



I'm running a Code of Conduct Investigation – what do I need to think about in case it becomes a criminal matter? Corruption investigators give their top tips.

What Law Enforcement Investigators want you to know

A good code investigation will help an oversight or law enforcement agency take over later if need be.

Gain a basic understanding of investigations management

- Know and follow your organisational policies and relevant legislation!
- Planning an investigation: have a clear plan, and re-assess the matter as each new piece of information comes in.
- Ensure procedural fairness for parties involved.
- Set clear milestones and review progress regularly.
- Record critical decisions and take care with storage and access.

“Making fulsome and accurate records is key - we may need to rely on these down the track” *Investigator*

Know your business

- This will help you to gain a broader agency perspective and identify trends early. This could assist when considering whether the matter is linked to more serious behaviour/offending, and determine if a matter needs escalation to another agency/oversight body.

Chain of evidence

- Always consider the possibility that the matter could become a criminal investigation. Chain of evidence refers to fully documenting the acquisition and management of physical or electronic evidence from the time it is collected until the time it is submitted in evidence. It is important to maintain a clear chain of custody for evidence throughout the investigation, to prevent tampering or contamination.

Fruit of the poisonous tree

- Evidence must be obtained carefully and legally. The “fruit of the poisonous tree” refers to evidence that is obtained illegally. It means that if the source of the evidence or the evidence itself is tainted, then anything gained from it is tainted as well¹.

Promote a reporting culture

- Often the best information comes from colleagues.

Use of networks

- Use your professional community for training.
- Be mindful that, if criminality arises during an investigation, contact the appropriate law enforcement (police or oversight) body.
- If in any doubt, consult your legal teams and get legal advice.

Further information

- ACLEI: aclei.gov.au/about/responsibilities-and-powers
- APSC: apsc.gov.au/handling-misconduct-human-resource-managers-guide

¹ <http://www.israelnationalnews.com/Articles/Article.aspx/21770>