

I. overview

A. criminal justice course

1. study of crime and societies response to crime

II. Crime

A. concept of crime

1. concept its self is vague

B. definition of crime

1. legalistic aspect

a. crime is violation of criminal law

- tort: a **civil** wrong; not considered blame worthy (not being judged); if you harm someone and cause them damage you can be legally liable to pay them compensation; a lawsuit (ex: hurt them in car accident)

- . state is neutral

- . between two people

- . cant go to jail

- crime: violation of specific set of laws (criminal law)

- .will be judged

- one crime can be a crime and a tort; go to court twice.

- . ex: OJ simpson

b. example: holocaust

- fuhrerprinzip

- .basic principle of German government

- . anything that Hitler ordered was the law

- could not be tried; they were following the law under the principle above

- .did nothing criminal; hitlers word was law

- got tried anyway in nurenberg court

- . created especially for them

- . ignored German law; just so horrible they had to be killed

2. moral definition

a. crime is seriously immoral behavior

- how the Germans in nurenberg got tried

- abortion

- . just as natzi murdered people although it was legal; abortion is murder even though it is legal

b. we like crime shows because they grab us

- feel invested in behavior; want bad guy caught

c. get mad when people get away with moral behavior

3. violation of social norms definition (sociological definition)

a. norm = rules

b. violate social rules

c. doesn't matter whether I think act is bad or not - have to base it off of everyone's opinion

C. Durkheim

1. no real definition of crime; depends upon the country and societal norms

2. ex: hitting someone in boxing vs. on main street

3. notion of crime is unstable; always changing

4. not so much the act itself but how people respond to it

III. how to breakdown crime

A. crimes against "the person"

1. who is the victim
 - a. usually their body is the victim
 - b. considered most serious

B. crimes against property

1. theft, burglary, vandalize someone's house

C. crimes against the public order

1. least serious
2. no single person is victim
3. ex: littering, loitering, vandalizing street sign, im shmacked riot

D. crimes against state

1. USA/state is the victim
2. ex: sometimes terrorism, tax invasion, treason (only crime in constitution), espionage

E. victimless crime

1. ex: prostitution
2. a lot of people do not consider them real crimes

IV. how to breakdown crime by location

A. street crime

1. happen in "street"; public space
2. most often are things like robbery or assault; getting jumped, car broken in to, pick pocketing
3. target of opportunity
4. public crimes - don't have to be violent

B. "suite" crime

1. in the workplace by employees
2. white collar crime
 - a. embezzlement, tax evasion,
 - b. non violent crime; professional crime, selfish crime (only benefits self)
 - c. Bernie mayhoft - largest ponzie scheme ever (big scheme to defraud a whole bunch of people out of their money)
 - d. neal caffrey <3
3. corporate crime
 - a. non-selfish crime
 - b. committing crime for the benefit of the organization
 - c. bribing officials to keep their business going

C. domestic crime

1. crime that happens within the household
2. child abuse

V. felonies vs misdemeanors (third way to classify crime)

A. felony can result in more than a years time in jail

1. Delaware: class A felony to class G felony
2. minimum sentence is a year

B. misdemeanor can be up to a year in a jail

1. max sentence is a year

VI. criminal law

A. substantive criminal law

1. deals with legal definition of crime
2. what is a crime as understood in the law
3. rules you have to obey as citizen to avoid be arrested

B. criminal procedure

1. everything that happens to you after you've been arrested
2. trial, evidence, booking, jury selection, etc

VII. two main ingredients of (almost) every crime ((actus reus + mens rea = crime))

A. actus reus

1. "bad act"
2. some physical thing you have to do in order for an act to be considered a crime
3. ex: actus reus of murder is killing somebody
4. actus reus of attempted murder -
5. crime of omission (failure to act), commission (act)
6. don't save someone from dying - no act - not a crime
 - a. one exception: pre-existing duty to act
 - if it's your family member, agreed to watch someone,
7. inchoate crime
 - a. is not completed yet - moving in that direction
 - b. allow cops to step in and stop someone before they result in harm
 - c. ex: attempted murder, solicitation (asking a prostitute how much she cost), conspiracy (agreeing to commit a crime with someone)
8. stalking
 - a. often leads to violence

B. mens rea

1. "bad mind" ; accompanying mental state
2. malice; if you kill someone without mens rea (malice) its not murder
3. intent
 - a. conscious choice to cause harm; doing act intentionally
 - b. gets highest punishment
4. recklessness
 - a. less blameworthy than intent
 - b. did not intend to hurt someone; conscious risk taking
 - c. aware you are doing something dangerous, but not trying to harm anyone
 - d. conscious act
5. negligence
 - a. you don't know that you are creating a risk/doing dangerous behavior
 - b. gross deviance from the standard of care a reasonable person would give
 - c. criminal stupidity; thinking a medal will protect you so you drive on sidewalk

C. no mens rea (still crime)

1. having sex with a 13 year old girl - statutory rape. No intent, recklessness, or negligence; incentive: sex
2. strict liability offenses
 - a. no mens rea requirement
 - b. all you have to do is commit the actus reus to be guilty of the offense
 - c. ex: selling alc to underagers that have fake ID; incentive: making money

D. defense