Handling an Investigation in the Spotlight

At the Outset

• Understand the questions/issues
• Scope: What will you cover; what won’t you cover
• Ensure staffing is appropriate
• Manage expectations/transparency around process
  • Who are your stakeholders
  • What is your timing
  • What questions/issues do you intend to address

Investigation/Review

• Stay focused; don’t get distracted; maintain a low profile
  • But be prepared if new issues arise and possible need to expand scope
• Just the facts approach
• Gather all relevant documents/interview all relevant witnesses
• To maximum extent possible, follow regular order/practice
• Maintain independence and objectivity; keep an open mind
• Engage regularly with your investigative team
  • Keep updated and informed
  • Provide guidance and direction while avoiding micromanagement
Public Report

• Report is for many different audiences
• Maintain focus on the facts
  • Findings and conclusions will only be accepted if supported by facts
  • Explain evidence gathering process
  • Describe any relevant evidence you could not obtain
• Report the good with the bad
  • Be tough but fair
  • Expectation of accountability
• Where appropriate, allow those whose conduct is criticized to review relevant portions of draft report and provide comments
• Offer recommendations to address systemic problems