

SOLVE: INTERACTIVE & SOLVE: IMMERSIVE

- GAINING AUTHENTIC INSIGHT AND TESTING UNCERTAINTY
SAFELY



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Introduction

Amicus Legal Consultants has been engaged in training, advice/decision-making qualitative enhancement, and crisis prevention and response for a number of years in a wide range of jurisdictions (and across many subject matters). Our experience has shown us that the best way for professionals to learn or for individuals/organisations to plan and prepare is by rehearsing advice giving, decision-making and risk management in a 'safe', but 'true to life', learning environment. At Amicus, we have achieved this by the creation of realistic, but challenging, scenarios, which are then channelled through the **Solve: Immersive** system and rigorously tested by the facilitators. The system employs current, but easy to use, software.

Equally, there may be instances when an organisation needs to identify its strengths and vulnerabilities in order to quality assure or amend procedures, or implement lessons learned following a critical incident, but where those with the most knowledge within the company/organisation are reluctant to speak out for a host of reasons: shyness, hierarchy, cultural or fear (real or misplaced). That is why we use a complementary, technology-based method, **Solve: Interactive**, which captures your staff's experiences, feedback and ideas in a manner that results in workable solutions being arrived at by those within the organisation itself.

Solve is:

- › User-friendly and straightforward for any participant with basic computer skills;
- › Designed to assist an organisation to achieve results;
- › Entirely secure, with nothing installed onto individual devices;
- › Web-based technology, capable of being utilised at a single location or remotely via several locations;
- › Capable of being conducted in any language;
- › Cost-effective.

The Problems We 'Solve':

Keep off the Front Page

And stay out of jail. It sounds melodramatic until it happens. Co-founded by former prosecutors, Solve:Immersive understands well what is at stake.

If you still need a business case, try this: On 21 April 2017, a US federal judge ordered Volkswagen "to pay a \$2.8 billion criminal fine for rigging diesel-powered vehicles to cheat on government emissions tests." In other news, Volkswagen's stock price halved, wiping out \$30 billion of shareholder value.

Policy Testing & Risk Assurance

Solve: Interactive and Solve:Immersive can rigorously stress test your policies and procedures, across a number of dimensions based on their deep experience of actual employee behaviour under stress, practical implementation realities, and existing successful criminal and civil prosecutions.

Crisis Debriefs & Organisational Memory

The Solve:Immersive team has deep experience across commercial, government and security organisations in crisis debriefing, the critical aspect of which being to not just extract, but also embed learning within the organisation's DNA to guard against repetition, knowing that no situation ever truly exactly repeats itself.

Leadership & Decision Making Development

Decision making lies at the heart of crisis management. The techniques and tools developed for use in extreme situations work exceptionally well in more regular business-as-usual situations. The Solve:Immersive program will identify and develop your management staff with the most potential to advance and contribute to your senior leadership team.

Crisis Preparedness

Prevention is better than cure. Putting in place key habits and behaviour norms can nip crises in the bud. Almost all crises have their starting points in known issues, many of which stretch back years. It's not just the benefit of hindsight that enables us to see bumping passengers off planes might cause issues. With foresight we can also predict the potential for problems with decreasing leg room on long distance flights, medical conditions like deep vein thrombosis, and the increasing use of no-win, no-fee class action law suits.

A good alternative definition of a crisis is "the first time something bad happens".

Departmental Coordination & Multi-Partner Liaison

Organisations of any size inevitably balkanise. Formal inter-departmental communications, whilst enabling business-as-usual activity, can hinder a fluid response to an out-of-band situation. It's critical employees know when to follow the intent rather than the letter of protocols. A key point is that "organisation" is the entire supply chain or contractor ecosystem. Communications and escalations need to work smoothly across these. The most basic rule of PR is "don't abdicate responsibility".

By dealing with real issues in a realistic but safe environment, participants emerge with more complete knowledge of both themselves and their co-workers - a key component of team building.



Solve: Immersive - How it Works

Realistic but Practical

Solve:Immersive uses a workshop format with teams of up to 5 assisted by an experienced moderator. The scenario is introduced using realistic multimedia assets, and is paced by the moderator to both assist and stress the teams as appropriate to maximise their learning. Using former journalists, we create news videos exactly as CNN would, indeed with many of the same staff. The realism is not a gimmick, but a key component in underlining that one day this will not be an exercise.

Solve:Immersive is delivered by a state of the art software system ensuring privacy and security throughout the exercise.

Tailored to your Organisation

Solve:Immersive can provide not only off the shelf workshops, but also we can customise and create completely bespoke scenarios appropriate to your organisation and can also provide materials on a “teach the teacher” basis for further organisation wide and supply chain wide distribution.

Secure, Safe Environment for Honest Interactive Feedback

A Google study of effective teams came up with an interesting observation – one of the most effective metrics was the degree of psychological safety the team felt in proposing and supporting ideas. Solve:Immersive participants work within a secure, safe environment for honest interactive feedback. This works to surface issues and is a cathartic experience for employees.

Solve:Immersive moderators work carefully to neutralise power gradients caused by both organisational and informal peer hierarchies which can stifle honest communication.

Fully Auditable

A key component of the Solve:Immersive approach is accountability and auditability. By performing a comprehensive peer analysis we create a documented appraisal of your staff’s performance, potential, and personal development goals. This is coupled with a similarly in depth and documented analysis of the policies and procedures in place.

Solve: Interactive - How it Works

Realistic but Practical

A powerful a pre-/debriefing method and tool with which to gain an open, unbiased insight into the understanding and thoughts of the participants and is often, but not exclusively, deployed to assess decisions and responses following an incident (critical or otherwise).

Tailored to your Organisation

Solve:Interactive is always tailored to the aims and purpose of the debriefing. It is a blank canvas on which those participating can share their thoughts, opinions and views. The methodology overcomes challenges, such as hierarchical constraints, 'fear' of speaking, shyness of individuals and cultural reasons (for instance, in certain cultures junior members of staff may not feel at ease to speak up in front of senior members)

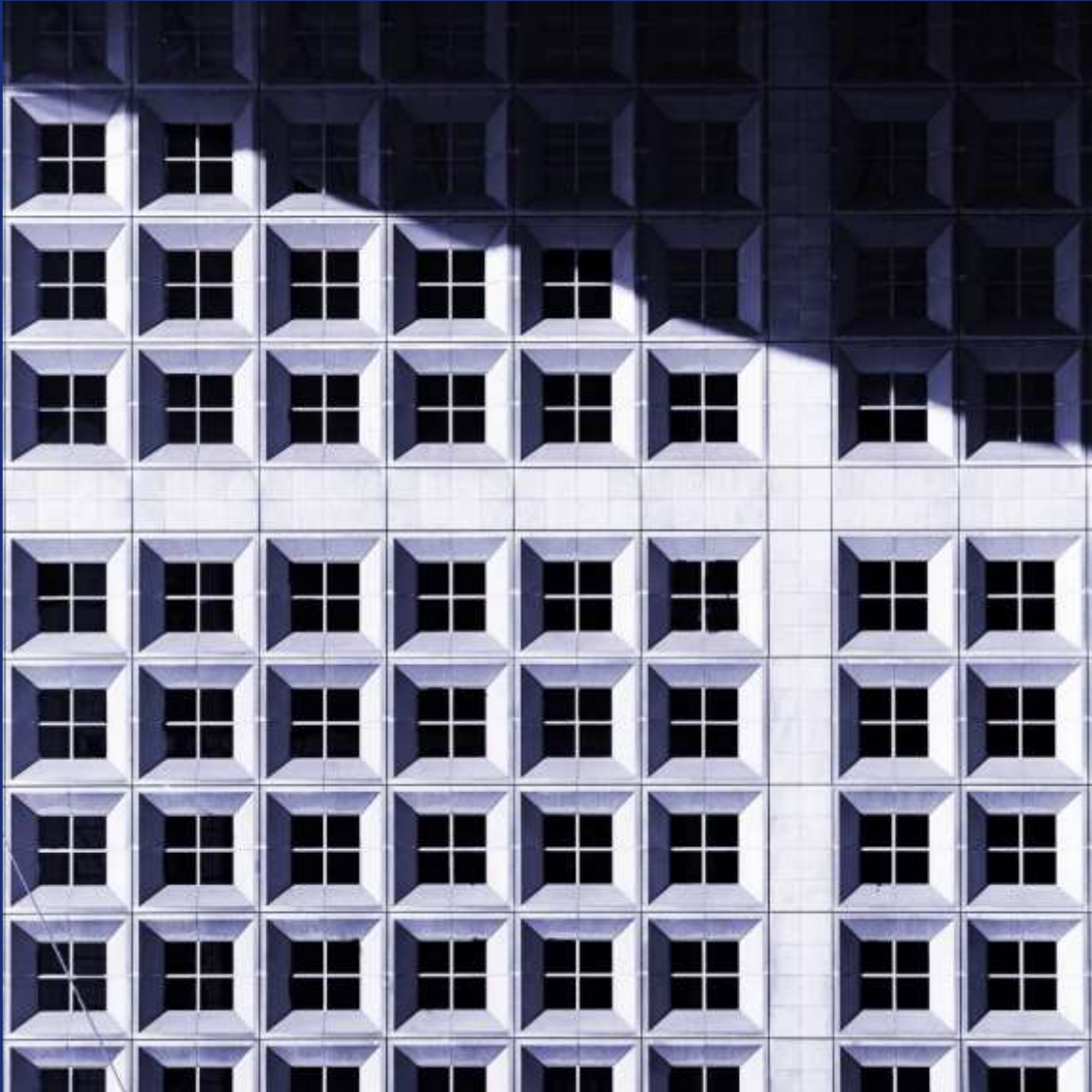
Secure, Safe Environment for Honest Interactive Feedback

At its heart is the ability to fully anonymise those participating in the session. This allows for an honest, frank and open 'discussion' without inhibition. Helps to identify issues facing an organisation (good, bad and indifferent issues) and leads to the development of processes, procedures and training programmes that may truly reflect the need of the organisation!

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Case Studies



London-based Investment Bank

Problem

The bank uncovered a possible data security breach, following a software upgrade implemented by IT contractors two days previously. The Head of Risk learnt that subsequent vulnerabilities allowed a hacker to gain access to encrypted data. The unusual behaviour detected by monitoring systems raised questions as to why it took two days to detect.

Solution

An anonymised debriefing was devised and facilitated through Solve:Interactive (in a combination of individual discipline and multi-disciplinary sessions), resulting in the identification of shortcomings and underlying reasons.

Results

Crisis response plan revised and changes made to ensure distinct strategic and operational responses. In addition, communication policy flaws (too much internal briefing, no 'need to know' approach) were corrected.



International Law Firm

Problem

The firm wanted to engage with General Counsel from existing and potential corporate clients in respect of foreign bribery (UK Bribery Act & US FCPA), corporate governance, whistleblower handling (duty of care issues etc.) internal investigations, self-reporting to regulatory authorities, jurisdictional risks and reputational issues.

Solution

Amicus devised and facilitated a critical incident immersive exercise for a group of sixteen General Counsel. Participants were split into small crisis management teams and, over the course of three hours, each member was required to act as sole decision-maker at key stages of the exercise (taking advice from the rest of the team).

Results

By the end of the session, participants had identified additional needs and services required. Those included substantive advice upon internal investigations processes, guidance on the parameters of LPP, and effective procedures to address vulnerabilities in crisis management response.



International Consumer Brand

Problem

A key international brand with a global presence wished to test its crisis management process and procedures, and to ascertain in particular, whether relevant staff understood and were able appropriately to implement the company policies on:

- Crisis handling, including communications/media handling
- Command and control structure
- Inter-departmental co-ordination & communication
- Customer handling & interface

Solution

Based on the client's existing paper based crisis exercise, we re-created the exercise using multimedia feeds (video, social media, news coverage, documentary and audio) and conducted a one day session with Solve:Immersive.

Results

The participants found that Solve:Immersive delivered a more dynamic and realistic scenario (as opposed to the linear approach of paper based exercises). The exercise also helped participants to appreciate and address wider issues: reputation, legal, decision making and recording decisions.



US State Department

Problem

The US State Dept. identified that Intelligence services, law enforcement agencies and prosecutors of the Maghreb and Sahel regions were in need of greater counter-terrorism coordination and an enhancement of their capabilities (including human rights compliance) when seeking to turn intelligence into evidence and when running intelligence-led operations. Further, a need existed to create concentrated centres of excellence in order to handle serious or complex cases and to help propagate best practices within each of the jurisdictions of the regions.

Solution

A five day course was designed and developed, built around a Solve:Immersive exercise, and featuring front-end loaded and interspersed knowledge-giving sessions. The sessions required participants to have conduct of a case from initial intelligence evaluation, through intelligence development, to investigation and prosecution. Participants were assigned to small, multi-disciplinary teams, and were each required, to make a number of operational decisions at key stages. Each decision was required to be recorded, with reasoning articulated, and was subject to debrief, scrutiny and challenge.

Solve:Interactive was also used during the exercise to obtain frank insight into the challenges that participants face in counter-terrorism/serious crime investigations and to help arrive at workable and contextually appropriate solutions to existing difficulties.

Results

Participants reported that the exercise gave them an opportunity, in many cases for the first time, to understand the inter-relationship between intelligence and evidence-gathering and the need to have investigative and prosecutorial strategies that are both adaptable and subject to ongoing review. Subsequent feedback from the national authorities confirmed that most of the key best practices to which the participants were exposed are now being put into practice within specialist units/directorates. As the exercise progressed, it was noted that more detailed and defensible rationalisation was underpinning the decisions being made.



KL Global Bank

Problem

A major South-East Asian bank wished to stress test, and, where necessary, enhance its risk response, crisis management, business continuity and HR plans and procedures. At the same time, it was keen to provide practical, targeted training to a range of decision makers and other key staff in readiness for any critical incident that might arise in the future.

Solution

A one day Solve:Immersive exercise was delivered to decision makers and key staff. The scenario was shaped around a cyber breach brought about by the behaviour of a compromised employee with participants also having to contend with shortcomings in AML procedures, communications challenges created by social media and the need to shape and strategise an internal investigation.

The exercise highlighted gaps and inconsistencies in existing corporate procedures (thereby enabling them to be subsequently) addressed, identified additional tools and methods required for internal investigations and enabled the participants to rehearse and improve their decision making.

Results

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THE TEAM

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Martin Polaine is a lawyer of 30 years experience and a Fellow of the Chartered Institute of Arbitrators (FCI Arb). He has advised states, corporates and NGOs in the US, Africa, Asia and Europe on public international law and international/transnational criminal law. His work has included treaty negotiation and drafting, international human rights law, the law of armed conflict, anti-corruption, counter-terrorism, countering maritime piracy, international co-operation in criminal matters, international sanctions, statehood/the recognition of states, immunities and international dispute resolution (including ICSID). He also has a strong and complementary background as a practising barrister and former senior prosecutor, and was instrumental in the creation of the Independent Police Complaints Commission.

Martin is an experienced facilitator and crisis preparedness professional, who has conducted well over 200 exercises in both the public & private sector. Since the late 1990s, he has debriefed a wide range of critical incidents, including counter-terrorism response.

Martin holds a degree in History from the University of Manchester, and is a member of the Bar of England and Wales. He also holds a postgraduate degree in Public International Law from Concordia College, USA, a Certificate in US Constitutional Law from Yale University, USA and a Certificate in International Criminal Law from Case Western Reserve University (Ohio, USA).



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Arvinder Sambei is a former Senior Crown Prosecutor with the Crown Prosecution Service of England & Wales with established experience and expertise spanning various areas involving criminal justice. She was engaged in numerous high-profile extradition cases, counter-terrorism, transnational and war crimes cases in the UK.

Arvinder was the Head of the Criminal Law Section at the Commonwealth Secretariat from 2005 to 2008, where she was primarily responsible for the daily running of the Section and the design and delivery of training programs/courses. Prior to that Arvinder was the Legal Adviser to the Permanent Joint Headquarters (PJHQ) providing real-time operational advice and guidance to Iraq and Afghanistan theatre forces.

Arvinder has published widely and in addition to a wide range of papers, she is the co-author of the *Extradition Law Handbook* (Oxford University Press, 2005) and *Counter-Terrorism Law & Practice: An International Handbook* (Oxford University Press 2009). She was also a contributing author to *Extradition and Mutual Legal Assistance Handbook* (Oxford University Press, 2010).

Arvinder is an experienced facilitator and trainer, and has been engaged in designing & delivering workshops for a number of years. She facilitates and leads training workshops on behalf of international organisations, law firms and the private sector on anti-corruption, AML/CFT, counter-terrorism, dawn raids, and corporate governance.





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