



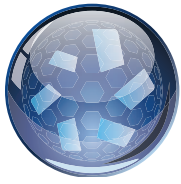
INTRODUCTION TO
**CRIMINAL
JUSTICE**

Fifteenth
Edition



LARRY J. SIEGEL

JOHN L. WORRALL



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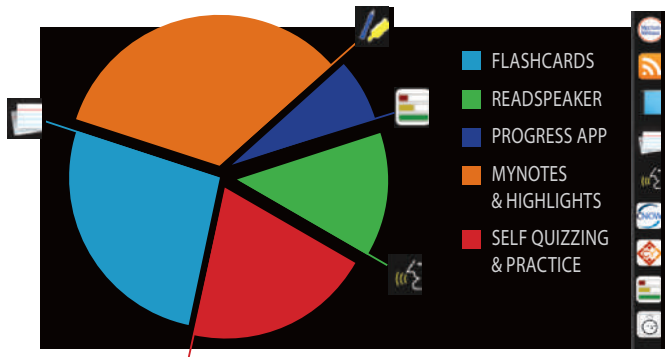
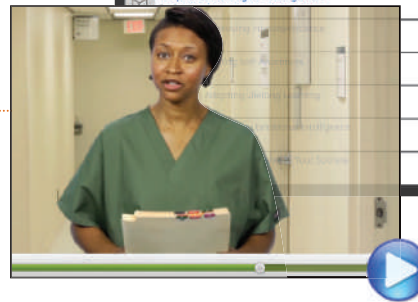
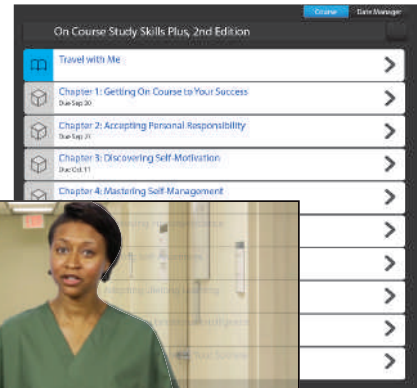
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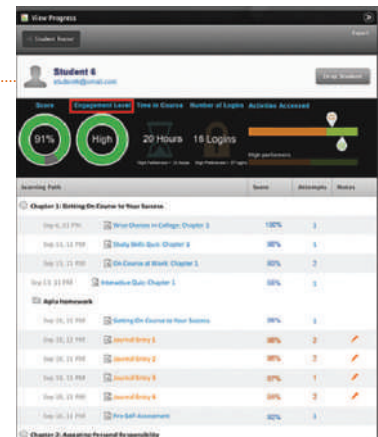
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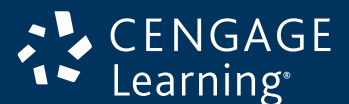
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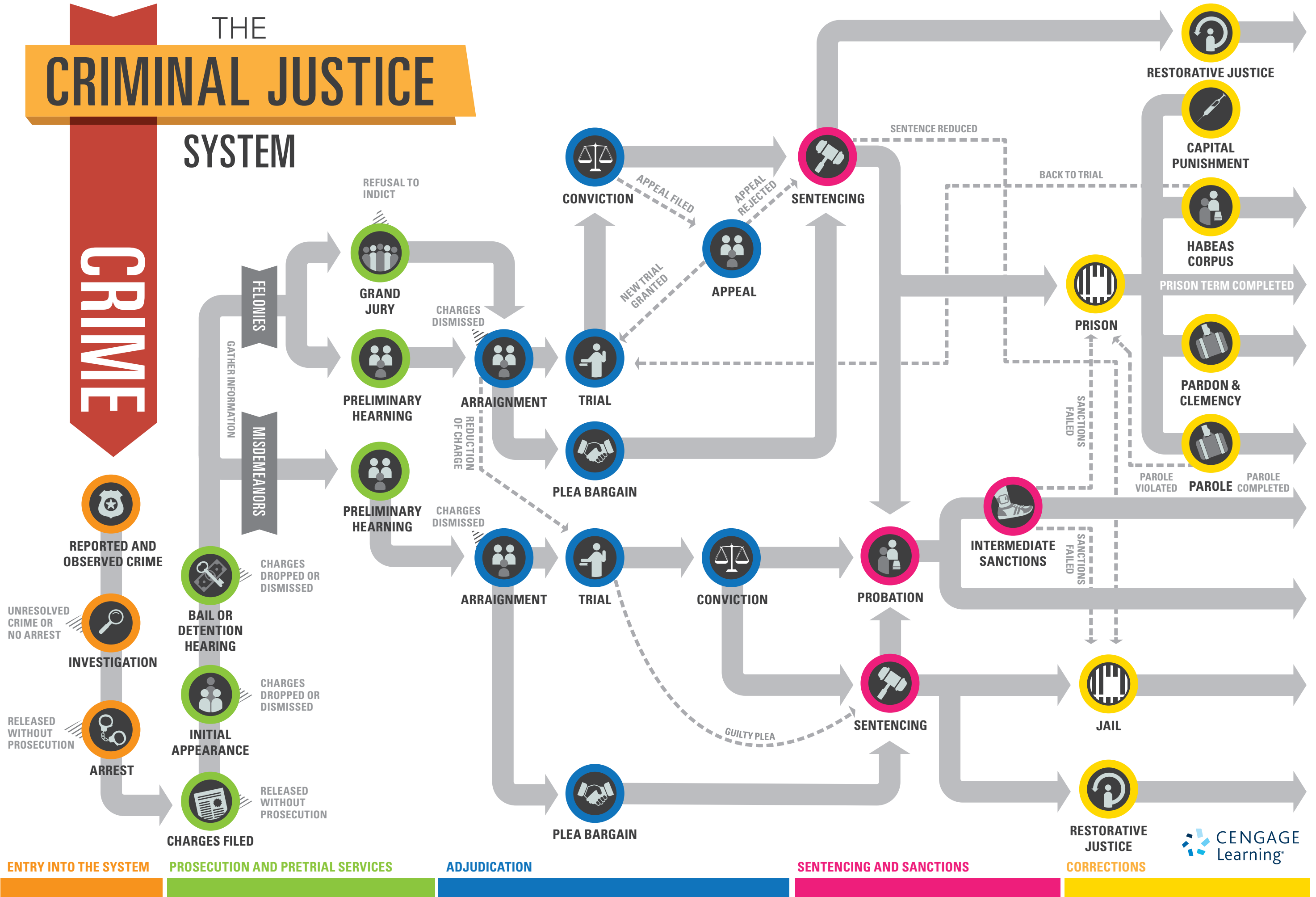
THE

**CRIMINAL
JUSTICE**

SYSTEM

See inside for an illustration of

THE CRIMINAL JUSTICE SYSTEM



ENTRY INTO THE SYSTEM

PROSECUTION AND PRETRIAL SERVICES

ADJUDICATION

SENTENCING AND SANCTIONS

CORRECTIONS



OUT OF SYSTEM

FIFTEENTH EDITION

Introduction to

CRIMINAL JUSTICE

Larry J. Siegel

University of Massachusetts, Lowell

John L. Worrall

University of Texas at Dallas



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Fifteenth Edition**

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This book is dedicated to my children, Eric, Andrew, Julie,
and Rachel, and to my grandchildren, Jack, Kayla, and Brooke.
It is also dedicated to Jason Macy (thanks for marrying Rachel)
and Therese J. Libby (thanks for marrying me).

L. J. S.

This book is dedicated to my wife, Sabrina.
Thank you for your continued love and support.

J. L. W.


ABOUT THE AUTHORS

LARRY J. SIEGEL was born in the Bronx in 1947. While living on Jerome Avenue and attending City College of New York in the 1960s, he was swept up in the social and political currents of the time. He became intrigued with the influence contemporary culture had on individual behavior: Did people shape society or did society shape people? He applied his interest in social forces and human behavior to the study of crime and justice. After graduating CCNY, he attended the newly opened program in criminal justice at the State University of New York at Albany, earning both his M.A. and Ph.D. degrees there. After completing his graduate work, Dr. Siegel began his teaching career at Northeastern University, where he was a faculty member for nine years. After leaving Northeastern, he held teaching positions at the University of Nebraska–Omaha and Saint Anselm College in New Hampshire. He is currently a professor at the University of Massachusetts, Lowell. Dr. Siegel has written extensively in the area of crime and justice, including books on juvenile law, delinquency, criminology, criminal justice, and criminal procedure. He is a court-certified expert on police conduct and has testified in numerous legal cases. The father of four and grandfather of three, Larry Siegel and his wife, Terry, now reside in Bedford, New Hampshire, with their two dogs, Watson and Cody.



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Dr. Worrall has published articles and book chapters on a wide range of topics ranging from legal issues in policing to crime measurement. He is the author or coauthor of several books, including *Essentials of Criminal Justice* (with Larry Siegel, 9th edition, Cengage, 2015), *Crime Control in America: What Works?* (3rd edition, Pearson, 2015) and *Criminal Procedure: From First Contact to Appeal* (5th edition, Pearson, 2015). He also currently serves as editor of the journal *Police Quarterly*.



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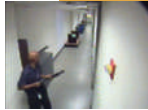


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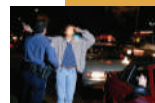
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PREFACE

He was a famous athlete known as the Blade Runner because he ran on artificial limbs; she was a beautiful model with a reality TV show. They seemed to be living a golden life with a glorious future when on February 14, 2013 police, were called to the gated community in Oscar Pistorius's hometown of Pretoria, South Africa to find that his girlfriend, Reeva Steenkamp, had been shot to death. Police arrested Pistorius on suspicion of murder and a 9mm pistol was recovered from the scene. While at first there was talk that Pistorius mistook Steenkamp for an intruder, these rumors were quashed when it turned out that she had been shot four times through a bathroom door. There were also reports that Pistorius called his father at 3:20 A.M. and asked him to come to the house. When the family arrived, Pistorius was allegedly carrying a nightgown-clad Steenkamp down the stairs, her head and arms dangling. When the police inspected Pistorius's bedroom, they found her overnight bag and iPad on the floor. A holster for a 9mm pistol was found on Oscar's side of the bed. On March 3, 2014, one of the most celebrated trials of the century began. Six months later, Pistorius was found guilty of culpable homicide, a crime similar to involuntary manslaughter. The judge in the case was convinced Pistorius did not intend to kill Steenkamp.

While the Pistorius case occurred in South Africa, it made headlines around the world. Such incidents tell the general public that crime occurs everywhere, and can occur among the rich and powerful as well as the poor and downtrodden. Because crime is everywhere and all of us are potential victims, these highly reported incidents remind us why we rely on the criminal justice system. Empowered by case law and legislation, these agencies are designed to protect us from crimes ranging from a furious boyfriend with anger management issues to international drug cartels that use sophisticated technology to launder money in overseas capitals.

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

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

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

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

ORGANIZATION OF THE TEXT

Part One gives the student a basic introduction to crime, law, and justice—from as far back as the American Revolution into the new millennium. The first chapter briefly describes the history of criminal justice, the agencies of justice, and the formal justice process, and it introduces students to the concept of the informal justice system, which involves discretion, deal making, and plea bargains. The chapter also describes the major perspectives on justice. Chapter 2 addresses such questions as: How is crime measured? Where and when does it occur? Who commits crime? Who are its victims? What social factors influence the crime rate? Chapter 3 covers crime patterns and theories of crime. Chapter 4 provides a discussion of the criminal law and its relationship to criminal justice.

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

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

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

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

NEW IN THIS EDITION

Because the study of criminal justice is a dynamic field of scientific inquiry and the concepts and processes of justice are constantly changing and evolving, the Fifteenth Edition has been thoroughly revised. In addition to revising and updating the text, we have added two new features. One of them, a marginal feature we call Fact Check, compares students' opinions to public opinion, then pits opinion against reality by illustrating how perceptions and the "real world" are often at odds with one another. A new Global Criminal Justice feature explores crime-related issues that are international in scope. This edition of *Introduction to Criminal Justice* also includes updated and expanded web content throughout, helping readers gain further insight into the topics covered.



Chapter-by-Chapter Changes

Chapter 1: The opening vignette features the latest fallout from the 2012 Trayvon Martin case, including George Zimmerman's acquittal in 2013. Numerous CourseMate web links have been added throughout the chapter, affording readers an opportunity to more thoroughly explore certain chapter topics. The latest criminal justice system size and cost estimates are included. The chapter wraps up with a new Ethical Challenges in Criminal Justice writing assignment concerning the use of red light cameras.

Chapter 2: A new chapter opening story features the infamous Newtown, Connecticut, mass school shooting. The Careers in Criminal Justice box now features the job of crime analyst, a more attainable position than statistician, which was highlighted in the previous edition. A new section on property crimes appears in the "What Are the Different Categories of Crime?" section. Chapter 2 also contains the first of several new Global Criminal Justice features, this one comparing crime rates in the United States to those of other countries around the world. The latest crime and victimization statistics also appear throughout the chapter.

Chapter 3: In addition to being updated with the latest research on crime causation, this chapter now begins with a story featuring the 2013 Washington Navy Yard shooting, plus updates on other recent mass shootings carried out in recent years. A new Criminal Justice and Technology box explores the feasibility of brain scans for detecting signs of antisocial behavior, and the ethics assignment at the end of the chapter challenges students to decide whether nature or nurture is most important in terms of explaining crime.

Chapter 4: The justification and excuse defense sections have been revised and reorganized. For clarity of presentation, the ignorance and mistake section was moved up in the chapter and away from the "Criminal Defenses" section. Chapter 4 also contains a new Analyzing Criminal Justice Issues box featuring the controversial Florida "stand-your-ground" law. The "Reforming the Criminal Law" section now contains the latest facts on marijuana legalization in Washington and Colorado. Finally, the Criminal Justice and Technology box features the latest developments in government searches of cell phone records and the NSA's controversial metadata collection program.

Chapter 5: A new chapter opening story features the use of robotic drones in domestic law enforcement. A new "Policing Since 2000" section has been added into the police history discussion. It features changes in policing due to 9/11, the evidence-based justice movement, and the great recession of 2008. The chapter also includes the latest facts and figures on federal, state, county, and municipal police departments. A new Global Criminal Justice box features the role of INTERPOL in modern law enforcement.

Chapter 6: Police budget cuts remain a consistent problem. While the economy is rebounding, many agencies are still reeling from the effects of the 2008 recession. The revised chapter opening story highlights several of the initiatives police departments have taken to "do more with less," including the controversial strategy of public safety consolidation. The Criminal Justice and Technology box now moves beyond in-car cameras and includes body-worn cameras. A new Careers in Criminal Justice box features the position of victim advocate.

Chapter 7: Chapter 7 begins with an examination of the FBI's recent probe into shootings by officers of the Albuquerque, New Mexico, Police Department. A new Criminal Justice and Technology box features the so-called "Dazer Laser," an alternative to the popular Taser. The Careers in Criminal Justice box now features the position of intelligence analyst. The chapter has also been updated with the latest facts and figures concerning police demographics, use of force incidents, and contemporary policing problems.



Chapter 8: The chapter begins with a new opening story on the Supreme Court's decision in *Missouri v. McNeely*. The case dealt with forced, warrantless blood draws in a drunk driving context. The chapter is also updated with the latest Supreme Court decisions relevant in the world of law enforcement. Finally, a new Analyzing Criminal Justice Issues box features the constitutional rules and cases dealing with police canine searches.

Chapter 9: This chapter begins with a new story featuring St. Louis Circuit Attorney Jennifer Joyce and her use of Facebook and Twitter. It also includes the latest facts and figures on court structure and workloads, the judiciary, prosecution, and the defense bar.

Chapter 10: The chapter opens with a story on Ariel Castro, who kidnapped three women in Ohio, holding them against their will for years until one escaped. Chapter 10 also includes the latest Supreme Court cases pertaining to pretrial and trial procedure.

Chapter 11: Chapter 11 web resources have been improved. The latest in sentencing statistics and cases are also included. The capital punishment section has been updated with the latest statistics. Fact Check boxes examine public support for the current number of prisoners locked up in America and capital punishment.

Chapter 12: The chapter leads off with a new opening story featuring recent celebrity convictions and their probation sentences. A new Evidence-Based Justice box features cognitive behavioral therapy for probationers. The chapter is also updated with all the latest facts and figures related to probation and intermediate sanctions. The "Intermediate Sanctions" section has been revised to more clearly distinguish among alternatives to imprisonment, intermediate sanctions, and probation.

Chapter 13: This chapter leads off with a story featuring California's recent prison realignment, which shifted responsibility for a large number of inmates from the state to the counties. A new Analyzing Criminal Justice Issues box addresses the problem of incarcerating elderly inmates. The latest statistics on prison and jail populations are also included.

Chapter 14: Chapter 14 starts off with a new story featuring Colorado inmate Scott Howard's harrowing prison experience. A new Criminal Justice and Technology box features the latest strategies for monitoring inmates and areas within prisons. Two new Analyzing Criminal Justice Issues boxes address the problems of postrelease recidivism and reentry success. The latest data on parole success are also included.

Chapter 15: The juvenile justice chapter has been updated with the latest statistics on delinquency cases, juvenile waiver, and other matters of relevance to young offenders. Web links have been expanded and a Fact Check feature explores opinions and reality concerning the treatment of juvenile offenders as adults.

Chapter 16: The chapter begins with a new story featuring Daniel Patrick Boyd, ringleader of a group of men accused of conspiring to commit terrorism. Chapter 16 is also updated to reflect the latest developments in corporate enterprise crime, cybercrime, transnational organized crime, and terrorism.

SPECIAL FEATURES

We have created a comprehensive, proven learning system designed to help students get the most out of their first course in criminal justice. In addition to the many changes already mentioned, we have included a wealth of new



photographs to appeal to visual learners and make material more relevant and meaningful. Carefully updated tables and completely redrawn figures highlight key chapter concepts. Marginal definitions of key terms; concise, bulleted end-of-chapter summaries that align with chapter learning objectives; and a comprehensive end-of-book glossary all help students master the material. Web App links appearing in the text's margins let students explore topics further via the Internet.

Boxed Features

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

- **Fact Check** These marginal boxes compare students' opinions on controversial criminal justice topics to the public's opinion. It then compares poll results to the reality surrounding the problem at hand. For example, the box in chapter 3 explores opinions concerning the best approach to dealing with crime, then compares those results to what we know about effective crime control policy.
- **Careers in Criminal Justice** We have updated this popular addition to the previous edition with the latest career paths in criminal justice. These boxes contain detailed information on salaries, educational requirements, and future prospects.
- **Global Criminal Justice** These boxes are aimed at helping students better understand the crime problems that know no geographical boundaries. They also offer comparative perspective. For example, the box in Chapter 2 compares U.S. crime rates to those of other countries around the world.
- **Criminal Justice and Technology** This feature focuses on some of the latest efforts to modernize the system using contemporary technological methods. For example, Chapter 8's Criminal Justice and Technology box discusses the use of GPS tagging in hot-pursuit cases.
- **Analyzing Criminal Justice Issues** This feature helps students to learn and think critically about current justice issues and practices. For example, an Analyzing Criminal Justice Issues box in Chapter 11 features efforts to reduce wrongful convictions.
- **Evidence-Based Justice** This feature summarizes the scientific evidence about the effectiveness of various criminal justice strategies and programs. For example, the Evidence-Based Justice box in Chapter 6 examines the research on the crime prevention effects of police work.
- **The Evolution of . . .** This feature summarizes the evolution of key Supreme Court decisions. For example, Chapter 8 discusses the evolution of *Carroll v. United States*, the key vehicle search case, and *Miranda v. Arizona*, which of course deals with confessions and interrogations. The feature summarizes nearly every subsequent Supreme Court case that builds on, expands, or restricts the original case.
- **The Victim Experience** This feature focuses on victims' role in the criminal justice system. We have chosen important elements of justice and engaged them through the lens of the victim rather than the criminal or agent of the justice system. The idea is to give students a feel for what it is like to be a crime victim and to promote classroom discussions of victimization. Topics covered include victim advocacy, victim services, and victims' rights.

Other Important Chapter Features

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

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

ANCILLARY MATERIALS

A number of supplements are provided by Cengage Learning to help instructors use *Introduction to Criminology* in their courses and to aid students in preparing for exams. Supplements are available to qualified adopters. Please consult your local sales representative for details.

To access additional course materials, please visit www.cengagebrain.com. At the CengageBrain.com home page, search for the ISBN of your title (from the back cover of your book), using the search box at the top of the page. This will take you to the product page where these resources can be found.

To get access, visit CengageBrain.com

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 open industry standards and fosters partnerships with third-party educational application providers to provide a highly collaborative, engaging, and personalized learning experience.

INSTRUCTOR'S RESOURCE MANUAL WITH LESSON PLANS AND TEST BANK revised for the 15th edition by Sameer Hinduja of Florida Atlantic University, includes learning objectives, key terms, a detailed chapter outline, a

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chapter summary, lesson plans, discussion topics, student activities, “What If” scenarios, media tools, 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.

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 you to import, edit, and manipulate test bank content from the *Introduction to Criminal Justice* test bank or elsewhere, including your own favorite test questions; create multiple test versions in an instant; and deliver tests from your LMS, your classroom, or wherever you want.

ONLINE POWERPOINT® LECTURES Helping you make your lectures more engaging while effectively reaching your visually oriented students, these handy Microsoft PowerPoint® slides revised for the 15th edition by Lisa Anne Zilney of Montclair State University 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.

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Larry J. Siegel

John L. Worrall

THE NATURE OF CRIME, LAW, AND CRIMINAL JUSTICE

THE STUDY OF CRIMINAL JUSTICE should begin with a basic understanding of crime, law, and justice. There are differing views on what are the proper goals of this vast system. Some view the system as a treatment-dispensing institution designed to rehabilitate criminal offenders; others view it as an agency

of social control that protects decent citizens from criminal predators. Some people who work in the system, like Daisy Mongeau, an investigator with the New Hampshire Public Defender's Office in Concord, are more concerned with providing people accused of crime with fair and equitable treatment before the law. She finds that a lot of her friends just can't understand why she works so hard to defend people who are guilty—even those who have confessed to the crime. "They don't seem to understand," she says, "that everyone is entitled to a criminal defense even if they actually committed the crime!"



When asked what is her greatest reward she says, "Getting the prosecutor to drop the case because of what a witness told me during an investigation." She finds that "clients are thrilled that someone actually believed them and helped them win the case. These are people not used to being given a helping hand."

The modern criminal justice system has evolved since ancient times. Some elements, such as courts and punishment, have been with us for thousands of years. Others, like police and corrections, are newer concepts, some developing in the United States in the nineteenth century. For example, probation and community treatment are relatively new concepts begun in 1841; today, probation officers supervise 4 million clients. One of them, Samantha J. O'Hara, is a U.S. probation officer for the U.S. District Court in the Southern District of Iowa, headquartered in Des Moines. O'Hara thoroughly enjoys her job.

"I like learning of people's stories and how they became involved in their offenses. The contact with a variety of people, including offenders, their families, assistant U.S. attorneys, defense counsel, case agents, and the federal judges, makes for an extremely diverse mix. It is personally rewarding to me," she adds, "to see that the final product is helpful to the U.S. District court judges, later the Federal Bureau of Prisons, and eventually to my colleagues in the U.S. probation officer supervision units across the country." ■



PART ONE

PART ONE OF THIS TEXT covers the basic issues and concepts of crime, law, and justice. Chapter 1 covers the justice process and the organizations that are entrusted with conducting its operations: the police, courts, and corrections. It provides an overview of the justice system and sets out its most important agencies, processes, and concepts. Chapter 2 looks at the nature and extent of crime, and Chapter 3 tries to answer the question, why do people commit crime? Chapter 4 covers the criminal law, analyzing both its substantive and procedural components.

CHAPTER 1

Crime and Criminal Justice

CHAPTER 2

Nature and Extent of Crime

CHAPTER 3

Understanding Crime and Victimization

CHAPTER 4

Criminal Law

CHAPTER 1

Crime and Criminal Justice

Learning Objectives

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

Chapter Outline

Is Crime a Recent Development?

- Crime in the Old West
- Crime in the Cities

Creating Criminal Justice

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

The Contemporary Criminal Justice System

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

The Formal Criminal Justice Process

- Formal Procedures
- The Criminal Justice Assembly Line

The Informal Criminal Justice System

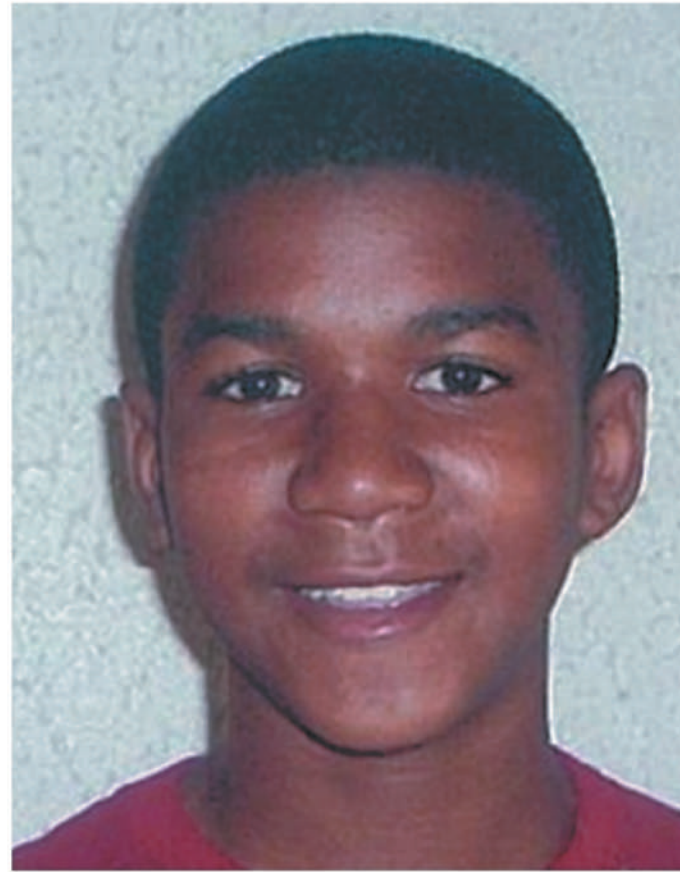
- The Courtroom Work Group
- The Wedding Cake Model of Justice

Perspectives on Justice

- The Crime Control Perspective
- The Victim Experience:** Neighborhood Watch
- The Rehabilitation Perspective
- The Due Process Perspective
- The Nonintervention Perspective
- The Equal Justice Perspective
- The Restorative Justice Perspective
- Perspectives in Perspective

Ethics in Criminal Justice

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



Reuters/Landov

On the night of February 26, 2012, neighborhood watch captain George Zimmerman, 28, (above left photo) was driving his SUV through his Sanford, Florida, neighborhood when he called 911 to report “a real suspicious guy,” a “black male” walking around. That was Trayvon Martin (above right photo), a teen who was heading back to the house where he was staying after a 7-Eleven run. Martin was wearing a hooded sweatshirt and carrying a can of iced tea, a bag of Skittles, and his cell phone. Zimmerman followed Martin, and the two eventually got involved in an argument. Things escalated and the altercation culminated in Zimmerman firing a fatal shot into Martin’s chest. Zimmerman was brought to the police station, pleaded self-defense, and was released without charges being filed. In the aftermath of the incident, Trayvon Martin’s parents, Tracy Martin and Sybrina Fulton, went public, calling for Zimmerman to be prosecuted. Under public pressure, police in Sanford eventually released the 911 calls made by Zimmerman in which he disregards the operator telling him not to chase after Martin. On April 12, 2012, after a great deal of media attention and public debate, including a famous statement by President Barack Obama saying that if he had a son he “would look

like Trayvon Martin.” George Zimmerman was tried for second-degree murder. On July 13, 2013, his trial ended in acquittal; Zimmerman was found not guilty.

The verdict gained national media attention and raised numerous legal and social questions. The main area of controversy is Florida’s “stand your ground” gun law, which lets residents use deadly force against a threat when they feel their lives are in danger. It is widely assumed that Zimmerman invoked the Florida “stand your ground” law as part of his defense; the news media reported this on multiple occasions. In actuality, though, Zimmerman claimed self-defense, which is a traditional criminal law defense and distinct from “stand your ground.” Even so, “stand your ground” was important in the case. Defending the verdict in an interview with CNN’s Anderson Cooper, Juror B-37 reported that second-degree murder or manslaughter did not apply “... because of the heat of the moment and the ‘stand your ground.’ He had a right to defend himself. If he felt threatened that his life was going to be taken away from him or he was going to have bodily harm, he had a right.”¹

The case also raised concern about gun control. Should someone like Zimmerman be allowed to own a handgun? Should the “right to carry” be more carefully

restricted and controlled? Or is the Second Amendment's right to bear arms inviolable and beyond government control? These questions came to light not just during Zimmerman's trial, but also after it when he became embroiled in additional legal troubles. On September 9, 2013, police responded to a 911 call by Zimmerman's

estranged wife, who reported he threatened her and her father with a gun. No gun was found, however. Two months later, Zimmerman's girlfriend called police, claiming that after she asked Zimmerman to leave, he pointed a shotgun at her. She eventually withdrew her complaint and Zimmerman was not charged. ■

criminal justice system

The system of law enforcement, adjudication, and correction that is directly involved in the apprehension, prosecution, and control of those charged with criminal offenses.

High-profile cases such as this help focus interest on the criminal justice system. The public relies on the agencies of the **criminal justice system** for protection from elaborate schemes. This loosely organized collection of agencies is responsible for protecting the public, maintaining order, enforcing the law, identifying transgressors, bringing the guilty to justice, and treating criminal behavior. The public depends on this vast system, which employs more than 2 million people and costs taxpayers more than \$200 billion per year, to protect them from criminals and to bring justice to their lives. The criminal justice system is now taking on new duties, including protecting the country from international and domestic terrorists, transnational organized crime syndicates, and cyber criminals, groups that were almost unknown a decade ago. Member agencies must cooperate to investigate complex criminal conspiracies and meet these new challenges.

This text serves as an introduction to the study of criminal justice. This chapter covers some basic issues and concepts, beginning with a discussion of the concept and study of criminal justice. The major processes of the criminal justice system are then examined to provide an overview of how the system functions. Because no single view exists of the underlying goals that help shape criminal justice, the varying perspectives on what criminal justice really is—or should be—are set out in some detail.

Is Crime a Recent Development?

L01

Define the concept of criminal justice.

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

Crime and violence have been common since the nation was first formed.² Guerilla activity was frequent before, during, and after the Revolutionary War. Bands supporting the British (Tories) and the American revolutionaries engaged in savage attacks on each other, using hit-and-run tactics, burning, and looting.

Crime in the Old West

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

FACT CHECK

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

PUBLIC OPINION:

MORE:  64%

LESS:  19%

REALITY: Violent crime rose from 19 victimizations per thousand people in 2010 to 26 in 2012. Crime dropped significantly, however, from the 1990s through 2010, so the recent uptick may or may not be the start of a new trend.

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

Sources: Gallup, <http://www.gallup.com/poll/165653/crime-americans-seem-noticed.aspx> (accessed April 2014); J. Truman, L. Langton, and M. Planty, *Criminal Victimization, 2012* (Washington, DC: Bureau of Justice Statistics, 2013).

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

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

Crime in the Cities

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

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

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

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

Creating Criminal Justice

In 1829, the first police agency, the London Metropolitan Police, was created both to keep the peace and to identify and apprehend criminal suspects. A huge success in England, police agencies began to appear in the United States during the mid-nineteenth century. Another nineteenth-century innovation, the penitentiary (or prison) offered an alternative to physical punishments such as whipping, branding, or hanging.

L02

Summarize the long history of crime in America.

As criminal justice developed over the next century, these fledgling agencies of justice rarely worked together in a systematic fashion. It was not until 1919—when the Chicago Crime Commission, a professional association funded by private contributions, was created—that the work of the criminal justice system began to be recognized.⁴ The Chicago Crime Commission acted as a citizens advocate group and kept track of the activities of local justice agencies. The commission still carries out its work today and is active in administering anticrime programs.⁵

In 1931, President Herbert Hoover appointed the National Commission of Law Observance and Enforcement, which is commonly known as the Wickersham Commission. This national study group made a detailed analysis of the U.S. justice system, helped usher in the era of treatment and rehabilitation, and found that the existing system of justice was flawed by too many rules and regulations.⁶

The modern era of criminal justice can be traced to a series of research projects begun in the 1950s under the sponsorship of the American Bar Foundation (ABF).⁷ The ABF project discovered that the justice system contained many procedures that had been kept hidden from the public view—investigation, arrest, prosecution, and plea negotiations—and that justice professionals had a great deal of latitude in decision making. For the first time, the term *criminal justice system* began to be used, reflecting a view that justice agencies could be connected in an intricate, yet often unobserved, network of decision-making processes.

Federal Involvement

In 1967, the President's Commission on Law Enforcement and Administration of Justice (the Crime Commission), which had been created by President Lyndon B. Johnson, published its final report, *The Challenge of Crime in a Free Society*.⁸ Concomitantly, Congress passed the Safe Streets and Crime Control Act of 1968, providing for the expenditure of federal funds for state and local crime control efforts.⁹ This act helped launch a massive campaign to restructure the justice system. It funded the National Institute of Law Enforcement and Criminal Justice, which encouraged research and development in criminal justice. Renamed the National Institute of Justice in 1979, it has remained a major source of funding for the implementation and evaluation of innovative experimental and demonstration projects in the criminal justice system.¹⁰

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

Evidence-Based Justice: A Scientific Evolution

With continued funding from federal agencies such as the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Bureau of Justice Statistics—as well as from private foundations such as the Pew and Annie E. Casey foundations—the study of criminal justice has embraced careful research analysis to support public policy initiatives. Whereas programs, policies, and procedures may have been shaped by political goals in the past, a mature justice system now relies more on the scientific collection of data to determine whether programs work and what policies should be adopted. According to this “What Works” movement,¹¹ empirical evidence, carefully gathered using scientific methods, must be collected and analyzed in order to determine whether criminal justice programs work and whether they actually reduce crime rates and offender recidivism. Programs must now undergo rigorous review to ensure that

L03

Discuss the formation of the criminal justice system.

Law Enforcement Assistance Administration (LEAA)

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

they achieve their stated goals and have a real and measurable effect on behavior.

Evidence-based justice efforts have a few unifying principles:¹²

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

Scientific research is now being used to dispute commonly held beliefs that may be misleading and erroneous. For example, the track record of school-based drug education programs has proven to be spotty at best: the evidence shows that the best intentions do not necessarily result in the best practice.¹³ Throughout the text, we will highlight programs that have passed careful, evidence-based evaluations *and* some that have failed to stand up to such scrutiny.

The Contemporary Criminal Justice System

The contemporary criminal justice system is society's instrument of **social control**. Some behaviors are considered so dangerous that they must be either strictly controlled or outlawed outright; some people are so destructive that they must be monitored or even confined. The agencies of justice seek to prevent

evidence-based justice

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



Web App 1.1

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

social control

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



Name the three basic component agencies of criminal justice.

or reduce outlawed behavior by apprehending, adjudicating, and sanctioning lawbreakers. Society maintains other forms of informal social control, such as parental and school discipline, but these are designed to deal with moral—not legal—misbehavior. Only the criminal justice system has the power to control crime and punish outlawed behavior through the arm of the criminal law.

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

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

- **Legislative.** Under our current justice system, the legislature defines the law by determining what conduct is prohibited and establishes criminal penalties for those who violate the law. The legislative branch of government helps shape justice policy by creating appropriations for criminal justice agencies and acting as a forum for the public expression of views on criminal justice issues.
- **Judicial.** The judiciary interprets existing laws and determines whether they meet constitutional requirements. It also oversees criminal justice practices and has the power to determine whether existing operations fall within the bounds

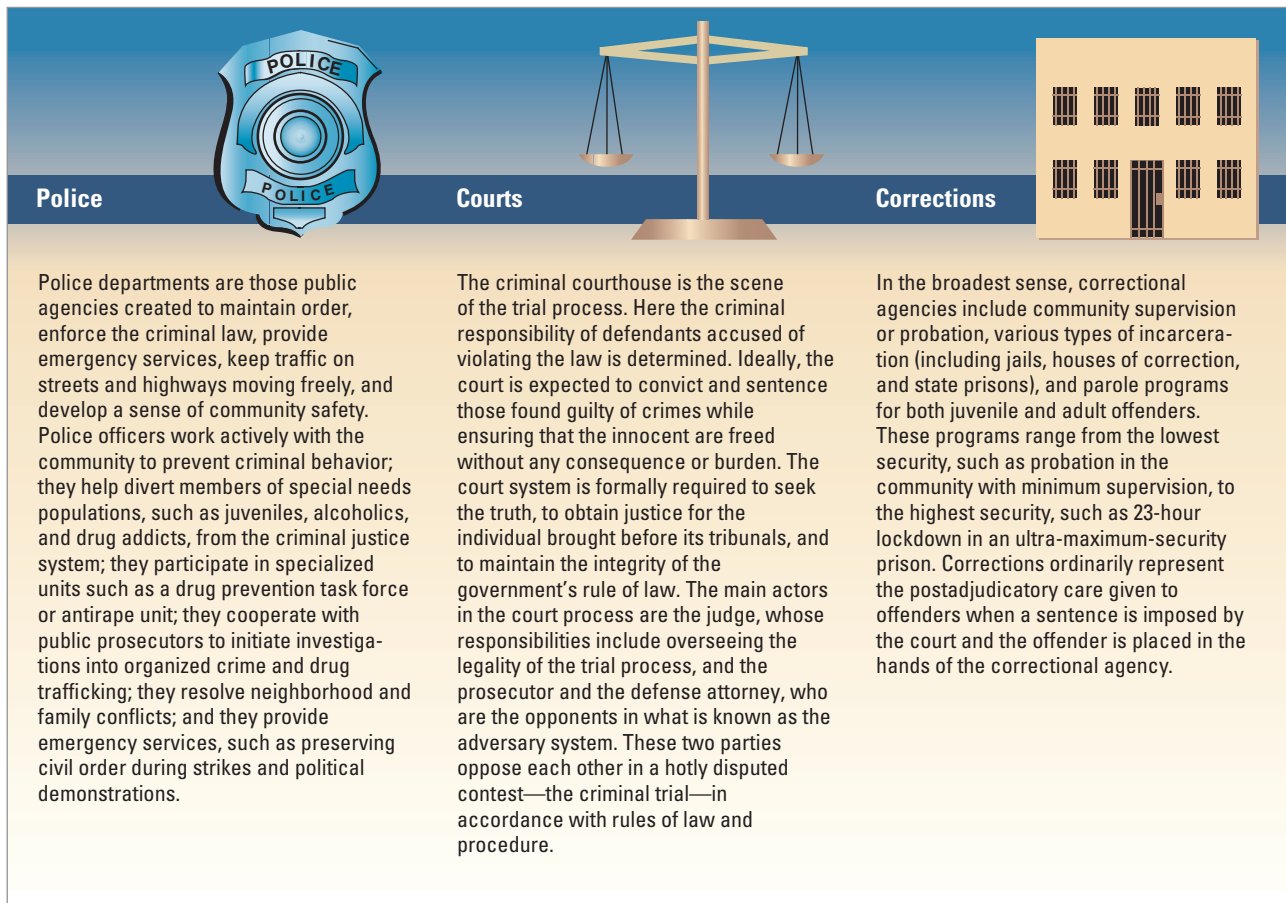


FIGURE 1.1 Components of the Criminal Justice System

of the state constitution and, ultimately, the U.S. Constitution. The courts have the right to overturn or ban policies that conflict with constitutional rights.

- **Executive.** The executive branch of government is responsible for the day-to-day operation of justice agencies. It does not make or interpret the laws but is trusted with their enforcement. In this capacity, it must create and oversee the agencies of justice, determine their budget, and guide their direction and objectives. Laws cannot be enforced unless the executive supplies crime control agencies with sufficient funding to support their efforts.



Web App 1.2

For extensive details on justice system expenditures, visit <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4679>.

Scope of the System

Because of its varied and complex mission, the contemporary criminal justice system in the United States is monumental in size. It now costs federal, state, and local governments more than \$260 billion per year for civil and criminal justice. One reason why the justice system is so expensive to run is that it employs more than 2 million people in thousands of independent law enforcement, court-related, and correctional agencies. The nation now has almost 18,000 law enforcement agencies, including more than 12,000 local police departments, 3,000 county sheriffs' offices, and 49 state police departments (every state has one except Hawaii).¹⁴ In addition, there are 2,000 other specialized law enforcement agencies ranging from transit police in large cities to county constables.

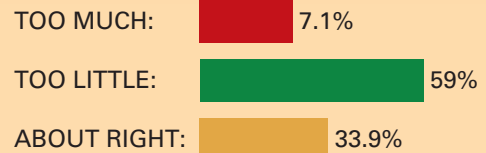
These police and law enforcement agencies now employ more than a million people; more than 765,000 are sworn personnel with general arrest powers, and the rest are civilian employees. Of these, about 600,000 are in local agencies, 350,000 work in county sheriffs' offices, and 90,000 work for state police.¹⁵ There are nearly 17,000 courts; more than 8,000 prosecutorial agencies employ around 80,000 people; and about 1,200 correctional institutions (such as jails, prisons, and detention centers) employ around half a million people. There are also thousands of community corrections agencies, including more than 3,500 probation and parole departments.

The system is massive because it must process, treat, and care for millions of people. Although the crime rate has declined substantially in the past several years, more than 12 million people are still being arrested each year, including 520,000 for violent crimes and 1,600,000 for property



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

PUBLIC OPINION:



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

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

Sources: T. W. Smith, *Trends in National Spending Priorities, 1973–2012: General Social Survey Trend Report* (Chicago: NORC, 2013), <http://www.norc.org/PDFs/GSS%20Spending%20Priorities.pdf> (accessed April 2014); CNN Money, *Education vs. Prison Costs*, <http://www.money.cnn.com/infographic/economy/education-vs-prison-costs/> (accessed July 2014).

TABLE 1.1 Justice Expenditure

AMOUNT (THOUSANDS OF DOLLARS)				
Activity	All governments	Federal government	State governments	Local governments
Total justice system	260,533,129	54,384,819	84,871,303	131,704,218
Police protection	124,191,060	31,525,685	13,828,055	83,106,216
Judicial and legal	56,100,520	14,352,695	22,493,697	22,074,259
Corrections	80,241,549	8,506,439	48,549,551	26,523,743

Source: Bureau of Justice Statistics, *Justice Expenditure and Employment Extracts* (Washington, DC: Bureau of Justice Statistics, July 1, 2013), <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4679> (accessed April 2014).