

# Lecture 1:

Definition of Criminology: Looking for very specific rules and boundaries in criminology, something objective and scientific.

The idea of having static general principles for criminology doesn't always play out as well as it does in the real world. Like it does in science.

## WHAT IS THE STUDY OF CRIME?



Lots of people call themselves criminologist but do a wide variety of things.

**Criminology:** Origin, extent and nature of criminal law and crime. (how to understand criminal acts and who commits them)

**Criminal Justice:** Cops, courts and corrections. (The process once the crime and guilty party is discovered)

**Deviance:** Behaviours, actions or thoughts that go against society's norms. They may or may not be subject to criminal law.

**Link between: CJS -**

### Criminology and Deviance

**Criminal justice** will process accused persons accordingly (not all deviant behaviours)

**Criminology** helps the CJS determine which of the deviant acts are criminal.

Between all three, the implementation of punishment falls to the criminal justice system

**Deviance** defines the way we look at a crime in the study of criminology which is always changing.

**Criminology** - Crime, control and penology - **Criminal Justice** - Criminalization/ Legalization - **Deviance** - Sociology of law - **Criminology**

**Sociology of law:** Defines what we as a **society** see as **criminal**, in terms of **Deviant** acts, they may all go against social norms, but aren't all necessarily illegal. **Criminology** studies why some things are considered crimes and why some aren't. '

**Criminalization/Legalization** Defines some deviant acts as criminal in the CJS

Some things are defined as criminal but can be legalized once no longer found as deviant

The liberal government wants 6 extra months to discuss assisted suicide, but for those 6 months; terminally ill people will be suffering.

A lot of deviant acts are not considered criminal (Picking your nose)

And a lot are the opposite (Public intoxication/Marijuana use)

(The help give a sense of criminal research)

### **Defining crime/criminals.**

Difference between social harm and deviance. At the end of the day, who do we believe to be criminals.

### **The origins and role of Law.**

What processes and to come into term to legislate certain things but not other. How does the law shape our understanding of the world?

### **The social distribution of crime.**

What are the characteristics of people who commit crimes? Are crime rates falling/ rising? What crimes are more/less popular? (Crime Mapping)

### **The cause of crime.**

What causes crime? Why do some people break the law? What conditions/personality traits that make people commit crimes? What traits are common among criminals?

### **Patterns of criminal behaviour.**

What is the criminal career? Where do we see desistance? (Stopping committing crimes) How to make desistance happen sooner? When/Where/To who are murders most likely to happen? How to prevent these murders?

### **Social reactions to crime.**

What does society do about the crime? Who gets prosecuted/sentenced? The length of the sentence? What are public opinions? What is the media's role in influencing our understanding of crime?

Understanding crime as a special category of law only happened in the 19<sup>th</sup> century.

Criminal codes were invented in those days.

Criminal code of Canada created by John Thompson (4<sup>th</sup> prime minister) in 1892. He gets credit for basically copying the UK'S criminal code. Quebec's criminal law is the Napoleonic code, they did not adopt Sir John Thompson's code.

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Before the development of criminal code it was largely based on private interaction. (If you steal my goat I will come get it back and take one of your goats)  
People were looking for restitution and retribution. In the 19<sup>th</sup> century the state came out, taking charge of deviant behaviour.

As the system evolved and became more complex, that where lawyers came into play. Defending one self if basically impossible now because of all the steps and processes involved in a criminal case.

Urbanization: Creating big cities and moving away from rural areas. Enormous population shifts taking place in the early 20<sup>th</sup> century for the industrial revolution. Lots of labor and jobs available.

According to Boyd: The urbanization created a new wave of crime and deviance, the are actions that we decided are violating our criminal law.

Drunkenness: became a deviant act because of the close quarters of living. In rural areas you would be surrounded by fields, not neighbours or shops.

Prostitution was much more visible and a lot of more access to it.

Vagrancy: Your rural community used to take care of you when your down on your luck. So during the industrialization the homeless rates rose substantially.

These were not new actions, it was that they were much more apparent and visible to the greater public, also much less social cohesion.

With urbanization you lost the "love thy neighbour aspect".

Few doctors started making connections between consumption and dependency (Addiction) in the end on the 19<sup>th</sup> century.

The founders of drug laws were very opposed to opium smoking. It was very common for Chinese immigrants to open opium dens.

The creation of our anti-drug law was seeped in moral reform. They were focused on the fact that drugs were damaging our society "look at the lazy good for nothing people". It mostly came from racial oppression of Chinese immigrants, and anti-Chinese sentiment.

Most immigrants came as railroad labourers. And started families and open businesses. Then once the railroads were completed white Canadians wanted them to go back to china.

So the Chinese would start to work as cheap labourers and started taking our jobs. So they created drug laws to punish Chinese people and to deport them.

At the time, opium was greatly used as a medical tool, even on crying babies. But recreational use was banned. Which created an artificial between licit and licit substances.

In 2016, some substances are criminalized that may cause less harm that are not illicit.

Stories were spreading about white girls becoming addicted to opium, then having sex with Chinese men.

Two main stakeholders to push anti-drug law was: William Lion Mackenzie King (10<sup>th</sup> Prime Minister) and Emily Murphy (First female magistrate [Magistrate]) expedited the anti-drug laws.

Before 1929 women were not people (could not own property) and people were more strongly punished for stealing cattle than for kidnapping a woman.

"Opium dens are bringing down the white race" said Emily Murphy. She actively tried to deport coloured people of visible minorities. In 1922 she called for tighter immigration laws stating "The exclusion of coloured people from the continent" Canada created the 1908 opium act

(NOT TESTED)

In 1912 – 342 people were convicted

In 1915 – 1375 people were convicted

In 1922 – 60% of these people were Chinese.

Like opium's association with Chinese, cocaine was associated with Africans.

The criminalization of drugs was a way to obtain and keep white privilege. The fear was that cocaine addicted black men would affect white women and commit crimes.

The irony of what was happening – Few black Americans were using cocaine. Because you needed a prescription from a doctor which they did not even have access to. It's misinformation that the black community would consume cocaine and commit murders and other violent acts while high on cocaine. True or not, it got traction and people bought into this myth.

(NOT TESTED)

(We have to think about how black people make up more than 9% of federal correction population) USA

But only 3% in Canada, as of 2014; black Canadians are becoming more and more incarcerated.

1/3 black Americans will most likely go to prison in the USA. Most often for drug crimes. (NAACP)

Neil Boyd created criminology in the 1950's but really took root in the 1970's. More and more universities started offering criminology classes in those days.

In the 70's there was a huge economic crisis and gas prices skyrocketed. The shifts had huge impacts on the economy, as well as huge losses of employment. A lot of manufacturing was moved to China for cheaper labor. Unskilled labor (high school graduate jobs) were much harder to find.

Demographic changes in the 70's (development of urban sprawls (suburbs) middle class Canadians could leave the downtown and make lives for themselves outside the city.

Most urban populations were poor or immigrants.

Some scholars suggest there was class/race division between downtown and suburbs.

So different races were not be subjected to socializing with each other as much. Which lead white people to start becoming fearful of Muslims, Asians, Africans or Hispanics.

These changes were happening very fast

At the same time there was a huge increase in the crime rate

Opportunity – Major reasons that opportunity came was the popularity of cars, a lot of people started owning 2 cars. Which lead to a lot of auto theft

The 60's and 70's led to more women working, which left homes empty during the day leaving room for breaking/entering

As well as access to quick getaway from crimes (Bank robbery's)

2) Baby boomers – Much more young men out and about because they (BB'S) were reaching their teens, as well as having much more disposable income. Also there was less to do, such as working in your dads shop or getting a paper route. As well as less supervision, because their mothers were working and not able to stay on top of your kids. Strong desire for consumerism, people started buying lots of TV's, washers/dryers/cars. How much material possession you own mean you're a better person.

3) Changing attitudes – Reduction in social and self control. Hippies/Sexual revolution giving a relaxation in social norms.

Much more permissive households, kids were not disciplined as hard as their parents were. The civil rights movement was happening, as well as second wave feminism.

These two movement would lead people questioning the state and being more interested in protest and changing government. People would start to question laws and how people conduct themselves. Questions began to emerge about who is being targeted by the criminal justice system such as the poor and minorities.

**Classical criminology:** Dealing with choice, emerged during the enlightenment. Our movement from religion being our governing body, to our state being the governing body.

The idea that we can solve crime and one day have a crime-free society. Based on the fact that we are all rational beings, Everyone committing crimes has decided to be a criminal, how do we make them not want to take that path? The enlightenment called for the elimination of capital punishment. Lots of consistency for punishment. Enlightened thinkers were mostly based on the social contract: The government should be held responsible for its people. From giving up the right to punch someone, I am also being protected from being punched. Crimes break social contracts.

Built on 4 principles

1- People freely choose to commit crimes

2- Crimes are often attractive to people because they are easier than the legal alternative

3- People will be less likely to choose crime if they are fearful of the punishment (punishment deters people from committing crimes)

4- If punishments are swift severe and certain, we can control criminal behaviour and essentially eliminate crime.

**Positivist Criminology:** Treat criminology: Objective neutral research like scientists, and have verifiable results to who is committing crime and why they are committing crimes.

Social sciences can be identical in logic to natural sciences. The discovery and explanation for why people commit crimes is based on empirical rigorous research. Positivism focuses on behaviourism and the criminal themselves (opposed to classical)

**Critical Criminology:** Understanding the power relations, using criminal law as a tool to manage and control people. It also target certain people – poor – races. And used to maintain power over people. Studying morality and how certain peoples morality perspective is imposed on society. We also extend the definition of criminal behaviour to those who extend the status quo. All about inequality and power.

**Convict Criminology:** People who are incarcerated are experts on what's happening in the criminal justice system. A way of giving back the voice of people who have interacted with the criminal justice system. People with a prison sentence will know the inside of the system much better and allows convicts to produce criminal knowledge and becoming professors in criminology and write from their perspective. The journal of prisoners on prison: Goes into prison and allows convicts to write journals.

**Public Criminology:** Well connected to criminal criminology, believes criminology shouldn't be exclusive to academia. Public criminologist want to elicit change and do something with what we learned about criminology.

## Lecture 3:

### 4 Bodies of legislation:

**Criminal Code Of Canada:** Enacted in 1892

**Youth Criminal Justice Act:** Identity cannot be released to the media. (To protect their future and give them hope from redemption) Much larger focus on rehabilitation for the youth. Since 2012, the youth can much more easily be tried as an adult.

**Controlled Drugs And Substances Act:** Criminalizing marijuana, opium... etc...

**Crimes Against Humanity And War Crimes:** Things like genocide are criminalized. Allowing Canadians to prosecute Canadians outside of the country. Only used twice since the creation, both times it was connected to the Rwandan genocide.

All criminal law is federal, not provincially or municipally.

We borrow from the British and American model, sort of a hybrid of the two. The term for judge made law is **stare decisis**. (Judges can set precedence, clarify or manipulate law).

**Supreme Court:** Hears from all forms of courts.

**Federal Court:** Does not deal with criminal law (Has courts of appeal)

**Provincial/Territorial Courts:** ALL smaller crimes are heard through this court.

(Preliminary hearings for the provincial superior court) (Has an appeal)

**Provincial Supreme courts:** Serious criminal cases, divorce cases

In order for something to be deemed criminal there needs to be these 1 of 3 things:

**Prohibition** (Needs to be written somewhere that what you did is illegal)

**Penalty** (There needs to be a penalty set for violating that law) (Allows judicial discretion for malleability)

**Protecting the public** ( It needs to be protecting the public) It gets messy here, such as victim-less crimes, like drugs or gambling or piracy (Movies, music)

### 3 Types of crimes:

**Summary offences:** Least serious of the crimes, the punishment must be less than 6 months in jail or 5000\$ fine or less.

**Indictable offences:** Anything with a punishment of over 6 months or over a 5000\$ fine.

**Hybrid:** Most criminal laws are hybrids offences, a mix of the two. (Allow flexibility depending on the nature of the offence) (Theft, assault, impaired driving... etc...)

### Actus reus – Mens Rea

The act of committing the crime, and the thought process behind committing the crime.

(Mens rea is the intention of committing the crime) (3 ways to have mens rea)

#### 1. Intention

2. **Wilful blindness** (Someone asks you to put a package in your carry on, and you accept blind fully)

3. **Criminal negligence** (You may not have intended for the criminal action to take place, but a reasonable person would have) (Driving and texting)

### Why do we punish?

We have a criminal law system that is supposed to separate the bad from the good.

Critical thinking about punishment: Seems black and white: Break laws, suffer consequences.

What does punishment do? Why is it necessary? When can it go too far?

Criminal law is responsible for motivating obedience.

The system of punishment is necessary when we live in a large diverse urban setting

where people may not agree with each other on moral grounds

Since people don't all have the same mindset, we need set codes and rules to oversee everyone.

Punishment becomes a tool we use to make sure that even those of us who don't agree with the law, still obey the law. It ensures the likelihood of obedience.

### **The role of punishment:**

3 reasons to obey laws:

1. Moral perspective (because we agree it's the right thing to do)
2. Non moral, practical reasons ( Why I don't run through speed lights... the danger of self harm or hurting others).
3. Extra legal motivations. (I don't commit crimes, because my mom would be disappointed) (Friends taking your keys and stopping you from drinking and driving)

What punishment does: Adds credibility to our legal system, giving it muscle.

Major critique of the U.N is that they set strict rules but don't give big consequences.

### **Authority to punish: Set the groundwork: We have an obligation to obey the law**

If that's true, is there an obligation to punish those who break the law?

The argument by punishment scholars is that we give the authority to law makers, when we vote. The power we give to MP's is then transferred to the laws itself.

If we give an institution, the right to punish for us, like cops, courts and corrections. We recognize that we are giving them the authority to recognize an immoral act on our account.

That not only they have the right to punish, but also an obligation to punish for us.

That means when we give these institutions or groups the power to punish, and they do not punish those who commit crimes, the public is upset and in disbelief.

### **Legitimate form of authority:**

**Efficient:** Creating a group of professionals is the most effective way to deal with criminals

**Cost effective:** If we didn't give that authority up, we would have to house, feed and deal with criminals ourselves. At the end of the day its much more cost effective to pay taxes

It's a lot more efficient and cost effective to give up our right to punish, and allow professionals to do it.

**Fear:**

Even if punishment isn't super cost effective, its easy to get people to obey laws for moral, practical reasons. Another way to get people to obey the law is fear.

What we see happening, is we've perpetuated this fear which allows us to be "tough on crime" more and more harsh punishments, more people going to jails, mandatory minimums, ending the possibility of house arrest.

Inducing a fear that crime is everywhere. What is fascinating, is that Canada's crime rate has dropped steadily for 11 years. In July 2015 the crime rate is the lowest since 1969.

As of 2013, Canada's prison population has gone up exponentially. Approx. 15,000 Canadians in federal prisons today. Not including remand or provincial penitentiaries. The remand population is bigger than 15,000.

It means people are getting worse and worse sentences for a crime that previously wouldn't have received such a hard crime.

Most people on remand, cannot afford a lawyer or bail. (Some for serious crimes but most are impoverished.

We need to be careful when we use our criminal law

Anti- terror act: Inducted after 9-11, used as a way to reassure that what happened in the US wont happen in Canada. Allows for secret court hearings, the government doesn't have to disclose who or what happens. Allows wire taps to be used more liberally and effective for longer periods of time. Enforced harshly so that people don't commit terrorism acts in Canada.

Bill C-51 – This came as a response to the parliament shooting last year, these laws are responses for stopping terror acts and protecting Canadians.

Expanding C-sis power to do things without warrants, increases the possibility to detain someone, limits privacy laws, limiting freedom of speech.

It also affords greater protection to witnesses.

Ian Loder "The government creates an illusion of safety"

**Charter Protection**

Section 7: Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Section 8: Everyone has the right to be secure against unreasonable search or seizure.

Section 9: Everyone has the right not to be arbitrarily detained or imprisoned.

Section 10. Everyone has the right on arrest or detention

(a) to be informed promptly of the reasons therefor;  
(b) to retain and instruct counsel without delay and to be informed of that right; and  
(c) to have the validity of the detention determined by way of habeas corpus and to be released if the detention is not lawful.

Section 11: Any person charged with an offence has the right

(a) to be informed without unreasonable delay of the specific offence;  
(b) to be tried within a reasonable time;  
(c) not to be compelled to be a witness in proceedings against that person in respect of the offence;  
(d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal;  
(e) not to be denied reasonable bail without just cause;

Section 12: Everyone has the right not to be subjected to any cruel and unusual treatment or punishment.

Crewe article: it's an homage to another article. Psych article 1958. First time someone illuminated the intangible issues and pains of imprisonment. "What it feels like to be a prisoner" Lockdowns, solitaires and thing of that nature. According to psych (1958) Prison target to destroy a prisoners psych and breaking down their mind and soul. The idea is that if you break someone down to nothing you can rebuild them into a normal upstanding citizen.

Crewe claims the punishment should be imprisonment itself, no further punishment inside of prisons

Prisons no longer torture or inflict physical pain on prisoners, but inflict psychological punishment which can be just as bad.

Crewe comes up with 3 new types on pain for imprisonment.

Ontological insecurity. Uncertainty, left in limbo, not knowing when your being realized. Rules in prison being applied on occasion, sometimes you can shower, or not. Same with lawyers and visitation.

Psychological assessment: You don't get to define and decide who you are anymore, a prisoner might see himself as a father first, a son or a good worker. In prison all that get whipped away. All you are anymore is a bad guy, or a prisoner. Its your master status (Everything trait is ignored because of one thing) Self conception gets overwritten by the system. At least with physical torture, it was definite and swift. The new strategy "files" follow you forever, unlike a bruise.

Messy notion of self governing. The prison says you have to take responsibility for yourself. While they are telling you to take control, they take over your entire life.

# Lecture 4: Crime and Media

Media effects: Effects media has on your behaviour, idea that media influences how we act. Ex: Columbine shootings/Marilyn Manson influence. Nov 1993 the two 10 year old boys became the youngest convicted murderers (Bulger case of 2/3 year old tortured and killed). Judge suggested violent acts in Chucky film influenced children.

Media Panic: Idea that we worry about one kind of media & its influence, but what Stanley Cohen says is that as a world progresses & we get new media, we get over old form because we are worried about new form of media. Started with fear of comic books, in some places in 1930's comic books were banned. Then TV happened, we got over comics. Then video games happen, we got over TV. \*Will be on exam\*

## **MEDIA <-> Culture:**

Always be aware when something is going on 100ft around your body  
Criminal flash mobs sweeping the country, Philadelphia even passed a youth curfew.  
Miami man shot by police while eating a homeless man's corpse.  
When they did an autopsy, the police did not find any bath salts, but a little bit of marijuana.  
That happening in Miami, it had real legislative effects in Canada.  
(MDPV in anti-drug legislation)

**Sousveillance:** Activity recorded for the many to watch the few. (The inevitable trend in our tech society) (Empowering ordinary people)

**Surveillance:** The few watching the many ex: CCTV

Best known example: LA resident George Holiday, video taped police officers beating Rodney King.

The public was in outrage about this video, and started to break down on police brutality.

He suffered broken teeth, kidney damage and emotional trauma

The officers in the King case were all acquitted.

53 people killed in the King riots, over 2000 injured.

It ended when the Cali National guard was called in.

-Eric Garner

His family settled a civil suit for 5.9M\$

The police officer who put the illegal choke hold on Garner will not be arrested.  
More evidence on police brutality vs. black people

-Adam Nobody police beating – No charges because the special investigations units couldn't figure out who the offending officers were.  
Somebody wrote the wrong police ID number. So the SIU couldn't charge anyone.  
The police officer was later found and charged with the video leaking to YouTube.

## **SUPER IMPORTANT FOR MIDTERM!!!**

### **Problem frame**

Thinking about the media in the role  
Narrative or story line is easily understood and therefore likely to sell  
A problem frame, usually has a portrayal of something extraordinary. And is obviously bad.  
A problem frame is an easy digestible story  
50% of news stories death with violent crime, but violent crimes make up 6% of reported crimes.  
This is the essential factor pushing the public to believe they are in danger.  
In 1999, stats Can reported that guns were used in 3% of all violent crimes  
But 23% of crimes reported by CBC and CTV involved guns.

Stanley Cohen came up with the term **moral panic**.  
"When a condition, episode or group of person emerges to become threats to societal values.

Folk devils are targeted: Marilyn Manson "Goth" types  
Moral entrepreneurs: Groups who take lead in identifying these behaviours as deviant and in need of punishment, could be community or government.

3 Elements to create moral panic:  
Suitable enemy (Easy target) Who doesn't have a lot of power to fight back. (Young people, impoverished people, people of colour)  
-Suitable victim (We can relate to this person, see ourselves in their shoes)  
-Needs to be understood as a wide spread problem

**Grass Roots theory:** Individual people on the ground, public has concern & politicians/media

**Elite-engineered theory:** Groups create moral panic to divert attention away from more serious problem.

Ex: Woman wearing niqabs during swearing in ceremony

**Interest group theory:** Professional groups, religious organizations who act independently from media to push an issue ex: MADD.

**5 features of moral panic:**

- Concern – Something that was seen as an issue, now becomes a potential threat (Transform something into a problem)
- Hostility – Creating hostility with certain groups, races or religions.
- Consensus – Needs to be consensus among society that there is a problem, not just one group or individual. The general public needs to feel threatened.
- Disproportionate response – Most important in creating panic – Blowing it out of proportion.
- Volatility – Not a sustained panic, reaches peak and dies off.

Moral panics clearly linked with fear, more tuners for a bigger story. Media seems to ignore more common crimes ex: There are much more car thefts than terror attacks, but which gets covered more?

**The Ideal Victim:**

Racialized populations, often portrayed as criminals.

Crimes committed by racialized minorities, are much more likely to be covered in the news than crimes against coloured people

Neils Christie came up with the ideal victim term: Must have these traits:

- 1 – Weak individual in relation to the offender (We need to protect this victim) (Women, children, the elder)
- 2 – Engage in reputable activities
- 3 – Blameless (Nothing to do with the crime itself)
- 4 – The ideal enemy who committed the crime – The perpetrator must be seen as the antagonist so you can come out the protagonist
- 5 – No personal relationship between perpetrator and victim (Reasons a lot of domestic violence isnt medi

**Ideal victim ex: (Aboriginal women)**

After being realized from prison for the murder of an aboriginal woman, John Martin Crawford would rape, kill and dismember multiples aboriginal women.

He was tried in the same era as Paul Bernadino, but since his victims were native and mostly prostitutes; it did not receive the same attention.

Newspapers haven't covered the highway of tears since 2002, when Nicole hoar (25) vanished. Until that report in 2002, the police had never released the race of women. According to the native women association of Canada, most women reported missing are not sex workers.

**CSI EFFECT:**

**Forensic evidence:** Undoubtably Guilty

**No forensic evidence:** Undoubtedly Non guilty

# Lecture 5: Counting Crime

**Stats:** We know our crime rate is declining, but our incarceration rate is going up. Part of the issue with stats, are numbers are seen as the truth  
Our perspective: Maybe our results aren't as neutral as they are.

**Methodology:** How we study crime or any phenomenon. (What we do, how we investigate, how we get our data) \* Will be on EXAM\*

**Quantitative data:** Using numbers to find results in surveys (QUANTITY) Objective and neutral

**Qualitative data:** More interested in the individuals as opposed to the group. (Observational data that deals with description) What happens, who was there... ethnography.

**Mixed methods:** MM is studying a phenomenon using both Quantitative and Qualitative data. The overall understanding and the individual understanding. Giving the WHY that quant cant give us.

**Statistics:** Statistics isn't the data itself, police records aren't stats. Taking all the police records and analyzing them would become stats. Stats create aggregate (How info is combined) data.  
(Interested in what we see when we combine individuals, not the individuals themselves.

How do we measure crime?

- 1- Clear definition of crime (The criminal code) not ideal but the best system we have
- 2- Knowing when a criminal activity has occurred. (How to capture all the crimes taking place in Canada)

First form of collecting data is the UCR:

Developed in 1962 as a way to create statistics from police records (This street, on this day.. Etc..)

Each month, police departments send their records to the Canadian center for justice statistics.

Creating a uniform measurement across Canada (Consistent)

What the UCR was designed to do was to create an accurate picture of crime rates in Canada

No stats are perfect, as there are variations on how different police forces report and interpret crimes.

### **Uniform Crime Report:**

Several critiques about UCR:

1- Only captures reported crime. (Only half of the crimes are reported)

2- UCR only reports the most serious event if multiple events are reported.

#### **Plurr**

-Underage drinking

-Public Intoxication

-Theft under 5000\$

-Evading arrest

-Destruction of property over 5000\$ (**ONLY CRIME REPORTED BY THE UCR**)

3- Since the UCR is made up of just police reports, it takes into account all of the people who are found not guilty.

(Statisticians say that capturing the info at the police level is more important)

Plenty of diverse reasons people wont be found guilty.

### **Fixing the UCR:**

In 2009 we created the crime severity index. To fix problems we have with the Uniform Crime Reporting.

(The seriousness rule) Only the most severe of the offences in the event, as a way to allow for consistency.

This also inflates the perceived seriousness of our crimes

3 Categories for the Crime Severity Index –

**Violent**

**Non violent**

**Youth**

Crime severity index then decides how serious are these violent crimes, based on the kind of sentence you'd receive from that crime.

Problems the Crime Severity Index:

1- Doesn't take into account recidivism

2- Doesn't take into account remand.

3- Doesn't reflect crime funnel (Dark figure of crime) Crime

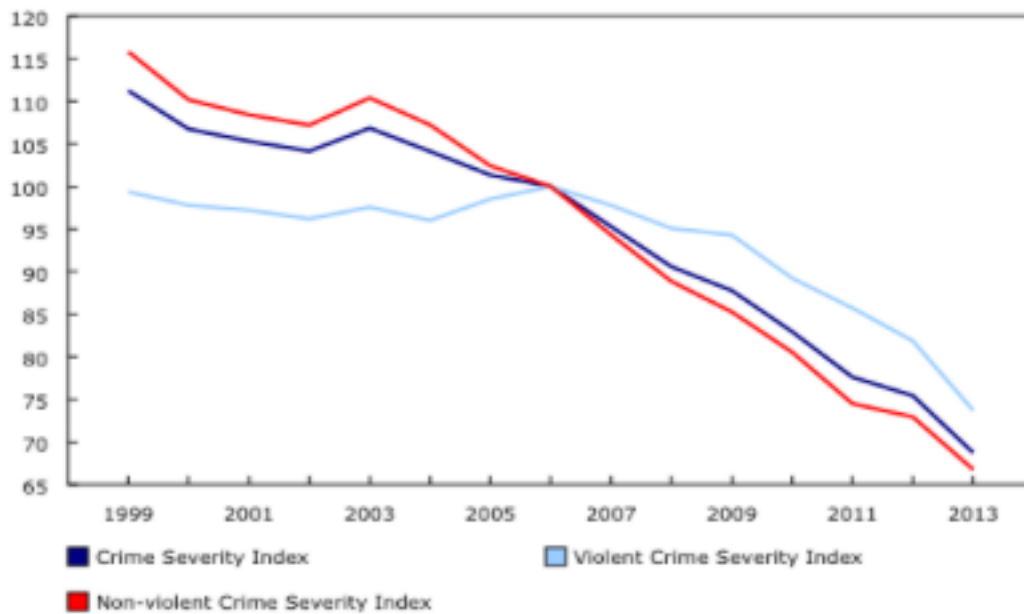
Downfall of Crime Severity Index – Crimes that aren't reported, leaving data incomplete and less accurate.

### CSI up to 2013

All of our crime rates have gone down

- Violent crimes has not fallen as steeply as other forms of crime
- Now we can see the downfall of strictly quantitative data, because we don't know why these numbers are fluctuating as they do.

Index (2006=100)



Dark figure of crime

#### Police less likely to report:

- When giving a warning
- If there is a close relationship between offender and victim

#### Police more likely to report:

- Victim is higher status
- Crackdown (Drug raids, texting and driving)

**The crime funnel:**

- 1- Someone commits a crime
- 2- Perceived activity as criminal (If my brother stole my Netflix password, and I had no knowledge of this, I wouldn't be able to perceive this as a crime.) (If grandma steals a 20\$ and I don't notice the crime was never perceived)
- 3- Report Crime (If my bike got stolen I wouldn't call the police because nothing would happen) Thus they don't receive these stats. Police are less likely to file an official report if the situation can be dealt with by a warning or confiscation. (More likely to file official report if victim is a higher social status) e.g Trudeau's house getting broken into Also more likely to file official reports during *Blitz's*.
- 4- Even if an official report is filed, it doesn't mean they will be charged. Most crimes in Canada are low level offences, usually receiving conditional discharges. e.g Breaking and entering: Approx. 640,000 every year. Meanwhile only about half get reported. Of those reports, 1/17 is formally charged. 1/56 are actually convicted of breaking and entering 1/122 receive a custody sentence.



The **second** way to get data is through victimization surveys came about as a response to the short falls of the UCR

A lot of victims don't report crimes, police also have discretion in their reports.

Statisticians invented victimization surveys to find out how many people are victims of criminal acts.

They are asked about the crime and the response by the criminal justice system and lastly whether or not the victim reported the crime. If not, why didn't they?

Also curious about their perspectives of the Criminal justice system

We invented the general social survey :

Asking many questions such as religion, social status...etc.. And part of it asks about crime.

In 2009 19 200 filled out the survey. (Phone interview that takes place in 10 provinces)  
Crime portion: Whether or not they have been a victim of a criminal act in the last 12 months.

Provides information of crimes that are not reported to police

2/3 of crimes are not reported

According to the GSS: Victims don't report crimes because they believe:

1- The crime is not important enough.

2- They don't believe the police would be able to help them and catch the criminal

3- They deal with crime in another manor (A lot of first nation communities decide to do it themselves [Vigilantism] )

Victimization survey reports that 92% of sexual assault victims don't get reported to police. (Usually for fear of revenge)

These surveys do indicate who is most likely to be a victim though.

### **Critiques:**

People may not recognize a criminal event as a crime.

Victimless crimes

Animal/Child abuse wouldn't be reported (Victim cant speak)

Those who are most likely to be victimized, would be most difficult to access for the survey.

Memory fade: Forgetting about crimes that took place, or we think it took place a lot longer than it did

Telescoping: Thinking that crimes happened more frequently then it did.

The **third** method of data collection:

Not talking to victims, but talking to perpetrators.

SRS's distribute a questionnaire to a sample of people, to ask whether or not you have committed a crime within 12 months.

In an attempt to rectify the victim surveys.

Things like drug use will show up in the self report surveys

Most of the SRS are done in high schools. Due to the fact that's its practical and guaranteed the students will be answering them

-2006 most recent self-report study, international self reported delinquency study.

The data showed: That students between grade 7-9 had engaged in a criminal activity in their lifetime. (Violence, drug dealing or property offences)

Self report studies have their own critiques:

-Those who fill out the surveys (Law abiders) are more likely to disclose their infractions than those who are routine offenders.

Bias to minor offences

Missing case issue. Individuals who are most likely committing crimes are less likely to be in school.

**Why** crime rates are being reduced:

-Reduction of popularity of crack/cocaine

-Legalization of abortion

Unpopularity of corporal punishment. (Spanking/Belts) Data shows that when children experience violence as a punishment they become violent adults

Some qualitative data trying to explain why crimes are going down

Incarceration rates are rising why crime rates are falling

Incarceration rates tell us about our system, but not much about our level of crime

The confusion comes when we associate criminal with prisoner.

Some people are more likely to be caught for crimes. Some people are more likely to be convicted than others

And some people are more likely to be sent to prison (Race/Class)

In a 1969 report, the number of convictions rose 2500% from 1901-1965 thanks to the invention of the car.

98% of summary convictions were for traffic violations.

Metis make up 4% of our population, but 23% of our prison population, 33% of our women prisoners.

First nations are 10x more likely to be incarcerated than a white person.

## Lecture 6: Criminalizing marginality

**Crimes of morality:** Those crimes that are based on an idea that we have a consensus of values. That we as a Canadian society have a common understanding of what's right and wrong.

Most crimes of morality don't have a clean victim. (Drugs, gambling) "Its really difficult to police and prosecute crimes of morality, because there is not usually a victim. Crimes of morality aren't actively brought to the attention of police.

Do Canadians have a set of values that all Canadians agree with?

**Canadian Values:** As Canadians we have a set of values in place that is pretty common among most Canadians.

**Utilitarianism:** "The greatest happiness for the greatest number" Obviously we cant ALL agree, but as long as the majority is in agreement.

Cons: Disregarding the minority, alienating those who are against

**Over criminalization:** When certain groups/activities are targeted more than others. Its over criminalization, when the act is relatively harmless.

Its considered over criminalized when the level of harm is lower than the amount of resources used to stop these acts.

### **(The harm principle)**

"You have the freedom to do whatever you want as long as your not mentally or physically harming others" The law's job is not to make sure you don't harm yourself, they are in place to ensure we don't harm others. Just because there are no direct victims, doesn't mean no one will be hurt.

Emergency shelters: Short sighted, in the moment solutions Doesn't solve the long term issues involved with homelessness

The government is perpetuating the exclusion many homeless people face.

The CJS is meant to punish those who have done wrong. How can it also help? And treat? And lead to recovery?

### **Jail as social service system:**

**Broken windows theory:** If there's a broken window, or graffiti on the wall, it shows we don't care. That the government has given up.

It encourages more serious crimes. These smaller infractions are part of a continuum that they lead to more serious stuff. Its really important to fix visual discrepancies so it doesn't spur criminal behavior

"Obviously murder and graffiti are vastly different crimes, but they are part of the same continuum. Stop one and don't allow the other.

**Criminalizing being homeless:** Nobody wants to see homeless people, so they throw them in prison to be out of sight and out of mind. Business owners don't want them anywhere around their business.

**Over-policing and over-incarceration:** Increased incarceration for the homeless, as well as people being discharged from prisons into homelessness. Numerous studies report that homeless people are more likely to commit crimes then housed individuals. A 1998 study of homeless adults in Toronto showed 75% of them had an arrest. Well over half the men had been incarcerated for minor offences <6months.

Homeless black and aboriginal use are subjected to much more chance of being targeted by police for things like loitering.

**Brought into Ontario in 1999, came into effect in 2000.**

**(2) No person shall solicit in an aggressive manner. (Predominantly a problem in Toronto with squeegee kids)**

**(3) No person shall,**

- (a) solicit a person who is using, waiting to use, or departing from an automated teller machine;
- (b) solicit a person who is using or waiting to use a pay telephone or a public toilet facility;
- (c) solicit a person who is waiting at a taxi stand or a public transit stop;
- (d) solicit a person who is in or on a public transit vehicle;
- (e) solicit a person who is in the process of getting in, out of, on or off a vehicle or who is in a parking lot; or
- (f) while on a roadway, solicit a person who is in or on a stopped, standing or parked vehicle.

(Not allowed to beg/panhandle where people are not allowed to leave) No where that people are forced to be with you (Banks, Bus stations, parking lots...)  
 Interestingly, they put a clause in this legislation that allowed for charitable donors to commit these acts.

**(4) No person shall dispose of any of the following things in an outdoor public place:**

1. A used condom.
2. A new or used hypodermic needle or syringe.
3. Broken glass

Every person who contravenes section 2, 3 or 4 is guilty of an offence and is liable,

- (a) on a first conviction, to a fine of not more than \$500; and
- (b) on each subsequent conviction, to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both

(Absolute insanity since being charged and fined makes them panhandle)

-The safe streets act is written vaguely on purpose to give officers discretion

-The laws are being used because the general pop are scared of the homeless.

**Municipal Infractions:**

Uses existing legislations such as bylaws to deal with homelessness  
 (6 tickets for squeegee you will be criminalized)

**3,735 tickets to 284 homeless individuals**

Each homeless person is receiving about 13 tickets

**Jail time for non payment:** 4 months of not paying, and you'll get jail time.

**Police discretion:** Police allowed to use discretion, and are allowed to be lenient but it doesn't always pan out well because a lot of officers target the homeless

**Deinstitutionalization**

Problems with deinstitutionalization

- Lack of resources
- Poor coordination of services
- Services did not meet people's needs

**Transcarceration:** Moving a prisoners from prison to prison in short periods of time.

# Lecture 8: Positivism and biological theories of crime

## Usefulness of theories:

**Occam's razor:** The simplest answer is usually the right answer

**Social context and the theory du jour:** Recognizing the historical and cultural environment in which they were built. Erin is a critical criminologist because she is present in 2016, she would not be critical without the civil rights movements and second and third wave feminism. At the time of some theories, they were considered groundbreaking, until proven guilty.

**Nature vs. nurture:** Biological determinism vs. Free Will  
Are you programmed or Is it your choice?

**18<sup>th</sup> Century Enlightenment:** The Enlightenment was a revolution in human thought. This new way of thinking was that rational thought begins with clearly stated principles, uses correct logic to arrive at conclusions, tests the conclusions against evidence, and then revises the principles in the light of the evidence

## Shift from demonic period:

**Reason:** People are rational thinkers

**Positivist School:** The understanding that biology and psychology are the pre eminent factors in explaining criminality! (Empirical)

Positivist look to apply science to social settings and social circumstances such as criminality

Using experiments and scientific reason to explain behaviour

Positivism come out of the mid 18<sup>th</sup> century (When we discovered evolution)

**Gregor Mendel:** The pea guy, knowing which traits pass on (Dominant and recessive)

**Darwin's Origins of Species:** Changed our notions of heredity, genetics, pre dispositions

**Italian School of Criminology: (Positivism)** Because Cesar Lombroso was studying in Italy and is known as the father the criminology (Lombroso and his folks were the first people to make it his "major")

The "**Born Criminal**": Someone is born pre-determined wether or not they will be deviant or not.

## Phrenology: The head

The shape of your head will determine whether or not you will be a criminal.

First advanced by **Frans Joseph Gall**, he was the guy behind phrenology.

The structure of your skull will determine your moral character (personality).

Phrenology is based on the false assumption that our mental faculties are located in different brain organs.

The reason Gall misunderstood is because he only ever studied dead brains. (No ultra sounds or EKG's in those days)

Since the brains were dead, Gall could not see how the brain worked and could only see the physical portions of the brain.

## Physiognomy: The face

The assessment for a persons personality based on their appearance (mostly the face)

The chart will show you who to associate with and who to avoid.

Absolutely drawn on racial lines, typical white characteristics were the good ones.

Characteristics found in racial minorities were associated with negative connotation

The **racialization** of the biological model:

Africans had facial features that made them seem less stabilized

Jews had characteristics that made them seem deceitful

## Lombroso's atavistic man:

Lombroso is unique because he created a scientific understanding of why these things were happening.

He suggested these features were not coincidences, that they were evolutionary throwbacks.

Characteristics we thought we got rid of, but they have returned because evolution screwed up.

Most studies were done on those locked behind bars and post mortem.

**Homo delinquents:** Separate species from humans

Features of these individuals

-Sloping forehead

-Ears of unusual size

-Large lips

- Asymmetry of the face
- Protruding jaw
- Excessive arm lengths
- Asymmetry to the cranium
- Strongly developed jaw
- Strongly developed cheeks
- Left handedness
- Curly hair
- Other physiological defects like a third nipple or six fingers

"Only we whites have achieved the most perfect symmetry in the forms of the body, possessing a true musical art. And have proclaimed the freedom of state (only whites can run a country) and procured the liberty of thought (Only white people have the faculties to reason)".

The cause of crime is genetic

Lombroso:

"Born criminals programmed to do harm are **atavistic** reproductions of not only savage men, but also the most ferocious carnivores or rodents, these animals are not members of our species, but they are of the species of blood thirsty beasts."

## Sheldon's somatotypes:

### **Endomorph:**

Physically round and they are typified as a barrel of fun (Wide hips and narrow shoulders) Psych: Sociable, fun loving, even tempered, good humoured and relaxed. They love comfort and a high need for affection

**Mesomorph:** Most desirable body, large head, broad shoulder, muscular, very little body fat, aggressive, assertive, risk takers, competitive, dominant

**Ectomorph:** Narrow, thin face, abdomen, hips and legs, little body fat, self conscious, introvert, shy, socially anxious, emotionally restrained. (HOMER)

### **Critiques of the Positivist school of thought.**

**No assessment of environmental factors:** Doesn't look into your upbringing, nowadays your social situation gets analyzed and they look at how social factors play into your social disposition

Genetic predisposition is not certainty. (Your genetic code is not the sole influencing factor)

**No contextualization of 'feeble-mindedness':** Unable to recognize that a lot of people did not have access to education, illiteracy does not make you stupid, it just means you have not had equal opportunities.

**Criminalizing poverty:** Many vagrants were put into prisons and asylums. Their crime was: Being poor. Lombroso studied the incarcerated, and thought he was studying criminals, but he was really studying poverty.

**Tautological:** Cyclical: "is an unnecessary repetition of meaning, using multiple words to effectively say the same thing (often originally from different languages)".

**Twin Studies:** More popular at the beginning of the 20<sup>th</sup> century were done in a way to get at how much is criminality based on your genetic code (**Nature**) and whether or not free will (**Nurture**). Really important because twins share the same genetic code, but do they behave similarly in different environments? These studies were done on identical twins, not fraternal.

If two people share the same genes, how similar they are is thought to come from their genetics.

There was a 1993 Meta analysis on twin studies by Adrian Rain – He found there was a higher concordance rate with identical twins.

#### **Dizygotic vs Monozygotic (Fraternal vs Identical)**

These studies don't take into account how your appearance will alter your experience in society.

Danish study: Looking at criminological convictions. And assessing whether their family is criminal as well. A 30% concordance rate between the biological father having a criminal record and the biological child having a criminal record/

- 30% concordance rate between biological father and child with criminal record
- 15% concordance rate between adopted parent and child criminal record
- Largely related to property crimes

Low socio economic status does not increase criminalization, but institutionalization does increase the likely hood (Foster homes...)

**Eugenics:** If you stop letting people who are characterized as degenerates reproduce, then we can eliminate these things from society!

**Sir Francis Galton (1883):** Coined the term eugenics.

#### **'Racial hygiene' : "Nazi Movement"**

Policies were put into place in Germany which required forced sterilization and the killing of many disabled and Jewish people. These were state sponsored policies, directing at "inferior people".

Eugenics was looking for a science of human improvement, how can we make the human race better? The answer: To favour the reproduction of certain types of people.

Traits such as :

Mental retardation: Illiteracy

Sexual perversion: Masturbating

Prostitution: If your parents were sex workers so would you

**Positive eugenics:**

P E: Encouraging those who are a "good stock" to reproduce, to get married to another "good stock" and then to procreate as much as possible to fill the world with good traits

**Negative eugenics:**

Stopping people from reproducing if they do not belong to these "good stock" groups

Limiting the capacity and opportunity for procreating.

As well as marriage prohibition (Two races cannot marry)

Segregation laws (White fountains, back of the bus)

**Sexual Sterilization:**

Alberta sterilization laws 1928-1972: A eugenics board would decide whether or not someone would be subjected to involuntary sexual sterilization, in most cases they did not even know they were being sterilized.

Most were aboriginal since they were deemed as "mentally defective". A doctor in Ontario wrote in 1920 "Every mental defective is a potential criminal" "It is impossible to calculate how much one deviant woman can harm a community since she will produce evil children.

Eugenicist used the economic argument to legitimize what they were doing. "The cost of incarceration and caring for their children.. Etc..." The cost the government would have to pay would be too much, and that sterilization is a cost reduction measure.

British Columbia sterilization laws 1933-1973:

"It is impossible to calculate what even one feeble-minded woman may cost the public, when her vast possibilities for evil as a producer of paupers and criminals, through an endless line of descendants are considered" (Dr. Helen MacMurphy, 1920)

**Leilani Muir**

First person to sue the Alberta Gov. against their sterilization acts. She was abused and mistreated by a poor family her whole young life. She was institutionalized for mentally defective children. This school gave up to a fifth grade education, but since she was 11 she received no education. Leilani was given an IQ test, which she scored low on. For which she was brought to a eugenics board which deemed her "a mentally defective moron" based on her score.

She was told she had to go for surgery to get her appendix removed, but she was sterilized. She then tried to have a child, but since she couldn't she went to a fertility clinic. The ultrasound said she was "torn to shreds" and he didn't understand how she

was still alive. When she was an adult, she took another IQ test and was deemed with normal intelligence.

Positivist school in the 21<sup>st</sup> century

'Designer babies':

Next phase in the eugenics movement.

China's "One child policy".

**California sterilization practices:**

California became the third state in the United States to enact a sterilization law. By 1921, California had accounted for 80% of the sterilizations nationwide. This continued until World War II, after which the number of sterilizations began to decrease, largely due to the fallout of Hitler's eugenics movement. There were about 20,000 forced sterilizations in California between 1909 and 1963.

## Lecture 9: Psychological and choice theories

**Criminology paradims:**

**Criminologies of everyday life:** The idea that criminal opportunities happen everywhere, we aer all potential criminals. Criminality has less to do with morality and more on how we've constructed our society. Putting mechanisms in place to ensure its harder to commit crimes.

**Criminology of the other:** This focus's on the terrible criminals of the world. People who are committing crimes are dangerous, we need to be protected from them. Garland uses the word "monsters". We characterize these dangerous others are different from us.

(Its on these two typologies that we will look at the individual behind crime).

### Crime choice theories:

#### Cost/Benefit analysis

**Classical School of Criminology:** Crime choice theories is the height of classical school. We are all rational beings and we make the choice whether or not we want to be a criminal.

Nature vs. Nurture (Crime choice theory falls under Nurture) "Cost benefit analysis" that decides which category we fall under (Criminal or citizen) As long as we make it advantageous to commit crimes, we can eliminate criminality.

**Deterrence:** The mainstay of why our punishment system exists as it is. (How do we convince someone to not commit a crime)

2 types: General and specific

**Specific:** What do we do to the individual to not commit crimes anymore (Incarceration)

**General:** How do we get everyone to be law abiding citizens (Mandatory minimum sentences)

Beccaria pushed the notion of deterrence

3 criteria for deterrence to work:

**Swift** (The punishment needs to come right after the crime is committed) {Pee stains from dogs}

**Certain** (If individuals aren't certain they will be punished, they will be more likely to commit acts)

**Severe** (Proportionate) Beccaria "The punishment needs to be just barely more severe than the crime, so people still buy into the laws, but won't commit the crime".

#### **Intangible costs/benefits:**

Crime choice theorists "When people are deciding whether or not to commit a crime, they have to take into account these intangible costs and benefits."

When people weight benefits ex: Adrenaline rush, simulate with peers (I have a flip phone and want an iPhone)

Cost, ex: Calling your mom to bail you out of jail

#### **Utility maximization – perception:**

When people make rational choices, they aren't always taking everything into account. Utility maximization if making sure to get the most "bang for your buck".

#### **The criminal career:**

4 Stages in a career where you are deciding whether or not your going to become a criminal:

##### **1) Initial involvement**

(Hanging out with the rough kids, and you start talking about stealing liquor) (Or its not fair all I have is an iPhone)

(Weighing the pros and cons)

##### **2) The criminal event**

In the moment, you can decide wether or not you will commit the crime and in the moment you are making a rational choice

##### **3) Continuing involvement**

Do I want to continue my criminal event? Or do I stop.

##### **4) Desistance**

Desisting from crime (Stopping from committing crime, at some point they stop.)

#### **Developmental and life-course criminology (DLC)**

Relatively new perspective that looks at difference risk factors (IQ level, delinquent peers, poverty, impulsive)

Youth are the highest risk of engaging in crime

Small percentage of all crime is from career criminals

DLC's idea is those who don't grow out of crime, do so because of neurological deficits.

### **The criminal career:**

The idea is: Most crimes happen between 15-25 and steep declines after that  
Most people stop committing crime because they are older, getting tired and its just not worth it anymore.

Why do people stop committing crime with age?

-Having money

-Physically unable

-Families at home

-Consequences are more severe as an adult

-Too much to lose (Lose apartment)

-Losing the thrill

-Stop caring what your friends think

### **3 conditions that spur criminal activity**

**A potential offender:** Someone who is looking to commit a crime, may be more likely to be an offender. (Given the right circumstances we could all be potential offenders)

Somebody who is living in poverty and cant afford food is more likely to steal food.

### **A suitable target:**

Needs a situation that is tempting (Wallet being left on table) (Being in a store and the only clerk goes into the back for awhile.

### **Absence of a capable guardian:**

Somebody is watching you, so you wont do it.

It can be informal, such as your peers sitting in class.

T.A's were the guardians from stopping you from cheating

Or formal guardians: Police, security cams...

These categories impact the number and types of crime being committed

### **Crime opportunity theory:**

The broad notion that the crimes of criminal opportunity in our society is directly linked to the amount of crime in our society

If we have a society that is good at preventing crime, we can eliminate crime completely.

### **Situational crime prevention theory:**

'Designing out' crime

We need to design our cities to minimize or eliminate crime.

5 main ways to develop Situational crime prevention

\*FINAL EXAM\*

**1) Increase effort needed to commit a crime**

(Locks on doors) (Car alarms) (The way packaging is created [Hard plastic to protect items]) (Pins on credit cards)

**2) Increase risks of committing crime**

Tough on crime comes in (Harsher penalties) (Mandatory minimums) Making the cons bigger than the pros

**3) Reduce rewards**

(Stealing an iPhone is great, but if there's a password your screwed)

**4) Reduce provocations**

Reducing situations where people are emotional which leads them to engage them in criminal activity. (Classical music on Rideau street to reduce aggression) (In prison they separate gang members) reducing further assaults behind bars

**5) Remove excuses**

Removing any legitimization for why you committed a crime. Making signs more visible At christmas they indicted operation "red nose" Someone will drive you, and someone else will drive your car home".

**Psychological approaches to crime:**

**Binet's IQ test (1904)**

**-Goddard and eugenics:** Binet developed the IQ test, to find out why some of his students excelled in school and why some did not. That way he could focus on certain students.

It came from a benevolent place but did not stay that way. The test then started being used in the eugenics movements to figure out who should/shouldn't reproduce.

Goddard translated the IQ test into English, and spearheaded the use onto new immigrants in the US. Goddard influenced the use of the IQ test for new immigrants as a conditional exception of their citizenship. In the 20<sup>th</sup> century, scholars believed that low intelligence contributed to factors to make you commit crimes.

**Race and IQ/feble-mindedness**

**-Herrnstein and Murray (1994)**

Stories of immigrants coming to the US, being handed tests immediately.

**Flaws:**

Tests written in English

Cultural differences made it harder for coloured people to take the test

Quality of life on boats (People were on boats for weeks and immediately given a test, but were tired and sick)

Studies showed that 80% of immigrants were "feeble minded".

Herrnstein and Murray believed that race = criminality since visible minorities scored poorly on their IQ tests.

**Freud – psychoanalysis**

**-Id:** Your internal drive & impulsivity (I want) [Devil on your shoulder]

**-Superego:** Something that would say "You cant steal that iPhone because you're a better person than that" (morality) [Angel on your shoulder]

-**Ego**: The reality principle [Balance between the devil and angel]  
If your Id is overdeveloped or superego is underdeveloped you're more likely to be a criminal

### **Classical conditioning**

#### **-Pavlov's dog**

In society we are conditioned to exhibit appropriate civilized reactions and we learn what is civilized (right/wrong) unconsciously by linking a stimulant with an event.

Eysenck's personality traits: (Our personality dictates how susceptible we are to this type of conditioning) [How many times the bell must be rung to drool without steak]

Extroversion – Level of activity, how social and outgoing you are. (Enjoy risk taking activities which is associated with crime).

Neuroticism – How emotionally unstable we are, how prone we are to overeating.

Psychoticism - Our level of aggression or our lack of empathy (Psychopath)

Those of us who rank high in these 3 traits, are harder to socialize and harder to condition

People who have an unresponsive nervous system, need more stimulus to receive satisfaction.

**Operant conditioning** – behaviourism (Reinforcement after the behaviour) Developed by B.F

Skinner. (Similar to choice theory)

Internal reward and punishment

Operant conditioning leads up to social learning theory

### **Social Learning Theory:**

#### **Behaviour is learned:**

We don't have to be rewarded or punished to learn the lesson. We can learn as a third party watching others (Siblings..Peers)

**Modelling:** Monkey see monkey do

**Bobo the clown:** An experiment where a model would beat an inflatable clown in front of a group of children, and observed whether the children would follow suit. Studies showed that children were more likely to attack bobo the clown, if they saw the aggressive attack first. But kids who were not shown the beating of the clown would just play without the clown.

Andrews and Bonta

Personal, interpersonal communal reinforcement theory.

The Big 4

**Anti-social attitudes** – Having negative attitudes about society

**Anti-social associates** – Having out with the "wrong crowd"

**Anti-social behaviour** – Engaging in deviant activities \*

**Anti-social personality** – Being someone who doesn't thrive in social situations. \*

Other variables:

- 5) Impulsive
- 6) Self centred
- 7) Callus towards others
- 8) Seeks excitement
- 9) Self gratifying pleasure
- 10) Anti social supports
- 11) Anti social thinking

(All of these traits fall under nature not nurture) even though Andrews and Bonta do recognize that the social environment will contribute, but is not of direct relation. (They believe nurture has some impact but not a lot)

Anxiety and self esteem do not play roles in who is a criminal

## Cognitive behaviour theory:

### Rehabilitation in prison:

Programs in prison for rehabilitation sure as AA.

The most common rehab program is CBT (Cognitive behavioural therapy)

Attempts to change the thinking patterns that go along with being a criminal. Allows you to be aware of your negative thinking, so you can respond to situations in more positive ways.

\*Not tested\*

CBT is very popular for a few reasons:

It focuses on the individual, so we don't have to change society. Its all the criminal's fault.

(Easier to blame convict then to change social inequalities

Works well with group therapy, so it's a lot cheaper and more efficient than individual therapy such as psychoanalysis

CBT takes months, usually 3. So you can offer quick therapy relative to psychoanalysis which takes years.

Also the CO's can be treating patients with CPT therapy. Which is terrible since there is no trust between prisoners and CO's.

### Distorted thinking patterns:

**Risk assessment:** Assessing inmates before release to evaluate if they are a threat to society.

# Lecture 10: Sociological theories of crime

Influencers of sociological criminology:

(The most popular explanations for crime)

**Durkheim** was the **Father** of sociological theories of crime

Was the first person to push that criminality isn't biologically derived and he rejected feeble mindedness

Considered that it's society producing criminality, rather than the individuals being prone to criminality

Consensus perspective: We can all get along (Shared values) - **Durkheim** believed in structuralism

Durkheim argued society can work well as long as we have appropriate tools to integrate and regulate communities

Durkheim said as we move to industrial revolution we move towards organic solidarity from mechanical solidarity.

**Integration:** the Shared collective beliefs we have can bring us together

**Regulation:** Laws and rules in place to compel people to be on board.

**Structural functionalism:** (How societies maintain stability over time)

Why aren't people always rioting?

Mechanical and organic solidarity:

Mechanic: All the same batch (Religion, ethnicity, beliefs)

Organic: Our dependence on each other (Farmers, construction workers...)

Durkheim says that even crime has a function in our society

"We need crime to check our values" (Crime acts as a way to check and see if we still agree with it)

(Crime creates solidarity among to good guys)

"Maybe some criminal actions are a normal response to our social conditions.

Maybe it isn't demonic or pathological, maybe it's a response to to the we live in (Strain theory)

"If crime was pathological, wouldn't we have evolved out of crime?"

**Anomie:** Social instability resulting from a breakdown of standards and values; also : personal unrest, alienation, and uncertainty that comes from a lack of purpose or ideals.

**Symbolic Interactionism:** Comes from the Chicago school (ChiU Socio dept)

Analyses society by addressing the subjective meanings that people impose on objects, events and behaviour.

The world is socially constructed, we have made the world what it is by the meaning we give to the world.

Race and gender are socially constructed, and how we mediate our lives based on social constructions.

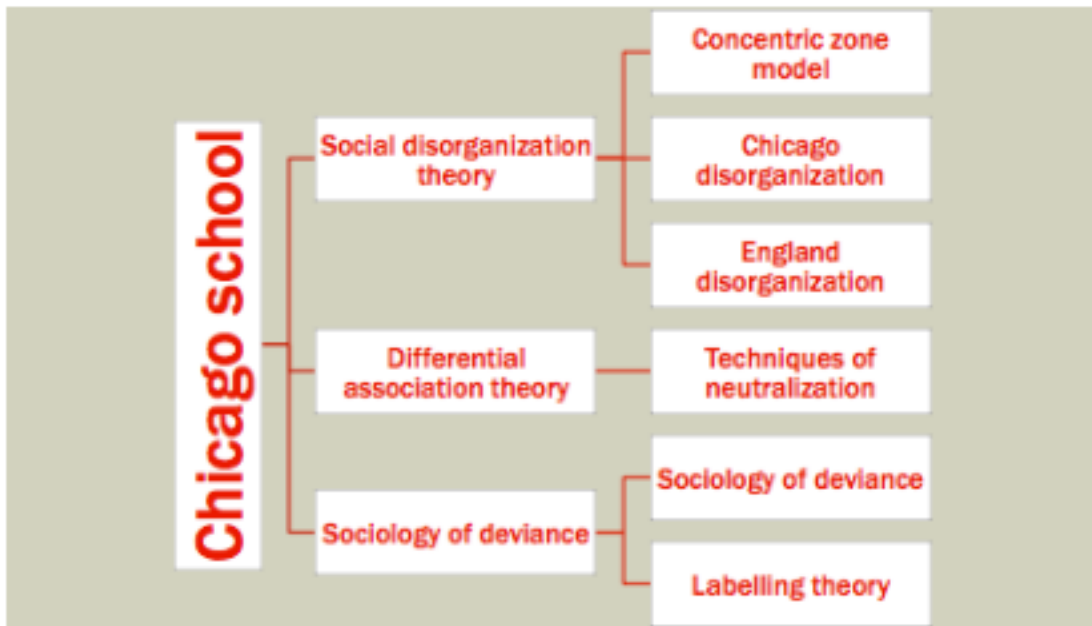
Whether or not women are more maternal, we have as a society said women are good with kids,

**The Chicago School:** The best of the best sociological alumni came from the University of Chicago

**Stigma:** Stigma changes how you perceive yourself, and how others perceive and interact with you.

Someone with visible disabilities would have been treated very differently based on their perceive disability

Someone with an invisible disability would try to hide it from others to not be treated differently.

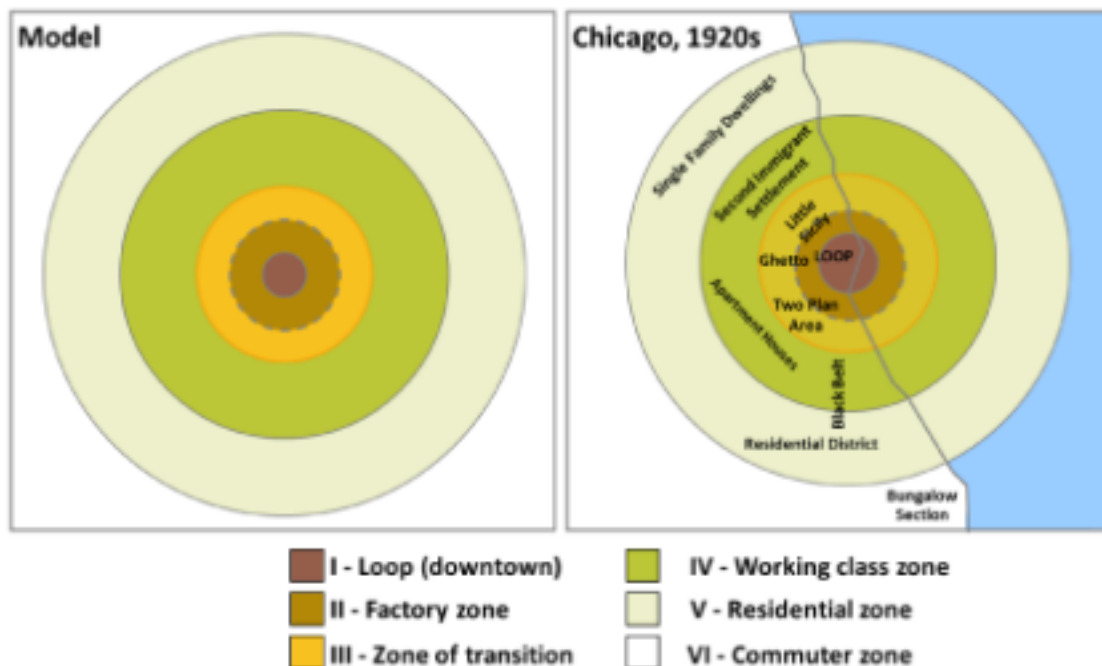


**Social disorganization theory:**

Chicago school is known for studying from an **ecological** (how different organisms rely on each other) perspective and from **ethnographic** research.

**Ecological:** How does someone's environment impact their actions?  
How our environment impacts what we do.

**Ethnographic:** Going out into the field (Going to prisons, shelters & slums).  
Being in the field and seeing what's going on. Has value



Shifting demographics, industrialization, immigration:  
Social Disorganization Theory:

**Concentric Zone Model:**

Park and Burgess drew a graph based on what they saw in their city.  
With 5 zones

**Social disorganization theory:**

Shaw and McKay- Chicago:

Took the ecology model to figure out where crime is happening.

Wanted to explain why we see most crime in the zone & transition.

Except for **in the loop** as you move further out there is less and less crimes.

They invented 5 criteria for social disorganization:

- Poverty
- Over crowding
- Ethnic and cultural diversity
- Instability
- Broken homes

This is why we see more crime in the zone & transition

(Less informal social control in the Z&T)

- less communication between neighbours
- Less community activities
- Schools tend to be underfunded.
- This had led to youth getting involved in gangs

**Sampson and Groves** – England:

In 1989, they took up Shaw and McKay's theory.

Proving it works in the UK, solidated the theory (Doesn't just apply in Chicago)

3 more factors that mediate these 5 criteria

-Fewer local friendships

-Unsupervised teenagers

-Low organizational participation

All leading to a lack of social cohesion amongst neighbours.

## **Concentric Zone Model:**

1-[Loop] Business centres

2- [Zone of transition] Low income housing, shelters (Cheapest rent, single occupancy rooms)

3-[Zone of working men's home] Working men's zone (Factory workers would live there)

4- [Residential Zone] Residential zones (Town houses)

5- [Suburbs/Commuters] Commuters zone (Suburbs)

### **Social Disorganization in Chicago**

Shaw and McKay (1930s-40s)

**5 characteristics of social disorganization:**

1) Poverty

2) Overcrowding

3) Ethnic/cultural diversity

4) Instability

5) Broken homes

-Lack of informal social controls

### **Social disorganization in England:**

Sampson and Groves (1989):

Shaw and McKay's 5 characteristics of social disorganization AND:

-Few local friendships

-Unsupervised teenagers

-Low organizational participation

This led to a lack of collective efficacy:

### **Differential association theory:**

-Criminal behaviour is learned

-We learn criminal activity by the way we interact with each other

-When we are learning, it's not only learning the techniques (picking a lock) it's also learning the attitudes and motivation that go along with it (Rationalization)

**Edwin Sutherland** (1930s): Founder of American Criminology

He brought Durkheim's idea's to North America (Maybe crime is learned, not pathological)

- 1) Criminal behaviour is **learned**
- 2) Learned through **interactions** with others
- 3) Learning **techniques** and **motives**

### **Rejecting biological determinism:**

Similar to Aker's social learning theory:

Aker's took the theory and twisted it a little and renamed it Social Learning Theory.

-When behaviour is positively enforced your more likely to do it

Akers was bringing together the 2 models

## **Techniques of neutralization:**

Sykes and Matza (1957):

- 1) **Deny responsibility** (Either I didn't do it, or I didn't have a choice)
- 2) **Deny injury** (Nothing bad happened)
- 3) **Deny the victim** ( Acknowledging that harm has happened, but saying it's the victim's fault)
- 4) **Condemn condemners** (Yes I did it, but can you believe the person who ratted me out?)
- 5) **Higher loyalties** ( Higher principles that superseded the law) (Gangs, beating children)

Sykes and Matza expanding on Sutherland's idea. That criminality is learned. (Focused on #3, Learning techniques and motives)

## **Sociology of deviance:**

Erikson (1960s):

### **Deviance as relative:**

Across space (countries): What is legal in Canada but criminalized elsewhere. (Same sex marriage)

Across time: Something that was once illegal, but will no longer be criminalized. (Suicide, alcohol)

Deviance in utopian societies: Erikson believed we could still find something to find deviant

-Society needs Us vs. Them

## **Labelling theory:**

Howard Becker (1963): Father of labelling theory

Some groups as deviant, some as social problems. It's the social reactions that make something criminal, there is nothing inately criminal.

"Deviant behaviour is behaviour that people so label":

**Master status:** "Being a criminal trumps all other identities"

Lemert – secondary deviance: Internalize the concept that you are a deviant. (Self fulfilling prophecy)

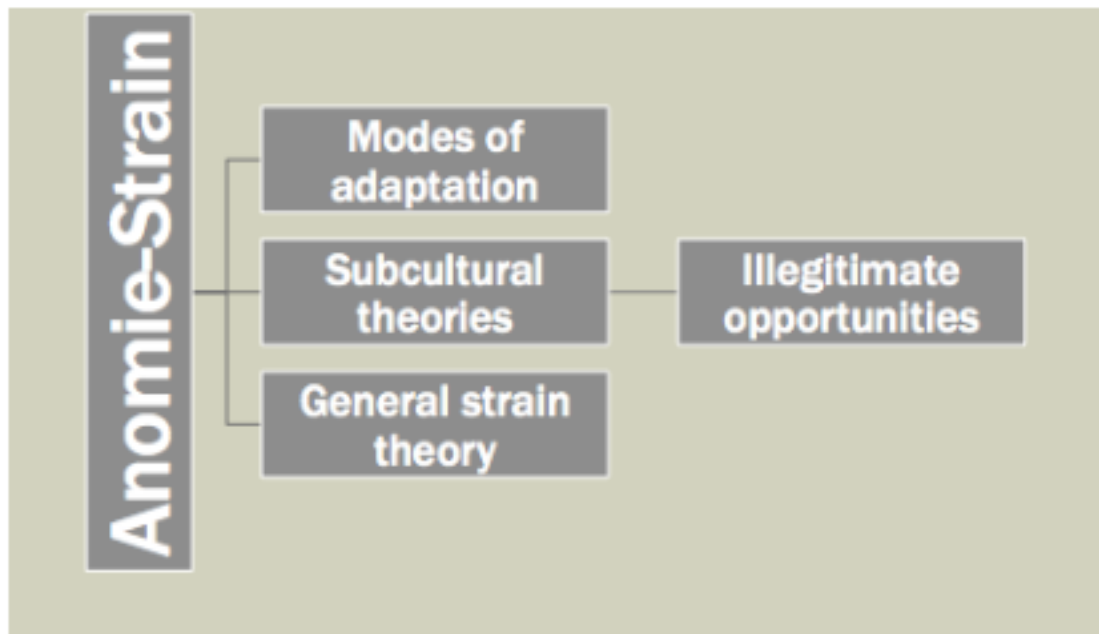
## Anomie-strain theory: Hopelessness

Durkheim did a suicide study in 1897. he observed that suicides were less frequent when an individual was closely integrated into the community. Those people who lack strong social identification

Making you more susceptible to suicide

What Durkheim was trying to get at, was that suicide can be explained by social forces.

Durkheim was interested in studying suicide at the social level. Not individual cases.



Means ≠ Goals:

Used Durkheim's structural perspective to observe how the accumulation of wealth, being successful in work, and our means to achieve these goals, having employment opportunities.

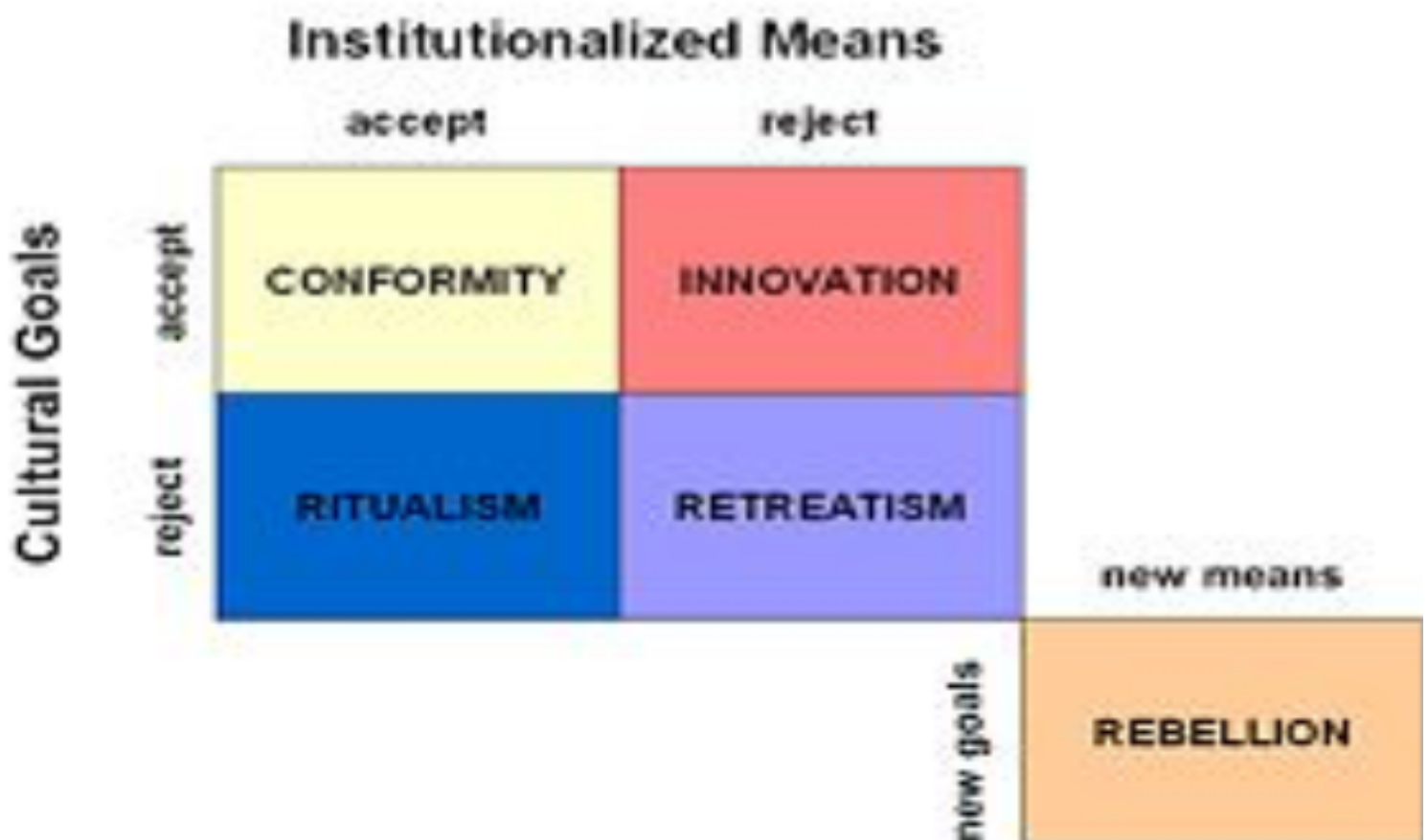
Anomie happens when society happens without constraint.

Anomie happens when our goals become so wild that we only focus on ourselves, to the detriment of other people. \*ON EXAM\*

## Merton's strain theory

- 1- Conform and accept means to do it
- 2- Innovation and agree with goals but reject normalized ways to do it (Sex work, drug dealing)
- 3- Ritualism, no hope but you keep doing the means (Never going to have a home, never paying debt)
- 4- Retreatism, not buying into goals or norms. (Giving up)
- 5- Rebellion, radicalism, making new means and goals. (Living on a commune)

## Robert K. Merton's Deviance Typology



**Sub culture theory:**

Social disorganization: + Strain theory: + Differential association theory: = Cultural transmission theory: The idea that subcultures develop, in socially disorganized places their own means and values to achieve their goals. And then teach these values and goals to other members of the subculture. Criminal activity comes from spending time with.

## **Illegitimate opportunity structure:**

(Clifford and Olan)

**Criminal subculture:** Gangs (Drug/Prostitution rings) Higharchy, purposeful, goals

**Conflict subculture:** Not nearly as professionalized or organized as the mafia. More to do with the sub culture engages in violence and fighting. Usually disorganized

**Retreatist Subculture:** Haven't succeeded in a legit or illegitimate sub culture, so your turn to drugs/alcohol.

## **General strain theory:**

Agnew (1985): If we create subcultures, because of the lack the means. Why do all these middle class whites engage in crimes?

-Strain among all social classes

Young people experience different strain: Young people don't have the same goals as adults, their means to achieve their goals may not be attainable even with wealth. More to do with physical appearance/popularity  
Teens have less control over their lives, that's where they feel strain

## **Social control theory: Crime comes from a breakdown of informal social control**

**Social Bond theory:**

&

**Interactional theory:**

Breakdown of informal social controls: The lack of informal social control lead to youth crime because there is a breakdown of society.

**Durkheim:** integration, regulation:

Without these forces of integration, we need regulation. This is where things become criminalized.

## **Social Bond Theory:**

Hirschi (1969): Father of social bond theory

Took Durkheim's idea that social consensus is integral to social order

Elements to a social bond:

Attachment: Parents, friends, teachers, coaches.

Commitment: after school programs (Football, dance)

Involvement: Time taken up by activities.

Belief: Belief in laws, and general social norms

General theory of crime: Lack of self control: Criminality isn't in your genes. But you didn't develop self control as a child

## **Interactional theory:**

**Thornberry** (1980s):

Social learning theory + social bond theory = interactional theory

Bonds  $\longleftrightarrow$  Learning

If you have fewer social bonds, you will spend time with delinquent peers. And you will then learn delinquent behaviour from delinquent peers.

What are the two theories that make up interactional theory?

Who developed it?

# **Lecture 11: Critical criminology**

## **Conflict theory:**

A Marxist-based social theory which argues that individuals and groups (social classes) within society have differing amounts of material and non-material resources (such as the wealthy vs. the poor) and that the more powerful groups use their power in order to exploit groups with less power.

**Systematic oppression:** Is the systematic mistreatment of people within a social identity group, supported and enforced by the society and its institutions, solely based on the person's membership in the social identity group.

Power imbalance  
'Othering'

Relationship to public criminology

Social construction of crime

**The punitive turn:**

**Canada becomes 'tough on crime'**

in the 1970s – Despite psychological forms of treatment, crime rate was going up

The government made a move from rehabilitation to retribution

*Safe Streets and Communities Act (2012)*

Mandatory minimums  
Record suspension (pardons)

**The prison industrial complex**

(PIC) is a term we use to describe the overlapping interests of government and industry that use surveillance, policing, and imprisonment as solutions to what are, in actuality, economic, social, and political "problems."

**Profiting off punishment**

**Marxism** is a method of socioeconomic analysis, originating from the mid-to-late 19th century works of German philosophers Karl Marx and Friedrich Engels, that analyzes class relations and societal conflict using a materialist interpretation of historical development and a dialectical view of social transformation.

Marx & Engels (1848) *Communist Manifesto*

Collective ownership  
Classless society

Bourgeoisie vs proletariat

Bourgeoisie are those who are rich and powerful

Proletariat is the working class

Power/status comes from exploitation

"There must be something rotten in the very core of a social system which increases in crime even more rapidly than in numbers" (Marx)

3 principles of Marxism:  
Economy dictates society  
Crime comes from capitalism  
Eliminate capitalism = eliminate crime

Critiques of Marxism:  
Ignores reality of communism  
Capitalism and interpersonal crime  
Crime exists where there is no private ownership  
Homogenizing (treats everyone the same)

### **Feminist criminology**

#### **Patriarchy**

-Our society are dominated by men, patriarchy suggest that even women hold down other women.

Feminists would say: Gender disparity is the root of inequality in society  
1<sup>st</sup> wave was the right to vote and hold property (Being a person as well)  
Feminist criminology was born from 2<sup>nd</sup> wave feminism: Paired with civil rights movement

#### **Women's liberation = crime**

Debunked  
Most criminalized women are young, poor, uneducated and unskilled (Charged with things like shoplifting and welfare fraud)  
Indication on social status, not criminal deviance.

Feminization, criminalization of poverty

Changing the law

#### **Rape shield law (1992)**

Before the law came into effect, the sexual history of a victim could be used extensively in a criminal case.

This law prevented sexual history from being used in a court.

Limited the defendants ability to question sexual history

Refers to the law that doesn't allow publication of rape victim's trial

#### **Battered women syndrome (Lavalley 1990)**

BWS – Came about through the Lavallee case, she had beaten her many times and almost taken her life on multiple occasions. They were having a house party, and he threatened to kill her. So she then, in turn killed him.

\*Short answer question\*

### **Critical race theory:**

Emerged around the same time as second wave feminist and the civil rights movement.  
(Systematic oppression)

The enforcement of law is not subjective

Racialization is the process in which categories of the population are constructed, differentiated, made to feel inferior and excluded.

**Post-colonial theory:** All about the anguish of the colonized who have to deal with the aftermath of colonization.

### **The law is not colour blind:**

Systematic oppression is in place, to the point that even if the judges and police officers are not racist, the crime stats will come out that way.

### **Racialization of the criminal justice system:**

Most obviously with the misrepresentation of aboriginal people

Black Canadians are over represented in our prison systems

Someone aboriginal will receive a harsher penalty than the white person, and wait longer for parole. (All for the same crime)

### **Disproportionate representation of Aboriginal people:**

Socio economic exploitation of the first peoples has long term consequences

What happened in (1630) still has effects to this day

-Residential schools are an example of this

### **Example: Carding:**

Practice of random information checks

Police will stop people (Usually young and coloured) randomly and asking for information

### **Sociology of deviance – Erikson**

**(We always find something to exclude people about)**

Left realism

### **Critical but practical/realistic:**

While social class and racism obviously have effects on young black men in the US.

Gangs also do really bad things

### **Solutions to crime through crime prevention**

**Crime in Western societies:**

**Relative deprivation**

**Subculture**

**Marginalization**

**Critique: Maintain the current, oppressive system of power**

**How can we acknowledge systematic oppression, then forget about it?**

Post-structuralism/post-modernism

The social construction of society

Example: Judith Butler – the social construction of gender

Not founded in any innate reality

Invented by social conditions and our environment

Butler and other argue there is room to resist and negotiate these cultural constructs

No stepping outside of the system

Foucault – power is everywhere

Resistance and negotiation

Restorative justice is about creating understanding

The goal is to bring insight, rather than find out who is guilty and who isn't

The more understanding we have of each other, the less we want to suffer internally.

**Peace-making criminology**

**Restorative justice**

Bringing insight

Tangible and intangible harm on victim and community

Focus on harms

(For the most part only deal with non-violent crimes)

**Co-optation**

**Abolition**

Incarceration as last resort:

**Abolition minimalist:**

Only those who are incredibly dangerous need to be incarcerated

**Radical abolitionists:**

Throwing out the prison system all together, the system will always be

**Abolition**

Our current criminal justice system:

Provides protection from the dangerous few but 'protects' us from many more  
Reinforces status barriers (us vs. them)  
Provides us with pseudo-security

Abolition minimalists  
Radical abolitionism

# Lecture 12: White collar crime

**Defining white collar crime:**

**Sutherland (1939):** "Crime committed by a person of respectability and high social status in the course of his occupation"  
"Generally encompasses non violent crime in commercial situations for financial gain"

**Moving beyond street crime:** White collar crime can be a lot more devastating than a simple assault

**Seriousness of white-collar crime:**

10x more deaths, personal injuries and financial losses than individual crimes combined  
The potential harms can be much more significant in the long term.

**Features of white-collar crime****1) Position of power:**

People who have access to other people's money who engage in white collar crime.

**2) Work place:**

Most WCC occur in the workplace, in regards to your job.

**3) Complex economic knowledge:**

Must have pre-existing knowledge of stock market to be able to commit said acts

**4) Large-scale victimization:**

As opposed to a simple assault, WCC usually affect hundreds or thousands of people.

### 5) Non-violent:

WCC is non violent, causes economic harm, not physical. (An abuse of trust)

#### Types of white-collar crime:

**Fraud:** Deliberate deception for unlawful gain (False charities, identity theft, fishing scams)

**Money laundering:** Making "dirty money" look clean. Disguises the source of money, so that you can't tell it came from criminal activity. Must be done or else the money cannot be used

**Bribery:** Ex. FIFA (Illegally forcing a person, government to do something through a bribe)

**Embezzlement:** Misappropriate funds, that were given to somebody in a position of trust. Embezzlement requires that somebody in a POT is in position of someone else's property, somehow hid it, or converted it into their own use. Embezzlement requires they did this intentionally to permanently take away from the owner. Examples: Kickbacks

**Tax evasion:** Example: Panama Papers

Tax evasion is illegally circumventing the system to avoid paying taxes.

**Price fixing: Ex. Hoffman-LaRoche** (Was discovered by one of its employees to be price fixing vitamins)

Another example: (Oil companies work together to agree on a higher price than what the product is actually worth)

Notoriously difficult to detect and lay charges on

#### Corporate crime

Committed by a company rather than an individual; corporate interests

Types:

##### Environmental law

Ex. Sydney Tar Ponds; Hundreds of thousands of carcinogens were dumped into the ponds near the town of Sydney. An investigation into the Sydney Tar Ponds showed that Sydney steel worker had 6x the average of national cancer rates.

Reed Paper discharged 9000g's of mercury into surrounding water systems. Despite the 1970 federal dumping ban, it continued for years. It devastated neighbouring NATIVE reserves. Dozens of Mercury poisoning cases. The ON gov had to physically move people away from the water ways. Not a single successful penalty was laid against Reed employees.

(Violating environmental law) Also know as Green criminology

### **Health and Safety breaches**

Westray mine disaster (Corporate employees ignored unsafe working conditions to avoid spending extra money for safety precautions)

In 2004 the federal gov changes to the *Criminal Code* holding individuals/managers responsible

Managers have a duty to prevent harms to their employees

### **Corporate social responsibility:**

CSR's suggest corporations should pursue higher standards in a country.

Paypal announced that they were drawing from North Carolina, they had been planning on building a headquarters. Until a law was passed that you are allowed to discriminate against LBGT.

Georgia almost passed the same laws, until corporations threatened to withdraw programs from the state (Superbowl, movie filming)

# **EXAM**

This exam only covers weeks 7-12.

Nothing on the midterm is testable

Worth 45% of our marks (40 multiple choice, 4-5 Short answer and 1 long answer)  
(Highlight each sub question in long answer to ensure highlighting all points)

Theories in textbooks that are not mentioned in class will not be tested.

\*Colonel Russel William 2 Pager\*

No dates on the exam

Names are important