

Our Standards

1. These Standards are the minimum standards that should be met by all Certified Forensic Investigators (CFIs) conducting investigative engagements.
 - a. It is recognized that some CFI's may also be governed by standards of other professional organizations of which they are members, by employment standards and policies of their employer, and by other regulatory and legal requirements. CFI's should perform investigative engagements in accordance with all standards by which they are governed and which are applicable to the engagement.
 - b. CFI's are required to use their professional judgement in applying standards to particular investigative engagements.
 - c. An "investigative engagement" is conducted within the context of a potential, contemplated or actual dispute or a legal action concerning alleged wrongdoing, where an expert provides services based on the application of organized knowledge, skills and expertise to the gathering and review of evidence, the preservation and accumulation of relevant evidence through legal means, the making of reasoned findings, and the communication of the results of an investigation. CFI's may be required to provide accurate and reliable testimony to a trier of fact or other forum as a witness, or as an expert witness, in relation to investigative engagements.

Investigative engagements may be performed by an employee related to his or her employer's business (internal investigations) or may be performed for third parties, including counsel (external investigations).
 - d. A "trier of fact" includes, for example, a judge, master, arbitrator, commissioner, hearings officer, justice of the peace, or other person having the authority to hear and examine evidence or to conduct an alternative dispute resolution process.
2. Engagements performed by Certified Forensic Investigators must be performed with due care and with an objective state of mind.
 - a. "due care" means performing the engagement to comply with the standards set out in
 - i. relevant legislation and regulations and accepted standards, rules and practices of the courts or tribunals likely to be a forum for dispute resolution, and
 - ii. accepted theories and principles of forensic investigation to which the forensic investigator should refer to support his or her analyses, all with a view to providing complete, truthful, reliable and admissible testimony and demonstrable and documentary evidence, as a lay witness or expert witness.
 - b. "an objective state of mind" includes ensuring that all CFI's are free of any actual or perceived conflict of interest that could impair, or be seen to impair, the forensic investigator's professional judgment or objectivity. All persons performing the engagement have to maintain an

objective state of mind necessary to discharge their responsibilities in both fact and appearance, throughout the engagement. Where there is a potential conflict of interest that the CFI determines does not impair his or her objectivity, the CFI's should set out the background to the potential conflict in any oral and/or written report.

3. Before accepting an engagement, Certified Forensic Investigators should determine that he or she has the knowledge, experience and skills required to perform the engagement.

The following attributes and skills are generally required in a forensic investigator engagement:

- an investigative mentality and skill-set;
 - an understanding of the laws of Canada;
 - an understanding of the rights of privacy and confidentiality as well as the obligation to give full, fair and complete disclosure to the client or employer and to the trier of fact;
 - an ability to communicate fairly and truthfully in layperson's terms;
 - analytical skills; and
 - an ability to recognize the scope and limits of the engagement team.
4. The forensic investigator should ensure that he or she has a sufficient understanding of the engagement objectives and that the terms of engagement are compatible in terms of scope and substance to allow the forensic investigator to meet the standards of the profession, and as may be required, obligations to the trier of fact or other forum.

Absent exceptional circumstances, an engagement letter and/or understanding should be employed for external investigations that sets out:

- the name of the client;
- the nature of the contemplated or actual dispute or legal action;
- the objective(s) of the engagement;
- the type of communication requested (oral and/or written report);
- the intended purpose of the report;
- the engagement staff;
- a tentative work schedule;
- a fee estimate or other basis of billing,
- any scope limitations,
- a caution that the forensic investigator will conduct an objective and fair investigation in accordance with these standards and (a) the engagement professional/firm does not guarantee any particular conclusion or result (b) the forensic investigator cannot provide legal opinions or conclusions that are the realm of the legal profession or the trier of fact and (c) the investigator may become a compellable witness whose ambit of testimony might not be restricted by perceived rights of privacy, confidentiality or privilege,

- a caution that other experts may be required to assist in the investigation, or to assist the client with its consequences. If the need for other experts is identified, the CFI will communicate this as soon as possible, and
- If legal counsel is not involved, a statement should be considered for inclusion in the engagement letter stating that the client determined that the engagement would be directly with the client and not through counsel.

For internal investigations, it is good practice to prepare a memorandum to file setting out information such as the objective(s) of the engagement, the type of communication requested (oral and/or written report), the intended purpose of the report, the engagement staff, a tentative work schedule, and any scope limitations.

5. The forensic investigator should acquire an adequate knowledge of the subject matter and of the environment specific to the engagement, including such means as, where appropriate, discussions with the client and the client's lawyer or other professional advisors, visits to the premises, review of relevant documentation, and interviews with appropriate persons.

A CFI is expected to exercise professional judgement in determining the extent of effort required to obtain an adequate knowledge of the subject matter and of the environment specific to the engagement.

6. The forensic investigator should adequately plan the engagement and supervise the persons performing the engagement.

Planning determines the nature and schedule of the work to be performed. It consists of establishing specific objectives, determining steps to be taken, and defining the work in order to control the conduct of the engagement, given time and cost constraints, the information and resource persons available, and the freedom granted to carry out the work. The facts and circumstances of each forensic investigative engagement are unique and should be carefully reviewed to develop a suitable action plan that sets out the engagement's objectives and the methods and resources used to attain them.

Given the nature of forensic investigative engagements, an inductive approach to planning is usually adopted. This means that the planning needs to be continuous since the circumstances of the engagement change as new facts are brought to light by the forensic investigator's work and as events unfold. Persons conducting the engagement should be continuously informed of new facts that emerge and of changes in the nature and conduct of the work. The extent of other persons' involvement in the engagement will be determined at the planning stage, as will the amount of supervision to be exercised. The amount of supervision will vary depending on the experience of the person performing the engagement and the complexity of the tasks assigned to them. The work, however, should normally remain under the forensic investigator's supervision and control to ensure that the probative value of the report cannot be successfully challenged. Moreover, in engagements where the forensic investigator is to act as an expert witness, he or

she should be involved in overseeing the work and in the preparation of the report to the extent necessary to be sufficiently familiar with the case to answer questions and to be properly prepared to undergo cross-examination.

7. The assessments and analyses of the forensic investigator should be based on facts, relevant information, appropriate and accepted theoretical concepts and, if applicable, on consistent and reasonable assumptions.
 - a. “relevant information” means all information that is gathered by an investigator that relates to the matter at hand, whether supportive of the investigator’s conclusions or not. It includes information that the trier of fact or other forum could potentially use in reaching a conclusion. All disclosed information should be vetted by the investigator or a person under his or her directions to exclude information that is clearly not relevant.
 - b. assumptions may be made in the absence of basic facts or relevant data, should be reasonable and consistent with the facts and clearly identified as assumptions. Normally, assumptions should be supported by the findings, conclusions and opinions of qualified professionals. The client should be advised to retain such other professionals as may be required where the scope of the forensic investigator’s expertise does not extend to providing an admissible opinion on the subject matter of all or part of the assumption.
8. When forming a conclusion, the forensic investigator should support the conclusion with sufficient appropriate evidence

The forensic investigator should gather the information and evidence required to support his or her conclusion, such as analyses, interview notes, written statements and supporting documents. In order to assess the sufficiency and appropriateness of the evidence, the forensic investigator should account for alternative theories that might explain the evidence when taken as a whole or in significant part, and consider whether the evidence in support of any theory or opinion is admissible in law, and is sufficiently persuasive to support the conclusion reached. To determine whether the evidence is sufficiently persuasive, the forensic investigator should consider both quality and quantity as well as the chain of custody.

9. The forensic investigator should adequately document the work performed.

Documentation usually includes working papers explaining the methods used, the analyses made, basic facts, the data collected, the assumptions adopted, the conclusions formed, and the evidence gathered and upon which the conclusions are formed.

Since the working papers may sometimes be produced in court, the forensic investigator should ensure that they contain relevant information in support of conclusions. The information, the evidence gathered, and the work performed should be documented in a clear, concise and orderly manner. CFI’s should comply with the applicable rules of the anticipated forum and exercise professional

judgement in determining whether to retain draft reports and draft working papers.

Any subsequent discovery of errors should be memorialized separately. The process of investigation is an inductive process of trial and error that can result in computational errors, careless misstatements, misinterpretations, and other mistakes. The forensic investigator should identify and describe any such errors and be prepared to clearly provide his or her reasoning as to why revisions were considered appropriate.

10. The forensic investigator may communicate the results of his or her work in the form of an oral and/or written report.

Oral reports can be used to provide information on the progress of the work, to communicate preliminary findings or to suggest possible approaches and procedures. However conclusions are normally expressed in the form of a written report.

The report of the forensic investigator should be understandable, well organized, supported as appropriate by evidence and working papers, and should be internally consistent. The report of the forensic investigator should:

- describe the facts relating to the purpose of the engagement;
- describe the mandate;
- provide the information needed to understand the subject matter and environment specific to the engagement;
- specify the nature and scope of the work performed and the evidence gathered;
- set out the facts and, where relevant, any assumptions used;
- set forth any evidence that is contrary to, or that may cast doubt on, the factual findings of the investigator, and discuss how it was taken into account by the investigator;
- describe the approaches taken and methods applied;
- explain the important factors and assumptions considered in forming the conclusion(s);
- where relevant, present charts, schedules, evidentiary document briefs and other useful information;
- communicate the results of the work and the forensic investigator's findings and/or opinion on the issues submitted;
- state the date of the report;
- identify the name(s) of the forensic investigator;
- identify the place of issue of the report; and
- specify the restrictions on the use of the report and the limitations of the conclusion(s).

The nature, content and form of the report may vary depending on the nature of the engagement and the objective and intended purpose of the report. In an engagement where the forensic investigator may be required to act as an expert witness, the report must comply with the requirements of the forum in which the forensic investigator will present

the evidence.

11. A forensic investigator providing testimony as an expert witness should provide unbiased and objective testimony in relation to matters within their expertise.
 - a. Forensic investigators engaged as expert witnesses should not assume the role of an advocate.
 - b. Forensic investigators should make it clear to the trier of fact when a particular question or issue falls outside their area of expertise.
 - c. Forensic investigators should take reasonable steps to provide the trier of fact with the information and assumptions on which their testimony is based, including any limitations that impact their testimony.
12. The forensic investigator has a duty to cooperate with other professionals hired by the client, and to the extent that it is compatible with the terms of the engagement and rights of privacy and confidentiality of the client, with other investigating professionals.

A reputation for stalwart, professional conduct is essential for the investigator to encourage a free-flowing exchange of reliable information between the professionals.

13. The forensic investigator should assess whether it is appropriate to internally review completed or terminated engagements.

If it is determined that an internal review is appropriate, this review should result in a series of recommendations for improvement as part of a program of quality control and continuous improvement that must be part of every forensic investigator's practice.