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TIPS FOR HIRING AN INVESTIGATOR FOR YOUR CRIMINAL DEFENSE TEAM

Criminal Defense Attorneys have a very difficult job because you are hired to defend people that are charged with committing a crime. Your job is to force the prosecution to prove the person arrested actually committed the crime so innocent people are not convicted. Often times, police make mistakes and focus all of their attention on a suspect without enough evidence of guilt. Therefore, it is your role to make sure your client is well represented and their rights aren't violated.

The United States of America is the greatest country in the world and every one of its citizens is "Innocent Till Proven Guilty". We have the right to a fair and speedy trial along with making sure the punishment fits the crime. You are always under a lot of pressure because another person's future and freedom is at stake. As a result, it is very important that you have an experienced CRIMINAL DEFENSE TEAM to assist in your efforts. One member that can be very beneficial to your success is a Private Investigator.

Criminal cases often times are months or even years old by the time they get assigned to you. Therefore, you are already "behind the 8 ball" in the progress of a case and having to play catch up from the start. An experienced investigator will "level the playing field" and free you up to concentrate on the legal matters at hand. The investigator is a crucial part of any case because it allows you to prepare your case from a position of strength and confidence that provides the best chance of success. An investigator can have many different roles during the course of a criminal case. Initially, his primary goal is to find any witnesses and evidence that will establish "Reasonable Doubt" for the jury. He will start by reviewing all discovery materials that have been turned over by the prosecutor. Then, he will dissect the police reports as well as studying the evidence and witness statements related to the case. He will focus his efforts on any inconsistencies that will enable him to define the weak points in the prosecutor's case.

In addition, an investigator will interview the defendant before re-visiting the crime scene to see if anything has been overlooked by the police. He will re-interview witnesses to see if their stories have changed or if there are alternative motives for statements against the defendant. He can do background checks as necessary and will follow up on any additional witnesses or new evidence that could be beneficial to the defense. However, one of the most important roles of an investigator is to stay in constant communication so your team is always on the same page throughout the case. It is vital that you work together because it will take a total team effort to create "Reasonable Doubt" for the defendant. It always works best when the investigator can focus on the investigation and you can focus your time on court proceedings and strategies for trial.

We have already discussed in detail the role of a Private Investigator and why it is important to have one on your case. Therefore, it is essential to know what qualities to look for so you can find one that will be a good addition to your team.

Characteristics Needed in a Private Investigator:

1. **Licensed & Insured** – A lot of people will tell you they are a Private Investigator even though they are not licensed or insured because it is not their primary field of expertise. It seems that being a Private Investigator is a popular choice for some people to do in their spare time. They might work in law enforcement or some other occupation but that doesn't mean they have the knowledge and training to work as a Criminal Defense Investigator. Often times, they have seen shows on television and it looks fun so they start telling friends they are an investigator. However, this is not the kind of person that you are looking for. You need someone that is committed to being an investigator full time and has all of the resources and equipment necessary to do his job. A licensed investigator will have a digital camera, video recorder, audio recorder, laptop computer and web based cell phone along with other "tools of the trade". He will have additional resources that enable him to locate phone numbers, addresses and other vital information for potential witnesses in your case. These resources can become an important part of your case because the information you are provided in discovery is usually old and not very helpful. It is the job of

the investigator to find the people you need and he must have the contacts to do so. Never forget that your investigator is a representative of your firm and can be the difference in the success or failure of your case. It is important that he is a credible source and any investigator you hire should have business insurance with his company. Accidents don't happen very often but you don't want to get into a situation where someone sues your firm because your investigator makes a mistake without any insurance. A criminal case is hard enough as it is and you should not have to worry about the members of your team if you do your homework. After all, it is definitely better to be safe than sorry because your reputation can be affected by those around you.

2. **Experience** - Criminal Defense Investigations is not the kind of case where you want to gamble with your client's future. As a result, it is necessary to work with an investigator that understands how to conduct a professional and thorough investigation. Experience can be gained in a number of different areas including his education, work history and background. It is always good to verify how long he has been licensed, what are his areas of expertise and how many cases he has worked. You should always ask for business references so that you can talk to others in the field familiar with his quality of work. Experienced investigators know the "tricks of the trade" and have a combination of common sense and "street smarts". He will take the time to understand the charges and laws that relate to your case. An investigator will deal with all types of people in different situations and needs to be able to "think on his feet" and act quickly if necessary. Experience is a valuable asset to a Criminal Defense Team and there isn't any substitute to being in the field since experience can't be found in a text book or a classroom.

3. **Interviewing Skills** - Background checks can be run on potential witnesses to make sure an investigator knows who he is talking to. There is an art to interviewing people and it is a lot more involved than just asking them a few questions. An experienced investigator will go into an interview with a plan but is flexible enough to go where the conversation leads him. He will always tape record his interviews if the other party is in agreement. He knows what people to interview and what questions to ask. He has a good understanding of people and knows how to read "between the lines". There are definite ways to get information and someone's body language will tell you a lot about them. He has to listen to what is said and what is not said. Always show the individual respect and give them time to answer the questions he asks without interrupting them. Interviews are 2 way conversations and sometimes he has to be patient to get the information he needs. It takes time to gain trust in an interview and an investigator needs to learn their "Lingo" so he can relate to them or their culture. If he pays close attention, he can usually tell if someone is lying or hiding something. The goal of the interview is to gain information not to express his personal feelings towards the individual he is talking to. He might not like the way a witness looks or their lifestyle but that isn't relevant to his interview. A good interviewer can set aside his own emotions and will lead the conversation in a way to get the facts he needs. Often times, it might take a little time to get someone to open up to him and it is important to understand their motivation. An investigator is not a police officer but witnesses often confuse the two. They don't want to be labeled a "Snitch" so they might not want to be honest with him. Therefore, he needs to make sure that they know who he is working for and why he is talking to them. All he is asking them to do is tell the truth. There is never anything wrong with telling the truth and it is important that fact is relayed to them.

4. **Organizational Skills** – Criminal cases have a lot of information in discovery and it is vital to have a plan and be organized from the start. An investigator must know the case inside and out including the charges against the defendant along with the strength of the prosecutor's case. An investigator must be a sponge and a student from day one. He needs to study all evidence against the defendant along with witness statements, audio & video recordings, crime scene photos, coroner's reports and any other aspects of the case. Next, the investigator needs to talk to the defendant to get his version of the story to see how it compares to the witnesses in the case. It is important that the defendant knows the investigator is there to help him so he will learn to trust him. Even though you will handle all legal matters in this case, it never hurts to have "another set of eyes" to see if any information could have been overlooked. An investigator needs to be prepared and put together a list of things to accomplish. Otherwise, he can become overwhelmed due to the amount of information in these cases. An experienced investigator will provide you with his plan so you can compare notes and make sure that everything is done. However, the investigator always has to stay flexible because things change once new leads are uncovered.

5. **Integrity** - The most important characteristic anyone can have is their integrity. A good reputation has to be earned and is very hard to get back if ever lost. An investigator is dealing with very confidential issues and has to be someone who is honest. It is essential he can be trusted by law enforcement, attorneys, judges, juries, prosecutors

and the general public. He needs to be ethical and willing to do what is right no matter if people will find out or not. An investigator must be professional, respectful and credible. He doesn't let his cases get so personal that it clouds his judgment on what is right or wrong. He is willing to do the work and realizes there are no shortcuts. He is dependable, reliable and his word means something. It is important he is a good example to others and is always on time. He produces consistent results but is a team player and will never miss-represent himself or you. It is better to do the right thing and not get the result you want, than the alternative. Honesty is always the best policy.

6. **Communication Skills** – Criminal cases deal with people and it is important to be able to relate to them in a positive manner. It is routine for an investigator to be talking to the defendant, witnesses, suspects, attorneys, leaders in the community and law enforcement. He has to have the ability to communicate with them on the phone and in person. These cases involve a lot of emotion on both sides and it is important he can read people. On a daily basis, he will talk to people from different races, age groups, financial backgrounds and education levels. He has to be able to relate to all types of people so he can pick up on their verbal and non-verbal cues. These skills will be used to determine the motivation and truthfulness of the people he is dealing with. An investigator needs to be observant and able to anticipate the actions of others. He should interact often with your team to keep them updated on his progress along with discussing strategies and alternative theories based on the information gathered.
7. **Analytical** – It is very important that an investigator be able to analyze all types of people and information. He needs to have a keen sense of curiosity when he is chasing new leads, gathering evidence and identifying witnesses that will allow him to look at the case from several different angles. There are usually multiple different theories on how the crime might have occurred or the involvement of the defendant. Often times, it doesn't happen exactly the way the police said it did and it is important that there is evidence to prove that. Criminal investigations are a lot like “putting together a puzzle”. He has to gather bits and pieces of information over time before he can finally grasp the bigger picture of what actually occurred. As a result, an investigator has to be very articulate and detail-oriented in all aspects of the case because the smallest detail often times makes the biggest difference. You never know how something that doesn't seem too important could be the one piece of evidence that gives the jury “Reasonable Doubt”. Finally, it is essential that an investigator become very proficient in writing reports. He has to provide your team with information that is accurate, concise and easy to understand.
8. **Initiative** – There is no substitute for a strong work ethic and competitive nature. Investigators will often encounter resistance when dealing with people that have a vested interest in hiding information. Therefore, he has to be assertive and willing to go above and beyond the call of duty. Criminal investigations take a long time to complete and involve a lot of long hours. However, an investigator should not be focused on the effort it takes or the money earned from these cases. Instead, he should take pride in his work and willing to continue until the job is complete. An investigator has to be effective, thorough and able to follow instructions. He won't have constant supervision so he needs to be able to work independently and stay motivated from within. He has to have the ability to think “outside the box” and willing to look at the bigger picture. Investigations require someone that will explore all options and won't rush to judgment or take the easy way out. Criminal cases need resourcefulness when it comes to gathering new evidence and locating witnesses. An investigator has to have established contacts and methods to get the information needed for the defense. These investigations require someone that is computer savvy but also has the ability to work in the field and won't give up until the investigation is finished.
9. **Time Management Skills** – Criminal Investigations take a lot of time from the day the crime is committed until the day it goes to trial. It is common that you and an investigator might be working multiple criminal cases at one time. Therefore, he has to stay on top of things and make sure all deadlines are met. As a result, it is important he understands how to prioritize his time. Each case is given a budget to work with and he has to be able to figure out what is the best use of his time to give the defendant the best chance in court. He does have instructions from you but has no real constant supervision. It is up to him not to waste time on dead end leads or witnesses with no relevance to your case. Experienced investigators understand this concept and it is important that no time or effort is spent on actions without any benefits.