

CRIMINAL & CIVIL ACTIONS WITH PARTNERSHIP IMPLICATIONS

The Department of Interior has wide-ranging affirmative criminal and civil enforcement responsibilities. These enforcement actions may afford opportunities not only to correct malfeasance but also to foster partnership. However, such partnership opportunities must be examined carefully by the Solicitor's Office in concert with the Department of Justice, so that ethical and legal guidelines regarding criminal settlements are followed. In the context of criminal settlements, agreements will be governed by Department of Justice Policy regarding supplemental sentencing, which provides, for example, that certain agreements may be concluded as a condition on a sentence of probation under 18 U.S.C. § 3566. Such agreements must be reviewed carefully by the Department of Justice. Even in a context where a criminal case is not already in court, agreements must be examined carefully and submitted for legal review. The fact that an opportunity for partnership with an offender exists should not keep the Department from appropriately exercising its discretion regarding affirmative enforcement.

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