

# CITY OF MADISON

## Misconduct Investigation Process: Planning and Preparation

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In a [misconduct investigation](#), investigators should start by:

- ☐ Opening an investigation file
- ☐ Meeting with the appropriate management representative to discuss the parameters of the investigation
- ☐ Identifying potential interviewees
- ☐ Gathering and review relevant policies/work rules, documents, and records
- ☐ Determining who to contact to set up the meetings
- ☐ Determining an appropriate deadline for completing the investigation.

### Initial Considerations for the Investigator

- The employee is presumed innocent throughout the investigatory process, until all evidence has been collected and weighed and a conclusion has been made based on the facts of the case. Hidden bias can harm the integrity of an investigation.
- The information and evidence needed to determine whether or not an employee engaged in misconduct includes:
  - What the allegations are and any known, objective facts.
  - Documents including relevant APMs and work rules, departmental policies, ordinances, ethics rules, manager's notes, complaints filed, and statements written or obtained from witnesses.
  - Records of prior investigations, complaints, or disciplinary action as well as any business records like time cards, calendars, photographs, logs, etc.
  - Investigative interviews with employees who were involved or know about an incident (if applicable)

### Investigation File

The investigator should immediately open an investigation file and include the following:

|                               |                       |                          |                          |
|-------------------------------|-----------------------|--------------------------|--------------------------|
| Relevant Rules<br>or Policies | Evidence Lists        | Records and<br>Documents | Physical<br>Evidence     |
| Photographs                   | Written<br>Statements | Investigators'<br>Notes  | Investigative<br>Summary |