



OECD Asia-Pacific Academy for Tax and Financial Crime Investigation

Major Case Management



MAJOR CASE MANAGEMENT (MCM)



OBJECTIVES

- Major Case Management Theory
- 2) Theory of the Case
- 3) Major Case Management Team Structure
- 4) An Italian Perspective on Major Case Management
- 5) Case Planning and Business Rules
- 6) Case Management Tools, Resources and Data Analytics
- 7) Essential Interviewing
- 8) Partnerships and International Cooperation
- 9) Charging Decision and Investigation Completion
- 10) Wrap up and Graduation

CONDUCTING A CASE When everything goes well...

 The evidence gathered supports the charges and a conviction is obtained via:

A guilty plea or

A finding of guilt by judge/jury

CONDUCTING A CASEWhen they don't...



PAUL BERNARDO INVESTIGATION

What went wrong:

- No single person in charge / responsible
- No unified, strategic coordination
- Lack of supervisory system
- Inadequate communication between various agencies

PAUL BERNARDO INVESTIGATION

"The work of the most dedicated, skilful, and highly motivated investigators, supervisors and forensic scientists can be defeated by the lack of effective case management systems..."



Stephen Covey's

Habit #2

Begin with the end in mind.

Habit #1?

Be Proactive

CHALLENGES OF MAJOR CASES

- 1. Underestimation of investigation complexity
- 2. Volume of documents
- 3. Lack of focus
- 4. Shifting of priorities
- 5. Disrespect of the roles and responsibilities
- 6. Work in silo
- 7. Lack of case planning

CHALLENGES OF MAJOR CASES

- 8. Failure of timely reviews of case / progress
- 9. Lack of multijurisdictional accountability
- 10. No accountability to senior management
- 11. Pride of authorship / defensiveness
- 12. Interference of non-team personnel
- 13. Unsuitable file management
- 14. Absence of innovation

CHALLENGES OF MAJOR CASES

- 15. Failure to request assistance when needed
- 16. Lack of experienced investigators
- 17. Team turnover
- 18. Lack of team cohesion or performance issues
- 19. Team stress
- 20. Lack of financial or human resources
- 21. Lack of leadership
- 22. Tunnel Vision



OECD International Academy for Tax Crime Investigation

Conducting Financial Investigations



WHAT IS A MAJOR CASE?



WHAT IS A MAJOR CASE?

Criteria to qualify as a Major Case are:

- Complex tax schemes;
- Voluminous records;
- Inter-jurisdictional issues / foreign evidence
- Multiple targets;
- Potential for complex legal issues;
- Mastermind

WHAT IS A MAJOR CASE?

Case complexity:

- Not necessarily applied to volume of records
- Complex financial analysis / net worth
- Foreign evidence / cross-jurisdiction
- Complex Corporate Structures
- Number of agencies involved
- Public Interest

WHAT IS A MAJOR CASE?

Why is Major Case Management important?

- Requires strict case planning strategy
- Allows for allocation of specific resources
- Clear roles and responsibilities
- Economies-of-scale / synergize
- Different workload / work flow requirements

MAJOR CASE MANAGEMENT PRINCIPLES

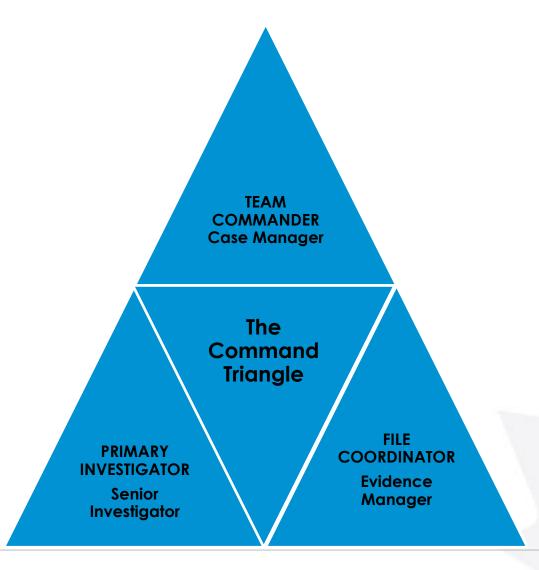
The following are principles of major case management that we have learned from our Royal Canadian Mounted Police (RCMP):

- 1. The Command Triangle
- 2. Communication
- 3. Leadership and Team Building
- 4. Investigative Strategies
- 5. Legal Considerations
- 6. Accountability Mechanisms

- 7. Management Considerations
- 8. Ethical Considerations
- 9. Partnerships



COMMAND TRIANGLE



CONDUCTING A MAJOR CASE – What is Needed?



THE WHAT? Tell me what is being Investigated

WHAT
IS YOUR
CASE
ABOUT?

 Before you decide the WHO you must know the WHAT

THEORY OF THE CASE

If you don't have a theory, you have no case

No theory = multiple sets of facts that are disconnected from each other

THEORY OF THE CASE

Case overview

Identify the facts that support the theory

Identify weaknesses and possible defences

THEORY OF THE CASE

What is the scheme: for example unreported taxable income or false expenses.

Assign

Set

timelines

for each

course of

action

Tasks

Team investigation – who does what?

Projected time frames for completion?

Nature and type: clerical, investigators, Computer Analysts, subject matter experts, forensics, law enforcement, Prosecutors?

Identify offences and scheme

THEORY OF THE CASE

Identify resources needed

Legislation – what are your charging provisions?

Determine objectives and priorities

ACTUS REA, MENS REA, and QUANTUM: What facts are required to be proven?

Prepare a course of action (case plan)

What kinds of evidence gathering techniques and analysis need to be undertaken to prove or disprove the alleged offences.

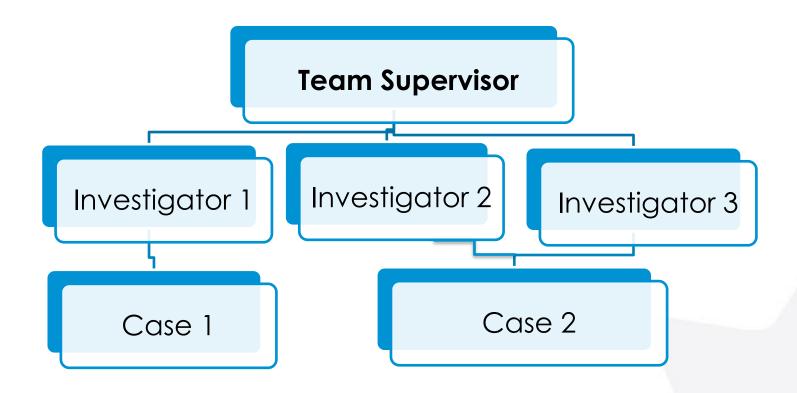
PLENARY EXERCISE Team and Partnerships



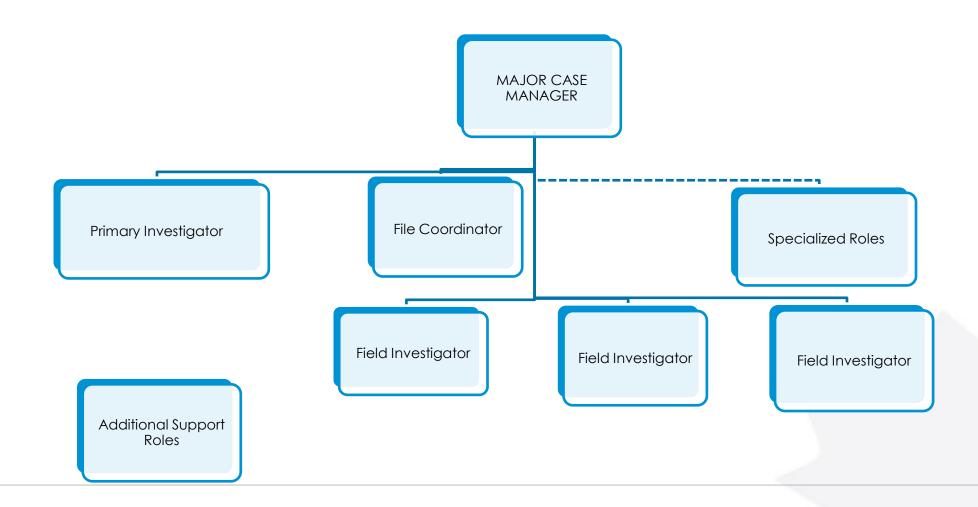
THE WHO? Somebody has to do the Investigation

WHO IS GOING TO DO **THIS** CASE?

 WHO will you get to conduct the case (how many people, what role will they play)

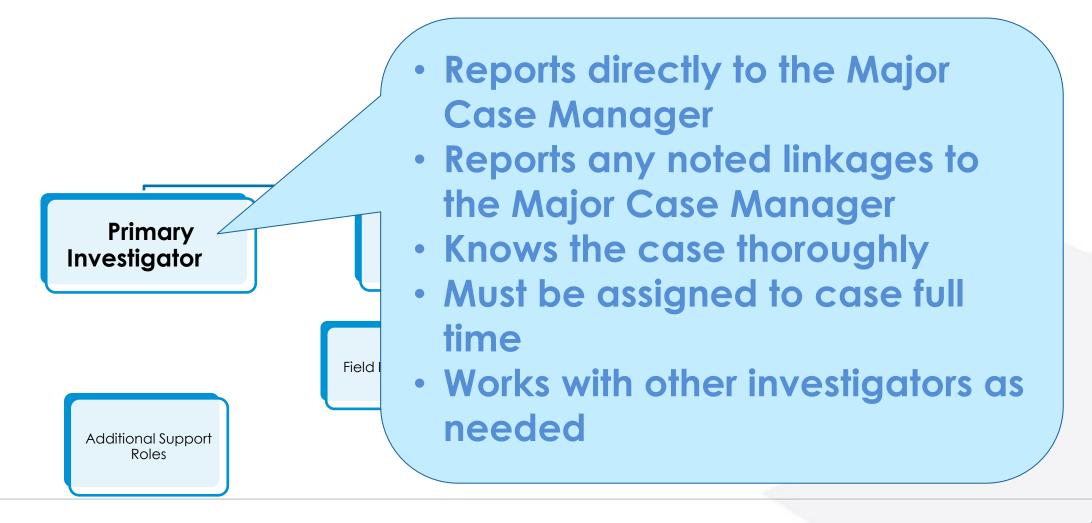


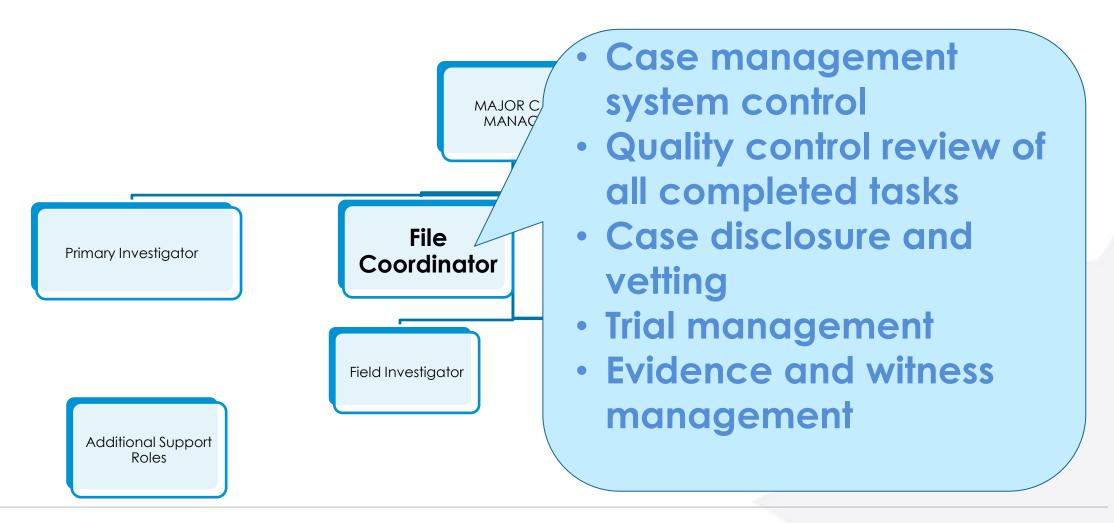
EXAMPLE OF A MAJOR CASE TEAM STRUCTURE



MAJOR CASE MANAGER

- Directs and leads investigators in the most complex investigations
- Develops operational strategies and objectives
- Responsible for direction and flow of the investigation
- Keeps investigation on track through regular case meetings, overseeing task assignment and completion
- Is accountable, responsible and controls the investigation
- Develops, maintains and cultivates partnerships
- Identifies potential linkages
- Identifies the need for resources
- Reviews all legal documents

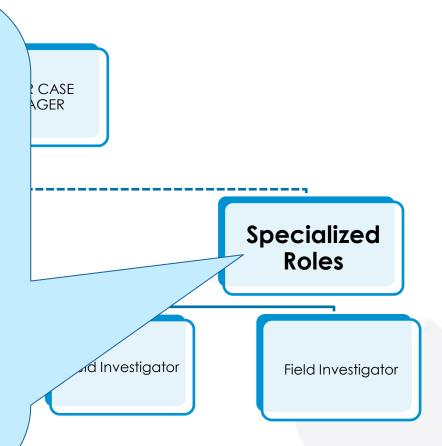


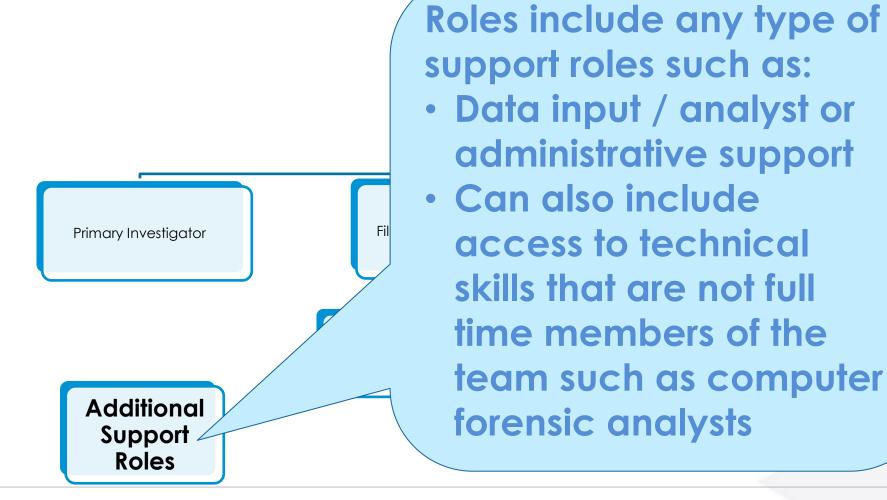


MANAGER Performs investigative and non-investigative duties as assigned by either the Major Case **Manager or Primary** File Coordinator International Affiant **Investigator** Field Investigator

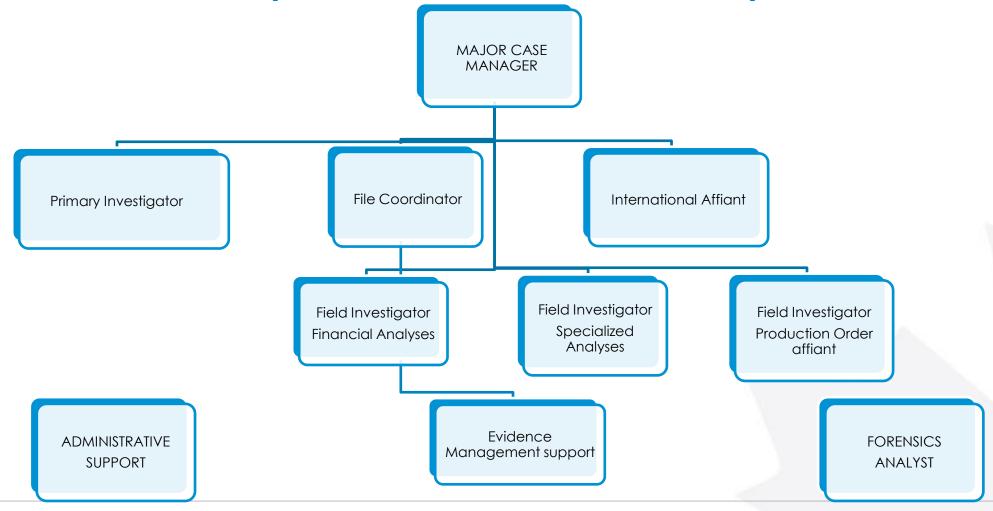
Roles can include:

- Affiant
- Evidence Management Support
- Data analyst
- Specialized technical skills in forensics or financial analysis
- International expertise





MCM TEAM STRUCTURE (USED IN A REAL CASE)



BUILDING AN EFFECTIVE TEAM

Communication:

- Regular team meetings, no exclusions
- Senior management meetings / communication
- Stakeholders / partners



THE HOW? This is getting complicated

HOW DO I ORGANIZE SOMETHING THIS COMPLEX? HOW do you plan to stay on track and ensure all team members are playing by the same rule book?

SOLVE THE CASE Why? Why not?



CASE PLANNING

Investigators must conduct thorough and accurate investigation.

An effective investigation requires planning.

CASE PLANNINGWhat is Planning?



A plan is a determined course of action for achieving a specific goal



Planning involves a logical progression of activities, steps, actions or methods which are undertaken to achieve desired objectives.

Planning results in the "plan"

CASE PLANNINGWhy Plan?

Increases Efficiency

Reduces Risk

Facilitates proper coordination

Aids in organizing resources

CASE PLANNINGWhy Plan?

Gives Direction

Important in maintaining control

Helps achieve objectives

Motivates

Assists in decision making

CASE PLANNING You don't have time not to!







"Poor planning on your part does not necessitate an emergency on mine."

Bob Carter, Professor.

"By failing to prepare, you are preparing to fail."

- Benjamin Franklin

"A goal without a plan is just a wish."

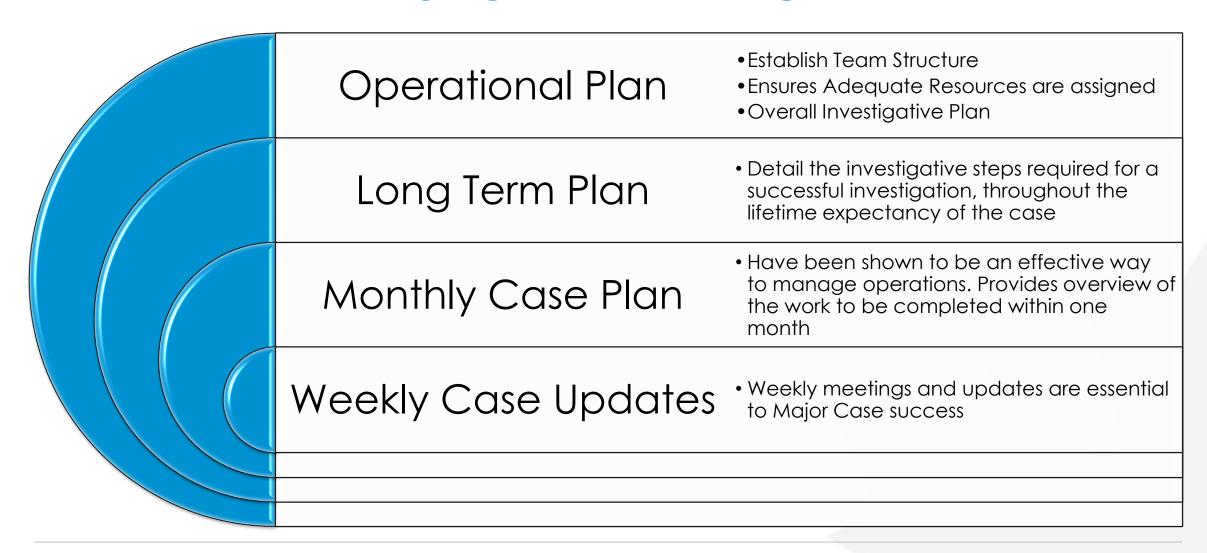
 Antoine de Saint-Exupéry, Writer.

CASE PLANNING

"A good investigation starts with careful planning and preparation, a clear understanding of the parameters of the investigation, and with proper authority. Care and attention spent in getting it right at the outset will avoid considerable difficulties later on."

[NSW Ombudsman – Investigating complaints – A Manual for investigators, Sydney 2004]

CASE PLANNING



CASE PLANNING

Log of actions (Investigator log)

Decision log



BUSINESS RULES What are they and Why are they so important?

Set Expectations

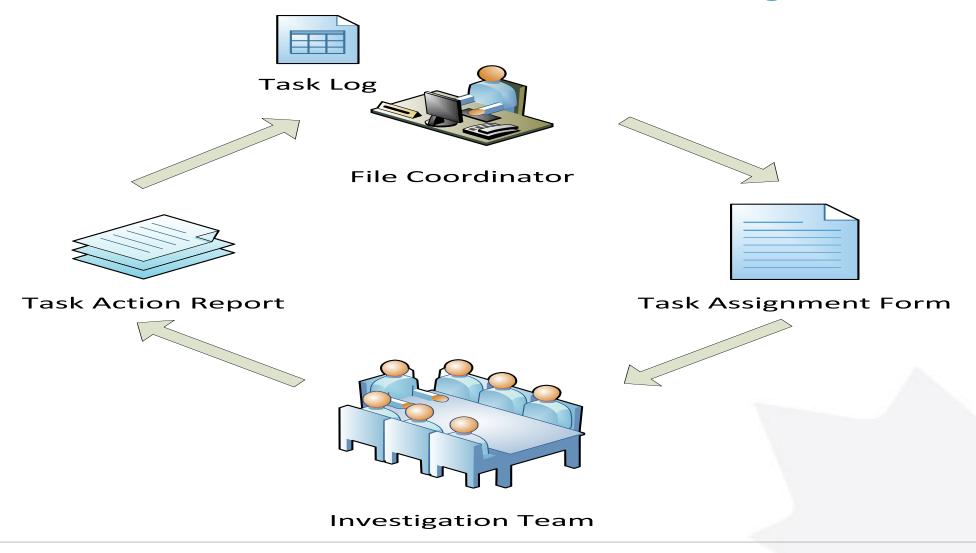
Provide Guidelines

Ensure Consistency

Reduce Administrative Burden & Delays

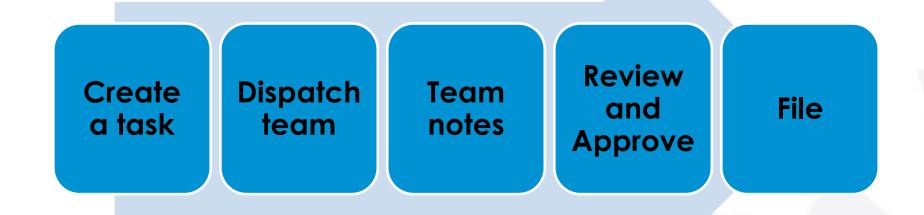
Compliance with Practice, Policy & Legislation

BUSINESS RULES – Task Assignment

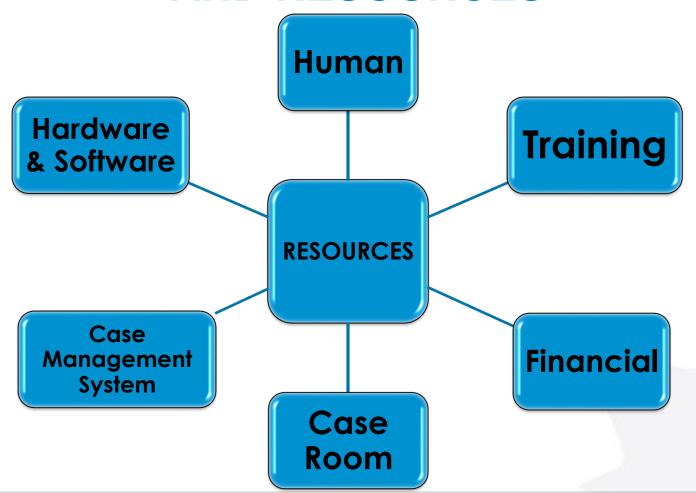


BUSINESS RULES

Surveillance example



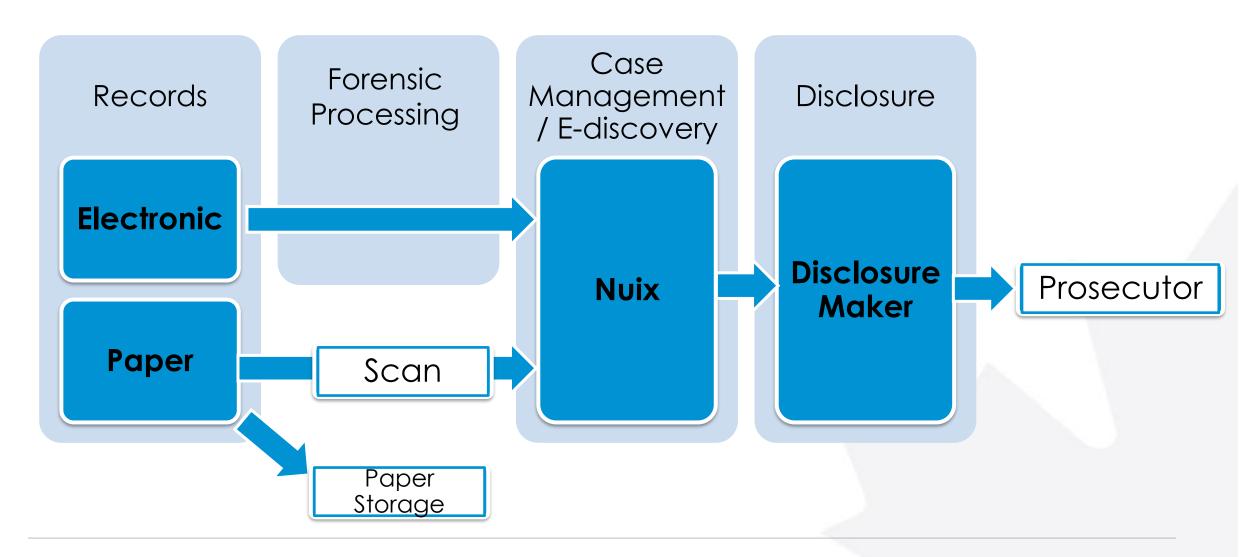
MAJOR CASE MANAGEMENT TOOLS AND RESOURCES



MAJOR CASE MANAGEMENT TOOLS

Case Management E-Discovery **Document Viewer Data Analytics** Audio/Video Tools **Document Processing**

CANADA'S SOLUTION



CASE MANAGEMENT SOFTWARE What is it?

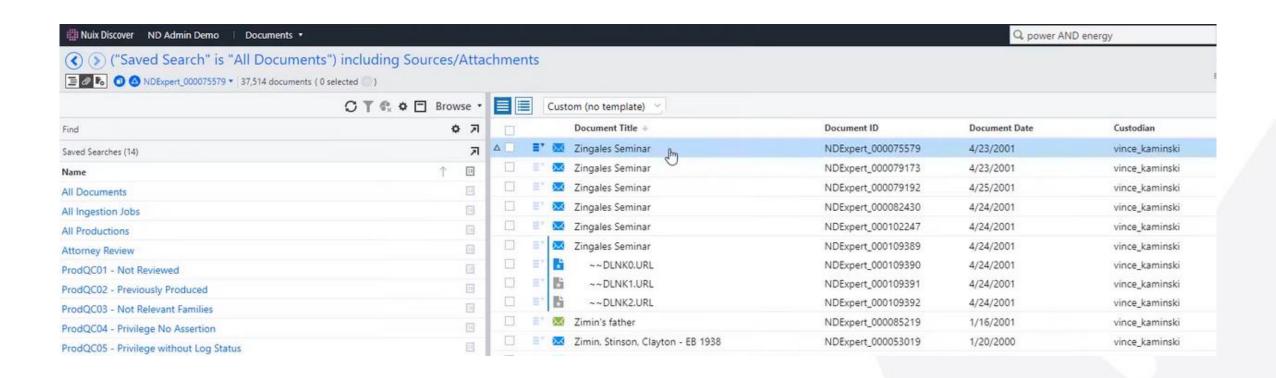
Manages documents and processes that require action and resolution.



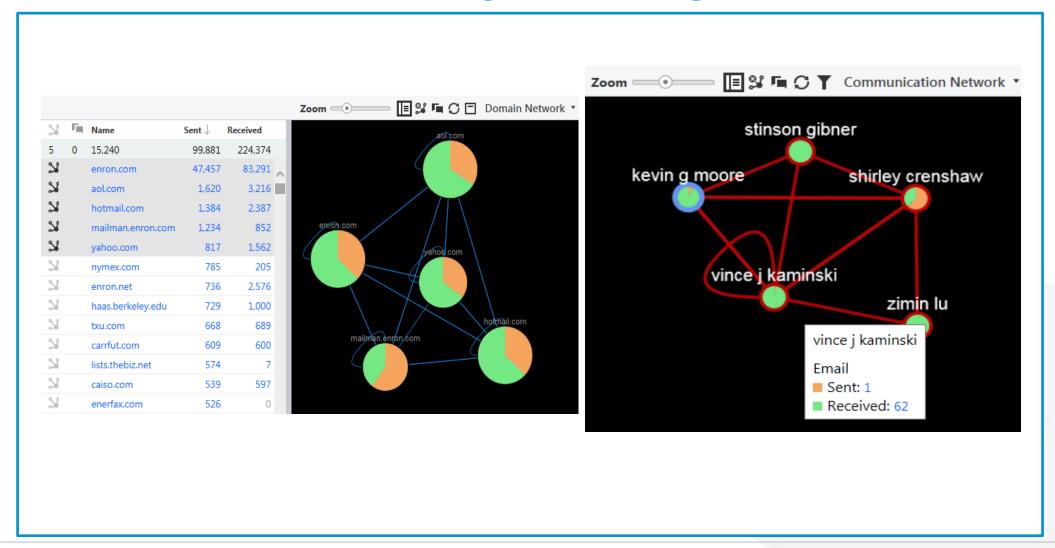
WHAT IS AN E-DISCOVERY TOOL?

E-Discovery Data Ingestion Data Analytics File Indexing and OCR **File Production** *Case Management

WHAT IS AN E-DISCOVERY TOOL?



WHAT CAN IT DO?



MAJOR CASE TOOLS

Document Viewer

View and open relevant case documents

Data Analytics

Analyze datasets

Audio/Video Tools

Record, redact, transcribe, and/or translate

Document Processing

• File OCR (i.e bank statement), forensic conversion, etc

MAJOR CASE TOOL SAMPLE

Category	Function	Software
Case Management	File Repository	Nuix
		Adobe Acrobat Pro
		Caseware Working Papers
		Custom Solution
		Excel
Data Analysis	Cryptocurrency Tracing	Chainalysis
		Cipher Trace
		TRM
	Custom	Scripts
	Database	Caseware IDEA
		Microsoft Access
	Spreadsheets	Excel
		Google Docs
	Visualizer	IBM i2
		Gephi
		Maltego
		Microsoft Power BI
		Palantir
		Tableau

MAJOR CASE TOOL SAMPLE

Category	Function	Software
Data Exploration	eDiscovery	Nuix
		Relativity
		Summation
Data Processing	OCR	Altia
		Abby Fine Reader
		Adobe Acrobat Pro
		Simple OCR
	Transcription	Solutions available
	Translation	Solutions available
	Data Ingestion	Microsoft Power Pivot
Document Viewers	PDF Readers	Foxit
		Adobe Acrobat Pro

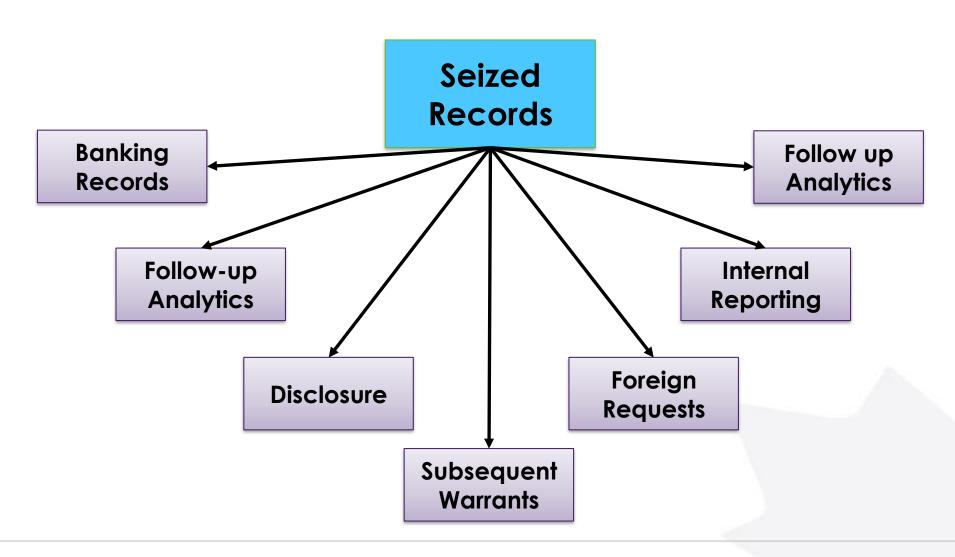
DATA ANALYTICS



MAJOR CASE ANALYTICS

- 1. Planning
- 2. Quality of Data
- 3. Navigating a Sea of Data
- 4. Automation
- 5. Leveraging Data
- 6. Presentation of Results

PLANNING



QUALITY OF DATA

Important Questions

- How was this dataset created?
- What is the source of data?
- Are there any obvious errors?
- Can I share this data?

NAVIGATING VOLUMINOUS DATASETS

- Proper tools
- Combining datasets
- Major case tools



SPOTTING ERRORS

Important Review Items

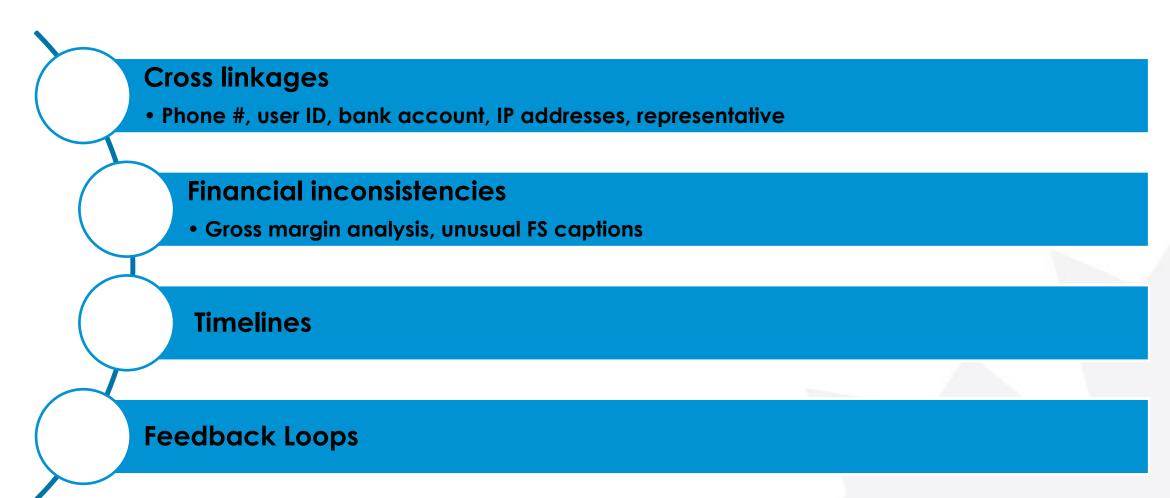
- Does this make sense?
 - Filter checks
 - Pivot table review
 - Spot Check
- Can you use the information sourced?

AUTOMATION

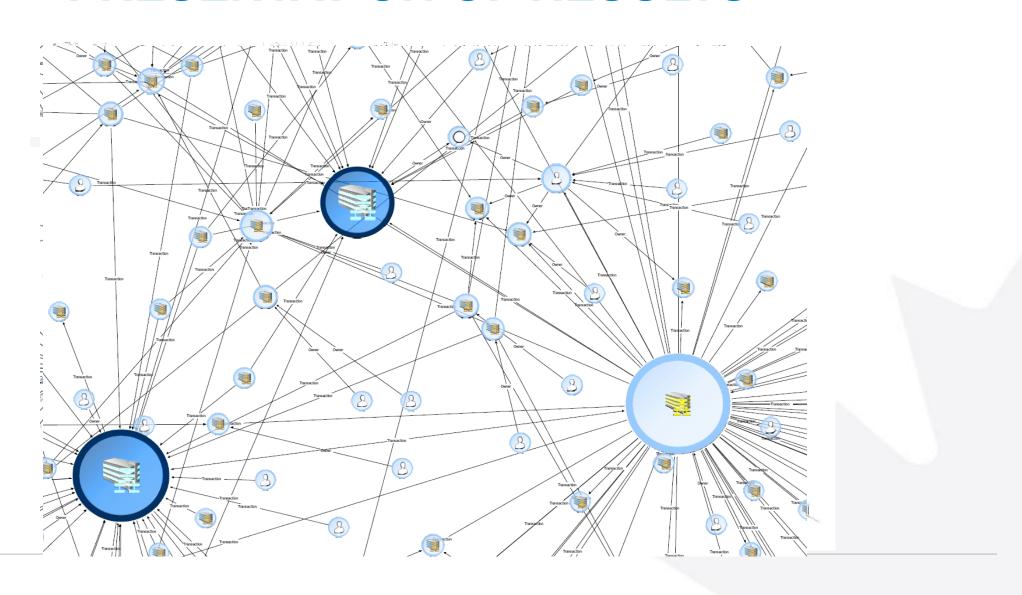
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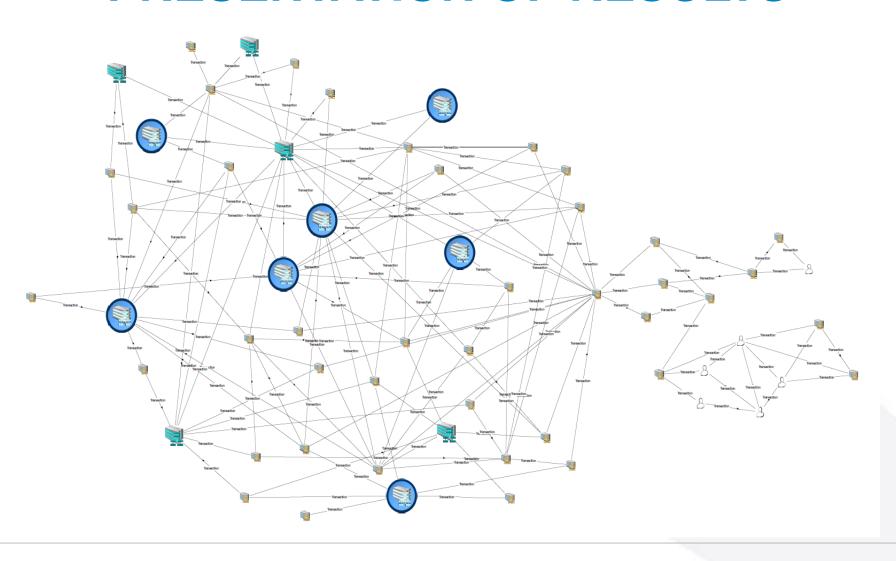
LEVERAGING DATA



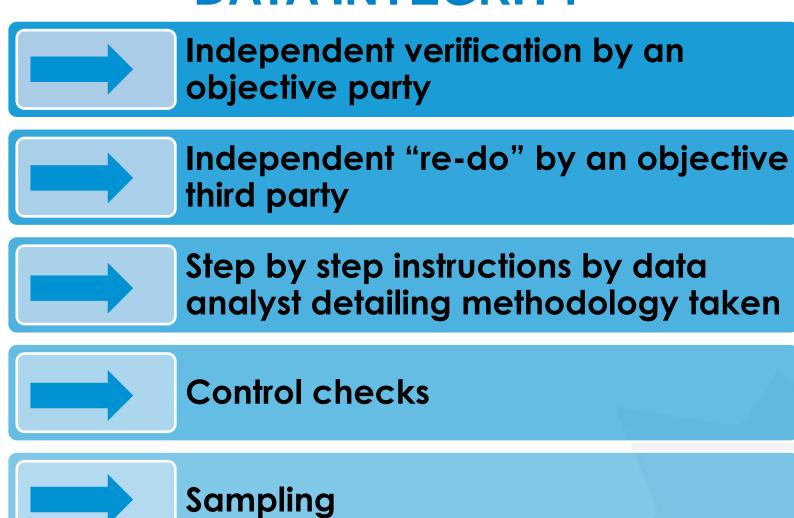
PRESENTATION OF RESULTS



PRESENTATION OF RESULTS



DATA INTEGRITY



MAJOR CASE ANALYTIC TAKEAWAY

- Have a system in place
- Know what tools you need/are available
- Have a plan
- Leverage your team
- Don't be afraid of voluminous datasets

INTERVIEWS AND MAJOR CASES

Some interview basics that still apply in major cases:

Preparation is vital

Interview sequencing

Familiarity with the case

Outline vs. Questionnaire?

HOW ARE INTERVIEWS DIFFERENT IN A MAJOR CASE?

- Number of interviews
- Inconsistency in interviewer(s)
- Theory of the case / facts can be complex to follow
- Administrative aspect can be a burden



WHAT CAN WE DO TO MITIGATE THESE RISKS?

An Interview Coordinator can assist in Major Case Interviews



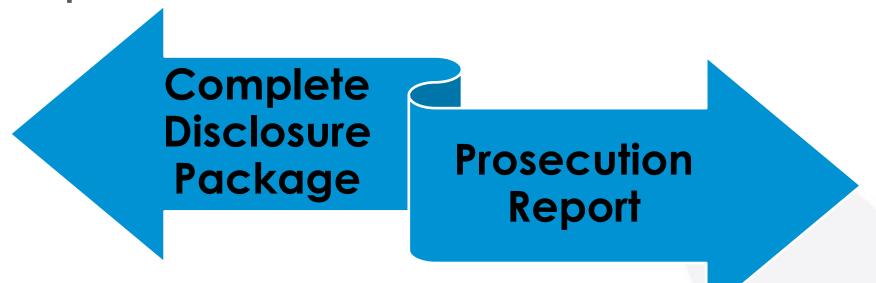
WHAT CAN WE DO TO MITIGATE THESE RISKS?

Knowledge of case facts by all interviewers will help focus the interview to "what we need to know"

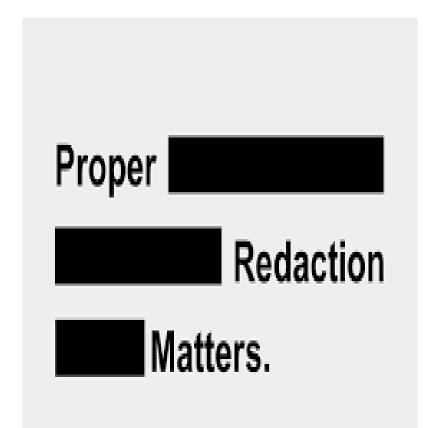
Regular team meetings and discussions should include the topic of ongoing witness interviews, what we have learned, where the new information will take us (what's different?)

CHARGING DECISION The beginning of the end...

At the end of all criminal investigations the prosecutor requires the following to proceed with a case...



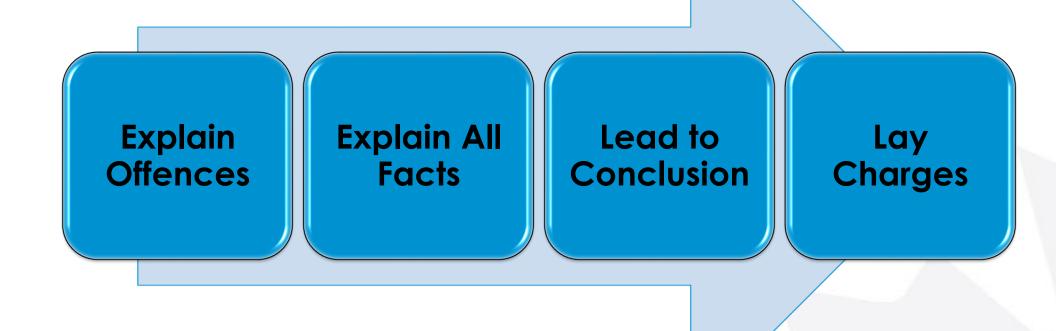
REDACTION AND DISCLOSURE



Redaction - The censoring or obscuring of part of a text for legal or security purposes (Oxford Dictionary)

Disclosure - The process and rules governing the exchange of information between the parties to prepare for legal proceedings.

CHARGING DECISION



YOUR FINAL REVIEW Ask yourself: Does your report...?

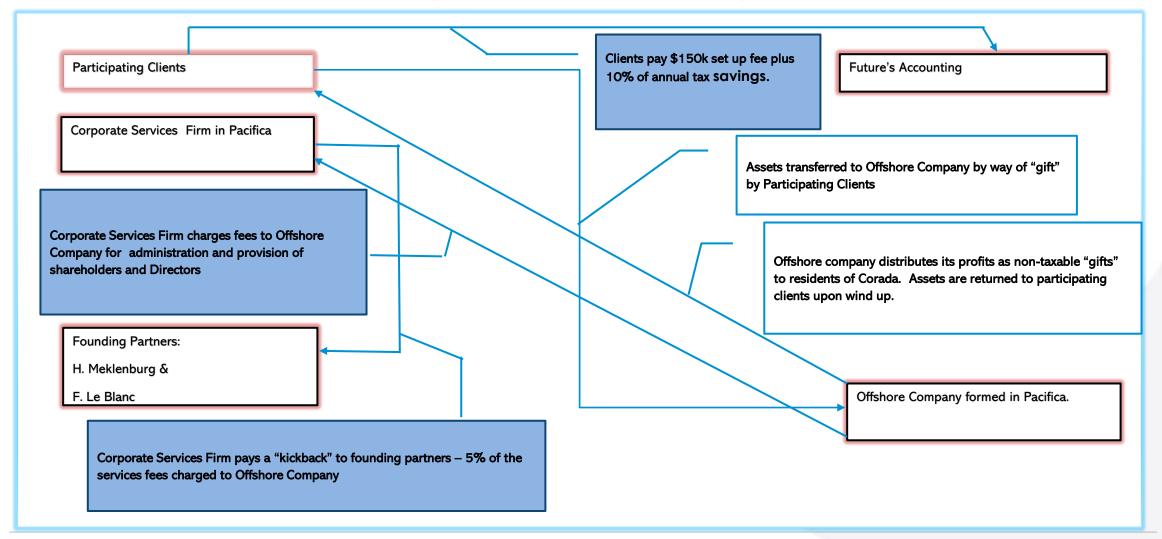
Give the reader the context for the investigation?

 Explain how the evidence was collected?

 Tell the story of the fraud/scheme under investigation? and

Provide a basis for the conclusion?

CASE STUDY Putting the Pieces Together



PRINCIPLES OF MAJOR CASE MANAGEMENT



SUCCEEDING Who can help you get better and succeed?



It's not what you've <u>learned</u>... it's what you <u>use</u> and <u>how you use it</u>.



IMPLEMENTING WHAT YOU HAVE LEARNED Be proactive

- Make note of the learning and / or best practices that you will
 - Adapt
 - Adopt
 - Apply



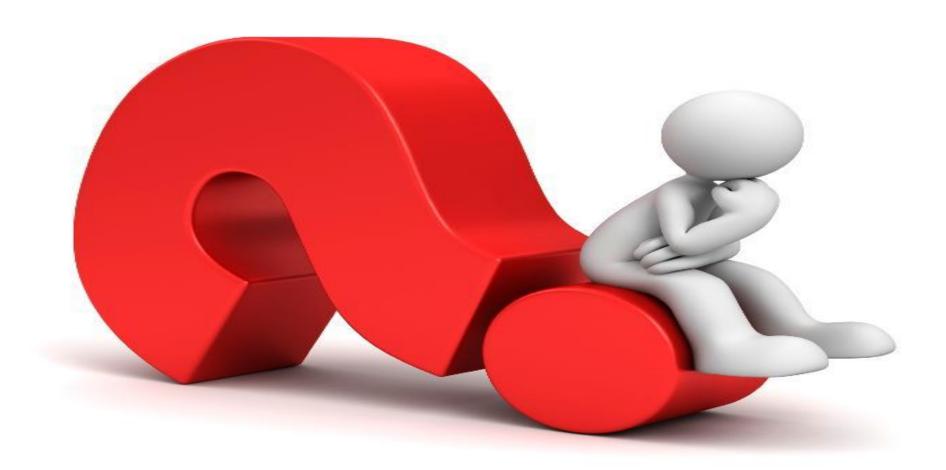
FINAL THOUGHTS

Remain calm, have fun



Always – I repeat always "tell the truth" - You only have one reputation

QUESTIONS?





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Conducting Financial Investigations



