

The consequences of being a whistleblower criminology essay



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Street crimes are crimes such as murder, rape, robbery and kidnapping receive majority of attention from society. It is believe that these crimes are committed more than any other crime. However there are other types of crimes that are more often committed and unstoppable; white collar crimes. White collar crimes are crimes that typically involve money such as fraud, embezzlement, money loitering, and identity theft. Society is unaware how often white collar crimes are committed because there is not enough research, they are not educated, and it is hardly ever reported. In most white collar crimes, there are witness and/or victims that will endure these crimes without reporting it. This makes many wonder if white collar crimes are committed often, then why there are issues almost never reported, obtaining information or convicted individuals. The reality is these individuals are silenced to protect themselves from the suspects committing white collar crimes. If one were to report the crime, they are known as whistleblowers. However suspects have the power to destroy whistleblowers' life if they come forward to authorities with information regarding those committing white collar crimes. This research will examine what white collar crimes are exactly, the injustice whistleblowers have, why majority of white collar crime are not reported, the outcomes of whistleblowers reporting white collar crimes, and 3 example cases involving white collar crimes and whistleblowers situations.

The Prevalence of White Collar Crimes

What is a whistleblower? Whistleblowers are the individuals that work with the suspect committing the crime and they report it. As stated before, white collar crimes, or WCC are crimes involving money such as embezzlement, <https://assignbuster.com/the-consequences-of-being-a-whistleblower-criminology-essay/>

money loitering, fraud, and identity theft. What's powerful about white collar crimes are that they commit crime invisible, and they are the most expensive. According to criminologist Edwin Sutherland, " White collar crimes annually cost victims \$600 billion; 38%-57% more than the cost of street crimes." There are 2 categories white collar crime: occupational and corporate. Occupational crimes are offenses individuals commit to benefit themselves while working their occupation and corporate crimes are offenses committed by officers and employees of corporations to promote corporate and personal interest. The key to commit this type of crime just takes an employee and the opportunity to offend. Criminologists have struggled for generations to come up with accurate solutions to measure it. The most issue of measuring white collar crime is that it is difficult to obtain information and majority of victims do not realize they are victims of white collar crimes. If one does not know they were victimized a white collar crime, they do not report it and it is not added into the statistics. Another, if a white collar case is reported, individuals are unsure who to report these crimes to. Others would come to the conclusion since it is a crime, it should be reported to the police. However police discard reports that are not considered emergencies. The Federal Bureau of investigation, or FBI are the organization to report any type if white collar crime. Additionally because there is little research done of white collar crimes, criminologists will not share their research for the thought of one stealing their information. Ways to collect updated information are studying case studies, scholarly research, experiments, or surveys. It is concluded that white collar crimes are only researched by secondary data.

Tyco CEO Dennis Kozlowski

In 1992, Dennis Kozlowski was named CEO of Tyco and was responsible for successful mergers and Tyco's expansion during the late 1990's. While Kozlowski was being successful as a CEO for Tyco, he used Tyco to pay for all his personal, luxury items. He spent \$30 million on his New York City apartment and \$1 million on his wife's birthday party. He was notorious and was indicted in 2002 for suspension of tax fraud. The activity Kozlowski was doing was purchasing expensive fine art in other countries, and was having them ship to other countries to avoid paying the \$1 million New York sales taxes on each painting. He was also being indicted for pocketing over \$170 million from the company and \$430 million through tainted stock sales. In June 2005, Kozlowski was arrested for grand larceny, conspiracy, fraud, and misappropriating more than \$50 billion for Tyco's corporate funds. After serving 8 years at a Mid-State Correctional Facility in Marcy, New York, he was released him for work release. Kozlowski was stealing and spending together more than \$400 million for his personal needs and trying to avoid paying sales taxes on paintings and yet he only spent 8 years in prison.

Does Whistleblower Protection Act really protect?

To provide advance protection for federal and former employees, applicants for employment and most importantly encourage individuals to report white collar crime, the Whistleblower Protection Act was passed on July 9, 1989. Congress enacted on this act to strengthen protection and federal rights whistleblowers, and to prevent corruption. But does this act fully protect whistleblowers? Before blowing the whistle, it must be considered that

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personal and professional lives might suffer. Although the protections of whistleblowers are now passed as a law, there is only so much the act can protect. Definitions of understanding whistleblowers rights are misleading and difficult to apply. Research claims 64% of whistleblowers that sued using an employment law lost. In most situations similar to this, they were shortly fired despite that fact they barely blew the whistle. Whistleblowers do not lose due to unsubstantial allegations; they lose because of the matters in their cases. According to the novel "Trusted Criminals" 90% of whistleblowers can expect revenge, 82% were harassed, 60% were fired, 10% attempted suicide, and all were blacklisted from future jobs. "New research on state whistle-blower lawsuits shows it's likely you'll be fired and will lose your case. But then, doing the right thing never meant that right things would happen to you." (Patricia A. Patrick, 2012.) Under certain situations, with fear, whistleblowers feel they have to come forth with information of crimes. The reason being is due to the seriousness of the crime. There are 3 factors that make whistleblowers come forward; personal autonomy, the intensity of the situation, and support, both financially and emotionally from others. The Whistleblower Protection Act does not fully protect whistleblower because the fact the negative effects are listed under the act, whistleblowers still experience them. They should not have to fear or suffer from reporting illegal activities.

Southwest Airlines and the FAA Whistleblowers

One example of whistleblowers blowing the whistle and suffered consequences for their rightful acts were 2 Federal Aviation Authority or FAA whistleblowers Bobby Boutris and Doug Peters. Both FAA inspectors were <https://assignbuster.com/the-consequences-of-being-a-whistleblower-criminology-essay/>

threatened and harassed after reporting the unsafe violations of Southwest Airlines. It is explained that there must be mandatory inspections of all Southwest airplanes before and after flights. At least 117 planes were in violation of mandatory safety checks; sometimes found have not been inspected for more than 6 months due to Southwest Airlines for missing safety inspections. 46 planes were experiencing metal fatigues, cracks in the fuselages, the wing of the planes were loose, and seatbelts were not secure. Although these inspections were reported to FAA's chief maintenance inspector Douglas Gawadinski, Southwest airlines continued to fly the planes. For the safety of passengers, Boutris and Peters reported to authorizes and Congress of the inspection problems and maintenance. After reporting the issues, hundreds of planes were grounded, thousands of flights were canceled, and an investigation on airline maintenance was performed. Southwest Airlines were fined \$10. 2 million for continuing to fly dozens of flights that had not been inspected and were due in court to testify. Boutris and Peters were awarded for their courage however was suffering the punishment for making safety concerns a public issue. Both explained in court about the consequences their former occupation were treating them. Peters explained in court that his former manager came into his office and oddly started commenting his pictures on his desk of his family. His former manager explained the importance of providing for his family, then jeopardized his job if he continued his actions in court. CBS News Nancy Cordes reported that, " Since they testified on Capitol Hill, the two men said they've lost out on promotions and been excluded from important safety decisions." While Boutris and Peters received punishment for obeying the

law, Gawadzinski is still employed by Southwest airlines as FAA's chief maintenance inspector.

Crime without Punishment

When it comes to whistleblowers reporting the crimes white collar offenders commit, it seems as if the punishment is given in the opposite direction. It comes to the question do offenders really get away with crime? The reality is most white collar offenders usually can save themselves from punishment by paying themselves out to freedom. Majority of punishment white collar offenders have are only serving short prison time and pay monetary fines which are much less compared to the amount of damage they caused. " The evidence leaves without a doubt about the little failure of the current system to mete out equal justice to all offenders. It now remains only to explain why white collar offenders receive the favored treatment outlined in these pages. At a general level, it is clear that the enforcement effort against white collar crime often fails both because such crimes are hard to detect and because the wealth and influence of the criminals enables them to avoid the full weight of the law." (Coleman, 161.) There is no harsh punishment for white collar offenders because their crimes are not seen as important as other crimes. It is drawn to the distinction between civil and criminal penalties. Punishment has low stakes the crime involves only money. The reaction to white collar crimes reflects the same reaction; discounting it as simple financial offenses. Society does not give much concern or upset when it just comes to money as an issue.

White Crime Example: Greg Bartlett

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In 2001, Greg Bartlett had the responsibility to care for all inmates at an Alabama state prison. The government trusted Bartlett for feeding the inmates when he was given money from the state. It is \$1.75 per day, per inmate to feed them. Though Bartlett was provided with enough money for a full, nutrition meal, prisons inmates were only left with bread, an apple, hotdogs and water. “The portions, Clemon wrote, are “woefully insufficient to satisfy the normal appetites of adult males. After eating each meal served by the jail staff, the inmates remain hungry. Some inmates complain of recurring hunger pains.” Many inmates have lost weight, he said, some of them as much as 50 pounds” (Ashley Broughton, 2009) Inmates complained there were not receiving enough food. Some spend \$100 of their own money at the jail store to beat a night’s hunger. It was actually turned out that Bartlett was pocketing over \$200,000 from the state. In Birmingham, Bartlett was sentenced to jail by U. S. district judge Clemon for his act. However according to CNN News, “Clemon ordered Bartlett to be released from jail the following day after the sheriff’s attorney pledged to provide better and healthier meals to inmates.” It is also found under Alabama law there since there is not an exact amount of how much is spent on each inmate; sheriffs are allowed to keep money left over after purchasing food for the inmates as their own personal income. In conclusion to Bartlett’s case, he was ordered to upgrade the inmates’ meal. As of today, there was an advancement of inmates’ lunches; however Bartlett is still in charge of the prison and last year making \$95,000 on what is left over of the state’s money.

Additions Considered to be taken to End Issues in WCC

The issue with the Whistleblower Protection Act is that it does not provide the responsibility of what it was created for. Individuals are misled that the act has limitations of it can do. Whistleblower laws have focused what consequences they endure. " An unfortunate feature of this focus is a relative neglect of the original issue about which the employee spoke out. Whistleblower laws do not and perhaps cannot require an investigation into an employee's allegations."(Brian Martin, 2002) Changes have to be made to the act to provide better protection and include other forms of protection from punishments employers are capable of committing. Society was created to report crimes being committed and the results are biased. They are the ones punished for their acts.

Additionally, white crime offenders do not seem to be punished for their acts at all. The theory of white collar crime being the most powerful crime committed will always be the truth unless punishments are enforced and are harsher. If the advancement and changes were made permanently, over time, the statistics will rise and raise awareness of this unforeseen crimes victims and whistleblowers.

Conclusion

This research has presented how strong white collar crimes are and how is can affect everywhere, whether if they are victimized, whistleblower, and offender. Case studies were provided to give better understanding the complications of dealing with any type of white collar crime. This research provided education of how strong the Whistleblower Protection Act really is and not what it say it is. How offenders can easily be free although there's

evidence if their crimes. The injustice WCC cause and editing of the act is oversight. If the problems fixed, individuals would not have to be afraid to blow the whistle or study their options whether to blow. If all was edited, society can finally follow the rights and justice all deserve.