

Arizona White-Collar Crime FAQ: What Is Deferred Prosecution?

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Deferred prosecution agreements (DPAs) are relatively common in [white-collar criminal cases](#). In basic terms, the prosecutor agrees to delay or cancel prosecution and the defendant, generally a corporation, agrees to stop the illegal conduct and also often agrees to pay a financial penalty.

DPAs are authorized under the Speedy Trial Act of 1974, 18 U.S.C. § 3161(h)(2). It provides that the time limits under the Act are suspended during “[a]ny period of delay during which prosecution is deferred by the attorney for the Government pursuant to written agreement with the defendant, with the approval of the court, for the purpose of allowing the defendant to demonstrate his good conduct.”

When the defendant and prosecutor enter a DPA, criminal charges are filed but the defendant does not have to enter a guilty plea. Instead, the defendant must agree to cooperate with the government’s ongoing investigation, pay monetary fines or penalties, change its business policies and procedures, and/or comply with any other conditions.

In exchange, the prosecutor agrees to dismiss the charges if the company fulfills all of its obligations. However, DPAs can last for a period of several years and charges are not dismissed until the end of the “probationary period.” In addition, the government often strictly monitors compliance.

In the wake of the financial crisis and the subsequent crackdown on financial fraud, prosecutors have used DPAs with greater frequency. In addition to corporate fraud, DPAs often involve violations of federal health care laws, food and drug laws, and the Foreign Corrupt Practices Act (FCPA).

Because DPAs often allow companies to resolve white-collar criminal charges quickly and largely out of the public eye, they are often an attractive alternative to going to trial. However, the conditions imposed by DPAs can also be burdensome and expensive. Therefore, it is important to consult with an experienced white-collar criminal defense attorney who can help evaluate your options.

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About Ashley D. Adams, PLC

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and individuals pursuing qui tam claims, Ashley's background with the complex law is a substantial advantage.

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