CSLS Visiting Scholars Speaker Series

Friday, May 4, 2018

SARA BIANCA TAVERRITI
University of Milan


One of the crucial challenges of Criminal Law in the new millennium is to deal with the complexity of contemporary society. The traditional approach based on state monopoly of criminal matters no longer keeps abreast with the scientific-technological sophistication and changes in criminal behavior in the era of globalization. Self-Regulation has arisen as an auxiliary tool of crime prevention, whose main goal is to fill the vacuum and to compensate for the rapid obsolescence of state legislation. Compliance Programs, Anti-Bribery Plans, Clinical Guidelines are some examples of a diverse constellation of in which preventive measures, behavioral rules, surveillance, and sanctions are issued and enforced by a legislator who coincides with the recipient, often a private actor.

The ambivalence of Self-Regulation lies in the fact that – in the face of some positive externalities promised – this paradigm could jeopardize some of the fundamental principles of Criminal Law. The aim of this work is to provide a critical analysis of such phenomena in order to verify the compatibility of Self-Regulation with the Rule of Law and to assess its efficacy in deterring and detecting misconduct.

MARIANO SICARDI
University of Buenos Aires


Over the last two decades, Latin American countries – at the federal and state levels- have amended their criminal prosecution systems to solve problems such as lack of transparency, access to justice and inefficiency of criminal courts. The changes and modifications inside the Judiciary are manifested according to each particular country’s needs. Supported by international funding, there were two kinds of interventions. First, some policies were to reshape judicial institutions introducing new distinctions in personnel as well as new technologies and organizational restructuring. Secondly, there were normative changes, in particular adopting accusatorial procedural models, leaving behind inquisitorial models which had been dominant in Latin-America. In this ongoing research, I will focus on Criminal Justice Administration in the City of Buenos Aires and its prosecutors, by trying to answer the following questions: What features of Latin-American criminal procedural reforms influenced the design of the District Attorney for the City of Buenos Aires? What is the importance of efficiency in prosecutorial decision-making?

PLACE Selznick Seminar Room, 2240 Piedmont Avenue
TIME 2:00 – 3:30 p.m. Beverages and light refreshments provided.
INFO https://www.law.berkeley.edu/centers/center-for-the-study-of-law-society/
EMAIL csls@law.berkeley.edu

Jonathan Simon, FACULTY DIRECTOR | Rosann Greenspan, EXECUTIVE DIRECTOR