

# **GUIDELINES: HOW TO HANDLE AN UNEXPECTED GOVERNMENT VISIT**

**If the government visits unexpectedly, immediately call the following people in this order:**

1.	Chief Ethics and Compliance Officer	Name and Contact Information
2.	General Counsel	Name and Contact Information
3.	Corporate Counsel	Name and Contact Information
4.	Manager, Compliance and Investigation	Name and Contact Information
5.	Global Security	Contact Information

See Appendix A for a snapshot checklist of these guidelines.

## **INTRODUCTION**

It is Company's policy to comply with all laws and regulations in every jurisdiction in which Company operates and to always cooperate with law enforcement officials. Government officials include representatives from all governments and their respective agencies, including those from the United States, Inspectors General (IG), local government, U.S. or local law enforcement, and any individual holding themselves out as a representative of a U.S. or local government or one of its agencies.

Under various laws, regulations, and terms and conditions of our award agreements, government officials have the right to review our programmatic and financial records and to inspect our project premises under certain circumstances. While Company respects the right of authorized government officials to ensure that project activities and expenditures comply with its legal requirements, Company has the responsibility to protect the integrity of its records, project documentation, and project activities.

From time to time, authorized government officials may ask Company field personnel to provide information, documentation, or tours of offices. Typically, these officials will arrange their requests or visits in advance with individuals at Headquarters (HQ), or the in-country Chief of Party, Country Director, or Regional Manager. In those cases, Company personnel know the purpose of the visit, what information or documentation is requested, and the roles and responsibilities of the individuals making the request. It is Company's policy to cooperate to the fullest extent practicable with reasonable requests for information by any authorized government official.

However, it is possible that authorized government officials may visit Company offices without prior notification to any Company employee. These guidelines provide a framework to help you navigate such unexpected visits. At all times, it is important to remain cooperative and professional with any government official. Under no circumstances should you (or any other Company employee) delete, destroy, or alter any documents, or otherwise hide or obscure potential evidence, in response to a visit or request from an authorized government official.

### **HOW TO HANDLE UNEXPECTED VISITS FROM AUTHORIZED GOVERNMENT OFFICIALS**

#### **1. Immediately Contact the Highest Ranking Employee On Site, HQ, and Security**

If you unexpectedly encounter someone identifying themselves as a government representative at a Company office, you should immediately notify the highest ranking Company employee currently on site, such as the Chief of Party, Country Representative, or Director of Finance and Administration. This individual will serve as the single point of contact for any authorized government official. Request the officials to wait near the reception area until the highest ranking Company employee arrives, but do not obstruct the officials movements.

You must also contact the individuals from HQ on the cover of this guidance document. If a listed individual is not available, please leave a detailed message indicating your name, the general circumstances, and a contact number where they can reach you. Keep calling, or

designate someone to keep calling, the individuals in descending order on the list until you speak with one of them.

You should also inform local security of the unexpected visitors, so they can undertake necessary security procedures for the visitors and Company employees.

## **2. Verify the Identity of Unexpected Visitors**

You must confirm the unanticipated visitors are in fact authorized government officials. Start by determining who the lead official is for the visit. You should then ask that individual to verify the identities of all the unanticipated visitors by presenting the visitors' identification cards, passports, or governmental badges. If at all possible, obtain a business card or a photocopy of the identification documents. Also, obtain the visitors' names, organizational affiliation, position, and contact information, including telephone numbers, physical addresses, and e-mail addresses. You should also secure the name and contact information of the unanticipated visitors' immediate supervisor.

**Note:** An optional form is located in Appendix B to assist in gathering this information.

## **3. Ask if They Have a Subpoena, Warrant, or Like Documentation**

If not immediately offered, you should request to see a copy of any subpoena, warrant, or any like authorization to conduct a search or visit of the Company office. Do not sign anything until you speak with the Chief Ethics and Compliance Officer, the General Counsel, or the Corporate Counsel.

### **a. If They Present a Subpoena, Warrant, or Like Documentation**

Request an opportunity to review the subpoena, search warrant, or other equivalent documentation. Review the document very carefully and immediately copy and email the document to \_\_\_\_\_, the Chief Ethics and Compliance Officer at [hotline@Company.org](mailto:hotline@Company.org), and \_\_\_\_\_, the General Counsel at [legal@Company.org](mailto:legal@Company.org).

The document should specify a limited scope for their search. Authorized government officials are not entitled to access any document, property, or area other than that specifically described in the subpoena or warrant.

- Do not physically obstruct government officials, but do not be afraid to object in a polite and professional manner if an authorized government official strays beyond the scope of the subpoena or warrant.
- Do not engage in an argument regardless of the demeanor of the government official.
- Do not leave authorized government officials alone on the Company premises.
- Do not leave any Company employee alone with the authorized government officials.

While it is Company's policy to cooperate with authorized government officials, you are under no obligation to assist in conducting a search or review. It is appropriate for you to monitor and

document the search or investigation even to the point of videotaping what transpires, so long as it does not interfere with their ability to conduct the search. Instruct any non-essential personnel in the area of the search to relocate to a centralized location, such as a conference room, until the search is complete.

Request as detailed an inventory as practical of all seized items. You and the authorized government official should sign each page of the inventory.

#### **b. If They Do Not Present a Subpoena, Warrant, or Like Documentation**

If the authorized government officials do not produce a subpoena, warrant, or any similar authorization for a search or document review, you should express Company's willingness to cooperate with the authorized government official. However, you should not consent to any search or removal of documentation at that time. Indicate that Company will preserve all documentation and assure the authorized government officials that there is no danger that any Company employee would destroy any documentation. Request the authorized government officials to make a detailed request in writing to \_\_\_\_\_, the Chief Ethics and Compliance Officer, who will coordinate an appropriate response with the authorized government official. This will provide the highest probability that Company will locate and identify the most complete and thorough set of documents as possible for their request.

If the authorized government officials insist on removing documentation, you should request that only copies be removed. If that is not acceptable, you should request copies of the originals before the officials remove them, so Company maintains a complete set of its records. In any circumstances, you should request a detailed inventory of all items removed. You and the authorized government official should sign each page of the inventory.

Under no circumstances should you obstruct or otherwise interfere with the search, even if the authorized government officials do not present a warrant or subpoena. As in the case of a warrant or subpoena, it is appropriate for Company to monitor and document the search or investigation even to the point of videotaping what transpires. Instruct any non-essential personnel in the area of the search to relocate to a centralized location, such as a conference room, until the search is complete.

#### **4. Requests for Interviews**

Authorized government officials may request to interview Company employees. You are not legally obligated to consent to an interview. It is entirely your choice whether or not to consent to an interview with authorized government officials. If you consent to an interview, you may set conditions as to timing, location, and duration. If you agree to an interview at a Company office during business hours, then Company's General Counsel or Chief Ethics and Compliance Officer must be present for the interview.

You may wish to hold the interview after speaking with Company or outside advisors. You may wish to consult with and have an attorney present during the interview. It is important to remember that attorneys who work for Company are legal representatives of Company as an organization, but are not your personal legal representative.

Once an interview begins, you may stop the interview at any time. If you consent to an interview, you should answer truthfully and completely on matters about which you have definite knowledge. If you do not know an answer, or are at all unsure about the answer to a question, it is perfectly acceptable to answer, "I do not know." If you do not understand any part of a question, it is also acceptable to say you do not understand and request the official to clarify or rephrase the question. Not answering questions truthfully may expose you to criminal or civil liability. The government may later use any of your statements against you.

### **5. Document What Transpired as Soon as Possible**

After the authorized government officials leave the Company premises, you should document what transpired in writing as soon as possible, but no later than 24 hours after the visit. Your goal is to create a record of everything that happened in as much detail as possible. Your documentation should include a summary of who the government officials were, what they were investigating, whether or not a warrant, subpoena, or other documents were provided, any questions they asked, any discussions overheard between the officials, the names of every employee with whom they spoke, what areas of the facility they searched, and what documents, if any, were removed or copied. You should also write down any impressions you had of the officials, their demeanor, wording of their questions, and indications of possible interests of their search.

**Note:** An optional outline for documenting the encounter is located in Appendix C.

As soon as possible, you should also schedule a conference with the Chief Ethics and Compliance Officer, and the General Counsel, to provide a debriefing on the incident and to discuss any follow-up required by Company.

**Appendix A — Checklist:  
How to Handle Unexpected Visits from Authorized Government Officials**

At all times: Be cooperative and professional. Do not obstruct. Do not destroy any documents.

1. Immediately Contact:
  - a. The highest ranking employee on site, such as the Chief of Party, Country Representative, or Director of Finance and Administration
  - b. HQ
    - i. Chief Ethics and Compliance Officer  
Name and Contact Information
    - ii. General Counsel  
Name and Contact Information
    - iii. Corporate Counsel  
Name and Contact Information
    - iv. Manager, Compliance Investigation  
Name and Contact Information
    - v. Global Security  
Contact Information
  - c. Security
2. Verify the Identity of Unexpected Visitors (See Appendix B)
3. Ask if They Have a Subpoena, Warrant, or Like Documentation
  - a. If Yes - Review it, request to make a copy, and email a copy to HQ
  - b. If No - Do not consent to a search. Ask the authorized government officials to make a detailed request in writing to the Chief Ethics and Compliance Officer.
4. Requests for Interviews

Employee participation is not required. If interviewed at a Company office during business hours, then the General Counsel or Chief Ethics and Compliance Officer must be present.
5. Document What Transpired as Soon as Possible (See Appendix C)

**Appendix B — Identity and Contact Information**

Full Name:	
Title/Position:	
Government Agency or Organization:	
ID Credential Provided and ID/Badge Number: (obtain a copy, if possible)	
Physical Address:	
Phone Number:	
Email Address:	
Supervisor Name & Title:	
Supervisor Contact Information:	

Full Name:	
Title/Position:	
Government Agency or Organization:	
ID Credential Provided and ID/Badge Number: (obtain a copy, if possible)	
Physical Address:	
Phone Number:	
Email Address:	
Supervisor Name & Title:	
Supervisor Contact Information:	

### Appendix C — Documenting the Unexpected Government Visit

Date and time of visit:	Approximate total duration of visit:
Lead Government Representative (Name/Title):	
Agency/Organization(s):	Number of Representatives:
Did they have a warrant/subpoena/or like document?	Did you make a copy?
Who made the first contact on behalf of Company:	
Who acted as the lead during the visit on behalf of Company:	
Identify any programs, vendors, employees, or other entity as the subject(s) of their visit:	
What documents or areas did they search?	
Did they take anything?	Originals or copies?
Did they provide an inventory of items taken?	Is it accurate?
Did they interview anyone?	
If so, who:	

Provide a detailed summary of what happened in your own words. If you can, detail any rationale they provided for the visit, questions they asked, discussions you overheard between the officials, and any impressions you had of the officials, including their demeanor and wording of their questions.

