

# Building Your Case: Investigation 101



TENNESSEE  
DISTRICT ATTORNEYS  
GENERAL CONFERENCE

Barry Staubus District Attorney General

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## I. Foundation

- A. Training
- B. Experience
- C. Instincts
- D. Organization
- E. Common Sense

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## II. Investigation

- A. Introduction
- B. Interview Victim
- C. Interview Witnesses
- D. Interview Defendant
- E. Corroboration
- F. Be Creative: use tools at your disposal
- G. Exculpatory Information
- H. Records
- I. Forensic Evidence
- J. Conclusion

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### A. Introduction

1. You are responsible for every facet of the investigation.
2. Communicate with those assisting you.

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### B. Interview Victim

1. Specifics
2. Dates
3. Significant Events
4. Prepare written signed statement
5. Read statement to victim

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### C. Interview Witnesses

1. Details/Corroboration
2. Background
3. Motives
4. Access to Victim
5. Prepare written signed statements
6. Read statements to witnesses

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### D. Interview Defendant

- |                             |                                     |
|-----------------------------|-------------------------------------|
| 1. Relationship with victim | 5. Alibis                           |
| 2. Obtain Admission         | 6. Inconsistencies                  |
| 3. Implausible Explanations | 7. Prepare written signed statement |
| 4. Implausible Denials      | 8. Read statement to defendant      |

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### E. Corroboration

- |                                     |                           |
|-------------------------------------|---------------------------|
| 1. Photographs                      | 8. Employment Records     |
| 2. Diagrams                         | 9. Correspondence/Letters |
| 3. Collect Evidence                 | 10. Computer Materials    |
| 4. Medical Examination              | 11. Diaries/Journals      |
| 5. Medical Reports                  | 12. Measurements          |
| 6. School Records                   | 13. Telephone Records     |
| 7. Counseling/Psychological Records | 14. Social Media          |

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### F. Be creative: use tools at your disposal

1. Perp Phone Call
2. Polygraph
3. Voice Stress Analysis
4. Search Warrant/Consent
5. Alternate Light Source
6. Line-up
7. Experts (Medical, Forensic)
8. Make it up

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## G. Exculpatory Evidence

1. State has an obligation to provide to the defendant exculpatory information-favorable information.
2. Examples
3. Article: Commercial Appeal

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## H. Records

1. Telephone Records
  - o voice mail messages
  - o text messages
  - o call logs
2. Computer
  - o e-mails
  - o photographs
  - o video
3. Medical

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## 4. Tools

- a) Consent/Release Forms
- b) Judicial Subpoenas
- c) Grand Jury Subpoenas
- d) Search Warrant
  1. Get correct Address
  2. Be Specific and detailed

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**I. Forensic Evidence**

1. Collect Evidence
2. Maintain Chain of Custody
3. Submit to Lab/Expert in timely fashion
4. Check status

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**J. Conclusion**

1. Talk to co-workers
2. Discuss with other agencies

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**III. Post-Investigation**

- A. Paperwork/Prosecution Report
- B. Trial Preparation
- C. Testimony

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### A. Paperwork/Prosecution Report

1. Keep detailed thorough reports
2. Supply all evidence, documentation
3. Complete Prosecution Report in entirety
4. Provide a narrative

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### B. Trial Preparation

1. Maintain contact with the victim, family, and witnesses.
2. Discuss case and testimony with DA.
3. Calendar the court date.
4. Prepare for testimony: Review file
5. Check on case status.
6. Advise of problems/new developments.

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### C. Testimony

1. Tell the truth—stick with what you saw, heard, know and what you did.
2. Understand the question-before answering.
3. Stop if there is an objection.
4. Don't try to figure out why the attorney is asking the question.
5. Cross-Examination
  - a) Not stuck with yes or no
  - b) you can explain your answers

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## CASE PREPARATION FOR INVESTIGATORS



Reginald R. Henderson  
Supervisor of Criminal Courts  
Assistant District Attorney General

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## COMMUNICATION IS KEY

Don't do what you THINK the prosecutor wants, be CERTAIN.

- Have prosecutors submit requests in writing to ensure that the task is clearly communicated.
- You can write down prosecutors requests and have the prosecutor verify.
- Keep prosecutors informed of progress (including when task can not be completed as originally assigned).

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## REVIEW THE FILE

- If you are in possession of the file, review the entire file not just the portions relevant to your particular assignment.
  - You may notice something that the prosecutor missed or did not think about.
  - You may discover information that may be helpful to you in completing the assigned task.
- If you are not in possession of the file, request the file so you can review the file.

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**USE THE TOOLS YOU BRING  
TO THE TABLE**

- Relationships with others
- Research Skills (Computer programs, social media, google, etc.)
- Familiarity with the community (neighborhoods, apartment complexes, etc.)
- Prior experience (law enforcement, private sector, community service, education, etc.)

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**SERVING SUBPOENAS AND  
TRANSPORTING VICTIMS & WITNESSES**

- Research is a MUST!!!
- Know what to expect before you arrive at target address for your safety!
- Check the victim/witness background for possible criminal history or warrants.
- Check the address to determine if there are any warrants associated with the address.

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**BUILD A RAPPORT WITH  
CASE OFFICER**

- Be humble.
- Be tactful in questioning another investigator about his/her work.
- An amicable relationship can be mutually beneficial (gain trust, willing to make assisting you a priority, grant you favors).
- Promptly assist another investigator (you will get the same treatment in return).

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## INTERVIEW GOALS

Goal(s) of An Interview:

- Clarification
- Completion
- New information

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## WITNESS INTERVIEWS

- Separate witnesses
- Have a witness verify identity
- Have a conversation first
- Educational background (ability to communicate)
- Check for possible criminal record

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## WITNESS INTERVIEWS (continued)

- Have witness to verify statement (written or verbal)
- Have witness be as specific as possible (get details for who the players are, what they did, how they did it, and what the witness actually observed)
- Narrow down dates and times
- Ask about other potential witnesses

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## STATE WITNESSES

- Understand relationships
- Motivation to lie or tell the truth (fear, intimidation, revenge, relationship to victim/defendant)
- Show photos of scene/map
- Vantage point(s)
- Lighting/weather conditions

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## ALIBI WITNESSES

- Be specific
- Never give time frame, location or other important details
- Do not give any information or share information from other witnesses/sources
- Have the witness provide exact times, locations, detailed facts, who involved/present

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## CONCLUSION

- Communicate effectively
- Review the file
- Do your research
- Build a relationship with other agencies
- Safety first when transporting witnesses and serving subpoenas
- Properly document witness interviews

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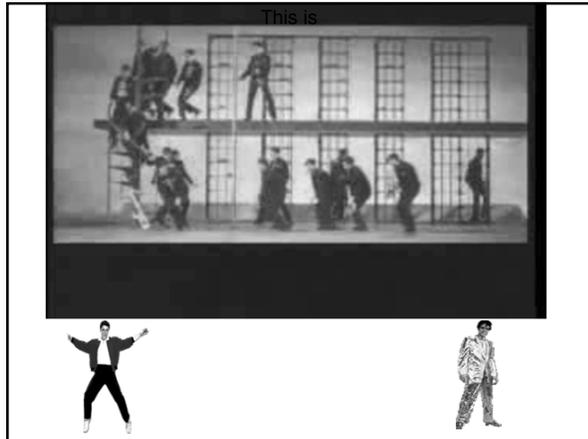
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