

Lecture 14: Prosecuting, Defending, and Adjudicating White Collar Crime

WHITE COLLAR CRIME

Local Prosecution

- Relatively low attention to white collar crime.
 - Reasons include: white collar crime not regarded as serious; would require large amounts of time and special investigative skills; would involve greater difficulties in establishing criminal intent.

State Prosecution

- Will often pursue corporations in a cooperation with local and federal prosecutors (cross designation)
- Greater resources than local prosecutors, but resources still limited.
- A **civil or administrative** approach is preferred when handling corporate crime.

- Contend that complex corporate crimes should be pursued at the **federal** level.

Federal Prosecution

- Have **primary** responsibility for pursuing major white collar crime cases.
- Agencies refer cases for federal criminal prosecution.
- Federal prosecutors often work with state and local prosecutors in “parallel proceedings.”

- Authorized to bring civil proceedings in order to impose monetary penalties upon white collar offenders.
- Special Prosecutor

Role of the Grand Jury

- **More important** in white collar crime cases than in conventional cases.
- A grand jury indictment is **constitutionally required** in federal cases.
- Serves 2 purposes: (1) protect against vindictive, improper prosecution; (2) secrecy.

- **Broad** subpoena powers = through investigations

Defending White Collar Criminals

- White collar criminals usually represented by private lawyers.
- Leads to belief that white collar offenders receive a better defense.

- Common Defense Tactics:
 - Cooperate with prosecutors;
 - Use superior financial resources to mount repeated challenges;
 - Stress client's good character.

Plea Bargaining

- Most white collar cases resolved by plea bargain.

Sentencing

- There is a belief that white collar offenders are treated more leniently.
- Lack of uniformity.