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SECTION 14

Investigations/Evidence

14.1 – 14.10 COMPETENCY REQUIREMENTS

Contents

14.1 Interviewing and Interrogation
14.2 Preliminary Investigation
14.3 Burden of Pf
14.9 Subpoenas
14.10 Courtroom Testimony and Demeanor
Attestation
Instructions to Administrators
Instructions to FTOs

Note to Administrators

In order for POST to review and approve your agency's *Field Training Guide*, you MUST submit the following electronic files:

1) The POST FTP Approval Checklist (Form 2-230)
2) Your department's *Policy & Procedure Manual*
3) Your completed Guide (Volumes 1 & 2), including ALL competency requirements covered in Part 5, Sections 1–18.

SECTION 14 INVESTIGATIONS/EVIDENCE

CHECK ONE ONLY:

14.1.01 Part B - Agency Training Details *(field will expand automatically)*

The above / below information will be read by the trainee and then discussed with the FTO.

Interview definition: is the process of gathering information from a person who has knowledge of the facts an officer will need to conduct an investigation. (Learning Domain 15)
Interview vs Interrogations:
Interview: The process of questioning non-suspects such as victims or witnesses (who typically are willing to cooperate).
Interrogation: The process of questioning suspects (who often may be unwilling to provide information to investigating officers). Questions or conduct reasonably likely to elicit an incriminating response.

Preparation:
1. Be physically and mentally prepared:
- Become well acquainted with the circumstances surrounding the crime.
- Determine the number, role, and priority of the people who should be interviewed (i.e., victim, witness, suspect, etc.).
- Develop an interview plan of questions that should be asked to establish the facts of the incident (i.e., who, what, when, where, why, how).
- Organize equipment that will be needed to document the interviewee's statements (e.g., notebook and pencil, tape recorder with charged batteries and blank cassettes).

14.1.02 Taking Statements

The trainee shall discuss basic rules in statement taking and interviewing. These rules shall minimally include:

A. Asking direct and brief questions; Let the person being interviewed do the majority of the talking
B. Controlling the interview; Minimize rambling by the person being interviewed
C. Avoiding leading questions except when absolutely necessary
D. Putting the person being interviewed at ease
E. Writing statements verbatim (when appropriate) from person being interviewed
F. Not improvising or making assumptions

Reference(s):	**Case #** *(If applicable)*	**Incident #**

	Received Instruction		**Competency Demonstrated**		**How Demonstrated?**	**Remedial Training**	**How Remediated?**
	When completed, print full name	Date	When completed, print full name				

14.1.02 Part B -

• Confirm the person's role in the event or incident. (e.g., victim, witness, possible suspect, etc.b4 (g)5.6 6.7 (c)G.2.5 (s)1.7 (i (t)-1 (,)1i (b)5.2 (l)2.8 (e s)1.7 (u

14.1.03 Part B - Agency Training Details *(field will expand automatically)*

The above / below information will be read by the trainee and then discussed with the FTO.

The basis for determining relevant information requires peace officers to make the fine distinctions between an opinion, a fact, and a conclusion. The following table illustrates these distinctions.
Opinion - The victim was in pain
• A statement that:
- can be open to different interpretations,
- expresses a belief not necessarily substantiated by proof.

Fact - The victim's arm was broken
• A statement that:
- can be verified or proven
- has real, demonstrable existence.

Additional Information:

14.1.04 **Part A - Reference Agency Policies/Procedures, if applicable** *(600 characters maximum)* ☐ N/A

Department Policies: 313 Temporary Custody of Juveniles, 600 Investigation and Prosecution

14.1.04 Part B - Agency Training Details *(field will expand automatically)*

The above / below information will be read by the trainee and then discussed with the FTO.

Miranda Warning: 1. You have the absolute right to remain silent. 2. Anything you say can and will be used against you in a court of law. 3. You have the right to talk to a lawyer and have him present before and during questioning. 4. If you cannot afford to hire a lawyer, one will be

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14.2.01 Part B - Agency Training Details *(field will expand automatically)*

The above / below information will be read by the trainee and then discussed with the FTO.

An effective investigative report contains... (Learning Domain 18)

14.2.02 Crimes Against Property

The trainee shall review and explain an officer's responsibilities associated with the preliminary investigation and reporting of in-progress or fresh crimes against property. These responsibilities should minimally include:

A. Identity or description of suspect(s)
B. Description of loss
C. Direction of flight of suspect(s)
D. Possibility of weapons being involved
E. Radio broadcasts of all known and important information
F. Conducting a witness check
G. Pursuit and/or apprehension of suspects, if possible

Reference(s):	**Case #** *(If applicable)*	**Incident #**

	Received Instruction		**Competency Demonstrated**		**How Demonstrated?**	**Remedial Training**		**How Remediated?**
	When completed, print full name	Date	When completed, print full name	Date		When completed, print full name	Date	
FTO:					☐ Field Perform ☐ Role Play ☐ Written Test ☐ Verbal Test			☐ Field Perform ☐ Role Play ☐ Written Test ☐ Verbal Test
Trainee:								

14.2.03 Handling Crimes Against Property

Given an in-progress or fresh incident involving a crime against property, the trainee shall properly assess and perform all the objectives necessary to satisfactorily complete the preliminary investigation, including the satisfactory completion of the proper report(s).

Reference(s):

Case # *(If applicable)*	**Incident #**

Additional Information:

14.2.05 Part A - Reference Agency Policies/Procedures, if applicable *(600 characters maximum)*

14.2.06 Part B - Agency Training Details *(field will expand automatically)*

The above / below information will be read by the trainee and then discussed with the FTO.

SEXUAL VIOLENCE/ SEXUAL ASSAULT RESPONSE PROCEDURE Document

Initial Responding Officer's Responsibilities:

1. In the event of a simple sexual assault with an adult victim (i.e., simple battery of a sexual nature), the responding officer(s) shall investigate and report on the incident similar to that of other reported crimes in accordance with but not limited to the following department policies:

a. Policy 600 – Investigation and Prosecution
b. Policy 403 – Crime and Disaster Scene Integrity
c. Policy 312 – Search & Seizure
d. Policy 802 – Property & Evidence

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14.2.08 Evidence Technicians/Criminalists

The trainee shall recognize what types of situations require the skills of an evidence technician or criminalist.

Reference(s):	**Case #** *(If applicable)*	**Incident #**

	Received Instruction		**Competency Demonstrated**		**How Demonstrated?**	**Remedial Training**		**How Remediated?**
	When completed, print full name	Date	When completed, print full name	Date		When completed, print full name	Date	

14.2.09 Preliminary Investigations

The trainee shall demonstrate the ability to conduct thorough and complete preliminary investigations.

Reference(s):	**Case #** *(If applicable)*	**Incident #**

	Received Instruction		**Competency Demonstrated**		**How Demonstrated?**	**Remedial Training**		**How Remediated?**
	When completed, print full name	Date	When completed, print full name	Date		When completed, print full name	Date	
FTO:					☐ Field Perform ☐ Role Play			

Additional Information:

14.4.01 Part A - Reference Agency Policies/Procedures, if applicable *(600 characters maximum)* ☐ N/A

Department Policies: 802 Property and Evidence

14.4.01 Part B - Agency Training Details *(field will expand automatically)*

The above / below information will be read by the trainee and then discussed with the FTO.