
DOJ Antitrust Division to Credit Antitrust Compliance Programs at Charging & Sentencing Stages of Criminal Investigations

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In an effort to incentivize investment in robust antitrust compliance programs, the Antitrust Division of the U.S. Department of Justice (“DOJ”) announced on July 11, 2019 that companies may now receive credit at charging and sentencing for effective antitrust compliance programs – a change from DOJ’s former policy. The DOJ has historically not rewarded existing antitrust compliance programs at the charging stage of a criminal investigation, instead giving immunity only to qualifying first reporters under its leniency program. While the DOJ plans to continue to limit the use of non-prosecution agreements to the first company to invoke leniency successfully, deferred prosecution agreements will be available for qualifying companies with robust antitrust compliance policies. The DOJ published guidance for prosecutors evaluating corporate compliance programs at the charging and sentencing stages that we discuss more fully below.

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