

U.S. Department of Justice, Criminal Division – Evaluation of Corporate Compliance Programs (Updated September 2024)

The DOJ Criminal Division's Evaluation of Corporate Compliance Programs sets out the questions prosecutors ask about a compliance program's design, resourcing, and effectiveness in practice.



What it is

The Evaluation of Corporate Compliance Programs (ECCP) is guidance from the Criminal Division of the U.S. Department of Justice, updated in September 2024, that assists prosecutors in deciding whether, and to what extent, a corporation's compliance program was effective at the time of an offense and at the time of a charging decision or resolution. It applies the Principles of Federal Prosecution of Business Organizations in the Justice Manual (JM 9-28.000) and the Sentencing Guidelines standard in §8B2.1.

At a glance

PUBLISHER U.S. Department of Justice, Criminal Division (DOJ)	TYPE Guidance	VERSION Updated September 2024
EFFECTIVE September 2024	DOMAIN Risk Management	FAMILY Other
REGION United States	ADOPTION MODEL Voluntary	IMPLEMENTATION COMPLEXITY Medium

Source: <https://www.justice.gov/criminal/criminal-fraud/compliance>

Why it matters

- **Benchmark against the prosecutor's questions** Test the program against the same topics and questions the Criminal Division uses in investigations and resolutions.
- **Earn credit in a resolution** A well-designed, resourced, and effective program influences charging decisions, penalty calculations, and whether a monitor is imposed.
- **Prove the program works in practice** Show through testing, data, and remediation that the program detects and addresses misconduct, not just that policies exist.
- **Manage emerging risk** Address the 2024 additions on new and emerging technology, including artificial intelligence, and on whistleblower protection.

How SmartSuite supports DOJ ECCP

ECCP Topics and Questions Library

Hold the ECCP's three fundamental questions and their topics as structured requirements linked to your policies, controls, and evidence.

Ownership, Cadence, and Accountability

Assign compliance, legal, HR, and business owners to each topic, set review cycles, and record management and board commitment.

Evidence Collection and Audit Trail

Attach risk assessments, training data, hotline and investigation records, and due diligence files with timestamps and reviewers.

Program Testing and Continuous Improvement

Plan periodic testing and reviews, capture lessons learned, and track root-cause remediation to closure.

Third-Party and Acquisition Risk Alignment

Link third parties and acquired entities to the risk-based due diligence, monitoring, and integration steps the ECCP expects.

Prosecutor-Ready Reporting

Produce reports by fundamental question and topic showing design, resourcing, and effectiveness with supporting data for counsel and the board.

Common framework mappings

USSG §8B2.1

FCPA

UK Bribery Act 2010

COSO IC 2013

COSO ERM 2017

SOX

IIA Three Lines Model

OCEG Red Book 3.5

ISO 31000:2018

ISO 42001

Official resources

DOJ Criminal Division: Compliance

The Division's compliance page listing the Evaluation of Corporate Compliance Programs (September 2024) and related policy documents.

justice.gov/criminal/criminal-fraud/compliance

Evaluation of Corporate Compliance Programs (PDF)

The 25-page guidance organized under the three fundamental questions on design, resources, and whether the program works in practice.

justice.gov/criminal/criminal-fraud/page/file/937501/dl

DOJ Criminal Division: Policy materials

The Division's collection of corporate enforcement and compliance policy documents.

justice.gov/criminal/criminal-fraud/policy-materials

DOJ Corporate Enforcement Policy

The Criminal Division's policy on voluntary self-disclosure, cooperation, and remediation credit that works alongside the ECCP.

justice.gov/criminal/criminal-fraud/corporate-enforcement-policy

Frequently asked questions

What is the DOJ Evaluation of Corporate Compliance Programs?

It is guidance from the Criminal Division of the U.S. Department of Justice that assists prosecutors in assessing whether a corporation's compliance program was effective at the time of an offense and at the time of a charging decision or resolution. The current version was updated in September 2024.

What are the three fundamental questions?

Is the corporation's compliance program well designed? Is the program adequately resourced and empowered to function effectively? Does the program work in practice? Each question groups the topics and sample questions prosecutors may consider.

Is the ECCP a checklist?

No. The Division states that the sample topics and questions form neither a checklist nor a formula, and that in any case some topics may not be relevant and others may be more salient given the facts.

What did the September 2024 update add?

The update added questions on the risks of new and emerging technology, including artificial intelligence, on whistleblower protection and anti-retaliation, on access to and use of data by the compliance function, and on lessons learned from the company and others in the industry.

Who should use the ECCP besides prosecutors?

Boards, compliance officers, general counsel, and internal audit use it to design, test, and benchmark compliance programs, and outside counsel use it when presenting a program to the Department in an investigation or resolution.

How does the ECCP relate to §8B2.1 of the Sentencing Guidelines?

The ECCP cites §8B2.1 and §8C2.5(f) and expands the seven requirements of an effective compliance and ethics program into detailed questions on design, resources, and operation.

How does SmartSuite support the ECCP?

SmartSuite holds the fundamental questions and topics as a requirement set linked to the risk assessment, policies, training, hotline cases, third-party due diligence, testing results, and remediation actions. Compliance teams use it to evidence each answer and to report program effectiveness to counsel and the board.

License included / downloadable: Yes The ECCP is a U.S. Government publication available free of charge from the Department of Justice, and its topics and questions are included with the platform as a requirement set.

Full framework page and mappings: smartsuite.com/frameworks/us-doj-evaluation-of-corporate-compliance-programs