

Pre-Criminal Justice



- ❖ Definitions of Criminal Justice
- ❖ Traditional Crimes/Mala In Se
- ❖ White Collar Crimes/ Mala Prohibita
- ❖ Criminology
- ❖ Criminal Justice and Other Disciplines

Definitions of Criminal Justice

- The complex decision network devoted to the control of traditional crimes in our society
- A system that enforces traditional penal laws, the analysis of which involves describing the structural interrelationships of legislatures, appellate courts and the enforcement of other agencies in the process from arrest through adjudication, sentencing, imprisonment and release on parole.

Pre-Criminal Justice

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- Criminology
- Criminal Justice and Other Disciplines

Pre-Criminal Justice

Overview

□ Amount of Crime

6% of the population responsible for 95% of the crime
hidden criminality aka the dark figure of crime

□ Crimes

- Legal Definition
- Sociological Definition

□ Types of Societies

- Geimenschaft
- Gesellschaft

Crime Reporting Measures

- Uniform Crime Reports (FBI)
 - Index Crimes
 - Murder
 - Forcible Rape
 - Robbery
 - Aggravated Assault
 - Burglary
 - Larceny
 - Grand Theft Auto
 - Arson

Other Methods of Crime Reporting

Victim Surveys

Rape 4 times higher

Self report Delinquency

Cohort Measures

Elements of a Crime

- Act
 - Act/illegal
 - Act/punishment
- Harm
- Mens Rea
- Actus Reus
- Concurrence of mens rea and actus reus

Manner of death
accident
homicide
suicide
natural causes
indeterminate cause(s) of death

Methods of death
gunshot(s)
knifing
strangulation
indeterminate
method of death

Elements of a Crime Illustrated

- First Degree Murder
 - is the intentional killing of another human being with premeditation and deliberation, including malice forethought, without regard for the law.

Felony Murder
Rule/Complicity
Doctrine

Types of Law

- Common
- Statutory
- Case
 - Delicta
 - Felony

Sources of Authority Over the CJS

- Legislative
- Executive
- Judicial
- Administrative

Trial Court Function

Prosecutorial Function
 Nolle Prosequi
 'we will not prosecute'

Grand Jury Function

Criminal Justice System...
 or a Non-System?

PRE-CRIMINAL JUSTICE

COSTS OF CRIME
 MONETARY
 HUMAN

7 COMPONENTS OF A TRADITIONAL SYSTEM: SYSTEM CHARACTERISTICS

1. PARTS
2. PARTS MAKING UP A WHOLE - CRIMINAL JUSTICE SYSTEM

inputs POLICE outputs inputs COURTS outputs inputs CORRECTIONS outputs

feedback

3. INPUTS
 MATERIAL
 NONMATERIAL
4. PROCESS - ARREST THROUGH ADJUDICATION AND EVENTUALLY TO PAROLE
5. OUTPUTS
6. ENVIRONMENT
7. FEEDBACK
 FORMS OF;

NON SYSTEM CHARACTERISTICS
 DIFFERENT BUDGETS
 DIFFERENT AGENCIES
 DIFFERENT JURISDICTIONS
 DIFFERENTIAL CITIZEN INVOLVEMENT
 SELECTION AND PROMOTION
 TRAINING

PRE-CRIMINAL JUSTICE

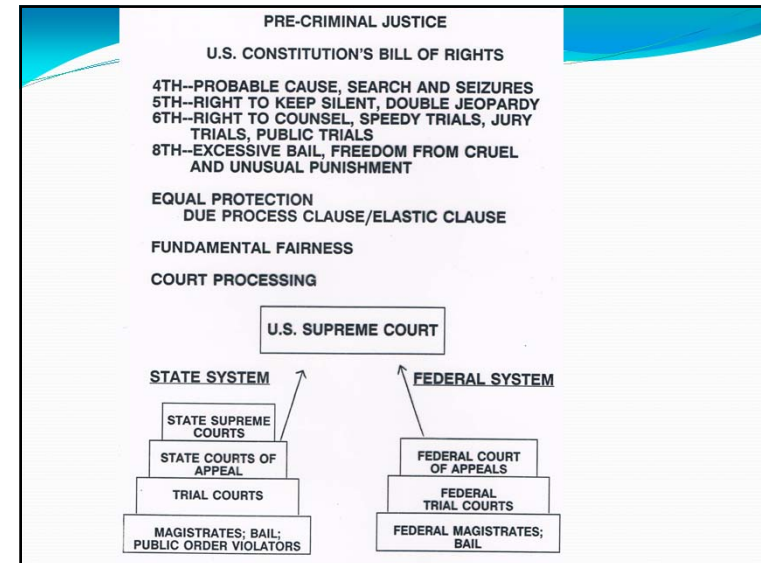
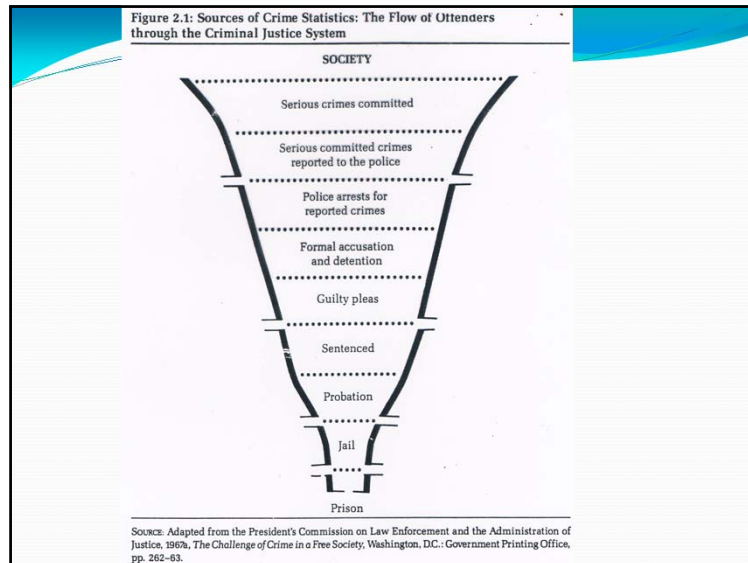
CRIMINAL JUSTICE WEDDING CAKE

CELEBRATED CASES

FELONIES/
 CRIMES OF VIOLENCE

LESS SERIOUS FELONIES

MISDEMEANORS



- Collateral attack**
- **in forma pauperis** (in the name of the pauper)
 - **Habeas Corpus** (produce the body in court)
 - **Modus Operandi** (method of committing the crime)

Criminology

A sub-concentration in Criminal Justice

Pre-Criminal Justice

- Classical School (1764)
 - Cesare Beccaria
- Positive School (1820)
 - Cesare Lombroso
- Chicago School AKA American School (1920)
 - defective
 - delinquent
 - dependent classes
 - Differential Association
 - Anomie Theory
 - Subcultural Theories
 - Drift Theories
 - Containment Theories
 - Labeling Theories
 - Radical Theories
 - Psychological Theories

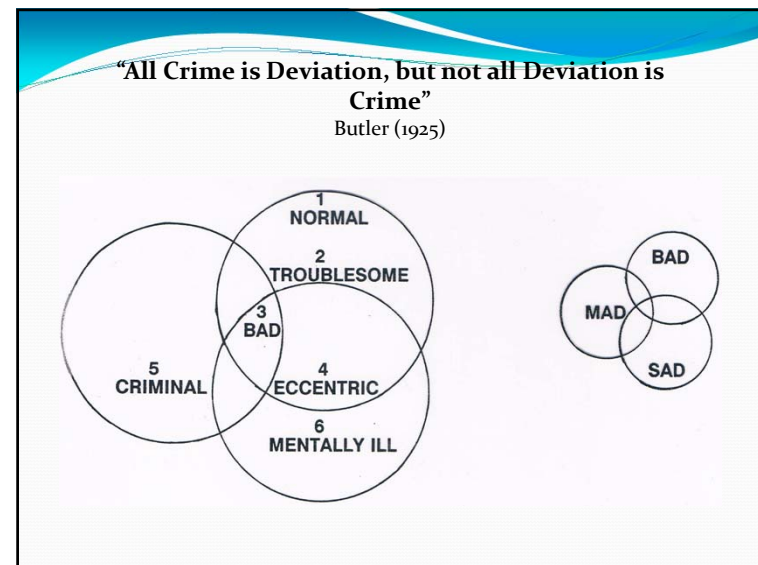
Anomie Theory (Durkheim and Merton)

	legitimate goals	positive means
Conformity	+	+
Innovation	+	-
Ritualism	-	+
Retreatism	-	-
Rebellion	-	-
	+	+

Containment theory Onion/Tulip Theory

Layers of protection surrounding child

The diagram shows a central image of a baby in a cage. Four blue horizontal ovals represent layers of protection, labeled from top to bottom: family, peer groups, education, and religion. A red arrow points upwards from the bottom oval towards the child.



Pre-Criminal Justice

Class Four

Exposure to risk, vulnerability and other interesting concepts: modern theories of victimization

- Sub concentration within Criminology
 - Victimology; the study of victims of crime
 - Examining criminal events and the role players within these events
 - Victim and offender roles
 - Implications>>the notions of harm and blameworthiness

The victim's role in a criminal event is analyzed throughout the CJ process from arrest through adjudication, sentencing and on parole.

When?
How so?

Victim Blamers versus Victim Defenders

Victim Explainers

What are the *similarities* and *differences* between being

- the victim of a violent crime
- a victim of a heart attack and the
- victim of a natural disaster?

The limitation of this classes inquiry into the study of victims is on **people and street crime**

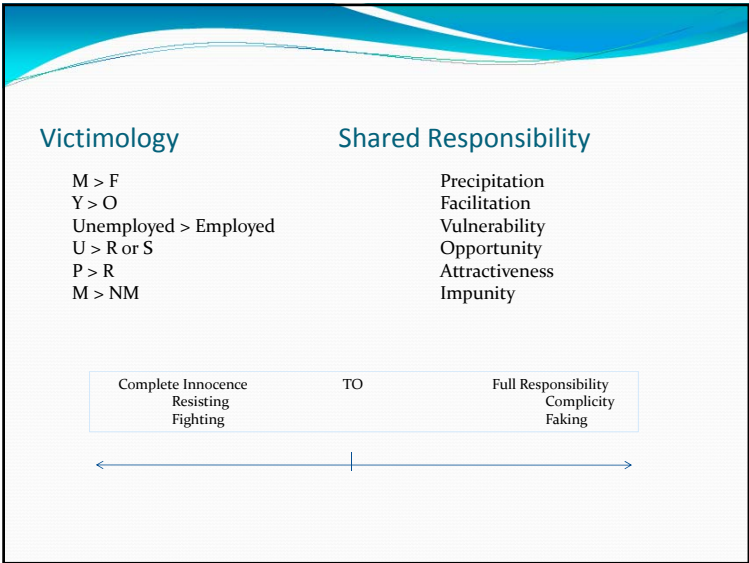
The following can be victims too:

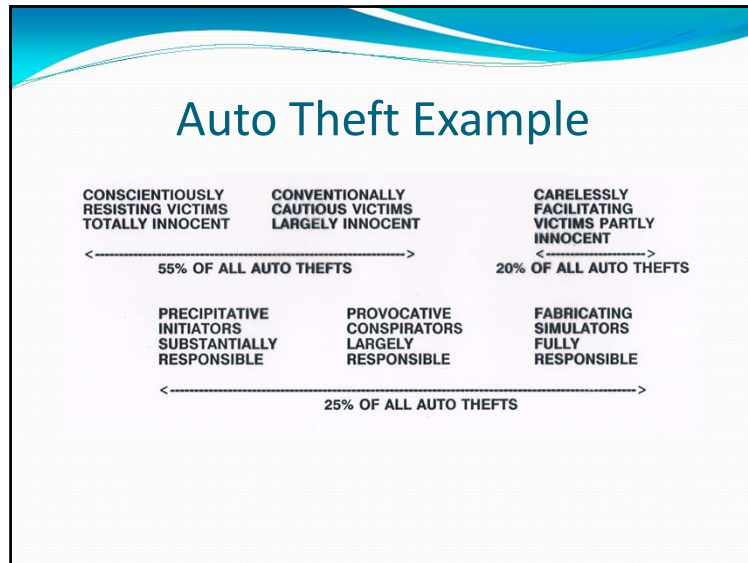
statues, river, lakes, streams of toxic waste; non-human animal cruelty and/or neglect

Throwing out a little tidbit: numbers of murders versus deaths due to unsafe working conditions.

Some people are just more victim prone than others: Instead of lowering their risk some people heighten them.

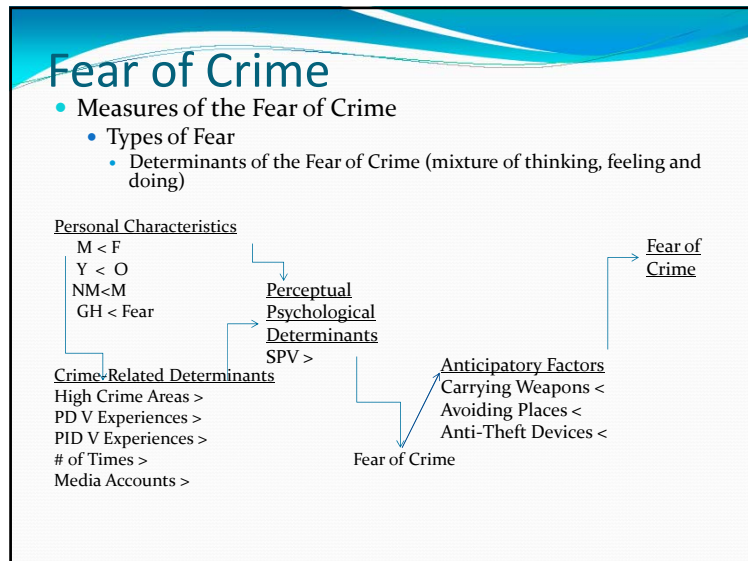
- Review of research literature on victimization (universal findings)
- Review of the **six types of cases** where victims might have played some identifiable role in their own downfall (Shared Responsibility)





Anticipation of Victimization

Perceived Risk, Fear and Behavioral Responses



Police Topic Outline

- Law Enforcement Agencies
- Early Development of Law Enforcement
- Law Enforcement in the U.S.
- The Criminal Investigator
- Police Work
- Stages of the Criminal Justice Process
 - A. Investigation
 - B. Arrest : Standard of Proof
 - C. Booking

Continued...

- Police Discretion
- Contemporary Law Enforcement Issues
 - A. Discretion
 - B. Patterns of Patrol
 - C. Aggressive Preventative Patrol
 - D. Team Policing
 - E. Special Responses to Critical Problems
 - F. Professionalization
 - G. Unionization
 - H. Use of Force
 - I. Women in Policing
 - J. Corruption
- Policing and the Fear of Crime

1: Possible Consequences of Stress for Police Officers

<u>On the Job Consequences</u>	<u>Physical and Emotional Consequences</u>	<u>Physical and Emotional Consequences</u>
Absenteeism	Alcoholism	Child Abuse
Aggressive tactics	Cancer	Child Neglect
Alienation	Depression	Divorce
Burnout	Drug Use and Abuse	Family strain
Corruption	Eating Disorders	Limited Community Involvement
Early Retirement	Excessive Drinking	Limited Hobbies
Excessive Force	Fatigues	Marital infidelity
Insubordination	Headaches	Spousal or Partner Abuse
Organization	Heart Disease	Spousal or Partner Neglect
Conflict	High Blood Pressure	

Policing

Law Enforcement

Police Topic Outline

- ❖ Law Enforcement Agencies
- ❖ Early Development in the U.S.
- ❖ The Criminal Investigator
- ❖ Police Work
- ❖ Stages of the Criminal Justice Process: Police
 - ❖ Investigation
 - ❖ Arrest : Standard of Proof
 - ❖ Booking
- ❖ Police Discretion

Police Topic Outline Continued

- ❖ Contemporary Law Enforcement Issues
 - ❖ Discretion
 - ❖ Patterns of Patrol
 - ❖ Aggressive Preventive Patrol
 - ❖ Team Policing
 - ❖ Special Responses to Critical Problems
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 - ❖ Use of Force
 - ❖ Women in Policing
 - ❖ Corruption
- ❖ Policing and the Fear of Crime

Organizational format

A **system** is simply a group of parts operating to accomplish a set of goals
 Socio-technical system
 Buffering devices

INPUTS police courts corrections **OUTPUTS**

- Purpose/Goals
- Structure
- Relationships
- Rewards
- Technology
- Leadership

Police

- ❖ Federal Police Agencies
 - ❖ Dept of Justice
 - ❖ FBI 1908-J Edgar Hoover 1924
 - ❖ Drug Enforcement Agency 1973
 - ❖ Dept of Homeland Security
 - ❖ US Border Patrol
 - ❖ Dept of Treasury
 - ❖ Secret Service 1865 now under the Dept of Homeland Security
 - ❖ ATF
 - ❖ IRS
 - ❖ Dept of State
 - ❖ CIA
 - ❖ Dept of Defense
 - ❖ National Security Agency
 - ❖ Army Navy Air force Marines
 - ❖ Coast Guard (during wartime) otherwise dept. of Transportation
- ❖ U.S. Postal Service
- ❖ Dept of Interior
- ❖ Dept of Agriculture
- ❖ Dept of Transportation
- ❖ Dept of Labor

Pre-Peelian Period (1066-1829)

- Pledge system
- Blood feud
- Tithing watch system
- One hundred/ Constable
 - Hundreds / shires / shire reeve
 - resembled counties
 - Justice of the Peace
 - London's Bow Street Runners

Modern Police Period (1829- 1960)

- Sir Robert Peel New York
- Bobbys Philadelphia
- U.S. / Hue & Cry August Vollmer
- Boston Wickersham Commission
Hollywood code of 1931

Community Service Period (1960 – present)

- Community Managers
- Civil Rights Movement

Image of the Criminal
Investigator

Police
Part 2

Organizational Diagnosis

A **system** is simply a group of parts operating to accomplish a set of goals

- Socio-technical system

INPUTS

Purpose/Goals
 Structure/Organizational Format
 Relationships
 Rewards
 Technology
 Leadership

OUTPUTS

- Police Subculture
 - Working personality
- Police Functions
- Policing Styles
 - Watchman
 - Legalistic
 - Service

Stages in the CJ Process

Investigation

- 4th Amendment
- Stop and Frisk (**Terry v. Ohio 1966**)
- Exclusionary Rule
 - **Weeks v. U.S. 1914**
 - **Mapp v. Ohio 1961**
 - **Chimel v. California 1969**
 - **Katz v. U.S. 1967**
- Electronic Eavesdropping
- Entrapment

Stages in the CJ Process

Arrest

- Probable Cause
 - **Miranda v. Arizona 1966**
 - 4th
 - 5th
 - 6th
 - Critical stages
 - **Coleman v. Alabama 1971**
- Amendments **Miranda Warning**
Gideon v. Wainwright 1963

Stages in the CJ Process

Booking

- Photographs
- Fingerprints
- McNabb v. Mallory 1943, 1957

Courts

Police Issues

Part 3

Discretion –the power to act according to one’s own judgment

- Environmental Influences
- Situational Influences

Unionization

- No Right to Strike
- Blue Flu

Professionalization

- 4 requirements of;

Police Use of Deadly Force

Fleeing Felon Rule
Tennessee v. Garner 1985

Situations when deadly force might be sanctioned

- Felony/ deadly force is used
- Substantial Imminent Risk
- To suppress a riot
- To prevent a prisoner from escaping

Women in Policing

1910

5-10%--

ideologies of why women are still hampered, not only in police work, but in the workforce generally (Adler 2009)

Police

- Freda Adler's 4 ideologies that hamper women in policing and other jobs traditionally held by men.
- Catastrophe Ideology
- Mother Ideology
- Dual role Ideology
- Housewife ideology

Corruption

Non-Feasance

Mis-Feasance

Mal-Feasance

Meat-Eaters

Grass-Eaters

Internal Control

shoo-fly squads

External Control

Policing and the Fear of Crime

Part Four

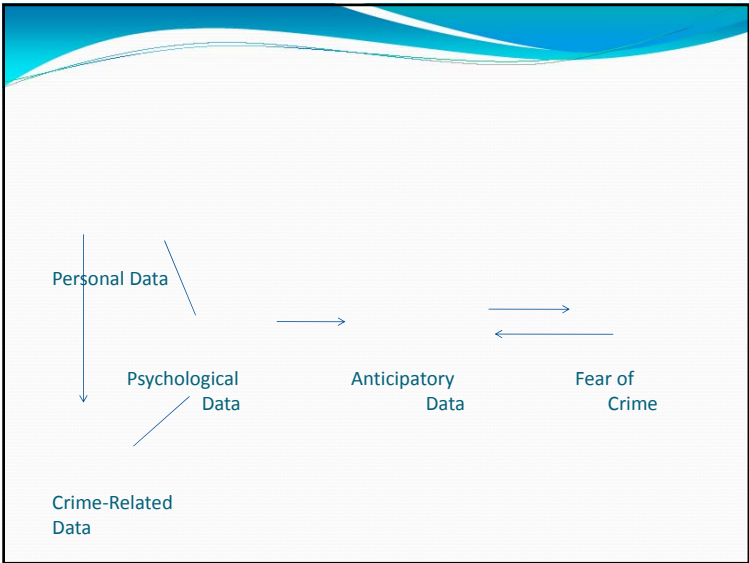
Is FEAR contagious?
 How about the fear of
 victimization?

- How does it spread?
 - Vicarious victimization
 - Reported incidents of increased crime
 - Media reports of increased crime
 - Neighborhood Incivilities/signs of crime>characteristics of physical and social decay; evidence of declining neighborhoods
- Fear of crime as a contagious disease...

Benefits of Fear

Detriments of Fear

Do the police have a responsibility
 for reducing Fear?



Unsuccessful Fear Reduction Strategies

Successful Fear Reduction Strategies

Conclusions

Courts

The Role Players

- Prosecutor / District Attorneys
 - Types of prosecutors
 - Prosecutorial discretion
- Defense Attorneys
 - Public Defender
 - Public Defender systems
 - Assigned counsel systems
 - Mixed counsel systems

Courts

The Role Players

- Judge
 - Qualifications
 - Judicial selection
- Court Reporter
- Security
- Others?

Courts

Early Court Processing

Initial appearance before a magistrate check and balance on the police

- Judicial Affirmation of Probable cause
- Bail / 8th Amendment
 - Money bail
 - Release on Own Recognizance
 - 1961 MBP
 - Federal Bail Reform Act
 - 1966
- Pre-trial detention
- Pre-trial diversion

Preliminary Hearing

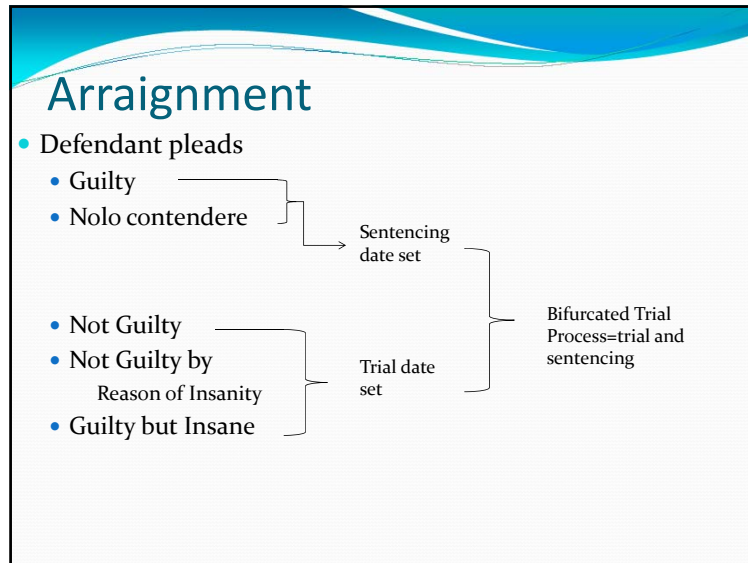
- Public
- Prima Facie (strong-weighted) evidence
- Prosecutor's Information (the report to the judge)

Grand Jury

- Secret
- Presentment (the report) and Indictment
 - True bill
 - No Bill

Plea Bargaining a deal between the prosecutor and defense attorneys

- 90%
- Types of Bargains
 - In an exchange for a guilty verdict
 - Initial charges reduced
 - Initial counts reduced
 - Recommend a lenient sentence
 - Change the negative label
 - After preliminary hearing and/or grand jury hearing has found enough strong weighted evidence/proof, the suspect becomes a defendant
- Proponents
- Opponents



Courts

The Criminal Trial

Jury Trial-rare
90% plea bargain

Let's
assume our defendant has plead
not guilty at the arraignment

Legal Rights during trial

The criminal trial is a critical stage

Self-Representation
Pro-se defendants (those who defend themselves have a fool for a client)

Speedy Trial
Right to counsel

Basic Steps of the Criminal Trial

- The Jury Trial
 - rare
 - zero sum game
- Jury selection
 - Voir dire
 - Preemptory challenges
- Opening statements
- Presentation of the prosecutor's evidence
- Motion for a directed verdict
- Presentation of evidence by the defense attorney
- Closing arguments
- Instructions to the jury / standard of proof
- Verdict (guilt beyond a reasonable doubt) / PSI/Sentence
- Determinate: a flat sentence/ Indeterminate: minimum and maximum 5 to 10 / Mandatory
- Concurrent /Consecutive
- Appeal

	Classical school	Positive school
	determinate sentencing	indeterminate sentencing
voluntary manslaughter	10	10-15
criminal confinement	5	5-10
auto theft	3	3-5
concurrent sentence	<i>max=10</i>	
consecutive sentence	<i>max=18 or 18=30</i>	

Corrections

Topic Outline

Topic Outline for Corrections

History of Corrections

- Blood Feud
- Lex Salica
- Lex Talionis

Goals of Punishment

- Classical School : Beccaria
 - Retribution
 - Deterrence
 - General
 - Specific
- Positivist School : Lombroso
 - Incapacitation
 - Rehabilitation
- Mueller's T.V. Model

History of Imprisonment

- Philadelphia System
- Auburn System

Special Category Offenders

- Serial Killers
- Mentally Ill
- Mentally Retarded
- Sexual Exploitation
- Vagrants

Prisoner/ Ex-Offender Rights ;
Prison Overcrowding

Capital Punishment

Inmate Subcultures & Coping
Strategies


Treatment Modalities in Prison

Probation / Parole

Juvenile Justice


Trends in Criminal Justice

Corrections



A cartoon illustration of a man with a large nose and a wide smile, wearing an orange jumpsuit, standing behind black vertical prison bars. The background is white with a faint watermark that says 'IMAGE envision.com'.

History of Corrections




- Personal Retaliation
- Blood Feud
- Lex Salica
- Outlawry & Exile
- Lex Talonis
Ex. 21:24
Retribution

An illustration showing three stylized faces in profile, rendered in brown and black lines. In the center, a pair of scales of justice is visible, symbolizing law and equity.

Sumerian Codes

Hammurabi Code-first quality attempt to record our laws

Penal servitude/civil death



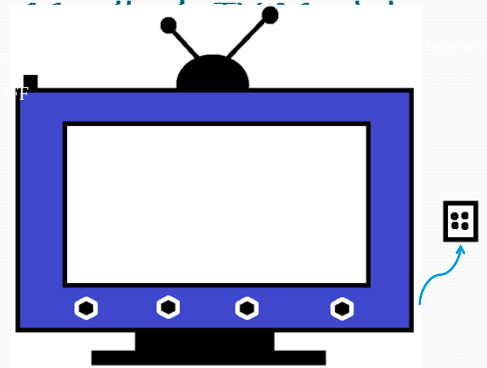
A black and white illustration of a man in a white jumpsuit, holding a large axe over his shoulder. He is standing with a neutral expression.

Goals of Punishment

- Schools of Criminological Thought
 - Classical
 - Retribution
 - Deterrence
 - General
 - Specific
 - Positive
 - Incapacitation
 - Rehabilitation
- Limitations



Corrections



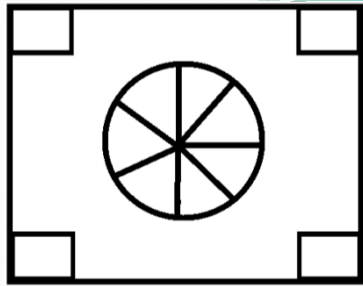
Retribution Deterrence Incapacitation
Rehabilitation

History of Imprisonment

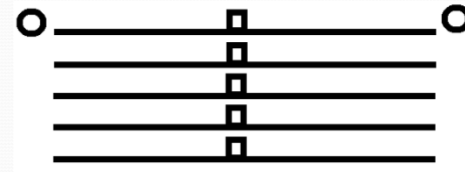
Corrections

First American Prison

The Walnut Street Jail-an old abandoned copper mine in Philadelphia, PA.
It opened in 1773



Eastern Penitentiary System (1790)
AKA Philadelphia System



New York: Auburn
system
chain gangs

- Chain Gangs
- The original purpose for operating chain gangs was to build and maintain roads. The State Highway Departments were the first to utilize convicts to work in chain gangs.
- A 3 ft chain is hooked onto ankle clamps and chained to both ankles.



Situational & Environmental Factors
Affect Behavior

Models of Prison Behavior

- Deportation / Importation Model
- Philip Zimbardo (Sociological)
- Stanley Milgram (Psychological)
- Solomon Ashe (Socio-Psychological)

- Prison Riots
 - Lock Psychosis
 - Convict Bogey
 - Walnut Street Jail
 - Attica Prison Riot
- Prison Overcrowding
 - Theories
 - Solutions
brick 'n mortar, front and back solutions

Corrections

Special Category Offenders and Offenses

Corrections

99

Special Category Offenders

2 Basic Justifications for relieving criminal responsibility

- Not guilty by reason of insanity
- Incompetent to stand trial

Guilty but Insane

Special Category Offenders

Prediction of Dangerousness:

H_1 : person is dangerous
 H_0 : person is not dangerous
 Both focus on the null hypotheses (H_0)

Alpha error (Type 1) – False positive
 Beta error (Type 2) – True Positive

99% 95% 90%--1 or 5 or 10 times out of hundred mistakes happen
 Social sciences=50% variance

Special Category Offenders

Actual Behavior

Predicted Behavior	Dangerous	Not - Dangerous
Dangerous	Dangerous (Optimal)	False Positive Type 1 error Alpha error
Not - Dangerous	True positive Type 2 error beta error	Not Dangerous (Optimal)

Non-human animals

powerless
 Can't give consent
 Can't form a group of the oppressed and overthrow the oppressors

Power is a general theme running throughout all sexual assaults

What are some animal names we use to put people down?

Non-human animals

powerless
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Power is a general theme running throughout all sexual assaults

What are some animal names we use to put people down?

Special Category Offenders

The nested ecological approach for understanding sexual assault

**Macro System Factors;
Micro System Factors; Exo-
system Factors;
Ontogenetic Factors**

Special Category Offenders

Sexual Exploitation

Exploitation most often exists in the context of:

	<u>Usual Perpetrator</u>		<u>Usual Victim</u>
Rape	male	to	female
Prison Rape	strong	to	weak
Child Sexual Abuse	adult	to	child
Incest	parent	to	child
Domestic Violence	husband	to	wife
Sexual Harassment	economically strong	to	economically weak or dependent

Special Category Offenders

All women want to be raped

No woman can be raped against her will

She was asking for it

If you are going to be raped, you might as well relax and enjoy it

Special Category Offenders

Pedophilia

1-7 males; 1-3 females be. 18
Pedophile

- Fixated, Stressed / Regressed
- Ipso Facto Homosexuality

hebephile

Incest

Types of Incestuous Relations

Special Category Offenders

Four Basic Stages of Alcoholism

The effects of alcohol use intensify as the use and abuse progresses. The National Council on Alcoholism and Drug Dependence and the American Society of Addiction Medicine recently presented a revised definition of alcoholism: **"Alcoholism is a primary, chronic disease with genetic, psychosocial and environmental factors influencing its development and manifestations. The disease is often progressive and fatal. It is characterized by impaired control over drinking, preoccupation with the drug alcohol, use of alcohol despite adverse consequences, and distortions in thinking, most notably denial..."**

Special Category Offenders

Stages of Alcoholism

- I. STAGE ONE
 - Although there may be **no outward behavioral changes caused by the casual use of alcohol**, such use can not be considered "safe" for young people. Young people are particularly susceptible to the effects of alcohol. Alcohol is considered to be a gateway drug since use and abuse of alcohol often leads young people to use other mind-altering drugs.
- II. STAGE TWO
 - This stage involves **more frequent use of alcohol as the person actively seeks the euphoric effects of a mind-altering drug. At this point, the user usually establishes a reliable source, and may add mid-week use of alcohol to previous habits of weekend use at parties.**
- III. STAGE THREE
 - In this stage, **there is intense preoccupation with the desire to experience euphoric effects. Daily drinking, depression, and thoughts of suicide are common. Family troubles increase. Problems with the law may also become evident.**
- IV. STAGE FOUR
 - Those who have reached this stage common. **Family life is a disaster, need increasing levels just to feel OK. Physical signs such as damage to the heart, liver, and brain, malnutrition, and lower resistance to pneumonia, and blackouts are**

Special Category Offenders

Domestic Violence

Growing up in an alcoholic home

- Para-alcoholics
- Child Roles: Hero, scapegoat, lost child, mascot

Signs of a Batterer

Learned Helplessness

Special Category Offenders

Learned Helplessness: Cycle of Abuse by Lenore Walker

```

    graph TD
      A[Tension Building Phase] --> B[Loving Contribute Phase]
      B --> C[Acute Battering Incidents Phase]
      C --> A
      X((X))
  
```


Special Category Offenders
Domestic Violence Crime

6 Emotional States of Victims

- Loss of Control
- Fear
- Anger
- Guilt
- Embarrassment
- Doubts about Sanity

Dependency vs. Love

Special Category Offenders

Sexual Harassment at the Workplace

- Definitions / Examples

Deliberate or repeated unsolicited verbal comments, gestures, or physical contact of a sexual nature that is considered to be unwanted or unwelcomed by the recipient

- The Merit System Study (Statistics)
- As a form of Prostitution
- Remedy

Special Category Offenders

Female Vagrants

- Definition
- Numbers
- Forces that lead to a lifestyle of vagrancy
- Modes of survival
 - Eating, Sleeping, Medical Care, Cleanliness
- Responsibility
- Types of vagrant females
- Victimization
- Fear of Crime

Special Categories of Offenders

Serial Killers

Corrections

- Nature of the Psychopath/ Sociopath / Anti-social Personality
 - has the incapacity to feel compassion
 - lacks a conscience/morally retarded /Robert Hare

Four ways someone can die:
 accident, natural causes, suicide and homicide (justified or unjustified)

Serial murderers: kill three or more people with a cooling off period in between
 mixture of fatal violence and sexual pleasure
 addiction just like heroin
 30-50 currently at large in the US
 unlike robberies and burglaries which might result in murder

Mass murder vs Serial Murder vs Spree Murder

Correlates of Serial Killing (characteristics of serial killing , their victims and perpetrators) Common characteristics

Serial Signature Sex Killers
 1% of serial killers
 commit acts on the victim that
 were far more than necessary to kill the
 victim

Actions unique to the perpetrator (his trademark)

- posing or positioning of the bodies (in public or in private)
- inserting inanimate objects into sexual orifices
- biting or cutting off breasts, stealing vaginas
- stabbing multiple times in a certain place
- dress the body up as characters

Staging
 Safe place v. dumpsite

7 Phases of Ritualistic Serial Killing

- Aura
- Trolling
- Wooing
- Capture
- Murder
- Totem
- Depression

Types of Serial Killers

- Visionary:** hears voices ordering them to commit violent acts
- Mission:** kills anyone they perceive as undesirable typically prostitutes or the homeless
- Hedonistic:** kills to receive some sort of sexual gratification from the act itself
- Power / Control:** kills because the act of murder gives them a sense of omnipotence

Notorious celebrated serial killers: John Wayne Gacy, Ted Bundy, Jeffery Dahmer, fall under the categories of Hedonistics and Power / Control

Institutional Life

Bureau of Justice Statistics
 Jail
 Prison
 Prisons are 'total institutions'
 Cycles of institutionalization

Prison Life

- Inmate Social Code (Gresham Sykes)
- Cycles of Institutionalization
 - Beginning
 - Middle
 - End

Maxims (5 unwritten rules of the inmate social code)

- Do not interfere
- No emotional displays
- Do not steal from cons
- Repay a debt
- Take care of altercations personally

Prison Life

- Prisonization
 - Donald Clemmer
- Inmate Decisions Versus the Average Citizen's Decision

What are the deprivations in prison?
 inmates cite two deprivations as being the worst

Institutional Life

- Deprivations in Prison
 - Liberty
 - Goods and Services
 - Heterosexual Relationships
 - Autonomy
 - Security

The most frustrating are:
 Liberty &
 Lack of Heterosexual relationships

Society of Captives

Gresham Sykes' *Society of Captives*
argot roles (the language of the inmate social system)

- Ecological Fallacy
- Mutually Exhaustive Categories
- Mutually Exclusive Categories

- Rat / Squealer
- Center man
- Merchant / Peddler
- Gorilla
- Weakling
- Fish
- Wolf
- Punks
- Queens / Fags
- Ball Busters
- Real Man
- Toughs
- Hipster

Inmate Roles in Prison

- Four Levels of Family
 - Friendship
 - Play Family
 - Having a Honey
 - Full-Fledged Family

system of pinning
fifes
sexual toy

Treatment Modalities in Prison

Treatment Issues

- Group Treatment (most common)
- Reality Theory
 - William Glasser
- Transactional Analysis
 - Eric Berne
 - Parent
 - Child
 - Adult

- B. F. Skinner
Behavior Modification
- Sigmund Freud
Psychoanalysis

Vocational and Educational Programs

- Work Release**
- Advantages
 - Disadvantages
- Conjugal Visits**
- Advantages
 - Disadvantages
- Prison Industries**

**Offender /
ex-offender rights**

Corrections



Prisoner's Rights (Wolf v. McDonnell 1974)

- Hands off doctrine
- Writ of Habeas Corpus
- Johnson v. Avery (1969)
 - Jail house lawyers
- Visitation—
 - Keistering
 - Shanks
- Media
- Mail
- Religion
- Medical Treatment
 - Estelle v. Gamble
 - Civil action 1983



Ex-Offender Rights

- Collateral Consequences (results of a criminal conviction)
 - Stigma
 - Time lag
- Civil Rights
 - Voting
 - Holding Public Office
 - Serving on Juries
 - Testifying
 - Contracts
- Restricted Trades
- Nullifying the Conviction
 - Executive Clemency
 - Amnesty
 - Reprieve
 - Commutation

Probation / Parole

Corrections

Probation

- History
 - Benefit of clergy
 - Psalms 51 test
 - John Augustus
- Different Meanings of Probation
 - Sentence
 - Status
 - Organization

Probation

- Philosophy
- Conditions of:
 - Treatment
 - Security

Probation

- Officer Styles (Senna & Siegel)

9	(1,9) Social Worker								(9,9) Team Player	
8										
7										
6										
5				(5,5) Traditionalist						
4										
3										
2										
1	(1,1) Civil Servant								(9,1) Rule Enforcer	
0										
		1	2	3	4	5	6	7	8	9
		Concern for Society								

Probation

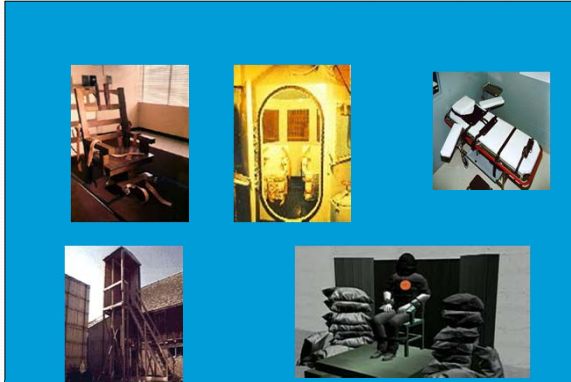
- PSI
- Probation Revocation
 - Mempha v. Rhay
 - (1967)

Parole

- Definition
- Decision making factors
- Parole Officer styles
 - Punitive officer
 - Protective agent (Ohlin, Piven, Pappanport)
 - Welfare worker
 - Political opportunist

Parole

- Parole Revocation
 - Morrissey v. Brewer
 - (1972)
- Abolish Parole? (VonHirsch and Hanrahan)
 - Just Deserts AKA Commensurate Deserts
 - 2 criterion for determining punishments
 - Extent of Harm
 - Extent of Blameworthiness



Capital Punishment/ The Death Penalty

Number of executions since 1976

↓

1354 → 1302 males and 52 females

2013=34 as of April 2013
 2012=52
 2011=43
 2010=46

Is it more expensive to execute an offender or keep him/her in prison for life without parole?

Length of time be. sentencing and execution is about 8.5 years

<p>DEATH PENALTY STATES (34)</p> <p>includes the military and federal government</p>	<p>NON- DEATH PENALTY STATES (16)</p>
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95% of the executions that have occurred
have been in the south.
States who lead in executions

Texas 507 (executing about 3 per month)
Virginia 110
Oklahoma 106
Florida 81
Missouri 68
Georgia 52
Ohio 53
North Carolina 43
South Carolina 43

Capital Punishment/ The Death Penalty

refers to 'the execution, in the name of the State, of a person who has been convicted of first degree murder, in conjunction with another felony'.

Since 1900: that we know of:

- ➔ 350 people after having been sentenced to death were later found innocent
- ➔ 50 executed and later found innocent
- ➔ 22 found innocent within 72 hours of execution

- ➔ 25 defendants were convicted and sentenced to death and the alleged victim turned up alive

Why do we execute convicted first degree murderers?

Goals of Punishment?

Capital Punishment

- **Eight Amendment**
 - “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”
 - **Modes of Execution** (most states will give the condemned a choice)
 - Hanging: Delaware, Montana, New Hampshire, Washington
 - Firing Squad: Idaho and Utah
 - Electrocutation
 - Lethal Gas / Gas Chamber
 - Lethal Injection
- Goal: to provide death with some dignity as quickly and as painlessly as possible.

- In re Kemmler (1890)

NO executions from 1968-1976--moratorium

- Furman v. Georgia (1972)
- Gregg v. Georgia (1976)
 - New Criteria:
 - Aggravating and Mitigating Circumstances
- No Mandatory Death Sentences
 - Roberts v. Louisiana (1977) -police officer
 - Coker v. Georgia (1977)—rape alone

- Should we televise executions?
 - Public executions
 - Ramsey Bethea in Owensboro KY 1936
- Relationship between opinions on abortion and the death penalty
 - Those who favor death and against abortion— inverse relationship
- Malfunctions
 - Louisiana ex re. Francis v. Resweber (1947)
- Popular Opinion
 - US citizens are in favor of the death penalty 2 to 1

- Deterrence
homicide rates **execution** homicide rates
6 months before 6 months after

- Ford v. Wainwright (1986)

- Roper v. Simmons (2005)
 - It is illegal to execute a person for a crime that was committed when that person was under 18 years of age. 23% of those executed were juveniles at the time that the crime was committed

Atkins v. Virginia 2002

- Unconstitutional to execute the mentally retarded.

CHARACTERISTICS OF DEATH ROW INMATES

The following information is taken from the Bureau of Justice Statistics: Capital Punishment and is the statistical data of the death row population for 12/31/06.

- 55.8% of the death row population is White, 41.9% is Black and 2.3% is of another race.
- Men on death row make up 98.3%, while women make up 1.7%
- The median education level of death row inmates is 11th grade.
- Of death row inmates, 54.8% have never married, 20.6% are divorced or separated, 21.7% are currently married and 3% are widowed.
- 8.4% of inmates had a prior homicide conviction.
- 65.5% had prior felony convictions.
- Among all inmates under sentence of death, half were age 20 to 29 at the time of arrest; 11% were age 19 or younger; and fewer than 1% were age 55 or older.
- The average age at time of arrest was 28 years.
- As of 12/31/06, 33% of all inmates were age 30 to 39, and 59% were age 25 to 44. 1.6% of inmates are under the age of 25, and 1.5% are older than 65.
- 7,115 people have been sentenced to death from 1977 until 2006.