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## Investigation and Compliance Missteps

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## Agenda

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- Guidance on compliance programs
- Investigations missteps
  - Investigation scoping
  - Who conducts the investigation
  - Data collection and review
  - Interviews
  - Making sense of the evidence
  - Using the results
- Compliance takeaways

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## The 10 Hallmarks of Effective Compliance Program (2017)



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## Evaluation of Corporate Compliance Programs (2020)

- Is the program **well designed**?
- Is the program being **implemented effectively**?
- Does the program **work in practice**?



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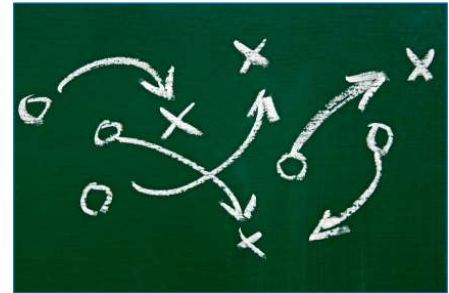
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## Missteps: Investigation Scoping

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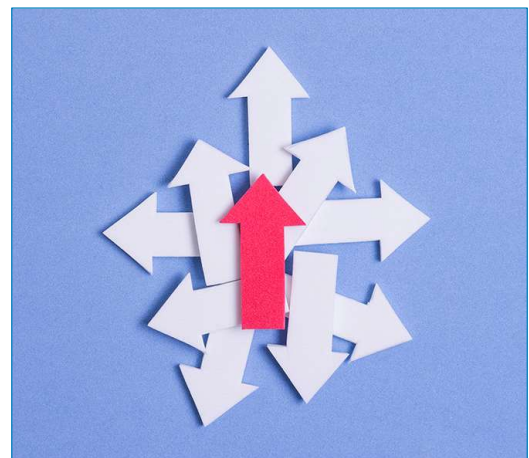
- The Work Plan
- When to stop
- Diverting from the Work Plan
- Beyond “just the facts”



## Missteps: Who Conducts the Investigation

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- Internal versus external
- HR versus Compliance versus Legal
- Role of Finance, IT, Audit



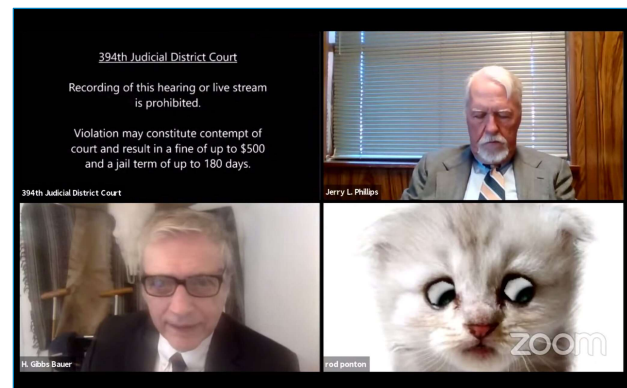
## Missteps: Data Collection and Review

- Hold notices and pre-notice collection
- Phones and ephemeral apps
- Data privacy and related issues
- Collateral risks



## Missteps: Interviews

- *Upjohn* errors
- Use of documents
- Teams/Zoom/WebEx
- Drilling down



## Missteps: Making Sense of the Evidence

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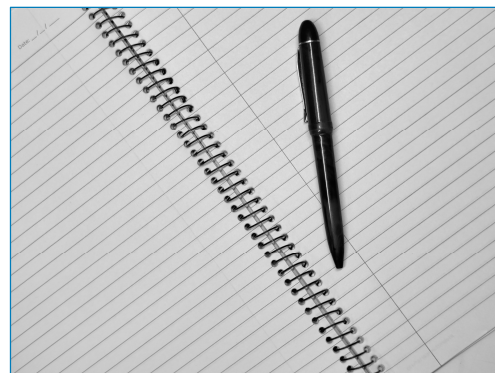
- Direct and circumstantial evidence
- Determining “knowledge”
- Determining “intent”



## Missteps: Using the Results of an Investigation

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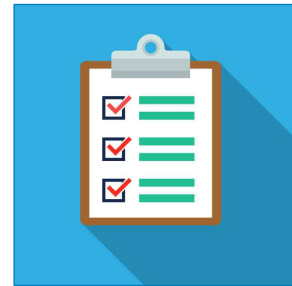
- Disciplinary decisions
- Communication to the organization
- Communication to internal functions



## Compliance Takeaways

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- Assessing/improving training
- Enhancing policies
- Effective incentives



## Questions?

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