

White collar crime: recidivism, deterrence, and social impact

Abstract

There is a distinct difference in the way that white-collar crimes and violent crimes are dealt with by our society, and by our criminal justice system. This thesis studies how the disparity in sentencing affects recidivism, deterrence, and the overall cost to society. Statistics reveal that white collar criminals receive significantly shorter, and less severe sentences for their crimes, than violent criminals do. Survey data show that while some people understand the problem white-collar crime poses to society, in general the public is not well informed. Public perception may be perpetuating the problem, contributing to the lax response to white collar crime. Recidivism is high in white collar criminals due to lenience in sentencing and punishment of white-collar criminals. Deterrence theory supports this conclusion, in that the lack of certainty, severity and swiftness of punishment for white collar criminals, is leading to higher recidivism rates.

Keywords: white collar crimes, recidivism, deterrence, violent crimes

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Introduction

For the purposes of the thesis, the following terms will be defined as specified:

i. White-collar crime

“Crime committed by a person of respectability and high social status in the course of his occupation”.¹ In other words, white-collar crime encompasses a variety of nonviolent crimes usually committed in commercial situations for financial gain. Examples of white-collar crime include fraud, embezzlement, forgery, and bribery.

ii. Violent crime

“Criminal behavior by persons, against persons or property that intentionally threatens, attempts, or actually inflicts physical harm”.¹ Examples include murder, assault, arson, and kidnapping. White collar crime is a very different kind of crime. It doesn't involve any type of physical violence, and is generally committed by white collar people, typically people in offices or professional work. However, it is not a victimless crime. Powerful corporations like Enron, abuse their power and take advantage of people, cheating and stealing millions of dollars from American citizens. Reckless and greedy construction companies skirt safety codes and cost people their lives. This kind of crime is detrimental to society, and arguably more harmful than violent crime.

However, that is not the view of the criminal justice system. The criminal justice system focuses more on the offender when determining sentences and punishment, rather than the crime and the victims. White collar criminals are more often subjected to fines and community service, rather than prison sentences like most violent criminals. White collar criminals are non-violent and therefore not considered a threat to society, but this view is naive. White collar crime is of a much greater cost to society. It occurs on a larger scale and offenders are not always deterred by fines and community service. Recidivism is higher because the punishment for white collar crime is

ineffective. These are the topics that this thesis will be exploring. The literature on this topic reveals that white collar crime has been studied before but has not done so on a comparison basis to violent crime. Some of the most pertinent literature on this topic came from a study published in the International Journal of Law, Crime, and Justice, which examined the differences in length of sentencing and the type of white collar offense.² It also determined the length of a sentence for occupational and corporate offenders as compared to street crime delinquents.

The study found that, in all instances, white collar criminals received a significantly shorter sentence than that of street criminals. The theories relevant to the study of white collar crime are Labeling Theory, Deterrence Theory, and Conflict Theory. Labeling Theory is applicable because white collar criminals are clearly labeled as just that, which is very different from a typical violent criminal. This differentiation affects the way society views white collar crime/criminals and the way that they are treated. White collar criminals are labeled as such because they are seen as non-threatening and upper class persons, which makes them very different from typical criminals. When criminals are labeled as white collar, the result is very different from people simply labeled as criminal. The discrepancy here will be explored further in the research of this thesis. Deterrence Theory is crucial to the understanding of recidivism in white collar crime compared to violent crime. The vast difference in the punishments for white collar crime and violent crime is suspected to be a reason for a lack of deterrence and an increase in recidivism among white collar criminals. Conflict Theory purports that those in social power will use that power to further their own wants and needs, allowing the powerful to control the powerless. This is especially relevant to white collar crime because these are people in positions of power, who could not commit these crimes if they weren't in a position to do so. White collar crime is generally that of furthering one's own end, the purpose is personal gain, and this type of action creates conflict. There is a distinct difference in the way that white collar crimes and violent crimes are dealt with by our society, and by our criminal

justice system. How does that affect recidivism, deterrence, and the overall cost to society?

Literature review

Over the last few decades, interest in white-collar crime has tended to take a back seat to violent crime and offenses, particularly in terms of theory and research. Beginning with the pioneering work of Edwin Sutherland, some common themes seen in literature about white-collar crime include the variables, situations, and cultural contexts that differentiate white-collar crime from more traditional criminal areas.³ Crime obviously varies in its nature, context, effect on society, etc., however, the overarching issue found in literature has to do with crime prevention and control. This study focuses on the distinct difference in the way white-collar crimes and violent crimes are dealt with by society and the criminal justice system, and, even more specifically, recidivism rates, deterrence, and the overall cost to society. White-collar crime has been studied before, but has not extensively been studied on a comparison basis to violent crime. Some of the more applicable literature on this topic can be found in Edwin Sutherland's work. He has been considered one of the most influential criminologists of the twentieth century, particularly with his work regarding white-collar crime. During a speech to the American Sociological Association, Sutherland presented an address titled "The White Collar Criminal"³ which introduced the concept of white-collar crime and essentially dispelled the prejudice that aristocrats can do no wrong. He coined a definition of white-collar crime "approximately as a crime committed by a person of respectability and high social status in the course of his occupation".³

Throughout his life and research, Sutherland focused on Differential Association Theory and social life being not disorganized, rather it is patterned through learned behavior. This study does not spend time analyzing Differential Association Theory in white-collar crime, however, Sutherland's work can also be related to Labeling Theory, which will be studied, and how people previously identified aristocrats as being above committing crime and how white-collar criminals' high social standing causes people to not necessarily consider them as dangerous or harmful to society. Labeling theory refers to how the self-identity and behavior of individuals may be determined or influenced by the terms used to describe or classify them. In a sense, labeling theory is a theory on stereotyping. Multiple criminal justice articles have been written about labeling theory, but there are a few that are particularly pertinent to this study, including Jack Katz's "Seductions of Crime: Moral and Sensual Attractions in Doing Evil".⁴ His study was published in *The Journal of Criminal Law and Criminology* and argues that criminals do not desire the material rewards, like money, that come from committing a crime, rather they enjoy the sensual experience and outsmarting the system, or at least trying to. He is incredibly successful with regard to reconstructing criminals' experiences leading up to the crime and taking his readers into a criminal's head.

Katz's article dispelled the stereotype that crime is committed to achieve material goals, but he also acknowledged that crime is complex and will often serve practical purposes alongside the sensual attraction aspect. Between studying the mind of the criminal, interviewing criminals, and observing the spending patterns of criminals, Katz establishes plenty of testimony that lends to his claim that material deprivation is not necessarily a criminal's primary motive. "Seductions of Crime"⁴ focused primarily on violent crime and

the motive behind burglaries, robberies, stick-ups, and even murders. However, Katz's study can be referenced from a white-collar crime perspective. As stated previously, white-collar criminals are typically of high social status (who don't need money), which would impart credibility to Katz's claim that criminals do not always approach their crimes "in the calculating spirit of making money." Although Katz's study did not specifically examine white-collar crime, there is other literature on the topic that would encourage Katz's conclusion is correct whether it is regarding violent or white-collar crime. In looking at criminology and trying to assess why people choose to commit crimes, we found that there is a distinct relationship between crime and a person's educational background, as well as their social and economic background.⁵ Khan's study focused on factors that contributed to rate of crime in Pakistan from 1972-2011, including education, unemployment, poverty, and economic growth. The results demonstrated a positive relationship between crime rates and unemployment, as well as a negative relationship between crime and higher education. Higher education decreases unemployment, while also increasing the opportunity cost of crime for potential offenders, i.e. they have more to lose in terms of time spent on criminal activity, and higher earnings decrease the motivation for committing crimes.

Unemployment can lead to poverty, and poverty can lead to high stress and mental illness which could potentially motivate criminal activity. Based on the studies we found indicating a relationship between unemployment and crime, we decided to take it one step further, and look at what other factors could cause changes in unemployment. One study we found useful was focused on the link between military expenditures and unemployment.⁶ Azam studies the relationship between military expenditures and unemployment in India, Nepal, Sri Lanka, and Pakistan from 1990-2013, taking into account macroeconomic variables such as energy consumption, GDP, and population growth rates. Throughout the study each variable demonstrated some type of relationship with the other variables. The result we found most intriguing indicated that military spending has a negative and elastic relationship with unemployment rates. Additionally Azam purported an inverse causality between the variables and unemployment rates. However, there was still no indication of any significant relationship between unemployment rates and population growth. In reviewing the literature, a study was conducted which researches some of the same topics examined here. In a study on the effect of imprisonment on white collar criminals, researchers found that "prison does not have a specific deterrence impact on the likelihood of rearrest".^{7,8}

Analysis of court imposed sanctions and recidivism rates were used in this study and revealed the relevance of deterrence theory to white collar offending. This present study will also use sentencing guidelines and recidivism, in relation to violent crime, in order to evaluate the role of deterrence theory in white collar crime. The literature on this subject revealed extensive research on various topics and elements of white collar crime and sentencing which provided valuable information for this thesis. Some important topics explored were varying perceptions about white collar crime, sentencing variance and factors that affect sentencing, and factors that affect recidivism. Perceptions about white collar crime have changed a lot in recent years. Studies have shown that due to the recent economic downturn and increased publicity of white collar crimes, there has been more public outrage and a demand for harsher sentences.⁹ Cases like Enron and Arthur Anderson, which were covered extensively by the media and affected the lives of many people, led to a greater public

awareness of this type of activity and the fact that it isn't adequately punished. However people are still fairly unaware of corporate abuse of power, and don't fully understand white collar crimes.

They are complex crimes and generally committed by highly educated persons. These crimes are much more difficult to detect and easier for people to get away with.¹⁰ In addition, they tend to have more victims, but due to the fact that the harm suffered is financial rather than physical or emotional, the public is still inclined to give white collar crime less severe punishment than violent crime. One study specifically addressed the opinions of employees in a Swiss Bank who were more likely to be exposed to white collar crime. The study found that these employees are more likely to face the issue regularly and are particularly sensitive to corporate crimes. However, while these employees take white collar crimes more seriously than most, they still give harsher punishments to ordinary or more typical (violent) crimes.¹¹ Another study looked at public perceptions on the acceptability of white collar crime in comparison to violent crime, specifically in relation to religion. The study found that people who believed in God were much less tolerant of white collar crime, compared to people who believed in an impersonal or amoral God.¹² It showed that strong morals and religious convictions were less likely to draw clear distinctions in the "wrongness" of white collar vs. violent crimes.

Whereas modernization and social relationships led to more tolerance of white collar crimes which can be seen by some as victimless; this is somewhat similar to a study that researched how white collar criminals perceive their own crime. These offenders do not view themselves as "criminal." "A distinguishing feature of the psychological makeup of white-collar offenders is thought to be their ability to neutralize the moral bind of the law and rationalize their criminal behavior".¹³ However, the findings also reveal that this may not be significantly different from how violent criminals view their crimes, in that they both tend to try and rationalize or justify their actions.¹⁴ The literature on sentencing was useful in addressing a variety of factors that can influence how a sentence is determined and what might cause differences in sentencing. One study also considered an alternative punishment for white collar crime, suggesting it could serve as a better deterrent, which would be less costly to already overcrowded prisons. The study suggests shaming sanctions which is essentially the dehumanization of a person in public for their crime, which allows the public to participate in "shaming" the offender. Another factor that can impact sentencing is gender.

Research indicates that the legal treatment of white collar criminals tends to differ across genders. However, this could also be due to the fact that women's roles in this type of crime are often restricted by their organizational position in the business hierarchy.¹⁵ Their position can be restricted based on gender discrimination in the workplace. Results indicated that sentencing is largely based on the blameworthiness of the offender, although women are often seen as less "blameworthy".¹⁵ Blameworthiness is generally defined as the extent to which a person is responsible, based on the role they played in committing the crime (i.e. were they threatened, was it their idea or did they just carry out the action, etc.). Another study showed differences in sentencing based on the specific type of white collar crime, with a focus on occupational vs. corporate crime in relation to street crime offenses. The focus is on "whether the difference in length of the sentence could be explained by the fact that occupational crime is committed for the criminals' own purposes or enrichment, while this is often not the case among

corporate criminals".² The final important element of research on this topic is recidivism.

There are a number of different factors that can impact recidivism, including genetics, individual personality and values, and deterrence/previous punishment. Personality is generally used in determining correctional classification, however research shows it is also "a significant predictor of offender recidivism with neurotic personality type significantly predicting probability of rearrest".¹⁶ Another element similar to personality is the motivation for committing the crime. One study tracked the life course and development of white collar criminals, and the factors that lead them to commit crimes. It was clear that "situational factors alone cannot explain white collar crime".¹⁷ Not only do white collar criminals perceive themselves as non-criminals and non-threatening, but studies show that white collar crimes tend to be committed by those with a desire for control, whereas violent crimes tend to be committed by persons with low self-control.¹⁸ While the difference between these two motivations is not huge across white collar vs. violent crime, desire for control is shown to be a stronger predictor for corporate crime than low self-control. An area where the literature is lacking, is research on the relationship between previous punishments and recidivism, for both white collar and violent crime. This study hopes to elaborate on research and conclusions already made, as well as to collect more information regarding areas where the previous literature is lacking.

Data & methods

The study of white-collar crime, particularly with regard to recidivism rates, deterrence, and the overall cost to society, has been given little consideration since the term was coined in 1939. This makes it increasingly difficult to collect information and data regarding how white-collar crime is understood in society. Due to the shortage of white-collar research, for the purposes of this study, the methods used to compile data will be both primary and secondary. Primary data consist of data that are collected solely by the researcher(s) with a specific purpose in mind. This often refers to surveys, interviews, or focus groups and includes data that have been amassed for the first time. Secondary data are collected by a previous researcher but serve the purpose of the current project. It takes more of a research stance by including previously collected statistics and data. This thesis will use interview, survey, and secondary research to analyze the topic. The primary data collection method used in this study is a series of surveys distributed via social network sites. The survey is geared more toward an opinion perspective and will be questioning people's knowledge of white collar crime and relating opinions on punishment and sentencing. The study will also gather information via secondary data, particularly examining statistics and histories of white-collar criminals. Content-Analysis will also be explored in relation to public perception and opinion on this topic. The data for this study will be collected as follows:

i. Secondary data

The majority of the data will be focused on secondary research and the numbers found there. Research will look at the prevalence of white collar and violent crime over the past 10-15 years, and whether there has been an increase in white collar crime due to changes in technology or other factors. This paper will also compare recidivism rates for white collar crime and violent crime, examining the application of labeling and deterrence theory as they are relevant. Most importantly, this paper will examine the variance in sentencing across violent and

white collar crime. The punishment type and length will be also be analyzed in relation to recidivism rates. Other research will include studying the increase in patent law cases and technological advances, particularly weighing how these have impacted white-collar crime.

ii. Surveys

Doing reliable research will require a wide variety of perspectives to be collected through surveys. Although data will be collected on a college campus, the survey will not be limited to the opinions of college students. It will be distributed online either through social network or through email to students, staff, and faculty. The survey will address public perception of white collar crime, the way it is viewed by society, the way it is punished, and its effect/cost to society. This survey will also look at factors that might contribute to the lack of understanding surrounding white collar crime (Survey).

iii. Content analysis

The final key aspect of this thesis is the role of public opinion and the cost to society. Content analysis and survey methods will be used to address these factors. For content analysis, various media sources will be analyzed using coding and other observational methods of analysis. The TV show White Collar and the Ocean’s Eleven film series will be used to examine how media shapes the public perception of white collar crime/criminals, and what type of perception is created. The criminological theories most focused on in this paper are deterrence, labeling, and conflict theory. Based on recidivism rates, this study can analyze deterrence theory as it applies here, seeing whether the punishments actually do deter criminals. Interviews and recidivism analyses should help to identify the role of labeling theory, with particular consideration of how people define white-collar crime.

The surveys and public opinion research will shape the use of conflict theory in this endeavor and the relationship it has with white collar crime.

Summary and conclusion

As was stated in the beginning of this paper, white-collar crime is a very different kind of crime. Although, it does not typically involve physical violence, nonetheless, it is not a victimless crime. The research found an excess of white-collar cases where people had their identities stolen or large corporations were financially ruined. The hypothesis was correct. There is a distinct difference in the way white-collar crimes and violent crimes are dealt with by our society, and by our criminal justice system. Similarly, a portion of the problem rests in public perception of white-collar crime. The majority of people have not fallen victim to this type of crime and, as such, don’t tend to understand the enormity of the problem. Public perception proved to be a much larger problem than initially anticipated and made Labeling Theory incredibly applicable to this project. Labeling Theory is all about how people view white-collar crime, and how most people find it innocuous in comparison to violent crime. Typically, white-collar criminals are labeled as non-threatening and upper class. This stereotype makes people vulnerable to white-collar crime and grossly underestimates the potential danger of these criminals. Regarding public perception, the survey and content analysis were the best methods of determining how people perceive white-collar crime.

Using Sourcebook, data were collected from U.S. District Court sentencing from 2002-2010.¹⁹ After selecting six major white collar crimes and six major violent crimes, Tables 1 & 2 illustrate the average sentence imposed for each crime over a given year.

Table 1 White collar crime imprisonment 2010 (U.S. District Court)

	Average sentence length (Months)	Median sentence length (Months)	Total cases
Money laundering	30.6	15	806
Fraud	23.2	10	8,065
Bribery	19.7	12	224
Tax	16.3	12	665
Forgery/counterfeiting	14.4	12	880
Embezzlement	7.8	3	434

Table 2 Violent crime imprisonment 2010 (U.S. District Court)

	Average sentence length (Months)	Median sentence length (Months)	Total cases
Murder	276.1	251	66
Kidnapping/hostage taking	162.7	144	39
Sexual abuse	108.6	96	384
Arson	78.6	60	75
Manslaughter	72.6	44	64
Assault	37.6	24	631

From the two tables, a clear discrepancy is present across white collar and violent crime. Violent crime sentences are significantly longer than any white collar crime sentences. The average sentence length for a fraud conviction was 23.2months in 2010, and 162.7months for kidnapping/hostage taking. The violent crimes ranged from 37.6-276.1month sentences on average, while white collar crimes only ranged from 7.8-30.6 months. Additionally looking

at total cases, white collar crime is significantly more prevalent than violent crime, with 880 cases of forgery/counterfeiting in 2010, and only 631 cases of assault. For the violent crimes selected, the most prevalent was assault at 631 cases in 2010, and the least prevalent was kidnapping with 39 cases that year. For the white collar crimes selected, the most prevalent was fraud at 8,065, and the least prevalent was bribery with 224 cases in 2010 (Figure 1).

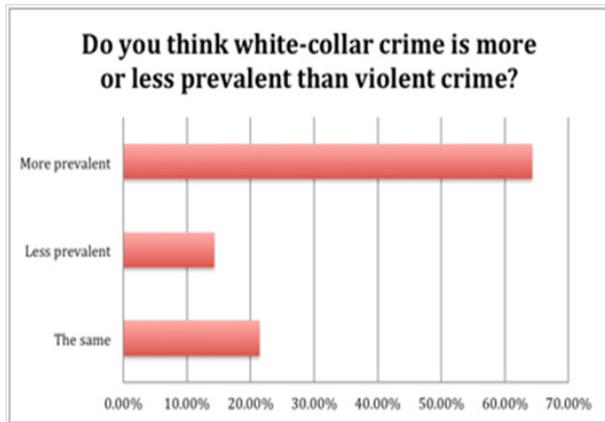


Figure 1 Do you think white-collar crime is more or less prevalent than violent crime?

	Responses (%)	Responses
More prevalent	64.29%	108
Less prevalent	14.29%	24
The same	21.43%	36
Total	100%	168

In (Figure 2) white collar and violent crime are compared across time. Assault and fraud were the most commonly committed crimes so

Table 3 Type of sentence 2010 (White collar)

	% Receiving imprisonment	% Receiving only imprisonment	% Receiving community service & prison	% Receiving probation & prison
Money laundering	76.9	72.5	4.5	6.6
Fraud	77.6	71.8	5.8	7.8
Bribery	73.1	66.4	6.7	11.7
Tax	62.9	53.7	9.2	17.4
Forgery/counterfeiting	72.1	66.1	6	9.1
Embezzlement	44.9	35.2	9.7	12.3

Table 4 Type of sentence 2010 (Violent crime)

	% Receiving imprisonment	% Receiving only imprisonment	% Receiving community service & prison	% Receiving probation & prison
Murder	98.5	97	1.5	0
Kidnapping/hostage taking	100	100	0	0
Sexual abuse	96.9	95	1.8	1.8
Arson	96	90.7	5.3	1.3
Manslaughter	98.4	95.3	3.1	1.6
Assault	83.3	79.1	4.2	3.7

the sentencing for those crimes is shown from 2002-2010. The graph shows the trend of sentencing over time, as well as the vast difference in sentence length for the two crimes. Assault sentences are much lengthier on average than fraud, despite the changes over time. There is a fairly consistent increase in sentencing for white collar crime and both experience significant changes from 2004-2007. (Tables 3 & 4) compare the type of sentence for various crimes, including whether or not the sentence included probation and community service.

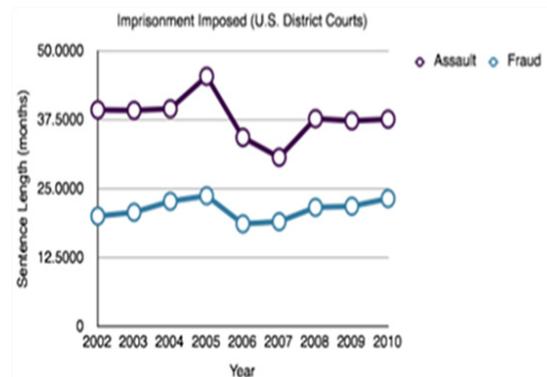


Figure 2 White collar crime imprisonment 2010 (U.S. District Court).

	2006	2007	2008	2009	2010
Assault	34.3	30.7	37.7	37.3	37.6
Fraud	18.6	19	21.6	21.8	23.2

The majority of the violent crimes included only imprisonment in the sentence, with the exception of assault which had a significant amount of probation included. For example, only 44.9% of those convicted of embezzlement receive prison time as part of their sentence, and only 35.2% of those people are given ONLY prison time as punishment. Whereas with arson, 96% of those convicted are given prison time, and 90.7% of those criminals are given ONLY prison time as punishment. White collar criminals are much more likely to receive community service or probation as part (or even all) of their sentence. Another important part of understanding how white collar crime is handled by the criminal justice system, involves the analysis of recidivism. Using the Bureau of Criminal Justice Statistics Data Analysis Tool, criteria were selected to produce recidivism rates for a specific group of offenders. This produced recidivism information on prisoners who were released in 1994, retrieving data from 15 different states. In analyzing recidivism of violent criminals, the criteria used were any prisoner with two or fewer prior arrests, who had been convicted of rape, homicide, assault, other sexual abuse, or other violent crime. There was no discrimination based on age, race, or gender. The data revealed the number of prisoners who had been either rearrested, re-incarcerated, re-convicted, or re-imprisoned in the three year period after their release from initial conviction. 38.9% were arrested for new crime within 3years of release. 7.9% were convicted for a new crime within one year. 2.6% were re-incarcerated (i.e. placed in jail or prison) following a conviction on a new crime within 6 months. 11.5% were convicted of a new crime and placed in prison within 3years (Table 5).

Table 5 Recidivism percentage of prisoners released

	6 months	1 year	2 years	3 years
Rearrested	15.1	22.2	31.4	38.9
Re-convicted	2.9	10.7	15.9	27.9
Re-incarcerated	2.6	6.7	12	16.7
Re-imprisoned	1.9	4.7	8.5	11.5

Recidivism data

Violent crime:

- I. Criteria: All ages, all Races/Ethnicities, Male and Female, 2 or Fewer Prior Arrests
 - II. Prior convictions: Homicide, rape, assault, other sexual assault, other violent crime.
- 38.9% were arrested for new crime within 3years of release.
- i. 20.6% were adjudicated (or brought to court) for a new crime within 2years.
 - ii. 7.9% were convicted for a new crime within one year.
 - iii. 2.6% were re-incarcerated (i.e. placed in jail or prison) following a conviction on a new crime within 6 months.
 - iv. 11.5% were convicted of a new crime and placed in prison within 3years.

In examining at white collar criminals, the criteria used were any prisoner with two or fewer prior arrests, who had been convicted of larceny, theft, motor vehicle theft, or other property crime (which included types of fraud, embezzlement, etc.). To keep the data consistent, there was no discrimination based on age, race, or gender. The results showed the number of prisoners who had been rearrested, re-incarcerated, re-convicted, or re-imprisoned in the three year period after their release from initial conviction. Compared to violent crime, these recidivism rates were significantly higher (Figure 3). 58.8% were arrested for new crime within 3years of release. 12.4% were convicted for a new crime within one year. 4.4% were re-incarcerated

(i.e. placed in jail or prison) following a conviction on a new crime within 6 months. 24.1% were convicted of a new crime and placed in prison within 3years (Table 6).

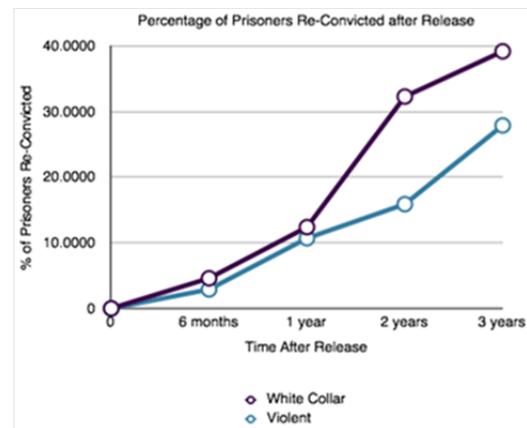


Figure 3 Recidivism percentage of prisoners released.

Table 6 Recidivism percentage of released prisoners

	6 months	1 year	2 years	3 years
Rearrested	18.6	30.7	50	58.8
Re-convicted	4.6	12.4	32.3	39.2
Re-incarcerated	4.4	10.6	26	31.9
Re-imprisoned	4.2	8.7	20.7	24.1

White collar criteria

All ages, all Races/Ethnicities, Male and Female, 2 or Fewer Prior Arrests
 Prior Convictions: Larceny, theft, motor vehicle theft, other property crime.

- i. 58.8% were arrested for new crime within 3years of release.
- ii. 34.7% were adjudicated (or brought to court) for a new crime within 2years.
- iii. 12.4% were convicted for a new crime within one year.
- iv. 4.4% were re-incarcerated (i.e. placed in jail or prison) following a conviction on a new crime within 6months.
- v. 24.1% were convicted of a new crime and placed in prison within 3years.

Each one of these statistics was higher than the equivalent data for violent crime. Based on recidivism rates, deterrence theory can be applied, examining whether the current punishments actually do deter criminals from re-offending. Deterrence Theory purports that the swiftness, severity, and certainty of punishment will deter criminals. According to general deterrence, as these three factors increase, crime should decline.¹ This assumes rational offenders who weigh the consequences of their actions. Regarding general deterrence theory, the public will be deterred from committing crimes based on the certainty, severity, and swiftness of the consequences. With specific deterrence, the sanctions are powerful enough to deter the offender from re-offending. Based on the recidivism rates and sentencing guidelines, white collar criminals are significantly less deterred than violent criminals. White collar criminals are given shorter sentences which less often include prison time and making them more likely to reoffend, than violent criminals. Recidivism rates indicate that white collar criminals are significantly more likely to reoffend, than violent criminals. Sentencing data show that white collar criminals are given

less severe punishments than violent criminals. Based on these data and deterrence theory, the shorter sentence may be a causal factor in the increased recidivism rates of white collar criminals.

A large part of this study requires understanding public perception of white-collar crime. Aside from having a survey to collect the opinions of the populace, it is also important to understand how the media and Hollywood are portraying white-collar crime. Since Hollywood's rise in the early 1900s, there have been scores of films and television series released that depict white-collar crime in some sense. Among the more popular works are Steven Spielberg's *Catch Me If You Can*, the 1983 *Trading Places*, the well-liked *Ocean's* trilogy (*Ocean's Eleven*, *Ocean's Twelve*, and *Ocean's Thirteen*), and the newer TV series *White Collar*. For the purpose of this project, content analysis will only be conducted on the *Ocean's* trilogy and *White Collar*. Content analysis is meant to be a technique for systematically describing written, spoken, or visual communication and to better scrutinize media.²⁰ In addition to their representations of white-collar crime, these two shows are also well known and paint their criminal characters in a positive light that appeals to audiences. *Ocean's Eleven* follows the life of Danny Ocean following his release from prison and his plan to rob three casinos in Las Vegas simultaneously with his partner-in-crime, Rusty, and with the help of a former casino owner, Reuben.

Through a series of twists and turns and the groups' ability to get out of ridiculously impossible situations, including being beaten by a bouncer and impersonating S.W.A.T. officers successfully, the three manage to pull off the heist and cover their tracks as well before Danny is arrested for violating his parole. The movie provides a winning robbery sequence that essentially has the audience rooting for the success of the crime when, in reality, people should be criticizing Danny and Rusty's acts and hoping they're brought to justice for the safety of the larger community. *Ocean's Twelve* brings back the popular characters that made the first movie a success and finds Danny Ocean recruiting another criminal to successfully complete three major heists in Europe to avoid problems with American authorities, and, more specifically, Terry Benedict, the owner of the casinos that were robbed. *Ocean's Thirteen* introduces even more cons and more characters double-crossing each other. Danny Ocean is out for revenge for Rusty and plans to ruin Willy Bank on the opening night of his new hotel/casino. Their plans include sabotaging a reviewer's stay at the hotel and rigging the slot machines to force a payout of more than \$500 million, all while outsmarting a state-of-the-art artificial intelligence system that is meant to prevent cheating. These movies are entertaining and completely implausible and successfully corrupt the public's view of white-collar crime (Codebook 1). Along with Labeling Theory, this project also applied Conflict Theory to white-collar crime.

Essentially, Conflict Theory purports that people in social power will use that power to further their own wants and needs.²¹ This was exhibited in the entire *Ocean's* trilogy, particularly where Danny Ocean recruits an old casino owner to help bypass security and successfully rob three casinos. Danny uses his power and the rest of his groups' power to pull off a heist that would be nearly impossible for someone with limited social connections. White-collar crime is committed to further one's own end, to achieve some kind of personal gain, and this type of action creates conflict. The TV series *White Collar*, as the name might suggest, very blatantly portrays white-collar crime. Ultimately, the main character, Neal Caffrey, is a thief, a con artist, and a forger all in one. After three years of running from

the FBI, Caffrey is caught and thrown in prison. After an attempted escape, Caffrey suggests a work-release program, in which he uses his expertise to help the FBI apprehend other white-collar criminals (Codebook 2).

It was an obvious display of the popular combination good guy/bad guy, but forces viewers to appreciate Neal (the criminal) for being the smart and funny con man. Although there is plenty of crime in the show, the dialogue and appeal of the characters downplays the seriousness of white-collar crime, as is typical of media portrayals of real life scenarios. The survey results proved to confirm one of the initial hypotheses made regarding this study. The way the public understands and perceives white-collar crime is minimal and often partially incorrect. Society does not understand the gravity, or seriousness, of white-collar crime. By far, one of the most interesting conclusions drawn from the surveys collected was the correlation between people's understanding of white-collar crime and how they answered other questions on the survey. The majority of people surveyed either answered that they had a moderate or very good comprehension of white-collar crime (Figure 4). However, the last question on the survey asked people to identify whether the public is well informed about white-collar crime (Figure 5).

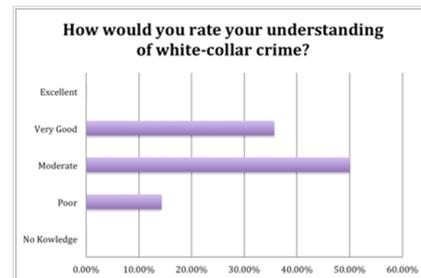


Figure 4 How would you rate your understanding of white-collar crime?

	Responses (%)	Responses
Excellent	0.00%	0
Very good	35.71%	60
Moderate	50.00%	84
Poor	14.29%	24
No knowledge	0.00%	0
Total	100%	168

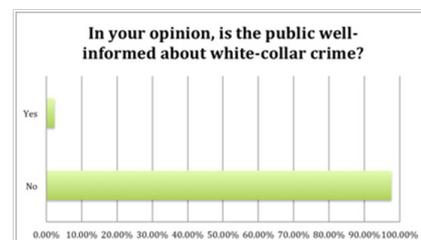


Figure 5 In your opinion, is the public informed about white-collar crime?

	Responses (%)	Responses
Yes	2.38%	4
No	97.62%	164
Total	100%	168

An overwhelming majority of people surveyed answered that the public is not well informed, but nobody answered that they had no knowledge of white-collar crime. This can be in part because the majority of the surveys were distributed to Gonzaga University students, a fairly well educated group of people. These responses could also be contributed to people exaggerating their knowledge of white-collar crime. The most surprising results of the survey can be found in the public's response to question three. Figure 6 shows that just under half of the people surveyed believe that, based on what they know, white-collar crime is more detrimental to society, while the other portion of those surveyed believe that violent crime is the more destructive of the two.

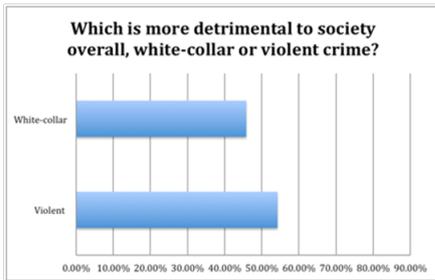


Figure 6 Which is more detrimental to society overall, white-collar or violent crime?

	Responses (%)	Responses
White-collar	45.83%	77
Violent	54.17%	91
Total	100%	168

Based on the background research done for this study, white-collar crime is typically the more adverse type of crime largely because the effects of white-collar crime hurt more people than the average violent crime. It is possible that the reason some people answered that violent crime is more detrimental is because they have not had a direct experience with white-collar crime. This is typical because the effects of white-collar crime are not as obvious as those of violent crime. Almost forty-six percent of people surveyed considered white-collar crime the more harmful. This could be due to personal experience or just knowing more about white-collar crime and being aware of it. The fourth question in the survey asked about whether white-collar crime is punished appropriately or not. Figure 7 indicates that almost sixty percent of the people that were surveyed believe that white-collar crime is not punished appropriately.

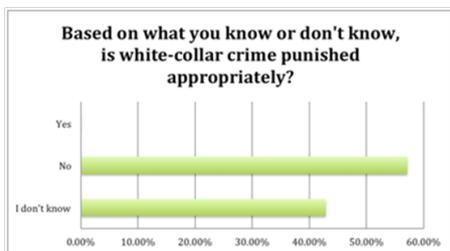


Figure 7 Based on what you know or don't know, is white collar crime punished appropriately?

	Responses (%)	Responses
Yes	0.00%	0
No	57.14%	96
I don't know	42.86%	72
Total	100%	168

The other portion of people indicated that they didn't know enough about white-collar punishments to provide an opinion. It was not surprising to discover that no one believes it is punished appropriately, nevertheless, based on answers to the question regarding people's understanding of white-collar crime, more people answered that they did not know whether white-collar crimes are punished properly. These results were almost entirely opposite to people's thoughts on whether violent crime is punished appropriately in society (Figures 8–11).

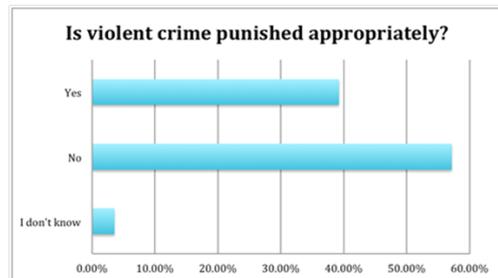


Figure 8 Is violent crime punished appropriately?

	Responses (%)	Responses
Yes	39.29%	66
No	57.14%	96
I don't know	3.57%	6
Total	100%	168

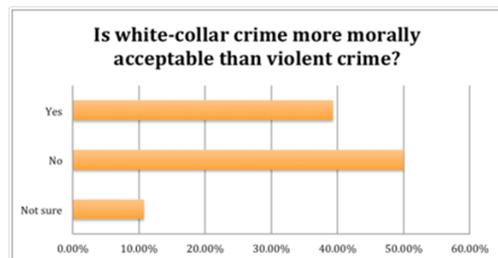


Figure 9 Is white-collar crime more morally acceptable than violent crime?

	Responses (%)	Responses
Yes	39.29%	66
No	50.00%	84
Not sure	10.70%	18
Total	100%	168

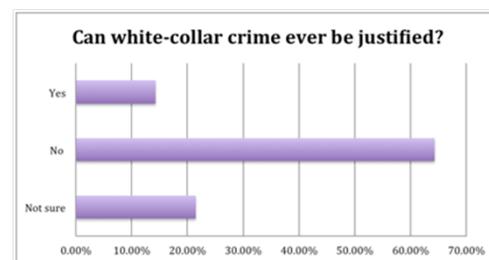


Figure 10 Can white –collar crime ever be justified?

	Responses (%)	Responses
Yes	14.29%	24
No	64.29%	108
Not sure	21.43%	36
Total	100%	168

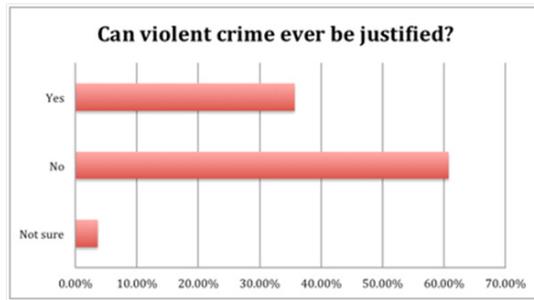


Figure 11 Can violent crime ever be justified?

	Responses (%)	Responses
Yes	35.71%	60
No	60.71%	102
Not sure	3.57%	6
Total	100%	168

Ultimately, while portions of the survey results presented clear, understandable public opinions about white-collar crime, other portions made it difficult to interpret how much people truly understand. Question nine and Figure 12 asked about people’s perceptions about crime and likelihood of re-offense. About fifty-five percent of people surveyed suggest that violent criminals are more likely to reoffend and only slightly fewer people think white-collar criminals will reoffend. The numbers are close enough that it makes it difficult to truly understand whether the public really knows that much about crime, in general. As previously stated, Figure 5 reveals people’s opinions concerning whether the public is well informed about white-collar crime. The results were overwhelming, and almost one hundred percent of the 168 people surveyed believe that the public is not appropriately educated with regard to white-collar crime.

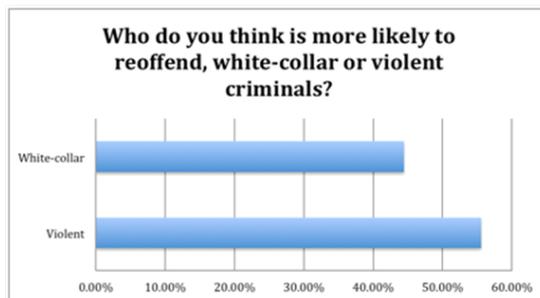


Figure 12 Who do you think is more likely to reoffend, white-collar or violent criminals?

	Responses (%)	Responses
White-collar	44.44%	78
Violent	55.56%	90
Total	100%	168

Unfortunately, fewer surveys were collected than expected. Conducting this study again would require surveying a larger quantity of people and a greater assortment of ages. This study necessitates more variety in order to better understand public perception and comprehension of white-collar crime and its effects on society. What’s next for white-collar crime in our society? Changing the way the public discerns white-collar crime begins with education. Schools need to implement courses that study both white-collar and

violent crime, and their effects on society and the criminal justice system. With regard to actual white-collar crime, there needs to be increased sentences for white-collar criminals and more severe punishments, which will hopefully be an improvement to current deterrence methods and decrease recidivism rates. Changing the federal sentencing guidelines will serve in both general and specific deterrence in decreasing the prevalence of white collar crime. In promoting education and changing sentencing guidelines, the hope is for a reduction in recidivism surrounding white collar crime and an enlightened public perception of the problems white-collar crime truly presents.

Acknowledgments

None.

Conflicts of interest

The author declares that there are no conflicts of interest.

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