

August 6, 2020

12:40 PM – 1:40 PM

TITLE IX INVESTIGATION PROCEDURES & BEST PRACTICES

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I. Introductions

II. Investigation is a serious matter – First, DO NO HARM

III. Meet with Title IX Coordinator and any first responders for case background

- A. Role of First Responders
- B. Locate and secure any physical items of potential evidence
- C. Locate potential witnesses and contact information

IV. Review School's student conduct/employee policies, formal complaint, case specifics, witness list, contact information and notices to parties

V. Designing Investigative plan of action – case preparation

- A. Prioritize order of activities
- B. Select investigator team
- C. Prioritize order of witness interviews
- D. Conduct interviews – complainant, respondent & witnesses
- E. Write report for each interview with transcripts & recordings

VI. Collected Items

- A. It is highly recommended that a collected item kit put together. The kit should include, but not limited to, pens, pencils, paper/tablet, sharpie/marker, latex gloves, several sizes of paper bags, zip lock type plastic bags, manilla envelopes, white envelopes, tamperproof tape, small containers for liquids, digital camera with removal Secure Digital Card (SD), and a video camera with a removal SD card.
- B. Try not to use personal cellular telephones to photograph, text, email, or record any potential Title IX issue. Advise the Complainant and/or the Respondent not to text message you regarding the Title IX issue.

VII. Documentation of Collected Items:**A. Create a photograph log.**

- i. Give the log a name (Photo Log of Search of Alpha Beta Fraternity House).
The log should have the photograph number. This is normally assigned to the photograph by the camera. If not start with Photo 1. The log should describe the what the image depicts. (Item 1, Red Solo cup with unknown liquid, north view)
- ii. Photograph the item before the item is disturbed.
- iii. If possible, consider using the four corners approach. Take a photograph depicting each corner of the item, north south east west
- iv. Take photographs from a distance to give a general idea of where the item was located. Then take photographs closer to clearly identify the item. After the item is collected additional photographs can be taken if necessary.

B. Create a collected items log.

- i. Give the log a name (Collected Items Log of Search of Alpha Beta Fraternity House). The log should list the item number (Item 1); a description of the item (Red Solo cup with unknown liquid); location (Bedroom 1, desk in northeast corner); who found/collected the item (Title IX investigator Smith); and the date and time the item was collected.

C. Collection/Storage

- i. Wear latex gloves before touching any item collected. (Laten Fingerprints/DNA)
- ii. Place the item in a bag.
- iii. Write detailed description of what was collected on the bag (Red solo cup. Unknown liquid was placed in sealed plastic vile, Item 1A.
 - a. From whom was the item collected? Name and contact information. (bedroom 1 Alpha Beta)
 - b. Where was the item collected? (Bedroom 1, desk in northeast corner).
 - c. When was the item collected? Date and time the item was collected. (Chain of custody)
- iv. Seal the bags with tamperproof tape. If no tamperproof tape is available, seal the package the best way possible. Date and initial the seal with marker.
- v. Store the collected item in a locked compartment with very limited access.
- vi. If the item is opened for inspection or analyzes, do not open at the original seal.

- vii. Document why, for whom the item was opened, when the inspection was complete, and the item resealed.
 - a. **Example:** (On 01/01/2020 at 1:00 pm, Item 1 was removed from the storage cabinet at the request of Respondent and Respondent’s Representative. Item 1 was opened and viewed by the aforementioned. Latex gloves were worn during inspection. On 01/01/2020 at 1:15 pm, Item 1 was resealed and placed back into the storage cabinet.)
- viii. When inspection or analyzes is complete, reseal and store following the aforementioned procedure.
- ix. The reason you don’t open at the original seal is so you can so seal was intact. This is a chain of custody issue.

VIII. Cellular Telephone Data Collection

- A. The best method is to use a Forensic Extraction Device (FED) to extract all the data stored on the cellular telephone. If no FED is available: (assuming the provider wants the cellular telephone returned)
- B. Create an email address specifically for the event (TitleXcase1@yahoo.com).
- C. Forward all email to the newly created email address.
- D. If the cellular telephone has a removable storage card (SD card). Transfer as much data as possible to the SD card. Remove the SD card and make two copies of the SD card. Provide a copy to the provider, keep the second copy to work from, and package and store the original as a collected item.
- E. If the cellular telephone does not have a removable SD card email all pertinent photographs to the newly created email address.
- F. Text messaging and Snapchat will be the most difficult data to retain. There are apps available that will convert the text message to a pdf file. The pdf file can be emailed the newly created email address.
- G. You can also take digital photographs of the text messages, store the digital camera’s SD card the same way as collected items. Make copies for analysis before bagging and sealing the SD card. Follow the same procedures for Photo Log as before. Write a report indicating you photographed the text messages to preserve the text message.

IX. Organization of Case File

- A. Document all contact regarding the Title IX event, when, where, why, who.
- B. Take notes.
- C. Keep all handwritten notes regarding the contacts.
- D. Generate reports from the notes. Store the notes and the reports (digital or manually).

- E. Organize the case file so that all data can be recovered quickly.
- F. Event (do not mix events)
- G. Title your case file. (Investigative File Complainant vs. Respondent)
- H. Summary: Write a brief summary Complainant's allegation and Respondent's retort. Refer to the tabbed memorandum of reports, tabbed collected items, and the tabbed Forensic data.
- I. Index of Investigative File:
 - a. (tab the Indexed reports alphabetically, numerically or a mixture of both)
 - b. Complaint's initial complaint
 - c. Memorandum of Interviews
 - d. Collected items and photographs of collected items
 - e. Photographs of dorms, bars, street signs, security cameras, etc.
 - f. Forensic data (lab results, cellular telephone records, emails, text message, etc.
 - g. Misc. reports