Tips for a Quality Internal Investigation



1. Determine whether an investigation is necessary.

Every reported concern should be initially assessed to understand the situation as presented. Based on this, sometimes an investigation could be limited or not needed because a different resolution strategy is better. As facts unfold, investigation scope can always expand if warranted.

2. Determine the goals of the investigation.

This will ensure the investigation is appropriate, stays focused on business needs, and allows investigators to approach it with a complete picture in mind. Goals should include:



determining whether misconduct occurred



identifying business processes that need to be improved



determining both "what happened" and "what didn't happen"



preparing for legal action or self-reporting to external agencies

3. Consider the disadvantages of an investigation.

Investigations are not cost-free. They can disrupt business operations and take focus away from your mission. They also announce that there may be a problem, and this knowledge can be useful to adversaries and hostile employees. While these things should not keep you from investigating, it's important to consider and plan for adverse publicity, civil litigation, or government inquiries.

4. Have a standard investigation protocol.

Because each investigation does not operate in a vacuum, it's important to have a standard protocol for investigators to follow for consistency. If a situation requires deviation from the protocol, note it in the investigation report with an explanation of why it was reasonably necessary.

5. Select the right investigator for the job.

Investigations are equal parts art and science, so you should strive to match the right investigator to each case. Consider not only their personal investigative style but also their skill set. For example:



Lawyers are good investigators if your objective is determining whether your organization may be sued or if it can sue someone.



Internal auditors are good investigators if the investigation requires "number crunching" or the analysis of financial records.



HR managers are good investigators if the investigation relies on information coming from witnesses.

Each of these disciplines has its strengths and weaknesses, so you need to make an informed decision for every situation. The quality of your investigation depends on it.

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6. Keep the scope in check.

Many investigations suffer from "mission creep" as new leads take the investigators in unplanned directions. The scope of the investigation should stay focused on uncovering what likely happened, why, and how it can be prevented from happening again.

Here's a potential expense account fraud example:

Scope may include:

- proving each element of fraud by a preponderance of the evidence
- examining the approval process for improvements
- considering employee discretion in determining the appropriateness of an expense

Scope should not include:

- whether employees can reduce dining expenses
- whether teleconferencing is a good substitute for travel

7. Identify all potential witnesses.

While you do not want to over-interview — which can generate contradictory evidence — you do certainly want to make sure you get the best information possible from appropriate witnesses. Every witness you interview should be asked who else may have useful information. You don't need to interview every person mentioned, but it helps confirm you've identified everyone who can help you establish fact.

Pro tip: You may also consider asking witnesses to respond to questions via email, particularly if they are unable to meet for an interview, or if you have only a few questions.

8. Interview witnesses carefully.

Because most investigation findings rest on the statements of witnesses, this is the most important part of the investigation. Not only will you be gathering facts, but you will also be sharing some details of the case with them and explaining the investigation process. For this reason, witnesses should be given a standard set of instructions at the beginning of the interview that covers confidentiality and how they can help maintain the integrity of the investigation.

Investigators should have an outline of key topics to cover, but not a script, as that can make the investigator too focused on the questions rather than the answers. Then, after each interview, investigators should prepare interview memos summarizing the interview in simple, declarative — but not conclusory — sentences.

Pro tip: Don't simply drop handwritten notes in a file. You need to memorialize the evidence you gathered.

9. Choose documents carefully.

Documents play an important supporting role to witness statements. They corroborate what a witness said — such as a concern shared with a manager two months ago — or pin down crucial details — such as an IT log. Too many documents can be distracting and overwhelming. If a document is relevant to a material fact in the investigation, use it! Otherwise, resist the temptation that more is somehow better.

10. Remember the Titanic.

Investigators should always be alert to whether an allegation is just the "tip of the iceberg" signaling a more serious or pervasive issue. For example, a failure to properly submit attendance records to the payroll department may show a poorly trained or incompetent staff person, but may also be a sign of a fraud scheme to accrue additional payroll or a workplace and management culture issue which poses risks to the company.

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11. Secure the investigation records.

Because post-investigation decisions should be based on the findings, underlying documents and data for your investigation need to be secured against loss. Where possible, all material documents and interview memoranda should be uploaded to a secure database, like a case management system. In the interim, paper records should be securely stored. In most cases, misplacing a document is more likely than someone purposely destroying it, so make sure storage requirements are included in your investigation protocol for consistency and institutional memory.

12. Write a good final investigation report.

A final report is the sum-total of your efforts. Don't miss the opportunity to demonstrate your importance to the business by writing a good report. It should be a free-standing document that tells the whole story in plain language to those who may know little about your organization. The report should be sufficiently complete so that post-investigation decisions — like discipline, process improvements, and lawsuits — may rely on it without the need for additional fact-finding. If done right, your report can be the conclusive statement about the matter investigated.

Pro tip: Use the Writing a good investigation report and Finalizing the investigation report checklists to create a report template with all the necessary elements of a high quality report.

13. Maintain "operational security."

Even well-intentioned people can destroy your attempts to maintain confidentiality. Be selective about who is aware of your investigation, the details you provide to them, and tentative findings. Also, take steps to maintain the safety — personal and professional — of your investigators. Interviews should be conducted in public places and including a third party in the room as a witness can hedge against any improperness. Finally, ensure that your investigators conduct the investigations in such a way that they can easily talk through their process and techniques if they're ever challenged.

Pro tip: Include interview techniques in your investigation protocol.

14. Fix the business.

In most investigations, substantiated misconduct is often the result of poor business practices. An investigation's value is demonstrated when the business improves as a result of the findings. Resist the temptation to simply submit your report and leave the rest to others. Instead, stay involved with the remediation process all the way through. After all, you know the underlying facts better than anyone.

15. Monitor for retaliation.

After the investigation, monitor the workplace and the colleagues who were involved. Consider a 30-day check-in with your colleagues to identify any indicators of possible retaliation.

"An investigation's value is demonstrated when the business improves as a result of the findings."

–Meric Bloch

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