POWER & DEVIANCE

Oct. 17, 2008

LISA PRESENTS THE CONFLICT THEORY PERSPECTIVE ON THE CRIMINAL JUSTICE SYSTEM

POWER & DEVIANCE

- Conflict perspective: defining and punishing deviance is form of social control by “haves” against “have-nots”
  - “Have-nots” are more likely to be labeled and punished for crime
  - Our legal system doesn’t protect us equally from the dangers to us from rich people and poor people
  - Reiman: Label “crime” refers not to actions that cause most misery and suffering, but primarily to dangerous actions of the poor
  - Corporate crime: Estimated cost of white-collar crime (e.g., fraud, embezzlement) in 2000 was $404 billion (vs. $3.8 billion for burglary & robbery)
  - Health care: “preventable medical errors” resulted in 98,000 deaths and 1 million injuries to hospitalized Americans and cost $29 billion
  - Workplace safety: Reiman estimates over 30,000 annual deaths from occupational disease and hazard (Newman: 56,000 deaths)

HOW ARE AMERICANS MURDERED?

<table>
<thead>
<tr>
<th>How Americans are Murdered</th>
<th>Total (weapon known)</th>
<th>Firearms</th>
<th>Knife or Other Cutting Instrument</th>
<th>Other Weapon: Club, Arson, Poison, Strangulation, etc.</th>
<th>Personal Weapon: Hands, Fists, etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>12,943</td>
<td>8,393</td>
<td>1,743</td>
<td>1,815</td>
<td>892</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>How Americans are Really Murdered</th>
<th>Total (weapon known)</th>
<th>Firearms</th>
<th>Occupational hazard &amp; disease</th>
<th>Knife or other cutting instrument including scalpel</th>
<th>Other weapon: club, poison, strangulation, prescription drug, other medical treatment</th>
<th>Personal Weapon: Hands, Fists, etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>94,681</td>
<td>8,393</td>
<td>30,238</td>
<td>13,743</td>
<td>41,315</td>
<td>892</td>
<td></td>
</tr>
</tbody>
</table>
RACE & SOCIAL CONTROL

- Rate of black incarceration in Iowa is 6X higher than white rate; blacks make up 2.3 of Iowans but 23.7% of new prison inmates (Des Moines Register, 10-5-07)
- Black children are 5% of Iowa’s public school children but make up approx. 22% of suspensions and expulsions (Des Moines Register 10-7-07)
- What’s going on?
  - Poverty & race are connected in the U.S. so many apparent race effects are really poverty effects
  - Whites and blacks are perceived differently by social control decision makers

RACE & SOCIAL CONTROL

- Participant observation studies of schools have found that school staff show greater concern for behavior by non-white students that transgresses white middle-class standards, e.g., untucked shirts, sexy dancing, boisterous talking.
- Historically, U.S. drug laws have been linked to race and class
- Criminal sentencing policies, e.g., the 100-to-1 rule, disproportionately harm blacks (even though blacks and whites probably use and sell drugs at similar rates)
- Studies of traffic stops show that blacks are more likely to be targeted by police

THREE PROFILE STOP STUDIES

- Illinois’ Project Valkyrie (1987-97)
  - Latinos < 8% of IL population; 27% of searches
  - Blacks < 15% of IL population; 23% of searches
  - Cops ask to search Latinos’ cars more than whites’, but find lower % of contraband
- Maryland State Police (1995-96)
  - Blacks make up 16.9% of drivers on I-95 & 17.5% of traffic violators, but account for 72.9% of searches
  - Whites: drivers, 75.6%; violators, 74.4%; searches, 19.7%
- New Jersey (1999)
  - Blacks & Latinos: 13.5 % of drivers, 77% of searches

SCAPEGOATING THE YOUNG

- Violent crime
  - Teenagers commit just 13% of violent crime
  - They are more likely to be victims than offenders
- Drug use
  - Most drug users are adults, but teenagers are more likely to be arrested
- Results of scapegoating teenagers
  - Status offenses that apply only to young
  - Constitutional rights of young ignored
  - Youth culture targeted for censorship
  - Youths given harsher punishments than adults
  - Offenders against children receive lenient sentences