

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