

Monday-8/26

Talked about syllabus

Don't meet in class on Canvas Discussion days

Canvas Discussion: 250 word initial post- Friday by 11:59pm. 100 word replies by- Sunday 11:59pm

Wednesday-8/28

Surplus Population:

- Individuals deemed unemployed, unemployable, or a threat to society
- Can criminal justice be used to suppress the surplus population?
- Criminal Justice system acts as a system of control
- Ideal reality acts as a linear progression to always move forward, but reality is that it's cyclical
- If we were linear, we could fix one thing and move on from it forever
- We are actually cyclical because we move forward, but still get brought back to the same issues (abolishing slavery, but having Jim Crow laws)

- Historical Overview of Class
- History of law and class is a history of capitalism
- Laissez-faire to the wealthy
- No corporate manslaughter laws in the United States
- Manslaughter- someone dies as a result of reckless negligence
- Corporate manslaughter- people die at work as a result of unsafe working conditions (corporation doesn't get thrown in prison)
- Bankruptcy used to be punishable by death, but now the rich use it as a way of avoiding payment and punishment isn't as bad
- Bankruptcy keeps people that are in debt from having to chip into their own personal wealth
- In the early 1900's, railroad workers were unable to become a union and the workers had no say in anything that happened, only the wealthy did
- Businesses required the workers to live in company houses and only shop at company corporations
- Due to low pay, the things bought at the stores went under a "credit" so workers got docked pay and basically "worked for free"

- Conditions were so unsafe that over 1/2 of a million people working for this company died at work
- Profit became more important than human life
- West Virginian mining companies had 243 safety violations that resulted in a fatal mining explosion because the business didn't want to spend money to fix those issues

White Collared Crime

- 2006 market crash really effected many people in society which lead to suffering from negligent behavior
- NRON company had fraudulent money which caused people to lose everything once retirement age hit because of the company going out of business
- People responsible for the recession were the ones that were making money while others were losing money
- Nobody was help accountable for this negligence

Historical Overview of Race

- Slave codes are acts that threaten the institution of slavery
- If slaves left the plantation there had to be a reason and people patrolled to watch what the slaves did
- Slave patrols were the first form of modern policing in America
- Slave patrollers were to bring escaped slaves back to their plantation
- Some slave owners raped the African American woman slaves, but some had consensual sex
- This created different degrees of "blackness" as the kids that came as a result of this rape or consent were allowed to work in better positions than the other slaves since they had shared genes with the plantation owner
- Colorism: Darker skinned slaves were less trusted because they were further from white than light-skin black people and were therefore less trusted
- Louisiana had clubs where if you were darker than the color of a paper bag, you weren't allowed in
- Rape of a black woman was unpunished whether they were slaves or free when the aggressor was a white male
- Even the accusation of a white woman being raped by a black man would result in his lynching
- The 13th amendment freed slaves with the exception of those who committed crimes
- Most freed slaves didn't get to experience freedom because of the black codes
- Freed slaves became economic competition for the white people, which led to black codes in order to keep them from "taking white people money"

Friday- 8/30

- Black Codes took advantage of the “except for those who committed crimes” part of the 13th amendment
- Between 1892 and 1964 the KKK was responsible for 3,00 and 10,000 of black people
- Plessy V. Ferguson decided segregation was allowed (“separate but equal”)
- Jim Crow laws separates all aspects of life between blacks and whites
- Brown v. Board of Education abolished separate but equal (different school busses for different races)
- Thurgood Marshall was the lead attorney in Brown v. Board of Education

Gender

- Women as the legal property of men
- Intramarital and extramarital rape
- Gender disparities in punishment
- Couldn’t enter into any business deals or contracts
- Couldn’t own property since they themselves were considered property by their husband or father
- Wasn’t until the 1980’s, that marital rape was considered a crime
- In some cultures, if a woman who was married was raped, she was partially responsible if she didn’t come forward and speak out or fight back against her rapist
- Organized imprisonment of women 1870-1900
- Working class white woman would be sent to the reformatory if in violation of the law
- Almost like sending a woman to the “half way house” (not full prison but like a holding cell)
- Woman of color were sent to prison and had to work with the men in the chain gang if in violation of the law
- If wealthy white women violated the law, there would be little to no punishment

Chapter 1

Globalization-

- the process by which businesses or other organizations develop international influence or start operating on an international scale
- Represents free trade, economic growth, more job, lowers prices for consumers
- Now a worldwide market for people to have access to things from other cultures or countries
- Made the rich richer and the poor poorer
- Instead of doing the production here and paying workers \$12-\$15 per hour, they sent it over seas to pay those people \$3 per hour in unsafe conditions
- Helps their economy because \$3 is a lot over there, but hurts our economy because we lose out on jobs
- Creates fear in the workers that rely on this job because they don’t have any leverage
- Employers threaten for you to take what you get in pay or work conditions or they will just send it

over seas for cheaper production

- Globalization has led to the exploitation of labor by making children work and has led to an increase in human trafficking and more dangerous working conditions
- Wage Compression or Wage Stagnation
- Wages don't move or become stagnant for working class, but doesn't stay that way for higher class or "elites"
- In 2017, the richest 1% controlled 82% of the world wealth
- Technology is also taking away jobs (self check out machines taking away cashier jobs)

Immigration (pg 17)

- Crime rates for immigrant populations are actually lower than those from people born and raised in the United States
- Immigration and Nationality Act- allows ICE to enter into agreements with state and local police systems
- Some areas have save havens for the immigrants that is protected by police to prevent ICE from taking them (sanctuary cities)
- To combat the underlying problems the government should: enforce minimum wage, grant the right of immigrants to organize, and provide health care and safety protections
- This would incentivize employers to employ these immigrants and streamline the citizenship process

Wednesday, 9/4

Militarization

- Arming, organizing, planning, training for, and pursuing violent conflict
- Militarism- a set of beliefs, values, and assumptions that stress the use of force and threat of violence as the most appropriate means to solve problems. It glorifies the use of military power, hardware, operations and technology as its primary problem-solving tools.
- In 1983, 13% of towns with populations from 25k-50k had a SWAT team, but now almost 90% do
- Reactive units have become Proactive Units (War on Drugs)
- Concerns with the terminology "war"
- Military personnel train and assist these specialized units
- 1033 program allowed police to have military grade gear
- The police have to have a certain amount of use from that gear within a year of obtaining it, or they have to give it back
- This creates the issue of police unnecessarily using this gear for small routine calls to avoid losing it and not having the gear when actually needed
- This creates a dangerous environment for both police and citizens
- Police may go to knock down the door of someone who they think is dangerous. This makes the citizen arm themselves thinking someone is breaking in. This creates the citizen to appear dangerous to the police and escalate the original situation

Privatization

- The process of government outsourcing certain tasks to for-profit businesses
- Nominal privatization vs. operational privatization
- Private prisons and the CCA (Corrections Corporation of America) currently known as (Core Civic)

- How does politics affect private prison business?
- Private prisons are able to pay people less by setting up in a low income, rural area where people are desperate for money
- In 2012, CEO of CCA (\$2.8 million down from \$3.7 million in 2011); CEO of GEO (\$6 million in 2012)
- What are the potential consequences of hiring cheap non-union labor?
- High staff turnover (people leave all the time because they aren't paid well)
- Apathy (correctional staff just don't care)
- Poor Judgement (correctional staff)
- Private prisons have to maintain a certain capacity and will get fined if they can't maintain that capacity
- This makes the private prisons hold prisoners in there as long as possible
- Private prisons give more than double the amount of infractions as normal prisons

Cybercrime/Security

- President Obama's declaration of a new security czar to thwart cybercrime
- What was "Stuxnet"?
- Created a virus to try and infiltrate Iran's nuclear processing plant, which opened this process up for anyone anywhere
- Cyber crime and "Virtual Dark Markets"
- The Deep Web has become a popular source among criminals, political dissidents, hackers, etc.
- Millions are being spent on government agencies to crack this "Deep Web"
- Bitcoin is the currency for the Deep Web (anonymous transactions i.e cash)

Friday 9/6

Law Enforcement Workers

- Not all agencies work the same way. Each police department is different
- Quality varies across the nation
- No consensus on professionalism
- Women and minorities are underrepresented at the federal level and even less at the state and local levels

Statistics

- Overwhelmingly white male work environment (now more just men)
- United States vs. City of Chicago (White female officers were upset because African American women were being picked first for jobs in order to integrate diversity)
- African American women are double disadvantaged
- Women are either too standoffish in a male dominated work place and isolated, or too outgoing and seen as sexually available
- Minorities have to prove that they fit in and their loyalty is questioned

- Minority officers working undercover are killed by other cops (not unusual)

Affirmative Action

- Tendency to believe affirmative action have quotas of the diversity of hiring
- Affirmative Action creates equal opportunity
- By opportunity, that just means you must interview people of different races and women, but don't necessarily have to hire them. This just gives a chance for the minorities and women
- We must not operate in generalizations
- Not all white cops are racist, not all black people steal, etc.
- People are influenced by two things:
- Their personal attitudes and experiences
- Context in which they live and work

Judicial Workers

- Members of the Legal Bar
- Bailiffs
- Lawyers
- The prosecutor is the most powerful person in the court house
- They can determine what cases to try, what charges to file, what to charge or not
- The 6th Amendment requires a defendant to have effective council (right to be represented whether good or not)
- Defense attorney just makes sure their clients civil rights are upheld
- There are three difficulties that correction officers experience:
- Role ambiguity (Uncertainty about what to do in your role)
- Role Strain (stress of why you're there and knowing the people you are watching are there for a reason)
- Becoming cynical

Monday 9/9

Criminology and the Study of Class, Race, Gender, and Crime

Criminology- study of explaining why crime happens

Classical Criminology- Emphasis on rationalism and humanitarianism

Set out to study the relationship of citizens to the state's legal structure

Two new doctrines of social contract and free will

Thomas Hobbes- Social Contract

Social Contract- Giving up some individual freedom in response to getting protection from the government

Cesare Beccaria (classical theorist)

Jeremy Bentham (classical theorist)

Both wanted to balance freedom with government control of protection

Punishment must fit the crime

Lead to "rational choice theory" and "routine activity theory"

Rational Choice Theory- People weigh the cost and benefit of the crime before engaging in it

Routine Activity Theory- If someone is surrounded by other motivated people and there are no authorities or guardians around, they will commit the crime (opportunity theory)

Positivist Criminology

Positivist wanted to analyze crime through other factors than just the free will component

Biological issues, psychological issues, economic issues, and social forces

Focus was turned from law and crime but towards behavior as a reaction to the failure of classical criminology

They believed the treatment should fit the criminal

Adolphe Quetelet- Crime could be divided into 3 categories

- Accidental (war)

- Variable (individuals personality)

- Constant (age, gender, etc.)

Believed that crime had biological causes (as well as society) (Ted Bundy twin example)

Cesare Lombroso known as the "father of criminology"

If you're not white then you were criminal by nature

Sigmund Freud (psychogenesis school of criminal causation)

Edwin Sutherland presented "differential association theory"

Idea of individuals are more prone to engaging in social behavior by who they hang out with

Critical Criminology

There are no "value free" standpoints

Everyone has certain assumptions and values

Acknowledge their subjectivity

Revolve around social and cultural interactions along with structural relations of the political economy

"Who's law?" and "what order?"

Powerful people decide that something is illegal and we are just supposed to follow it

They are making decisions "for the people" that the people actually don't agree with

Critical Criminologists and reflexive criminologists

Ex. Who determines what professionalism looks like? You don't have to wear a \$1000 suit to be a successful and professional person, you could wear a hoodie and sweat pants and be just as successful as anyone else

Class and Criminology

Class is related to political power and law making

Link between inequality and crime

Criminologists have historically focused on street crime (crimes of the poor)

Karl Marx and Friedrich Engels state that law and order is based on unequal distribution of property and resources

To them, crime was about oppression by the dominant economic class

Wednesday 9/11

Richard Quinney argued that within the capitalistic political economy two types of crimes would emerge:

Quinney believes that crimes of domination are more dangerous to society than crimes of accommodation

Quinney argues that crime control is really just class control

Crimes of Domination

- Crimes of Control (law enforcement violating the rights of a citizen)

- Crimes of Government

- Crimes of Economic Domination (all similar companies collaborate to set one price for all of the same product) (Price fixing between companies)

- Crimes of Social Injury

Crimes of Accommodation

- Predatory Crimes (robbery, etc)

- Personal Crimes (sexual assault, rape, etc)

- Crimes of Resistance (illegal protest)

William Chambliss

William Chambliss developed the structural-contradictions theory of crime and class control

Chambliss identifies contradictions inherent within capitalism

E. A. Ross

In 1908, E. A. Ross promoted the notion of a "criminaloid" which focused on behaviors of the upper class