



ESSENTIALS OF

CRIMINAL JUSTICE

11TH
EDITION

LARRY J. SIEGEL JOHN L. WORRALL



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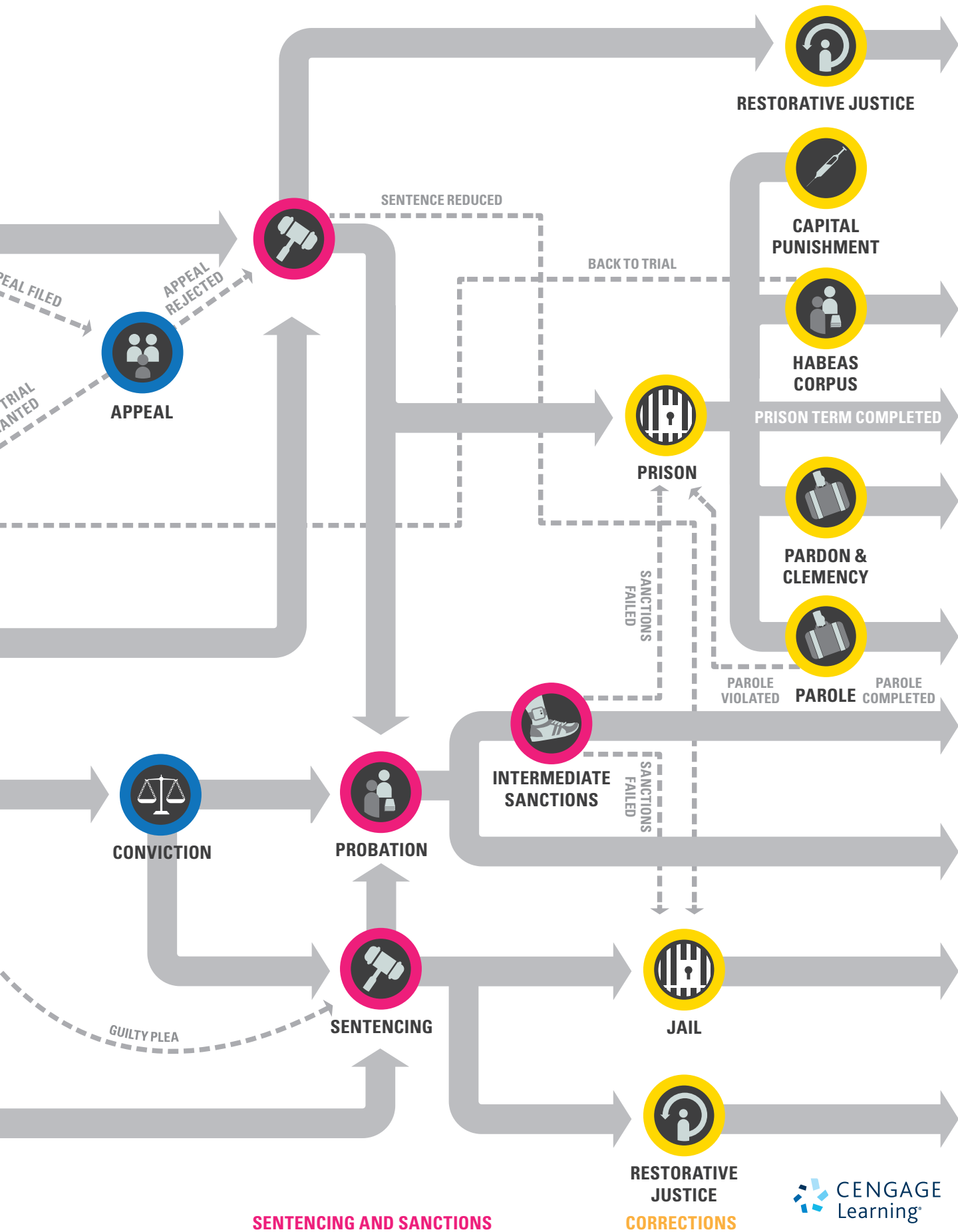


THE

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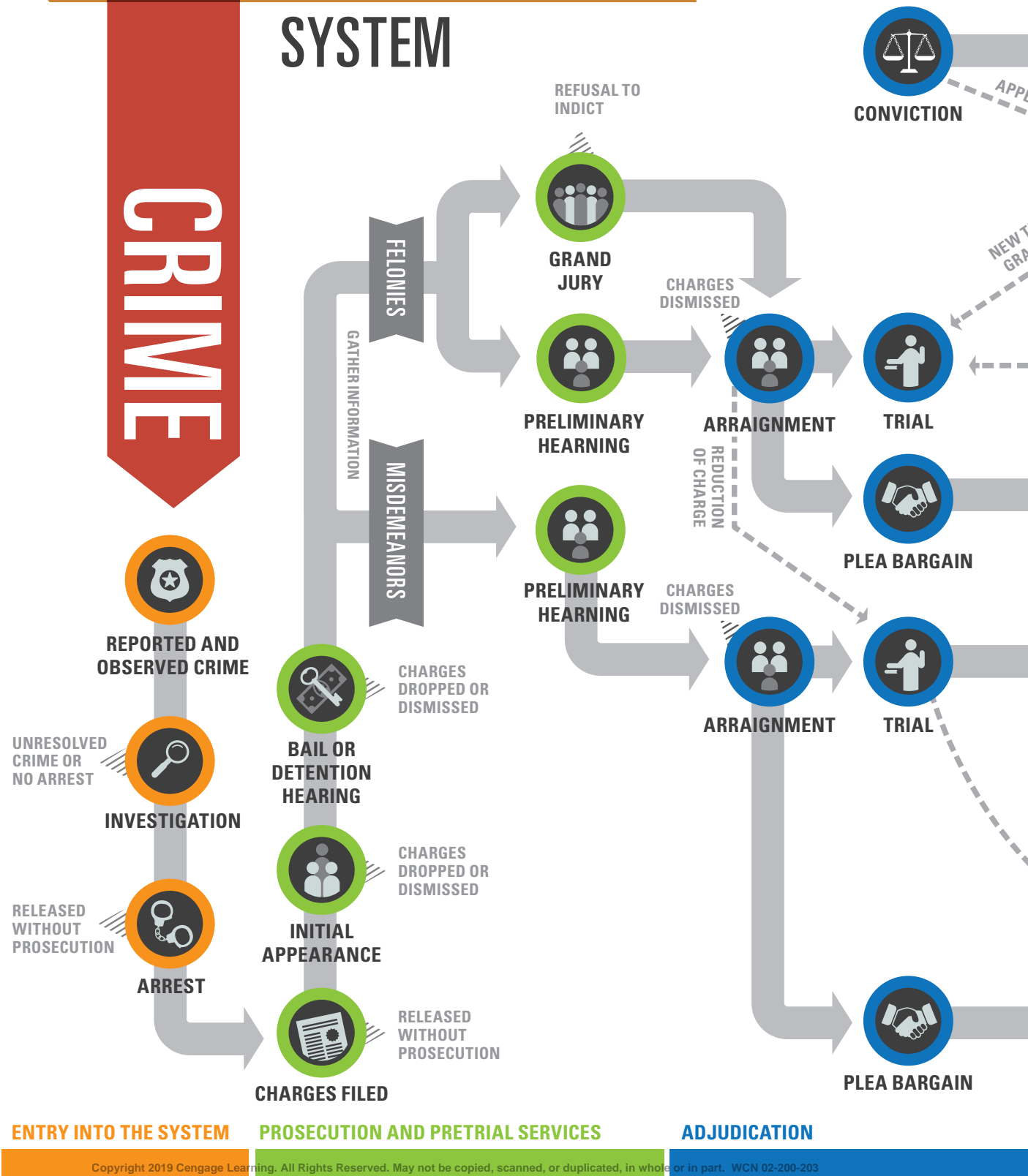
OUT OF SYSTEM

SENTENCING AND SANCTIONS

CORRECTIONS



THE CRIMINAL JUSTICE SYSTEM



11TH EDITION

**ESSENTIALS
OF** **CRIMINAL
JUSTICE**

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

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This book is dedicated to
my children, Eric, Julie, Rachel, and Andrew;
my grandchildren, Jack, Brooke, and Kayla Jean;
my sons-in-law, Jason Macy and Patrick Stephens;
and my wife, partner, and best friend, 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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Preface

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; 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 eleventh 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 eleventh edition remain the same as they have been for the previous ten:

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.

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. Chapter 1 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 cybercrime. It illustrates the dynamic nature of the justice process and the fact that the problems it faces are constantly evolving.

Key Changes in the Eleventh 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
- Recent terror attacks
- Marijuana legalization
- Police technology, including body cameras and automated license plate recognition
- Prison downsizing
- Historic reductions in the use of capital punishment

- Privatization of prosecution and probation
- Data on police shootings

Chapter-by-chapter changes include:

Chapter 1: A new part opener features the Orlando nightclub shooting, the worst terror attack in the United States since 9/11. Chapter 1 starts with the story of Dylann Roof, the man convicted of killing nine people at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina. Learning objectives were revised and content was updated with the latest data and research where appropriate. A new section on evidence-based justice is included, as is a new boxed feature called Focus on Effectiveness, which looks at a focused deterrence strategy in the city of New Orleans. The chapter wraps up with a new Ethical Reflection and writing challenge examining the possible unanticipated consequences of recreational marijuana legalization.

Chapter 2: A new chapter opening story features the ongoing heroin epidemic. Crime and victimization sections have been updated with the latest data. Learning objectives have been revised, and the chapter has been considerably streamlined. A new Contemporary Issues in Criminal Justice box features recent research on the relationship between immigration and crime. A new concept summary appears toward the end of the criminological theory section, summarizing the various explanations for criminality. A new Ethical Reflection and writing challenge appear at the end of the chapter. They explore the ethical implications and issues associated with the alleged “fudging” of crime statistics.

Chapter 3: Chapter 3 now opens with a new story about the recreational marijuana industry. The “Criminal Defenses” section has been extensively revised and reorganized (including new sections on the law enforcement defense and changing criminal defenses). “The Evolution of Criminal Law” section has also been revised, with new discussions of redefining rape and legislative changes to address the ongoing threat of terrorism. A new Contemporary Issues in Criminal Justice box summarizes research on how capable people are of using guns in self-defense. A new Ethical Reflection at the end of the chapter features the question of whether a *mens rea* requirement should be grafted onto all federal crimes.

Chapter 4: A new part opener features the so-called Ferguson effect on policing (i.e., have officers “backed off” in their activities as a result of high-profile police shootings and strained police–community relationships). A new chapter opening story features the 2016 surge in ambush-style police killings. Police agency data have been updated throughout. An expanded Criminal Justice and Technology box showcases the most recent research on police body-worn cameras. A section has also been added on the President’s Task Force on Twenty-First Century Policing, and the “Technology and Law Enforcement” section toward the end of the chapter has been extensively expanded and revised.

Chapter 5: A new chapter opening story discusses the role of predictive analytics in modern law enforcement. A new Criminal Justice and Technology box covers automated license plate recognition technology. Two new Focus on Effectiveness boxes are included, one with the latest research on the deterrent

effect of police patrol and another on the efficacy of controversial “stop, question, and frisk” or SQF practices. The latest data and research are also included throughout the chapter.

Chapter 6: A new chapter opening story features results from a recent Pew Research Center poll of 8,000 police officers. Police demographic data and court cases are updated throughout. A new Contemporary Issues in Criminal Justice box delves deeper into the sources of data used to estimate the number of police shootings each year. Also added is a new Criminal Justice and Technology box on through-wall radar devices, particularly their Fourth Amendment implications. Finally, a Focus on Effectiveness box features recent research on suspects’ cognitive impairment following Taser use.

Chapter 7: The Part 3 opening story now features Supreme Court Justice Antonin Scalia’s death in 2016. A new Chapter 7 opening story discusses the issue of private prosecution, specifically some small jurisdictions’ decisions to outsource the prosecution function. A new Contemporary Issues in Criminal Justice box introduces defense attorneys who represent America’s most despised criminals. A Focus on Effectiveness box features the Queens (New York) Treatment Court, and a new Ethical Reflection feature at the end of the chapter asks students to evaluate cases of prosecutorial misconduct.

Chapter 8: The chapter opens with a new story on police officers on trial for murder. Why are so few charged? And of those charged, why are so few convicted? Chapter 8 also features a new Focus on Effectiveness box that examines the relative effectiveness of various pretrial release mechanisms.

Chapter 9: A new chapter opening story features the recent decline in capital punishment in the United States. A new Ethical Reflection exercise at the end of the chapter considers the advantages and disadvantages of victim impact statements in the criminal court process. Throughout the chapter, sentencing statistics (including death penalty information) are updated, as is research on all aspects of punishment and sentencing.

Chapter 10: A new part opening story discusses the privatization of probation, and a new Chapter 10 opening story features the issue of American exceptionalism in its use of probation. A new Criminal Justice and Technology box features recent research revealing an apparent surge in the use of electronic monitoring. The chapter-ending Ethical Reflection feature has been revised to more fully tie into chapter content. Research and data on community sentences are updated throughout the chapter, as well.

Chapter 11: Learning Objectives and the order of the chapter have been extensively revised. A new Contemporary Issues in Criminal Justice box features research on whether prison downsizing leads to increases in crime. Jail and prison inmate statistics have been updated with the latest research.

Chapter 12: 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. Learning objectives have been revised, as has the section on faith-based treatment. A new Contemporary Issues in Criminal Justice box discusses proposed changes to solitary confinement. The “Improving Chances on Reentry” section has been updated with the latest research.

Chapter 13: A new part opening story features alleged Russian hacking in the 2016 presidential election. The chapter opening story explores how recent research on adolescent development has generated concern about our nation’s treatment of young people in the juvenile justice system. A new Focus on Effectiveness box features anti-bullying programming and research. Juvenile justice-related data and research have been updated throughout the chapter.

Chapter 14: A new chapter opening story features the 2015 terror attack in San Bernardino, California. The terrorism section has been reorganized, overhauled, and updated. Learning objectives and various chapter sections have been rearranged to improve flow. Recent examples of corporate enterprise crime are provided, one of them being Volkswagen’s guilty plea in connection with emissions cheating. The latest data on transnational organized crimes groups is presented, as well.

Boxed Features

Focus on Effectiveness A new Focus on Effectiveness feature is added. Appearing as boxes in various places throughout the book, these have the intent of identifying quality research in criminal justice policy and teaching students to be critical thinkers about what works and doesn’t work in the field—and also showcasing the best recent research on what works.

Contemporary Issues in Criminal Justice boxed features, highlighting evidence-based criminal justice policies and practices, help students think critically about current justice issues. For example, a Contemporary Issues box in Chapter 3 reviews the issues surrounding defensive gun use, another in Chapter 6 looks at data sources used to estimate the incidence of police shootings, and, in Chapter 11, another Contemporary Issues box looks at whether prison downsizing has implications for crime.

Criminal Justice and Technology boxes review some of the more recent technological advances that can aid the justice system. In Chapter 4, for example, recent research on the efficacy of body-worn cameras is showcased. A box in Chapter 10 looks at the apparent surge in electronic offender monitoring.

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, future prospects, and potential pitfalls in each career area.

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. 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.** 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 Reflection Writing 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. They require students to reflect back on and incorporate chapter material in their answers.
- **Review Questions**
- **Running Marginal Glossary of Key Terms**

Ancillaries

For the Instructor

INSTRUCTOR'S RESOURCE 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 TEST BANK The enhanced test bank includes 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 scale/likert, 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, and 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.

For the Student

MINDTAP FOR 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 make as criminal justice professionals faced with real-world challenges. Available for virtually every criminal justice course, MindTap offers customizable content, course analytics, an e-reader, 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.

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Larry Siegel
Naples, Florida

John Worrall
Dallas, Texas

**ESSENTIALS
OF** **CRIMINAL
JUSTICE**



The Nature of Crime, Law, and Criminal Justice

On June 12, 2016, American-born Omar Mateen, 29, of Fort Pierce, Florida, entered the Pulse nightclub in Orlando at 2:00 a.m. on a Sunday. Using a Sig Sauer MCX assault rifle, he started firing into the crowded gay night spot, killing 49 people and wounding 53 others. Prior to the attack, Mateen used a number of Facebook accounts to post vows of vengeance for American airstrikes in Iraq and Syria. He even called 911 in the midst of his shooting spree to pledge allegiance to Islamic State of Iraq and the Levant (ISIL). After a three-hour standoff, police forcibly entered the club with an armored vehicle, then used stun grenades to gain the upper hand. Mateen was shot and killed shortly thereafter. The incident became the deadliest mass shooting in the United States and the worst terror attack since September 11, 2001.

Mateen's parents were Afghan, and he was raised as a Muslim. Starting in 2006, he trained to be a prison guard for the Florida Department of Corrections. While a probationary employee, Mateen was terminated for allegedly joking about bringing a gun to school. He then unsuccessfully pursued a career in law enforcement, failing to become a state trooper. After that, he secured a position as a security guard with G4S Secure Solutions. The company reported that two screenings revealed no issues, but his ex-wife claimed he was "mentally unstable and mentally ill." Mateen became a "person of interest" to the Federal Bureau of Investigation (FBI) once in 2013 and again in 2014 after making comments about supposed connections he had with known terrorists. G4S subsequently fired him. Mateen continued, however, to hold firearms and security licenses at the time of the nightclub shooting.

Terrorist attacks on US soil are particularly difficult to predict and prevent. Hindsight almost always reveals warning signs, but there are limits to what the government can do early on. Should Mateen have been arrested after he became a person of interest? If so, what would be the basis for his detention? What crimes could he have been charged with? As an alternative, should authorities have tapped his phone? Probed his computer? Would *those* actions have been legal? If no formal actions could have been taken, then what makes one person more inclined than another to commit a terrible crime? Is there a set of common traits or predispositions that exist beforehand? Are people socialized into deviant behavior?

To help answer these questions, Part 1 of this text covers the basic issues and concepts of crime, law, and criminal 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

1

Crime and Criminal Justice

On the evening of June 17, 2015, Dylann Roof, 21, entered the Emanuel African Methodist Episcopal Church in Charleston, South Carolina, and killed nine people, including the senior pastor, with a .45-caliber semiautomatic handgun. Three other victims survived. The morning after the shooting, which happened during a Bible study, police arrested Roof in Shelby, North Carolina, 245 miles away. He promptly confessed the killings, hoping to ignite a race war.¹ Three days after the attack, authorities discovered a website called *The Last Rhodesian*, which was owned by Roof. The site contained photos of Roof posing with white supremacist and neo-Nazi symbols. In a manifesto also published on the site, he claimed to have formed his white supremacist views after the 2012 shooting of Trayvon Martin in Florida.

Roof was charged in both federal and state court, becoming the first person in history to face the death penalty at both levels. In federal court, he was indicted on 33 charges, including nine counts of using a firearm to commit murder. On July 31, 2015, he pleaded not guilty to the federal charges at the urging of his lawyer, as it was not clear at the time whether federal prosecutors would seek the death penalty. His trial began on December 7, 2016. The jury heard Roof's jailhouse confession, wherein he chuckled after he admitted to killing the people at the church. It also viewed security camera footage, including a haunting image of Roof leaving the church, gun in hand. The trial concluded after about a week, and after two short hours of deliberation, the jury found Roof guilty on all 33 counts.

Roof insisted on representing himself during the sentencing phase. He denied having any psychological issues, nor did he call any witnesses or present any evidence. He said, "I felt like I had to do it, and I still feel like I had to do it." After three hours of deliberation, the jury returned a death sentence. Melvin Graham, whose sister, Cynthia Hurd, died in the attack, welcomed the outcome: "It's a hard thing to know that someone is going to lose their life, but when you look at the totality of what happened, it's hard to say that person deserves to live when nine others don't."² Members of Roof's family, who were mostly silent throughout the proceedings, said in a statement they would "struggle as long as we live to understand why he committed this horrible attack, which caused so much pain to so many good people."³

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.



Pool/Getty Images News/Getty Images

LEARNING OBJECTIVES

- L01** Discuss the formation of the criminal justice system in America
- L02** Examine the basic component agencies of the criminal justice system
- L03** Recognize the size and scope of the contemporary justice system
- L04** Trace the formal criminal justice process
- L05** Articulate what is meant by the term *criminal justice assembly line*
- L06** Examine the informal criminal justice system
- L07** Describe the “wedding cake” model of justice
- L08** Discuss the various perspectives on justice
- L09** Discuss the ethical issues that arise in criminal justice

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.

Cases ranging from Dylann Roof's infamous Charleston church shooting all the way down to the most petty of property crimes are handled and processed by 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.

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.

L01 Discuss the formation of the criminal justice system in America

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 Earp, read this article by his friend and fellow lawman Bat Masterson: <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?

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; 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 O.K. 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.⁴ 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.⁵

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).⁶ 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*.⁷ This group of practitioners, educators, and attorneys was given the responsibility of creating a comprehensive view of the criminal justice 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.⁸ 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.⁹

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).

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 sources such as the Pew Charitable Trusts and the Annie E. Casey Foundation—the study of criminal justice has embraced careful research analysis to support public policy initiatives. Although programs, policies, and

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?

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.

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

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 whether programs work and what policies should be adopted. According to this “What Works” movement,¹⁰ 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:¹¹

- *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 (e.g., 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 prove to 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.¹² 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. Many of these are discussed in a new boxed feature that appears in various places throughout this edition. Focus on Effectiveness looks at successful crime prevention programs and encourages the reader to think critically about the importance of research in informing criminal justice decision making.

WEB APP
1.2

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



The New Orleans Group Violence Reduction Strategy

The New Orleans Group Violence Reduction Strategy (GVRS) relied on multi-agency partnering and comprehensive problem solving to address citywide patterns of gang-related violence. The strategy began with a partnership between law enforcement officials and researchers who conducted a number of homicide incident reviews and gang audits to determine which groups were most prone to violence across different sectors of the city. Once proper targets were identified, a series of “offender notification” sessions were held. In these, officials delivered antiviolence messages to known gang offenders who were either incarcerated or on probation or parole. More than 150 individuals received such messages and were told to communicate to other gang members that continued violence would lead to stiff penalties. They were also told to relay the message that if any one gang member murdered or shot someone, the whole gang would come under scrutiny. Social services (e.g., employment assistance) were also provided to those individuals who wanted them.

Effects on Crime/Recidivism

Researchers who evaluated the New Orleans GVRS found that the city experienced a significant reduction in homicide that was above and beyond changes observed in comparably violent cities. The greatest reductions occurred for gang homicides, young black male homicides, and overall firearms violence. In short, the GVRS was deemed successful.

Thinking Critically About Research

How did researchers come to declare the New Orleans strategy a success? Did they compare crimes before and after the notification sessions?

Not quite. Such a simple approach would fail to account for reductions that could have occurred regardless of the GVRS. Rather, the researchers conducted a two-part evaluation that attempted to *rule out* other possible explanations for the crime reductions they witnessed. First, they identified comparably violent cities, then tracked changes in those cities against those observed in New Orleans. Second, they looked at multiple outcome measures in New Orleans and analyzed data from several points before and after the GVRS. This second approach to research accounted for unexpected trends in the data (e.g., upticks in summer months) and compared outcomes the GVRS was deemed likely to affect, such as gang-involved homicides, with other unrelated outcomes that were disconnected with GVRS, such as homicides with no gang involvement.

QUESTIONS

1. Why is it important, when evaluating a crime prevention strategy, to analyze data at several points before and after an intervention like the GVRS?
2. If you were tasked with evaluating a crime prevention program in your city, would you analyze data from other cities, too? Why or why not?

Source: Nicholas Corsaro and Robin S. Engel, “Most Challenging of Contexts: Assessing the Impact of Focused Deterrence on Serious Violence in New Orleans,” *Criminology and Public Policy* 14 (2015): 471–505.

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 \$86 billion), and federal funding accounted for 19 percent (or \$56 billion).¹³

These expenses are high because there are now more than 15,000 local, state, and county law enforcement agencies, employing nearly 1.1 million people.¹⁴ Of these,

L02 Examine the basic component agencies of the criminal justice system

L03 Recognize the size and scope of the contemporary justice system

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