

Integrity in Investigation

Ethical Dilemmas and Investigator Discretion (KA-MOD-020)

Navigating the gray areas where rules conflict with morality, and ensuring every decision is justified and defensible.

1. Navigating the Ethical Dilemma



Identify Conflict

Recognize when two or more ethical values or mandatory rules are in **direct conflict**. (e.g., Duty to report vs. duty to protect confidentiality).

- Conflicting Obligations.
- No clear "best" choice.



Analyze Principles

Apply core principles to weigh outcomes: **Justice** (fairness), **Utility** (greatest good), and **Rights** (legal compliance/individual privacy).

- Focus on stakeholder impact.
- Reference professional code.



Document & Decide

Select the action that causes the **least harm** or best upholds compliance. Critically, **document the rationale** for your choice.

- Defensible action record.
- Consult supervisor (if possible).



This leads to Investigator Discretion...

2. Investigator Discretion: The Power of Choice



Proportionality of Action

The chosen investigative measures must be **commensurate** with the severity of the alleged offense. Avoid excessive or overly intrusive actions.

- **Example:** Don't seize a whole system for a minor policy violation.
- Use the least invasive method first.



Data Minimization & Privacy

Investigators have discretion to limit data collection and exposure to only what is strictly necessary to prove/disprove the claim. **Protect irrelevant private data.**

- **Example:** Masking sensitive personal information found in data.
- Strict chain of custody control.

3. Accountability and Reporting



Audit Trail is Mandatory

Every decision, particularly those involving discretion or ethical trade-offs, **must be recorded** and explained in detail.



Transparency with Authority

Do not hide the dilemma. Report the conflicting obligations and the reasoning for the chosen path to management or legal counsel.