

# Investigative Strategy and Techniques

ICN CARTEL WORKSHOP  
PLENARY I  
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# Investigation Process in Japan

I Preparation Stage

II Investigation Stage

# I Preparation Stage

➤ Clue of cases

*No case without clue*

- Proactive detection by JFTC  
e.g. Obtaining general information through open resources
- Report by the public  
e.g. Complaints by a party suffered from violation
- Report by a party concerned  
e.g. Self-reports by a leniency applicant

➤ Initial review

*The process of separating the wheat from the chaff*

- Analyzing and gathering information
  - Obtained from the parties related
  - Found in public domain
  - Inspired by past case database

➤ Setting priorities

*Grasp all, loose all*

- Taking into account
  - Impact on market and society
  - Volume and quantity of evidence
  - International aspects
  - Resources allocated to the team



## II Investigation Stage

### ➤ Administrative or criminal

- Investigation under administrative procedure
- Compulsory investigation under criminal procedure

➤ Tools to be used in investigation

*Determination of the best portfolio of the tools is the key to success*

- On-the-spot inspection
  - Selecting premises to search
  - Identifying contents/types of documents to be seized
  - Organizing search teams
  - Deciding timing of inspection, especially in the cross-border cases

- Interview and record of statements
  - Clarifying the subject to be questioned
  - Identifying individuals who are the most suitable to interview
  - Refreshing the memories of the interviewees
  - Establishing relationship of trust with the parties concerned

- Order to report
  - Identifying the addressee and the subject
  - Formatting report in accordance with the subject
  - Obtaining basic knowledge of the relevant industry in advance
  - Encouraging the addressees to state their views and disclose counter-evidence

- Digital forensic
  - Establishing special unit consisted of experts
  - Assigning the unit member to each inspection team
  - Acknowledging about the data processing system of the parties concerned ASAP
  - Identifying the software and devices to capture the data