

INVESTIGATION BASICS

"SUPPOSING IS GOOD, BUT FINDING OUT IS BETTER."
— MARK TWAIN

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Phases of investigatory process

- 1: Identify issues
- 2: Plan a strategy
- 3: Investigate
- 4: Make findings

Meet Coach Tom



Step 1: Identify the issues



- WHO is alleging?
- WHAT about whom?
- WHERE?
- WHEN?
- Duration and/or frequency?

What is the allegation or complaint?

BE SPECIFIC; DETAILS MATTER

DOCUMENT EACH INITIAL FACT

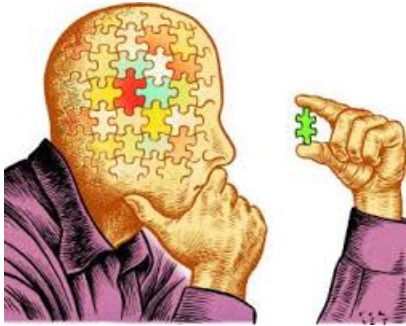
Identify Standards of Behavior

- Sources: board policies, administrative rules, job descriptions, prior directives, evaluation tools & TSPC
- Do not rely on your memory based upon prior unrelated situation
- Carefully review all related standards
- Document the ones you believe initially apply
- Subsequent information may increase or decrease the number of related standards

Identify the Issues




Step 2: Plan a Strategy



Get your ducks in a row (internally)

- Who else needs to be involved or notified?
- Is management aligned?



Who will conduct the investigation?

- Local law enforcement?
 - Will you need to do your own if DA declines?
- External investigator?
 - Legal Counsel
 - Licensed Private Investigator
- Internal investigator?
 - Individual or a team?

DOCUMENT ALL CONTACT AND BASIS FOR DETERMINATION

Statutory reporting requirements?

- Is a report to outside agency required?
 - When?
- Is this a criminal matter?
 - Will local law enforcement conduct the investigation?
- If in doubt contact local law enforcement document response



Plan communications



Nisbet & Nesbit Strategy Recommendations

- Strategic Decisions – see Scenario
 - Internal investigation
 - No mandatory report based on info
 - Confidential contacts made to any other administrators who “need to know” about investigation
 - Communication plan – parent; students; coach Tom

Step 3: Investigate



When you are the investigator

- Maintain your integrity and ethics
- Do not blind yourself by anticipating the facts
 - The human factor: Anything is possible
 - Keep an open mind
 - Assumptions are barriers to fact finding
- Do not confuse an investigation with a personnel action
 - Keep separate; at this point they are not related
 - Suspend pre-conceptions

When you are the investigator

- Begin collecting information pertinent to the allegation or complaint
- Treat all information that you collect, regardless of form, as EVIDENCE
- Secure information collected in your investigation, it is EVIDENCE

What do you want to know?

- Who?
- What?
- Where?
- When (frequency/duration)?
- Why?
- How?

What do you document?

- Record time and date of your activities in pursuit of information:
 - Attempts to contact individuals
 - Interviews
 - Document collection
- Note source of all evidence:
 - Video, photos, statements, documents

Who do you interview?

- The complainant
- The alleged victim(s)
- Victim(s) and/or witnesses
- Others:
 - Supervisors
 - Experts: Sped, athletics, transportation, etc..
 - Prior employers (rare)
- The subject or alleged perpetrator

Need more information?

- Open the scope of investigation
 - Geography
 - Time
- Conduct additional interviews
 - Interview driven contacts
 - Referrals
 - Relationship driven contact
 - Who knows whom?
 - Who works where?

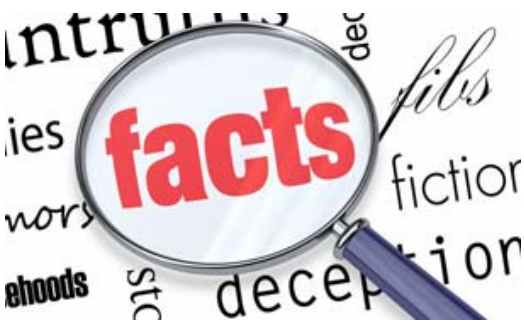
Interview Basics

- Establish & maintain routine methods
- Gather information-do not disseminate information
- Write interview script, outline or survey
- Observe contractual/legal rights
- Emphasize confidentiality
 - Direct and expect it of employees
- Plan order of interviews-not random
- Accommodate your witnesses

Interview Basics

- Do not conduct group witness interviews
- Control the environment
- Document interviews
 - Note taking vs digital recording or video
- Interview documentation is evidence
- Control the number of attendees
 - interviewing is not a spectator sport

Step 4: Fact Finding/ Report



Investigatory Report Basics

- This is your written summary or detailed findings of fact based upon the evidence – not your opinion.
- You must document:
 - Who?
 - What?
 - Where?
 - When?
- Did facts determine that the allegation was true or untrue?
 - Upon what statement(s) or documentation did you make this determination?
 - How did you verify?

Investigatory Report Basics

- If true, was the conduct an isolated event or a pattern of behavior?
 - Upon what statement(s) or documentation did you make this determination?
 - How did you verify?
- Did the misconduct appear to violate:
 - District standards of performance/conduct
 - TSPC Standards
 - Other

Validating Your Investigation

- Establish and maintain routines avoid “exceptions” and arbitrary behavior
 - Research & prepare prior to starting investigation
 - Document the source of information
 - Control outflow of information
 - Prepare a written script, outline or survey for interviews
 - Digitally record subject and witness interviews
 - Report sets forth evidence in support of findings

QUESTIONS?



Thank you for your time!