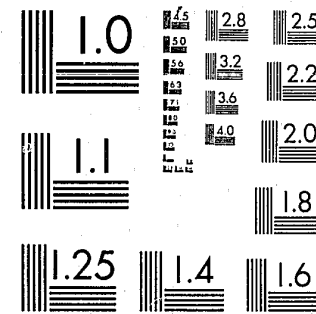


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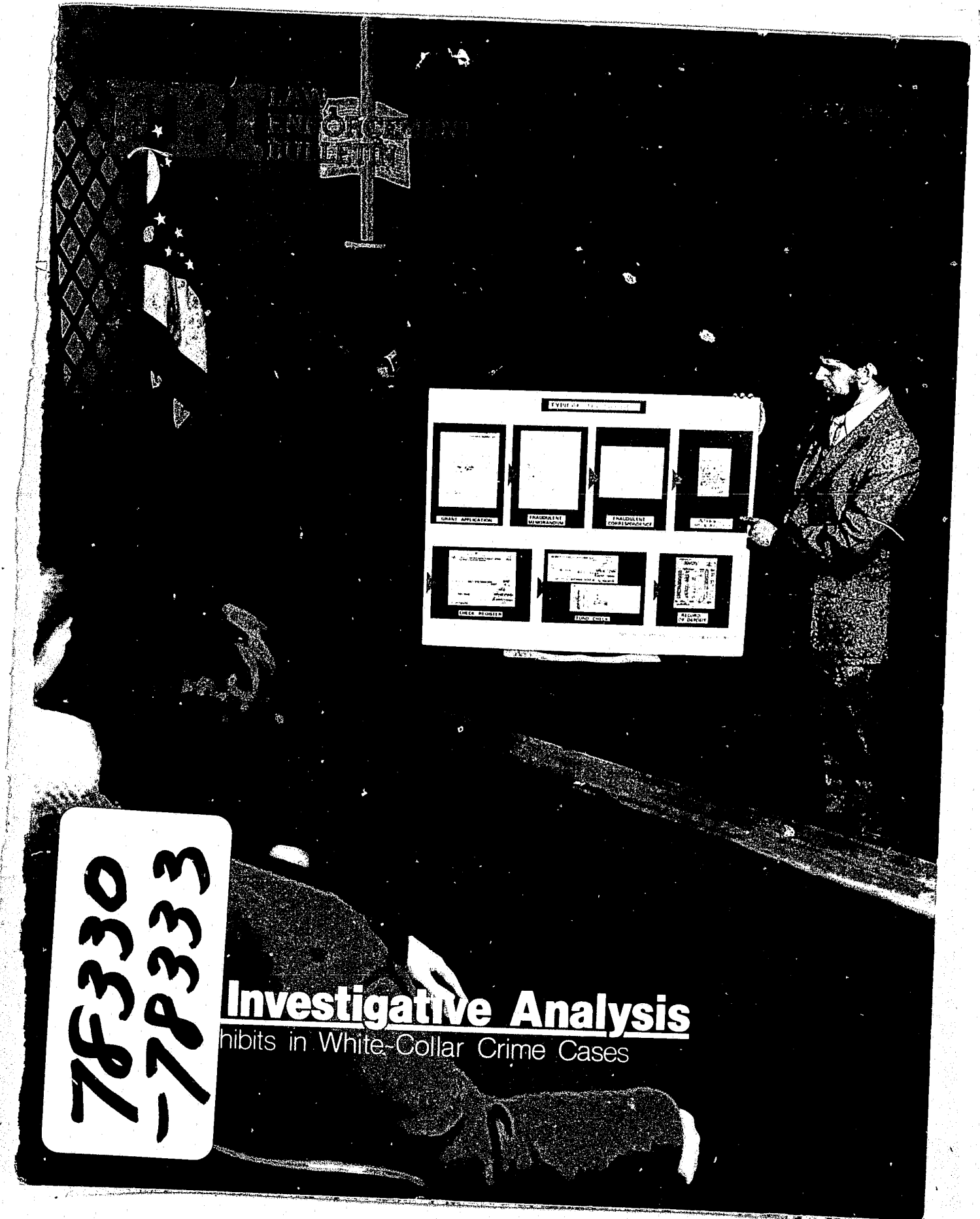
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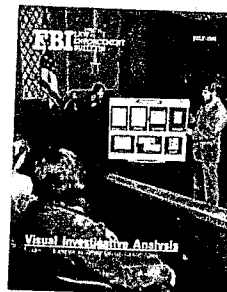
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Visual aids often
synthesize vast
amounts of
information
accumulated
throughout an
investigative
process. See story
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William H. Webster, Director

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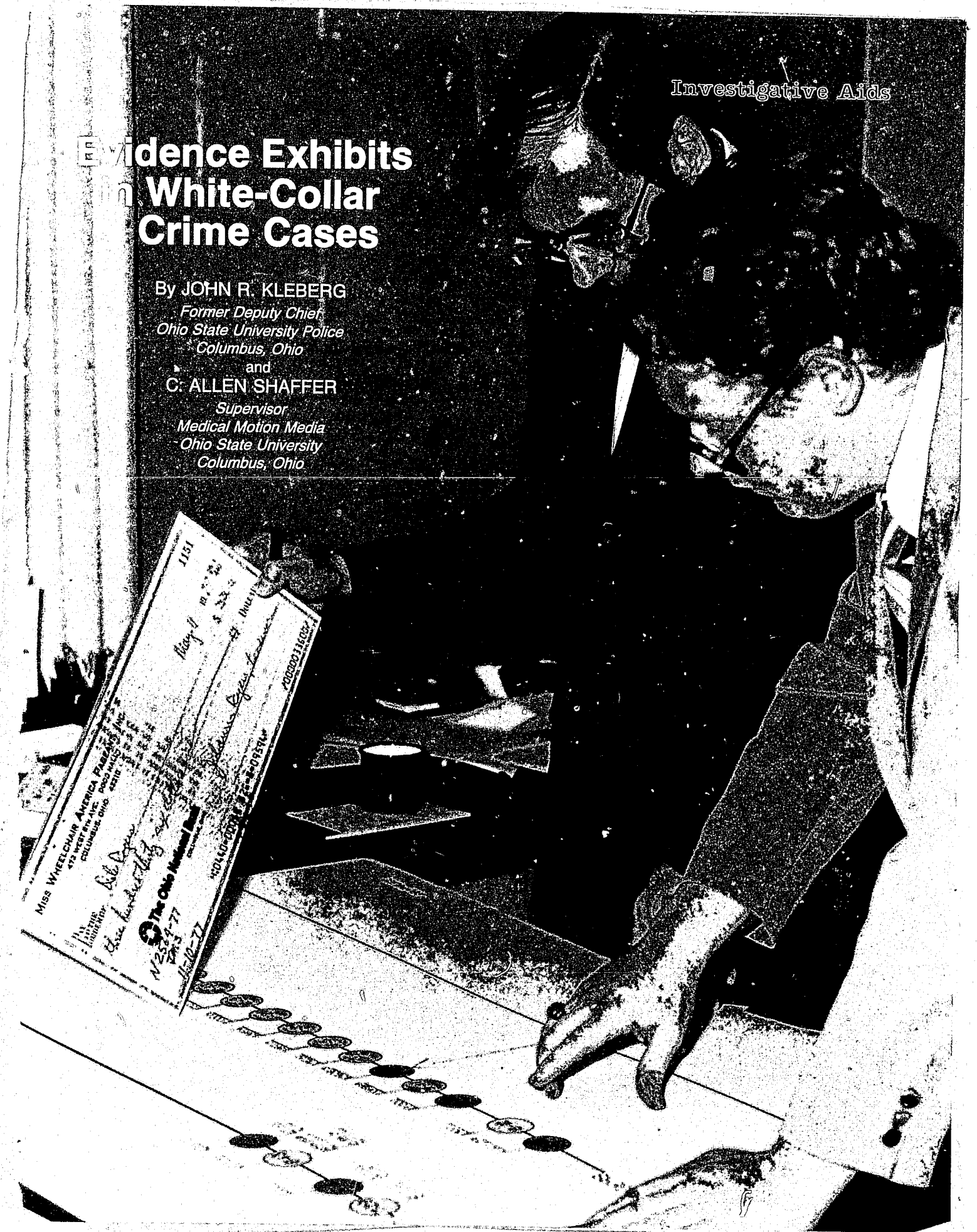


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Investigative Aids

Evidence Exhibits in White-Collar Crime Cases

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EDITOR'S NOTE: Material published in the *FBI Law Enforcement Bulletin* is solely for the information and assistance of law enforcement personnel. While brand names and companies may be mentioned from time to time, this is done in a strictly objective manner to help present articles in their entirety from authoritative sources. In such instances, publication of the article in the *BULLETIN* should not, under any circumstances, be construed as an endorsement or an approval of any particular product, service, or equipment by the FBI.

"A picture is worth a thousand words." There is no question that this trite phrase has particular significance in the investigation of white-collar crimes, and more importantly, in the presentation of meaningful and understandable evidence to a jury.

Successful investigation of many white-collar crimes or crimes which involve complex frauds often require an understanding of complex relationships between people, relationships and contacts between organizations, and the review of detailed documentary evidence. Not only is it difficult for investigators to review a substantial quantity of information and put it into some type of meaningful format, but it is equally difficult for judge, jury, and prosecutor to assimilate this detail without benefit of the lengthy exposure which has been available to the investigator. Therefore, the investigator must be able to put such information into a meaningful form for use by other functionaries in the criminal justice system.

It has been pointed out that when investigations are thorough, a greater amount of information is known by the defense attorney, making the possibility of a trial less likely. That is to say, if the information accumulated in the course of the investigation is properly

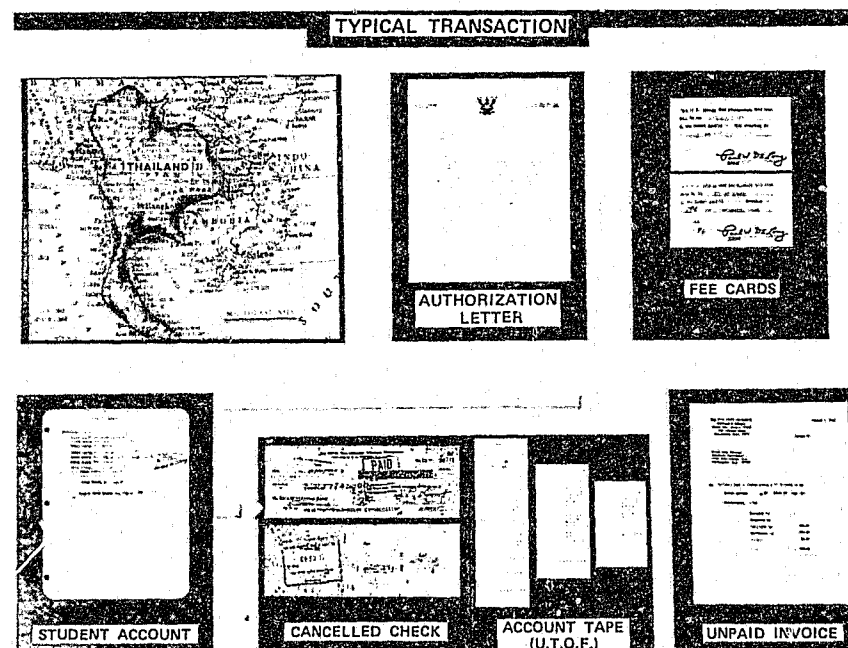
"It is not essential that the individual investigator have the skill or craftsmanship of an artist in order to prepare exhibits that will meet every test."

assembled and accurately represents a detailed investigative process, it is less likely that defense counsel will be willing to undertake a trial. It may be more beneficial for his client to seek a negotiated plea.

Admittedly, most white-collar or fraud investigations are not as complex or extensive as some of those which acquire particular notoriety in the media. It is important, therefore, that smaller law enforcement agencies which do become involved in investigating less notorious white-collar offenses have a method available to visually provide prosecutor, judge, and jury with meaningful exhibits which synthesize the vast amounts of information accumulated throughout the investigative process.

The objective, then, is clear—provide a visual aid which clearly demonstrates the points to be made in the presentation of the evidence. In most instances such an aid cannot, of course, visually portray all aspects of the case. It may, however, demonstrate or provide an overview of the method by which the crime was committed, a selected typical transaction which demonstrates a crime, or provide information in a visual manner which can be complemented and explained by testimony, providing detail for the jury regarding relationships between people, organizations, or items of evidence. Methods of such analysis for investigative reasons are available in current literature. (An excellent source is William Petersen's *VIA For Investigators and Prosecutors*.) Our objective here, however, simply regards the graphic arts.

It is important to understand that the preparation of visual aids is relatively simple with resources available to most law enforcement departments. It is not essential that the individual investigator have the skill or craftsmanship of an artist in order to prepare exhibits that will meet every test.



This exhibit, using a full color, three-dimensional map with red matboard background, highlights a complicated accounting process and a deviation from the process, resulting in theft.



Mr. Kleberg



Mr. Shaffer

There are three major steps in developing exhibits:

- 1) Conceptualize the exhibit;
- 2) Test the conceptualization as it will appear in final exhibit form; and
- 3) Prepare the exhibit in such a manner that it will accomplish the objective identified in the conceptualization process.

During the conceptualization process, keep in mind that the value of the exhibit is important not only at trial but also through discussion stages or plea negotiations between prosecutor and defense attorney. Preparation of the exhibit should convey a message of thoroughness in the investigative process, yet make relatively complex issues appear clear. In some instances, particularly in cases that are not of inordinate public interest, the preparation of the exhibit and its availability when the prosecutor first talks with the defense attorney may create in that attorney's mind an unquestionable awareness of the thoroughness with which the matter has been investigated. This is a desirable advantage for the prosecutor.

First to be considered should be those things which would be visually attractive to the individual examining the exhibit. In considering visual attractiveness, it is important to select materials that contain color or are photographic representations of original items of documentary evidence. In most cases, original items of evidence will not, of course, be part of the exhibit. Color for emphasis or dramatic effect is important; however, use of color must not be overdramatic or used in a manner that would tend to influence unduly or prejudice the jury. Red most certainly conveys a different message than green!

In deciding what items are to be used, it is critical that the investigator first determine precisely what point the exhibit will be used to make. That is to say, what issue, what relationship, or what piece of documentary evidence is to be brought to the attention of the court or jury via the exhibit.

Exhibits that are too complex may distract from the particular point that is to be made, and jurors may find themselves encumbered by attempting to study various aspects of the exhibit unrelated to the point the investigator or prosecutor intends to make. Identification of the principal issue or objective to be made must be accomplished prior to the time the exhibit is actually developed.

In addition, it is desirable for the investigator to think in dramatic terms. Although it may be relatively simple to put a chart or exhibit together, the more dramatic it appears, the more lasting the impression made on judge and jury. In addition, the drama of the exhibit helps to demonstrate and visually convey the effort which was put into the investigation and the preparation of the particular item which is going to be used.

Be imaginative and think creatively—the exhibit should fit the crime which is being proved. For an investigator who may have some difficulty in preparing exhibits to accomplish these objectives, one should not overlook the opportunity to take advantage of faculty in the creative arts, particularly those in the high schools, colleges, and universities located in the jurisdiction of the law enforcement agency. One who knows color, symmetry, optical art, or optical illusion will be a valued consultant.

What is significant is that the item ultimately introduced in the courtroom cannot be abstract—it must be to the point and must center on the issue before the court. Ensure as part of the conceptualization process that the fact or association to be demonstrated is simple and clear. The jury should not have difficulty in understanding the purpose of the exhibit, with a modest amount of testimony for explanation.

END