

Investigation Manual (Template A)

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A. INTRODUCTION

1 This Investigation Manual is intended as a practical guide for the conduct of investigations at -----
----- . It explains the methodology to be applied for all investigations within the
organisation, having regard to all existing rules of the Employment Act and related statutes in
Singapore.

B. DEFINITIONS

2 In this Manual the following definitions apply:

Complainant - A staff member who makes a communication that discloses information that
a certain misconduct may have occurred.

Conflict of Interest - A conflict of interest occurs when an individual or organization is involved
in multiple interests, one of which could possibly corrupt the motivation for
an act in the other.

Evidence - Any type of proof which establishes or disproves a fact material to the case.
It includes, but is not limited to, oral testimony of witnesses, including
experts on technical matters, documents, electronic, audio, video records
and photographs. The relevant provisions relating to evidence are found in
the Criminal Procedure Code and the Evidence Act.

Misconduct - Generally considered to be a failure by a staff member to uphold conduct
expected of him or her, based on the relevant standards or procedures or
other relevant issuances by the Company.

Management - The CEO, COO, Managing Director, or whichever senior staff the Board of
the Company decides as representative of the Company to handle all such
matters of investigations.

C. PRELIMINARY ASSESSMENT

3 When an alleged misconduct reported by a staff member is received by the Management or HR
Department, the HR Dept will interview the complainant and obtain as much information. In the
process, where required, they will immediately collect, secure and preserve whatever evidence
available. Thereafter, together with the information collected, a report will be forwarded, to the
Management for evaluation to determine whether an investigation into the reported allegation of
misconduct should be carried out.

D. PRINCIPLES OF INVESTIGATIONS

- 4 The HR Director/Manager will be responsible for the management of all investigations carried out within the Company. He or She will be assisted by a team comprising at least one other HR staff member and a representative of the department where the defaulting party is working at or from.

Professionalism

- 5 The investigation will be conducted in accordance with the provisions of this Investigation Manual, and existing relevant provisions of the Criminal Procedure Code and Evidence Act. The investigation must be conducted efficiently to ensure that the relevant issues are examined thoroughly. Investigators have a duty to be objective, thorough and free of biasness. Investigators must declare any potential or real conflict of interest to the HR Director.

Confidentiality

- 6 The investigations and its findings are deemed confidential and will not be divulged without the express consent of the Management.

Completion of Investigations

- 7 At the end of the investigations, a report will be submitted to the Management which will review the report and submit a final report together with findings and recommendations to the _____ (Board).
- 8 Recommendations may include one or more of the following:
 - recommendations for disciplinary action;
 - no further action;
 - recommendations to improve the Company's systems, procedures and controls, or to prevent similar incidents from recurring.
 - recommendations for legal actions for the recovery of monies or other assets lost as a result of the misconduct; and
 - recommendations to refer a case to the Police or relevant authorities;

E. CONDUCTING THE INVESTIGATIONS

Interviews

- 9 Interview of witnesses and suspected offenders will be conducted by the Investigation team. The investigators will identify themselves, explain the nature of the investigation and the allegations that have been made.
- 10 The interview should be flexibly adapted in response to the behaviour of the interviewee and the information provided. If the interview is lengthy, reasonable comfort breaks will be offered and their acceptance or rejection noted.
- 11 The investigators will ensure that all relevant records and relevant documents mentioned by witnesses or complainant at the interview are obtained and verified at subsequent interviews.
- 12 The investigators will record a statement from the complainant, witnesses and then the offending party. At the end of the recording of the statement, the investigators will advise the parties to read and confirm the veracity and accuracy of the statements by appending their signatures at the bottom of every page and at the end of the statement. If the interviewee wishes to make any changes to the statement, this will be allowed, and the changes can be made over the original statement and the interviewee will be asked to sign over the amendment.
- 13 If an interviewee refuses to review or sign the statement, the investigator will record the efforts made to achieve compliance.
- 14 A copy of the statement will then be given to the interviewee whilst the original copy will be kept in the investigation file.
- 15 The statement will include:
 - the interviewee's name and job title
 - brief introductory resume of their career
 - an endorsement signed by the interviewee stating that the content is true and written in the knowledge that it may be used in the context of disciplinary proceedings (as explained above regarding the signature).

- 16 If a pre-prepared statement is submitted by the interviewee before or during an interview, this should be accepted by the investigators and the fact noted, in addition to requesting the interviewee to comply with the procedure described above.
- 17 There may be circumstances which a personal interview of a witness cannot be carried out. In such circumstances, an interview can be conducted by telephone or video call, or via an exchange of correspondence by e-mail. A draft statement shall be prepared for review and signature as described above.
- 18 The investigator may work with all department heads to request for and re-interview any staff members believed to be involved in the matter reported, and to clarify significant information or additional facts as required. All personnel are required to cooperate with an investigation and to answer and comply with requests for information.

Legal representation

- 19 Interviewees are not permitted to have a Legal Counsel or any other third-party present during an interview.

Interpreters

- 20 Interviews will normally be conducted in English. This may be changed to the preferred language of the interviewee if the latter is unable to converse fluently in English.

Treating Interviewee as suspect or potential offender

- 21 In reviewing the evidence, the Investigation Team must carry out research on all potential interviewees, to identify any reasonable suspicion of complicity in misconduct before an interview is actually undertaken. If a reasonable suspicion is identified, the individual will be treated as a potential suspect or offender and be notified of this fact before the interview.

F. GATHERING EVIDENCE

Evidence

- 22 The meaning of evidence is as explained above – it is any type of proof which establishes or disproves a fact material to the case. For all intents and purpose of investigations in this Manual, the evidential ‘Standard of Proof’ of an internal investigation is not one that requires ‘beyond reasonable doubt’ as in a criminal proceeding, but on a ‘balance of probability’.
- 23 An internal investigation may provide evidence to prove a misconduct in subsequent disciplinary proceedings. The evidence may include:
- testimonial evidence
 - documentary evidence
 - electronic evidence
 - physical evidence gathered or obtained from the company’s premises and outside sources. This may include video surveillance and photographic evidence
 - forensic evidence such as examination or recovery of electronic data, hand-writing specimens, signature recognition etc.

Evidence handling and secure storage

- 24 All records or property seized by an investigator must be secured in suitable containers. These may be new unused purpose-made plastic bags sealed with a unique number, to preserve the ‘chronological chain of events’ for subsequent use – either for forensic examination or for later production during disciplinary proceedings, or for the police investigations.
- 25 The label on the property storage bag must include:
- details of the date and location of the evidence seized or obtained
 - a unique reference number of any seal used to secure the bag
 - the name of the investigator(s) responsible for the seizure
 - name of any investigator taking over the subsequent handling
- 26 The Investigation team must maintain a register book to capture the above details.

G. REPORTING THE FINDINGS

27 Investigation reports will contain a Summary of Facts (SOF), finding and recommendations. The report will make detailed reference to all evidence established. This report will be submitted to the Board.

Fairness

28 A suspect or a potential offender who is the subject of an investigation does not have the right to receive a copy of the report unless he is to be charged with any misconduct. Witnesses, including the complainant, are not entitled to see or be given a copy of the report.

Notification of conclusion

29 At the conclusion of investigations, the complainant will be given a brief summary of the findings of the investigation without breaching witness confidentiality, or the presumption of innocence in respect of any subject. The subjects of investigation not subsequently charged will also be informed as well.

~ End ~

The Investigation Process

