Report on Medicare Compliance Volume 30, Number 40. November 08, 2021

Deputy AG 'Reinstates' Yates Memo, Links It to Corporate Culture

By Nina Youngstrom

In a new memo, Deputy Attorney General (DAG) Lisa Monaco set the table for more vigorous corporate fraud enforcement with revised Department of Justice (DOJ) policies and procedures.[1] The memo restores the 2015 Yates memo, which requires corporations to disclose "relevant facts about the individuals involved in corporate misconduct" if they want cooperation credit from DOJ when resolving fraud and other white-collar crime cases.[2]

Monaco drew a connection between an organization's corporate culture and the Yates memo, also known as the Individual Accountability Policy. "A corporate culture that fails to hold individuals accountable, or fails to invest in compliance—or worse, that thumbs its nose at compliance—leads to bad results," she said during a speech at the American Bar Association's National Institute on White Collar Crime Oct. 28, the day she released the memo.[3]

The memo "reinstates" DOJ's policy that corporations have to provide "all relevant facts relating to the individuals responsible for the misconduct" to get cooperation credit. That position was staked out in the Yates memo under the Obama administration, but it was scaled back in 2018 under the Trump administration. Then-DAG Rod Rosenstein said prosecutors in criminal cases would focus on people with "substantial" involvement in the corporate fraud and have more discretion in civil cases.[4]

This document is only available to subscribers. Please log in or purchase access.

Purchase Login

Copyright © 2024 by Society of Corporate Compliance and Ethics (SCCE) & Health Care Compliance Association (HCCA). No claim to original US Government works. All rights reserved. Usage is governed under this website's Terms of Use.