

# PROSECUTING WHITE COLLAR CRIME

LESSONS FROM ABROAD



# PRACTICAL DIFFICULTIES

- ◆ Volume of Documents
- ◆ Multiplicity of Sources
- ◆ Lack of Third Party Disclosure
- ◆ Problems of Evidence
- ◆ DPP v O'Mahony & Daly [2016] IECCA 111

# LAW REFORM COMMISSION

- ◆ ISSUES PAPER ON REGULATORY ENFORCEMENT AND CORPORATE OFFENCES 2016
- ◆ WHETHER A SYSTEM OF DEFERRED PROSECUTION AGREEMENTS SHOULD BE AVAILABLE IN AN IRISH CONTEXT AND IF SO WHAT OVERSIGHT PROTECTIONS SHOULD BE PUT IN PLACE

# THE US PERSPECTIVE

- ◆ LONG HISTORY OF NON- PROSECUTION AGREEMENTS/DEFERRED PROSECUTION AGREEMENTS
- ◆ CALLS FOR GREATER FOCUS ON INDIVIDUAL OFFENDERS AS SET OUT IN THE YATES MEMO
- ◆ NEW REGIME MAY ADOPT GREATER FOCUS ON INDIVIDUAL OFFENDERS

# THE UK PERSPECTIVE

- ◆ INTRODUCED INTO LAW BY THE CRIME AND COURTS ACT 2013 AND ENACTED IN 2014
- ◆ SFO v STANDARD BANK
- ◆ SFO v XYZ
- ◆ SFO v ROLLS ROYCE
- ◆ SFO v TESCO STORES LIMITED

# DPAs in IRELAND?

- ◆ LEVEL OF JUDICIAL SCRUTINY?
- ◆ COST EFFICIENCY?
- ◆ GAME THEORY – IS IT ATTRACTIVE FOR THE COMPANY OR DOES IT DETER MEANINGFUL COOPERATION?
- ◆ LORD LEVESON'S VIEW IN ROLLS ROYCE ON WHERE THE COMPANY'S INTEREST LIES

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