

## THE INTERN INVESTIGATOR TRAINING PROGRAM

### *Award winning Program enhances representation, saves tax dollars, and creates a job training program for the community*

*By Brandon A. Perron*

The need for public defenders to represent the steadily increasing number of indigent clients accused of a crime has far outpaced the allocation of funding by state legislatures. Many agencies have found that in order to increase the number of assistant public defenders they are forced to decrease valuable resources such as their investigative staff. Such drastic measures allow public defenders to redirect funds toward the hiring of much needed attorneys. But at what cost? The trend is tragic, but in many cases no alternative exists. The benefits of an investigative staff are obvious. Properly trained investigators can often make or break a case by uncovering valuable evidence to assist the trial lawyer with an effective defense. Unfortunately, many public defenders and indigent clients are not afforded what is rapidly becoming the "luxury" of an investigator.

In 1994, Diamond Litty, the elected Public Defender of Florida's 19th Judicial Circuit, was confronted with this very serious dilemma. Due to budget restraints, she was forced to reduce her investigative staff to only one investigator tasked with assisting twenty seven attorneys serving a circuit encompassing four counties. Clearly, one investigator could not provide the support required to effectively assist in the representation of the circuit's thousands of indigent clients each year. Such a lack of investigative support limited the effectiveness of the office and placed the clients at a significant disadvantage. Not unlike many public defenders confronted with this situation, Diamond Litty believed that it was a problem her office would just have to live with unless the legislature authorized additional funds - an unlikely prospect.

To help alleviate the problem, many public defenders are able to garner the assistance of private investigators on a limited case-by-case basis. Unfortunately, the process to acquire such assistance is time consuming and expensive. The appointment of a private investigator requires the approval of the judge presiding over each individual case, may require a formal hearing, and places a burden on the taxpayer. Due to the cost to the taxpayer, the appointment of an investigator is generally applied only to the most serious cases such as sexual battery and homicide. The remaining 95 percent of the caseload generally proceed without the assistance of an investigator and the clients suffer the consequences.

The issue appeared to be a moot point in Florida's 19th Judicial Circuit until an informal conversation between myself, Chief Assistant Public Defender Mark Harllee, and Public Defender Investigator Sandy Warner resulted in potential answer to the lack of investigative support. I was currently providing the office with court appointed assistance on many high profile capital cases but was unable to assist with most felonies and misdemeanors due to a lack of available funds. Following extensive research and a fairly good amount of number crunching I presented Diamond Litty and the Office of the Public Defender with a progressive and unique proposal. A proposal that would not only provide her office with an effective investigative staff but would also save the taxpayers thousands of dollars and provide the community with a job training program. As a former staff investigator with the Office of the Public Defender I was very familiar with the problems and needs of the agency. My position as a private

investigator also made me very aware of the needs of the community and the investigative industry. The Public Defender needed investigators, the investigative industry needed credible training programs, and the community needed job training. Therefore, a marriage between the public defender, the investigative industry, and the community made perfect sense - at least in theory.

Following extensive research and debate, Diamond Litty accepted the proposal and gave me authorization to implement the program. The result - investigative support services by investigators in training equating to more than \$ 466,500.00 during a 32-month period. The cost of operating the program utilizing an outside instructor a total of \$ 30,720.00. A success by any standard.

The idea behind the program was quite simple. Development and implementation of a comprehensive Investigator Intern Training Course designed to be more than a limited volunteer effort or summer intern program. It was decided that a truly effective program would require a degree of control and commitment not found in the standard volunteer program. The effort resulted in a three-month, 120-hour academy-level training program offered free of charge in exchange for services as a jail interviewer and field investigator. The interns are recruited from the community or local Universities and Community Colleges, and begin by attending formal classroom training once a week for four hours learning the Component Method of criminal defense investigation. The Component Method, developed specifically for criminal defense investigators is a simple six-step method and formula for conducting criminal defense assignments. Development of the method resulted in my authoring *Uncovering Reasonable Doubt: The Component Method - A Comprehensive Guide for the Criminal Defense Investigator*, which is used as a teaching and field guide. The Component Method allows the interns to pursue and successfully accomplish field assignments with limited supervision. Following theoretical instruction of the Component Method, the interns engage in practical application in the form of a scenario assignment. This assignment must be completed under an instructor's supervision, utilizing the Component Method.

Upon completing the first eight hours of the 40-hour classroom instruction, the interns are assigned duties as jail interviewers. They spend approximately 8-10 hours per week conducting intake interviews, processing paperwork, and obtaining initial statements from newly assigned clients. As the level of training progresses, the interns are assigned various field assignments commensurate with their training. In order to graduate, they must work a minimum of 120 hours within the three-month period and submit a final written report based on the scenario investigation. Graduating interns are awarded a certificate of training and certified in the Component Method of investigation. It is not uncommon for interns to devote 250-350 hours, which is reflected on their certificates of training. The classroom instruction and field supervision is handled by a staff investigator or can be managed by a private contractor eliminating the need for an additional employee and the cost of benefits associated with an employee. Diamond Litty opted to enter into a contract with my agency to provide approximately eight hours a week of instruction and management of the program in exchange for a fee less than half the cost of a full-time investigator.

How has the program fared? More than 30,000 volunteer investigative hours have been provided to the 19th Judicial Circuit Office of the Public Defender during the period of January 1996 until August 1998. The savings to the Public Defender and the taxpayer during this period alone, based on the average hourly rate for a full-time staff investigator of \$15.55, equates to an impressive \$ 466,500.00.

The actual figures are much higher, considering the program was implemented in 1994. The figures based on the cost of court appointed investigators at an average rate of \$ 40.00 per hour would be much greater. In addition to saving her constituency almost half a million dollars, Diamond Litty has generated a successful job training program and has provided indigent clients with a valuable resource. According to Diamond Litty, this benefits not only our clients and the Public Defender's Office but the entire criminal justice system as a whole. The dedication and professionalism represented in those hours uncovered facts which contributed significantly to the defense of clients as well as protecting the indigent from false allegations.

The program has been adopted by Indian River Community College, Criminal Justice Institute, as a state certified college level program and is now the basis for a private investigator option within the Criminal Justice Associate of Science Degree program. Six additional college level private investigator courses have been added to the degree program and are now offered by Indian River Community College. The Component Method has also been accepted by Public Defender organizations and private sector investigators as a successful training method for criminal defense investigators. The program's merits were recognized in April 1999 and awarded a J.C. Penney Golden Rule Award for "exceptional volunteer service to the community". Recognition of the Office of the Public Defender and investigators as a vital and necessary service to the community was well deserved and a morale boost for its entire staff as well as the student interns. The results clearly demonstrate that creative thinking and unique partnerships between the government and professional private investigators can solve some of the most difficult issues facing the criminal justice system.

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