

What is criminology?

-**Norms:** can reflect values, beliefs, as well as attitudes... a guideline...how we should go about doing things.

-**Implicit norms**- things we do, thoughts we have...no one says we have to but its an unspoken general understanding

-**Explicit norms**- handicap spot on the bus....wont go to jail for taking a handicap seat on a bus but it is expected that you will give the spot to the person....not necessarily going to get charged or arrested.

-**Why do we have norms?** - provides a form of predictability.... It provides order... with norms we can expect certain things.

-Examples of norms: wear clothes, shower...

Deviance- deviating from the norm...

2 types:

Formal deviance- crime...acts which have been deemed illegal....found in the criminal code of Canada...if you violate them you will be punished

***Informal deviance**- actions that violate the norm but they are not codified into law... responses to this (not jail) ex. Talked down to, ridiculed, gossiped about....ex. picking noise in public, skipping in line (consequences not of a legal kind)

Deviance- Always negative?

-No...not always undesirable/negative...can have positive effects...becomes a vehicle that encourages social change

Crime

-death in the workplace **ranks third in killing Canadians**... corporate crimes...**white collar crime**

-“**A violation of societal rules of behaviour as interpreted and expressed by a criminal legal code created by people holding social and political power. Individuals who violate these rules are subject to sanctions by state authority, social stigma, and loss of status**”.

-an individual commits a crime....goes to jail...comes back.. they are now a criminal status...none of their past life matters...social stigma and loss of status

Crime: an act or omission we have prohibited by Canadian law

-**Omission:** not doing something you are required to do...ex. Negligent care/ not feeding your children....

3 ingredients for a crime:

-**Actus reus:** the guilty act

-**Mens rea:** the guilty mind 2 components together are a crime

-**No legal defence**

Are crime and deviance the same?

-just because it is illegal doesn't make it deviant ex. Underage drinking, speeding etc...

1.-crime and deviance are relative to time ex. Drinking and driving

2.-crime and deviance are relative to place ex. Amsterdam and smoking marijuana

Ex. No death penalty in Canada –abolished in 1976...Signapore – chewing gum is illegal, not flushing the toilette is illegal, no hugging in public.

These laws are in the books but not enforced still...they do not update the laws too often.

Wednesday Septemeber 14th – Notes

1. Crime and Deviance Relative to Social Context:

-ex. During Mardi Gras people are able to be topless/nude and it would be the norm however, at most any other time this would be a deviant behaviour
-during war murdering is the norm, in normal life this is prison sentence

2. Social Status:

-CEO's can produce unsafe/not top quality products which can kill people but we do not see this the same as a murderer
-celebrities such as Lindsay Lohan being caught drinking and driving or with drugs over and over – treated not as harshly
-**The Blue Shield** – a police would not be charged for speeding, drinking while driving etc...

3. Age:

-age will depict if it is norm or if it is deviant ex. A child throwing a temper tantrum is norm but an adult doing the same is deviant
-**anyone under the age of 12 is free of any sort of criminal liability...they are not held to be criminally responsible**
-**12-17 – Youth Criminal Justice Act**
*18th birthday you are now seen as an adult and have full criminal responsibility put on you

Criminals Vs. Non Criminals:

-we are all criminals but what differentiates us is that we have not been caught yet
-it is easy to label those who have engaged in criminal behaviour much like the behaviour we participate in...the only difference is that they have been caught and we haven't

Social Constructionism

Socially Constructed Problems:

- these laws are **created by legislators who have power**
- don't come into existence because they are needed, **they come into place when people are afraid** and this gets the ball rolling for the law to be pass
- MORAL PANIC**: occurs when a condition, episode, person, or group of persons is defined as a threat to social values and interests
 - the media glorifies this panic and puts it out of line...furtheres the moral panic...ex. Following of 9/11- there was a moral panic of anyone who looked middle eastern/ fer of going on airplanes.
 - H1N1 Flu- moral panic
 - Music: Elvis Presley's pelvic thrust, gangster rap, rock and roll, goth music etc...

Moral Entrepreneurs:

- the person, group of individuals, or formal organization that takes on the responsibility to persuade society that we need to have these rules/ these laws to save the morality of society
 - Al Gore (global warming), Hitler, MADD (mothers against drunk driving), pro/anti-abortion groups, governments, people

FOLK DEVILS:

- the groups seen as being bad and deviant, they are deemed as being a threat to society
- the moral entrepreneurs attack this group
 - ex. The **Chinese** in Canada while they were building the railroads...the Chinese were beginning to be portrayed as sinister...smoking opium etc...
 - the public became fearful of the Chinese and opium smoking
 - Mackenzie King now had the support to pass the Opium Ban Law and the Chinese could no longer use this traditional ritual
 - *Moral panic= the Chinese are corrupting white women....Folk Devil= Chinese People
 - The Black Candle- book on the dangers of marijuana was published and spread fear about marijuana....the govt. now put a ban on marijuana

MODERN MORAL PANIC:

- Sexting – sexual texts, includes images

The Criminal Justice System

-the various types of organized reaction to behaviour viewed as problematic

What is CJS:

-a vast network of organizations and facilities charged with the investigation, detection, prosecution, and punishment of offenders.

3 Components

1. Police= apprehending

-3 levels

-**Municipal Police:** ottawa police

-**Provincial:** OPP

-**Federal:** RCMP

2. Court= processing the individual charge

-3 levels

-**Provincial** – Court of Justice in Ontario (lower courts)

-majority of cases begin here and end here...assembly line justice

-specialized divisions ex. Drug, domestic courts etc...

-**Superior**- Ontario Superior Court of Justice

-indictable offences are heard here= crimes of a serious nature ex. Manslaughter

-**Court of Appeal**- Supreme Court of Canada (last court of appeal- final decision)

3. Corrections- protecting individuals and punishing

-**Provincial:** provincial jail when under 2 years of time

-less serious offences (summary conviction offences)

-**Federal:** 2 years plus a day

Jails:

-we have **192 jails in Canada**

-76 under federal jurisdiction

-116 under the provincial jurisdiction

-On any given day in Canada **153,000** individuals are under the supervision within the community (under some sort of restriction on their freedom)

FALSE -prisons as a form of punishment where we deprive someone's freedom have existed for less than **250 years! (very new idea)**

FALSE -The number of women becoming incarcerated is **increasing + because of**

violence

-women who are incarcerated are being charged with **prostitution, drug use, petty theft**

-these are crimes of necessity... WOMEN ARE NOT BEING IMPRISONED BECAUSE THEY ARE BECOMING VIOLENT

-The Number of Aboriginals in prisons is increasing?

Total Costs of Operation CJS IN 2000/2001

-**11 billion dollars** to operate criminal justice system in Canada

-In America it is 100 billion dollars a year

Police

-**7 billion dollars**

Adult Correctional System

-**3 billion**

-followed by courts legal and prosecutors>

-**It costs 250,000 to incarcerate one man**...it can cost only 5-25 dollars a day to have someone on house arrest

Prisoners:

Male:-incarcerating a federal **male prisoner/year= 94,533 \$\$**

Female: 150, 000- 250,000 \$\$

-there are fewer women but we still need the same programs for them therefore, it is much more expensive then housing a larger number of men.

What is Criminal Justice?

-must be determined in a **fair and just manor**

Substantive Justice: (Pg.11)

-how accurate is the outcome...the accuracy of the verdict, how appropriate is the sentence?

Procedural Justice:

-concerned with the fairness of the procedures used to arrive at the verdict

-ex. We arrive at a verdict but there has been some illegal evidence used in the trial

1. Justice should fit the crime- be proportionate

2. People should receive the same punishments.

Friday September 16th, 2010

What is Criminal Justice? Contd'

The Crime Funnel:

- The amount of crime that is undiscovered = *THE DARK FIGURE OF CRIME*
- it is taking place but it is not known to police

The 3 D's:

1. DISCRETION:

- can happen by many different people...the police have discretion, the judge, the people in the system
- refers to an individual using their own decision making process to make a decision**
- EX. Police have the discretion to make an arrest or not... a police cannot arrest absolutely everyone doing a crime...he must use his discretion to choose.

2. DISPARITY: (inconsistency)

- inconsistency as a result of the authorities using illegitimate factors in making decisions
- legitimate factor**= looking at past criminal offences, perhaps the offence was very serious....
- illegitimate factors that would cause disparity (shouldn't use but do) Ex. Race, ethnic origin, social class, religious views, gender etc...
- humans making decisions about other people...ex. Police officer on a bad day

3. DISCRIMINATION:

- differential treatment based on negative judgments relating to group membership

A) Systemic: exists in all aspects of the CJS

- built into the system
- certain groups are more likely to be arrested, more likely to receive harsher sentences, more likely to be denied bail etc... ABORIGINALS

B) Institutional: a result of various policies that have been put into place

- ex. When releasing someone for bail they look at employment...they check employment to determine bail....women, handicapped people etc...are more likely to be denied because of this

C) Contextual: due to particular situations

- ex. A police officer doesn't place a charge because they think it will be dropped anyway

-judges are more likely to sentence someone harshly when they assault someone from a different race than themselves....

D) Individual Discrimination: reflective of specific CJS employees
-ex. A police who is more prejudice towards black people

CJS= POLICE, COURTS, CORRECTIONS

What is the Purpose of the Criminal Justice System and Criminal Law?:

- to enforce laws
- to keep order in society (social order)
- protect our rights and freedoms
- reduces personal retaliation
- express public opinion and morality

1. DETERRENCE:

A) General Deterrence: belief that if someone commits a crime and we send them to jail and we read about it in the news paper, it is hoped that we as the public will be discouraged from doing the same act as the individual who was imprisoned...
-deter the general population

B) SPECIFIC: hoping that punishment will discourage that **SPECIFIC INDIVIDUAL** from committing the same crime again
-focuses on deterring the specific individual

1. CRIME CONTROL MODEL: society (Herbert Packer)

- attitude of lets get tough on crime...
- belief that our cjs is very soft on criminals

Goals:

- protect society at large
- law needs to be strictly enforced
- people should be punished
- DETER CRIME
- efficient justice

Policies:

- increase number of police we have...the more police = more criminals caught
- establish more correctional institutions ex. Jails...
- increase the length of sentence that an individual has to serve
- GUILTY UNTIL PROVEN INNOCENT
- CJS should have more powers

Purpose:

- reduce the number of criminals
- quick arrest and punishment

2. DUE PROCESS MODEL: individual rights (Packer)

- liberal thinking attitude
- prioritize the rights of the suspect
- accurate, fair and reliable system of laws and legal procedures
- every step of the system must ensure that the rights of the victim are not violated and that only the guilty are punished

Goal:

- not to necessarily reduce crime, but instead to see that justice is done**
- protection of individuals....protected from the powers of the state
- enhance the number of legal rights that an accused has
- pushing for justice...FAIRNESS IN THE SYSTEM ...EQUALITY

**Charter of Rights and Freedoms (1982)

-S. 7-14: Legal Rights

Policies:

- the best way to protect the rights of the accused is to limit the powers of criminal justice officials**
- arrested individuals are presumed innocent regardless of their apparent guilt
- criminal justice officials are monitored to make sure they do not abuse their power and make errors in judgment
- justice should not be sacrificed in the name of crime control

Purpose:

- ensure rights of defendant are protected
- reduction of error (wrongful convictions)

Wrongful Convictions:

- Milgaard**: 23 years for a murder he did not commit
- Guy Paul Moran**
- Steven Trescott**: sentenced to death...48 year later conviction was overturned

Public Order vs. Individual Rights:

Sex Offender Registries:

- sex offenders must register with their information...
- can be on here for **10 years to life**
- not open to public in Canada...open to police
 - USA allows public access to see where sex offenders live