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INTRODUCTION TO
CRIMINAL
JUSTICE

A BALANCED APPROACH

SECOND EDITION



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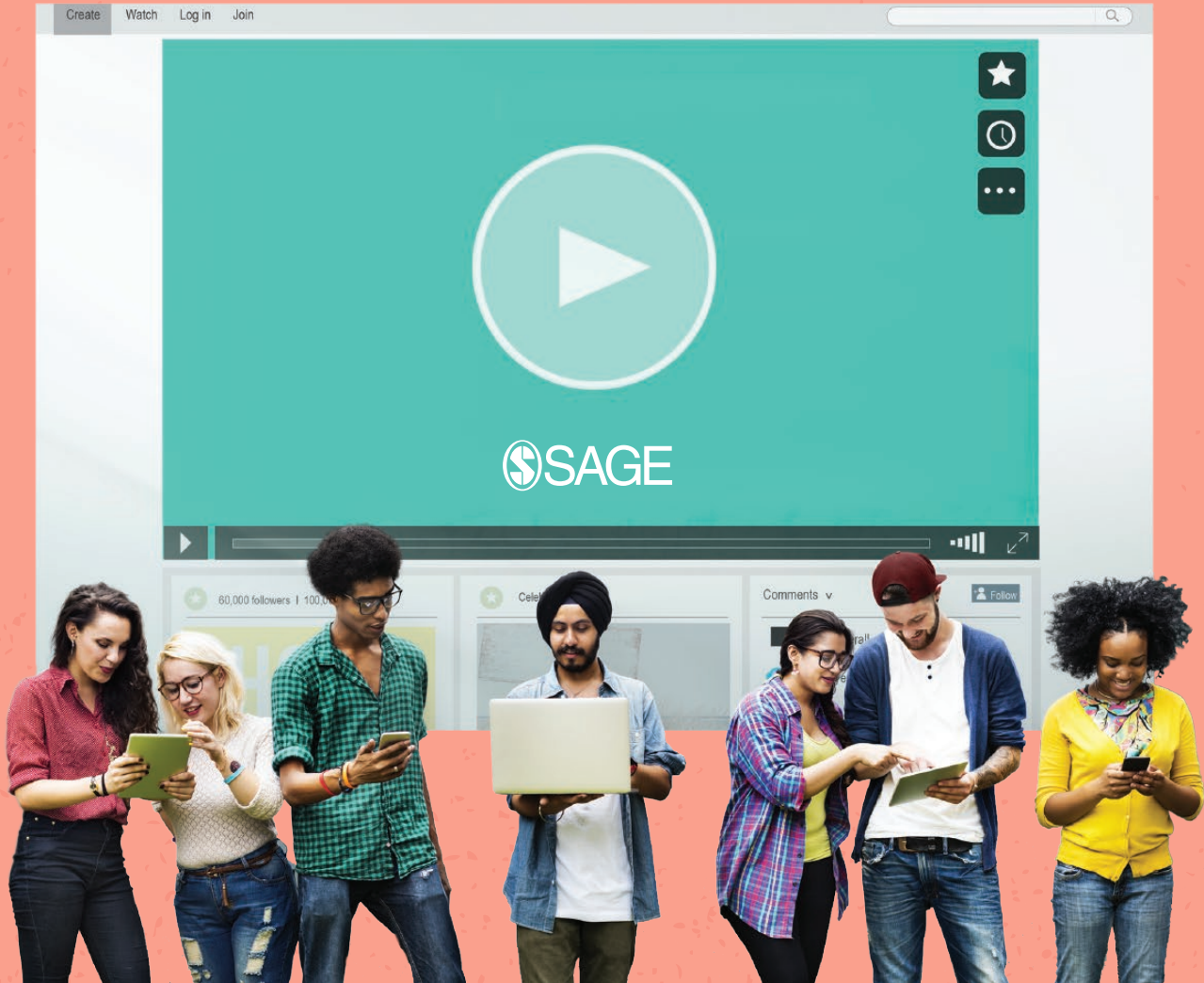
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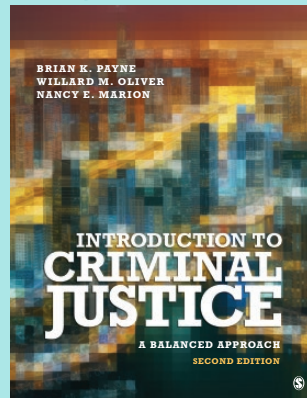
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“*Introduction to Criminal Justice: A Balanced Approach* by Payne, Oliver, and Marion is *the* introduction to criminal justice text I have spent years searching for. The authors cover important areas often missed in introductory texts—research and criminology. I find the instructor materials and student materials **SPOT ON!** Bravo Payne, Oliver, and Marion.”

—Joel Cox
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—Patricia Ahmed
South Dakota State University

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—Jennifer Bourgeois
Lone Star College–CyFair

“I would describe this book as a **VERY SOLID** introductory text. It has an easy-to-use instructor companion site, something most professors I know really look for.”

—David Bish
Penn State DuBois

Dear instructors,



As the authors of this book, we'd like to take a moment to introduce you to *Introduction to Criminal Justice: A Balanced Approach, Second Edition*.

If you're like us, you receive several introductory textbooks to consider at the beginning of each semester. Why did we decide to add one more? We felt students would benefit from a balanced, student-centered learning experience. We also felt providing students with a strong research and theory base that includes the issues currently facing criminal justice professionals would be instrumental in their long-term success.



Let us explain what we mean by balanced. First, we set out to give equal treatment to each of the three components of the criminal justice system: law enforcement, courts, and corrections. Second, within each section we include three chapters. The first chapter introduces students to the component, the second chapter looks at how the process functions, and a final chapter provides a deeper analysis of the issues facing each area. Third, we've made considerable efforts to address controversies and issues in criminal justice from an objective standpoint. Crime and criminals are not defined as inherently bad or evil, nor are traditional responses to crime. Instead, we want students to approach the study of criminal justice with an open mind. In doing so, students will identify the complexities confronting criminal justice professionals.



That leads to the goal of creating a student-centered approach which asks students to see criminal justice as a collection of individuals formally charged with controlling the behavior of others. Their decisions matter. Beyond recognizing criminal justice as a "collection of individuals," we also stress to students that they will someday be one of those individuals given the responsibility for responding to crime. With emphasis in the text and pedagogical tools such as "College Students and Criminal Justice" and "Ethical Decision Making" boxes, we hope to draw students into thinking about the importance of choice and action.

We accomplish these goals using our diverse research and professional strengths to our advantage. Will is a former police officer, Nancy studies the courts from a criminal justice and political science background, and Brian, a former president of ACJS, focuses his research on corrections, punishment strategies, and white-collar crime. Each co-author used their strengths to author the relevant chapters. Together, we offer students a practical and empirical basis for understanding the criminal justice system.

We hope you find our balanced and student-focused orientation to *Introduction to Criminal Justice, Second Edition*, useful.

All best,

Brian Payne, Will Oliver,
and Nancy Marion

Introduction to
CRIMINAL
JUSTICE
SECOND EDITION

*To my family—Kathleen (my best friend), Chloe (my ballerina), Charles (my mini me),
and Claire (my constant reminder of what really matters in this life)—B.K.P.*

To Ilaria Fellers, forever “Nonna”—W.M.O.

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INTRODUCTION TO CRIMINAL JUSTICE

A BALANCED APPROACH
SECOND EDITION

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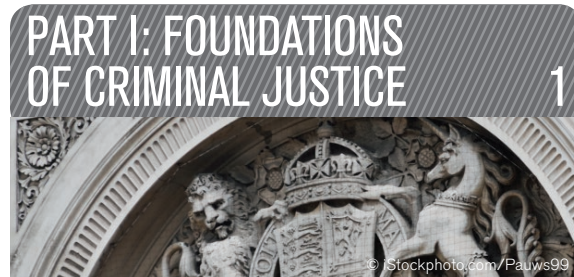
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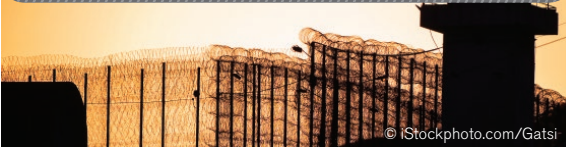
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Preface

The second edition of *Introduction to Criminal Justice: A Balanced Approach* explores criminal justice from a student-centered perspective by introducing students in introductory criminal justice courses to the multifaceted nature of criminal justice. By exploring criminal justice from a broad and balanced perspective, students will understand how decision making is critical to the criminal justice process. In particular, students will come to appreciate how their own future careers will be shaped by decisions they make, as well as by the decisions that others make.

► A Balanced Approach

In this context, the notion of a “balanced approach” refers to eight characteristics of this book. First, the book gives balanced attention to the major topics related to criminal justice. Some texts give more attention to one area of the justice process at the expense of other topics. In this book, the amount of attention given to criminal justice topics is balanced across law enforcement, the courts, and corrections. Also, it is recognized that, for students to understand these three areas, they must have a solid foundation in (or a broad understanding of) general topics related to criminal justice and criminology. As a result, the first section of the book, which represents about a third of the material in the book, is designed to provide the foundation needed to deliver a balanced discussion about law enforcement, the courts, and corrections.

Second, the notion of a balanced approach refers to our efforts to address both sides of controversial issues from an objective standpoint. Crime and criminals are not defined as inherently bad or evil, nor are traditional responses to crime. Instead, we approach the study of criminal justice with an open mind. This approach enables students to identify with the complexities that often confront criminal justice professionals. These complexities represent the ethical issues that criminal justice professionals face, and alternative viewpoints must be considered in addressing these issues.

Third, we use various strategies to promote critical thinking throughout the text. Our efforts are especially devoted to encouraging students to place themselves into specific situations to decide how they would respond to the situation with a balanced (and effective) criminal justice response. Chapters include topics specifically relevant to college students, and boxes (described below) are used in a way that incorporates the book’s study site. We see this part of our balanced approach as particularly useful in introducing modern criminal justice students to the topic. Consider that most criminal justice programs identify critical thinking as a learning outcome for their introductory criminal justice courses.

Fourth, the balanced perspective also allows us to explore how justice can be achieved. Few symbols better capture the ideals of justice than the scales of justice. In reality, efforts to control crime sometimes fall short of achieving or meting out justice. To promote our balanced approach, in addition to discussing obstacles to achieving justice, we also address strategies to overcome those obstacles as well as activities criminal justice majors can engage in to promote justice.

Fifth, the balanced approach we take also reflects the multiple dimensions of criminal justice. Attention is given to the multiple ways that criminal justice is defined. On

one level, the phrase *criminal justice* refers to the system our society uses to respond to criminal behaviors. On another level, *criminal justice* refers to practical actions carried out by those professionals given the duty of protecting us from wrongdoing. On yet another level, *criminal justice* refers to the process that offenders and victims go through when their cases are brought into the justice system. On still another level, *criminal justice* refers to a scientific discipline that uses research and evidence-based practices to understand the criminal justice system; the processes used to define crime; the experiences of victims, offenders, and criminal justice officials; as well as a number of other topics. Our book conceptualizes criminal justice in a way that balances each of these aspects of the topic.

Sixth, based on the multifaceted nature of criminal justice, we balance the practical aspects of criminal justice with the evidence-based research that has helped to shape current criminal justice practices. Criminal justice concepts are frequently oversimplified for students on the grounds that they would not understand the research that guides criminal justice practices. From our perspective, such an assumption is not simply wrong, it is insulting to criminal justice students. By balancing criminal justice practice with criminal justice research, we provide students a broad and balanced introduction to criminal justice: the system, the practice, the process, and the discipline. As Frank Hagan points out in his research methods book, we would be appalled if medical professionals did not understand how the research that guides their practices was conducted or if they did not fully understand the potential causes of disease. In a similar way, we should be equally appalled if criminal justice professionals (and students) do not understand the way that research and theory influence criminal justice practices. We believe that it is best to create the foundation for this understanding among criminal justice students as early as possible in their academic lives.

Seventh, we also balance the topics covered in the text in a way that is responsive to the recommendations of criminal justice scholars. As an illustration, about a decade ago the Academy of Criminal Justice Sciences (ACJS) developed certification standards for academic criminal justice programs. The standards were the result of long discussions among criminal justice professors teaching in all types of criminal justice programs—from two-year programs to doctoral programs. In the end, the standards pointed to specific topics that ACJS believes should be a part of academic criminal justice programs. One of the certification standards (B-5) includes the following language: “The broad scope of the field of criminal justice/criminology is reflected in the undergraduate curriculum and is a *balanced presentation* of the issues of the field” (emphasis added).

Table P1 shows how these standards guided the development of our book. Although we are illustrating how our book relates to these standards, it must be stressed that this book is not endorsed or certified by ACJS, as the association is not in the business of endorsing or certifying books. However, the three authors’ active affiliation with the academy cannot be separated from our lives as professors and authors. Hence, we used the academy’s recommendations to guide our thinking. By design, the certification standards promote a balanced approach to understanding criminal justice. Demonstrating how our book parallels these standards further shows how this book is grounded in a balanced approach. More information about the ACJS certification process is available online at www.acjs.org.

Finally, the balanced approach we take also reflects the multiple dimensions of criminal justice. Attention is given to criminal justice as (a) a system, (b) a process, (c) a career, (d) a major, (e) an institution of social control, (f) a social science, (g) a center of many controversial issues, and (h) a collection of individuals charged with formally controlling the behaviors of others through a complex decision-making process while responding to structural and societal influences and demands. Beyond recognizing that criminal justice is a “collection of individuals,” we also stress that many criminal justice students will someday become part of the “collection of individuals” given the responsibility of responding to crime.

TABLE P1 Parallels Between *Introduction to Criminal Justice: A Balanced Approach* and ACJS Certification Standards

CONTENT AREA	RELATED TOPICS INCLUDE BUT ARE NOT LIMITED TO . . .	CHAPTERS WHERE THE TOPICS ARE COVERED
Administration of Justice	Contemporary criminal justice/criminology system Major systems of social control and their policies and practices Victimology Juvenile justice Comparative criminal justice	Chapters 1-15
Corrections	History, theory, practice, and legal environment Development of correctional philosophy Incarceration, diversions, and community-based corrections Treatment of offenders	Chapters 12-14
Criminological Theory	Nature and causes of crime Typologies Offenders Victims	Chapters 4-5
Law Adjudication	Criminal law Criminal procedures Prosecution Defense Court procedures and decision making	Chapters 2, 9-11
Law Enforcement	History, theory, practice, and legal environment Police organization, discretion, and subculture	Chapters 6-8
Research and Analytic Methods	Quantitative—including statistics—and qualitative methods for conducting and analyzing criminal justice/criminology research in a manner appropriate for undergraduate students	Chapters 2-3

ACJS website

Our diverse research and professional backgrounds allow us to provide both academic and practical insight into various phases of the justice process. One of us (Oliver) has expertise in policing and, as a former police officer, is able to describe police issues through this balanced perspective. Another one of us (Marion) has expertise in studying and writing about the courts from criminal justice and political science perspectives. This background results in a description of the judicial process that is academically grounded while focused on the political realities that drive the court system. And yet another one of us (Payne) has focused much of his research on corrections and various punishment strategies. As a teenager, in a manner of speaking, he even “served time” in a juvenile facility. Collectively, we have the academic training in areas of criminal justice, criminology, political science, and sociology. We bring together our experiences and our training in a way that offers students a practical and empirical basis for understanding criminal justice.

► An Emphasis on Critical Thinking

As an illustration of the way that criminal justice can be viewed as a collection of individuals charged with making decisions, consider that the activities of professionals

in the criminal justice system are guided by a series of decisions made by the professionals themselves as well as decisions made by those outside of the system. On one level, the decisions are influenced by broader structural and political influences. On another level, the decisions made in specific criminal cases have consequences for those involved in the specific cases. The following decisions highlight the types of decisions that are relevant to the criminal justice system's response to crimes:

- An offender decides whether to commit a crime. That decision is influenced by a number of factors and has consequences for the victim of the crime.
- The victim or a witness decides whether or not to report the crime to the police. That decision is influenced by different factors, and the degree to which the victim or witness participates with the justice system has consequences for the justice system.
- The police officer responding to the reported crime decides whether a crime has been committed, whether an arrest is warranted, and how to initiate the justice system's response to the crime.
- The police officer's supervisor and the supervisor's superiors decide the degree of resources that will be devoted to investigating a reported crime.
- The investigator decides whether enough evidence exists to clear the offense and whether to turn the case over to the prosecution.
- The prosecutor decides whether the offender should be charged and what those charges should be.
- A magistrate or judge decides whether bail should be granted to the offender or whether the offender should be held in jail pending trial.
- The prosecutor and defense attorney decide whether a plea bargain is warranted.
- The judge decides whether to accept a negotiated plea.
- The prosecutor decides whether the case should proceed to trial and what evidence to use in the case.
- The prosecutor, defense attorney, and judge decide who will be jurors in cases that go to trial.
- The prosecutor and defense attorney decide which witnesses they will ask to testify and what questions to ask those witnesses.
- The judge decides whether to dismiss criminal cases.
- The jury decides whether or not the offender is guilty.
- The judge decides whether to accept the jury's decision.
- A probation officer decides what information to provide the judge to help the judge decide what sentence should be given to the offender.
- The judge decides how to sentence the offender, typically within guidelines provided by statutes.
- Corrections professionals decide where incarcerated offenders will be imprisoned and the degree of supervision to give offenders sentenced to probation.
- Probation and parole officials decide whether offenders are abiding by their conditions of probation or parole.

This brief list highlights some of the common decisions made in the criminal justice system. The list could go on and on. The point is that the criminal justice system can be viewed as a living system influenced by the decisions made by individuals inside the system and outside the system. Their decisions will influence how cases proceed through the justice process. The decisions have extraordinarily significant implications for other peoples' lives. Deciding to arrest a suspect will change the course of the suspect's life, as well as the lives of the suspect's loved ones. Decisions made by others in the justice process will have equal, if not greater, consequences for suspects.

► Distinctive Chapter Content

This book includes several features that enhance its usefulness for students and professors alike. These features include the following:

- Learning objectives for each chapter are listed at the beginning of the chapter. Instructors can select from these objectives as they develop syllabi for their introductory criminal justice courses, and the objectives can be used to assess learning in these courses.
- Following the learning objectives, each chapter has a feature called “Admissible or Inadmissible Evidence.” This feature includes eight statements related to the information provided in the chapter. Some of the statements are true and some are false. Students are asked to identify the statement as “Admissible” if it is true or as “Inadmissible” if it is false. Some of these questions could easily be included on quizzes or exams.
- The major sections of each chapter include features called “Beyond a Reasonable Doubt.” These are multiple-choice questions that assess students' knowledge about a specific concept in that section. Some of these questions could also be easily included on quizzes or exams.
- Each chapter includes a feature called “Politics and Criminal Justice.” These boxes describe political issues relevant to the chapter topic and pose questions to students about the issues. Should marijuana be legal? Should prison sentences be longer?
- Each chapter includes “You Have the Right to . . .” boxes, which describe how topics within the chapter relate (directly or indirectly) to the first 15 amendments to the U.S. Constitution. To encourage students to be familiar with these amendments, the boxes are discussed sequentially throughout the 15 chapters. For example, Chapter 1 describes the First Amendment (freedom of press) and Chapter 2 includes a discussion of the Second Amendment right to bear arms and its application on college campuses.
- “Help Wanted” boxes are included in each chapter. Each box focuses on a specific job related to the specific chapter in which the feature is found. The details (which include duties, educational requirements, and salaries) come from actual job advertisements.
- “Criminal Justice and the Media” boxes are included in most chapters. These boxes provide an overview of the way that various media issues relate to criminal justice topics. The boxes focus on both traditional media and social media.
- The “Just the Facts” feature in each chapter summarizes the highlights of the chapter. Students may find it useful to read these *before* reading the chapter to gain an overview of the concepts to be covered.

- “Key Terms” lists the terms highlighted in boldface and with margin definitions throughout the text. Students who are able to grasp these terms will have a full understanding of the chapters.
- “Critical Thinking Questions” are included at the end of each chapter. These questions are intended to promote discussion related to the topics addressed in the chapter.
- Each chapter includes “Ethical Decision Making” boxes. These boxes present an ethical scenario that criminal justice professionals or students might confront. Critical thinking questions are included to encourage students to think through the potential ramifications of their decisions.
- The comprehensive glossary at the end of the book provides definitions for all of the key terms highlighted throughout the text.

► New to This Edition

The second edition of this book has evolved significantly from the first edition. This evolution includes the following updates:

- Juvenile justice issues have been expanded throughout most of the chapters.
- The discussion related to cybercrime has been expanded in Chapter 15.
- At the request of reviewers, the focus on research has been shortened and summarized to provide a more basic foundation for students.
- Policy issues have been expanded in the theory chapter to better connect theory and the application of criminal justice policies.
- Fifty new box features have been added. This includes (1) updating several of the “Help Wanted” and “Ethical Decision Making” boxes, (2) expanding many of the “Criminal Justice and the Media” features to focus on social media, and (3) developing new student-centered features such as the “Politics and Criminal Justice” and “You Have the Right to . . .” boxes.
- Roughly 220 new studies, articles, and other references have been incorporated throughout the chapters.
- Several chapters include new introductions in which recent cases are used to introduce relevant topics.
- Updated statistics and data are included when that information is available.
- New photographs, figures, and tables have been incorporated throughout the text.

► Resources for Instructors and Students

Many electronic features are also included with *Introduction to Criminal Justice: A Balanced Approach, Second Edition*.

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- Editable, chapter-specific **PowerPoint® slides** that offer complete flexibility for creating a multimedia presentation for your course
- Access to full-text **SAGE journal articles** that have been carefully selected to support and expand on the concepts presented in each chapter
- **Lecture notes** that summarize key concepts by chapter to help you prepare for lectures and class discussions
- **Video resources** that bring concepts to life and are tied to learning objectives, making learning easier
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Videos: Links are provided to videos that correlate to the chapter content and increase student understanding.

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Author videos: Available only in the Interactive eBook, original videos showcase the authors, introducing each chapter and giving students insights into tough concepts.

Career videos: Available only in the Interactive eBook, interviews with criminal justice professionals discussing their day-to-day work and current issues related to technology, diversity, and cutting-edge developments in their field are available.

Journal articles: Articles from highly ranked SAGE journals such as *Crime and Delinquency*, *Theoretical Criminology*, *Criminal Justice Review*, and more can be accessed.

Audio Links: Links are provided to audio clips that enhance student comprehension of chapter content.

Web Links: Links are provided to relevant websites that further explore chapter-related topics.

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- **Video resources** bring concepts to life, are tied to learning objectives, and enhance exploration of key topics.
- Access to full-text **SAGE journal articles** have been carefully selected to support and expand on the concepts presented in each chapter.

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Brian K. Payne received his doctorate in criminology from Indiana University of Pennsylvania in 1993. He is currently the vice provost for academic affairs at Old Dominion University, where he is tenured in the Department of Sociology and Criminal Justice, and the chair of the Hampton Roads Cybersecurity Education, Workforce, and Economic Development Alliance. He is a former editor of the *American Journal of Criminal Justice*, past president of the Academy of Criminal Justice Sciences, and past president of the Southern Criminal Justice Association. Payne is the author or coauthor of more than 160 journal articles and seven books including *White-Collar Crime: The Essentials* (SAGE), *Family Violence and Criminal Justice* (Elsevier, with Randy Gainey), and *Crime and Elder Abuse: An Integrated Perspective* (Charles C. Thomas). He won the local Pinewood Derby when he was in the fourth grade.

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PART I

Foundations of Criminal Justice



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CHAPTER 1

Introduction to Criminal Justice

CHAPTER 2

Perspectives on Crime and
Criminal Justice Research

CHAPTER 3

An Introduction to Measuring
Crime and Crime Patterns

CHAPTER 4

An Introduction to
Crime Typologies

CHAPTER 5

An Introduction to
Criminological Theory

1



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Introduction to Criminal Justice

BRIAN WAS 15 THE FIRST NIGHT HE SPENT IN A JUVENILE HOME. The 10-bed dormitory room was half-full with five other boys—Harry, Dale, David, Wayne, and John (Brian's bunkmate). Brian was similar to the other boys in many ways. They ate a lot of food, hated doing their homework, and thought they knew everything about the world. Brian was different in one important way: He was there because his parents had become house parents in the juvenile home. The other boys were there because the courts had labeled them "in need of supervision" and sent them to the home.

During his first week in the home, Brian quickly learned about the "house rules." Wayne told him to sleep with his socks on or else Harry might "have sex with his feet" while he was trying to sleep. John showed him how to finish his daily chores each morning in time to have a few extra minutes before the bus came. David showed him that being nice to the other boys would keep him safe, an important point for Brian since he didn't want to get beaten up.

About six months after arriving at the juvenile home, Brian's parents announced that they were leaving their jobs there and returning to the town where Brian grew up. Brian later realized how much those six months had affected his life. Unfortunately, he lost touch with the boys who lived in the home and he never returned.

Brian enrolled in a juvenile justice class as a junior in college, thinking it might help him better understand his own experiences in the juvenile home. That class, and his experiences in the home, led Brian to decide that he wanted to learn even more about crime and criminal justice. Later, Brian got his master's and doctoral degrees in criminology. He eventually found his passion as a criminal justice scholar. In addition to teaching many different classes, Brian has authored or coauthored many research articles and books. In fact, he is a coauthor of this book.

—Brian K. Payne

ADMISSIBLE or INADMISSIBLE Evidence

Read the statements that follow. If the statement is true, circle *admissible*. If the statement is false, circle *inadmissible*. Answers can be found on page 511.

1. **Admissible** **Inadmissible** The job of the prosecutor is to represent the victim of a crime.
2. **Admissible** **Inadmissible** The media portrays the most common types of cases handled by the criminal justice system.
3. **Admissible** **Inadmissible** The initial appearance is the first stage of the criminal justice process.
4. **Admissible** **Inadmissible** Only around 10% of criminal cases go to trial.
5. **Admissible** **Inadmissible** Academic criminal justice programs are a relatively new type of college program, beginning in the past 10 years or so.
6. **Admissible** **Inadmissible** *Determinism* means that behavior is caused by preceding events.
7. **Admissible** **Inadmissible** Criminal justice and criminology are distinct areas of study.
8. **Admissible** **Inadmissible** Male college students have victimization rates lower than males who are not college students.

Stories about criminal justice are all around us. From controversy surrounding a situation in which the leader of a neighborhood watch group shot an unarmed African American male to a case where a woman suspected of killing her two-year-old daughter was found not guilty, we are inundated with criminal justice stories. The stories we hear are often just that—superficial, and sometimes inaccurate, descriptions of actual events. To fully understand these “stories,” it is helpful to have a basic understanding of criminal justice. Figure 1.1 depicts how different groups view criminal justice. As an introduction to criminal justice, this chapter focuses on the criminal justice system, the juvenile justice system, the criminal justice process, and the roles of criminal justice.

LEARNING OBJECTIVES

After reading this chapter, students will be able to:

- 1.1 Identify the three main components of the criminal justice system
- 1.2 Determine whether cases reported in the media adequately reflect the bulk of cases processed through the justice system
- 1.3 Describe the relationship between the criminal justice system and the juvenile justice system
- 1.4 Explain how criminal justice is a social science
- 1.5 Describe the history of criminal justice as a field of study
- 1.6 Compare and contrast criminal justice and criminology
- 1.7 Explain the role that criminal justice has in their life
- 1.8 Describe the process of ethical decision making in the criminal justice system

FIGURE 1.1 The Many Dimensions of Criminal Justice

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► The Criminal Justice System

The phrase **criminal justice system** is used to describe the three main components of criminal justice: the police, the courts, and corrections. In some ways, these three components can be seen as subsystems of the broader criminal justice system. Each subsystem has specific roles and responsibilities that are designed to further the aims of the criminal justice system. Of course, the individuals who work in these subsystems are those who carry out the activities required to meet these duties.

A great deal of discussion has centered on whether the criminal justice system is actually a system. Those who argue that the three subsystems come together to form a system point to at least four different facets of criminal justice to suggest that a criminal justice *system* does, in fact, exist. First, it can be argued that the three components of the justice process have one overarching goal: public safety. Much more is written later in this text about the way that the agencies involved in each of these components promote public safety. As an introduction, the components of the justice system work toward the public safety goal in the following way:

criminal justice system: A phrase used to describe the three main components of criminal justice: the police, the courts, and corrections.

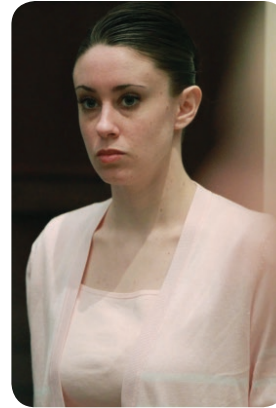
- Actors in the police subsystem enforce the law, maintain order, and provide services to protect members of the community.
- Actors in the courts determine whether suspects are guilty of criminal behavior to determine whether they should be punished for their alleged transgressions. Prosecutors are charged with representing the state in criminal trials. Judges oversee the court process and, among other things, sentence offenders in an effort to promote public safety.
- Actors in the corrections subsystem supervise and counsel convicted offenders in an effort to prevent future crime and protect the public.

Whether the justice system meets the goal of public safety is debatable. Still, the fact that the three components share a similar goal lends credence to the idea that a criminal justice system exists.

Second, one can point to the way that offenders enter one part of the system and exit another part of the system as an indication of how the three components operate in a systemic way. That offenders move from one component of the system to another suggests that the components are working together as a system. Consider Bill Cosby's sexual assault allegations. After nearly 50 women alleged that the famous actor had sexually assaulted them, Cosby was arraigned in a Pennsylvania court and booked by police in December 2015 on one of the allegations.¹ Cosby subsequently had numerous contacts with other parts of the justice system as his case progressed. In other words, Cosby moved from one part of the justice system to the next.

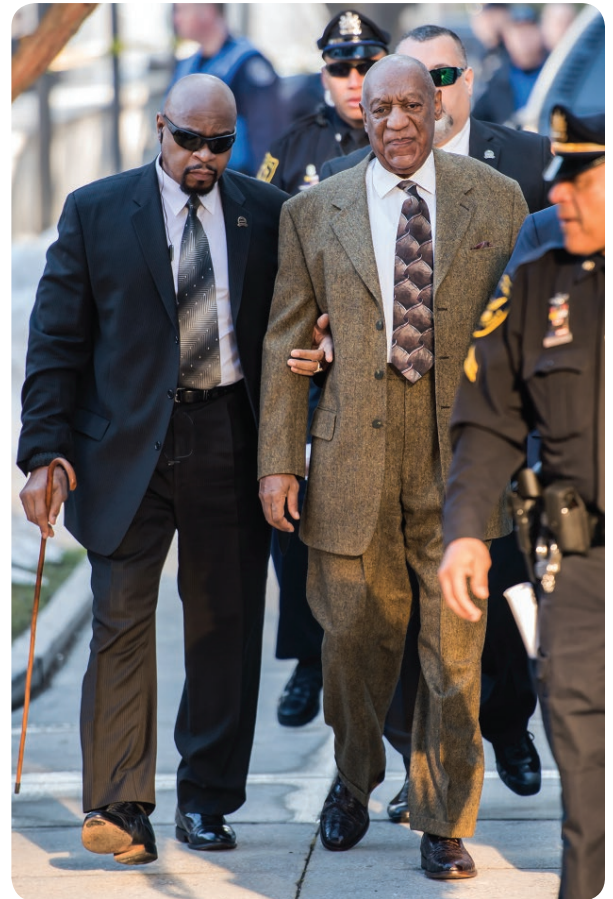
Third, experts have pointed to the interdependent nature of the components of the justice process to illustrate the systemic nature of criminal justice. In short, what happens in one part of the system has implications for what happens in other parts of the system.² If a police department begins to arrest more offenders for drunk driving, for example, more offenders will be sent to the courts for prosecution. The higher number of offenders in the courts, in turn, will have implications for the corrections subsystem.

Finally, to some observers the criminal law is structured in such a way that it guides the behavior of all individuals operating in the criminal justice system. The police enforce the criminal law, the courts adjudicate the criminal law, and the corrections subsystem applies penalties that are prescribed in the criminal law. In many ways, the criminal law is the glue that binds together the components of the criminal justice system.



Stories about criminal justice often unfold in the media, as was the case for Casey Anthony and for Aaron Hernandez.

REUTERS/Red Huber/Pool; © Cal Sport Media/Alamy



Bill Cosby attended several court hearings in 2016 for the sexual assault allegations against him from several women. As of June 2017, Cosby's case was declared a mistrial.

Gilbert Carrasquillo/WireImage/Getty Images

1.1 BEYOND A REASONABLE DOUBT

Which of the following is *not* one of the main components of the criminal justice system?
 (a) Police. (b) The courts. (c) Corrections. (d) The legislature. (e) All are major components of the criminal justice system.

The answer can be found on page 512.

► The Juvenile Justice System

Some individuals refer to what they call a **juvenile justice system**. In theory, the juvenile justice system is the system through which cases involving juvenile offenders are processed. In reality, the juvenile justice system differs little in appearance from the criminal justice system. For the most part, police officers charged with enforcing the law make no distinction between adult criminals and juvenile offenders in terms of the specific practices they engage in to apprehend them. Of course, what officers do with different types of offenders may be influenced by juvenile status. For example, a police officer who catches a young person engaging in illegal acts might choose to take that young person home to his or her parents. If a police officer catches one of the authors doing something illegal, the officer is unlikely to take us home to our aging parents. But, the simple fact remains that, when reacting to crime, there are no “juvenile police officers” and “adult offender police officers.”

Although a case can be made that the juvenile justice system is a mere reflection of the criminal justice system, it is important to note that “juvenile court” and “juvenile corrections agencies” do exist. However, juvenile courts are typically in the same courthouse as “adult courts,” the employees work for the same agency in both types of courts, and the types of individuals working in juvenile and adult courts have similar qualifications. The same can be said of corrections agencies: They are typically adjoined to adult corrections agencies, and the employees are similar in both settings.

To be sure, police, judges, corrections officials, and other criminal justice officials respond differently to younger offenders than they do to older offenders. However, this response occurs in the same broader justice system. Much more is written about juvenile offending, juvenile policing, juvenile courts, and juvenile corrections throughout this book in conjunction with discussion of the broader areas of policing, courts, and corrections.

1.2 BEYOND A REASONABLE DOUBT

Which of the following is *not* a part of the juvenile justice system?
 (a) Juvenile police officers. (b) Juvenile courts. (c) Juvenile detention. (d) Juvenile corrections. (e) All are components of the juvenile justice system.

The answer can be found on page 512.

► The Justice Process

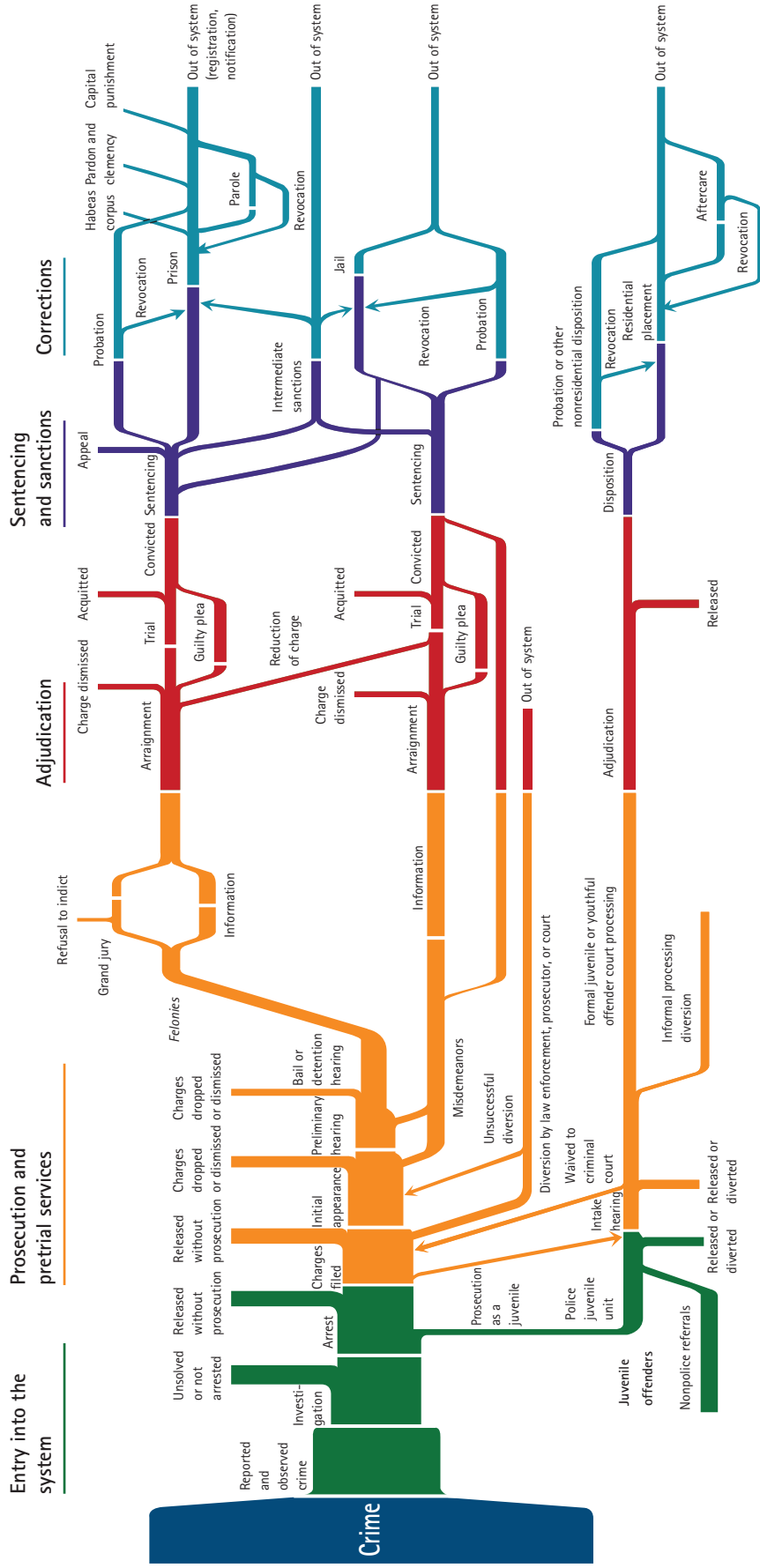
The President’s Commission on Law Enforcement and Administration of Justice offered one of the most comprehensive and earliest depictions of the justice process (see Figure 1.2). More attention is given to the stages of the justice process later in this book. For now, a summary of the stages of the criminal justice process is warranted:

juvenile justice system: The system through which cases involving juvenile offenders are processed.

FIGURE 1.2 The Criminal Justice Process

Note: This chart gives a simplified view of caseload through the criminal justice system. Procedures vary among jurisdictions. The weights of the lines are not intended to show actual size of caseloads.

The U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics





Juvenile offenders frequently serve their sanctions in facilities connected to adult prisons.

REUTERS/Fabrizio Bensch

arrest: When a suspect is taken into custody by law enforcement officers under suspicion that he or she violated a law.

booking: The process of formally recording the charges against a person into police records; often includes a mug shot, fingerprints, and other personal information.

initial appearance: When the suspect first appears before a judicial official to be formally notified of the charges, advised of his or her rights, and notified of bail decisions (in some jurisdictions).

preliminary hearing: The stage in the criminal justice process (in some jurisdictions) when a judge determines if probable cause exists to suggest that the suspect committed a crime.

- *Investigation.* The police investigate suspected offenses after citizens report the offense or authorities identify possible offending through their own proactive efforts. The investigation will focus on whether a crime was committed, who is suspected of committing the crime, whether an arrest is warranted, and when an arrest should occur.
- *Arrest.* As an initial step in the formal processing of a case, an **arrest** entails formally taking a suspect into custody.
- *Booking.* To formally record the arrest, **booking** of a suspect involves procedures such as fingerprinting, taking mug shots, completing arrest records, and so on.
- *Initial appearance.* During the **initial appearance**, the suspect appears before a magistrate or similar official and is formally notified of the charges, advised of his or her rights, and notified of bail decisions (in some jurisdictions). In minor cases, summary trials may be held before the judge at this juncture, with the judge determining guilt or innocence and sentencing cases in which guilt is determined.
- *Preliminary hearing.* Some jurisdictions hold a **preliminary hearing** in which a judge determines if probable cause exists to suggest the suspect committed a crime in the judge's jurisdiction. *Probable cause* refers to facts that would lead a reasonable person to conclude that the suspect committed a crime. The judge decides if the evidence reasonably shows that (a) a crime was committed within his or her jurisdiction and (b) the suspect committed the crime.
- *Grand jury or information.* In more serious cases, the prosecutor may present the case to a *grand jury* in an effort to seek an indictment against the suspect. The purpose of the grand jury hearing is to determine whether sufficient evidence exists to suggest that the case should proceed to trial. An indictment is

a written statement describing the charges and the evidence in the case. In less serious cases, the prosecutor moves the case forward by issuing to the court an *information* (a formal charging document detailing the case).

- **Arraignment.** After the indictment or information is filed, the **arraignment** is held. The suspect is formally notified of the charges, advised of his or her legal rights, and asked whether he or she wants to plead guilty, not guilty, or no contest. If the defendant pleads guilty, the sentencing process occurs next, assuming the judge accepts the plea. If the defendant pleads not guilty, the case proceeds to trial.
- **Trial.** It is commonly estimated that less than 10% of cases go to trial because the vast majority of defendants plead guilty. During the **trial** the prosecution is expected to prove beyond a reasonable doubt that the defendant committed the offense or offenses with which he or she is charged.
- **Sentencing.** For a defendant found guilty, a hearing will be held in which the judge will sentence the offender. Possible sentences include incarceration, probation, fines, restitution, or the death penalty (for capital offenses in states that allow the death penalty).
- **Appeals.** A defendant may appeal the court's ruling to an appellate court. The appellate court will decide whether to hear the appeal or reject it without a hearing. Death penalty convictions are automatically granted appellate review.
- **Sanction.** Those who are sentenced to a year or more of incarceration will be sent to prison, whereas those sentenced to less than a year of incarceration will be sent to jail. Offenders on probation will be supervised in the community for the duration of their sanction. Those released from prison on parole will be supervised in the community by parole officers for the length of their sanction.
- **Release.** Offenders are released from the justice process by completing their sanctions, being pardoned or paroled, or successfully appealing their conviction.³

A few points about the criminal justice process are worth highlighting. First, cases do not always flow smoothly from one point to the next. Second, officials may decide to drop a case from the justice process. Third, specific jurisdictions have rules and guidelines stipulating how cases will be processed through the justice system. Fourth, the juvenile justice process flows differently than the adult justice process, depending on the nature of the juvenile case entering the system. Finally, the seriousness of various types of cases influences how they are processed through the justice system. In other words, the notion of process should not lead one to assume that all cases are treated similarly.

Crime Control and Due Process Models

Scholars have described the criminal justice process in different ways. In *The Limits of the Criminal Sanction*, Herbert Packer described two models to characterize the justice process: the **crime control model** and the **due process model**.⁴ The crime control model refers to situations in which cases are processed with a primary focus given to the need to protect the public. In this model, the police are charged with enforcing the law in an effort to maintain public safety and keep criminals from spiraling out of control. Emphasis is placed on processing cases efficiently in ways that maximize resources, while recognizing that budgetary constraints limit long, drawn-out

arraignment: The first stage of the trial process; a defendant appears before the judge to respond to charges by pleading guilty, not guilty, or *nolo contendere* (no contest).

trial: A legal proceeding in which evidence is presented to a jury or a judge to determine the guilt or innocence of a defendant.

crime control model: A model characterizing the criminal justice system, in which cases are processed with a primary focus given to the need to protect the public.

due process model: A model characterizing the criminal justice system that emphasizes the protection of defendants' rights and is driven by respect for the "formal structure of the law."