Ten Top Lessons for FCPA Investigations and Remediations

Case IQ

1 Self-Disclosure.
The DOJ expects and will reward self-disclosure above all else.

2 The "Need for Speed".
The DOJ expects a company to share information with regulators as quickly as it found those facts, without necessarily knowing how such admissions might affect its overall case and settlement chances.

3 Extensive Remediation.
Overall, the DOJ expects extensive remediation, well documented with data analytics to support everything you have done.

4 Root Cause, Risk Assessment, and Gap Analysis.
Your remediation should begin with a root cause analysis. From there move on to a risk assessment, and then a gap analysis.

5 Data Analytics.
You should implement a data analytics program for compliance across your organization.

6 Clawback and Holdbacks.
You must clawback or holdback bonuses for any employees who were a part of the bribery scheme and for any executives who failed to engage in appropriate oversight.

7 Change in Sales Models.
If your organization uses third parties, you need to seriously consider a new direct sales model using your own employees. At the very least move away from commission based sales model.

8 Enhancement of Compliance.
Make sure to enhance your compliance program, with budget, head count, and expertise its reporting, investigations, and consequence management processes.

9 Internal Controls.
Use your internal controls to engage in continuous testing, monitoring, and improvement of all aspects of its compliance program.

10 Investigation Protocol.
Have an investigation protocol which can quickly triage any claim and escalate it so you can make a decision to self-disclose or best how to move forward.

Better Case Management Software, Better Investigations

With a focus on investigative case management solutions and more than 20 years of successful implementations, Case IQ is the global leader in configurable case management software for investigations. We are trusted by over 500 organizations worldwide.

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