

Thirteenth Edition

Criminal Justice

A BRIEF INTRODUCTION



FRANK SCHMALLEGER

Criminal Justice

A Brief Introduction

Frank Schmalleger, Ph.D.
Distinguished Professor Emeritus
The University of North Carolina at Pembroke



Pearson

PART 1 *Crime in America*

- CHAPTER 1 **What Is Criminal Justice?** 1
- CHAPTER 2 **The Crime Picture** 22
- CHAPTER 3 **Criminal Law** 61

PART 2 *Policing*

- CHAPTER 4 **Policing: Purpose and Organization** 90
- CHAPTER 5 **Policing: Legal Aspects** 124
- CHAPTER 6 **Policing: Issues and Challenges** 169

PART 3 *Adjudication*

- CHAPTER 7 **The Courts** 212
- CHAPTER 8 **The Courtroom Work Group and the Criminal Trial** 235
- CHAPTER 9 **Sentencing** 270

PART 4 *Corrections*

- CHAPTER 10 **Probation, Parole, and Reentry** 314
- CHAPTER 11 **Prisons and Jails** 342
- CHAPTER 12 **Prison Life** 372

PART 5 *The Juvenile Justice System*

- CHAPTER 13 **Juvenile Justice** 409

Contents

Preface	xiv
Acknowledgments	xxi
About the Author	xxii

PART 1 *Crime in America*

CHAPTER 1 **What Is Criminal Justice?** 1

Introduction	2
A Brief History of Crime in America	3
The Theme of This Book	6
Freedom or Safety? You Decide Clarence Thomas Says: “Freedom Means Responsibility”	7
Criminal Justice and Basic Fairness	8
American Criminal Justice: System and Functions	10
The Consensus Model	10
CJ News Surveillance Technology Has Been Blanketing the Nation Since 9/11	11
The Conflict Model	12
American Criminal Justice: The Process	12
Due Process and Individual Rights	13
The Role of the Courts in Defining Rights	13
The Ultimate Goal: Crime Control through Due Process	14
CJ Exhibit Sentinel Events	15
Evidence-Based Practice in Criminal Justice	15
The Start of Academic Criminal Justice	16
Multiculturalism and Social Diversity in Criminal Justice	16
EVIDENCE-BASED JUSTICE REINVESTMENT Data-Driven, Cost-Efficient Criminal Justice	17
CJ Careers Careers in Criminal Justice	18
Summary	20
Questions for Review	21

CHAPTER 2 **The Crime Picture** 22

Introduction	23
Crime Data and Social Policy	23
The Collection of Crime Data	24
The UCR/NIBRS Program	24
Development of the UCR Program	24
The National Incident-Based Reporting System	26
Historical Trends	28
UCR/NIBRS in Transition	31
Part I Offenses	32
Freedom or Safety? You Decide A Dress Code for Bank Customers?	32
CJ News “Flash Robs”—A Social Media Phenomenon	37
CJ Issues Race and the Criminal Justice System	39

Part II Offenses	42
The National Crime Victimization Survey	42
Freedom or Safety? You Decide Can Citizens Have Too Much Privacy?	43
Comparisons of the UCR and the NCVS	45
Special Categories of Crime	46
Crime against Women	47
Crime against the Elderly	48
Hate Crime	49
Corporate and White-Collar Crime	50
Organized Crime	51
Gun Crime	52
Drug Crime	54
Cybercrime	55
Terrorism	57
CJ Exhibit 2-1 What Is Terrorist Activity?	58
Crime in International Context	59
Summary	60
Questions for Review	60
CHAPTER 3 Criminal Law	61
Introduction	62
The Nature and Purpose of Law	62
The Rule of Law	63
Types of Law	64
Criminal Law	64
Statutory Law	64
Civil Law	65
Administrative Law	66
Case Law	66
General Categories of Crime	66
Felonies	66
Misdemeanors	66
Infractions	67
Treason	67
Espionage	67
Freedom or Safety? You Decide Should Violent Speech Be Free Speech?	68
Inchoate Offenses	68
General Features of Crime	69
The Criminal Act (<i>Actus Reus</i>)	69
A Guilty Mind (<i>Mens Rea</i>)	70
Concurrence	72
Other Features of Crime	72
Elements of a Specific Criminal Offense	73
The Example of Murder	74
The <i>Corpus Delicti</i> of a Crime	75
Types of Defenses to a Criminal Charge	76
Multiculturalism and Diversity Islamic Law	77
Alibi	78
Justifications	78
Excuses	80
Procedural Defenses	86
Summary	88
Questions for Review	89

PART 2 *Policing*

CHAPTER 4 **Policing: Purpose and Organization** 90

Introduction	91
The Police Mission	91
Enforcing the Law	91
Apprehending Offenders	92
Preventing Crime	92
Preserving the Peace	95
Providing Services	95
American Policing Today: From the Federal to the Local Level	96
Federal Agencies	96
Ethics and Professionalism The FBI Oath	99
EVIDENCE-BASED JUSTICE REINVESTMENT Policing in an Economic Downturn	100
State Agencies	100
Local Agencies	101
Fusion Centers	103
Private Protective Services	104
International Police Agencies	105
Police Administration	107
Police Organization and Structure	107
CJ Careers Security Professional	108
Chain of Command	109
Policing Epochs and Styles	109
Policing Epochs	109
The Watchman Style of Policing	111
Freedom or Safety? You Decide Liberty Is a Double-Edged Sword	111
The Legalistic Style of Policing	112
The Service Style of Policing	112
Police–Community Relations	112
Freedom or Safety? You Decide Police Body-Worn Cameras: The Good and the Bad	113
Team Policing	113
Community Policing	114
CJ Exhibit 4–1 The President’s Task Force on 21st Century Policing	117
Evidence-Based Policing	117
The Kansas City Experiment	118
Evidence-Based Policing Today	119
Discretion and the Individual Officer	121
Summary	122
Questions for Review	123

CHAPTER 5 **Policing: Legal Aspects** 124

Introduction	125
The Abuse of Police Power	125
A Changing Legal Climate	126
Individual Rights	127
Checks and Balances	127
Due-Process Requirements	128

Search and Seizure	128
The Exclusionary Rule	128
Judicial Philosophy and the U.S. Supreme Court	132
CJ Exhibit 5-1 Plain-View Requirements	136
CJ Careers School Resource Officer (SRO)	139
Detention and Arrest	139
CJ News Supreme Court Says Police Need Warrant for GPS Tracking	141
Searches Incident to Arrest	142
CJ News Supreme Court Says Police Need Warrants Before Searching Cell Phones	145
Emergency Searches of Persons	145
Vehicle Searches	146
Freedom or Safety? You Decide Religion and Public Safety	148
Suspicionless Searches	150
High-Technology Searches	151
The Intelligence Function	152
Informants	152
Police Interrogation	153
The Right to a Lawyer at Interrogation	156
Suspect Rights: The <i>Miranda</i> Decision	156
CJ Exhibit 5-2 The <i>Miranda</i> Warnings	157
Gathering of Special Kinds of Nontestimonial Evidence	161
Freedom or Safety? You Decide Policing in the Age of Social Media	162
Electronic Eavesdropping	163
CJ Exhibit 5-3 The USA PATRIOT Act of 2001 and the USA Freedom Act of 2015	166
Summary	168
Questions for Review	168
CHAPTER 6 Policing: Issues and Challenges	169
Introduction	170
Police Personality and Culture	170
CJ Issues Rightful Policing	172
Corruption and Integrity	173
Money—The Root of Police Evil?	175
Building Police Integrity	176
Ethics and Professionalism The Law Enforcement Oath of Honor	177
Drug Testing of Police Employees	177
The Dangers of Police Work	178
Violence in the Line of Duty	178
CJ News DNA Sampling Solves Some of the Toughest Cases	179
Risk of Disease and Infected Evidence	179
Stress and Fatigue among Police Officers	181
CJ Careers Police Officer	183
CJ News NYPD Permits Wearing of Turban, Beards, by Sikh Officers	184
Terrorism’s Impact on Policing	184
The FBI’s Joint Terrorism Task Forces	185
Intelligence-Led Policing and Antiterrorism	186
Information Sharing and Antiterrorism	187
EVIDENCE-BASED JUSTICE REINVESTMENT Cost-Efficient Policing	188

- Police Civil Liability 188
 - Common Sources of Civil Suits 189
 - Federal Lawsuits 190
- CJ News** Is the Video Recording of Police Activity in a Public Place Legal? 192
- Racial Profiling and Biased Policing 193
 - Racial Profiling 193
- Freedom or Safety? You Decide** Was the NYPD's Monitoring of Muslim Groups a Form of Religious Profiling? 195
 - Racially Biased Policing 196
- Police Use of Force 197
 - Deadly Force 199
- CJ Exhibit 6-1** Taking Policing to a Higher Standard 199
- CJ Issues** California's Proposed Lethal Force Standard 202
 - Less-Lethal Weapons 202
- Professionalism and Ethics 203
 - Ethics and Professionalism** The Law Enforcement Code of Ethics 203
 - Education and Training 204
 - Recruitment and Selection 205
 - Ethnic and Gender Diversity in Policing 206
 - Women as Effective Police Officers 207
- CJ Issues** Trust and Diversity in Law Enforcement 208
- Summary 210
- Questions for Review 211

PART 3 *Adjudication*

- CHAPTER 7 **The Courts** 212
 - Introduction 213
 - History and Structure of the American Court System 213
 - The State Court System 214
 - The Development of State Courts 214
 - State Court Systems Today 215
 - The Federal Court System 219
 - U.S. District Courts 219
 - U.S. Courts of Appeal 220
 - The U.S. Supreme Court 221
 - EVIDENCE-BASED JUSTICE REINVESTMENT** Cost-Efficient Courts 223
 - Pretrial Activities 223
 - The First Appearance 223
 - CJ Careers** Surety Agent 225
 - Multiculturalism and Diversity** The International Criminal Court 227
 - CJ Exhibit 7-1** Nonjudicial Pretrial Release Decisions 229
 - The Grand Jury 231
 - The Preliminary Hearing 231
 - Arraignment and the Plea 232

Plea Bargaining	232
Summary	234
Questions for Review	234

CHAPTER 8 **The Courtroom Work Group and the Criminal Trial** 235

Introduction	236
The Courtroom Work Group: Professional Courtroom Actors	236
The Judge	238
The Prosecuting Attorney	239
CJ Careers Assistant District Attorney	240
The Defense Counsel	242
Ethics and Professionalism The American Bar Association's <i>Model Rules of Professional Conduct</i>	247
The Bailiff	247
Trial Court Administrators	247
The Court Reporter	248
The Clerk of Court	248
Expert Witnesses	248
Outsiders: Nonprofessional Courtroom Participants	249
Lay Witnesses	249
Jurors	250
The Victim	251
The Defendant	252
Spectators and the Press	252
The Criminal Trial	253
Procedure	254
Nature and Purpose of the Criminal Trial	254
Stages in a Criminal Trial	255
Trial Initiation	256
Jury Selection	257
Opening Statements	260
Presentation of Evidence	260
CJ Exhibit 8-1 Pretrial and Post-Trial Motions	262
Closing Arguments	264
Judge's Charge to the Jury	265
Jury Deliberations and the Verdict	265
CJ News Social Media Pose New Threats During Criminal Trials	266
Multiculturalism and Diversity The Bilingual Courtroom	267
Summary	269
Questions for Review	269

CHAPTER 9 **Sentencing** 270

Introduction	271
The Philosophy and Goals of Criminal Sentencing	271
Retribution	272
Incapacitation	273
Deterrence	273
Rehabilitation	273
Restoration	273

- Indeterminate Sentencing 275
 - Explanation of Indeterminate Sentencing 275
 - Critiques of Indeterminate Sentencing 275
- Structured Sentencing 276
- CJ Exhibit 9-1** Aggravating and Mitigating Circumstances 278
 - Federal Sentencing Guidelines 278
 - The Legal Environment of Structured Sentencing 280
 - Three-Strikes Laws 282
 - Mandatory Sentencing 283
- CJ Careers** Medicolegal Death Investigator 284
- Sentencing and Today's Prison Crisis 285
- Innovations in Sentencing 286
 - Questions about Alternative Sanctions 287
- The Presentence Investigation 287
- The Victim—Forgotten No Longer 289
 - Victims' Rights 289
- CJ Exhibit 9-2** Victims' Rights in California 290
- Freedom or Safety? You Decide** To What Degree Should the Personal Values of Workers in the Criminal Justice System Influence Job Performance? 291
 - Victim-Impact Statements 292
- Traditional Sentencing Options 292
 - Sentencing Rationales 293
 - Sentencing Practices 293
 - Fines 294
- EVIDENCE-BASED JUSTICE REINVESTMENT** Cost-Efficient Corrections and Sentencing 295
- Death: The Ultimate Sanction 295
 - Habeas Corpus* Review 297
 - Opposition to Capital Punishment 299
- CJ News** Death-Row Exonerations Based on DNA Expose Flaws in Legal System 304
 - Justifications for Capital Punishment 305
 - The Courts and the Death Penalty 305
- CJ News** High Costs Lead to Reconsideration of Death Penalty 307
- Freedom or Safety? You Decide** What Are the Limits of Genetic Privacy? 310
 - The Future of the Death Penalty 311
- Summary 312
- Questions for Review 313

PART 4 **Corrections**

- CHAPTER 10 **Probation, Parole, and Reentry** 314
 - Introduction 315
 - What Is Probation? 315
 - The Extent of Probation 316
 - Probation Conditions 316
 - The Federal Probation System 317
 - Multiculturalism and Diversity** Culturally Skilled Probation Officers 318

Freedom or Safety? You Decide Probation Condition: Celibacy	318
What Is Parole?	319
The Extent of Parole	320
Parole Conditions	321
Federal Parole	321
Probation and Parole: The Pluses and Minuses	322
Advantages of Probation and Parole	322
Disadvantages of Probation and Parole	323
Freedom or Safety? You Decide Should DNA Links to Unsolved Cases Be Used to Deny Parole?	324
The Legal Environment	324
The Job of Probation and Parole Officers	326
Job Descriptions	326
The Challenges of the Job	326
JUSTICE REINVESTMENT Cost-Efficient Reentry Services	327
CJ Careers Probation Officer	328
Intermediate Sanctions	329
Split Sentencing	330
Shock Probation and Shock Parole	330
Shock Incarceration	330
Ethics and Professionalism American Probation and Parole Association Code of Ethics	331
Mixed Sentencing and Community Service	331
Intensive Supervision of Probationers and Parolees	331
Home Confinement and Remote Location Monitoring	332
The Future of Probation and Parole	334
CJ News How GPS Technology Keeps Track of Sex Offenders	335
Changes in Reentry Policies	336
The Reinvention of Probation and Evidence-Based Practices	339
CJ Issues Remote Reporting Probation	340
Summary	340
Questions for Review	341
CHAPTER 11 Prisons and Jails	342
Introduction	343
A Brief History of Prisons	343
Prisons Today	348
JUSTICE REINVESTMENT California's Public Safety Realignment	349
CJ Issues California's Public Safety Realignment (PSR) Program	352
Prisoners Today	352
Prison Issues	352
Overcrowding	353
Selective Incapacitation: A Contemporary Strategy to Reduce Prison Populations	354
Security Levels	354
CJ Issues Evidence-Based Corrections	355
Prison Classification Systems	356

The Federal Prison System	357
The Growth of Federal Prisons	361
Recent Improvements	361
Jails	362
CJ Issues The Charles Colson Task Force on Federal Corrections	363
Women and Jail	364
The Growth of Jails	364
Direct-Supervision Jails	366
Jails and the Future	366
Ethics and Professionalism American Jail Association Code of Ethics for Jail Officers	367
Private Prisons	368
JUSTICE REINVESTMENT Cost-Efficient Corrections and Sentencing	369
CJ Exhibit 11-1 Arguments for and against the Privatization of Prisons	370
Summary	371
Questions for Review	371
CHAPTER 12 Prison Life	372
Introduction	373
Research on Prison Life: Total Institutions	373
The Male Inmate's World	374
The Evolution of Prison Subcultures	375
The Functions of Prison Subcultures	375
CJ Exhibit 12-1 Prison Argot: The Language of Confinement	376
Prison Lifestyles and Inmate Types	377
Homosexuality and Sexual Victimization in Prison	378
The Female Inmate's World	379
Sexual Victimization of Women Prisoners	380
Parents in Prison	381
Gender-Responsiveness	382
Institutions for Women	383
Social Structure in Women's Prisons	383
Multiculturalism and Diversity The Bangkok Rules on the Treatment of Female Prisoners	384
Types of Female Inmates	386
Violence in Women's Prisons	386
The Staff World	387
Facts and Figures	387
The Professionalization of Corrections Officers	388
Security Threat Groups and Prison Riots	388
Ethics and Professionalism American Correctional Association Code of Ethics	389
Prisoners' Rights	390
The Legal Basis of Prisoners' Rights	392
Freedom or Safety? You Decide Censoring Prison Communications	394
Grievance Procedures	397
A Return to the Hands-Off Doctrine?	398
Freedom or Safety? You Decide Should Prison Libraries Limit Access to Potentially Inflammatory Literature?	400

Issues Facing Prisons Today	402
Geriatric Offenders	402
Mentally Ill and Intellectually Disabled Inmates	403
Terrorism	405
CJ News Radical Islam, Terrorism, and U.S. Prisons	406
Summary	407
Questions for Review	408

PART 5 *The Juvenile Justice System*

CHAPTER 13 Juvenile Justice	409
Introduction	410
Juvenile Justice throughout History	412
Earliest Times	412
The Juvenile Court Era	413
Categories of Children in the Juvenile Justice System	414
The Legal Environment	415
CJ News Schools Take Bullying Seriously	417
Legislation Concerning Children and Justice	418
The Legal Rights of Juveniles	419
The Juvenile Justice Process Today	419
Adult and Juvenile Justice Compared	421
CJ Exhibit 13-1 Adult Criminal Case Processing versus the Juvenile Justice System	421
How the System Works	422
CJ Exhibit 13-2 Juvenile Courts versus Adult Courts	425
CJ News The Girls Study Group	429
Trends in Juvenile Justice	430
CJ Careers Juvenile Justice Professional	432
CJ Issues Evidence-Based Juvenile Justice	433
Summary	435
Questions for Review	436
Appendix A: Bill of Rights	A-1
Appendix B: List of Acronyms	A-3
Glossary	G-1
Notes	N-1
Name Index	I-1
Case Index	I-7
Subject Index	I-11

Preface

Criminal justice is a dynamic field of study. Consider these challenges for instructors and students trying to keep pace with a field that is undergoing continual modification: the ever-evolving nature of crime, our changing understanding of justice, police-community relations in an age of social media, budgetary constraints, ongoing threats to our nation's security, newly enacted statutes, innovations in enforcement and justice-system technology, precedent-setting U.S. Supreme Court decisions, a changing American society, and rapidly emerging innovations in correctional practice.

As accelerated change engulfs the American criminal justice system today, it is appropriate that streamlined and up-to-date learning materials should be in the hands of students. Quick and easy access to accurate and current information has become a vital part of contemporary life. *Criminal Justice: A Brief Introduction* provides such access through its printed pages and interactive website with videos, point-counterpoint exercises, and numerous other features.

The first edition of *Criminal Justice: A Brief Introduction*, which was published before the Internet had become the ubiquitous tool that it is today, resulted from the realization that justice students need to have current information presented in a concise and affordable source. With each new edition, the availability of up-to-date crime- and justice-related information has increased. Like many of its predecessors, the thirteenth edition draws upon the wealth of Internet resources that serve the needs of criminal justice students and practitioners. It ties those important resources to central ideas in the text, expanding learning opportunities far beyond what was possible in the mere 400 pages of the first edition. In particular, URLs printed in the book point the way to criminal justice agencies and organizations on the Internet, as well as to full-text documentation of many critical contemporary issues.

True to its origins, the thirteenth edition, which is available in a variety of print and electronic formats, focuses on the crime picture in America and the three traditional elements of the criminal justice system: police, courts, and corrections. Real-life stories, career information, up-to-date examples and issues, engaging graphics, and interactive media all contribute to this timely and user-friendly introduction to criminal justice. Key features include:

Freedom or Safety? You Decide boxes in each chapter highlight the book's ever-evolving theme of individual rights versus public order, a hallmark feature of this text since the first edition. In each chapter of the text, Freedom or Safety boxes build on this theme by illustrating some of the personal rights issues that challenge policymakers today. Each box includes critical-thinking questions that ask readers to ponder whether and how the criminal justice system balances individual rights and public safety.

Evidence-Based Justice Reinvestment boxes, which are found in many chapters, emphasize the possibilities made available through contemporary strategies, including effective evidence-based practices that use criminal justice resources wisely.

Evidence-based practices are introduced in early chapters and are stressed throughout the text, including in the book's sections on policing, the courts, and corrections.

CJ News boxes in each chapter present case stories from the media to bring a true-to-life dimension to the study of criminal justice and allow insight into the everyday workings of the justice system.

CJ Issues boxes that provide the information students need to participate in a discussion of critical issues facing the justice system, such as excessive use of force by the police, the use of mass imprisonment as a tool of social engineering, and coming changes in the juvenile justice process.

CJ Careers boxes outline the characteristics of a variety of criminal justice careers in a Q&A format, to introduce today’s pragmatic students to an assortment of potential career options and assist them in making appropriate career choices.

Multiculturalism and Diversity boxes present aspects of criminal justice that are related to the diverse nature of American society and emphasize the need for justice-system personnel capable of working with culturally diverse groups.

Ethics and Professionalism boxes present ethical codes that criminal justice practitioners are asked to uphold, highlighting the vital role of moral and ethical standards and behavior in their daily lives and to the high social expectations inherent in justice-related careers. Included are the ethical codes of the American Correctional Association, the American Probation and Parole Association, the International Association of Chiefs of Police, the American Bar Association, and the American Jail Association.

Graphics including full-color diagrams, illustrations, timelines, and photographs reinforce key concepts for easier understanding and make the chapter topics both understandable and interesting. In recognition of the visual orientation of today’s learners, we have worked to achieve a comprehensive integration of graphic art with the concepts and ideas of criminal justice. Consequently, the layout and design of both the printed and the Revel versions of this text are highly visual, inviting readers to explore its pages while powerfully illustrating the critical concepts that are central to the field of criminal justice.

As the author of numerous books on criminal justice, I have often been amazed at how the end result of the justice process is sometimes barely recognizable as “justice” in any practical sense of the word. It is my sincere hope that the technological and publishing revolutions that have contributed to the creation and development of this book will combine with a growing social awareness to facilitate needed changes in our system and will help replace self-serving, system-perpetuated injustices with new standards of equity, compassion, understanding, fairness, and heartfelt justice for all.

New to the Thirteenth Edition

Chapter 1 What Is Criminal Justice?

- The term *procedural justice* is introduced as a new key term, taking its place in Chapter 1 alongside of *procedural fairness*.
- The resurgence in public support for the police is discussed within the context of public polling.
- The discussion about white-collar and corporate crime has been updated with coverage of Volkswagen’s emissions scandal.
- Cybercrimes are discussed in more detail, especially as they impact our understanding of the criminal landscape in America.

Chapter 2 The Crime Picture

- Visually stimulating graphics have been introduced into the chapter, reflecting the interactivity of the Revel version of the printed book.
- Discussion of the FBI’s NIBRS program has been clarified and enhanced.
- The new National Crime-Statistics Exchange (NCS-X) is now described.
- Crime statistics have been updated throughout the chapter.
- The Equifax data breach is discussed, and its consequences for the justice system explained.
- The information on mass shootings has been revised and updated.
- The national opioid crisis and its significance for the justice system is now discussed.
- The discussion of computer crimes has been enhanced.

Chapter 3 Criminal Law

- Updates on terrorism cases discussed in the chapter have been added.
- The discussion of the insanity defense has been updated and simplified.

Chapter 4 Policing: Purpose and Organization

- An Evidence-Based Justice Reinvestment box has been added to the chapter.
- New information is provided about fusion centers, and the fusion center discussion has been simplified.
- The notion of procedural fairness is now discussed in the chapter.
- “Overpolicing” and the unnecessary use of force by the police is discussed.
- The discussion of police body-worn cameras has been updated.
- Changes in COPS Office funding is now discussed.

Chapter 5 Policing: Legal Aspects

- Discussion of the Freddy Gray case has been updated.
- The discussion of both warrantless and protective searches have been updated.
- A new Careers Box has been added to this chapter.
- Investigative detention is now discussed, and it has been added as a key term.

Chapter 6 Policing: Issues and Challenges

- The discussion of police subculture has been updated with information from new studies.
- Police corruption in the city of Baltimore is discussed.
- The 2018 federal Law Enforcement Mental Health and Wellness Act is described.
- The discussion of police stress and the impact of stress on health has been expanded.
- An online gateway for use by law enforcement agencies (LEEP) is described.
- The change in name for the Smart Policing Initiative (now known as Strategies for Policing Innovation) is included.
- The U.S. Supreme Court case of *Los Angeles v. Mendez*, including its ramifications for qualified immunity by police, is discussed.
- The 2017 Supreme Court case of *White v. Pauly*, which focused on qualified immunity is discussed.
- The new National Consensus Policy on Use of Force, developed by eleven influential U.S. law enforcement organizations is explained.
- The Death in Custody Reporting Act (DCRA) is described, and its implications for law enforcement demonstrated.
- *Accreditation* (of police agencies) is now a key term in the chapter.

Chapter 7 The Courts

- The results of a new study of community courts are introduced.
- Problem-solving, mental health, and youth specialty courts are now discussed.
- The addition of Neil Gorsuch and Brett Kavanaugh to the list of active Supreme Court justices is mentioned.

Chapter 8 The Courtroom Work Group and the Criminal Trial

- A discussion of the factors that are commonly used to determine client indigence in state-run indigent defense systems have been added in the form of a graph.

Chapter 9 Sentencing

- New Jersey's new racial impact law is discussed.
- The discussion of indeterminate sentencing has been clarified.
- The discussion of state sentencing guidelines has been brought up to date.
- New charts and graphs replace ones that were previously used.
- The discussion of the impact of California's strategy of prisoner realignment has been updated.
- The activities of the California Victim Compensation Board (CalVCB) are now discussed.
- The state and local practice of charging inmates for jail stays is explained.
- California's Proposition 66 is discussed in the context of capital punishment. The proposition speeds up the appeals process in capital cases.
- A new key term, *wrongful conviction*, has been added to the chapter, and its discussion has been enhanced.

Chapter 10 Probation, Parole, and Community Corrections

- Discussion has been added of Washington, D.C.'s Youth Rehabilitation Act (YRA), which gives offenders under the age of 22 a second chance by permitting judges to dramatically reduce sentences for young offenders.
- Data on probation and parole have been updated throughout the chapter.
- A discussion of the case of Philadelphia-based rapper Meek Mill has been added to the chapter.
- The 2017 parole board hearing for O.J. Simpson has been included, along with a video link to the recorded proceedings.
- The discussion involving the use of ankle bracelets to facilitate GPS monitoring of defendants sentenced to home confinement has been expanded and now includes the Bill Cosby case as an example.
- The results of two new studies focused on reentry courts are now included.

Chapter 11 Prisons and Jails

- The chapter now shows how savings that result from reduced prison populations can be used to expand probation and parole programs, to fund jail operations, and to enhance rehabilitation programs generally.
- The feature showing the annual costs to incarcerate an inmate in prison in California has been considerably refined and updated.
- A new section on prison overcrowding has been built into the chapter.
- The discussion on private prisons has been modified.
- The figure showing federal prison populations by offense has been updated and modified.

Chapter 12 Prison Life

- The list of prison argot has been updated and expanded.
- Information on prison riots has been updated.
- New information on prison libraries is included.
- The section describing the impact of aging on inmate populations has been expanded.
- The discussion of the mentally ill in prisons has been expanded, while a previous discussion of HIV/AIDS among inmate populations has been eliminated.

- A new diagram showing inmates with and without serious mental illness has been added.
- The discussion of prisons as breeding grounds for terrorism has been expanded.

Chapter 13 Juvenile Justice

- Added discussion of the 2018 U.S. Supreme Court case of *Bostic v. Pash*, in which the court allowed a 241-year sentence for crimes committed by a juvenile to stand.
- Added discussion of Pennsylvania’s Juvenile Justice System Enhancement Strategy (JJSES), which is a statewide commitment to employ evidence-based practices in the juvenile justice system.
- The term *justice-involved* youth is introduced and defined.
- A new graphic showing the locations of juvenile detention facilities around the country is now included in the chapter.
- The definition of the term *abused child* has been clarified, to include the consequences of California’s 2016 Proposition 57, which ended the ability of prosecutors to “direct file” criminal cases against juveniles.
- The discussion of direct file laws has been enhanced and clarified.
- Changing state laws that define the age of criminal responsibility are discussed, with specific mention of New York and North Carolina.
- *Detention hearing* has been added as a new key term, including its definition.

Instructor Supplements

- ▶ **Instructor’s Manual with Test Bank.** Includes content outlines for classroom discussion, teaching suggestions, and answers to selected end-of-chapter questions from the text. This also contains a Word document version of the test bank.
- ▶ **TestGen.** This computerized test generation system gives you maximum flexibility in creating and administering tests on paper, electronically, or online. It provides state-of-the-art features for viewing and editing test bank questions, dragging a selected question into a test you are creating, and printing sleek, formatted tests in a variety of layouts. Select test items from test banks included with TestGen for quick test creation, or write your own questions from scratch. TestGen’s random generator provides the option to display different text or calculated number values each time questions are used.
- ▶ **PowerPoint Presentations.** Our presentations offer clear, straightforward outlines. Photos, illustrations, charts, and tables from the book are included in the presentations when applicable.
- ▶ **Annotated Instructors Edition (AIE).** The AIE contains notes in the top margins identifying key topics with suggestions for stimulating and guiding class discussion.

To access supplementary materials online, instructors need to request an instructor access code. Go to www.pearsonhighered.com/irc, where you can register for an instructor access code. Within 48 hours after registering, you will receive a confirming email, including an instructor access code. Once you have received your code, go to the site and log on for full instructions on downloading the materials you wish to use.

Alternate Versions

- ▶ **eBooks.** This text is also available in multiple eBook formats. These are an exciting new choice for students looking to save money. As an alternative to purchasing the printed textbook, students can purchase an electronic version of the same content. With an eTextbook, students can search the text, make notes online, print out reading assignments that incorporate lecture notes, and bookmark important passages for later review. For more information, visit your favorite online eBook reseller or visit www.mypearsonstore.com.
- ▶ **REVEL™** is Pearson's newest way of delivering our respected content. Fully digital and highly engaging, REVEL replaces the textbook and gives students everything they need for the course. Seamlessly blending text narrative, media, and assessment, REVEL enables students to read, practice, and study in one continuous experience—for less than the cost of a traditional textbook. Learn more at www.pearsonhighered.com/revel.

REVEL for *Criminal Justice: A Brief Introduction, 13e* by Schmallegger

Designed for how you want to teach—and how your students want to learn

Revel is an interactive learning environment that engages students and helps them prepare for your class. Reimagining their content, our authors integrate media and assessment throughout the narrative so students can read, explore, and practice, all at the same time. Thanks to this dynamic reading experience, students come to class prepared to discuss, apply, and learn about criminal justice—from you and from each other.

Revel seamlessly combines the full content of Pearson's bestselling criminal justice titles with multimedia learning tools. You assign the topics your students cover. Author Explanatory Videos, application exercises, survey questions, interactive CJ data maps, and short quizzes engage students and enhance their understanding of core topics as they progress through the content. Through its engaging learning experience, Revel helps students better understand course material while preparing them to meaningfully participate in class.

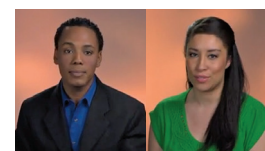
Author Explanatory Videos

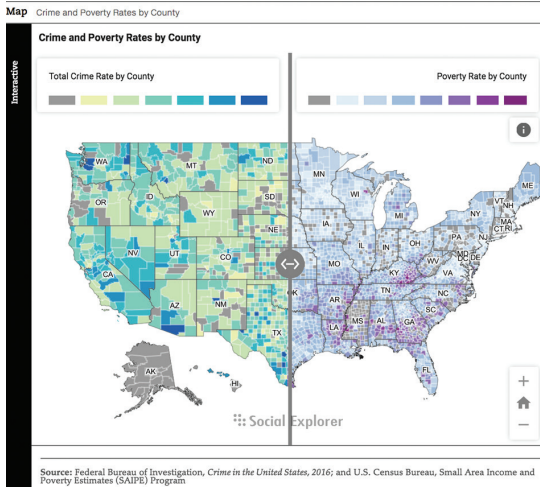
Short 2–3 minute Author Explanatory Videos, embedded in the narrative, provide students with a verbal explanation of an important topic or concept and illuminating the concept with additional examples.



Point/CounterPoint Videos

Instead of simply reading about criminal justice, students are empowered to think critically about key topics through Point/Counterpoint videos that explore different views on controversial issues such as the effectiveness of the fourth amendment, privacy, search and seizure, Miranda, prisoner rights, death penalty and many other topics.





New Social Explorer Criminal Justice Data Maps

Social Explorer Maps integrated into the narrative ask students to examine crime and corrections data correlated with socio-economic and other criminal justice data. Maps also show differences in state statutes on major issues such as marijuana legalization, the death penalty, and the distribution of hate organizations across the US.

Survey Criminal Justice and Basic Fairness

The American criminal justice system is generally fair and in most cases results in the appropriate handling and adjudication of cases.

Strongly Agree
 Agree
 Neutral
 Disagree
 Strongly Disagree

PREVIOUS PAGE 1 OF 1 SUBMIT

New Student Survey Questions

Student Survey Questions appear within the narrative asking students to respond to questions about controversial topics and important concepts. Students then see their response versus the responses of all other students who have answered the question in the form of a bar chart. We provide the instructor with a PowerPoint deck with links to each survey and map, making it easy to pull these items up in class for discussion.

Search and Seizure

MY PROGRESS - 21%

Decision point: Pick your search area

There is no reason you can't stop and look around from the street or the alley. Now that you see the layout of the property.

Click on the place you want to look around and click Submit.

Peek in the front windows.

Enter fenced yard to peek in rear window.

Check out the open garage.

Go to front door.

Previous Next

Criminal Justice Simulations

In our introduction to Criminal Justice Revel etexts, there are 13 simulations that ask the student to evaluate scenarios and make decisions regarding CJ issues or procedures. Examples of topics dealt with include recognizing crime elements, determining policing styles, search and seizure procedures, warrants and arrest documentation sentencing options, determining conditions for parole.

Track time-on-task throughout the course

The Performance Dashboard allows you to see how much time the class or individual students have spent reading a section or doing an assignment, as well as points earned per assignment. This data helps correlate study time with performance and provides a window into where students may be having difficulty with the material.

Learning Management System Integration

Pearson provides Blackboard Learn™, Canvas™, Brightspace by D2L, and Moodle integration, giving institutions, instructors, and students easy access to Revel. Our Revel integration delivers streamlined access to everything your students need for the course in these learning management system (LMS) environments.

The Revel App

The Revel mobile app lets students read, practice, and study—anywhere, anytime, on any device. Content is available both online and offline, and the app syncs work across all registered devices automatically, giving students great flexibility to toggle between phone, tablet, and laptop as they move through their day. The app also lets students set assignment notifications to stay on top of all due dates. Available for download from the App Store or Google Play. Visit www.pearsonhighered.com/revel/ to learn more.

Acknowledgments

Many thanks go to all who assisted in many different ways in the development of this text-book. I am grateful to the manuscript reviewers for their helpful comments and valuable insights:

Clare Armstrong-Seward, Morrisville State College	Tracy Hearn, Tarrant County College
Chris Carmean, Houston Community College	Carly Hillinski-Rosick, Grand Valley State University
Addrain Conyders, Marist College	Frank Leonard, Tallahassee Community College
Anthony LaRose, University of Tampa	Patricia Nunally, Southwest Tennessee Community College
Michael Raymond, New Hampshire Technical Institute	Lisa Pitts, Washburn University
James Blair, South Texas College	Gina Robertiello, Felician College
Addrain Conyers, Marist College	

I also appreciate the many valuable comments made by Kevin Barret, E. Elaine Bartgis, Bruce Bayley, John M. Boal, Jack Brady, Michelle Brown, Jeffrey B. Bumgarner, Michael Eskey, Joan Luxenburg, Rick Michaelson, Carl E. Russell, Dave Seip, Jim Smith, Kevin M. Thompson, and Richard A. Wilson.

I'd also like to thank the editorial and production team Andrew Gilfillan, VP, Courseware Portfolio Management; Gary Bauer, Executive Portfolio Manager; Heather Taylor, Product Marketing Manager; Bob Nisbet, Field Marketing Manager; Neha Sharma, Content Producer; Holly Shufeldt, Content Producer; Jennifer Sargunar; Manager Producer; Cynthia Zonneveld, Managing Producer; Maura Snow, Content Producer; Lynda Cramer, Portfolio Management Assistant; Indu Sambantham, Senior Project Manager, Integra Software Services; Philip Alexander, Senior Project Manager, Integra Software Services.

Thanks also to my wife, Willow Szirandi Schmallegger, whose unfailing help and constant support have made this book detailed, accurate, and enjoyable.

About the Author



Frank Schmalleger, Ph.D., is Distinguished Professor Emeritus at the University of North Carolina at Pembroke, where he taught criminal justice courses for 20 years and chaired the university's Department of Sociology, Social Work, and Criminal Justice for 16 of those years. In 1991 the university awarded him the title of Distinguished Professor, and the university named him Professor Emeritus in 2001.

Dr. Schmalleger holds degrees from the University of Notre Dame and Ohio State University, having earned both a master's (1970) and a doctorate in sociology (1974) with a special emphasis in criminology from Ohio State University.

As an adjunct professor with Webster University in St. Louis, Missouri, Schmalleger helped develop the university's graduate program in security administration and loss prevention. He taught courses in that curriculum for more than a decade. Schmalleger has also taught in the online graduate program of the New School for Social Research, helping to build the world's first electronic classrooms. Schmalleger is the creator of a number of award-winning websites, including one that supports this textbook.

Frank Schmalleger is the author of numerous articles and many books, including the widely used *Criminal Justice Today* (Pearson, 2019), *Criminology Today* (Pearson, 2019); *Criminal Law Today* (Pearson, 2016), and *The Definitive Guide to Criminal Justice and Criminology on the World Wide Web* (Pearson, 2009).

Schmalleger is also founding editor of the journal *Criminal Justice Studies*. He has served as editor for the Pearson series *Criminal Justice in the Twenty-First Century* and as imprint adviser for Greenwood Publishing Group's criminal justice reference series.

Schmalleger's philosophy of both teaching and writing can be summed up in these words: "In order to communicate knowledge, we must first catch, then hold, a person's interest—be it student, colleague, or policymaker. Our writing, our speaking, and our teaching must be relevant to the problems facing people today, and they must in some way help solve those problems."

“Justice is truth in action!”

—Benjamin Disraeli

“Injustice anywhere is a threat
to justice everywhere.”

—Martin Luther King, Jr.

THE CRIMINAL

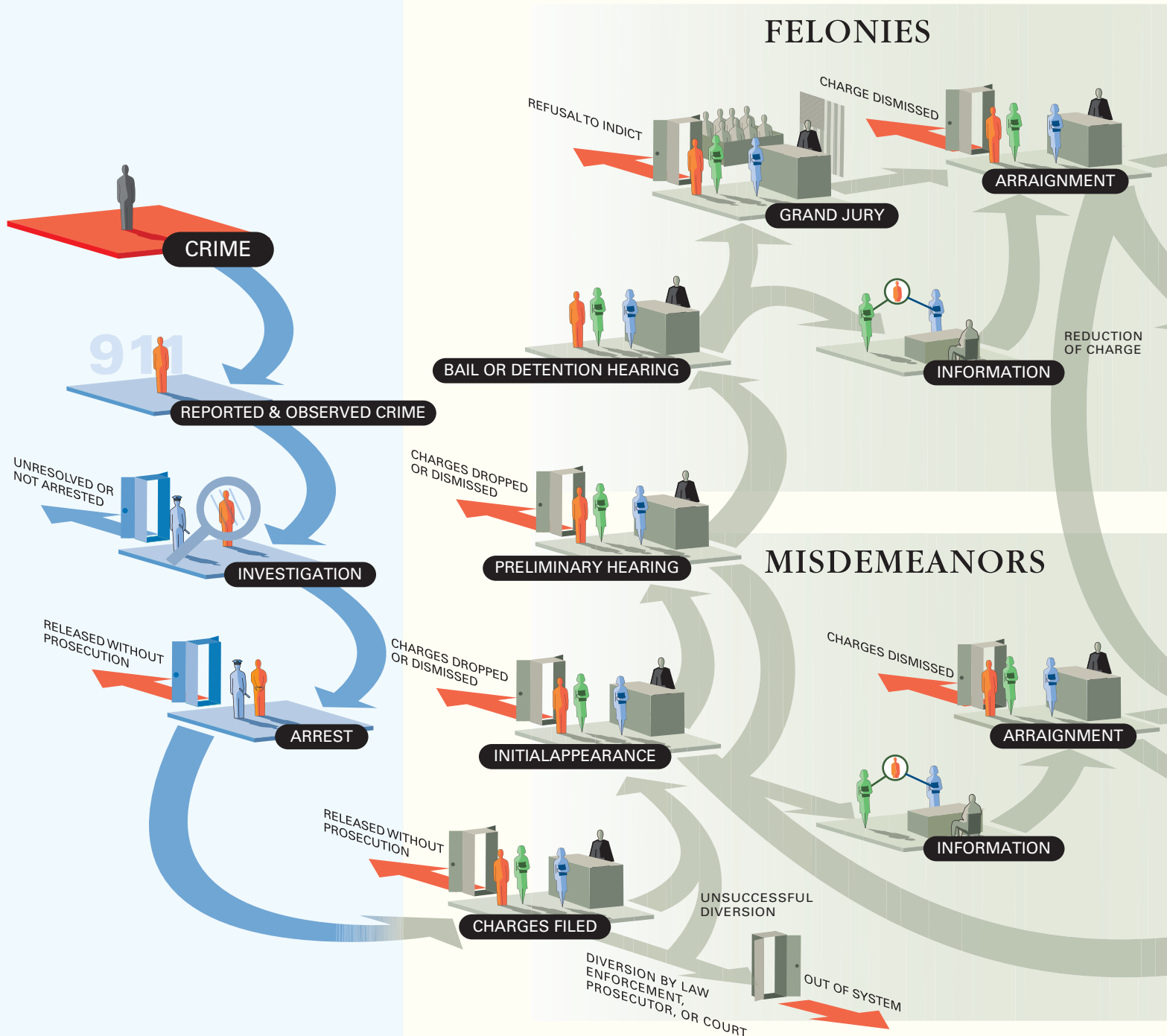
POLICE

COURTS

ENTRY INTO THE SYSTEM

PROSECUTION & PRETRIAL SERVICES

ADJUDICATION



JUSTICE SYSTEM

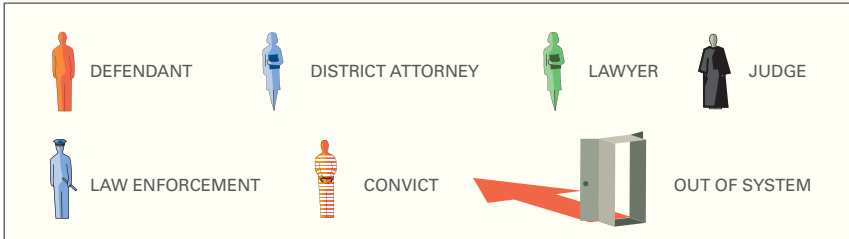
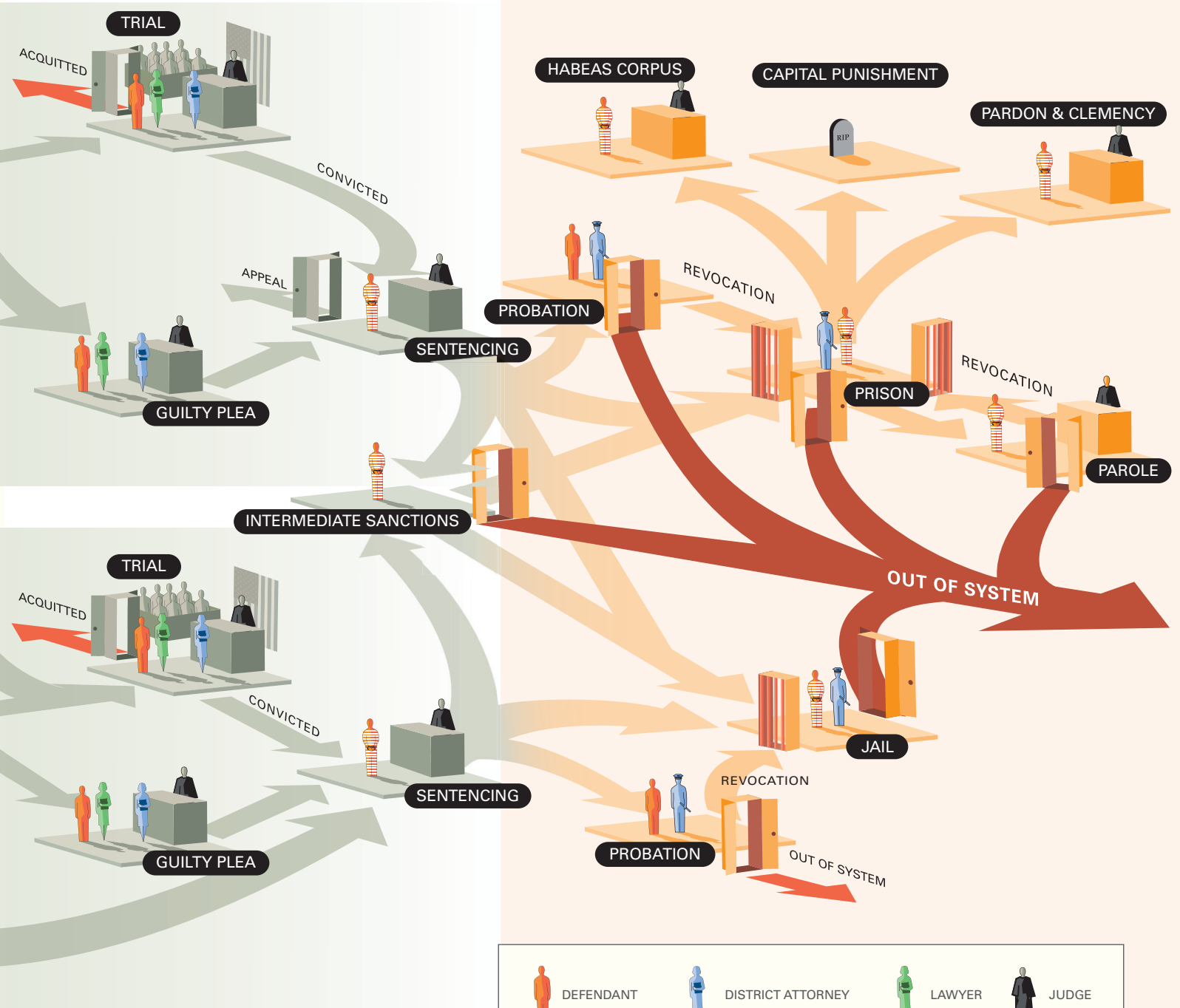
CORRECTIONS

SENTENCING & SANCTIONS

PROBATION

PRISON

PAROLE



What Is Criminal Justice?

CHAPTER

1

People expect both safety and justice and do not want to sacrifice one for the other.

—Christopher Stone, President,
Open Society Foundations

Learning Objectives

After reading this chapter, you should be able to:

1. Summarize the history of crime in America and corresponding changes in the American criminal justice system. **3**
2. Describe the public-order (crime-control) and individual-rights (due-process) perspectives of criminal justice, concluding with how the criminal justice system balances the two perspectives. **6**
3. Explain the relationship of criminal justice to general concepts of equity and fairness. **8**
4. Describe the American criminal justice system in terms of its three major components and their respective functions. **10**
5. Describe the process of American criminal justice, including the stages of criminal case processing. **12**
6. Define due process of law, including where the American legal system guarantees due process. **13**
7. Describe the role of evidence-based practice in contemporary criminal justice. **15**
8. Explain how multiculturalism and social diversity present challenges to and opportunities for the American system of criminal justice. **16**

Introduction

Ask anyone who has come into contact with it, and you will hear that the American criminal justice system wields a lot of power. Agencies of the justice system have the authority to arrest (the police), to convict (the courts), and to imprison (corrections). In the most serious cases, the system even has control over who lives and who dies (capital punishment). For those who commit **crimes**, the “full weight and power” of the system comes crashing down on them, beginning with arrest. Yet, for all of its power, the American system of justice is a consensual system that relies upon both public acceptance and public cooperation for it to function effectively. Were citizens to lose faith in the justice process and question its legitimacy, then the day-to-day work of law enforcement officers, court personnel, and corrections officers would become insurmountably difficult—and their jobs would be impossible to perform.

Today, the criminal justice system in this country may be teetering on the edge of just such a crisis. It’s a crisis that arose quickly and spontaneously, fed by social media, following grand jury refusals in Missouri and New York to indict police officers in the death of two black suspects in separate incidents. The first involved Michael Brown, an 18-year-old unarmed African-American man who died in hail of bullets fired by a Ferguson, Missouri, police officer after an initial confrontation between the two turned violent.¹ The second involved Eric Garner, another unarmed black man who died after an NYPD officer placed him in a chokehold while they struggled—apparently preventing him from being able to breathe.² Garner, a father of six, had been arrested numerous times before the fatal encounter for illegally selling cigarettes on city streets—a minor offense.

Protests followed both grand jury decisions, with demonstrators in Ferguson rioting, looting, and burning down stores over a period of days. New York City protestors emblazoned the slogan “No Justice, No Peace” on placards they carried, and Missouri protestors chanted “Hands up, don’t shoot!” in the belief that Brown was surrendering to police when he was shot (the grand jury, however, concluded otherwise).

Confrontations between police and demonstrators remained largely peaceful, but led to an especially surprising result. Police officers in Ferguson made no arrests during the first few

nights of looting and rioting, even though arsonists and thieves were in plain sight; and NYPD officers stopped making “quality-of-life arrests”—or arrests for minor crimes. By the start of 2015, arrests in New York City for minor crimes, such as traffic violations, and public drinking and urination, had plummeted 94% from the year before.³ Arrests for other crimes nosedived by 66% from only a week earlier. Police in New York City were reported to be making arrests “only when they have to.”⁴ In Seattle, police chief Kathleen O’Toole made the rounds of her department’s stations telling officers that it was OK to arrest people. “If you get agitators who threaten the police or the public, you have to arrest them,” she said.⁵ It was as though police officers in Ferguson, New York City, and elsewhere—perhaps wary of stoking more public unrest—had become afraid to enforce the law.

Matters became even uglier when assaults on police officers rose significantly following the protests. On December 20,

2014, two uniformed NYPD police officers were shot dead as they sat in their marked police cruiser on a Brooklyn street corner.⁶ The assassination-style attack was carried out by 28-year-old Ismaaiyl Brinsley, who soon shot and killed himself on a nearby subway platform. Prior to the killings, Brinsley had posted anti-police threats on his Instagram page, referencing the “unjust” killings of Garner and Brown. “I’m putting wings on pigs today,” he wrote, “They take 1 of ours . . . Let’s take 2 of Theirs.” Soon, police officers around the country were doubling up on patrol, and bracing for further attacks.

crime

Conduct in violation of the criminal laws of a state, the federal government, or a local jurisdiction, for which there is no legally acceptable justification or excuse.¹

Follow the author’s tweets about the latest crime and justice news @schmallegger



▲ Retiring Dallas, Texas, police chief David Brown speaks during a funeral service for one of five officers killed in an ambush-style attack in 2016. The killings led to debates over the fairness of the American criminal justice system. How would you assess that system’s fairness?

Danny Hurlley/Polaris/Newscom

American society is built upon a delicate balance between the demand for *personal freedoms* and the need for *public safety*.

Attacks on the police have continued. On July 7, 2016, five police officers were killed in an ambush in Dallas, Texas, while nine other officers were wounded. The shootings happened at the end of what had been a peaceful protest against killings by police.⁷ Ten days later, three law enforcement officers were killed, and another three wounded in Baton Rouge, Louisiana, by a man who went on a shooting rampage that targeted officers on his 29th birthday. Later, a San Antonio 20-year police veteran was shot and killed at a traffic stop in Austin, Texas, and another two officers were killed in an ambush near Des Moines, Iowa.⁸

Although the anti-police movement was embraced by only a relatively small portion of the American population, it not only signified distrust of the police, but also reflected a fundamental sense of injustice about how suspects—especially African Americans—were being treated by the entire justice system. Some saw the protests as releasing pent-up frustration that resulted from a decades-long war on drugs, during which a hugely disproportionate number of young blacks were arrested, and a get-tough-on-crime era that resulted in dramatically overcrowded prisons throughout the country. Whatever the cause, it soon became clear that public acceptance of the justice system's authority is based significantly on the perception of fair and equitable treatment by all of its component agencies.⁹ One of the lessons learned from the events of recent years was that fairness has a wider meaning than ensuring just outcomes and upholding due process (issues that we will later discuss).

As we shall see throughout this text, **procedural fairness**, which is the process by which decisions that *feel* fair are made, is a vital component of our American justice system. When the concept of procedural fairness is applied to the criminal justice system, it is known as **procedural justice**. Procedural justice is crucial to effective criminal justice practices, and helps to ensure the legitimacy of justice organizations and their acceptance by the people they serve.

Finally, it is worth noting that a recent Gallup poll found that Americans' respect for local police had jumped to its highest level since 1967. In that poll, 76% of those interviewed said that they have a "great deal" of respect for police—an increase of 12 percentage points from the year before.¹⁰ Experts attributed the rise to a nationwide "reflection on what the role of police should be and the complex challenges they face."¹¹

A Brief History of Crime in America

What we call *criminal activity* has undoubtedly been with us since the dawn of history, and crime control has long been a primary concern of politicians and government leaders worldwide. Still, the American experience with crime during the last half century has been especially influential in shaping the criminal justice system of today (Figure 1–1). In this country, crime waves have come and gone, including an 1850–1880 crime epidemic that was apparently related to social upheaval caused by large-scale immigration and the Civil War.¹² A spurt of widespread organized criminal activity was associated with

1

Summarize the history of crime in America and corresponding changes in the American criminal justice system.

the Prohibition years of the early twentieth century. Following World War II, however, American crime rates remained relatively stable until the 1960s. The 1960s and 1970s saw a burgeoning concern for the rights of ethnic and racial minorities, women, people with physical and mental challenges, and many other groups. The civil rights movement of the period emphasized equality of opportunity and respect for individuals, regardless of race, color, creed, gender, or personal attributes. As new laws were passed and suits filed, court involvement in the movement grew. Soon a plethora of hard-won individual rights and prerogatives, based on the U.S. Constitution, the Bill of Rights, and new federal and state legislation, were recognized and guaranteed. By the 1980s, the civil rights movement had profoundly affected all areas of social life—from education and employment to the activities of the criminal justice system.

procedural fairness

The process by which procedures that feel fair to those involved are made.

procedural justice

The implementation of fair and equitable procedures in the administration of justice.

individual rights

The rights guaranteed to all members of American society by the U.S. Constitution (especially those rights found in the first ten amendments to the Constitution, known as the *Bill of Rights*). These rights are particularly important to criminal defendants facing formal processing by the criminal justice system.

FIGURE 1–1
Milestones in Crime History

1850–1880 A crime epidemic spurred by social upheaval brought on by large-scale immigration and the Civil War.

1920–1933 Prohibition spurs the growth of organized crime.

Following World War II, American crime rates remained relatively stable until the 1960s.

1960–1970 The civil rights movement of the period emphasized equality of opportunity and respect for individuals regardless of race, color, creed, gender, or personal attributes. This period also saw a dramatic increase in reported criminal activity.

1970s Reports of crimes such as murder, rape, and assault increased considerably.

1980s By the mid-1980s, the dramatic increase in sale and use of illicit drugs led to increased crime. Large cities became havens for drug gangs and cities experienced dramatic declines in property values and quality of life. President Reagan declared a "war on drugs."

1992 The videotaped beating of Rodney King, an African American, by Los Angeles-area police officers was seen as an example of the abuse of police power.

By the late **1990s**, the public perception was that crime rates were growing and that many offenders went unpunished. This led to a growing emphasis on responsibility and punishment and the development of a "get-tough-on-crime" era.





2001 A series of terrorist attacks on New York City, Washington, D.C., and elsewhere changed the focus of law enforcement to a proactive and more global approach.

2001 USA PATRIOT Act dramatically increases the investigatory authority of federal, state, and local police agencies.

The incidence of personal crime declined throughout the 1990s.

2009 Bernard Madoff pleads guilty to the largest Ponzi scheme in history. The crimes of Madoff, and widespread suspicions about the activities of Wall Street financiers, led to a number of white-collar crime investigations. White-collar crime came into focus as a serious threat to the American way of life.



2011 FBI most-wanted terrorist Osama Bin Laden was killed by U.S. special operations forces in Pakistan, leading to fears of a renewed terrorist onslaught on American targets throughout the world.



2012–2018 Epidemic of mass shootings and random violence sweeps public venues across the United States.



2019–present Cybercrimes become commonplace and threaten both national security, and corporate and personal financial integrity.

Library of Congress Prints and Photographs Division [LC-DIG-ppmsca-47366]; Everett Collection/SuperStock; Universal Images/SuperStock; Steven Hirsch/Splash News/Newscom; NetPics/Alamy Stock Photo
Source: Pearson Education, Inc.

social disorganization

A condition said to exist when a group is faced with social change, uneven development of culture, maladaptiveness, disharmony, conflict, and lack of consensus.

This emphasis on **individual rights** was accompanied by a dramatic increase in reported criminal activity. Although some researchers doubted the accuracy of official accounts, reports by the FBI of “traditional” crimes such as murder, rape, and assault increased considerably during the 1970s and into the 1980s. Many theories were advanced to explain this leap in observed criminality. Some analysts of American culture, for example, suggested that the combination of newfound freedoms and long-pent-up hostilities of the socially and economically deprived worked to produce **social disorganization**, which in turn increased criminality.

By the mid-1980s, the dramatic increase in the sale and use of illicit drugs threatened the foundation of American society. Cocaine, and later laboratory-processed “crack,” spread to every corner of America. Large cities became havens for drug gangs, and many inner-city areas were all but abandoned to highly armed and well-financed drug racketeers. Cities experienced dramatic declines in property values, and residents wrestled with an eroding quality of life.

By the close of the 1980s, neighborhoods and towns were fighting for their communal lives. Huge rents had been torn in the national social fabric, and the American way of life, long taken for granted, was under the gun. Traditional values appeared in danger of going up in smoke along with the “crack” being consumed openly in some parks and resorts. Looking for a way to stem the tide of increased criminality, many took up the call for “law and order.” In response, President Ronald Reagan created a cabinet-level “drug czar” position to coordinate the “war on drugs.” Careful thought was given at the highest levels to using the military to patrol the sea-lanes and air corridors through which many of the illegal drugs entered the country. President George H. W. Bush, who followed Reagan into office, quickly embraced and expanded the government’s antidrug efforts.

A decade later, a few spectacular crimes that received widespread coverage in the news media fostered a sense among the American public that crime in the United States was out of hand and that strict new measures were needed to combat it. One such crime was the 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City by anti-government extremists. Another was the 1999 Columbine High School massacre in Colorado that left 12 students and 1 teacher dead.¹³

The public’s perception that crime rates were growing, coupled with a belief that offenders frequently went unpunished or received only a judicial slap on the wrist, led to a burgeoning emphasis on responsibility and punishment. By the late 1990s, a newfound emphasis on individual accountability began to blossom among an American public fed up with crime and fearful of its own victimization. Growing calls for enhanced responsibility quickly began to replace the previous emphasis on individual rights. As a juggernaut of conservative opinion made itself felt on the political scene, Senator Phil Gramm of Texas observed that the public wants to “grab violent criminals by the throat, put them in prison [and] stop building prisons like Holiday Inns.”¹⁴

Then, in an event that changed the course of our society, public tragedy became forever joined with private victimization in our collective consciousness after a series of highly destructive and well-coordinated terrorist attacks on New York City and Washington, D.C., on September 11, 2001. Those attacks resulted in the collapse and total destruction of the twin 110-story towers of the World Trade Center and a devastating explosion at the Pentagon. Thousands of people perished, and many were injured. Although law enforcement and security agencies were unable to prevent the September 11 attacks, many have since moved from a reactive to a proactive posture in the fight against terrorism—a change that is discussed in more detail in Chapter 6.

The September 11 attacks also made clear that adequate law enforcement involves a global effort at controlling crime and reducing the risk of injury and loss to law-abiding people both at home and abroad. The attacks showed that criminal incidents that take place on the other side of the globe can impact those of us living in the United States, and they illustrated how the acquisition of skills

By
the late 1990s,
a newfound emphasis
on individual accountability
began to blossom among an
American public fed up with
crime and fearful of its
own victimization.

needed to understand diverse cultures can help in the fight against crime and terrorism. As Chapter 2 points out, terrorism is a criminal act, and preventing terrorism and investigating terrorist incidents after they occur are highly important roles for local, state, and federal law enforcement agencies.

A different kind of offending, corporate and white-collar crime, took center stage in 2002 and 2003 as Congress stiffened penalties for unscrupulous business executives who knowingly falsify their company's financial reports.¹⁵ The changes came amidst declining stock market values, shaken investor confidence, and threats to the viability of employee pension plans in the wake of a corporate crime wave involving criminal activities that had been planned and undertaken by executives at a number of leading corporations. In an effort to restore order to American financial markets, President George W. Bush signed the Sarbanes—Oxley Act on July 30, 2002.¹⁶ The law, which has been called “the single most important piece of legislation affecting corporate governance, financial disclosure and the practice of public accounting since the US securities laws of the early 1930s,”¹⁷ is intended to deter corporate fraud and to hold business executives accountable for their actions.

Today, white-collar crime continues to be a focus of federal prosecutors. In 2017, for example, Volkswagen AG pled guilty to three criminal felony counts and agreed to pay \$4.3 billion in criminal and civil penalties. The company had used software in some of its cars that was designed to improve exhaust emissions tests. VW executives were accused of perpetrating a massive fraud, and the U.S. Justice Department filed a civil lawsuit asking for as much as \$18 billion in compensation from the company. In addition, a federal grand jury returned an indictment charging six VW executives and employees for their roles in the nearly 10-year-long conspiracy.¹⁸

Also, in a 2009 story that many readers will remember, investment fund manager Bernard Madoff pleaded guilty to operating a Ponzi scheme that defrauded investors out of as much as \$50 billion.¹⁹ Madoff pleaded guilty to 11 felony counts, including securities fraud, mail fraud, wire fraud, money laundering, and perjury. Following the plea, he was sentenced to serve 150 years in federal prison—three times as long as federal probation officers had recommended.²⁰ White-collar crime is discussed in more detail in Chapter 2.

The current era is characterized by low and declining rates of “traditional” crimes, such as rape, robbery, and burglary (see Chapter 2 for more details), but the specter of random mass shootings, a high number of inner-city murders, and novel forms of criminal activity complicates today's crime picture. In 2018, for example, many American cities reported more murders than at any time in their history. Similarly, as Chapter 2 explains in greater detail, many other types of crimes today are Internet-based or involve other forms of high technology.



▲ Freedom Tower at the World Trade Center site in New York City. The tower opened in 2014. It stands 1,776 feet tall and will be surrounded by several other buildings. It is a memorial to the nearly 3,000 people who were killed in the terrorist attacks that demolished the Twin Towers in 2001. How did those attacks change the American justice system?

Life In Pixels/Shutterstock

🐦 Follow the author's tweets about the latest crime and justice news @schmalleger



◀ A scene from a computer game. Crimes today have undergone a significant change, with computer-related and high-technology offenses impacting more Americans than ever before. Is the justice system ready for these new challenges?

Game Shots/Alamy Stock Photo