

San José State University
Department of Justice Studies
JS145-81, White Collar Crime, Fall 2021

Course and Contact Information

Instructor:	Greg Woods, J.D.
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Office Hours:	Thursdays, 11:30 AM - 1:30 PM, via Zoom, and Wednesdays, 8:00 AM - 9:00 AM, in person on campus by email appointment; Invitations/Zoom links through Canvas under Announcements.
Class Days/Time:	Tuesdays & Thursdays, 1:30 PM - 2:45 PM live streamed Zoom lectures; Recordings of all class sessions are on Canvas under Modules.
Classroom:	On Line; Invitations/Zoom links to live lectures through Canvas under Announcements.

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 Format

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.

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 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

Hansen, Laura L. (2021). *White Collar and Corporate Crime: A Case Study Approach*. Wolters Kluwer, ISBN 978-1-5438-1721-8

Students may purchase texts in the bookstore and online.

Other Readings

Additional course materials will be found on Canvas under Files and Modules.

Other technology requirements / equipment / material

Internet, computer, microphone & camera.

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.

Weekly 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 **Thursday** class session, or as instructed, and will consist of a three-to-five paged double spaced typed analysis in 12-point font. (CLO 1, 2, 3, 4 & 5)

Project

Projects will require students to conduct independent research and craft a thesis paper specific to significant contemporary problems impacting the system of justice in the United States, 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 answer and essay based questions. (CLO 1, 2, 3, 4 & 5)

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 2, 3, 4 & 5)

Grading Policy

Final grades will be evaluated as follows:

Weekly Assignments (8)	30%
Project	30%
Final Examination	30%
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 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 by no later than Week Eight (Thursday, October 7th)** and periodically throughout the semester during office hours via Zoom, email and in person by appointment.

Passage of the Writing Skills Test (WST) or ENGL/LLD 100A with a C or better (C- not accepted), and completion of Core General Education are prerequisite to all SJSU Studies courses. Completion of, or co-registration in, 100W is strongly recommended. A minimum aggregate GPA of 2.0 in GE Areas R, S, & V shall be required of all students.

Classroom Protocol

Attendance/Punctuality

Our class is offered completely online. Students are provided the opportunity to be virtually present and interact during regularly scheduled live-streamed Zoom lectures, every Tuesday and Thursday from 1:30-2:45 PM, and review questions and subject matter during office hours via Zoom, email and in person by appointment. 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 (<http://www.sjsu.edu/senate/docs/S16-9.pdf>), relevant university policy concerning all courses, such as student responsibilities, academic integrity, accommodations, dropping and adding, consent for recording of class, etc. and available student services (e.g. learning assistance, counseling, and other resources) are listed on Syllabus Information web page (<https://www.sjsu.edu/curriculum/courses/syllabus-info.php>). Make sure to visit this page to review and be aware of these university policies and resources.

Additional Information

All sources of information to support written assertions must be cited in the American Psychological Association (APA) Format. PLEASE NOTE: Detection of plagiarism will result with NO CREDIT.

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Course Schedule

Week 1	August 19	<p>Introductions/Course overview; Syllabus, Class, Project, Assignment & 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; “Any violations of criminal, civil, or regulatory law, or deviant, harmful, or unethical actions committed during the course of employment in various occupational systems;”</i> Exercise: <i>What is white-collar crime?</i></p>
Week 2	August 24 & 26	<p>Assignment #1 (DUE 8/26); 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.”</i> 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: Is there fraud at the California State Employment Development Department (EDD)? Exercise: <i>How is white-collar crime different from other criminal behavior? What is embezzlement? What is fraud? Why is it important to understand crimes of dishonesty?</i></p>
Week 3	August 31 & September 2	<p>Assign Project (DUE NO LATER THAN 12/2); Review Assignment #1; Caveat Emptor: An evolving concept; Edwin Sutherland & Identifying White-Collar Criminality; Ethics of Natural & Juristic Persons; Read Chapters 1 & 2: The Ideal Organization & How Organizations Really Run (pgs 1-57); Review Key Terms (pgs 1 & 25); 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? Is this behavior worse than violent crime? Is the threat of punishment enough to deter this type of criminal behavior?</i></p>

Week 4	September 7 & 9	Assignment #2 (DUE 9/9); Caveat Venditor: Material Misrepresentations & the Duty to know what you are selling; Nefarious Deals, Disparagement & Trade Libel; Read Chapters 3 & 4: What You Know vs. Who You Know & Financial Crime (pgs 59-83); Review Key Terms (pgs 59 & 91); Prepare, Submit and be ready to discuss Assignment #2: (Choose one question to answer per page!) Responses to Discussion Questions (pgs 7, 9, 15, 18, 33, 39, 43, 47, 51, 64, 72, 79, 97, 100, 107, 110 & 113); Exercise: 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?
Week 5	September 14 & 16	Review Assignment #2; Bribery; Medical Malpractice & the Hippocratic Oath; Unnecessary Surgeries & the King of Pop (RIP); Pharmacist Fraud; Drug & Elder Abuse; Durable Medical Equipment; Read Chapter 5: Corporate Crimes and Scandals (pgs 123-151); Review Key Terms (pg 123); Exercise: What is bribery? How is drug and elder abuse a white-collar crime? Is retail theft worse than health care fraud?
Week 6	September 21 & 23	Assignment #3 (DUE 9/23); Graft; Criminal Justice Injustice: Police Corruption & Judicial Misconduct; Overzealous Prosecutors & Plea Agreements; Jailers taking bribes; Campaign Finance Violations & Voter Disenfranchisement; Read Chapter 6: Cyber White Collar Crime (pgs 153-178); Review Key Terms (pg 153); Prepare, Submit and be ready to discuss Assignment #3: (Choose one question to answer per page!) Responses to Discussion Questions (pgs 129, 131, 135, 137, 139, 141, 145, 156 & 163); Exercise: What is graft? How will education reduce corruption in the criminal justice system? How might judges or police officers be white-collar criminals?
Week 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: Fraud Against Consumers (pgs 181-205); Review Key Terms (pg 181); Exercise: What is the appropriate penalty for a professor guilty of plagiarism? How can academic dishonesty be a white-collar crime?
Week 8	October 5 & 7	Assignment #4 (DUE 10/7); 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: Health Care Fraud and Crimes (pgs 207-238) & Glossary (pgs 469-488); Review Key Terms (pg 207); Prepare, Submit and be ready to discuss Assignment #4: (Choose one question to answer per page!) Responses to Discussion Questions (pgs 187, 191, 194, 198, 213, 216, 221, 224 & 227); Exercise: 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?

Week 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: Religion, Crime, and Misconduct (pgs 241-271); Review Key Terms (pg 241); 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>
Week 10	October 19 & 21	Assignment #5 (DUE 10/21); 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: Environmental Crime (pgs 275-301); Review Key Terms (pg 275); Prepare, Submit and be ready to discuss Assignment #5: <i>(Choose one question to answer per page!)</i> Responses to Discussion Questions (pgs 246, 251, 253, 256, 259, 261, 285, 289, 291 & 293); Exercise: <i>Is there a relationship between mortgage fraud and street crime? What is the appropriate punishment for predatory lending?</i>
Week 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: Political White Collar Crime (pgs 305-339); Review Key Terms (pg 305); Exercise: <i>Should corporate decision makers be able to shield themselves from criminal liability for actions performed on behalf of their employers?</i>
Week 12	November 2 & 4	Assignment #6 (DUE 11/4); British Petroleum & the Deepwater Horizon oil spill of 2010; Environmental Protection Agency (EPA); Read Chapter 12: White Collar Crime and Terrorism (pgs 343-370); Review Key Terms (pg 343); Prepare, Submit and be ready to discuss Assignment #6: <i>(Choose one question to answer per page!)</i> Responses to Discussion Questions (pgs 313, 319, 322, 327, 328, 332, 350, 358 & 361); 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>
Week 13	November 9 (No class November 11, Veterans Day Holiday!)	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: The Media and White Collar Crime (pgs 375-398); Review Key Terms (pg 373); Exercise: <i>Why does white-collar crime occur? What theory best explains white-collar criminal behavior? Does corporate culture cause white-collar crime?</i>

Week 14	November 16 & 18	Assignment #7 (DUE 11/18); Criminal, Civil, Administrative, Professional & Workplace-Disciplinary Proceedings; Read Chapter 14: Investigating and Prosecuting White Collar Crime (pgs 401-433); Review Key Terms (pg 401); Prepare, Submit and be ready to discuss Assignment #7: (Choose one question to answer per page!) Responses to Discussion Questions (pgs 379, 388, 391, 407, 412, 415 & 421); Exercise: Does the criminal justice system in the United States adequately address and respond to white-collar crime?
Week 15	November 23 (No class November 25 Non- Instructional Holiday; Happy Thanksgiving!)	Review Assignment #7; Prepare questions for Final Review (11/30); Prosecution, Deterrence, Rational Choice, Strain & Conflict Theory; Pacific Gas & Electric Company and the Kincade Fire of October, 2019; Exercise: Should PG&E be punished? How? Why?
Week 16 Project Due (12/2)	November 30 & December 2	Assignment #8 (DUE 12/2); Project Due (12/2); Review Assignment #7, Prepare questions for Final Review; Prosecution, Deterrence, Rational Choice, Strain & Conflict Theory; Expectations of Self-Policing; Read Chapter 15: Diagnosis and Treatment of White Collar and Corporate Crime (pgs 437-465); Review Key Terms (pg 437); Prepare, Submit and be ready to discuss Assignment #8: (Choose one question to answer per page!) Responses to Discussion Questions (pgs 447, 448 & 451); Review for Final Examination; Final Thoughts; Exercise: What are the three most significant characteristics often associated with white-collar crime?
Final Examination (12/10)	December 10	Prepare and Submit Final Examination by no later than 5:00 PM on Friday, December 10, the day our Final Examination is scheduled to conclude.