

White Collar Update: Deputy Attorney General Rod Rosenstein Delivers Address on Corporate Enforcement Policy

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On October 6, 2017, Deputy Attorney General Rod Rosenstein provided remarks at the NYU Program on Corporate Compliance & Enforcement on Department of Justice (“DOJ” or the “Department”) corporate prosecution policies. Mr. Rosenstein stated that all existing DOJ policies are currently under review and that “solutions of the past are not necessarily the right solutions today.” While he signaled that certain policies would remain in place — such as the Department’s continuing focus on rigorous corporate compliance programs, self-disclosure, and the prosecution of individuals responsible for corporate wrongdoing — he also suggested that significant changes may be on the horizon. In particular with respect to corporate penalties, he emphasized that any new policy will make clear that the Department should not be using criminal authority unfairly to extract civil fines and underscored the limited individual deterrent value of corporate settlements.

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