



- Identity Theft – Overall Increase: 67%, Significant Increase: 29%

According to the said study, the primary reasons that fighting fraud has become more difficult are tied predominantly to the physical restrictions currently placed on individuals in many locations. In parallel, when asked about their most prominent challenges in combating fraud in the current environment, respondents noted the inability to travel, issues with conducting remote interviews, and lack of access to evidence as their top difficulties. Indeed, these challenges appear to have caused the compliance and internal investigation procedures to follow an extraordinary path during the pandemic. As a matter of fact, both compliance officers and those who manage the legal aspect of internal investigations are facing newly emerging issues, e.g. the cybersecurity threats welcoming new fraud cases, privacy of remote interviews, conditions of obtaining and sharing the evidence.

Nonetheless, aside from the internal challenges, there have been also several matters to consider regarding the external investigations conducted before public prosecutors or administrative authorities. As per the Presidential Decree No. 2020/4<sup>[6]</sup> and the letter issued by the Council of Judges and Prosecutors (“the Council”) on 23 March 2020<sup>[7]</sup>, all judges and public prosecutors started working from home except for an adequate number of judges and public prosecutors determined from each unit to carry out urgent tasks, handle the proceedings involving arrestee, and fulfil any requests for stay of execution. Later, following the suspension of judiciary terms until 30 April 2020 pursuant to Temporary Article 1 of the Law No. 7226 on Amendment of Certain Laws<sup>[8]</sup>, the Council decided on 30 March 2020 that judges and public prosecutors shall carry out their tasks in scope of flexible working arrangements such as rotation or remote working; and conduct file examinations, issue decisions and fulfil any other obligations regarding mandatory judiciary services from home, to the possible extent<sup>[9]</sup>. The Council then decided to sustain such measures until 15 June 2020 with the decision of 30 April 2020<sup>[10]</sup>, and set out a roadmap to determine the action plan for returning to the new normal with the announcement of 29 May 2020<sup>[11]</sup>. While public prosecutors switched to remote working in scope of the said measures, the new arrangements inevitably affected the investigation processes during this course of time.



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In addition to the above, due to the long-term curfews imposed on specific risk groups and the measures and restrictions implemented by public authorities in time, police forces lived several obstacles during the most critical phases of COVID-19. In this context, there have been certain cases where police units were unable to take suspect or witness statements in practice.

As of the writing date of this article, both public prosecutors and police forces have returned to the usual order, and investigation and trial proceedings currently function as per the regular array. However, since many companies have not returned to their physical workplaces yet, it is still a question mark which route to follow in case of a potential search to be conducted in scope of criminal investigations at the workplaces that are currently inactive. According to the relevant provisions of the Penal Procedure Code and the Regulation on Criminal and Preventive Searches, in the event that the owner of the property to be searched is not present, the search can be conducted in presence of the owner's representative or relatives having mental competence, an individual residing with the owner, or a neighbour. Therefore, concerning the inactive workplaces, police forces are presumed to conduct criminal searches in presence of search witnesses.

Due to the risks that companies may face both internally and during the criminal investigation processes, it is now more crucial than ever for companies to stimulate their fraud detection methods, standards and surveillance systems, trainings and audits, risk assessment processes and recovery mechanisms efficiently. As of the writing date of this article, considering the increasing number of COVID-19 cases and the general corporate approach towards extension of remote and flexible working, the impacts of COVID-19 pandemic seems to extend to the next year as well.

Special thanks to Kardelen Özden for her contributions.