

**PRINCIPLES OF INVESTIGATIVE  
DOCUMENTATION**

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# PRINCIPLES OF INVESTIGATIVE DOCUMENTATION

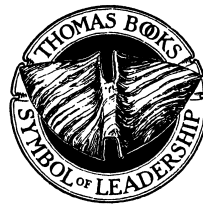
Creating a Uniform Style for Generating  
Reports and Packaging Information

*By*

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*and*

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*This book is dedicated to Philip V and Ava, and  
to future investigators everywhere.*



## INTRODUCTION

I am a firm believer that investigative documentation is the key to conducting a successful investigation, especially in the private sector. Investigative work is only as good as the way it can be communicated to a client, and the significant skills necessary to conduct an interview, a background investigation or surveillance are insufficient alone to conduct an investigation. Without proper documentation, the evidence gleaned during a good interview is not actionable and is therefore largely useless. An investigator must get into the habit of viewing every action undertaken during an investigation—every database inquiry, every question, every response, every observation—as something that he or she may have to testify about at a later date. To buttress this possible testimony, he or she simply must adhere to the *Principles of Investigative Documentation*. Although I may have coined the title of this book, I did not invent these principles; they are the result of the evolution of private investigations over time. Although most of the work of investigators takes place outside of courtrooms, our effectiveness tends to live or die the first time we take the stand. Because clients and courts do not allow investigators to hit a restart button when it comes to documentation, once a report or a statement has been prepared and shared with the client, it is very difficult to take it back. The documents we prepare instantly become inextricably bound with the evidence that they purport to describe.

Moreover, documentation is particularly important in the private sector, because private investigation is fundamentally the business of selling the information we uncover and put into our investigative reports to clients for a fee. At the end of the investigation, it is not only what a witness told you that matters, but also how well you were able to document what they told you. Simply put: style, format, grammar and syntax matter. The biggest component of investigative documentation is superior communication, which is why this book is primarily about how to communicate more effectively. Teaching how to effectively communicate, however, is not an easy task, as in-

investigators—like most adults—are often set in their ways. This may be especially true of investigators who learned how to document their investigations while working in law enforcement, where the pressure to produce flawless reports is decidedly less than it is in the private sector. A police officer will still have a job, even if he or she habitually mixes up past and present participles, but a private investigator who does not have a firm grasp of the English language will not be a private investigator for very long. In any case, bad habits die hard, and ultimately, one cannot teach a poor communicator how to be a superior communicator any easier than one could teach a lifelong extrovert how to become an introvert.

Still, I do believe that it is possible to teach even an investigator who happens to be a poor communicator how to appear, at least, like an *adequate* communicator in the way that he or she documents an investigation. This can be done by creating a clear standard, a uniform style and a common guidebook for generating reports and packaging information. A part of this standard is requiring that all investigative reports be subject to editorial review prior to being sent to a client. Another component is employing templates and reference tools to ensure that every report and every statement is consistent in style and meets the same high standards. However, the most important process in improving the quality of our documentation as investigators is forming daily habits built upon a foundation of sound business practices. Good communication begins with better note-taking in the field and with greater self-reflection when we step back from the subjects of our investigations. In this book, we will advocate strongly for taking notes about everything and for keeping a running resume, which essentially is a chronological journal regarding everything that happens in a case. Note-taking ensures accuracy. Making running resumes a daily part of our investigative routine ensures that nothing is ever missed. Our guidelines and the editorial review process ensure that our reports are uniformly consistent and free of substantive and grammatical errors. Clients can trust that the content of our reports and statements are accurate because their style, format, syntax, grammar and punctuation are meticulous. They can trust the quality of our investigations because, when we are called to testify, our documentation covers all conceivable angles of the case. In other words, sometimes presentation and habit can be just as important as substance.

This book was originally intended to guide the documentation practices for the investigators at my firm, Dinolt Becnel & Wells Investigative Group. It is the culmination of nearly 12 years of experience fretting over the best way to document investigations. Again, we did not invent these principles—but that does not mean that they are easy to find codified elsewhere in the hundreds of books that have been written over the years about how to investigate. While it is true that law enforcement agencies train their officers on



how to employ their agencies' unique styles and formats, these policies tend not to transfer well into the private sector, because the purpose and many of the rules of law enforcement investigations are not the same as for private investigations. In any case, I never had the benefit of law enforcement experience, and nobody ever took me aside at the beginning of my career and showed me the best way to take notes, how to keep a running resume, how to write reports or how to take a statement from a witness. I learned these things largely by watching how other investigators documented their cases—and I also learned about the perils of sloppy documentation practices the hard way, by having to testify in my cases and explain the outcome of my investigations in minute detail under the terse questioning of opposing counsel.

I recall once having to testify to impeach the key government witness in a murder case where I failed to put a period or any other type of delineation between the following phrases, which were written on three separate lines in my notes: “may have been shooter,” “unsure” and “read entire statement.” In an earlier statement, the witness had sworn under oath that the defendant was not the shooter. The prosecutor, who was afforded a copy of my notes, seized on the ambiguity of whether the word “unsure” referred to whether the witness was unsure the defendant was the shooter (which is what I meant to write and what the witness actually said), or whether it referred to whether *I* was unsure that the witness read the entire statement he had provided earlier to another investigator. I was grilled at length on the issue, which was essentially the crux of the case, all because I failed to use a period after the first line. Thankfully, the defendant was acquitted regardless, so my sloppy note-taking did not have the consequence of sending an innocent person to prison—but after that experience I always pay attention to every detail, including punctuation marks.

Anyway, as my firm grew and we began hiring investigators, I passed my knowledge of documentation along to my associates, and this too was often a matter of trial and error. I quickly learned that great investigators are not always great writers. I had to figure out ways to make sure that the reports my investigators produced, for example, met the same high standards that I had for my own reports. I also needed to help my investigators avoid some of the mistakes that I had made.

The seed of this book was planted as a short style guide prepared by one of my staff investigators, Scott Krischke, who eventually left for New York to become a lawyer but remained with our firm as a contract editor while still in law school. Scott's style guide included things like when to capitalize titles and how to properly write numbers in reports. Before joining our firm he had been a journalist, so much of the information in these guidelines came from the Associated Press style to which he was accustomed. When it came

time to write this book, it seemed only natural to invite Scott to be my co-author and to add some of the things that he learned about documentation in law school.

Much of Scott's original style guide is contained in the appendix of this book, although our firm's style has evolved over the years to make it more applicable for investigators, as opposed to journalists. The rationale for how and why we made these changes has largely been lost over the years, so readers will have to trust that my business partners and I have spent an inordinate amount of time at various stages of our partnership debating, for example, whether "also known as" should be written as "AKA" or "a/k/a," or whether it is more fitting to refer to someone as "black" or "African American" in an investigative report. Some of our decisions on these and other issues have surely boiled down to aesthetics or how other investigative entities have opted to dictate their style, but more often we made these types of decisions based upon a desire to avoid confusion and to maintain consistency and professionalism in our reports. This is not to claim that ours is necessarily the best way of doing things—but I do feel strongly that our style guidelines are the best way of doing things at *our* firm—and that other private investigative firms could undoubtedly stand to learn a lot by the great importance that we have placed on making our documentation practices perfect.

Most of the chapters in this book were the result of finally writing down everything that I have come to expect from my investigators regarding note-taking, keeping running resumes, writing reports and document retention. I included what basically amounts to an exhaustive section in the appendix on using abbreviations in notes, because I see the failure to memorize and use abbreviations in the field as a noteworthy (no pun intended) deficiency for many of the investigators I have trained and supervised over the years. I also conducted further research on investigative documentation in general before I chose to write this book. For example, I thoroughly reviewed the documentation guidelines used by the FBI to look for ways that our firm's guidelines could be improved, and I solicited feedback from several seasoned colleagues to gather their input about these topics.

Scott wrote Chapter 3, which covers legal privilege and confidentiality, and he contributed to and significantly rewrote my draft manuscript as it related to document retention (Chapter 8). These chapters were drawn both from his time working as investigator for my firm and from his studies at Brooklyn Law School. He also contributed significantly to the other chapters by acting as an editor and a sounding board for the other concepts in the book.

Chapter 7 of this book, on statement taking, was largely taken from my first book, *Private Investigator Entry Level (O2E)*, and then reworked to fit in with the format of this book. I included this information again here because

taking statements and obtaining declarations from witnesses is a critical documentation skill in cases involving litigation. In my view, no book on investigative documentation would be complete without a treatise on how to take statements, which can be used in court to impeach witnesses and even as stand-alone evidence in certain civil matters. I learned how to take verbatim statements from one of my business partners, Brendan Wells. I honed my skills obtaining declarations and affidavits over the years from work done mainly in employment litigation cases, including cases involving harassment, discrimination and retaliation. Statements may seem to some like kind of an afterthought in the context of the other principles described in this book, but I contend that they are an important subject matter in their own right nonetheless. In criminal defense investigations in particular, a thorough, well-written statement can prove integral for attorneys during cross-examination. A good statement elevates a well-documented investigation into an extremely well-documented investigation. It is the icing on the proverbial investigative cake.

The end result, I think, is a book on just about everything that an investigator needs to know regarding how to document an investigation in the private sector. Chapter 1 covers what I call the Five Principles of Investigative Documentation, and Chapter 2 details several misconceptions pertaining to investigative documentation. These two chapters are intended to set the stage for all of the information that follows on note-taking, running resumes, reports, statements and document retention. Each chapter is broken down into four or five sections that approximate the methods used to complete that particular documentary endeavor.

This book also contains an exhaustive appendix that many investigators will find useful in its own right. Beyond the section listing hundreds of abbreviations that investigators may find helpful when taking notes, I have included several examples of my firm's own reports—with names and other information changed to protect confidentiality. Readers may use these reports as templates for their own reports. The next section in the appendix includes an alphabetic stylebook, based on principles established at my firm as well as on styles utilized by the Associated Press and federal law enforcement agencies. This stylebook provides a quick tool to properly reference abbreviations, names, capitalization and numerals, among other topics. Finally, I have included several sample statements and declarations in the appendix to show what these documents are supposed to look like when they are completed.

One final note before we get to Chapter 1: this is not a book about how to conduct an investigation. There are better resources for that elsewhere. This is an advanced book on investigative documentation for people who already have the skills necessary to do an investigation. I have assumed, therefore,

that readers will already know how to do an interview. For this reason, it is possible that I may have left out or glossed over some things that would paint the “complete picture” of how notes, running resumes, reports and statements fit into a larger investigation. People not experienced enough to recognize the importance of documentation may not be able to immediately connect the dots. Those who do, however, will see the quality of their investigations improve markedly and will ultimately be more successful in the field of private investigations by following the principles outlined in this book.

Philip A. Becnel IV

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**PRINCIPLES OF INVESTIGATIVE  
DOCUMENTATION**



## Chapter 1

### FIVE PRINCIPLES OF INVESTIGATIVE DOCUMENTATION

A fundamental tenet of investigative documentation is that an investigator should document everything that he or she does—but that is not to say that everything needs to be documented in the exact same way. There are instances when a notation in the running resume is sufficient and when a report is not required. There are also instances when there is no need to add anything to the running resume and when a report is more appropriate. There are also instances when something must be documented in the running resume, in a report *and* with a statement. The only consistently-required form of documentation is notes: an investigator should take notes about everything. Even with notes though, there are instances when notes must be maintained, and there are instances when working notes may be destroyed. Before we learn about the specific methods of documentation, it is first important to understand under which circumstances to document and when certain types of documentation are not required.

I call these general rules for which medium to use to document a particular investigative task, and how long to keep these documents, the Five Principles of Investigative Documentation. I will discuss how to apply these principles in the chapters that follow; this chapter will deal with *when* to apply which principle. They are listed in the order that they would generally be applied during an investigation.

### **1. Take notes on everything that you do.**

Again, the only consistently required form of documentation is notes. However, “notes” do not necessarily have to be *paper* notes. During background checks, the notes may be a working Word or other electronic document that an investigator uses to copy and paste pertinent information before it goes into a report. During surveillance or an interview that is being audio-recorded, notes may be the media file that captures those digital images or sounds, respectively. The term “notes” in this book is simply meant to connote contemporaneously recorded observations of any kind used in an investigation. Notes are so fundamental during investigations, because investigators often must remember the equivalent of several gigabytes of information during any given case, and too often it is impossible to recognize what is important until well into the investigation. Private investigators are essentially professional eye witnesses, preparing to testify from the minute they start an investigation. As such, they are subject to the same mistakes that regular witnesses make when it comes to memories that naturally fade with time and minds that subconsciously trick us into remembering events in a way that conforms to our expectations. Put simply, we must take note about everything, because we cannot trust our brains to remember these details for us later in the investigation.

### **2. Document every effort to contact a witness and all surveillance in the running resume.**

Taking notes, however, is not enough by itself, because notes typically only have meaning to the person who wrote them. They are a memory aid, but they are inadequate for sharing information with others. But recall what was mentioned earlier: not every investigative task requires a formal report. It therefore stands to reason that, if we take notes about everything but do not write reports about everything, there must be some middle ground that we can employ to document useful information that does not find its way into our reports. This middle ground is the running resume. It is meant to capture and share information that falls in the chasm between notes and reports. It is sort of like a diary that an investigator keeps of certain investigative tidbits whose relevance is unknown at the time they were observed—but that

might later be deemed relevant. Without the running resume, such information might otherwise languish in an investigator's notebook to be forgotten. Such tidbits include the time when a witness was contacted, a physical description of people encountered during the course of an investigation whose significance is unknown at the time of contact and the tag numbers and types of vehicles observed in a subject's driveway.

The general rule is that every effort to contact a witness must be documented in the case's running resume, whether the attempt was successful or not. This includes attempted phone calls and general observations made during surveillance. It is not necessary to add a notation to the running resume for online, non-telephonic research, such as when you use investigative databases to run background checks or to locate witnesses, as this information will go immediately into a report, which we will discuss next.

### **3. Prepare a report whenever there is a reasonable possibility that you will have to testify.**

The most visible type of investigative documentation comes next: reports. If notes and running resumes are the bridges to reports, then reports are the single most important piece of any investigation and the primary tangible work product of the entire case. While other evidence sometimes rivals the importance of reports, such as a particularly compelling video file, the report is necessary to provide context to that evidence. A good report necessarily details the progress and the ultimate outcome of the investigation in a way that is meaningful to the client or to anyone else reading the report, and it provides a lasting record of the investigation that can be referenced (sometimes years) later. After notes and running resumes, investigators should prepare a report whenever there is a reasonable possibility that he or she will later have to testify. Since there are myriad reasons why an investigator may be called to testify, the broad rule is that reports are necessary whenever an investigative task is completed, whether it was successful or not. This rule includes all interviews, surveillance, background checks and undercover operations—basically anything that an investigator does.