

THE FTER METHOD: Forensic Testimonial Evidence Recovery

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The role of the Criminal Defense Investigator or any professional investigator is focused primarily upon the recovery and evaluation of testimonial evidence in its various forms. As an “expert” in this discipline, the investigator must approach the evidence from a forensic perspective. Forensic examination has a variety of applications beyond the inspection of physical evidence. In fact, the term “forensic” is often misunderstood as only applying to forensic science. It has become a shortened term used by the media, movies, and television to describe the discipline of crime scene investigation. The CSI mentality has created a pop culture definition of the tradition-rich practice of debate. The term forensic is commonly defined as rhetorical debate associated with a court of law. Therefore, the application of forensic examination is not limited to the physical sciences. Forensic accounting is an example of an investigative approach to evaluating evidence in such a manner. The use of a forensic accountant is a routine process in fraud investigations. The same principles are used in FTER to examine and evaluate testimonial evidence.

The Forensic Testimonial Evidence Recovery method (FTER) was developed as a supplement to the Component Method of criminal defense investigation. FTER is intended to enhance the investigative interview process by elevating the investigator’s understanding of testimonial evidence as it relates to analysis, evaluation, recovery, and documentation. Testimonial evidence often becomes the primary focus in pursuit of the truth and the development of a sound defense theory. Therefore, the professional investigator must understand the evolutionary process of testimonial evidence and the manner in which it becomes fact and ultimately introduced as evidence.

The investigator must focus upon the identification, evaluation, recovery, and interpretation of testimonial evidence. In fact, one could argue that the majority of evidence encountered is testimonial in nature. Testimonial evidence is found in many forms. For example, testimonial evidence is recorded as documentary evidence on arrest affidavits, investigative reports, witness statements, transcripts, audiotapes and video recordings. The investigator is required to review, analyze, and interpret the testimonial evidence as it appears in such forms. The purpose is to question the veracity and authenticity of the evidence. Such efforts may require a detailed analysis that traces the testimonial evidence to the original source. The identification of inconsistencies, discrepancies, errors, omissions, and conflicts can be clues to improper influence and contamination.

Furthermore, the investigator is tasked with recovering testimonial evidence from the original source in the form of a witness. Again, this source of information is not an inanimate specimen subject to strict scientific study. The source of information is a human being with a multitude of complex issues, motivations, and conflicts. The investigator as the Forensic Testimonial Evidence Recovery Specialist must be prepared to deal with the ever-changing nature of testimonial evidence. This task is not a simple endeavor. The complexities of the human condition must be acknowledged and understood before one can truly explore testimonial evidence.

It is crucial to remember that every interview has the potential to make or break a case. Lack of preparation will almost certainly result in failure. The FTER Method approach allows the investigator to evaluate testimonial evidence as an expert. Testimonial evidence is almost always masked by contamination and human deception. Therefore, the investigator must maintain a perspective that recognizes this fact. The investigator must not allow a strong and compelling personality to overwhelm them with deception. The idea that someone can “sound” innocent or believable based upon personal experience is not a credible means of evaluating testimonial evidence. The truth can be found in the details, not riding the wave of a dynamic personality.

The investigator must search for the truth that is often buried within the details and masked by human deception and error. It is the nature of the beast that must be recognized and accepted. The investigator is a hunter and the truth is the prey. It is the duty of the hunter to understand their prey before it can be effectively pursued.

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