

### Types of Criminology

Classical Criminology	Characterized by free choice. Punishments must be swift, certain, and severe. Came from Utilitarian philosophers that suggest we have free will and may choose to pursue law-abiding or law-breaking paths.
Positivism (late 19th century)	Inspired by new scientific discoveries such as astronomy, chemistry, and scientific method. Trying to understand external reason for crime (wealth, conflict, class, political). Biological (physiognomy - facial features, phrenology - skull and bumps) and psychological traits. Shifts in attention to brain function/personality as key to criminal behaviour.
Sociological Criminology	Another group of positivism not just concerned with biology/psychology.
Conflict Criminology	Influenced by Karl Marx, considers the most important social relationship to be between the powers of the means of production (bourgeoisie and proletariat) The exploitation of the working class is the cause of conflict. Brought challenge to the Chicago school.
Chicago School	Extension of sociological postivism, research on the social ecology of the city, critical social institutions break down in neighbourhoods with consistent high rates of poverty. Social institutions are unable to control behaviour. Studied ecology of crime: crime in the context of where a person lives, as well as socialization of crime: crime occurs where there's an absence of pro-social influence.
Early Crime/Punishment	Founded in superstition, fear of magic and black arts, satanism. Salem witch trails, if innocent God would intervene. Oath-helpers would speak on behalf of the accused. Common to punish those living outside social norms.

### Important People

Cesare Basscaria	Stated that in order for punishment not to be an act of violence, it must be public, prompt, necessary, proportionate to the crimes, and dictated by law. Studied cadavers of executed criminals, inspired criminal anthropology. Claimed that you were born a criminal and could tell if someone was a criminal based on their face/body. Criminals had primitive traits, compared criminal behaviour to mental illness.
Jeremy Bentham	Punishment systems must be graduated so that the punishment most closely matches the crime.



### Important People (cont)

Quetelet	Mathematician who began the cartographic school of criminology. Used mathematical techniques to investigate social factors that influence criminality.
Emily Durkheim	Said crime is normal and healthy, crime can result from anomie
John Hagen	3 dimensions: evaluation of social harm, level of agreement in society about the norm, and severity of social response. Conflict crimes have a high level of disagreement about the norm. Consensus crimes appear the least often.
William Sumner	Established that deviance is a violation of contextual, cultural, or social norms. Society defines what is deviant and what isn't. We make things deviant by how we react to them.

### Vocab

Criminology	Body of knowledge regarding crime. Process of making/breaking laws. Multidisciplinary approach using scientific methods.
Criminologist	Explains crime by looking at its origin, extent, and in society.
Criminal Justice Scholar	Describe/analyze work of police, courts, and corrections and how to design effective methods of crime control.
Deviance	Departs from social norms but are not criminal. (ie. speeding, jay-walking, etc.)
Crime	Violation of an explicit codified law that is enforced by gov't bodies.
Instrumental Crime	Serving a purpose (ie. stealing a blanket on a cold night)
Expressive Crime	Illegal activity serving no purpose (often violent), express frustration.
Inchoate Crime	Incomplete offenses.
Attempt	Attentional act for committing a crime that is more than mere preparation.
Conspiracy	Voluntary agreement to commit an act using means forbidden by law.
Deterrence	Preventing crimes before they occur through threat of punishment.

### Vocab (cont)

Wigmore Test	States that the communications must originate in a confidence that they will not be disclosed, benefit must be greater than the injury.
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### Elements to be Found Guilty

Actus Reus - "guilty act"
Mens Rea - "guilty mind", refers to criminal intent.
Transferred Intent: When the intentional harm of one victim unintentionally causes harm to a second victim
Strict/Absolute liability - does not require presence of Mens Rea

### Psychological Trait Theories

Psychodynamic	Unconscious personality developed in early childhood will influence behaviour for the rest of our lives. Explains early onset of crime, focuses on mental disorders, personality development, unconscious motivations, drives.
Behavioural	People commit crimes when modelling behaviour after others, explains the role of society in the crime process and how the media can influence crime/violence
Cognitive	Individual reasoning process influence behaviour. Explains why behaviour patterns change over time as we develop higher reasoning, might explain aging out. Focuses on perception and cognition.

### Support for Victims

Victim Impact Statements	Used to give victims a voice in the justice process
Victim Compensation	Vary by province
Pretrial Safety	Peace bonds, RO's, publication bans, etc.
Victim Offender Reconciliation Program	

### Age and Crime

Aging Out	Frequency of offending goes down as populations age.
Early Onset	People who are deviant at early ages are more likely to become persistent offenders. Men are more likely to commit homicide between ages 18-25, women between 25-29.
Desistance	People commit economic/drug crime beyond the age of desistance.

### Crime Trends

Age	Generally young males, ages 15-25
Race	Relationship is unclear
Indigineity	Much higher levels of victimization
Economy	Reduction in inequality associated with decreasing crime rates. Recession may reduce crime temporarily (people are too busy staying at home with kids or finding new jobs)
Social Malaise	More community wellbeing is associated with lower crime rates
Culture	Cooperative vs. Independent cultures. Cultures built around community, trust, and respect have lower crime rates.



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[cheatography.com/sarahce02/](https://cheatography.com/sarahce02/)

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### Crime Trends (cont)

Drugs	Increased drug use may affect crime (1 in 10 homicides were related to drug trafficking/conflict)
Law/Policy	"Tough on crime" approach and selective incapacitation may lower crime rates.

### Limitations of the UCR

Under-reporting of crimes
How police respond to crime
What behaviours the law considers criminal
Sensationalized coverage that impacts policy or enforcement

### Mala

Mala in Se	Rooted in core values inherent in culture. Designed to control behaviours such as inflicting harm on others, possessions belonging to others, and harming other's property.
Mala Prohibitum	Laws that reflect current public opinion and more relative social values concerned with acts that are immoral because it is illegal, not illegal because it is immoral.

### Categories of Offending

Indictable Offenses	Serious offenses, no limit to when charges can be laid, more serious punishments include life in prison, may have mandatory minimum penalties.
Summary Offenses	More minor/petty offenses (disturbing peace, loitering), 6-month limit for prosecution, max punishment is a fine and 6 months in prison.
Hybrid Offenses	Can be dealt with as summary or indictable (impaired driving)

### Criminal Stats (criminal trends)

Sociology of Law	History/origins of law and what factors influence law in society
Theory of Construction	Understanding the cause of crime rates and trends, predictive
Criminal Behaviour Systems	Nature/cause of specific crime patterns (why a crime occurs)
Penology	Correction/control of criminal behaviour, 2 groups: rehabilitation or capital punishment
Victimology	Nature/cause of victimization. Studies victims and how to help/guide them through the justice system.

### Criminal Defenses

No Actus Reus	Falsely accused, didn't do the act, seen often in wrongful conviction cases.
No Mens Rea	No intention of doing the act, lacked capacity to be held responsible, ignorance, mental disorder, intoxication (excuses)
Justification	Did it, intended to do it, but the act was justified out of necessity, duress, self-defense, or entrapment.

### Criminal Defenses (cont)

Ignorance of the Law	Not an excuse. Public is expected to be aware of the laws. Can only be used in defense cases where the government has not made the public aware of new laws.
Ignorance or Mistake of Fact	Can be used as an excuse, unaware of underlying facts. There's a burden placed on some crimes to make yourself aware of all facts before proceeding. "Consent no Defense" - a person must take all reasonable steps to ascertain a person's age before ignorance can be used in a defense where the person is under age of consent.
NGRI (not guilty by reason of insanity)	Ended in 1992. Person found NGRI could be held indefinitely, doesn't result in acquittal, can be detained in a psychiatric facility, can live in a supervised community until deemed safe to reintegrate. Must be fit to stand trial.



### Criminal Defenses (cont)

**M'Naughten Rule** An accused cannot be held legally responsible if they 1. Do not know what they are doing is wrong, 2. Cannot distinguish right from wrong.

**Self-Induced Intoxication** Can't be used for violent offenses. 2 Exceptions: 1. If someone is intoxicated by force, mistake, or under duress, they can use intoxication as a defense, 2. If specific intent is needed for the mens rea of the offense.

**Duress** In cases where an accused has been threatened by another party with death or serious bodily harm. Cannot be argued in cases where the accused does serious harm to another person to save themselves or others. Threat must be immediate, accused cannot be part of the group planning the offense.

**Necessity** The law must be broken to prevent a "greater evil." Will never justify the intentional killing of another person.

### Criminal Defenses (cont)

**Self-Defense** Just enough force as necessary to protect oneself against unprovoked assault. Can be used to justify violent crimes like murder. 2 conditions: 1. Must have reasonable belief that they are in danger and using force will prevent the harm, 2. Amount of force used must be no greater than necessary. Can be used to defend property from trespass and to defend a third party.

### Criminal Cases

**Rex v Scofield** Scofield charged with burning down a house he was renting. He was unsuccessful and argued it wasn't a crime. Court decided he was still guilty and came up with inchoate crime category.

**Kenneth Parks (automatism)** Acquitted of killing Barbara Woods. Special case because while he violated others, he did not think of doing so. He could not control his actions.

### Criminal Cases (cont)

**Morris Case** Charged with assault for grabbing his wife's neck during an altercation, was trying to stop her from jumping out of his moving vehicle.

**R v Dudley and Stephens, vs Martin Hartwell** Both cases involved cannibalism, but in Dudley and Stephens, they killed in order to survive.

**R v Lavallee** Shot her abusive partner in the head, charged with murder but acquitted due to active precipitation. Her partner told her that if she did not kill him, he would kill her.

**Elliot Rodger** Founder of incel ideology. Went on a rampage and killed 8 people, argued that he was treated poorly by women and POC, claimed his victims harmed him first. Killed himself after the rampage. Case of passive precipitation because his victims didn't actually harm him.

**Klippert v The Queen** Charged with acts of gross indecency, the crown applied to have him declared as a dangerous sexual offender who was likely to reoffend.



### Criminal Cases (cont)

R v Sharpe Sharpe was arrested in 1995 after customs discovered nudes and other sexually explicit material. Charged with 2 counts of possessing and distributing child porn but was acquitted in 1999. Court found a need for exceptions in certain cases: for material that have artistic, educational, or scientific merit, and for personal material that do not involve children.

### Social Disorganization Theory

Theory Definition Crime rates result from the ecological conditions/characteristics of neighborhoods. Highly transient, mixed-use neighbourhoods, changing/poor neighbourhoods. Residents usually try to leave at the first opportunity since its not a good place.

Transitional Neighbourhoods An area that undergoes a shift in population and structure, usually moving from middle-class residential to lower-class mixed use.

### Social Disorganization Theory (cont)

Cultural Transm-ission (sub-cultural values) The passing down of conduct norms from one generation to the next (stable and predictable over time.)

### Views of Crime

Consensus Criminal behaviour is violation of criminal law. It is not a crime unless prohibited by criminal law.

Conflict Society is in constant conflict, crime is controlled by wealth, power and position, not moral consensus. Crime is a political concept.

Interacti-onist 1) people act according to their own interpretations of reality 2) people learn meanings based on other's reactions 3) people re-evaluate their own behaviour according to other's reactions.

Crime reflects the preferences and opinions of people who impose a definition of right and wrong on the rest of society. Crimes are not inherently evil, just defined that way. Crime has no meaning unless people react to it.

### Role of the Crown

Primary Duty To ensure protection process is fair to all, evidence is presented thoroughly and accurately, and the independence and integrity of the justice process is maintained.

### Role of the Crown (cont)

Victims and the Crown Crowns are not lawyers for the victim, victims still have rights in the justice system. Victims have the right to: information, protection, participation, and restitution.

Ethical Obligations Crown: present all evidence in an impartial way. Defense: bound by code of conduct as officers of the court but act in the best interests of their client.

### Ethics

Russel Ogden Masters student at SFU, wrote thesis on euthanasia, looked at a patient who died under mysterious circumstances, believed a doctor helped their death. Police asked the student for all his research but Ogden refused as he promised confidentiality. Police took him to court and was told he needed to surrender all research to the police.

### Ethics (cont)

Brucket and Parent (Luka Magnotta) Was a murderer who killed a Concordia student and sent body parts through the mail. Police were unable to find him anywhere in Canada and launched a manhunt. A research assistant came forward and said they interviewed Magnotta 5 yrs ago, but because of confidentiality did not know which interview was his, so they had to surrender all interviews. Judge found that the interviews must be part of the Wigmore test. Judge conducted wigmore test and found that disclosing the personal info from the interviews would not help the police enough.

Power imbalances between institutions and researchers could put subjects at risk. Focus on minorities could influence public perception, leading to aggressive policing. Leads to racial bias and discrimination. Should it ever be possible to deceive subjects?

### Criminal Law

Laws against the state protecting the public from offense against social order.

-State brings the action forward

-Victim has small role in process

-Burden of proof is on the state, must be proved beyond reasonable doubt

### Civil Law

Property Law Governing transfer and ownership of property

Contract Law Personal agreements

Tort Law Personal wrongdoings and damage (civil action of someone seeking compensation for what they've faced)

Standard of Proof Balance of probabilities

### Ecology of Crime

Climate Higher rates of crime during warm summer months (people are more social, on vacation with homes unattended, teens out of school)

Temperature Homicide rates increase during heat waves.

Region Violent crime is more likely to occur in West vs. Eastern provinces. Smaller cities in Canada have higher rates of violent crime whereas big cities in US have higher violent crime.

### Precipitation

Active When victims use threats or attack first. Can be used as self-defense.

Passive When a victim unknowingly threatens or encourages the attacker.

### Victim Lifestyle Theories

Equivalent Group Hypothesis Criminals and victims are not separate groups.

Proximity Hypothesis People become crime victims because they live close to criminal populations

Deviant Place Hypothesis Crime has natural areas (poor, densely populated, etc.)

### Victim Lifestyle Theories

Equivalent Group Hypothesis Criminals and victims are not separate groups.

Hypothesis

Proximity Hypothesis People become crime victims because they live close to criminal populations

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### Strain Theory

Conformity Where individuals are embracing conventional social goals by society and are able to attain those goals.

Innovation Individual accepts goals of society but aren't able to achieve them through conventional means. Forced to adopt an innovation solution in order to meet the set goals. Might go off on their own or choose to engage in criminal behaviour as well.

Ritualism When social goals are lower in importance, don't care to achieve those goals even though they have the means to, might find new organization with new goals. Turn to religion/cults, includes pyramid schemes.

Retreatism Both rejecting goals that society has and unable to achieve those goals.

Rebellion Substitution of alternative sets of goals and means to achieve those goals. Meant to create alternative lifestyles, more radical. Example: French Revolution.