

PRIVATE INVESTIGATOR (02E)

60 hours

I. Orientation: applicable sections of the Code of Virginia; Administrative Code 6VAC 20-171; standards of professional conduct; and ethics - **6 hours**.

- A. Ethical Standards and the Code of Ethics
- B. Professionalism
- C. Misrepresentation and Bias
- D. Awareness of Professional Associations
- E. Honest Reporting
- F. Fair and Accurate Testimony
- G. Conflicts of Interest
- H. Employer/Employee Ethical Relationship
- I. Confidentiality
- J. Information Protection, Confidentiality, and Discretion Requirements
- K. Sound Business Practices
- L. Code of Virginia, Sections 9.1-138 through 9.1-150.4
- M. Regulations Relating to Private Security Services, 6 VAC 20-171
 - 1. Definitions
 - 2. Licensing Procedures and Requirements
 - 3. Registration Procedures and Requirements
 - 4. Renewal of Licenses and Registrations
 - 5. Compulsory Minimum Training Standards
 - 6. Standards of Practice and Prohibited Acts
 - 7. Attendance and Administrative Requirements
 - 8. Administrative Reviews, Complaints, Procedures, and Responsibilities

II. Law: basic law; legal procedures and due process; civil law; criminal law; evidence; and legal privacy requirements - **16 hours plus one practical exercise**.

- A. Basic Law
 - 1. Knowledge of State and Federal Courts
 - 2. Legal terminology and definitions
 - 3. Purpose and function of law
 - 4. US Constitution—Bill of Rights

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5. Distinguish b/t private investigator and law enforcement

6. Limitations and liability

7. Reciprocity agreements with other states

8. Magistrates and courts

9. Felony vs. misdemeanor

B. Legal Procedures and Due process

1. Probable cause

2. Warrants

3. Arrests

4. Bail

5. Magistrates

6. Courts

7. Hearings

8. Trials

9. Pre-sentencing investigations

10. Sentencing

11. Appeals

12. Grand Jury

a. Information(s)

b. Indictments

c. True Bills

C. Civil Law

1. Civil Court System

a. Federal

b. State

c. Local Jurisdiction

2. Definitions

3. Civil Judicial Procedures

4. Proof Required for Civil Matters

5. Motions

6. Pleadings

7. Civil Warrants

8. Discovery, depositions, and testimony

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9. Trial

10. Torts

- a. Definitions
- b. Strict Liability
- c. Intentional
- d. Negligence

11. Remedies

12. Contracts

13. Appeals

14. Business Entities

- a. Sole Proprietorship
- b. Partnership
- c. Corporation

15. Service of Process

16. Investigating Civil Cases

D. Criminal Law

1. Criminal Court System: State and Federal

2. Legal Authority and Related Issues

3. Liability Concerns of the Private Investigator

4. Definitions / Interpretations

- a. Spirit of the Law vs. Letter of the Law
- b. Corpus Delicti
- c. Prima Facie
- d. Nolo Contendere
- e. Other important terms

5. Purpose and Function of Law

6. History of the Law

7. Constitutional Safeguards

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a. United States Constitution

- 1) Articles I through III
- 2) Bill of Rights
- 3) Fourteenth Amendment

b. Virginia Constitution

8. Criminal Procedures

a. Police Functions

- 1) Warrants
- 2) Arrests
- 3) Search & Seizure

b. Private Investigator Functions

- 1) Discussion of Limitations
- 2) Legal Restraints

9. Classification of Crimes

- a. Misdemeanors
- b. Felonies
- c. Major Felonies in Virginia

10. Crimes Investigated by Private Investigators

- a. Embezzlement
- b. Forgery
- c. Uttering
- d. Fraud
- e. Assault / Battery
- f. Abduction / Missing Persons
- g. Bribery

11. Elements of crime – Code of VA §18.2

- a. Elements
- b. Intent
- c. Principals
- d. Accessories

E. Evidence

1. Definition of Evidence
2. Rules
3. Types
4. Requirements

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5. Standards of Proof
6. Admissibility of Evidence
7. Hearsay Rules
8. Exclusionary Rule
9. Exculpatory Evidence
10. Integrity of Evidence

- a. Protection of Scene
- b. Sketches
- c. Photographs
- d. Notes
- e. Collection
- f. Handling and Packaging
- g. Chain of Custody
- h. Storage Requirements

11. Courtroom Presentations

F. Legal Privacy Requirements

1. Federal and State Laws
2. Privileged Communication
3. Privacy Act
4. Freedom of Information Act
5. Fair Credit Reporting Act
6. Wiretapping law
7. Fair Debt Collection Act
8. Gramm-Leach-Bliley Act
9. Public Records Act
10. Employment laws

III. General Investigative Skills, Tools and Techniques: surveillance; research; and interviewing - **16 hours plus one practical exercise.**

A. General Skill Development

1. Importance of Investigative Documentation – brief (will be covered in Documentation)
2. Forensic Science – Overview
 - a. Questioned Documents
 - b. Fingerprints
 - c. Impressions
 - d. DNA and other Body Fluids
 - e. Evidence – General and Other

- (1) Authentication and Documentation
 - (2) Collection and Preservation
- All hours shown are Minimum Requirements.
- (3) Evidence Storage
 - (4) Chain of Custody Requirements
 - (5) Testimony

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3. Truth Verification

a. Polygraph – Overview and Use Requirements

- (1) Regulated by State Law
- (2) Regulated by Federal Law

b. Voice Stress Analyzer

c. Other

4. Computer skills

- a. Research
- b. Word-processing
- B. Surveillance

1. Methods

- a. Covert
- b. Overt

2. Types

- a. Fixed
- b. Mobile
- c. Foot

3. Techniques

4. Types of equipment

5. Law enforcement and citizen relations

C. Interviewing

1. Interrogations vs. Interviews

a. Establishing Rapport

b. Locations and Setting

- 1) Private or Public
- 2) Their Office vs. Yours
- 3) Distractions
- 4) Parties Present

c. Length

- 1) Break Requests
- 2) Duress potential
- 3) Abuse Defense

d. Parties

- 1) Presence of Others
- 2) Single Person
3. Interviewing Styles

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- a. Body Language
- b. Personalities
- c. Specialized

- 3. Types of Interviewees
 - a. Hostile
 - b. Reluctant
 - c. Suspects
 - d. Juvenile

- 4. Allowable Recordings – Administrative Requirements
 - a. Interception of Communications
 - b. Two-Party States vs. Consensual Monitoring

- 5. Questions

- 6. Listening

- 7. Evaluating Deception

- 8. Signed Statements – Administrative Requirements

- 9. Confessions

- 10. Reporting

- D. Research
 - 1. Methods
 - 2. Sources of Information
 - a. Public Record Sources
 - b. Automated Record Sources
 - c. Private Information Sources
 - d. Forensic Examination

IV. Documentation: Report preparations; photography; audio recording; general communication; and courtroom testimony - **8 hours plus one practical exercise.**

- A. Communication Skills – Oral and Written
 - 1. Progress Reports/Updates/Follow-up
 - 2. Instructions and Expectations
 - 3. Chain of Command
 - 4. Reporting Problems
 - 5. Obtaining Current Case File Information

- B. Photography
 - a. Still
 - b. Motion

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c. Video Techniques

C. Note Taking

D. Logs and Reports

E. Developing and Using Specialized Collection/Reporting Forms

F. Invoicing

G. Audio Recordings

H. Retaining Records Related to Investigation

I. Compilation of Data

J. Reports

1. Types of Reports

2. Purpose

3. Formats

4. Writing the Report (cover Fact vs. Opinion)

5. Assembling

6. Editing

G. Testimony in Court

H. Discretion – Safeguarding Information

I. Administrative Responsibilities

1. Fact vs. Opinion

2. Fairness and Accuracy

3. Effect on Others

4. Liability Issues

V. Types of investigations: accident; insurance; background; domestic; undercover; fraud and financial; missing persons and property; and criminal - **14 hours plus one practical exercise.**

A. Specialized Research

B. Fraud and financial

C. Background Investigation

D. Domestic Relations Investigations

1. Child/Elderly/Spousal Abuse

2. Custody

3. Divorce

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4. Mental/Physical/Emotional/Sexual Abuse
5. Paternity/Genealogy

D. Accident Investigation

1. Vehicles
2. Fire/Explosions
3. Vandalism

E. Undercover Investigations

1. Impersonations and Regulations
2. Pretext/Cover Requirements

F. Locating Techniques

1. Missing Persons
2. Heirs
3. Adoptions
4. Skip Tracing
5. Collections
6. Witnesses

G. Insurance Investigations

1. Personal Injury
2. Worker's Compensation
3. Negligence/Liability
4. Due Diligence
5. Fraud

H. Corporate Investigations

1. Human Resources Investigations

- a. Civil Rights
- b. Sexual Harassment
- c. Age Discrimination
- d. Rights of the Disabled

2. Specialized

- a. Assets / Buyouts
- b. Environmental
- c. Sabotage / Problem Employee
- d. Drug-Free Workplace Testing/Monitoring
- e. Competition Agreement Violations
- f. Loss Prevention/Theft/EEOC Violations

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I. Public Defender and Court Advocate Investigations

K. Other

VI. Written comprehensive examination