have all layers to the substrate. 2. Leak-proof containers. 3. NO plastic, cotton, or envelopes.
Pepper Spray	Air dry – paper bags. Swab – plastic bags after air dry.
Pharmaceuticals	Original container if possible.
Polymers	Plastic or other manmade materials. Usually cannot determine source, use, or manufacturer.
Plastics in wire insulation	Leak-proof containers. No cotton or paper containers. Clothing = paper bags, NO plastic.
Product Tampering	Film canisters or plastic pill bottles. NO paper or glass containers.
Ropes and Cords Safe Insulation	Plastic or paper bags. Separate paper bags. NO latent prints.
Serial # Obliterated	May be raised. Warm area. Naval jelly for rust.

Shoe Prints and Tire Tread Impressions

- **Close and long-range photographs** – 400 ISO film.
- **Scale in every photograph** (Linear scale = Ruler).
- Tripod.
- f/16 or f/22 for depth of field.
- Flash at LOW angle:
 - 10-15 degrees.
 - 5-7 feet away.
- Wet footprints = oblique lighting.
- Snow – **snow print wax or spray paint.**
- Colored dental stone.
- **Let it FLOW into the impression.**
- 48 hours.
- Paper – not plastic.

Electrostatic Lifts	device that lifts footwear impressions from porous and non-porous surfaces without damaging the impressions. No plastic.
Gelatin and Adhesive Lifts	Gelatin – Porous and non-porous. Adhesive – smooth, non-porous.

Files (Shoe Print and Tire Treads) submit original evidence when possible.

Soil

- collect ASAP.
- Collect where noticeable changes in color.
- **From ALIBI LOCATIONS too.**
- Clothing – paper bags.
- Debris – leak-proof plastic pill bottles.

Tape **Cellulose acetate** tape (ie. **Scotch**) **CANNOT be examined.**

Tool-marks **Microscopic** characteristics. (ie. Lock & Key)

Toxicology (Drugs/Poison) Urine = **no more than 96 hours.**
Refrigerated or frozen.

Video 1. **“Write-protect”.**
2. **NO pause.**
3. **NO magnets.**

Wood Plastic or paper bags.

Incident Scene Safety

Inhalation - Respiratory system.

Respiratory protection - must be AUTHORIZED to wear.

Absorption - skin contact.

PPE - Personal Protective Equipment.

Ingestion - through the mouth.

Injection - ie. Needle sticks.

Blood borne – Pathogen Safety - treat all as infected.

Bleach = 1:6 ratio

Alcohol = 70%

Chemicals

Pyrophoric - can **ignite** in air temperatures **less than: 130 degrees Fahrenheit, 54 degrees Celsius.**
(phosphorus, sodium, barium – Liquid or solid.)

Material Safety Data Sheets - guidance on handling hazardous materials.

Confined Space Safety

1. Confined Space Safety PERMIT.
2. CERTIFIED personnel only.
3. Never attempt a rescue unless part of a designated rescue team.

X-ray Safety - Monitoring device. (for exposure)

Hand Protection

Nitrile - acids, alkaline, hydrologic, photographic, fuels, lubricants, aromatics, petroleum, chlorinated solvents.

Neoprene - oil, grease, acids, solvents, alkaline, bases, and most refrigerants.

Polyvinyl Chloride (PVC) - alkaline, oils, limited nitric and chromic acids.

Latex (Natural rubber) - can be **degraded by excessive heat or sunlight.**

Powder-free gloves - for latex allergies.

Foot Protection

OSHA – American National Standard for Personal Protection – Protection Footwear.

Hand Protection

OSHA – Requirements for Industrial Hand Protection.

Head

OSHA

Respiratory

Comply with 29 CFR 1910.134

Forensic Science - application of **science** to the **LAW**.

COMPUTER EVIDENCE

- Photograph.
- Latex gloves.
- **NO fingerprint powder.**
- If found OFF, leave OFF.
- If **ON**: unplug from the **BACK**, then the power **SOURCE**.
- If **laptop ON**: pull **battery** first.
- Photograph the back to record cable connections.
- Label cables.
- Remove disks and process as evidence.
- EVIDENCE TAPE over entrances to drives.
- Seize all other devices: monitor, keyboard, mouse, printers, modems, camera, power cords, etc.
- **NO packing peanuts** – creates static electricity.
- **NO Plastic** – creates static electricity.
- **DO NOT place in truck near radio transmitter.**

CHAPTER EIGHT Testimony

- Testimonial evidence is **80% of the evidence presented in court.**
- Hearsay Exception – “Dying Declaration”.
- Give reports and notes to counsel.
- **Security personnel testimonial** evidence = “**PAROLE**” or “**SPOKEN WORD**”.
- **Jurors ARE NOT professional arbiters of fact.**
- *Voir Dire* – questions to determine suitability.
- Black jurors are less likely than white jurors to convict, especially if defendant is black.

Neuro-Linguistic Programming

Neurological (senses)
Linguistic (spoken-word)
Program (organize information)

- **If witnesses detect a negative response, they can alter their delivery to improve communication.**

Physical Evidence should be examined by the security professional during the pre-trial conference.

Avoid discussing cases in public areas.

Expert witnesses - allowed to provide his/her **opinion**.

Daubert v. Merrell Dow Pharmaceuticals (1993)

Requires judges to determine whether expert scientific testimony is **based on sound science** before allowing it into evidence.

General Electric Co. v. Joiner

Found that judges can specify the **kind of scientific testimony** that jurors can hear.

Kumho Tire v. Carmichael Co.

Expanded the scope of *Daubert*, requiring that any **expert**, scientific or otherwise, be **scrutinized** before testifying. (ie. Qualified)

Fact Witnesses - requested or compelled to testify.

Expert Witnesses - hired (\$) to provide opinion.