

PRIVATE DETECTIVE/INVESTIGATOR CORE TRAINING CAPSULES – CONTENT OBJECTIVES

PRIVATE DETECTIVE/INVESTIGATOR OVERVIEW

The student will define and discuss:

- a) Private investigations and identify the differences between private and government investigations. Reasons for private investigations: instead of, or in conjunction with law enforcement, differences in authority and jurisdictions.
- b) Lawful abilities of private investigators for clients that law enforcement cannot.
- c) Traits of an effective investigator.
- d) Courtroom testimony and deposition.

The student will identify and discuss:

- a) Various types of private investigations and what they might require.
- b) Situations where a private investigator cannot function, knowing when to involve law enforcement officials.
- c) Investigative resources: effective communications, databases, records, background information.
- d) Role of surveillance in investigations.

LEGAL AUTHORITY AND LIABILITY ISSUES

****As it relates to Private Detectives/Investigators****

The student will examine and discuss:

- a) Generally, an investigator's job duties.
- b) Differentiate constitutional limits of private investigations.
- c) Importance of presentation, avoid impersonation of a law enforcement official.
- d) Lawful and unlawful arrest and detention.
- e) When law enforcement should be brought into a matter and client responsibilities.
- f) Search and seizure procedures and responsibilities.
- g) Rules on confessions, burdens of proof and defenses.
- h) Vicarious liability to employee and/or employer.
- i) Minnesota laws on use of force, force alternatives and what constitutes assault.
- j) Circumstances which can create liability for an investigator and his employer.
- k) Definition of the force continuum, levels of force and response when appropriate.

The student will identify and discuss:

- a) Differentiate state licensing limits on law enforcement and private detectives/investigators.
- b) Criminal and civil trespass.
- c) Situations that might require a private investigator to use force specify appropriate circumstances verses inappropriate.

COMMUNICATIONS

The student will examine and discuss:

- a) Private Investigators dealing with clients, the public and law enforcement.
- b) Interpersonal communications: active listening, non-verbal skills.
- c) Types of information given to a client and not given.
- d) Value of effective field notes and report writing, to include principle elements.
- e) Elements of daily activity and incident reporting.
- f) Cultural sensitivity and gender equity, Civil Rights and ADA laws, discrimination, prejudice and harassment prevention.

The student will identify and demonstrate:

- a) Six basic report elements: who, what, where, when, why and how.
- b) General report structures: arrangement and content.
- c) Discoverable v. Confidential work product – Compliance with law.
- d) Communication techniques with diverse populations.

RIGHTS OF PRIVACY/INVASION OF PRIVACY/DATA PRIVACY

The student will examine and discuss:

- a) Reasonable expectation of privacy and data privacy (state and federal).
- b) Freedom of Information Act and Privacy Act.
- c) Limits of pretext operations.
- d) Civil and criminal trespass.
- e) Lawful listening and observation as it relates to persons, homes and businesses.
- f) Harassment and stalking orders.
- g) Identification of areas where a private detective would be concerned about invading privacy and the potential liability.
- h) Laws relating to held record information such as: banking, medical, credit, criminal and insurance data.

The student will identify:

- a) Public and private information sources, their lawful and effective use.
- b) How to legally obtain private and public documents.

SITUATIONAL ASSESSMENT

The student will examine and discuss:

- a) Investigator safety.
- b) Danger of certain circumstances and attitudes to the investigator: wrong attitude, insufficient rest, bad position, not heeding danger signs, failure to take note of any potential weapons, failure to note presence of other individuals, failure to note individual's response and failure to note change in subject's physical stance.
- c) How to take limited action.
- d) Undercover investigation basic overview and use.
- e) Exclusionary rule of evidence.
- f) When law enforcement or other authorities should be involved.

The student will identify and discuss:

- a) Importance of effective and complete fact gathering.
- b) Changes in investigation approach.
- c) Rules of evidence: identification of evidence, evidence preservation, chain of custody, crime scene protection, contamination, note taking and report writing regarding a crime scene and crime scene drawings/photographs. Include examples of consequences for improperly handled evidence.

ETHICS

The student will define and discuss:

- a) Ethics and ethical behavior.
- b) Ethics in investigations: ethical v. technical, malpractice, confidentiality, embezzlement, acceptance of gifts, bribery and honesty.
- c) Conflict of interest: definition, examples, proper response to conflict situations.
- d) Confidentiality: legal ramifications, liability concerns, client confidentiality, and statute requirements.

The student will identify:

- a) Entrapment: definition and when it might occur.
- b) Pretext interviews and undercover investigations, issues and legalities.
- c) Issues concerning telephone, computer and in-person conversations.

The student will review:

- a) A sample code of conduct will be provided to each student.

**MINNESOTA PRIVATE DETECTIVE AND PROTECTIVE AGENT STATUTE
AND ADMINISTRATIVE RULES**

The student will discuss:

- a) Laws and rules that effect private detective/investigators and consequences for non-compliance.
- b) Definition of a private detective/investigator.
- c) Difference between a private detective/investigator and a protective agent.
- d) Role of the Private Detective and Protective Agent Services Board.
- e) Specific statute references to confidentiality and performance of investigative work for a labor dispute or strike circumstance.

The student will identify:

- a) Training requirements established by law to be employed as a private detective/investigator, including requirements for continuing training.