Preliminary Inquiry of Allegations of Employee Misconduct

Investigative Protocols

Prior to Initiating an Administrative Investigation (Preliminary Inquiry)

1. Make sure that the alleged victim is safe and if he/she needs medical attention, it is being provided. Have the nurse and/or other medical providers come to the student whenever possible. If injuries are evident, take photographs.
2. Do not remove, relocate, or clean any item or area that could be considered evidence until cleared to do so by law enforcement and/or Local District Operations.
3. If the accused employee is a danger to staff or students, determine if you need to remove staff from the workplace immediately.
4. Contact local law enforcement to report suspected child abuse (and submit the written SCAR within 36 hours). Confirm with law enforcement that an internal administrative investigation (preliminary) will NOT interfere with any investigation they will initiate.
5. Contact Local District Operations.
6. Limit the accused employee's access, as applicable.
    a. Retrieve and secure District-issued electronic devices
        i. Track and maintain the chain of custody (i.e., who had the computer, when)
    b. Retrieve school keys
    c. Block access to school/district databases (e.g., MiSiS, Welligent, ISTAR)
7. Enter an ISTAR.
8. Select a school site administrator to conduct a preliminary inquiry. If the accused employee is the principal, the Local District will do so.
    a. Make sure there are no potential biases (e.g., the administrator conducting the preliminary inquiry should not have a close personal relationship with the accused employee).
    b. The administrator conducting the preliminary inquiry should have the time to start the inquiry immediately.
9. Begin the process as soon as possible, as the Local District/school site has up to five (5) days to look into the matter. Additionally, the longer the wait, the less all parties remember.

Preparation for a Preliminary Inquiry

1. Gather personal and contact information for all parties who are involved (e.g., potential witnesses, alleged victim(s), etc.)
    a. Full names, as well as nicknames
    b. Dates of birth
    c. Class schedule
    d. Parents' names
    e. Address and phone numbers
2. Maintain objectivity. Don't let past behaviors of any of the parties involved cloud your process.
3. Clarify the allegations as you know them to be:
    a. What is the allegation?
    b. Who is/are the victim(s)? What is/are their age(s)?
    c. Who is the accused employee?
    d. When did the allegation take place?

   e. Where did the allegation take place?
   f. Was it a single event or multiple events?
   g. Were there witnesses? Who? Where are they?
4. Confirm if any of the interviewees will need a translator. If needed/requested and none are available at the school site, contact the translation department at LAUSD. Translators should also be objective and unbiased. Translators should ideally be administrators or other confidential employees (e.g., SAA/Office Manager).
5. Confirm if any of the interviewees have a mental or physical disability that would be pertinent as part of the interview or the allegation.
6. Create a contact list with phone numbers and addresses of all parties involved in the allegation.
7. Review personnel file for accused employee and compile documentation of any past allegations (e.g., conference memos).
8. Prepare strategy for the investigation:
   a. Create a timeline
   b. Ask questions chronologically (e.g., beginning to end of incident)
   c. Chronology of witness interviews
9. Prepare outline of questions (see handout).
10. Start with interviews of witnesses or the alleged victim, and interview the accused employee last.
11. Conduct interview in a secure, private room only.
12. There should generally be:
    a. One interviewer for the alleged adult victim and adult witness interviews.
    b. Two interviewers when interviewing students, at least one of the same gender as the student being interviewed.
    c. Two interviewers for the interview of the accused employee. This is especially important if the protocol of the questioning is later questioned by the accused employee or his/her representative.

Investigation Protocols for Witnesses

Adult witnesses

1. Do not tell the witnesses specific information about the investigation.
2. Do not promise confidentiality.
3. State that he/she is obligated to cooperate in District investigations. If uncooperative, he/she is subject to disciplinary action.
4. Ask open ended questions about the day(s) of the incident.
5. If allegations involve inappropriate contact, ask questions about the victim's clothing (e.g., was the victim wearing a skirt, pants).
6. Ask questions about the environment as well as the incident (e.g., lights on or off, door open or shut).
7. Repeat the information the witness told you to confirm your understanding of it.
8. Document the facts of the case, not opinions:
   a. E.g., "Ms. Smith said that she saw Mr. X put his hand on student Y's buttocks."
9. Ask for full names of other witnesses.
10. Ask if there is any other information the interviewee believes would be helpful to your investigation.

Student witnesses

1. You may provide the parents with an opportunity to attend interview as a courtesy. Prior notification to parents, however, is not required to interview LAUSD students.
   a. Make sure that the parents know the topic of the questioning.
   b. Inform the parents that you should be the only one asking questions. They can prompt the student to answer truthfully, but they should not take on the questioning.
   c. You may wish to have the parent(s) seated behind the child so as to be out of view.
   d. If a parent does not consent to having his/her child interviewed, simply make note of that in your documentation.
2. Make sure the student knows that he/she is not in trouble.
3. Let the student know that he/she should say "I don't know" if they can't answer the questions, but he/she should not guess.
4. Build rapport by asking neutral or opinion-based questions.
5. If the child is young or mentally disabled, establish whether or not he/she understands the difference between the truth and a lie. If the child does not know the difference between a truth and a lie, then discontinue the interview.
6. Let the student know that it is very important that he/she tell you the truth during the interview.
7. Tell the student that he/she can take a break from the questioning whenever he/she wants.
8. Tell the student that if he/she can't remember something, it's OK to say, "I don't remember." Also ask the student if he/she truly can't remember, or if he/she doesn't want to talk about it.
9. Do not tell the students that you are conducting an investigation. Simply state that you have some questions for them.
10. If student is able to write, request that they write a statement describing the events in question.
    a. It is important for the students to put the statement in their own words.
    b. Follow up the statement with clarifying questions, and have the student add any new information to the statement him/herself.
    c. Have student sign and date the written statement. If a student is unable to write, the individual transcribing the student's statement should print his/her full name, sign, and date the statement.
    d. No one other than the student should write on or otherwise modify the statement.
11. Do not promise confidentiality.
12. Ask open ended questions about the day(s) of the incident or about the accused employee in general.
13. If allegations involve inappropriate contact, ask questions about the victim's clothing (e.g., was the victim wearing a skirt, pants).
14. Ask questions about the environment as well as the incident (e.g., lights on or off, door open or shut).
15. Repeat the information the witness told you to confirm your understanding of it.
16. Document the facts of the case, not opinions:
    a. E.g., "Ms. Smith said that she saw Mr. X put his hand on student Y's buttocks."
17. Ask for full names of other witnesses.
18. Ask if there is any other information the interviewee believes would be helpful to your investigation.

Investigation Protocols for Alleged Student Victims

Preliminary Inquiry of Allegations of Employee Misconduct

1. You may provide the parents with an opportunity to attend interview as a courtesy. Prior notification to parents, however, is not required to interview LAUSD students.
   a. Make sure that the parents know the topic of the questioning.
   b. Inform the parents that you should be the only one asking questions. They can prompt the student to answer truthfully, but they should not take on the questioning.
   c. You may wish to have the parent(s) seated behind the child so as to be out of view.
   d. If a parent does not consent to having his/her child interviewed, simply make note of that in your documentation.
2. Make sure the student knows that he/she is not in trouble.
3. If the child is young or mentally disabled, establish whether or not he/she understands the difference between the truth and a lie. If the child does not know the difference between a truth and a lie, then discontinue the interview.
4. Let the student know that it is very important that he/she tell you the truth during the interview.
5. Tell the student that he/she can take a break from the questioning whenever he/she wants.
6. Tell the student that if he/she can't remember something, it's OK to say "I don't remember."
7. If student is able to write, request that they write a statement describing the events in question.
   a. It is important for the students to put the statement in their own words.
   b. Follow up the statement with clarifying questions, and have the student add any new information to the statement him/herself.
   c. Have student sign and date the written statement. If a student is unable to write, the individual transcribing the student's statement should print his/her full name, sign, and date the statement.
   d. No one other than the student should write on or otherwise modify the statement.
8. For older students, ask open ended questions about the day(s) of the incident.
9. For younger students, ask more closed ended questions about the day(s) of the incident.
10. Do not promise confidentiality.
11. If allegations involve inappropriate contact, ask questions about the victim's clothing (e.g., was the victim wearing a skirt, pants).
12. Ask questions about the environment as well as the incident (e.g., lights on or off, door open or shut).
13. Repeat the information the witness told you to confirm your understanding of it.
14. Document the facts of the case, not opinions:
   a. E.g., "Ms. Smith said that she saw Mr. X put his hand on student Y's buttocks."
15. Ask for full names of other witnesses.
16. Ask if there is any other information the interviewee believes would be helpful to your investigation.

Interviewing young children

1. Build a rapport with the child by introducing yourself and giving a simple explanation of your job.
2. Begin the interview by asking about neutral topics (e.g., hobbies, family).
3. Ask questions that will help you determine if the child knows the difference between the truth and a lie.
4. Inform the child why it's important for him/her to give honest answers:
   a. E.g., "So when we talk, try your hardest to tell me everything you remember."
   b. E.g., "You can tell me good things and bad things."
   c. E.g., "When we talk it's very important to be serious."

5. Have the child narrate the event in question from the beginning to the end, both verbally and in writing if possible. For those unable to write, have someone transcribe the responses and/or statement verbatim. The transcriber should provide his/her printed name, signature, and date on the document.
6. You may want to use images or pictures to help the child understand your questions.
7. You may want to use more closed-ended questions.
8. When asking "How many?", make sure the child has the reasoning skills to estimate the number of times something happened.
9. If child has difficulty answering questions involving time, then phrase the question as it relates to a time of day (e.g., while eating lunch, before bedtime).
10. Follow up any responses with open-ended prompts such as, "Tell me more about that."
11. Give the child an opportunity to ask questions.
12. Use clear easy-to-understand language:
    a. I.e., avoid acronyms and polysyllabic words
    b. E.g., use specific names and proper nouns and avoid pronouns
13. Make sure that the interviewer understands the words that the child uses.
14. Use short, simple questions.
15. Let the child know when you are changing topics, moving from one incident to another, or moving from past to present.
16. Help the child organize his/her account by restating what was already stated, being careful not to lead the child by adding new information.
17. Establish a time line, sequence of events, and number of times that the misconduct occurred.
18. Ask the child about sensory details: sight, touch, taste, smells, or sounds.
19. Listen to see if the child's responses address the questions being asked. If not, carefully redirect the child by asking the question again.
20. Restate the child's narration in his/her words to ensure you understand it accurately.
21. Review the information you have obtained with the interviewee to ensure that you have captured it correctly.
22. Ask if there is any other information the interviewee believes would be helpful to your investigation.

Preliminary Inquiry Protocols for Accused Employees

1. Provide the accused employee with an opportunity to have a representative attend the interview if he/she wishes.
2. When interviewing the accused employee, have at least two administrators present. This is important should there be allegations that the interview was biased, or if other allegations are leveled at the interviewer by the accused employee during the interview.
3. Inform the accused employee that you are conducting an inquiry because of an allegation of misconduct made against him/her.
4. Request that the accused employee provide as much information as possible about the day(s) in question.
5. State that he/she is obligated to cooperate in District investigations and failure to cooperate may result in administrative discipline.
6. Start with general questions about employee's work duties, followed by questions about the alleged incident.
7. Do not refer to a "victim," but refer to the complainant by his/her name.

8. Don't allow the accused employee to respond to your question with another question. Ensure that the question is answered appropriately:
    a. E.g., Interviewer = "Did you touch Susie on the buttocks?"
       Alleged perpetrator = "Don't you think that I know that I am not supposed to do that?"
       Interviewer = "Please answer the question as to whether or not you touched Susie on the buttocks."
9. Remind the accused employee that he/she is not to have any contact with the alleged victim.
10. Review the information you have obtained with the interviewee to ensure that you have captured it correctly.
11. Ask if there is any other information the interviewee believes would be helpful to your inquiry.

Guidelines for Documenting Findings from Preliminary Inquiry

1. Maintain your contact list of interviewees up-to-date.
2. Document only the facts. Do not include your opinion.
3. Clearly attribute facts to specific individuals.
4. Compare incident with any past incidents (e.g., conference memos).
5. Provide a clear explanation of the alleged incident in your notes as well as the ISTAR.
6. Mention any other investigations into this incident if applicable (e.g., law enforcement, DSS).
7. Sequentially describe the case as it unfolded.
8. Summarize interviews (alleged victim, school staff, witnesses, accused employee).
9. Describe if there were similar past allegations and provide the results of those investigations.
10. Keep the information in the report relevant to the allegation.
11. Do not refer to a "victim," but refer to the complainant by his/her name.
12. Describe the incident as an "allegation," not as a criminal claim:
    a. E.g., "allegedly slapped a student with an open hand", and not "assaulted the student."
13. Include all allegations (i.e., others that may have arisen from the investigation), not just the initial investigation.
14. Maintain regular communication with your Local District.
15. Update your follow-up actions/investigative activities in ISTAR regularly.