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Q # 3

Social Control Theory

Introduction

Social Control Theory is put forward by Edward A. Ross.

According to Edward Ross there are certain moral codes and values that limit actions of the people, therefore controls their behavior. He claims that;

'Process of socialization builds self control'

Social control theory is actually a stopping mechanism of crime by explain the root cause of crimes that occurs due to the absence of social control.

What is Social Control...?

Social control means the control of society through its norms, conventions, and values on an individual who is a part of that society.

Types of Social Control

(i) Direct Social Control

This includes the institution of family, relationships and more specifically parents. These social structures influence the behavior of individual. eg a person brought up in a broken family is more prone to crime than that raised in a stable family.

(ii) Indirect Social Control

Indirect control by society through social circles and job environment. When people interact with each other they share good / bad ideas which influence the persons thoughts and perspectives about crime.

(iii) Internal Social Control

The internal conscience of the person plays an important role in developing the thoughts of crime.. commission. Similarly religion is an integral part of life that guides individuals through right and wrong.

(iv) Need Satisfaction

A person commits crime

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when is in need of his physical or psychological pursuits. e.g. usually a person steals because he has no means of earning livelihood. therefore to achieve economic stability he/she commits crime.

Core Principles of Social Control Theory

Social control theory postulates that individuals are naturally inclined towards crime but it is the control from society through its values and conventions that limits one's ^{criminal} behavior.

The core principles of Social Control Theory are as follows:

1. Bonding with Society

How bonded a person is with the society he lives in defines his criminal tendency in the future. Four elements of bonds are there in society:

i) Attachment

attachment of the person with his family, relatives or community.

ii) Commitment

How much time, energy and

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effort he invests with his social life
e.g. social/career goals

iii) Beliefs

Person's personal beliefs and values which is based on how educated he is

e.g. his patriotism & honesty
responsibility.

iv) Involvement

How much time a person spends in other social activities

e.g. sports, religious groups,
social clubs.

2) Containment of Criminal behavior

Inner containment i.e. qualities
Personal beliefs, ~~personal~~ ~~conventional~~ ~~goals~~
and External Containment i.e. resistance
against crime because of deterrence,
insulates individual from criminal
involvement. Crime is risky for him.

3) Justification of Crime

Individuals do have morals
but they tend to justify their criminal
behaviors and acts. Through denial of
responsibility, denial of injury and
blaming the victim he escapes from
the blame. They self rationalize their
acts and lose control.

4. Power Control or Parental Control

There are two types of families. First Patriarchal family second Egalitarian Family.

Patriarchal Family

In such family system male is the authority who controls children especially daughter/wife while men do the work force.

Egalitarian Family

In such family system both genders have rights and responsibilities. There is no discrimination of labor and roles.

Crime in egalitarian is more than crime in Patriarchal.

This is because in patriarchal system of family there is a central or central control by the father who is the head of the family.

Remedies for Crime Control

① Promote Social Bonding

It is important for a society that is well bonded with strong communal ties. It is the responsibility of the elders of the community to strengthen their communal bonds.

② Teachings of Supremacy of Law in Schools Curriculum

If the people have respect for the law they will abide by the law. Most criminals do not know about the sanctity of the law neither they have proper knowledge about the law. It is therefore important that the teachings of abidance of law must be inculcated from the very start of the educational brought up of the person.

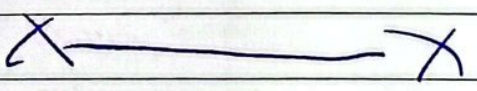
③ Role of Religious Teachings and Clergy

People may ignore law but they take the commandment of their religion very seriously. Sin is heinous crime ^{vollation} than legal crime. Therefore there is a dire need of incorporating crimes and sin to avoid further crimes. Clergy plays an important role and they are the teachers of religious scriptures and people follow their teachings based on them. ①

④ Reform Criminal Justice System

There is a need for the reformation of criminal justice systems.

Principles of Restorative Justice



Critical Analysis
Although social factors like social control of the social norms and conventions plays an important role in shaping the criminal behavior of the person but it should not be ignored that there are other factors that made a person commit a crime e.g. social stress, social environment and the attitude of the people towards a first time offender.

In case of Pakistan the laws are still written in 19th century and still applicable, with changing time laws should be changed with changing requirements. e.g. cyber crime is a new area of crime therefore states made new laws for such crimes. Law has the potential to adapt itself.

Introduction

There are different theories that explain the forms of punishment.

One theory says that criminals should be punished in such a way that it satisfies the thirst of revenge. This school of thought is called retributive.

whereas the opposite school of thought that is called rehabilitative, suggests that the offender should be treated in such a way that he can return to the society as law abiding member.

Retributive Justice

According to this theory the criminal should be punished and given harm as a consequence of his action i.e. crime.

a. Principles of Retributive Justice

Punishment must involve unpleasant consequence or pain.

Punishment must be proportionate to the crime that is committed.

Punishment must be given to the actual offender of the crime

Punishment must be imposed and administered by authority constituted by legal system

b. Rationale of Retributive Justice

1) To ensure social control

its important that there

is a social control on the society through

internal (individual's conscience, family) and

external (state, laws, society). Edward Ross

2) Criminal takes responsibility

If the criminal is not

given the realization that he committed

crime, he would repeat it in future

3) Deterrence

To prevent future crimes

and criminal behavior from that comes

and other people who can learn from

n) Rule of law

law must prevail and

individuals must abide by the law

and take the law in their own hands.

5) Threat to Society and Victim

The threat should be removed by punishing the criminal for his act.

Rehabilitative Justice

This theory suggests that criminals should be trained and educated so that they can become better version of themselves and get back to society as benign citizens.

not a criminal.

Principles of Rehabilitative Justice

1) Criminals should be given proper treatment and training.

2) There should be no physical or psychological violence inflicted on the criminal.

3) Criminal should be given education and awareness about crime and its consequences.

4) Criminal should work for their own benefit in certain fields so they can utilize their time constructively and return as benign citizens.

Rationale of Rehabilitative Justice

(a) Crime is not Rational Choice

People do not become criminals because they wish to. but because of external forces in the form of social stress, economic stress and psychological stress. According to Postivist school of thought (crime is) a normal response to an abnormal environment.

(b) Purpose of Justice System is to Prevent Crime not Criminal

The criminal justice systems are established in the world to emphasize the deterrent (punishment) was not intended to eliminate the criminals. of.

Rehabilitative Justice : Suitable for Pakistan

In the context of Pakistan

the rehabilitative justice is more suitable and effective because of the following reasons:

(a) To upskill the Criminal

Prisons are liability and burden on the government of Pakistan. therefore it is better that counsels are given special trainings so they can contribute to the economy of Pakistan.

(b) Most Criminals are not Professional Criminals

Most of the criminals in the prisons are not professionals but are themselves in the victim of social, economic and other factors.

(c) Shift the behavior of the Criminal to stable state

Criminals who become part of a mob are usually miss guided therefore they need special rehabilitation and education so that they can inspire others to stop doing

Critical Analysis

Between the retributive and rehabilitative it is important to know

the cause of crime before deciding about the type of punishment he should receive. Retributive Justice

is a threat to society at large
 e.g. a terrorist to make the terrorist
 group pay for its crime, on the
 other hand a criminal who is
 misguided by other people who
 want a crime needs rehabilitation
 e.g. mobs and other religiously,
 socially or politically motivated
 criminals.

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Introduction

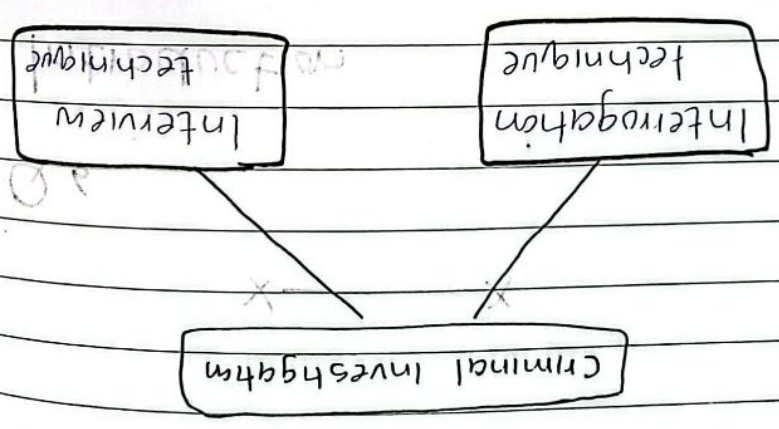
Interview and interrogation
 are the two types of investigation
 techniques of criminals. They are
 the process through which data or
 information is collected in order to
 identify the real offender of the
 crime committed. Interview is more
 formal and non accusatory technique
 of getting information about the crime
 and criminal details while interrogation
 is more informal and accusatory
 technique. However in both the
 techniques of investigation are kept in mind.

(10) (continued)

Criminal Investigation

"The process of collection and analysis of information, and evidence to identify and prove the guilt of the offender"

Black Law Dictionary



B Interrogation Technique

"The type of criminal investigation in which the suspects are questioned in regard to their involvement in crime under investigation"

Lay seal

Characteristics of Interrogation Technique

(a) Direct Confrontation

In Interrogation technique the suspect is provided the evidence

to confess about the crime (B)

(b) Dominant

The interrogator does not let the suspect talk during the question answers.

(b) Deflection or Minimization

The interrogator gives moral justification of the involvement by victim blaming in order to get the suspect's confession indirectly.

(c) Expressing Empathy

The officer expresses sympathy towards suspect that he understands suspects situation

(d) Maximization

The use of scare tactics by exaggerating the seriousness of the offence

(e) Knowledge Bluff

claiming that officer has the evidence or witness.

(f) Rapport building

the officer develops personal rapport with suspect and act like his friend

(B) Good Cop Bad Cop Play
Psychological manipulation
to earn trust of the suspect while
one officer extends sympathy. A widely used
technique in interrogation.

2. Techniques of Interrogation

Traditional
→ Third Degree Torture
→ "Beating the hunk out of you"

Modern

→ Reid Technique

→ PEACE method

→ Kinetic interview

Interview Technique

"The method of collecting information in a balanced way from the suspects"

Characteristics of Interview Technique

1) Non Accusatory

The tone of interview is not accusatory - The suspect is asked

questions in a way that he is not under pressure.

2) Subject of interview can be Any one if it is not necessary that the interviewee has to be the suspect.

The information can be extracted from other characters in the crime scene as well through interviews of

3) Purpose of interview is information extraction not guilt building

The interview is conducted with the purpose to gain as much information as possible and not fix on creating the guilt of one particular suspect.

4) Less Formal

The interviews are conducted in less formal way. Also if it is not necessary that interviews are conducted in the police stations but can be held in public area where the officer finds any clue to get information.

D Ethical Consideration During Interview and Interrogation.

(a) Privacy of the suspect it is important that

the privacy of the suspect / interviewee is not violated.

(b) Use of Psychological Tactics No

in order to get the confession the interrogators manipulate the questions in such a way that the suspect confess for the crime although he may be innocent

(c) Non Aggressive attitude the interviewer / interrogator should

be calm in his attitude. He should not imply that the suspect is the real criminal offender.

(d) Personal Threats to the suspects should be avoided. If the officer could not succeed to extract information or confession he should not resort to

threats by using his Power / authority

(e) Let the suspect speak suspects should be given more time to explain about the

Crime rather imposing on him that he must confess.

Critical Analysis

Although interview is more ethical and non confrontational but

it is not effective in reaching to

the real criminal. On the other

hand interrogation lacks a lot

of ethical consideration but at the

same time has been effective. However

often this interrogation leads to

false confessions while the real

perpetrator remains around.

