

Clients & Friends Memo

DOJ Introduces First-Ever Department-Wide Corporate Enforcement Policy

March 12, 2026

On March 10, 2026, the Department of Justice (“DOJ” or the “Department”) [announced](#) its first-ever Department-wide Corporate Enforcement Policy (“CEP”). This marks another significant step this Administration has taken in its broader effort to encourage companies to voluntarily report criminal misconduct in exchange for meaningful cooperation credit. The new Department-wide CEP closely tracks the Criminal Division’s revised CEP [announced](#) in May 2025 and follows shortly after the Southern District of New York’s (“SDNY”) February 24, 2026 [announcement](#) of its own self-disclosure policy for financial crimes, but goes further by applying across the Department. Though not expressly stated in the policy itself, the DOJ’s announcement also explicitly states that the Department-wide CEP supersedes “all component-specific or U.S. Attorney’s Office-specific corporate enforcement policies currently in effect,” except those of the Antitrust Division.

Framed as part of DOJ’s commitment to “transparency and fairness,” the new Department-wide CEP is intended to create greater predictability and consistency while continuing to incentivize companies to self-disclose, cooperate, and remediate misconduct, with a continued emphasis on holding individuals accountable. At the same time, DOJ made clear that companies choosing not to come forward should expect aggressive enforcement, with Deputy Attorney General Todd Blanche stating, “[b]ut for those that do not, make no mistake — we will not hesitate to seek appropriate resolutions against companies and individuals alike that perpetrate white collar offenses that harm American interests.”

New Department-Wide CEP Overview—and How It Compares to the Criminal Division CEP

The new Department-wide [CEP](#) is organized into three main parts and, in practice, works much like the Criminal Division’s CEP. Part I sets out the clearest path to a declination. A company will receive a declination (i) if it voluntarily self-discloses to the appropriate Department criminal component, (ii) if it fully cooperates, (iii) if it timely and appropriately remediates, and (iv) if there are no aggravating factors “related to the nature and seriousness of the offense, egregiousness or pervasiveness of the misconduct within the company, severity of harm caused by the misconduct,

or corporate recidivism.” As with the Criminal Division CEP, prosecutors retain discretion to recommend a declination even where aggravating factors are present, and a company receiving a declination will be required to pay disgorgement, forfeiture, restitution, or victim compensation.

Part II covers the “near miss” category. This is for companies that do not qualify for a declination under Part I—either because the disclosure was not a qualifying voluntary self-disclosure or because aggravating factors are present—but provided timely cooperation and appropriate remediation. In those cases, DOJ states that the company may still receive a non-prosecution agreement with a term of less than three years, no independent compliance monitor, and a fine reduction of at least 50% and up to 75% off the low end of the U.S. Sentencing Guidelines (“U.S.S.G.” or the “Guidelines”) range.

Part III covers resolutions where a company is not eligible for a declination under Part I or an NPA under Part II. Under such a circumstance, prosecutors still maintain discretion to determine the appropriate resolution, including form, length, compliance obligations, and monetary penalty. For monetary penalties, “the company will not receive, and the Department will not recommend to a sentencing court, a reduction of more than 50% off the fine under the U.S.S.G.” Aside from that limitation, prosecutors have discretion to determine the monetary penalty based on the factors set forth in U.S.S.G. § 8C2.8. For companies that fully cooperate and timely remediate, there is a presumption that any reduction will be taken from the low end of the U.S.S.G. range.

This structure closely mirrors that of the Criminal Division’s CEP. In both policies, early self-disclosure offers the clearest path to the most favorable outcome, and companies that “miss” a declination may still receive substantial credit if they fully cooperated and timely remediated. In that sense, the new policy aligns with DOJ’s recent emphasis on self-disclosure, cooperation, remediation, and individual accountability.

The Department-wide CEP does, however, make a few substantive changes and additions to the Criminal Division CEP. First, because the policy applies Department-wide, it specifies that a company must disclose to the “appropriate Department criminal component” and clarifies that a good-faith disclosure to one Department component will still qualify even if the matter is later brought to another appropriate component for investigation. At the same time, the policy notes that disclosures made only to federal regulatory agencies, state or local governments, or civil enforcement authorities generally will not qualify as voluntary self-disclosures for CEP purposes, though they may still be considered as part of cooperation and remediation. Second, in the “near miss” category, the Department-wide CEP gives DOJ more flexibility and offers companies less certainty. It provides for a reduction of at least 50% but not more than 75% off the low end of the Guidelines fine range, whereas the Criminal Division CEP provides for a 75% reduction off the low end. This means that some companies that qualify for an NDA under Part II may be required to pay more in fines under the new Department-wide CEP compared to the Criminal Division CEP.

How the SDNY CEP Policy Differs

SDNY's recently [announced](#) Corporate Enforcement and Voluntary Self-Disclosure Program for Financial Crimes ("SDNY CEP") differs from the new Department-wide CEP in several important ways. Although both policies are designed to encourage self-disclosure, the SDNY CEP is more specific and, in some ways, more demanding, while also giving companies a clearer sense of what they can expect if they meet the policy's requirements.

One of the clearest differences between the SDNY CEP and the Department-wide CEP is how the two policies treat aggravating circumstances. The Department-wide CEP treats factors such as the seriousness of the offense, the pervasiveness of the misconduct, the severity of the harm caused, and corporate recidivism as aggravating factors. The SDNY CEP, by contrast, states that it will not treat those factors—or the involvement of senior leaders—as aggravating or disqualifying circumstances. The SDNY CEP is also broader in another respect: it states that a declination may extend not only to the company, but also to its direct or indirect affiliates, subsidiaries, or joint ventures.

The two policies further differ in how they describe both the benefits of self-reporting and the consequences of failing to do so. SDNY states that a qualifying company may receive a prompt conditional declination letter, giving companies clarity on the likely outcome. It also states that where a company has violated federal law and has not self-reported or made an attempt to do so, there will be a strong presumption against a declination. DOJ similarly makes clear that it expects companies to come forward and will take a failure to do so seriously, but the Department-wide CEP itself does not spell out the consequences as explicitly.

In light of DOJ's announcement of the Department-wide CEP, it is unclear whether the SDNY CEP—which was announced approximately two weeks prior—is still valid and in effect. While the Department-wide CEP provides only that it "applies to all corporate criminal matters handled by the Department, except for violations of 15 U.S.C. §§ 1-38," DOJ's announcement regarding the new policy expressly states that the Department-wide CEP "superseded[es] all component-specific or U.S. Attorney's Office-specific corporate enforcement policies currently in effect."

Key Takeaways

The DOJ's new Department-wide CEP is a significant development because it creates a single framework for voluntary self-disclosure across the Department and continues the Administration's broader efforts to encourage companies to voluntarily report criminal misconduct by offering meaningful cooperation credit and a clearer path forward for those that self-disclose, fully cooperate and timely remediate. At the same time, the policy leaves some important questions unanswered. DOJ's announcement states that the new Department-wide CEP supersedes component-specific and U.S. Attorney's Office-specific corporate enforcement policies, but that point is not expressly stated in the policy itself. As a result, it remains unclear how the new policy will interact with recently announced office-specific policies—such as SDNY's—and this is something companies and counsel should watch closely for further clarification.

The new Department-wide CEP may also warrant a more cautious approach. In “near miss” cases, the new policy gives DOJ flexibility to impose fines between 50% and 75% off the low end of the Guidelines range, rather than the fixed 75% reduction available under the Criminal Division CEP. That change gives DOJ more discretion and may leave companies with less certainty and, in some cases, a less favorable outcome.

Overall, companies should be mindful of the expansive nature of the DOJ's new Department-wide CEP. Decisions about whether to self-disclose should be approached cautiously and with the advice of counsel. Where a company decides disclosure is appropriate, companies should make a good-faith effort to disclose to an appropriate Department component to ensure that they meet the CEP's requirement for voluntary self-disclosure. Companies should also continue to maintain strong internal reporting systems, investigation procedures, and remediation processes to ensure they can identify issues early and respond effectively.

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