

Core Competencies for Investigators

Competent Investigators conduct their work demonstrating the following attributes:

1. Knowledge and Values

- 1.1 understand legal framework, jurisdiction, procedure and subject matter of investigation.
- 1.2 exhibit professionalism and show commitment by providing high standards of investigations. (Ethics, accountability, professional responsibility)¹
- 1.3 conduct a process fostering integrity, transparency and accountability in all investigations.²
- 1.4 are aware of and respect diversity in all forms. Such diversity may be related although not exclusively, to beliefs, gender, race, religious customs, age, disability, mental capacity, sexual orientation, transsexuality, social or economic status, marital or civil partnership status and lifestyles.³

2. Communication

- 2.1 communicate effectively – uses Plain Language (“language readily understood by all”).
- 2.2 make effective use of supporting computing facilities and software.
- 2.3 prepare and communicate a clear and logical investigation plan and procedure.
- 2.4 facilitate participation of relevant individuals and representatives to ensure a fair investigation. ⁴
- 2.5 communicate with all participants and manage expectations of participants.

¹ Adapted from Tribunal Competencies – Qualities and Abilities in Action – Judicial Studies Board – October 2007 (JSC)

² Adapted from National Association for Court Management – Strengthening Court Professionals – Core Competencies (NACA)

³ Adapted from JSC

⁴ Adapted from JSC

3. Conduct of Investigations

- 3.1 establish and maintain independence of investigation.⁵
- 3.2 demonstrate integrity and impartiality.⁶
- 3.3 understand four principles of duty to be fair and apply them to issues concerning conduct of investigation.⁷
- 3.4 ensure and adhere to the clear terms of reference for an investigation.
- 3.5 facilitate participation of parties to ensure fair treatment during the investigation and in the ensuing report.
- 3.6 manage the investigation to enable proper participation by all participants.
- 3.7 deal effectively with investigation management issues.
- 3.8 manage the investigation to facilitate a fair and timely conclusion.⁸
- 3.9 protect and manage issues of confidentiality, lack of anonymity, and protection of personal information.

4. Legislation

- 4.1 understand and apply governing legislation and other applicable legislation, contracts or policies.
- 4.2 employ the modern method of investigation to interpret legislation, and use the interpretation in forming conclusions.
- 4.3 logically explain interpretation in reports and other communication associated with the investigation.⁹

⁵ Adapted from JSC

⁶ JSC

⁷ FOAJ POAJ and Investigation materials

⁸ Adapted from JSC

⁹ FOAJ Interpreting Legislation materials

5. Evidence

- 5.1 undertake necessary preparatory work for all investigations.¹⁰
- 5.2 prepare and implement a plan to identify and gather relevant evidence.
- 5.3 identify and assimilate relevant facts and expert evidence.
- 5.4
 - a. determine additional evidence needed, including but not limited to discovery, collection and preservation of physical evidence of subject of investigation.
 - b. ask appropriate questions of interview subjects.¹¹
 - c. document and capture evidence in a fair and consistent manner to preserve the integrity of the evidence.
- 5.5 investigate all relevant issues.¹²
- 5.6 seek further evidence as required.
- 5.7 understand use of relevance and reliability for collecting evidence, weigh evidence appropriately, and distinguish between “information”, evidence and fact.^{13, 14}
- 5.8 explain any weighing of evidence and findings of fact in a logical, clear, and understandable manner.

¹⁰ JSC, FOAJ POAJ, Effective Hearings

¹¹ Council of the Inspectors General on Integrity and Efficiency – Common Competencies of Office of Inspectors General Criminal Investigators May 24, 2013 (CIGIE)

¹² FOAJ POAJ and Investigation materials

¹³ FOAJ course (Evidence and POAJ) materials

¹⁴ FOAJ POAJ, Evidence, and Interpreting Legislation and Investigations courses.

6. Conclusion-Making and Report Writing

- 6.1 deliberate, reach conclusions and in doing so, demonstrate sound judgment.¹⁵
- 6.2 adhere to the terms of reference when determining what conclusions are required.
- 6.3 use a structured conclusion-making process. This includes identifying issues, extracting legal tests from legislation, sorting evidence by test, weighing evidence to find facts on each test, deciding based on facts found on each test and reaching a conclusion.¹⁶
- 6.4 explain conclusions or make submissions using effective and appropriate communication (plain language).¹⁷
- 6.5 deliver the conclusion promptly.¹⁸
- 6.6 prepare appropriate recommendations required by the terms of reference.

¹⁵ Adapted from JSC

¹⁶ From JSC, FOAJ Decision Making, Decision Writing and Investigation materials

¹⁷ Adapted from JSC

¹⁸ Adapted from JSC