

Rules for Investigators

by Meric Bloch

Here are some pearls of wisdom that come from my experiences in conducting over 300 workplace investigations:

- There are only two grades in investigations: A and F.
- The way to do well is simply to do well.
- There is no “silver bullet” to a good investigation. There is only hard work and creative thinking.
- Use both your heart and your brain. An effective investigator needs both.
- Ours is a volatile business. Remember that things go wrong all the time.
- Never say always, and never say never. You’ll be regularly surprised by what you encounter.
- You aren’t their friend, but you also aren’t their enemy.
- Dare to be infamous. Investigations can be a dirty business.
- The only person’s good faith you can believe in is your own.
- Nothing good happens to the people who work with you. The best that can happen to them is nothing.
- You will learn quickly in any investigation who your friends are.

- It's business, not personal. Don't let your ego or emotions get involved.
- You aren't the morality police, so don't take yourself too seriously.
- You can't afford to be cynical, but you also don't get the luxury of being idealistic.
- Your first obligation is to the truth, not pleasing someone in your company.
- Perception is reality. Manage yours carefully.
- You will make mistakes. Just be sure to learn from them. Never be risk averse in your decisions for fear of making a mistake.
- If you have a private prejudice, keep it to yourself. But remember that you are human too.
- You are in the risk-assessment, not the risk-taking, business.
- You must be and be seen to be above suspicion. Set the right example.
- Don't think of yourself as indispensable to your company. As Charles de Gaulle said, the cemeteries are full of indispensable men.
- Take full ownership of your investigation and every step you took or chose not to take. Use the "you're damn right I did" standard.

- Take a 360° view of your actions to preempt potential allegations against you.
- Be careful what you say. People might actually listen to you.
- Don't look for a bad guy. When given the choice between incompetence and intentional wrongdoing, bet incompetence every time.
- The usual explanation exaggerates rationality and conspiracy, and underestimates incompetence and fortuity.
- There is no "off the record."
- Each case has a "back story." Your job in an investigation is to find it.
- Learn to say "I don't know." If used when appropriate, it will be often.
- Learn something from each case and always seek to be a better investigator.
- If you are not criticized, you may not be doing much.
- If in doubt, don't.
- Don't question business decisions as if you're the CEO of your company. The company has only one, and it isn't you.
- It's easy to assign blame in an investigation. It's much harder to understand what they were thinking when they did it.
- It's not what you think happened. It's what you can prove happened.

- The first information you get in an investigation is almost always wrong.
- If you have trouble getting the information, there's usually trouble with the information.
- Substance is always more valuable than process to your company.
- Don't just tell what happened. Explain what happened.
- What didn't happen is sometimes more important than what did happen.
- The truth is logical. Lies rarely make common sense when you scrutinize them.
- No one reports misconduct out of good corporate citizenship.
- If you act like you're ready for battle, you'll likely end up in one.
- Plan your investigation effectively and, when necessary, change it decisively.
- Never rush to judgment. Allow the truth to catch up to you.
- At the end of the fact-finding, you must make a decision whether misconduct occurred. "I don't know" is not a decision.
- Find the misconduct. You don't want guesswork on your conscience, and playing with people's careers is not what you were hired to do.

- How you report your findings announces your priorities to management.
- Be precise in fact-finding and report writing. A lack of precision is dangerous when the margin of error is small.
- Accept that there will usually be blood on the floor when you are done. If misconduct occurred, heads are going to roll, possibly even to someone who might only be tangentially involved.
- Be prepared to defend everything you do. Your job may depend on it. When trouble finds you, the first time you lose an ethics claim may be the last one you'll ever fight. As the cops say, "don't pick up a nail."
- Regularly give yourself a *Miranda* warning: Everything you say or do in an investigation can and will be used against you.
- Slow down, think strategically, and take cover.

