

The Investigator – an overview for teachers



What is an Investigation?

“An investigation is a search for the truth, in the interests of justice and in accordance with the specifications of the law.”

Characteristics of a Competent Investigator

The ability to analyse facts and ask questions does not make a person an investigator. To succeed in this role they must possess a willingness to follow the facts and go where they lead knowing that every decision they make may be criticized and attacked by those wishing to hide the truth of what has occurred.

They cannot afford to be biased, emotional or allow any personal prejudices surface in any way during the course of an investigation. This is not always as easy as it seems, however the investigator needs to be mindful that many days, months or years after a poor decision was made it may come back to haunt them when the matter is finally



being tested in court and microscopic examination of their evidence is made during cross-examination. For a teacher this could occur even sooner such as when they have to explain their decision making processes to the parents of a child.

The attributes that distinguish an investigator from many other people in society are:

Knowledge, Integrity, Initiative, Judgment, Courage

Experience

A competent investigator does not shy away from a difficult or different investigation. Instead they embrace the areas they lack experience in so that they can develop further as both an individual and an investigator.

The investigator can profit not only from their own experiences and the lessons learned but also from the experiences of others. Publications of many kinds relating to the law, company policies, criminal investigation and investigational techniques can be of considerable value.

- A knowledge of any relevant **law, the school code of conduct and natural justice** is essential
- Experienced investigators have an understanding of **human nature**



- Experienced investigators always value **preparation**

Impartiality

The following objective approach to decision – making during an investigation is recommended:

1. Gather all **the facts** available
2. Consider the **facts** and allow them to **present their own theory.**
3. Don't **distort** the **facts** to fit a preconceived theory.
4. Be flexible, as further **facts** emerge, use them to **test** the **validity** of the theory and either :
 - **Accept** it
 - **Reject** it or
 - **Modify** it.
5. Don't jump to conclusions
6. Keep an **open** mind
7. Be objective. Judgment clouded by **emotion** becomes **prejudice**



Objectives of an Investigation

It is the duty of the investigator to assist the “trier of fact” in determining the truth of the matter under inquiry by collecting and evaluating **ALL** of the available evidence relevant to the subject.

The investigator’s four main objectives are:

- Establish that an incident **has actually occurred**
- The **identity** of the respondent (or cause of the incident)
- The **whereabouts** of the respondent responsible for the crime/incident (or **location** of the cause)
- A **nexus** between the respondent responsible for the crime / incident and the offence (or a **connection** between the cause of the incident and the incident)

Evidence

Evidence consists of:

Facts



Testimony from witnesses

Documents including computer records, copies of emails
etc

Physical exhibits

That may be admitted into evidence in order to prove or
disprove the facts under inquiry.

There are basically **seven sources** of evidence for the
investigator/teacher to examine. They are:

- Search of scene of the incident or event
- Examination of physical evidence and exhibits
- Interviewing witnesses
- Information received from students, the public and
colleagues
- Inspection of documents and official records
- Surveillance of respondents, premises or vehicles (this
may be CCTV footage)



- Interviewing of respondents

Some Important Principles

- Evidence from people will often be clouded by error, uncertainty, imperfection and often little or poor credibility.
- Every effort should be made to [corroborate](#) any statements made by witnesses or respondents using [independent](#) means.
- One of the most important principles of investigation is that founded by Edmund Locard called "Locard's Principle of Exchange" Put simply his theory is :

That every contact leaves its traces.

Basically it means that when a respondent makes physical contact with either another person or environment a mutual exchange of traces (no matter how small) will occur. This makes the search of the scene of an incident extraordinarily important.

- Two traditional common law principles operate in favour of persons accused of a crime and are equally



applicable to the mindset of an investigator whether the investigation is of a criminal nature or not. They are:

**The Presumption of Innocence,
and
The Rule Against Self-Incrimination.**

Put simply this means that **every person** is **presumed innocent** until the **contrary is proved** and that **no person** has to **admit their guilt** to you or even make a statement for you.

Conclusion

Investigation requires diligence, intelligence, reason and experience. Combined with a willingness to observe the rules of law and a thorough knowledge of the principles of investigation the investigator will create their best chance to produce a fair and lawful solution to the matter under inquiry.