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CRIMINAL JUSTICE IN ACTION

THE CORE

Larry K. Gaines • Roger LeRoy Miller



Criminal Justice in Action

THE CORE

Seventh Edition

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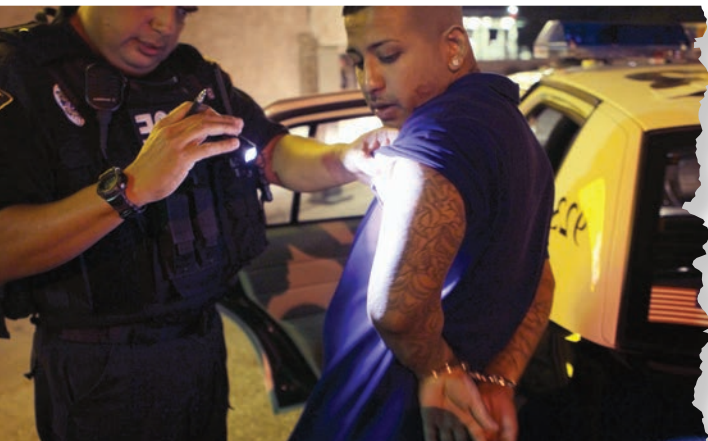
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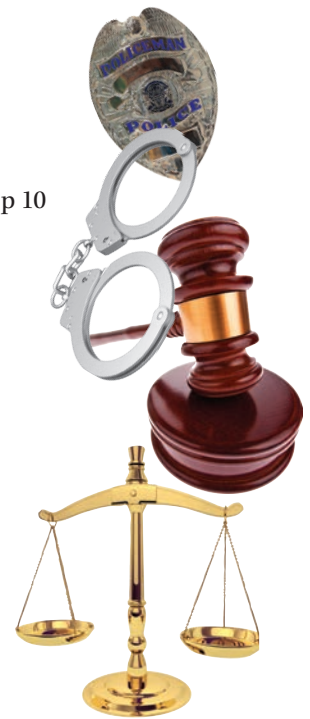
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PREFACE

TO THE SEVENTH EDITION

As Americans, we place great demands on our criminal justice system. We expect law enforcement agencies to prevent and deter crime, keeping us safe as we go about our daily lives. We expect the criminal courts to tackle complicated questions of guilt and innocence, punishing the guilty and ensuring that the innocent go free. We expect corrections officials to maintain order over a system that invites disorder, while at the same time rehabilitating those thought by many to be beyond rehabilitation. The challenge of meeting such demands falls to the men and women who make up the criminal justice workforce.

For more than a decade and over the course of six editions, *Criminal Justice in Action, The Core* has provided students with an engaging and comprehensive guide to understanding these challenges. In this, our seventh edition, the tradition continues. Combining a solid pedagogical foundation and numerous real-life examples, *Criminal Justice in Action, The Core* offers students insight into the world of crime and justice that goes well beyond the clichés of Hollywood or the rhetoric of politicians. With the help and advice of the many criminal justice professors who have adopted this best-selling textbook over the years, we believe we have created an invaluable introduction to the field.

CAREER ADVICE FROM CJ PRACTITIONERS

We are well aware that many students using this text are interested in a criminal justice career. Consequently, each chapter of the seventh edition of *Criminal Justice in Action, The Core* includes a **Careers in CJ feature**. This feature consists of two parts. First, the criminal justice practitioner presents a personal account of his or her profession. Second, the student is provided with “Fast Facts” about the profession, such as required training and annual salary. Careers covered in this edition include crime scene photographer, probation officer, and border patrol agent.

The enhanced Careers in CJ features are only one aspect of our commitment to helping interested students get their foot in the CJ door. A **dedicated Careers in Criminal**

Justice Web site contains self-exploration and profiling activities for students, helping them investigate the numerous career opportunities in law enforcement, the courts, the corrections systems, or any other aspect of American crime and justice. The site also offers students tips on résumé writing, interviewing techniques, and other practicalities of the job search.

MAJOR CHANGES TO THE SEVENTH EDITION

As with previous editions of *Criminal Justice in Action, The Core*, each chapter in the seventh edition begins with a new “**ripped from the headlines**” vignette that introduces the themes to be covered in the pages that follow. Furthermore, the text continues to reflect the ever-changing nature of our topic, with **more than eighty new real-life crime examples and more than fifty new references to recent research involving crime and criminal behavior**. The text also includes hundreds of updated statistical measures of crime, figures, and photographs.

The two most extensive changes to the seventh edition, however, are a new feature that puts the student “in the shoes” of criminal justice professionals and a new chapter that expands the students’ understanding of crime in the twenty-first century.

- The popular “You Be the Judge” feature has been expanded to include the spectrum of criminal justice employees. So, as part of this **new You Be the _____ feature**, students will assume a number of different professional positions—including a sheriff’s deputy, a defense attorney, and a probation officer—and be asked to make a difficult decision based on the law and the facts of the situation in which they find themselves.
- An extensively **revised** Chapter 14 now includes **new sections on the criminalization of immigration law and the challenges of white-collar crime, as well as updated sections on homeland security and cyber crime**. The inclusion of these controversial subjects

makes the seventh edition of *Criminal Justice in Action, The Core* our most comprehensive version to date.

Recognizing the important role that **social media** play in students' lives, we have also added **two new features** that take advantage of the growing influence of Facebook, Twitter, and other Internet communication portals.

- Social media are crucial components of the twenty-first century job search. Students interested in a career in criminal justice will rely heavily on Web sites such as Facebook and LinkedIn to find potential employers, network, and present themselves as viable candidates for employment. Accordingly, each Career in CJ feature, mentioned above, includes a **new Social Media Career Tip** to help students succeed in today's difficult labor market.
- Criminal justice-related organizations, from police departments to special interest groups to university departments, rely on social media to interact with their target audiences. We take advantage of this wealth of information by offering a **new social media margin feature** in each chapter. These features direct students to a specific Web site—the FBI's Twitter account, for example, or the Electronic Privacy Information Center's Facebook page—where they can access a ready stream of information concerning various aspects of American criminal justice.

CONCENTRATED CRITICAL THINKING

The new You Be the _____ feature continues our commitment to developing **students' abilities to think critically** about criminal justice. Indeed, each feature and most photograph captions in the textbook end with a question that requires an innovative, inquisitive response. Other critical thinking tools in *Criminal Justice in Action, The Core*, Seventh Edition, include:

- **Learning Objectives.** At the beginning of each chapter, students are introduced to eight *learning objectives (LOs)* for that chapter. For example, in Chapter 4, "Law Enforcement Today," Learning Objective 3 (LO3) asks students to "Explain how intelligence-led policing works and how it benefits modern police departments." The learning objective is repeated in the margin near the area of text that provides this information, and the correct response is found in the chapter-ending materials. This constant **active learning** will greatly expand students' understanding of dozens of crucial criminal justice topics.
- **Self Assessment Boxes.** Students are not, however, required to wait until they have finished reading a chapter to engage in self-assessment. We have placed a **self assessment** box at the end of each major section of each chapter. Three to five sentences long, these items require students to fill in the blanks, thereby reinforcing the most important points in the section they have just read. (All answers are found at the end of each chapter.)

CHAPTER-BY-CHAPTER ORGANIZATION OF THE TEXT

This edition's fourteen chapters blend the principles of criminal justice with current research and high-interest examples of what is happening in the world of crime and crime prevention right now. What follows is a summary of each chapter, along with a description of some of the revisions to the Seventh Edition.

PART 1: THE CRIMINAL JUSTICE SYSTEM

Chapter 1 Criminal Justice Today provides an *introduction* to the criminal justice system's three major institutions: law enforcement, the courts, and corrections. The chapter also answers conceptual questions such as "what is crime?" and "what are the values of the American criminal justice system?"

- A new Comparative Criminal Justice feature ("Trash Talk") highlights the different responses to two professional athletes who used racial epithets during a

sporting event. One, in Great Britain, was charged with a criminal offense, while the other, in the United States, was not.

- A **new** section entitled "**Discretion and Ethics**" introduces students to both concepts while showing how they influence the decision-making process of criminal justice professionals.

Chapter 2 Measuring and Explaining Crime furnishes students with an understanding of two areas fundamental to criminal justice: (1) the various modes

of *measuring* crime, including the FBI's Uniform Crime Reports and the U.S. Department of Justice's National Crime Victimization Survey, and (2) *criminology*, providing students with insight into why crime occurs before, in the chapters that follow, shifting their attention toward how society goes about fighting it.

- To give students an idea of how crime statistics shape our perception of crime in the United States, the chapter includes a section entitled “**Crime Trends Today**,” which has been **expanded** to show the historical and contemporary links between violent crime rates and factors such as guns, gangs, illegal drugs, the economy, and the national birth rate.
- A **new** discussion of **life course theories of crime**, which posit that antisocial behavioral patterns established in early childhood are useful predictors of juvenile delinquency and adult criminality.

Chapter 3 Inside Criminal Law lays the foundation of *criminal law*. It addresses constitutional law, statutory law, and other sources of American criminal law before shifting its focus to the legal framework that allows the criminal justice system to determine and punish criminal guilt.

- An **updated** discussion of self-defense concepts and so-called Stand Your Ground laws in the wake of George Zimmerman's controversial February 2012 fatal shooting of African American teenager Trayvon Martin in Sanford, Florida.
- A **new** Anti-Terrorism in Action feature (“Due Justice”) examines the due process questions raised by American drone strikes against terrorism suspects in foreign countries, particularly the strike that killed U.S. citizen Anwar al-Awlaki in Yemen.

PART 2: THE POLICE AND LAW ENFORCEMENT

Chapter 4 Law Enforcement Today acts as an *introduction* to law enforcement in the United States today. This chapter offers a detailed description of the country's numerous local, state, and federal law enforcement agencies and examines the responsibilities and duties that come with a career in law enforcement.

- As part of a new discussion on the landscape of **policing today**, students will learn about the strategies that make up **intelligence-led policing**, the challenges of **anti-terrorism**, and “**Law Enforcement 2.0**,” in which law enforcement agents gather information about criminal activity by accessing social networks on the Internet.

- A **new** section, entitled “**Women and Minorities in Policing Today**,” provides an extended discussion of diversity issues in policing, including antidiscrimination law, affirmative action, consent decrees, recruiting challenges, tokenism, and double marginality.

Chapter 5 Problems And Solutions In Modern Policing puts students on the streets and gives them a gritty look at the many *challenges of being a law enforcement officer*. It starts with a discussion of police organization and field services and then moves on to law enforcement strategies and issues in modern policing, such as crime mapping, the mental dangers of police work, and use of force.

- A **new** You Be the Sheriff's Deputy feature (“Threat Level”) addresses the subject of police use of deadly force by placing the student in a dangerous situation where such force may—or may not—be called for.
- A **new** CJ and Technology feature (“Self-Surveillance”) describes how some law enforcement agencies are considering a drastic measure to curb employee misconduct: placing small cameras on the heads of police officers to record their every move.

Chapter 6 Police and the Constitution examines the sometimes uneasy *relationship between law enforcement and the U.S. Constitution* by explaining the rules of being a police officer. Particular emphasis is placed on the Fourth, Fifth, and Sixth Amendments, giving students an understanding of crucial concepts such as probable cause, reasonableness, and custodial interrogation.

- An **updated** section entitled “Video and Digital Surveillance” illuminates the constitutional issues surrounding law enforcement use of closed-circuit television (CCTV) cameras as crime-fighting tools. The discussion includes a **new** CJ and Technology feature (“Automatic License Plate Recognition”) that introduces students to one of the latest, and most-effective, new force multipliers available to American police.
- In the context of the Supreme Court's recent ruling on Arizona's immigration law S.B. 1070, an **updated** discussion of **racial profiling** and the burden on law enforcement officers to determine if a person is in the United States unlawfully.

PART 3: CRIMINAL COURTS

Chapter 7 Courts and the Quest for Justice takes a big-picture approach in describing the *American court system*, giving students an overview of the basic principles of

our judicial system, the state and federal court systems, and the role of judges, prosecutors, and defense attorneys in the criminal justice system.

- The court system’s ability to live up to societal expectations of truth and justice, a running theme of the third part of this textbook, is explored with a close look at the trial of Dharun Ravi. The chapter’s **new** introductory vignette examines why, in 2012, a New Jersey jury found Ravi guilty of invasion of privacy and bias intimidation for using a webcam to view his Rutgers University roommate, Tyler Clementi, embracing another man.
- A **new** discussion designed to give students an understanding of **how the U.S. Supreme Court “makes” criminal justice policy** through judicial review. The discussion focuses on a recent case in which the Court invalidated a federal law banning the Internet sale of “crush” videos, which show the brutal slaughter of small animals, on First Amendment grounds.

Chapter 8 Pretrial Procedures and the Criminal Trial provides students with a rundown of *pretrial procedures* and highlights the role that these procedures play in America’s *adversary system*. Chapter materials also place the student in the courtroom and give her or him a comprehensive understanding of the steps in the *criminal trial*.

- Three **new** Figures use excerpts from actual court records to give students a first-hand understanding of three crucial aspects of the criminal trial: jury selection, the opening statement, and the closing statement.
- A **new** You Be the Defense Attorney feature (“A Gang Murder”) challenges the student to create reasonable doubt in the minds of jurors who will decide the fate of a client who is on trial for assisting in the murder of a fellow gang member.

Chapter 9 Punishment and Sentencing links the many different *punishment options* for those who have been convicted of a crime with the theoretical justifications for those punishments. The chapter also examines punishment in the policy context, weighing the costs and benefits to society of such controversial practices as mandatory minimum sentences and the death penalty.

- A **new** Comparative Criminal Justice feature (“The Norwegian Way”) explains the philosophy behind a seemingly light potential punishment for Anders Bering Breivik, who massacred nearly eighty people in Norway in the summer of 2011.

- An **updated** discussion on the short-term future of capital punishment in the United States takes into account such factors as a nationwide reduction in death sentences, the burdensome costs of execution, an evident juror preference for life-without-parole, and recent steps taken by several states to abolish the practice.

PART 4: CORRECTIONS

Chapter 10 Probation and Intermediate Sanctions makes an important point, and one that is often overlooked in the larger discussion of the American corrections system: not all of those who are punished need to be placed behind bars. This chapter explores the *community corrections* options, from probation to intermediate sanctions such as intensive supervision and home confinement.

- A **new** discussion of innovative probations strategies focuses on Hawaii’s attempt to encourage compliance through “swift and certain” punishment and a California ballot initiative that requires certain low-level drug offenders in that state to receive treatment in the community rather than be incarcerated.
- A **new** You Be the Probation Officer feature (“A Judgment Call”) asks students whether they would revoke the probation of an offender who tests positive for marijuana use and violates his probation agreement in other minor ways.

Chapter 11 Prisons and Jails focuses on *prisons and jails*. After four decades of growth, high incarceration rates have pushed these institutions to the forefront of the criminal justice system, and this chapter explores the various issues—such as severe overcrowding and the emergence of private prisons—that have resulted from the prison population boom.

- A **new** section entitled “**Inmate Population Trends**” describes a surprising recent decrease in the American prison population as well as efforts by certain states to reduce their inmate numbers in order to lower the unfeasible costs of expensive corrections systems.
- A **new** Mastering Concepts feature gives students a clear idea of the different roles that prisons and jails play in the American corrections system.

Chapter 12 Behind Bars is another example of our efforts to get students “into the action” of the criminal justice system, this time putting them in the uncomfortable position of being behind bars. It also answers the

increasingly important question, “What happens when the inmate is released back into society?”

- **New sections on female correctional guards and women’s prisons** provide insight into the challenges faced by women on both sides of prison bars.
- **New discussions of various aspects of life behind bars**, such as prison programs designed to prepare inmates for life “on the outside” and the increased use of solitary confinement for “problem” inmates.

PART 5: SPECIAL ISSUES

Chapter 13 The Juvenile Justice System examines the *juvenile justice system*, giving students a comprehensive description of the path taken by delinquents from first contact with police to trial and punishment. The chapter contains a strong criminological component as well, scrutinizing the various theories of why certain juveniles turn to delinquency.

- A **new** chapter-opening vignette that uses the example of Omer Ninham, who was fourteen-years-old when he killed a playmate in Green Bay, Wisconsin, to explore the subject of life-without-parole prison sentences for juvenile violent offenders.

- A **new** section, “**Bullied to Death,**” that addresses the growing national awareness of the negative consequences of bullying, as well as a **new** CJ and Technology feature (“Cyberbullying”) that describes how increased use of social media by juveniles has exacerbated the problem.

Chapter 14 Today’s Challenges in Criminal Justice concludes the text by taking an expanded look at four crucial criminal justice topics: (1) homeland security, (2) cyber crime, (3) immigration law, and (4) white-collar crime.

- A **new** section on the **criminalization of immigration law** provides students with the basics of immigration law and an understanding of how the actions of federal immigration agents are impacting local law enforcement and crime prevention.
- Another **new** section on **white-collar crime** describes the myriad of wrongdoing covered by this umbrella term and provides an overview of recent law enforcement efforts to combat economic crimes. The section also includes a **new** Myth v. Reality feature (“Soft on White-Collar Crime”) that challenges the popular notion that the criminal justice system is “soft” when it comes to punishing white-collar criminals.

SPECIAL FEATURES

Supplementing the main text of *Criminal Justice in Action, The Core*, Seventh Edition, are approximately seventy eye-catching, instructive, and penetrating special features. These features, described below with examples, have been designed to enhance the student’s understanding of a particular criminal justice issue.

CAREERS IN CJ As stated before, many students reading this book are planning a career in criminal justice. We have provided them with an insight into some of these careers by offering first-person accounts of what it is like to work as a criminal justice professional.

- In Chapter 6, William Howe describes the thrill that he experiences when he solves a crime “puzzle” as a detective.
- In Chapter 10, Peggy McCarthy, a probation officer, provides an inside look at the many duties involved with her profession, from assisting in the arrest of hardened criminals to helping defendants make “a positive change in their lives.”

ANTI-TERRORISM IN ACTION This new feature focuses on various law enforcement strategies to promote homeland security.

- “Trapping a Lone Wolf” (Chapter 1) details the strategies favored by American law enforcement when confronted with the homegrown, would-be terrorists that have evolved into a constant threat to homeland security.
- “Trying Times” (Chapter 8) explains how the prosecution’s “failure” regarding the criminal trial of Ahmed Khalfan Ghailani ensures that high-level terrorist suspects will be tried before military tribunals for the foreseeable future.

MASTERING CONCEPTS Some criminal justice topics require additional explanation before they become crystal clear in the minds of students. This feature helps students to master many of the essential concepts in the textbook.

- In Chapter 6, the feature helps students understand the legal differences between a police stop and a police frisk.
- In Chapter 13, the feature compares and contrasts the juvenile justice system with the criminal justice system.

YOU BE THE _____ This new feature, as noted earlier in the Preface, puts students into the position of a criminal justice professional in a hypothetical case or situation that is based on a real-life event. The facts of the case or situation are presented with alternative possible outcomes, and the student is asked to “be the _____” and make a decision. Students can then consult Appendix B at the end of the text to learn what actually happened in the offered scenario.

- You Be the Police Commissioner, “Occupational Hazard” (Chapter 4) asks students what tactics they would use to disperse a peaceful but law-breaking group of protestors.
- You Be the Parole Board Member, “Cause of Compassion?” (Chapter 12) challenges students to decide the fate of a model prisoner who has been behind bars for nearly four decades because of her participation in a grisly murder spree.

CJ & TECHNOLOGY Advances in technology are constantly transforming the face of criminal justice. In these features, which appear in nearly every chapter, students learn of one such emergent technology and are asked to critically evaluate its effects.

- This feature in Chapter 1 describes how a biometrics smartphone application allows law enforcement agents to quickly identify a suspect simply by taking a photo of her or his face.
- This feature in Chapter 8 explores the problems caused when jurors make use of small wireless devices to text, tweet, blog, take photos, and conduct Internet research during a criminal trial.

COMPARATIVE CRIMINAL JUSTICE The world offers a dizzying array of different criminal customs and codes, many of which are in stark contrast to those accepted in the United States. This feature provides dramatic and sometimes perplexing examples of foreign criminal justice

practices in order to give students a better understanding of our domestic ways.

- “Back to School” (Chapter 7) contrasts the American method of electing judges with the French method of training judges and asks students to determine if one approach is superior to the other.
- “The Not-So Friendly-Skies” (Chapter 14) describes security measures used to screen airplane passengers in Israel, including a level of racial profiling that would be unacceptable to many in the United States.

A QUESTION OF ETHICS Ethical dilemmas occur in every profession, but the challenges facing criminal justice professionals often have repercussions beyond their own lives and careers. In this feature, students are asked to place themselves in the shoes of police officers, prosecutors, defense attorneys, and other criminal justice professionals facing ethical dilemmas: Will they do the right thing?

- In “Kidney Compensation” (Chapter 3), students consider the ethical considerations behind a U.S. ban on selling kidneys and are asked to decide whether this criminal law does more harm than good.
- In “The ‘Dirty Harry’ Problem” (Chapter 5), a police detective is trying to save the life of a young girl who has been buried alive with only enough oxygen to survive for a few hours. Is he justified in torturing the one person—the kidnapper—who knows where the girl is buried?

LANDMARK CASES Rulings by the United States Supreme Court have shaped every area of the criminal justice system. In this feature, students learn about and analyze the most influential of these cases.

- In Chapter 2’s *Brown v. Entertainment Merchants Association*, the Supreme Court rejected the argument that violent video games cause violent behavior and invalidated a California law banning the sale of such games to minors.
- In Chapter 13’s *In re Gault* (1967), the Supreme Court held that juveniles are entitled to many of the same due process rights granted to adult offenders—a decision that caused a seismic shift in America’s juvenile justice system.

MYTH vs. REALITY Nothing endures like a good myth. In this feature, we try to dispel some of the more enduring myths in the criminal justice system while at the same time asking students to think critically about their consequences.

- “Race Stereotyping and Crime” (Chapter 2) challenges the perceived wisdom that members of certain minority groups, particularly African Americans, are prone to violence and therefore more likely to be criminals than other racial or ethnic groups.
- “Are Too Many Criminals Found Not Guilty by Reason of Insanity?” (Chapter 3) dispels the notion that the criminal justice is “soft” because it lets scores of “crazy” defendants go free due to insanity.

EXTENSIVE STUDY AIDS

Criminal Justice in Action, The Core, Seventh Edition, includes a number of pedagogical devices designed to complete the student’s active learning experience. These devices include:

- Concise **chapter outlines** at the beginning of each chapter. The outlines give students an idea of what to expect in the pages ahead, as well as a quick source of review when needed.
- Dozens of **key terms** and a **running glossary** focus students’ attention on major concepts and help them master the vocabulary of criminal justice. The chosen terms are boldfaced in the text, allowing students to notice their importance without breaking the flow of reading. On the same page that a key term is highlighted, a margin note provides a succinct definition of the term. For further reference, a glossary at the end of the text provides a full list of all the key terms and their definitions. This edition includes over forty new key terms.
- Each chapter has at least three **figures**, which include graphs, charts, and other forms of colorful art that reinforce a point made in the text. This edition includes sixteen new figures.
- Hundreds of **photographs** add to the overall readability and design of the text. Each photo has a caption, and most of these captions include a **critical-thinking question** dealing with the topic at hand. This edition includes nearly ninety new photos.
- At the end of each chapter, students will find five **Questions for Critical Analysis**. These questions will help the student assess his or her understanding of the just-completed chapter, as well as develop critical-thinking skills.

ANCILLARY MATERIALS

Wadsworth provides a number of supplements to help instructors use *Criminal Justice in Action, The Core*, Seventh Edition, in their courses and to aid students in preparing for exams. Supplements are available to qualified adopters. Please consult your local Wadsworth/Cengage sales representative for details.

FOR THE INSTRUCTOR

- **Annotated Instructor’s Edition.** This essential resource features teaching tips, discussion tips, and technology tips to help professors engage students with the course material. Prepared by Carly Hilinski of Governors State University.
- **Instructor’s Resource Manual with Test Bank.** The manual includes learning objectives, key

terms, a detailed chapter outline, a chapter summary, discussion topics, student activities, media tools and a newly expanded test bank. The learning objectives are correlated with the discussion topics, student activities and media tools. Each chapter’s test bank contains questions in multiple-choice, true false, completion, and essay formats, with a full answer key. The test bank is coded to the learning objectives that appear in the main text, and includes the page numbers 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. Our Instructor Approved seal, which appears on the front cover, is our assurance that you are working with an assessment and grading resource of the highest caliber.

The manual is available for download on the password-protected website and can also be obtained by e-mailing your local Cengage Learning representative. Prepared by Samantha Carlo of Miami-Dade College and Rosemary Arway of Hodges University.

- **Online Lesson Plans.** The Lesson Plans bring accessible, masterful suggestions to every lesson. This supplement includes a sample syllabus, learning objectives, lecture notes, discussion topics & in-class activities, a detailed lecture outline, assignments, media tools, and “What if . . .” scenarios. The learning objectives are integrated throughout the Lesson Plans and current events and real-life examples in the form of articles, websites and video links are incorporated into the class discussion topics, activities and assignments. The lecture outlines are correlated with PowerPoint slides for ease of classroom use. Lesson Plans are available on the PowerLecture resource and the instructor Web site. Prepared by Bernard Zadrowski of College Of Southern Nevada- Cheyenne.
- **Online PowerPoints.** Helping you make your lectures more engaging while effectively reaching your visually oriented students, these handy Microsoft PowerPoint® slides outline the chapters of the main text in a classroom-ready presentation. The PowerPoint® slides are updated to reflect the content and organization of the new edition of the text and feature some additional examples and real world cases for application and discussion. Available for download on the password-protected instructor book companion website, the presentations and can also be obtained by e-mailing your local Cengage Learning representative. Prepared by Jaclyn Smith of University of Maryland—College Park.
- **PowerLecture DVD with ExamView.** The fastest, easiest way to build customized, media-rich lectures, PowerLecture™ provides a collection of book-specific Microsoft® PowerPoint® lecture and class tools to enhance the educational experience. PowerLecture™ includes lesson plans, lecture outlines linked to the learning objectives for each chapter, art from the text, new videos, animations, and more. The DVD-ROM also

contains electronic copies of the Instructor’s Resource Manual, Test Bank, and Lesson Plans; and ExamView® testing software, which allows you to create customized tests in minutes using items from the test bank in computerized format.

REAL WORLD RESOURCES: TOOLS TO ENHANCE RELEVANCY

The media tools from across all the supplements are gathered into one location and organized by chapter and Learning Objective. Each item has a description of the resource and a directed learning activity. Available on the companion website, WebTutor and CourseMate, these can be used as resources for additional learning or as assignments.

- **WebTutor™ on Blackboard® and WebCT®.** Jump-start your course with customizable, rich, text-specific content within your Course Management System. Whether you want to web-enable your class or put an entire course online, WebTutor delivers. WebTutor offers a wide array of resources, including media assets, test banks, practice quizzes linked to chapter learning objectives, and additional study aids. Visit www.cengage.com/webtutor to learn more.
- **The Wadsworth Criminal Justice Video Library.** So many exciting new videos—so many great ways to enrich your lectures and spark discussion of the material in this text. Your Cengage Learning representative will be happy to provide details on our video policy by adoption size. The library includes these selections and many others.
- **ABC® Videos.** ABC videos feature short, high-interest clips from current news events as well as historic raw footage going back 40 years. Perfect for discussion starters or to enrich your lectures and spark interest in the material in the text, these brief videos provide students with a new lens through which to view the past and present, one that will greatly enhance their knowledge and understanding of significant events and open up to them new dimensions in learning. Clips are drawn from such programs as World News Tonight, Good Morning America, This Week, PrimeTime Live, 20/20, and Nightline, as well as numerous ABC News specials and material from the Associated Press Television News and British Movietone News collections.
- **Cengage Learning’s “Introduction to Criminal Justice Video Series”** features videos supplied by the BBC Motion Gallery. These short,

high-interest clips from CBS and BBC news programs—everything from nightly news broadcasts and specials to CBS News Special Reports, CBS Sunday Morning, 60 Minutes, and more—are perfect classroom discussion starters. Designed to enrich your lectures and spark interest in the material in the text, these brief videos provide students with a new lens through which to view the past and present, one that will greatly enhance their knowledge and understanding of significant events and open up to them new dimensions in learning. Clips are drawn from BBC Motion Gallery.

- **Classroom Activities for Criminal Justice.** This valuable booklet contains both tried-and-true favorites and exciting new projects; activities are drawn from across the spectrum of criminal justice subjects and can be customized to fit any course.
- **Internet Activities for Criminal Justice.** This useful booklet helps familiarize students with Internet resources and allows instructors to integrate resources into their course materials.

CRIMINAL JUSTICE MEDIA LIBRARY

Cengage Learning's Criminal Justice Media Library includes nearly 300 media assets on the topics you cover in your courses. Available to stream from any Web-enabled computer, the Criminal Justice Media Library's assets include such valuable resources as; Career Profile Videos featuring interviews with criminal justice professionals from a range of roles and locations, simulations that allow students to step into various roles and practice their decision-making skills, video clips on current topics from ABC[®] and other sources, animations that illustrate key concepts, interactive learning modules that help students check their knowledge of important topics and Reality Check exercises that compare expectations and preconceived notions against the real-life thoughts and experiences of criminal justice professionals. The Criminal Justice Media Library can be uploaded and used within many popular Learning Management Systems. You can also customize it with your own course material. Please contact your Cengage Learning representative for ordering and pricing information.

FOR THE STUDENT

- **Cengage Learning's Criminal Justice CourseMate** brings course concepts to life with interactive learning, study, and exam preparation tools that support the printed textbook. CourseMate

includes an integrated eBook, quizzes mapped to chapter Learning Objectives, flashcards, videos, and more, and EngagementTracker, a first-of-its-kind tool that monitors student engagement in the course. The accompanying instructor website offers access to password-protected resources such as an electronic version of the instructor's manual and PowerPoint[®] slides.

- **Study Guide.** An extensive student guide has been developed for this edition. Because students learn in different ways, the guide includes a variety of pedagogical aids to help them. Each chapter is outlined and summarized, major terms and figures are defined, plus media tools for directed learning and self-tests are provided. Prepared by William Head of Indiana University.
- **Careers in Criminal Justice Web Site: www.cengage.com/criminaljustice/careers.** This unique Web site gives students information on a wide variety of career paths, including requirements, salaries, training, contact information for key agencies, and employment outlooks.

Several important tools help students investigate the criminal justice career choices that are right for them.

—*Career Profiles:* Video testimonials from a variety of practicing professionals in the field as well as information on many criminal justice careers, including job descriptions, requirements, training, salary and benefits, and the application process.

—*Interest Assessment:* Self-assessment tool to help students decide which careers suit their personalities and interests.

—*Career Planner:* Résumé-writing tips and work sheets, interviewing techniques, and successful job search strategies.

—*Links for Reference:* Direct links to federal, state, and local agencies where students can get contact information and learn more about current job opportunities.

- **Handbook of Selected Supreme Court Cases, Third Edition.** This supplementary handbook covers almost forty landmark cases, with a full case citation, an introduction, a summary from WestLaw, and excerpts and the decision for each case.
- **Current Perspectives: Readings from InfoTrac[®].** These readers, designed to give you a deeper taste of special topics in criminal justice, include free access to InfoTrac[®] College Edition. The timely

articles are selected by experts in each topic from within InfoTrac College Edition.

—*Cybercrime*

—*Introduction to Criminal Justice*

—*Forensics and Criminal Investigations*

—*Community Corrections*

—*Policy in Criminal Justice*

—*Technology and Criminal Justice*

—*Law and Courts*

—*Ethics in Criminal Justice*

—*Corrections*

—*Victimology*

—*Policy in Criminal Justice*

—*Terrorism and Homeland Security*

—*New Technologies and Criminal Justice*

—*Racial Profiling*

—*White Collar Crime*

—*Crisis Management and National Emergency Response*

—*Juvenile Justice*

- **CLeBook.** CLeBook allows students to access Cengage Learning textbooks in an easy-to-use online format. Highlight, take notes, bookmark, search your text, and (in some titles) link directly into multimedia: CLeBook combines the best aspects of paper books and ebooks in one package.
- **Course360—Online Learning to the Next Degree.** Course360 from Cengage Learning is a complete turn key solution that teaches course outcomes through student interaction in a highly customizable online learning environment. Course360 blends relevant content with rich media and builds upon your course design, needs, and objectives. With a wide variety of media elements including audio, video, interactives, simulations, and more, Course360 is the way today's students learn.

ACKNOWLEDGMENTS

Throughout the creation of the seven editions of this text, we have been aided by hundreds of experts in various criminal justice fields and by professors throughout the country, as well as by numerous students who have used the text. We list below the reviewers for this Seventh Edition, followed by the class-test participants and reviewers for the first six editions. We sincerely thank all who participated on the revision of *Criminal Justice in Action, The Core*. We believe that the Seventh Edition is even more responsive to the needs of today's criminal justice instructors and students alike because we have taken into account the constructive comments and criticisms of our reviewers and the helpful suggestions of our survey respondents.

REVIEWERS FOR THE SEVENTH EDITION

We are grateful for the participation of the reviewers who read and reviewed portions of our manuscript throughout its development, and for those who gave us valuable insights through their responses to our survey.

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Any criminal justice text has to be considered a work in progress. We know that there are improvements that we can make. Therefore, write us with any suggestions that you may have.

L. K. G.
R. L. M.

DEDICATION

This book is dedicated to my good friend and colleague, Lawrence Walsh, of the Lexington, Kentucky Police Department. When I was a rookie, he taught me about policing. When I became a researcher, he taught me about the practical applications of knowledge. He is truly an inspiring professional in our field.

L.K.G.

To Eric,

Thanks for all of your hard work for so many years.

R.L.M.

CHAPTER

1

CRIME DO NOT CROSS CRIME SCENE

Criminal Justice Today

LEARNING OBJECTIVES

After reading this chapter, you should be able to...

- 1 Describe the two most common models of how society determines which acts are criminal.
- 2 Define *crime*.
- 3 Outline the three levels of law enforcement.
- 4 List the essential elements of the corrections system.
- 5 Explain the difference between the formal and informal criminal justice processes.
- 6 Define *ethics* and describe the role that they play in discretionary decision making.
- 7 Contrast the crime control and due process models.
- 8 List the major issues in criminal justice today.

AP Photo/John Manchillo

CHAPTER OUTLINE

- What Is Crime?
- The Purpose of the Criminal Justice System
- The Structure of the Criminal Justice System
- Discretion and Ethics
- Criminal Justice Today

Throughout the chapter you will see each learning objective repeated in the margin next to the content it relates to. The chapter summary on pages 25 and 26 includes all of the learning objectives for review.

NEIGHBORHOOD BOTCH

The Retreat at Twin Lakes, a small community of about 260 town houses in Sanford, Florida, was experiencing a crime wave. Dozens of attempted break-ins and the common sight of would-be burglars casing potential targets had created an atmosphere of fear that permeated the neighborhood. After an incident on August 3, 2011, in which two men tried to steal resident Olivia Bertalan's television while she hid upstairs with her infant son, the local homeowners' association decided to set up a neighborhood watch. The members asked George Zimmerman, a twenty-eight-year-old insurance-fraud investigator with a good reputation, to head the new venture. Zimmerman, who legally owned a 9mm handgun, agreed.

On February 26, 2012, Zimmerman, who was patrolling Twin Lakes in his SUV, saw a young African American male walking down the street. He called 911 and reported a "suspicious guy." The dispatcher told Zimmerman to stop following the young man, a seventeen-year-old named Trayvon Martin, and let law enforcement handle the situation. Several weeks earlier, however, the police had failed to apprehend another "suspicious" suspect identified by Zimmerman, and that suspect was eventually arrested with a stolen laptop

computer. "These a**holes," Zimmerman muttered over the phone. "They always get away."

What happened next is a matter of dispute. A lawyer for Martin's family says that Martin, on his way to the home of his father's girlfriend, was speaking to his own girlfriend on a cell phone when he noticed Zimmerman nearby on foot. Martin told his girlfriend that he was being followed, and she told him to run. Martin said that he would "walk fast." Zimmerman claims that he lost track of Martin and was headed back to his car when Martin attacked him from behind. In any case, witnesses saw the two men scuffle, and heard one crying for help. Within seconds, Martin lay dead with a bullet from Zimmerman's handgun in his chest.

George Zimmerman, charged with second degree murder for the shooting death of Trayvon Martin, appears in a Sanford, Florida, courthouse.



Pool/Reuters/Landov

When authorities initially refused to arrest George Zimmerman in connection with Trayvon Martin's death, a national outcry ensued. Anger focused on two aspects of incident that seemed to indicate racial bias. First, did Zimmerman assume that Martin was a criminal because of the teenager's skin color? Second, was Zimmerman avoiding arrest because he had killed a black man? Sanford police responded that they *could not* arrest Zimmerman, who claimed that he had been acting in self-defense. Under Florida law, persons in public places who reasonably believe that they are in imminent danger of death or severe injury can use deadly force to defend themselves without fear of being charged with a crime.¹

Supporters of this so-called Stand Your Ground statute say that it allows people to confront attackers in dangerous situations. Critics say that such laws, which exist in nearly half the states, "create a nation where disputes are settled by guns instead of gavels, and where suspects are shot by civilians instead of arrested by police."² Some observers insisted that, by his actions, Zimmerman lost his right to a self-defense claim. "Stand your ground means stand your ground," said former Florida governor Jeb Bush. "It doesn't mean chase after somebody who's turned their back."³

Six weeks after the shooting incident, a special prosecutor charged Zimmerman with second degree murder for Martin's death. In Chapter 3, we will take a closer look at Stand Your Ground laws and the role they play in self-defense claims such as Zimmerman's.

Critical Thinking Skill

Development: Ask students to think about the concept of reasonableness. How does this concept apply to Florida's "Stand Your Ground" law and the George Zimmerman case?

We will examine several other issues highlighted by this controversial case in upcoming chapters. How do prosecutors reach the decision to charge a suspect like Zimmerman with a crime (Chapter 8)? Given all the publicity surrounding Martin's death, can a high-profile defendant such as Zimmerman possibly get a fair trial (Chapter 8)? As you proceed through this textbook, you will come to understand that few aspects of American criminal justice are simple, even if you have clear opinions about them. In this opening chapter, we introduce you to the criminal justice system by discussing its structure, the values it is designed to promote, and the important issues that define it today.

WHAT IS CRIME?

Of course, it is generally illegal for one person to kill another person. Exceptions to this rule are known as *justifiable homicides*, which are killings that occur under circumstances that remove criminal guilt. One example of a justifiable homicide is when a law enforcement officer kills a suspect in the line of duty. Another is when a person is acting in self-defense, as claimed by George Zimmerman. Indeed, justifiable homicides in Florida increased from an average of twelve a year before the state passed its Stand Your Ground law in 2005 to an average of thirty-three a year afterward.⁴

Do such laws really provide “a license to kill,” as their critics contend? Consider the Miami case of Greyston Garcia, who chased down and stabbed to death a person suspected of stealing his car radio. In 2012, a Florida judge dismissed murder charges against Garcia, stating that the bag of radios brandished by the burglary suspect amounted to a lethal weapon.⁵ In a state that does not have a Stand Your Ground law, it is unlikely that Garcia's act would be deemed a justifiable homicide.⁶ Thus, a **crime** is not merely an act that seems illegal. It is a wrong against society that is proclaimed by law and that, if committed under specific circumstances, is punishable by the criminal justice system.

DETERMINING CRIMINAL BEHAVIOR

One problem with the definition of *crime* just provided is that it obscures the complex nature of societies. A society is not static—it evolves and changes, and its concept of criminality changes as well. For example, due to political and cultural shifts in the United States, a person is much more likely to face criminal charges for lying in a business or immigration context today than was the case even a decade ago.

Furthermore, different societies can have vastly different ideas of what constitutes criminal behavior. In 2011, France passed a criminal law that essentially prevents Muslim women from wearing garments in public that cover their faces. Because the First Amendment to the U.S. Constitution forbids any government action “prohibiting the free exercise of religion,” such a ban in this country is highly unlikely. (See the feature *Comparative Criminal Justice—Trash Talk* on the following page for details about another foreign criminal law that runs counter to American legal tradition.) To more fully understand the concept of crime, it will help to examine the two most common models of how society “decides” which acts are criminal: the consensus model and the conflict model.

THE CONSENSUS MODEL The term *consensus* refers to general agreement among the majority of any particular group. Thus, the **consensus model** rests on the assumption that as people gather together to form a society, its members will naturally come to a basic agreement with regard to shared norms and values. Those individuals whose actions deviate from the established norms and values are considered to pose a threat to the well-being

Teaching Tip: In a brief written assignment, ask each student to write her or his own definition of “crime.” Have students share their definitions with the class or with those sitting around them.

Crime An act that violates criminal law and is punishable by criminal sanctions.

Consensus Model A criminal justice model in which the majority of citizens in a society share the same values and beliefs. Criminal acts are acts that conflict with these values and beliefs and that are deemed harmful to society.

Learning Objective 1 Describe the two most common models of how society determines which acts are criminal.

COMPARATIVE CRIMINAL JUSTICE



TRASH TALK

The two incidents, occurring on two different continents several months apart, were strikingly similar. On October 23, 2011, in London, England, Chelsea soccer player John Terry appeared to yell two obscenities and the word “black” at Anton Ferdinand of the opposing Queens Park Rangers. Then, on December 31, in Miami, Krys Barch of the Florida Panthers was ejected from a professional hockey game after aiming a racial slur at P. K. Subban of the Montreal Canadiens.

The consequences of the actions, however, were quite different. The National Hockey League suspended Barch—who admitted that his comments might have been “inappropriate”—for one game. Terry, meanwhile, found himself charged with committing a “racially aggravated public order offense” for violating a section of England’s Crime and Disorder Act. The law, passed in 1998, prohibits “threatening, abusive, or insulting words” within the “hearing or sight” of someone “likely

to be caused harassment, alarm, or distress which was racially aggravated.” Terry, who was found innocent of any wrongdoing in July 2012, faced a maximum fine of about \$4,000 if he had been found guilty.

Criminal charges were never considered against Barch, the hockey player. As interpreted by American courts, the First Amendment to the U.S. Constitution does not allow laws punishing speech unless that speech is likely to produce imminent violence. English criminal codes, in contrast, allow a maximum penalty of seven years for certain forms of verbal racial or religious harassment. The goal of these laws, according to one British legal expert, is to “promote justice by attempting to mould the collective conscience.”

FOR CRITICAL ANALYSIS Do you think that the United States should criminalize “threatening, abusive, or insulting words” aimed at members of a minority group? What would be the consequences—both intended and unintended—of such a law?

of society as a whole and must be sanctioned (punished). The society passes laws to control and prevent unacceptable behavior, thereby setting the boundaries for acceptable behavior within the group.⁷

The consensus model, to a certain extent, assumes that a diverse group of people can have similar **morals**. In other words, they share an ideal of what is “right” and “wrong.” Consequently, as public attitudes toward morality change, so do laws. In sixteenth-century America, a person found guilty of *adultery* (having sexual relations with someone other than one’s spouse) could expect to be publicly whipped, branded, or even executed. Furthermore, a century ago, one could walk into a pharmacy and purchase heroin. Today, social attitudes have shifted to consider adultery a personal issue, beyond the reach of the state, and to consider the sale of heroin a criminal act.

THE CONFLICT MODEL Some people reject the consensus model on the ground that moral attitudes are not constant or even consistent. In large, democratic societies such as the United States, different groups of citizens have widely varying opinions on controversial issues of morality and criminality such as abortion, the war on drugs, immigration, and assisted suicide. These groups and their elected representatives are constantly coming into conflict with one another. According to the **conflict model**, then, the most politically powerful segments of society—based on class, income, age, and race—have the most influence on criminal laws and are therefore able to impose their values on the rest of the community.

Consequently, what is deemed criminal activity is determined by whichever group happens to be holding power at any given time. Because certain groups do not have access to political power, their interests are not served by the criminal justice system. To give one

Morals Principles of right and wrong behavior, as practiced by individuals or by society.

Conflict Model A criminal justice model in which the content of criminal law is determined by the groups that hold economic, political, and social power in a community.

Group Activity: In small groups, have students discuss what model (conflict or consensus) our current criminal justice system best reflects and provide examples to support their position.

example, with the exception of Oregon and Washington State, physician-assisted suicide is illegal in the United States. Although opinion polls show that the general public is evenly divided on the issue,⁸ several highly motivated interest groups have been able to convince lawmakers that the practice goes against America's shared moral and religious values.

AN INTEGRATED DEFINITION OF CRIME

Considering both the consensus and conflict models, we can construct a definition of *crime* that will be useful throughout this textbook. For our purposes, crime is an action or activity that is:

1. Punishable under criminal law, as determined by the majority or, in some instances, by a powerful minority.
2. Considered an *offense against society as a whole* and prosecuted by public officials, not by victims and their relatives or friends.
3. Punishable by sanctions based on laws that bring about the loss of personal freedom or life.

At this point, it is important to understand the difference between crime and **deviance**, or behavior that does not conform to the norms of a given community or society. Deviance is a subjective concept. For example, some segments of society may think that smoking marijuana or killing animals for clothing and food is deviant behavior. Deviant acts become crimes only when society as a whole, through its legislatures, determines that those acts should be punished—as is the situation today in the United States with using illegal drugs but not with eating meat.

Furthermore, not all crimes are considered particularly deviant—little social disapprobation is attached to those who fail to follow the letter of parking laws. In essence, criminal law reflects those acts that we, as a society, agree are so unacceptable that steps must be taken to prevent them from occurring.

SELFASSESSMENT

Fill in the blanks and check your answers on page 26.

The consensus model of crime assumes that diverse members of society share similar _____, or ideals of right and wrong. The _____ model, in contrast, focuses on dissimilarities of such attitudes within society. A criminal act is a wrong against _____ and therefore is "avenged," or prosecuted, by _____, not by the individual victims of a crime. A crime is not the same as an act of _____, the term for behavior that is nonconformist but not necessarily criminal.

Learning Objective 2 Define *crime*.

Deviance Behavior that is considered to go against the norms established by society.

Criminal Justice System

The interlocking network of law enforcement agencies, courts, and corrections institutions designed to enforce criminal laws and protect society from criminal behavior.

Several years ago, the federal government and several state governments banned the sale of Four Loko, here being enjoyed by college students in Fort Collins, Colorado. The drink, known as "blackout in a can," combines the alcohol content of nearly six beers with a strong dose of caffeine. Why might society demand that the sale of this product be made a criminal offense?

Matthew Staver/Landov

THE PURPOSE OF THE CRIMINAL JUSTICE SYSTEM

Defining which actions are to be labeled "crimes" is only the first step in safeguarding society from criminal behavior. Institutions must be created to apprehend alleged wrongdoers, to determine whether these persons have indeed committed crimes, and to punish those who are found guilty according to society's wishes. These institutions combine to form the **criminal justice system**. As

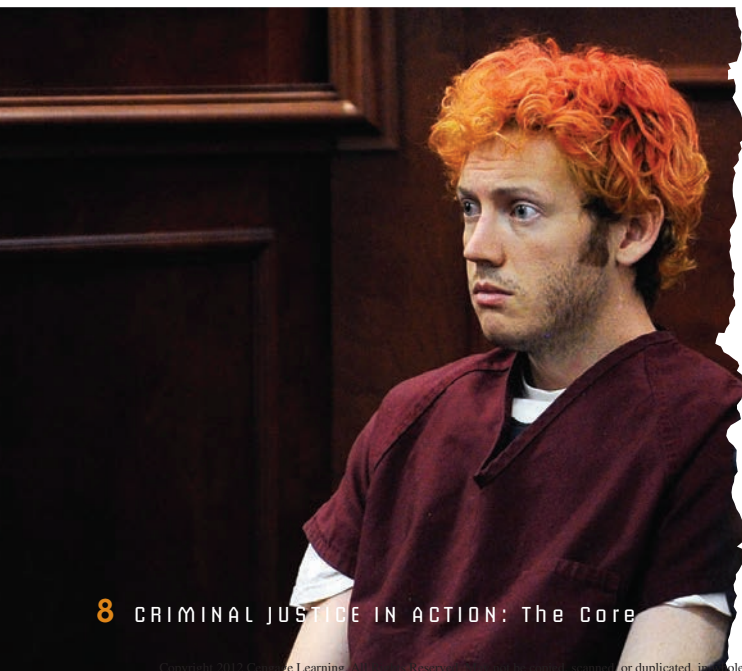


Discussion Tip: Ask students what they think the purpose of the criminal justice system should be. Write these responses on the board, and ask for feedback from other students. Is there any consensus among students on the proper function of the criminal justice system?

Justice The quality of fairness that must exist in the processes designed to determine whether individuals are guilty of criminal wrongdoing.

Review the four goals of the criminal justice system at right. Which of the goals would be met by rehabilitating James Holmes, shown here with his attorney in a Colorado court, and returning him to society? Which would be met by putting him in prison for life?

RJ Sangosti-Pool/Getty Images



we begin our examination of the American criminal justice system in this introductory chapter, it is important to have an idea of its purpose.

MAINTAINING JUSTICE

The explicit goal of the criminal justice system is to provide *justice* to all members of society. Because **justice** is a difficult concept to define, this goal can be challenging, if not impossible, to meet. Broadly stated, justice means that all individuals are equal before the law and that they are free from arbitrary arrest or seizure as defined by the law. In other words, the idea of justice is linked with the idea of fairness. Above all, we want our laws and the means by which they are carried out to be fair.

Justice and fairness are subjective terms, which is to say that people may have different concepts of what is just and fair. If a woman who has been beaten by her husband retaliates by killing him, what is her just punishment? Reasonable persons could disagree, with some thinking that the homicide was justified and that she should be treated leniently. Others might insist that she should not have taken the law into her own hands. Police officers, judges, prosecutors, prison administrators, and other employees of the criminal justice system must decide what is “fair.” Sometimes, their course of action is obvious, but often, as we shall see, it is not.

PROTECTING SOCIETY

Within the broad mandate of “maintaining justice,” Megan Kurlychek of the University at Albany, New York, has identified four specific goals of our criminal justice system:

1. To protect society from potential future crimes of the most dangerous or “risky” offenders.
2. To determine when an offense has been committed and provide the appropriate punishment for that offense.
3. To rehabilitate those offenders who have been punished so that it is safe to return them to the community.
4. To support crime victims and, to the extent possible, return them to their pre-crime status.⁹

Again, though these goals may seem straightforward, they are fraught with difficulty. Take the example of James Holmes, who was charged with twenty-four counts of murder and 116 counts of attempted murder by law enforcement officials on July 30, 2012. Ten days earlier, Holmes—armed with an assault rifle and three other guns—had apparently opened fire on the audience at a late-night screening of a Batman movie in Aurora, Colorado. Following the incident, authorities at the University of Colorado, where Holmes had been a graduate student, came under heavy criticism for not reacting more forcefully to staff concerns about his behavior. In the next chapter, we will study the challenges of predicting criminality.

In August 2012, Holmes’s defense attorneys told a district judge that their client was mentally ill, causing many in Aurora and elsewhere to worry that he would *never* receive an appropriate punishment for his actions (see the photo alongside). In Chapter 3, you will learn how insanity can be used as a defense to criminal wrongdoing. Furthermore,

regardless of his mental state, should Holmes ever be set free? In Chapters 9 and 12 we will discuss the concept of rehabilitation and the role that victims play in the eventual return of offenders to the community. Throughout this textbook, you will come to better understand the criminal justice system by exposure to differing opinions on these topics and many others.

SELFASSESSMENT

Fill in the blanks and check your answers on page 26.

The concept of _____ is closely linked with ideas of fairness and equal treatment for all, and it is a primary goal of American police officers, judges, and prison administrators. Other goals include _____ society from criminal behavior, _____ those who are guilty of criminal wrongdoing, and supporting the _____ of crime.

THE STRUCTURE OF THE CRIMINAL JUSTICE SYSTEM

Society places the burden of maintaining justice and protecting our communities on those who work for the three main institutions of the criminal justice system: law enforcement, the courts, and corrections. In this section, we take an introductory look at these institutions and their role in the criminal justice system as a whole.

THE IMPORTANCE OF FEDERALISM

To understand the structure of the criminal justice system, you must understand the concept of **federalism**, which means that government powers are shared by the national (federal) government and the states. The framers of the U.S. Constitution, fearful of tyranny and a too-powerful central government, chose the system of federalism as a compromise.

The appeal of federalism was that it established a strong national government capable of handling large-scale problems while allowing for state powers and local traditions. For example, earlier in the chapter we noted that physician-assisted suicide, though banned in most of the country, is legal in Oregon and Washington State. In 2006, the federal government challenged the decision made by voters in these two states to allow the practice. The United States Supreme Court sided with the states, ruling that the principle of federalism supported their freedom to differ from the majority viewpoint in this instance.¹⁰

The Constitution gave the national government certain express powers, such as the power to coin money, raise an army, and regulate interstate commerce. All other powers were left to the states, including the express power to enact whatever laws are necessary to protect the health, morals, safety, and welfare of their citizens. As the American criminal justice system has evolved, the ideals of federalism have ebbed somewhat. In particular, the powers of the national government have expanded significantly. (For a better understanding of how federalism works, see the feature *You Be the Senator—Banning Texting While Driving* on the following page.)

LAW ENFORCEMENT The ideals of federalism can be clearly seen at the local, state, and federal levels of law enforcement. Although agencies from the different levels cooperate if the need arises, they have their own organizational structures and tend to operate independently of one another. We briefly introduce each level of law enforcement here and cover them in more detail in Chapters 4, 5, and 6.

Federalism A form of government in which a written constitution provides for a division of powers between a central government and several regional governments.

Teaching Tip: Ask students to define federalism in their own words. Have them provide examples of criminal laws that are enforced by the federal government and criminal laws that are enforced by the governments of their home states.