

Session III

A Conversation with Tim Rank

- PowerPoint
- *Pratt's Government Contracting Law Report*, An A.S. Pratt Publication, By Steven A. Meyerowitz and Victoria Prussen Spears (March 2016)
Available at: [https://www.dorsey.com/~media/files/newsresources/publications/2016/03/Leveraging Corp to Fight Corp Crime 032016.pdf](https://www.dorsey.com/~media/files/newsresources/publications/2016/03/Leveraging_Corp_to_Fight_Corp_Crime_032016.pdf)

A Conversation with Tim Rank

**Timothy C. Rank, Assistant United States Attorney, U.S.
Attorney's Office for the District of Minnesota**

John Marti, Partner, Dorsey & Whitney LLP

DISCLAIMER

9-28.900 - Voluntary Disclosures

- **[T]he Department encourages corporations...to conduct internal investigations and to disclose the relevant facts to the appropriate authorities. [For s]ome agencies...self-reporting, coupled with remediation and additional criteria, may qualify the corporation for amnesty or reduced sanctions.**
- **Even in the absence of a formal program, prosecutors may consider a corporation's timely and voluntary disclosure....**

<https://www.justice.gov/usam/usam-9-28000-principles-federal-prosecution-business-organizations#9-28.900>



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9-28.720 - Cooperation: Disclosing the Relevant Facts

- **Eligibility for cooperation credit is not predicated upon the waiver of attorney-client privilege or work product protection. Instead, the sort of cooperation that is most valuable to resolving allegations of misconduct by a corporation and its officers, directors, employees, or agents is disclosure of the relevant facts concerning such misconduct.**

<https://www.justice.gov/usam/usam-9-28000-principles-federal-prosecution-business-organizations#9-28.720>



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9-28.210 - Focus on Individual Wrongdoers

- **A. General Principle: Prosecution of a corporation is not a substitute for the prosecution of criminally culpable individuals within or without the corporation....Provable individual culpability should be pursued, particularly if it relates to high-level corporate officers, even in the face of an offer of a corporate guilty plea or some other disposition of the charges against the corporation....**

<https://www.justice.gov/usam/usam-9-28000-principles-federal-prosecution-business-organizations#9-28.210>



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This reality – reciprocal information sharing – is giving rise to a developing trend, especially as it relates to international enforcement of criminal laws in the white collar arena. And the emerging trend is this: due in part to the significant assistance we provide to our foreign partners, there has been an increase in multi-jurisdictional prosecutions of criminal conduct, particularly when that conduct is transnational in nature and when several countries have prosecutorial authority over it.

Acting Principal Deputy Assistant Attorney General Trevor N. McFadden, São Paulo, Brazil Wednesday, May 24, 2017



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Top Management and Performance Challenges Facing the Department of Justice – 2017

October 16, 2017

- **Safeguarding National Security and Ensuring Privacy and Civil Liberties Protections**
- **Enhancing Cybersecurity in an Era of Increasing Threats**
- **Managing an Overcrowded Federal Prison System in an Era of Declining Resources**
- **Strengthening the Relationships Between Law Enforcement and Local Communities and Promoting Public Trust**
- **Coordinating within the Department and Across Government to Fulfill the Department's Mission to Combat Crime**
- **Administering and Overseeing Contracts and Grants**
- **Using Performance-Based Management To Improve Department Programs**
- **Filling Mission Critical Positions Despite Competition for Highly-Skilled Professionals and Delays in the Onboarding Process**

<https://oig.justice.gov/challenges/2017.pdf>



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CHALLENGES RELATED TO TRANSNATIONAL/CYBER CRIME

- **All Crime is now Cyber Crime**
- **The Tools are Cheap, Easy to Use, and Effective**
- **The Transactional Time-Cost of Investigation Continues to Increase**
- **Business Email Compromise/Phishing (Time is of the Essence)**
- **Third-Party Data (Time is of the Essence)**



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TRACREPORTS

White Collar Prosecutions Fall to Lowest in 20 Years

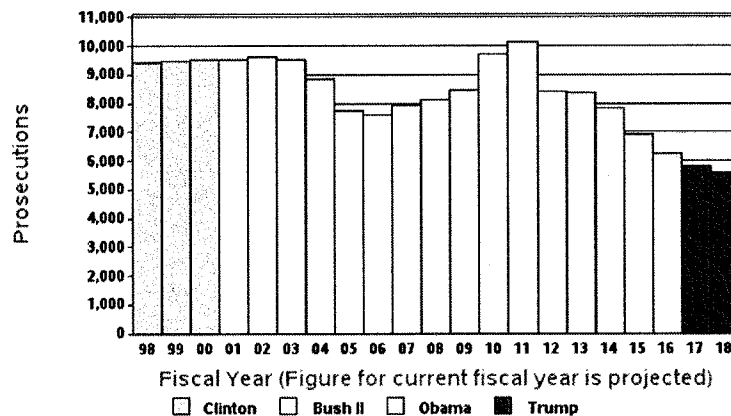


Figure 1. Criminal White Collar Crime Prosecutions over the last 20 years

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<http://trac.syr.edu/tracreports/crim/514/>



Questions?

