

## Before there were police

- *Socrates* argued that **deviance** is necessary to bring about change.
- *Durkheim* observed that deviant behavior is universal, and therefore must serve some important function: uniting people against a common enemy (for good or bad).
- *Mala in se* and *Mala prohibita*.
- What's the difference between deviance and crime?

© Peter Moskoff

## Before there were police...

- Romans had “Vigiles” and an “Urban Cohort” to maintain public order and fight fires.
- England in the late 9th Century had “tithing” — Ten to twelve extended families responsible for each other
- King Henry I issued the *Legis Henrici* in 1116, known as the “King’s Peace.” Introduced the concept of the state as the victim of a crime.

© Peter Moskoff

## Rule of Law

What is it?  
What does it mean?

© Peter Moskoff

## Rule Of Law

What is it?  
What does it mean?

There are laws (listing both crimes and punishments) that apply to all people equally.

© Peter Moskoff

## First Legal Code:

Hammurabi’s Code, Babylonian, 2050BC

For instance:

#3: If any one bring an accusation of any crime before the elders, and does not prove what he has charged, he shall, if it be a capital offense charged, be put to death.

#242: If any one hire oxen for a year, he shall pay four gur of corn for plow-oxen.

© Peter Moskoff

## Hammurabi’s Code, Babylonian, 2050BC

#2: If any one bring an accusation against a man, and the accused go to the river and leap into the river, if he sink in the river his accuser shall take possession of his house. But if the river prove that the accused is not guilty, and he escape unhurt, then he who had brought the accusation shall be put to death, while he who leaped into the river shall take possession of the house that had belonged to his accuser.

© Peter Moskoff

### Criminology in the Old & New Testaments

- What if we *only* punished with “an eye for an eye.”
- Do we punish for the victims’ sake or for the offenders? Or do not punish at all? Forgive and ask the offender to sin no more?
- Crime as sin & a sign of the Devil.

© Peter Moskoo

### How do you prevent crime?

- Deterrence.
  - Cesare Beccaria (1738-1794): to deter, punishment must be swift, certain, and proportional.
- Personal morals.
- Can criminals be cured? (Biological, physiological factors?)
- Situational Crime Prevention.
- What is the roll of police?

© Peter Moskoo

### A world without police?

© Peter Moskoo

### A world without police?



© Peter Moskoo

### A world without police?

- America, pre-1845.
- Crime, Riots, Disorder, Gangs...  
But *with* laws, courts, punishment and alternative forms of social control.

© Peter Moskoo

### The Bill of Rights

The first 10 amendments to the U.S. Constitution, ratified in 1791, form what is known as the “Bill of Rights.”

Amendment I: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II: A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III: No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law. (1979 C.O. strike, *Engblom v. Carey*, 1982)

Amendment IX: The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment V: No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a **Grand Jury**, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; **nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself**, nor be deprived of life, liberty, or property, without **due process of law**; nor shall private property be taken for public use, without just compensation.

Amendment VI: In all criminal prosecutions, the accused shall enjoy the right to a **speedy and public trial**, by an **impartial jury** of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be **informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor**, and to have the **Assistance of Counsel for his defense**.

Amendment VII: In suits at common law, where the value in controversy shall exceed **twenty dollars**, the right of trial by jury shall be preserved, and **no fact tried by a jury, shall be otherwise reexamined in any Court of the United States**, than according to the rules of the common law.

Amendment VIII: **Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.**

Amendment X: The **powers not delegated to the United States** by the Constitution, nor prohibited by it to the States, **are reserved to the States respectively, or to the people.**

Amendment IV: The right of the people to be secure in their persons, houses, papers, and effects, **against unreasonable searches and seizures**, shall not be violated, and no Warrants shall issue, but upon **probable cause**, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

**Probable Cause** is needed for a **search or arrest** (4<sup>th</sup> Amendment).

**Reasonable suspicion** is needed for a **stop and frisk** (Terry v. Ohio 1968)