

**STATE OF GEORGIA
PERFORMANCE STANDARDS FOR
CRIMINAL DEFENSE INVESTIGATORS
IN INDIGENT CRIMINAL CASES**

**Georgia Public Defender Standards Council
Performance Standards Committee
Adopted _____, 2006**

Introduction to Performance Standards

The Performance Standards for Criminal Defense Representation in Indigent Criminal Cases are promulgated by the Georgia Public Defender Standards Council pursuant to the statutory authority of O.C.G.A. 17-12-8. The standards are designed to serve a number of purposes. First and foremost to encourage criminal defense attorneys in indigent cases to perform to a high standard of representation and to promote professionalism in the representation of indigent defendants.

The Standards are intended to alert investigators assigned to assist in the defense of indigent defendants to courses of action that may be necessary, advisable, or appropriate, and thereby to assist the investigators in deciding upon the particular actions that should be taken in each case to ensure that the client receives the best representation possible. The Standards are also intended to provide a measure by which the Standards Council can evaluate the performance of individual attorneys and circuit public defender offices, and to assist the Standards Council in training and supervising criminal defense investigators.

The language of these Standards is general, implying flexibility of action which is appropriate to the circumstances of an individual defendant's case. Use of judgment in deciding upon a particular course of action is reflected by the phrases "should consider" and "where appropriate." In those instances where a particular action is absolutely essential to providing quality representation, the Standards use the words "should" or "shall." Even where the Standards use the words "should" or "shall," however, in certain situations the investigator's best informed professional judgment and discretion may indicate otherwise after consultation with the attorney or attorneys representing the client.

The Standards Council acknowledges that there is an unending variety of circumstances presented by criminal cases and that this variation in

combination with changes in criminal law and procedure requires that investigators approach each new case with a fresh outlook. Depending upon the type of case and the particular jurisdiction, there may well be additional actions that an investigator should take or should consider taking in order to provide effective investigative services for the client. Therefore, though the Standards are intended to be comprehensive, they are not exhaustive.

These Standards are not intended to be used as criteria for the judicial evaluation of alleged misconduct of defense investigators or defense counsel to determine the validity of a conviction. Whether the Standards are relevant to such a judicial determination, depends upon all of the circumstances of the particular case.

I. APPLICABILITY

- A. These standards apply to the activities of all investigators, mitigation specialists employed by or on behalf of the Georgia Public Defender Standards Council, Judicial Circuit Public Defender Offices, Conflict Defender Offices, or investigators retained on behalf of private attorneys appointed pursuant to the provisions of the Indigent Defense Act of 2003. (Collectively and individually referred to hereafter as “Indigent Criminal Defense Investigators.”)
- B. These standards apply to all contexts in which other categories of Georgia Public Defender Standards Council employees, staff, or retained and appointed personnel (such as secretaries, administrative assistants, paralegals, and law clerks) perform the functions of an investigator.
- C. These standards apply to all contexts in which volunteer personnel, including interns, lay volunteers and paralegals perform the functions of an investigator.
- D. To the extent reasonably feasible, these standards apply to other persons, such as private investigators and mitigation specialists who perform the functions of an investigator on Georgia Public Defender Standards Council matters pursuant to contract, letter of agreement, or the like.

II. GENERAL PRINCIPLES

- A. Performance guidelines and ethical standards require defense attorney to conduct appropriate investigations in every case, independent of any investigation that law enforcement might have previously conducted. Defense counsel must subject the prosecution's facts to adversarial testing. This obligation exists regardless of whether the client might have made admissions to law enforcement and regardless of whether the client states a desire to plead guilty.
- B. The purpose of these Standards for Criminal Defense Investigations is to assist Georgia Public Defender Council employees and staff in fulfilling their investigatory obligations and to provide guidelines for the ethical, effective, and efficient investigation of cases and performance of other duties by Georgia Public Defender Council, Circuit Public Defenders, Conflict Defender Office staff and all other investigators retained or employed by and on behalf of indigent defendants in the State of Georgia. (Hereinafter referred to individually and collectively as Indigent Defense Investigators)
- C. Individuals assigned to conduct criminal defense investigation activities must possess the professional proficiency to complete the tasks required. They must maintain the highest standards of conduct and ethics, including unimpeachable honesty and integrity. All investigative activities (a) must be conducted in conformity with the instructions of the attorney(s) with whom the investigator is working and (b) should follow prevailing professional norms for criminal defense investigation, as reflected by the Georgia Public Defender Standards Council training and that of recognized professional criminal defense organizations.
- D. Criminal defense investigation can involve dangers to the personal safety of the investigator, who is sent out into the field to deal with a multitude of different people and situations. When an attorney gives an assignment to an investigator, the attorney must share with the investigator any information in the attorney's possession which would affect the investigator's ability to maintain his or her own personal safety.
- E. No investigator should ever engage in activity which would compromise his or her health or safety. If the investigator reasonably believes an assignment threatens his or her health or safety, the investigator should report that situation to the attorney on the case and to the investigator's supervisor.

- F. The job of a criminal defense investigator involves many different types of duties. At one end of the spectrum, the investigator may be called upon for a comprehensive^{1[1]} investigation of an entire case from beginning to end. At the other end of the spectrum, the investigator may be called upon simply to perform a single, limited task.
- G. The decision whether to involve an investigator in a matter lies within the sound discretion of the attorney(s) responsible for that matter.
- H. Likewise, it is the role of the attorney to determine the scope of investigation that is appropriate for each matter, as well as the degree, nature, and duration of an investigator's involvement. The investigator may have knowledge, skills, and experience that the attorney does not have; so, the attorney should carefully consider the investigator's perspectives and opinions about the scope of the investigator's participation. But, the final decision rests with the attorney, and the attorney must communicate that decision clearly to the investigator, preferably in writing.^{2[2]}
- I. An investigator may not undertake investigation that has not been authorized by the attorney. However, some situations may call for an investigator to follow leads that are developed during authorized activities. The investigator should seek the attorney's authorization for any activity outside the scope of what the investigator was originally assigned to do. If it is impossible for the investigator to obtain advance authorization for such follow-up, and if the investigator reasonably believes that waiting for authorization would damage the client's interests, the investigator should proceed with only as much follow-up as the investigator reasonably believes must be done immediately in order to protect the client's interests.
- J. On any individual matter being handled by an attorney, the activities of any investigator are directed by the attorney responsible for that matter, subject to review by the attorney's supervisor. However, oversight of the general job performance of any Georgia Public Defender Standards Council or Circuit Public Defender employees, (such as an investigator, mitigation specialist, secretary, administrative specialist, or intern), always rests with that employee's supervisor.

^{1[1]} Fact finding

^{2[2]} Attorney should put scope of investigation wanting in writing

- K. While every member of a defense team has the ultimate goal of advocating for their client, objectivity remains a hallmark of comprehensive factual investigations. When a criminal defense investigator is given discretion to conduct a comprehensive factual investigation, the investigator must avoid being unduly influenced by either the facts as presented by the prosecution or the facts as the defense team merely wishes they would be.
- L. When an attorney assigns an investigator to find facts, the investigator should feel free to report all of the facts, good and/or bad, to the attorney. An investigator should not be made to feel responsible for the existence of “bad facts” just because the investigator is the one who reported them to the attorney. An investigator should never be given reason to feel that he or she must edit the facts in order to please the attorney.
- M. An investigator should supply the attorney with a copy of any document the investigator produces while completing an assignment for the attorney.^{3[3]}

^{3[3]} Should keep in mind about what could be discovery to the prosecution written reports and memos

III ETHICAL PRACTICE

Georgia Rules of Professional Conduct

- A. All Georgia Public Defender Council and Circuit Public Defender Office employees and staff and their agents shall discharge their investigatory duties in conformity with the Rules of Professional Conduct^{4[4]} promulgated by the State Bar of Georgia. The authority of the State Bar of Georgia is established by the Act of the General Assembly of Georgia approved by the Governor on March 11, 1963 (Georgia Laws 1963, page 70).

The attorney-investigator relationship

- B. An investigator is the agent of the attorney.
- C. By law, the attorney is responsible for the investigator's activities and is subject to discipline, by the bar association and through the state employee performance evaluation process, if the investigator violates any applicable ethics rule.

Conflicts of interest

- D. An investigator may not work on a matter for a client if the investigator's activities would be directly adverse to another client for whom the investigator is also working, unless each attorney of the two clients reasonably believes the defense team's representation will not be adversely affected by the investigator's relationship with the two clients and each of clients consents after consultation with their individual attorneys.
- E. An investigator may not work on a matter for a client if the investigator's activities may be materially limited by the investigator's responsibilities to another client or to a third person or by the investigator's own interests, unless the attorney representing the client reasonably believes the client's interests will not be adversely affected and the client consents after consultation.
- F. An investigator, who has worked on a matter for a client, shall not later work on the same matter, or any substantially related matter, for another client whose interests are materially adverse to the interests of the former client, unless the former client consents after consultation.

^{4[4]} Should these rules be inserted for investigators

- G. An investigator, who has worked on a matter for a client, shall not later use information about that matter to the disadvantage of the former client, unless, after consultation with the attorney who handled the matter for the client, it is determined that such disclosure of information is necessary in order to comply with law, an ethical obligation or to comply with a court order, or to avoid a fraud being perpetrated upon a tribunal.
- H. Should an attorney insist on activity by an investigator, which the investigator believes would violate these conflict-of-interest principles, it is the duty of the investigator to bring the situation to the investigator's direct supervisor.

Confidentiality

- I. All information that an investigator acquires during the course of completing an investigation assignment is absolutely confidential and may not be disclosed to anyone except the investigator's supervisor and the defense team working on the matter, unless the attorney responsible for the matter authorizes otherwise. "All information" is not limited to communications from or about the client but means all information. It can be received orally, electronically, or in writing. It includes information about the status of court proceedings, about the identification or location of witnesses, and even about the composition of the defense team.
- J. Confidential information may not be disclosed to family, friends, witnesses, or other attorneys or investigators outside the defense team working on the matter, unless the attorney directs otherwise.
- K. Because of these principles, it is imperative that an investigator be kept up to date on the makeup of the defense team. Whenever an individual is added to the team, and whenever someone leaves the team, the investigator must be informed, so that the investigator may know with whom it is permissible to discuss the client's business.
- L. If anyone asks an investigator to disclose information to someone other than the investigator's supervisor or the defense team assigned to the matter in question, the investigator must refer that request to an attorney responsible for the matter.

M. An investigator must guard against the unintentional disclosure of confidential information, which can occur by carelessly leaving materials in view of others, such as through a car window, or by using a personal computer to which family members have access.

Unauthorized Practice of Law

N. The unauthorized practice of law is an offense under the Official Code of Georgia Annotated Section 15-19-51, Ga. L. 193, p. 191, Section 1, Code 1933, Sections 9-402, 9-403. No person other than a licensed attorney may practice law.

O. “Unauthorized practice of law” is a broad concept. It includes giving anyone, including a client or a witness, information or advice about what the law says or what the legal consequences of certain behavior might be. No investigator shall contact any other attorney involved in a case without explicit authorization of the attorney who requested the investigation.

P. An investigator must remain alert for situations in which the investigator could be asked, explicitly or implicitly, to engage in the unauthorized practice of law.

Q. Full-time investigator employed by the Standards Council or any circuit public defender office shall not engage in independent investigative work outside of the office in which they are employed except with prior approval in writing by the Circuit Public Defender. A copy of the approval for outside employment must be provided to the Director of the Standards Council for review and a copy maintained in the employees personnel file. Unauthorized outside employment is subject to disciplinary action up to and including termination.

R. Investigators are not permitted to carry firearms while engaged in their duties as an employee of the Standards Council or any circuit public defender office.

Persons Represented by Counsel

S. Unless an investigator obtains the attorney’s advance authorization, the investigator may not communicate, either directly or indirectly, about the matter under investigation with any person known by the defense team to be represented by another lawyer in the matter.

- T. This standard is directed primarily at limiting contact with co-defendants and others suspected of involvement in the matter being investigated.
- U. The complaining witness in a criminal action is not represented by the prosecutor. The prosecutor represents the State of Georgia, not the alleged victim. So, the rule against communicating with persons represented by counsel will generally not apply to complaining witnesses.
- V. If, during the course of completing an investigation assignment, an investigator learns that a person is represented by an attorney in the matter under investigation, the investigator must terminate communication with that person and must report this new information to the attorney with whom the investigator is working on the matter.
- W. The investigator must never knowingly use illegal means to obtain evidence or information or to employ, instruct, or encourage others to do so.
- X. The investigator must never compensate a witness, other than an expert, for giving testimony. However, it is not improper to reimburse a witness for the reasonable expenses of attendance in court.
- Y. The investigator must never discourage or obstruct communication between prospective witnesses and the prosecutor.
- Z. The investigator must never counsel or advise a client or a witness or knowingly assist a client or witness to engage in conduct which the investigator knows to be illegal or fraudulent.
- AA. The investigator must never enter into an agreement with a client or witness which provides that the investigator shall or may acquire an interest in publication rights with respect to the subject matter of the investigation.

BB. The duty of the investigator to an attorney's client for whom the investigator is working is to represent the client's legitimate interests, and considerations of personal and professional advantage should not influence the investigator's performance.

IV. INVESTIGATION ASSIGNMENTS

A. If an attorney wishes to give an assignment to an investigator with whom the attorney does not share a common supervisor, then the attorney must have the approval of the investigator's own supervisor before making the assignment.

B. At the time when an attorney initiates an investigator's involvement in a matter, the attorney shall use whatever standard form, if any, has been prescribed by the agency for that purpose. If, at that time, there is no prescribed form to be used, then the attorney shall make the assignment to the investigator in some other form of writing. That writing shall include general identifying information about the matter and shall contain enough specific information about the matter and about the purpose of the assignment as will reasonably enable the investigator to complete the assignment. For example, the investigator should be advised of the attorney's current working theory of the case and should be given any information which could affect the investigator's health or safety.^{5[5]}

C. Each investigation assignment shall include a deadline for completion. It is the attorney's responsibility to avoid procrastination, to plan the course of an investigation with forethought and in collaboration with defense team members, and to provide an investigator with sufficient time to complete assignments. However, criminal defense investigators may be called upon to handle assignments under severe time constraints caused by legitimate emergencies.

D. Each investigation assignment must also comply with any procedures required by the investigator's supervisor.^{6[6]}

E. An investigator may not contact or interview a witness under the age of 17 without the express permission of the witness' parent or legal guardian.

^{5[5]} Investigator should be given copies of discovery, reports etc. information if possible to review.

^{6[6]} And GPDSC.

- F. If an investigator receives assignments that conflict with each other, and if the investigator cannot resolve the conflict through coordination with the attorney(s) involved, the investigator should present the problem to his or her supervisor. Such conflicts may arise when assignments present competing deadlines or where the investigator is required to be in two different courts at the same time.
- G. It is the responsibility of the investigator's supervisor to ensure that the supervisor's own cases are not given undue precedence over other matters to which an investigator is, or could be, assigned.
- H. It is the responsibility of the investigator to notify the attorney as soon as the investigator has reason to believe that an investigation deadline cannot be met.
- I. It is the responsibility of the attorney to notify the investigator if a matter assigned to the investigator later becomes unnecessary or may be deferred. Investigators are among the most precious of Georgia Public Defender Standards Council's resources. A client's decision to accept a plea offer, for example, may mean that an investigator is freed up to work on other clients' cases, if the investigator is notified in time.

V. CLIENTS

- A. An investigator shares the attorney's duty of loyalty to their client. No breach of loyalty, breach of confidence, or public disparaging statements about the client will be tolerated.
- B. An investigator shall not meet with a client without express authorization from that client's attorney.
- C. An investigator is the agent of the attorney. An investigator may not agree with a client to keep any information from the attorney.
- D. An investigator may neither enter into a business transaction with a client nor knowingly acquire any pecuniary interest adverse to a client.

- E. An investigator may not cash checks, handle money, make personal phone calls, or arrange jail/prison visits for a client unless expressly authorized in writing by the attorney representing the client.
- F. If a client indicates any possible thoughts of harming himself or herself, or of harming any other person, or of committing a criminal act, the investigator must inform the attorney immediately.
- G. If a client voices a potentially legitimate complaint about the representation being afforded by the client's attorney(s), the investigator shall inform the attorney(s) of the concern and may advise the client about the Georgia Public Defender Standards Council's grievance policy.^{7[7]}

VI. CRIME SCENES AND PHYSICAL EVIDENCE

- A. A criminal defense investigator has the same interest as a law enforcement officer in maintaining the integrity of a crime scene and the integrity of physical evidence.
- B. When the integrity of evidence is not maintained, its usefulness to the defense is reduced or destroyed. Unauthorized alterations of a crime scene or other evidence could rise to the level of tampering with physical evidence, which is a crime.
- C. An investigator shall not cross police tape at a crime scene, unless directed to do so by the attorney.
- D. An investigator should be vigilant against having agents of the prosecution learn anything about the defense by watching the investigator's activities at the scene or during an inspection of other physical evidence. If the presence of prosecution agents during an inspection hampers the investigator's work, the investigator may ask the prosecution agents to position themselves in such a way that confidentiality is maintained. If this is not sufficient to permit the investigator to perform a thorough inspection, then the problem should be reported to defense counsel as soon as possible.
- E. If an investigator discovers physical evidence not previously discovered or recovered by others involved in the matter, the investigator may not take custody of that evidence unless the

^{7[7]} Add letter H. An investigator may not enter into any romantic relationship with a client

investigator obtains advance authorization and direction from the attorney responsible for the matter.

- F. In such a situation, if the investigator must leave the location of the evidence in order to contact the attorney for authorization and direction, the investigator must first document the location and condition of that evidence in as much detail as possible, by using preservation of physical evidence procedures, in case the evidence gets disturbed, damaged, or lost while the investigator is away from the site.
- G. When an investigator does take custody of evidence, the investigator must do so in a way that maintains its integrity.
- H. Throughout the time when an investigator has custody of physical evidence, the investigator shall maintain accurate documentation of its chain of custody.
- I. Post-trial investigators often deal with such items as trial counsel's files, which do not fit the traditional concept of criminal defense evidence. But such evidence must be treated in the same way as more traditional evidence, in order to maintain its admissibility in court.

VII. WITNESSES

- A. A criminal defense investigator is able to find witnesses and obtain relevant statements from them through effective interviewing.
- B. To the extent reasonably necessary in the situation, an investigator should prepare in advance for a witness interview by reviewing known information about the witness and his or her role in the matter under investigation. This might include the witness' criminal history, any prior statements by the witness, and statements by other people on the subjects to be covered.
- C. When an attorney gives an investigator a witness interview assignment, it is the responsibility of the attorney to give the investigator relevant information known by the defense team that will maximize the likelihood of a productive interview.
- D. When working on a Georgia Public Defender Standards Council or Circuit Public Defender Office, or Conflict Defender Office matter, an investigator must truthfully identify himself or herself to any

person from whom the investigator intends to obtain information orally or in written form. This applies to witnesses who are to be interviewed and persons from whom the investigator seeks to obtain records or other items.

- E. In identifying himself or herself in person, an investigator might give the witness one of the investigator's business cards^{8[8]}. If contact is made by e-mail, the e-mail should contain all of the identifying information that appears on the investigator's business cards. If contact is made by telephone, the investigator might suggest that the person write down the information as the investigator gives it, to ensure that there is no mistake about identity or purpose.^{9[9]}
- F. An investigator is not required to caution a witness about possible self-incrimination or the need for counsel.
- G. An attorney should avoid interviewing a prospective witness without the presence of a third party, unless the attorney is willing either (a) to forego use of the interview for impeachment purposes later or (b) to seek withdrawal from the case in order to present such impeaching testimony himself or herself.
- H. In general, full witness interviews shall be conducted in person, unless the attorney requests otherwise. An investigator may not make contact with a fact witness by telephone, fax, or e-mail unless expressly authorized by the attorney. However, the telephone, fax, and e-mail are useful tools when an investigator is, for example, merely gathering documentary information from records custodians.
- I. The attorney shall direct the method(s) by which an investigator documents a witness interview. Such documentation might be by written report, audiotape, videotape, and/or other technological means. The attorney may discharge this duty by having a prior understanding with the investigator that the attorney wishes a certain method to be used in every instance, unless the attorney directs otherwise in any particular instance.

^{8[8]} investigator should also show proper GPDSC ID

^{9[9]} An investigator at no time shall identify himself or herself in a manner that would lead anyone to believe that they are a member of law enforcement in any manner.

- J. The attorney should also advise the investigator in advance how to proceed if a witness should refuse to permit the type of documentation the attorney has specified.
- K. An investigator's activities must always be in compliance with the eavesdropping laws, if any, that are in effect at the time and in the place where the activities are carried out.
- L. An investigator must be cautious about the dangers inherent in "trading information" with a witness, even though the giving up of information might seem a good way to prompt the witness to give information to the investigator. The grave risk is that an investigator could disclose privileged information, and an investigator must guard against that risk.
- M. An investigator's subjective impressions of a witness' credibility, demeanor, appearance, value to the defense, etc., are often important enough to be the subject of a report to the attorney. However, such remarks should be placed in a separate memorandum or given to the attorney orally, depending upon the form preferred by the attorney.

VIII. SUBPOENAS

- A. It is the attorney's responsibility to ensure that subpoenas are properly issued by a court clerk, are served, and are subject to a proper endorsement that documents service on the witnesses.
- B. An investigator shall not serve a subpoena unless directed to do so by the attorney.
- C. Subpoenas shall be served in conformity with the applicable Georgia law and all other applicable law, at the request of, and subject to the direction of, the attorney. A subpoena that directs the production of documents or other physical objects must identify the court proceeding at which those things are to be produced.
- D. An investigator's endorsement that a subpoena has been served shall be truthful.
- E. No Georgia Public Defender Standards Council, Circuit Public Defender Office, or Conflict Defender Office employee may ever instruct any person to falsely endorse that a subpoena was served.
- F. After serving a subpoena, the investigator must return a copy of the subpoena and its endorsement to the attorney. The investigator may not file a subpoena return with the court unless expressly instructed to do so by the attorney.
- G. A copy of a served subpoena should be retained in the attorney's file.
- H. Unless expressly directed otherwise by an attorney in any particular situation, an investigator may not instruct or advise any person that the person has been relieved from the obligation of complying with the terms of a served subpoena. This includes subpoenas *duces tecum* which order production of documents or other objects at a court proceeding.

IX. COURT PROCEEDINGS

- A. A criminal defense investigator is comparable to a law enforcement officer, insofar as the investigator may be called upon to testify in a proceeding where a person's life or liberty is at stake.

- B. If an attorney knows that an investigator will be called upon to give testimony in a proceeding, it is the attorney's responsibility to assist the investigator by preparing the investigator as a witness.
- C. If an attorney intends to call an investigator to give testimony as a witness in a proceeding, the attorney should have the investigator formally served with a subpoena.
- D. An investigator must always testify truthfully.
- E. No Georgia Public Defender Standards Council, Circuit Public Defender Office, Conflict Defender Office employee may ever instruct any person to testify untruthfully.
- F. As a witness, an investigator shall dress, and shall conduct himself or herself, in a professional manner that will be beneficial to the client.

X. REPORTS AND RECORD-KEEPING

- A. The Georgia Public Defender Standards Council, Circuit Public Defender, Conflict Defender Office employees and staff who are hired for investigator positions have case-tracking obligations. As directed by the supervising attorney, upon an investigator's first involvement in an indigent defense case, the investigator shall enter that information into the agency's case-tracking system.
- B. The professionalism and effectiveness of criminal defense investigators are reflected in the quality and accuracy of their investigation reports. Attorneys depend upon investigation reports in order to make informed strategy decisions for the client.
- C. A thorough investigation report will answer the basic questions: Who? What? When? Where? Why? and How?
- D. Investigation reports should generally include identifying information and contact information on any people with whom the investigator dealt and with whom anyone on the defense team might need to be in contact in the future.
- E. A criminal defense investigator may be called upon to testify under oath about events that occurred in the distant past. It is crucial that records be kept concerning investigation activities. Attempted

reliance on personal memory is no substitute. This applies even to activities as brief as an unsuccessful attempt to reach a records custodian by phone. Such a seemingly trivial event could become crucial later in, for example, a motion for continuance of a trial.

- F. All information discovered or received by the investigator during his or her activities on a particular matter must be reported to the attorney responsible for that matter, unless the attorney directs otherwise. The investigator's report shall be in the form specified by the attorney.
- G. If the attorney requests either a computer generated, type-written report or a hand-written report, that report shall contain, but shall not be limited to, the date and time of the investigator's activity being reported upon, the persons present when that activity was conducted, and the place where the activity was conducted.
- H. If an attorney requires no written report from an investigator on a particular assignment, the investigator should note that fact in his or her own records.
- I. An investigator may keep written records and reports for his or her own use, whether or not the attorney asks for a written report. However, the investigator should give the attorney a copy of any such record or report.
- J. Unless a different deadline is set by the attorney, a written record or report of investigator activity should be prepared within two working days after the activity.
- K. If an investigator dictates records or reports for transcription by someone else, the investigator must personally review the transcripts for accuracy.

XI. TRAINING REQUIREMENTS

- A. All investigators must be trained pursuant to Peace Officer Standards Training Council (POST) standards for certified investigator instruction and must complete the hours necessary as prescribed by POST each year to maintain investigator certification.

- B. All investigator training outside of GPDSC training must have the approval of the Director of Training or designee before the investigator will receive credit for that training. Approval must be in writing and the investigator is to supply course information to include instructor information before getting approval. Approval or disapproval will be given to the investigator in writing. Investigator shall supply the Director of Training or designee with a copy of completion of the course and hours given so that the investigator can receive credit for the course. Each investigator must attend and complete at least one GPDSC training seminar each year regardless of how many training hours the investigator has accumulated in a given year.
- C. GPDSC shall not be limited to the POST requirements for investigator training and may develop and implement investigator training models as needed.

XII. NOTARIES PUBLIC

- A. Each person employed by the Georgia Public Defender Standards Council, Circuit Public Defender Office, or Conflict Public Defender Office as an investigator or mitigation specialist shall Maintain a notary public commission.
 - B. Upon submission of proper receipts, the Georgia Public Defender Standards Council will reimburse such persons for their actual expenses incurred in securing a notary commission. Each such person will be reimbursed for the purchase of one notary seal.
-