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Introduction to

# CRIMINAL JUSTICE

SIXTEENTH EDITION

**LARRY J. SIEGEL**

**JOHN L. WORRALL**

Introduction to

# CRIMINAL JUSTICE

SIXTEENTH EDITION

**Larry J. Siegel**

University of Massachusetts, Lowell

**John L. Worrall**

University of Texas at Dallas



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Australia • Brazil • Mexico • Singapore • United Kingdom • United States



**Introduction to Criminal Justice,  
Sixteenth Edition**

**Larry J. Siegel and John L. Worrall**

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This book is dedicated to my children, Eric, Andrew, Julie,  
and Rachel, to my grandchildren, Jack, Kayla, and Brooke,  
to my sons-in-law, Jason Macy and Patrick Stephens,  
and to my best friend, life partner and 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 in 1947. 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. After graduating CCNY, he attended the newly opened program in criminal justice at the State University of New York at Albany, earning both his M.A. and Ph.D. degrees there. After completing his graduate work, Dr. Siegel began his teaching career at Northeastern University, where he was a faculty member for 9 years. After leaving Northeastern, he held teaching positions at the University of Nebraska–Omaha and Saint Anselm College in New Hampshire, and finally at the School of Criminology and Justice Studies at the University of Massachusetts, Lowell, where he now serves as Professor Emeritus. He has written extensively in the area of crime and justice, including books on juvenile law, delinquency, criminology, corrections, criminal justice, 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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Dr. Worrall has published articles and book chapters on a wide range of topics ranging from legal issues in policing to crime measurement. He is the author or coauthor of several books, including *Essentials of Criminal Justice* (with Larry Siegel, 10th edition, Cengage, 2017), *Crime Control in America: What Works?* (3rd edition, Pearson, 2015), and *Criminal Procedure: From First Contact to Appeal* (5th edition, Pearson, 2015). He also currently serves as editor of the journal *Police Quarterly*.

# BRIEF CONTENTS

<b>PART ONE</b>	<b>THE NATURE OF CRIME, LAW, AND CRIMINAL JUSTICE</b>	<b>1</b>
<b>CHAPTER 1</b>	Crime and Criminal Justice	2
<b>CHAPTER 2</b>	The Nature and Extent of Crime	38
<b>CHAPTER 3</b>	Understanding Crime and Victimization	82
<b>CHAPTER 4</b>	Criminal Law: Substance and Procedure	128
<b>PART TWO</b>	<b>THE POLICE AND LAW ENFORCEMENT</b>	<b>159</b>
<b>CHAPTER 5</b>	Public Policing and Private Security	160
<b>CHAPTER 6</b>	The Police: Organization, Role, and Function	202
<b>CHAPTER 7</b>	Issues in Policing	240
<b>CHAPTER 8</b>	Police and the Rule of Law	288
<b>PART THREE</b>	<b>COURTS AND ADJUDICATION</b>	<b>331</b>
<b>CHAPTER 9</b>	Court Structure and Personnel	332
<b>CHAPTER 10</b>	Pretrial and Trial Procedures	378
<b>CHAPTER 11</b>	Punishment and Sentencing	424
<b>PART FOUR</b>	<b>CORRECTIONS</b>	<b>467</b>
<b>CHAPTER 12</b>	Community Sentences: Probation, Intermediate Sanctions, and Restorative Justice	468
<b>CHAPTER 13</b>	Corrections: History, Institutions, and Populations	502
<b>CHAPTER 14</b>	Prison Life: Living in and Leaving Prison	528
<b>PART FIVE</b>	<b>CONTEMPORARY CHALLENGES IN CRIMINAL JUSTICE</b>	<b>577</b>
<b>CHAPTER 15</b>	Juvenile Justice	578
<b>CHAPTER 16</b>	Crime and Justice in the New Millennium	614





# CONTENTS

Preface xv

## PART ONE

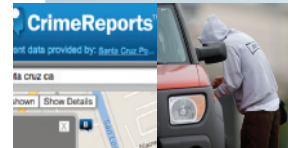
### THE NATURE OF CRIME, LAW, AND CRIMINAL JUSTICE 1



#### CHAPTER 1 Crime and Criminal Justice 2

<b>Is Crime a Recent Development?</b>	4
Crime in the Old West	4
Crime in the Cities	5
<b>Creating Criminal Justice</b>	5
Federal Involvement	6
Evidence-Based Justice: A Scientific Evolution	6
<b>The Contemporary Criminal Justice System</b>	8
Scope of the System	9
<b>The Formal Criminal Justice Process</b>	11
Formal Procedures	12
The Criminal Justice Assembly Line	15
<b>The Informal Criminal Justice System</b>	17
The Courtroom Work Group	18
The Wedding Cake Model of Justice	18
Perspectives on Justice	20
The Crime Control Perspective	21
The Rehabilitation Perspective	23
The Due Process Perspective	23
The Nonintervention Perspective	24
The Equal Justice Perspective	26
The Restorative Justice Perspective	27
Perspectives in Perspective	27
<b>Ethics in Criminal Justice</b>	29
Ethics and Law Enforcement	30
Ethics and the Court Process	32
Ethics and Corrections	33
<b>ETHICAL CHALLENGES IN CRIMINAL JUSTICE</b>	34
<b>SUMMARY</b>	34

<b>KEY TERMS</b>	35
<b>CRITICAL THINKING QUESTIONS</b>	35
<b>NOTES</b>	36



#### CHAPTER 2 The Nature and Extent of Crime 38

<b>How Is Crime Defined?</b>	40
Consensus View	42
Conflict View	42
Interactionist View	42
<b>What Are the Different Categories of Crime?</b>	44
Violent Crimes	44
Property Crimes	46
Public Order Crimes	47
Economic Crimes	48
<b>Sources of Crime Data</b>	50
The Uniform Crime Reports (UCR)	50
National Incident-Based Reporting System (NIBRS)	54
National Crime Victimization Survey (NCVS)	54
Self-Report Surveys	56
Evaluating Sources of Crime Data	58
<b>Crime Trends</b>	61
Trends in Violent Crime and Property Crime	61
Trends in Victimization	61
Trends in Self-Reporting	62
<b>What the Future Holds</b>	64
<b>Crime Patterns</b>	67
The Ecology of Crime	67
Social Class, Socioeconomic Conditions, and Crime	69
Age and Crime	70
Gender and Crime	71
Explaining Gender Differences in the Crime Rate	71
Race and Crime	73
Chronic Offending and Crime	74
<b>ETHICAL CHALLENGES IN CRIMINAL JUSTICE</b>	76
<b>SUMMARY</b>	77
<b>KEY TERMS</b>	77
<b>CRITICAL THINKING QUESTIONS</b>	78
<b>NOTES</b>	78

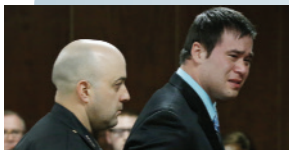




## CHAPTER 3

### Understanding Crime and Victimization 82

<b>The Cause of Crime</b>	84
<b>Choice Theory</b>	84
Rational Crimes	85
Situational Crime Prevention	87
General Deterrence	89
Specific Deterrence	90
<b>Trait Theories</b>	92
Biochemical Factors	92
Neurological Factors	93
Genetic Factors	94
<b>Psychological Theories</b>	96
Psychodynamic Theory	96
Cognitive Theory	97
Personality and Crime	98
IQ and Crime	99
<b>Sociological Theories</b>	99
Social Structure Theory	100
The Disorganized Neighborhood	101
Social Process Theories	103
<b>Critical Criminology</b>	109
State-Organized Crime	109
Support for Critical Theory	110
<b>Developmental Theories</b>	111
Criminal Careers	111
Latent Trait Theory	112
Life Course Theory	112
Trajectory Theory	114
<b>Theories of Victimization</b>	116
Victim Precipitation	116
Lifestyle Theory	116
Routine Activities Theory	117
<b>ETHICAL CHALLENGES IN CRIMINAL JUSTICE</b>	118
<b>SUMMARY</b>	119
<b>KEY TERMS</b>	120
<b>CRITICAL THINKING QUESTIONS</b>	120
<b>NOTES</b>	120



## CHAPTER 4

### Criminal Law: Substance and Procedure 128

<b>Foundations</b>	130
<b>The Development of Criminal Law</b>	131
The History of Criminal Law	131
The Common Law	132

<b>Sources of the Criminal Law</b>	134
Constitutional Limits	135
<b>Classifying Crimes</b>	136
Felonies and Misdemeanors	136
The Legal Definition of a Crime	137
<b>Criminal Defenses</b>	141
Excuse Defenses	141
Justification Defenses	144
Changing Defenses	148
<b>Reforming the Criminal Law</b>	148
Stalking Laws	148
Prohibiting Assisted Suicide	149
Registering Sex Offenders	149
Clarifying Rape	149
Controlling Technology	149
Protecting the Environment	150
Legalizing Marijuana	150
Responding to Terrorism	151
<b>The Law of Criminal Procedure</b>	152
Judicial Interpretation	153
Due Process of Law	154
<b>ETHICAL CHALLENGES IN CRIMINAL JUSTICE</b>	155
<b>SUMMARY</b>	156
<b>KEY TERMS</b>	157
<b>CRITICAL THINKING QUESTIONS</b>	157
<b>NOTES</b>	157

## PART TWO

### THE POLICE AND LAW ENFORCEMENT 159



## CHAPTER 5

### Public Policing and Private Security 160

<b>The History of Police</b>	162
Private Police and Thief Takers	163
The London Metropolitan Police	164
Law Enforcement in Colonial America	165
Early Police Agencies	165
Twentieth-Century Reform	167
The Emergence of Professionalism	167
<b>Policing from the 1960s to the Present</b>	168
Policing in the 1960s	168
Policing in the 1970s	169
Policing in the 1980s	169
Policing in the 1990s	170
Policing Since 2000	170
<b>The Agencies of Law Enforcement</b>	171
The U.S. Justice Department	171

The Department of Homeland Security (DHS) 175  
 State Law Enforcement Agencies 177  
 County Law Enforcement Agencies 179  
 Metropolitan Law Enforcement Agencies 180

**Private Policing** 182  
 Reasons for Private Policing 183  
 Private and Public Police Compared 183  
 Types of Private Policing 185  
 Criticisms of Private Policing 186

**Technology and Law Enforcement** 188  
 Identifying Criminals 189  
 Locating Criminals 189  
 Crime Scene Investigation 189  
 Crime Mapping 191  
 Biometrics 193  
 Automated Fingerprint Identification Systems 194  
 DNA Testing 194  
 Social Media and Networking 195  
 Predictive Analytics 196

**ETHICAL CHALLENGES IN CRIMINAL JUSTICE** 196  
**SUMMARY** 197  
**KEY TERMS** 198  
**CRITICAL THINKING QUESTIONS** 198  
**NOTES** 199



**CHAPTER 6**  
**The Police: Organization, Role, and Function** 202

**The Police Organization** 204  
**The Police Role** 206  
**The Patrol Function** 207  
 Patrol Activities 208  
 Improving Patrol 208  
**The Investigation Function** 214  
 How Do Detectives Detect? 215  
 Sting Operations 216  
 Undercover Work 217  
 Evaluating Investigations 217  
 Improving Investigations 217  
 Using Technology 218  
**Community Policing** 220  
 Implementing Community Policing 220  
 The Challenges of Community Policing 223  
 Overcoming Obstacles 224  
 Problem-Oriented Policing (POP) 224  
 Criminal Acts, Criminal Places 225  
 Intelligence-Led Policing (ILP) 226  
 Intelligence and the Intelligence Process 227  
 Fusion Centers 228  
 Police Support Functions 229  
 Improving Police Productivity 232  
**ETHICAL CHALLENGES IN CRIMINAL JUSTICE** 234

**SUMMARY** 234  
**KEY TERMS** 235  
**CRITICAL THINKING QUESTIONS** 235  
**NOTES** 236



**CHAPTER 7**  
**Issues in Policing** 240

**Who Are the Police?** 242  
 Police and Education 242  
 Minorities in Policing 243  
 Women in Policing 245  
**The Police Profession** 248  
 Police Culture 248  
 Police Personality 249  
 Police Style 250  
**Police Discretion** 252  
 Factors Influencing Discretion 252  
**Racial Profiling** 256  
 Skeptical Accounts 257  
 Can Racial Profiling Be Justified? 258  
**Problems of Policing** 259  
 Job Stress 259  
 Fatigue 262  
 Violence and Brutality 263  
 Corruption 265  
**Use of Force** 268  
 Race and Force 268  
 Deadly Force 269  
 Nondeadly Force 275  
 Police as Victims 276  
**ETHICAL CHALLENGES IN CRIMINAL JUSTICE** 279  
**SUMMARY** 280  
**KEY TERMS** 281  
**CRITICAL THINKING QUESTIONS** 281  
**NOTES** 281



**CHAPTER 8**  
**Police and the Rule of Law** 288

**Police and the Courts** 290  
**Search and Seizure** 291  
 Defining a Search 291  
 Defining an Arrest 293  
 Search Warrants and Arrest Warrants 294  
**Warrant Requirements** 297  
 Probable Cause 297  
 Neutral and Detached Magistrate 299  
 Particularity 299

**Serving the Warrant** 301

**Warrantless Searches and Arrests** 301

Exigent Circumstances 302

Field Interrogation: Stop and Frisk 305

Search Incident to a Lawful Arrest 307

Automobile Searches 308

Consent Searches 311

Plain View 313

Crimes Committed in an Officer's Presence 314

**Electronic Surveillance** 315

Surveillance Law 316

Technologies for Local Law Enforcement 317

**Interrogation** 317

The *Miranda* Warning 318

The *Miranda* Rule Today 318

The Impact of *Miranda* 319

**Pretrial Identification** 321

**The Exclusionary Rule** 322

Current Status of the Exclusionary Rule 323

The Future of the Exclusionary Rule 323

**ETHICAL CHALLENGES IN CRIMINAL JUSTICE** 326

**SUMMARY** 327

**KEY TERMS** 328

**CRITICAL THINKING QUESTIONS** 328

**NOTES** 328

## PART THREE

### COURTS AND ADJUDICATION 331



#### CHAPTER 9 Court Structure and Personnel 332

**State Court Systems** 334

Courts of Limited Jurisdiction 335

Courts of General Jurisdiction 335

Model State Court Structure 338

**Federal Courts** 338

District Courts 342

Federal Appeals Courts 343

The U.S. Supreme Court 344

**Court Congestion** 345

**The Judiciary** 347

Other Judicial Functions 348

Judicial Qualifications 350

Selecting Judges 350

Judicial Alternatives 351

Judicial Decision Making 353

**The Prosecutor** 354

Types of Prosecutors 356

The Prosecutor in Society 356

Prosecutorial Discretion 359

Overzealous Prosecution 363

**The Defense Attorney** 364

The Role of the Criminal Defense Attorney 364

Ethical Issues 365

**Defending the Accused** 366

Legal Services for the Indigent 366

The Private Bar 370

Public versus Private Attorneys 370

Problems of the Criminal Bar 371

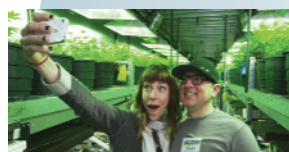
**ETHICAL CHALLENGES IN CRIMINAL JUSTICE** 373

**SUMMARY** 374

**KEY TERMS** 375

**CRITICAL THINKING QUESTIONS** 376

**NOTES** 376



#### CHAPTER 10 Pretrial and Trial Procedures 378

**Procedures Following Arrest** 380

**Bail** 380

The Legal Right to Bail 381

Making Bail 382

Alternative Bail Release Mechanisms 382

Types of Bail 384

Pretrial Detention 384

Bail Reform 386

**Pretrial Services** 389

**Charging the Defendant** 390

The Indictment Process: The Grand Jury 390

The Information Process: The Preliminary Hearing 391

Arraignment 392

The Plea 392

**Plea Bargaining** 394

The Nature of the Bargain 394

Pros and Cons of Plea Bargaining 397

The Problem of False Confessions 398

Legal Issues in Plea Bargaining 398

The Role of the Prosecutor in Plea Bargaining 399

The Role of the Defense Counsel in Plea Bargaining 400

The Role of the Judge in Plea Bargaining 400

The Victim and Plea Bargaining 400

Plea-Bargaining Reform 401

**Pretrial Diversion** 401

**The Trial** 403

Legal Rights During Trial 403

The Trial Process 408

**ETHICAL CHALLENGES IN CRIMINAL JUSTICE** 419

**SUMMARY** 419

**KEY TERMS** 421

**CRITICAL THINKING QUESTIONS** 421

**NOTES** 421





**CHAPTER 11**  
**Punishment and Sentencing 424**

**The History of Punishment** 426  
 From Exile to Fines, Torture to Forfeiture 426  
 Public Work and Transportation to the Colonies 427  
 The Rise of the Prison 428

**The Goals of Punishment** 429  
 General Deterrence 429  
 Incapacitation 430  
 Specific Deterrence 430  
 Retribution/Just Desert 431  
 Rehabilitation 431  
 Diversion 432  
 Equity/Restitution 432  
 Restoration 432

**Imposing the Sentence** 433  
 Concurrent versus Consecutive Sentences 434  
 The Effect of Good Time 434

**Sentencing Models** 434  
 Indeterminate Sentences 435  
 Determinate Sentences 435  
 Mandatory Sentences 438  
 Truth in Sentencing 440

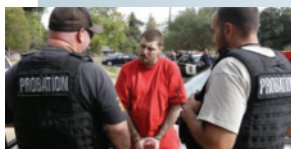
**How People Are Sentenced** 440  
 What Factors Affect Sentencing? 442

**Capital Punishment** 446  
 Arguments for the Death Penalty 449  
 Arguments Against the Death Penalty 451  
 Legal Issues in Capital Punishment 457

**ETHICAL CHALLENGES IN CRIMINAL JUSTICE** 460  
**SUMMARY** 460  
**KEY TERMS** 462  
**CRITICAL THINKING QUESTIONS** 462  
**NOTES** 463

**PART FOUR**

**CORRECTIONS 467**



**CHAPTER 12**  
**Community Sentences: Probation, Intermediate Sanctions, and Restorative Justice 468**

**The Concept of Probation** 471  
 The History of Community Sentencing 472  
 Contemporary Probation Services 472

Conditions of Probation 473  
 Awarding Probation 473  
 Administration of Probation Services 475  
 Duties of Probation Officers 475  
 Legal Rights of Probationers 480  
 How Successful Is Probation? 482  
 What Causes Probation Success and Failure? 483  
 The Future of Probation 483

**Other Alternatives to Imprisonment** 486  
 Advantages of Intermediate Sanctions 486  
 Fines 487  
 Forfeiture 488  
 Restitution 489  
 Shock Probation and Split Sentencing 489  
 Intensive Probation Supervision 490  
 House Arrest/Electronic Monitoring 491  
 Residential Community Corrections 492

**Restorative Justice** 494  
 The Concept of Restoration 494  
 Restoration Programs 495  
 Restoration in Practice 495  
 Court-Based Programs 496

**ETHICAL CHALLENGES IN CRIMINAL JUSTICE** 497  
**SUMMARY** 497  
**KEY TERMS** 498  
**CRITICAL THINKING QUESTIONS** 498  
**NOTES** 499



**CHAPTER 13**  
**Corrections: History, Institutions, and Populations 502**

**The History of Correctional Institutions** 504  
 The Origin of Corrections in the United States 505  
 Creating a Correctional System 506  
 The Pennsylvania System 506  
 The Auburn System 507  
 Creating Prison Industry 508  
 Prison Reform Efforts 508  
 Prisons in the Twentieth Century 509  
 The Development of Parole 510  
 Contemporary Correctional Institutions 511

**Jails** 513  
 Jail Populations and Trends 513  
 Jail Conditions 513  
 New-Generation Jails 514

**Prisons** 515  
 Maximum-Security Prisons 515  
 Super-Maximum-Security Prisons 517  
 Medium-Security Prisons 517  
 Minimum-Security Prisons 518

**Alternative Correctional Institutions** 518  
 Prison Farms and Camps 518  
 Shock Incarceration in Boot Camps 519

Community Correctional Facilities 519  
 Private Prisons 519

**Inmate Populations** 520  
 Population Trends 521

**ETHICAL CHALLENGES IN CRIMINAL JUSTICE** 523

**SUMMARY** 523  
**KEY TERMS** 524  
**CRITICAL THINKING QUESTIONS** 524  
**NOTES** 524



**CHAPTER 14**  
**Prison Life: Living in and Leaving Prison** 528

**Men Imprisoned** 530  
 Living in Prison 531  
 Adjusting to Prison 532  
 The Inmate Social Code 533  
 The New Inmate Culture 534

**Women Imprisoned** 534  
 Female Institutions 535  
 Female Inmates 535  
 Adapting to the Female Institution 536

**Prison Violence** 537  
 Individual Violence 537  
 Collective Violence 538  
 Sexual Violence 539

**Correctional Rehabilitation** 542  
 Individual and Group Counseling 542  
 Faith-Based Programs 544  
 Drug Treatment Programs 544  
 Treating the AIDS-Infected Inmate 545  
 Educational and Vocational Programs 545  
 Can Rehabilitation Work? 548

**Guarding the Institution** 549  
 Female Correctional Officers 550

**Prisoners' Rights** 551  
 Substantive Rights 552  
 Overcrowding 557

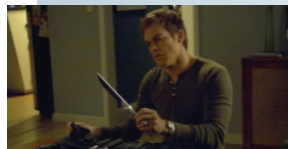
**Leaving Prison** 558  
 The Parole Board 559  
 Parole Hearings 559  
 Is There a Legal Right to Parole? 560  
 The Parolee in the Community 560  
 The Effectiveness of Parole 561  
 Why Do People Fail on Parole? 562  
 The Problem of Reentry 562  
 The Risks of Reentry 566

**ETHICAL CHALLENGES IN CRIMINAL JUSTICE** 570

**SUMMARY** 571  
**KEY TERMS** 572  
**CRITICAL THINKING QUESTIONS** 572  
**NOTES** 572

**PART FIVE**

**CONTEMPORARY CHALLENGES IN CRIMINAL JUSTICE** 577



**CHAPTER 15**  
**Juvenile Justice** 578

**The History of Juvenile Justice** 580  
 Care of Children in Early America 581  
 The Child-Saving Movement 581  
 The Reform Movement Spreads 582  
 Establishment of the Juvenile Court 582  
 Juvenile Justice Today 585

**Police Processing of the Juvenile Offender** 588  
 Helping Juvenile Offenders 588  
 Use of Discretion 589  
 Legal Rights of Juveniles in Custody 589  
 Police Investigation in the School Setting 592

**The Juvenile Court Process** 593  
 The Intake Process 594  
 The Detention Process 594  
 Bail 595  
 Plea Bargaining 595  
 Waiver of Jurisdiction 596  
 Should Youths Be Transferred to Adult Court? 597  
 Adjudication 599  
 Disposition and Treatment 600  
 Juvenile Sentencing Reform 601

**The Juvenile Correctional Process** 602  
 Probation 602  
 Intensive Supervision 602  
 Institutionalization 602  
 Deinstitutionalization 603  
 Aftercare 603  
 Preventing Delinquency 604

**The Future of Juvenile Justice** 606

**ETHICAL CHALLENGES IN CRIMINAL JUSTICE** 609

**SUMMARY** 610  
**KEY TERMS** 611  
**CRITICAL THINKING QUESTIONS** 611  
**NOTES** 611



**CHAPTER 16**  
**Crime and Justice in the New Millennium** 614

**Globalization and Justice** 616

**Corporate Enterprise Crime** 617  
 Fraud on Wall Street 618

The Subprime Mortgage Scandal	619
Billion-Dollar Management Fraud	622
Strategies to Control Corporate Crime	624
Enforcement of Corporate Crime Laws	624
<b>Green Crime</b>	625
Forms of Green Crime	626
Enforcing Environmental Laws	627
<b>Cybercrime</b>	628
Cybertheft: Cybercrimes for Profit	628
Pornography and Prostitution	631
Cyber vandalism: Cybercrime with Malicious Intent	631
Cyberbullying	632
Cyberwarfare	633
The Extent and Costs of Cybercrime	634
Controlling Cybercrime	634
Enforcing Laws Against Cybercrime	635
<b>Transnational Organized Crime</b>	635
Transnational Crime Groups	637
Controlling Transnational Crime	639
<b>Terrorism</b>	642
Defining Terrorism	644
Who Is the Terrorist?	644
The Contemporary Terrorist	646
Terrorism in the Courts	648
<b>The Future of Criminal Justice</b>	651
Predicting the Future	651
<b>ETHICAL CHALLENGES IN CRIMINAL JUSTICE</b>	654
<b>SUMMARY</b>	654
<b>KEY TERMS</b>	656
<b>CRITICAL THINKING QUESTIONS</b>	656
<b>NOTES</b>	656
Appendix: The Constitution of the United States	660
Glossary	670
Name Index	680
Subject Index	696
Case Index	712



# FEATURES



## THE VICTIM EXPERIENCE

Neighborhood Watch	22
Jaycee Lee Dugard	57
From Vigilantism to United Victims	187
Secondary Victimization and Victim Cooperation	219
Input Into the Bail Decision	383
Victim Impact Statements	445
Victim #1	584



## EVIDENCE-BASED JUSTICE

Does Monitoring Sex Offenders Really Work?	31
Do Police Fudge Crime Statistics?	53
Immigration and Crime	68
CrimeSolutions.gov	88
How Successfully Are Guns Used in Self-Defense?	146
The Police Presence and Deterrence	209
Are Tasers Effective?	278
Which Bail Release Mechanism Is Most Effective?	385
Do Three-Strikes Laws Deter?	439
Treating Probationers with Cognitive Behavioral Therapy	479
Treating Inmates with Cognitive-Behavioral Therapy	543
Who Makes It on the Outside?	564
Is Waiver Effective?	598



## CAREERS IN CRIMINAL JUSTICE

Police Officer	10
Crime Analyst	41
Criminologist	86
Attorney	133
Loss Prevention Specialist	184
Victim Advocate	231
Intelligence Analyst	253
Postal Inspector	306
Prosecutor	355
Paralegal	414
Forensic Psychologist	446
Probation Officer	481
Corrections Counselor	512
Correctional Officer	550
Social Worker	605
Drug Enforcement Agent	642



## CRIMINAL JUSTICE AND TECHNOLOGY

Is Property Crime Really on the Decline? The Problem of Online Offending	62
Can Brain Scans Predict Criminal Behavior?	95
Automated License Plate Recognition	190
Body Cameras	212
Drones	214
Through-Wall Radar	304
Monitoring Probationers with Technology	477
Increasing Security/Reducing Escapes	516
Monitoring People and Places in Prison	540



## ANALYZING CRIMINAL JUSTICE ISSUES

Explaining Trends in Crime Rates	64
Does the Media Cause Violence?	106
Stand-Your-Ground Laws	145
Was There a Ferguson Effect?	260
Suicide by Cop	273
Police Canine Searches	294
Specialized Courts	336
Defending the Despised	367
Strange Plea Agreements	396
Does Race Matter?	447
Reducing Wrongful Convictions	452
Can Criminals Be Reformed?	474
Elderly Inmates	522
Criminal Records and Reentry Success	569
Minority Overrepresentation in Juvenile Justice	590
Global Trafficking in Persons	636
Who Is a Terrorist?	643



## REFORMING CRIMINAL JUSTICE

Reduce the Number of Crimes	25
Changing <i>Mens Rea</i> for Federal Crimes	140
The President's Task Force on 21st Century Policing	172
Strengthening Community–Law Enforcement Ties	222
Getting at the Dark Figure of Police Shootings	270
Preserving Prosecutorial Discretion: An Immigration Example	361
Reform Mandatory Minimums	441
Abandon Private Probation	485
Reforming Solitary	555
A Developmental Approach to Juvenile Justice Reform	606

# PREFACE

**On June 18, 2013**, Aaron Hernandez, the star New England Patriot tight end, was charged with the murder of his companion, Odin Lloyd.<sup>1</sup> Hours after the arrest, the Patriots—a team that had just given him a \$40 million contract—dropped him from its roster. Hernandez was accused of shooting his former friend because Lloyd had witnessed Hernandez’s involvement in a 2012 drive-by shooting in which two men, Daniel Jorge Correia de Abreu and Safiro Teixeira Furtado, were killed. Odin was then murdered by Hernandez to keep him quiet. The prosecution claimed that Hernandez drove the victim to a remote spot near his home, executed him, took steps to conceal and destroy the evidence, and tried to hush witnesses.<sup>2</sup>

On May 15, 2014, Hernandez was also indicted on murder charges for the killings of Abreu and Furtado. As if this was not bad enough for Hernandez, on February 27, 2014, he was also sued for \$6 million by the victims’ family members who claimed that Hernandez “recklessly” and “maliciously” shot a firearm from his vehicle into a vehicle that carried Abreu and Furtado, resulting in their deaths. Hernandez was tried and convicted of first-degree murder in April 2015, and he was sentenced to life in prison without the possibility of parole. He remains in prison. He has not been a model inmate, having reportedly been involved in at least three prison fights.<sup>3</sup>

Such incidents tell the general public that crime occurs everywhere, and can occur among the rich and powerful, not just the poor and downtrodden. Because crime is everywhere and all of us are potential victims, highly publicized incidents remind us why we rely on the criminal justice system. Empowered by case law and legislation, these agencies are designed to protect us from crimes ranging from a furious boyfriend with anger management issues to international drug cartels that use sophisticated technology to launder money in overseas capitals.

The justice system has become an enterprise costing more than \$150 billion each year. It employs millions of people in law enforcement, courts, and correctional agencies. *Introduction to Criminal Justice* was written to help students interested in justice better understand this enormous and complex system and to aid their journey in introductory-level criminal justice courses. The text analyzes and describes the agencies of justice and the variety of procedures they use to apprehend, adjudicate, and treat criminal offenders. It covers what most experts believe are the critical issues in criminal justice and analyzes their impact on the justice system. The primary goals in writing this, the Sixteenth Edition, remain as they have been for previous editions:

- To provide students with a thorough knowledge of criminal justice agencies
- To be as thorough and up to date as possible
- To be objective and unbiased
- To challenge students to think critically about justice

Every attempt has been made to present the material in an interesting, balanced, and objective manner, making sure that no single political or theoretical position dominates the text. Instead, we present the many diverse views that shape the contemporary criminal justice system and characterize its interdisciplinary

nature. Diversity of opinion is what the study of criminal justice is all about and is the central focus of the text. We have tried to provide a text that is scholarly and informative, comprehensive yet interesting, and well organized and objective while at the same time provocative and thought provoking.

## ORGANIZATION OF THE TEXT

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Part One gives the student a basic introduction to crime, law, and justice—from as far back as the American Revolution into the new millennium. The first chapter briefly describes the history of criminal justice, the agencies of justice, and the formal justice process, and it introduces students to the concept of the informal justice system, which involves discretion, deal making, and plea bargains. The chapter also describes the major perspectives on justice. Chapter 2 addresses such questions as: 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 covers crime patterns and theories of crime. Chapter 4 provides a discussion of the criminal law and its relationship to criminal justice.

Part Two provides an overview of the law enforcement field. Four chapters cover the history and development of law enforcement, the role, organization, and function of police in modern society, issues in policing, and police and the rule of law.

Part Three is devoted to the adjudication process, from pretrial indictment to the sentencing of criminal offenders. Chapters focus on organization of the court system, an analysis of the prosecution and defense functions, pretrial procedures, and the criminal trial. Topics included range from court structure to the processing of felony cases, indigent defense systems, attorney competence, legal ethics, pretrial services, and bail reform. Part Three wraps up with a chapter on punishment and sentencing.

Part Four focuses on the correctional system, including probation, intermediate, sanctions, and restorative justice. The traditional correctional system of jails, prisons, community-based corrections, and parole are also discussed at length. Such issues as the problem of prisoner reentry are analyzed.

Part Five covers special topics in criminal justice. The juvenile justice system chapter contains information on preventive detention of youths, waiving youths to the adult court, and recent changes in the death penalty for children. Part Five also includes a chapter on criminal justice in the new millennium. It covers topics such as corporate enterprise crime, cybercrime, transnational organized crime, and terrorism. This final chapter reflects the challenges now facing the justice system in the new millennium.

## SPECIAL FEATURES

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We have created a comprehensive, proven learning system designed to help students get the most out of their first course in criminal justice. We have included a wealth of new photographs to appeal to visual learners and make material more relevant and meaningful. Carefully updated tables and completely redrawn figures highlight key chapter concepts. Marginal definitions of key terms; concise, bulleted end-of-chapter summaries that align with chapter learning objectives; and a comprehensive end-of-book glossary all help students master the material.



Web App links appearing in the text's margins let students explore topics further via the Internet.

## Boxed Features

We have included a number of thematic boxes to introduce students to some of the field's most crucial programs, policies, and issues, providing them with an opportunity to analyze the material in greater depth.

- **Reforming Criminal Justice** A new feature for the Sixteenth Edition, Reforming Criminal Justice highlights recent efforts to change America's criminal justice system. In fairness, reform is nothing new; criminal justice has been in constant flux for as long as it has been around. Lately, however, we are hearing from an ever louder chorus of lawmakers and practitioners who are frustrated with what they believe is a bloated and costly justice system that seems to have little effect on crime. They are calling for massive overhauls in the name of promoting justice and reducing costs for financially-strapped governments.
- **Fact Check** These marginal boxes compare students' opinions on controversial criminal justice topics to the public's opinion. It then compares poll results to the reality surrounding the problem at hand. For example, the box in Chapter 3 explores opinions concerning the best approach to dealing with crime, then compares those results to what we know about effective crime control policy.
- **Careers in Criminal Justice** We have updated this popular addition to the previous edition with the latest career paths in criminal justice. These boxes contain detailed information on salaries, educational requirements, and future prospects.
- **Criminal Justice and Technology** This feature focuses on some of the latest efforts to modernize the system using contemporary technological methods. For example, Chapter 8's Criminal Justice and Technology box discusses the use of through-wall radar by police departments engaged in search activities.
- **Analyzing Criminal Justice Issues** This feature helps students to learn and think critically about current justice issues and practices. For example, an Analyzing Criminal Justice Issues box in Chapter 11 features efforts to reduce wrongful convictions.
- **Evidence-Based Justice** This feature summarizes the scientific evidence about the effectiveness of various criminal justice strategies and programs. For example, the Evidence-Based Justice box in Chapter 6 examines the research on the crime prevention effects of police work.
- **The Evolution of . . .** This feature summarizes the evolution of key Supreme Court decisions. For example, Chapter 8 discusses the evolution of *Carroll v. United States*, the key vehicle search case, and *Miranda v. Arizona*, which of course deals with confessions and interrogations. The feature summarizes nearly every subsequent Supreme Court case that builds on, expands, or restricts the original case.
- **The Victim Experience** This feature focuses on victims' role in the criminal justice system. We have chosen important elements of justice and engaged them through the lens of the victim rather than the criminal or agent of the justice system. The idea is to give students a feel for what it is like to be a crime victim and to promote classroom discussions of victimization. Topics covered include victim advocacy, victim services, and victims' rights.

## Other Important Chapter Features

We have included numerous learning tools in every chapter to aid student mastery of the material. A few of the most valuable study aids we provide are the following.

- **Ethical Challenges in Criminal Justice: A Writing Assignment** Each chapter has a writing assignment that challenges students to solve an ethical dilemma they may someday confront while working within the justice system. The dilemma in Chapter 16, for example, focuses on whether it is ethical for government officials to engage in certain surveillance activities.
- **Web Apps** These are designed to guide students to websites that provide them with additional information if they want to conduct further research on the topics covered in the text.
- **Concept Summaries** Throughout the chapters, these tables or lists summarize the content of important concepts found in the chapter so students can compare and contrast ideas, views, cases, findings, and so on. For example, in Chapter 3 a Concept Summary reviews concepts and theories of criminology.
- **Significant Cases** Several chapters contain reference to multiple Supreme Court decisions. At the end of each of these chapters is a new Significant Cases in . . . feature. For example, before the chapter summary at the end of Chapter 11 is a table summarizing significant cases in punishment and sentencing. Contents of the table include the name of the case, the year it was decided, the key issue at stake, and the Supreme Court's decision. While it was impossible to summarize every significant case, we believe readers will enjoy the comprehensiveness of the case selections we have included.

## NEW IN THIS EDITION

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Because the study of criminal justice is a dynamic field of scientific inquiry and the concepts and processes of justice are constantly changing and evolving, the Sixteenth Edition has been thoroughly revised.

### Chapter-by-Chapter Changes

**Chapter 1:** A new opening story features America's heroin scourge. The latest criminal justice system size and cost estimates are included. A new Reforming Criminal Justice box, appearing in the Nonintervention Perspective section, considers whether we should begin to reduce the number of crimes at the federal and local levels. The latest research and statistics are also included.

**Chapter 2:** The chapter now begins with an overview of online crime statistics for the masses (e.g., crimereports.com), including the strengths and weaknesses of these resources. The very latest official and self-report crime statistics are included. A new Criminal Justice and Technology box discusses the problem of online property crime—and the role it may play relative to the decline in “traditional” property crime.

**Chapter 3:** A revised chapter opening story features the problem of mass shootings in America, including recent examples from Colorado Springs, Colorado, and Roseburg, Oregon. A new Evidence-Based Justice box features the federal government's recently launched CrimeSolutions.gov initiative. The research cited in this chapter has also been extensively updated. In addition, two previous social learning theory sections have been reorganized and consolidated into a single section.

**Chapter 4:** A new chapter opening story features the conviction of former Oklahoma City police officer, Daniel Holtzclaw, for various sex-related offenses he committed while he was on duty. A new Reforming Criminal Justice box explores recent federal proposals to create a *mens rea* requirement for all federal crimes. The latest PATRIOT Act updates are included, as is discussion of the recently enacted USA FREEDOM Act. A new Evidence-Based Justice box explores the efficacy of defensive gun use.

**Chapter 5:** Chapter 5 now begins with a detailed overview of the Michael Brown incident in Ferguson, Missouri, including recent events such as the consent decree. A new Reforming Criminal Justice box features the activities of the President’s Task Force on 21st Century Policing. A new Criminal Justice and Technology feature discusses the pros and cons of Automated License Plate Recognition (ALPR). The chapter wraps up with a new section on predictive analytics in policing. The latest facts and figures pertaining to America’s law enforcement organizations are also included throughout the chapter.

**Chapter 6:** This chapter begins with a new story about predictive policing, whether it is possible accurately forecast the “when” and “where” of criminal activity. New boxes in this chapter feature body cameras, police drones, and reform efforts intended to improve police-community relationships. The latest research on police functions is included, as are cutting-edge developments in problem solving, community policing, and intelligence-led policing.

**Chapter 7:** Chapter 7 opens with a discussion of police hiring standards in light of several states’ decisions to legalize marijuana. Learning objectives and been revised and reorganized. A new section racial profiling is included. This section also addresses, in an Analyzing Criminal Justice Issues box, whether there is a “Ferguson Effect” in American policing. The use of force coverage now includes a Reforming Criminal Justice box on the issue of whether there is a “dark figure” of police shootings.

**Chapter 8:** A new chapter opening story features the Supreme Court’s recent decision in *Mullenix v. Luna*, a case involving an officer who shot and killed a fleeing motorist from a highway overpass. A new Criminal Justice and Technology box features through-wall radar, a new device likely to raise Fourth Amendment questions. The latest Supreme Court decisions from the 2014 and 2015 terms are also included.

**Chapter 9:** Former Supreme Court Justice Antonin Scalia’s life and legacy are featured in a new chapter opening story. The prosecution section contains a new Reforming Criminal Justice box discussing the importance of preserving prosecutorial discretion. The defense attorney section features a new Analyzing Criminal Justice Issues box on the role of defense attorneys in cases of particularly heinous crimes. Why would a defense attorney choose to represent a notorious offender? The latest court workload statistics are reported throughout, and the most recent research on prosecutors, judges, and defense attorneys is included.

**Chapter 10:** Chapter 10 begins with a discussion of the conflict between state and federal marijuana laws—and the implications for prosecution. Also included is a new Evidence-Based Justice box on the relative effectiveness of various approaches to pretrial release. The latest research and court cases on pretrial and trial procedures are included.

**Chapter 11:** The latest in sentencing statistics and cases are included. The capital punishment section has been updated with the latest statistics. A new Reforming Criminal Justice box features the efforts of the group Law Enforcement Leaders in their quest to reform mandatory minimums and reduce unnecessary imprisonment.

**Chapter 12:** Chapter 12 begins with a new chapter opening story on mass probation in America. A new Reforming Criminal Justice box also tackles the issue of private probation. Is it better than government-run probation? What could be done to improve private probation? The latest probation/community corrections statistics are included, as is the most recent research on the efficacy of community sentencing approaches.

**Chapter 13:** This chapter now begins with a vignette on the brutal beating of a prison inmate, George Williams, which resulted in the criminal conviction of three correctional officers. Statistics on jail and prison populations have been revised and updated. The chapter also reviews the recent decline in the prison population after so many years of growth.

**Chapter 14:** A new chapter opening story features the controversial case of Orville Lee Wollard, who was sentenced to 20 years in prison for firing a warning shot. 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. A new Reforming Criminal Justice box discusses proposed changes to solitary confinement.

**Chapter 15:** Chapter 15 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 Reforming Criminal Justice box examines the relevance of research on adolescent development in juvenile justice reform.

**Chapter 16:** A new chapter opening story features the San Bernardino terrorist attacks in December 2015. A new section on green crime has been added. Learning objectives have been revised and a two new Analyzing Criminal Justice Issues features are included. Once is on global trafficking in persons is also included. The other features the 2016 standoff at the Malheur National Wildlife Refuge in southeastern Oregon.

## ANCILLARY MATERIALS

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**MINDTAP® FOR INTRODUCTION TO CRIMINAL JUSTICE** The most applied learning experience available, MindTap is dedicated to preparing students to make the kinds of reasoned decisions they will have to as criminal justice professionals faced with real-world challenges. Available for virtually every Criminal Justice course, MindTap offers customizable content, course analytics, an ereader, and more—all within your current learning management system. With its rich array of assets—video cases, interactive visual summaries, decision-making scenarios, quizzes, and writing skill builders—MindTap is perfectly suited to today's Criminal Justice students, engaging them, guiding them toward mastery of basic concepts, and advancing their critical thinking abilities.

**INSTRUCTOR'S RESOURCE MANUAL WITH LESSON PLANS** The manual includes learning objectives, key terms, a detailed chapter outline, a chapter summary, lesson plans, discussion topics, student activities, "What If" scenarios, media tools, and sample syllabi. The learning objectives are correlated with the discussion topics, student activities, and media tools.

**DOWNLOADABLE WORD TEST BANK** The enhanced test bank includes a variety of questions per chapter—a combination of multiple-choice, true false,



completion, essay, and critical thinking formats, with a full answer key. The test bank is coded to the learning objectives that appear in the main text, and identifies where in the text (by section) the answer appears. 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, the accompanying assessment tool is a flexible, online system that allows you to:

- import, edit, and manipulate test bank content from the text's test bank or elsewhere, including your own favorite test questions
- create ideal assessments with your choice of 15 question types (including true/false, multiple choice, opinion/Likert scale, and essay)
- create multiple test versions in an instant using drop-down menus and familiar, intuitive tools that take you through content creation and management with ease
- deliver tests from your LMS, your classroom, or wherever you want—plus, import and export content into other systems as needed.

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

## ACKNOWLEDGMENTS

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Many people helped make this book possible. Our marvelous product manager, Carolyn Henderson Meier, is always at our side and is an unofficial coauthor. A lot of credit for getting this book out must go to our wonderful, fantastic, patient, competent, and, did we mention, fabulous, content developer, Shelley Murphy. Special thanks to our incredible content project manager, Christy Frame; fantastic production editor, Jill Traut; copyeditor nonpareil, Debbie Stone; outstanding photo development editor Kim Adams Fox; and our incredible marketing director, Mark Litton; all of whom do great and magnificent jobs.

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*Larry J. Siegel  
John L. Worrall*

## NOTES

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2. Sasha Goldstein, "Aaron Hernandez Beats Down Fellow Inmate at Bristol County Jail: Report," February 5, 2014, <http://www.nydailynews.com/news/crime/aaron-hernandez-beats-fellow-inmate-bristol-county-jail-report-article-1.1701678> (accessed April 14, 2016).
3. Adam Stites, "Aaron Hernandez Reportedly Involved in His Third Prison Fight," August 21, 2015, <http://www.sbnation.com/nfl/2015/8/21/9187527/aaron-hernandez-prison-fight-patriots-odin-lloyd-murder> (accessed April 14, 2016).



# THE NATURE OF CRIME, LAW, AND CRIMINAL JUSTICE

## PART ONE

PART ONE 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 Chapter 3 tries to answer the question, why do people commit crimes? Chapter 4 covers criminal law, analyzing both its substantive and procedural components.

### **CHAPTER 1**

Crime and Criminal Justice

### **CHAPTER 2**

Nature and Extent of Crime

### **CHAPTER 3**

Understanding Crime and Victimization

### **CHAPTER 4**

Criminal Law



# CHAPTER 1

## Crime and Criminal Justice

### LEARNING OBJECTIVES

- L01** Define the concept of criminal justice.
- L02** Summarize the long history of crime in America.
- L03** Discuss the formation of the criminal justice system.
- L04** Name the three basic component agencies of criminal justice.
- L05** Describe the size and scope of the contemporary justice system.
- L06** Describe the formal criminal justice process.
- L07** Articulate what is meant by the term *criminal justice assembly line*.
- L08** Discuss the wedding cake model of justice.
- L09** Explain the various perspectives on criminal justice.
- L010** Discuss the ethical issues that arise in criminal justice.

### CHAPTER OUTLINE

#### Is Crime a Recent Development?

- Crime in the Old West
- Crime in the Cities

#### Creating Criminal Justice

- Federal Involvement
- Evidence-Based Justice: A Scientific Evolution

#### The Contemporary Criminal Justice System

- Scope of the System
- Careers in Criminal Justice:** Police Officer

#### The Formal Criminal Justice Process

- Formal Procedures
- The Criminal Justice Assembly Line

#### The Informal Criminal Justice System

- The Courtroom Work Group
- The Wedding Cake Model of Justice
- Perspectives on Justice
- The Crime Control Perspective

#### **The Victim Experience:** Neighborhood Watch

- The Rehabilitation Perspective
- The Due Process Perspective
- The Nonintervention Perspective
- Reforming Criminal Justice:** Reduce the Number of Crimes
- The Equal Justice Perspective
- The Restorative Justice Perspective
- Perspectives in Perspective

#### Ethics in Criminal Justice

- Ethics and Law Enforcement
- Evidence-Based Justice:** Does Monitoring Sex Offenders Really Work?
- Ethics and the Court Process
- Ethics and Corrections





Joe Amon/Getty Images

Since 2000, the rate of drug overdoses in America has increased 137 percent. Deaths from opioids (including heroin and pain relievers like hydrocodone) have increased over 200 percent.<sup>1</sup> In several states, more people now die each year from opioid overdoses than from liver disease, suicide, or even car accidents.<sup>2</sup> Drug overdoses are now the leading cause of injury deaths in the United States.

Much of the trend is being driven by heroin, a highly addictive, illegal drug that, like opium and morphine, is derived from the seed pod of certain poppy plants. Once the go-to drug for seedy inner-city junkies, heroin continues to reach an ever-wider audience. It is more popular among wealthy people and women than it was in the past. Numerous celebrities, recently Philip Seymour Hoffman, have died with the drug in their systems. Most users today live outside urban centers.<sup>3</sup> They are increasingly young and white. The problem is so widespread that in his State of the Union address President Obama called on Congress to address the heroin scourge.

Why has the heroin problem become so serious? Experts attribute it to the law of unintended consequences. In the 1980s, doctors began to prescribe opioids with wild abandon. By 2004, a total of 2.4 million people were using prescription painkillers. Law enforcement, policymakers, and even the drug companies began to take note. Purdue Pharma, OxyContin's manufacturer, reconfigured its drug so it could not be snorted.

**Heroin addiction has reached epidemic proportions in the United States.**

In 2014, Vicodin and other hydrocodone-based drugs joined the Drug Enforcement Agency (DEA) list of Schedule II drugs, prompting tighter regulations. Drug cartels saw this as an opportunity and started moving huge volumes of heroin into the United States. Heroin seizures at the Mexican border have increased more than fivefold in recent years.<sup>4</sup>

Heroin is also exceptionally cheap. Legally purchased opiate pain medications cost on the order of \$1 per milligram for the uninsured; one pill costs about \$60. By contrast, a single dose of heroin can cost between \$5 and \$10, less than a pack of cigarettes or a 6-pack of beer. Prices do vary by region, but they remain quite low across the board. The law of supply and demand explains the affordable pricing; the market is awash with cheap heroin from Mexico. And with marijuana decriminalization catching on in the United States, opium poppies are becoming more profitable to grow than cannabis.<sup>5</sup> This combined with the price and relative difficulty of securing prescription pills further fuels America's heroin addiction.

Illegal drug abuse is but one of the many difficult problems our justice system confronts on a daily basis. Unfortunately, crime in America is a constantly moving

target, not unlike a game of whack-a-mole. One problem rears its head, is beat down to some extent, then another pops up somewhere else at a later time. First it was cocaine

in the 1980s, followed promptly by the crack epidemic, then methamphetamine at the turn of the century. Now it's heroin. What does the future hold?

### criminal justice system

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 text serves as an introduction to the study of criminal justice. This chapter covers some basic issues and concepts, beginning with a discussion of the concept and study of criminal justice. The major processes of the criminal justice system are then examined to provide an overview of how the system functions. Because no single view exists 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.

The public relies on the agencies of the **criminal justice system** for protection from elaborate schemes. This loosely organized collection of agencies is responsible for 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, which employs more than 2 million people and costs taxpayers more than \$200 billion per year, to protect them from criminals and to bring justice to their lives. The criminal justice system is now taking on new duties, including protecting the country from international and domestic terrorists, transnational organized crime syndicates, and cybercriminals, groups that were almost unknown a decade ago. Member agencies must cooperate to investigate complex criminal conspiracies and meet these new challenges.

## IS CRIME A RECENT DEVELOPMENT?

**L01** Define the concept of criminal justice.

### FACTCheck

**YOUR OPINION:** Is there more or less crime in the United States as there was last year?

**PUBLIC OPINION:**

MORE:  70%

LESS:  18%

**REALITY:** Violent and property crime victimizations increased from 2010 to 2012, but, on average, they have declined since. Also, crime remains significantly lower today relative to 20 years ago. For example, the violent crime victimization rate exceeded 75 per 1,000 people in 1993; today it is below 25 per 1,000 people.

**DISCUSSION:** What fuels perceptions that crime is more of a problem than it really is?

Sources: Gallup, <http://www.gallup.com/poll/186308/americans-say-crime-rising.aspx> (accessed March 24, 2016); J. Truman and L. Langton, *Criminal Victimization, 2014* (Washington, DC: Bureau of Justice Statistics, 2015).

Because of the extensive media coverage of high-profile criminal events, people are routinely heard to say, “Crime is getting worse every day” and “I can remember when it was safe to walk the streets at night,” but their memories may be colored by wishful thinking. Crime and violence have existed in the United States for more than 200 years and the crime rate was much higher 100 years ago than it is today.

Crime and violence have been common since the nation was first formed.<sup>6</sup> Guerilla activity was frequent before, during, and after the Revolutionary War. Bands supporting the British (Tories) and the American revolutionaries engaged in savage attacks on each other, using hit-and-run tactics, burning, and looting.

### Crime in the Old West

After the Civil War, many former Union and Confederate soldiers headed west with the dream of finding gold or starting a cattle ranch. Some even resorted to murder, theft, and robbery. The notorious John Wesley Hardin (who is alleged to have killed 30 men) studied law in prison and became a practicing attorney before his death. Henry McCarty, better known as the infamous “Billy the Kid,” participated in range wars and may have killed more than 20 people before being gunned down in 1881 by Sheriff Pat Garrett; Billy had just turned 22. Others formed outlaw bands that terrorized the Western territories. There is no more storied bad man in the history of America

than the outlaw Jesse James, who made his living robbing banks and trains. A folk hero, James remained an active outlaw until April 3, 1882, when he was shot in the back by Bob Ford, a fellow gang member, who did the deed in order to claim a \$5,000 reward. Folktales aside, James was in fact more of an impulsive killer than a latter-day Robin Hood. In September 1864, during the Civil War, Jesse, riding with the guerilla band led by Bloody Bill Anderson, held up a train in the town of Centralia, Missouri, and helped to kill 22 unarmed Union soldiers on board.<sup>7</sup>

Facing these outlaws was an equally colorful group of lawmen who developed reputations that have persisted for more than a century. Of these, none is more famous than Wyatt Earp. In 1876, he became chief deputy marshal of Dodge City, Kansas, a lawless frontier town, and he later moved on to Deadwood, in the Dakota Territory. In 1879, Earp and his brothers Morgan and Virgil journeyed to Tombstone, Arizona, where he eventually was appointed acting deputy U.S. marshal for the Arizona Territory. The Earps, along with their gunslinging dentist friend Doc Holliday, participated in the famous O.K. Corral gunfight in 1881, during which they killed several members of a rustler gang known as the Cowboys.

## Crime in the Cities

The Old West was not the only area where gang activity flourished. In East Coast cities, gangs bearing colorful names such as the Hudson Dusters and the Shirt-tails battled rivals for control of the streets. In New York City, many gangs, including the Plug Uglies, the Swamp Angels, the Daybreak Boys, and the Bowery Boys, competed for dominance in the Five Points section of the lower East Side. Gang battles were extremely brutal, and men were killed with knives, hatchets, cleavers, and anything else that could puncture or slice flesh.

The Civil War also produced widespread business crime. The great robber barons bribed government officials and plotted to corner markets and obtain concessions for railroads, favorable land deals, and mining and mineral rights on government land. The administration of President Ulysses S. Grant was tainted by numerous corruption scandals.

From 1900 to 1935, the nation experienced a sustained increase in criminal activity. This period was dominated by Depression-era outlaws who later became mythic figures. Charles “Pretty Boy” Floyd was a folk hero among the sharecroppers of eastern Oklahoma, and the whole nation eagerly followed the exploits of its premier bank robber, John Dillinger, until he was killed in front of a Chicago movie house. The infamous “Ma” Barker and her sons Lloyd, Herman, Fred, and Arthur are believed responsible for killing more than 10 people, and Bonnie Parker and Clyde Barrow killed more than 13 before they were slain in a shootout with federal agents.

The crime problem, then, is not a recent phenomenon; it has been evolving along with the nation itself. Crime has provided a mechanism for the frustrated to vent their anger, for business leaders to maintain their positions of wealth and power, and for those outside the economic mainstream to take a shortcut to the American dream. To protect itself from this ongoing assault, the public has supported the development of a wide array of government agencies whose stated purpose is to control and prevent crime; to identify, apprehend, and bring to trial those who violate the law; and to devise effective methods of criminal correction. These agencies make up the criminal justice system.

## CREATING CRIMINAL JUSTICE

In 1829, the first police agency, the London Metropolitan Police, was created both to keep the peace and to identify and apprehend criminal suspects. A huge success in England, police agencies began to appear in the United States around

**L02**

Summarize the long history of crime in America.



the mid-nineteenth century. Another nineteenth-century innovation, the penitentiary (or prison) offered an alternative to physical punishments such as whipping, branding, or hanging.

As criminal justice developed over the next century, these fledgling agencies of justice rarely worked together in a systematic fashion. It was not until 1919—when the Chicago Crime Commission, a professional association funded by private contributions, was created—that the work of the criminal justice system began to be recognized.<sup>8</sup> The Chicago Crime Commission acted as a citizens advocate group and kept track of the activities of local justice agencies. The commission still carries out its work today and is active in administering anticrime programs.<sup>9</sup>

In 1931, President Herbert Hoover appointed the National Commission of Law Observance and Enforcement, which is commonly known as the Wickersham Commission. This national study group made a detailed analysis of the U.S. justice system, helped usher in the era of treatment and rehabilitation, and found that the existing system of justice was flawed by too many rules and regulations.<sup>10</sup>

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).<sup>11</sup> The ABF project discovered that the justice system contained many procedures that had been kept hidden from the public view—investigation, arrest, prosecution, and plea negotiations—and that justice professionals had a great deal of latitude in decision making. 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 1967, the President's Commission on Law Enforcement and Administration of Justice (the Crime Commission), which had been created by President Lyndon B. Johnson, published its final report, *The Challenge of Crime in a Free Society*.<sup>12</sup> At about the same time, Congress passed the Safe Streets and Crime Control Act of 1968, providing for the expenditure of federal funds for state and local crime control efforts.<sup>13</sup> This act helped launch a massive campaign to restructure the justice system. It funded the National Institute of Law Enforcement and Criminal Justice, which encouraged research and development in criminal justice. Renamed the National Institute of Justice in 1979, it has remained a major source of funding for the implementation and evaluation of innovative experimental and demonstration projects in the criminal justice system.<sup>14</sup>

The Safe Streets Act provided funding for the **Law Enforcement Assistance Administration (LEAA)**, which, throughout its 14-year history, granted hundreds of millions of dollars in federal aid to local and state justice agencies. On April 15, 1982, the program came to an end when Congress ceased funding it. Although the LEAA attracted its share of criticism, it supported many worthwhile programs, including the development of a vast number of criminal justice departments in colleges and universities and the use of technology in the criminal justice system.

## Evidence-Based Justice: A Scientific Evolution

With continued funding from federal agencies such as the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Bureau of Justice Statistics—as well as from private foundations such as the Pew and Annie E. Casey foundations—the study of criminal justice has embraced careful research analysis to support public policy initiatives. Whereas programs, policies, and procedures may have been shaped by political goals in the past, a mature justice system now relies more on the scientific collection of data to determine

L03

Discuss the formation of the criminal justice system.

### Law Enforcement Assistance Administration (LEAA)

Federal agency that provided technical assistance and hundreds of millions of dollars in aid to state and local justice agencies between 1969 and 1982.



whether programs work and what policies should be adopted. According to this “What Works” movement,<sup>15</sup> empirical evidence, carefully gathered using scientific methods, must be collected and analyzed in order to determine whether criminal justice programs work and whether they actually reduce crime rates and offender recidivism. Programs must now undergo rigorous review to ensure that they achieve their stated goals and have a real and measurable effect on behavior. **Evidence-based justice** efforts have a few unifying principles<sup>16</sup>:

- **Target audience.** Programs must be reaching the right audience. A drug treatment program that is used with groups of college students caught smoking pot may look successful, but can it work with hard-core substance abusers? It is important for programs to work with high-risk offenders who have the greatest probability of recidivating. Targeting low-risk offenders may make programs look good, but it really proves little because the client group might not have repeated their criminal offenses even if left untreated.
- **Randomized experiments.** Whenever possible, random experiments are conducted. For example, two groups of drug users are randomly selected, the first group is placed in the special treatment program, and the other is treated in a traditional fashion, such as being put in prison. If the recidivism rates of the experimental group are superior, we have strong evidence that the novel treatment method really works. Although it is sometimes difficult to select subjects randomly, other methods (such as matching subjects on key characteristics such as age, race, gender, and prior record) can be substituted.
- **Intervening factors.** Evidence-based programming must consider intervening factors that enhance or impede program success. A community-based crime prevention program that is used in a high-income neighborhood may be met with general approval and prove effective in reducing local problems, such as kids drinking at night in the local park. But will the program work in a high-crime area where well-armed gangs frighten residents? Conversely, a program that is deemed a failure with a group of at-risk kids living in an inner-city neighborhood may work quite well with at-risk youngsters living in a rural environment.
- **Measurement of success.** Evidence-based programs must develop realistic measures of success. For example, a treatment may seem to work, but careful analysis might reveal that the effect quickly wears off; long-term measures of program effectiveness are needed. Program retention must also be considered. A program for teens may seem to work because those who complete the program are less likely to commit crime in the future. But before success is declared and the program is adopted on a national level, research must closely evaluate such issues as the dropout rate: Are potential failures removed before the program is completed in order to ensure overall success (and continued funding)? And what about selectivity? Is the program open to everyone, including repeat offenders, or is it limited to people who are considered to have the greatest potential for success?
- **Cost-effectiveness.** Programs may work, but the cost may be too high. In an era of tight budgets, program effectiveness must be balanced with cost. It is not enough for a program to be effective; it must also be efficient.

Scientific research is now being used to dispute commonly held beliefs that may be misleading and erroneous. For example, the track record of school-based drug education programs has proven to be spotty at best: the evidence shows that the best intentions do not necessarily result in the best practice.<sup>17</sup> Throughout the text, we will highlight programs that have passed careful, evidence-based evaluations *and* some that have failed to stand up to such scrutiny.

### evidence-based justice

Determining through the use of the scientific method whether criminal justice programs actually reduce crime rates and offender recidivism.



### WEB APP 1.1

Visit <http://www.crimesolutions.gov/> for an overview of the federal government's latest evidence-based justice initiative.

**L04** Name the three basic component agencies of criminal justice.

### social control

A society's ability to control individual behavior in order to serve the best interests and welfare of the society as a whole.

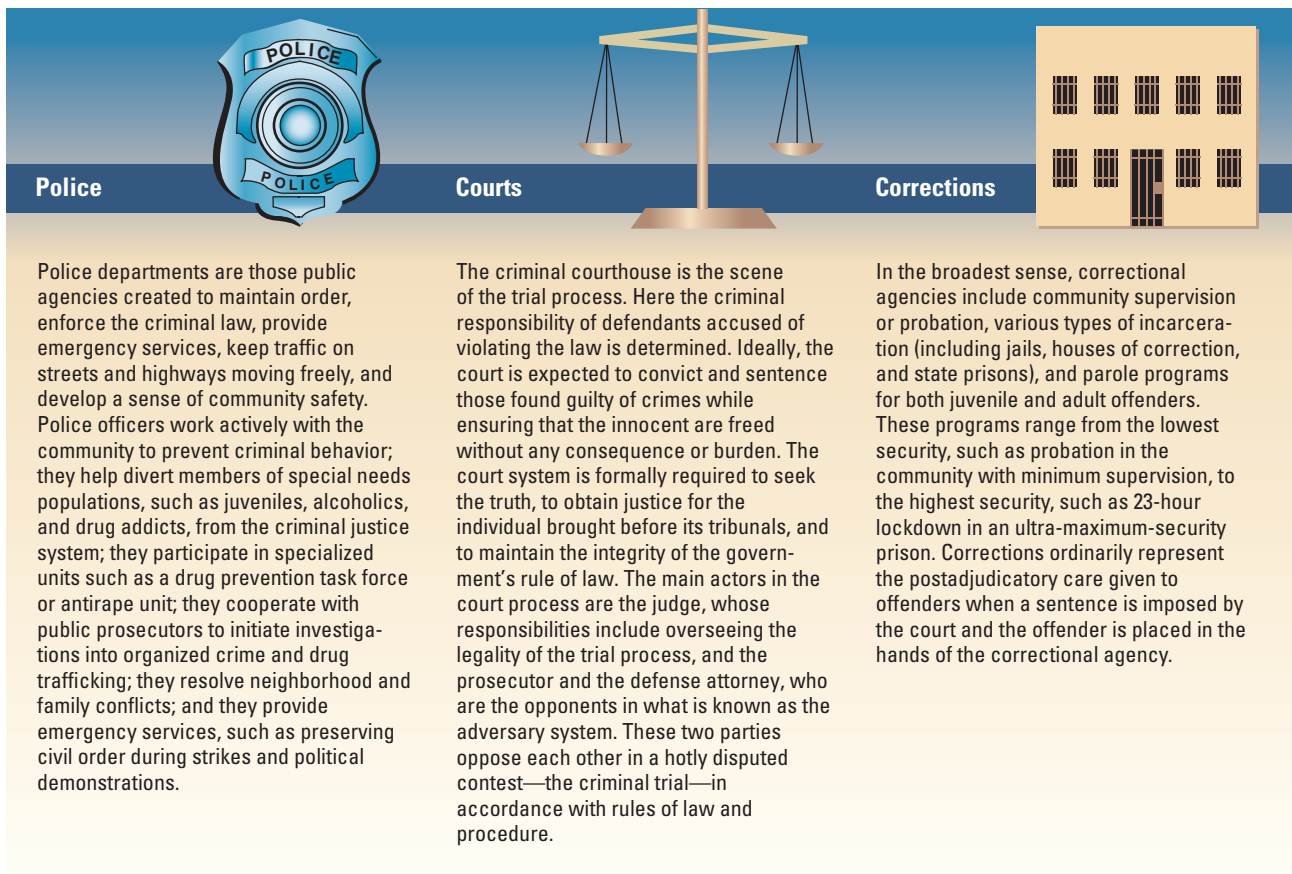
## THE CONTEMPORARY CRIMINAL JUSTICE SYSTEM

The contemporary criminal justice system is society's instrument of **social control**. Some behaviors are considered so dangerous that they must be either strictly controlled or outlawed outright; some people are so destructive that they must be monitored or even confined. The agencies of justice seek to prevent or reduce 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 has the power to control crime and punish outlawed behavior through the arm of the criminal law.

The contemporary criminal justice system can be divided into three main components: law enforcement agencies (see the Careers in Criminal Justice feature), which investigate crimes and apprehend suspects; the court system, which charges, indicts, tries, and sentences offenders; and the correctional system, which incapacitates convicted offenders and attempts to aid in their treatment and rehabilitation (see Figure 1.1).

Criminal justice agencies are political entities whose structure and function are lodged within the legislative, judicial, and executive branches of the government:

- **Legislative.** Under our current justice system, the legislature defines the law by determining what conduct is prohibited and establishes criminal penalties



**FIGURE 1.1** Components of the Criminal Justice System

for those who violate the law. The legislative branch of government helps shape justice policy by creating appropriations for criminal justice agencies and acting as a forum for the public expression of views on criminal justice issues.

- **Judicial.** The judiciary interprets existing laws and determines whether they meet constitutional requirements. It also oversees criminal justice practices and has the power to determine whether existing operations fall within the bounds of the state constitution and, ultimately, the U.S. Constitution. The courts have the right to overturn or ban policies that conflict with constitutional rights.
- **Executive.** The executive branch of government is responsible for the day-to-day operation of justice agencies. It does not make or interpret the laws but is trusted with their enforcement. In this capacity, it must create and oversee the agencies of justice, determine their budget, and guide their direction and objectives. Laws cannot be enforced unless the executive supplies crime control agencies with sufficient funding to support their efforts.

## Scope of the System

Because of its varied and complex mission, the contemporary criminal justice system in the United States is monumental in size. It now costs federal, state, and local governments more than \$260 billion per year for civil and criminal justice (see Table 1.1). One reason why the justice system is so expensive to run is that it employs more than 2 million people in thousands of independent law enforcement, court-related, and correctional agencies. The nation now has almost 18,000 law enforcement agencies, including more than 12,000 local police departments, 3,000 county sheriffs' offices, and 49 state police departments (every state has one except Hawaii).<sup>18</sup> In addition, there are 2,000 other specialized law enforcement agencies ranging from transit police in large cities to county constables.

These police and law enforcement agencies now employ more than a million people; more than 765,000 are sworn personnel with general arrest powers, and the rest are civilian employees. Of these, about 600,000 work in local agencies, 350,000 in county sheriffs' offices, and 90,000 for state police.<sup>19</sup> There are nearly 17,000 courts; more than 8,000 prosecutorial agencies employ around 80,000 people; and about 1,200 correctional institutions (such as jails, prisons, and detention centers) employ around half a million people.



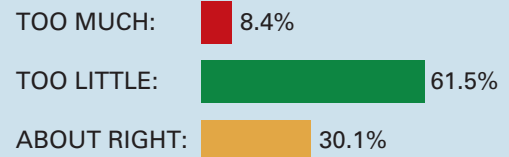
### WEB APP 1.2

For extensive details on justice system expenditures, visit <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5239>.

## FACTCheck

**YOUR OPINION:** Are we spending too much, too little, or about the right amount of money on the crime problem?

### PUBLIC OPINION:



**REALITY:** Whether we should spend more on criminal justice boils down to personal preference. Criminal justice professionals often complain about shrinking budgets and being forced to do “more with less,” yet there is evidence that our priorities could be out of whack. For example, the vast majority of states spend more per inmate than they do per student. Some states spend five or more times as much on prisoners as they do students!

**DISCUSSION:** Why do a majority of Americans feel we do not spend enough tackling the crime problem?

Sources: T. W. Smith, Trends in National Spending Priorities, 1973–2014: General Social Survey Trend Report (Chicago: NORC, 2015), [http://www.norc.org/PDFs/GSS%20Reports/GSS\\_Trends%20in%20Spending\\_1973-2014.pdf](http://www.norc.org/PDFs/GSS%20Reports/GSS_Trends%20in%20Spending_1973-2014.pdf) (accessed March 24, 2016); CNN Money, Education vs. Prison Costs, <http://www.money.cnn.com/infographic/economy/education-vs-prison-costs> (accessed March 24, 2016).

**TABLE 1.1** Justice Expenditure

Activity	AMOUNT (THOUSANDS OF DOLLARS)			
	All governments	Federal government	State governments	Local governments
<b>Total justice system</b>	265,160,340	56,267,000	86,266,232	132,500,445
<b>Police protection</b>	126,434,125	31,395,000	14,815,502	84,053,185
<b>Judicial and legal</b>	57,935,169	15,894,000	22,770,081	22,049,483
<b>Corrections</b>	80,791,046	8,978,000	48,680,649	26,397,777

Source: Bureau of Justice Statistics, *Justice Expenditure and Employment Extracts* (Washington, DC: Bureau of Justice Statistics, February 26, 2015), <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5239> (accessed March 24, 2016).