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## **Compliance Industry Urges DOJ to Provide Data on Mitigating Impact of Compliance Programs**

As mandatory compliance programs loom for the healthcare industry, leading trade associations in the compliance field have urged the Department of Justice (DOJ) to provide data demonstrating the mitigating effects of a compliance program under the Federal Sentencing Guidelines. The Ethics Resource Center (ERC), Ethics and Compliance Officer Association (ECO) and Society for Corporate Compliance and Ethics (SCCE) jointly surveyed their memberships and developed these recommendations for the DOJ based on responses from compliance professionals.

While there is a widespread belief that a well implemented compliance program can lead to leniency in prosecution and settlement decisions by government enforcement agencies, compliance professionals are urging enforcement officials to provide empirical data to demonstrate the mitigating effects of effective compliance programs. Specific data requested includes the following:

- statistics on the consideration given compliance programs in enforcement decisions
- descriptions (without identifying information) of individual cases in which compliance programs were a mitigating factor in enforcement decisions
- information about what specific features of a compliance program factored into enforcement decisions
- to what extent an effective compliance program helped avert a decision to prosecute or resulted in avoidance or reduction of sanctions.

Mitigating effect may be shown to include reductions in the length of corporate integrity agreements (three years versus five years), or the imposition of a less burdensome certificate of compliance agreement (CCA) rather than a corporate integrity agreement (CIA).

“Ethics and compliance practitioners need this information to demonstrate to their leadership that the United States Sentencing Guidelines Chapter 8 actually means something,” said Roy Snell, chief executive officer of SCCE.

To download the survey, visit <http://www.corporatecompliance.org/DOJreport>.

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