

Investigative Records Management

By Richard Kusserow | November 12, 2020

Key Point:

Keep investigative records strictly controlled with access only on a “need to know” basis.

An investigative record is any recorded information collected by or in the possession of the investigator that is retrievable, regardless of medium or form. This includes, but is not limited to, all original documents that may relate to an investigation, such as correspondence, auditing and monitoring reports suggesting improper actions, workpapers, records of interviews, investigative reports, hotline logs, attendance records, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, and other electronic media, regardless of physical form or characteristic. An investigative records management system must include information about the creation, distribution, retention, storage, retrieval, and destruction of documents associated with investigation of potential wrongdoing. It is also essential to protect individual rights, ensure accurate documentation of all actions taken, maintain records for possible future use, uphold confidentiality, protect integrity of process, etc. Also, evidence acquired during the investigation must be carefully controlled and guarded against improper disclosure. The details of the ongoing inquiry include interview reports, information, and evidence gathered. Records should always be maintained in a controlled storage area under lock and key with access granted only to those who are authorized and have a need to know the details. A log of those gaining access should be kept.

It is advisable to retain investigation records for a minimum of five years, and then review to decide whether they should be kept longer for any purpose or destroyed. A number of events may necessitate the production of a case file: a disciplined employee may bring

an action in court, a complainant may report to a government agency who enters the scene in a qui tam action, a regulatory or enforcement agency may conduct a subsequent independent investigation, senior management or the Board may issue inquiries, a media story relating directly or indirectly to an investigation may require a response, etc.

For more information on this subject or to learn about Compliance Investigation Training programs, contact Richard Kusserow at rkusserow@strategicm.com.