

## CLIENT ALERT

# DOJ Issues First Department-Wide Corporate Enforcement Policy for All Criminal Cases

## Introduction

On March 10, 2026, the Department of Justice (DOJ) released its first-ever department-wide Corporate Enforcement Policy (the "Policy") applicable to all criminal cases, fulfilling Deputy Attorney General Todd Blanche's December 2025 announcement that the Department would consolidate its corporate enforcement framework to promote consistency across all DOJ components and U.S. Attorney's Offices. The Policy represents a landmark step in standardizing the federal approach to corporate criminal enforcement and carries significant implications for companies navigating potential criminal exposure.

## Key Features of the Department-Wide Policy

The Policy provides concrete benefits designed to incentivize companies to voluntarily disclose discovered misconduct, cooperate with DOJ investigations, and timely and appropriately remediate wrongdoing. For companies that satisfy these requirements, absent certain limited aggravating circumstances, the Department will decline to prosecute. As Deputy Attorney General Blanche stated, the Policy "creates incentives for companies to come forward and do the right thing when misconduct occurs so that we may hold accountable the individual wrongdoers." For companies that do not self-disclose, however, Blanche cautioned that DOJ "will not hesitate to seek appropriate resolutions against companies and individuals alike that perpetrate white collar offenses that harm American interests."

The Policy applies to all corporate criminal cases across the Department, with the exception of antitrust matters. Critically, it supersedes all component-specific or U.S. Attorney's Office-specific corporate enforcement policies currently in effect.

## Origins in the Criminal Division's CEP

The Policy draws heavily on the Criminal Division's Corporate Enforcement and Voluntary Self-Disclosure Policy ("CEP"), first pioneered in 2016 and expanded division-wide in 2018. As then-Assistant Attorney General A. Tysen Duva noted, the Policy "takes the principles the Division has long promoted—disclosure, cooperation, and remediation—and applies them uniformly across the Department." In May 2025, the Criminal Division revised the CEP to guarantee (rather than merely presume) a declination for companies that voluntarily self-disclose, fully cooperate, and timely remediate, absent aggravating circumstances. The department-wide Policy carries this principle forward across all DOJ components.

The Policy also likely preserves the CEP's "near miss" provision, which allows companies that narrowly fail to qualify for a declination to still receive non-prosecution agreements with favorable terms, including shorter resolution periods, a 75% fine reduction, and no compliance monitor.

## Supersession of SDNY's Self-Reporting Program

The Policy expressly supersedes all component-specific and U.S. Attorney's Office-specific corporate enforcement policies, including the SDNY Corporate Enforcement and Voluntary Self-Disclosure Program for Financial Crimes announced just two weeks earlier on February 24, 2026. The SDNY program had offered several distinctive features—including conditional declination letters within two to three weeks, narrower aggravating factor definitions, no criminal fines or forfeiture, and no compliance monitors—that were widely viewed as the most aggressive self-disclosure incentives to date.

It remains to be seen whether any of these features survive in the department-wide framework, and companies that were evaluating disclosure under the SDNY program should reassess their strategies accordingly.



## Enforcement Priorities

The department-wide Policy likely incorporates the Criminal Division's ten "high-impact" enforcement priority areas announced in May 2025, which include:

1. Government waste, fraud, and abuse, including healthcare fraud
2. Trade and customs fraud, including tariff evasion
3. Market manipulation, securities fraud, and fraud with tangible harm to U.S. investors
4. Conduct jeopardizing consumer health and safety
5. National security threats from cartels, Transactional Criminal Organizations (TCOs), hostile nation-states, and Foreign Terrorist Organizations (FTOs)
6. Material support to cartels, TCOs, and FTOs - including recently designated cartels
7. Complex money laundering
8. Controlled Substances Act violations, including fentanyl and opioid-related offenses
9. Bribery and money laundering impacting U.S. national interests
10. Digital asset-related crime

Companies operating in these areas should anticipate heightened enforcement activity and consider proactive compliance measures and, where appropriate, voluntary self-disclosure.

## Individual Accountability Remains the Top Priority

The Policy is designed to facilitate DOJ's overriding priority: the prosecution of individual wrongdoers. Under the White Collar Enforcement Plan, DOJ's "first priority" is prosecuting individuals—whether executives, officers, or other employees—who commit white-collar offenses. By incentivizing corporate self-disclosures and full cooperation, the department-wide Policy enables DOJ to "quickly pursue culpable individuals, secure justice for victims, and deter white-collar crime, all while not unduly burdening American businesses."

Companies considering voluntary self-disclosure should therefore recognize that cooperation will require facilitating individual prosecutions, including identifying involved individuals, providing relevant documents, and making employees available for interviews.

## Whistleblower Activity and Compliance Implications

The Policy also operates alongside the expanded Corporate Whistleblower Awards Pilot Program, which now covers priority areas including procurement and federal program fraud, trade and tariff fraud, and offenses related to sanctions, material support of terrorism, and cartels. The Criminal Division has reported that the expanded program has already yielded "credible whistleblower tips across the spectrum of white-collar violations," including tips relating to procurement fraud, trade fraud, and sanctions evasion. Companies should maintain effective internal reporting mechanisms to encourage employees to raise concerns internally before reporting to DOJ, including by leveraging the 120-day window under the CEP's temporary amendment allowing companies to self-report after receiving a whistleblower's internal submission and still qualify for declination benefits.

DOJ also continues to emphasize the importance of robust compliance programs in assessing corporate resolutions. The Department's guidance on the Evaluation of Corporate Compliance Programs remains a critical reference point, and companies should ensure their compliance functions are adequately resourced, appropriately tailored to their risk profiles, and regularly tested.



## Practical Recommendations

### 01. Assess Disclosure Decisions Promptly

Companies that have discovered potential misconduct should promptly evaluate whether voluntary self-disclosure is appropriate under the new framework. Timeliness remains critical – disclosure must occur before the company becomes aware of a government investigation or receives a subpoena or document request.

### 02. Reassess SDNY-Specific Strategies

Companies that were preparing to self-report under the SDNY program should carefully evaluate how the supersession of that program affects their disclosure strategy, particularly with respect to features like conditional declination timing and narrower aggravating factor definitions.

### 03. Strengthen Compliance Programs

The Policy underscores the value of effective compliance programs in preventing misconduct and in obtaining the most favorable treatment when misconduct is discovered. Companies should review their compliance infrastructure and ensure compliance programs address emerging risk areas such as trade fraud, material support to designated FTOs, and digital asset-related crime.

### 04. Prepare for Whistleblower Activity

With the expanded Whistleblower Pilot Program generating increasing numbers of tips, companies should bolster internal reporting mechanisms and respond promptly to internal complaints to preserve the option of voluntary self-disclosure.

### 05. Monitor Ongoing Developments

The full text and operational details of the Policy may provide additional clarity on how the unified framework interacts with specialized programs, including the National Security Division's Enforcement Policy for Business Organizations, the M&A Safe Harbor Policy, and the Antitrust Division's leniency program (which is excluded from the Policy's scope).

## Scale LLP's Investigations & White Collar Defense Team

[Scale LLP's Investigations & White-Collar](#) team is led by [Samer Korkor](#) and [Peter Lallas](#), two alumni of DOJ's FCPA Unit, who bring decades of experience representing companies and individuals facing DOJ investigations. The team handles a broad range of criminal and civil enforcement matters, including government investigations, internal investigations, and regulatory inquiries.



**Samer Korkor**

Partner

[skorkor@scalefirm.com](mailto:skorkor@scalefirm.com)



**Peter Lallas**

Partner

[plallas@scalefirm.com](mailto:plallas@scalefirm.com)