

# Lesson 3.3 – Investigatory Equipment and Files




## The Lesson

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## Lesson 3.3 Investigatory Equipment and Files

 **Note** to instructor – recommend that lesson 3.1 be presented by an instructor who has professional experience as an investigator. The instructor should also encourage questions from the trainees and aim for an interactive discussion. All trainees should be encouraged to contribute to the group discussions and learning activities.

**Key Message:** Investigations must be supported by various pieces of investigative equipment. Equipment requirements should be identified in the investigation plan to ensure availability when required. The plan should also include equipment checks for functionality.

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## Lesson 3.3 Content

- Contents of an investigative kit
- Use of investigator notebooks
- Use of investigation folders
- Use of photography

Here are the subject areas we will be covering:

- \* Investigative kit.
- \* Investigator notebooks.
- \* Investigation folders.
- \* Photography.

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### Lesson 3.3 Learning Outcomes

- List the contents of an investigative kit
- Explain the utility of investigator notebooks
- Explain how to manage investigation folders
- Explain the use of photography/video in investigations

As is good training practice, let's review the learning outcomes.

At the end of the lesson our aim is for you to be able to:

- \* List the contents of an investigative kit.
- \* Explain the utility of investigative notebooks.
- \* Explain how to manage investigation folders.
- \* Explain the use of photography/video in investigations.

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Investigations may require certain equipment. This must be identified in the investigation plan to ensure availability when required. The plan should also include equipment checks for functionality.

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### Investigative Kit

- Communications equipment, mobile telephone, satellite telephone, radio (or similar)
- Laptop computer with preloaded manuals/forms/templates
- Digital audio recording device that can be used to record interviews, oral notes of investigative activities or observations at a incident scene
- Digital storage media, thumb drives, memory sticks, etc.
- Global Positioning System ('GPS') navigators and/or maps
- Directional marker/compass
- Camera with flash, extra memory cards
- Photographic evidence board
- Measuring tape
- Ruler
- Rope and signs to secure an incident scene
- Traffic cones
- Reflective vest

 **Note** to instructor – each piece of the investigative kit should be laid out and shown to students.

Prior to any investigative activity an investigative kit should be prepared. The Investigative Kit should include:

- \* Communications equipment, mobile telephone, satellite telephone, radio (or similar).
- \* Laptop computer with preloaded manuals/forms/templates.
- \* Digital audio recording device that can be used to record interviews, oral notes of investigative activities or observations.
- \* Digital storage media, thumb drives, memory sticks, etc.
- \* Global Positioning System ('GPS') navigators and/or maps.
- \* Directional marker/compass.
- \* Camera with flash, extra memory cards.
- \* Photographic evidence board.
- \* Measuring tape.
- \* Ruler.
- \* Rope and signs to secure an incident scene.
- \* Traffic cones.
- \* Reflective vest.

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### Investigative Kit

- Cotton swabs
- Plastic sealable bags
- Paper bags
- Envelopes
- Flashlight and battery
- Small mirror
- Notebook and pen
- Permanent marker
- Sketch pad
- Consent forms
- First aid kit
- Flares (as required)
- Personal protective equipment such as disposable gloves, masks and hair nets
- Waterless hand sanitiser
- Investigative kit inventory



**Note** to instructor – each piece of the investigative kit should be laid out and shown to students.

The Investigative Kit should also include:

- \* Cotton swabs.
- \* Plastic sealable bags.
- \* Paper bags.
- \* Envelopes.
- \* Flashlight and battery.
- \* Small mirror.
- \* Notebook and pen.
- \* Permanent marker.
- \* Sketch pad.
- \* Consent forms.
- \* First aid kit.
- \* Flares (as required).
- \* Personal protective equipment such as disposable gloves, masks and hair nets.
- \* Waterless hand sanitiser.
- \* Investigative kit inventory.

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## Investigator Notebooks

- Notebook 1: a notebook to record all objective notations, including the practitioner's actions and other details of the investigation
- Notebook 2: a notebook to record any subjective analysis, personal reflections or other similar commentary

It is advised that NIO use two notebooks to record details on the investigation.

**Notebook 1:** a notebook to record all objective notations, including the practitioner's actions and other details of the investigation. For each activity you undertake, include a short description of where you were, who was there, what you observed and when. Also include a step-by-step description of the action with a comprehensive note of any evidence received and any relevant occurrences, such as leads provided and by whom. If possible, record matters contemporaneously as opposed to at the end of the day or at a later date. Strive for accuracy while simultaneously resisting the temptation to be overly narrow. You should not attach legal determinations to the acts observed.

**Notebook 2:** a notebook to record any subjective analysis, personal reflections or other similar commentary. The purpose of this notebook is to separate subjective information from the factual evidence recorded in Notebook 1. This notebook will serve more as an aide memoire for the NIO and is intended to provide a personal, nuanced and living record of the progress of the investigation.

This separation of factual evidence from subjective recollections is crucial for two main reasons:

- \* Harm to subsequent investigations: mixing the two (e.g. jumping to conclusions or prematurely attaching legal determination to the acts that you are observing) may introduce partiality and harmful subjectivity, including to the work of subsequent investigators.
- \* Submission to a court: if the evidence recording your investigative steps needs to be used in court, it can be done by submitting only Notebook 1. By being entirely personal, Notebook 2 ought to be protected from disclosure.

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## Investigator Notebook

- Make notes at the time of the occurrence or as soon as possible thereafter
- Record notes in a bound and consecutively numbered book, notepad or similar, including page numbers
- If notes are made electronically, print a copy as soon as possible and ensure it is signed by the author and witnessed
- Where mistakes are made in the notes, mark a single line through the error and record the correct entry
- Initial all corrections or additions to the notes
- Commence notes with the DTG and, where appropriate, record the time throughout the notes (this places a verifiable sequence to the record)
- Write notes clearly and explain any abbreviations
- Sign notes after the last entry and include your full name, title, DTG
- Do not leave large blank spaces in the notes
- Protect and secure the notebooks

The format and content of the notebooks will vary but the following are important to consider:

- \* Make notes at the time of the occurrence or as soon as possible thereafter.
- \* Record notes in a bound and consecutively numbered book, notepad or similar, including page numbers. This ensures that pages cannot be torn out and re-written, assisting in establishing their authenticity.
- \* If notes are made electronically, e.g., on a laptop or personal digital device, print a copy as soon as possible and ensure it is signed by the maker and witnessed. This document protects against allegations that notes were altered at a later date.
- \* Where mistakes are made in the notes, mark a single line through the error and record the correct entry. This ensures complete transparency of the record.
- \* Initial all corrections or additions to the notes.
- \* Commence notes with the date and time and, where appropriate, record the time throughout the notes (this places a verifiable sequence to the record). Also record a description of the task, location and persons involved.
- \* Write notes clearly and explain any abbreviations, if used.
- \* Sign notes after the last entry and include your full name, title, date and time. The notes may also be signed or adopted by appropriate members of the investigative teams.
- \* Do not leave large blank spaces in the notes.
- \* Protect and secure the notebooks.



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NIO should use an Investigation Folder to catalogue the information collected during investigative activities. An Investigation Folder can be created either electronically or in hardcopy but must include every record of an NIO investigative activities and copies of the information collected.

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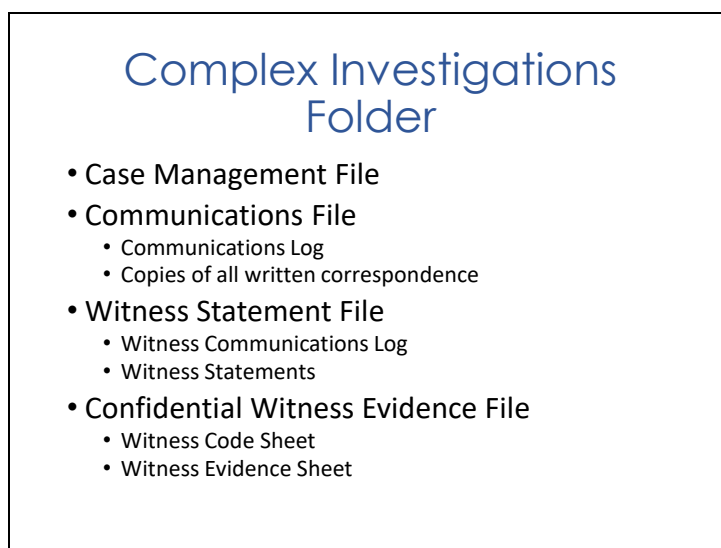
### Simple Investigations Folder

- The identity of the alleged subject(s)
- The location, date and time of the incident
- The circumstances and the nature of the incident
- The relevant information that is available
- The identity and personal information of the victim(s) or witness(es). This should be kept in a separate Witness Statement File and a Confidential Witness Information File

For investigations that involve allegations of single event or do not involve large quantities of information, a simple investigation folder (or investigation sheet) recording the following information may suffice:

- The identity of the alleged subject(s) of the complaint.
- The location, date and time of the alleged incident.
- The circumstances and the nature of the alleged incident.
- The relevant information that is available.
- The identity and personal information of the victim(s) or witness(es). This should be kept in a separate and witness statement file and a confidential witness information file.

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For larger investigations involving large quantities of information and/or multiple allegations, a more extensive investigations folder or database (preferably electronically but also in hardcopy if necessary) should be created.

An Investigation Folder for more complex investigations should contain the following:

- \* Case Management File – ensures that all activities undertaken pursuant to the investigation are accurately recorded. It should also include an Activity Log to describe all activities undertaken relevant to the investigation and clearly detailing who was involved in the investigation, what they did, and when.
- \* Communications File – records all the communications relevant to the investigation. This should contain:
  - \* A Communications Log – recording each relevant communication related to the progress of the investigation including its date, time, duration, participants and content.
  - \* Copies of all written correspondence – with persons outside of the investigative team including letters and e-mails, received or sent by investigators should be included. Include an entry recording the date of the correspondence, the author and a description of its content.
- \* Witness Statement File – contains all the written or digital witness statements or summaries. Any evidence that may identify the victim or witness should not be included in this file. Sensitive evidence from a witness that is a victim will be included in a separate confidential Witness Evidence File. The Witness Statement File should contain:
  - \* A Witness Communications Log – chronologically recording all the contact that the practitioner had with each witness. At a minimum, it should include: the witness' code number (it should not include the witness' name or identifying evidence), the name of the practitioner conducting the interview, the date, the time and the place of the interview, and the names of the people present.
  - \* All Witness Statements – The original witness statements should be preserved in a secure place. Put a photocopy of the witness statement in the Witness Statement File only after names and other identifying evidence has been removed.

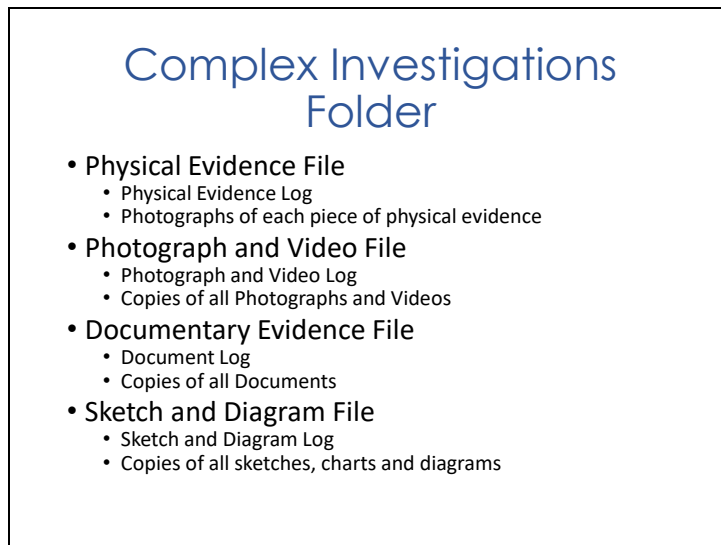
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- \* A sub-file (Confidential Witness Evidence File) containing confidential evidence about the witness should be kept SEPARATELY from the Witness Statement File, in a secure place, such as the evidence storeroom. These should also be password protected. They should include:
  - \* A Witness Code Sheet – identifying each witness and their corresponding code. This is one of the main documents in the witness protection system. It is the only sheet that contains the identity of all the witnesses. While the Witness Code Sheet forms part of the Witness Evidence File, it should be stored in a secure and separate evidence storage box which follows the same general storage principles as above.
  - \* A Witness Evidence Sheet – records sufficient evidence about the witness to ensure that he or she can be located again in the future. Record detailed background evidence about each witness, including name, address, telephone number, date of birth, place of employment, any national identification number, copy of driver's license/passport/national identification card, photograph of witness.

At all times while organising files related to witnesses, consider the principles of:

- \* Do no harm.
- \* Informed consent.
- \* Confidentiality.
- \* Protection.

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Physical Evidence File – should contain a Physical Evidence Log and, if possible, photographs of each piece of physical evidence linked to the identifying evidence. Physical Evidence Log records all physical evidence collected. Make a separate entry for each piece of evidence. Each entry should contain: the log number, the date the evidence was collected, the evidence number, the name of the person who collected the evidence, and the description of the item.

Photograph and Video File – this File should contain a copy of all photographs and/or videos taken or collected. The File should include:

- \* A Photograph and Video Log – should contain a separate entry for each photograph and video. Each entry should contain: the log number, the date the photograph/video was taken, the name of the photographer/videographer, and a description of what the photo/video depicts.
- \* Copies of all Photographs and Videos – if photographs and videos are stored electronically, burn a duplicate of the digital files onto an external hard drive and store the hard drive with the physical evidence and /or upload to a secure location. electronic storage is not available, store the photographs/videos securely with the “Photograph and Video Log, indicating how to find each individual photograph/video.

Document File – should contain a Document Log and a copy of all documents obtained during the investigation. The File should include:

- \* A Document Log – records all documents collected by numbering each entry and recording the date it was received, the name of the person who collected it, and a description of the document.
- \* Copies of all Documents – make a clear photocopy of each document as soon as possible to be kept in the File. Original documents should be placed in a sealed envelope to be stored with the rest of the physical evidence in a secure location.

Sketch and Diagram File – should contain all of the investigative scene sketches or diagrams created during the investigation (or scanned copies if the File is electronic). The File should include:

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- \* A Sketch and Diagram Log – each entry should contain: the sketch/diagram number, the date it was drawn, the name of the person who drew it, and a description of what the sketch/diagram depicts.
- \* Copies of all sketches, charts and diagrams – duplicate and store all sketches, charts and diagrams in a separate, safe and secure place.

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## Photography/Video

**Key Message:** During SEA investigations photographs/videos of victims, their children/babies or any other child victim are not taken. When creating photographic or video images, investigators must adhere to the ethical practices including the principle to do no harm and always keeping the best interest of the victims and witnesses in mind. NIO should not take photographs or videos outside of UN bases without obtaining either informed consent or authorisation from the relevant authority, or photographs or videos inside of UN bases without authorisation from the relevant authority. Photographs or videos of places, other people (not victims or children) and items should only be taken if they add value as evidence.

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## Photography/Video

- Do no harm and informed consent
  - SEA investigations do not take photographs/video of victims, their children or child victims
- Photographs/videos of places and items should only be taken if they add value as evidence
- Establishing photographs/videos
  - records the entire incident scene exactly as the person first arriving encountered it
- Close-up photographs/videos
  - At mid-range distance, identifying the location of the detail in relation to the establishing photographs
  - A close-up of the detail
  - A close-up of the detail including a ruler or some sort of scale

The following sets out the basic principles of photography/video for NIO investigations. When creating photographic/video images, NIO must adhere to the ethical practices including the principle to do no harm and always keeping the best interest of the victims and witnesses in mind. NIO should not take photographs/video without obtaining informed consent or having approval from a relevant authority. During SEA investigations photographs/video of victims, their children/babies or any other child victim are not taken. Photographs/videos of places, other people (not victims or children) and items should only be taken if they add value as evidence.

Two types of photographic images:

- \* Establishing photographs/video.
- \* Close-up photographs/video.

Establishing photography/video records the entire incident scene exactly as the person first arriving encountered it. This entails a series of individual panoramic shots that are taken with sufficient overlap to provide an overview of the scene, or video imaging of the scene. This allows for the reconstruction of an incident scene. If possible, include a marker indicating which direction is north to record the geographical location of the scene as accurately as possible.

After taking all establishing photographs/video, investigators may proceed with a series of close-up shots of items or details of interest. Adherence to the following principles will satisfy the basic criteria of most legal institutions and in any case helps to ensure the credibility of the evidence. Close-up photographs/videos come in three different forms:

- \* At mid-range distance, identifying the location of the detail in relation to the establishing photographs.
- \* A close-up of the detail.
- \* A close-up of the detail including a ruler or some sort of scale.



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Close-up photographs/video of the second and third category are to be taken with the back of the camera parallel to the detail of which a picture/recording is being taken. The detail is to completely fill the field of view. The ruler from the investigations kit should be included in the final close-up photograph/video in order to illustrate the size of the item. The NIO must ensure that the item is properly illuminated, avoiding over-exposure or under-exposure to light as much as possible. The flashlight from the investigations kit can be used to illuminate the item if necessary.

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### Lesson Takeaway

- Investigative kits contain key items that support successful investigations
- Investigator notebooks (1 and 2)
- Investigation folders are a key information management tool for any investigation

NIO should be aware of the following:

- \* Contents of an investigative kit.
- \* Investigator notebooks.
- \* Investigation folders.

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Questions?





Encourage questions and open debate of the issues amongst trainees. Allow 5-10 minutes.

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 **Purpose:** The following TTX is a learning activity designed to enable NIO trainees to consider an SEA scenario and work through various commonly encountered issues in SEA investigations. TTX are built into the end of all Lessons in Modules 3 and 4 to consolidate and reinforce NIO learning through explanation, demonstration, imitation and practice.

 **Definition:** TTXs are set in an informal setting designed for trainees to discuss the principles and concepts of undertaking NIO investigations in a UN mission, using hypothetical but realistic scenarios. Importantly, this TTX helps trainees to better understand the challenges they will encounter as an NIO. The effectiveness of this TTX will be derived from the enthusiastic and active involvement of trainees.

 **Methodology:** NIO trainees are encouraged to discuss issues in depth, using a problem-solving methodology. NIO instructors are encouraged to act as a guide and oversee knowledge sharing, encouraging contributions from all trainees to generate solutions.



Divide the trainees up into groups of 2-3 individuals for the TTX.

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## Scenario

Two sisters, Lily and Lola, help their mother to sell local beer. One day, two contingent members, Patrick and Dave buy beer from Lily and Lola and asks them to deliver the beer later that night to a checkpoint where the peacekeepers are deployed for the weekend. They give Lily and Lola some extra money for their trouble to deliver the beer. Later that night, Lily and Lola deliver the beer to the checkpoint where they find Patrick, Dave and four other peacekeepers. They visit with the peacekeepers for a while, drinking beer and watching videos on Paul's phone. The next morning, Lily wakes up alone in a small shed on the side of the road, feeling groggy and tired. She is half-naked, her body aches and there are some sticky patches on her skirt. Lily cannot remember what happened the night before and does not know where Lola is. She later finds Lola safe at home. Lola tells Lily that she had come home the night before but had left Lily with the peacekeepers as Lily wanted to stay longer. They report the incident to a local NGO. After a journalist interviews Lily and Lola, an article appears in the local paper alleging that Lily and Lola had been raped by several peacekeepers at the checkpoint. Lily and Lola don't know their ages.



Allow the trainees 5 minutes to read the scenario and record the salient facts of the case in their notebook. This has the dual purpose of training the NIO to become competent in notetaking and identifying key facts under simulated pressure.

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### Discussion Points

- As your contingents NIO you have been assigned to investigate this incident
- Based on the information in the scenario:
  - Identify the SEA related misconduct
  - Identify the key elements to address during your investigation
  - Identify the lines of enquiry and sources of evidence
  - Identify specific challenges you may encounter during your investigation
  - Identify any other forms of possible misconduct



Allow trainees 10-15 minutes to discuss the following questions in their small groups of 2-3. Once trainees have had the opportunity to discuss these issues in their small groups the instructor should aim to facilitate a class discussion on the questions raised for between 15-20 minutes.



Instructors should circulate themselves around the classroom during the small group discussions. Instructors should also establish the following code of conduct for group discussions:

- \* Be good listeners, do not interrupt others.
- \* Be enthusiastic and actively involved.
- \* Maintain mutual respect.
- \* Apply your knowledge as an investigator to the issues raised.