

**Assisting Investigations**  
Utilizing Staff to Contain Cost

*W&A*

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**Objectives**

Upon completion of this course the participant will:

1. Understand the preliminary information that is useful to an investigator
2. Be able to serve process and fill out a return
3. Interview witnesses effectively
4. Take witness statements in house.

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**Ways to Contain Investigator Cost**

- Gather as much preliminary information as possible
- Serve process when possible
- Interview witnesses in-house when possible
- Take statements in-house when possible

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**How can you help the investigator?**

- Prepare and provide Preliminary information
  - ✓ Casenet for criminal history
  - ✓ DOR records
  - ✓ Case file for any pertinent information, identifiers, addresses, etc.
- Any information that is generated through in-house resources reduces investigator cost.

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**Sources of Information**

- Case file
  - Pertinent Information, Personal Identifiers, etc.
- Online
  - Casenet
  - Other searches – Melissa, White pages, Zaba, etc.
- Public Records

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**Organizing Information**

- Standardize your information gathering process
  - Make yourself a check list
  - Arrange the information in a specific order
  - Use an easy to read format
  - Be consistent with your gathering and reporting
  - Create a uniform information packet

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**Presenting the Information**

- Take time to discuss the information packet with the investigator.

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**Civil Process  
Serving the Public**

Prepared By: Weber & Associates - Joseph M. Weber, Senior Investigator

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**Serving Process**

- Who can serve process?
- How is process served?
- Who can accept service?
- Refusing service
- Filling out the return

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**Who can serve process?**

- Sheriff, coroner, marshal, constable or any competent disinterested person
- A special process server may be appointed

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**How is process be served?**

- When serving a subpoena requiring a person to testify it can be done:
  - By reading it to the person to be served
  - By delivering it to the person to be served

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**Who can be served?**

- The attorney or a party, by delivering a copy to him
- The attorney, by leaving a copy at his office
- A party, by leaving a copy at his usual place of abode with some person of his family over the age of fifteen years

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## Refusing Service

- Refusal to hear or accept the subpoena does not render the service invalid.
- So long as the subpoena has been read or delivered, service is good.

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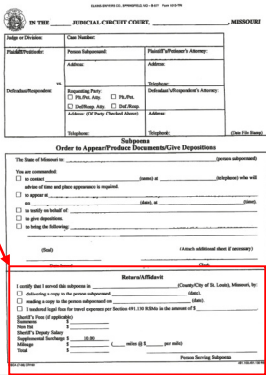
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## Filling out subpoena returns

- Subpoena return on the bottom must be filled out and signed by the person serving the subpoena.



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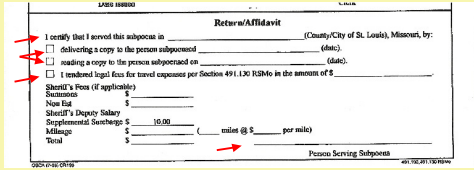
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## The Subpoena Return



- Fill in the location of service
- Check how service was made
- Note any fees tendered
- Sign at the bottom

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**Introduction**

There are times when a witness appears at the office and insists on giving a statement.

Because there is a small window of opportunity in which to gather this evidence, one must be prepared to act when the witness is available.

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**Objectives**

Successful completion of this block will enable the student to:

1. Recognize the need for in-house statement taking
2. Define the potential witness
3. Evaluate the witness
4. Discuss the various steps in the process of taking statements
5. Explain methods of recording statements

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**Why take statements in-house?**

- Exigency
  - It may be your only chance
  - Witness wants to talk now!
  - Witness may disappear or change mind
- Cost efficient – don't need an investigator

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**Who Are the Witnesses?**

- Friends
- Relatives
- Concerned Citizens

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**When Witnesses Appear**

- Two Types of Witnesses
  - The Walk-in Witness
  - The Call-in Witness

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**The Walk-in Witness**

- Accompanies the victim/accused
  - Emotional, excited
  - Voluntary

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**The Call in Witness**

- Comes in because it was requested
  - Not forthcoming
  - Not voluntary

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**Steps In The Statement Taking Process**

1. Recognition – witness or informant?
2. Evaluation of the potential information – evidence or intelligence
3. Preparation – make witness comfortable, review available info
4. Acquaintance – visit with the witness
5. Interview

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**Steps Continued**

6. Observe witness – body language, speech mannerisms
7. Evaluate witness credibility
8. Take notes
9. Discuss interview
10. Review
11. Record statement

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**Recognition**

- Is the subject a witness or an informant?
- Did the subject actually see or hear something of evidentiary value?
- Does the subject have information that could lead to a witness?

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**Evaluate the Potential Information**

- Does the information have evidentiary value?
  - Is it hearsay?
  - Is it an opinion?
- Is it “intelligence” rather than evidence?
  - Information that can develop a lead to evidence

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**Preparation**

- Make witness comfortable
  - Comfortable chair
  - Coffee
- Review all available information
  - Scan through file

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**Acquaintance**

- Get acquainted with the witness
  - Visit with witness and build rapport
  - Get personal information
  - Remove situational stress

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**Interview**

- Employ Five Elements
  - Introduction
  - Rapport
  - Information Gathering
  - Summary
  - Close

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**Interview: Introduction**

- Explain the objective of the interview.
- Answer any questions the subject may have .

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**Interview: Rapport**

- Rapport should begin during the getting acquainted period and continue through the closing period.

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**Interview: Information Gathering**

- Obtain a coherent statement containing useful information
- Provide the witness with an opportunity to review the evidence and present it in logical sequence
- Guide the witness with pertinent questions

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**Interview: Information Gathering**

- Questions should follow the standard report format:
  - Who?
  - What?
  - When?
  - Where?
  - Why?
  - How?

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**Observe**

- Observe the witness
  - Is the witness nervous?
  - Read the body language
  - Note any particular speech inflection
  - Watch the eyes

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**Evaluate Witness Credibility**

- Is the witness believable?
- How well does the witness present himself/herself?
- Is the witness articulate?
- What does the body language indicate?

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**Take Notes**

- Categorize Notes
  - Points to clarify or emphasize
  - Witness demeanor
    - > Personal appearance
    - > Attitude
  - Witness credibility
    - > Continuity and clarity
    - > Body language

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**Discuss The Interview**

- Make additional inquiries
  - “Is there anything else?”
  - “Let’s clarify ……”
- Check to make sure no pertinent information has been omitted

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**Review**

- Review all of the pertinent elements
- Repeat the witness’s story
  - Enlist the witness’s help
- Ask the witness if your understanding of the account is correct

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**Record Statement**

- Two common methods
  - Written statement
  - Digitally Recorded

**Note:** Digitally recorded statements usually take place during the interview process

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**Review Objectives**

- Statements are taken in-house when the window of opportunity does not allow for referral to an investigator
- A potential witness possesses information of evidentiary value
- Witnesses are evaluated based on their potential to provide evidence

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**Review Objectives Continued**

- The statement taking process includes:
  - Recognizing the potential witness, Evaluating potential information, Acquaintance period, Interview, Observation, Evaluating witness credibility, Taking notes, Discussing the interview, Reviewing the interview, Recording the statement

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**Review Objectives Continued**

- Statements are usually hand written or digitally recorded. When statements are digitally recorded, it is done during the interview process.

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**Witness Statements**

Witness statements are a means of preserving the evidence of eyewitness accounts. When any evidence is identified, we should take the necessary steps to preserve it.

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**Thank you for attending**

*Witness Statements: Taken by Surprise* has been developed and provided by:

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Salem, Missouri 65560  
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