

§8B1.4

§8B1.4. Order of Notice to Victims – Organizations

Apply §5F1.4 (Order of Notice to Victims).

<i>Historical Note</i>	Effective November 1, 1991 (amendment 422).
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2. EFFECTIVE COMPLIANCE AND ETHICS PROGRAM

<i>Historical Note</i>	Effective November 1, 2004 (amendment 673).
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§8B2.1. Effective Compliance and Ethics Program

- (a) To have an effective compliance and ethics program, for purposes of subsection (f) of §8C2.5 (Culpability Score) and subsection (b)(1) of §8D1.4 (Recommended Conditions of Probation – Organizations), an organization shall—
 - (1) exercise due diligence to prevent and detect criminal conduct; and
 - (2) otherwise promote an organizational culture that encourages ethical conduct and a commitment to compliance with the law.

Such compliance and ethics program shall be reasonably designed, implemented, and enforced so that the program is generally effective in preventing and detecting criminal conduct. The failure to prevent or detect the instant offense does not necessarily mean that the program is not generally effective in preventing and detecting criminal conduct.

- (b) Due diligence and the promotion of an organizational culture that encourages ethical conduct and a commitment to compliance with the law within the meaning of subsection (a) minimally require the following:
 - (1) The organization shall establish standards and procedures to prevent and detect criminal conduct.
 - (2) (A) The organization's governing authority shall be knowledgeable about the content and operation of the compliance and ethics program and shall exercise reasonable oversight with respect to the