

San José State University
Department of Justice Studies
JS145-01, White Collar Crime, Fall 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, 1:30 PM - 4:30 PM, and by email appointment; Invitations/Zoom links through Canvas under Announcements.
Class Days/Time:	Mondays & Wednesdays, 10:30 AM - 11:45 AM live streamed Zoom lectures; Recordings of all class sessions are on Canvas under Files.
Classroom:	On Line; 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:

- CLO 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.

- CLO 2: Define white collar crime and distinguish it from other species of criminal behavior.
- CLO 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.
- CLO 4: Demonstrate substantive knowledge specific to the extent and severity of formal and informal responses to various types of white collar criminal behavior.
- CLO 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 Text

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

Students may purchase texts in the bookstore and online.

Library Liaison

Nyle Monday, Nyle.Monday@sjsu.edu, (408) 808-2041
<http://libguides.sjsu.edu/justicestudies>

Course Requirements and Assignments

Our 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.

Assignments

Students will be assigned **eight (8)** weekly reading and writing assignments in class and as reflected below. Weekly Assignments are due during every other **Wednesday** class session, or as instructed, and will consist of a one-to-two paged double spaced typed analysis in 12-point font. (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 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. (CLO 1, 2, 3 & 4)

Participation

Students are invited to participate on Zoom during live lectures in an informed, professional and respectful manner, check in during virtual office hours at least once during our semester, and consistently submit quality work in a timely manner. Participation credit will also 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 (8)	30%
Final Paper	30%
Final Examination	30%
Participation	10%

Grading Scale

A = 90-100

B = 80-89

C = 70-79

D = 60-69

F = 59 and below.

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

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 in person no later than Week Eight (Wednesday, October 7th) and periodically throughout the semester** during office hours, and by appointment.

Classroom Protocol

Attendance/Punctuality

Our class is offered completely online live-streamed. Students are provided the opportunity to be virtually present and interact during regularly scheduled live streamed Zoom lectures, every Monday and Wednesday from 10:30-11:45 AM, and review questions and subject matter during regularly scheduled office hours on Zoom and via email. Regular attendance and punctuality are encouraged.

Late Assignments

Late assignments will not be accepted for credit without prior agreement.

University Policies

Per University Policy S16-9, university-wide policy information relevant to all courses, such as academic integrity, accommodations, etc. will be available on Office of Graduate and Undergraduate Programs' [Syllabus Information web page](http://www.sjsu.edu/gup/syllabusinfo/) at <http://www.sjsu.edu/gup/syllabusinfo/>

JS145-01 / White Collar Crime, Fall 2020

Course Schedule

Week	Date	Topics, Readings, Assignments, Deadlines
1	August 19	Introductions/Course overview; Syllabus, Textbook, Classroom, Assignment, Final Paper & 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); Discussion/In-class exercise: What is white-collar crime? Is this behavior worse than violent crime? Is the threat of punishment enough to deter this type of criminal behavior?</i>
2	August 24 & 26	Paying attention to White-Collar Criminals; Greed, Ponzi Schemes & Business Crimes in general; Embezzlement & Fraud; <i>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." Prosecutions of white-collar crime are currently at a twenty-year low 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; Prepare, Submit and be ready to discuss Assignment #1: What is White-Collar Crime? Exercise: <i>How is white-collar crime different from other criminal behavior? Why is it important to understand this species of crime?</i></i>
3	August 31 & September 2	Review Assignment #1; Caveat Emptor: An evolving concept; Edwin Sutherland & Identifying White-Collar Criminality; Ethics of Natural & Juristic Persons; Read Chapters 1 & 2: Introduction, Overview of White-Collar Crime & Understanding White-Collar Crime (pgs 1-43); Review Key Terms (pgs 21 & 44); Exercise: <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>

Week	Date	Topics, Readings, Assignments, Deadlines
4	September 9 (No Class Monday the 7th, Happy Labor Day!)	Assign Final Paper (DUE NO LATER THAN 12/7) ; Caveat Venditor: Material Misrepresentations & the Duty to know what you are selling; Nefarious Deals, Disparagement & Trade Libel; Read Chapters 3 & 4: Crimes in Sales-Related Occupations (pgs 45-59) & Crimes in the Health Care System (pgs 61-83); Review Key Terms (pgs 60 & 82-83); Prepare, Submit and be ready to discuss Assignment #2: Discussion Questions 1-5 (pgs 21-22), 1-4 (pg 44), 1-6 (pg 60) & 1-7 (pg 83); Exercise: <i>Why are people overcharged for automobile repairs? Have you ever discovered you had received too much change for a bill you paid? What did you do? How come?</i>
5	September 14 & 16	Review Assignment #2; Medical Malpractice & the Hippocratic Oath; Unnecessary Surgeries & the King of Pop (RIP); Pharmacist Fraud; Drug & Elder Abuse; Durable Medical Equipment; Read Chapter 5: Crime in Systems of Social Control (pgs 84-114); Review Key Terms (pg 114); Exercise: <i>How is drug and elder abuse a white-collar crime? Is retail theft worse than health care fraud?</i>
6	September 21 & 23	Criminal Justice Injustice: Police Corruption & Judicial Misconduct; Overzealous Prosecutors & Plea Agreements; Jailers taking bribes; Campaign Finance Violations & Voter Disenfranchisement; Read Chapter 6: Crimes in the Educational System (pgs 116-137); Review Key Terms (pg 137); Prepare, Submit and be ready to discuss Assignment #3: Discussion Questions 1-8 (pg 115) & 1-8 (pgs 137-138); Exercise: <i>How will education reduce corruption in the criminal justice system? How might judges or police officers be white-collar criminals?</i>
7	September 28 & 30	Review Assignment #3; High-Cost of Education & Student Loan Forgiveness; Plagiarism, Ghostwriting & Profiting from student research; Disciplining Professors & Administrators; Read Chapter 7: Crime in the Economic System (pgs 139-161); Review Key Terms (pg 161); Exercise: <i>What is the appropriate penalty for a professor guilty of plagiarism? How can academic dishonesty be a white-collar crime?</i>
8	October 5 & 7	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); Read Chapter 8: Crime in the Cyber System (pgs 163-192) & Appendix: Executive Order Improving Critical Infrastructure Cybersecurity (pgs 418-421); Review Key Terms (pg 193); Prepare, Submit and be ready to discuss Assignment #4: Discussion Questions 1-7 (pg 161) & 1-7 (pg 193); Exercise: <i>What is the SEC? What are the primary duties of the SEC? How does student debt impact your life after school? Why are some corporations too big to fail?</i>

Week	Date	Topics, Readings, Assignments, Deadlines
9	October 12 & 14	Review Assignment #4; 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); Read Chapter 9: Crimes in the Housing System (pgs 194-215); Review Key Terms (pg 216); Exercise: <i>How will computer crimes change in the next ten years? Are computer hackers white-collar criminals? What is the FBI? Should the FBI do more to police the Internet?</i>
10	October 19 & 21	White-Collar Crime in Popular Culture; 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; Read Chapter 10: Crimes by the Corporate System (pgs 217-251); Review Key Terms (252); Prepare, Submit and be ready to discuss Assignment #5: Discussion Questions 1-7 (pg 216) & 1-9 (pg 252); Exercise: <i>Is there a relationship between mortgage fraud and street crime? What is the appropriate punishment for predatory lending?</i>
11	October 26 & 28	Review Assignment #5; 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; Read Chapter 11: Environmental Crime (pgs 253-280); Review Key Terms (pg 280); Exercise: <i>Should corporate decision makers be able to shield themselves from criminal liability for actions performed on behalf of their employers?</i>
12	November 2 & 4	British Petroleum & the Deepwater Horizon oil spill of 2010; Environmental Protection Agency (EPA); Read Chapter 12: Explaining White-Collar Crime (pgs 281-313); Review Key Terms (pg 313); Prepare, Submit and be ready to discuss Assignment #6: Discussion Questions 1-8 (pg 280) & 1-8 (pgs 313-314); Exercise: <i>Are allergic reactions from food poisoning evidence of a crime? Should big game hunting be illegal? Is environmental crime more or less serious than violent criminal behavior? What is the EPA? Should this government agency have the authority to control private property?</i>
13	November 9 (No Class Wednesday the 11th, Happy Veteran's Day!)	Review Assignment #6; 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; Read Chapter 13: Policing White-Collar Crime (pgs 315-351); Review Key Terms (pg 350); Exercise: <i>Why does white-collar crime occur?</i>

Week	Date	Topics, Readings, Assignments, Deadlines
14	November 16 & 18 (Happy Thanksgiving!)	Criminal, Civil, Administrative, Professional & Workplace-Disciplinary Proceedings; Read Chapter 14: Judicial Proceedings and White-Collar Crime (pgs 352-384); Review Key Terms (pg 384); Prepare, Submit and be ready to discuss Assignment #7: Discussion Questions 1-10 (pg 351) & 1-10 (pg 384); Exercise: <i>Does the criminal justice system in the United States adequately address and respond to white-collar crime?</i>
15	November 23 & 25	Prepare questions for Final Review; Prosecution, Deterrence, Rational Choice, Strain & Conflict Theory; Expectations of Self-Policing; Read Chapter 15: The Corrections Subsystem and White-Collar Crime (pgs 385-417); Review Key Terms (pg 416); Exercise: <i>What theory best explains white-collar criminal behavior? Does corporate culture cause white-collar crime?</i>
16	November 30, December 2 & 7	Review for Final Examination; Prepare, Submit and be ready to discuss Assignment #8: Discussion Questions 1-9 (pg 417); Exercise: <i>In your opinion, what are the three most significant characteristics associated with white-collar crime?</i> Final Paper Due (12/7); Final Thoughts.
Final Exam	Monday, December 14	Submit Final Examination by no later than 12:00 PM (high noon) on Monday, December 14, the day our Final Examination is scheduled.