

February 2016

WHITE COLLAR CRIME AT WORK – REPORT IT!

“..... a custodial sentence is required. Society must be assured that persons who abuse positions of trust for their own gain are not allowed to walk free.” (Extract from judgment below)

If you fall victim to employee crime, don't fall into the trap of dealing with it internally, without laying criminal charges. Our courts have yet again confirmed that they will act decisively to punish white-collar crime, even where substantial mitigating factors apply. A recent Supreme Court of Appeal (SCA) decision illustrates –

Mother who stole must serve time

1. A paralegal assistant stole some R1, 409,000 from her attorney employer's trust account over a 5 month period. She was convicted of numerous counts of fraud and one of money laundering.
2. A first offender, primary caregiver to two young children and an untreated ADHD sufferer, she had paid back to her employer whatever she had personally gained (other stolen money had gone to her husband and father to buy luxuries), had shown remorse and had rehabilitated herself, beating a drug addiction and finding stable employment.
3. Despite these mitigating factors, the Regional Court sentenced her to 8 years imprisonment, of which 3 were conditionally suspended, and the High Court confirmed this sentence on appeal to it.
4. The SCA, in reducing the sentence to 3 years in prison found that the Regional and High Courts had failed to take the best interests of the children into account. Nevertheless the seriousness of the offences, involving abuse of a position of trust, **still required an effective custodial sentence**. The offender has an option for release under correctional supervision, but only at the discretion of prison authorities or a parole board, and has in any event already served 7 weeks of her sentence awaiting an appeal to the SCA.

The bottom line is that our courts in sentencing parents of young children will always ensure “that the form of punishment imposed is the one that is least damaging to the interests of the children” – but, as in this case, that certainly doesn't mean that fraudsters can avoid a stint in orange overalls just because they are parents.

Report employee crime – our courts are on your side!

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