The Monaco Memo

SIMPLIFIED

The US Department of Justice issued a memo on corporate criminal enforcement policies and practices.
Here's where compliance pros should focus their attention.

Accountability



Document, document, document (what you need is in the footnote).



Be ready to defend in multiple jurisdictions, perhaps at the same time.



Know your history and tell your story.



Repeat violations are an Achilles heel (same people, same actions).



Own up to your mistakes, even if you are still dealing with the last one.

Assessment



It's not enough to just have an "effective program"—it's the bare minimum.



Keep improving your program, particularly after a misstep.



Match up compliance program history with the investigation timelines.



Tie your leaders' compensation plans to compliance outcomes.



Draft a policy on personal devices and third-party apps.

Application



Monitors will be assigned based on the facts you show about your program.



Monitors and prosecutors are more connected and will share everything.



Agreements will include reasoning for requiring monitors—be ready to learn from that.

Read the full memo contents by searching "Further Revisions to Corporate Criminal Enforcement Policies Following Discussions with Corporate Crime Advisory Group", September 15, 2022.

We'd love to hear what you think!

Email hihi@thebroadcat.com to get the conversation started!

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