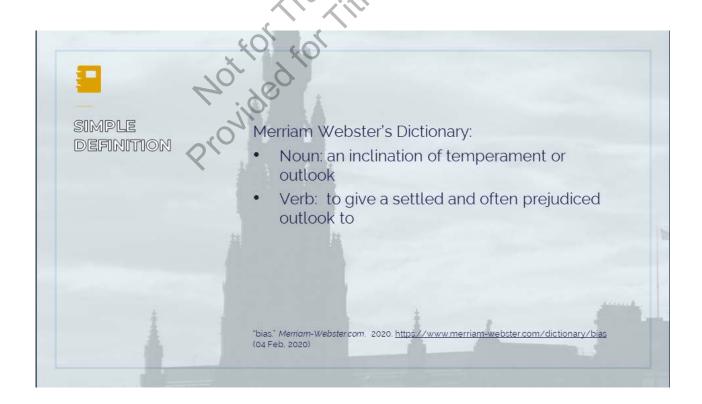


MARCUS WILLIAMS TRAINING ACADEMY

Investigations Certification Program Rolling BIASED INVESTIGATIONS

Lesson 2: Investigations Certification Program









LEGAL DEFINITION

Free Dictionary Legal Dictionary:

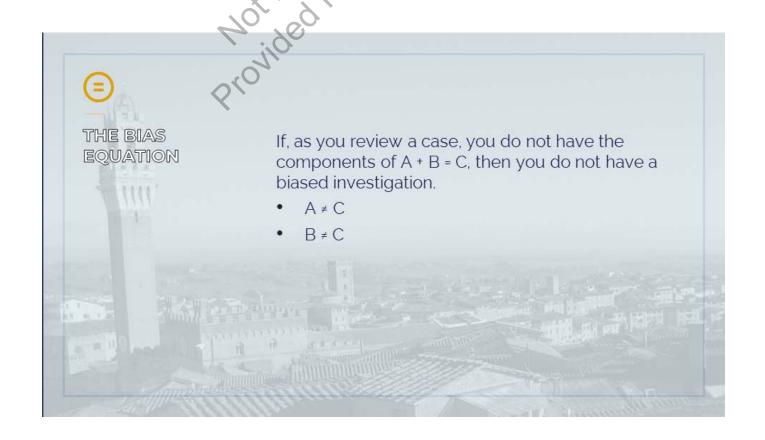
A predisposition or a preconceived opinion that prevents a person from impartially evaluating facts that have been presented for determination; a prejudice.

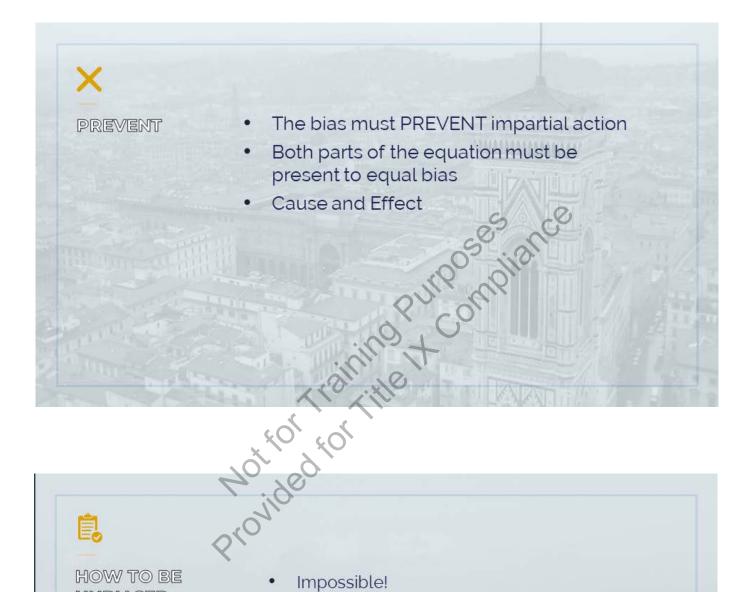
Blacks Law Dictionary:

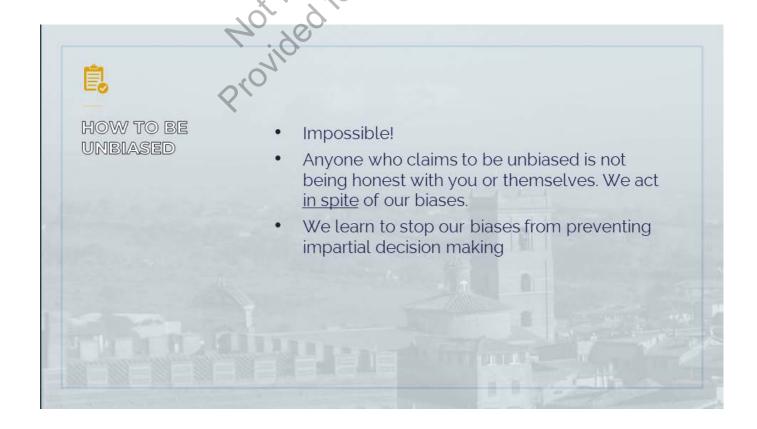
Inclination; bent; prepossession: a preconceived opinion; a predisposition to decide a cause or an issue in a certain way, which does not leave the mind perfectly open to conviction.

"bias" The Free Dictionary Legal Dictionary. 2008. https://legal-dictionary.thefreedictionary.com/bias/04 Feb 2020). "bias." Black's Law Dictionary. 2020. https://thelawdictionary.org/bias/(04 Feb 2020)













EASY TO SPOT

- Using the bias formula, it is not difficult to identify a biased investigation.
- WHY? Conducting a biased investigation takes concerted effort or lack of effort.
- The investigator must be proactive in ignoring exculpatory evidence, in forcing evidence to fit a preconceived theory, or in not completing standard investigative steps.



EXAMPLES

- Purdue vs John Doe
- Title IX investigation into sexual assault
- * "Doe appeared before the three-person panel, but the female student did not, according to court filings. Two members of the group allegedly stated they had not read the report, and the third apparently asked questions of Doe that already presumed his guilt. Doe said he could not speak to any of the evidence against him in the report because he had not seen a full version."

Emphasis added

Bauer-Wott Jeremy. Inside Higher-Ed. Another Win for An Accused Student, 01 Jul 2019. https://www.inside.highered.com/news/2019/07/01/appeals-court-finds-purdue-may-have-been-biased-against-man-accused-sexual-assault



EXAMPLES

- Claim of bias in the courts citing behavior that prevented an impartial decision
- John Doe vs Columbia University
- "John Doe said the investigator refused to interview witnesses who could have verified his interpretation of the encounter, ignored exculpatory evidence, willingly misconstrued his statements and routinely failed to inform him of his rights throughout the review process."

Emphasis added

Richardson, Bradford. The Washington Times. Ruling Takes on 'Anti-Male' Bias in Title IX Cases, 08 Aug 2016, https://www.washingtontimes.com/news/2016/aug/8/title-ix-cases-show-gender-bias-court-rules/





AVOIDING A BIASED INVESTIGATION

- Create a sound, legally defensible policy
 - · FOLLOWIT
- Create a consistent process
 - **FOLLOW IT**
- Train your investigators
 - Best practices
 - Thorough investigative reports
 - Standard of evidence
- Consistent Decisions
 - No special treatment based on position







PROTECTION

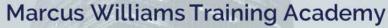
- Never use an investigation to pursue or push an idea, agenda, platform, or belief
- Never take a case personally.
- an on wholly on wholly on Provided for the provided for t Never base your decision on a gut feeling or personal belief; rely wholly on the evidence.

CONCLUSION

- Bias is an easy accusation to make, but more difficult to prove.
- A biased investigation requires the completed formula:
 - A + B = C
- Trust your policy and process.
- Invest in training.



WHAT'S NEXT?



- EBook- "Bias in Investigations"
- I will send you a link and password to access the video, your certificate, and the training materials.
- Next week Investigative Interviewing

https://www.williamsconsultgroup.com/upcoming-conferences



WILLIAMS CONSULTING GROUP



We help protect what is valuable to you.

WILLIAMS CONSULTING GROUP



File License:

Purchasing entitles the buyer to one license for the downloadable content. License is non-transferable to other users All rights reserved. No portion of this lesson may be reproduced, presented, or shared in any form without permission from the publisher, except as permitted by U.S. copyright law. For permissions contact info@williamsconsultgroup.com