

U.S. Sentencing Guidelines Manual, Chapter Eight, §8B2.1 – Effective Compliance and Ethics Program (Guidelines Manual effective November 1, 2024)

§8B2.1 of the U.S. Sentencing Guidelines defines the seven minimum requirements of an effective compliance and ethics program that reduce an organization's culpability score at sentencing.



What it is

Section 8B2.1 of Chapter Eight of the U.S. Sentencing Guidelines Manual defines what an organization must do to have an effective compliance and ethics program. Chapter Eight governs the sentencing of organizations convicted of federal felonies and Class A misdemeanors, and §8B2.1 sets the standard used in the culpability score under §8C2.5(f) and in recommended conditions of probation under §8D1.4. The guideline took effect on November 1, 2004 (amendment 673) and appears unchanged in the Guidelines Manual effective November 1, 2024.

At a glance

PUBLISHER United States Sentencing Commission (USSC)	TYPE Guidance	VERSION Guidelines Manual effective November 1, 2024 (§8B2.1 unchanged in the 2025 Manual)
EFFECTIVE November 1, 2024 (Manual); §8B2.1 effective November 1, 2004	DOMAIN Risk Management	FAMILY Other
REGION United States	ADOPTION MODEL Voluntary	IMPLEMENTATION COMPLEXITY Medium

Source: <https://www.ussc.gov/guidelines/guidelines-archive/2024-guidelines-manual>

Why it matters

- **Reduce sentencing exposure** An effective program is a mitigating factor in the culpability score under §8C2.5(f) and a recommended condition of organizational probation.
- **Meet the prosecutorial benchmark** The seven elements underpin the DOJ Evaluation of Corporate Compliance Programs and the Justice Manual factors for charging decisions.
- **Establish board oversight** Give the governing authority a defined duty to be knowledgeable about the program and to oversee its implementation and effectiveness.
- **Enable reporting without fear** Provide a publicized system, which may allow anonymity or confidentiality, for employees and agents to report or seek guidance without fear of retaliation.

How SmartSuite supports USSG §8B2.1

Seven Requirements Library

Hold the seven minimum requirements of §8B2.1 and the periodic risk assessment as structured requirements linked to your policies and controls.

Ownership, Cadence, and Accountability

Assign the compliance officer, high-level personnel, and governing authority responsibilities, set reporting cycles, and record board oversight.

Evidence Collection and Audit Trail

Attach training completions, screening results, hotline reports, investigation files, and monitoring outputs with timestamps and reviewers.

Monitoring, Auditing, and Program Evaluation

Plan monitoring and audit activities, document periodic effectiveness evaluations, and track remediation to closure.

Risk Assessment and Third-Party Alignment

Run the periodic risk assessment of criminal conduct and link agents and third parties to the standards and training that apply to them.

Board and Regulator Reporting

Produce dashboards and reports by requirement showing program status, open cases, and remediation for the governing authority and outside counsel.

Common framework mappings

DOJ ECCP

FCPA

UK Bribery Act 2010

COSO IC 2013

COSO ERM 2017

SOX

IIA Three Lines Model

OCEG Red Book 3.5

ISO 31000:2018

Official resources

USSC: 2024 Guidelines Manual

The Sentencing Commission's page for the Guidelines Manual effective November 1, 2024, with the full manual and chapter downloads.
ussc.gov/guidelines/guidelines-archive/2024-guidelines-manual

Chapter Eight: Sentencing of Organizations (2024, PDF)

The chapter containing §8B2.1 with its Commentary, the culpability score in §8C2.5, and organizational probation in §8D1.4.
ussc.gov/sites/default/files/pdf/guidelines-manual/2024/CHAPTER_8.pdf

USSC: Organizational Guidelines

The Commission's resource page on Chapter Eight and the organizational sentencing guidelines.
ussc.gov/guidelines/organizational-guidelines

USSC: Guidelines hub

The Commission's guidelines page linking the current manual, archives, and amendments.
ussc.gov/guidelines

Frequently asked questions

What is §8B2.1 of the U.S. Sentencing Guidelines?

It is the guideline in Chapter Eight of the Guidelines Manual that defines an effective compliance and ethics program. An organization that has one may receive a reduced culpability score under §8C2.5(f), and the guideline also shapes recommended conditions of organizational probation.

What are the seven requirements of an effective compliance and ethics program?

Standards and procedures; governing authority oversight with high-level and day-to-day responsibility; reasonable efforts to exclude individuals with a history of illegal conduct from substantial authority positions; communication and training; monitoring, auditing, periodic evaluation, and a reporting system; consistent incentives and discipline; and reasonable steps to respond to detected criminal conduct.

Does §8B2.1 require a risk assessment?

Yes. Subsection (c) requires the organization to periodically assess the risk of criminal conduct and to design, implement, or modify each requirement to reduce the risks identified.

Who does §8B2.1 apply to?

Any organization that can be sentenced under Chapter Eight, meaning a person other than an individual, including corporations, partnerships, unions, trusts, governments, and nonprofits. The Commentary allows small organizations to meet the requirements with less formality and fewer resources.

Does a violation mean the program was ineffective?

No. The guideline states that the failure to prevent or detect the instant offense does not necessarily mean the program is not generally effective, although recurrence of similar misconduct creates doubt about whether the organization took reasonable steps.

How does §8B2.1 relate to the DOJ Evaluation of Corporate Compliance Programs?

The DOJ document cites §8B2.1 and §8C2.5(f) directly and expands the seven requirements into the questions prosecutors ask about design, resourcing, and whether the program works in practice.

Did the 2025 Guidelines Manual change §8B2.1?

No. The text of §8B2.1 in the Guidelines Manual effective November 1, 2025 is the same as in the 2024 Manual; the guideline has been in force since November 1, 2004.

How does SmartSuite support §8B2.1?

SmartSuite holds the seven requirements and the risk assessment as a requirement set linked to policies, training, hotline cases, investigations, monitoring results, and board reports. Compliance teams use it to evidence the program's design and operation and to report to the governing authority.

License included / downloadable: Yes The Guidelines Manual is a U.S. Government publication available free of charge from the Sentencing Commission, and the seven requirements of §8B2.1 are included with the platform as a requirement set.

Full framework page and mappings: smartsuite.com/frameworks/us-sentencing-guidelines-8b2-1-effective-compliance-and-ethics-program