

San José State University
Department of Justice Studies
JS145-80, White Collar Crime, Summer 2020

Course and Contact Information

Instructor:	Greg Woods, J.D.
Office Location:	MacQuarrie Hall 508
Telephone:	(408) 924-1840
Email:	greg.woods@sjsu.edu
Office Hours:	Mondays & Wednesdays, 12:00 PM - 1:00 PM, and by email appointment; Invitations/Zoom links through Canvas under Announcements.
Class Days/Time:	Mondays & Wednesdays, 8:00 AM - 11:45 AM live streamed Zoom lectures; Recordings of all class sessions are on Canvas under Files.
Classroom:	Invitations/Zoom links to live lectures through Canvas under Announcements.

Justice Studies Department Reading and Writing Philosophy

The Department of Justice Studies is committed to scholarly excellence. Therefore, the Department promotes academic, critical, and creative engagement with language (i.e., reading and writing) throughout its curriculum. A sustained and intensive exploration of language prepares students to think critically and to act meaningfully in interrelated areas of their lives—personal, professional, economic, social, political, ethical, and cultural. Graduates of the Department of Justice Studies leave San José State University prepared to enter a range of careers and for advanced study in a variety of fields; they are prepared to more effectively identify and ameliorate injustice in their personal, professional and civic lives. Indeed, the impact of literacy is evident not only within the span of a specific course, semester, or academic program but also over the span of a lifetime.

Course Description

Growth and development of white collar crime in the United States: crimes at the workplace, computer fraud, swindles, embezzlement, bribery and graft at the corporate and governmental levels. Prerequisite: Upper division standing. Students must achieve a grade of “C” or better (not C-) to fulfill Justice Studies major requirements. 3 Units.

Course Learning Outcomes (CLO)

Upon successful completion of this course, students will be able to:

1. Demonstrate substantive knowledge of the development of white collar crime in the United States: crimes at the workplace, computer fraud, embezzlement, bribery, graft, etc., at the corporate and governmental levels.
2. Define white collar crime and distinguish it from other species of criminal behavior.

3. Demonstrate a thorough understanding of the factors that make this form of criminal behavior unique: the persons who commit it, the means by which they do so, and their prosecution and legal defense in court.
4. Demonstrate substantive knowledge specific to the extent and severity of formal and informal responses to various types of white collar criminal behavior.
5. Develop familiarity with federal statutes intended to control various forms of fraudulent conduct and interpret and apply statutory code provisions, judicial opinions, and apply portions of the United States Sentencing Guidelines.

Required Textbook

Brian K. Payne (2017). *White-Collar Crime: The Essentials* (2nd edition). SAGE Publications, ISBN-13: 978-1-5063-4477-5

Texts may be purchased through the SJSU bookstore and other online sources.

<https://sjsu.bncollege.com/shop/sjsu/home>

Library Liaison

Nyle Monday, Nyle.Monday@sjsu.edu, (408) 808-2041

<http://libguides.sjsu.edu/justicestudies>

Course Requirements and Assignments

Our Summer Session class is offered completely online with no designated day/time meeting pattern. However, students are provided the opportunity to be virtually present and interact during regularly scheduled live streamed Zoom lectures and review questions and subject matter during regularly scheduled Office Hours on Zoom and via email. Success in this course is based on the expectation that students will spend, for each unit of credit, a minimum of 45 hours over the length of the course (normally three hours per unit per week) for instruction, preparation/studying, or course related activities, including but not limited to internships, labs, and clinical practica. Other course structures will have equivalent workload expectations as described in the syllabus.

Weekly Assignments

Students will be assigned three reading, writing and research assignments during class and as reflected below. **Weekly Assignments are due upon the second, third and fourth Wednesday class session**, or as instructed, and will consist of a minimum of a three-to-four paged double spaced typed analysis in 12-point font. (CLO 1, 2, 3, 4 & 5)

Quizzes

Students will prepare a total of three quizzes, available on Canvas under Files, **due the second (6/10), third (6/17) and fourth Wednesday (6/24) class session** in response to subject matter from readings and class lecture. (CLO 1, 2, 3, 4 & 5)

Final Paper

Final Paper will require students to conduct independent research to craft a thesis paper specific to white collar crime in the United States supported by reliable data to compare and contrast specific criminal offenses, factors contributing to causation, and a proposal for methods of prevention and deterrence, to be assigned and explained extensively in class, in the form of a ten-to-fifteen-page written analysis, **due during the last scheduled day of instruction (7/1)** as reflected below. Reliable sources for all assertions should be cited in the American Psychological Association (APA) format. (CLO 1, 2, 3, 4 & 5)

Final Examination

Students will complete a cumulative final examination using key terms and concepts from readings and class discussion consisting of short and essay based questions, **due during the last scheduled day of instruction (7/1)**. (CLO 1, 2, 3, 4 & 5)

Participation

Students are invited to participate in an informed, professional and respectful manner. Participation credit will be rewarded in response to student preparedness and politeness during online class sessions. (CLO 1, 2, 3, 4 & 5)

Grading Policy

Final grades will be evaluated as follows:

Weekly Assignments (3)	20%
Quizzes (3)	20%
Final Paper	25%
Final Examination	25%
Participation	10%

Grading Scale

A = 90 to 100

B = 80 to 89

C = 70 to 79

D = 60 to 69

F = 59 and below.

Please Note: Extra credit will not be awarded, late assignments will not be accepted.

Students have the right, within a reasonable time, to know their academic scores, to review their grade-dependent work, and to be provided with explanations for the determination of their course grades. **Students are encouraged to review their progress during Office Hours or by appointment no later than Week Four (Wednesday, June 24th)** and periodically throughout the Summer Session during office hours and/or by appointment.

Classroom Protocol

Attendance/Punctuality

Our Summer Session class is offered completely online with no designated day/time meeting pattern. However, students are provided the opportunity to be virtually present and interact during regularly scheduled live streamed Zoom lectures and review questions and subject matter during regularly scheduled Office Hours on Zoom and via email. Regular attendance and punctuality are encouraged.

Late Assignments/Missed Quizzes

Late assignments will not be accepted and missed quizzes cannot be retaken for credit.

University Policies

Per University Policy S16-9, relevant information to all courses, such as academic integrity, accommodations, dropping and adding, consent for recording of class, etc. is available on Office of Graduate and Undergraduate Programs' Syllabus Information web page at <http://www.sjsu.edu/gup/syllabusinfo/>

JS145-80 / White Collar Crime, Summer 2020

Course Schedule

Week	Date	Topics, Readings, Assignments, Deadlines
1	June 1 & 3	<p>Introductions/Course overview; Our Virtual Classroom (Zoom!), Syllabus, Textbook, Assignment, Final Paper & Final Examination formats; <i>The term “White-Collar Crime” was first used in 1939 by Edwin Sutherland, an American sociologist and criminologist, to describe professionals’ illegal fraudulent money-related criminal behavior. Our text defines white-collar crime as “Any violations of criminal, civil, or regulatory law, or deviant, harmful, or unethical actions committed during the course of employment in various occupational systems” (pg 428, out textbook). The Federal Bureau of Investigation (FBI) reports this species of crime is “characterized by deceit, concealment, or violation of trust and not dependent on the application or threat of physical force or violence. The motivation behind these crimes is financial, to obtain or avoid losing money, property, or services or to secure a personal or business advantage.” Greed, Ponzi Schemes & Business Crimes in general; Embezzlement & Fraud; Paying attention to White-Collar Criminals in the Age of COVID-19; Prosecutions of white-collar crime at a twenty-year low/ downward trend in the United States “6,000 in 2016; nearly 11,000 in 1995 (Transactional Records Access Clearinghouse at Syracuse University); Careers responding to White-Collar Crime; Confidence men & Wolves of Wall Street.</i></p> <p>Read Chapters 1, 2 & 3: Introduction, Overview of White-Collar Crime, Understanding White-Collar Crime & Crimes in Sales-Related Occupations (pgs 1-60); Review Key Terms (pgs 21, 44 & 60); Review & Assign Weekly Assignment #1 (DUE 6/10); Assign Quiz #1 (DUE 6/10)</p> <p>Discussion: A) What is White-Collar Crime? B) Is this behavior worse than violent crime? C) Is the threat of punishment enough to deter this type of criminal behavior? D) How is white-collar crime different from other criminal behavior? E) Why is it important to understand this species of crime?</p>

Week	Date	Topics, Readings, Assignments, Deadlines
2	June 8 & 10	<p>Assign Final Paper (DUE NO LATER THAN 7/1); Caveat Venditor: Material Misrepresentations & the Duty to know what you are selling; Nefarious Deals, Disparagement & Trade Libel; Medical Malpractice & the Hippocratic Oath; Unnecessary Surgeries & the King of Pop (RIP); Pharmacist Fraud; Drug & Elder Abuse; Durable Medical Equipment; Criminal Justice Injustice: Police Corruption & Judicial Misconduct; Overzealous Prosecutors & Plea Agreements; Jailers taking bribes; Campaign Finance Violations & Voter Disenfranchisement.</p> <p>Read Chapters 4, 5 & 6: Crimes in the Health Care System, Crime in Systems of Social Control & Crimes in the Educational System (pgs 61-137); Review Key Terms (pgs 82-83, 114 & 137); Answer Discussion Questions 1-5 (pgs 21-22), 1-4 (pg 44), 1-6 (pg 60), 1-7 (pg 83); 1-8 (pg 115) & 1-8 (pgs 137-138); Prepare, Submit and be ready to discuss Assignment #1 & Quiz #1 (6/10); Assign Quiz #2 (DUE 6/17)</p> <p>Discussion: A) <i>Who can be a typical white-collar criminal? What is their occupation or primary responsibility? What specific characteristics might you attribute to this individual?</i> B) <i>Why are people overcharged for automobile repairs?</i> C) <i>Have you ever discovered you had received too much change for a bill you paid? What did you do? How come?</i> D) <i>How is drug and elder abuse a white-collar crime?</i> E) <i>Is retail theft worse than health care fraud?</i> F) <i>How will education reduce corruption in the criminal justice system?</i> G) <i>How might judges or police officers be white-collar criminals?</i></p>

Week	Date	Topics, Readings, Assignments, Deadlines
3	June 15 & 17	<p>Review Assignment #1 and Quiz #1; High-Cost of Education & Student Loan Forgiveness; Plagiarism, Ghostwriting & Profiting from student research; Disciplining Professors & Administrators; Broker Fraud & Embezzlement Revisited; The Securities and Exchange Commission (SEC), Insider Trading & Fraud on the market schemes; Enron, The Sarbanes-Oxley Act of 2002 & Too Big to Fail; Carlo Ponzi Revisited & <u>United States of America v. Bernard L. Madoff</u>, 626 F.Supp.2d 420 (2009); Hackers & Identity Theft; Cyberterrorism, Anonymous & Online Banking; Bitcoin, the Silk Road & <u>United States of America v. Ross William Ulbricht</u>, 79 F.Supp.3d 466 (2015); White-Collar Crime in Popular Culture; Deterrence, Rational Choice, Strain & Conflict Theory; Expectations of Self-Policing; Predatory Lending, Mortgage Fraud & The Big Short; Housing Bubbles & the Foreclosure Crisis of 2008; Slumlords, Renters Insurance & Public Housing; National Homeowners Bill of Rights Act of 2014.</p> <p>Read Chapters 7, 8, 9, 10: Crime in the Economic System, Crime in the Cyber System, Crimes in the Housing System, Crimes by the Corporate System (pgs 139-251) & Appendix: Executive Order Improving Critical Infrastructure Cybersecurity (pgs 418-421); Review Key Terms (pgs 161, 193, 216 & 252); Answer Discussion Questions 1-7 (pg 161) & 1-7 (pg 193); 1-7 (pg 216) & 1-9 (pg 252); Prepare, Submit and be ready to discuss Assignment #2 & Quiz #2 (6/17); Assign Quiz #3 (DUE 6/24)</p> <p>Discussion: A) <i>What is the appropriate penalty for a professor guilty of plagiarism?</i> B) <i>How can academic dishonesty be a white-collar crime?</i> C) <i>What are the primary duties of the SEC?</i> D) <i>How does student debt impact your life after school?</i> E) <i>Why are some corporations too big to fail?</i> F) <i>How will computer crimes change in the next ten years? Are computer hackers white-collar criminals? Should the FBI do more to police the Internet?</i> G) <i>What theory best explains white-collar criminal behavior?</i> H) <i>Does corporate culture cause white-collar crime?</i> I) <i>Is there a relationship between mortgage fraud and street crime?</i> J) <i>What is the appropriate punishment for predatory lending?</i></p>

Week	Date	Topics, Readings, Assignments, Deadlines
4	June 22 & 24	<p>Review Assignment #2 and Quiz #2; Criminal, Civil, Administrative, Professional & Workplace-Disciplinary Proceedings; Prosecution, Punishment & At-Risk Professional Reputations; Corporate Wrongdoing & Limited Liability; Products Liability, An exploding 1972 Ford Pinto & <u>Richard Grimshaw v. Ford Motor Company</u>, 119 Cal.App.3d 757 (1981); Price Gouging & Unfair Labor Practices; Respondeat Superior; Piercing the Corporate Veil; Law Enforcement Strategies & Stages of White-Collar Crime Investigation; Occupational Safety and Health Administration (OSHA) & the Whistleblower Protection Program; Meth Labs, Illegal grow operations, & the cost of Hazardous Waste Removal; British Petroleum & the Deepwater Horizon oil spill of 2010 & the Environmental Protection Agency (EPA).</p> <p>Read Chapters 11, 12, 13, 14 & 15: Environmental Crime, Explaining White-Collar Crime, Policing White-Collar Crime, Judicial Proceedings and White-Collar Crime & The Corrections Subsystem and White-Collar Crime (pgs 253-416); Review Key Terms (pgs 280, 313, 383-384 & 416); Answer Discussion Questions 1-5 (pg 280); 1-5 (pgs 313-314); 1-5 (pg 351), 1-5 (pg 384) & 1-5 (pg 417); Prepare, Submit and be ready to discuss Assignment #3 & Quiz #3 (6/24); Assign Final Examination (DUE 7/1)</p> <p>Discussion: A) <i>Should corporate decision makers be able to shield themselves from criminal liability for actions performed on behalf of their employers?</i> B) <i>Are allergic reactions from food poisoning evidence of a crime?</i> C) <i>Why does white-collar crime occur?</i> D) <i>Does the criminal justice system in the United States adequately address and respond to white-collar crime?</i> E) <i>Should big game hunting be illegal? Is environmental crime more or less serious than violent criminal behavior?</i> F) <i>Should the EPA be able to control private property?</i> G) <i>How might responses to the COVID-19 pandemic be impact white-collar crime in the United States?</i></p>
5	June 29 & July 1	<p>Review Assignment #3 and Quiz #3; Return and review Quiz #2 & Assignments; Review for Final Examination (6/29); Final Thoughts; Prepare and Submit Final Paper (DUE 7/1) & Final Examination (DUE 7/1)</p>