Week 2

Social Control and the Legal Order: Legitimated Repression in a Capitalist State

Article

- The criminalization process is an attempt within society to maintain or increase domestic and social order
- The enactment and enforcement of law is a means of constructing and imposing a new definition of reality, designed to attain preserve desired beliefs and behaviors
- Critical criminology examines the enactment and enforcement of law as an oppressive force utilized in a capitalist society to promote and stabilize existing economic-class relations.
- Within a capitalist society the legal rights and privileges are guaranteed to the powerful while the powerless yield to legal duties and obligations

Criminal Laws Provide Equal Protection

- The existence of such laws originates in the effort of the elite to stabilize and preserve a capitalist social order and such laws which may provide a modicum of protection for the powerless, would not have been initiated were it not to the best interests of the capitalist elite
- These laws which presume to afford equal protection were initiated to represent and legitimize the societal goals imposed by the state
- Political society is built upon a foundation of repressive force
- Many crimes are invented to meet the needs of the State, not for the protection of its citizens. In the capitalist State criminal laws have been established to protect private property and to control the labour supply. Criminal laws thwart any attempt by the property-less to possess tools or obtain raw material
- Laws pertaining to physical assault discourage violent opposition to the established economic and political order and protect those delegated to its enforcement
- Critical Criminology also examines how the claim of equal protection centers around the content and specification of those laws which appear to afford equal protection
- A third point examines the latent functions of such laws and the belief that the law provides equal protection
- The laws in place are more likely to be committed by the poor because that is the goal of the justice system
- The fourth point is that by enforcing laws which appear to provide equal protection but which are directed against the powerless, the unequal distribution of wealth and power remains stable

Criminal Laws Irrelevant to Elite Interests?
5. *Nemo debet bis vexari pro eadem causa:* No one should be twice troubled by the same cause. An alleged offender cannot, under most circumstances, be tried twice for the same offence. An alleged offender in Canada can be retried after being acquitted if the Crown successfully appeals the decision by claiming problems with the correct application of the law at the trial.

**The System of Criminal Law**

- Canada is a common law system; which is based on the notion of precedent.

**Precedent:** a judicial decision that may be used as a standard in subsequent similar cases.
- Whenever a judge makes a decision that is said to be legally enforced, this decision becomes a precedent.

**Common Law:** law that is based on customs, tradition, and practice and is generally unwritten.
- As a consequence, our state law (both civil and criminal) is found both in statutes and in judicial precedents.

**Statute Law:** written laws that have been enacted by a legislative body, such as the Parliament of Canada.

**Case Law:** law that is established by previous court decisions and based on the rule of precedent.
- The Supreme Court of Canada is at the top of the hierarchy and the higher courts set precedents that lower courts must follow; this is known as *stare decisis*.
- Like cases should be treated alike, especially when the law is not precise.

**What is a Crime?**

A crime occurs when a person:
- commits an act or fails to commit an act when under a legal responsibility to do so.
- has the intent, or mens rea, to commit the act.
- does not have a legal defense or justification for committing the act.
- violates a provision in criminal law.

**The Classification of Offences**

The Criminal Code has three categories of criminal offences:
• Prospective recruits filed one application, which is then vetted through the system.
• Please services are actively seeking female visible minority group applicants.
• Police recruits are not blank slates when they arrived at the training academy and instead bring with them attitudes and beliefs that may influence their views as police officers of persons and situations.
• The number of female police service officers from visible minority groups in Canadian police services is gradually increased, both groups are underrepresented in police services, particularly, at the higher ranks.

Police Training
• Several different models of pleas training are used in Canada. You know Zapote please recruits maybe trained in house, at a residential or nonresidential training Academy, or a combination of both.
• Cadets are not hired by the RCMP before being sent to training and maybe offered employment as a regular member after successful completion training at the Depot.
• Police recruits generally receive instruction and the law, community relations, methods of control investigation, firearms handling, Driver training, and physical training.
• After this training the recruits are usually assigned to general patrol duties for 3 to 5 years. Thereafter, they are eligible to apply to specialty units.

The Field Training Experience
• The second component of the training and learning process known, as operational field training is where the recruits learn to apply the basic principles taught at the training center.

Operational field training: instructing the recruit and how to apply principles from the training academy in the community.

• Please services are paying increasing attention to ensuring continuity between the training a recruit receives in the academy and the supervision provided once the new recruit is involved in operational policing.

The Police Occupation
• Officers must walk a fine line between carrying out their enforcement role in ensuring the rights of law-abiding citizens and suspects are protected.
1) The working personality of police officers: is a set of attitudinal and behavioral attributes that develops as a consequence of the unique role and activities of the place officers. One of the most significant developments has been the emergence of community policing, a model of policing center on police community partnerships to bring officers into close contact with community residents in a wide range of crime prevention and response activities.
3. **Additional measures of police:** effectiveness reducing social disorder and providing reassurance to the community are equally important roles of the police, yet his activities are generally not measured.

**The economics of police strategies and operations: are the police worth the money?**

- A critical issue and concern in Canada and elsewhere is the debate over the economics of policing, that is, whether government cutbacks for the increasing costs of police services.
- Investing in street-level policing strategies, such as hotspots policing, can reduce prison populations and currently increasing costs of corrections.
- US researchers have calculated that in the United States money diverted from correctional institutions to policing would buy at least four times as much reduction in crime.