ELITISM VERSUS STREETISM:
AN EXAMINATION OF BIAS TOWARD WHITE COLLAR OFFENDERS
IN THE CRIMINAL JUSTICE SYSTEM

A Thesis
Presented to
the Faculty of
the College of Education and Behavioral Sciences
Morehead State University

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts

by
Yasmin Shiraz Ward
August 1994
ELITISM VERSUS STREETISM:
AN EXAMINATION OF BIAS TOWARD WHITE COLLAR OFFENDERS
IN THE CRIMINAL JUSTICE SYSTEM

Yasmin Shiraz Ward, MA
Morehead State University, 1994

Director of Thesis: Karl Kunkel

There has been long standing debate in the field of criminology as to whether bias operates in the processing of criminal justice system offenders. This thesis tests the validity of the claim by examining elitism versus streetism, in comparing the Bank of Credit Commerce International (BCCI) incident to crimes committed in Rowan County, Kentucky. Because of their economic and social status, the BCCI participants are considered elites in American society. Some crimes committed by elites which have been commonly termed white collar crimes include internal fraud, price fixing, corporate corruption, tax fraud, and embezzlement. In many cases involving white collar criminals, the sentences and fines are relatively lenient in comparison to the debt resulting from the crimes. It has been stated in previous studies that members of the lower or middle socio-economic stratum are more likely to commit street crimes than members of other classes. The economic and social status of the Rowan County felons deems them as non-elites. Some street crimes include: shoplifting, writing bad checks, auto robbery, and possession of narcotics. Street offenders are often seen as violent criminals because of the nature of their acts and are likely to be processed by the criminal justice system to the fullest extent of the law.

Using qualitative techniques, I examined numerous journalistic accounts detailing the BCCI incident and compared court records documenting the treatment given to the Rowan County, Kentucky offenders. Although the BCCI participants were still being processed by the criminal justice system and the Rowan County felons had already been adjudicated, I found that those involved in the BCCI situation had power that was used to their advantage when being brought before the courts. Comparatively, those involved with the Rowan County offenses did not have power which amounted to a disadvantage when being processed by the criminal justice system. The inequality of power between the 'haves and have nots' necessitates an examination of elitism versus streetism. In examining elitism versus streetism, there is bias in favor of white collar offenders in the Criminal Justice System.

Accepted by:

[Signatures]
TABLE OF CONTENTS

ABSTRACT

TABLE OF CONTENTS

ACKNOWLEDGMENTS

LIST OF TABLES

EPIGRAPH

CHAPTER

1. INTRODUCTION

   Elite Crimes

   Street Crimes

   Comparison of Elite versus Street Crimes

   Elitism versus Streetism

   Research Problem

   Theoretical Foundation

   Capitalism and Elite Deviance

   Methods

   Overview of Thesis

2. REVIEW OF LITERATURE

   Critical Criminology
Marxist Social Theory .................. 20
Marxist Influence on Criminology ....... 21
White Collar Crime and Elite Deviance .. 27
A Classic Investigation of White Collar Crime ..................... 29
Elite Deviance ................................ 32
Bias in the Processing of White Collar Offenders ................. 36
The Research Problem ...................... 41

3. METHODOLOGY ................................ 44
   Data Gathering Techniques .................. 44
   Content/Secondary Analysis .............. 45
   BCCI Data Sources ......................... 47
   Street Crime Data Sources .............. 49
   Methodological Issues .................... 50
   Disadvantages ............................ 50
   Alternative Research Methods ........... 54
   Ethical/Value Issues ...................... 57
   Conclusion ................................ 58

4. PRESENTATION OF DATA .................... 60
   BCCI Event ................................. 60
   Investigation by the District Attorney County of New York .......... 61
The Criminal Activities of BCCI...........70
Estimated Costs..........................72
Rowan County Data.........................72
BCCI versus Rowan County.................80

5. ANALYSIS, DISCUSSIONS, CONCLUSIONS..........83

Drugs - The Common Factor.............84
It's all Stealing.........................87
Elitism versus Streetism:
The Higher the Rank.......................90
Conclusions With Regard to
Research Problem..........................93
Future Directions for Research.........94
The Level At Which Individuals Can
Influence The System.......................95
Examining Other Sources Of Street
Crime Data..................................96
Criminal Justice Processing -
The Beginning...............................98
Ideology versus Practice...............99
Conclusion................................103

APPENDIX A........................................105
APPENDIX B........................................114
BIBLIOGRAPHY..................................120
ACKNOWLEDGMENTS

I would like to extend special thanks to Dr. Karl Kunkel who guided me through this entire process. Over the past several months, he has aided in my development as a sociologist. On the graduate level, I could not have had a better professor or mentor. I truly appreciate his dedication and commitment to the field of Sociology, in general, and to my work, specifically.

I would like to thank Dr. Rudy who convinced me to try education in Appalachia. He was honest in his assessment of Morehead State University when he conveyed that my study here would not be easy. Although I have had ups and downs at Morehead, Dr. Rudy has been there to guide me and support my efforts when I have needed him most.

I would like to thank Dr. Johnson who served on my thesis committee and who was my graduate assistantship advisor. His candid criticisms contributed in strengthening this thesis.

I would like to thank Jennifer Madden whose positive outlook on life made this thesis a doable project. Whenever I needed her, she was always willing to lend a
hand, an ear or share words of wisdom.

I would generally like to thank the entire staff of the Sociology Department for making my experience at Morehead pleasurable.

I would like to thank Dr. Lois Benjamin who has remained my mentor and friend since I graduated from Hampton University. Dr. Benjamin was the first person who ever told me that I was PhD material. Through her initial belief in me, I began to believe in myself more. Now, I know that I am PhD material.

I would like to thank Michael who is my main support system. He has always believed in my abilities and has motivated me to follow my dreams. Through this entire project, he has been my best friend and sole confidant never allowing me to give up on Morehead or this thesis.

I would like to thank my parents and my brother for acknowledging that they have a relative struggling in Appalachia. In different conversations, at different times, I felt their overall support.

Lastly, I would like to thank my friends, especially the sisters from Hampton, who are very positive women. By my sisters attending graduate school, it motivated me to
aspire to another level. I know we will all significantly contribute as African American women in making this world a better place.
LIST OF TABLES

Table 1. - Charges and Sentences for Those Indicted In the BCCI Incident.......................... 62

Table 2. - Felony Convictions for Crimes Against Property in Rowan County, Kentucky, 1992..... 73

Table 3. - Felony Convictions for Drug Offenses In Rowan County, Kentucky, 1992............. 77

Table 4. - Felony Convictions for Property Crimes Involving More than One Charge in Rowan County, Kentucky, 1992.............. 78
EPIGRAPH

The law locks up both man and woman
Who steals the goose from off the common,
But lets the greater felon loose
Who steals the common from the goose.

--Anonymous

from America, Inc. - Who Owns and Operates The United States (1971) by Morton Mintz and Jerry S. Cohen.
CHAPTER ONE

INTRODUCTION

There has been long standing debate in the field of criminology as to whether there is bias in the processing of offenders by the criminal justice system. Typically, critical criminologists have argued that there is inherent bias operating within the system closely related to the socio-economic class of the offenders. Critical criminologists posit that those in higher socio-economic classes are treated more favorably than those in lower socio-economic classes. Further, it is one's economic position which translates into economic, social and political power which affects the differential treatment given by the courts. Conservative criminologists also believe that there is differential treatment within the criminal justice system, but they do not agree that an inherent bias operates in favor of those in higher socio-economic classes. For example, conservative criminologists may attribute the differential treatment of offenders to one's ability to pay retribution or the frightening nature of the crimes, believing that particular crimes warrant
stiffer penalties. This thesis empirically tests if differential treatment of offenders is operating within the criminal justice system by examining the BCCI event (elite crimes) and crimes committed in Rowan County, Kentucky (street crimes).

In order to compare street crimes to elite crimes, these crimes must be defined. Theorists throughout academic fields have defined both elite crimes and white collar crimes in a variety of ways.

ELITE CRIMES

Sutherland (1983) grouped the following types of illegal acts as white collar crimes: violations involving restraint of trade, misrepresentation in advertising and infringement of patents, trademarks, and copyrights. These crimes primarily deal with large corporations. According to Simon and Eitzen (1993), elite deviance involves a broader definition including corporate deviance (i.e. involving the selling of unsafe products to the public, hazardous working conditions for employees, polluting the environment, deceptive advertising, price fixing, etc.), government crimes (i.e. special treatment for those doing
business with the government, fixing elections, political assassinations), organized crime (i.e. marketing illegal drugs, maintaining unlawful prostitution and gambling rings, funding political campaigns with drug money) and violations of international laws (i.e. illegal dumping of toxic waste in foreign countries, blatant disregard of foreign policies). The perpetrators of elite deviance are presidents/leaders of countries, chief executive officers, wealthy businessmen, holders of political office, corporate attorneys and judges. In other words, the perpetrators of these crimes are social, economic, and political elites.

**STREET CRIMES**

Street crimes have been categorized by Sudnow (1965) as normal crimes because of the typical ways that they occur and the characteristics of the persons who commit the crimes. The perpetrators of burglary, narcotic-related offenses and petty thefts are commonly members of the lower and middle class. Other offenses such as check forgery, prostitution, rape and gambling are also categorized as street crime. According to Sudnow (1965) the perpetrators of street crime are often unemployed, underemployed,
homeless, or holding such occupations as: janitors, house cleaners, receptionists, secretaries, security guards and the like. Finding themselves in the lower socio-economic class, street crime offenders often cannot afford private attorneys, having to settle for public defenders.

**COMPARISON OF ELITE VERSUS STREET CRIMES**

Crimes committed by elites can be compared to street crimes based on the total economic costs, the types of crimes, and the victims. There are three different types of cost: economic, physical and social.

White collar crimes violate trust and therefore create distrust, and this lowers social morale and produces social disorganization on a large scale. Ordinary crimes, on the other hand, produce little effect on social institutions or social organization (Sutherland, 1983, p. 10).

BCCI is estimated to have "defrauded investors of at least $5 billion and possibly as much as $15 billion" (Simon and Eitzen, 1993, p. 55). One case of internal fraud by the savings and loan industry may cost the federal banking industry billions of dollars, but one case of shoplifting may only cost $25.00. Although, one crime may be defined as internal fraud and the other shoplifting, it can be
argued that both are forms of stealing. Edelhertz (1983) states that white-collar crimes have three categories of victims: individuals; businesses and non-government institutions; and the government. Street crimes typically have one victim, but occasionally have more than one.

ELITISM VERSUS STREETISM

The argument of elitism versus streetism offers that there is differential treatment of offenders. Differential treatment may be caused by the different types of crimes, the economic costs of crimes, the offender's ability to make reparations, the amount of public fear caused by the crimes, the discretion of the individual judges and many other explanations. This research does not attempt to define a singular origin of the differential treatment of offenders, but instead, offers a study which shows that it exists.

For example, while some elite offenders may never go to jail for their costly economical criminal indiscretions, the jails are filled with street offenders. Edelhertz
offers an explanation why elite offenders are more likely to escape prosecution.

Offenders are far more likely to escape prosecution, if only because their behavior is less likely to be reported. Top corporate management may hesitate to report white-collar crimes ...for fear that this will hurt the corporate image (Edelhertz, 1983, p. 114).

For many corporations who knowingly assemble products that will result in death of the consumer, the tell-tale penalty is a fine, and maybe reparations to the family. For example, after selling faulty tires that caused "thousands of accidents, hundreds of injuries, and 34 known fatalities" (Statistical Abstract of the United States, 1987, p. 110), "Firestone was fined a token $50,000 for selling a defective product" (Simon and Eitzen, 1993, p. 125). Comparatively, someone who is convicted of 'street crime' murder in the first degree will receive at least seven years in prison.

The study of white collar crimes examines how American society reacts to violation of laws by members of the social, economic or political elite.
RESEARCH PROBLEM

This thesis examines the felony street crimes committed and the penalties received in Rowan County, Kentucky during 1992 with the BCCI crimes and the penalties received to those who participated in it.

Prior to 1980, the Bank of Credit and Commerce International (BCCI) was known to have violated banking regulations in several foreign countries (McGee, 1991). In 1981, BCCI applied to acquire First American Bankshares. The Federal Reserve Board rejected BCCI's application due to alleged connections to illegal activities and its bad history of violating banking regulations. Shortly after the first application was rejected, another group of Middle Eastern investors applied to acquire First American Bankshares. These investors were represented by two attorneys. After receiving explicit assurances from one of the attorneys that BCCI would not be involved in the operations of First American Bank, the application was approved. "Federal law prohibits bank holding companies from acquiring other banks without permission from the Federal Reserve Board" (McGee, 1991, p. 40). However, in
1991, it was disclosed that First American Bankshares was owned by BCCI and not the initial investors.

The research attempts to examine whether penalties for white collar crimes are lenient. According to Marx, in a capitalist economic system, power and prestige are determined by economic status. Consequently, those with power and prestige are looked upon more favorably than those lacking power and prestige. In the case of elitism versus streetism, an elite who has committed a crime is still looked upon more favorably than a street person who has committed a crime. If the research is consistent with Marxian theory, the BCCI participants will have received lighter sentences than the Rowan County offenders.

THEORETICAL FOUNDATION

Karl Marx, being a founder of the critical school of thought, will provide the theoretical foundation for this thesis. Marx argued that the economic system influences a society's religious beliefs, its values, government and other institutions. The bourgeoisie that Marx wrote about are equal to the social, economic and political elites of the day. Their wealth allowed them not only to be owners
of the means of production, but politicians as well. Although Marx did not write about crime specifically, critical/radical criminologists extended his theories and, Marxism emerged as a powerful tool for understanding 1) why certain behaviors came to be defined as crimes, 2) why certain persons were more likely to engage in criminal behavior, and 3) the extent to which the criminal justice system was systematically biased in the way it processed and treated offenders from different social classes (Lynch and Groves, 1989, p. 3).

The bourgeoisie control of the government further exploited the labor of the proletariat class. Similarly, in America the elites control the government and exploit the labor of the working class and lower class Americans. Marx would argue that because of the exploitation of one class over another, there is an imbalance which ultimately leads to class conflict.

Theoretical criminology based on Marxist ideology explains why certain acts are defined criminally and why the criminal justice system is biased in the way that it treats offenders from different social classes. Critical criminologists argue that the rich have money which buys certain privileges in a capitalistic economic system. The money that they have influences the administration of the
law. According to Lynch and Groves (1989) law is used by groups with power to secure and promote their political and economic concerns. The economic system of capitalism reinforces economic and political power and privilege.

This thesis examines the BCCI situation and reviews conflict, critical, and radical sociological literature relevant to the nature of BCCI's criminal involvement. Critical criminologists argue that laws are used by those in power to secure their economic and political interests. Lynch and Groves (1989) argue that laws in a capitalist mode of production will reflect the interests of those holding economic power. Critical criminologists would argue that those who were involved with the corruption of BCCI acted out of preservation of their own interests. Being a part of the elite structure in society allowed their crimes to be viewed as noncriminal. The next section discusses America's economic system, capitalism, and its relationship to elite deviance.

CAPITALISM AND ELITE DEVIANCE

To understand how elite deviance exists in American society, I examine the capitalist economic system. Society
becomes stratified into social classes due to the differences in wealth status, power and authority. Critical criminologists argue that there is a relationship between capitalism and elite deviance.

Because those who are committing elite crimes are wealthy, white collar crimes are of economic significance. According to Sutherland, their crimes do the most financial damage, and as perpetrators they receive the least amount of jail time.

The financial cost of white collar crime is probably several times as great as the financial cost of all crimes which are customarily regarded as the 'crime problem' (Sutherland, 1983, p. 9).

How can such costly crimes bring about such relatively light penalties?

The capitalist structure of American society is the foundation for understanding how criminal offenders who have committed the same crime can receive different punishments. Although liberal or conservative criminologists may argue that the system is operating in good faith and that circumstances surrounding similar crimes may cause differential treatment, Marx would argue that one's economic status determines the type of treatment
received from the criminal justice system. Further, Marx believes that the mode of production determines the general character of the social, political and spiritual processes of life. He states:

The economic structure of society is the real foundation, on which rise legal and political superstructures and to which correspond definite forms of social consciousness. It is not the consciousness of men that determines their existence, but, on the contrary, their social existence determines their consciousness (Marx, 1981, pp. 20-21).

According to Chambliss (1975), crimes are defined by the interests of the ruling class. The reality of crime serves the interests of those whose have created it. The next section discusses the methodological strategies in this research.

METHODS

This research examines whether white collar criminals are treated more favorably by the criminal justice system than street criminals. For example, Senator Edward M. Kennedy was driving irresponsibly and possibly under the influence of alcohol on July 18, 1969, the result: a female passenger in his vehicle drowned after "his car ran off a
rickety bridge into a pond on Martha's Vineyard" (Newsweek, 1969, p. 22). Not only were no criminal charges ever brought against the senator, but when "the jury asked to see the inquest report and transcript, this request was denied by the judge..." (U.S. News, 1969, p. 45). The case was ordered closed. Some would argue that Senator Kennedy received preferential treatment because of his socio-economic status. How does punishment for crimes committed by those of upper socioeconomic status compare to the punishments given to criminals of lower socioeconomic status?

The methods employed involve a secondary examination of data collected through various periodical resources, official congressional hearing documents regarding the BCCI hearings, press releases, court records and documentation from the office of the District Attorney who prosecuted the BCCI case. The compilation of research from the congressional hearings and the office of the district attorney are simply the facts of the investigation as it took place. These are actual transcripts prepared during the time of the investigations. Having this compilation allows the researcher to create conclusions based on the
information received. Information regarding the possibility of a BCCI occurrence first appeared in late 1989. I have collected articles from various periodical sources, such as, Newsweek, Time, The Washington Post, and The New York Times from 1989 to 1994 consisting of different perspectives regarding the BCCI situation. I have tables which detail the charges of those indicted regarding the BCCI event and tables documenting the crimes and penalties imposed on violators in Rowan County, KY during 1992. These charts illustrate that a steady amount of white collar crime exists and the penalties have been relatively light.

Content/secondary analysis is a popular research method when examining white collar crime. Social scientists find this method effective when interviews, survey or participation observations are not viable options. Such authors as Sutherland (1983), Chambliss (1975), Pepinsky and Jesilow (1984), Simon and Eitzen (1993), Reiman (1990) and others found this method useful when completing their research. Secondary sources are readily available for the researcher to study various phenomenon in any geographical location. In addition,
secondary sources allow the researcher to examine the work of other social scientists which permits large data collection. Unfortunately, using only secondary sources exposes the researcher to possible bias of the initial writer/researcher. Although content analysis is not without flaw, it was ideal in the collection of data on street crimes due to time efficiency and availability.

OVERVIEW OF THESIS

The following chapters present research examining those who were involved with the BCCI event, the crimes they committed, the costs of the crimes and the penalties received. This information is compared to street crimes committed and the penalties received over a period of one year in Rowan County, Kentucky. Chapter two reviews relevant critical and radical criminology literature as well as literature on white collar crime/elite deviance and the differential treatment of white collar and street criminals.

Chapter three discusses research methods including the data collection strategy and secondary analysis. Additionally ethical and political issues involved in this
research are discussed. The right to privacy of the BCCI participants and the Rowan County offenders was a prime concern for the researcher. To ensure that the subjects would not have their privacy violated, I chose to disguise real names with numbers and pseudonyms.

In chapter four I present and analyze the data I have collected regarding the BCCI event and that collected in Rowan County, Kentucky.

Chapter five provides conclusions by discussing similarities between elite crimes and street crimes, noting the differential treatment of the offenders. The arguments that are put forth in this thesis are compared to arguments put forth by other critical criminologists. I conclude that there is a bias toward white collar criminals in the criminal justice system because of their socio-economic status. Further, white collar crimes exist in America because of the way the capitalistic economic system and its institutions support the perpetuation of white collar crimes. Through use of the media in focusing on street level crimes, crimes of the elite are rarely brought to the forefront. Elites have acted out of their own interests, and have successfully prevented Americans from becoming
enraged with white collar crimes. The nature of capitalism allows for the preferential treatment of elite offenders and the differential treatment of street offenders.
CHAPTER TWO

REVIEW OF LITERATURE

There are several bodies of literature comparing elite crimes to street crimes which relate to the elitism versus streetism argument presented in this thesis. Sociological literature on white collar crime and elite deviance assumes, for the most part, a critical criminological orientation claiming that there is a bias toward the wealthy and against the poor in the defining and processing of criminal offenders. This chapter first discusses and reviews the general orientation of critical criminology including an overview of a Marxist perspective on capitalist society, which provides the foundation for critical criminology. Next, a brief overview of studies conducted on white collar crime and elite deviance is presented illustrating the connection between critical criminology and empirical investigations of white collar deviance. Finally, examples of previous literature alleging bias in favor of the wealthy, comparing costs to
society of white collar crime versus street crime and sentences received by each, are presented.

CRITICAL CRIMINOLOGY

Critical criminology examines the structure of society, its institutions, specifically the criminal justice system, the government and the criminalization process. Critical theory focuses on the role of the powerful in society and the constant conflict between "the haves and the have nots." There are class and status differences within members of society that critical criminologists offer as reasons deviants are treated differently in society. When studying individual behavior, the critical sociologist focuses on the impact of social and economic systems in determining the behavior of the individual. Pelfrey (1980) states that critical criminology has been viewed as the school of thought which seeks to maintain an alliance with the system — social, political, and economic, while criticizing, and even attacking the system for its failure to promote social justice. Some critical criminologists believe that any individual will violate the criminal law depending on how
many of their normal behavior patterns are defined by the law as criminal. Vold (1979) notes that the amount of power that one has affects the likelihood of their normal behavioral patterns being viewed as criminal. Vold found that those with little or no power will find many of their normal behavior patterns criminalized, whereas those with great power will find few of their normal behavior patterns criminalized.

MARXIST SOCIAL THEORY

Karl Marx (1967) examined the system of capitalism focusing on the role of the bourgeoisie and the proletariat and argued that it was an economic system of exploitation. Marx believed that the work of the masses benefitted only a few and he believed that those with power, the capitalists, exploited those without power, the working class.

If wage labour produces the wealth of others that rules over it, the power that is hostile to it, capital, then the means of employment that is, the means of subsistence, flow back to it from this hostile power, on condition that it makes itself afresh into a part of capital into the lever which hurls capital anew into an accelerated movement of growth (Marx, 1968, p. 84).
Marx felt that "if capital grows, ...the domination of capital extends over a greater number of individuals" (Marx, 1968, p. 84).

Under the system of capitalism, "the rapid growth of productive capital brings about an equally rapid growth of wealth, luxury, social wants, social enjoyments" (Marx, 1968, p. 84). The foundation of capitalism is based on class conflict and exploitation. The capitalist would constantly be in control of the means of production, government and profits in society. The working class, on the other hand, would constantly be reduced to only wage labourers, have no governmental influence, and gain no profits in society.

Marx's critique of capitalism has focused on those with power exploiting those without power. This critique provided the foundation of critical criminology.

MARXIST INFLUENCE ON CRIMINOLOGY

The early 1970s brought about the beginning of critical criminology in the United States. Since then several criminologists (for samples of this perspective see Quinney, 1970, 1973, 1977; Chambliss and Seidman, 1971;
Taylor et. al. 1973, 1975; Platt, 1974; Schwendinger and Schwendinger, 1970, 1977; Pepinsky and Jesilow, 1984; Michalowski, 1985; Galliher, 1989; Reiman, 1990) have resisted participation in the traditional search for the causes of crime, which by implication endorse policies designed to make the criminal justice system a more efficient crime-fighting machine, and began to actually critique the manner in which the system operated. Up to the 1970s most criminologists who received substantial research grants, publications, and high-profile teaching positions, assumed either a conservative stance in searching for the cause of crime by blaming individuals, either through bad moral decisions or a biological/psychological defect, or a more liberal stance in that the causes of crime were sought in bad social environments, thereby presuming that human nature is basically good but corruptible. Theories emerging from these two camps search for the root causes of crime and build a case for differing forms of social policy designed to fight crime either by targeting bad/deficient individuals or corrupting social environments.
Marxist influence on criminology has led to the development of the radical school of thought. Radical criminology emphasizes change of the system. Radical criminology has been viewed as a sort of movement which involves critical thought in the ongoing political struggles that will eventually affect change in the society. Platt (1974) in his article, "Prospects for a Radical Criminology in the United States," offers methods for radical theorists including: organizing educational conferences, supporting defendants in political trials, participating in campus protests, and helping to develop programs such as community control of the police.

Radicals believe that the conflict and critical definition of crime are not enough. There should be more active participation in changing the laws as they stand, and parting from any link to classical views. Pelfrey (1980) believes that this redefinition departs from the legal definition and instead recognizes that the reality of a legal system is based on power and privilege.

Radical criminology often called the "New Criminology," reconstructs the definition of crime, and highlights the exploitative nature of capitalism addressing
the issues of racism, sexism and the like. Radical criminologists urge for the removal of the unbearable conditions of capitalism and imperialism contending that criminals are legally defined and prosecuted by the state to uphold the values of the state and foster the belief among the public that the state is not engaged in any criminal activity.

Marxian influence on criminology is seen through Vold's (1979) explanations of conflict theory. Conflict theory examines the struggle between different groups and what the result of the struggle involves. Because of different interests, these groups are constantly battling each other. Vold (1979) believes that the entire political process of law making, law breaking, and law enforcement directly reflects deep-seated and fundamental conflicts between interest groups and their more general struggles for the control of the police power of the state.

As one political group lines up against another, both seek the assistance of the organized state to help them defend their rights and protect their interests (Vold, 1979, p. 287).

Laws are passed on the basis of the interests of the class in power. Therefore, if the political and economic power
is in the control of the upper class, the very lives of the underclass are determined by their lack of such power. When the interests of different groups conflict, it is generally those groups with less political power whose actions will be criminalized.

Critical criminologists argue that the criminal law is an instrument of the state and ruling class to maintain and perpetuate the existing social and economic order. Therefore, to understand criminal law policies, the class composition of those who formulate the laws must be critically examined.

Richard Quinney (1970), in The Social Reality of Crime, asserts that crime is socially constructed. The agents of the law such as legislators, police, prosecutors, and judges are responsible for formulating and administering criminal law. Quinney maintained that crime is a definition of behavior conferred on some persons by others. Therefore, persons become criminal because of the formulation and application of criminal definitions. Quinney asserted that certain groups have influence when formulating their interests into policy. Those who can have their interest represented in public policy regulate the
formulation of criminal definitions. In explaining our concept of crime, Quinney noted that the social reality of crime is intentionally constructed.

We end up with some realities rather than others for good reason - because someone has something to protect... Realities are, then, the most subtle and insidious of our forms of social control. No weapon is stronger than the control of one's reality. It is the control of one's mind (Quinney, 1970, p. 303).

The theoretical approaches used in The Rich Get Richer and the Poor Get Prison parallel Marxist ideology. In his Marxian critique of the criminal justice system, Reiman (1990) offers that criminal justice is used as a means to regulate the antagonism of interests in a capitalistic society.

Moreover, criminal justice promotes this antagonism by teaching people that the rights of each are in conflict with the rights of others... (Reiman, 1990, p. 174).

Coleman (1987) explains the culture of competition for which motivation exists for all members in a society in his article, "Toward an Integrated Theory of White-Collar Crime" which reflects Marxist ideology. Competition motivates people to pursue economic self-interest in an effort to surpass their fellows in the accumulation of wealth and status. Coleman offers:
The competitive economic struggle typical of life in capitalist society is seen as a battlefield on which the most capable and the hardest working individuals emerge victorious (Coleman, 1987, p. 416).

WHITE-COLLAR CRIME AND ELITE DEVIANCE

The study of white-collar crimes and elite deviance has become intertwined. However, there is a difference between white-collar crime and elite deviance. Braithwaite (1985) in his article "White Collar Crime" reviews various authors' contributions to the study of white collar crime and the implications of white collar crime research. Braithwaite found that the nature of white collar crime, its complexity and the power of its perpetrators, makes detection problematic.

James W. Coleman (1987) defines white-collar crimes as violations of the law committed in the course of a legitimate occupation or financial pursuit by persons who hold respected positions in their communities.

The goal of the vast majority of white-collar criminals is economic gain or occupational success that may lead to economic gain (Coleman, 1987, pp. 407-408).
According to Coleman, white-collar criminals rationalize their behavior by claiming that the laws they are violating are unnecessary or even unjust. Further, white-collar criminals attempt to justify their behavior by defining it as necessary in order to achieve vital economic goals.

According to Simon and Eitzen (1993) the term white-collar crime has become ambiguous. White collar crime includes crimes committed by persons from every level of society, including both elites and nonelites, both illegal and nonviolent crimes and "traditional notions of deceit, deception, concealment, manipulation, breach of trust, subterfuge, or illegal circumvention" (Wolfe, 1978, p. vii).

Elite deviance involves crimes committed by those of the highest socioeconomic status. White collar crimes are illegal but crimes of elite deviance are both illegal and legal but questionable. Simon and Eitzen's definition of elite deviance includes three types of acts: 1) economic domination; 2) government and governmental control; and 3) denial of basic human rights.

Jackall (1980), in his article "Crime in the Suites" reviews the perceptions of white-collar crimes. He states
that white-collar offenses not only break the law but they assault, gravely injure, cheat, rob and in a variety of other ways, wrong human beings.

For the purposes of this thesis, the white collar crimes that are examined will be defined through Simon and Eitzen's definition of elite deviance and will be termed white collar deviance. However, before there were definitions of elite deviance, there were classical investigations of white collar crime. The next section details such investigations.

A CLASSIC INVESTIGATION OF WHITE-COLLAR CRIME

Sutherland coined the term 'white collar crime' in 1949 and his work challenged classical explanations of crime such as biological abnormalities, intellectual inferiority and emotional stability. He found that criminal theories based on social and personal pathologies were biased because the theories did not consistently fit the data of criminal behavior. Instead of focusing on crimes of the lower class stratum, he concentrates on crimes associated with the upper class stratum. In completing his study, he found a duality that occurs within
the criminal justice system when dealing with white collar perpetrators. Because persons of the upper socioeconomic class are more powerful politically and financially, they can escape arrest and conviction to a greater extent than persons who lack such power.

One of the main differences Sutherland found when examining criminal behavior stemmed from the administrative procedures used in dealing with the criminals. In essence, the criminal from the low socioeconomic class is not treated the same as a criminal from the upper socioeconomic class. Sutherland believed white collar crimes were important to study because they violate trust and therefore create distrust, lowering social morale and producing social disorganization on a large scale. His research involved studying corporations who violated laws of restraint of trade, misrepresentation in advertising, infringement of patents, trademarks, and copyrights. Overwhelmingly, Sutherland found that the application of the law occurred differently when processing white collar criminals specifically involving the crimes of corporations.
The status of the businessperson was one of the reasons Sutherland attributed this differential implementation of the law. In his examination of white collar crime, Sutherland observed that there were few penalties that could be imposed on the corporations. This raises the issue of protection under the corporate umbrella. Sutherland argued,

... with a few exceptions the only penalties that can be imposed on corporations, if found guilty of crimes, are fines. (Sutherland, 1983, p. 61).

Sutherland believed that the hypothesis of differential association could best explain "the process by which a person is initiated into crime" (1983, p. 255). The hypothesis of differential association offers that criminal behavior is learned in association with those who define such criminal behavior favorably. A person engages in criminal behavior if, and only if, the weight of the favorable definitions exceeds the weight of the unfavorable definitions.

Tappan (1947) responded to Sutherland's work in an article entitled, "Who is the Criminal?". The author finds that:
He studies the criminals convicted by the courts and is then confounded by the growing clamor that he is not studying the real criminal at all, but an insignificant proportion of non-representative and stupid unfortunates who happened to become enmeshed in technical legal difficulties (Tappan, 1947, p. 96).

Tappan implies that America has a pleasant perception of the white-collar criminal. Perpetrators of white collar crime are viewed simply as violators of conduct norms. They are not seen as criminal unless they have violated a criminal statute and have been convicted.

ELITE DEVIANCE

Elite deviance refers to those crimes which may be legal or illegal but are questionable. Leonard and Weber (1970) in "Automakers and Dealers: A Study of Criminogenic Market Forces" examine the practices of the manufacturers and dealers in the auto industry and find that their conduct was often unethical, although in some cases very legal. The authors conclude that criminal behavior becomes embedded in some occupations.
In many industries and trades, criminal behavior in an occupation is conditioned by the concentrated market power of producers capable of establishing terms of employment and rewards for the occupation (Leonard and Weber, 1970, p. 420).

Denzin (1977) in "Notes on the Criminogenic Hypothesis: A Case Study of the American Liquor Industry" examines "the organizational development of the American Liquor industry since Prohibition" (Denzin, 1977, p. 905). Denzin's research is a case for elite deviance. The author finds that power, control, coercion and deception became central commodities of negotiation in those arenas that make up the organization. In Denzin's investigation of the liquor industry he found that corruption was running amuck. There were many instances when corruption and illegal behavior became clouded behind complex corporate laws or complicated local statutes. The author states that the industry and its participants enhance their own positions at someone else's expense. The economics of the liquor industry translate into private, personal economies of style, career, prestige, and power. Denzin felt that the liquor industry was able to operate in such an illegal
fashion because of the scarcity of penalties and weak enforcement of laws. In addition, structural ties between the political order and enforcement agencies (such as those between local liquor commissions and the police) contradict a separation of power between legislation and implementation.

Clinard and Yeager's (1980) research examined growth and development of several United States corporations, the profits made, and the enforcement actions against some of the corporations. In *Corporate Crime* (1980), the authors define corporate crime as the illegal practices of the large corporations including false advertising claims, price fixing, unsafe products, political bribery, foreign payoffs, and the disregard of safety regulations in the manufacture of cars and other consumer products, tax evasions. The authors found that far more persons are killed through corporate criminal activities than by individual criminal homicides and:

> Corporate crime provides an indication of the degree of hypocrisy in society. It is hypocritical to regard theft and fraud among the lower classes with distaste and to punish such acts while countenancing upperclass deception and calling it shrewd business practice (Clinard and Yeager, 1980, p. 21).
Clinard and Yeager believe that corporations exercise tremendous influence on government which may be used to achieve many types of benefits, legal and illegal.

Szasz (1986) in "Corporation, Organized Crime, and the Disposal of Toxic Wastes: An Examination of the Making of a Criminogenic Regulatory Structure" reviews the relationship between legitimate corporations that generate hazardous waste and elements of organized crime with whom they contract for the removal. The author found that corruption exists in that hazardous waste was being dumped illegally. Szasz found that the "manifest system does not detect illegal disposal, in part because of inadequate monitoring" (Szasz, 1986, p. 12).

In his examination of the Resource Conservation and Recovery Act (RCRA), the author notes that the RCRA determinedly fought for and achieved a regulatory forum that would demand of them the least real change and a forum that would minimize their liability for potential violations of the new regulations.
BIAS IN THE PROCESSING OF WHITE-COLLAR OFFENDERS

Critical criminologist have found that there is bias in the processing of white collar criminals and those involved with elite deviance. In comparing the lower class to the middle and upper classes, Quinney found that the criminal justice system is biased in the way that it treats offenders from the lower socioeconomic stratum. He concludes that in comparison to members of the middle and upper classes, members of the lower class have the greatest probability of being arrested and convicted for their behaviors.

Quinney believed that crime was not cut and dry. He felt that the reality of crime is constructed for everyone by those in a position of power. Once the dominant class' reality is accepted by the masses, they are authorized to carry out the actions that best promote their interests.

Clinard and Yeager found that government regulatory agencies can do little to prevent large organizations from committing corporate crimes because the economic elite control lawmaking as well as law enforcement. Therefore, the application of criminal laws will coincide with the
interests of the elite. Further, the authors found that corporations are rarely subjected to the full force of the law. Instead, they receive small fines such as a penal sanctions.

Pepinsky and Jesilow (1984) offer criticism of the criminal justice system in *Myths that Cause Crime*. Of the criminal justice system, the authors state:

> Those who kill and steal the most in this country know that they are virtually certain not to be arrested, prosecuted, or imprisoned, provided they do it carefully, even professionally. American criminal justice is not merely ineffectual; it is also unjust (Pepinsky and Jesilow, 1984, p. 4).

The authors believe that members of the lower class hurt us the least, yet are the ones who populate our jails, prisons, and juvenile systems. Pepinsky and Jesilow define law enforcement as inherently political and an exercise of state power biased in favor of the wealthy. The criminal justice system acts out of class bias because officials are inclined to believe wealthy people are more easily hurt by being arrested and charged. Therefore, the rich are more likely to be treated favorably when being processed by the criminal justice system.
Reiman's (1990), *The Rich Get Richer and the Poor Get Prison* examines the practices of the criminal justice system in treating upper class criminals versus lower class criminals. He discusses deviance on the corporate level viewing such problems as occupational hazards and disease, inadequate emergency medical care, the dangers of air pollution, cigarette smoking and food additives. In addition, he examines the cost of white-collar crimes such as bankruptcy fraud, bribery, kickbacks, computer-related crime, consumer fraud, illegal competition, government revenue loss, embezzlement and insurance fraud. He estimates, "...that in 1986 white-collar crime cost more than $107 billion" (Reiman, 1990, p. 91).

Reiman believes that crime in America is a created phenomenon. The label "crime" in American society does not name the worst actions that cause misery and suffering, but instead, "It is primarily reserved for the dangerous actions of the poor" (Reiman, 1990, p. 39). Reiman encourages the reader to seek the reality of crime, in doing so, we will realize that the image of crime is created. The image of crime is shaped by decisions about what will be called crime and who will be treated as a
criminal. Reiman suggests that the criminal justice system hides from the public the real threat of crime and provides the distorted image that crime is primarily the work of the poor. This is done to deflect potential hostility from those in power toward those without power. With this thought in mind, Reiman argues that there is a failure to reduce crime in American society. Through his research, Reiman found that the system treats some criminals more favorably than it does others. Of the 10 well respected criminals that were included in Reiman's study, he concludes that the system tends to exclude predatory acts of those who are well off. Overwhelmingly, it did not appear that the crime fit the time. For the crime of finagling "financial reports and earnings projects to inflate stock artificially" (Reiman, 1990, p. 106), causing stockholders to lose $200 million, the president received one year in prison. For the portfolio manager, who "bilked investors out of nearly $10 million" (Reiman, 1990, p. 106), the sentence was six months in prison, and five years probation. These are two examples of the treatment and punishment of white collar criminals.
Because of its cost, widespread nature, and treatment of its offenders by the criminal justice system, Reiman believed that studying white collar crimes was very important. In fact, the author cites that white-collar criminals are rarely arrested or charged and when they are their sentences are suspended or light in comparison to the cost of their crimes.

Theoretically, Reiman explains the failing of the criminal justice system through the Pyrrhic defeat theory which claims that there is a failure to identify as crimes the harmful acts of the rich and powerful causing an insufficiency to implement policies that stand a good chance of reducing the crime. As a result economic bias is not eliminated in the criminal justice system. This failing system provides benefits for those with the power to make changes, while it imposes costs on those without such power.

In his examination of white-collar crimes, Coleman explains that once a particular set of activities is labeled illegal, its attractiveness to potential white-collar criminals is strongly influenced by their perceptions of the certainty of punishment.
Simon and Eitzen (1993) in *Elite Deviance* criticize the criminal justice system by stating that the laws most seriously administered are those related to the deviance of the powerless. Although the criminal justice system operates in subtleties, the process ensures a bias in favor of the more affluent.

Past literature which reveals the bias in processing of white collar criminals provides a fruitful supplement to this research. As Reiman (1990), Coleman (1987) and Pepinsky and Jesilow (1984) imply in their research, the capitalistic economic system appears to be working in favor of elitism and not in the favor of streetism. The next section defines the research problem.

**THE RESEARCH PROBLEM**

The BCCI event is a recent large-scale and publicized white collar criminal activity which involved enormous economic costs. Because the BCCI participants were among the elite, it is important to empirically investigate whether bias in favor of the wealthy existed when they were being processed by the criminal justice system. As discussed in the preceding section, social scientific
investigations of white collar crime, assuming a critical criminological perspective, claim to find such bias. Even though past literature demonstrates that economic costs of white collar crime far out weigh costs of street crime, street criminals are given more severe sentences. Surely increased attention to white collar crime over the past twenty years as well as the current punitive attitude toward criminal justice in American society has caused the discrepancy between sentences for white collar offenders and street criminals to be resolved. The tremendous cost to society of white collar offenses should be balanced by the sentences given to individuals committing these acts.

The BCCI situation allows for a contemporary comparison. The research conducted for this thesis compares the offenses of those involved in BCCI with street crime offenses in a rural county in eastern Kentucky. Furthermore, sentences imposed on offenders involved with the BCCI event are compared with the convicted felons in Rowan County, Kentucky. Does bias in favor of elites exist when criminal justice processing occurs? This comparison allows for a contribution to this literature by determining if the overall criminal justice
institution still, as was found in some previous studies, biases in favor of the wealthy and against poorer people even though the wealthy are costing society much more through their indiscretions than are common street criminals.

The next chapter discusses specific data gathering techniques and methodological issues involved in the analysis of this research problem.
CHAPTER THREE

METHODOLOGY

Many studies of white collar crime and elite deviance have used content analysis of secondary sources as the research method (for examples see Sutherland, 1983; Pepinsky and Jesilow, 1984; Reiman, 1990; Etzioni, 1993; Lofquist, 1993; Simon and Eitzen, 1993). This chapter describes why content analysis was best for comparing the sentences for street crimes to those given for white collar offenses. There were certain methodological and ethical issues that arose in conducting this research. Methodologically, there were advantages and disadvantages of using secondary analysis. Ethically, persons included in the data collection had to have their anonymity protected. This chapter details these issues.

DATA GATHERING TECHNIQUES

The data gathering technique used involves content analysis of secondary sources. Secondary sources reviewed for data about BCCI offenders were as follows: Newspaper

CONTENT/SECONDARY ANALYSIS

In examining the data sources that were listed above, I compared the criminal offenses and penalties of those convicted of street level crimes to those indicted, and/or
convicted in the BCCI situation. Previous data existed in numerous secondary sources which provided the main data for this thesis. Secondary analysis was most beneficial when doing this research because the information had been previously gathered and its nature was purely unobtrusive.

That is, the content analyst seldom has any effect on the subject being studied. Because the novels have already been written, the painting already painted, the speeches already presented, content analyses can have no effect on them. This advantage is not present in all research methods (Babbie, 1993, p. 328).

Secondary analysis allowed the researcher information through the review of periodical sources. Examination of the various reports regarding the BCCI incident exposed the researcher to several different views regarding the criminal activities. Also, newspaper/magazine researchers and writers as experts, initially, assessed the cost of the crimes which saved the second researcher time from having to personally reassess the costs.

Content analysis was cost efficient when conducting this thesis because the researcher did not have excessive expenses such as disseminating numerous surveys and traveling costs when interviewing or observing subjects.
Babbie (1993) cited that content analysis is economical in terms of both time and money.

According to Babbie (1993), another advantage of content analysis is its longitudinal base. Babbie (1993) states, "content analysis permits you to study processes occurring over long periods of time" (Babbie, 1993, p. 328). Content analysis allowed the researcher to study things which had been previously revealed through other sources not available through field, survey, or evaluation research.

BCCI DATA SOURCES

The newspaper and periodical articles along with official documents revealed the criminal enterprise activities of the group, the structure of the criminal enterprise, the pattern of criminal activity, the background of the scheme and the overt acts of the schemers. Official documents were obtained so that the researcher would know exactly what the group was initially accused of and what the government and federal agencies found regarding their criminal activity allowing the researcher to have in-depth knowledge of the criminal
activities that were cited by the Supreme Court of the State of New York.

I reviewed the transcripts from the House Committee on Banking, Finance and Urban Affairs dated September 11, 1991 which inquired into BCCI activities between attorneys and the Federal Reserve Board. This document was obtained so that the researcher could gain further knowledge on the intricate dealings of those involved with the BCCI event. However, the nature of the documents reviewed were not without possible bias of the reporter/researcher.

The costs of the BCCI criminal activities were tabulated through a close examination of the transcripts from the Congressional House Committee on Banking, Finance and Urban Affairs, the official documents from the District Attorney's office, State of New York and the numerous periodicals/newspapers. Through reviewing the figures offered in the print media the researcher noted that the tabulations were not consistent. As Reiman (1990) states,

There is considerable disagreement about the magnitude of the cost of white-collar crime, except that all experts agree that it is enormous (Reiman, 1990, p. 90).

Therefore, the researcher relied primarily on the official documents obtained, the data collected via the
news media and the work of sociologists, Simon and Eitzen (1993) who have documented the cost for the BCCI event with their available data. I compared their tabulations with those I gathered through my content analysis to derive a total estimated cost of the BCCI situation. As deriving these calculations is not a precise art, Reiman adds,

Fortunately, all we need is a rough estimate of the cost of white-collar crime so that we can compare its impact with that of the crime reported on by the FBI (Reiman, 1990, p. 90).

STREET CRIME DATA SOURCES

I examined the case records of felony convictions in Rowan County Kentucky Circuit Court from January 1, 1992 through December 31, 1992. There were 149 cases with 82 resulting in a conviction. The case numbers, Uniform Offense Record codes (UOR), description of charges, and detail of sentences were all recorded.

Rowan County data were gathered and used for various reasons. Proximity to Morehead State University made the data easily available. The number of offenses that were committed provided a sample size which was manageable. The sample size provided enough offenses with which to complete an adequate comparison to the crimes of white collar
deviance, ultimately answering the research question.

The purpose of obtaining data on the charges and sentences of the street crimes offenders in Rowan County was to make a comparison to the charges and sentences of those involved with the BCCI event. These charges and sentences allowed the researcher to examine potential differential treatment and possible bias within the criminal justice system when dealing with particular crimes and offenders.

METHODOLOGICAL ISSUES

There were several methodological issues that arose in the research design at the center of this thesis. These issues included disadvantages of the research method, alternative methods, as well as ethical and value issues.

DISADVANTAGES

Content analysis of secondary sources was limiting in several ways. First, the researcher was exposed to the bias of the initial writer/researcher. The researcher had to take extra steps to make sure the original data collection was not biased. One of the ways that I
attempted to ensure that the data collection was not biased was by collecting data from several different data sources and writers. Collecting information from various sources allowed the data collection to have the input of various writers. Although by adding numerous writers and sources brought about the bias of many, one writer's or source's contribution was not the entire focus of the data collection. Therefore, individual biases were minimized. This allowed the researcher to protect the information as much as possible from overwhelming bias.

Another disadvantage by being the second researcher was the possibility that vital information could have been discarded by the first researcher. For example, the research gathered for the BCCI situation in the form of newspaper and magazine articles did not include the entire indictment charges on all of those accused. It appeared that the writers focused only on particular charges and not all. In order to examine the entire BCCI incident, the researcher had to use the actual indictment from the District Attorney, County of New York to supplement the data collection.

Thirdly, in examining existing data, there was the
possibility that the first researcher could have made an error. For example, while examining various periodical sources, the number of actual charges on some of those involved in the BCCI situation was miscounted. Consequently, the researcher had to review numerous documents to check for the accuracy of the sources. Again, I obtained the original indictments from the District Attorney, County of New York to ensure the accuracy of the data collected on the BCCI event regarding the offender's charges. It was imperative for the secondary sources to be accurate in their reporting of the BCCI incident. If these sources being analyzed were not correct due to the first researcher's error, this would also cause the second researcher's data to be faulty.

Because of these points, the questions of validity and reliability arise in content analysis research. To improve reliability and validity, the researcher collected the most original data that were available on the BCCI offenses. The data collection was not limited to a particular writer, or newspaper/magazine or periodical source. In addition, instead of all of the data being interpreted by an initial writer, much of the data were official statements by those
conducting the investigation on the BCCI event and official transcripts.

There were several disadvantages of using Rowan County as the data sample for street crime felony convictions. Because of the geographical area, the sample is not representative of national crime rates. Rowan County is a rural area in Appalachia. The crime rate in Rowan County in a one year period was lower in comparison to the crime rate in areas with an urban population. This disparity in rates is due to the rural nature of Rowan County.

There were additional limitations and cautions involved when using qualitative analysis. In conducting qualitative analysis, the researcher can become too subjective. In order to protect the research from oversubjectivity, the researcher used previous studies on similar topics as guidelines for the research. These studies provided a sound foundation in which to analyze the current thesis.

In choosing qualitative analysis as opposed to another research method, Babbie (1993) offers this disadvantage of content analysis:
... content analysis is limited to the examination of recorded communications. Such communications may be oral, written, or graphic, but they must be recorded in some fashion to permit analysis (Babbie, 1993, p. 328).

Because there were advantages and disadvantages, the researcher had to weigh which research method was best suited for this thesis. The next section details alternative research methods which were considered but not chosen.

ALTERNATIVE RESEARCH METHODS

There were several research methods such as field research, interviews or surveys which were not chosen in completing this thesis. For this research involving a comparison between street level crimes and white collar crimes, content analysis was deemed most appropriate.

Field research was not chosen because it involves "direct observations of phenomena in their natural settings" (Babbie, 1993, p. 308). Neither the data collected for Rowan county nor BCCI offenders were observed in the natural setting. Being the case that they were all crimes and were illegal, it would have been very difficult
for the researcher to observe first hand. By the time that the BCCI event was exposed and the Rowan County offenders had been arrested by police, the crimes had already occurred. Also, in dealing with white collar crimes, the events often occur behind the scenes and in closed sessions. Again, it would have been extremely difficult for the researcher to observe.

The researcher opted not to interview possible subjects for many reasons. It was not necessary to conduct personal interviews with the BCCI white collar crime perpetrators in order to answer the research question. Additionally, many of the BCCI individuals were charged, but not yet convicted therefore; they may have not been willing to talk. Finally, the expense of travelling to the location to interview both the BCCI actors and even the Rowan County felons would have been far too expensive for this thesis.

As I examined street crimes and elite crimes for this thesis, survey research would not have been suitable to answer the research question in this thesis. Survey research primarily involves administering questionnaires to a sample of respondents.
A central element in survey research is the standardized questionnaire. In terms of the fundamental issue of measurement, this kind of questionnaire insures that exactly the same observation technique is used with each and every respondent in the study (Babbie, 1993, p. 8).

I may not have been able to find the addresses of those involved with the BCCI event. Therefore, I would not have been able to send them a survey. It is also a realistic possibility that those who were being studied in this thesis would not have responded to a survey due to the criminal nature of their acts.

Using surveys would have changed the research base of this thesis. For example, instead of examining how the criminal justice system treats the offenders, the research would have changed to why certain offenders feel that they did not commit a crime. The researcher was not interested in the offender's side of the story, therefore, survey methods were not appropriate for this thesis.

In regards to the treatment received by the offenders in the form of sentencing and the overall adjudication process, it was not necessary for the researcher to ask the offenders what their treatment was by the criminal justice
system. Processing by the courts is all public record. Therefore, the researcher can find out the sentences that have been opposed on the offenders without their survey responses.

ETHICAL /VALUE ISSUES

In content analysis research on criminal offenders, a major concern was to protect the anonymity of the subjects. The data collected on the street crimes and the white collar deviance were not volunteered by the actual subjects involved, therefore:

The clearest concern in the protection of the subjects' interest and well-being is the protection of their identity... (Babbie, 1993, p. 467).

Where the actual names of the individuals in the BCCI event could be revealed, I replaced their names with Person A, Person B, Person C and so on. For those individuals recorded for street offenses, their names were replaced with case numbers.

Because one's criminal record is of the most personal nature, the subjects researched had a right to privacy. If their actual names were revealed the subjects "may risk losing their jobs, having family difficulties or being
ostracized by peers" (Babbie, 1993, p. 471).

There were value issues that arose when doing research caused by bias sometimes involving the "researcher's own political values" (Babbie, 1993, p. 477). Social scientist should at best try to present value free research. Because of the issues of bias in research, the researcher took several steps to protect this thesis from contamination. First, I examined periodicals from all kind of sources, and several different writer/ researchers, being sure not to give one writer/ researcher more focus than another. I reviewed literature that contained varying opinions on factual information which contributed to giving the research a multi-faceted edge protecting it from bias.

CONCLUSION

Even though qualitative content analysis of secondary sources had significant limitations, this methodological strategy was the best available to answer the research question at the foundation of this thesis. The data sources used in this project to gather information on BCCI offenses and sentences, as well as street crimes in a rural eastern Kentucky judicial circuit were not infallible.
However, these sources and this method provide an opening to examine the differential treatment of street felons and white collar offenders.

The next chapter presents data gathered through the described research design. Chapter four is divided into subsections presenting the BCCI data and then the Rowan County data. Data are presented in the form of tables and charts that outline the charges and sentences of the Rowan County street crime offenders and those involved with the BCCI situation.
CHAPTER FOUR
PRESENTATION OF DATA

This chapter discusses the BCCI data and the Rowan County data, dividing them into subsections. The data are a collection of actual crimes, alleged crimes, sentences, and fines. The actors involved and the estimated costs of the crimes are presented. It is important to note that the comparison of the Rowan County criminals is one calendar year, while the crimes of those involved with the BCCI situation encompasses many years.

BCCI EVENT

There were several facets that contribute to the overall BCCI event. They are as follows: the investigation by the District Attorney - County of New York, the criminal conduct of the Bank of Credit and Commerce International investigated by other law enforcement agencies and the estimations of the costs of BCCI related activities. The investigation by the District Attorney - County of New York primarily involved BCCI's high ranking bank officials. Other law enforcement agencies investigated BCCI for such
crimes as money laundering.

INVESTIGATION BY THE DISTRICT ATTORNEY COUNTY OF NEW YORK

There were six persons indicted by the District Attorney - County of New York for their involvement with BCCI. For ethical reasons, their names will remain anonymous. Data listing the charges and current dispositions of those involved with the BCCI event are presented in Table 1.

Throughout the data presented on the BCCI incident are direct citations from the District Attorney's indictments. These citations are allegations made by the office of the District Attorney - County of New York based on its investigation. It is not the goal of the researcher to take these allegations as truth, but to instead present the investigation done by the District Attorney as a part of the data collected.
# TABLE 1.

Charges and Sentences for Those Indicted in the BCCI Incident.

<table>
<thead>
<tr>
<th>OFFENDER</th>
<th>INDICTMENT CHARGES</th>
<th>SENTENCE</th>
</tr>
</thead>
</table>
| Person A | -- 1 count of Commercial Bribe Receiving in the First Degree*  
-- 1 count of scheme to defraud in the first degree* (defrauding regulators by illegally permitting the BCC group to influence the affairs of First American)  
-- 1 count of conspiracy in the Fifth degree, relating to their agreement to provide information and allow influence on First American in return for the bribes | Deemed too ill to stand trial  
Charges still pending |
| Person B | -- 1 count of Commercial Bribe Receiving in the First Degree*  
-- 1 count of scheme to defraud in the first degree* (defrauding regulators by illegally permitting the BCC group to influence the affairs of First American)  
-- 3 counts of Falsifying Business Records in the First Degree* in relation to the coverup of the BCC Group's investment in Credit and Commerce American Holding (CCAH)  
-- 3 counts of Offering a False Instrument for filing in the First Degree*, in relation to filings submitted to the New York State Banking Department  
-- 1 count of conspiracy in the Fifth degree, relating to their agreement to provide information and allow influence on First American in return for the bribes | dropped  
acquitted  
acquitted  
acquitted  
acquitted |
| Person C | -- plead guilty to the misdemeanor of Acquisition by Companies of Control of Banking Institutions | agreed to pay $105 million in fines |
| Person D | -- plead guilty to the misdemeanor of Acquisition by Companies of Control of Banking Institutions | agreed to pay $105 million in fines |
| Person E | -- 1 count of scheme to defraud in the First Degree* (defrauding regulators by illegally permitting the BCC group to influence the affairs of First American)  
| | -- 2 counts of Commercial Bribing in the First Degree*, relating to the sham loans and favorable deals in the purchase of CCAAH stock  
| | -- Grand Larceny in the First Degree, relating to the loss of 44.7 million that First American Bank of New York had on deposit with BCCI **  
| | -- 1 count of the crime of Enterprise Corruption  
| | -- 1 count of scheme to defraud in the first degree for the BCC group  
| | -- 3 counts of falsifying business records in the first degree  
| | -- 1 count of conspiracy in the Fifth degree, relating to their agreement to provide information and allow influence on First American in return for the bribes  
| has not yet been prosecuted  
| is believed to be in his native Pakistan  
| Extradition proceedings are underway to obtain his return to stand trial |
| Person F | -- 2 counts of Commercial Bribing in the First Degree*, relating to the sham loans and favorable deals in the purchase of CCAAH stock  
| | -- Grand Larceny in the First Degree, relating to the loss of 44.7 million that First American Bank of New York had on deposit with BCCI **  
| | -- 1 count of the crime of Enterprise Corruption  
| | -- 1 count of scheme to defraud in the first degree for the BCC group  
| | -- 3 counts of falsifying business records in the first degree  
| | -- 1 count of conspiracy in the Fifth degree, relating to their agreement to provide information and allow influence on First American in return for the bribes  
| has not yet been prosecuted  
| is believed to be in his native the Emirate of Abu Dhabi  
| Extradition proceedings are underway to obtain his return to stand trial |
| Person G | -- 1 count of scheme to defraud in the First Degree* (defrauding regulators by illegally permitting the BCC group to influence the affairs of First American)  
| | -- 1 count of the crime of Enterprise Corruption  
| | -- 1 count of scheme to defraud in the first degree for the BCC group  
| | -- 3 counts of falsifying business records in the first degree  
| has not yet been prosecuted  
| is believed to be in Kuwait  
| Efforts to obtain custody will be commenced |
| Person H | -- 1 count of the crime of Enterprise Corruption  
          | -- 1 count of scheme to defraud in the first degree for the BCC group  
          | -- 3 counts of falsifying business records in the first degree | Has not yet been prosecuted |

* all carry maximum prison terms of four years on conviction per count. A prison term is not mandatory.
** carries a mandatory prison sentence of up to 25 years, plus fines.

Source: These data primarily were compiled from official court documents: District Attorney - County of New York Indictment No. 6994/92 and 6995/92, as well as an article in Time, "Innocent as Charged" August 30, 1993.

The New York grand jury investigated BCCI and charged four persons with being members of the BCC Group that set up and conducted BCCI which bribed central bankers, government officials and others worldwide. The BCC group consisted of BCCI's founder, Person E, his chief lieutenant, Person F, and two associates, Person G, and Person H. Two officers of First American Bankshares Inc., Washington, DC (Person A and Person B) were alleged to have been bribed by the BCC group. Persons C and D have pleaded guilty in New York County to criminal conduct involving BCCI and have agreed,
...as part of the plea, to cooperate fully with the District Attorney's Office and the United States Department of Justice in their ongoing investigations of BCCI, and to pay $105 million dollars in fines, reimbursements and compensation (District Attorney, 1992, p.1).

In order to obtain bank licenses and bank business Person A, Person B, Person E, Person F,

... and others fraudulently misled regulators and depositors of First American about BCCI's involvement in the operation, management, ownership and control of the First American group of banks. By systematically misrepresenting BCCI's involvement with the First American group of banks, the schemers enabled BCCI to establish a banking presence in New York through the First American Bank of New York, a subsidiary of the First American group of banks (District Attorney, 1992, p. 2).

Persons A and B were directors, officers and legal counsel of "Credit and Commerce American Holdings (CCAH) and other holding companies that controlled the First American group of banks" (District Attorney, 1992, p. 2). Persons A and B accepted bribes from the leaders of BCCI,

...in the form of sham loans and stock deals for themselves and money denominated as fees for their law firm, and, in return, helping the leaders of BCCI influence the affairs of the First American group (District Attorney, 1992, p. 2).
On three occasions, in 1986, 1987, and 1989, Persons A and B "purchased large blocks of shares of Credit and Commerce American holdings, financed by $15 million in lines of credit from BCCI" (House Committee, 1991, p. 5). It is estimated that Persons A and B "made $9 million in a questionable stock transaction involving First American shares" (Greenwald, 1991, p. 47). In 1988,

Person A sold 3,200 shares; Person B dumped 1,600 shares at the inflated price of $6,800 per share, three times what they had paid for the shares less than two years earlier. The gross profit for (Person A) apparently totaled at least $11.3 million, and for (Person B), $5.6 million. ...the purchaser at the $6,800 per share price was none other than a BCCI front man (District Attorney, 1992, p. 4).

The BCC group purchased banks through

...front men paid by BCCI to act as the ostensible purchasers and owners of the banks. In this fashion, the BCC Group secretly became the owner of the Banco Mercantil of Colombia and, in the United States, the Independence Bank of Encino, California, and the National Bank of Georgia... (District Attorney, 1992, p. 4).

Persons A and B assisted with BCC group's largest acquisition, First American Bankshares Inc. The District Attorney's investigation states that Persons A and B covered up the true nature of the BCCI operation,
management, ownership and control of First American.

Further, Persons A and B,

...systematically misled regulators and depositors about the roles of the investors and BCCI in First American and about how the First American banks would be run (District Attorney, 1992, p. 5).

A representative from the Federal Reserve reports to the Washington Post in 1991:

Ten years ago after receiving explicit assurances that BCCI would not be involved in the operations of First American, the Federal Reserve allowed several Middle Eastern investors - who were BCCI shareholder to buy a controlling interest in First American's holding company (Washington Post, 1991, Fl).

Persons E and F headed the scheme to misled the regulators, and Person G "was one of the front men for BCCI who pretended to be an investor in First American" (District Attorney, 1992, p. 5).

Persons E and F offered bribes to Persons A and B "for helping them influence First American" (District Attorney, 1992, p. 5). Persons E, F, A, and B conspired "to provide information and allow influence on First American in return for the bribes" (District Attorney, 1992, p. 5).

Person B falsified business records in an attempt to coverup BCC Group's investment in CCAH. In addition,
Person B submitted false instruments for filings to the New York State Banking Department.

The BCC Group members (Persons E, F, G, and H) were investigated for their method of secretly lending money to nominees to purchase the controlling interests in the banks and then taking the bank stock from the nominees as repayment of the loan. The nominees were paid off with money received from the BCC Group for the "sale" of their stock (District Attorney, 1992, p. 7).

It is reported that "BCCI used deposits to enrich many of its Arab investors - then covered up the fraudulent transactions" (Greenwald, 1991, p. 46).

Person H:

acted in the guise of a wealthy Saudi Arabian businessman to buy with BCCI's money the controlling interests in Independence Bank and the National Bank of Georgia in his own name, and thereafter permitted BCCI to exercise control over the banks. He also used non-recourse loans from the BCC Group for the purchases but, on the surface, made it appear that the money came from his own resources. Later, sold his ostensible interest in the National Bank of Georgia to First American Bankshares. Thus, National Bank of Georgia became a subsidiary of First American (District Attorney, 1992, p. 8).

The BCC Group spent depositors' money on charities, hired politicians and governmental employees as consultants, and purchased assets with depositors' funds, using the names
of Persons G and H. Some of the assets purchased by the BCC Group in this manner included "banks in the United States, real estate, and a major oil company in Pakistan" (District Attorney, 1992, p. 8). In June of 1991, "Time discloses an estimated $10 billion hole in BCCI's balance sheets..." (Greenwald, 1991, p. 47).

In 1981, Persons C and D pretended to U.S. "regulators that they -- and not BCCI-- were investors in First American Bankshares" (District Attorney, 1992, p. 9). In 1992, Persons C and D admitted that,

they were part of a combination of individuals who secretly and illegally gained control of the First American Bank of New York (District Attorney, 1992, p. 10).

Further evidence from newspaper and magazine articles supports the criminal allegations made by the District Attorney - County of New York. In 1991, The Washington Post reveals:

At the end of 1989, the Federal Reserve received a tip, who said that BCCI had made substantial loans to First American shareholders, secured by shares in First American's holding company and that the loans had not been repaid...an outside auditor found hundreds of millions of dollars in BCCI loans to 1st American shareholders and that the loans were 'non performing' or not paying interest (Washington Post, 1991, F1).
In 1991, The New Republic reports:

BCCI had been refused permission to buy two other American banks, but (Person A) became chairman of First American, as the bank was renamed, and his firm made millions in fees (Kinsley, 1991, p. 4).

The next section details different kinds of criminal activities that BCCI has been involved in which have "ranged from laundering drug money to financing clandestine arms sales" (Greenwald, 1991, p. 46).

THE CRIMINAL ACTIVITIES OF BCCI

In October of 1988, "a grand jury in Tampa indicts BCCI and nine of its employees for money laundering" (Greenwald, 1991, p. 47). In January of 1990, "BCCI pleads guilty to money laundering $15 million through its Miami and Tampa subsidiaries and pays a record $14.6 million fine" (Simon and Eitzen, 1993, p. 55). In April of 1990, BCCI "posts a $498 million loss and a secret audit shows evidence of widespread internal fraud" (Greenwald, 1991, p. 47). In July of 1990, "A Florida jury convicts five BCCI officers of conspiring to launder cocaine profits" (Greenwald, 1991, p. 47). "Five BCCI employees were sentenced to prison terms" (Simon and Eitzen, 1993, p.
In July of 1991, "the Federal Reserve Board fined BCCI $200 million and forbade it from engaging further in any United States banking activities" (Simon and Eitzen, 1993, p. 56). In the same month,

Time discloses the existence of a 'black network' within the bank, a spy operation that cooperated closely with intelligence agencies around the world and used extortion, terrorism, blackmail and bribery to protect the bank and promote clandestine international deals (Greenwald, 1991, p. 47).

BCCI also

... engaged in a variety of illegal activities, including bribing numerous politicians in various nations, smuggling arms and drugs, furnishing prostitutes, and carry out acts of terrorism, blackmail, kidnaping, and perhaps murder (Simon and Eitzen, 1993, p. 56).

The CIA and the National Security Council (NSC) "illegally funneled monies through BCCI to buy arms for the Nicaraguan Contras and Afghan rebels" (Simon and Eitzen, 1993, p. 56).

House Committee on Banking, Finance and Urban Affairs, September 11, 1991 states knowledge of BCCI's involvement with:

extensive money laundering schemes, allegations of connections with the infamous Medahin Cocaine Cartel, charges of massive fraud and involvement with Middle East terrorists. (House Committee, 1991, p. 2).
"The banks assets have been seized by regulators in sixty-nine nations..." (Simon and Eitzen, 1993, p. 55). The Washington Post reports in 1991,

> BCCI does business in 73 countries through a pyramid of corporate entities designed to evade regulation in any of them (Washington Post, 1991, F1).

**ESTIMATED COSTS**

The estimation of the cost of the crimes related to BCCI vary from different sources. "Estimates show that BCCI may have defrauded investors of at least $5 billion and possibly as much as $15 billion" (Simon and Eitzen, 1993, p. 55) and "...as much as $20 billion was stolen, misappropriated and lost outright by BCCI officers,..." (Gwynne, 1993, p. 34).

> BCCI lost billions in phony loans to sheiks, shysters and cronies just to buy influence. It set up a special department whose sole mission was to falsify documents to hide lost billions (House Committee, 1991, p. 31).

**ROWAN COUNTY DATA**

Felony convictions for street crimes in Rowan County, Kentucky, were examined from January 1, 1992 through December 31, 1992. The categories of crimes that occurred
in Rowan County were: crimes against property, crimes against the person, and drug offenses. For a total list of all the case offenses examined see Appendix A.

The property crimes are presented in Table 2, which lists the case numbers, the uniform offense record, the charges, and the sentences.

TABLE 2.

FELONY CONVICTIONS FOR CRIMES AGAINST PROPERTY IN ROWAN COUNTY, KENTUCKY, 1992.

<table>
<thead>
<tr>
<th>CASE #</th>
<th>UOR CODE</th>
<th>CHARGES</th>
<th>SENTENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>64</td>
<td>220000</td>
<td>BURGLARY 1ST DEGREE</td>
<td>15 YEARS PRISON</td>
</tr>
<tr>
<td>74 *</td>
<td>240400</td>
<td>THEFT BY UNLAWFUL TAKING/DISPOSOFION AUTO</td>
<td>1 YEAR PRISON</td>
</tr>
<tr>
<td>17</td>
<td>11120</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>1 YEAR/SUSPENDED = 1 YEAR PROBATION</td>
</tr>
<tr>
<td>9</td>
<td>11120</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>12 MONTHS/SUSPENDED = 2 YEARS PROBATION</td>
</tr>
<tr>
<td>58</td>
<td>11120</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>1 YEAR/SUSPENDED = 2 YEARS PROBATION WITH FULL RESTITUTION</td>
</tr>
<tr>
<td>47</td>
<td>11120</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>1 YEAR/SUSPENDED = 2 YEARS PROBATION</td>
</tr>
<tr>
<td>21</td>
<td>11120</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>1 YEAR/SUSPENDED = 2 YEARS PROBATION</td>
</tr>
<tr>
<td>No.</td>
<td>Case Number</td>
<td>Offense Description</td>
<td>Sentence Details</td>
</tr>
<tr>
<td>-----</td>
<td>-------------</td>
<td>--------------------------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>35</td>
<td>11120</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>1 YEAR/SUSPENDED = 2 YEARS PROBATION</td>
</tr>
<tr>
<td>41</td>
<td>11120</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>1 YEAR/SUSPENDED = 2 YEARS PROBATION</td>
</tr>
<tr>
<td>28</td>
<td>11120</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>1 YEAR/SUSPENDED = 2 YEARS PROBATION</td>
</tr>
<tr>
<td>26</td>
<td>11120</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>1 YEAR/SUSPENDED = 1 YEAR PROBATION</td>
</tr>
<tr>
<td>44</td>
<td>13000</td>
<td>RECEIVING STOLEN PROPERTY</td>
<td>1 YEAR/SUSPENDED = 2 YEARS PROBATION</td>
</tr>
<tr>
<td>45</td>
<td>13000</td>
<td>RECEIVING STOLEN PROPERTY</td>
<td>1 YEAR/SUSPENDED = 2 YEARS PROBATION</td>
</tr>
<tr>
<td>53</td>
<td>26160</td>
<td>CRIMINAL TRESPASS 1ST DEGREE</td>
<td>1 YEAR/SUSPENDED = 2 YEARS PROBATION + 30 DAYS</td>
</tr>
<tr>
<td>39</td>
<td>28030</td>
<td>RECEIVING STOLEN PROPERTY</td>
<td>1 YEAR JAIL</td>
</tr>
<tr>
<td>8</td>
<td>220020</td>
<td>BURGLARY 3RD DEGREE</td>
<td>3 YEARS PRISON</td>
</tr>
<tr>
<td>62</td>
<td>220020</td>
<td>BURGLARY 3RD DEGREE</td>
<td>1 YEAR/SUSPENDED = 2 YEARS PROBATION</td>
</tr>
<tr>
<td>32</td>
<td>220020</td>
<td>BURGLARY 3RD DEGREE</td>
<td>1 YEAR PRISON</td>
</tr>
<tr>
<td>72</td>
<td>220830</td>
<td>BURGLARY 3RD DEGREE</td>
<td>1 YEAR PRISON</td>
</tr>
<tr>
<td>81 *</td>
<td>230000</td>
<td>THEFT BY UNLAWFUL TAKING DISPOSITION</td>
<td>30 MONTHS PRISON</td>
</tr>
<tr>
<td>4 *</td>
<td>230010</td>
<td>THEFT BY UNLAWFUL TAKING DISPOSITION</td>
<td>1 YEAR/SUSPENDED = 2 YEARS PROBATION</td>
</tr>
<tr>
<td>48 *</td>
<td>230300</td>
<td>THEFT BY UNLAWFUL TAKING</td>
<td>SHOPLIFTING</td>
</tr>
<tr>
<td>------</td>
<td>--------</td>
<td>--------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>27</td>
<td>232000</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>5 YEARS/SUSPENDED = 5 YEARS PROBATION</td>
</tr>
<tr>
<td>69 *</td>
<td>232900</td>
<td>THEFT BY UNLAWFUL TAKING DISPOSITION ALL OTHER</td>
<td>1 YEAR/SUSPENDED = 1 YEAR PROBATION</td>
</tr>
<tr>
<td>73</td>
<td>240600</td>
<td>RECEIVING STOLEN PROPERTY</td>
<td>1 YEAR PRISON</td>
</tr>
<tr>
<td>3</td>
<td>250620</td>
<td>CRIMINAL POSSESSION FORGED INSTRUMENT 2ND</td>
<td>1 YEAR PRISON</td>
</tr>
<tr>
<td>42</td>
<td>250620</td>
<td>CRIMINAL POSSESSION FORGED INSTRUMENT 2ND</td>
<td>1 YEAR/SUSPENDED = 2 YEARS PROBATION</td>
</tr>
</tbody>
</table>

As the table reflects, there were several charges involving theft by deception/ cold check which is writing bad checks, burglary in the 3rd degree, and theft by unlawful taking disposition. For the official description of the crimes examined in Rowan County, see Appendix B.

I choose to concentrate on convictions for the particular crimes of theft by deception and theft by unlawful taking because both were forms of stealing. The five asterisked cases involve theft by unlawful taking. In each case the offender either received thirty months in prison, one year in prison, two years of probation with or without restitution or one year of probation. The ten highlighted cases involve writing bad checks. The average
sentence was 2.5 years probation. Typically, in the sentencing of the offenders, the time that was suspended was doubled under a probationary period.

Table 3 presents felony convictions and sentences for drug-related offenses in Rowan County, Kentucky. The data indicates that, in most cases, those convicted of drug offenses were sentenced to incarceration instead of probation. Sentences range from two years in prison for unlawfully distributing prescription drugs to 18 months on probation for first offense cocaine possession.
TABLE 3.
FELONY CONVICTIONS FOR DRUG OFFENSES
IN ROWAN COUNTY, KENTUCKY, 1992.

<table>
<thead>
<tr>
<th>CASE #</th>
<th>UOR CODE</th>
<th>CHARGES</th>
<th>SENTENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td>18220</td>
<td>MARIJUANA TRAFFICKING &lt; 80Z 1ST OFFENSE</td>
<td>12 MONTHS JAIL</td>
</tr>
<tr>
<td>15</td>
<td>18220</td>
<td>MARIJUANA TRAFFICKING &lt; 80Z 1ST OFFENSE</td>
<td>12 MONTHS JAIL</td>
</tr>
<tr>
<td>68</td>
<td>353200</td>
<td>POSSESSION/ SCHOOL II NARCOTIC/ COCAINE 1ST OFFENSE</td>
<td>1 YEAR/SUSPENDED = 18 MONTHS PROBATION</td>
</tr>
<tr>
<td>24</td>
<td>353350</td>
<td>TRAFFICKING/SCHOOL II CONTROLLED SUBSTANCE 1ST OFFENSE</td>
<td>1 YEAR/SUSPENDED = 3 YEARS PROBATION</td>
</tr>
<tr>
<td>16</td>
<td>353380</td>
<td>TRAFFICKING CONTROLLED SUBSTANCE / 1000 YARDS OF SCHOOL</td>
<td>1 YEAR PRISON</td>
</tr>
<tr>
<td>52</td>
<td>353380</td>
<td>TRAFFICKING CONTROLLED SUBSTANCE / 1000 YARDS OF SCHOOL</td>
<td>1 YEAR JAIL</td>
</tr>
<tr>
<td>55</td>
<td>356130</td>
<td>CULTIVATING MARIJUANA FOR SALE 5+PLANTS</td>
<td>1 YEAR JAIL</td>
</tr>
<tr>
<td>25</td>
<td>359100</td>
<td>UNLAWFUL DISPENSING PRESCRIPTIONS DISTRIBUTION/ ADMINISTERING</td>
<td>2 YEARS PRISON</td>
</tr>
<tr>
<td>19</td>
<td>359100</td>
<td>UNLAWFUL DISPENSING PRESCRIPTIONS DISTRIBUTION/ ADMINISTERING</td>
<td>2 YEARS/SUSPENDED = 5 YEARS PROBATION</td>
</tr>
<tr>
<td>63</td>
<td>359401</td>
<td>ATTEMPTED CONTROL SUBSTANCE CHARGE WITH LIST ABOVE</td>
<td>1 YEAR/SUSPENDED = 2 YEARS PROBATION</td>
</tr>
<tr>
<td>65</td>
<td>490310</td>
<td>PROMOTE CONTRABAND 1ST OFFENSE</td>
<td>1 YEAR PRISON</td>
</tr>
</tbody>
</table>

Table 4. presents data on convictions involving more than one charge, one of which was either a property or
drug-related offense. Sentences range from five years in prison for third degree burglary coupled with the fraudulent use of a credit card to six months probation for improper use of an automobile. It appears that the modal penalty again involved some sort of suspended sentence with an increased amount of time under probationary conditions.

**TABLE 4.**

**FELONY CONVICTIONS FOR PROPERTY CRIMES INVOLVING MORE THAN ONE CHARGE IN ROWAN COUNTY, KY, 1992**

<table>
<thead>
<tr>
<th>CASE #</th>
<th>UOR CODE</th>
<th>CHARGES</th>
<th>SENTENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>232000</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>5 YEARS/SUSPENDED= 5 YEARS PROBATION</td>
</tr>
<tr>
<td></td>
<td>11120</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>232000</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>1 YEAR/SUSPENDED= 3 YEARS PROBATION</td>
</tr>
<tr>
<td></td>
<td>11120</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>230010</td>
<td>THEFT BY UNLAWFUL TAKING/DISPOSITION</td>
<td>1 YEAR/SUSPENDED= 2 YEARS PROBATION</td>
</tr>
<tr>
<td></td>
<td>712600</td>
<td>FRAUDULENT USE OF CREDIT CARD ($0-$100)</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>11120</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>1 YEAR/SUSPENDED= 2 YEARS PROBATION</td>
</tr>
<tr>
<td></td>
<td>11120</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>20400</td>
<td>THEFT BY UNLAWFUL TAKING/DISPOSITION (AUTO)</td>
<td>1 YEAR/SUSPENDED= 6 MONTHS PROBATION</td>
</tr>
<tr>
<td></td>
<td>232300</td>
<td>DISPOSITION OF PROPERTY</td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>250620</td>
<td>CRIMINAL POSSESSION FORGED INSTRUMENT 2ND</td>
<td>3 YEARS PRISON</td>
</tr>
<tr>
<td>----</td>
<td>--------</td>
<td>----------------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td></td>
<td>250620</td>
<td>CRIMINAL POSSESSION FORGED INSTRUMENT 2ND</td>
<td></td>
</tr>
<tr>
<td></td>
<td>220020</td>
<td>BURGLARY 3RD DEGREE</td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>731010</td>
<td>PERSISTENT FELONY OFFENDER</td>
<td>1 YEAR/SUSPENDED-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1 YEAR PROBATION</td>
</tr>
<tr>
<td></td>
<td>490310</td>
<td>PROMOTING CONTRABAND</td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>11100</td>
<td>THEFT OF SERVICES UNDER $100</td>
<td>1 YEAR/SUSPENDED-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2 YEARS PROBATION</td>
</tr>
<tr>
<td></td>
<td>11100</td>
<td>THEFT OF SERVICES UNDER $100</td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>26170</td>
<td>CRIMINAL TRESPASS</td>
<td>1 YEAR/SUSPENDED-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2 YEARS PROBATION</td>
</tr>
<tr>
<td></td>
<td>26170</td>
<td>CRIMINAL TRESPASS</td>
<td></td>
</tr>
<tr>
<td>46</td>
<td>232000</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>2 YEARS PRISON</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>232000</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td></td>
</tr>
<tr>
<td>66</td>
<td>20130</td>
<td>UNLAWFUL TRANSPORTATION WITH A MINOR 3RD</td>
<td>1 YEAR JAIL</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>240600</td>
<td>RECEIVING STOLEN PROPERTY</td>
<td></td>
</tr>
<tr>
<td>67</td>
<td>18230</td>
<td>MARIJUANA POSSESSION: 8 OUNCES</td>
<td>1 YEAR JAIL + 90 DAYS</td>
</tr>
<tr>
<td></td>
<td>24040</td>
<td>RESISTING ARREST</td>
<td></td>
</tr>
<tr>
<td></td>
<td>14030</td>
<td>CRIMINAL MISCHIEF</td>
<td></td>
</tr>
<tr>
<td></td>
<td>490100</td>
<td>OPERATING SUSPENDED LICENSE 3RD DRIVING UNDER INFLUENCE CONVICTION</td>
<td></td>
</tr>
<tr>
<td></td>
<td>21030</td>
<td>OPERATING MOTOR VEHICLE UNDER INFLUENCE OF DRUGS DRUGS 3 OR&gt; WITHIN 5 YEARS</td>
<td></td>
</tr>
<tr>
<td>78</td>
<td>712600</td>
<td>FRAUD USE CREDIT CARD $100</td>
<td>5 YEARS PRISON</td>
</tr>
<tr>
<td></td>
<td>220830</td>
<td>BURGLARY 3RD DEGREE</td>
<td></td>
</tr>
<tr>
<td>Year</td>
<td>Code</td>
<td>Description</td>
<td>Sentence</td>
</tr>
<tr>
<td>------</td>
<td>--------</td>
<td>------------------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>79</td>
<td>220835</td>
<td>Comp Burglary 3rd-Degree</td>
<td>1 Year Prision</td>
</tr>
<tr>
<td></td>
<td>280300</td>
<td>Receiving Stolen Property</td>
<td></td>
</tr>
<tr>
<td></td>
<td>220830</td>
<td>Burglary 3rd Degree</td>
<td></td>
</tr>
<tr>
<td>80</td>
<td>250620</td>
<td>Crime Poss Forged Instrument 2nd</td>
<td>1 Year/Suspended– 18 Months Probation</td>
</tr>
<tr>
<td></td>
<td>250620</td>
<td>Crime Poss Forged Instrument 2nd</td>
<td></td>
</tr>
</tbody>
</table>

**BCCI VERSUS ROWAN COUNTY**

The BCCI crimes of internal fraud (see Greenwald, 1991, The Washington Post, 1991) and the charges of grand larceny (see Table 1., Persons E & F) could be categorized as stealing. Two out of eight persons who were investigated by the District Attorney, New York for their criminal activities were fined $105 million dollars each. No one charged by the District Attorney served jail time although four had to appear before the judicial system.

The drug related crimes that BCCI was involved in which led to millions and possibly billions of dollars worth of loss was punished by a $200 million dollar fine in one instance and 14.6 million dollar (Simon and Eitzen, 1993) fine in another instance.

Conversely, sentences given upon conviction for a property crime in Rowan County's judicial circuit range from 1.5 years in prison for an individual committing first degree burglary to one year of incarceration for individuals convicted of offenses such as using deception.
to steal a car, receiving stolen property, third degree burglary, and second offense involving possession of a forged instrument. Typically, individuals convicted of property crimes were found guilty of writing insufficient funds checks and most individuals convicted of these types of offenses received a suspended jail sentence and were given twice the jail sentence time on probation.

After examining the data presented in this thesis it appears that individuals convicted of "street" property crimes have been punished more severely than those involved in the BCCI offenses. It is important to remember that most of the BCCI participants either were not yet prosecuted, obtained acquittals, or received a fine. On the other hand, in the survey of one year in a rural eastern Kentucky judicial circuit, I found numerous individuals serving jail/prison time and living under probationary conditions for what can be assumed to be property and drug-related offenses that produced a great deal less cost, in terms of economic, physical, and social factors, than the between $5 billion and $15 billion investors and others lost in the illegal BCCI operations. These costs also did not include the illegal enterprises that allegedly were funded by money from BCCI's fraudulent banking activity (for a more complete description see Beaty
and Gwynne's article in *Time*, "A Trial of Coffee and Cash").

The next chapter, five, offers analysis, discussion and conclusions regarding the data that were gathered for this thesis. This concluding section offers arguments to explain the possibility of bias in favor of white collar offenders.
CHAPTER FIVE
ANALYSIS, DISCUSSION, AND CONCLUSIONS

The BCCI event and those involved in the various operations of this bank allegedly were operating the largest corrupt banking enterprise in world history (Simon and Eitzen, 1993). The BCC group has committed acts that, according to governmental agencies and the criminal justice system, are worthy of investigation and minimal fines, but not deserving of jail time for the principle perpetrators (See Table 1). This chapter details my analysis of the BCCI incident comparing it to the treatment of the felony offenders in Rowan County. I offer three arguments to explain the possibility of bias in favor of white collar offenders and I present future directions for research.

From a Marxist perspective, three arguments address the possibility of bias toward white collar offenders in the criminal justice system: 1) Drugs - the common factor, 2) It's all stealing, and 3) Elitism versus Streetism...The Higher the Rank. The researcher found differences in sentencing when comparing the case of the BCCI offenders to
the Rowan County felons. These differences allow for the foundation of the elitism versus streetism argument. This final chapter concludes with future directions for research as well as ethical and political implications.

**DRUGS - THE COMMON FACTOR**

In Rowan County, there were two cases involving first offense marijuana trafficking of less than 8 ounces, (see asterisked cases in Table 3.) with both receiving one year in jail. To say one is a trafficker is to say that the person is somehow a supplier to a number of people. It could be argued that a drug trafficker is an institution within himself that provides a service to many. The Rowan County drug trafficker allegedly sold marijuana to a number of persons. In fact, the drug trafficker is the vehicle in which numerous persons were supplied with marijuana.

Comparatively, BCCI's Florida branch pleaded guilty to $15 million dollars worth of drug related money laundering. The number of people who had accounts with the Florida branch and the employees who serviced the Florida branch were all directly or indirectly affected by the drug related money laundering. Although the institution paid a
fine of $14.6 million and five employees were sentenced to jail, the bank remains open (Simon and Eitzen, 1993). The Florida branch is an institution within itself which served the needs of numerous drug dealers.

If we compared the economic value of trafficking eight ounces of marijuana to $15 million dollars worth of drug money that was laundered through BCCI's branch, the crimes would not equate. The treatment given to Rowan County's drug offenders does not compare to the treatment of those involved with BCCI's Florida Branch. Five employees were sentenced to jail for their involvement with the laundering of drug money, but the bank remained open.

The researcher questioned why the bank was able to remain open, continuing to conduct business, while the individual marijuana trafficker was put out of business. It appears that the institution engaging in illegal acts received better treatment by the criminal justice system than the individual who engaged in illegal acts. Could it be argued that the bank was the vehicle by which the drug money was laundered? Would not closing down the Florida branch stop laundering at that particular institution? Could it be argued that many persons were put directly or
indirectly in harm's way due to the money laundering taking place at the Florida branch?

Are the penalties for white collar crimes light due to the influence of one's economic position in a capitalist system? The penalties that BCCI participants received for their involvement with drug-related money laundering does not equitably compare to the relatively more severe penalties received by the Rowan County offenders for drug trafficking. In this example, it appears that the criminal justice system is showing favoritism in its treatment of white collar offenders. If a bias was operating in the criminal justice system in favor of elites, then the sentences for elites who commit crimes would be relatively light as is the case of the BCCI offenders. Consequently, if a bias was operating against street offenders, then the sentences for those convicted of street crimes would be more severe than those convicted of elite crimes. The data collected for this thesis shows that the Rowan County offenders received stiffer penalties than the BCCI participants. Therefore, it could be argued that the criminal justice system was biased in favor of the BCCI offenders. From a Marxist perspective, the law and the
state protected the BCCI offenders from stiff punishment because the system is not impartial and protects the interests of the elites. In the same respect, the Rowan County felons were punished more severely because the system has the need to express social control and legitimate its power.

**IT'S ALL STEALING**

Popular property crimes examined in Rowan County involve theft by deception and theft by unlawful taking. Essentially, these crimes amounted to writing bad checks and basic theft. Both can be broadly categorized as stealing. In ten theft by deception cases in Rowan County (see asterisked cases in Table 2.), the average sentence was 2.5 years of probation. In the four theft by unlawful taking cases (see highlighted cases in Table 2.), the sentences were thirty months in prison, two years probation, full restitution and two years probation, as well as one year probation, respectively. The Rowan County bad check writers have a felony conviction on their record. In addition, they risk the possibility of being reported to a check writing agency and no longer will be able to write
checks at some institutions, such as the United States Postal Service, for a year or more. There is also the possibility that they will have the occurrence negatively noted on their credit report. One case involving theft by unlawful taking involved full restitution by the offender so one can assume that a person who has been caught shoplifting returned the goods upon being apprehended.

Comparatively, BCCI posted a "$498 million dollar loss due to internal fraud" (Greenwald, 1991, p. 47), and a "$10 billion dollar hole in their balance sheets" (Greenwald, 1991, p. 47), both of which can be categorized as stealing. BCCI may have defrauded investors of somewhere between $5 and $15 billion worldwide (Simon and Eitzen, 1993), and only paid $424.6 million in restitution. The sum of $424.6 million is derived from the total of two BCCI officers each paying a $105 million fine (see Table 1.), $14.6 million paid in fines by the Florida bank which pleaded guilty to money laundering (Simon and Eitzen, 1993), and a $200 million fine from the Federal Reserve Board (Simon and Eitzen, 1993). If we estimate the amount that BCCI defrauded investors to be $10 billion, $424.6 million in fines is only 23.5% of the total amount due in restitution.
In addition, those who were involved with the dealings of BCCI and who were not convicted, do not have either a felony conviction on their record or a mention that they were investigated for possible involvement of billions of dollars worth of loss, and for the most part spent no time in jail or prison.

The types of crimes committed by the Rowan County offenders and the BCCI offenders share similarities; they can all be broadly categorized as stealing. However, the penalties received by the BCCI participants do not compare to the costs of the crimes committed, nor do they compare to the penalties received by the Rowan County felons for what can be assumed to be less costly crimes. Clinard and Yeager (1980) stated that corporate crime provides an indication of the degree of hypocrisy in society. If the criminal justice system imprisons someone for stealing $1000 dollars worth of goods, how can the system not imprison someone for stealing $10 million dollars?

According to Marxism, the basic function of law and political structures is to legitimate economic interests. Instrumental Marxists would argue that the Rowan County felons were sentenced because the law has the need to
repress poor persons. Although bias is possibly operating in the sentencing of the Rowan County felons, the law is more of an outcome of the contradictions in capitalism. The elites receive relatively light sentences when compared to street criminals. But, it is not the absolute goal of the criminal justice system to exploit the lower classes. Yet and still, criminal justice processing of elite stealing versus street stealing further reflects a bias in favor of the wealthy.

ELITISM VERSUS STREETISM: THE HIGHER THE RANK...

What criminal justice system allows the criminal acts of those with elite status to be treated differently than "street" individuals who commit similar crimes? Justice in a stratified society reflects the interests of the powerful and maintains the divisional class structure. In this research, the criminal justice system acted protectively toward the interests of the elites, and maintained the class differentiation by its treatment of the street offenders. This thesis defined elites as individuals who are part of the upper-middle or upper-class and having social, political, or military power. Power involves the
ability to influence. To be an elite is to have power that can be used to one's advantage when being investigated and processed by the criminal justice system. Little (1989) defines "elites" as persons who have been educated at prestigious universities, hold occupations of investors, heirs, and executives, with a family income of over $500,000 mostly from assets. I defined "street" as being a part of the middle, lower-middle, or lower class and not having any social, political, or military power. Individuals in this class have no influence for creating an advantage in criminal justice processing; therefore amounting to a disadvantage.

The differences between elite and street status were many, but the economic distinction is the most significant. The control of economic assets by elite individuals and corporations is most important for the study of deviance to the extent that wealth can be effectively translated into political power, for with political power comes the ability to have the law enacted and enforced in one's favor (Little, 1989, p. 288).

In 1981, First American Bank was unlawfully obtained by BCCI. Through the District Attorney's investigation it was revealed that the principle participants were officers of BCCI including the president and chief executive officer
of First American Bankshares. Of the eight persons indicted for criminal involvement with BCCI, no one served any jail time. In fact, some of them may never be prosecuted. The BCCI participants were considered elites within the American socio-economic hierarchy and obviously used this status to their advantage in criminal justice processing.

The preceding paragraphs explain differences in offenses and penalties between the elites involved in the BCCI offenses and street-level felons in Rowan County, Kentucky. We can assume that the costs incurred by the BCCI event tremendously outweigh the sum of all property and drug-related crimes in Rowan County.

The data revealed that the more financially costly a crime, the less costly the punishment to the offender. In a just and fair system, if $1500 dollars worth of theft by unlawful taking warrants a person two years probation and paying full restitution, then $498 million dollars worth of internal fraud should amount to some jail time, and full restitution. This examination of the BCCI event told us that this is not the case. My research implied, based on the BCCI event, that the higher the social rank the more
likely one will not receive harsh or even equitable punishment.

Some Marxists would argue that the treatment of the BCCI offenders is a result of the ruling class protecting its own interests. Comparing the data collected in this thesis, it appears that elites are being treated more favorably by the criminal justice system than are street offenders.

CONCLUSIONS WITH REGARD TO THE RESEARCH PROBLEM

The examination of the BCCI situation reveals that there are disparities in the criminal justice system. As posited in Chapter Two, the review of literature, previous authors found differential treatment of offenders linked to socio-economic class differences. The participants of the BCCI event are members of the upper class according to Mills' (1956) definition of social elite. On the other hand, those involved in the Rowan County felonies are not members of the social elite. The treatment of the BCCI participants is an illustration of how elitism works in favor of those in the privileged group. Those involved with the BCCI event earned millions of dollars while
engaging in illegal activities that incurred few penalties or costs for them. In the case of BCCI, white collar crime appears to pay. On the other side, the examination of the Rowan County felony convictions provides an illustration of how streetism does not work for one's favor when being processed by the criminal justice system. Compared to the offenses and penalties involved in the BCCI event, the Rowan County convictions demonstrate a relative disadvantage for street criminals.

FUTURE DIRECTIONS FOR RESEARCH

Even though this thesis contributes to criminological literature documenting bias in the criminal justice processing of elite offenders, there is still much work to be done in this area. The research process involved in this thesis opened various avenues for future empirical endeavors on this topic. These areas include attempting to determine the economic, political, or social level at which an individual is able to influence criminal justice processing to their advantage, examining sentencing patterns for street crime offenses in various social contexts (rural, urban, suburban) under various judges, and
the need for longitudinal studies examining the development of individual street criminal cases as they make their way through the criminal justice process. Each of these topics is now discussed.

**THE LEVEL AT WHICH INDIVIDUALS CAN INFLUENCE THE SYSTEM**

Previous critical criminological literature, in addition to the present study, claims that the affluent are accorded an advantage in criminal justice processing. It is curious that there are no studies that attempt to empirically determine at what level elite influence can be used to one's advantage in the system. For example, are "mega-elites" more powerful at influencing the process than "lesser-elites"? Obviously someone sitting on the board of directors of a large multi-national corporation like BCCI is much more influential than the president of a local bank in a rural community. If found guilty of internal fraud or money-laundering, would the local, small town bank president be treated with more, less, or the same harshness by the criminal justice system as a BCCI high ranking bank official?
Criminological literature appears to loosely use the term elite and to discuss elite advantage without specifically defining where the line is drawn between those elites that are able to significantly influence the criminal justice system and those, of privileged positions, that can not create as great an advantage as the multi-national corporate elite. Such a future research endeavor would significantly contribute to present literature in this area of criminological theory.

EXAMINING OTHER SOURCES OF STREET CRIME DATA

The project described in this thesis provides a methodology that can be used to further test the hypothesis that corporate criminals are treated more leniently by the system than street criminals. Future research needs to look at the offenses, convictions, and sentencing patterns for street criminals in other social environments. Urban areas need to be examined, both older, well-established cities as well as the newer, up-and-coming metropolitan areas. Researchers also should examine these patterns in suburban areas as well as other rural communities. Such an endeavor continues the quest for understanding the
relationship between offenses and sentencing patterns for street versus white collar and corporate offenders. This type of project will further contribute to current literature.

Future scholars must also examine and attempt to control for differences imposed by individual judges. Clearly, a conservative judge would impose more harsh penalties than a more liberal, rehabilitation-oriented judge. Somehow researchers need to methodologically account for the difference that a particular judge's sentencing pattern makes on the processing of both street and corporate criminals. The research described in this thesis, as well as virtually all previous endeavors in this area, argued sentencing disparity without controlling for individual differences among those judges doing the sentencing. Such a methodological break-through would constitute a tremendous contribution to our understanding of the ultimate research question at the foundation of this thesis as well as other scholarly writings; thus, this endeavor is quite fruitful for future research.
This thesis looked at final dispositions and outcomes for street criminal cases and did not include cases that were dismissed along the way or individuals that were acquitted. Future research could examine the development of street cases, seeing which are prosecuted, who is convicted, in addition to sentencing patterns. It could be that just as many street criminals are released without sentencing as are white collar and corporate criminals. My study examined indictments of the BCCI cases but conviction outcomes for street offenders. It would be interesting, although quite tedious and time-consuming, to take street cases and follow them, using content analysis, through the system. Such a methodological approach would provide a clearer answer to the question of bias in the criminal justice process.

Despite the methodological drawbacks of the research project described in this thesis, my work does provide a glimpse at the question of preferential treatment and bias in the handling of elite versus street offenders. Even more important, this project represents a first
methodological step for further, and more empirical, theory development in the areas of white collar and corporate crime, criminal justice processing and criminology, as well as more general theoretical debates in sociology. It is obvious from the research described that more work needs to be done and this thesis provides a starting point for further scholarly inquiry in this important area of inquiry.

**IDEOLOGY VERSUS PRACTICE**

This research supports what many previous Marxist criminologists claim; it pays to be rich in a capitalist society. In American society, which is constitutionally based on equal opportunity for all, it is an outrage that the criminal justice system operates with such bias and inequality. When examining the punishments meted out to offenders of differing social classes by the criminal justice system, ethical and political questions arise. Although it is ideological to think that the criminal justice system is operating fairly, in practice, it operates out of bias.
Instrumental Marxists argue that law is used by groups with power to secure and promote their political and economic concerns. Structural Marxists argue that law is an outcome of the constraints and contradictions of capitalism. This examination comparing the handling of white collar crimes to that of street level crimes should cause one to question the interests and values of the criminal justice system. Through this research, it appears that the criminal justice system acts out of political and economic interests. When these kinds of interests weigh more than ethical and moral considerations in dealing with offenders, the very structural foundation of American society is questioned. Ethically, how can someone who commits one thousand times worth of economic damage not even be sentenced to ten percent the jail time of a similarly convicted offender who is a member of a lower socio-economic class? Ethically, the disparity in the sentencing practices of the criminal justice system sends a message to Americans that it does not matter which crime one commits, it is his/her socio-economic status that determines the punishment.
Political implications include the necessity for new criminal justice policies in the handling and processing of corporate offenders if further research comparing the costs and relative punishment of street level crimes to corporate crimes reveals results similar to those found in my thesis. Politically, new punitive laws could be put into effect that would demand mandatory jail time for those involved with internal fraud crimes, money laundering, bribery, and corporate fraud. The implementation of new laws would circumvent the seemingly visible class bias that operates in the criminal justice system.

The criminal justice system is supposed to run according to procedural guidelines outlined in the Bill of Rights, the first ten amendments to the Constitution. Specifically, the Fourth, Fifth, Sixth, and Eighth amendments to the Constitution delineate principles designed to make the American system of justice unique and more humane compared to others in more repressive societies. Individuals accused of criminal activity are supposed to be equal before the law. In spite of all of its virtues the American criminal justice system is obviously not a perfect system.
As the research in this thesis indicated, there are class biases in contemporary criminal justice processing. The criminal justice system has a responsibility to process both corporate and street offenders equally before the law. The criminal justice system should take a more active effort in actually punishing those who have committed crimes regardless of their economic class or social status. The criminal justice system should possibly be harsher to corporate offenders due to the tremendous social and economic costs of their offenses compared to the relative costs of street crimes. As long as the criminal justice system continues to exhibit a contradiction between ideology and practice regarding the processing of criminals, elite deviants through their white collar and corporate acts, will repeatedly rape America economically, socially, and politically.

This discussion raises the issue of value-free social research in criminology. In dealing with issues such as these, how can the sociologist remain value free? Social scientists must continue to conduct research demonstrating the disproportionality of sentences given to corporate criminals considering the relative costs of these acts to
individuals in society. When dealing with crimes of elite deviance, the question of morality comes to the surface. Morality is an issue of right or wrong, essentially, a value issue. If the social scientist, through the research process successfully addresses the issues of validity, reliability, and accuracy in data collection and analysis, even value-laden research has a place. Value-laden research is needed because issues of deviance are morally and ethically questionable. Value-laden research can attack the immorality in the system and provide insight to correct the judicial wrongs that are perpetrated on a daily basis, therefore creating a more fair, just and humane society.

CONCLUSION

This research showed differential treatment in the sentencing of white collar criminals compared to street criminals. This research alleges bias in the criminal justice system in favor of white collar offenders. Given the proper tools, the criminal justice system could operate more effectively and justly. Ultimately, there would be a change in the definitions of crime and the application of
criminal law. Instead of the criminal justice system being biased in favor of upper class criminals, it would change to white collar and corporate criminals equitably paying for their crimes. If every criminal, both the affluent and the less privileged, equally paid for their crimes, the system would no longer be criminal but would involve true social justice.
APPENDIX A

LEGAL DEFINITIONS OF THE ROWAN COUNTY CRIMES

The crimes defined below are listed in order as they appear on Tables 2. and 3. These definitions were compiled by using Baldwin's Kentucky Revised Statutes Annotated, Official Edition, published August 1993 by Banks-Baldwin Law Publishing Company.

CRIMES AGAINST PROPERTY

Burglary 1st Degree

1) A person is guilty of burglary in the first degree when, with the intent to commit a crime, he knowingly enters or remains unlawfully in a building, and when in effecting entry or while in the building or in the immediate flight therefrom, he or another participant in the crime:
   a) is armed with explosives or a deadly weapon; or
   b) causes physical injury to any person who is not a participant in the crime; or
uses or threatens the use of a dangerous instrument against any person who is not a participant in the crime.

Theft by Unlawful Taking/Disposition Auto

1) A person is guilty of theft by unlawful taking or disposition when he unlawfully:
   a) takes or exercises control over movable property of another with intent to deprive him thereof; or
   b) obtains immovable property of another or any interest therein with intent to benefit himself or another not entitled thereto.
   c) The value of the property is $100 or more.
   d) cross referenced as grand larceny; taking of vehicle without consent of owner.

Theft by Deception Cold Check

1) A person is guilty of theft by deception when he obtains property or services of another by deception with intent to deprive him thereof. A person deceives when he intentionally:
a) creates or reinforces a false impression, including false impressions as to law, value, intention or other state of mind; or
b) prevents another from acquiring information which would affect his judgment of a transaction; or
c) fails to correct a false impression which the deceiver previously created or reinforced or which the deceiver knows to be influencing another to whom he stands in a fiduciary or confidential relationship; or
d) fails to disclose a know lien, diverse claim or other legal impediment to the enjoyment of property which he transfers or encumbers in consecration for the property obtained, whether such impediment is or is not valid or is not a matter of official record; or
e) issues or passes a check or similar sight order for the payment of money, knowing it will not be honored by the drawee.

2) The term "deceive" does not, however, include falsity as to matters having no pecuniary significance or
puffing by statements unlikely to deceive ordinary persons in the group addressed.

3) Deception as to a person's intention to perform a promise shall not be inferred from the fact alone that he did not subsequently perform the promise.

4) For purposes of subsection (1), an issuer of a check or similar sight order for the payment of money is presumed to know that the check or order, other than a postdated check or order, would not be paid if:
   a) the issuer had no account with the drawee at the time the check or order was issued; or
   b) payment was refused by the drawee for lack of funds, upon presentation within thirty days after issue, and the issuer failed to make good within ten days after receiving notice of that refusal.

5) A person is guilty of theft by deception when he issues a check or similar sight order in payment of all or any part of any tax payable to the Commonwealth knowing that it will not be honored by the drawee.

6) The amount of the check is $100 or more.
Receiving Stolen Property

1) A person is guilty of receiving stolen property when he receives, retains or disposes of movable property of another knowing that it has been stolen, unless the property is received, retained or disposed of with intent to restore it to the owner.

2) The possession by any person of any recently stolen movable property shall be prima facie evidence that such person knew such property was stolen.

3) Value of property is $100 or more.

Criminal Trespass 1st degree

1) A person is guilty of criminal trespass in the first degree when he knowingly enters or remains unlawfully in a dwelling.

Burglary 3rd degree

1) A person is guilty of burglary in the third degree when, with intent to commit a crime, he knowingly enters or remains unlawfully in a building.
Criminal Possession Forged Instrument 2nd Degree

1) A person is guilty of criminal possession of forged instrument in the second degree when, with knowledge that it is forged and with intent to defraud, deceive or injure another, he utters or possess any forged instrument of the kind: a deed, will, codicil, contract, assignment, commercial instrument, credit card.

DRUG OFFENSES

Trafficking Marijuana

1) A person is guilty of trafficking in marijuana when he knowingly and unlawfully traffics in marijuana.

2) Trafficking less than 8 ounces of marijuana for a first offense a Class A misdemeanor.

Possession Of Controlled Substance 1st degree

1) A person is guilty of possession of a controlled substance in the first degree when he knowingly and unlawfully possesses: a controlled substance classified in Schedules I or II which is a narcotic
drug; a controlled substance analogue; lysergic acid diethylamide; or phencyclidine.

**Trafficking In Controlled Substance 1st degree**

1) A person is guilty of trafficking in a controlled substance in the first degree when he knowingly and unlawfully traffics in: a controlled substance analogue; lysergic acid diethylamide; or phencyclidine.

**Trafficking In Controlled Substance In Or Near School**

1) Any person who unlawfully traffics in a controlled substance classified in Schedules I, II, III, IV or V, or a controlled substance analogue in any building used primarily for classroom instruction in a school or on any premises located within one thousand (1,000) yards of any school building used primarily for classroom instruction shall be guilty of a Class D felony, unless a more severe penalty is set forth...in which case the higher penalty shall apply. The measurement shall be taken in a straight line from the nearest wall of the school to the place of violation.
Marijuana Cultivation

1) A person is guilty of marijuana cultivation when he knowingly and unlawfully plants, cultivates, or harvests marijuana with the intent to sell or transfer it.

Controlled Substances May Be Possessed Only In Original Container

1) A person to whom or for whose use any controlled substance has been prescribed, sold, or dispensed, by a practitioner or other person authorized under this chapter, may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same. The first violation of this is a Class B Misdemeanor.

Attempting To Possess Controlled Substance

1) A person is guilty of possession of attempting to possess a controlled substance when he knowingly and unlawfully attempts to possess: a controlled substance classified in Schedules I or II which is a narcotic
drug; a controlled substance analogue; lysergic acid diethylamide; or phencyclidine.

**Promoting Contraband**

1) A person is guilty of promoting contraband in the first degree when:
   a) he knowingly introduces dangerous contraband into a detention facility
   b) being a person confined in a detention facility, he knowingly makes, obtains or possesses dangerous contraband.
## APPENDIX B

ALL FELONY DATA COLLECTED IN ROWAN COUNTY, KENTUCKY, 1992

<table>
<thead>
<tr>
<th>CASE#</th>
<th>UOR CODE</th>
<th>CHARGES</th>
<th>SENTENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>490100</td>
<td>OPERATING SUSPENDED LICENSE 3RD conviction</td>
<td>3 YEARS PRISON</td>
</tr>
<tr>
<td>1</td>
<td>731010</td>
<td>PERSISTENT FELONY OFFENDER 1ST</td>
<td>3 YEARS PRISON</td>
</tr>
<tr>
<td>2</td>
<td>21000</td>
<td>DRIVING UNDER THE INFLUENCE 2ND OFFENSE WITHIN 5 YEARS</td>
<td>30 DAYS JAIL</td>
</tr>
<tr>
<td>3</td>
<td>250620</td>
<td>CRIMINAL POSSESSION FORGED INSTRUMENT 2ND OFFENSE</td>
<td>1 YEAR PRISON</td>
</tr>
<tr>
<td>4</td>
<td>236010</td>
<td>THEFT BY UNLAWFUL TAKING/DISPOSITION</td>
<td>1 YEAR/1 YEAR SUSPENDED= 2 YEARS PROBATION</td>
</tr>
<tr>
<td>5</td>
<td>490100</td>
<td>OPERATING SUSPENDED LICENSE 3RD DRIVING UNDER THE INFLUENCE CONVICTION</td>
<td>1 YEAR PRISON</td>
</tr>
<tr>
<td>5</td>
<td>21020</td>
<td>OPERATING MOTOR VEHICLE UNDER THE INFLUENCE INTOXICATED THIRD OR MORE</td>
<td>12 MONTHS JAIL</td>
</tr>
<tr>
<td>6</td>
<td>132010</td>
<td>WANTON ENDANGEREMENT 1ST DEGREE</td>
<td>5 YEARS/5 YEARS SUSPENDED= 5 YEARS PROBATION</td>
</tr>
<tr>
<td>7</td>
<td>21020</td>
<td>OPERATING MOTOR VEHICLE INTOXICATED 3RD OR&gt; W/I 5 YEARS</td>
<td>1 YEAR JAIL</td>
</tr>
<tr>
<td>7</td>
<td>26280</td>
<td>OPERATING SUSPENDED LICENSE 1ST DRIVING UNDER THE INFLUENCE CONVICTION</td>
<td>30 DAYS JAIL</td>
</tr>
<tr>
<td>8</td>
<td>220020</td>
<td>BURGLARY 3RD DEGREE</td>
<td>3 YEARS PRISON</td>
</tr>
<tr>
<td>9</td>
<td>11120</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>12 MONTHS/12 SUSPENDED= 2 YEARS PROBATION</td>
</tr>
<tr>
<td>10</td>
<td>232000</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>5 YEARS/5 YEARS SUSPENDED=5 YEARS PROBATION</td>
</tr>
<tr>
<td>10</td>
<td>11120</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>1 YEAR/1 YEAR SUSPENDED= SAME</td>
</tr>
<tr>
<td>11</td>
<td>232000</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>1 YEAR/1 YEAR SUSPENDED= 3 YEARS PROBATION</td>
</tr>
<tr>
<td>CASE#</td>
<td>WOR CODE</td>
<td>CHARGES</td>
<td>SENTENCE</td>
</tr>
<tr>
<td>-------</td>
<td>----------</td>
<td>--------------------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>11</td>
<td>11120</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>1 YEAR/1 YEAR SUSPENDED = SAME</td>
</tr>
<tr>
<td>12</td>
<td>4410</td>
<td>WANTON ENDANGERMENT 2ND DEGREE</td>
<td>1 YEAR/1 YEAR SUSPENDED = 2 YEARS PROBATION + 30 DAYS</td>
</tr>
<tr>
<td>13</td>
<td>4300</td>
<td>ASSAULT 4TH DEGREE</td>
<td>ONE YEAR SUSPENDED = 2 YEARS PROBATION + 360.90</td>
</tr>
<tr>
<td>13</td>
<td>4300</td>
<td>ASSAULT 4TH DEGREE</td>
<td>ONE YEAR SUSPENDED</td>
</tr>
<tr>
<td>14</td>
<td>18220</td>
<td>MARIJUANA TRAFFICKING &lt; 8 OUNCES 1ST OFF</td>
<td>TWELVE MONTHS JAIL</td>
</tr>
<tr>
<td>15</td>
<td>18220</td>
<td>MARIJUANA TRAFFICKING &lt; 8 OUNCES 1ST OFF</td>
<td>TWELVE MONTHS JAIL</td>
</tr>
<tr>
<td>16</td>
<td>353380</td>
<td>TRAFFICKING CONTROLLED SUBSTANCE/1000 YEARS OF SCHOOL</td>
<td>ONE YEAR PRISON</td>
</tr>
<tr>
<td>17</td>
<td>11120</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>ONE YEAR/ONE YEAR SUSPENDED = ONE YEAR PROBATION</td>
</tr>
<tr>
<td>18</td>
<td>230010</td>
<td>THEFT BY UNLAWFUL TAKING/DISPOSITION</td>
<td>ONE YEAR/ONE YEAR SUSPENDED = 2 YEARS PROBATION</td>
</tr>
<tr>
<td>18</td>
<td>712600</td>
<td>FRAUD USE CREDIT CARD/0-$100</td>
<td>ONE YEAR/ONE YEAR SUSPENDED</td>
</tr>
<tr>
<td>19</td>
<td>359100</td>
<td>UNLAW DISPENSING PRESCRIPTION DISTRIBUTING/ ADMINISTERING</td>
<td>TWO YEARS/TWO YEARS SUSPENDED = 5 YEARS PROBATION</td>
</tr>
<tr>
<td>20</td>
<td>21020</td>
<td>OPERATING MOTOR VEHICLE INTOXICATED 3 OR&gt; W/I 5 YEARS</td>
<td>ONE YEAR PRISON</td>
</tr>
<tr>
<td>21</td>
<td>11120</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>ONE YEAR/ONE YEAR SUSPENDED = TWO YEARS PROBATION</td>
</tr>
<tr>
<td>21</td>
<td>11120</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>ONE YEAR/ONE YEAR SUSPENDED = TWO YEARS PROBATION</td>
</tr>
<tr>
<td>22</td>
<td>380100</td>
<td>FLAGRANT NON SUPPORT</td>
<td>EIGHTEEN MONTHS SUSPENDED = 2 YEARS PROBATION</td>
</tr>
<tr>
<td>23</td>
<td>111630</td>
<td>RAPE 3RD DEGREE NO FORCE 6 COUNTS</td>
<td>FIVE YEARS PRISON</td>
</tr>
<tr>
<td>24</td>
<td>353350</td>
<td>TRAFFICKING/SCHEDULE II CS 1ST OFF</td>
<td>ONE YEAR/ONE YEAR SUSPENDED = 3 YEARS PROBATION</td>
</tr>
<tr>
<td>25</td>
<td>359100</td>
<td>UNLAW DISPENSING PRESCRIPTION DISTRIBUTING/ ADMINISTERING</td>
<td>TWO YEARS PRISON</td>
</tr>
<tr>
<td>CASE#</td>
<td>UOR CODE</td>
<td>CHARGES</td>
<td>SENTENCE</td>
</tr>
<tr>
<td>-------</td>
<td>----------</td>
<td>---------</td>
<td>----------</td>
</tr>
<tr>
<td>26</td>
<td>11120</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>ONE YEAR/ONE YEAR SUSPENDED=ONE YEAR PROBATION</td>
</tr>
<tr>
<td>27</td>
<td>232000</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>5 YEARS/FIVE YEARS SUSPENDED=FIVE YEARS PROBATION</td>
</tr>
<tr>
<td>28</td>
<td>11120</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>ONE YEAR/ONE YEAR SUSPENDED=ONE YEAR PROBATION</td>
</tr>
<tr>
<td>29</td>
<td>112110</td>
<td>SEX ABUSE 1ST DEGREE</td>
<td>TWO YEARS PRISON</td>
</tr>
<tr>
<td>30</td>
<td>132010</td>
<td>WANTON ENDANGERMENT 1ST DEGREE</td>
<td>THIRTY MONTHS/THIRTY MONTHS SUSPENDED=4 YEARS PROBATION</td>
</tr>
<tr>
<td>31</td>
<td>1490</td>
<td>OPERATING MOTOR VEHICLE INTOXICATED 1ST OFFENSE</td>
<td>FINE 405.50 LICENSE REVOKED 90 DAYS</td>
</tr>
<tr>
<td>32</td>
<td>220020</td>
<td>BURGLARY 3RD DEGREE</td>
<td>ONE YEAR PRISON</td>
</tr>
<tr>
<td>33</td>
<td>17100</td>
<td>SEX MISCONDUCT</td>
<td>SIX MONTHS/SIX MONTHS SUSPENDED=6 MONTHS PROBATION</td>
</tr>
<tr>
<td>34</td>
<td>20400</td>
<td>THEFT BY UNLAWFUL TAKING/DISPOSITION (AUTO)</td>
<td>ONE YEAR/1 YEAR SUSPENDED=6 MONTHS PROBATION</td>
</tr>
<tr>
<td>34</td>
<td>232300</td>
<td>/DISPOSITION OF PROPERTY</td>
<td>ONE YEAR/1 YEAR SUSPENDED=6 MONTHS PROBATION</td>
</tr>
<tr>
<td>35</td>
<td>11120</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>ONE YEAR/1 YEAR SUSPENDED=2 YEARS PROBATION</td>
</tr>
<tr>
<td>36</td>
<td>250620</td>
<td>CRIMINAL POSSESSION FORGED INSTRUMENT 2ND</td>
<td>THREE YEARS PRISON</td>
</tr>
<tr>
<td>36</td>
<td>250620</td>
<td>CRIMINAL POSSESSION FORGED INSTRUMENT 2ND</td>
<td>THREE YEARS PRISON</td>
</tr>
<tr>
<td>36</td>
<td>220020</td>
<td>BURGLARY 3RD DEGREE</td>
<td>THREE YEARS PRISON</td>
</tr>
<tr>
<td>37</td>
<td>490310</td>
<td>PROMOTING CONTRABAND</td>
<td>ONE YEAR/1 YEAR SUSPENDED=1 YEAR PROBATION</td>
</tr>
<tr>
<td>37</td>
<td>731010</td>
<td>PERSISTENT FELONY OFFENDER</td>
<td>ONE YEAR/1 YEAR SUSPENDED=1 YEAR PROBATION</td>
</tr>
<tr>
<td>38</td>
<td>17090</td>
<td>SEX ABUSE 3RD DEGREE</td>
<td>SERVED 21 DAYS=6 MONTHS PROBATION</td>
</tr>
<tr>
<td>39</td>
<td>28030</td>
<td>RECEIVING STOLEN PROPERTY</td>
<td>ONE YEAR JAIL</td>
</tr>
<tr>
<td>40</td>
<td>11100</td>
<td>THEFT OF SERVICES UNDER $100</td>
<td>ONE YEAR/1 YEAR SUSPENDED=2 YEARS PROBATION</td>
</tr>
<tr>
<td>40</td>
<td>11100</td>
<td>THEFT OF SERVICES UNDER $100</td>
<td>ONE YEAR/1 YEAR SUSPENDED=2 YEARS PROBATION</td>
</tr>
<tr>
<td>41</td>
<td>11120</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>ONE YEAR/1 YEAR SUSPENDED=2 YEARS PROBATION</td>
</tr>
<tr>
<td>CASE#</td>
<td>UOR CODE</td>
<td>CHARGES</td>
<td>SENTENCE</td>
</tr>
<tr>
<td>-------</td>
<td>----------</td>
<td>---------------------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>42</td>
<td>250620</td>
<td>CRIMINAL POSSESSION FORGED INSTRUMENT 2ND</td>
<td>ONE YEAR/1 YEAR SUSPENDED= 2 YEARS PROBATION</td>
</tr>
<tr>
<td>43</td>
<td>26170</td>
<td>CRIMINAL TRESPASS</td>
<td>ONE YEAR/1 YEAR SUSPENDED= 2 YEARS PROBATION</td>
</tr>
<tr>
<td>43</td>
<td>26170</td>
<td>CRIMINAL TRESPASS</td>
<td>ONE YEAR/1 YEAR SUSPENDED= 2 YEARS PROBATION</td>
</tr>
<tr>
<td>44</td>
<td>13000</td>
<td>RECEIVING STOLEN PROPERTY</td>
<td>ONE YEAR/1 YEAR SUSPENDED= 2 YEARS PROBATION</td>
</tr>
<tr>
<td>45</td>
<td>13000</td>
<td>RECEIVING STOLEN PROPERTY</td>
<td>ONE YEAR/1 YEAR SUSPENDED= 2 YEARS PROBATION</td>
</tr>
<tr>
<td>46</td>
<td>232000</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>TWO YEARS PRISON</td>
</tr>
<tr>
<td>46</td>
<td>232000</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>TWO YEARS PRISON</td>
</tr>
<tr>
<td>47</td>
<td>11120</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>ONE YEAR/1 YEAR SUSPENDED= 2 YEARS PROBATION</td>
</tr>
<tr>
<td>48</td>
<td>230300</td>
<td>THEFT BY UNLAWFUL TAKING DISPOSITION/SHOPLIFTING</td>
<td>RESTITUTION $1500 1 YEAR/1 YEAR SUSPENDED= 2 YEARS PROBATION</td>
</tr>
<tr>
<td>49</td>
<td>21020</td>
<td>OPERATING MOTOR VEHICLE INTOXICATED 3 OR&gt; WITHIN 5 YEARS</td>
<td>ONE YEAR/1 YEAR SUSPENDED= 2 YEARS PROBATION SERVE 90 DAYS AND $650.00 FINE</td>
</tr>
<tr>
<td>50</td>
<td>26290</td>
<td>OPERATING SUSPENDED LICENSE 2ND DRIVING UNDER THE INFLUENCE CONVICTION</td>
<td>ONE YEAR/1 YEAR SUSPENDED= 2 YEARS PROBATION</td>
</tr>
<tr>
<td>51</td>
<td>4040</td>
<td>PERMITTING UNLICENSED OPERATOR</td>
<td>ONE YEAR/1 YEAR SUSPENDED= 2 YEARS PROBATION</td>
</tr>
<tr>
<td>51</td>
<td>26290</td>
<td>OPERATING SUSPENDED LICENSE 2ND DRIVING UNDER THE INFLUENCE CONVICTION</td>
<td>ONE YEAR/1 YEAR SUSPENDED= 2 YEARS PROBATION</td>
</tr>
<tr>
<td>52</td>
<td>353380</td>
<td>TRAFFICKING CONTROLLED SUBSTANCE/1000 YEARS OF SCHOOL</td>
<td>ONE YEAR JAIL</td>
</tr>
<tr>
<td>53</td>
<td>26160</td>
<td>CRIMINAL TRESPASS 1ST DEGREE</td>
<td>ONE YEAR/1 YEAR=2 YEARS PROBATION +30 DAYS</td>
</tr>
<tr>
<td>54</td>
<td>4410</td>
<td>WANTON ENDANGERMENT 2ND DEGREE</td>
<td>ONE YEAR/1 YEAR=2 YEARS PROBATION</td>
</tr>
<tr>
<td>55</td>
<td>356130</td>
<td>CULT MARIJUANA FOR SALE 5+ PLANTS</td>
<td>ONE YEAR JAIL</td>
</tr>
<tr>
<td>56</td>
<td>130410</td>
<td>ASSAULT 1ST DEGREE NONFAMILY GUN</td>
<td>FIVE YEARS JAIL</td>
</tr>
<tr>
<td>CASE#</td>
<td>UOR CODE</td>
<td>CHARGES</td>
<td>SENTENCE</td>
</tr>
<tr>
<td>-------</td>
<td>----------</td>
<td>---------</td>
<td>----------</td>
</tr>
<tr>
<td>56</td>
<td>132010</td>
<td>WANTON ENDANGERMENT 1ST DEGREE</td>
<td>FIVE YEARS JAIL</td>
</tr>
<tr>
<td>57</td>
<td>132010</td>
<td>WANTON ENDANGERMENT 1ST DEGREE</td>
<td>TWO YEARS PRISON</td>
</tr>
<tr>
<td>58</td>
<td>11120</td>
<td>THEFT BY DECEPTION COLD CHECK</td>
<td>ONE YEAR/1 YEAR SUSPENDED = 2 YEARS PROBATION FULL RESTITUTION</td>
</tr>
<tr>
<td>59</td>
<td>490100</td>
<td>OPERATING SUSPENDED LICENSE 3RD DRIVING UNDER THE INFLUENCE CONVICTION</td>
<td>ONE YEAR JAIL</td>
</tr>
<tr>
<td>60</td>
<td>21020</td>
<td>OPERATING MOTOR VEHICLE INTOXICATED 3 OR&gt; WITHIN 5 YEARS</td>
<td>ONE YEAR JAIL</td>
</tr>
<tr>
<td>61</td>
<td>112110</td>
<td>SEXUAL ABUSE 1ST DEGREE</td>
<td>FIVE YEARS PRISON</td>
</tr>
<tr>
<td>62</td>
<td>220020</td>
<td>BURGLARY 3RD DEGREE</td>
<td>ONE YEAR/1 YEAR SUSPENDED=2 YEARS PROBATION</td>
</tr>
<tr>
<td>63</td>
<td>359401</td>
<td>ATTEMPTED CONTROL SUBSTANCE CHARGE WITH LIST ABOVE</td>
<td>ONE YEAR/1 YEAR SUSPENDED = 2 YEARS PROBATION</td>
</tr>
<tr>
<td>64</td>
<td>91000</td>
<td>MURDER</td>
<td>CONSECUTIVE LIFE</td>
</tr>
<tr>
<td>64</td>
<td>220000</td>
<td>BURGLARY 1ST DEGREE</td>
<td>15 YEARS PRISON</td>
</tr>
<tr>
<td>65</td>
<td>490310</td>
<td>PROMOTING CONTRABAND 1ST OFFENSE</td>
<td>ONE YEAR PRISON</td>
</tr>
<tr>
<td>66</td>
<td>240600</td>
<td>RECEIVING STOLEN PROPERTY</td>
<td>ONE YEAR JAIL</td>
</tr>
<tr>
<td>66</td>
<td>20130</td>
<td>UNLAWFUL TRANSPORTING WITH MINOR/ 3RD OFFENSE</td>
<td>ONE YEAR JAIL</td>
</tr>
<tr>
<td>67</td>
<td>21030</td>
<td>OPERATING MOTOR VEHICLE UNDER INFLUENCE OF DRUGS 3 OR&gt; WITHIN 5 YEARS</td>
<td>ONE YEAR JAIL</td>
</tr>
<tr>
<td>67</td>
<td>490100</td>
<td>OPERATING SUSPENDED LICENSE 3RD DRIVING UNDER THE INFLUENCE CONVICTION</td>
<td>NINETY DAYS JAIL CONCURRENT</td>
</tr>
<tr>
<td>67</td>
<td>14030</td>
<td>CRIMINAL MISCHIEF</td>
<td>ONE YEAR JAIL</td>
</tr>
<tr>
<td>67</td>
<td>24040</td>
<td>RESISTING ARREST</td>
<td>ONE YEAR JAIL</td>
</tr>
<tr>
<td>67</td>
<td>18230</td>
<td>MARIJUANA POSSESSION 8 OZ</td>
<td>ONE YEAR JAIL</td>
</tr>
<tr>
<td>68</td>
<td>353200</td>
<td>POSSESSION/SCHEDULE II NARCOTICS /COCAINE 1ST OFFENSE</td>
<td>ONE YEAR/1 YEAR SUSPENDED =18 MONTHS PROBATION</td>
</tr>
<tr>
<td>CASE#</td>
<td>UOR CODE</td>
<td>CHARGES</td>
<td>SENTENCE</td>
</tr>
<tr>
<td>-------</td>
<td>----------</td>
<td>----------------------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>69</td>
<td>232900</td>
<td>THEFT BY UNLAWFUL TAKING/DISPOSITION ALL OTHER</td>
<td>ONE YEAR/1 YEAR SUSPENDED =1 YEAR PROBATION</td>
</tr>
<tr>
<td>70</td>
<td>21060</td>
<td>OPERATING MOTOR VEHICLE IMPAIRED 4TH OFFENSE WITHIN 5 YEARS</td>
<td>ONE YEAR/1 YEAR SUSPENDED = 18 MONTHS PROBATION</td>
</tr>
<tr>
<td>71</td>
<td>26680</td>
<td>PROBATION VIOLATION</td>
<td>ONE YEAR PRISON</td>
</tr>
<tr>
<td>72</td>
<td>220830</td>
<td>BURGLARY 3RD DEGREE</td>
<td>ONE YEAR PRISON</td>
</tr>
<tr>
<td>73</td>
<td>240600</td>
<td>RECEIVING STOLEN PROPERTY</td>
<td>ONE YEAR PRISON</td>
</tr>
<tr>
<td>74</td>
<td>240400</td>
<td>THEFT BY UNLAWFUL TAKING DISPOSITION AUTO</td>
<td>ONE YEAR PRISON</td>
</tr>
<tr>
<td>75</td>
<td>112000</td>
<td>SODOMY 1ST DEGREE</td>
<td>FOUR YEARS PRISON</td>
</tr>
<tr>
<td>76</td>
<td>21020</td>
<td>OPERATING MOTOR VEHICLE 3 OR&gt; WITHIN 5 YEARS</td>
<td>ONE YEAR PRISON CONCURRENT</td>
</tr>
<tr>
<td>76</td>
<td>26290</td>
<td>OPERATING SUSPENDED LICENSE 2ND DRIVING UNDER THE INFLUENCE CONVICTION</td>
<td>ONE YEAR PRISON</td>
</tr>
<tr>
<td>77</td>
<td>26280</td>
<td>OPERATING SUSPENDED LICENSE 1ST DRIVING UNDER THE INFLUENCE CONVICTION</td>
<td>NINETY DAY JAIL+$705.50+2 YEARS PROBATION</td>
</tr>
<tr>
<td>77</td>
<td>21020</td>
<td>OPERATING MOTOR VEHICLE INTOXICATED 3 OR&gt; WITHIN 5 YEARS</td>
<td>ONE YEAR/1 YEAR SUSPENDED = 2 YEARS PROBATION</td>
</tr>
<tr>
<td>78</td>
<td>712600</td>
<td>FRAUDULENT USE OF CREDIT CARD $100</td>
<td>FIVE YEARS PRISON</td>
</tr>
<tr>
<td>78</td>
<td>220830</td>
<td>BURGLARY 3RD DEGREE</td>
<td>FIVE YEARS PRISON</td>
</tr>
<tr>
<td>79</td>
<td>280300</td>
<td>RECEIVING STOLEN PROPERTY</td>
<td>ONE YEAR PRISON</td>
</tr>
<tr>
<td>79</td>
<td>220830</td>
<td>BURGLARY 3RD DEGREE</td>
<td>ONE YEAR PRISON CONCURRENT</td>
</tr>
<tr>
<td>79</td>
<td>220835</td>
<td>BURGLARY 3RD-NONE OF DEGREE</td>
<td>ONE YEAR PRISON CONCURRENT</td>
</tr>
<tr>
<td>80</td>
<td>250620</td>
<td>CRIMINAL POSSESSION FORGED INSTRUMENT 2ND</td>
<td>ONE YEAR/1 YEAR SUSPENDED = 18 MONTHS PROBATION</td>
</tr>
<tr>
<td>80</td>
<td>250620</td>
<td>CRIMINAL POSSESSION FORGED INSTRUMENT</td>
<td>ONE YEAR/1 YEAR SUSPENDED = 18 MONTHS PROBATION</td>
</tr>
<tr>
<td>81</td>
<td>230000</td>
<td>THEFT BY UNLAWFUL TAKING DISPOSITION</td>
<td>THIRTY MONTHS PRISON</td>
</tr>
<tr>
<td>82</td>
<td>380100</td>
<td>FLAGRANT NON SUPPORT</td>
<td>EIGHTEEN MO/ 18 MONTHS SUSPENDED = 3 YEARS PROBATION</td>
</tr>
</tbody>
</table>
BIBLIOGRAPHY


