

Client Alert

Providing Strategic Legal Guidance to the Financial Services Industry



APRIL 19, 2024

For more information,
contact:

Olivia Radin
+1 212 556 2138
oradin@kslaw.com

John Leahey (Jack)
+1 212 827 4381
jleahey@kslaw.com

King & Spalding

New York
1185 Avenue of the Americas
34th Floor
New York, New York 10036
Tel. +1 212 556 2100

DOJ's Criminal Division Launches Pilot Program on Voluntary Self-Disclosures for Individuals

On April 15, 2024, the Criminal Division of the U.S. Department of Justice ("DOJ") announced the launch of its Pilot Program on Voluntary Self-Disclosures for Individuals. U.S. Dep't of Justice, *The Criminal Division's Pilot Program on Voluntary Self-Disclosures for Individuals* (Apr. 15, 2024). Under the Pilot Program, the Criminal Division will offer a non-prosecution agreement ("NPA") to individuals who are the first to voluntarily disclose original information about certain criminal misconduct, including conduct for which they are culpable. This represents a potentially significant change to the approach to encouraging individual self-disclosures and may impact the way in which companies collect and address internal complaints.

To qualify for an NPA under the Pilot Program, the information provided (1) must be truthful and complete, (2) must not be previously known to DOJ, and (3) must relate to specified categories of legal violations involving financial institutions, anti-money laundering laws, or the integrity of financial markets; foreign or domestic bribery and corruption; health care fraud; or fraud relating to federally funded contracting. *Id.* at 2. In addition to disgorging any profits and paying restitution, the individual must provide substantial assistance to DOJ, produce documents and evidence, and "if requested, work[] in a proactive manner under the supervision of, and in compliance with United States law enforcement officers and agents." *Id.* at 3. This latter point sounds like a level up from tactics that traditionally have been used in white collar investigations. The program is not available to CEOs or CFOs or any individual who is the "organizer/leader of the scheme." *Id.*



The Pilot Program appears to figure in DOJ's recent efforts to encourage corporate self-reporting and reward whistleblowers through a "first-in-the-door strategy." U.S. Dep't of Justice, *Deputy Attorney General Lisa Monaco Delivers Keynote Remarks at the American Bar Association's 39th National Institute on White Collar Crime* (Mar. 7, 2024). The emphasis on sharing original information creates incentives for individuals to report misconduct and to do so earlier than might otherwise happen, potentially before reporting or discussing the same internally.

As a result, the Pilot Program may influence how corporations design compliance programs and address internal complaints. The DOJ notes, in describing the program, that it "may be a particularly important incentive for companies to create compliance programs that encourage robust internal reporting of complaints, that help prevent, detect, and remediate misconduct before it begins or expands, and that allow companies to report misconduct when it occurs." Given this emphasis, now may be a good time for companies to take a fresh look at how they triage and address internal complaints and how they approach internal investigations. For more information on these topics, please reach out to our Special Matters team.

ABOUT KING & SPALDING

Celebrating more than 130 years of service, King & Spalding is an international law firm that represents a broad array of clients, including half of the Fortune Global 100, with 1,300 lawyers in 24 offices in the United States, Europe, the Middle East and Asia. The firm has handled matters in over 160 countries on six continents and is consistently recognized for the results it obtains, uncompromising commitment to quality, and dedication to understanding the business and culture of its clients.

This alert provides a general summary of recent legal developments. It is not intended to be and should not be relied upon as legal advice. In some jurisdictions, this may be considered "Attorney Advertising." View our [Privacy Notice](#).

ABU DHABI	CHARLOTTE	DUBAI	LONDON	NORTHERN VIRGINIA	SILICON VALLEY
ATLANTA	CHICAGO	FRANKFURT	LOS ANGELES	PARIS	SINGAPORE
AUSTIN	DALLAS	GENEVA	MIAMI	RIYADH	TOKYO
BRUSSELS	DENVER	HOUSTON	NEW YORK	SAN FRANCISCO	WASHINGTON, D.C.



Special Matters & Government Investigations Partners

Gary Adamson
New York
+1 212 556 2113
gadamson@kslaw.com

Adam Baker
New York
+1 212 556 2376
abaker@kslaw.com

Matthew H. Baughman
Atlanta
+1 404 572 4751
mbaughman@kslaw.com

J.C. Boggs
Washington, DC
+1 202 626 2383
jboggs@kslaw.com

Amy B. Boring
Atlanta
+1 404 572 2829
aboring@kslaw.com

Christopher C. Burris
Atlanta
+1 404 572 4708
cburris@kslaw.com

Craig Carpenito
New York
+1 212 556 2142
ccarpenito@kslaw.com

Steve Cave
Northern Virginia
+1 703 245 1017
scave@kslaw.com

Michael J. Ciatti
Washington, DC
+1 202 661 7828
mciatti@kslaw.com

Daniel R. Coats
Washington, DC
+1 202 626 2642
dcoats@kslaw.com

Patrick M. Collins
Chicago
+1 312 764 6901
pcollins@kslaw.com

Alexander M. Crenshaw
Washington, DC
+1 202 626 8996
acrenshaw@kslaw.com

Sumon Dantiki
Washington, DC
+1 202 626 5591
sdantiki@kslaw.com

Ethan P. Davis
San Francisco
+1 415 318 1228
edavis@kslaw.com

Alan R. Dial
Washington, DC
+1 202 661 7977
adial@kslaw.com

Dan Donovan
Washington, DC
+1 202 626 7815
ddonovan@kslaw.com

Robert L. Ehrlich, Jr.
Washington, DC
+1 202 626 9710
rehlich@kslaw.com

David Farber
Washington, DC
+1 202 626 2941
dfarber@kslaw.com

Zachary Fardon
Chicago
+1 312 764 6960
zfardon@kslaw.com

Ehren Halse
San Francisco
+1 415 318 1216
ehalse@kslaw.com

Zachary J. Harmon
Washington, DC
+1 202 626 5594
zharmon@kslaw.com

Ted Hester
Washington, DC
+1 202 626 2901
thester@kslaw.com

Max Hill, K.C.
London
+44 20 7551 2130
mhill@kslaw.com

Amy Schuller Hitchcock
Sacramento/San Francisco
+1 916 321 4819
ahitchcock@kslaw.com

John A. Horn
Atlanta
+1 404 572 2816
jhorn@kslaw.com

Andrew C. Hruska
New York
+1 212 556 2278
ahruska@kslaw.com

Mark A. Jensen
Washington, DC
+1 202 626 5526
mjensen@kslaw.com

Dixie L. Johnson
Washington, DC
+1 202 626 8984
djohnson@kslaw.com

William Johnson
New York
+1 212 556 2125
wjohnson@kslaw.com

Allison F. Kassir
Washington, DC
+1 202 626 5600
akassir@kslaw.com

M. Alexander (Alec) Koch
Washington, DC
+1 202 626 8982
akoch@kslaw.com

Yelena Kotlarsky
New York
+1 212 556 2207
ykotlarsky@kslaw.com

Steve Kupka
Washington, DC
+1 202 626 5518
skupka@kslaw.com

Jade R. Lambert
Chicago
+1 312 764 6902
jlambert@kslaw.com

Jamie Allyson Lang
Los Angeles
+1 213 443 4325
jlang@kslaw.com

Raphael Larson
Washington, DC
+1 202 626 5440
rlarson@kslaw.com

CLIENT ALERT



Carmen Lawrence
New York
+1 212 556 2193
clawrence@kslaw.com

Brandt Leibe
Houston
+1 713 751 3235
bleibe@kslaw.com

Aaron W. Lipson
Atlanta
+1 404 572 2447
alipson@kslaw.com

Daniel E. Lungren
Washington, DC
+1 202 626 9120
dlungren@kslaw.com

William S. McClintock
Washington, DC
+1 202 626 2922
wmclintock@kslaw.com

Amelia Medina
Washington, DC
+1 202 626 5587
amedina@kslaw.com

Kendrick B. Meek
Washington, DC
+212 626 5613
kmeek@kslaw.com

Andrew Michaelson
New York
+212 790 5358
amichaelson@kslaw.com

Jim C. Miller III
Washington, DC
+1 202 626 5580
jmiller@kslaw.com

Patrick Montgomery
Washington, DC
+1 202 626 5444
pmontgomery@kslaw.com

Paul B. Murphy
Atlanta/Washington, DC
+1 404 572 4730
pbmurphy@kslaw.com

Grant W. Nichols
Austin/Washington, DC
+1 512 457 2006
gnichols@kslaw.com

Alicia O'Brien
Washington, DC
+1 202 626 5548
aobrien@kslaw.com

Patrick Otlewski
Chicago
+1 312 764 6908
potlewski@kslaw.com

Michael R. Pauzé
Washington, DC
+1 202 626 3732
mpauze@kslaw.com

Michael A. Plotnick
Washington, DC
+1 202 626 3736
mplotnick@kslaw.com

Olivia Radin
New York
+1 212 556 2138
oradin@kslaw.com

John C. Richter
Washington, DC
+1 202 626 5617
jrichter@kslaw.com

Rod J. Rosenstein
Washington, DC
+1 202 626 9220
rrosenstein@kslaw.com

Daniel C. Sale
Washington, DC
+1 202 626 2900
dsale@kslaw.com

Greg Scott
Sacramento/San Francisco
+1 916 321 4818
mscott@kslaw.com

Richard Sharpe
Singapore
+65 6303 6079
rsharpe@kslaw.com

Kyle Sheahan
New York
+1 212 556 2234
ksheahan@kslaw.com

Michael Shepard
San Francisco
+1 415 318 1221
mshepard@kslaw.com

Thomas Spulak
Miami
+1 305 462 6023
tspulak@kslaw.com

Aaron Stephens
London
+44 20 7551 2179
astephens@kslaw.com

Cliff Stricklin
Denver
+1 720 535 2327
cstricklin@kslaw.com

Jean Tamalet
Paris
+33 1 7300 3987
jtamalet@kslaw.com

Courtney D. Trombly
Washington, DC
+1 202 626 2935
ctrombly@kslaw.com

Rick Vacura
Northern Virginia
+1 703 245 1018
rvacura@kslaw.com

Richard Walker
Washington, DC
+1 202 626 2620
rwalker@kslaw.com

Anthony A. Williams
Washington, DC
+1 202 626 3730
awilliams@kslaw.com

David K. Willingham
Los Angeles
+1 213 218 4005
dwillingham@kslaw.com

David Wulfert
Washington, DC
+1 202 626 5570
dwulfert@kslaw.com

Sally Q. Yates
Atlanta/Washington, DC
+1 404 572 2723
syates@kslaw.com