

**United States Attorney’s Office
Northern District of Illinois
Individual Self-Disclosure Pilot Program for Organizational Misconduct
September 16, 2024, to March 16, 2025**

The United States Attorney’s Office for the Northern District of Illinois (“the Office”) is introducing a six-month pilot program to offer culpable individuals who report organizational misconduct leniency in the form of potential non-prosecution agreements. This pilot program will commence on September 16, 2024, and end on March 15, 2025. Depending on the success of the pilot program, the Office will determine whether to extend it on a more permanent basis.

I. Purpose of the Pilot Program

The Northern District of Illinois is home to many publicly traded and privately owned businesses in addition to numerous federal, state, and local government entities. The purpose of this pilot program is to encourage and incentivize individuals to report wrongdoing in and/or through those organizations that is previously unknown without fear of criminal prosecution for doing so. The program is geared toward individuals who have participated in and have knowledge of otherwise unknown criminal wrongdoing by virtue of their employment. The Office is implementing this program so that individuals have a roadmap about how to report organizational misconduct. The benefit for those who make timely and meaningful disclosures is a non-prosecution agreement in exchange for their ongoing assistance.¹

II. Non-Prosecution Agreement Factors

The Office maintains the discretion to determine on a case-by-case basis whether an individual reporting wrongdoing merits a non-prosecution agreement. Among the factors that the Office will consider are:

- (1) the individual’s truthfulness;
- (2) the individual’s ability and willingness to assist law enforcement;
- (3) the extent of the individual’s participation in the wrongdoing and the timeliness of the reporting;
- (4) the individual’s position within the organization; and
- (5) the individual’s criminal history.

¹ This program is also different than the Corporate Whistleblower Awards Program set up by the Department of Justice, which is designed for individuals who did not meaningfully participate in criminal activity. More information about the Corporate Whistleblower Awards Pilot Program can be found at www.justice.gov/CorporateWhistleblower.

As part of the program, the reporting individual must agree to forfeit or disgorge any proceeds from their own criminal wrongdoing, and pay restitution to victims consistent with the individual's role in the offense.

III. Ineligibility for the Program

This program is not available for those with a prior felony conviction involving violence; the threat of violence; a sex offense involving fraud, force, coercion, or a minor; or fraud or dishonesty.

Additionally, elected federal or foreign officials, and federal law enforcement officers, are not eligible to participate in this program. Individuals who are the highest-ranking person in their organization, or who exercise primary control over the operations of the organization, are not eligible to participate in this program.

Further, individuals whose misconduct involved violence, the threat of violence, terrorism, and/or any federal or state sex offense involving the force, fraud, or coercion of a minor are not eligible to participate in the program.

This program does not apply to individuals seeking to provide information about federal tax offenses, violations of the Foreign Corrupt Practices Act, or national security offenses that require the approval of the National Security Division, as detailed in section 9-90.020(A)(1) of the Justice Manual.

The program is likewise not available for individuals who report wrongdoing in response to a government inquiry or subpoena. Nor is the program available pursuant to an existing agreement to report misconduct to any federal law enforcement or regulatory agency.

IV. Procedure for Reporting Misconduct

The Office will begin accepting email submissions on a pre-printed form that will be reviewed by a working group of Assistant United States Attorneys and Section Chiefs starting on September 15, 2024. Anonymous reporting is not allowed under this program. Individuals who report wrongdoing after being informed they are a subject or target of a federal criminal investigation are not eligible for a non-prosecution agreement under this program.

To the extent that the reviewing prosecutors deem a follow-up meeting worthwhile, the individual will be provided with use immunity for that initial meeting such that any truthful information divulged by the individual—except for crimes of violence, crimes against children, sex offenses, and national security offenses—will not be used against the reporting individual. Anyone who reports wrongdoing must be truthful in the initial submission and in all subsequent meetings

with law enforcement and prosecutors, and completely disclose all criminal conduct. Failure to do so precludes any relief under this program.

The Office also expects that an individual who reports misconduct will be prepared to meet with law enforcement and to testify under oath to the facts that have been reported. Finally, an individual who receives a non-prosecution agreement under this program must agree to disgorge any proceeds from the criminal activity through forfeiture or other means.

V. Limitations

This memorandum is meant to provide guidance to the Office and the community regarding potential leniency for individuals reporting organizational misconduct. An individual who is currently facing charges in a case brought by the Office cannot use this program as a means by which to receive a non-prosecution agreement in the pending criminal case. It does not supplant the Justice Manual and also does not bind any other U.S. Attorney's Offices or litigating components of the Department of Justice. The Office may make public any non-prosecution agreements entered into pursuant to this program. Finally, this program does not convey any rights or benefits in any current or future investigation, criminal matter, or civil matter handled by the Office.