Starts with Profiling

- Legal
- Trying to determine if someone is a threat, suspicious, any potential risks, predictive variables
  - Looking for intangibles and is significantly selective
    - Very different with each individual - lots of discretion on an individual basis
    - Definitions of "out of norm" are different for everyone

- Cultural norms have changed
  - Officers used to look for things such as tattoos but now everyone has them so they look for more things that look unique that could be suspicious activity
- Generally speaking, we do not know if profiling works because it is individualized
- Problems occur over predictive variables
  - Seen in many areas in USA
  - Can turn into racial profiling
  - Sex (DWF - Driving While Female = most likely to stop female drivers)
  - Race (DWB - Driving While Black = blacks likely to be targeted)
  - Against the law to stop someone over these factors
- Problem: difficult to prove this to be true

Leads to a continuum
- Starting point into the policing system

Friday, January 30
Police-citizen interactions/Use of force
- Profiling
  - Officers looking for others "out of norm" and "out of place"
  - Police looking for people who feel they are unique
  - Ex. Once you are stopped by police, it continues to add up
    - Police agencies run plates, therefore they will continue to stop you
  - Automatic Licence Plate Detector (ALPD) now more commonly used. Can screen people for anything
    - Real time crime centre: able to track and follow people by screening
  - Can begin to data mine
    - Pull out characteristics and look for certain people
  - This is what leads to discretion
    - Every individual profiles differently
  - Racial profiling difficult to prove
- Once suspicious activity is detected, police then stop the individual
  - Do not have to arrest
- Individuals are very compliant with the police (American research - based off victimization surveys and police reports)
  - 99% of all police/citizen interactions are compliant
  - 1% use of force
    - EPS argues it is 2%
Defense of life policy:
- The only time you can shoot
  - Your life and/or the public's life has to be in danger
- Only happens 1% of 1%
- As resistance persists, chances of getting to the "final" step is very likely
- All law enforcement agencies follow very similar steps
- Every situation is unique and contextual
- Debrief after the event is a long term process
  - Administrative leave for about 30 days
- Improper vs proper use of force
  - Improper: 40%
  - Proper: 60%
- Use of force is 1% of all police and citizen interactions = prevalence
  - ~500,000 interactions a year in Edmonton
  - 1% is 5,000 use of force incidents
    - 60% = 3,000
    - 40% = 2,000
- Generates a community folklore
  - Improper use would cause the individual to want to tell everyone
  - If it persists in the same areas, this folklore isn’t false and it is actually true
  - Which is why we need more police accountability
    - This small percent can become a bigger issue
Police accountability
- Training
  - Sensitivity training is important
  - EWS (Early Warning System)
    - Designed to look at individual officer problems
  - People ask why citizen complaints aren’t used
    - Demographics are different
    - You do not always know what is happening
  - Do not know what to do so continue to give officers training
    - Could be a problem because it gives no solution to their problems
- Police union is very strong
  - Many officers have many conflicts (drugs, alcohol, domestic violence) but union allows them to keep their jobs
  - Very protected

Wednesday, February 4
Broken Windows/ Z.T.P.
Broken windows
- Questions what the police does
- Focuses on maintaining order versus a community focused on law enforcement
  - Service and non law enforcement
- Focused on communities with disorders
  - Example of the car in two different neighborhoods
- Discusses over/under enforcement
- Describes a neighborhood of informal social control
- Ex. They are close with the judge
  - Every court room will be different - uniqueness
- Sometimes lead the media astray
  - Ex. 2 mounties that were killed in St Albert and the suspect then killed himself
  - Criminal had 60 convictions in Alberta
  - Question is: how did the person get out on bail?
- Bail Reform Act (1972)
  - US government did a study on the Court system
  - Found that people who cannot afford a good defence get worse results than paid attorneys
  - By this, Canada decided that this is unfair and everyone should be able to be able to afford bail
    - If you are impoverished, despite the crime you committed, you will get release on your own, there could be rules but you are likely to get out
      - ROR - release on your own recognisance

Wednesday, February 25
Adjudication "process"
- Very individualized, not the same for every case
- Ex. Summary offence
  - Domestic violence can become a summary offence - depends on if it is a crime, it can be an indictable offence with evidence or could possibly be an indictable offence without evidence
- If arrested and taken to remand on a summary offence, you can almost get bail immediately
- If arrested on an indictable offence, you are required an initial appearance in 24 hours
  - Initial appearance: identify the charges, and you have to have a plea of guilty or not guilty; also an opportunity to get bail
    - Prosecutors cannot ask for a large sum of money based on the Bail Reform Act therefore more higher chance of getting bail. Bail is mostly always asked for and usually given but due to ROR you will be released regardless of the charges
- Preventive detention
  - Can be used by the prosecutor against someone who is a "dangerous offender" (created in 2006)
    - Such a danger against the community or someone that they have to be contained
      - Individuals are charged but not convicted yet
    - Throughout Canada, there are 60 people under this designation of "dangerous offender"
      - Found unconstitutional in other countries (USA and England)
- After the step of the initial appearance, when the individual is charged, has plead guilty or not guilty, before bail, the judge will ask if they want to get the preliminary hearing waived
  - Preliminary hearing has no judge - the DA sits down with the prosecutor and talk about your case
  - Can have multiple preliminary hearings
  - This all allows for time
    - The more time you have, the more the outcome will be positive because you have more time to look at your case
○ 1.8 million is provincial
○ 2.1 million includes federal

Integrated court survey
- Consists of 386,000 cases
- 1.2 million criminal code violations (charges)
  ○ Tells us that the average is 3 charges per person
- 6.3 million = could be the projected UCR (all charges, not just the most severe)
- 50% of crime goes unreported to the police
- Therefore, possibly 12.6 million crimes could be existing
  ○ Excluding traffic violations - criminal code violations only
- 900,000 cases are removed
  ○ Questions: where are those cases? And why did they not go to court?
    • Could be some court cases are incomplete
    • Limitation: Methodological problem - not everyone reported
      ▪ Ex. Quebec, upper courts of Saskatchewan, Ontario, Manitoba, PEI not involved
- Charges included (page 6):
  ○ DUI - 11%
  ○ Theft - 11%
  ○ Level 1 assault - 9%
  ○ Failing to comply - 9%
  ○ Breach of probation - 9%
  ▪ Many involve individuals going through the system over and over
- Property crime vs. violent crime
  ○ 76% property/nonviolent crime
  ○ 24% violent crime
- Consistent with calls for service and the UCR data
- Explains why Canada has the offenders it does
  • Canada invests in solving property crimes
- These numbers are the opposite in the US
  • Because more emphasis to get property criminals out of prison and more focus on violent crimes
- Differences seen between:
  ▪ Sex
    • Male (81%) and females (19%)
    • Males are overly represented in the system
    • Number does not increase significantly, but females increases by 2% and males decrease by 2%
  ▪ Age
    • 18 - 24
      ▪ 30% of cases
      ▪ They represent 12% of the population
      ▪ Overly represented in the system
      ▪ Begins to peak between this age and then begins to drop at about 25 but significantly drops at ~35
- Guilty
  ○ 65% found or plead guilty
- Dismissed
Justice Templates Continued/Victims of Crime

Justice Templates Continued

1. Restorative
   - Very different implementation yet it is a continued to use term
   - Can be a suspect placed with the victim

2. Community based
   - Similar to restorative justice - differently implemented in different jurisdictions
     - Every country can have different processes
   - Usually the combination of a formal Criminal Justice System working with the community
     - Ex. Police contacting the media to inform them about someone being let out into the public
       - Focus: to keep the community safe
     - Emphasis on stabilizing neighborhoods
     - A very integrated approach: police/courts/corrections begin to work with people in the community (can be non profit groups)
   - Every community is unique
     - Every template is unique
   - Ex. In USA and Japan
     - Belief that nothing seems to work, so only thing that can be done is "reintegrated shaming"
       - Shame someone to deter them from committing a crime again
     - It is cultural

3. Aboriginal justice
   - Very different than restorative justice
   - Not about restoring equilibrium, but repairing the damage
   - Offender has to admit responsibility
   - Criminal Code Section 718
     - Argues that there must be an admission of responsibility so justice can occur
     - Placed in there for one reason - every Aboriginal community is different
     - Some aboriginal communities look at their history/customs/laws and can deal with it on their own
       - May not require a CJS system further
     - Some communities may not have the money, time or energy or customary laws to do it on their own so may have to work with a CJS

Victims of Crime

- Always tend to focus on offenders
- Studying victims in the CJS has not begun to happen yet
  - Focus is that if we stop people from offending, crime will go away, but what about the individual who has already been offended?
- 1970s in USA
  - Developed a survey - National Crime Victimization Survey
  - Developed to ask what about the victims?
- In 1994, Canada then began to ask about victims like violence against women
  - General Social Survey
- Can be worse if the offender is sending cheques with little money
  - Can be very good if it is reasonable
  - Best to do is to ask the victim what they want
- Problem with terms and conditions: trying to be systematic but it is not very individualized
  - You need it to be individualized to work
- Social workers can try to help you change but there is no enforcement from them - no punishment if you do something wrong
- Probation parole officers can enforce punishment
  - Can give suspended sentence and send you back to remand/prison
- Carrot and stick approach
  - Classical conditioning
  - Rewards and punishments
  - Someone does something good - you can give them a potential reward

Wednesday, March 25
What works?/Recidivism/RNR
What Works
- Robert Martinson (1974)
  - Had done a meta-analysis
    - Take all the research of a certain subject and put it together and try to find some kind of answer
  - Compiled all the correctional treatment articles (collected 231 studies from 1950s-97s)
  - Wrote an article named "What Works"
  - Argued that nothing works
  - Noted that there is a lot of bias in articles
    - Ex. People writing articles work there so could potentially lose their jobs if they say something wrong
  - Practitioners state that he is saying something honest
  - Martinson arguing that treatment wont work
  - This article responsible for 90% of reduction for mental health treatment in US
  - A cost/benefit analysis
  - 1979 - wrote another article and saying that its not that nothing works but something may work based on various factors
  - Problem: a very subjective way to look at things
    - Looks at percentages and numbers
- Andrews & Bonta & Huge
  - Started publishing articles in 1980 focusing on looking at quality of life and not just about percentages and numbers
  - Issue: damage is already done by Martinson
  - Problem: a lot of research done by them was qualitative
    - "pulls at your heart strings"
    - Only focusing on the good
- Lipsy - 1989
  - Tried to do the same thing as Martinson
  - Compiled 400 studies
  - Problem: focusing on juvenile programs
• You have to know why you are putting people into prison
• Put individuals in prison for as long as you can - the longer you put them in prison it is more likely that they will become more violent/aggressive so they may not ever get out of prison

4. Treatment/rehabilitation can work
• But starts off at the very beginning of how the program was started
• What kind of treatment would work?
• Does not emphasis on medication, but does emphasize on cognitive-behavioral treatment
  ▪ Looking at risk factors and know that everyone is different
  ▪ We need risk assessment and need to find out who needs this
  ▪ Focus on who is motivated to change?
• Shouldn’t just be monetary basis
  ▪ Money is not going to solve the problem
• You need people who want to need to change
• Need trust for good treatment
  ▪ Need this to generate a good relationship
  ▪ Generally, we are talking about people who cannot trust anyone so it is important to build a trusting relationship
  ▪ Trust/relationships are not measureable compared to other numbers and stats that are measureable
  ○ Why is this important?
    • Because why would you put money into something that is not going to work

Monday, March 30
"Black box" of recidivism/"Don't assume"
"Black box" of recidivism
  • Churning effect
    ○ Has the same idea as the "stop gap"
    ○ Have people that continuously go through our system
    ○ Comes down to our choices and how we talk about these people
      ▪ Are they offenders? Inmates? Clients?
    ○ Sometimes, there should be some recognition that we are still talking about people
• "Black box"
  ○ Developed by Joan Petersilia
  ○ Was a probation agent for youth, worked in parole for adults
  ○ Felt that nothing is working and really wanted to make a change
  ○ Argues that we can talk about the numbers but we need to start looking at why people fail not how many people fail
  ○ Why is it when you give people programming and treatment they fail
  ○ Argues that we need to take a holistic approach
• This is why we should not assume anything
  ○ Incredibly difficult to do
• With a lot of offenders you cannot assume and have to go very slowly because you can miss a step
• Being a probation/parole officer, you hold the offenders trust and hope in your hands
• Argument: theyre talking to you from a point of view that you do not understand