



**Asia-Pacific
Economic Cooperation**

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Corporate Compliance and Corruption Prosecutions

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**Workshop for Law Enforcement Agencies on
Effectively Using Corporate Compliance Programs
to Combat Domestic and Foreign Bribery
Puerto Varas, Chile
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CORPORATE COMPLIANCE & CORRUPTION PROSECUTIONS

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WHAT IS COMPLIANCE?

Systems/processes

Prevent & detect

Violations

PROGRAM ELEMENTS

Risk Assessment

Policies &
Procedures

Leadership
Commitment/
Culture

Training &
Communication

Third Party
Management

Reporting &
Investigations

Incentives &
Disciplinary Actions

Monitoring/Auditing

PAPER VS. REALITY

FORMAL VS. INFORMAL



Outcome: What violations have been prevented/detected?



EXAMPLE 1: PRE-APPROVAL FOR GIFTS/ENTERTAINMENT

Policy: "Pre-Approval from compliance is Required for G&E over US\$200"



Took customers out for a nice dinner...



Forgot to get pre-approval!



Submit it anyway: the form doesn't ask if I had pre-approval!

Accounts Payable Reimbursement Checklist:

- Did the supervisor approve?
- Is it within the employee's spending limit?
- Did it require pre-approval?
- Is there evidence of pre-approval?



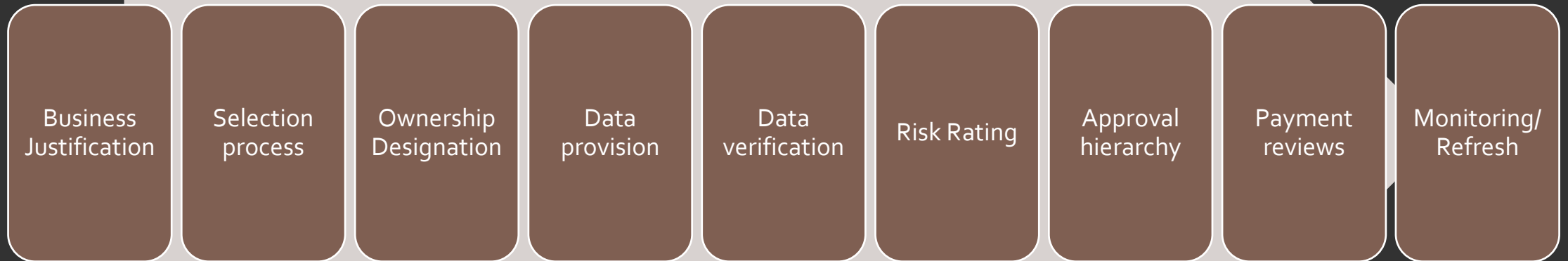
Now I know pre-approval is not *really* required!

EXAMPLE 2: THIRD PARTY MANAGEMENT

Policy: "All third parties must go through appropriate due diligence review & approval"



Controls



Policy: Area Closed...No Trespassing



Policy: Area Closed...No Trespassing



HOW PROSECUTORS USE COMPLIANCE



Investigation



Culpability



Penalty



Remediation



Defense

QUESTIONS? COMMENTS?

