

ASSESSING CREDIBILITY & AVOIDING BIAS

What is Credibility?

- The process of weighing the accuracy and veracity of the evidence.
- Credibility and Honesty are not the same thing!
- Evaluate
 - Corroboration
 - Consistency
 - Chronology
 - Plausibility
 - Demeanor
 - History & Motivation

Corroboration/Confirmation

- Are there documents, other witnesses, or digital files that support the story?
- Eyewitnesses – most valuable
- What was heard from an eyewitness second hand is less useful.
- What was learned after the fact from a responding party's best friend a week later is not worth much.

Consistency

- How consistent is the witness story compared to others?
- Have they changed their story at all?
- A lie may not torpedo credibility...
 - If someone is lying about alcohol consumption at a party (or some other policy violation), it is your responsibility to understand why they may be lying about that.
 - It may not change the fact that the alleged behavior occurred.
 - How crucial is the fact to the core of the investigation?

Chronology

- How does the witness's timing of events compare with the timing recounted by others?
- Compare it to physical evidence
 - Emails, Texts, Letters, Voice Mail, Receipt dates and amounts?

Plausibility

- Is what someone is saying reasonable?
- This one is tough to judge as it relied heavily on our own personal experiences, and my experiences are different than yours.
- It's worth finding a trusted but different perspective to do a gut check.

Demeanor

- Avoid “micro-expression” or “gestics” unless you’ve been specifically trained.
 - Cross limbs, looking to the right vs. the left, and other so-called tell-tales are not evidence.
- Those who have experienced trauma may display behaviors that look like disinterest, or even antagonistic, even if they are the ones reporting the issue.

History & Motivation

- Is the witness neutral? Are they partisan?
- What motivations might they have that you don't see immediately?
- Has the respondent been accused of this behavior before?
 - Be careful with this... It matters if they were accused before but not found responsible.

Why bring all of this up?

- It's no longer enough to "We find the party responsible on the basis that it is more likely than not that the policy was violated."
- You have to show your work. Each piece of evidence and even the interviews must be evaluated for these credibility factors.
- Especially in He Said/She Said situations – If the one is more credible than the other, you must state why!