

SIXTEENTH EDITION



THE AMERICAN SYSTEM OF CRIMINAL JUSTICE

GEORGE F. COLE | CHRISTOPHER E. SMITH | CHRISTINA DEJONG



-JUSTICE-



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16TH EDITION



THE AMERICAN SYSTEM OF CRIMINAL JUSTICE

GEORGE F. COLE

University of Connecticut

CHRISTOPHER E. SMITH

Michigan State University

CHRISTINA DEJONG

Michigan State University



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George F. Cole, Christopher E. Smith, and
Christina DeJong

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ABOUT THE AUTHORS



The late **George F. Cole**, Ph.D., was Professor Emeritus of Political Science at the University of Connecticut. A specialist in the administration of criminal justice, he published extensively on such topics as prosecution, courts, and corrections. George Cole was also coauthor with Christopher Smith and Christina DeJong of *Criminal Justice in America*, coauthor with Todd Clear, Michael Reisig, and Carolyn Petrosino of *American Corrections*, and coauthor with Marc Gertz and Amy Bunker of *The Criminal Justice System: Politics and Policies*. He developed and directed the graduate corrections program at the University of Connecticut and was a Fellow at the National Institute of Justice (1988). Among his other accomplishments,

he was granted two awards under the Fulbright-Hays Program to conduct criminal justice research in England and the former Yugoslavia. In 1995, he was named a Fellow of the Academy of Criminal Justice Sciences for distinguished teaching and research.



Trained as a lawyer and social scientist, **Christopher E. Smith**, J.D., Ph.D., is Professor of Criminal Justice at Michigan State University, where he teaches courses on criminal justice policy, courts, corrections, and law. He holds degrees from several universities, including Harvard University and the University of Connecticut. In addition to writing more than 110 scholarly articles, he is the author of 25 books, including several other titles with Cengage Learning: *Criminal Procedure; Law and Contemporary Corrections; Courts, Politics, and the Judicial Process; The Changing Supreme Court: Constitutional Rights and Liberties* with Thomas R. Hensley and Joyce A. Baugh; *Courts and Public Policy; Politics in Constitutional Law; and Courts and the Poor*.



Christina DeJong, Ph.D., is Associate Professor of Criminal Justice at Michigan State University. She earned her degrees at the University of Texas and the University of Maryland. At Michigan State, she is a noted researcher and award-winning teacher for a variety of criminology topics, including recidivism, violence against women, police–community relations, and genocide. She is the coauthor of *The Supreme Court, Crime, and the Ideal of Equal Justice* and numerous articles in such journals as *Justice Quarterly*, *Criminology*, *Women and Criminal Justice*, and *Violence and Victims*.



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PREFACE

Most students come to the introductory course in criminal justice intrigued by the prospect of learning about crime and the operation of the criminal justice system. Many of them look forward to the roles they may one day fill in allocating justice, either as citizens or in careers with the police, courts, or corrections. All have been exposed to a great deal of information—and misinformation—about criminal justice through the news and entertainment media. Whatever their views, few are indifferent to the subject they are about to explore.

Like all newcomers to a field, however, introductory students in criminal justice need, first, *content mastery*—a solid foundation of valid information about the subject—and second, *critical understanding*—a way to think about this information. They need conceptual tools that enable them not only to absorb a large body of factual content but also to process that information critically, reflect on it, and extend their learning beyond the classroom. This text aims at providing both the essential content and the critical tools involved in understanding criminal justice.

This edition continues the book's recent unifying emphasis on citizens' varied and important roles in influencing criminal justice policies and processes. Social commentators and political scientists have long noted that young Americans seem insufficiently interested and engaged in public affairs. Participation rates for youthful voters lag behind those of older demographic groups. Surveys indicate that many young people lack knowledge about both current events and the operation of their country's governing system. Such trends raise questions about the vibrancy of the American democracy and the range of values and opinions that inform decisions about public policies.

Young Americans are certainly entitled to make their own choices about whether and how they become involved in public affairs. If, however, their lack of participation is due to insufficient knowledge about their important potential roles in democratic processes, then the study of criminal justice—a high-interest subject for college students—presents an opportunity to make clearer to them all citizens' inevitable and unavoidable roles in affecting criminal justice.

The American public is accustomed to seeing officials in the criminal justice system—legislators, prosecutors, judges, defense attorneys, and corrections officials—as constituting the decision makers who shape criminal justice policies and processes. Students who aspire to careers in these positions undoubtedly recognize their potential importance to the system. Less well recognized, however, are the influence and importance of all citizens in their roles as voters, members of neighborhood associations and community organizations, and even as renters and homeowners. In these roles, all Americans influence criminal justice through a variety of activities, ranging from formal decisions about voting or buying security systems for businesses and churches to less formal actions in personal crime-prevention decisions (e.g., locking cars, reporting suspicious activity) that guide the nature and extent of crime problems as well as the allocation of law enforcement resources. The influence of all Americans on criminal justice will be highlighted throughout the book, especially in the feature Civic Engagement: Your Role in the System, which gives students concrete opportunities to analyze and make decisions about real-life examples. Three other features in the book reinforce this theme. In addition, a critical-thinking element, Stop and Analyze, which follows each subsection within every chapter, poses questions to students about issues concerning the material that they have just read. Many of these Stop and Analyze questions challenge students to develop arguments and conclusions about their own positions on contemporary controversies. A similar feature, Debate the Issue, included in the Close Up boxes within each chapter, also leads students to engage in analytical thinking about concrete problems and issues in criminal justice. These exercises help students to become intellectually engaged in relevant issues and problems as a means to move away from citizens' passive acceptance of other people's exclusive control over decision making and policy formulation.

This unifying emphasis on civic engagement draws from all three of the book's major themes because active and informed citizens must use knowledge of the *system's characteristics* and *American values* in order

to understand and improve their own actions that influence *public policy*.

The Approach of This Text: Three Key Themes

Criminal justice is a complex subject encompassing an array of topics that cannot be evaluated through a limited or narrow focus. To understand what happens to people who are drawn into the American system of criminal justice, one must analyze such varied subjects as societal problems, determinants of individuals' behavior, government processes, and conceptions of morality and justice. This text tackles the challenge of this complexity by drawing from an interdisciplinary foundation of research, with contributions from criminology, law, history, sociology, psychology, and political science. The interdisciplinary approach supplies the analytical tools and information needed to evaluate the varied institutions, processes, and social phenomena of criminal justice. Although breadth of perspective is necessary for understanding criminal justice, it does not automatically provide an appropriate basis for explaining the American system of justice to students. Information and analysis must be organized and presented in ways that highlight the key elements that shape and drive criminal justice in the United States. We use three organizing themes to bring the complexity of criminal justice into focus and to highlight continuing issues and controversies that affect this dynamic subject:

1. *Criminal justice involves public policies* that are developed within the political framework of the democratic process.
2. *The concept of social system is an essential tool* for explaining and analyzing the way criminal justice is administered and practiced.
3. *American values provide the foundation on which criminal justice is based.* With concerns about terrorism and civil liberties at the forefront of the national agenda, an awareness of basic American values—individual liberty, equality, fairness, and the rule of law—is as vital today as it has ever been in our history.

Over the years, the approach of *The American System of Criminal Justice* has enjoyed broad acceptance as it addresses new challenges. Instructors at hundreds of colleges and universities throughout the nation have chosen this book, and during its more than 30 years of use in their classrooms, more than a half million of their students have used it. Yet, textbook authors cannot afford to rest on their laurels, particularly in a field as

dynamic as criminal justice. The social scene changes, research multiplies, theories are modified, and new policies are proposed and implemented while old ones become unpopular and fade away. Students and their needs change as well. Accordingly, we have made this Sixteenth Edition even more current, vital, cohesive, and appealing to students and instructors alike.

Highlights of the Sixteenth Edition

This edition encompasses important revisions in content and presentation. Users of the Fifteenth Edition will find many significant additions and changes. We have also strengthened the focus on the various important roles of citizens in affecting criminal justice in their states, communities, and neighborhoods. This focus draws together the book's themes concerning American values, public policy, and system conception of criminal justice. The remainder of this section considers the major content changes and expanded discussions in the book and then examines the new elements in each chapter.

Evidence-Based Practice and Policy

A new feature in every chapter highlights the major trend within criminal justice toward developing and implementing research-based practices and policies. Future criminal justice professionals, as well as engaged citizens, need awareness of the value of connecting research to policy development. By testing practices and policies through the methods of social science, criminal justice organizations are better positioned to devote resources, training, and personnel to approaches that can advance policy goals, such as reducing crime rates and offender recidivism. Practices and policies examined in individual chapters include reentry programs, identification procedures in police investigations, police patrol strategies, and addressing the needs of people with mental illnesses.

Highly Publicized, Contemporary Controversies

Among the most significant developments affecting the justice system are contemporary controversies that have captured the public's attention through heavy news media coverage. In particular, key events since 2014 included videoed incidents of police officers' use of force, especially white officers' actions leading to the deaths of African American suspects. Incidents such as those in Ferguson, Missouri; New York City; Cleveland, Ohio; North Charleston, South Carolina; and Baltimore led to large-scale public protests, including civil disorder in Ferguson and Baltimore that produced extensive

property damage and arrests. These incidents brought into sharp focus debates about use of force, police–community relations, and discrimination in the justice system. In order to highlight and examine these and other issues, we have expanded the feature entitled Inside Today’s Controversies so that there is one example in each chapter. The focus on current controversies is used to illuminate aspects of each segment of the system, from policing to courts to corrections to juvenile justice. Several of these features concern police use of force and police–community relations. For example, one Inside Today’s Controversies box examines the human consequences of aggressive, racially skewed stop-and-frisk practices. Others focus on issues elsewhere in the justice system, such as questions about the fairness of grand jury proceedings and problems stemming from privatization in corrections and probation.

Improving the Accuracy of Information and Reliability of Communications

Contemporary students live in a technological age and are inundated with information from a variety of sources, including social media outlets that either intentionally or unwittingly spread inaccurate information. The label “fake news” is bandied about by politicians seeking to direct the public’s attention in a certain direction, although not necessarily in the direction of truth. Americans are challenged to develop an awareness of how to detect false information and seek the facts about specific topics. This issue has special consequences for criminal justice as the dissemination of inaccurate information can distort understanding of social problems and lead to policies and practices that are misdirected. An additional aspect of information problems occurs through recordkeeping and communication errors in the criminal justice system. Students need a keen awareness of such problems in order to be able to recognize issues and seek useful, correct information. A new feature in each chapter, Criminal Justice and the Risk of Misinformation, highlights a variety of problems related to information and communications. Examples within the chapters include the widespread dissemination of erroneous crime rates, harmful actions undertaken in reliance on inaccurate social media postings, and arrests of innocent people due to inaccurate recordkeeping by police departments and courts.

Proposals for Reform of the Justice System

In recent decades, the primary focus of the justice system has been on crime control and punishment. The past few years, however, have seen a shift toward concerns about the effectiveness and costs of policies and

practices in criminal justice. There is greater recognition among policy makers about the high financial costs of incarceration and the significant societal costs of failing to prepare offenders for reintegration into society. In addition, social media and the proliferation of shared photos and videos have highlighted questions about police practices and fairness in the justice system in ways that have heightened public awareness and concern. Throughout the Sixteenth Edition, there are examples of reform initiatives and proposals intended to increase fairness, enhance effectiveness, and limit budgetary expenditures in criminal justice. Issues affecting policing, courts, and corrections are highlighted in various features, including the Close Up and the Evidence-Based Practice and Policy boxes.

Real Ethical Problems and Dilemmas Facing Officials in Each Segment of the Criminal Justice System

As in previous editions, each chapter ends with A Question of Ethics, but many of these features have new, updated content. These contemplative exercises provide real situations drawn from recent news reports. Students are asked to consider genuine cases concerning police honesty in reporting crime statistics, sentencing disparities, departmental quotas imposed on officers for writing tickets or frisking pedestrians, corrections officers’ use of violence to punish prisoners, and problems with privatization of prison services. Students are then challenged to place themselves in the position of administrators who must think about how to organize or reform training, supervision, and other elements that are essential for addressing ethical lapses by justice system officials.

Expanded Focus on Technology and Criminal Justice

The rapid pace of technological development and change has profound effects on criminal justice. Technology creates new opportunities for lawbreakers to steal money, corporate assets, and trade secrets. The public is familiar with some aspects of these problems through publicity about identity theft and hackers’ success in stealing credit card numbers. Technology poses other problems for criminal justice, such as the sophisticated weapons that police officers encounter in the hands of organized crime groups, gangs, and individual criminals. Technology also presents opportunities for criminal justice officials to prevent crime, investigate crime, maintain order, and control incarcerated populations. In addition, technology can raise questions about collisions between citizens’ constitutional rights and officials’ efforts to catch criminal offenders. Each year,

new aspects of technology develop that impact criminal justice. Thus the Technology and Criminal Justice features throughout the book focus on current issues of critical importance to students, including transnational cybercrime; ransomware attacks on police departments' computers; the use of drones to deliver contraband over prison walls; military equipment used by local police agencies; surveillance technology; and controversies about lethal injection protocols and drugs.

New and Expanded Topics in the 16th Edition

The use of local justice systems to generate revenue; privatization of local probation; bail reform; drug policy (sentencing, opioid epidemic, legalization of marijuana, designer drugs); social media and criminal justice; police ethics; police strategies for handling public demonstrations; violent attacks on the police; police use of force; training of police on de-escalation and implicit bias; police–community relations; police acquisition of military equipment/tactics; homeland security—“lone wolf” attacks; vulnerabilities in airport security and other new kinds of emergency-response situations requiring coordination; evidence-based practices; police body cameras; police use of drones; guns—carrying/concealed weapons; new California and other jurisdictions' laws with restrictions on guns; prison/jail health and mental health; mental health and policing; technology in corrections; solitary confinement; prison education programs; reentry; sentence reform; reductions in prison populations; recent spikes in certain crimes in specific cities; prison privatization amid changes in presidential administrations; expanded use of pardon power under President Obama.

Key Chapter-by-Chapter Changes

Chapter 1, Crime and Justice in America

A new chapter opener focuses on the mass shooting in January 2017 at the Ft. Lauderdale airport, killing five people and wounding six others. The incident raises questions about the nature of crime and the public's perceptions about crime. A new What Americans Think presents public opinion poll results from 2016 for young adults (ages 18–29) showing strong doubt among a significant number of people concerning the justice system's capacity to make unbiased, fair decisions. The new Evidence-Based Practice and Policy feature provides an overview of the development of evidence-based practices and policy, including issues in research and implementation. There are examples of new gun laws effective in 2017 that contrast Republican success in eliminating most requirements for carrying concealed firearms with Democrats' new laws in California imposing restrictions on firearms and background checks for the purchase of

bullets. A new Close Up feature illustrates differences in political parties' assumptions and conclusions about crime by comparing the policy initiatives of the Obama administration with the statements and promises of President Donald Trump and his eventual U.S. attorney general Jefferson Sessions. The Inside Today's Controversies feature focuses on police misconduct during December 2016 and January 2017 as well the January 2017 Justice Department report on the Chicago Police Department. The examples illustrate the necessity of critically analyzing criminal justice organizations and processes in order to understand their actual flaws that need corrective action. The new Criminal Justice and the Risk of Misinformation feature highlights the issue of inaccurate information available on the Internet and social media; the problem of people filtering out information that challenges their preexisting beliefs; and the example of Missouri's continued relaxation of gun laws despite evidence that this direction of policy is associated in that state with a marked increase in gun homicides.

There are also new examples of political crimes and various kinds of occupational and cybercrimes drawn from 2016 and 2017, including the Oregon wildlife refuge standoff (politically motivated crime) and Russian hacking to influence the U.S. elections.

Chapter 2, Victimization and Criminal Behavior

The new chapter opener uses an Uber driver's shooting of eight strangers in Kalamazoo, Michigan, in 2016 and a Houston doctor's conviction for defrauding the Medicare program in 2016 as examples of the questions raised about the causes of crime and how we define the victims of various crimes. The new Criminal Justice and the Risk of Misinformation feature focuses on presidential candidate Donald Trump's tweet of starkly inaccurate crime statistics that could reinforce stereotypes about African Americans as being primarily responsible for violent crime. The feature calls attention to the need to double-check information before sharing through social media. The new Inside Today's Controversies feature discusses debates about the focus of the Violence Against Women Act, including the federal government's role in trying to shape state and local domestic violence policy as well as the prospect of the new Trump administration cutting grants that had been distributed through this program. There is new data on the intraracial nature of homicide and a comparison with gender and aspects of criminal victimization. New information about Gallup Polls from 2015 and 2016 illuminate Americans' fear of crime and the factors that differentiate people's perceptions about fear. Additional new information updates shifting budgetary priorities and attendant impacts on victim assistance programs. The new Evidence-Based Practice and Policy feature focuses on the effectiveness of victim services.

Chapter 3, The Criminal Justice System

The new chapter opener provides the details of the arrest, prosecution, and trial of minor television celebrity Dustin Diamond after an altercation at a bar in Wisconsin. The example illustrates the specific steps in the criminal justice process from event to punishment. The Evidence-Based Practice and Policy feature examines public surveillance and research evidence concerning crime prevention efforts through the use of CCTV systems in public places. There is new material on racial profiling that includes descriptions by prominent African Americans—U.S. Senator Tim Scott of South Carolina, and Ron Sims, the retired County Executive from the Washington State county that includes Seattle—about being stopped by police multiple times for no apparent reason other than their skin color. The new Criminal Justice and the Risk of Misinformation feature discusses President Trump’s executive order for the Department of Homeland Security to issue weekly reports on crimes committed by undocumented immigrants. The feature raises issues about how this provision may be interpreted, the difficulties involved in gathering nationwide information on a weekly basis, and the risk of distorting an accurate analysis of crime statistics by focusing on a specific demographic group in isolation and not with comparative reference to the overall picture of crime that includes considerations of other demographic groups. A new Technology and Criminal Justice feature focuses on the challenge of anticipating new technological developments and attendant problems—using the example of self-driving vehicles—which will ultimately raise new policy issues for policing. For example, should police have the ability to use technologies that could override a vehicle’s software in order to take control of a fully automated vehicle? If so, could such police capability be misused to improperly stop vehicles?

Chapter 4, Criminal Justice and the Rule of Law

The new chapter opener focuses on the entrapment defense by comparing cases in Texas (2016) and Florida (2013) in which men were charged with online solicitation of teenage girls without knowing that they were actually communicating online with police officers, not young girls. In one case, the jury acquitted the man based on the entrapment defense but in the other case they convicted. The cases illustrate defenses to criminal charges and the uncertainty about how juries will be persuaded in criminal trials. There is new civil forfeiture information, including the example from 2016 of a Christian music group raising money for a religious college and an orphanage, only to have the money from their concerts seized during a traffic stop when police declared the case to be proceeds from illegal drug deals—despite finding no drugs in the vehicle. There is a new illustration of self-defense based on a 2016 case in which

a University of Washington student was acquitted after stabbing another student in an altercation that began from an argument over a parking space. The insanity defense material is updated to include John Hinckley’s release from a mental hospital after 35 years of confinement and treatment following his assassination attempt on President Ronald Reagan. The new Criminal Justice and the Risk of Misinformation feature concerns the narrowness of the Supreme Court’s interpretation of the right to own handguns under the Second Amendment and the claims by many people that the Second Amendment means much more than what the Supreme Court has actually said. A new Inside Today’s Controversies feature presents a 5-to-4 Supreme Court decision (*Florida v. Jardines*) concerning the use of drug-sniffing dogs that could change with the replacement of the late Justice Scalia by President Trump’s conservative Supreme Court appointee, Justice Neil Gorsuch. The new Evidence-Based Practice and Policy feature discusses debates concerning judges’ capability to use social science research as part of their policy-shaping decisions.

Chapter 5, Police

The new chapter opener concerns February 2017 protests on the Berkeley campus of the University of California, and the police department’s controversial decision to monitor rather than actively intervene to reduce the risk of injuries to bystanders and officers. The new Criminal Justice and the Risk of Misinformation feature concerns the need for educated citizens to do research on factual statements and policy proposals by political candidates and politicians. The need for this ability is greater than ever because there are sometimes efforts to use false statements to generate overblown public fears that enable politicians to shape policies in criminal justice and homeland security in misguided ways. The new Technology and Criminal Justice feature discusses Chicago’s announcement in 2017 that the city will enhance its use of technology for more-effective law enforcement and crime prevention, and raises questions about the potential effectiveness of this approach. The Inside Today’s Controversies feature looks at controversial lethal uses of force by police and the initiation of the President Obama’s Task Force on 21st Century Policing.

Chapter 6, Police Officers and Law Enforcement Operations

The new chapter opener highlights dangers faced by police officers through the example of 2016 fatal shooting of an Arkansas officer by a man barricaded in a mobile home after a domestic dispute. The new Criminal Justice and the Risk of Misinformation box illuminates the importance of good communication and information systems within justice system agencies. The tragic example of miscommunication

concerns the police shooting of a 12-year-old boy in Cleveland. The boy was carrying a toy gun but the dispatcher had not informed officers that the 911 caller had stated that the person could be a juvenile with a toy and not necessarily an adult carrying a real firearm. There are also examples of people “lost” in corrections institutions through poor record keeping. The new *Inside Today’s Controversies* focuses on the debate over de-escalation training for police use of force. The new *What Americans Think* shows results from a 2016 public opinion poll indicating stark differences between whites and African Americans views of African Americans’ fatal encounter with police as isolated incidents or signs of broader problems with policing. There is new information on the number of volunteer officers and 2016 examples on dangers of using volunteer officers—including sentencing of a Tulsa, Oklahoma, volunteer who killed an unarmed suspect when he mistakenly pulled out and shot his firearm and not his stun gun.

There is new information and examples noting the changing police role with respect to drug enforcement in light of spreading marijuana legalization and the emphasis on treatment rather than enforcement for heroin and opioid abuse in some places. There is new coverage of concerns about the use of crime-prediction software, including issues of inaccurate data and risks for police–community relations by sending officers to less-affluent neighborhoods with a heightened state of suspicion affecting officers’ interactions with people who live there.

Chapter 7, Policing: Contemporary Issues and Challenges

The chapter opening discusses the shooting deaths of Alton Sterling in Baton Rouge and Philando Castile in Minnesota at the hands of police, as well as the resulting protests and the tragic shootings of police officers in Dallas and Baton Rouge that followed from these events. The new *Criminal Justice and the Risk of Misinformation* feature concerns a CNN report on erroneous statistics regarding outsiders’ participation in a protest in Charlotte, North Carolina, based on a speculative comment by a police officer. What responsibility does the news media bear for checking facts before reporting what others have said? The *Technology and Criminal Justice* feature presents new content on ransomware attacks, especially those directed at police departments. A Texas police department lost eight years’ worth of digital evidence in 2017 after refusing to pay \$4,000 to hackers—presumably based in eastern Europe—in order to regain access to the police computer system.

There are new examples of misconduct by crime lab scientists, including the FBI’s admission in 2015 that its examiners had provided overstated, pro-prosecution

testimony about microscopic hair evidence for many years. In addition, a chemist in Massachusetts was sentenced to prison for false, pro-prosecution testimony concerning her analysis of drug evidence. There is new information on rapid DNA testing devices that permit police officers to do quick DNA tests—although the test results are expensive and are not yet integrated into national databases. A new figure shows 2016 state laws requiring training for armed security guards, including 14 states with no training requirements and other states that require no shooting test for private security officers. The *Inside Today’s Controversies* feature discusses critics’ concerns that the use of military equipment and tactics by police can lead to unnecessary aggressiveness and alienation from the communities that police are supposed to serve. The new *Evidence-Based Practice and Policy* feature concerns research and training to issues of implicit bias that may affect police officers in ways that they do not even recognize in themselves. A new *Question of Ethics* includes links to videos of California officers beating unarmed suspects who surrendered after forcing officers to chase them.

Chapter 8, Police and Constitutional Law

There is new material in the chapter opener and the *Technology and Criminal Justice* feature on controversies police access to citizens’ cell phones, including police use of “stingray” cell-phone tracking technology and the 2017 law proposed in Congress to require a warrant for such surveillance. Additional material concerns the dramatic increase in the number of warrantless searches of laptops and smartphones by U.S. Customs and Border Protection officers at border entry points and international airports, with half of the nearly 24,000 searches directed at devices owned by American citizens. The new *Close Up* examines the Supreme Court’s decision in *Utah v. Strieff* (2016) that expanded police authority to stop and question pedestrians. New material presents concerns about the impact of electroshock from police stun guns causing temporary cognitive impairment that would impede truly knowing and voluntary waiver of *Miranda* rights.

The new *Inside Today’s Controversies* feature focuses on the suspect in the 2016 New Jersey and New York bombings and how his arrest renewed debates about whether terrorism suspects should be given *Miranda* rights. The new *Criminal Justice and the Risk of Misinformation* feature concerns cases in which police relied on erroneous information in justice system databases or from inadequate training and communication, resulting in rights violations and arrests—with the majority of justices on the Supreme Court declining to make the protection of rights a higher priority than the acquisition of evidence. A new *Question of Ethics*

feature concerns five police officers caught lying under oath about a search they undertook at a traffic stop—as they did not know that the dashboard camera in one patrol car was recording their actual actions in conducting an illegal search of the driver’s vehicle.

Chapter 9, Courts and Pretrial Processes

The new chapter opener focuses on the pretrial bail and plea bargaining processes leading to the March 2017 sentencing of John Gotti—namesake grandson of the famous New York City crime boss—for selling drugs. In the new Close Up, there is an examination of judges’ behavior in the courtroom; new examples from 2016 include a judge jailing domestic violence victims for contempt of court, handcuffing a defense attorney, and the example of the Stanford athlete sentenced to only three months in jail for sexual assault. There is a new example of nine African American women elected as judges in one county in Alabama in 2016 in order to pose the question whether judges should be elected by the voters to represent the community and the risk that merit selection will lead to only the selection of elite attorneys from the governor’s political party. The new Criminal Justice and the Risk of Misinformation feature discusses risks from the spread of false information on Facebook and other social media outlets, including the beating of a homeless man in California based on a false Facebook post that said he assaulted women. Another example is the death threats against a businessman in Montana after a false Facebook post led people to believe that he was constructing apartment buildings to house refugee immigrants. There are new examples of risks and abuses from bail agents, including a bail agent pressuring female jail inmates for sex when they could not afford to pay bail fee, and bail agents working secretly with court clerks to alter records in order to avoid forfeiting money when clients failed to appear for hearings. In the Technology and Criminal Justice feature on electronic monitoring of people released on bail, there is new information on the controversy over disadvantages experienced by poor defendants who cannot afford the monitoring fees. New information on bail reform uses 2016 changes in New Mexico and Indiana as examples. The new Inside Today’s Controversies feature discusses the tragic case of Kalief Browder, the teenager who was held in a New York City jail for three years—including prolonged time in solitary confinement—before prosecutors dropped the robbery charge against him. His family had been unable to come up with the \$3,000 bail to secure his release. Eventually he committed suicide. His story provided the basis for a highly publicized documentary film series in 2017 raising several important issues about bail and jail.

Chapter 10, Prosecution and Defense

The new chapter opening describes prosecution and defense strategies in the trial of Michael Slager, the police officer in North Charleston, South Carolina, whose actions in shooting a motorist fleeing on foot—Walter Scott—were captured on cell-phone video by an unseen bystander. There is new information on controversy surrounding the appointment of Jefferson Sessions as U.S. attorney general in 2017. There is also new information from 2017 reports about local police departments keeping their own DNA databases contained in the Technology and Criminal Justice feature. A new What Americans Think feature presents a 2016 poll showing New Jersey citizens’ strong disagreement with federal prosecutors’ decision declining to criminally charge Governor Chris Christie in the “Bridgegate” scandal. A new Criminal Justice and the Risk of Misinformation feature concerns conspiracy theorists’ claims that the mass shooting at Sandy Hook Elementary School in Newtown, Connecticut, never occurred in December 2012. Because prosecutors often have responsibility for victim services, do prosecutors have any special duty to refute these hoaxes, especially when it leads people who believe such misinformation to harass and threaten crime victims’ families? There are also examples of cases in which prosecutors opposed permitting newly developed DNA tests for preserved evidence even though such tests may demonstrate that an individual was wrongly convicted. The Evidence-Based Practice and Policy feature discusses the challenges of identifying and adopting best practices for criminal defense attorneys in light of disagreements about the goal of defense practices (e.g., Help client with rehabilitation? Protect rights? Seek lightest punishment?) and the relative lack of research on defense attorneys and prosecutors compared to other aspects of the justice system.

The Close Up considers the role of appellate courts in indigent defense reform including new information on the Michigan Supreme Court which for the first time in 2016 set standards for performance for criminal defense attorneys. A new Question of Ethics from 2016 concerns a misconduct violation found to have been committed by a North Carolina attorney for picking up a water bottle to seek DNA testing of the object after the person drinking from the bottle had refused to provide a DNA sample. The attorney took the action to assist her client—a man who was ultimately found to have served nearly 40 years in prison for a double murder that he did not commit.

Chapter 11, Determination of Guilt: Plea Bargaining and Trials

The new chapter opener examines the trial of Brandon Vandenburg, a Vanderbilt University football player convicted of sexual assault and sentenced to prison in

2016. The new Inside Today's Controversies feature concerns Supreme Court decisions in 2016 (*Foster v. Chatman*) and 2017 (*Pena-Rodriguez v. Colorado*) about aspects of racism affecting jury selection and jury decision making. The feature also includes the controversy over after-trial revelations that several jurors in the case of Ray Tensing, the white University of Cincinnati police officer charged with murdering Sam DuBose, an unarmed African American motorist, had indicated either racial biases or pro-police biases on their jury questionnaires. Thus critics were concerned that the mistrial resulting from the jury deadlock had been affected by bias. The new Criminal Justice and Risk of Misinformation concerns the problems of jurors seeking information from the Internet and social media when they are supposed to limit information about a criminal case to the evidence, arguments, and instructions in the courtroom. One example is from a 2014 manslaughter case in Florida in which more than one juror was caught improperly using the Internet against the instructions of the judge. Drawing from the Supreme Court decision about racial discrimination in jury selection in *Foster v. Chatman* (2016), the Close Up feature focuses on the debate over whether peremptory challenges should be abolished.

Using the example of the FBI's 2015 admission that its scientists had provided inaccurate pro-prosecution testimony in cases stretching back 20 years, especially concerning hair-match evidence, the Technology and Criminal Justice feature examines forensic science issues, including the question of relying on testimony about DNA evidence. The new Evidence-Based Practice and Policy feature discusses efforts to improve jury instructions and jurors' ability to understand what they heard in a trial. The new Question of Ethics feature examines a Texas judge in 2016 who announced that he would not approve plea bargains in certain cases.

Chapter 12, Punishment and Sentencing

The chapter opener shows the wide range of sentences for teachers convicted of sex crimes with student victims. The examples from 2017 include a female teacher in Louisiana who received only a sentence of probation for victimizing a male student—a stark contrast from the 20-year sentence imposed on a male teacher in Texas with an underage female victim. New material discusses developments with good time and earned time as, in 2017, Louisiana's governor proposed expanding good time to permit release after serving 65 percent of a prisoner's sentence. In Washington, there was a controversy over miscalculations of earned time leading to the premature release of a large number of prisoners, including some who committed new crimes when they should have still been in prison. The new Criminal Justice and the Risk of Misinformation

feature focuses on claims that certain laws, policies, or programs “don't work”—using one example about gun control and another example about after-school programs for children. The feature asks the student to be wary of broad generalizations that may be politically or ideologically motivated, and to investigate before accepting such generalized claims. The new Technology and Criminal Justice feature presents examples from 2016 and 2017 illuminating states' difficulty in obtaining lethal injection drugs and questions that this problem raises about the future of the death penalty. There is new information about Justice Stephen Breyer's December 2016 argument that the Supreme Court should consider whether decades' long delays between sentencing and execution constitute cruel and unusual punishment. A new Gallup Poll indicates that Americans' 60 percent level of support for capital punishment in 2016 is the lowest level of support in the past 45 years and reflects a widening gap of disagreement between Democrats and Republicans. The Evidence-Based Practice and Policy feature presents evidence-based sentencing including critics' concerns about the unproven reliability and accuracy of needs assessments by judges that might therefore contribute to discrimination in sentencing.

Chapter 13, Corrections

The new chapter opener focuses on 2016 controversies over excessive use of force by corrections officers in New York state prisons and their lack of accountability for improper conduct. The Criminal Justice and the Risk of Misinformation feature concerns new U.S. Attorney General Jefferson Sessions dismissing the Obama administration's report on Ferguson, Missouri, as “anecdotal”—but then also admitting that he had not actually read the report. Is anecdotal information useful? The example raises the issue of the need to be wary about the use of phrases for political purposes that seek to reject available information. There is new information on the Obama administration's decision to phase out federal government's use of private prisons and the Trump administration's action in reversing that order. The new Inside Today's Controversies feature concerns the problem of privatizing services in prisons with a focus on Michigan's issues with food quality leading to prisoner protests as well as sexual misconduct and contraband smuggling by employees of private food vendors. A new Close Up provides details of the Supreme Court's opinion in *Holt v. Hobbs* (2015) protecting a Muslim prisoner's right to grow a short beard to fulfill the requirements of his faith. A new Question of Ethics feature discusses the hundreds of thousands of dollars in campaign contributions made by private prison companies to political candidates in the 2016 election.

Chapter 14, Community Corrections: Probation and Intermediate Sanctions

The new chapter opener presents the sentencing of former basketball star Dennis Rodman for driving the wrong way on a California highway, fleeing the scene, and not holding a valid driver's license. He was sentenced to three years of probation, restitution, community service, and a \$500 donation to the victim services fund. Is a sentence in the community a fair outcome for a serious case? Or does celebrity status affect punishment? The new Inside Today's Controversies feature examines private probation companies that extract profits from poor probationers by charging extra fees and having them jailed—with additional fees—when they are unable to pay the fees. There is new material on smartphone apps that help probation and parole officers maintain supervision of clients in the Technology and Criminal Justice feature. The new feature on Evidence-Based Practice and Policy looks at the use of risk factors to determine likelihood of recidivism for probationers. Probation officers can use tools to assess risks, then devote their time and effort differentially to give great help to probationers at higher risk. Research has indicated that the instruments that measure risk are effective, and that probation officers who allocate their time in such ways can decrease the risk of recidivism. There is expanded discussion of the Fifth Amendment Integrity Restoration (FAIR) Act introduced to Congress in 2017. This Act reforms forfeiture laws to provide indigent defense in forfeiture cases, shifts the burden of proof to the state, and requires a higher standard of evidence than currently used in forfeiture cases. There is new information on the use of youth boot camps for high school dropouts to get them back on track in life rather than just for youths in trouble with the criminal justice system. The new Criminal Justice and the Risk of Misinformation feature discusses the example of problems with record keeping in community corrections leading a Chicago woman to be jailed for 49 days in 2016 based on erroneous records concerning her release from a community service requirement after a minor 1993 marijuana conviction.

Chapter 15, Incarceration and Prison Society

A new What Americans Think shows a public opinion poll from 2016 that demonstrates strong support across demographic groups for rehabilitation as a priority in the criminal justice system. The new Criminal Justice and the Risk of Misinformation feature examines Justice Alito's inaccurate prediction in *Brown v. Plata* (2011) that the court-ordered reduction in California's prison population would lead to a brutal crime wave that would victimize thousands of Californians. The new Technology and Criminal Justice concerns prisons facing the problem of contraband—especially drugs and

weapons—being dropped into prison yards by drones being guided by prisoners' accomplices in the outside world. There is a new example of prison industries focusing on the Prison Blues factory producing jeans inside an Oregon prison. In addition, there is a specific example of the federal Bureau of Prisons requiring work within its prisons in various maintenance and other functions while paying prisoners just 12 cents to 40 cents per hour. There is new material on initiatives in New York to provide college classes for people in prison, including the Bard College program whose prisoners' debate team defeated a team from Harvard, as well as New York Governor Cuomo's 2016 proposal to finance college courses for prisoners. The Evidence-Based Practice and Policy feature contains new examples of specific rehabilitation programs verified by research and described in 2017 on the website of the National Institute of Justice. These include substance treatment and cognitive-behavioral therapy. There is also new material on corrections officials registering low-income prisoners for Medicaid under the Affordable Care Act/Obamacare Medicaid expansion—providing coverage when they need hospitalization outside of the prison and continuing assistance with mental health and substance abuse treatment after release. There are also new examples of publicized cases of corrections officers improperly using force to punish prisoners, thereby causing injuries and lawsuits. The new Question of Ethics feature discusses corrections officers accepting money from prisoners to smuggle cell phones into prisons.

Chapter 16, Reentry into the Community

The new chapter opener concerns Jeffrey Abramowitz, a lawyer sentenced to prison for stealing funds from his law firm and clients. After leaving prison, he dedicated his efforts to assisting inmates leaving prison, finding employment, and returning to the community. The new Evidence-Based Practice and Policy feature discusses the Serious and Violent Offender Reentry Initiative and its impact on recidivism across the United States. The new Criminal Justice and the Risk of Misinformation feature examines the computer software and record-keeping errors that led to the mistaken early release of offenders from prison and from community supervision. There is updated information about efforts to end disenfranchisement of ex-offenders in Kentucky, Iowa, and Florida. In addition, there is new information on Michigan's 2017 laws seeking to enhance the state's efforts to facilitate effective reentry as a means to reduce the expense of a large prison population. In Technology and Criminal Justice, this chapter provides an overview of GPS technology to monitor sex offenders, and a recent Supreme Court decision that ruled such monitoring constitutes a search. The new Inside Today's Controversies feature discusses the "Ban the Box" movement to the box on job

application forms that notifies potential employers of the applicant's criminal conviction history. Banning the Box helps ex-offenders avoid being excluded from job opportunities based on a written job application alone prior to the interview stage in the selection process. There is updated information on presidential pardons and commutations, particularly the record number of clemency actions taken by President Barack Obama in his final days prior to leaving the White House.

Chapter 17, Juvenile Justice

The new chapter opener discusses a Massachusetts case in which a 17-year-old girl faced the prospect of being charged as an adult for a homicide offense after she encouraged her boyfriend to commit suicide. The new Criminal Justice and the Risk of Misinformation feature concerns the man who fired a gun in a Washington D.C. pizza restaurant in December 2016 because he thought he was rescuing trafficked children based on false stories on the Internet. The new Inside Today's Controversies feature focuses on the opioid crisis, the increase in overdose deaths, and both the criminal justice and public-health aspects of the problem. A new Close Up focuses on promising methods for reducing youth violence in New Orleans, Louisiana, and Pueblo, Colorado. Both programs have been evaluated by criminal justice researchers and found to have value in reducing violent crime. There is updated information on the change of the age in majority in Connecticut, where the juvenile court can hear all cases for 16-year-old offenders, and most cases for 17-year-old offenders. Analysis of the change indicates that there has been no appreciable increase in juvenile delinquency after the change. There is also new information about attempts to divert juvenile offenders from pretrial detention in San Francisco, California. The Detention Diversion Advocacy Program works to identify the needs of each offender and target appropriate social services. The new feature on Evidence-Based Practice and Policy summarizes recent results of research focused on the waiver of juveniles to adult court. Most studies have found that waiver does not deter future offending, and in fact may increase crime among waived juveniles. Researchers acknowledge that using waiver is an overly broad solution for juveniles that may have specific issues that need addressing, and recommend closer examination of blended sentencing options. In Technology and Criminal Justice, this chapter discusses sexting incidents among middle school and high school students occurring in 2016 and 2017. School officials and police reaction to these incidents are discussed, as well as the implication for juveniles who engage in such behavior.

To help students identify and master core concepts, the text provides several study and review aids.

Study Aids

- **Chapter Outlines** preview the structure of each chapter.
- **Chapter-Opening Vignettes** introduce the chapter topic with a high-interest, real-life episode. These vignettes include such recent examples as the shootings at the Ft. Lauderdale airport by the Kalamazoo, Michigan, Uber driver; the prominent murder trial of the South Carolina police officer secretly filmed shooting an unarmed motorist fleeing on foot; protests against a police shooting in Baton Rouge, Louisiana; and former basketball star Dennis Rodman being sentenced to probation and community service.
- **Chapter Learning Objectives** highlight the chapter's key topics and themes. The numbered learning objectives have been carefully matched to individual bullet points in the end-of-chapter Summary for maximum learning reinforcement.
- **Checkpoints** throughout each chapter allow students to test themselves on content as they proceed through the chapter.
- **Chapter Summaries and Questions for Review** reinforce key concepts and provide further checks on learning.
- **Key Terms and Cases** are defined throughout the text in the margins of each chapter and can also be located in the Glossary.

Promoting Critical Understanding

Aided by the features just described, diligent students can master the essential content of the introductory course. Although such mastery is no small achievement, most instructors aim higher. They want students to complete this course with the ability to take a more thoughtful and critical approach to issues of crime and justice. *The American System of Criminal Justice*, Sixteenth Edition, provides several features that help students learn how to think about the field.

- **Inside Today's Controversies** This new feature examines contemporary controversies as a means to gain new insights and challenge assumptions about criminal justice. This feature also highlights a variety of proposals to reform the criminal

justice system. These new boxes give attention to specific highly publicized examples that illuminate police use of force, police–community relations, President Obama’s commission to develop reform proposals, the use of military equipment by police, the application of solitary confinement to juveniles in pretrial detention, and other current issues. Each of these features includes questions for students to consider under the Critical Thinking and Analysis segments that conclude each presentation.

- **Civic Engagement: Your Role in the System** In order to gain a clear understanding of the inevitable, important, and varied ways that citizens influence criminal justice policy and process, two Civic Engagement features in each chapter pose scenarios and questions drawn from real-life examples. Students are asked to place themselves in roles as voters, members of neighborhood organizations, jurors, members of citizen advisory committees, and a host of other real-life contexts where Americans make decisions that impact criminal justice. For each situation they are asked to use their analytical skills to present reasons for a decision or other suggestions related to policy problems.
- **Stop and Analyze** features after each Checkpoint pose critical-thinking questions and ask students to concretely articulate arguments and analytical conclusions about issues.
- **Close Ups** Understanding criminal justice in a purely theoretical way does not give students a balanced understanding of the field. The wealth of examples in this book shows how theory plays out in practice and what the human implications of policies and procedures are. In addition to the many illustrations in the text, the Close Up features in each chapter draw on newspapers, court decisions, first-person accounts, and other current sources.
- **Evidence-Based Practice and Policy** To illustrate criminal justice policies that have been proposed or are being tested, we include a box called Evidence-Based Practice and Policy in every chapter. These features discuss research-tested practices, such as those concerning patrol strategies, identification procedures, and jury reform, so that students will be prepared to face the new realities of criminal justice.
- **Criminal Justice and the Risk of Misinformation** A new feature in each chapter examines problems with inaccurate information spread by politicians, social media, and news media, as well as record-keeping and communication flaws within criminal justice organizations. Students are challenged to be skeptical of information until they make efforts to verify that the information is accurate. Misinformation

can cause harmful policy mistakes, mistreatment of individuals by their fellow citizens, and mistaken arrests of innocent citizens. Thus this is an especially important topic for criminal justice.

- **Debate the Issue and Implementing New Practices** Within the Close Up, Evidence-Based Practice and Policy, and Technology and Criminal Justice features, the book poses questions to students and asks them to articulate arguments and analytical conclusions about controversies concerning criminal justice policies.
- **A Question of Ethics** Criminal justice requires that decisions be made within the framework of law but also be consistent with the ethical norms of American society. At the end of each chapter, the A Question of Ethics activity places the student in the role of decision maker for actual situations presented in newspaper reports. These examples promote critical thinking and analysis and offer students a more well-rounded view of what is asked of criminal justice professionals every day.
- **What Americans Think** Public opinion plays an important role in the policy-making process in a democracy. As such, we present the opinions of Americans on controversial criminal justice issues as collected through surveys. Students are encouraged to compare their own opinions with the national perspective.

Supplements

For the Instructor

MindTap for Criminal Justice

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

Online 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, a sample syllabus, and an expanded test bank with 30 percent more questions than the prior edition. The learning objectives are correlated with the discussion topics, student activities, and media tools.

Online Test Bank

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

Cengage Learning Testing Powered by Cognero

This assessment software is a flexible, online system that allows instructors to import, edit, and manipulate test bank content from *The American System of Criminal Justice* test bank or elsewhere, including their own favorite test questions; create multiple test versions in an instant; and deliver tests from their LMS, classroom, or wherever they want.

Online PowerPoint® Lectures

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

For the Student

MindTap for Criminal Justice

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

A Group Effort

No one can be an expert on every aspect of the criminal justice system. Authors need help in covering new developments and ensuring that research findings are correctly interpreted. This revision has greatly benefited from the advice of two groups of criminal justice scholars. The first group of reviewers teach at a wide range of colleges and universities throughout the country and have used previous editions of the text in the classroom, so their comments concerning presentation, levels of student abilities, and the requirements of introductory courses at their institutions were especially useful. Reviewers in the second group we consulted are nationally recognized experts in the field; they focused their attention on the areas in which they specialize. Their many comments helped us avoid errors and drew our attention to points in the literature that had been neglected.

The many criminal justice students and instructors who used the Fifteenth Edition also contributed abundantly to this new edition. Their comments provided crucial practical feedback. Many of them gave us their comments personally when we lectured in criminal justice classes around the country.

Others have helped us as well. Chief among them was Product Team Manager Carolyn Henderson Meier, who has supported our efforts. Our Senior Content Developer, Shelley Murphy, provided invaluable comments as we revised the book.

The project has benefited much from the attention of Senior Content Project Manager Christy Frame, and Product Assistant Megan Nauer was invaluable in helping us develop the supplements. Marne Evans used her effort and skill to contribute to the copyediting process. As always, Greg Hubit used his managerial skills to oversee the project from manuscript submission to bound books. Joe Devine designed the interior and Irene Morris designed the cover of the book. Debra Nichols made valuable suggestions in her role as proofreader.

We acknowledge the reviewers for this Sixteenth Edition, along with all who reviewed our previous fifteen editions. We are grateful for their contributions, and their valuable comments and suggestions for our revisions. Ultimately, however, the full responsibility for the book is ours alone. We hope you will benefit from it, and we welcome your comments.

Christopher E. Smith (smithc28@msu.edu)

Christina DeJong (dejongc@msu.edu)



PART 1

CRIME AND THE CRIMINAL JUSTICE SYSTEM

Chapter 1
CRIME AND JUSTICE IN AMERICA

Chapter 2
VICTIMIZATION AND CRIMINAL BEHAVIOR

Chapter 3
THE CRIMINAL JUSTICE SYSTEM

Chapter 4
CRIMINAL JUSTICE AND THE RULE OF LAW

The American system of criminal justice is a response to crime—a problem that has demanded the attention of all societies throughout history. To understand how the system works and why crime persists in spite of our efforts to control it, we need to examine both the nature of criminal behavior and the functioning of the justice system itself. As we shall see, the reality of crime and justice involves much more than “cops and robbers,” the details

of legal codes, and the penalties for breaking laws. From defining which behavior counts as criminal to deciding the fate of offenders who are caught, the process of criminal justice is a social process subject to many influences other than written law.

By introducing the study of this process, Part 1 provides a broad framework for analyzing how our society—through its police, courts, and corrections—tries to deal with the age-old problem of crime.



Chapter 1

CRIME AND JUSTICE IN AMERICA

CHAPTER FEATURES

- **Evidence-Based Practice and Policy** The Challenges of Evidence-Based Practice: Quality of Information and Implementation
- **Close Up** New Directions for Crime Policy in the Trump Administration
- **Criminal Justice and the Risk of Misinformation** The Challenge of Identifying Facts amid a Flood of Information
- **Inside Today's Controversies** Criticism of Justice System Officials: Improper or Useful?
- **Technology and Criminal Justice** Transnational Cybercrime

CHAPTER LEARNING OBJECTIVES

- L01** Discuss how public policies on crime are formed
- L02** Recognize how the crime control and due process models of criminal justice help us understand the system
- L03** Be able to explain: "What is a crime?"
- L04** Describe the major types of crime in the United States
- L05** Analyze how much crime there is and understand how it is measured

CHAPTER OUTLINE

The Main Themes of This Book Crime and Justice as Public Policy Issues

- Evidence-Based Practices
- The Role of Public Opinion
- Contemporary Policies
- Crime and Justice in a Democracy
- Crime Control versus Due Process
- The Politics of Crime and Justice
- Citizens and Criminal Justice Policy

Defining Crime

Types of Crime

- Visible Crime
- Victimless Crimes
- Political Crime
- Occupational Crime
- Organized Crime
- Transnational Crime
- Cybercrime

The Crime Problem Today

- The Worst of Times?
- The Most Crime-Ridden Nation?
- Keeping Track of Crime
- Trends in Crime



Joe Raedle/Getty Images

The sound of gunfire shattered the relative calm in the Ft. Lauderdale, Florida, airport, in the early afternoon of January 6, 2017. Minutes earlier, Estaban Santiago, a 26-year-old New Jersey native who lived in Alaska, had retrieved his suitcase from the checked baggage carousel, went into the bathroom to remove a handgun from his luggage, and then came back into the baggage area, firing randomly at people in the vicinity. He killed five people and wounded six others, while dozens of people suffered minor injuries diving for cover to avoid the gunshots (Gomez, 2017). When he used up all of his bullets, Santiago lay face down on the floor, with his arms spread out, and waited for police officers to arrest him. He was charged with causing death at an international airport, which could lead to the death penalty under federal law (Gomez, 2017).

As frightening an event as this shooting was, it was not a typical crime. Thefts and burglaries occur every day. Computer hackers steal financial information on a daily basis. Yet apparent indiscriminate attacks, such as the Ft. Lauderdale airport shooting, are the kinds of incidents that can influence people's perceptions about crime. When significant news media coverage reports unexpected, seemingly random violence in which individuals are put at risk of death by a complete stranger, people's fears may affect their assumptions and behavior. They may become suspicious of certain people or avoid being in public at certain times and places. Such violent incidents also raise questions about how American society should respond in order to protect its citizenry and institutions against dangerous events. Think about the possible questions that are raised by the Ft. Lauderdale shooting:

- To what extent are Americans at risk of mass shootings in public places? How common are these events? Is there reason to be afraid whenever one leaves home?

- Does the incident show that firearms are too easily available to people who cannot be trusted? Alternatively, does this actually show that weapons should be more easily available to all citizens at airports so that people can defend themselves?
- Santiago's friends said that his behavior had become unusual after he returned from a tour of duty in Iraq with U.S. military forces. Earlier, in November 2016, Santiago had gone to the FBI office in Anchorage and reported to special agents that an intelligence agency was controlling his mind. The FBI agents confiscated the gun Santiago had in his vehicle but returned it to him when he later passed a mental health evaluation. Does this incident show that we should be more cautious about returning confiscated firearms to people who manifest signs of psychological problems (Gomez, 2017)?
- Between January and October 2016, Santiago had five encounters with the Anchorage police stemming from calls reporting that he assaulted his girlfriend multiple times, and that he disobeyed orders to stay away from her. The police said they did not have enough evidence of these claims to proceed with charges against him. Is there a risk that domestic violence complaints are not treated with sufficient seriousness and therefore people who are the subject of multiple complaints are often left free to pose a risk of more-serious violence (Currie, 2017)?

Debating and addressing these questions intelligently requires information and understanding about complex issues. To what extent are Americans knowledgeable about the realities of crime? This is a relevant question because our understanding of crime—or our lack of understanding—can affect how we influence public policy when we act as voters, as members of community organizations, or for some college students, as future justice system officials.

All Americans influence criminal justice policy. We make judgments about political candidates, in part, based on their stance toward gun control, capital punishment, and other criminal justice issues. We express our views and fears to city councils, school boards, state legislatures, and other policy-making bodies that decide whether and how to spend money on safety and security in our communities. We make choices about the neighborhoods where we will reside, the schools where we will send our children, and the stores where we will shop, based, in part, upon our perceptions about risk and crime. Even these decisions can have important impacts on economic development and neighborhood stability within communities. Moreover, many college students who study criminal justice will eventually become professionals in the justice system and thereby have even more influence over how policies develop and how policies are applied to the lives of others within American society. In light of the importance of criminal justice to all Americans—and, conversely, the important contributions that all Americans play in shaping criminal justice policy—it is essential that Americans develop realistic understandings of the nature of crime and justice in their society.

A Gallup Poll published in November 2015 revealed that 36 percent of Americans fear walking alone at night within a mile of their home (Norman, 2015). A later Gallup Poll in November 2016 found that more than two-thirds of Americans believe that crime rates had increased in the prior year (Swift, 2016). Given Americans' concerns about criminal justice issues, politicians attempt to gain favor with voters by proposing policies to address crime. These proposals do not always reflect careful analysis of the costs and benefits of different policy choices. In fact, politicians often try to outdo one another in being "tough on crime" without fully understanding the costs and consequences of such policies. This toughness has led to many shifts in public policies: adding 100,000 police officers nationwide, building more prisons, extending the death penalty to cover 60 federal offenses, mandating longer sentences, and requiring certain parolees to register with the police. The public's perception of crime tends to encourage the government to spend millions of dollars in ways that affect individuals drawn into the criminal justice system for punishment.

In the face of politicians' desire to appear tough on crime, an important question arises: Are concerns about crime justified? Polls indicate that many Americans do not realize that serious crime declined steadily from the record-setting years of the early 1980s through 2000. Additional drops occurred for various crimes during the early years of the twenty-first century. Despite widespread beliefs in constantly rising crime rates (Swift, 2016), there is no national crime wave. Violent crime rates decreased from 637 per 100,000 people in 1996 to 373 per 100,000 in 2015 (FBI, *Crime in the United States*, 2016a). The homicide rate was nearly 9.5 per 100,000 people in 1990. By 2015, the homicide rate was less than 5 per 100,000 people, just half of what it had been 25 years earlier (FBI, *Crime in the United States*, 2016a). Because beliefs and fears about crime seem disconnected from the actual overall drops in crime rates, many critics believe that people in the United States are unduly preoccupied with and insufficiently informed about crime as a policy issue.

The Main Themes of This Book

The study of criminal justice offers a fascinating view of a crucial social problem. Drawing from the perspectives of such academic disciplines as economics, history, law, political science, psychology, and sociology, the field of criminal justice aims at supplying knowledge and developing policies to deal with criminality. This aim, however, poses a fundamental challenge in a democratic society: how to develop policies that deal with crime while still preserving individual rights, the rule of law, and justice.

Democracy in the United States is defined and guided by historic American values, including individual liberty, the preservation of constitutional rights, an expectation of personal privacy, and the protection of private property and free enterprise. These American values guide the development of public policy in all areas of government, including criminal justice. The application of American values, however, creates special tensions and problems

Many Americans are fearful of walking at night near their own homes. People often have inaccurate beliefs about crime steadily increasing. If government budget cuts lead to a reduction in police services, how will that affect Americans' fears and beliefs about crime?



Blho Song/EyeEm/Getty Images

in criminal justice. For example, people's sense of liberty may depend on how freely they can walk the streets without fearing crime; therefore, they want tough crime-control policies. On the other hand, other aspects of American values emphasize the protection of the criminal defendant's rights in order to ensure that no one is improperly denied his or her liberty. Finding the proper balance between conflicting values may pose an even greater challenge during the current era, in which fears about terrorism have enhanced citizens' concerns about crime and public safety. In the aftermath of the September 11, 2001, terrorist attacks on the World Trade Center in New York and the Pentagon in Washington, D.C., more than half of Americans believed it would be necessary to sacrifice some civil liberties in order to gain greater security. A survey in 2011 revealed that 40 percent of Americans still expressed that view ten years after the attacks of 9-11 (Rainie and Maniam, 2016). If there were to be another large-scale terrorist attack on the United States or elsewhere, new laws and policies produced in response to such an event may strike a new balance that diminishes individuals' rights in favor of enhancing order and security.

To facilitate the exploration of these issues and others, this book presents three major themes: (1) crime and justice are public policy issues; (2) criminal justice can best be seen as a social system; and (3) the criminal justice system embodies society's effort to fulfill American values, such as liberty, privacy, and individuals' rights.

An additional minor theme will be highlighted in each chapter. This fourth theme is a reflection of the times in which we live: the impact of widespread federal, state, and local budget cuts on crime and criminal justice. Many states are seeking to save money by reducing their prison populations. As a result, governments must simultaneously develop and expand mechanisms for

punishing offenders in the community and for reintegrating former prisoners into society. In addition, many cities and counties reduced the size of their police forces due to financial pressures. For example, as compared to a decade earlier, there were 7 percent fewer police officers statewide in California in 2015, even as those officers served a growing population of citizens within the state (Reese, 2016). Camden, New Jersey, a poor community with significant crime problems, laid off more than one-third of its police force in 2011 and eliminated the department completely in 2013 when arrangements were made for a county-based police department to take over (Wood, 2014). These changes in priorities—and the subsequent impact on communities—were a direct result of budget reductions stemming from a loss of tax revenue as the national economy gradually regained its footing in the years following the economic recession of 2008. The problems and choices involved in cutting budgets while still seeking to protect the public are components of the first major theme of this book: crime and justice as public policy issues. However, these decisions and their results have assumed such importance for contemporary criminal justice agencies at all levels of government that we will highlight these problems throughout the book.

As we shall see, values can come into conflict as choices are made about how to operate the system and define public policies. These themes are important for all Americans because of people's involvement in shaping criminal justice policy through their roles as voters, members of community organizations, and, for many students of criminal justice, as future criminal justice professionals. All Americans are affected by criminal justice issues through perceptions that guide their choices about how to behave, where to live, and how to protect themselves and their families from victimization. All Americans also influence criminal justice when they vote on statewide ballot issues, vote for specific political candidates, make suggestions to their neighborhood associations, and express their views to elected officials. A knowledge of criminal justice from a public policy perspective and an understanding of the operation of the criminal justice system are essential tools for Americans. Individuals can use this knowledge to make decisions about their own behavior and to inform their voting decisions and other involvement in shaping public policy. In asserting their influence over criminal justice, Americans also need to bear in mind the third theme: the need to uphold and strike an appropriate balance between our nation's values, including personal privacy and due process, and the necessary government authority for maintaining safety and security in society.

This chapter focuses on the first theme, concerning crime and justice as public policy issues. The third theme, American values, is also presented in this chapter and will appear in each chapter throughout the book. Chapter 1 also examines the nature and definition of **crime**. Crime is those behaviors defined by law as so harmful or undesirable that individuals proven to have undertaken them should be punished by the government. As you learn about crime and the criminal justice system, take note of the many different academic disciplines that contribute to our knowledge in these areas. For example, the study of criminal justice requires psychologists to analyze the thinking and behavior of individuals. Criminologists develop and test theories about the causes of criminal behavior. Sociologists and economists examine the impact of society on crime as well as crime's impact on society. Political scientists explore the development of public policy and the operations of criminal justice agencies. Increasingly, chemists, biologists, and engineers play important roles in criminal justice because of the development of new scientific methods for investigating crimes and new technologies for weapons, surveillance, databases, and other essential

crime

A specific act of commission or omission in violation of the law, for which a punishment is prescribed.

aspects of law enforcement administration. Clearly, criminal justice provides a multidisciplinary area of study that appeals to people with varied interests and expertise.

An understanding of the crime problem and U.S. society's definition of this problem as a public policy issue will give you the groundwork for later discussions about criminal justice as a social system in which actors and agencies interact and make decisions. To guide your study, we address the following themes.

Crime and Justice as Public Policy Issues

Who bears responsibility for addressing issues of crime and justice? The answer to this question depends on the organization of a society and the nature of its governing system. Looking back at human history, one can see many approaches to crime and punishment. For example, in a sparsely populated rural society that lacked effective control by government, crime and justice were often viewed as private matters. When one individual harmed another through violence or theft, a measure of justice could be obtained through vengeful acts by the victim's family or through the payment of compensation by the perpetrator. Such approaches were common in the centuries before central governments became dominating forces in modern nations. Alternatively, local leaders could rely on cultural traditions to impose punishments upon wrongdoers.

In the United States, by contrast, crime and justice are public policy issues, because the government addresses them. Institutions and processes of government produce laws to define crimes; create and operate agencies to investigate, prosecute, and punish criminals; and allocate resources to address the problems of crime and justice. Moreover, these institutions and processes are influenced by the actions of American citizens, as they cast their votes for specific candidates; bring issues and problems to the attention of elected officials; and publicly protest against those policies that they see as unfair, inappropriate, or ineffective.

Crime and justice are important and difficult **public policy** issues in the United States. In a democracy, we struggle to strike a balance between maintaining public order and protecting individual freedom. Both sides of this equation represent American values. To enjoy the liberty that we value so highly, we want to feel safe to move freely in society. On the other hand, if we push too strongly to ensure safety, we could limit individual rights and liberty by unnecessarily restricting, detaining, or punishing too many individuals. For example, we could impose policies that make us feel safe from crime, such as placing a police officer on every street corner or by executing suspected criminals. Such severe practices have been used elsewhere in the world. Although they may reduce crime, they also fly in the face of democratic values. If we gave law enforcement officers a free hand to work their will on the public, we would be giving up individual freedom, due process, and the American conception of justice. Liberty and legal rights are so important that they are enshrined in the nation's founding document, the U.S. Constitution. However, the protection of these democratic values can impede the ability of criminal justice officials to catch and punish offenders. Thus we continually struggle to find the proper balance between stopping crime and preventing government officials from violating individuals' rights.

Some critics of criminal justice, such as Jeffrey Reiman, argue that our system is designed not to reduce crime or to achieve justice but to project to the American people a visible image of the threat of crime (Reiman, 1996: 1). This is done by maintaining a sizable population of criminals while at the same

public policy

Priorities and actions developed by government to use public resources as a means to deal with issues affecting society.

time failing to reduce crime. Reiman argues that we need to move away from a system of *criminal* justice to one of criminal *justice*. He urges policies that

- End crime-producing poverty
- Criminalize the harmful acts of affluent and white-collar offenders
- Create a corrections system that promotes human dignity
- Make the exercise of police, prosecution, and judicial power more just
- Establish economic and social justice

If adopted, Reiman's thought-provoking critical perspective would produce significant changes in priorities in the criminal justice system and effect changes in programs, policies, and the distribution of government resources affecting the rest of society.

Evidence-Based Practices

Dealing with the crime problem concerns not only the arrest, conviction, and punishment of offenders; it also requires the development of policies to deal with a host of issues such as gun control, stalking, hate crimes, computer crime, drugs, child abuse, and global criminal organizations. Many of these issues are controversial; policies must be hammered out in the political arenas of state legislatures and Congress. Any policy choice carries with it costs and consequences as well as potential benefits. Predicting consequences can be difficult. In addition, legislators often enact laws based on their *beliefs* about the nature of a problem and the responses that will be effective in addressing the problem. These beliefs are not necessarily based on a thorough understanding of available research on the nature of problems in criminal justice. Similarly, police chiefs, prison wardens, and others who carry out laws and policies may rely heavily on practices they are accustomed to using, rather than exploring the full range of possible effective alternatives. Decision makers' reliance on unsupported beliefs or customary practices may result in missed opportunities to develop policies and practices that might more effectively advance desired goals.

One emerging trend in creating policies within criminal justice is the use of **evidence-based practices**. These are practices that have proven to be effective in research studies. Social scientists examine many aspects of criminal justice, including the causes of crime, the effectiveness of crime control strategies, and efficiency in police procedures. These studies can demonstrate that some approaches are more useful and cost-effective than others in addressing problems. Research also shows that some approaches are unproven or ineffective. As described by Faye Taxman and Steven Belenko, evidence-based practices are “practices that *should* be widely used because research indicates that they positively alter human behavior” (Taxman and Belenko, 2013: 3). Thus legislators, police chiefs, prison wardens, and other decision makers are increasingly looking to scholars' research for guidance about which laws and policies to develop. Ideally, working partnerships can be formed between researchers and justice system officials in order to increase the effectiveness of communication, understanding, and application of reforms (E. Davis and Robinson, 2014). However, even when research-supported approaches are available, evidence-based practices are not always followed. Sometimes decision makers are not aware of relevant research about a problem that they are addressing. Legislators and other policy makers also may resist adopting evidence-based practices when the research findings underlying those practices conflict with their own strongly held beliefs or their commitment to familiar, customary approaches. Read the Evidence-Based Practice and Policy feature on the next page to see an overview of issues concerning this contemporary trend.

evidence-based practices

Policies developed through guidance from research studies that demonstrate which approaches are most useful and cost-effective for advancing desired goals.