

Client Alert: DOJ Updates Guidance Regarding the “Evaluation of Corporate Compliance Programs” – Key Take-Homes

Publications

June 4, 2020

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On Monday, June 1, 2020, the Department of Justice (DOJ) Criminal Division released updated guidance regarding the “Evaluation of Corporate Compliance Programs.” Now in its third iteration, this guidance replaces the April 2019 version, which originated from a set of 2017 guidelines from the Fraud Section. The updated guidance, like prior iterations, seeks to make corporations aware of the criteria DOJ uses when evaluating compliance programs in making enforcement decisions. In the latest version, DOJ maintains the existing structure and much of the prior content, but makes targeted changes.

The new revisions are part of a continuing trend at DOJ to more holistically assess corporate compliance programs beyond the specific issue that brought the company to the Department’s attention, jettisoning the more tailored approach of the original 2017 guidance. In addition, the revisions amplify certain themes in DOJ’s compliance review criteria: (1) whether a company has demonstrable processes to continuously improve its compliance program; (2) the extent to which available data is mined and analyzed to evaluate the company’s compliance efforts; and (3) how compliance is embedded in the day-to-day operations of the business and viewed by rank-and-file employees.

The client alert was recently republished by NYU Law's Program on Corporate Compliance and Enforcement. Please [click here](#) to access the blog post.

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