

*Law, Crime and Law Enforcement*

# CORPORATE CRIMINAL LIABILITY

FEDERAL LAW AND PROSECUTORIAL  
DISCRETION ISSUES



*Brandon P. Burton*  
Editor

Novinka

# Corporate Criminal Liability

**Celia Wells**



## **Corporate Criminal Liability:**

**Corporate Criminal Liability** Mark Pieth, Radha Ivory, 2011-04-20 With industrialization and globalization corporations acquired the capacity to influence social life for good or for ill Yet corporations are not traditional objects of criminal law Justified by notions of personal moral guilt criminal norms have been judged inapplicable to fictional persons who think and act through human beings The expansion of new corporate criminal liability CCL laws since the mid 1990s challenges this assumption Our volume surveys current practice on CCL in 15 civil and common law jurisdictions exploring the legal conditions for liability the principles and options for sanctioning and the procedures for investigating charging and trying corporate offenders It considers whether municipal CCL laws are converging around the notion of corporate culture and in any case the implications of CCL for those charged with keeping corporations and other legal entities out of trouble

Corporate Criminal Liability Kathleen F. Brickey, 1992 SUBSCRIPTION CANCELLED 12 10 NO LONGER UPDATED

**Corporate Criminal Liability and Prevention** Richard S. Gruner, 2004 The book instructs corporate counsel on how to adopt forward looking compliance policies that can prevent criminal liability and how to mitigate the severity of penalties when they are unavoidable

**Corporate Criminal Liability** Amanda Pinto, Martin Evans, 2003 Useful for practitioners and academics this title examines the general principles of liability and focuses on the concept of duty It also considers key developments in legislation including the Human Rights Act

**Regulating Corporate Criminal Liability** Dominik Brodowski, Manuel Espinoza de los Monteros de la Parra, Klaus Tiedemann, Joachim Vogel, 2014-06-30 Corporate Criminal Liability is on the rise worldwide More and more legal systems now include genuinely criminal sanctioning for legal entities The various regulatory options available to national criminal justice systems their implications and their constitutional economic and psychological parameters are key questions addressed in this volume Specific emphasis is put on procedural questions relating to corporate criminal liability on alternative sanctions such as blacklisting of corporations on common corporate crimes and on questions of transnational criminal justice

European Developments in Corporate Criminal Liability James Gobert, Ana-Maria Pascal, 2011-06-10 When corporations carry on their business in a grossly negligent manner or take a cavalier approach to risk management the consequences can be catastrophic The harm may be financial as occurred when such well regarded companies as Enron Lehman Brothers Worldcom and Barings collapsed or it may be environmental as illustrated most recently by the Gulf oil spill Sometimes deaths and serious injuries on a mass scale occur as in the Bhopal gas disaster the Chernobyl nuclear explosion the Paris crash of the Concorde the capsizing of the Herald of Free Enterprise and rail crashes at Southall Paddington and Hatfield in England What role can the law play in preventing such debacles and in punishing the corporate offenders This collection of thematic papers and European country reports addresses these questions at both a theoretical and empirical level The thematic papers analyse corporate criminal liability from a range of academic disciplines including law sociology criminology economics philosophy and environmental studies

whilst the country reports look at the laws of corporate crime throughout Europe highlighting both common features and irreconcilable differences between the various jurisdictions *Corporate Criminal Liability* Brandon P. Burton,2014-06 A corporation is criminally liable for the federal crimes its employees or agents commit in its interest Corporate officers employees and agents are individually liable for the crimes they commit for the crimes they conspire to commit for the foreseeable crimes their co conspirators commit for the crimes whose commission they aid and abet and for the crimes whose perpetrators they assist after the fact Individual criminal statutes Justice Department policies and the Sentencing Guidelines largely dictate the circumstances under which and the extent to which agents employees corporations and similar unincorporated entities are prosecuted and punished This book provides a brief overview of federal law in the area The book also provides a brief discussion of the legislation the legal background and a chronology of related issues and events

Corporate Criminal Liability Hamzah Hussaini,2020 Corporations are an integral part of any society As corporations become significant players in economic development many people risk getting victimized by their activities Under the early common law corporations were not indictable for any kind of crime Corporations appeared as an artificial legal person which signified the absence of mens rea Therefore they could not be held liable for criminal activities or get imprisoned However the new laws state that corporations can be charged for violation of statutory laws Corporate criminal liability is a crime which is committed by a group of people for the benefit of a corporation The paper explores the concept of corporate criminal liability in India It provides the extent to which a corporation as a legal entity is responsible for the deeds of its workers For instance when employees commit crimes like false claims they make statements that are not truthful to the customer In such instances the company will be held liable for the damaging information provided by its workers Criminal liability is administered under the doctrine of vicarious liability making it distinctive from statutory offences that make a corporation liable for specific offences The main question that arises concerning corporate liability is whether corporate can commit crimes and whether they are criminally responsible for specific criminal acts The study looks into the recent researches into corporate criminal liability to understand instances when companies are held accountable for their activities Also it provides corporate punishment that is related to criminal liability The concept of criminal liability in India has continued to gain importance over the past few years more in the social spheres Today corporate criminal liability deals with safety norms environmental laws consumer protection and occupational health Also it deals with companies corporate governance policies to determine whether or not an organisation adheres to corporate laws The paper examines the confines of corporate criminal liability in India along with the recommendations to be integrated into the country s legislation Besides the study provides an in depth analysis of landmark cases in India that utilised the model of criminal liability **Corporations and Criminal Responsibility** Celia Wells,2001-05-24 Contemporary concern about technological hazards posed by business enterprises has intensified interest in the criminality of corporations Incorporating ideas from a wide range of literature the

book argues that there is no magic answer to corporate power to issues of personal safety and their inter relationship with criminal law and justice The attention paid to corporate criminal liability by courts legislatures law reform bodies and international organizations has increased markedly in the past decade As in the first edition the book takes what might be called a panoptic approach to the subject Corporations and their susceptibility to criminal law are examined from sociological psychological philosophical and organizational perspectives as the book progresses This edition has been revised and updated to take account of the burgeoning scholarly literature Detailed analysis of judicial and legislative movements in England and Wales in other national jurisdictions and at the level of international organizations follows Two new chapters on corporate manslaughter and on comparative and international responses to corporate crime accommodate these changes The book is distinctive in combining legal analysis and discussion of law reform debates with a theoretical account of the relationship between legal institutions and the role of risk and blame in shaping criminal law and the practices of the criminal justice system

**Corporate Criminal Liability in Environmental Jurisprudence** Indrajit Dube, Mia Mahmudur Rahim, 2025-09-08 Environmental jurisprudence is a dynamic field that integrates insights from various disciplines including basic sciences earth science economics and law At its core this discipline emphasizes the importance of enforcing rights as environmental pollution poses significant threats to individuals and society as a whole The repercussions of pollution are not confined to the immediate vicinity they can reverberate across vast regions and impact countless future generations Addressing pollution as a wrong or crime demands a nuanced understanding of the law making the study of environmental jurisprudence essential This book explores corporate polluter liability within the framework of environmental jurisprudence While protective measures for the environment have been embedded in various statutes since the early 20th century the notion of environmental jurisprudence has only recently come to the forefront of legal discourse This field is crucial for safeguarding the natural and legal rights of individuals communities and the state With a comprehensive approach that encompasses both national and international dimensions this book critically engages with the foundational concepts of environmental jurisprudence exposing the rampant environmental violations perpetrated by corporations and outlining how these entities can be held accountable within regulatory frameworks Furthermore it provides a thorough analysis of essential international instruments aimed at combatting corporate induced environmental degradation offering recommendations to elevate corporate criminal liability within the realm of environmental jurisprudence scholarship Highlighting the urgent need for accountability but also inspiring action toward a sustainable future this book will interest legal scholars researching on criminal liability and environmental law *Corporate Crime and Sentencing* Richard S. Gruner, William A. Hancock, 1997

**Towards Corporate Liability in International Criminal Law** Desislava Stoitchkova, 2010 Seeking to address the problem of corporate involvement in grave human rights abuse i e genocide crimes against humanity and war crimes this study explores the desirability and feasibility of subjecting business enterprises to regulation through international criminal

law *Corporate Criminal Liability and Sanctions* Michala Meiselles, Nicholas Ryder, Arianna Visconti, 2024-09-18 This edited collection sheds light on the evolution of corporate financial crime exploring a myriad of offenses ranging from money laundering and fraud to market manipulation and bribery Considering and assessing the models used in national law to determine the culpability of corporations this book compares the different schemes used to address financial and other organisational crimes committed by these entities Through a combination of history law and global perspectives its chapters dissect landmark cases and provide detailed analyses of money laundering fraud market manipulation manslaughter and legislative responses in various locations around the world This comparative approach offers a unique lens exploring diverse jurisdictions and shedding light on global patterns of corporate wrongdoing By critically assessing the challenges of prosecuting economic crimes on a large scale the collection proposes innovative solutions including the introduction of failure to prevent offences *Corporate Criminal Liability and Sanctions Current Trends and Policy Changes* is a valuable resource for academics professionals and anyone intrigued by the ever evolving realm of white collar and corporate wrongdoing It will appeal to scholars across the fields of law criminology sociology and economics as well as those professionally engaged in preventing and investigating corruption and in developing or enforcing regulation such as solicitors barristers businessmen and public servants

*Corporate Criminal Liability* Peter J. Henning, 2020 [Corporate Criminal Liability and Compliance Management Systems](#) Santiago Wortman Jofre, 2019-08-26 In *Corporate Criminal Liability and Compliance Management Systems A Case Study of Spain* Santiago Wortman Jofre offers a case study where he examines the way in which Spain understands and implements Compliance Management Systems Corporate criminal liability has become a matter of controversy in civil law countries since it challenges the traditional principle of *societas delinquere non potest* by which corporations cannot be held criminally responsible However corporations have taken a new position in the world's political agenda as evidenced by the 2017 G20's High Level Principles on the Liability of Legal Persons for Corruption The new trend in criminal law advocates for the criminal responsibility of legal persons and pushes for the implementation of Compliance Management Systems as deterrent for corporate criminality Santiago Wortman Jofre then presents evidence on the role of criminal justice and the importance of positive stimuli requirements as effective incentives to drive companies to implement compliance programs

[Corporate Bodies and Guilty Minds](#) William S. Laufer, 2006-08 We live in an era defined by corporate greed and malfeasance one in which unprecedented accounting frauds and failures of compliance run rampant In order to calm investor fears revive perceptions of legitimacy in markets and demonstrate the resolve of state and federal regulators a host of reforms high profile investigations and symbolic prosecutions have been conducted in response But are they enough In this timely work William S Laufer argues that even with recent legal reforms corporate criminal law continues to be ineffective As evidence Laufer considers the failure of courts and legislatures to fashion liability rules that fairly attribute blame for organizations He analyzes the games that corporations play to deflect

criminal responsibility And he also demonstrates how the exchange of cooperation for prosecutorial leniency and amnesty belies true law enforcement But none of these factors according to Laufer trumps the fact that there is no single constituency or interest group that strongly and consistently advocates the importance and priority of corporate criminal liability In the absence of a new standard of corporate liability the power of regulators to keep corporate abuses in check will remain insufficient A necessary corrective to our current climate of graft and greed Corporate Bodies and Guilty Minds will be essential to policymakers and legal minds alike This timely work offers a dispassionate analysis of problems relating to corporate crime Harvard Law Review *Corporations as Criminals* Ellen Hochstedler Steury,1984 Can a corporation commit a crime If so who in the organization is to be held responsible and how does a criminal justice system designed to process individual criminals cope with the criminal corporation This book explores both the theoretical and practical problems of bringing criminal sanctions against corporate offenders through the courts and regulatory agencies and offers some of the latest legal historical and sociological research on the subject of sanctioning corporate wrongs **Corporate Criminal Liability** Leonard Orland,2004 As never before corporate counsel must understand new corporate criminal statutes prosecution policy statements and corporate sentencing guidelines *Corporate Criminal Liability Regulation and Compliance* is a clear and precise resource that provides exclusive insight into these issues by examining the relationship between corporate misconduct and criminal law from the corporate governance perspective This invaluable resource takes on what is an occasionally bewildering array of federal legal mechanisms providing exclusive authoritative analysis on issues including Practical suggestions for how corporate lawyers and executives should deal with the new substantive and procedural rules that regulate corporate conduct and apply harsh criminal penalties Reliable analysis of the unique substantive and procedural rules of criminal liability of the corporate entity In Depth examination of post Enron legislation Clear concise explanations In non technical terms Of the fundamental principles of federal criminal law And The complexities of federal administrative civil and criminal corporate regulatory systems In addition *Corporate Criminal Liability Regulation and Compliance* proexamines and explicates every relevant aspect of law policy and litigation including The nature of corporate criminal liability Recently issued Justice Department Guidelines for Prosecution of Corporations Guidelines for Sentencing of Organizations of the United States Sentencing Commission All criminal statutes the major federal regulatory economic areas the broad scheme of overlapping administrative civil and criminal federal regulation **Corporate Criminal Liability** ,2004 **Corporate Criminal Liability** P. L. Jayanthi Reddy,2008 Corporate responsibility for crimes has been the subject of a continuing debate since Enron one of the biggest financial scandals that pulled down the market Thenormally applicable jurisprudential standard of mensrea does not apply to corporates which are legal butartificial personalities This peculiar position prevents anyimprisonment sentencing and leaves the only option of fineon a defendant corporate which is still a going concern In this confusing legal scenario the real culprits the directors and other officialswho

committed the offences behind the corporate veil have been able to put up strong defenses in the form of business judgements. It is in fact a difficult judicial task to draw a line between corporate loyalty and dishonesty in the absence of public accountability for the corporate managers. Thus the evolving doctrines of responsible corporate citizenship, corporate governance and corporate social responsibility are propagated to extend the moral and ethical duties of corporate towards the society. Corporate jurisprudence is now more inspired by the paradigm shift from legislative interpretation to public interest. It sends a strong message to erring corporates and its directors against harming the investors and causing collateral damage to the public at large.

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