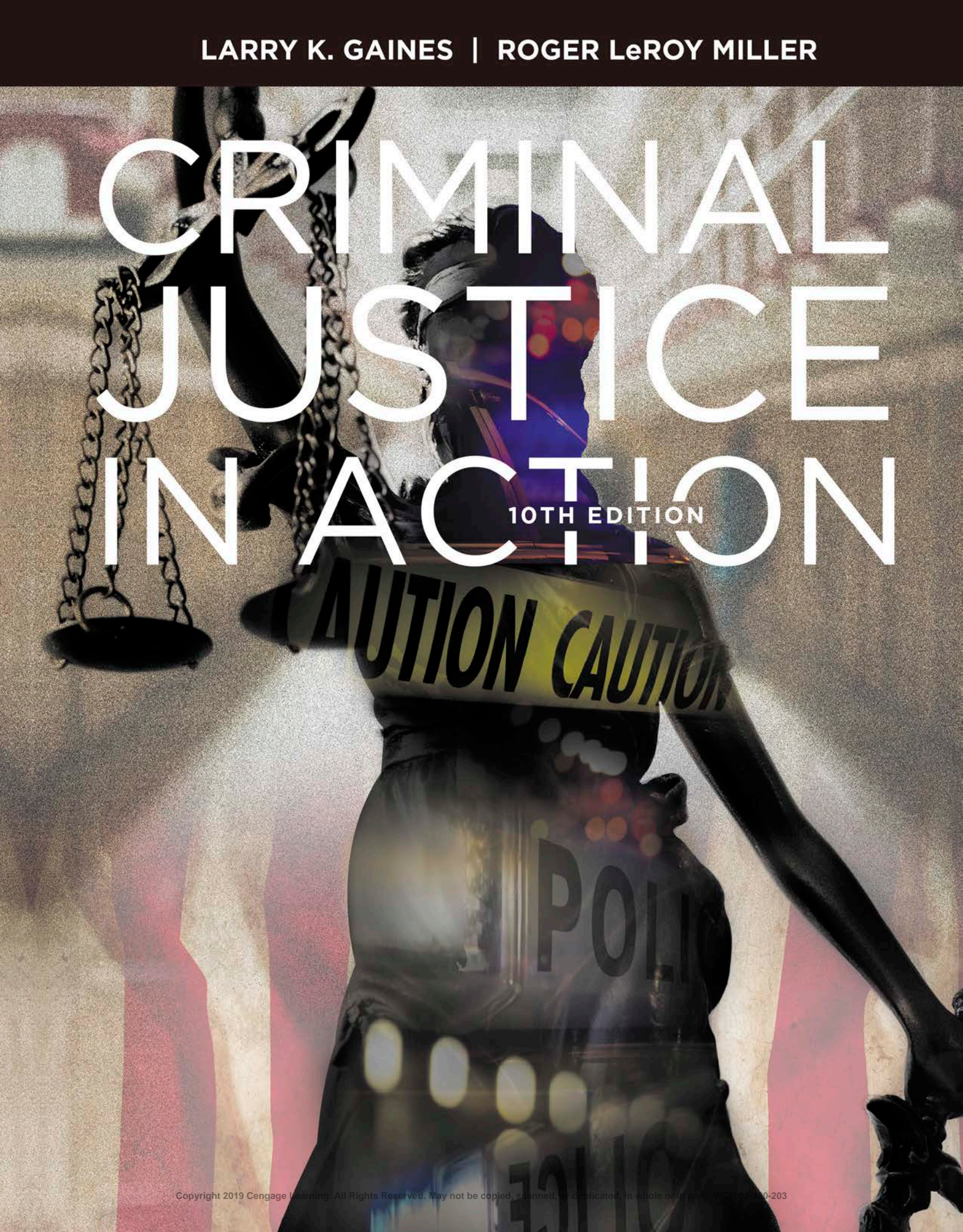


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# Criminal Justice in Action

## 10e

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Cover Images: statue of justice, sebra/  
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Library of Congress Control Number: 2017945205

ISBN: 978-1-337-55783-2

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Printed in the United States of America

Print Number: 01

Print Year: 2017



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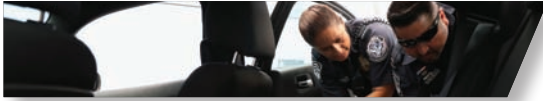
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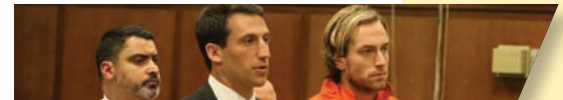
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As we enter our third decade with this Tenth Edition, our coverage of crime and justice continues to expand. Buttressed by the input of the many professors who have adopted this textbook, *Criminal Justice in Action* offers a kaleidoscope of online activities. Along with the widely diverse inventory of critical thinking exercises within the pages of the text, these activities allow students to see criminal justice not merely as a subject to be learned, but as an essential American institution to be contemplated, critiqued, and held to its highest ideals.

## Ethics, Discretion, and Public Policy

*Criminal Justice in Action* provides students not only with the tools to understand how the criminal justice system *does* work, but also the opportunity to express their opinions on how the criminal justice system *should* work. This opportunity presents itself primarily in the following three components, the first of which is original to the Tenth Edition:

- **Policy Matters.** This new chapter-ending feature gives students the opportunity to “dig deeper” into a policy issue introduced earlier in the text. The *Policy Matters* feature includes two parts. First, an in-depth summary of the controversy surrounding the issue. Second, several review questions and a writing assignment that requires online research of a specific aspect of the policy under review. Subjects covered include handguns on college campuses (Chapter 1), the role of local police in enforcing immigration law (Chapter 6), and statutes of limitations for sex crimes (Chapter 10).
- **Ethics Challenges.** Each chapter contains three of these short challenges, placed at the end of a section.

Besides reinforcing an important concept from that section, the challenges allow students to explore their own values in the context of the criminal justice system. Subjects covered include the use of deception during police interrogations (Chapter 7), judicial campaign contributions (Chapter 8), and the ability of juvenile suspects to understand their *Miranda* rights (Chapter 15).

- **Discretion in Action.** As in previous editions, this feature asks students to step into the shoes of a criminal justice professional or other CJ participant and make a difficult decision. Nine new *Discretion in Action* features drive home the pivotal role that discretion plays in the criminal justice system, covering topics such as prosecuting domestic violence (Chapter 3), police use of deadly force (Chapter 6), and the criminal justice system’s response to violent threats made online (Chapter 16).

This expanded coverage of ethics, policy, and discretion allows us to present a *panoramic* view of important criminal justice issues. Chapter 6, for example, opens with an account of the role that body-camera videos played in the trial of two Albuquerque, New Mexico, police officers charged with unlawfully killing a homeless man. Throughout the chapter, issues surrounding body-worn cameras are revisited in the context of police use-of-force, police accountability, and ethical decision making in law enforcement. Finally, the chapter-closing *Policy Matters* feature addresses the issue of whether, when, and how law enforcement should release videos that capture police-citizen interactions to the public.

## Careers in Criminal Justice

We are well aware that many students using this text are interested in a criminal justice career. Consequently, as in previous editions, each chapter of *Criminal Justice in Action, Tenth Edition*, includes a **Careers in CJ** feature in which a criminal justice practitioner presents a personal account of his or her profession. These features also include a **Social Media Career Tip**, designed to help students succeed in today’s difficult labor market by successfully navigating the opportunities and pitfalls of searching for employment online.

To this same end, each chapter of the Tenth Edition also includes a **new** feature entitled **Getting LinkedIn**. These items focus on professions such as computer forensics, victim advocacy, or homeland security, providing students with information on how to best research the profession while visiting the popular business-oriented social networking website.

## Further Changes to the Tenth Edition

Each chapter in the Tenth 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 hundreds of new references to **research involving crime and criminal behavior** and **real-life examples describing actual crimes**. The Tenth Edition also includes dozens of **new features and figures**, as well as **discussions of every relevant United States Supreme Court decision** that has been handed down since the previous edition.

## Concentrated Critical Thinking

As with previous editions, the Tenth Edition of *Criminal Justice in Action* focuses on developing critical thinking. Almost every feature and photo caption in the textbook includes a critical thinking question, and students are provided with five additional such questions at the end of each chapter. Chapter-opening vignettes are followed by three critical analysis questions, which relate back to the vignette and introduce themes important to the upcoming chapter.

At the beginning of each chapter, students are also introduced to up to ten **learning objectives (LOs)** for that chapter. For example, in Chapter 8, “Courts and the Quest for Justice,” Learning Objective 3 (LO3) asks students to “Explain the difference between trial and appellate courts.” The area of text that furnishes the information is marked with an LO3 graphic, and, finally, the correct answer is found in the chapter-ending materials. This continuous active learning will greatly expand students’ understanding of dozens of crucial criminal justice topics.

## Chapter-by-Chapter Organization of the Text

This edition’s sixteen 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. Each chapter is concisely summarized below.

## Part 1: The Criminal Justice System

**Chapter 1** 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?”

**Chapter 2** focuses on criminology, giving students insight into why crime occurs before shifting their attention toward how society goes about fighting it. The chapter addresses the most widely accepted and influential criminological hypotheses, including choice theories, trait theories, sociological theories, social process theories, social conflict theories, and life course theories.

**Chapter 3** furnishes students with an understanding of two areas fundamental to criminal justice: (1) the practical definitions of crime, such as the difference between felonies and misdemeanors and different degrees of criminal conduct, and (2) 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.

**Chapter 4** 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.

## Part 2: The Police and Law Enforcement

**Chapter 5** 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.

**Chapter 6** 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 the importance of discretion in law enforcement and then moves on to policing strategies and issues in modern policing, such as use of force, corruption, and the “thin blue line.”

**Chapter 7** 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.

## Part 3: Criminal Courts

**Chapter 8** 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 in the criminal justice system.

**Chapter 9** provides students with a rundown of pretrial procedures and highlights the role that these procedures play in America's adversary system. Thus, pretrial procedures such as establishing bail and plea bargaining are presented as part of the larger "battle" between the prosecution and the defense.

**Chapter 10** puts the student in the courtroom and gives her or him a strong understanding of the steps of the criminal trial. The chapter also attempts to answer the fascinating but ultimately frustrating question, "Are criminal trials in this country fair?"

**Chapter 11** 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, exploring the consequences of several decades' worth of "get tough" strategies and investigating recent trends in a more lenient direction.

## Part 4: Corrections

**Chapter 12** 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 explains the community corrections options, from probation to parole to intermediate sanctions such as intensive supervision and home confinement.

**Chapter 13** focuses on prisons and jails. The phenomenon known as "mass incarceration" has pushed these institutions to the forefront of the criminal justice system, and this chapter explores the various issues—such as overcrowding and the emergence of private prisons—that have resulted from a prison population boom that is only now showing signs of subsiding.

**Chapter 14** 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 question, "What happens when the inmate is released back into society?"

## Part 5: Special Issues

**Chapter 15** 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 and what steps society can take to stop them from doing so before it is "too late."

**Chapter 16** concludes the text by taking an expanded look at three crucial criminal justice topics:

1. Cyber crime,
2. Privacy in the age of terrorism, and
3. White-collar crime.

## Special Features

Supplementing the main text of *Criminal Justice in Action, Tenth Edition*, are more than one hundred eye-catching, instructive, and penetrating special features. These features 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. Each Career in CJ feature also includes a **Social Media Career Tip** to help students succeed in today's competitive labor market for criminal justice professionals.

**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.

**Discretion in Action:** This feature puts students in the position of a criminal justice actor 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 take the part of the criminal justice professional or lay participant 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.

**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.

**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.

**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.

**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.

## Extensive Study Aids

*Criminal Justice in Action, Tenth Edition*, includes a number of pedagogical devices designed to complete the student's active learning experience. These devices include the following:

- Concise **chapter outlines** appear 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 **nearly twenty new key terms**.
- Each chapter has at least six **figures**, which include graphs, charts, and other forms of colorful art that reinforce a point made in the text. This edition includes **twenty 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 one hundred new photos.

## Acknowledgments

Throughout the creation of the ten 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 sincerely thank all who participated in the revision of *Criminal Justice in Action*. We believe that the Tenth 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.

We continue to appreciate the extensive research efforts of Shawn G. Miller and the additional legal assistance of William Eric Hollowell. Product Manager Carolyn Henderson-Meier supplied crucial guidance to the project through her suggestions and recommendations. At the production end, we feel fortunate to have enjoyed the services of our content project manager, Martha Conway, who oversaw virtually all aspects of this book. Additionally, we wish to thank the designer of this new edition, Jennifer Wahi, who has created what we believe to be the most dazzling and student-friendly design of any text in the field. We are also thankful for the services of all those at SPi Global who worked on the Tenth Edition, particularly Ann Borman and Alison Kuzmickas. The eagle eyes of Beverly Peavler and Denne Wesolowski, who shared the duties of copyediting and proofreading, were invaluable.

A special word of thanks must also go to those responsible for creating the MindTap that accompanies *Criminal Justice in Action*, including content developer Jessica Alderman. We are also grateful to Jessica for ensuring the timely publication of supplements, along with content vendor services manager Miranda Marshall. A final thanks to all of the great people in marketing who helped to get the word out about the book, including marketing manager Mark Linton, who has been tireless in his attention to this project.

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.



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 Annie Katz,

Thanks for continuing to amaze me with your new work.

R.L.M.





# 1

## Criminal Justice Today

To target your study and review, look for these numbered Learning Objective icons throughout the chapter.

### Chapter Outline

### Corresponding Learning Objectives

What Is Crime?

1

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

2

Define *crime*.

The Purpose of the Criminal Justice System

3

Explain two main purposes of the criminal justice system.

The Structure of the Criminal Justice System

4

Outline the three levels of law enforcement.

5

List the essential elements of the corrections system.

Discretion and Ethics

6

Explain the difference between the formal and informal criminal justice processes.

7

Define *ethics*, and describe the role that it plays in discretionary decision making.

Criminal Justice Today

8

Contrast the crime control and due process models.

9

Explain how background checks, in theory, protect the public from firearm-related violence.

10

Describe the defining aspects of a terrorist act, and identify one common misperception concerning domestic terrorism.



# Trolling Trouble



▲ Although a significant number of violent threats are made on Twitter and other social media platforms, these threats rarely result in criminal charges. PIXXart/Shutterstock.com

On March 17, 2017, law enforcement agents arrested John Rivello for sending a tweet. Several months earlier, journalist Kurt Eichenwald, seeing that someone using the account @jew\_goldstein had replied to one of his Twitter posts with a moving image tweet known as a GIF, clicked on the file. The message, “You deserve a seizure for your posts,” appeared, along with a blinding strobe light. Eichenwald, who suffers from a brain disorder called epilepsy, immediately fell to the ground and became unresponsive. He lost feeling in his left hand and had trouble speaking for several weeks following the episode.

Searching the suspect’s Twitter account, investigators from the Federal Bureau of Investigation found a great deal of evidence that Rivello intended to injure Eichenwald. Rivello had sent numerous messages to other Twitter users about his victim, including one that said, “I know that he has epilepsy” and another expressing the hope that the strobe light GIF “sends [Eichenwald] into a seizure.”

Rivello was charged with criminal cyberstalking with intent to kill or cause bodily harm—a rare instance in which an online violent threat triggered a response from the criminal justice system. Millions of such threats are made each year via social media, the difference being that most of these tweets are intended to cause emotional distress rather than the physical damage done to Eichenwald.

Under certain circumstances, however, the practice known as “trolling” can lead to prosecution. Earlier in 2017, Kyler Schmitz, outraged over what he saw as this country’s lax attitude toward firearm ownership, sent a number of angry tweets to pro-gun politicians. “I am literally going to buy a gun shoot you in the face I watch your brains splat [sic],” he tweeted at Senator Roy Blount, a Republican from Missouri. Schmitz was eventually charged with making threatening interstate communications and spent two weeks in jail. “I wanted to get a rise,” Schmitz said, defending his actions. “I wanted to make a point that

I thought was civil disobedience and nonviolent, because I wasn’t [planning to hurt anyone].”

## FOR CRITICAL ANALYSIS

1. Compare the actions of John Rivello and Kyler Schmitz described above. How are they similar? How are they different? Should Rivello and Schmitz have been punished for their online activity? Explain your answers.
2. Suppose someone tweets to a female politician, “I’m going to rape your ass at 8 P.M. and put the video all over.” Given what happened to Schmitz, should the person who sent this message be arrested? Why or why not?
3. Does the fact that Schmitz did not plan to shoot Senator Blount mean he should not have been arrested? In other words, to what extent should the intent of the person who sends a violent threat online matter?



# What Is Crime?

Generally speaking, the criminal justice system does not punish Internet speech, no matter how violent, threatening, or distasteful. “People have a right to say what they want. No matter how bad it is and how hurtful it is to other people,” says a detective with the Los Angeles Sheriff’s Department who investigates bias-related crimes.<sup>1</sup> That right is protected by the First Amendment of the United States Constitution, which gives Americans the freedom to express themselves—even in a hateful or violent manner—without having to worry about being censored by the government.

This right does, however, have a limitation. If speech reasonably causes a person to fear that she or he is in imminent danger from the speaker, that speech is not constitutionally protected.<sup>2</sup> This “true threat” exception allowed law enforcement officials to arrest Kyler Schmitz, whose tweets crossed the line between protected and unprotected speech. As this example shows, a *crime* is not simply an act that seems dishonest or dangerous or taboo. A **crime** 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 evolves and changes as well. Several years ago, for example, the United States Supreme Court ruled that, in “true threat” cases, courts must take into account the motive of the person making the alleged threat.<sup>3</sup> This decision suggests that Kyler Schmitz may not have committed a crime if he could have proven that he never intended to harm the recipients of his tweets.

International examples also show how different societies can have different concepts of criminality. India’s Supreme Court recently ordered the country’s movie theaters to play the national anthem, accompanied by images of the Indian flag, before films to instill “a sense of committed patriotism and nationalism.”<sup>4</sup> Within two weeks of the ruling, Indian authorities had arrested at least twenty moviegoers for failing to stand during the anthem, another requirement of the decision. It is highly unlikely that American courts, bound by our traditions of freedom of speech, would allow any similar police action.

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 share similar norms and values. Those individuals whose actions deviate from the established norms and values are considered to pose a threat to the well-being 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.<sup>5</sup>

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 seventeenth-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.

**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.

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

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

**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.

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

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. For instance, nearly eight of every ten elected prosecutors in the United States are white men, while only 5 percent of these posts are held by members of minority groups.<sup>6</sup> Given the authority of prosecutors to decide which criminal charges will be brought against defendants, this lack of diversity can contribute to the mistrust of law enforcement felt in many minority communities.

Learning

2

Define *crime*.

Objective

▼ Forty-one states and the District of Columbia have local laws that ban cigarette smoking in workplaces, restaurants, and/or bars. **Based on the definition in the text, is smoking considered deviant behavior in our society? Do you consider it deviant behavior? Explain your answers.**

Ehab Edward/Shutterstock.com

## 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 certain drugs but not with eating meat. Furthermore, not all crimes are considered particularly deviant—little social disapproval 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.

## Types of Crime

How crimes are classified depends on their seriousness. Federal, state, and local legislation has provided for the classification and punishment of hundreds of thousands of different criminal acts, ranging from jaywalking to first degree murder. For general purposes, we can group criminal behavior into five categories: violent crime, property crime, public order crime, white-collar crime, and cyber crime.



**Violent Crime** Crimes against persons, or *violent crimes*, have come to dominate our perspectives on crime. There are four major categories of violent crime:

- **Murder**, or the unlawful killing of a human being.
- **Sexual assault**, or *rape*, which refers to coerced actions of a sexual nature against an unwilling participant.
- **Assault** and **battery**, two separate acts that cover situations in which one person physically attacks another (battery) or, through threats, intentionally leads another to believe that he or she will be physically harmed (assault).
- **Robbery**, or the taking of funds, personal property, or any other article of value from a person by means of force or fear.

As you will see in Chapter 4, these violent crimes are further classified by *degree*, depending on the circumstances surrounding the criminal act. These circumstances include the intent of the person committing the crime, whether a weapon was used, and (in cases other than murder) the level of pain and suffering experienced by the victim.

**Property Crime** The most common form of criminal activity is *property crime*, or those crimes in which the goal of the offender is some form of economic gain or the damaging of property. There are three major forms of property crime:

1. Pocket-picking, shoplifting, and the stealing of any property without the use of force are covered by laws against **larceny**, also known as theft.
2. **Burglary** refers to the unlawful entry of a structure with the intention of committing a serious crime, such as theft.
3. **Motor vehicle theft** describes the theft or attempted theft of a motor vehicle. Motor vehicles include any vehicle commonly used for transportation, such as a motorcycle or motor scooter, but not farm equipment or watercraft.

*Arson* is also a property crime. It involves the willful and malicious burning of a home, automobile, commercial building, or any other construction.

▲ Many states punish burglary of an occupied structure more harshly than burglary of an unoccupied structure. **What is the purpose behind this legal strategy?** sdecoret/Shutterstock.com

**Murder** The unlawful killing of one human being by another.

**Sexual Assault** Forced or coerced sexual intercourse (or other sexual acts).

**Assault** A threat or an attempt to do violence to another person that causes that person to fear immediate physical harm.

**Battery** The act of physically contacting another person with the intent to do harm, even if the resulting injury is insubstantial.

**Robbery** The act of taking property from another person through force, threat of force, or intimidation.

**Larceny** The act of taking property from another person without the use of force with the intent of keeping that property.

**Burglary** The act of breaking into or entering a structure (such as a home or office) without permission for the purpose of committing a felony.



**Public Order Crime** Behavior that has been labeled criminal because it is contrary to shared social values, customs, and norms.

**White-Collar Crimes** Nonviolent crimes committed by business entities or individuals to gain a personal or business advantage.

**Public Order Crime** The concept of **public order crime** is linked to the consensus model discussed earlier. Historically, societies have always outlawed activities that are considered contrary to public values and morals. Today, the most common public order crimes include public drunkenness, prostitution, gambling, and illicit drug use. These crimes are sometimes referred to as *victimless crimes* because they often harm only the offender. As you will see throughout this textbook, however, that term is rather misleading. Public order crimes may create an environment that gives rise to property and violent crimes.

**White-Collar Crime** Business-related crimes are popularly referred to as **white-collar crimes**. The term *white-collar crime* is broadly used to describe an illegal act or series of acts committed by an individual or business entity using some nonviolent means to obtain a personal or business advantage.

As you will see in Chapter 16, where we consider the topic in much greater detail, white-collar crimes involve the use of legal business facilities and legitimate employees to commit illegal acts. For example, a bank teller can't embezzle (steal funds from the bank) unless she or he is an authorized bank employee. This characteristic distinguishes white-collar crime from *organized crime*, which refers to acts by illegal organizations. The traditional preferred illicit markets for organized crime operations include gambling, prostitution, illegal narcotics, and loan sharking (lending funds at higher-than-legal interest rates), along with more recent ventures into counterfeiting and credit-card scams.

▼ In 2017, three executives at the Takata Corporation were criminally charged for fabricating airbag test data, a coverup that has been linked to at least eleven deaths in the United States. **If found guilty of this white-collar crime, should these executives be punished the same as someone who commits a violent crime such as murder or battery? Why or why not?** Joe Raedle/Getty Images News/Getty Images

**Cyber Crime** The newest variation on crime is directly related to the increased presence of computers in everyday life. The Internet, with approximately 3.6 billion users worldwide, is the site of numerous *cyber crimes*—defined simply as crimes that occur in the virtual community of the Internet. The dependence of businesses on computer operations has left corporations especially vulnerable to sabotage, fraud, and embezzlement.

Earlier in this decade, two separate incidents of “hacking,” or unauthorized access to computer systems, exposed approximately 1.5 billion Yahoo user accounts. The information in these accounts, including names, dates of birth, telephone numbers, and passwords, was eventually offered for sale on the “dark web,” a hidden, lawless corner of the Internet that can only be accessed by special software.<sup>7</sup>

Shifting and expanding with each new technological advance, cyber crime poses particular challenges to the criminal justice system. During the past few years, for example, explosive growth in the “Internet of Things” has raised new security concerns. The term refers to the wireless interconnections



**FIGURE 1.1** Types of Cyber Crime

CYBER CRIMES AGAINST PERSONS AND PROPERTY	CYBER CRIMES IN THE BUSINESS WORLD	CYBER CRIMES AGAINST THE COMMUNITY
<b>Cyber Fraud:</b> Any misrepresentation knowingly made over the Internet with the intention of deceiving another person.	<b>Hacking:</b> The act of employing one computer to gain illegal access to the information stored on another computer.	<b>Online Child Pornography:</b> The illegal selling, posting, and distributing of material depicting children engaged in sexually explicit conduct.
<b>Identity Theft:</b> The appropriation of identity information, such as a person’s name, driver’s license, or Social Security number, to illegally access the victim’s financial resources.	<b>Malware Production:</b> The creation of programs harmful to computers, such as worms, Trojan horses, and viruses.	<b>Cyber Terror:</b> Use of the Internet to further the political goals of individual terrorists or terrorist organizations by, for example, stealing data, disrupting government and corporate computer systems, and spreading propaganda.
<b>Cyberstalking:</b> Use of the Internet, e-mail, or any other form of electronic communication to contact and/or intimidate another person.	<b>Intellectual Property Theft:</b> The illegal appropriation of property that results from intellectual creative processes, such as films, video games, and software, without compensating its owners.	

linking tiny computers in automobiles, security cameras, kitchen appliances, and other objects of everyday use via the Internet. These “smart” devices, which number about fifteen billion worldwide, often lack proper security protections and have proved easy prey for hackers. In addition, terrorists increasingly are using “end-to-end” encryption technology available on the Signal, Telegram, and Wickr apps (among others) to hide their communications from authorities.<sup>8</sup> Figure 1.1 describes several of the most common cyber crimes, and we will address this particular criminal activity in much greater detail in Chapter 16.

## ETHICS CHALLENGE

Earlier in this section, we used the example of killing animals for clothing and food as behavior that, although deviant to some, is generally accepted by the majority. What is a widespread activity that, although considered “normal” in modern American society, goes against your personal values or morals? What is the likelihood that this activity eventually will become illegal in the United States?

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

### 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.