

Track down answers in a corporate investigation

When an allegation or evidence of misconduct comes to light, a transparent, comprehensive investigation is critical to maintaining public trust. But investigations can be a complex and exacting process. Our regulatory and legal support services help you orchestrate an investigation from before the beginning to after the end. **Here's how.**



Investigations can be triggered externally or internally for many reasons, including:

- Whistleblower and individual complaints
- Company self-disclosure
- Routine audit (e.g., internal audit, external audit)
- Securities class action or other litigation
- SEC/DOJ inquiries or investigations

The lifecycle of an investigation

A typical investigation has several phases and can spark some, if not all, the following actions:

Initiate investigation

The start of any investigation centers around a collection of information. Sometimes there is data profiling, a request for documents, search warrant, or grand jury subpoena. Sometimes there is an element of surprise with an unannounced on-site visit, undercover operations, or raid.

Negotiate potential damages

Next, organizations need to develop a theory of the damages to determine if it makes sense to litigate or negotiate settlements.

Negotiate settlement

Typically there is a delivery of findings and demand for damages. Preparation of settlement requirements and a review of existing compliance programs is conducted.

Post settlement/monitoring

Additional recommendations may include establishing an Independent Review Organization (IRO) and potential renegotiation of CIA terms is needed.



Conduct investigation

From there, an in-depth review of documents, records and business practices along with stakeholder interviews is completed. Questions are answered. Additional requests and recommendations around damages and charges are made.

Litigate

If litigation is necessary, organizations often conduct additional discovery, engage with experts as necessary, and finalize their theory of the damages.

Settle and remediate

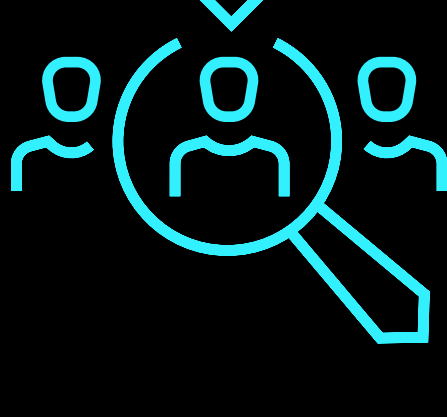
A financial settlement agreement is written and the impact on company's beneficiaries, executives and board of directors is assessed. Organizations also seek out development of a Corporate Integrity Agreement (CIA) as well as address other compliance requirements and potential program exclusions.

Helping organizations efficiently navigate the process

Deloitte can provide a range of services to assist in investigations at any step in the process.

Initiate investigation

Identify relevant stakeholders and oversight parameters



Determine preliminary scope and restrictions, considering geographic/business locations, technical and data restrictions, privilege, regulatory and legal requirements, and data privacy

Assist in development of workplan with investigation procedures that consider and include analytics, forensic accounting, and e-discovery, and agree on roles and responsibilities under direction of counsel



Locate and preserve evidence, including data and documents such as accounting records, computers, phones, contracts, and policies

Document production

Conduct investigation

Plan collection of relevant information sources such as data, documents, and sources

Develop preservation methodology design, implementation, and order response to preserve, secure, extract, and process evidence

Obtain relevant information, including hard copy documents, electronic information and relevant information from third parties

De-duplicate and search electronic evidence to review, redact, and produce responsive documents



Analyze qualitative and quantitative information and data received

Leverage analytics to perform financial and economic analyses on accounting data

Perform non-financial analysis of electronic data, hard-copy data and documentation

Identify individuals for informational interviews

Develop interview questions and template

Conduct informational interviews

Respond to and/or assist counsel in their response to subpoenas



Conduct background research on selected individuals or companies

Obtain additional collection of electronic evidence

Assess accounting/disclosure issues

Review facts and trends

Perform process analyses relating to practices in question

Assess practices for compliance enhancement

Design/develop stakeholder communications

Review gaps between existing practices and protocols, and authoritative guidance/leading practices



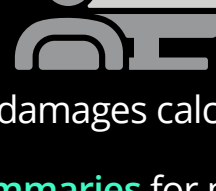
Negotiate potential damages

Provide early estimation of potential damages exposure based on analyses performed



Read initial damages calculations

Prepare summaries for negotiation



Litigate

Produce documents during discovery

Finalize damage theories and calculations

Assess and rebut alleged compensatory and punitive damages



Prepare fact witness statements

Prepare expert witness reports

Prepare fact and expert witnesses for deposition and trial testimony

Input into counsel decision to engage additional specialist(s), as applicable

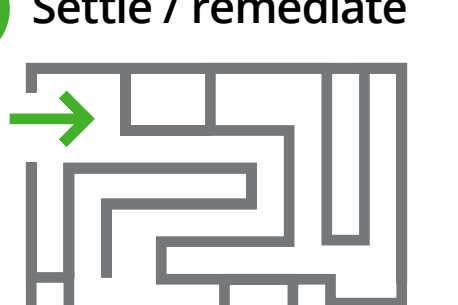
Settlement negotiations

Assist with presentation preparation

Assess compliance program current state



Settle / remediate



Assess company's existing processes and controls

Present findings to regulators

Respond to regulator's questions and claims

Post settlement / monitoring

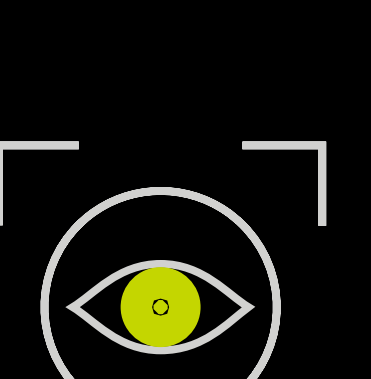
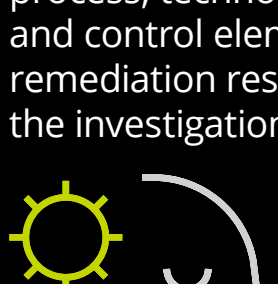
Render Independent Review Office services

Interact with regulator-assigned monitor

Assist with developing remediation plan for issues identified during investigation, such as developing written standards/protocols, conducting trainings, etc.



Assist with people, process, technology, and control elements of remediation resulting from the investigation findings



Conduct ongoing reviews and assessments

Is your organization prepared to meet the demands of the next investigation? **Let's start a conversation.**

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