

Additional Guidance from the DOJ on Corporate Compliance Programs

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On June 1, 2020, the Criminal Division of the Department of Justice released an updated version of its Evaluation of Corporate Compliance Programs (2020 Guidance). The DOJ's guidance sets forth questions that prosecutors ask when evaluating corporate compliance programs in connection with criminal investigations. Our briefing [here](#) describes the key takeaways.

The new 2020 Guidance emphasizes the need for companies to continuously monitor and adapt their compliance programs and provide sufficient resources to allow compliance personnel to do this effectively. It also focuses on how compliance programs are structured and whether companies actively evaluate their training programs and internal reporting mechanisms.

Last July, the DOJ's Antitrust Division published guidance for antitrust compliance programs in connection with its [new policy to incentivize such programs in connection with criminal investigations](#). This new 2020 Guidance from the Criminal Division covers many of the same issues and concerns for companies, but is broader than the Antitrust Division's guidance because it has implications for how corporate compliance programs seek to address a variety of areas beyond antitrust, including Foreign Corrupt Practices Act and sanctions.

See [here](#) for a list of factors for companies to consider when designing and implementing an antitrust compliance program based on guidance published by the DOJ for evaluating the effectiveness of compliance programs in criminal antitrust investigations.

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