



MARCUS WILLIAMS TRAINING ACADEMY

Title IX Training Program



REPORT WRITING

Lesson 5: Title IX Training Program



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)



STANDARDIZED & CONSISTENT

- Reports should look the same for every case and for every investigator. There is no "personal choice."
- Get investigator's input when writing policy.
 - Decide on format or create a template.
 - Follow the same pattern in every report.
 - Easily digested and recognizable.
 - To the point.
- Software vs. Template



SOFTWARE

- Aftermarket
 - Multiple options available
 - Is it customizable?
 - Searches and data reports
 - Security/Storage
- Build Your Own:
 - Input from investigators
 - Often clunky
 - Will need to be updated and tweaked.



TEMPLATE

- Fill in the blank and narrative
- Easy to build
- Easy to tweak or adapt
- Familiar
- No search across cases
- Harder to compile data



REPORT STYLES

- Legal Brief
 - Narrative outline or walk-through of the entire case.
 - Includes detail and description of every relevant investigative step.
 - Repeats information previously documented.
 - Argues for the conclusion throughout.
- Law Enforcement Report
 - Outlines or summarizes relevant facts.
 - Refers to exhibits for further information.
 - Draws no conclusions unless there is a findings section.
 - Allows previously documented steps to stand on their own.
- Combination
 - Report should be accessible.



KNOW ITS PURPOSE

- An investigatory report is usually different than a legal brief and serves a different purpose.
- If you choose the legal brief style, make sure it is accessible to your audience and outlines the investigation, not an argument.
- This is also not a technical manual. The investigation was done by humans and involves humans.



PICK YOUR STYLE

- Both styles have pros and cons.
- Pick the style that works best for your policy.
- Pick a style that works best or is most comfortable for your investigator(s).
- Once chosen, stay consistent.



WHO IS YOUR AUDIENCE?

- Remember you have a multi-faceted audience:
 - Leadership
 - Legal
 - Involved parties
- Most of your audience are NOT lawyers.
- The individuals impacted the most by the decision are the involved parties. They should be able to read your report and understand the conclusion, even if they disagree.



INVESTIGATORY REPORT OR FINDINGS

- Who makes the final decision?
- Investigatory Report = No opinions, no discussion of guilt. Just the facts. Decider has to write a separate report explaining the finding.
- Findings Report = Detailed explanation of facts, supported by evidence, leading to a conclusion based on evidentiary standard.
- **Add on conclusion or separate report.**



INTERVIEW DOCUMENTATION

- Decide if you are going to record interviews:
 - Take into account state laws.
 - Video or audio
 - Notification required?
- Be consistent.
- Are you going to transcribe every interview?
 - Time and resources
 - Recording stands on its own.
 - Availability in the hearing.



INTERVIEW DOCUMENTATION

- You have the recording, but it is inaccessible and time consuming.
- Write an interview summary detailing the results of the interview. Include all relevant facts:
 - Where and when it took place.
 - Who was in the room.
 - Any questions answered.
 - Accommodations given.
 - What the person said.



EVIDENCE REVIEW DOCUMENTATION

- Write a summary including:
 - How you obtained the evidence.
 - How you stored the evidence.
 - When and where you reviewed it.
 - Document the relevant findings from your review.
- Evidence may stand on its own and not require a written summary. In that case, document receiving, storage, and review in your notes.



TIMING

- Document each step soon after it happens.
- Don't wait to write things down until the end:
 - You will forget details.
 - It will take longer.
- Your documentation should be growing as the case progresses.
- What if you left today? Would everything you have done be documented?



EXHIBIT STYLE

- You can either re-summarize everything in your final report, or just refer back to the reports you have already written.
- Why duplicate work? Duplication leads to errors.
- Cite the relevant fact and refer the reader to the exhibit.



EXAMPLE

- Brown sent Smith a text saying, "I'm sorry" within an hour of the reported incident. See Exhibit 5.
 - *Exhibit 5 should be a copy of the text messages with time stamps.*
- Johnson stated she was with Smith when Smith received a text message from Brown. Smith showed Johnson the message. Johnson stated the message read, "I'm sorry." Johnson described Smith's reaction to the message as ... See Exhibit 6.
 - *Exhibit 6 should be a summary of your interview with Johnson containing all of the details.*



NAMING PARTIES

- Be consistent with how you name individuals in your reports. Should be professional and easily discernible.
 - First names may be too informal.
 - Titles (Mr., Mrs., Dr.) may create appearances of inequality. Very formal. Gender specific.
 - Surname is professional and distant but can be confusing when there are matching surnames.
 - First initial plus surname to distinguish.
 - Designator/Alias - Very court like, formal, disconnected.
 - May be appropriate with minors or in a safety situation.



VOICE

- Avoid Passive Voice - This is very common in investigatory reports. It is a way of avoiding responsibility. It is lazy.
- Use direct verbs, but be accurate.



ACCURATE LANGUAGE

- Be accurate when stating facts.
 - "She then ran into the bathroom." vs. "Witness Smith stated she saw Complainant Brown run into the women's restroom. See Exhibit C (Smith's Statement)."
- Write what you know, not what you think you know.
- The time for your thoughts is when you articulate your conclusion.



YOUR CONCLUSION

- Does your policy allow the investigator to give an opinion prior to the live hearing?
- Articulate how you have interpreted the evidence and why.



YOUR CONCLUSION

- Outline your reasoning for the decision.
- Every argument should refer back to the evidence.
 - Example: If you believe the "I'm sorry" text message was an admission, explain why. Explain that it was based on witness statements, the totality of the text conversation, actions before and after the event, etc. Be specific.
- Your reasoning should be evidence based and supported.



DISAGREEMENT

- Two reasonable people can disagree on the interpretation of the evidence.
 - That is okay.
- Use the language from the policy and back up your decision.
- Your report should negate any claims of bias because everything is explained and supported.
 - Disagreement is NOT bias!



CONCLUSION

- Standardized and consistent.
- Decide on template or format.
- Use accurate language.
- Document every investigative step contemporaneously.
- Don't duplicate reports.
- Be clear on your evaluation of the facts.
- Evidence based and supported.

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