Chapter 23/23A – IFPO -CPO

Investigation: Concepts and Practices for Security Professionals and ASIS PCI

Purpose

Security professionals must examine, study, survey and research of facts for the purpose of obtaining a conclusion of proof.

The process of investigation begins with identifying the problem and the solution, then determining the best way to collect information that connects this beginning (problem) and the end (solution.)

Investigative Concepts

▶ The word "investigation" comes from the Latin word *investigationem* or *investigatio,* meaning a searching into or a searching for.

▶ Investigations can take many forms; from asking a few simple questions and noting it in a report to a complex, time-consuming analysis of computer data and records.

▶ Prior to beginning an investigation, the security professional must know the limitations of his/her authority.

▶ Authority is granted in two ways:

   1. Legal authority granted under both criminal and civil law.

   2. Authority granted by the officer's organization.

▶ The investigative process used by security professionals is not typically intended to bring about the arrest and prosecution of a subject but to solve problems.

▶ Even if the investigation does follow an incident, such as theft, the contribution to the organization is designed to help prevent that matter from occurring in the future.

Investigative Concepts

▶ All investigations should be *confidential* and *discreet*.

▶ An investigator must use discretion, and respect confidentiality, privacy, and the need to know the basis of information.

▶ It is the responsibility of the security professional to make sure every investigation is conducted in the confidentiality and discretion expected within the organization.

▶ In many aspects, the security professional serves as a consultant to the organization's leadership. When delivering a verbal or written report of investigation, the use of certain jargon or vocabulary should be avoided.

▶ In terms of liability, it is better for a security professional to say, "I don't know the answer to that, but I can find out," than it is to say afterwards, "I'm sorry I didn't realize that I shouldn't have done that."

Investigation and Communication

▶ The process of investigation for a security professional involves identifying the problem and the solution.

▶ Knowing the facts allows for a decision maker to identify what must change so the situation never repeats or can be resolved.

▶ Do the facts match the statements of witnesses?

▶ A skill in effective human communication is engaging a conversation and then listening to what is provided by the speaker.

▶ When speaking with witnesses remember the 5-W's and how.

▶ When questioning witnesses, avoid asking closed-ended questions. The are questions that are usually answered with simple one or two-word answers.

▶ Open-ended questions force the witness to tell a story and expand their answers.

Investigations and Communication

- Consider using a softer or more casual approach when conducting interviews.

- Whenever talking with someone as part of the investigation, make sure that the conversation begins with an appropriate introduction.

- When speaking with a witness at a scene or incident, begin with asking for first and last name. Ensure that you get the correct spelling and all contact information.

- The process of human communication should feel like a conversation and less like an interview.

- It is essential that you are prepared for the interview. This means knowing the facts about what will be discussed.

- Concluding the interview can be done with a few short questions:

  - "Was there anything I didn't ask you that you were expecting me to ask?"

  - "Is there anything else I need to know?"

  - "Is there anything else you want to tell me?"

  - At the conclusion of any conversation, the security professional should consider asking the subject if they would mind being contacted again, if it's necessary to clarify any information.

  - Always thank a witness for providing their statement to you.

Investigation and Communications

▶ Human communication takes brainpower and the ability to think on your feet.

▶ An issue that can become an obstacle to sincere and effective human communication is taking notes in a notebook or on an electronic device while the witness is still talking. This requires the investigator to develop listening and memory skills.

▶ Dictation and scribing every response could be replaced by writing only key words, names, dates, and responses.

▶ Listening skills are developed by knowing the type of learner you are:

   ▶ Visual Learner

   ▶ Auditory Learner

▶ A visual learner, who goes into an interview with limited note-taking, should attempt to get quickly isolated, in order to write extensive notes after the interview has ended, whereas an auditory learner may be able to retain what was said with great accuracy, for longer periods of time without notes.

Ethics of Investigation

- Security professionals must make sure that they not only avoid any appearance of accepting a gift, gratuity, favors, or reward but also that they avoid the appearance of any conflict of interest.

- Employee policies and procedures will heavily influence a security professional's ethics; however, the mentorship of senior security professionals and leaders should always be consulted whenever a doubtful situation or challenge is apparent.

- Objectivity and thoroughness stand out as the top qualities of effectiveness in fact finding.

- **Objectiveness:**

  - An avoidance of prejudgment while focusing on rational hypotheses during the investigation.

- **Thoroughness:**

  - Corroboration of the key findings of an investigation into a conclusion, only after all relevant leads and sources of information are checked.

- **Other terms that describe an ethical investigation:**

  - Relevance: Is the investigation necessary?

  - Accuracy: Provides factual credibility with the source of information.

  - Timeliness: An ethical issue because results may be affected by a stalled investigation due to a delayed start because of bias or investigator reluctance.

Preliminary Investigation

▶ This is the most important aspect of the investigative process.

▶ The investigative stage that security professionals find most relevant because involvement at this stage often occurs when an incident is "fresh."

▶ The preliminary investigation is the initial fact-finding component of the investigative process.

▶ The earliest stages of preliminary investigation emphasize safety, treatment of injured, and containment of a scene ahead of any actual investigative steps.

▶ Consists of several key steps:

    ▶ Scene Safety.

    ▶ Locating and questioning witnesses.

    ▶ Preserving the scene for evidentiary purposes.

    ▶ Forwarding information about the incident to supervisor.

    ▶ Completing a preliminary report so that follow-up can take place.

Follow-up Investigation

▶ The process that begins where the preliminary investigation ends.

▶ A process of examining the information provided by the preliminary report and proceeding to uncover additional data until the case is solved and a complete understanding of the matter is attained.

▶ The success of the follow-up investigation is heavily dependent upon the preliminary investigative effort.

Liaison

▶ In many, if not most, cases, investigative efforts are undertaken in cooperation with other organizations.

▶ In order to be effective, liaison with other organizations must be developed and maintained.

▶ During the development phase of liaison, it is important for the security professional to understand the role and authority (or lack of authority) that an outside organization has.

Notes and Reports

▶ Notes are the foundation of a report.

▶ It is sometimes said that testifying—the last step in the investigative process—begins with note-taking.

▶ Without adequate notes on the crucial details, there can be no effective report, follow-up, investigation or testimony.

▶ Note-taking should be considered a priority throughout the investigative process.

Surveillance

Surveillance can accomplish various objectives:

- ▶ Identify suspects in a crime.
- ▶ Record the movements and associations of suspects.
- ▶ Identify patterns of criminal or unauthorized activity.
- ▶ Collect information for prosecution.
- ▶ Locate and apprehend suspects.
- ▶ Prevent crimes from being committed.

The entire planning process consists of the following steps:

- ▶ Establish the objective of the surveillance.
- ▶ Reconnaissance of the area where the surveillance will be conducted.
- ▶ Collect as much information as possible on the background(s) of subject(s).
- ▶ Calculate the personnel requirements.
- ▶ Establish communication.
- ▶ Calculate equipment needs.

Surveillance

▶ When recording surveillance activity via any means, investigators MUST be aware of all legal considerations dealing with expectations of privacy.

▶ Restrooms, locker rooms, and private residences are a few examples where privacy laws could be violated and the investigator could be found in legal or criminal trouble if any recording occurred in these areas.

Testifying in Legal and Administrative Proceedings

▶ Once a case has been investigated, it may become necessary to present findings in a court or other administrative proceeding.

▶ Here are some things to bear in mind when giving testimony:

- ▶ Always be positive and tell the truth.

- ▶ Be neatly groomed with clean uniform or clothing.

- ▶ Posture is important when giving testimony.

- ▶ Project your voice. Speak clearly.

- ▶ Answer "yes" or "no" to questions posed by counsel or the judge.

- ▶ Prepare for the case before the trial.

- ▶ Any notes or reports taken to the stand may be examined by the opposing attorney.

- ▶ Avoid any show of arrogance, bad attitude, bias, sarcasm, conceit or disgust.

- ▶ Never argue with an attorney or the judge.

ASIS Professional Certified Investigator

▶ The Professional Certified Investigator (PCI) credential provides demonstrable proof of knowledge and experience in case management, evidence collection, preparation of reports, and testimony to substantiate findings, and is applicable to a wide range of specialized investigations.

▶ Earning a PCI designation provides independent confirmation of specialized skills in security investigations, including case evaluation and review of options for case management strategies.

▶ It validates the PCI's ability to collect information through the effective use of surveillance, interviews, and interrogations.