



GRAND RIVER | SOLUTIONS

Report Writing Workshop Day 2

Chantelle Botticelli, J.D.
February 2022



Developing an Evidence File and Report for “The Formal” Hypothetical

04

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Breakout 2

What are the questions that you/the DM must answer?

In your small groups, create an analysis grid.

Report Out: Break Out 1: Group A

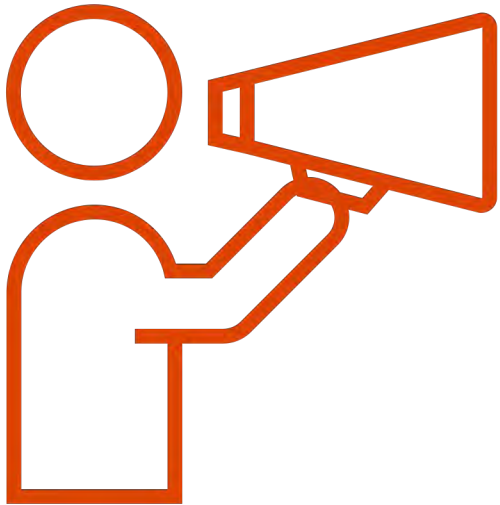
Group A: The Formal: Analysis Grid

Question #1	Question #2	Question #3	Question #4
Was complainant's vagina penetration?	If vagina was penetration, how so (with what and by whom)?	Was complainant able to give consent? (able)	Was consent present/ given in this particular instance?



Report Out: Break Out 1: Group B

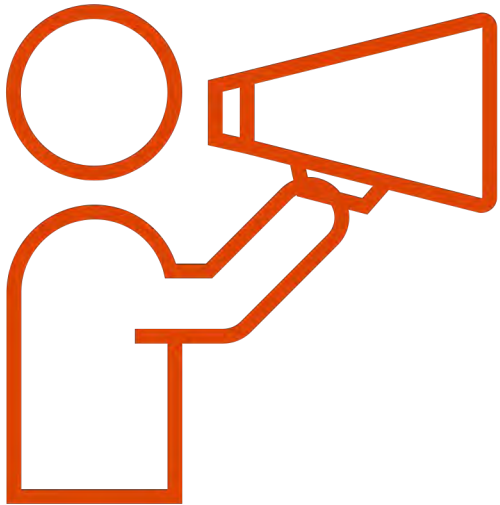
Question 1	Question 2	Question 3	Question 4
Was the complainant's vagina or anus penetrated by the respondent?	Was the complainant orally penetrated by the respondent?	Was the complainant penetrated with an object, sex organ, or other body part?	If any penetration occurred, was it consensual?



Report Out: Break Out 1: Group C

The Formal: Analysis Grid

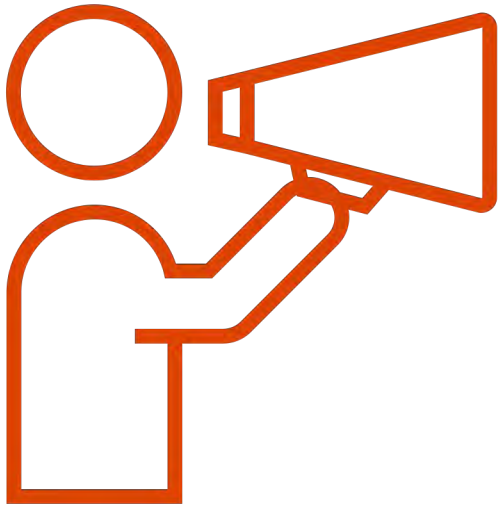
Question 1	Question 2	Question 3	Question 4
Was there penetration of the vagina?	Was there penetration of the anus?	Was there oral penetration of a sex organ?	Was consent for penetration provided?



Report Out: Break Out 1: Group D

The Formal: Analysis Grid

Question 1	Question 2	Question 3	Question 4
Was there penetration?	Was the complainant able to provide consent?	Was the complainant incapacitated?	What body parts were penetrated?



Analysis Grid: List the Elements

Did Drew Engage In Sexual Intercourse with Taylor?	Was Taylor incapacitated and therefore incapable of providing consent?	Did Drew know Taylor was Incapacitated?	Should Drew have known that Taylor was incapacitated?



Assembling an Investigative Record

Break Out #3

In your small groups, assemble the investigative record.

Be sure to do the following:

1. Create sections or appendices
2. Include an explanation of each section/appendix
3. Create one or more table of contents
4. Include every item of evidence



Report Out Group B



Appendix A: Transcripts

- o Complainant Interview
- o Respondent Interview
- o Respondent Interview: Follow Up
- o Follow Up Interview: Complainant
- o Witness #1: Transcript
- o Witness #3
- o Witness #5
- o Witness #6
- o Witness #7
- o Follow Up Interview: Witness #1
- o Follow UP interview: Witness #3

· Appendix B: Documentary Evidence

- o Text message Lauren and Complainant
- o Text message submitted by respondent: Respondent and Complainant
- o Text message: Witness #1 and complainant
- o Text message: Witness #5 and respondent

· Appendix C: Summary Evidence

- o Response evidence compilation Taylor/ Drew

· Appendix D: Evidence: Not Related/ Irrelevant

- o Character Letter for Respondent
- o Transcript Witness #6
- o Transcript Witness #7

· Appendix F: Procedural Timeline:

- o Complainant Interview
- o Respondent Interview
- o Respondent Interview: Follow Up
- o Follow Up Interview: Complainant
- o Witness #1: Transcript
- o Witness #3
- o Witness #5
- o Witness #6
- o Witness #7
- o Follow Up Interview: Witness #1
- o Follow UP interview: Witness #3

Report Out Group C

Appendix A - Relevant evidence

Taylor

Drew

Witness # 1 Kelly

Witness # 5 Christina

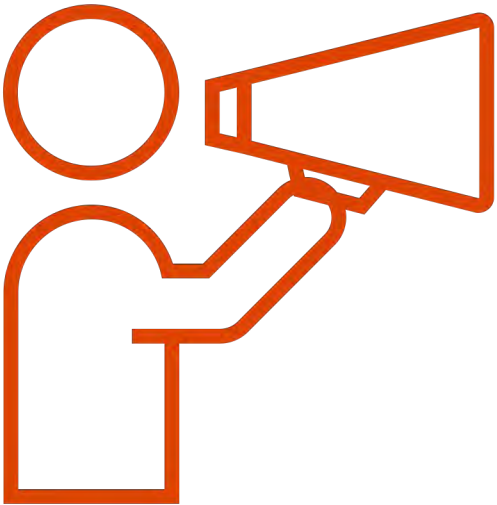
Appendix B- Directly related related evidence

Witness # 7 Lauren

Witness # 3 Joe

Appendix C- Unrelated

Pastor character witness



Report Out Group D

Table of Contents

Appendix A: Complainant Interview Summary
Appendix B: Complainant Interview Transcript
Appendix C: Respondent Interview Summary
Appendix D: Respondent Interview Transcript
Appendix E: Witness Interview Summaries
Appendix F: Witness Interview Transcripts
Appendix G: Relevant Submitted Evidence
Appendix H: Non-relevant Submitted Evidence

Appendix

Appendix A: Complainant Interview Summary, Summary of the Complainant's interview.

Appendix B: Complainant Interview Transcript (Includes Transcript of Complainant Interview in its entirety)

Appendix C: Respondent Interview Summary; Summary of the Respondents initial interview.

Appendix D: Respondent Interview Transcript (Includes Transcript of Respondent Interview in its entirety)

Appendix E: Witness Interview Summaries: Investigator Ware interviewed Kelly, Joe, and Christina

Kelly: Stated she was in contact with Taylor via text message. Investigator Ware asked if Kelly communicated with Taylor in any other way, Kelly stated no: Taylor does not have social media.

Joe: Stated that he did not know if Taylor had a snapchat; they mainly communicated via text message.

Christina:

Appendix F: Witness Interview Transcripts (Includes all Transcripts provided from Witness Interviews in their entirety, including follow-up interviews)

Appendix G: Relevant Submitted Evidence; Text Messages Submitted by Respondent Between R and C; Text Messages Witness 1 and Complainant; Text Messages Witness 5 and Respondent

Appendix H: Non-relevant Submitted Evidence; Character Letter for Respondent Text Messages Lauren and Complainant



Appendix A: Relevant Transcripts

1. Transcript of Complainant's Initial Interview
2. Transcript of Complainant's Follow Up Interview
3. Complainant's Written Response to the Draft Investigative Record
4. Transcript of Respondent's Initial Interview
5. Transcript of Respondent's Follow Up Interview
6. Transcript of Witness 1's Interview
7. Transcript of Witness 1's Follow Up Interview
8. Transcript of Witness 3's Interview
9. Transcript of Witness 3's Follow Up Interview
10. Transcript of Witness 5's Interview



Appendix B

1. Screen Shots of Text Messages Between Complainant and Respondent
2. Screen Shots of Text Messages Between Complainant and Witness 1
3. Screen Shots of Text Messages Between Respondent and Witness 5
4. Screen Shots of Text Messages Between Complainant and Witness 7



Appendix C

1. Transcript of Witness 6's Interview
2. Letter Submitted by Eric Church
3. Transcript of Witness 7's Interview



Appendix D

1. Procedural Timeline



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Appendix E

1. Investigator Abby Plates: Training Materials
2. Investigator Kevin F. Ware: Training Materials





Break Out 4: To Redact or Not to Redact?

Consider



Is there information that must be redacted from this record?



Is there information that should be redacted from this record?



What is your reasoning for any redactions made?



How will you document the redactions?



Do we redact?

Any reference to Complainant's relationship with Witness 3?

Respondent's description of Complainant hooking up with Witness 3 at the fraternity party during the fall of 2020?

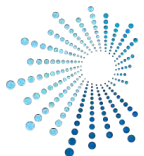
Witness 3's statements about Respondent's prior behaviors?



Should the following statement be redacted?

Witness 3 Statement

The other thing is that, like, Drew has a reputation, um, for... like, I've heard rumors that Drew, like, talks about, "Well, if you get a girl drunk enough, you can pretty much do whatever you want with her." And, um, Paul told me that Drew used to joke around about how they should put extra... they should have a separate punch for women at their parties, that had higher alcohol content so that the girls would get drunker so that the boys could get lucky. And I- I mean, that's basically what Paul told me, um, and so you'd probably want to talk to him about that, but I- I just... like I said, like, I believe her. I don't think she would lie about this and I think that Drew is a scumbag.



Break Out #5

In your small groups, do some editing!

As a team, review small portions of a summary and edit it using the track feature in word. Edit the summary:

1. To simplify it
2. For transparency/clarity
3. Accuracy
4. Neutrality
5. Draw attention to important facts



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Group 5A

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Group 5B



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Group 5C

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Group 5A

Break Out # 6

In your small groups, fill the analysis grid and make a finding!

- First, list the relevant evidence related to each question.
- Second, assess the authenticity, credibility, and reliability of each item of evidence to determine what items of evidence you will rely upon when making and explaining your finding/recommended finding.
- Third, determine the weight you will give to each item of evidence upon which you intend to rely.
- Next, apply the standard of proof and make a finding as to each element of the formal complaint.
- Finally, make a finding of responsibility



Did Drew Engage in a Sexual Act with Taylor?	Was Taylor incapacitated and therefore incapable of providing consent?	Did Drew know Taylor was Incapacitated?	Should Drew have known that Taylor was incapacitated?
<ul style="list-style-type: none"> ➤ Undisputed ➤ Complainant's testimony ➤ Respondent's testimony 			
<ul style="list-style-type: none"> ➤ It is more likely than not that Drew engaged in sexual intercourse with Taylor 			

Be kind to yourself
for the work you've
done already in
good faith.

Compare yourself to
yourself yesterday
instead of
comparing yourself
to others.

Writing good reports
is a constantly
evolving process.
Don't expect
perfection.

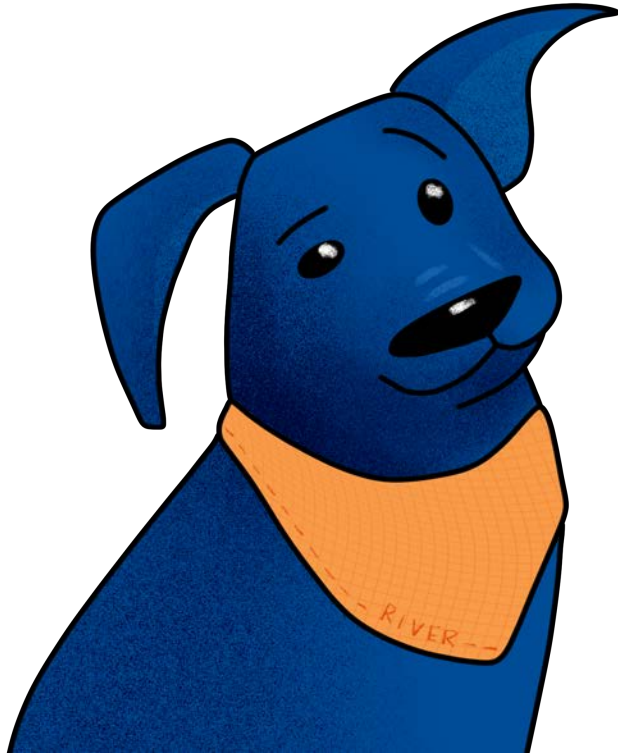
Don't worry about
where your skills are
today, just keep
getting better.

You have the tools.
You can do it!



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Questions?



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