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Framework / Risk Management / Other

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 (Updated September 2024) sets out the questions prosecutors ask about a program's design, resources and effectiveness.



What it is

The Evaluation of Corporate Compliance Programs (ECCP) is the U.S. Department of Justice Criminal Division's guidance, current in its Updated September 2024 edition, that tells prosecutors how to decide whether a corporation's compliance program was effective at the time of an offense and is effective at the time of a charging decision or resolution. Companies within U.S. federal criminal jurisdiction use it as the benchmark for program design, but it is guidance for prosecutors, not a rule a company certifies against.

The document applies the Principles of Federal Prosecution of Business Organizations in the Justice Manual (JM 9-28.300 and 9-28.800) and the United States Sentencing Guidelines (U.S.S.G. §§ 8B2.1, 8C2.5(f) and 8C2.8(11)). Its Introduction states the three purposes of the assessment: the form of any resolution or prosecution, the monetary penalty, if any, and the compliance obligations in a resolution, such as a monitorship or reporting. The Division states that it uses no rigid formula and makes a reasonable, individualized determination that considers the company's size, industry, geographic footprint and regulatory landscape.

At a glance

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

Source: justice.gov/criminal/criminal-fraud/compliance

Why it matters

- **The prosecutor's own questions** Each topic in Parts I to III lists the questions the Division has found relevant, so a program can be tested against the same text prosecutors read.
- **Credit in a resolution** The Introduction ties the assessment to the form of resolution, the monetary penalty and compliance obligations such as a monitorship.
- **Proof that the program works** Part III asks for periodic testing, review, investigation data and root-cause remediation rather than policies alone.
- **New technology and data** Part I.A asks how the company assesses the risks of new technologies such as artificial intelligence; Part II.B asks whether compliance has timely access to relevant data sources.

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How SmartSuite supports DOJ ECCP

ECCP Topics Library

Load the topics and questions of Parts I to III as requirements with owners, status and linked evidence, from Risk Assessment (I.A) to Analysis and Remediation (III.C).

Risk Assessment Record

Run the Part I.A risk assessment as a record with methodology, risk-tailored resource allocation, periodic updates and the assessment of new technologies such as AI.

Reporting and Investigation Cases

Track hotline reports, triage, scoping, investigators, timeliness and outcomes for the Part I.D and III.B questions, with anti-retaliation checks on each case.

Third-Party and Acquisition Due Diligence

Use Third Party Risk Management to record risk-based due diligence, monitoring and integration steps for Parts I.E and I.F.

Testing and Lessons Learned

Plan audits and control tests with Internal Audit Management, record gap analysis results and revisions made after the company's own or other companies' misconduct (Part III.A).

Board and Counsel Reporting

Report by fundamental question and topic on design, resources and effectiveness, with the data Part II.B and III.A expect, for the board, counsel and the Department.

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 · ISO 37301:2021

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 are the three fundamental questions in the DOJ ECCP?

Citing JM 9-28.800, the Introduction lists them: (1) Is the corporation's compliance program well designed? (2) Is the program being applied earnestly and in good faith, in other words adequately resourced and able to function effectively? (3) Does the corporation's compliance program work in practice? Parts I, II and III of the document group the sample topics under these three questions.

Is the ECCP a checklist that a company can certify against?

No. The Introduction states that the sample topics and questions form neither a checklist nor a formula, that in a particular case some topics may not be relevant and others more salient, and that the Criminal Division makes a reasonable, individualized determination considering the company's size, industry, geographic footprint and regulatory landscape. It is guidance for prosecutors that companies use as a benchmark.

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What does the September 2024 edition ask about artificial intelligence and new technology?

Part I.A asks how the company assesses the potential impact of new technologies such as AI on its ability to comply with criminal laws, whether AI risk is integrated into enterprise risk management, how the company governs the use of AI in its business and its compliance program, and how it curbs unintended consequences. Part III.A asks whether the company monitors and tests such technologies so that it can evaluate whether they function as intended and how quickly it can detect and correct decisions inconsistent with its values.

What does the ECCP expect of a reporting hotline and whistleblower protection?

Part I.D describes an efficient and trusted mechanism for anonymous or confidential reports, publicized to employees and third parties, with testing of whether employees know of and feel comfortable using it. Under Commitment to Whistleblower Protection and Anti-Retaliation it asks whether the company has an anti-retaliation policy, trains employees on internal and external anti-retaliation and whistleblower laws, and treats employees who reported internally differently from others involved in the same misconduct. Investigations must be properly scoped and carried out by qualified personnel.

How does the ECCP use the Sentencing Guidelines and what does it decide?

The Introduction cites U.S.S.G. §§ 8B2.1, 8C2.5(f) and 8C2.8(11), under which an effective compliance program affects the organizational criminal fine, and quotes § 8B2.1 in the topics on risk assessment, reporting and consequence management. The assessment informs the form of any resolution or prosecution, the monetary penalty, if any, and the compliance obligations in a resolution, such as a monitorship or reporting.

License included / downloadable: Yes The ECCP is a U.S. Government publication available free of charge from the Department of Justice; the platform links to the official PDF and holds its topics and questions as a requirement set.

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