



Early Matter Assistance (EMA) in Corporate Investigations

The issue

Whether it's because of a poor-performing or terminated employee, a customer's complaint, a vendor's duplicate billing, or an internal audit assessment that identifies inappropriate behavior or activity – businesses often face issues that require internal investigation.

Whistleblower actions, in particular, have increased in number in recent years. For example, with implementation of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, whistleblowers have new protections and financial incentives. According to the SEC's Office of the Whistleblower, employees are encouraged to work with their company's own compliance structure to report unlawful conduct.¹

When a company receives information about potential inappropriate activity, it wants to take the correct and necessary actions, but also wants to be prudent about the steps that need to be undertaken and fiscally smart on the costs that are to be incurred. In such cases, companies can benefit from a seasoned investigation team with advanced forensic and analytics tools that can assist management in efficiently determining if:

- Evidence appears to exist to justify more in-depth procedures; or,
- No evidence could be found to support the allegation or initial concerns and, thus, no other investigative procedures would be required.

Is your company facing this type of situation? Deloitte Advisory can help.

¹ See: <http://www.sec.gov/whistleblower/reportspubs/annual-reports/owb-annual-report-2015.pdf>



Our approach

Deloitte Advisory is a leading investigation services provider. We have developed a cost-efficient solution – Early Matter Assistance (EMA) – to assist your organization and outside counsel as you take initial investigative steps into matters that could lead to deeper investigations and, potentially, legal, regulatory, or civil actions.

An experienced Deloitte team can work closely with your organization and counsel as you follow your company's investigative procedures. In fact, we often work directly with a client's personnel, such as the internal audit department.

After your company decides on the set of investigative procedures warranted by the situation, our team can assist with one or more of the following:

- Collaborating with your team to develop an investigative plan, including but not limited to scope and procedures to be performed
- Creating a forensic image of the relevant employees' computers and/or mobile devices
- Filtering electronic data to load potentially relevant documents, such as e-mail, word processed documents, and spreadsheet files into software tools designed to aid in keyword and other types of searches
- Performing early text analytics on electronic data files, including segmenting data files into "concepts," which are categories of related attributes such as text and metadata, and combining them with select keyword searches to narrow the scope of manual document review, reduce false positives, and increase investigation velocity
- Analyzing relevant financial and accounting transactions
- Reviewing selected contracts and agreements, relevant policies and procedures, and accounting transaction data
- Conducting focused background investigations on selected employees and third parties using proprietary databases and/or social media analysis tools
- Conducting targeted interviews based upon allegations and evidence uncovered
- Reporting findings orally to appropriate corporate representatives or outside counsel

After performing selected procedures above and presenting and discussing the facts identified in the investigation, we can assist you in determining the next appropriate steps. If the facts do not support allegations, you may choose to close the matter and avoid unnecessary costs. If sufficient evidence is present to support allegations, you may decide to conduct a more in-depth investigation. If at any time key facts are uncovered that can help your organization prove or disprove the allegations, our team will promptly notify your designated personnel.

EMA benefits

Deloitte's EMA solution can be tailored to the particular facts and circumstances you face, helping you leverage our resources to the fullest extent and cost efficiently.

In addition to the results of a specific investigation, information revealed through the use of Deloitte's EMA solution can benefit your company in many ways going forward, including:

- Greater transparency into cost, level of effort, and procedures required to conduct a more comprehensive investigation
- Insights that may help assess any future allegations of a similar nature

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Learn more about how Deloitte's EMA solution can support your company's next investigation.

Contacts

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