

**The Cost Benefit of Hiring an Outside Investigator**

The foundations of a good workplace investigation are the ability to show fairness, impartiality, maintain confidentiality, provide confidence in the process for employees and management, examine policies and procedures, training, and past practices. In some investigations, such as those involving law enforcement, equipment and tactics may also be important. Lastly, a quality investigation can help avoid or mitigate post-investigation litigation. The following scenarios provide examples of when an outside investigator should be considered to help meet the goals of the investigation.

**Company Leadership is Accused**

These are the cases most likely to lead to litigation. In addition, internal investigations that involve an organization’s leadership can be hindered for several reasons. For instance, an investigation conducted internally might fail to look at peripheral issues that cast leadership in a negative light: including factors such as poor training, poor past practice, a culture of tolerating bad behavior and outdated policies. To insure confidence in the process, and to have a more thorough investigation, an outside investigation is usually a best practice. Confidence will be lost when leadership is accused and the investigation is conducted by other leaders in the organization. However, workers generally will have more confidence in an outside investigation, which results in better morale and less litigation.

**Allegation of Criminal Conduct**

When a member of an organization is accused of criminal wrongdoing, there are a variety of complicated issues to sort through. Law enforcement may be investigating, but there are also civil liability considerations the organization must consider. The intersection of a criminal investigation with a civil investigation raises issues of timing – which investigation will proceed first? There are also legal issues surrounding the discovery of information in a civil case versus a criminal case. In these situations, an organization needs an investigator who has the experience conducting both criminal and civil investigations. Consultation with legal advisers is also suggested because, typically, there will need to be decisions made concerning the work status of the employee pending the outcome of the investigation. A thorough investigation will help mitigate the likelihood of damages later.

**Media Crisis**

We live in a world with a 24-hour news cycle, and organizations may find themselves in situations involving negative media attention. In these instances, it is advisable to hire a firm experienced in both conducting a fair and impartial investigation and assisting with the public relations message. When possible, it is best to “get ahead” of the story by crafting an appropriate message so that the media is responding to what the organization has said, rather than the unfavorable allegations made by an accuser. In addition, there are considerations involving social media and internal communications to employees. An experienced firm can assist in this area or help the organization engage with media specialists who understand best what can and cannot legally be said and how to cast the best light on a situation.

**Lack of In-House Experience or Resources**

Knowing where to start is as important as knowing what direction to take. Internal investigations can cause a great deal of angst in any organization. This is particularly true in small organizations. Finding internal objective or neutral investigators can be difficult. There are the logistical considerations of friendships, supervisor-subordinate relationships, and just a lack of choices on who best to conduct the investigation. In addition, there is often a lack of employees well-trained in the techniques, legal considerations and other nuanced issues surrounding a workplace investigation. For instance, the general process of asking questions surrounding the allegations can be somewhat simple. But does the investigator have the experience and insight to look deeper into areas such as training, policy and procedure, equipment, tactics, past practices, etc.? A thorough investigation will always look at these issues, and it requires more than a generic ability to ask questions and write reports. It requires experience, curiosity, wisdom and confidence to ask the tough questions.

**Final Thoughts**

Although hiring an outside firm is an added cost, a quality investigation can reduce the additional costs of litigation, risk management issues, employee performance and other loss-prevention issues. A well-done investigation and proper communication can increase employee confidence and improve workplace culture – all of which leads to a better bottom-line.

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