

Deputy Attorney General Rosenstein Announces New Policy to Avoid “Piling On” in Corporate Enforcement Actions

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On May 9, 2018, in remarks to the New York City Bar Association’s Seventh Annual White Collar Crime Institute, Deputy Attorney General Rod Rosenstein announced a new Department of Justice (“DOJ”) policy encouraging coordination among DOJ components and enforcement agencies in reaching corporate resolutions.

The policy – entitled “Coordination of Corporate Resolution Penalties in Parallel and/or Joint Investigations and Proceedings Arising from the Same Misconduct” – addresses “piling on” of multiple penalties by enforcement authorities in the context of corporate resolutions. It instructs DOJ attorneys to consider “the totality of fines, penalties, and/or forfeiture imposed by all Department components as well as other law enforcement agencies and regulators in an effort to achieve an equitable result” in corporate resolutions. The new policy will be incorporated into the U.S. Attorneys’ Manual.

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