



**MARCUS WILLIAMS TRAINING ACADEMY**

Investigations Certification Program



# SUPPORT PERSONS

Lesson 4: Investigations Certification 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)



## DEFINITION

- A support person is someone who accompanies a party through any step of the investigation process, most commonly the interview.
- The support personal is there to provide direct support to the involved party, not to speak or act for that party.



## POLICY

- Decide if you want to allow the parties to bring or have a support person with them during meetings or interviews.
- Clearly define and identify the role(s) of the support person in your process.



## PROS

- A support person provides emotional support, allowing the party to lean on them during the difficult process.
- Allows the investigator to focus on maintaining professional boundaries and completing investigative steps.
- Parties may be more likely to participate if someone they know and trust is in the room.





## CONS

- Support person is often in "protective mode."
- They may interject or try to answer questions for the party.
- They may attempt to provide evidence.
- Being a support person may interfere with being a witness.
- Will want to fill the silence.



## WORKING WITH SUPPORT PERSON

- As the investigator, set boundaries and ground rules up front.
  - Do not allow the support person to disrupt your interview or answer for the party.
- Don't be afraid to stop the interview and speak with the support person offline to reset boundaries.



## WORKING WITH SUPPORT PERSON

- The support person is there at the request of the party, but it is your investigation. You have the right to ask them to leave if they will not follow the rules.

PUT THE RULES IN YOUR POLICY!



## BOTH PARTIES

- If you allow a support person, both parties have the right to a support person.
- Do not limit the right to the complainant.
- Can the support person be anyone of their choosing?



## SUPPORT ATTORNEY

- Follow local laws and consult with your attorneys.
- Although anyone has the right to consult with an attorney, a private sector employer generally does not have to allow the attorney to be present during an interview.
- You will need to make that decision.



## SUPPORT ATTORNEY

- If you consider the attorney a Support Person, then they must abide by your policy regarding support person(s).
- Unionized workers have the right to a union rep.
- Public sector employees have additional rights to representation.





## RIGHT TO ATTORNEY

- Anyone can hire an attorney for legal advice.
- Having an attorney is clearly advantageous for someone going through an investigative process.
- Don't allow your process to give preference or deference to those with the means to hire an attorney.
- The investigator should follow through with every investigative step
- Follow your policy despite demands from an attorney to do otherwise.



## WHO WORKS WITH ATTORNEY?

### CONSISTENCY

- Decide who will be your point of contact with an attorney, should one of the parties retain one.
- Your investigator will still communicate directly with the parties (but may CC their attorney upon request).
- You may have someone from your General Counsel's office be the POC. But remember, that person does not have direct knowledge of the case and should not make promises or assertions without conferring with the investigator.
- You may have your investigator be the POC if she is comfortable and/or trained to do so.



## POLICY

- Your policy is legally sound and defensible.
- Trust your policy and process!



## EQUITY

- Making an exception to appease an attorney for one party may actually be infringing upon the rights of the other party.





## CONCLUSION

- A Support Person, when done properly, can be a great asset to your investigation. With clearly defined roles in the policy, and clearly communicated boundaries, a support person will help you more than hurt you.
- It does take some extra effort, but is worth it.
- Allowing a support person builds trust and a sense of safety that will encourage the parties to participate in the process.

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