

I. Intro to Crim. Sys. and Crime

A. Criminal Justice Sys.

1. Comprised of institutions, policies, practices with the goal of maintaining social control through sanctions and rehabilitation

B. What is the Crim. Sys.

1. Laws define that crime represents a small portion of the legal field a large web of obstacles

2. Primary components of the crim. sys.

- a) Law enforcement
 - (1) Investigate and apprehend ind.'s to have them committed
- b) Courts
 - (1) Interpret and apply standing laws in said cases
- c) Corrections
 - (1) Involves incarceration in jails and prison
 - (2) In other cases it involves supervision (parole)

3. Size of the sys.

- a) More than 6.8 million ind.'s are in the sys. at the end of 2014
 - (1) This corresponds to 1/36 adults in the USA
- b) Jails
 - (1) Local facilities managed by cities and counties
 - (2) Hold both convicted ind.'s and those yet to be tried
 - (3) Detain people who can't make bail
- c) Probation
 - (1) Sentence that delays full-time incarceration
 - (2) Most common form of sanction in the USA
 - (3) People who get this usually have served time yet
- d) Parole
 - (1) People place on this were just released from prison
 - (2) Ind.'s who are on this abide a set of rules
 - (a) Failure to comply often means returning to prison

4. Gender, Race, Hispanic Origin in the Sys.

- a) 890 men:65 women ratio in who's imprisoned (2014 stat.)
- b) Some personal characteristics are associated with harsher punishment
- c) < 2% of murderers receive the death penalty

5. Cost of the sys.

- a) Employs 2.4 million people
- b) Annual cost of \$212 billion
- c) Every US citizen paid around \$670 to help the crim. sys.

C. How does the sys. work?

1. Road Map

- a) Crime begins when it reaches the attention of law enforcement
 - (1) In many instances crime isn't reported
 - (a) 46% of violent crimes get reported
 - (b) 37% of property crimes get reported

- (c) 61% of robbery is reported
 - (i) 29% of property theft is reported
 - (ii) 83% of motor vehicle theft is reported
- (2) Once alerted the law enforcement officers/group determine whether or not a crime has occurred
 - (a) Attempts are made to identify and apprehend(if necessary) the offenders
- b) Evidence is gathered and presented to a prosecutor
 - (1) The prosecutor determines whether or not formal charges will be filed
 - (a) If charges are filed then a plea bargain or trial may begin
- c) Then the accused is put before a judge and they are informed of the accused's crimes
 - (1) Guilt can be established here or a public defender may be appointed
 - (2) The judge can issue bail her as well
- d) Next is an arraignment
 - (1) The charges are read and the defendant pleads guilty or not
 - (a) Defendant can also plea nolo contendere; accepts penalty but does not accept guilt
- e) After the arraignment the judge may accept the plea or continue
 - (1) Some opt for trial by judge and others trial by jury
- f) Once the trial ensues the 2 sides present reasons/evidence while the judge rules on the legal issues
 - (1) The end of a trial either a conviction or acquittal is reached
 - (a) The punishment of a conviction varies greatly
 - (i) Longer punishments are held in prison and shorter punishments are held in jails

2. The Victim

- a) They assume many roles and do many things
 - (1) First they get any medical attention needed
 - (2) Next can vary from being a witness to learning what will happen to the offender

D. Crime and Liberties

1. A strong relationship exists between increased criminalization of behavior greater loss of freedoms
 - a) In order to ensure the greater good legislation is required to prohibit certain behaviors
 - (1) Constitutional freedoms ensure inalienable rights
 - (a) Legal controversies over said rights are common and often depend on whether a stricter interpretation is needed
2. Judicial activism is said to occur when decisions are influenced by personal or political underpinnings

- a) Judicial activism refers to any deviation from the literal meaning of the Constitution

E. What is Crime?

1. Most common answer is defined as breaking the law, where doing said action(s) prescribes punishment of some sort
 - a) What constitutes a crime can also depend on who comes said crime and what they commit
2. **Street Crime**
 - a) These crimes are relatively common and serious
 - (1) Often have/involve a victim and offender who come together in space and time
 - (a) 40% of males and 64% of females are reported to of known the offender(s)
 - (2) Include things like:
 - (a) Murder
 - (b) Rape
 - (c) Robbery
 - (d) Assault
 - (3) Most street crimes do not involve deadly weapons and are unlikely to lead to injury/death
3. **Property Crime**
 - a) The most commons forms are:
 - (1) Burglary
 - (2) Larceny
 - (a) Most common form
 - (3) Motor vehicle theft
 - (a) Least common form
 - b) Vastly more common than street crimes
4. **Victimless Crimes**
 - a) Involve illegal behavior that doesn't directly affect another ind.
 - (1) Common ex.'s:
 - (a) Prostitution
 - (b) Drug use
 - (c) Gambling
 - b) Most of these are still controversial
5. **White-collar crimes**
 - a) Affects more people than street and property crimes combined
 - b) Defined by Edwin Sutherland as:
 - (1) Crime committed by a person of respectability and high social status through their said occupation
 - c) These are often considered white-collar crimes:
 - (1) Bribery
 - (2) Fraud
 - (a) Security
 - (b) Mortgage

- (c) Bank
- (d) Medical
- (e) Fiduciary
- (f) Religious

- (3) Ponzi schemes
- (4) Misuse of pension funds
- (5) Unsafe products
- (6) Violations of public trusts
- (7) Insider trading
- (8) Price fixing
- (9) Toxic dumping

d) Committed by more men than women

6. Cybercrime

a) Defined as illegal activity committed by use of computers or computer networks

(1) Examples include:

- (a) Network intrusions
- (b) Viruses
- (c) Email scams
- (d) Identity theft
- (e) Stalking
- (f) Bullying
- (g) Fraud
- (h) Theft of service
- (i) Online gambling
- (j) Trade secrets theft
- (k) Security fraud
- (l) Child pornography

b) Overlaps with terrorist attacks on occasion

7. Terrorism

a) Defined as the threatened use of coercion or violence against a pop. w/ a religious/political/ideological goal(s)

b) Committed usually by extremists and is premeditated

c) Targets are usually non-combatants

d) Acts have a purpose of influential exposure, tend to cross-national, and seek change

e) International terrorism is on the rise

F. Changing def.'s over time

1. Mala in se

a) Behavior that is immoral and inherently wrong by nature

2. Mala prohibita

a) Behavior prohibited by law

b) Has changed over time

3. Decriminalization is the reduction/abolition of penalties associated w/ certain behaviors

4. Justifiable Homicide
 - a) Lawful and intentional killing
 - b) Has always been legal
 - c) Necessary evidence like threats are needed to classify homicides as such
 - d) Castle Doctrine and Make My Day Laws no longer require residents to retreat if threatened by intruders
5. Adultery
 - a) When 2 people, where at least 1 is married, have sex with someone who is not their spouse
6. DUI
 - a) Is becoming increasingly criminalized
 - b) Most common legal BAC is 0.08% (8 grams per 10 liters of blood)
7. Rape
 - a) Considered “mala in se”
 - b) FBI definition:
 - (1) Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim
 - (a) Attempts or assaults to commit rape are also included
 - (b) Statutory rape and incest are excluded
 - c) Can occur between married partners

G. Purpose and Perspectives

1. Crime Control
 - a) A pop. view is that the role of the sys. is to prevent crime through severe punishments
 - b) This perspective believes that all offenders are (whether violent or not):
 - (1) Greedy
 - (2) Impulsive
 - (3) Thrill-seeking
 - (4) Choose to commit crimes
 - (a) Deserved to be punished
 - c) Research indicate that though this perspective is popular it isn't:
 - (1) Economically sound
 - (2) Efficient
 - (3) Effective
 - (a) About $\frac{2}{3}$ of crimes occur after being punished
2. Rehab
 - a) This perspective asserts that the sys.'s job is to care/treat those who can't take care of themselves
 - (1) Based on the notion that crimes occur due to blocked opportunities
 - (a) In essence victims of social inequality

3. Due Process
 - a) Focuses on ensuring all people convicted are treated equally and given criminal equity
 - (1) Based off the 14th and 15th amendment
 - (a) Said clauses exist to make sure people:
 - (i) Don't get denied their freedoms
 - (ii) Prevent capricious detainment
 - (iii) Prevent inequitable use of capital punishment
 - (iv) Prevent property seizure by the gov.
4. Restorative Justice
 - a) Tries to repair convicted persons through cooperation and not punishment
 - (1) A satisfactory method of resolution is reached through a consensus
 - (a) Victims of the offender often describe how they were harmed
 - (i) Local communities are considered victims as well
 - (b) Offenders are supposed to take responsibility for said actions through the agreed upon resolution
 - b) Though not widely implemented it allows for the highest rate of victim satisfaction and offender accountability
 5. Non-intervention
 - a) Argues that sys. is to be as minimally intrusive as possible

H. Public Policy

1. The sys. reflects social control through both a consensus and conflict model
 - a) Peer pressure is considered indirect social control
2. Consensus Model
 - a) Supports the idea of a social contract
 - b) Operates on the general idea that there's some agreement about what behaviors are harmful to the majority and those that are specifically criminal
3. Conflict Model
 - a) Based on the notions of division and disparity among members of society and the ensuing power struggle
 - (1) Ideological roots to Karl Marx
 - (a) Haves and have-nots
 - (i) Those with the power to deem what is criminal exert control on those who can't

I. Crime and the Media

1. Separating the 2 is impossible
 - a) The media is dominated by stories on crime
2. Framing

- a) Defined as the packaging of criminal events to make the information clear
- 3. Infotainment
 - a) The use of editing and distortion combined with entertainment purposes
- 4. Narrowcasting
 - a) The presentation of an extremely focused view of events and info. In the media to homogenous audiences

J. Crim. Justice and Criminology

- 1. They refer to 2 disciplines
- 2. They do overlap slightly
- 3. Crim. justice refers to the sys.
- 4. Criminology refers to the study of the nature/extent/causes of criminal offending and victimization

K. Review

- 1. Crimes affects everyone indirectly or directly
- 2. Crime is not uniformly defined
- 3. The sys. is large
- 4. Not everyone agrees on the purpose(s) of the sys.
- 5. Policies established in response to crime affect every person's life

II. Nature + Extent of Crime

A. Why/How is Crime Measured

- 1. Measuring crime reveals/evaluates:
 - a) The extent + nature of crime
 - b) our societal problems
 - (1) Continued measurement can show declines or inclines
 - c) policies and their pros/cons
 - (1) A policy may be introduced to:
 - (a) Reduce crime
 - (b) Improve some aspect of the crim. Sys.
 - d) Disproportionate suffering through victimization
 - e) The ways to which researchers can find the roots of crime
- 2. The dep. of justice gathers crime data
 - a) 2 specific portions gather the data
 - (1) FBI
 - (a) Reports are found in the UCR + SHR + NIBRS
 - (2) Bureau of Jus. stat.
 - (a) Sponsors the NCVS

B. Measuring Prop. + Violent Crime

1. FBI measurements

- a) UCR is the USA's oldest national crime data collection
- b) DOJ established in 1790
- c) UCR Reports
 - (1) Launched in 1929

- (2) Used by police to accurately compare crime across jurisdiction
- (3) The IACP was tasked with the UCR before the FBI
- (4) Currently gathers reports from 17 (out of 18+) thousand law enforc. agencies
- (5) Part I Crimes
 - (a) Murder
 - (b) Manslaughter
 - (c) Rape
 - (d) Robbery
 - (e) Aggravated assault
 - (f) Burglary
 - (g) larceny/theft
 - (h) Motor vehicle theft
 - (i) Arson
 - (j) Human trafficking
- (6) Part II Crimes
 - (a) Other assaults
 - (b) Forgery
 - (c) Counterfeiting
 - (d) Fraud
 - (e) Embezzlement
 - (f) Handling stolen prop.
 - (g) Vandalism
 - (h) Possession of a weapon
 - (i) Prostitution
 - (j) Other sex offenses
 - (k) Drug abuse violations
 - (l) Gambling
 - (m) family/child offenses
 - (n) DUI's
 - (o) Liquor law violations
 - (p) Drunkenness
 - (q) Disorderly conduct
 - (r) Vagrancy
 - (s) Suspicion(s)
 - (t) Curfew
 - (u) Loitering
- d) Supplementary Homicide Reports
 - (1) Started in the 1960's by the FBI
 - (2) Used to gather detailed info. like:
 - (a) Victim's age, sex, and race
 - (b) Offender's age, sex, and race, or weapon type (optional)
 - (c) Victim-offender relationship

- (d) Circumstances
- e) National Incident-Based Reporting Sys.
 - (1) Used for gather data on non-fatal crimes
 - (2) Hierarchy Rule
 - (a) Ranks crimes in their “seriousness”
 - (b) Using this rule only the most serious crime is counted
 - (3) The NIBRS grows as the the SRS goes away on 1/1/21
 - (a) The SRS will be replaced by the NCS-X

2. BOJ stat. Measurement of crime

- a) National crime panel
 - (1) Dark figure of crime
 - (a) Crimes that fail to come to the attention of the police for any reason(s)
 - (2) Started in July of 1972 by the NCJISS
 - (3) Composed of 4 samples
 - (a) 2 from household samples
 - (i) The NCS
 - (b) 2 from commercial estab. Samples
 - (i) The CVS
 - (c) By 1976 only the NCS remained
- b) NCS
 - (1) Provides data on crimes happening to people or to households
 - (2) Provide a ratio per 1,000 persons unlike the UCR
 - (a) UCR does a ratio per 100k persons
- c) NCVS
 - (1) Is the NCS after 1991
 - (a) They changed their program’s name
 - (2) Is the nation’s primary source of against people above age 12 and against households
 - (3) Limited due to samples used and generates national estimates

C. Violent + Prop. Crime Rates/trends

1. Fatal Violence

- a) In 2014:
 - (1) 13.5k ind.’s were murdered
 - (a) Represents a 2% decrease from 2013
 - (b) Correlates to 4.5:100k persons were murdered
- b) Gender, Race, Hispanic Origin, and Murder
 - (1) An examination of victim-offender race indicates that murder is primarily intraracial
 - (a) Intraracial means w/in one’s racial group
 - (2) Boys+men are the more frequently the victims and the offenders in crime(s)

2. Non-fatal violence

- a) As of 2014 20.1 : 1,000 persons (age 12 and older) were victims of nonfatal violence
 - b) Rape + sexual assault are the least common form of nonfatal violence
 - (1) Occurs at a rate of 1.1 : 1,000 persons
 - c) Robbery occurs more than rape and sexual assault (2.5 : 1,000)
 - d) Aggravated assault is the 2nd most common form of nonfatal violence (4.1 : 1,000)
 - (1) Gender, Race, Hispanic Origin of “NFVC”
 - (a) Women + girls are more likely to be victimized by someone they know
 - (b) Most nonfatal violence is committed by armed offenders
 - (i) 71.7% of NFVC’s
 - (c) 46% of all NFVC was reported
3. Prop. Crime Rates + Trends
- a) The overall prop. crime rate was 11.8.1 : 1,000 households

D. Measuring Terrorism

- 1. The WITS was established to better understand terrorism
 - a) Established in 2004
 - b) Turned into the GTD in 2012
 - (1) The GTD includes terrorism data from 1970 to present

E. Fear/Risk of Victimization

- 1. Women fear victimization over men
 - a) The data shows that men are victimized much more however
- 2. Crime multiplier
 - a) The saturated media presentation of crime that leads to a public belief that there’s more crime than currently exists
 - b) Enhances fear of crime among the general public

F. Theory in Crim. Justice

- 1. Researchers use data to test theories
 - a) Researchers gather data to make theories
- 2. Many theories are biologically or psychologically based
 - a) Most are based on sociological perspectives and are less likely to focus on ind. Traits
- 3. Table 2.7 (Theories of Crime)**
 - a) Classical
 - (1) Crime occurs when benefits outweigh the costs and is a free-willed choice
 - b) Positivist
 - (1) Crime is caused or determined
 - c) Ind. trait
 - (1) Criminals differ from non-Criminals in a no. of bio. and psych. Traits

- d) Social disorganization
 - (1) Crime occurs in places of high poverty, heterogeneity, and residential mobility
- e) Diff. association
 - (1) Crime is learned through associations w/ crim. def.'s that approve of such conduct
- f) Anomie
 - (1) Structural strain caused by economic success and opportunity creates crime
- g) Control
 - (1) Is primarily caused by the absence of control
- h) Rational Choice
 - (1) Crime is seen as a choice that is weighed by its pros and cons
 - (a) IE: crime is a rational choice
- i) Routine Activity
 - (1) People's routines affect the likelihood that they will be targets where no guardianship is present
- j) Labeling
 - (1) Criminals become stable once labeled as such and develop the appropriate identities
 - (2) Criminals are excluded from conventional roles
- k) Critical
 - (1) Power inequality and material well-being create conditions for street and corporate crime
 - (2) The ruling class exploits the workers through labor and laws
- l) Peacemaking
 - (1) Crime is caused suffering linked to injustice from self-harm and inequality
- m) Feminist
 - (1) Crime can't be understood w/o consulting gender
 - (2) Crime is shaped by the social exp.'s of men and women
- n) Developmental
 - (1) Crime causation is a developmental process that starts before birth and continues the the "life course"
- o) Integrated
 - (1) Crime is caused by components described in a variety of theories

G. Review

1. UCR dates back to the 1800's
2. The NCS was created due to the limitations of the UCR
3. Violent + property crime are rare in the USA
 - a) prop. > violent
4. About half of violent crime is reported

5. Those w/ the highest risk fear it the least
6. The media acts as a crime multiplier
7. Due to technology new forms of crime have emerged
 - a) Our criminal measurements skills have also increased due to this

III. Criminal Justice and Law

A. Dev. of Law

1. The law on the books compared to the law in action may defy:
 - a) Logic
 - b) Fairness
 - c) Compassion

B. History of Law

1. Code of Hammurabi
 - a) Oldest known legal code
 - b) Used from 1750-1792 BC
2. Codes and edicts influence what our society views as deviant/criminal behavior
3. People in early world history often faced trial by ordeal
 - a) The outcome of this trial is determined by God protecting (or not) the person accused over a set of obstacles
4. **New Age of Reason**
 - a) Age of Enlightenment
 - (1) Era where new ways of thinking (like reforms of law) occurred
 - b) Specific deterrence
 - (1) Notion that punishment serves to deter the ind. from committing future crimes
 - c) General deterrence
 - (1) Notion that the general public will be deterred from committing crimes due to punishments for being caught
 - d) Hedonistic calculus
 - (1) A measure indicating how much pleasure an ind. Gains from a specific act
 - e) Utilitarianism
 - (1) Doctrine stating that an action is morally right as long as the behavior is for the benefit for the majority of society
 - f) Panopticon
 - (1) An architectural design that allows a single person to monitor a prison inmate w/o being noticed

C. Role + Purpose

1. Rule of law

- a) A fundamental principle the US crim. sys. that all gov. officers pledge to uphold/follow the constitution and not any particular human leader
- b) Contains four principles
 - (1) All members of the gov. are accountable under the law

- (2) Laws must be clear
- (3) Laws are followed and enforced accordingly
- (4) Access to justice is denied to no one

2. Goals

- a) Laws have 4 primary goals
 - (1) Retribution
 - (a) “Eye for an eye” principle
 - (i) Lex talionis
 - (a) Latin for “law of retribution”
 - (2) Restitution
 - (3) Rehabilitation
 - (4) Incapacitation
 - (a) Removing the offender from society protects society from further chaos

D. Sources

- 1. Common law
 - a) US legal tradition arises from this
 - b) A legal system originating from England
 - c) Sys. where courts define the law and how to apply said laws
 - (1) This is the body of law derived from judicial opinions
- 2. Constitutional Law
 - a) A source of law that establishes the fundamental rules/relationships among the jud., exec., and the leg. Branches of the US gov.

E. Types

1. Criminal Law

- a) Criminal law is divided into 2 primary areas
 - (1) Procedural
 - (a) Rules governing court proceedings
 - (2) Substantive
 - (a) Rules used to determine the rights of ind.’s + collective bodies
- b) Preemption doctrine
 - (1) Idea put forth in the constitution that the federal law is the supreme law of the the USA
- c) Case Law
 - (1) Laws that are based on previous court decisions
 - (a) Stare decisis
 - (i) Latin for let the decision stand

2. Civil Law

- a) Laws that deal w/ ind.’s or organizations disputing something
 - (1) End result is usually compensation to the harmed party

3. Administrative Law

- a) Law derived from a leg. Body’s delegation of authority over commissions/boards to regulate activities controlled by written statutes

F. Legal Def.'s

1. Elements of Crime

- a) Actus reus
 - (1) Latin for guilty act
 - (2) Used to indicate the physical act of the crime
 - (3) Usually paired w/ mens rea to show criminal liability
- b) Mens rea
 - (1) Latin for guilty mind
 - (2) Used in court to prove criminal intent
- c) Classifying Crimes
 - (1) Misdemeanor
 - (a) Less serious crime
 - (2) Wobblers
 - (a) Felonies that can become misdemeanors
 - (3) Felony
 - (a) A serious criminal offense
 - (b) Results usually in severe punishment in comparison to that of a misdemeanor

G. Criminal Defenses

1. Legal Defenses

- a) Alibi
 - (1) Claim that the defendant wasn't in the area where the crime occurred
- b) Automatism
 - (1) Mental stress resulting in criminal attitudes
- c) Consent
 - (1) Requires testimony of the victim
 - (2) Used to show that victim told them to or agreed to the offense
- d) 2x Jeopardy
 - (1) When one person is tried and acquitted they can't be tried again for the same thing
- e) Duress
 - (1) When someone is forced into doing something criminal
- f) Entrapment
 - (1) Occurs when law enforcement tricks someone into committing a criminal act
- g) Infancy
 - (1) Defense for children under the age of 7
- h) Insanity
 - (1) Defense on the basis that the person or group suffers from a mental illness and are unable to control themselves to such an extent that they can't be held accountable
- i) Intoxication

- (1) Defense on the basis that someone may become intoxicated from involuntarily/voluntarily consuming a drug(s) or alcohol
- j) Mistake of fact
 - (1) A criminal defense that attempts to limit criminal liability on the ground that the defendant operated based on an incorrect assumption of fact (rather than a criminal purpose)
- k) Necessity
 - (1) Recognized under common law
 - (2) Defense when a person is forced into a no-win scenario and must pick the lesser of the two evils “per say”
- l) Restraint
 - (1) Defense that external forces prevented them from controlling their actions
- m) Self-Defense
 - (1) A defense used when someone believes they acted to defend/protect themselves/others
- n) M’Naghten Standard
 - (1) focuses on whether a criminal defendant knew the nature of the crime or understood right from wrong at the time it was committed
- o) Durham Test
 - (1) Determines if the criminal was a product of a mental illness/disease/defect
- p) Brawner Rule
 - (1) The capacity to appreciate the difference between what is right or wrong and control your actions according to that capacity
- q) Irresistible Impulse Test
 - (1) a test encompassing not only whether defendants know right from wrong, but also whether they could control their impulses to commit wrong-doing
- r) Battered Woman Syndrome
 - (1) A criminal defense used to justify killing abusers in domestic situations despite the lack of imminent danger

H. Review

1. Developing laws takes a lengthy and complex response
2. Laws and the crim. sys. Are based on fairness and justice
3. Free will and rational choice was emphasized during the Age of Enlightenment
4. Laws have 4 primary goals
5. Crim. and civil law developed from many sources (like common law)
6. Actus rea and mens rea are important to proving a defendant committed a crime in a crim. case