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# BLACK COLLAR CRIME

# Rise of information crime

- According to FBI, 85%+ of pushed communications are from Eastern European organized crime
- US\$50b+ in information crime losses last year
  - More lucrative than drug trade
- Lack of optimal international cooperation / reciprocity in extradition, recognition of judgments etc.
  - Not all countries have signed the Cybercrime Treaty (assuming it works) and not all signatories have ratified; problems with the treaty including inadequate offline consideration
  - Civil harms not addressed

# Focusing on security: “Black Collar Crime”

- “Black Collar Crime” =  
Black Hat Hacking + White Collar Crime
- Perpetrator profile different (often international)
- Multiple parties victimized
- Corporate harms simultaneous with consumer harms
- Financial gain as prime motivator
- Often “front door” access
- Organized crime element

# Traditional motivations for criminal law

- Retribution\*
- Incapacitation \*
- Deterrence - low
- Rehabilitation - NA

# A new regime

Craft a legal merger of...

- white-collar crime law
  - a variety of nonviolent crimes usually committed in commercial situations for financial gain.
    - 18 U.S.C. § 1341, Mail Fraud
    - 18 U.S.C. § 1343, Wire Fraud
    - 18 U.S.C. § 1347, Health Care Fraud
    - 18 U.S.C. § 371, Conspiracy
    - 18 U.S.C. §§ 470-514, Counterfeiting and Forgery
    - 18 U.S.C. §§ 641-649, Embezzlement and Theft
    - 18 U.S.C. § 1956, Money Laundering
    - 18 U.S.C. §§ 1961-1964, Racketeering
    - 18 U.S.C. § 201, Bribery
    - 18 U.S.C. §§ 1001-1036, Fraud and False Statements
    - 18 U.S.C. § 1501-1518, Obstruction of Justice
    - 26 U.S.C. §§ 7201-7206, Tax Crime
    - 18 U.S.C. § 1344, Bank Fraud
    - 18 U.S.C. §§ 1831-1839, Economic Espionage
    - 18 U.S.C. §§ 2325-2327, Telemarketing Fraud
    - 26 U.S.C. §§ 7201-7217, Tax Crimes
    - Securities Act of 1933
    - Securities Exchange Act of 1934
- Computer intrusion – CFAA Sect. 1030 et al.
- Consumer criminal fraud (with civil recourse?)
- International reciprocity in jurisdiction and judgments

# Questions:

- How do you work with countries making money, directly or indirectly, off the cybercrime economy?
- How do you work with countries that allegedly sponsor organized hacking?
- How do you protect individual privacy and civil rights in a regime promising criminal cooperation?