

Attorney General Garland Announces Renewed and Expanded Focus on Prosecuting Corporate Crime and Executives

March 7, 2022

On March 3, Attorney General Merrick B. Garland delivered remarks to the ABA's National Institute on White Collar Crime. In his speech, Attorney General Garland made it clear one of the Department of Justice's (DOJ) top priorities is the prosecution of corporate crime. In particular, Attorney General Garland doubled-down on Deputy Attorney General Lisa Monaco's statements in October 2021 that DOJ intends to focus on prosecuting "individuals who commit and profit from corporate malfeasance" because:

- corporations act only through individuals;
- penalties imposed on individual wrongdoers are felt by those wrongdoers;
- the prospect of personal liability has an "uncanny ability to focus the mind;" and
- "most importantly," it is essential to Americans' trust in the rule of law.

In his speech, Attorney General Garland acknowledged that prosecuting individuals is complex and resource intensive, so he highlighted the significant resources DOJ is seeking for its corporate criminal enforcement efforts in the president's fiscal year 2022 budget. In particular, DOJ is seeking \$36.5 million for US Attorney's Offices and Criminal Division to hire **120** new prosecutors focused on pandemic-related fraud and \$325 million to hire **900** FBI agents to support the FBI's White Collar-Crime Program.

Attorney General Garland also highlighted the following additional "force-multipliers" to DOJ's prosecutors and agents:

- **Partnerships at every level of the government and around the world.** Attorney General Garland announced that he would be building on the existing work of the COVID-19 Fraud Enforcement Task force, which was established last May, by naming a chief prosecutor to lead specialized teams dedicated to combatting pandemic related fraud.
 - **Data analytics to identify the anomalies that are indicative of fraud.** The DOJ is using big data – their own and that of other departments and agencies – to identify fraudulent payments. The Criminal Division's Fraud Section has also been provided with a new, embedded squad of FBI agents to further strengthen DOJ's ability to bring data-driven corporate crimes nationwide.
 - **Defense counsel who represent corporations and their board of directors.** Attorney General Garland reiterated the importance of Deputy Attorney General Lisa Monaco's October 2021 address, again stating that in order to be eligible for cooperation credit, companies "must provide" DOJ with "all non-privileged information about individuals involved or responsible for the misconduct at issue." Attorney General Garland stressed that "all" means "all" – "regardless of their position, status, or seniority."
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Attorney General Garland finished his speech by stating that in his decades around and within DOJ he had “seen the Justice Department’s interest in prosecuting corporate crime wax and wane over time. Today, it is waxing again.”

CONTACTS

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