

# **Are Prosecutors Irrelevant?**

## **The Criminal Law's Minimal Role in Deterring Corruption**

**Kathleen Clark**

Washington University

American Association of University Women

Washington, DC

September 9, 2012

# Public Corruption

examples





# Anti-Corruption Functions

## Prevention

- 1 Train
- 2 Advice
- 3 Disclose Finances
- 4 Review Disclosures

## Response

- 5 Report Misconduct
- 6 Investigate
- 7 Assess
- 8 Impose Sanctions

# Thesis:

Criminal prosecution is relatively unimportant in deterring or preventing corruption

# A Natural Experiment

Two governments with the same

- Criminal anti-corruption statutes
- Prosecutors

but different levels of corruption

# A Natural Experiment

Two governments:

District of Columbia

Federal government



# Same Criminal Laws Apply

## Prohibitions on

- Bribes
- Illegal gratuities
- Financial conflicts of interest
- Representational conflicts of interest
- Salary supplementation

# Differences

Level of investment in:

- Training
- Advice
- Review of Financial Disclosures

# New Employee Orientation

A single sentence about ethics

Employees must “maintain a high level of ethical conduct.”

# **ETHICS MANUAL**

**DISTRICT OF COLUMBIA**

JANUARY 27, 2012

# Structural Reform

- Board of Ethics & Government Accountability:
  - Bob Spagnoletti
  - Laura Richards
  - Deborah Lathen

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