# **Deloitte.**

# 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

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

The lifecycle of an investigation

### The start of any investigation centers around a collection

**Initiate investigation** 

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.

## Next, organizations need to develop a theory of the

damages

Negotiate potential

damages to determine if it makes sense to litigate or negotiate settlements.

#### of findings and demand for damages. Preparation of

Negotiate settlement

Typically there is a delivery

settlement requirements and a review of existing compliance programs is conducted.

## may include establishing an Independent Review

Post settlement/

monitoring

Organization (IRO) and potential renegotiation of CIA terms is needed.

Additional recommendations

# **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.

## agreement is written and

A financial settlement

Settle and remediate

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.

Determine preliminary scope and

restrictions, considering geographic/ business locations, technical and data

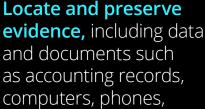


### restrictions, privilege, regulatory and legal requirements, and data privacy Assist in development of workplan

Initiate investigation

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

**Conduct investigation** 



contracts, and policies **Document** production

research on selected

individuals or companies

**Conduct background** 

electronic evidence

enhancement

**Review gaps** 

practices

between existing



and process evidence

#### Develop preservation methodology design, implementation, and order Analyze response to preserve, secure, extract, qualitative

Obtain relevant information, including hard copy documents, electronic information and relevant

information from third parties

**De-duplicate** and search electronic evidence to

and produce responsive

Provide early estimation of potential

damages exposure based on analyses

Negotiate potential damages

review, redact,

documents

documentation interviews **Develop interview** questions and

and quantitative information and data

accounting data

**Leverage analytics** to perform

received

**Conduct** informational interviews

their response to subpoenas

**Respond to** and/or assist counsel in

financial and economic analyses on **Perform non-financial analysis** of electronic data, hard-copy data and **Identify individuals** for informational

**Assess** accounting/disclosure issues **Review** facts and trends Perform process analyses relating to practices in question

**Assess practices** for compliance

Obtain additional collection of

Design/develop stakeholder communications

practices and protocols, and authoritative guidance/leading

**Read** initial damages calculations

Prepare fact witness statements

**Prepare expert witness** reports

Prepare fact and expert witnesses for deposition and trial testimony

**Prepare summaries** for negotiation





performed

calculations Assess and rebut alleged compensatory and punitive damages

**Produce documents** during discovery

Finalize damage theories and

Litigate

**Settlement negotiations** Assist with presentation preparation Assess compliance program current state





## **Present findings** to regulators **Respond** to regulator's questions and claims

Settle / remediate



Post settlement / monitoring

Assist with people,

process, technology, and control elements of remediation resulting from

**Assess company's** existing processes and controls

Render Independent Review Office **Interact** with regulator-assigned monitor

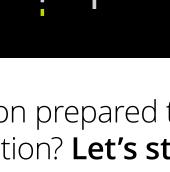
conducting trainings, etc.

**Assist with developing remediation** plan for issues identified during

investigation, such as developing written standards/protocols,

Is your organization prepared to meet the demands of

the investigation findings





the next investigation? Let's start a conversation.

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