

Section 2.1

What are the Main Points to Address in an Investigation?

Question posed at the Roundtable

This document provides guidance on the following question posed at the Hearing Officer Roundtable:

- What are the main points to address in an investigation?
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Note: This document is not intended to supersede DPR’s *Investigative Techniques Manual* or *Investigative Training* courses.

Background

Investigation is an “art” and not a “science.” It must be discussed in terms of perceptions and advice (art), rather than laws and rigid theories (science). In order to conduct a successful investigation, the investigator needs to plan the investigation, “operate in harmony with the rules,” and, to the greatest extent possible, follow the investigation plan. Failure can result if unorthodox methods are used or the prescribed procedures are neglected.

The investigator’s goals

An investigator is a person who collects information to accomplish several goals:

- Determine whether a violation occurred;
 - Identify the violator(s);
 - Locate the violator(s); and
 - Provide evidence to prove his/her culpability for the violation.
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The investigator’s duties

Finding the violator of an offense is frequently the simplest part of the investigation, whereas obtaining the evidence to support the charge in a hearing is often the most difficult.

Planning the tasks and duties for an investigation is a key factor to the success or failure of the investigation. The lead investigator must be involved in the planning process and in delimiting the roles of other staff involved in the investigation (including progress reporting relationships and expectations). Investigators (such as inspectors, biologists, technicians, or any other appropriate civil service classification) assigned to a case are required to gather various parts of an investigation and form it into one complete “story.”

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The investigator's duties (continued)

Investigators must interview the complainant(s); search, collect evidence from and make observations of the site(s) where the violation(s) occurred; interview witnesses and suspects; collect, compile, and transmit the evidence; and perform all of the necessary functions of the investigation.

The investigation will be a success if the physical evidence is competently handled, witnesses are intelligently interviewed, the suspect or suspects are intelligently interviewed, all leads are properly developed, and all information gathered is clearly and accurately reported. The Hearing Officer's decision is not necessarily a valid measure of whether the investigation was a success or failure.

The three "I's"

For the sake of simplicity, investigators must practice and follow the three "I's." The three "I's" are:

- Information;
- Interrogation; and
- Instrumentation

Information -- Of the three "I's," *information* is the most important, since it answers the questions: "Who did it?"; "What did they do?"; and, "How did they do it?" Information is used to describe the knowledge the investigator obtains from other persons. There are two types of information. The first is information gathered from sources including conscientious citizens, company records, files from various organizations, etc. The second kind of information is the knowledge the experienced investigator gathers from other sources, such as informants, current and former employees, acquaintances, etc.

Interrogation -- Interrogation includes the skillful questioning of both witness and suspect. Success of an interrogation varies with the skill, craft, logic, and insight the investigator uses when he/she questions a person who may possess information relevant to the case. A good investigator excels in the "art" of interrogation by being able to establish a rapport with the witness or suspect.

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The investigator's duties (continued)

The investigator should look upon a reluctant witness or suspect as a person who will provide the information requested if he/she is questioned with skill, persistence, and patience. An investigator who possesses common sense and a capacity for perseverance will become a good investigator if he/she has insight into personalities and has acquired knowledge of psychology by study and observation.

Instrumentation - Instrumentation includes the application of instruments, including various types of scientific equipment and methods used in the physical sciences to detect a violation. Instrumentation is most effective in cases where physical evidence is abundant. Instrumentation includes photographing the violation site, sending samples of physical evidence (e.g., swab samples, produce samples, pesticide samples, etc.) to the laboratory to identify what pesticides are involved and connect them to the suspected violator, establish the degree of contamination, etc.

The most common use of instrumentation involves analyzing the physical evidence in the case. Investigators must be thoroughly trained in the various types of equipment used to aid him/her with the investigation. Many technical aids are available, but unless the investigator understands how these aids can be used effectively, their full potential will not be adequately realized.

Conclusion

Evidence gathered by investigators must establish the essential elements of the violations alleged. The investigation is not concluded until every attempt has been made to establish each essential element of the violation and connect them to the suspected violator.

The completed investigation is the end product of teamwork, from the time the violation has been discovered, authorities contacted, evidence collected, and witnesses interviewed, until the hearing takes place.

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DPR training for investigators

For detailed information on pesticide use-related investigations, you should attend DPR's training course, *Investigative Techniques*. In this course, you will obtain the *Investigative Techniques Manual*, a manual intended for use by county agricultural commissioner staff. The manual will help investigators "think through" the investigation process, plan for any possible enforcement action, and use and assemble resources effectively.
