Investigating agencies: the Attorney-General's Chambers

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AGC's Crime Division prosecutes, its Financial and Technology Crime Division handles complex commercial cases and its International Affairs Division is the central authority for mutual legal assistance and extradition. For the digital-asset practitioner the prosecutorial discretion is the point. AGC decides whether to charge a founder with cheating, fraud or a regulatory offence and whether to accept a plea to a reduced charge. It also decides whether to apply for a compensation order under s 359 of the Criminal Procedure Code, which requires the court to consider compensation to victims on conviction.[1] Victims have no right to be heard on these questions, although AGC does take account of representations.

Plea bargaining is informal but pervasive. A founder facing s 409 charges may, with cooperation and restitution, plead to a smaller number of charges with the remainder taken into consideration. The sentencing frameworks developed by the High Court for cheating and criminal breach of trust place heavy weight on the amount involved, the degree of planning, the breach of trust and the extent of restitution. Early engagement with CAD and AGC through experienced counsel is, in my experience, the single largest determinant of outcome in a Singapore white-collar case.

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Notes

1. Criminal Procedure Code 2010, s 359 (order for payment of compensation), Singapore Statutes Online. ↩

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