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DOJ’s new Corporate Enforcement and Voluntary Self-Disclosure Policy rewards self-reporting and cooperation

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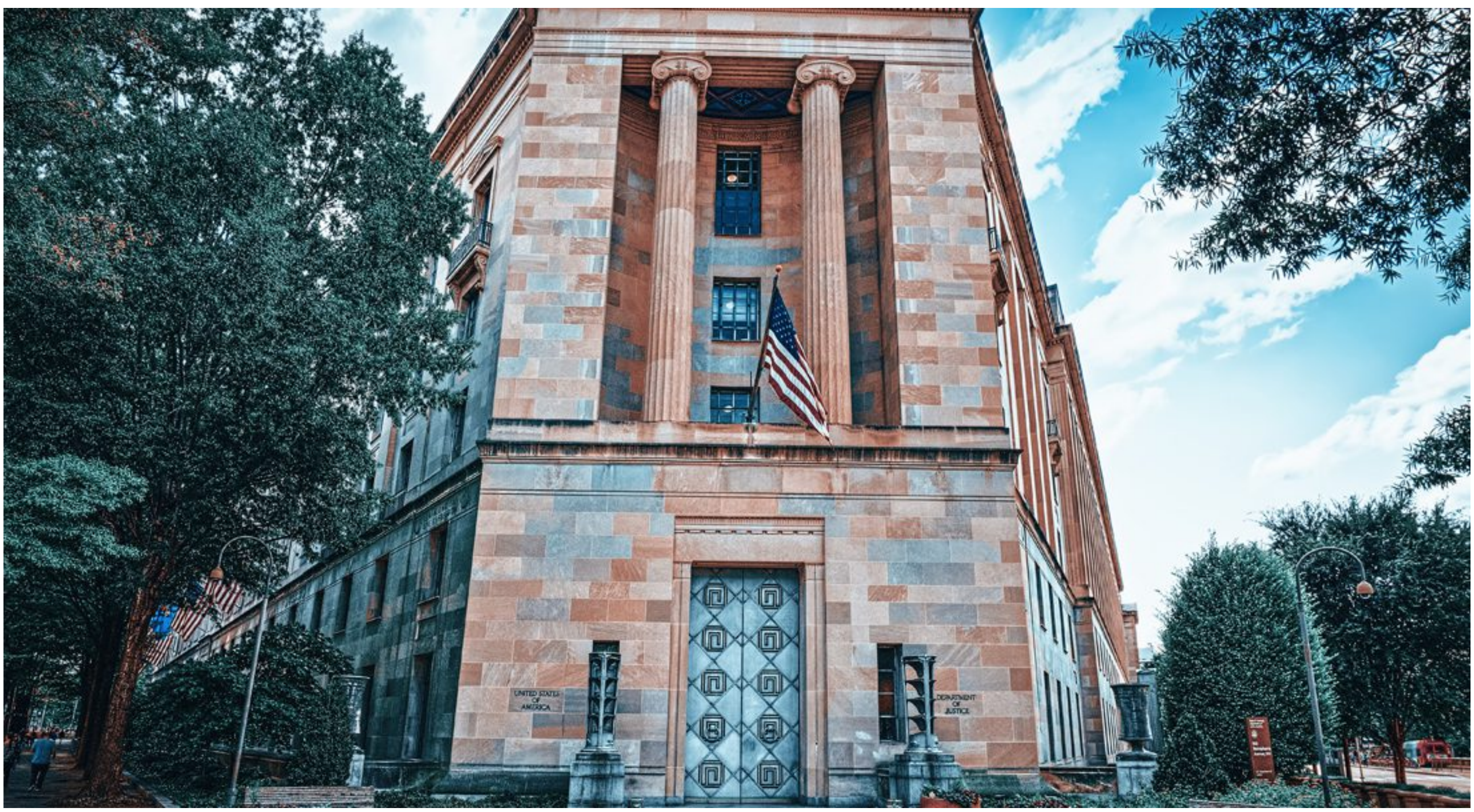

The U.S. Department of Justice has introduced a new Corporate Enforcement and Voluntary Self-Disclosure Policy that significantly incentivizes companies to self-report potential misconduct, offering a clear path to reduced penalties or even lower levels of prosecution in government investigations. According to a department press release, this new policy supersedes nearly all other voluntary self-disclosure polices currently in effect, including those recently enacted by specific U.S. Attorneys’ offices, offering what could be increased predictability for companies.

What the new DOJ policy means for companies

The policy creates a critical opportunity for companies to get ahead of potential exposure by identifying and reporting misconduct before the government initiates an investigation, often resulting in significantly more favorable outcomes.

Under the policy, companies that voluntarily self-disclose, fully cooperate, and appropriately remediate misconduct will, in most cases, receive a declination of prosecution, substantially reduced financial penalties, and a reduced likelihood of an independent compliance monitor.

A clear incentive: act early

Under this policy, timely self-reporting and remediation can significantly reduce financial exposure and help preserve business continuity. But there are risks in alerting the federal government to potential misconduct. Companies need counsel to conduct thorough investigations to determine whether voluntarily self-disclosing is in their best interests.

Timing is also critical. To receive full credit, companies must act quickly once misconduct is identified, making early internal investigation, issue escalation, and decision-making essential.

How to navigate the decision to disclose

Engaging experienced outside counsel strengthens credibility, preserves privilege, and ensures the investigation aligns with DOJ expectations.

Saxton & Stump's Investigations, White Collar and Criminal Defense Group advises companies across industries on internal investigations, risk assessment, and strategic response planning, helping leadership teams make informed decisions at critical early-stage inflection points. Our team includes former federal prosecutors, federal judges, and seasoned criminal defense attorneys who bring direct insight into how the government evaluates and pursues these matters.

For guidance on how this policy may impact your organization, or how to position your company before issues arise, please contact Tim Stengel, Tonya Sulia or any member of the Saxton & Stump Investigations, White Collar and Criminal Defense Group.

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