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White Collar Update: New DOJ Guide to Evaluation of Corporate Compliance Programs

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The Fraud Section of the U.S. Department of Justice ("DOJ") Criminal Division (the "Fraud Section") recently published an Evaluation of Corporate Compliance Programs (the "Evaluation") that sets forth the most common criteria that the Fraud Section uses to assess the effectiveness of a corporation's compliance program. The existence and effectiveness of a compliance program and remedial efforts to implement or improve such a program are among the factors (commonly known as the "Filip Factors") DOJ considers in conducting corporate investigations, making charging decisions, and negotiating resolutions. The Evaluation provides insight into DOJ's assessment process when evaluating these factors. The Evaluation is consistent with DOJ's previous guidance, but reemphasizes the importance of maintaining a strong compliance program to prevent and remediate misconduct.

If you have any questions regarding the matters covered in this publication, please reach out to any of the lawyers listed below or your usual Davis Polk contact.

Martine M. Beamon
+1 212 450 4262
martine.beamon@davispolk.com

Angela T. Burgess
+1 212 450 4885
angela.burgess@davispolk.com

Neil H. MacBride
+1 202 962 7035
neil.macbride@davispolk.com

Denis J. McInerney
+1 212 450 4477
denis.mcinerney@davispolk.com

Neal Potischman
+1 650 752 2021
neal.potischman@davispolk.com

Linda Chatman Thomsen
+1 202 962 7125
linda.thomsen@davispolk.com

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