

Five things you should never say when the government comes knocking

October 7, 2014

1. "You're kidding, right? This whole investigation is just a political witch hunt. Go away!"
2. "Subpoena? Oh yeah, it's around here somewhere. Why don't you call me back later, and I'll hunt for it."
3. "Why are you picking on us? Everyone does it!"
4. "Sure! Whatever you need. We're an open book!"
5. "Oh, is that all? I thought you were here about that bribery thing."

Whether it's a subpoena, a request for an interview, a civil enforcement action or an arrest warrant, when a government regulator comes knocking, your company needs to take it seriously. Professionalism and cooperation are important, as well as knowing what you are facing and understanding your exposure. A reasoned, methodical approach will almost always result in a better outcome for your company. Here are five steps for successfully handling government inquiries:

1. Be prepared. Designate key employees in the organization to handle government visitors, and educate all employees on how to "answer the door."
2. Assess the situation. Determine your role and exposure. Is there really an issue? If so, is it administrative, civil, criminal or a combination? Are you a target, witness or victim?
3. Conduct an internal review. Now that you know something went wrong, an internal review can help your company understand what happened and plan the next steps. Be sure to understand what privileges may apply and be careful with your record retention obligations.
4. Be responsive, thorough and professional. Avoidance, delay or, worst of all, deception can hurt your company's chances for a favorable result. Few things will irritate a government investigator more than deception or delay, and those tactics can lead to criminal charges.
5. Clean up and move on. So long as you do not interfere with or obstruct the ongoing investigation, there is seldom a good reason to wait to take action. Be responsive to the strain an investigation puts on affected personnel and the damage it causes to the corporate reputation, especially if media attention or adverse personnel actions are involved. Assess what went wrong, address the situation, and put policies and safeguards in place to avoid a recurrence.

This article was reprinted from the Fall 2014 Compliance Connections Newsletter. Download the complete Fall 2014 issue [here](#).

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