



HOW TO CONDUCT A MISCONDUCT INVESTIGATION

ERIN HILLSON – CITY OF MADISON HUMAN RESOURCES

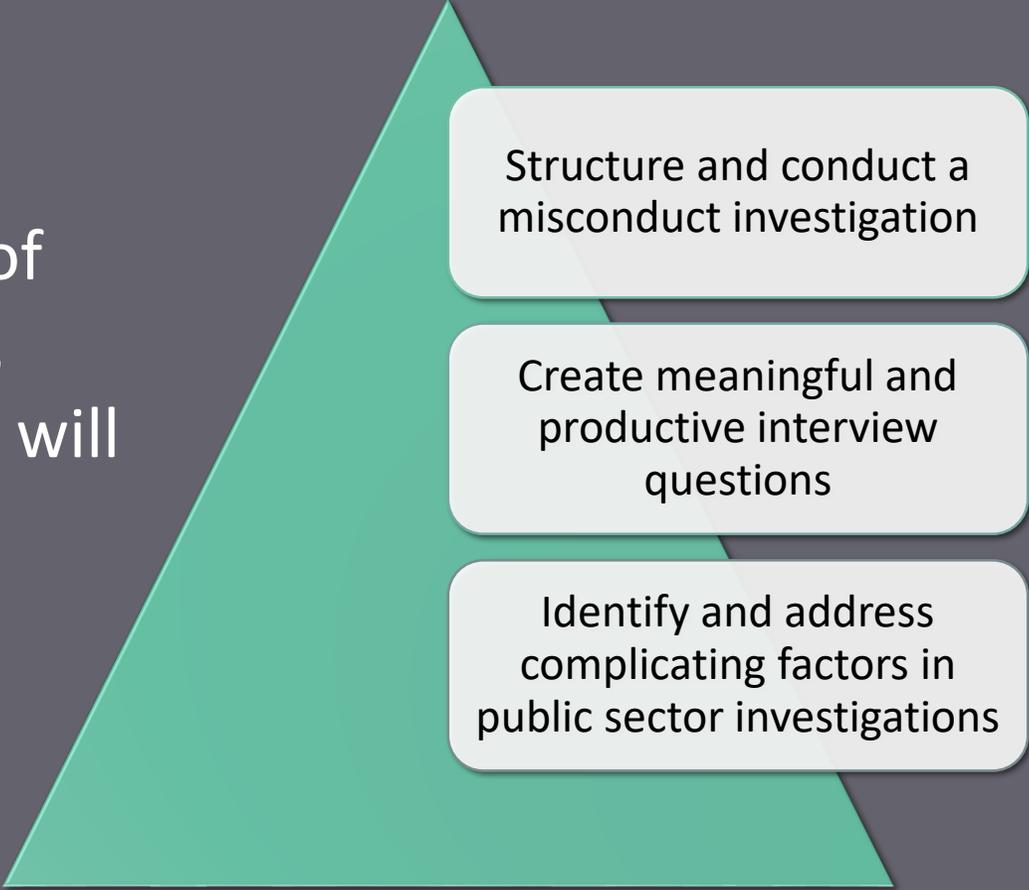
PATRICIA LAUTEN – CITY OF MADISON OFFICE OF THE CITY ATTORNEY

Session 1



Objectives

By the end of this session, participants will be able to:



Structure and conduct a misconduct investigation

Create meaningful and productive interview questions

Identify and address complicating factors in public sector investigations



Agenda

1. Investigations and Interviews

2. Credibility and Complicating Factors

3. Challenges, Scenarios, and Discussion



Honor confidentiality

Respect others and yourself

Be brave but share space

Use "I" statements – speak from personal experience

Use active listening

Be responsible for your own learning – Ask for what you need



Group

Agreements

Before We Begin

1. Populate the chat box with the questions you developed while doing the pre-work reading



2. Let's talk – what are some of the ways hidden bias can creep into, or be harmful to, an investigation?



Basic Concepts

Investigation

- Objective process to collect and analyse information

Investigator

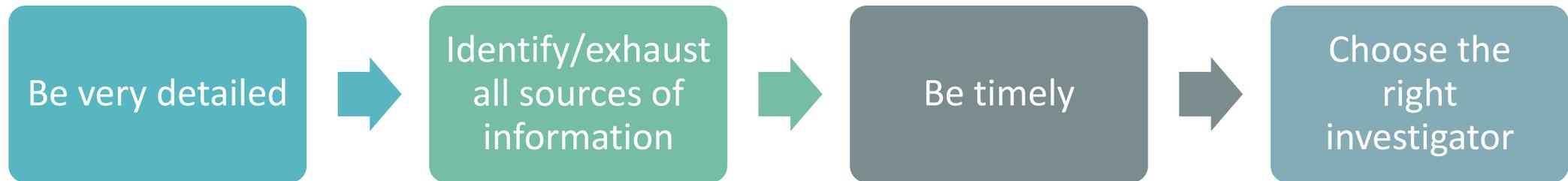
- Trained person who identifies issues, develops facts, conducts interviews, and distinguishes between fact and opinion

Purpose

- Allows the employer to make decisions based on accurate information



Investigative Guidelines



Choose the Investigator

In the chat box, list off things you should consider in selecting the right investigator?



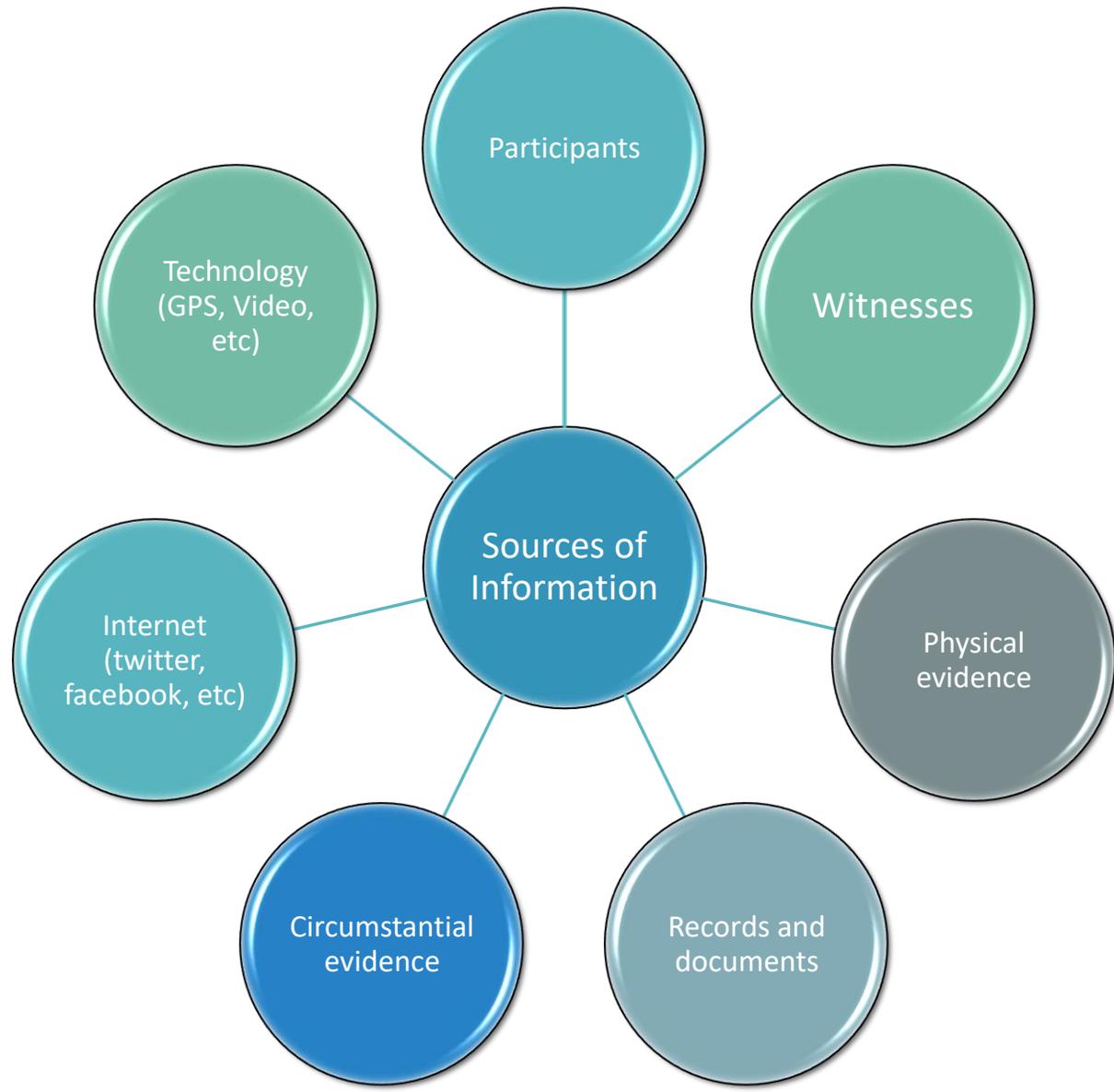
Preliminary Steps



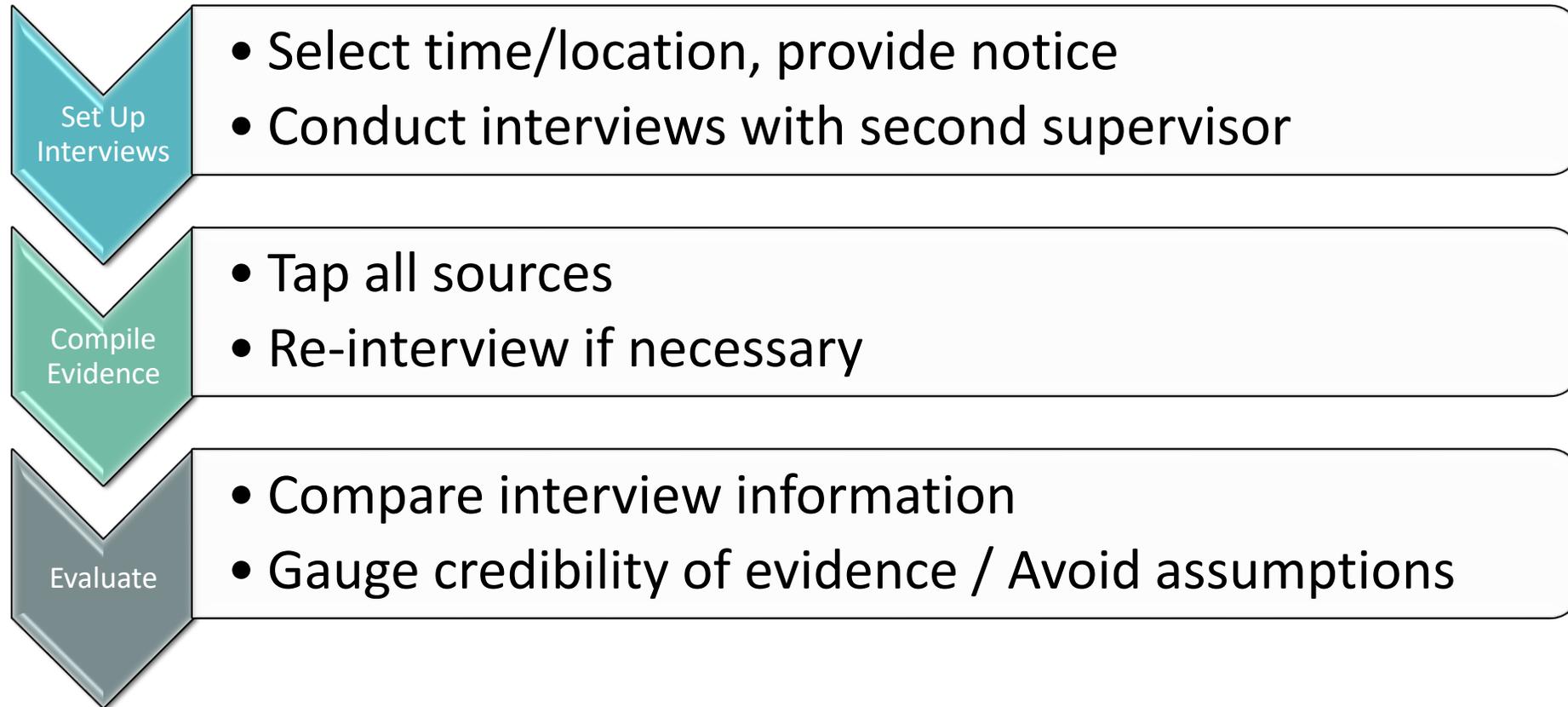
Create a strategic plan/approach

- Define basic objective
- Create ordered witness/interview list
- Identify applicable rules, statutes, policies and other laws or regulations
- Create timeline
- Identify sources of information
- Don't over complicate!





Investigative Process



Investigative Interviews



Constructing the Interview

Prior to the Interview

- Clarify what you are looking for
- List facts still in question
- Use scripts sparingly
- Write an opening

Start with the Basics

- What
- When
- Where
- How
- Who was involved
- Why
- How do you know

Closed Questions

- Just the facts
- “Did you arrive to your assigned training after the 8:30 start time on October 11, 2011?”

Open Questions

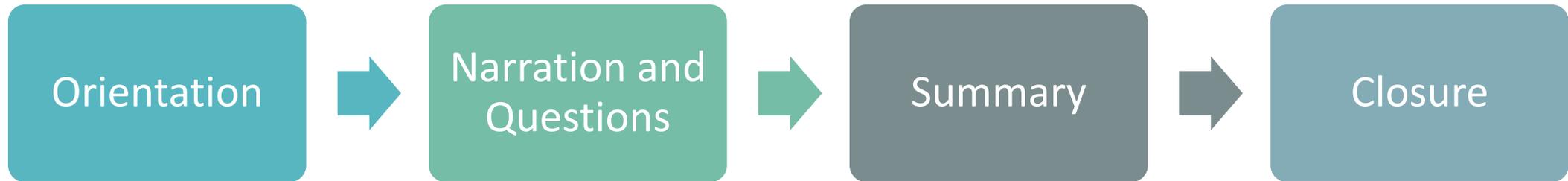
- Let them tell the story
- Have them put it in their own words
- “Go through the incident chronologically from when he arrived to work that day...”



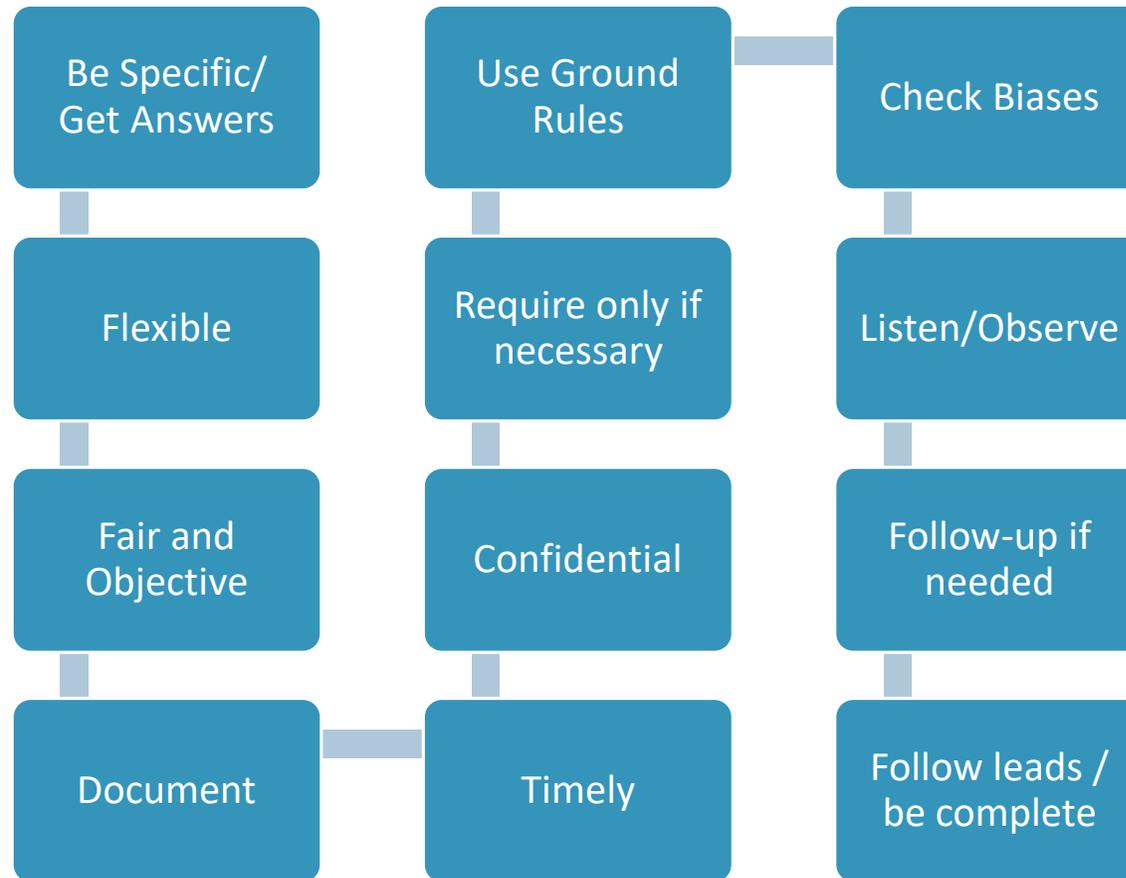
A Word from the Wise!



Four Phases of an Investigative Interview



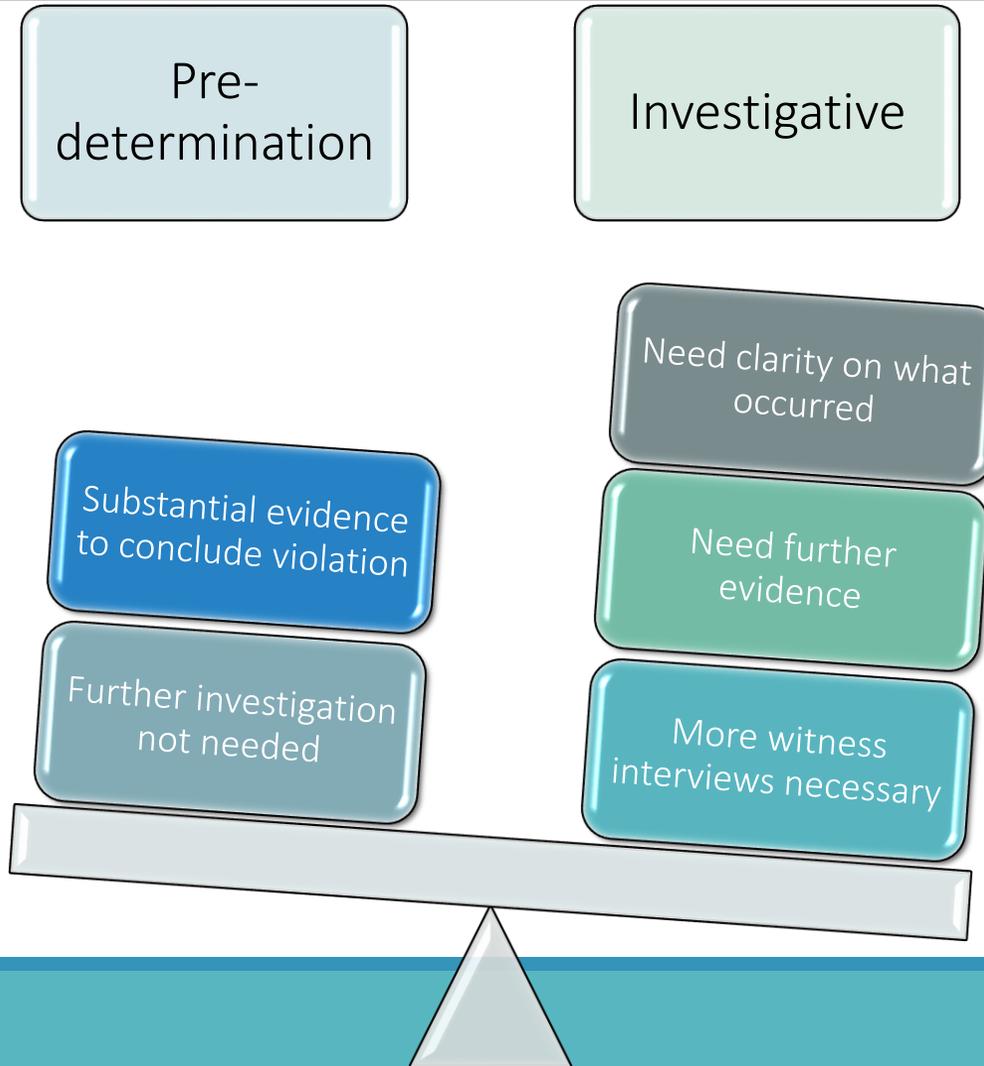
Cardinal Rules



Investigation vs. Pre-D

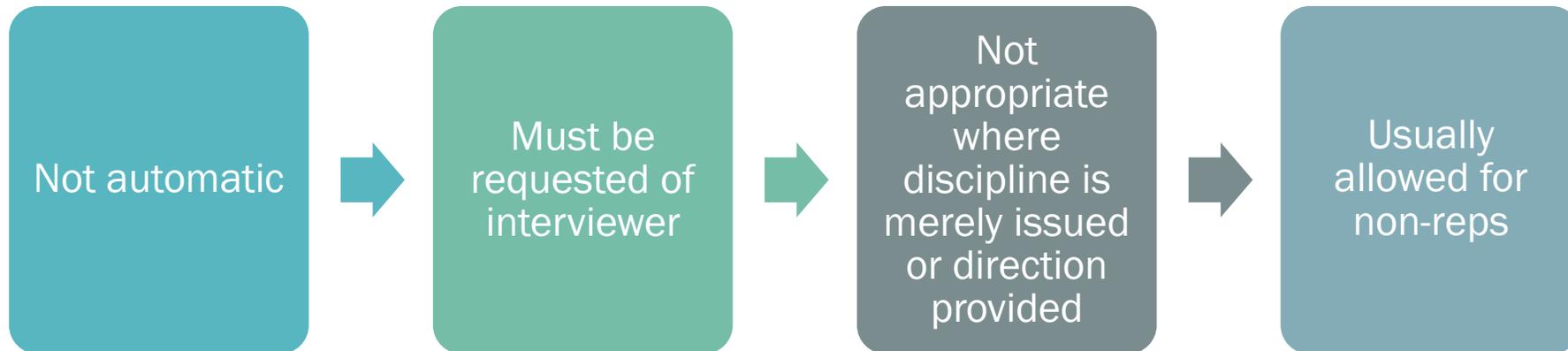
Different:

- Phase in the process
- Purpose/ function
- Representational rights
- Rights for employee/
Employer



Weingarten

Union members have a right to have a union representative present during the investigatory stages of alleged work place violation if they request such representation and have reasonable belief that discipline may result



Written Report

