Leniency vs. non-Leniency Based Investigations

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Most investigations: not leniency

- Instead: intelligence
  - Similar to police:
    - Intelligence team:
      - Receiving complaints
      - Recruiting informants
      - Meeting with sources
      - Wire-tapping conversations
Most investigations: not leniency

- Investigations team:
  - Conducting raids
  - Searching computer files and materials
  - Questioning suspects

- Mostly: vague lead given by:
  - Third party
  - Procurement officer/court
  - Information from different case

Personnel

- Intelligence + Investigations team:
  - 22 employees:
    - Formerly:
      - Police
      - Israeli Defense Forces’ Central Investigations Department
Investigations in past 5 years

- 15 cartel investigations: not leniency
- 2: leniency

- 7 non-cartel: no leniency
  - Failure to provide information
  - Violation of consent decrees

Why have leniency programs had limited success?

- Cultural:
  - Small country
  - Fear of de-facto business and social boycott

- Lack of deterrence:
  - Despite effort to raise probability of detection
  - Punishments not harsh enough
Benefits of non-leniency (even when leniency works well)

- Leniency-based may be less important
  - Non-leniency tools:
    - Can pursue most important first

- Leniency: less flexibility in timing
  - Informant not necessarily cooperate
  - Prioritization of leniency-based:
    - Dictated by timing of informant’s approach
    - Not by relative importance of the investigation

Benefits of non-leniency (even when leniency works well)

- Compensation of victims:
  - Exposure of information exposes applicant to damage claims
    - Some agencies restrict transfer of information
    - Some agencies restrict documentation
  - May harm criminal or administrative proceeding
  - May harm victims’ compensation
### Legal Infrastructure: Police-like tools

- Not only rights to search and seize
  - Communication: not always in writing

  - Also investigate suspects
  - Recruit informants
  - Pinpoint a suspect's locations
  - Seek reports regarding telephone conversations
  - Wire-tap conversations

- Violators become more and more sophisticated