Internal Investigations
SCCE
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Agenda

- Compiling the relevant facts
- Interviewing witnesses fully and impartially
- Working with a forensics team
- Documenting information in and across cases
Investigations at Microsoft

Corporate, External and Legal Affairs (CELA):
  · Office of Legal Compliance – Investigations
  · Office of Legal Compliance – Forensics

Internal Audit: Financial Integrity Unit
Finance: Global Security

And... ERIT; DCU; UST; WDG Investigations; Anti-Piracy, et al.

Whether and How to Investigate

· Scope
· The Investigation Plan
  · Division of labor
  · Choosing internal v. external resources
  · Choosing specific internal or external resources
Compiling the relevant facts

• Planning
  • Nature of the allegation
  • Focus and objectives
  • Sources of information
  • Potentially applicable policies and laws
  • Clarity of roles and coordination with appropriate teams/authorities

Interviewing witnesses fully and impartially

• Develop an interview map
• Identify materials to be presented to interviewee
• Warnings
• Recording or interview notes?
• Beware of bias
• Listen
Working with a Forensic Team

- Know your team – Forensics means many things
- Ask for delivery estimates, but be flexible
- Please stop watching CSI. Please.
- What are you trying to achieve?
- Scope requests for speed
- Forensics versus IT
- Get a translation

Documenting case information

- Document investigative activity
  - Case notes
  - Interview notes
  - Correspondence
  - Work in progress
- Robust Case Management Solution
  - Efficiency
  - Risk mitigation
  - Assume that case file will be reviewed by someone outside of the company
Documenting Information Across Cases

- Capture key case attributes in structured form for:
  - Management planning
  - Resource allocation
  - Proactive compliance initiatives / investigations