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DOJ Criminal Division updates guidance on evaluating corporate compliance programs

On May 6, 2019, The National Law Review reported, "The U.S. Department of Justice (DOJ) has released updated guidance on evaluating corporate compliance programs. The Evaluation of Corporate Compliance Programs updates prior guidance that was released by DOJ in February 2017."

According to the DOJ April 30 press release, "'Effective compliance programs play a critical role in preventing misconduct, facilitating investigations, and informing fair resolutions,' Assistant Attorney General Brian A. Benczkowski said. 'Today's guidance document is part of our broader efforts in training, hiring, and enforcement to help promote corporate behaviors that benefit the American public and ensure that prosecutors evaluate the effectiveness of compliance in a rigorous and transparent manner.'"

The press release notes, "To that end, Part I of the document discusses various hallmarks of a well-designed compliance program relating to risk assessment, company policies and procedures, training and communications, confidential reporting structure and investigation process, third-party management, and mergers and acquisitions. Part II details features of effective implementation of a compliance program, including commitment by senior and middle management, autonomy and resources, and incentives and disciplinary measures. Finally, Part III discusses metrics of whether a compliance program is in fact operating effectively, exploring a program's capacity for continuous improvement, periodic testing, and review, investigation of misconduct, and analysis and remediation of underlying misconduct."

The National Review: https://bit.ly/2J8ZPBB

DOJ press release: https://bit.ly/2J797hu

DOJ guidance document: https://bit.ly/2lEphmk

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