



29 British American Boulevard, 2nd Floor
Latham, NY 12110
518-439-8311
thearcny.org

[Policy Number]: Responding to Government Investigations

Category: Corporate Compliance Effective Date: XXXXXXXX
Department: XXXXXXXXXXXXXXXXXXXXXXXX Last Revision Date(s): 6/29/2020

POLICY STATEMENT

It is the policy of [Chapter] to fully cooperate with reasonable requests of government officials. The purpose of this Policy is to provide a uniform method by which employees of [Chapter] are to respond in the event that any government employee (Federal or state) contacts a [Chapter] employee, either during office hours or at home, for information regarding [Chapter] or any [Chapter] entity or affiliated individual.

This Policy and Procedure applies to all employees of [Chapter].

PROCEDURE

A. General Procedures.

1. If at any time an investigative demand letter, subpoena, or search warrant is received by a CHAPTER employee, the employee must immediately notify the Compliance Officer. If the Compliance Officer cannot be reached, the employee must immediately notify [insert title of alternative contact].
2. The Compliance Officer will coordinate [Chapter]'s response to the government.
3. No [Chapter] employee should release or copy documents in connection with or in response to an investigative demand letter, subpoena, or search warrant without the authorization of the Compliance Officer.



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4. No [Chapter] employee may remove, alter, create or destroy documents or records including, but not limited to, paper, tape, and computer records, in anticipation of or during an investigation.

5. If an investigator or other government representative appears in person, employees should contact their supervisor to request their assistance with engaging the representative if the supervisor is available. The employee should then ask to see and make a copy of his or her identification and business card. If these materials are unavailable, ask for the person's name and office, address and telephone number, and identification number. Call the government representative's office to confirm his or her identity and authority. If more than one representative appears, determine which representative is in charge and ask for his or her identifying information.

6. Search Warrants
 1. A search of [Chapter]'s premises by government representatives may not be conducted without a legally valid search warrant. A search warrant is a document that permits government agents to search and seize tangible property that is described in the search warrant or located in an area specifically identified as covered by the search warrant.

 2. If a government representative presents a search warrant, you should make a copy of the document and immediately request that the government representative allow you to contact the Compliance Officer to determine the validity of the warrant. The Compliance Officer may wish to engage legal counsel. If the government representative has a legally valid search warrant, employees may not stop the search. Once the validity of the



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warrant has been determined, the Compliance Officer will instruct you how to proceed.

3. After the Compliance Officer has determined that the search warrant is valid, the following procedures should be followed:
 - a. Appoint someone on site to be in charge. That person will be responsible for communicating with the government representative.
 - b. Remember, it is a crime to obstruct an agent in the lawful execution of a valid search warrant. Remain calm, polite, and observant. You may ask questions. Do not, under any circumstances, alter or destroy documents sought in an investigation; falsely deny knowledge of information; corruptly influence another person to exercise the privilege against self-incrimination; or intimidate a witness with the intent of influencing behavior. If you see another employee engaging in this behavior, notify the Compliance Officer immediately.
 - c. It is very important to keep a thorough list of all documents that the government representative is seizing or copying. An employee should be assigned to accompany each government representative during his or her search. That employee should take detailed notes of everything the government representatives inspect but do not seize or copy. The employee should also take detailed notes of any conversations between or among the government representatives and all conversations between the government representatives and other [Chapter] employees.



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- d. You should obtain a detailed receipt from the government representative of all documents/items of which the government has obtained a copy, including the number of pages copied for reimbursement purposes. If the government representative wishes to take original documents, ask if those documents may first be copied. If the government representative will not allow copies to be made, call the Compliance Officer. If you cannot reach the Compliance Officer, ask if you can first make a list of all documents the government is taking.
- e. The government representatives may seek to seize documents or items whose loss will impede the day-to-day operations of [Chapter], including consumer records and computers. If the representative wants to seize any computers, you should ask if you may make a copy of all files. You should contact the Compliance Officer to inform him or her that the government is seizing computers. If the government representatives wishes to seize consumer records, ask if those records may be copied so that consumer care or consumer confidentiality will not be compromised. Inform the Compliance Officer that the government is seizing consumer records.
- f. Employees are required to answer questions concerning the location of documents if they know the location of the documents in question.
- g. Employees are not required to answer other questions. You may tell the government representative that you prefer to wait until counsel is present.



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- h. If you are asked to sign an affidavit of any kind, do not comment as to the validity of its contents and explain that you are not authorized to sign any document prior to review by [Chapter]'s legal counsel.
 - i. It is important that all employees (1) cooperate with the government representatives and (2) provide accurate information to the government representatives. Providing inaccurate statements to government representatives may result in obstruction of justice charges.
- 4. Requests for Interviews
 - a. It is important that during a government representative's first encounter with [Chapter], the government representative may suggest that employees must speak with him or her or consent to an interview.
 - b. Government representatives may not threaten employees in any way or require an employee to speak with him or her immediately. Employees have the right to schedule an appointment at a later time to speak with the government representative. Employees also have the right to decline to be interviewed altogether.
 - c. Employees are entitled to have someone with them during an interview with a government representative. [Chapter] will arrange to have the organization's attorney present at no cost, or the employee may choose to consult an attorney separately at his or her own expense.



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- d. Employees are, of course, free to speak with the government representatives. If an employee speaks with the government representatives before notifying the Compliance Officer, we request that the employee make the notification as soon as possible after the interview. Employees are strongly encouraged to take notes during the interview.
5. During the interview, employees should follow these guidelines:
 - a. Always tell the truth. If you do not recall something, are uncertain or have no knowledge about the topic being discussed, say so.
 - b. Be careful to answer questions completely, accurately, and concisely so that there will be no misunderstandings as to what you are saying. Indicate whether the information you are providing is first-hand knowledge, something you have heard, or speculation. It is good practice to avoid speculation, but if you must speculate, it is important to make sure you let the government representative know that you are speculating.
 - c. Contact the Compliance Officer as soon as possible after after the interview.
6. Communications Regarding A Government Inquiry or Investigation
 - a. Do not discuss this matter with anyone without first receiving permission from the Compliance Officer. Innocent parties may be hurt by rumors regarding the government contact, and [Chapter] will not condone the spreading of such rumors.



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- b. If you receive any inquiries from the media or any person or organization, you should refer the inquiries to the Compliance Officer. Do not attempt to provide any explanation other than to state that the questions regarding the investigation will be answered by the Compliance Officer.