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## White Collar Defense and Investigations

### New Jersey Attorney General Announces Two New Incentives Programs to Generate Leads in Public Corruption Cases

**Action Item: The New Jersey Attorney General’s Office has announced two programs to combat public corruption. Corporations self-reporting corruption may seek a waiver of prosecution, while individuals may seek prosecution waivers or monetary rewards. All those considering taking advantage of these programs should contact Blank Rome as soon as possible for help in navigating these programs, as all applications are due of August 1, 2017.**

On May 9, 2017, New Jersey Attorney General Christopher S. Porrino announced two new, short-term initiatives to combat public corruption: the Anti-Corruption Whistleblower Program and the Anti-Corruption Reward Program. The Attorney General’s Office expects both programs will help generate initial leads to uncover and prosecute public corruption crimes, as these types of cases are characteristically difficult to expose because they are often document intensive and involve sophisticated actors. Both programs are offered for only a limited time—until August 1, 2017. The Attorney General’s Office indicates that the temporary availability is intended to generate quick results; however, these programs will also allow the Attorney General’s Office to evaluate the efficacy of such programs to determine whether to offer similar programs in the future.

The Anti-Corruption Whistleblower Program is designed to encourage individuals and corporations to self-report involvement in criminal activity in exchange for a waiver of prosecution. Only lower-level participants in a crime, or corporations whose high-level employees had no knowledge, participation or acquiescence in the criminal activity and who took swift action to address or report the crime, are eligible to participate in this program. Elected officials are not permitted to participate.

All whistleblowers are required to provide truthful and complete information and cooperate fully with investigators to obtain a prosecution waiver. The program allows for the anonymous reporting of information so that program applicants can determine whether they are good candidates for waiver of prosecution before proceeding with a formal application, but does not spell out the procedure for doing so. Notably, the submission of an application for the program does not entitle the applicant to a prosecution waiver, and there is no limitation on use of information provided in applications unless the applicant is accepted into the program. And, while the State will not use application information in a direct case against an applicant accepted into the program, the State reserves the right to make derivative use of information provided. Moreover, acceptance into the program may be revoked if full and truthful information is not provided. A waiver of prosecution binds only the Attorney General’s Office, and not other prosecuting agencies; however the Attorney General’s Office may, in its discretion, notify other agencies of a prosecution waiver.

The Anti-Corruption Reward Program offers up to \$25,000 cash, funded by the Attorney General’s Law Enforcement Forfeiture Account (“AGLEFA”), for leads that result in convictions for public corruption. Individuals applying for a reward must provide information about a crime that has not previously been revealed to law enforcement. Applicants may be interviewed by the Attorney General’s Office and be required to give a statement under oath. Rewards are not available to individuals participating in the offense or government employees who have an official duty to report such crimes. After a conviction is obtained and all direct appeals are exhausted, the Attorney General’s Office will notify applicants of their eligibility for a reward. Rewards may be given,

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in the discretion of the Attorney General's Office, if information supplied by an applicant leads to an arrest and criminal charges for public corruption, even if those charges are subsequently dismissed.

Those wishing to take advantage of these programs may submit an application through forms available on the New Jersey Office of Attorney General's website at [www.nj.gov/oag/corruption/whistleblower.html](http://www.nj.gov/oag/corruption/whistleblower.html) (whistleblower program) or [www.nj.gov/oag/corruption/reward.html](http://www.nj.gov/oag/corruption/reward.html) (reward program). However, given the caveats involved in receiving the benefits of the whistleblower program, all those considering an application to that program should consult with an attorney and initially submit information anonymously through an attorney. An attorney can help an applicant to decide whether the information they wish to provide will be helpful to law enforcement, ensure complete anonymity in reporting until it is known whether an applicant has a good chance of being accepted into a program, and navigate the potential pitfalls of submitting an application to ensure that the applicant receives the maximum benefits of disclosing information. Corporations wishing to take advantage of the whistleblower

program would also do well to consult with an attorney, who can help to evaluate the effectiveness of their compliance programs and other internal controls, and show that the company acted promptly under the circumstances.

Blank Rome's [White Collar team](#) is available to assist any individuals or corporations contemplating applying to these programs with an assessment.

**For additional information, please contact:**

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