



ESSENTIALS OF
**CRIMINAL
JUSTICE**

LARRY J. SIEGEL | JOHN L. WORRALL

TENTH EDITION



Essentials of
**CRIMINAL
JUSTICE**

tenth edition

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DEDICATION

This book is dedicated to my kids, Eric, Andrew, Julie, and Rachel and her husband Mace; my grandkids, Jack, Kayla, and Brooke Macy; and to my wife, Therese J. Libby.

L. J. S.

This book is dedicated to my wife, Sabrina.
Thank you for your continued love and support.

J. L. W.



ABOUT THE AUTHORS



LARRY J. SIEGEL was born in the Bronx. While living on Jerome Avenue and attending City College of New York in the 1960s, he was swept up in the social and political currents of the time. He became intrigued with the influence contemporary culture had on individual behavior: Did people shape society, or did society shape people? He applied his interest in social forces and human behavior to the study of crime and justice. Graduating from college in 1968, he was accepted into the first class of the newly opened program in criminal justice at the State University of New York at Albany, where he earned both his MA and PhD degrees. Dr. Siegel began his teaching career at Northeastern University, where he was a faculty member for nine years. He also held teaching positions at the University of Nebraska–Omaha and Saint Anselm College in New Hampshire before being appointed a full professor in the School of Criminology and Justice Studies at the University of Massachusetts–Lowell. Dr. Siegel retired from full-time classroom teaching in 2015 and now teaches exclusively online. He has written extensively in the area of crime and justice, including books on juvenile law, delinquency, criminology, criminal justice, corrections, and criminal procedure. He is a court-certified expert on police conduct and has testified in numerous legal cases. The father of four and grandfather of three, Larry Siegel and his wife, Terry, now reside in Naples, Florida, with their two dogs, Watson and Cody.



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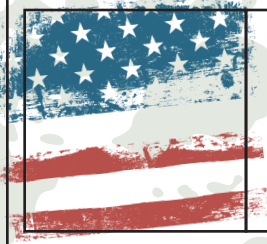
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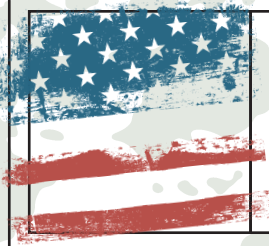
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PREFACE

In 2015, nine senior officials of FIFA (the Fédération Internationale de Football Association), the organization responsible for the regulation and promotion of soccer worldwide, were indicted on racketeering, wire fraud, money laundering, and other charges. They were accused of involvement in a decades-long scheme to corrupt the sport through bribes, kickbacks, and other criminal activity whose aim was controlling lucrative marketing rights to international tournaments such as the World Cup. In all, more than \$150 million in bribes and kickbacks were paid or agreed to be paid to obtain media and marketing rights to international soccer tournaments.

How did the conspiracy unfold? A key way FIFA makes money is by selling media and marketing rights associated with flagship tournaments such as the World Cup. Rights are typically sold through multiyear contracts. Sports marketing companies, in turn, sell the rights to TV and radio broadcast networks, major corporate sponsors, and other sublicensees who want to broadcast the matches or promote their brands. According to federal prosecutors, between 1991 and 2015, the defendants and their co-conspirators abused their positions of trust for personal gain, frequently through alliances with sports marketing executives who shut out competitors and kept highly lucrative contracts for themselves through the systematic payment of bribes and kickbacks.

Empowered by case law and legislation, the criminal justice system routinely processes millions of cases involving fraud, theft, violence, drug trafficking, and other crimes. Some are the products of vast conspiracies, as the FIFA case illustrates. Others are one-time offenses by first-time offenders. The vast majority fall somewhere between each of these extremes. How does the criminal justice system, which costs billions of dollars and involves millions of people, operate? What are its most recent trends and policies? How effective are its efforts to control crime? What efforts are being made to improve its efficiency? We have written the tenth edition of *Essentials of Criminal Justice* in an attempt to help answer these questions in a concise, forthright, and objective manner.

Goals and Objectives

Because the study of criminal justice is a dynamic, ever-changing field of scientific inquiry, and because the concepts and processes of justice are constantly evolving, we have updated *Essentials of Criminal Justice* to reflect the most critical legal cases, research studies, and policy initiatives that have taken place during the past few years. *Essentials of Criminal Justice* lays a foundation for the study of criminal justice by analyzing and describing the agencies of justice and the procedures they use to identify and treat criminal offenders. It covers what most experts believe are the crucial issues in criminal justice and analyzes their impact on the justice system. This edition focuses on critical policy issues in the criminal justice system, including efforts to control and contain terrorism.

The primary goals and objectives of the tenth edition remain the same as they have been for the previous nine:

1. Provide students with a thorough knowledge of the criminal justice system.
2. Be as readable and interesting as possible.

3. Be objective and unbiased.
4. Describe current methods of social control and analyze their strengths and weaknesses.

Every attempt has been made to make the presentation of material interesting, balanced, and objective. No single political or theoretical position dominates the text; we try to be as objective as possible. Accordingly, we have included the many diverse views that are represented within criminal justice and that characterize its interdisciplinary nature.

Focus on Ethics

A key goal of this new edition is to give students an unparalleled opportunity to grapple with some of the ethical issues that agents of the criminal justice system must face every day in their professional lives. The study of ethics is concerned with questions of right and wrong and how we ought to live and behave. In *Essentials of Criminal Justice*, students will be challenged to think about ethical decisions and then be presented with an opportunity to apply their own sense of ethics to everyday decision making in criminal justice. Whether they involve a prosecutor deciding whether to charge a well-known personality or treat the case informally, or a police officer stopping and searching a citizen merely because of his or her race or ethnicity, we believe that understanding ethical issues and being able to think ethically is a key element of the study of criminal justice. To meet this goal, each chapter begins with a vignette that reflects an ethical challenge in criminal justice. In Chapter 3, for example, we begin with the Aaron Hernandez case, the New England Patriot tight end who was convicted of murder. The case and the issues it represents are further referred to in Ethical Reflection boxes that appear throughout the chapter. We address such ethical questions as whether it is fair to equally punish all people involved in a criminal conspiracy even though only one engaged in violence. In other words, should the triggerman be punished more severely than the other conspirators?

Finally, an Ethical Challenge feature also presents students with a controversial topic in criminal justice and asks them to address the ethics of the issue in an essay. Taken together, these elements of the text afford students a much-needed opportunity to think about and practice their own ethical decision-making skills—skills we believe are the cornerstone of an optimally functioning justice system.

Organization of the Text

Essentials of Criminal Justice is a brief introduction to criminal justice. Despite its clear, concise nature, we have made every effort to ensure that the book is informative, complete, interesting, well organized, and impartial as well as stimulating and thought-provoking.

Part One gives the student a basic introduction to crime, law, and justice. The first chapter covers the agencies of justice, outlines the formal justice process, and introduces the concept of the informal justice system, which involves discretion, deal

making, and plea bargains. Chapter 1 also examines the major perspectives on justice and shows how they shape justice policy. Chapter 2 discusses the nature and extent of crime and victimization: How is crime measured? Where and when does it occur? Who commits crime? Who are its victims? What social factors influence the crime rate? Chapter 3 provides a discussion of criminal law and its relationship to criminal justice. It covers the legal definition of crime, the types of defenses available to those charged with having committed a crime, as well as issues in constitutional procedural law.

Part Two offers an overview of law enforcement. Three chapters cover the history and development of police departments, the functions of police in modern society, issues in policing, and the police and the rule of law. Special emphasis is placed on community policing and crime prevention, technology and policing, and changes in police procedures.

Part Three is devoted to the court process, from pretrial indictment to the sentencing of criminal offenders. In this section, individual chapters focus on the organization of the court system and the roles of its major participants (judge, prosecutor, and defense attorney), pretrial procedures, the criminal trial, and sentencing. The topics explored include bail, court reorganization, sentencing, and capital punishment.

Part Four focuses on the correctional system, including probation and the intermediate sanctions of house arrest, intensive supervision, and electronic monitoring. Although the traditional correctional system of jails, prisons, community-based corrections, and parole is discussed at length, there is also a focus on restorative justice programs. Such issues as the crisis of overcrowding in prisons and jails, house arrest, correctional workers, super-maximum-security prisons, and parole effectiveness are discussed.

Part Five explores current issues in justice. One chapter deals with the problem of juveniles who break the law by considering what should be done with them, and how they should be treated. Information is also provided on the development of juvenile justice, on waiving youth to the adult court, and on the death penalty for children. Chapter 14 focuses on some of the critical issues currently facing the justice system: terrorism, corporate crime, environmental crime and cyber crime. It illustrates the dynamic nature of the justice process and the fact that the problems it faces are constantly evolving.

Key Changes in the Tenth Edition

In addition to thoroughly updating and revising each chapter, we have included coverage of the hottest topics in criminal justice today, including, but not limited to the following:

- High-profile police shootings
- Lone wolf terrorists
- Recent gun control developments
- Latest on marijuana legalization
- Police technology, including body cameras and drones

- End to prison expansion
- Wrongful convictions
- Youth gangs

Discussions are more concise—leaner than ever before. And the book contains many new graphs, figures, charts, and tables that make the presentation easier to understand. Finally, we have made the following key changes to the text:

Chapter 1, Crime and Criminal Justice, now begins with the shooting of Michael Brown in Ferguson, Missouri, and the resulting backlash against what is perceived as police racial bias. The chapter has also been thoroughly revised and updated with new data on criminal justice expenditures and the numbers of people in the correctional system. The sections on ethics have been revamped and extended.

Chapter 2, The Nature of Crime and Victimization, first covers the terrible case involving the abduction and murder of University of Virginia student Hanna Graham. Data on child abuse and hate crimes have been updated and expanded. New material is provided on recent trends in Uniform Crime Reports (UCR), self-report, and victimization data. For example, the latest national self-report data from the Monitoring the Future program finds that teen alcohol and cigarette use are at their lowest points since the study began 40 years ago. We review crime reporting and find that victims fail to report if they do not trust the police; cities in which people believe the police can help them are more likely to report crime.

Chapter 3, Criminal Law: Substance and Procedure, now begins with the Hernandez case and goes into the legal requirements required for a murder conviction. It also has a boxed feature on gun control and looks at the legal issues that shape this important topic, including the 2015 referendum that asked Colorado voters to repeal gun control laws passed in the wake of the Aurora movie theater shooting. Gun advocates believe that if citizens are armed, they could stop mass shootings. A new Current Issues in Criminal Justice, “Born and Alive,” looks at the legal status of a fetus and whether it is considered murder if an unborn child is killed during a criminal act. Criminal defenses have been revised and updated, and we review some of the most important criminal procedure decisions of the past few years.

Chapter 4, Police in Society: History and Organization, includes a new chapter opener that features the tragic 2014 shooting of two New York City police officers, Wenjian Liu and Rafael Ramos. A Criminal Justice and Technology box features the advent of police body cameras, which have become popular in the wake of recent high-profile police shootings.

Chapter 5, The Police: Role and Function, has a new opening vignette about the New York City Police Department work “slowdown,” which resulted from a rift between the police union and the city’s mayor. Members felt the mayor did not show enough support for the police when riots broke out after officer Daniel Pantaleo was not indicted in the controversial killing of Eric Garner in 2014. Drone use is also covered in this chapter. Drones are ubiquitous these days. How much should police departments rely on them?

Chapter 6, Issues in Policing: Professional, Social, and Legal, features the Eric Garner choking death in the new chapter opener. The incident prompted a backlash and later rioting when the officer who took Garner to the ground was not indicted. Even the shootings of NYPD officers Wenjian Liu and Rafael Ramos was partly attributed to the Garner incident. The latest Supreme Court cases with relevance to law enforcement are included and discussed in this chapter. A new Contemporary Issues in Criminal Justice box focuses on the effectiveness of Tasers.

Chapter 7, Courts, Prosecution, and the Defense, has a new opening vignette that highlights the defense lawyer team in the Dzhokhar Tsarnaev’s trial. Tsarnaev was the man charged and ultimately convicted in the Boston marathon bombing in 2013. What kind of person does it take to defend someone involved in such a serious crime? The chapter also includes a feature on specialized courts for drug crimes, domestic violence, and other complex problems.

Chapter 8, Pretrial and Trial Procedures, has a revised opening vignette that considers the latest developments with respect to marijuana legalization. The chapter was updated with the latest developments and court decisions pertaining to trial and pretrial procedures.

Chapter 9, Punishment and Sentencing, includes a new opening vignette that examines the tragic loud music shooting in Florida, a case in which an armed man ended up killing the passenger in an SUV because the car stereo was playing too loudly. A new box features the problem of wrongful convictions—and methods for remedying them. The latest punishment and sentencing data are also included.

Chapter 10, Community Sentences: Probation, Intermediate Sanctions, and Restorative Justice, includes a new chapter opening vignette covering the case of “Real Housewives of New Jersey” stars Teresa and Joe Giudice who pleaded guilty for conspiring to commit wife fraud and failing to file income tax returns. Should nondangerous offenders such as the Giudice’s be put in prison, or would they be better served with a community sentence? The Contemporary Issues in Criminal Justice feature, Treating Probationers with Cognitive Behavioral Therapy, has been updated with new data. There is new research on probation styles as well as the number of people on probation and probation effectiveness. New sections cover innovative probation monitoring programs, such as “drive-by” units in which probation officers use a portable device that can be handheld or used in a vehicle with a roof-mounted antenna.

Chapter 11, Corrections: History, Institutions, and Populations, begins with a vignette on the brutal beating of a prison inmate, George Williams, which resulted in the criminal conviction of three correctional officers. The segment on supermax prisons has been expanded, as has the material on private prisons. Statistics on jail and prison populations have been revised and updated. The chapter also reviews the recent stabilization in the prison population after so many years of growth. Although the prison inmate population increases have now begun to slow, there are still far too many people in prison, so we cover legal scholar Michael Tonry’s 10-point plan to reduce the prison population over the next five years.

Chapter 12, Prison Life: Living in and Leaving Prison, now begins with the story of Tommy Silverstein, considered one of the most dangerous inmates in the United States, who has been held in solitary confinement for the past 27 years. The section on faith-based treatment has been overhauled, and there is discussion of Corrections Corporation of America's (CCA) intention to employ chaplains and program facilitators, who offer inmate residents a variety of worship services, faith-based counseling, and religious resources to address practical and spiritual needs.

Chapter 13, Juvenile Justice in the Twenty First Century, includes a new chapter opener that features the killing of Elizabeth Thomas by Steven Miles, her boyfriend, who tried to emulate the lead character in the Showtime series, *Dexter*. The latest juvenile delinquency data have been included, as have recent Supreme Court cases relevant to juvenile justice. A new career feature discusses the position of social worker. A new Contemporary Issues box features the state of the youth gang problem.

Chapter 14, Criminal Justice in the New Millennium, addresses such topics as the definitions of terrorism and cyber crime. The opening vignette focuses on a 2015 cyber crime that involved a multimillion-dollar Ponzi scheme. New information is provided on the various forms of cyber crime (including cyber terrorism) and on what law enforcement agencies are doing to thwart cyber criminals. The chapter has a substantial new section on terrorism that covers such issues as the nature and categories of terror groups, efforts to control terror, and terror and the justice system. There is also new material on lone-wolf terrorism, and the section on large-scale corporate crime has been expanded, as has the section on transnational crime.

Boxed Features

Contemporary Issues in Criminal Justice boxed features, highlighting evidence-based criminal justice policies and practices, help students to think critically about current justice issues. For example, a Contemporary Issues box in Chapter 3 reviews the issues surrounding gun control and the Constitution, another in Chapter 11 looks at the problems faced by elderly inmates, and, in Chapter 12, another Contemporary Issues box looks at criminal records and reentry success.

Criminal Justice and Technology boxes review some of the more recent scientific advances that can aid the justice system. In Chapter 12, for example, a feature titled “**Monitoring Parolees with GPS**” looks at how technology now enables correctional administrators to keep track of parolees using GPS technology.

The very popular **Careers in Criminal Justice** boxes have been updated with information on the latest career paths in criminal justice. These boxes contain detailed information on salaries, educational requirements, and future prospects, and we have added to each of these boxes a new “Reality Check” section that discusses the potential pitfalls of that career area,

as well as what might disqualify a person from the career or job highlighted. Careers in Criminal Justice boxes that are new to this edition include loss prevention specialist (Chapter 4), crime analyst (Chapter 5), paralegal (Chapter 7), and social worker (Chapter 13).

Other Important Chapter Features

Every chapter of *Essentials of Criminal Justice* also contains learning tools to enhance student mastery of the material.

- **Learning Objectives.** Each chapter begins with a list of key learning objectives. These objectives are then revisited in the **Summary**, where they are directly tied to the material covered in the text. The learning objectives are also integrated throughout in the text margins, signaling where the learning objective is addressed within the chapter.
- **RealityCheck.** One of the goals of this book is to expose some of the myths that persist about crime, criminals, and the criminal justice system. Given the popularity of television series such as *CSI* and *Law and Order*, which purport to strip away the veneer of the justice system and expose the truth, it has become essential to help students separate rhetoric from reality in the criminal justice system: Is the crime rate really out of control? Are unemployed people more likely than others to commit crime? Do detectives solve the most serious crimes? Does incarceration really work? Does the death penalty deter people from committing murder? Making it clear what is true and what is merely legend is one of the greatest challenges for instructors teaching the first course in criminal justice. The **RealityCheck** feature in *Essentials of Criminal Justice* meets that challenge head on. Its purpose is to separate myth from reality and thereby inform students of the incorrect notions, perceptions, and biases they bring to class as a result of what they see on television or read in fiction and on the Internet.
- **WebApps. New to this edition**, throughout the book are a variety of Web links that help students do further research and reading on the Internet. Some of these are links to websites containing information that can enrich the textual material.
- **Ethical Reflections.** This feature refers back to the ethical issues raised in the opening vignette and links it to the material found within the chapter.
- **Ethical Challenges.** Each chapter presents a writing assignment that challenges students to solve an ethical dilemma they may someday confront while working within the justice system. For example, the ethical challenge posed in Chapter 5 concerns how to deal with two police officers who may have been overzealous in using force on the job.
- **Review Questions**
- **Running Marginal Glossary of Key Terms**

Ancillaries

For the Instructor

MINDTAP FOR CRIMINAL JUSTICE MindTap Criminal Justice from Cengage Learning represents a new approach to a highly personalized, online learning platform. A fully online learning solution, MindTap combines all of a student's learning tools—readings, multimedia, activities, and assessments—in to a singular Learning Path that guides the student through the curriculum. Instructors may personalize the experience by customizing the presentation of these learning tools for their students. MindTap allows seamless introduction of the instructor's own content into the Learning Path via “apps” that integrate into the MindTap platform. Additionally, MindTap provides interoperability with major Learning Management Systems (LMS) via support for industry standards and fosters partnerships with third-party educational application providers to create a highly collaborative, engaging, and personalized learning experience.

INSTRUCTOR'S RESOURCE MANUAL WITH LESSON PLANS AND TEST BANK This manual includes learning objectives, key terms, a detailed chapter outline, a chapter summary, lesson plans, discussion topics, student activities, “What If” scenarios, media tools, a sample syllabus, and an expanded test bank with 30 percent more questions than the prior edition. The learning objectives are correlated with the discussion topics, student activities, and media tools.

Each chapter of the test bank contains questions in multiple-choice, true/false, completion, essay, and new critical thinking formats, with a full answer key. The test bank is coded to the learning objectives that appear in the main text and includes the section in the main text where the answers can be found. Finally, each question in the test bank has been carefully reviewed by experienced criminal justice instructors for quality, accuracy, and content coverage so instructors can be sure they are working with an assessment and grading resource of the highest caliber.

CENGAGE LEARNING TESTING POWERED BY COGNERO This assessment software is a flexible, online system that allows instructors to import, edit, and manipulate test bank

content from the *Essentials of Criminal Justice* test bank or elsewhere, including their own favorite test questions, create multiple test versions in an instant, and deliver tests from their LMS, classroom, or wherever they want.

ONLINE POWERPOINT® LECTURES Helping make lectures more engaging while effectively reaching visually oriented students, these handy Microsoft PowerPoint slides outline the chapters of the main text in a classroom-ready presentation. The PowerPoint slides are updated to reflect the content and organization of the new edition of the text, are tagged by chapter learning objective, and feature some additional examples and real-world cases for application and discussion.

For the Student

MINDTAP FOR CRIMINAL JUSTICE MindTap Criminal Justice from Cengage Learning represents a new approach to a highly personalized, online learning platform. A fully online learning solution, MindTap combines all of your learning tools—readings, multimedia, activities, and assessments—in a singular Learning Path that guides you through the course.

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Larry Siegel
Naples, Florida

John Worrall
Dallas, Texas



Essentials of **CRIMINAL JUSTICE**



CHRISTINE BAKER/The Patriot-News/Landov

PART 1

THE NATURE OF CRIME, LAW, AND CRIMINAL JUSTICE

In January of 2015, a controversy developed across the University of Virginia (UVA) campus that had repercussions around the nation. In a letter to 16 UVA sorority chapters, national leaders encouraged members not to participate in activities related to “men’s bid night” and instead plan alternative “sisterhood events.” The letter was prompted by a recent spate of sexual assaults associated with frat houses and the death of UVA student Hannah Graham. Instead of gaining immediate acceptance, the letter prompted angry responses from students who felt the request treated them as untrustworthy and undermined efforts to reduce the threat of sexual violence.

The UVA incident comes at a time when sexual assaults on campuses have become an issue of growing national concern. All too many high-profile incidents have rocked the nation’s campuses, many involving star athletes, as well as frat brothers. Students, such as those shown here at Dickinson College, have organized protests against sexual

assault on campus, demanding reforms and calling for the expulsion of perpetrators. Sexual assault on campus and elsewhere is a major concern of those involved in the criminal justice process. Knowing the legal definition of crimes such as sexual assault, when and where crimes like these take place, and how to prevent such criminal activity are significant goals of those who work within the criminal justice system.

To help address these issues, Part 1 of this text covers the basic issues and concepts of crime, law, and justice. Chapter 1 covers the justice process and the organizations that are entrusted with conducting its operations: the police, courts, and corrections. It provides an overview of the justice system and sets out its most important agencies, processes, and concepts. Chapter 2 looks at the nature and extent of crime, and attempts to determine why people commit crimes such as sexual assault. Chapter 3 covers the criminal law, analyzing both its substantive and procedural components, including the legal definition of a crime.

Chapter 1 Crime and Criminal Justice

Chapter 2 The Nature of Crime and Victimization

Chapter 3 Criminal Law: Substance and Procedure



Crime and Criminal Justice

REALITYCHECK

MYTH OR REALITY?

- Police departments are an American creation, the first having been formed in New York City after the Civil War.
- At its core, the justice system is designed to protect the public from people who cannot abide by or obey the law.
- According to the statute of limitations concept, if a murder isn't solved in 10 years, the killer can no longer be brought to justice.
- There is equal justice under the law, and everyone can expect to get his or her day in court.
- Justice tends to be objective rather than subjective; agents of the justice system put their personal feelings aside in the course of their duties.
- Seeking justice is often confounded by ethical dilemmas that may be difficult to resolve.
- Defense attorneys do not represent clients they know to be guilty.

On August 9, 2014, in Ferguson, Missouri, a suburb of St. Louis, 18-year-old Michael Brown, an unarmed African American, was fatally shot by Darren Wilson, a white police officer. According to most accounts, shortly before the shooting, Michael and a friend Dorian Johnson had stolen some cigars from a local convenience store. Officer Wilson, who at the time was not aware of the theft, encountered the two young men as they were walking down the middle of the street. Wilson ordered them to move to the sidewalk. When the two refused to obey the order, a scuffle broke out during which Michael Brown punched Officer Wilson through the window of the police car. The fight went on until Wilson's gun was fired, and Brown and Johnson fled down the street. Wilson pursued Brown down the street, eventually firing a total of 12 rounds at him from a distance ranging from 30 feet to less than 10 feet. In all, Michael Brown was hit eight times, the last shot causing his death. A grand jury called to review the evidence in the case failed to find sufficient cause to indict Officer Wilson for the death of Michael Brown, a decision that prompted nationwide protests condemning racial bias in the justice system.

The shooting of Michael Brown reminded people of the central role that crime, law, and justice play in their daily lives and how a random encounter can escalate into the death of a young man. Many pertinent issues were raised by the death of Michael Brown. The prosecution employed a grand jury to investigate the case. Required by the Fifth Amendment of the U.S. Constitution in Federal cases, about half the states also make use of a grand jury indictment for prosecution in felony cases. In Missouri, grand juries are used in some but not all cases. When used, the grand jury consists of 12 citizens, of which 9 must vote in favor of an indictment before a case can be brought to trial. Those who considered the shooting of Michael Brown a criminal matter were outraged by the refusal to indict Officer Wilson. Many could not understand how the shooting of an unarmed suspect was not a crime. Legally, the grand jury's decision rested on what happened during the pursuit of Michael Brown: Did he, as some witnesses asserted, have his hands raised in surrender as he moved toward



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LEARNING OBJECTIVES

L01 Discuss the formation of the criminal justice system in America

L02 Define the concept of a criminal justice system

L03 Identify the basic component agencies of the criminal justice system

L04 Comprehend the size and scope of the contemporary justice system

L05 Trace the formal criminal justice process

L06 Articulate what is meant by the term criminal justice assembly line

L07 Characterize the informal criminal justice system

L08 Describe the “wedding cake” model of justice

L09 Discuss the various perspectives on justice

L010 Discuss the ethical issues that arise in criminal justice

Officer Wilson, or was Michael Brown madly charging at the officer in an attempt to attack him further, as Wilson claimed? If the latter is true, then the officer's behavior may be excused because he acted in self-defense, and the failure to indict was justified. If the former, Wilson's actions amounted to felony murder, and an indictment should have been issued. Members of the jury obviously believed Wilson's story when they failed to indict. Because a grand jury meets behind closed doors, how their decision was made and what evidence they considered remains unknown to all but those directly involved.

The death of Michael Brown also raised issues about the role race plays in the construction and creation of crime and criminality. Would Michael Brown have been stopped by a police officer if he was a white college-aged man? Or a middle-aged white woman who decided to walk down the middle of the street? Protestors claimed that the shooting of Michael Brown was just one of numerous incidents of police harassment and brutality directed at young men of color. The law should and must be colorblind and gender neutral. Did this incident occur because of discrimination and racial profiling? And if so, what can be done to make police officers more sensitive to issues of race and improve police relations with the minority community?

According to the FBI, around 500 incidents of justifiable fatal police shootings occur each year; this number has increased about 10 percent in the past five years.¹ They, along with millions of other cases, fall within the scope of the **criminal justice system**. Defined as the system of law enforcement, adjudication, and correction that is directly involved in the apprehension, prosecution, and control of those charged with criminal offenses, this loosely organized collection of agencies is responsible for, among other matters, protecting the public, maintaining order, enforcing the law, identifying transgressors, bringing the guilty to justice, and treating criminal behavior. The public depends on this vast system not only to protect them from evildoers and to bring justice to their lives but also to maintain order and protect the fabric of society.

This textbook serves as an introduction to the study of criminal justice. This area of research and scholarship includes describing, analyzing, and explaining the behavior of those agencies authorized by law and statute to dispense justice—police departments, courts, and correctional agencies—and helping these institutions identify effective and efficient methods of crime control.

Myth vs. Reality

As we engage in this study of crime and justice, a unifying theme is exposing, analyzing, and setting straight some of the myths and legends that have grown up about the justice system. Many people form opinions about criminal justice from the media, which often leads to false impressions and unrealized expectations. In the movies and on TV, it takes police about an hour to catch even the most wily criminal. Shootouts and car chases are routine, and every criminal defendant receives a lengthy trial in front of an attentive jury. Journalists and the media as a whole help perpetuate these myths by routinely featuring stories exposing brutal cops and violent prisons. How true are these images of justice? How can we separate myth from reality? Throughout this textbook, we will confront such myths and legends in an attempt to sort the facts from the fiction.

This chapter introduces some basic issues, beginning with a discussion of the history of crime in America and the development of criminal justice. The major organizations and **criminal justice processes** of the criminal justice system are then introduced as an overview of how the system functions. Because there is no single view of the underlying goals that help shape criminal justice, the varying perspectives on what criminal justice really is, or should be, are set out in some detail.

Developing the Criminal Justice System

During the nineteenth century, America experienced a surge in violent behavior. You have all seen movie westerns featuring bad men such as Jesse James, Billy the Kid, and Butch Cassidy and the Sundance Kid. These outlaws were not merely media legends;

criminal justice system The law enforcement, court, and correctional agencies that work together to effect the apprehension, prosecution, and control of criminal offenders. They are charged with maintaining order, enforcing the law, identifying transgressors, bringing the guilty to justice, and treating criminal behavior.

criminal justice process The decision-making points, from the initial investigation or arrest by police to the eventual release of the offender and his or her reentry into society; the various sequential criminal justice stages through which the offender passes.

they actually robbed trains, rustled cattle, and engaged in western land wars. Bringing them to justice were such legendary lawmen as Wyatt Earp (famed for his part in the “Gunfight at the OK Corral”), Bat Masterson, and Pat Garrett (who shot and killed Billy the Kid).

On the East Coast, large and deadly urban gangs such as the North End Gang, Dead Rabbits, Plug Uglies, and Hudson Dusters set up operations in cities such as New York and Boston. Responding to a public outcry over rising crime rates in the United States and abroad, the first criminal justice agencies began to appear. The emergence of criminal gangs and groups in the nineteenth century and a general sense of lawlessness spurred development of formal agencies of criminal justice. In 1829, the first police agency, the London Metropolitan Police, was developed to keep the peace and identify criminal suspects. In the United States, the first police agencies were created in Boston (1838), New York (1844), and Philadelphia (1854). The penitentiary, or prison, was created to provide nonphysical correctional treatment for convicted offenders; these were considered “liberal” innovations that replaced corporal or capital punishment.

During the first century of their existence, these fledgling agencies of justice rarely worked together in a systematic fashion. Not until 1919, with the creation of the Chicago Crime Commission (a professional association funded by private contributions) did the work of the criminal justice system begin to be recognized.² This organization acted as a citizens’ advocate group and kept track of the activities of local justice agencies. The commission still carries out its work today.

In 1931, President Herbert Hoover appointed the National Commission on Law Observance and Enforcement, which is commonly known today as the Wickersham Commission. This national study group made a detailed analysis of the US justice system and helped usher in the era of treatment and rehabilitation. The final report found that thousands of rules and regulations governed the system and made it difficult for justice personnel to keep track of the system’s legal and administrative complexity.³

The Modern Era of Justice

The modern era of criminal justice can be traced to a series of research projects begun in the 1950s under the sponsorship of the American Bar Foundation (ABF).⁴ Originally designed to provide in-depth analysis of the organization, administration, and operation of criminal justice agencies, the ABF project discovered that the justice system contained many procedures that had been hidden from the public view. The research focus then shifted to an examination of these previously obscure processes and their interrelationship—investigation, arrest, prosecution, and plea negotiations. It became apparent that justice professionals used a great deal of personal choice in decision making, and showing how this discretion was used became a prime focus of the research effort. For the first time, the term *criminal justice system* began to be used, reflecting a view that justice agencies could be connected in an intricate yet often unobserved network of decision-making processes.

Federal Involvement in Criminal Justice

In 1967, the President’s Commission on Law Enforcement and Administration of Justice (the Crime Commission), which had been appointed by President Lyndon Johnson, published its final report entitled, *The Challenge of Crime in a Free Society*.⁵ This group of practitioners, educators, and attorneys was given the responsibility of creating a comprehensive view of the criminal justice

WEB APP
1.1

Wyatt Earp was one of the most colorful characters in the old West. Read about

him at <http://www.wyattearp.net>.

To learn more about Wyatt, read this article by his friend and fellow lawman Bat Masterson at

<http://www.legendsofamerica.com/we-earpbymasterson.html>.

Do you find it amazing that only 150 years ago the West was wild, and gunfights took place on city streets?

REALITYCHECK

MYTH OR REALITY?

Police departments are an American creation, the first having been formed in New York City after the Civil War.

MYTH. The first formal police department was created in London in 1829, headquartered in Scotland Yard.

Police agencies in the United States developed in the latter half of the nineteenth century. What social conditions present at that time encouraged the creation of formal police agencies?

ETHICAL REFLECTION

Police Shootings

When a terrible tragedy such as the shooting death of Michael Brown occurs, people want answers. What can be done to prevent such crimes from occurring? Should all police officers undergo rigorous psychological testing before being sworn in, and should those with identifiable problems be prohibited from joining the force? If so, is it fair and ethical to exclude people from an occupation before they commit a crime, or is that a violation of civil liberties?

L01 Discuss the formation of the criminal justice system in America

Law Enforcement Assistance Administration (LEAA) Funded by the federal government's Safe Streets Act, this agency provided technical assistance and hundreds of millions of dollars in aid to local and state justice agencies between 1969 and 1982.

social control The control of an individual's behavior by social and institutional forces in society.

L02 Define the concept of a criminal justice system

L03 Identify the basic component agencies of the criminal justice system

REALITYCHECK

MYTH OR REALITY?

At its core, the justice system is designed to protect the public from people who cannot abide by or obey the law.

REALITY. The justice system dispenses formal social control, and is made up of a group of government agencies empowered to control and punish people who violate the criminal law.

What behaviors that are currently illegal would you decriminalize and make legal? Conversely, what behaviors that are now legal do you believe should be criminalized?

process and recommending reforms. In 1968, Congress passed the Safe Streets and Crime Control Act, providing for the expenditure of federal funds for state and local crime control efforts and launching a massive campaign to restructure the justice system.⁶ It funded the National Institute of Law Enforcement and Criminal Justice (NILECJ), which encouraged research and development in criminal justice. Renamed the National Institute of Justice (NIJ) in 1979, the Institute has continued its mission as a major source of funding for the implementation and evaluation of innovative experimental and demonstration projects in the criminal justice system.⁷

The Safe Streets Act provided funding for the **Law Enforcement Assistance Administration (LEAA)**, which granted hundreds of millions of dollars in aid to local and state justice agencies. Throughout its 14-year history, the LEAA provided the majority of federal funds to states for criminal justice activities. On April 15, 1982, the program came to an end when Congress terminated its funding. However, the federal government continues to fund innovation in the criminal justice system through the National Institute of Justice (NIJ) and the Bureau of Justice Assistance (BJA).

The Contemporary Criminal Justice System

The criminal justice system is society's instrument of **social control**. Some behaviors are considered so dangerous that they must either be strictly controlled or prohibited outright, and some people are so destructive that they must be monitored or even confined. The agencies of justice are tasked with preventing or deterring outlawed behavior by apprehending, adjudicating, and sanctioning lawbreakers. Society maintains other forms of informal social control, such as parental and school discipline, but these are designed to deal with moral, not legal, misbehavior. Only the criminal justice system maintains the power to control crime and punish those who violate the law.

Contemporary criminal justice agencies are political entities whose structure and function are lodged within the legislative, judicial, and executive branches of the government. They typically can be divided into three main components (Figure 1.1): law enforcement agencies, which investigate crimes and apprehend suspects; court agencies, in which charges are brought, indictments submitted, trials conducted, and sentences formulated; and correctional agencies, which are charged with monitoring, treating, and rehabilitating convicted offenders.

Because of its varied and complex mission, the contemporary criminal justice system in the United States is monumental in size. At last count, local governments funded half (or \$132 billion) of all direct justice system—police protection, all judicial and legal services, and corrections—expenses in the United States. State government spending accounted for 31 percent (or \$81 billion), and federal funding accounted for 19 percent (or \$50 billion).⁸

These expenses are high because there are now almost 18,000 local, state, and county law enforcement agencies employing more than 1.1 million people. Of these, almost 800,000 are full-time sworn law enforcement officers, and the remainder are part-time officers and civilian employees. The federal government employs an additional 120,000 sworn law enforcement personnel. The criminal justice system consists of nearly 17,000 courts, more than 8,000 prosecutorial agencies, about 6,000 correctional institutions, and more than 3,500 probation and parole departments.

The system is massive because it must process, treat, and care for millions of people. Although the crime rate has declined substantially, more than 11 million people are still being arrested each year or about 3,700 per 100,000 people. While there has also been a recent decline in the number of cases brought to state courts, about 96 million cases are now being heard each year, including about 20 million that involve criminal matters and 2 million juvenile offenders.⁹



Police

Police departments are those public agencies created to maintain order, enforce the criminal law, provide emergency services, keep traffic on streets and highways moving freely, and develop a sense of community safety. Police officers work actively with the community to prevent criminal behavior; they help divert members of special needs populations, such as juveniles, alcoholics, and drug addicts, from the criminal justice system; they participate in specialized units such as a drug prevention task force or antirape unit; they cooperate with public prosecutors to initiate investigations into organized crime and drug trafficking; they resolve neighborhood and family conflicts; and they provide emergency services, such as preserving civil order during strikes and political demonstrations.

Courts

The criminal courthouse is the scene of the trial process. Here the criminal responsibility of defendants accused of violating the law is determined. Ideally, the court is expected to convict and sentence those found guilty of crimes, while ensuring that the innocent are freed without any consequence or burden. The court system is formally required to seek the truth, to obtain justice for the individual brought before its tribunals, and to maintain the integrity of the government's rule of law. The main actors in the court process are the judge, whose responsibilities include overseeing the legality of the trial process, and the prosecutor and the defense attorney, who are the opponents in what is known as the adversary system. These two parties oppose each other in a hotly disputed contest—the criminal trial—in accordance with rules of law and procedure.

Corrections

In the broadest sense, correctional agencies include community supervision or probation, various types of incarceration (including jails, houses of correction, and state prisons), and parole programs for both juvenile and adult offenders. These programs range from the lowest security, such as probation in the community with minimum supervision, to the highest security, such as 24-hour lockdown in an ultra-maximum security prison. Corrections ordinarily represent the postadjudicatory care given to offenders when a sentence is imposed by the court and the offender is placed in the hands of the correctional agency.

FIGURE 1.1 Components of the Criminal Justice System

Considering the massive proportions of this system, it is not surprising that almost 7 million people are under some form of correctional supervision, including more than 2 million men and women in the nation's jails and prisons and an additional 4.75 million adult men and women being supervised in the community while on probation or parole.¹⁰ The size of this massive correctional system is reflected in its cost. States now spend about \$50 billion per year on corrections. The mean state corrections expenditure per inmate is now more than \$28,000 per year; one-quarter of states spend \$40,000 or more.¹¹

L04 Comprehend the size and scope of the contemporary justice system

The Formal Criminal Justice Process

Another way of understanding criminal justice is to view it as a process that takes an offender through a series of decision points beginning with arrest and concluding with reentry into society. During this process, key decision makers resolve whether to maintain the offender in the system or discharge the suspect without further action. This decision making is often a matter of individual discretion based on a variety of factors and perceptions. Legal factors, including the seriousness of the charges, available evidence, and the suspect's prior record, are usually considered legitimate influences on decision making. The fact that such extralegal factors as the suspect's race, gender, class, and age may also influence decision outcomes is troubling. Some critics believe that a suspect's race, class, and gender largely determine the direction a case will take, whereas supporters argue that the system is relatively fair and unbiased.¹²