

Theories of crime and Deviance
11/28/06
Hawkins: Law as Last Resort

What follows below are some different vignette elements which translate a point that Hawkins has made about regulatory crimes/violations in the safety and/or health area, and/or regulatory responses to those incidences, into a street crime context. For each vignette, describe the relevant point that Hawkins is making about regulation. Some of these vignettes reference locations/societies/physical properties which may seem somewhat fantastical. Underneath each vignette put the point you think Hawkins is making. Feel free to also put in page numbers.

PURPOSE: the goal of the exercise is to think more deeply about the extent to which regulatory problems and regulatory responses are similar/different from enforcement of Part I and Part II crimes. This is done by making Part I/II scenarios take on aspects of regulatory offenses.

1. In Society X all individuals possessed powers you and I might consider magical. Specifically, if one was physically close enough to a possession one wanted, one could put a spell on it such that at some variable time in the future, that possession would be magically transported from the house or apartment where it was originally located to the house or apartment of the person who sought it. This practice was called "lifting." These magical spells only worked after an item had been purchased and installed in an initial purchaser's home or apartment. The proximity requirement was such that the lifter had to be in the room with the sought object, and thus gain entry into the dwelling to do this. The spells do not go through walls. The spells are un-detectable; it is not known if a possession has been lifted and will disappear in the future. One can only wait until it disappears. Further, in this society there are no serial numbers on items like TVs and household electronics. Citizen C approaches police officer P complaining that his house was broken into, and he saw neighbor N walking just past his house soon after C came home from work and saw the breakin. C bought a 42" plasma TV a couple of days prior to the incident. What is the problem illustrated and how is P likely to act? Why?

Latency 406

2. In Society Y all speeding regulations are written not in terms of specific mile per hour limitations, but rather in terms of "acceptably safe speeds given current road, traffic, and weather conditions." How are highway patrol officers likely to decide whether or not to hand out tickets in this kind of situation? What factors are they likely to rely on? When will they caution vs. prosecute, where prosecute means give out substantial tickets? How and when do you think they will rely on compliance strategies, and what kind of form do you think that would take? What kind of local events will change how they act?

Indeterminacy of legislation encourages compliance – 403

3. In Society Z on Planet Weebo some humanoid life forms lived in "advanced" industrial and post industrial societies not unlike those found in North America and Europe. One important difference from societies here was that on Planet Weebo police departments were organized around specific crimes. For example, there was one police department charged specifically with arson, one charged specifically with motor vehicle theft, one charged specifically with sexual assaults, and so on. A second important difference was that on Weebo, due in part to society-wide fluctuations arising from both multi-year hormonal swings in both males and females, and in part to levels of upper atmosphere disturbance from solar activity, society-wide views on the morality vs. immorality of sexual assault varied over time. Sometimes most folks thought it was fine; sometimes most folks thought it was not, but there was always some ambivalence about it among members of the public. You are a chief of detectives of the Sexual Assault Police in Capital City on Planet Weebo. There have been a string of three rapes in your city, all of young women, none involving death or physical mutilation. You believe you have apprehended the rapist, and DNA tests appear confirmatory. At this time the planetary and solar cycles suggest you are in the middle

of an assault-ok vs. not-ok (illegal) cycle, although it is not clear which way the cycle is currently headed. (Sometimes the cycle will “stall” mid-way, and go back the way it came.) What will you think about as you decide to proceed with this case?

Sense of vulnerability and unpredictability of public reaction – 239

4. In City C on Planet Alpha Centauri 1 humanoid life forms have civilizations not unlike our own. Here, however, police agencies are combined with teacher unions, and mandatory public education continues up through age 30. Police-teachers are trained both as police officers and as public teachers. They rotate regularly between the two jobs, doing one month in each one. Further, in the belief that more education makes for less crime, police officer salaries are based in part on how many people stay in school. When students are arrested and miss school days, or prosecuted and miss school days, or sentenced to jail or prison and miss school days, police department finances and to a lesser extent officer pay are both somewhat adversely affected. The financial effects are noticeable, but not catastrophic. Further, if a police officer’s time in court interferes with his scheduled teaching rotation, the students are just dismissed from school, learn less, and thus on the “No Student Left Behind” required tests, probably do less well. And of course there is the pay hit mentioned.

Officer 1 stops a person driving erratically, and finds the person, of school age, is drunk and has a loaded gun under the seat. What will she probably do and why?

5. Same as above but Now imagine there have been a series of fatal traffic accidents involving drunk student drivers in the last month in this town. What will she probably do?

280 – symbiotic relationship with the regulated