

More Than a Year Into COVID-19, White Collar Enforcement Priorities Haven't Changed, Practitioners Say

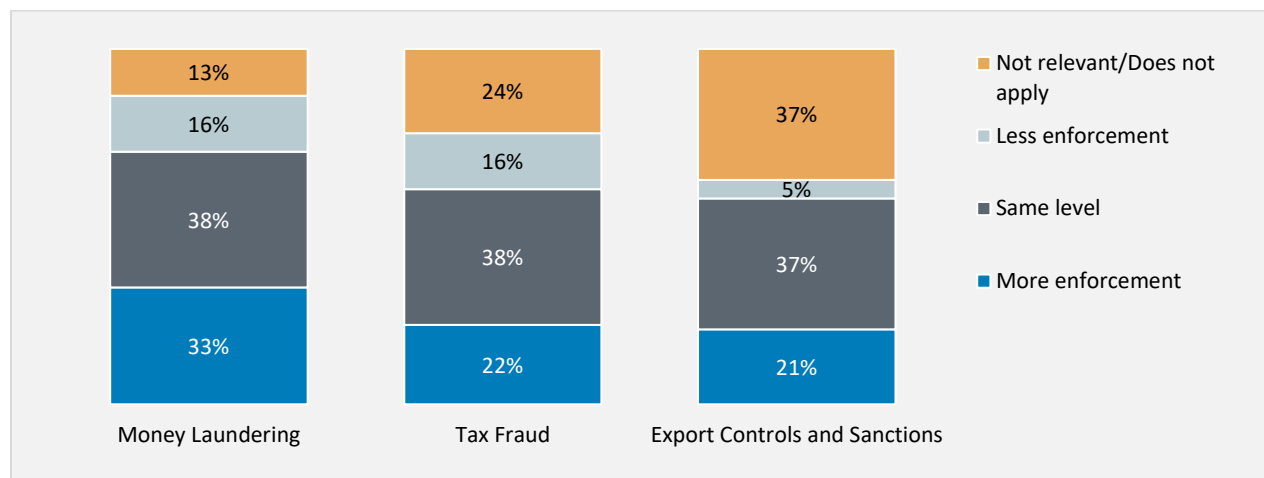
With much of the world still in the grip of COVID-19 lockdowns and restrictions of varying degrees, white collar practitioners don't expect a significant change in enforcement activity, according to a new survey from Miller & Chevalier, Loyens & Loeff, Pinsent Masons, and AT+ICA.

The survey, which gauged respondents' perceptions of enforcement levels across a wide range of white collar crimes and multi-jurisdictional cooperation and collected their predictions about when their own jurisdictions would move away from COVID-19 priorities, builds on [research](#) Miller & Chevalier conducted early on in the pandemic.

For practitioners trying to understand how the various enforcement agencies are prioritizing pandemic-related white collar crimes, assessing their peers' insights in the survey results could help form a clearer picture of the enforcement environment.

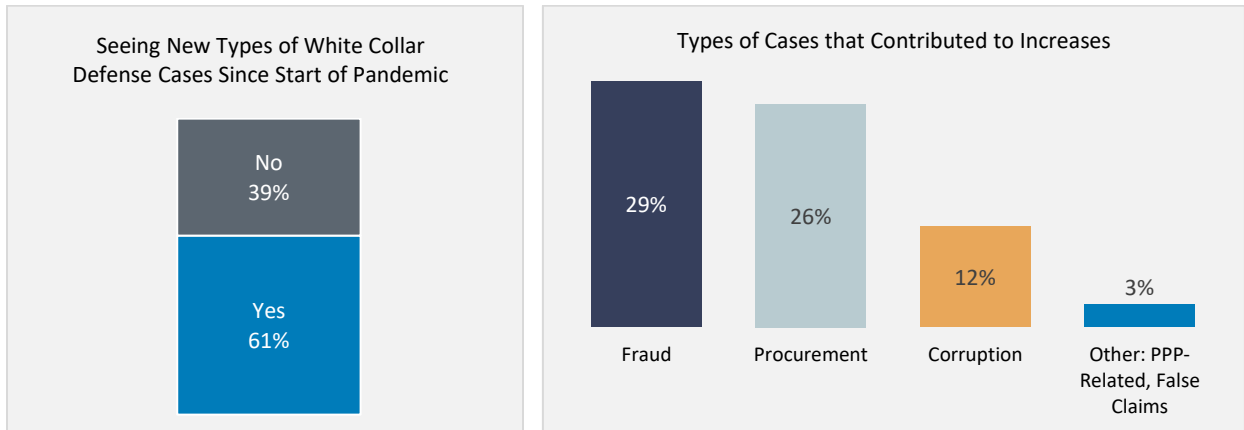
Enforcement Landscape

While a slight majority of respondents agree that the pandemic has led to a decrease in enforcement (53 percent), practitioners expect agencies to maintain or increase enforcement related to money laundering (71 percent), tax fraud (60 percent), and export controls and sanctions (58 percent).



Sixty-one percent of white collar practitioners are also seeing new types of cases arise from the pandemic, particularly fraud (29 percent) and procurement (26 percent) actions. In the previous survey, conducted in April 2020 by Miller & Chevalier, nearly 20 percent of the white collar practitioners surveyed said they had already seen new types of COVID-19-related cases.

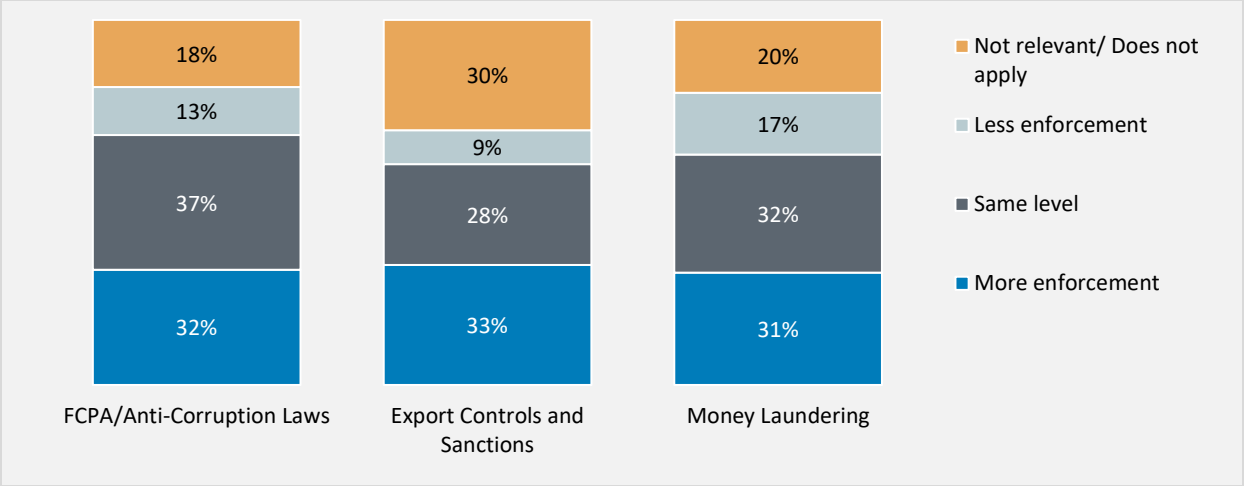
This aligns with the results of Transparency International's 2020 [Corruption Perception Index report](#), which found rampant fraud around COVID-19-related aid that governments doled out to health care systems and for businesses' furlough schemes.



Indeed, examples of fraud related to government aid like the Paycheck Protection Program (PPP) in the U.S. and the Bounce Back Loan Scheme in the U.K. have appeared regularly in the media. In September, the [Washington Post](#) reported that the U.S. Department of Justice (DOJ) had been investigating fraudulent PPP claims, noting that the program had been a wellspring of fraud concerns since Congress approved it in April. By November, the [Wall Street Journal](#) reported that the Small Business Administration and the DOJ had received thousands of tips relating to PPP fraud. In the U.K., the Bounce Back Loan Scheme has proven vulnerable to fraud as well, according to [Reuters](#). The National Audit Office estimated that the U.K. government could see an estimated loss of £15-26 billion from fraud and defaults.

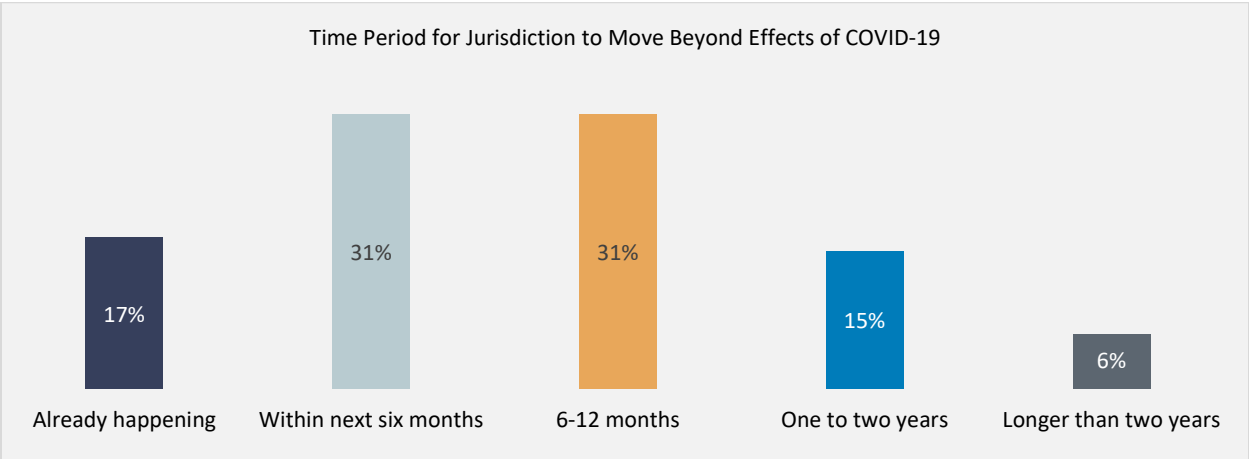
Multi-Jurisdictional Cooperation

Multi-jurisdictional cooperation between enforcement agencies has either remained at 2019 levels or increased, survey respondents say, especially in FCPA/anti-corruption laws (69 percent), money laundering, (63 percent), and export controls and sanctions (61 percent). The collaboration is not surprising, considering that news outlets have also reported on the increasing cooperation between enforcement agencies.



When Will Jurisdictions Move Away from COVID-19 Investigations?

In a show of optimism, 62 percent of respondents believe their jurisdictions will move on from the effects of COVID-19 within six months to a year – and 17 percent say this has already happened in their jurisdictions. But we urge caution on that degree of optimism, as the number of new cases remains high in the U.S., the U.K., and parts of Europe. If the U.K. government's investigations into the 2009 financial crisis are any indication, British companies and white collar defense practitioners should expect to be dealing with investigations and enforcement actions for quite some time.



What to Expect in 2021

White collar practitioners should expect continued cooperation between the U.S. and U.K. in investigations into PPE fraud, health care fraud and fake medicines, and other COVID-19-related matters. Anecdotally, we are hearing increased concern over supply chain risk related to vaccine rollouts, but no big investigations have been announced yet. Practitioners should definitely keep their eye on this in the coming year.

Methodology

Between December 2020 and January 2021, Miller & Chevalier Chartered, Loyens & Loeff, Pinsent Masons, and AT+ICA distributed a survey via email to leading civil and criminal white collar practitioners in North America, Europe, and Asia. The survey was completed by 76 white collar practitioners. Due to rounding and questions where respondents could select more than one answer, certain final percentages may not equal 100 percent.

We appreciate and thank those who contributed their views and shared their experiences.

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