



MARCUS WILLIAMS TRAINING ACADEMY

Title IX Training Program



GATHERINGĂNDĂ  
EVALUATINGĂVIDENŢĂ



## ABOUT ME



### Marcus Williams

President/Subject Matter Expert

- MS in Criminal Justice
- 20 years investigative experience
- NCIS, Brigham Young University, Pentagon (responded to 9/11 attacks)

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## WHAT IS EVIDENCE?

- All information is evidence.
- Piece of the puzzle
  - But to which puzzle?



## RELEVANT

- All information is helpful. The more information you have, the clearer the picture you'll have of the incident and the parties.
- But not all information is relevant.
- How to determine relevance:
  - Does the evidence corroborate a detail of the allegation or incident?



## CORROBORATION

- As the investigator conducts interviews the interviewees will assert certain things as fact:
  - e.g. The assailant was wearing a red shirt.
- Which is corroborating evidence?
  - The respondent owns a red shirt.
  - Surveillance footage shows a student in a red shirt near the scene.
  - Witnesses saw a student in a red shirt running past.
  - The respondent likes red.



## CORROBORATION

- One corroborated fact leads to another and so on.
- You have corroborated that there was a student in the vicinity wearing a red shirt, but now you must tie that red shirt to your respondent.
  - If the school uniform is a red shirt, that may be meaningless.
  - It may be just one piece of the puzzle.



## WHAT DOES THIS ACTUALLY PROVE?

- Ask yourself the question: What does this prove?
- Then ask: How is that relevant?



## RELEVANCE

- Gather every bit of information you can first, then determine relevance.
- Don't prejudge what is important.
- You don't know what you don't know.



## HOW TO GATHER

### ASK

- After you have decided what needs to be corroborated, ask the parties if they have corroborating evidence.
  - Texts
  - Emails
  - Photos/Videos
  - Records
- General invitation
  - Provide me with anything you believe is relevant to the case.
    - May increase the amount.



## YOU'RE THE EXPERT

- They don't know what is important or relevant.
- They will often focus on a fact that to them is important, but actually holds no relevance.
- Example: She has been mean to me in the past so therefore that proves she assaulted me.
  - It may give you information about her character, but does not prove an assault.



## MORE IS GOOD

- It may be more work for you, but be careful at trying to limit or place parameters on what you ask for.
- Remember, they don't know what is relevant or helpful.
- Accept everything.



## DON'T BE LAZY

- If they present you with 1000 pages of text messages, then your job is to read 1000 pages of text messages.
- Your job is to determine what is relevant and what corroborates the asserted facts.
  - You can't do that unless you review everything.
  - Yes, it is time consuming.
  - Yes, you may not get anything useful.
  - **Yes, you have to do it!**
- There may be exculpatory evidence as well, which you don't want to be accused of ignoring.



## BE FLEXIBLE

- Adapt to different formats.
- Make submitting evidence easy.
- Don't require everything to be in one format. Suggest, but don't require.
- If you need to invest in software or tools to convert files or evidence, then make the investment. If you make submitting evidence too difficult, they won't do it.



## PROCESSING

- You don't have legal authority to seize personal property.
- Search – Reasonable Suspicion.
  - Lockers – desks – backpacks.
- If you have received consent, move quickly to copy, backup, clone, etc. so that you can return their property when requested.
- Original evidence is always best, but you may not have a choice.



## STORAGE- CHAIN OF EVIDENCE

- You probably do not have an evidence vault like law enforcement. Do your best.
- Dedicate a safe and secure space:
  - A safe
  - A locked drawer/cabinet
  - In a locked office
- Keep evidence from different cases labeled and/or separated.
- Must be able to articulate how you maintained the evidence.





## DOCUMENTATION

- Document when, who, how.
- Document your review - take notes.
- Keep track of which evidence corroborates which fact(s).
- Decision maker - document your conclusion or interpretation.



## EVALUATION

- Evidentiary Standard:
  - Preponderance of Evidence
  - Clear and Convincing
  - Beyond a Reasonable Doubt
- Corroboration and evaluation is completed using your standard, just like your investigatory finding.
- Know your standard and apply it to each piece.



## CONFLICTING EVIDENCE?

- Further corroboration.
- Look for additional evidence.
- Reasonable standard.
- Use your training and experience.
- What makes the most sense given all of the other puzzle pieces?



## DIRECT VS. CIRCUMSTANTIAL

- Circumstantial evidence may be used in administrative investigations.
- Not bound by court rules of evidence.
- Acknowledge your evidence for what it is.
- You may need more to corroborate if it is circumstantial.
- Direct evidence is stronger but not necessary and rarely available.



DETERMINATIVE  
OR SUGGESTIVE

- Does the information you have suggest a certain conclusion or fact or does it firmly prove the fact?



CONCLUSION

- All Information is useful.
- Determine relevance through corroboration.
- Ask and evaluate.
- Don't be lazy.
- You are the expert.

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