

1-12.000

Coordination of Parallel Criminal, Civil, Regulatory, and Administrative Proceedings

The Attorney General issued a [policy statement](#) on January 30, 2012, to update and further strengthen the Department's longstanding policy that Department prosecutors and civil attorneys handling white collar matters should timely communicate, coordinate, and cooperate with one another and with agency attorneys to the fullest extent appropriate to the case and permissible by law, whenever an alleged offense or violation of federal law gives rise to the potential for criminal, civil, regulatory, and/or agency administrative parallel (simultaneous or successive) proceedings.

Every United States Attorney's Office and Department litigating component should have policies and procedures for early and appropriate coordination of the government's criminal, civil, regulatory, and administrative remedies. Such policies and procedures should stress early, effective, and regular communication between criminal, civil, and agency attorneys to the fullest extent appropriate to the case and permissible by law, and should specifically address the following issues, at a minimum:

- **Intake:** From the moment of case intake, attorneys should consider and communicate regarding potential civil, administrative, regulatory, and criminal remedies, and explore those remedies with the investigative agents and other government personnel;
- **Investigation:** During the investigation, attorneys should consider investigative strategies that maximize the government's ability to share information among criminal, civil, and agency administrative teams to the fullest extent appropriate to the case and permissible by law, including the use of investigative means other than grand jury subpoenas for documents or witness testimony; and
- **Resolution:** At every point between case intake and final resolution (e.g., declination, indictment, settlement, plea, and sentencing), attorneys should assess the potential impact of such actions on criminal, civil, regulatory, and administrative proceedings to the extent appropriate.

These recommendations should be followed to the fullest extent appropriate and permissible by law. There may be instances, however, in which the secrecy of an investigation is paramount to the success of the investigation and compliance with the above-described policies may be impractical.

The Attorney General has further directed the Office of Legal Education, in consultation with the U.S. Attorneys' offices, the Civil Division, the Criminal Division, and other Department litigating divisions, to facilitate the provision of instruction and training materials on parallel proceedings.

The full text of the Attorney General's memorandum can be found at: [Organization and Functions Manual 27](#).

[Updated February 2013] [cited in [USAM 4-4.110](#); [5-11.112](#)]