

Thirteenth Edition

Criminal Justice

A BRIEF INTRODUCTION



FRANK SCHMALLEGER



Criminal Justice

A Brief Introduction

Thirteenth Edition

Frank Schmalleger, Ph.D.
Distinguished Professor Emeritus
The University of North Carolina at Pembroke

For Ava, Malia, Michelle, and Nicole

Vice President, Portfolio Management: Andrew Gilfillan
Portfolio Manager: Gary Bauer
Portfolio Management Assistant: Lynda Cramer
Vice President, Product Marketing: Brad Parkins
Product Marketing Manager: Heather Taylor
Product Marketing Assistant: Liz Bennett
Director, Digital Studio and Content Production: Brian Hyland
Managing Producer: Cynthia Zonneveld
Content Producer: Holly Shufeldt
Content Producer: Neha Sharma
Manager, Rights Management: Johanna Burke
Operations Specialist: Deidra Headlee

Creative Digital Lead: Mary Siener
Managing Producer, Digital Studio: Autumn Benson
Full-Service Management and Composition: Integra Software Services Pvt. Ltd.
Full-Service Project Manager: Philip Alexander
Cover Design: Studio Montage
Cover Photo: Travelview/Shutterstock
Printer/Bindery: LSC Communications, Inc.
Cover Printer: Phoenix Color/Hagerstown
Text Font: Century Std Light, 9.5/12

Copyright © 2020, 2018, 2016 by Pearson Education, Inc. 221 River Street, Hoboken, NJ 07030. All rights reserved. Manufactured in the United States of America. This publication is protected by Copyright, and permission should be obtained from the publisher prior to any prohibited reproduction, storage in a retrieval system, or transmission in any form or by any means, electronic, mechanical, photocopying, recording, or likewise. For information regarding permissions, request forms, and the appropriate contacts within the Pearson Education Global Rights and Permissions department, please visit www.pearsoned.com/permissions/.

Acknowledgments of third-party content appear on the appropriate page within the text.

Unless otherwise indicated herein, any third-party trademarks, logos, or icons that may appear in this work are the property of their respective owners, and any references to third-party trademarks, logos, icons, or other trade dress are for demonstrative or descriptive purposes only. Such references are not intended to imply any sponsorship, endorsement, authorization, or promotion of Pearson's products by the owners of such marks, or any relationship between the owner and Pearson Education, Inc., or its affiliates, authors, licensees, or distributors.

Library of Congress Cataloging-in-Publication Data

Names: Schmallegger, Frank, author.

Title: Criminal justice : a brief introduction / Frank Schmallegger.

Description: Thirteenth edition. | Hoboken, NJ : Pearson Education, Inc., [2020]

Identifiers: LCCN 2018025976 | ISBN 9780135186268 | ISBN 0135186269

Subjects: LCSH: Criminal justice, Administration of--United States. |

Crime--United States. | Law enforcement--United States.

Classification: LCC HV9950 .S34 2020 | DDC 364.973--dc23 LC record available at <https://lcn.loc.gov/2018025976>

Paper Bound:

ISBN 13: 978-0-13-518626-8

ISBN 10: 0-13-518626-9

Loose leaf:

ISBN 13: 978-0-13-520898-4

ISBN 10: 0-13-520898-X

Brief Contents

PART 1 *Crime in America*

CHAPTER 1	What Is Criminal Justice?	1
CHAPTER 2	The Crime Picture	22
CHAPTER 3	Criminal Law	61

PART 2 *Policing*

CHAPTER 4	Policing: Purpose and Organization	90
CHAPTER 5	Policing: Legal Aspects	124
CHAPTER 6	Policing: Issues and Challenges	169

PART 3 *Adjudication*

CHAPTER 7	The Courts	212
CHAPTER 8	The Courtroom Work Group and the Criminal Trial	235
CHAPTER 9	Sentencing	270

PART 4 *Corrections*

CHAPTER 10	Probation, Parole, and Reentry	314
CHAPTER 11	Prisons and Jails	342
CHAPTER 12	Prison Life	372

PART 5 *The Juvenile Justice System*

CHAPTER 13	Juvenile Justice	409
------------	-------------------------	-----

Contents

Preface	xiv
Acknowledgments	xxi
About the Author	xxii

PART 1 *Crime in America*

CHAPTER 1 **What Is Criminal Justice?** 1

Introduction	2
A Brief History of Crime in America	3
The Theme of This Book	6
Freedom or Safety? You Decide Clarence Thomas Says: “Freedom Means Responsibility”	7
Criminal Justice and Basic Fairness	8
American Criminal Justice: System and Functions	10
The Consensus Model	10
CJ News Surveillance Technology Has Been Blanketing the Nation Since 9/11	11
The Conflict Model	12
American Criminal Justice: The Process	12
Due Process and Individual Rights	13
The Role of the Courts in Defining Rights	13
The Ultimate Goal: Crime Control through Due Process	14
CJ Exhibit Sentinel Events	15
Evidence-Based Practice in Criminal Justice	15
The Start of Academic Criminal Justice	16
Multiculturalism and Social Diversity in Criminal Justice	16
EVIDENCE-BASED JUSTICE REINVESTMENT Data-Driven, Cost-Efficient Criminal Justice	17
CJ Careers Careers in Criminal Justice	18
Summary	20
Questions for Review	21

CHAPTER 2 **The Crime Picture** 22

Introduction	23
Crime Data and Social Policy	23
The Collection of Crime Data	24
The UCR/NIBRS Program	24
Development of the UCR Program	24
The National Incident-Based Reporting System	26
Historical Trends	28
UCR/NIBRS in Transition	31
Part I Offenses	32
Freedom or Safety? You Decide A Dress Code for Bank Customers?	32
CJ News “Flash Robs”—A Social Media Phenomenon	37
CJ Issues Race and the Criminal Justice System	39

Part II Offenses	42
The National Crime Victimization Survey	42
Freedom or Safety? You Decide Can Citizens Have Too Much Privacy?	43
Comparisons of the UCR and the NCVS	45
Special Categories of Crime	46
Crime against Women	47
Crime against the Elderly	48
Hate Crime	49
Corporate and White-Collar Crime	50
Organized Crime	51
Gun Crime	52
Drug Crime	54
Cybercrime	55
Terrorism	57
CJ Exhibit 2-1 What Is Terrorist Activity?	58
Crime in International Context	59
Summary	60
Questions for Review	60
CHAPTER 3 Criminal Law	61
Introduction	62
The Nature and Purpose of Law	62
The Rule of Law	63
Types of Law	64
Criminal Law	64
Statutory Law	64
Civil Law	65
Administrative Law	66
Case Law	66
General Categories of Crime	66
Felonies	66
Misdemeanors	66
Infractions	67
Treason	67
Espionage	67
Freedom or Safety? You Decide Should Violent Speech Be Free Speech?	68
Inchoate Offenses	68
General Features of Crime	69
The Criminal Act (<i>Actus Reus</i>)	69
A Guilty Mind (<i>Mens Rea</i>)	70
Concurrence	72
Other Features of Crime	72
Elements of a Specific Criminal Offense	73
The Example of Murder	74
The <i>Corpus Delicti</i> of a Crime	75
Types of Defenses to a Criminal Charge	76
Multiculturalism and Diversity Islamic Law	77
Alibi	78
Justifications	78
Excuses	80
Procedural Defenses	86
Summary	88
Questions for Review	89

PART 2 *Policing*

CHAPTER 4 **Policing: Purpose and Organization** 90

Introduction 91

The Police Mission 91

Enforcing the Law 91

Apprehending Offenders 92

Preventing Crime 92

Preserving the Peace 95

Providing Services 95

American Policing Today: From the Federal to the Local Level 96

Federal Agencies 96

Ethics and Professionalism The FBI Oath 99

EVIDENCE-BASED JUSTICE REINVESTMENT Policing in an Economic Downturn 100

State Agencies 100

Local Agencies 101

Fusion Centers 103

Private Protective Services 104

International Police Agencies 105

Police Administration 107

Police Organization and Structure 107

CJ Careers Security Professional 108

Chain of Command 109

Policing Epochs and Styles 109

Policing Epochs 109

The Watchman Style of Policing 111

Freedom or Safety? You Decide Liberty Is a Double-Edged Sword 111

The Legalistic Style of Policing 112

The Service Style of Policing 112

Police–Community Relations 112

Freedom or Safety? You Decide Police Body-Worn Cameras: The Good and the Bad 113

Team Policing 113

Community Policing 114

CJ Exhibit 4–1 The President’s Task Force on 21st Century Policing 117

Evidence-Based Policing 117

The Kansas City Experiment 118

Evidence-Based Policing Today 119

Discretion and the Individual Officer 121

Summary 122

Questions for Review 123

CHAPTER 5 **Policing: Legal Aspects** 124

Introduction 125

The Abuse of Police Power 125

A Changing Legal Climate 126

Individual Rights 127

Checks and Balances 127

Due-Process Requirements 128

Search and Seizure	128
The Exclusionary Rule	128
Judicial Philosophy and the U.S. Supreme Court	132
CJ Exhibit 5-1 Plain-View Requirements	136
CJ Careers School Resource Officer (SRO)	139
Detention and Arrest	139
CJ News Supreme Court Says Police Need Warrant for GPS Tracking	141
Searches Incident to Arrest	142
CJ News Supreme Court Says Police Need Warrants Before Searching Cell Phones	145
Emergency Searches of Persons	145
Vehicle Searches	146
Freedom or Safety? You Decide Religion and Public Safety	148
Suspicionless Searches	150
High-Technology Searches	151
The Intelligence Function	152
Informants	152
Police Interrogation	153
The Right to a Lawyer at Interrogation	156
Suspect Rights: The <i>Miranda</i> Decision	156
CJ Exhibit 5-2 The <i>Miranda</i> Warnings	157
Gathering of Special Kinds of Nontestimonial Evidence	161
Freedom or Safety? You Decide Policing in the Age of Social Media	162
Electronic Eavesdropping	163
CJ Exhibit 5-3 The USA PATRIOT Act of 2001 and the USA Freedom Act of 2015	166
Summary	168
Questions for Review	168
 CHAPTER 6 Policing: Issues and Challenges	 169
Introduction	170
Police Personality and Culture	170
CJ Issues Rightful Policing	172
Corruption and Integrity	173
Money—The Root of Police Evil?	175
Building Police Integrity	176
Ethics and Professionalism The Law Enforcement Oath of Honor	177
Drug Testing of Police Employees	177
The Dangers of Police Work	178
Violence in the Line of Duty	178
CJ News DNA Sampling Solves Some of the Toughest Cases	179
Risk of Disease and Infected Evidence	179
Stress and Fatigue among Police Officers	181
CJ Careers Police Officer	183
CJ News NYPD Permits Wearing of Turban, Beards, by Sikh Officers	184
Terrorism's Impact on Policing	184
The FBI's Joint Terrorism Task Forces	185
Intelligence-Led Policing and Antiterrorism	186
Information Sharing and Antiterrorism	187
EVIDENCE-BASED JUSTICE REINVESTMENT Cost-Efficient Policing	188

Police Civil Liability	188
Common Sources of Civil Suits	189
Federal Lawsuits	190
CJ News Is the Video Recording of Police Activity in a Public Place Legal?	192
Racial Profiling and Biased Policing	193
Racial Profiling	193
Freedom or Safety? You Decide Was the NYPD's Monitoring of Muslim Groups a Form of Religious Profiling?	195
Racially Biased Policing	196
Police Use of Force	197
Deadly Force	199
CJ Exhibit 6-1 Taking Policing to a Higher Standard	199
CJ Issues California's Proposed Lethal Force Standard	202
Less-Lethal Weapons	202
Professionalism and Ethics	203
Ethics and Professionalism The Law Enforcement Code of Ethics	203
Education and Training	204
Recruitment and Selection	205
Ethnic and Gender Diversity in Policing	206
Women as Effective Police Officers	207
CJ Issues Trust and Diversity in Law Enforcement	208
Summary	210
Questions for Review	211

PART 3 ***Adjudication***

CHAPTER 7 The Courts	212
Introduction	213
History and Structure of the American Court System	213
The State Court System	214
The Development of State Courts	214
State Court Systems Today	215
The Federal Court System	219
U.S. District Courts	219
U.S. Courts of Appeal	220
The U.S. Supreme Court	221
EVIDENCE-BASED JUSTICE REINVESTMENT Cost-Efficient Courts	223
Pretrial Activities	223
The First Appearance	223
CJ Careers Surety Agent	225
Multiculturalism and Diversity The International Criminal Court	227
CJ Exhibit 7-1 Nonjudicial Pretrial Release Decisions	229
The Grand Jury	231
The Preliminary Hearing	231
Arraignment and the Plea	232

Plea Bargaining	232
Summary	234
Questions for Review	234

CHAPTER 8 **The Courtroom Work Group and the Criminal Trial** 235

Introduction	236
The Courtroom Work Group: Professional Courtroom Actors	236
The Judge	238
The Prosecuting Attorney	239
CJ Careers Assistant District Attorney	240
The Defense Counsel	242
Ethics and Professionalism The American Bar Association's <i>Model Rules of Professional Conduct</i>	247
The Bailiff	247
Trial Court Administrators	247
The Court Reporter	248
The Clerk of Court	248
Expert Witnesses	248
Outsiders: Nonprofessional Courtroom Participants	249
Lay Witnesses	249
Jurors	250
The Victim	251
The Defendant	252
Spectators and the Press	252
The Criminal Trial	253
Procedure	254
Nature and Purpose of the Criminal Trial	254
Stages in a Criminal Trial	255
Trial Initiation	256
Jury Selection	257
Opening Statements	260
Presentation of Evidence	260
CJ Exhibit 8-1 Pretrial and Post-Trial Motions	262
Closing Arguments	264
Judge's Charge to the Jury	265
Jury Deliberations and the Verdict	265
CJ News Social Media Pose New Threats During Criminal Trials	266
Multiculturalism and Diversity The Bilingual Courtroom	267
Summary	269
Questions for Review	269

CHAPTER 9 **Sentencing** 270

Introduction	271
The Philosophy and Goals of Criminal Sentencing	271
Retribution	272
Incapacitation	273
Deterrence	273
Rehabilitation	273
Restoration	273

Indeterminate Sentencing	275
Explanation of Indeterminate Sentencing	275
Critiques of Indeterminate Sentencing	275
Structured Sentencing	276
CJ Exhibit 9-1 Aggravating and Mitigating Circumstances	278
Federal Sentencing Guidelines	278
The Legal Environment of Structured Sentencing	280
Three-Strikes Laws	282
Mandatory Sentencing	283
CJ Careers Medicolegal Death Investigator	284
Sentencing and Today's Prison Crisis	285
Innovations in Sentencing	286
Questions about Alternative Sanctions	287
The Presentence Investigation	287
The Victim—Forgotten No Longer	289
Victims' Rights	289
CJ Exhibit 9-2 Victims' Rights in California	290
Freedom or Safety? You Decide To What Degree Should the Personal Values of Workers in the Criminal Justice System Influence Job Performance?	291
Victim-Impact Statements	292
Traditional Sentencing Options	292
Sentencing Rationales	293
Sentencing Practices	293
Fines	294
EVIDENCE-BASED JUSTICE REINVESTMENT Cost-Efficient Corrections and Sentencing	295
Death: The Ultimate Sanction	295
<i>Habeas Corpus</i> Review	297
Opposition to Capital Punishment	299
CJ News Death-Row Exonerations Based on DNA Expose Flaws in Legal System	304
Justifications for Capital Punishment	305
The Courts and the Death Penalty	305
CJ News High Costs Lead to Reconsideration of Death Penalty	307
Freedom or Safety? You Decide What Are the Limits of Genetic Privacy?	310
The Future of the Death Penalty	311
Summary	312
Questions for Review	313

PART 4 **Corrections**

CHAPTER 10 Probation, Parole, and Reentry	314
Introduction	315
What Is Probation?	315
The Extent of Probation	316
Probation Conditions	316
The Federal Probation System	317
Multiculturalism and Diversity Culturally Skilled Probation Officers	318

Freedom or Safety? You Decide Probation Condition: Celibacy 318

What Is Parole? 319

The Extent of Parole 320

Parole Conditions 321

Federal Parole 321

Probation and Parole: The Pluses and Minuses 322

Advantages of Probation and Parole 322

Disadvantages of Probation and Parole 323

Freedom or Safety? You Decide Should DNA Links to Unsolved Cases Be Used to Deny Parole? 324

The Legal Environment 324

The Job of Probation and Parole Officers 326

Job Descriptions 326

The Challenges of the Job 326

JUSTICE REINVESTMENT Cost-Efficient Reentry Services 327**CJ Careers** Probation Officer 328

Intermediate Sanctions 329

Split Sentencing 330

Shock Probation and Shock Parole 330

Shock Incarceration 330

Ethics and Professionalism American Probation and Parole Association Code of Ethics 331

Mixed Sentencing and Community Service 331

Intensive Supervision of Probationers and Parolees 331

Home Confinement and Remote Location Monitoring 332

The Future of Probation and Parole 334

CJ News How GPS Technology Keeps Track of Sex Offenders 335

Changes in Reentry Policies 336

The Reinvention of Probation and Evidence-Based Practices 339

CJ Issues Remote Reporting Probation 340

Summary 340

Questions for Review 341

CHAPTER 11 Prisons and Jails 342

Introduction 343

A Brief History of Prisons 343

Prisons Today 348

JUSTICE REINVESTMENT California's Public Safety Realignment 349**CJ Issues** California's Public Safety Realignment (PSR) Program 352

Prisoners Today 352

Prison Issues 352

Overcrowding 353

Selective Incapacitation: A Contemporary Strategy to Reduce Prison Populations 354

Security Levels 354

CJ Issues Evidence-Based Corrections 355

Prison Classification Systems 356

The Federal Prison System	357
The Growth of Federal Prisons	361
Recent Improvements	361
Jails	362
CJ Issues The Charles Colson Task Force on Federal Corrections	363
Women and Jail	364
The Growth of Jails	364
Direct-Supervision Jails	366
Jails and the Future	366
Ethics and Professionalism American Jail Association Code of Ethics for Jail Officers	367
Private Prisons	368
JUSTICE REINVESTMENT Cost-Efficient Corrections and Sentencing	369
CJ Exhibit 11-1 Arguments for and against the Privatization of Prisons	370
Summary	371
Questions for Review	371
 CHAPTER 12 Prison Life	 372
Introduction	373
Research on Prison Life: Total Institutions	373
The Male Inmate's World	374
The Evolution of Prison Subcultures	375
The Functions of Prison Subcultures	375
CJ Exhibit 12-1 Prison Argot: The Language of Confinement	376
Prison Lifestyles and Inmate Types	377
Homosexuality and Sexual Victimization in Prison	378
The Female Inmate's World	379
Sexual Victimization of Women Prisoners	380
Parents in Prison	381
Gender-Responsiveness	382
Institutions for Women	383
Social Structure in Women's Prisons	383
Multiculturalism and Diversity The Bangkok Rules on the Treatment of Female Prisoners	384
Types of Female Inmates	386
Violence in Women's Prisons	386
The Staff World	387
Facts and Figures	387
The Professionalization of Corrections Officers	388
Security Threat Groups and Prison Riots	388
Ethics and Professionalism American Correctional Association Code of Ethics	389
Prisoners' Rights	390
The Legal Basis of Prisoners' Rights	392
Freedom or Safety? You Decide Censoring Prison Communications	394
Grievance Procedures	397
A Return to the Hands-Off Doctrine?	398
Freedom or Safety? You Decide Should Prison Libraries Limit Access to Potentially Inflammatory Literature?	400

Issues Facing Prisons Today	402
Geriatric Offenders	402
Mentally Ill and Intellectually Disabled Inmates	403
Terrorism	405
CJ News Radical Islam, Terrorism, and U.S. Prisons	406
Summary	407
Questions for Review	408

PART 5 *The Juvenile Justice System*

CHAPTER 13 Juvenile Justice	409
Introduction	410
Juvenile Justice throughout History	412
Earliest Times	412
The Juvenile Court Era	413
Categories of Children in the Juvenile Justice System	414
The Legal Environment	415
CJ News Schools Take Bullying Seriously	417
Legislation Concerning Children and Justice	418
The Legal Rights of Juveniles	419
The Juvenile Justice Process Today	419
Adult and Juvenile Justice Compared	421
CJ Exhibit 13-1 Adult Criminal Case Processing versus the Juvenile Justice System	421
How the System Works	422
CJ Exhibit 13-2 Juvenile Courts versus Adult Courts	425
CJ News The Girls Study Group	429
Trends in Juvenile Justice	430
CJ Careers Juvenile Justice Professional	432
CJ Issues Evidence-Based Juvenile Justice	433
Summary	435
Questions for Review	436
 Appendix A: Bill of Rights	A-1
Appendix B: List of Acronyms	A-3
Glossary	G-1
Notes	N-1
Name Index	I-1
Case Index	I-7
Subject Index	I-11

Preface

Criminal justice is a dynamic field of study. Consider these challenges for instructors and students trying to keep pace with a field that is undergoing continual modification: the ever-evolving nature of crime, our changing understanding of justice, police-community relations in an age of social media, budgetary constraints, ongoing threats to our nation's security, newly enacted statutes, innovations in enforcement and justice-system technology, precedent-setting U.S. Supreme Court decisions, a changing American society, and rapidly emerging innovations in correctional practice.

As accelerated change engulfs the American criminal justice system today, it is appropriate that streamlined and up-to-date learning materials should be in the hands of students. Quick and easy access to accurate and current information has become a vital part of contemporary life. *Criminal Justice: A Brief Introduction* provides such access through its printed pages and interactive website with videos, point-counterpoint exercises, and numerous other features.

The first edition of *Criminal Justice: A Brief Introduction*, which was published before the Internet had become the ubiquitous tool that it is today, resulted from the realization that justice students need to have current information presented in a concise and affordable source. With each new edition, the availability of up-to-date crime- and justice-related information has increased. Like many of its predecessors, the thirteenth edition draws upon the wealth of Internet resources that serve the needs of criminal justice students and practitioners. It ties those important resources to central ideas in the text, expanding learning opportunities far beyond what was possible in the mere 400 pages of the first edition. In particular, URLs printed in the book point the way to criminal justice agencies and organizations on the Internet, as well as to full-text documentation of many critical contemporary issues.

True to its origins, the thirteenth edition, which is available in a variety of print and electronic formats, focuses on the crime picture in America and the three traditional elements of the criminal justice system: police, courts, and corrections. Real-life stories, career information, up-to-date examples and issues, engaging graphics, and interactive media all contribute to this timely and user-friendly introduction to criminal justice. Key features include:

Freedom or Safety? You Decide boxes in each chapter highlight the book's ever-evolving theme of individual rights versus public order, a hallmark feature of this text since the first edition. In each chapter of the text, Freedom or Safety boxes build on this theme by illustrating some of the personal rights issues that challenge policymakers today. Each box includes critical-thinking questions that ask readers to ponder whether and how the criminal justice system balances individual rights and public safety.

Evidence-Based Justice Reinvestment boxes, which are found in many chapters, emphasize the possibilities made available through contemporary strategies, including effective evidence-based practices that use criminal justice resources wisely.

Evidence-based practices are introduced in early chapters and are stressed throughout the text, including in the book's sections on policing, the courts, and corrections.

CJ News boxes in each chapter present case stories from the media to bring a true-to-life dimension to the study of criminal justice and allow insight into the everyday workings of the justice system.

CJ Issues boxes that provide the information students need to participate in a discussion of critical issues facing the justice system, such as excessive use of force by the police, the use of mass imprisonment as a tool of social engineering, and coming changes in the juvenile justice process.

CJ Careers boxes outline the characteristics of a variety of criminal justice careers in a Q&A format, to introduce today's pragmatic students to an assortment of potential career options and assist them in making appropriate career choices.

Multiculturalism and Diversity boxes present aspects of criminal justice that are related to the diverse nature of American society and emphasize the need for justice-system personnel capable of working with culturally diverse groups.

Ethics and Professionalism boxes present ethical codes that criminal justice practitioners are asked to uphold, highlighting the vital role of moral and ethical standards and behavior in their daily lives and to the high social expectations inherent in justice-related careers. Included are the ethical codes of the American Correctional Association, the American Probation and Parole Association, the International Association of Chiefs of Police, the American Bar Association, and the American Jail Association.

Graphics including full-color diagrams, illustrations, timelines, and photographs reinforce key concepts for easier understanding and make the chapter topics both understandable and interesting. In recognition of the visual orientation of today's learners, we have worked to achieve a comprehensive integration of graphic art with the concepts and ideas of criminal justice. Consequently, the layout and design of both the printed and the Revel versions of this text are highly visual, inviting readers to explore its pages while powerfully illustrating the critical concepts that are central to the field of criminal justice.

As the author of numerous books on criminal justice, I have often been amazed at how the end result of the justice process is sometimes barely recognizable as “justice” in any practical sense of the word. It is my sincere hope that the technological and publishing revolutions that have contributed to the creation and development of this book will combine with a growing social awareness to facilitate needed changes in our system and will help replace self-serving, system-perpetuated injustices with new standards of equity, compassion, understanding, fairness, and heartfelt justice for all.

New to the Thirteenth Edition

Chapter 1 What Is Criminal Justice?

- The term *procedural justice* is introduced as a new key term, taking its place in Chapter 1 alongside of *procedural fairness*.
- The resurgence in public support for the police is discussed within the context of public polling.
- The discussion about white-collar and corporate crime has been updated with coverage of Volkswagen's emissions scandal.
- Cybercrimes are discussed in more detail, especially as they impact our understanding of the criminal landscape in America.

Chapter 2 The Crime Picture

- Visually stimulating graphics have been introduced into the chapter, reflecting the interactivity of the Revel version of the printed book.
- Discussion of the FBI's NIBRS program has been clarified and enhanced.
- The new National Crime-Statistics Exchange (NCS-X) is now described.
- Crime statistics have been updated throughout the chapter.
- The Equifax data breach is discussed, and its consequences for the justice system explained.
- The information on mass shootings has been revised and updated.
- The national opioid crisis and its significance for the justice system is now discussed.
- The discussion of computer crimes has been enhanced.

Chapter 3 Criminal Law

- Updates on terrorism cases discussed in the chapter have been added.
- The discussion of the insanity defense has been updated and simplified.

Chapter 4 Policing: Purpose and Organization

- An Evidence-Based Justice Reinvestment box has been added to the chapter.
- New information is provided about fusion centers, and the fusion center discussion has been simplified.
- The notion of procedural fairness is now discussed in the chapter.
- “Overpolicing” and the unnecessary use of force by the police is discussed.
- The discussion of police body-worn cameras has been updated.
- Changes in COPS Office funding is now discussed.

Chapter 5 Policing: Legal Aspects

- Discussion of the Freddy Gray case has been updated.
- The discussion of both warrantless and protective searches have been updated.
- A new Careers Box has been added to this chapter.
- Investigative detention is now discussed, and it has been added as a key term.

Chapter 6 Policing: Issues and Challenges

- The discussion of police subculture has been updated with information from new studies.
- Police corruption in the city of Baltimore is discussed.
- The 2018 federal Law Enforcement Mental Health and Wellness Act is described.
- The discussion of police stress and the impact of stress on health has been expanded.
- An online gateway for use by law enforcement agencies (LEEP) is described.
- The change in name for the Smart Policing Initiative (now known as Strategies for Policing Innovation) is included.
- The U.S. Supreme Court case of *Los Angeles v. Mendez*, including its ramifications for qualified immunity by police, is discussed.
- The 2017 Supreme Court case of *White v. Pauly*, which focused on qualified immunity is discussed.
- The new National Consensus Policy on Use of Force, developed by eleven influential U.S. law enforcement organizations is explained.
- The Death in Custody Reporting Act (DCRA) is described, and its implications for law enforcement demonstrated.
- *Accreditation* (of police agencies) is now a key term in the chapter.

Chapter 7 The Courts

- The results of a new study of community courts are introduced.
- Problem-solving, mental health, and youth specialty courts are now discussed.
- The addition of Neil Gorsuch and Brett Kavanaugh to the list of active Supreme Court justices is mentioned.

Chapter 8 The Courtroom Work Group and the Criminal Trial

- A discussion of the factors that are commonly used to determine client indigence in state-run indigent defense systems have been added in the form of a graph.

Chapter 9 Sentencing

- New Jersey's new racial impact law is discussed.
- The discussion of indeterminate sentencing has been clarified.
- The discussion of state sentencing guidelines has been brought up to date.
- New charts and graphs replace ones that were previously used.
- The discussion of the impact of California's strategy of prisoner realignment has been updated.
- The activities of the California Victim Compensation Board (CalVCB) are now discussed.
- The state and local practice of charging inmates for jail stays is explained.
- California's Proposition 66 is discussed in the context of capital punishment. The proposition speeds up the appeals process in capital cases.
- A new key term, *wrongful conviction*, has been added to the chapter, and its discussion has been enhanced.

Chapter 10 Probation, Parole, and Community Corrections

- Discussion has been added of Washington, D.C.'s Youth Rehabilitation Act (YRA), which gives offenders under the age of 22 a second chance by permitting judges to dramatically reduce sentences for young offenders.
- Data on probation and parole have been updated throughout the chapter.
- A discussion of the case of Philadelphia-based rapper Meek Mill has been added to the chapter.
- The 2017 parole board hearing for O.J. Simpson has been included, along with a video link to the recorded proceedings.
- The discussion involving the use of ankle bracelets to facilitate GPS monitoring of defendants sentenced to home confinement has been expanded and now includes the Bill Cosby case as an example.
- The results of two new studies focused on reentry courts are now included.

Chapter 11 Prisons and Jails

- The chapter now shows how savings that result from reduced prison populations can be used to expand probation and parole programs, to fund jail operations, and to enhance rehabilitation programs generally.
- The feature showing the annual costs to incarcerate an inmate in prison in California has been considerably refined and updated.
- A new section on prison overcrowding has been built into the chapter.
- The discussion on private prisons has been modified.
- The figure showing federal prison populations by offense has been updated and modified.

Chapter 12 Prison Life

- The list of prison argot has been updated and expanded.
- Information on prison riots has been updated.
- New information on prison libraries is included.
- The section describing the impact of aging on inmate populations has been expanded.
- The discussion of the mentally ill in prisons has been expanded, while a previous discussion of HIV/AIDS among inmate populations has been eliminated.

- A new diagram showing inmates with and without serious mental illness has been added.
- The discussion of prisons as breeding grounds for terrorism has been expanded.

Chapter 13 Juvenile Justice

- Added discussion of the 2018 U.S. Supreme Court case of *Bostic v. Pash*, in which the court allowed a 241-year sentence for crimes committed by a juvenile to stand.
- Added discussion of Pennsylvania's Juvenile Justice System Enhancement Strategy (JJSES), which is a statewide commitment to employ evidence-based practices in the juvenile justice system.
- The term *justice-involved* youth is introduced and defined.
- A new graphic showing the locations of juvenile detention facilities around the country is now included in the chapter.
- The definition of the term *abused child* has been clarified, to include the consequences of California's 2016 Proposition 57, which ended the ability of prosecutors to "direct file" criminal cases against juveniles.
- The discussion of direct file laws has been enhanced and clarified.
- Changing state laws that define the age of criminal responsibility are discussed, with specific mention of New York and North Carolina.
- *Detention hearing* has been added as a new key term, including its definition.

Instructor Supplements

- ▶ **Instructor's Manual with Test Bank.** Includes content outlines for classroom discussion, teaching suggestions, and answers to selected end-of-chapter questions from the text. This also contains a Word document version of the test bank.
- ▶ **TestGen.** This computerized test generation system gives you maximum flexibility in creating and administering tests on paper, electronically, or online. It provides state-of-the-art features for viewing and editing test bank questions, dragging a selected question into a test you are creating, and printing sleek, formatted tests in a variety of layouts. Select test items from test banks included with TestGen for quick test creation, or write your own questions from scratch. TestGen's random generator provides the option to display different text or calculated number values each time questions are used.
- ▶ **PowerPoint Presentations.** Our presentations offer clear, straightforward outlines. Photos, illustrations, charts, and tables from the book are included in the presentations when applicable.
- ▶ **Annotated Instructors Edition (AIE).** The AIE contains notes in the top margins identifying key topics with suggestions for stimulating and guiding class discussion.

To access supplementary materials online, instructors need to request an instructor access code. Go to **www.pearsonhighered.com/irc**, where you can register for an instructor access code. Within 48 hours after registering, you will receive a confirming email, including an instructor access code. Once you have received your code, go to the site and log on for full instructions on downloading the materials you wish to use.

Alternate Versions

- **eBooks.** This text is also available in multiple eBook formats. These are an exciting new choice for students looking to save money. As an alternative to purchasing the printed textbook, students can purchase an electronic version of the same content. With an eTextbook, students can search the text, make notes online, print out reading assignments that incorporate lecture notes, and bookmark important passages for later review. For more information, visit your favorite online eBook reseller or visit **www.mypearsonstore.com**.
- **REVEL™** is Pearson's newest way of delivering our respected content. Fully digital and highly engaging, REVEL replaces the textbook and gives students everything they need for the course. Seamlessly blending text narrative, media, and assessment, REVEL enables students to read, practice, and study in one continuous experience—for less than the cost of a traditional textbook. Learn more at **www.pearsonhighered.com/revel**.

REVEL for *Criminal Justice: A Brief Introduction*, 13e by Schmallegger

Designed for how you want to teach—and how your students want to learn

Revel is an interactive learning environment that engages students and helps them prepare for your class. Reimagining their content, our authors integrate media and assessment throughout the narrative so students can read, explore, and practice, all at the same time. Thanks to this dynamic reading experience, students come to class prepared to discuss, apply, and learn about criminal justice—from you and from each other.

Revel seamlessly combines the full content of Pearson's bestselling criminal justice titles with multimedia learning tools. You assign the topics your students cover. Author Explanatory Videos, application exercises, survey questions, interactive CJ data maps, and short quizzes engage students and enhance their understanding of core topics as they progress through the content. Through its engaging learning experience, Revel helps students better understand course material while preparing them to meaningfully participate in class.

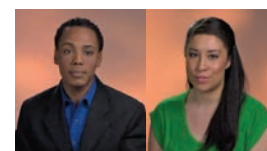
Author Explanatory Videos

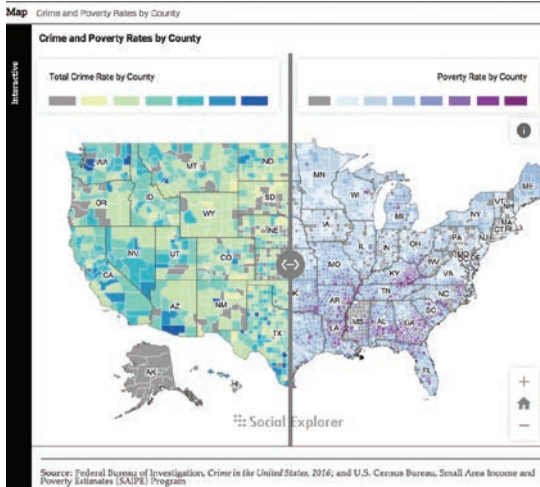
Short 2–3 minute Author Explanatory Videos, embedded in the narrative, provide students with a verbal explanation of an important topic or concept and illuminating the concept with additional examples.



Point/CounterPoint Videos

Instead of simply reading about criminal justice, students are empowered to think critically about key topics through Point/Counterpoint videos that explore different views on controversial issues such as the effectiveness of the fourth amendment, privacy, search and seizure, Miranda, prisoner rights, death penalty and many other topics.





New Social Explorer Criminal Justice Data Maps

Social Explorer Maps integrated into the narrative ask students to examine crime and corrections data correlated with socio-economic and other criminal justice data. Maps also show differences in state statutes on major issues such as marijuana legalization, the death penalty, and the distribution of hate organizations across the US.

Survey Criminal Justice and Basic Fairness

The American criminal justice system is generally fair and in most cases results in the appropriate handling and adjudication of cases.

☐ Strongly Agree
☐ Agree
☐ Neutral
☐ Disagree
☐ Strongly Disagree

PREVIOUS PAGE 1 OF 1 SUBMIT

New Student Survey Questions

Student Survey Questions appear within the narrative asking students to respond to questions about controversial topics and important concepts. Students then see their response versus the responses of all other students who have answered the question in the form of a bar chart. We provide the instructor with a PowerPoint deck with links to each survey and map, making it easy to pull these items up in class for discussion.

Search and Seizure

MY PROGRESS - 21%

Decision point: Pick your search area

There is no reason you can't stop and look around from the street or the alley. Now that you see the layout of the property.

Click on the place you want to look around and click Submit.

Peek in the front windows.

Enter fenced yard to peek in rear window.

Check out the open garage.

Go to front door.

< Previous Next >

Criminal Justice Simulations

In our introduction to Criminal Justice Revel texts, there are 13 simulations that ask the student to evaluate scenarios and make decisions regarding CJ issues or procedures. Examples of topics dealt with include recognizing crime elements, determining policing styles, search and seizure procedures, warrants and arrest documentation sentencing options, determining conditions for parole.

Track time-on-task throughout the course

The Performance Dashboard allows you to see how much time the class or individual students have spent reading a section or doing an assignment, as well as points earned per assignment. This data helps correlate study time with performance and provides a window into where students may be having difficulty with the material.

Learning Management System Integration

Pearson provides Blackboard Learn™, Canvas™, Brightspace by D2L, and Moodle integration, giving institutions, instructors, and students easy access to Revel. Our Revel integration delivers streamlined access to everything your students need for the course in these learning management system (LMS) environments.

The Revel App

The Revel mobile app lets students read, practice, and study—anywhere, anytime, on any device. Content is available both online and offline, and the app syncs work across all registered devices automatically, giving students great flexibility to toggle between phone, tablet, and laptop as they move through their day. The app also lets students set assignment notifications to stay on top of all due dates. Available for download from the App Store or Google Play. Visit www.pearsonhighered.com/revel/ to learn more.

Acknowledgments

Many thanks go to all who assisted in many different ways in the development of this text-book. I am grateful to the manuscript reviewers for their helpful comments and valuable insights:

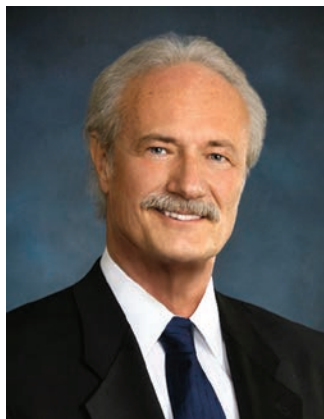
Clare Armstrong-Seward, Morrisville State College	Tracy Hearn, Tarrant County College
Chris Carmean, Houston Community College	Carly Hillinski-Rosick, Grand Valley State University
Addrain Conyders, Marist College	Frank Leonard, Tallahassee Community College
Anthony LaRose, University of Tampa	Patricia Nunally, Southwest Tennessee Community College
Michael Raymond, New Hampshire Technical Institute	Lisa Pitts, Washburn University
James Blair, South Texas College	Gina Robertiello, Felician College
Addrain Conyers, Marist College	

I also appreciate the many valuable comments made by Kevin Barret, E. Elaine Bartgis, Bruce Bayley, John M. Boal, Jack Brady, Michelle Brown, Jeffrey B. Bumgarner, Michael Eskey, Joan Luxenburg, Rick Michaelson, Carl E. Russell, Dave Seip, Jim Smith, Kevin M. Thompson, and Richard A. Wilson.

I'd also like to thank the editorial and production team Andrew Gilfillan, VP, Courseware Portfolio Management; Gary Bauer, Executive Portfolio Manager; Heather Taylor, Product Marketing Manager; Bob Nisbet, Field Marketing Manager; Neha Sharma, Content Producer; Holly Shufeldt, Content Producer; Jennifer Sargunar; Manager Producer; Cynthia Zonneveld, Managing Producer; Maura Snow, Content Producer; Lynda Cramer, Portfolio Management Assistant; Indu Sambantham, Senior Project Manager, Integra Software Services; Philip Alexander, Senior Project Manager, Integra Software Services.

Thanks also to my wife, Willow Szirandi Schmallegger, whose unfailing help and constant support have made this book detailed, accurate, and enjoyable.

About the Author



Frank Schmalleger, Ph.D., is Distinguished Professor Emeritus at the University of North Carolina at Pembroke, where he taught criminal justice courses for 20 years and chaired the university's Department of Sociology, Social Work, and Criminal Justice for 16 of those years. In 1991 the university awarded him the title of Distinguished Professor, and the university named him Professor Emeritus in 2001.

Dr. Schmalleger holds degrees from the University of Notre Dame and Ohio State University, having earned both a master's (1970) and a doctorate in sociology (1974) with a special emphasis in criminology from Ohio State University.

As an adjunct professor with Webster University in St. Louis, Missouri, Schmalleger helped develop the university's graduate program in security administration and loss prevention. He taught courses in that curriculum for more than a decade. Schmalleger has also taught in the online graduate program of the New School for Social Research, helping to build the world's first electronic classrooms. Schmalleger is the creator of a number of award-winning websites, including one that supports this textbook.

Frank Schmalleger is the author of numerous articles and many books, including the widely used *Criminal Justice Today* (Pearson, 2019), *Criminology Today* (Pearson, 2019); *Criminal Law Today* (Pearson, 2016), and *The Definitive Guide to Criminal Justice and Criminology on the World Wide Web* (Pearson, 2009).

Schmalleger is also founding editor of the journal *Criminal Justice Studies*. He has served as editor for the Pearson series *Criminal Justice in the Twenty-First Century* and as imprint adviser for Greenwood Publishing Group's criminal justice reference series.

Schmalleger's philosophy of both teaching and writing can be summed up in these words: "In order to communicate knowledge, we must first catch, then hold, a person's interest—be it student, colleague, or policymaker. Our writing, our speaking, and our teaching must be relevant to the problems facing people today, and they must in some way help solve those problems."

“Justice is truth in action!”

—Benjamin Disraeli

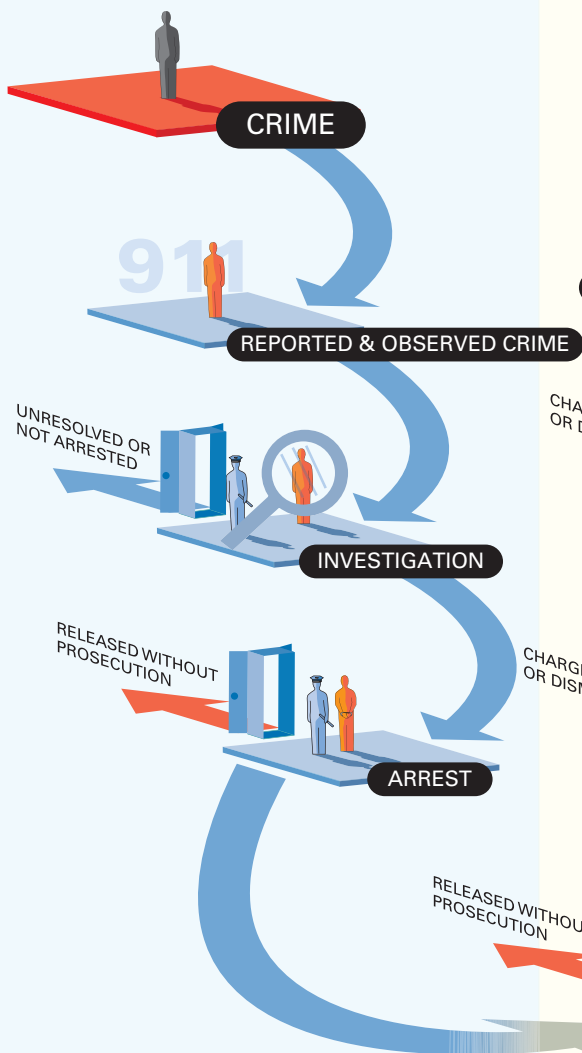
“Injustice anywhere is a threat
to justice everywhere.”

—Martin Luther King, Jr.

THE CRIMINAL

POLICE

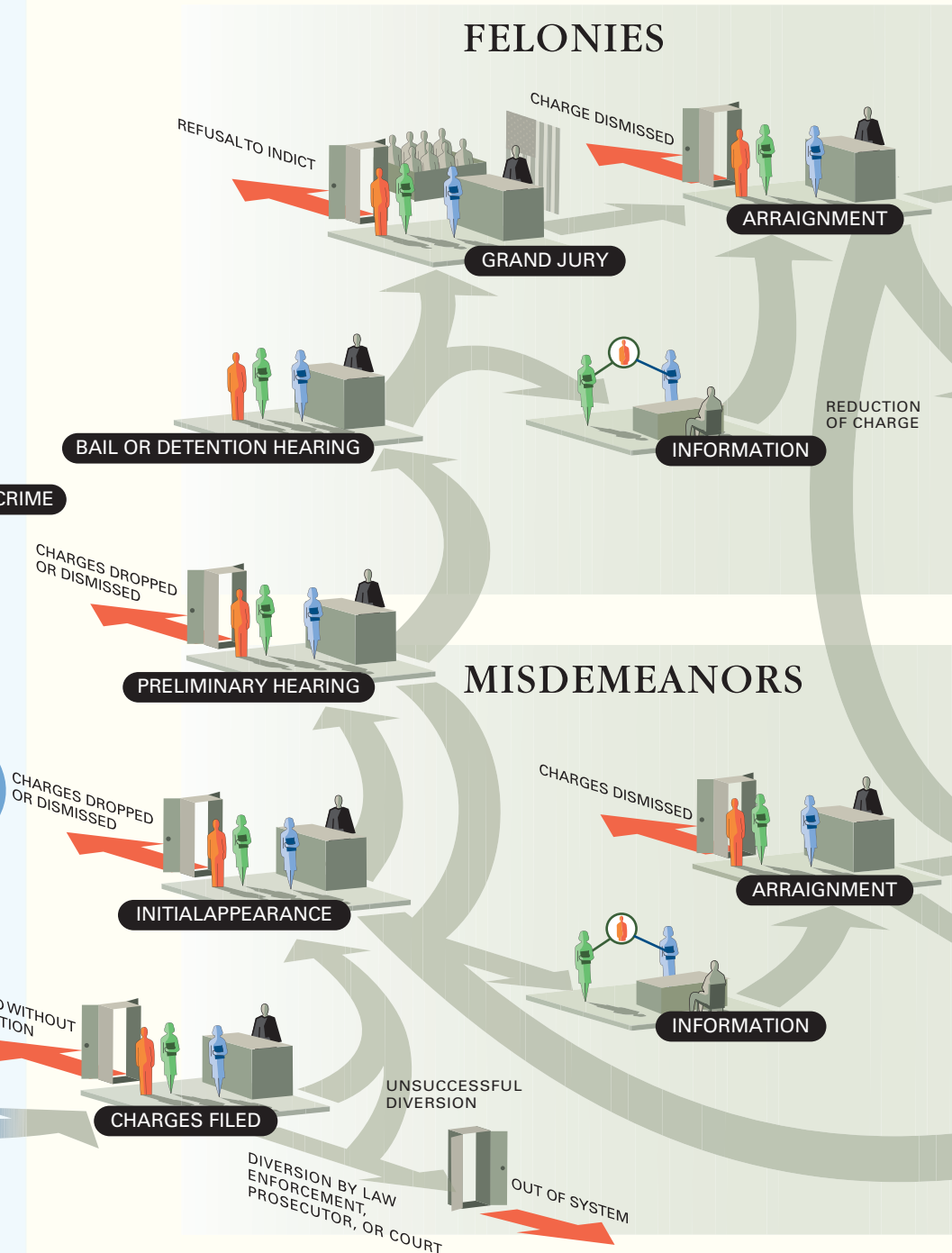
ENTRY INTO THE SYSTEM



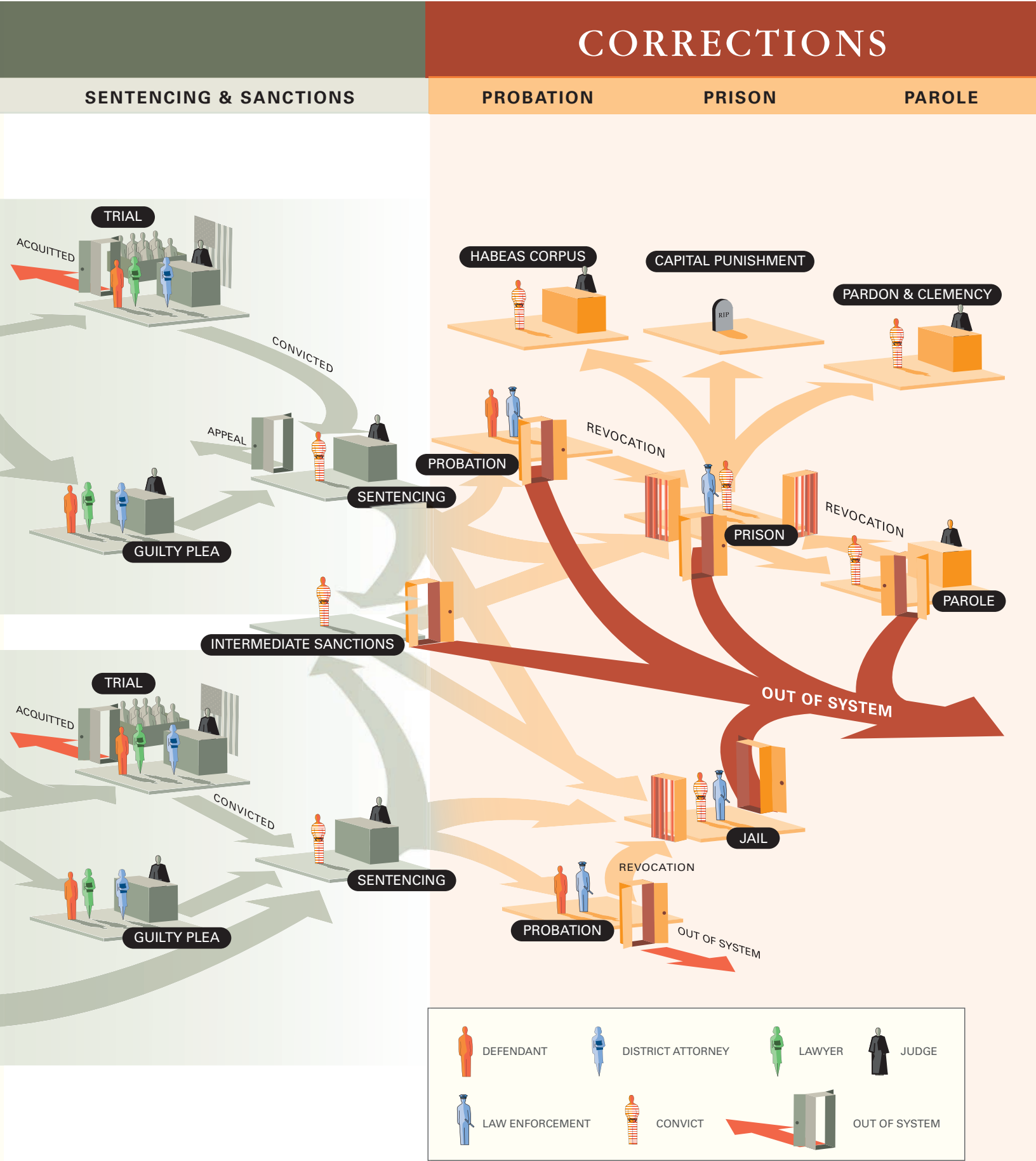
COURTS

PROSECUTION & PRETRIAL SERVICES

ADJUDICATION



JUSTICE SYSTEM



This page intentionally left blank

What Is Criminal Justice?

People expect both safety and justice and do not want to sacrifice one for the other.

—Christopher Stone, President,
Open Society Foundations

CHAPTER

1

Learning Objectives

After reading this chapter, you should be able to:

1. Summarize the history of crime in America and corresponding changes in the American criminal justice system. **3**
2. Describe the public-order (crime-control) and individual-rights (due-process) perspectives of criminal justice, concluding with how the criminal justice system balances the two perspectives. **6**
3. Explain the relationship of criminal justice to general concepts of equity and fairness. **8**
4. Describe the American criminal justice system in terms of its three major components and their respective functions. **10**
5. Describe the process of American criminal justice, including the stages of criminal case processing. **12**
6. Define due process of law, including where the American legal system guarantees due process. **13**
7. Describe the role of evidence-based practice in contemporary criminal justice. **15**
8. Explain how multiculturalism and social diversity present challenges to and opportunities for the American system of criminal justice. **16**

Introduction

crime

Conduct in violation of the criminal laws of a state, the federal government, or a local jurisdiction, for which there is no legally acceptable justification or excuse.¹

Follow the author's tweets about the latest crime and justice news @schmallegger

Ask anyone who has come into contact with it, and you will hear that the American criminal justice system wields a lot of power. Agencies of the justice system have the authority to arrest (the police), to convict (the courts), and to imprison (corrections). In the most serious cases, the system even has control over who lives and who dies (capital punishment). For those who commit **crimes**, the “full weight and power” of the system comes crashing down on them, beginning with arrest. Yet, for all of its power, the American system of justice is a consensual system that relies upon both public acceptance and public cooperation for it to function effectively. Were citizens to lose faith in the justice process and question its legitimacy, then the day-to-day work of law enforcement officers, court personnel, and corrections officers would become insurmountably difficult—and their jobs would be impossible to perform.

Today, the criminal justice system in this country may be teetering on the edge of just such a crisis. It's a crisis that arose quickly and spontaneously, fed by social media, following grand jury refusals in Missouri and New York to indict police officers in the death of two black suspects in separate incidents. The first involved Michael Brown, an 18-year-old unarmed African-American man who died in hail of bullets fired by a Ferguson, Missouri, police officer after an initial confrontation between the two turned violent.¹ The second involved Eric Garner, another unarmed black man who died after an NYPD officer placed him in a chokehold while they struggled—apparently preventing him from being able to breathe.² Garner, a father of six, had been arrested numerous times before the fatal encounter for illegally selling cigarettes on city streets—a minor offense.

Protests followed both grand jury decisions, with demonstrators in Ferguson rioting, looting, and burning down stores over a period of days. New York City protestors emblazoned the slogan “No Justice, No Peace” on placards they carried, and Missouri protestors chanted “Hands up, don't shoot!” in the belief that Brown was surrendering to police when he was shot (the grand jury, however, concluded otherwise).

Confrontations between police and demonstrators remained largely peaceful, but led to an especially surprising result. Police officers in Ferguson made no arrests during the first few

nights of looting and rioting, even though arsonists and thieves were in plain sight; and NYPD officers stopped making “quality-of-life arrests”—or arrests for minor crimes. By the start of 2015, arrests in New York City for minor crimes, such as traffic violations, and public drinking and urination, had plummeted 94% from the year before.³ Arrests for other crimes nosedived by 66% from only a week earlier. Police in New York City were reported to be making arrests “only when they have to.”⁴ In Seattle, police chief Kathleen O'Toole made the rounds of her department's stations telling officers that it was OK to arrest people. “If you get agitators who threaten the police or the public, you have to arrest them,” she said.⁵ It was as though police officers in Ferguson, New York City, and elsewhere—perhaps wary of stoking more public unrest—had become afraid to enforce the law.

Matters became even uglier when assaults on police officers rose significantly following the protests. On December 20,

2014, two uniformed NYPD police officers were shot dead as they sat in their marked police cruiser on a Brooklyn street corner.⁶ The assassination-style attack was carried out by 28-year-old Ismaaiyl Brinsley, who soon shot and killed himself on a nearby subway platform. Prior to the killings, Brinsley had posted anti-police threats on his Instagram page, referencing the “unjust” killings of Garner and Brown. “I'm putting wings on pigs today,” he wrote, “They take 1 of ours ... Let's take 2 of Theirs.” Soon, police officers around the country were doubling up on patrol, and bracing for further attacks.



▲ Retiring Dallas, Texas, police chief David Brown speaks during a funeral service for one of five officers killed in an ambush-style attack in 2016. The killings led to debates over the fairness of the American criminal justice system. How would you assess that system's fairness?

Danny Hurley/Polaris/Newscom

American society is built upon a delicate balance between the demand for *personal freedoms* and the need for *public safety*.

Attacks on the police have continued. On July 7, 2016, five police officers were killed in an ambush in Dallas, Texas, while nine other officers were wounded. The shootings happened at the end of what had been a peaceful protest against killings by police.⁷ Ten days later, three law enforcement officers were killed, and another three wounded in Baton Rouge, Louisiana, by a man who went on a shooting rampage that targeted officers on his 29th birthday. Later, a San Antonio 20-year police veteran was shot and killed at a traffic stop in Austin, Texas, and another two officers were killed in an ambush near Des Moines, Iowa.⁸

Although the anti-police movement was embraced by only a relatively small portion of the American population, it not only signified distrust of the police, but also reflected a fundamental sense of injustice about how suspects—especially African Americans—were being treated by the entire justice system. Some saw the protests as releasing pent-up frustration that resulted from a decades-long war on drugs, during which a hugely disproportionate number of young blacks were arrested, and a get-tough-on-crime era that resulted in dramatically overcrowded prisons throughout the country. Whatever the cause, it soon became clear that public acceptance of the justice system's authority is based significantly on the perception of fair and equitable treatment by all of its component agencies.⁹ One of the lessons learned from the events of recent years was that fairness has a wider meaning than ensuring just outcomes and upholding due process (issues that we will later discuss).

As we shall see throughout this text, **procedural fairness**, which is the process by which decisions that *feel* fair are made, is a vital component of our American justice system. When the concept of procedural fairness is applied to the criminal justice system, it is known as **procedural justice**. Procedural justice is crucial to effective criminal justice practices, and helps to ensure the legitimacy of justice organizations and their acceptance by the people they serve.

Finally, it is worth noting that a recent Gallup poll found that Americans' respect for local police had jumped to its highest level since 1967. In that poll, 76% of those interviewed said that they have a "great deal" of respect for police—an increase of 12 percentage points from the year before.¹⁰ Experts attributed the rise to a nationwide "reflection on what the role of police should be and the complex challenges they face."¹¹

A Brief History of Crime in America

What we call *criminal activity* has undoubtedly been with us since the dawn of history, and crime control has long been a primary concern of politicians and government leaders worldwide. Still, the American experience with crime during the last half century has been especially influential in shaping the criminal justice system of today (Figure 1–1). In this country, crime waves have come and gone, including an 1850–1880 crime epidemic that was apparently related to social upheaval caused by large-scale immigration and the Civil War.¹² A spurt of widespread organized criminal activity was associated with

the Prohibition years of the early twentieth century. Following World War II, however, American crime rates remained relatively stable until the 1960s.

The 1960s and 1970s saw a burgeoning concern for the rights of ethnic and racial minorities, women, people with physical and

mental challenges, and many other groups. The civil rights movement of the period emphasized equality of opportunity and respect for individuals, regardless of race, color, creed, gender, or personal attributes. As new laws were passed and suits filed, court involvement in the movement grew. Soon a plethora of hard-won individual rights and prerogatives, based on the U.S. Constitution, the Bill of Rights, and new federal and state legislation, were recognized and guaranteed. By the 1980s, the civil rights movement had profoundly affected all areas of social life—from education and employment to the activities of the criminal justice system.

procedural fairness

The process by which procedures that feel fair to those involved are made.

procedural justice

The implementation of fair and equitable procedures in the administration of justice.

individual rights

The rights guaranteed to all members of American society by the U.S. Constitution (especially those rights found in the first ten amendments to the Constitution, known as the *Bill of Rights*). These rights are particularly important to criminal defendants facing formal processing by the criminal justice system.

FIGURE 1–1
Milestones in Crime History

1850–1880 A crime epidemic spurred by social upheaval brought on by large-scale immigration and the Civil War.

1920–1933 Prohibition spurs the growth of organized crime.

Following World War II, American crime rates remained relatively stable until the 1960s.

1960–1970 The civil rights movement of the period emphasized equality of opportunity and respect for individuals regardless of race, color, creed, gender, or personal attributes. This period also saw a dramatic increase in reported criminal activity.

1970s Reports of crimes such as murder, rape, and assault increased considerably.

1980s By the mid-1980s, the dramatic increase in sale and use of illicit drugs led to increased crime. Large cities became havens for drug gangs and cities experienced dramatic declines in property values and quality of life. President Reagan declared a "war on drugs."

1992 The videotaped beating of Rodney King, an African American, by Los Angeles-area police officers was seen as an example of the abuse of police power.

By the late **1990s**, the public perception was that crime rates were growing and that many offenders went unpunished. This led to a growing emphasis on responsibility and punishment and the development of a "get-tough-on-crime" era.

1

Summarize the history of crime in America and corresponding changes in the American criminal justice system.



2001 A series of terrorist attacks on New York City, Washington, D.C., and elsewhere changed the focus of law enforcement to a proactive and more global approach.

2001 USA PATRIOT Act dramatically increases the investigatory authority of federal, state, and local police agencies.

The incidence of personal crime declined throughout the 1990s.

2009 Bernard Madoff pleads guilty to the largest Ponzi scheme in history. The crimes of Madoff, and widespread suspicions about the activities of Wall Street financiers, led to a number of white-collar crime investigations. White-collar crime came into focus as a serious threat to the American way of life.

2011 FBI most-wanted terrorist Osama Bin Laden was killed by U.S. special operations forces in Pakistan, leading to fears of a renewed terrorist onslaught on American targets throughout the world.

2012–2018 Epidemic of mass shootings and random violence sweeps public venues across the United States.

2019–present Cybercrimes become commonplace and threaten both national security, and corporate and personal financial integrity.

Library of Congress Prints and Photographs Division [LC-DIG-ppmsca-47366]; Everett Collection/SuperStock; Universal Images/SuperStock; Steven Hirsch/Splash News/Newscom; NetPics/Alamy Stock Photo
Source: Pearson Education, Inc.

social disorganization

A condition said to exist when a group is faced with social change, uneven development of culture, maladaptiveness, disharmony, conflict, and lack of consensus.

This emphasis on **individual rights** was accompanied by a dramatic increase in reported criminal activity. Although some researchers doubted the accuracy of official accounts, reports by the FBI of “traditional” crimes such as murder, rape, and assault increased considerably during the 1970s and into the 1980s. Many theories were advanced to explain this leap in observed criminality. Some analysts of American culture, for example, suggested that the combination of newfound freedoms and long-pent-up hostilities of the socially and economically deprived worked to produce **social disorganization**, which in turn increased criminality.

By the mid-1980s, the dramatic increase in the sale and use of illicit drugs threatened the foundation of American society. Cocaine, and later laboratory-processed “crack,” spread to every corner of America. Large cities became havens for drug gangs, and many inner-city areas were all but abandoned to highly armed and well-financed drug racketeers. Cities experienced dramatic declines in property values, and residents wrestled with an eroding quality of life.

By the close of the 1980s, neighborhoods and towns were fighting for their communal lives. Huge rents had been torn in the national social fabric, and the American way of life, long taken for granted, was under the gun. Traditional values appeared in danger of going up in smoke along with the “crack” being consumed openly in some parks and resorts. Looking for a way to stem the tide of increased criminality, many took up the call for “law and order.” In response, President Ronald Reagan created a cabinet-level “drug czar” position to coordinate the “war on drugs.” Careful thought was given at the highest levels to using the military to patrol the sea-lanes and air corridors through which many of the illegal drugs entered the country. President George H. W. Bush, who followed Reagan into office, quickly embraced and expanded the government’s antidrug efforts.

A decade later, a few spectacular crimes that received widespread coverage in the news media fostered a sense among the American public that crime in the United States was out of hand and that strict new measures were needed to combat it. One such crime was the 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City by anti-government extremists. Another was the 1999 Columbine High School massacre in Colorado that left 12 students and 1 teacher dead.¹³

The public’s perception that crime rates were growing, coupled with a belief that offenders frequently went unpunished or received only a judicial slap on the wrist, led to a burgeoning emphasis on responsibility and punishment. By the late 1990s, a newfound emphasis on individual accountability began to blossom among an American public fed up with crime and fearful of its own victimization. Growing calls for enhanced responsibility quickly began to replace the previous emphasis on individual rights. As a juggernaut of conservative opinion made itself felt on the political scene, Senator Phil Gramm of Texas observed that the public wants to “grab violent criminals by the throat, put them in prison [and] stop building prisons like Holiday Inns.”¹⁴

Then, in an event that changed the course of our society, public tragedy became forever joined with private victimization in our collective consciousness after a series of highly destructive and well-coordinated terrorist attacks on New York City and Washington, D.C., on September 11, 2001. Those attacks resulted in the collapse and total destruction of the twin 110-story towers of the World Trade Center and a devastating explosion at the Pentagon. Thousands of people perished, and many were injured. Although law enforcement and security agencies were unable to prevent the September 11 attacks, many have since moved from a reactive to a proactive posture in the fight against terrorism—a change that is discussed in more detail in Chapter 6.

The September 11 attacks also made clear that adequate law enforcement involves a global effort at controlling crime and reducing the risk of injury and loss to law-abiding people both at home and abroad. The attacks showed that criminal incidents that take place on the other side of the globe can impact those of us living in the United States, and they illustrated how the acquisition of skills

By the late 1990s, a newfound emphasis on individual accountability began to blossom among an American public fed up with crime and fearful of its own victimization.

needed to understand diverse cultures can help in the fight against crime and terrorism. As Chapter 2 points out, terrorism is a criminal act, and preventing terrorism and investigating terrorist incidents after they occur are highly important roles for local, state, and federal law enforcement agencies.

A different kind of offending, corporate and white-collar crime, took center stage in 2002 and 2003 as Congress stiffened penalties for unscrupulous business executives who knowingly falsify their company's financial reports.¹⁵ The changes came amidst declining stock market values, shaken investor confidence, and threats to the viability of employee pension plans in the wake of a corporate crime wave involving criminal activities that had been planned and undertaken by executives at a number of leading corporations. In an effort to restore order to American financial markets, President George W. Bush signed the Sarbanes—Oxley Act on July 30, 2002.¹⁶ The law, which has been called “the single most important piece of legislation affecting corporate governance, financial disclosure and the practice of public accounting since the US securities laws of the early 1930s,”¹⁷ is intended to deter corporate fraud and to hold business executives accountable for their actions.

Today, white-collar crime continues to be a focus of federal prosecutors. In 2017, for example, Volkswagen AG pled guilty to three criminal felony counts and agreed to pay \$4.3 billion in criminal and civil penalties. The company had used software in some of its cars that was designed to improve exhaust emissions tests. VW executives were accused of perpetrating a massive fraud, and the U.S. Justice Department filed a civil lawsuit asking for as much as \$18 billion in compensation from the company. In addition, a federal grand jury returned an indictment charging six VW executives and employees for their roles in the nearly 10-year-long conspiracy.¹⁸

Also, in a 2009 story that many readers will remember, investment fund manager Bernard Madoff pleaded guilty to operating a Ponzi scheme that defrauded investors out of as much as \$50 billion.¹⁹ Madoff pleaded guilty to 11 felony counts, including securities fraud, mail fraud, wire fraud, money laundering, and perjury. Following the plea, he was sentenced to serve 150 years in federal prison—three times as long as federal probation officers had recommended.²⁰ White-collar crime is discussed in more detail in Chapter 2.

The current era is characterized by low and declining rates of “traditional” crimes, such as rape, robbery, and burglary (see Chapter 2 for more details), but the specter of random mass shootings, a high number of inner-city murders, and novel forms of criminal activity complicates today's crime picture. In 2018, for example, many American cities reported more murders than at any time in their history. Similarly, as Chapter 2 explains in greater detail, many other types of crimes today are Internet-based or involve other forms of high technology.



▲ Freedom Tower at the World Trade Center site in New York City. The tower opened in 2014. It stands 1,776 feet tall and will be surrounded by several other buildings. It is a memorial to the nearly 3,000 people who were killed in the terrorist attacks that demolished the Twin Towers in 2001. How did those attacks change the American justice system?

Life In Pixels/Shutterstock

🐦 Follow the author's tweets about the latest crime and justice news @schmalleger



◀ A scene from a computer game. Crimes today have undergone a significant change, with computer-related and high-technology offenses impacting more Americans than ever before. Is the justice system ready for these new challenges?

Game Shots/Alamy Stock Photo

Follow the author's tweets about the latest crime and justice news @schmallegger

Criminal perpetrators who illegally gain access to digital information (and money, including Bitcoins and other virtual currencies) through social media or Internet-based transactions are responsible for a significant level of criminal activity in the virtual world. Such crimes can have very significant impact on real people. Moreover, crimes committed through the medium of cyberspace frequently remain undiscovered, or are found out only with the passage of time. If we were to examine all forms of crime, we would find that crimes today have undergone a significant shift away from historical forms of offending to more innovative schemes involving computers and other digital devices. A 2018 article in the *New York Times* summarizes the situation well, saying, “the Internet’s virtual superhighways have supplanted brick-and-mortar streets as the scenes for muggings, prostitution rings or commercial burglaries. . . . A surge in the evolving crimes of the digital era, and the fact that they are not fully captured in law enforcement’s reporting systems” leads to a misperception of today’s true crime picture.²¹

2

Describe the public-order (crime-control) and individual-rights (due-process) perspectives of criminal justice, concluding with how the criminal justice system balances the two perspectives.

The Theme of This Book

This book examines the American system of criminal justice and the agencies and processes that constitute it. It builds on a theme that is especially valuable for studying criminal justice today: *individual rights versus public order*. This theme draws on historical developments that have shaped our legal system and our understandings of crime and justice. It is one of the primary determinants of the nature of contemporary criminal justice—including criminal law, police practice, sentencing, and corrections.

A strong emphasis on individual rights rose to the forefront of American social thought during the 1960s and 1970s, a period known as the *civil rights era*. The civil rights era led to the recognition of fundamental personal rights that had previously been denied illegally to many people on the basis of race, ethnicity, gender, sexual preference, or disability. The civil rights movement soon expanded to include the rights of many other groups, including criminal suspects, parolees and probationers, trial participants, prison and jail inmates, and victims. As the emphasis on civil rights grew, new laws and court decisions broadened the rights available to many.

The treatment of criminal suspects was afforded special attention by those who argued that the purpose of any civilized society should be to secure rights and freedoms for each of its citizens—including those suspected and convicted of crimes. Rights advocates feared unnecessarily restrictive government action and viewed it as an assault on basic human dignity and individual liberty. They believed that at times it was necessary to sacrifice some degree of public safety and predictability to guarantee basic freedoms. Hence, criminal rights activists demanded a justice system that limits police powers and that holds justice agencies accountable to the highest procedural standards.

During the 1960s and 1970s, the dominant philosophy in American criminal justice focused on guaranteeing the rights of criminal defendants while seeking to understand the root causes of crime and violence. The past 30 years, however, have witnessed increased interest in an ordered society, in public safety, and in the rights of crime victims. This change in attitudes was likely brought about by national frustration with the perceived inability of our society and its justice system to prevent crimes and to consistently hold offenders to heartfelt standards of right and wrong. Increased conservatism in the public-policy arena was given new life by the September 11, 2001, terrorist attacks and by widely publicized instances of sexual offenses targeting children. It continues to be sustained by the many stories of violent victimization, such as random mass shootings, that seem to be the current mainstay of the American media.

By the start of the twenty-first century, public opinion had shifted away from seeing the criminal as an unfortunate victim of poor social and personal circumstances who is inherently protected by fundamental human and constitutional rights to seeing him or her as a dangerous social predator who usurps the rights and privileges of law-abiding citizens. Reflecting the “get-tough-on-crime” attitudes of recent times, many Americans demand to know how offenders can better be held accountable for violating the criminal law. In late 2010, for example,

By the start of the twenty-first century, public opinion had shifted away from seeing the criminal as an unfortunate victim of poor social and personal circumstances who is inherently protected by fundamental human and constitutional rights to seeing him or her as a dangerous social predator who usurps the rights and privileges of law-abiding citizens.

Freedom or Safety? You Decide

Clarence Thomas Says: “Freedom Means Responsibility”

In 2009, U.S. Supreme Court Justice Clarence Thomas spoke to a group of high school essay contest winners in a Washington, D.C., hotel ballroom. Thomas used the occasion, which was dedicated to our nation's Bill of Rights, to point out the importance of obligations as well as rights. “Today there is much focus on our rights,” said Thomas. “Indeed, I think there is a proliferation of rights.” But then he went on to say, “I am often surprised by the virtual nobility that seems to be accorded those with grievances. Shouldn't there at least be equal time for our Bill of Obligations and our Bill of Responsibilities?”

The challenge for the criminal justice system today, it seems, is to balance individual rights and personal freedoms with social control and respect for legitimate authority. Years ago, during the height of what was then a powerful movement to win back control of our nation's cities and to rein in skyrocketing crime rates, the *New York Post* sponsored a conference on crime and civil rights. The keynote speaker at that conference was the mayor of New York, Rudolph W. Giuliani. In his speech, Giuliani, who sought the Republican nomination as a presidential candidate in 2008, identified the tension between personal freedoms and individual responsibilities as the crux of the crime problem then facing his city and the nation. We mistakenly look to government and

elected officials, Giuliani said, to assume responsibility for solving the problem of crime when, instead, each individual citizen must become accountable for fixing what is wrong with our society. “We only see the oppressive side of authority. . . . What we don't see is that freedom is not a concept in which people can do anything they want, be anything they can be. Freedom is about authority. Freedom is about the willingness of every single human being to cede to lawful authority a great deal of discretion about what you do.”

YOU DECIDE

How can we, as suggested by Justice Thomas, achieve a balance of rights and obligations in American society? What did Giuliani mean when he said, “What we don't see is that freedom is not a concept in which people can do anything they want, be anything they can be”? Is it possible to balance individual rights and personal freedoms with social control and respect for legitimate authority?

References: Adam Liptak, “Reticent Justice Opens up to a Group of Students,” *New York Times*, April 13, 2009, <http://www.nytimes.com/2009/04/14/us/14bar.html> (accessed June 2, 2018); and Philip Taylor, “Civil Libertarians: Giuliani's Efforts Threaten First Amendment,” *Freedom Forum Online*, <http://www.freedomforum.org>.

California state senators unanimously passed Chelsea's Law, a bill intended to increase prison sentences and extend parole terms for offenders who commit sex crimes against minors. The bill, named after 17-year-old Chelsea King, who was raped and murdered by a convicted sex offender earlier in 2010, was signed into law by the state's governor soon after it passed the legislature.²² Even in an era of difficult budgetary challenges, a number of states are continuing to extend prison sentences for sex offenders, restrict where released sex offenders can live, and improve public notification of their whereabouts.²³

Although today's financial constraints, soaring imprisonment rates, and social concerns like those identified in the story that opens this chapter have tempered the zeal of legislators to expand criminal punishments, the tension between individual rights and social responsibility still forms the basis for most policymaking activity in the criminal justice arena. Those who fight for individual rights continue to carry the banner of civil and criminal rights for the accused and the convicted, while public-order activists proclaim the rights of the victimized and call for an increased emphasis on social responsibility and criminal punishment for convicted criminals. In keeping with these realizations, the theme of this book can be stated as follows:

There is widespread recognition in contemporary society of the need to balance (1) the freedoms and privileges of our nation's citizens and the respect accorded the rights of individuals faced with criminal prosecution against (2) the valid interests that society has in preventing future crimes, in maintaining public safety, and in reducing the harm caused by criminal activity. While the personal freedoms guaranteed to law-abiding citizens as well as to criminal suspects by the Constitution, as interpreted by the U.S. Supreme Court, must be closely guarded, the urgent social needs of communities for controlling unacceptable behavior and protecting law-abiding citizens from harm must be recognized. Still to be adequately addressed are the needs and interests of victims and the fear of crime and personal victimization often prevalent in the minds of many law-abiding citizens. It is important to recognize, however, that the drama between individual rights and public safety advocates now plays out in a tenuous economic environment characterized by financial constraints and a concern with effective public policy.

Figure 1–2 represents our theme and shows that most people today who intelligently consider the criminal justice system assume one of two viewpoints. We will refer to those

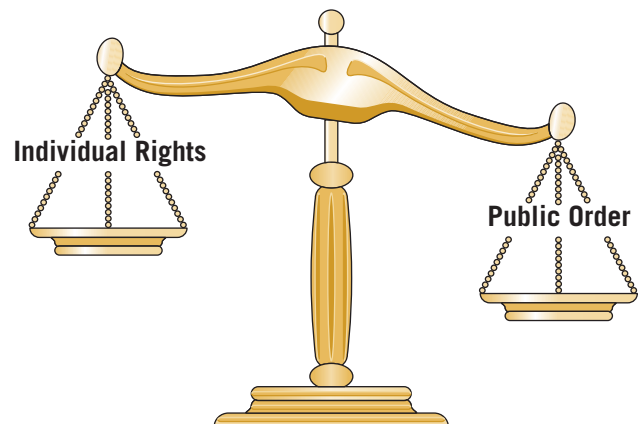


FIGURE 1–2
The Theme of This Book

Note: Balancing the concern for individual rights with the need for public order through the administration of criminal justice is the theme of this book.

individual-rights advocate

One who seeks to protect personal freedoms within the process of criminal justice.



▲ Demonstrators protest a 2017 executive order by President Donald Trump that banned refugees from certain Middle Eastern countries from entering the United States for 90 days. The White House argued that the order was necessary to ensure national security; protestors claimed that it violated the spirit of a free America. How can the balance between individual rights and public safety be guaranteed?

Albin Lohr-Jones/Pacific Press/Alamy Stock Photo

social order

The condition of a society characterized by social integration, consensus, smooth functioning, and lack of interpersonal and institutional conflict. Also, a lack of social disorganization.

public-order advocate

One who believes that under certain circumstances involving a criminal threat to public safety, the interests of society should take precedence over individual rights.

who seek to protect personal freedoms and civil rights within society, and especially within the criminal justice process, as **individual-rights advocates**. Those who suggest that, under certain circumstances involving criminal threats to public safety, the interests of society (especially crime control and **social order**) should take precedence over individual rights will be called **public-order advocates**. Recently, retired U.S. Supreme Court Justice Sandra Day O'Connor summed up the differences between these two perspectives by asking, "At what point does the cost to civil liberties from legislation designed to prevent terrorism [and crime] outweigh the added security that the legislation provides?"²⁴ We seek to look at ways in which the individual-rights and public-order perspectives can be balanced to serve both sets of needs. Hence, you will find our theme discussed throughout this text and within "Freedom or Safety?" boxes.

Criminal Justice and Basic Fairness

In a 1967 speech that Martin Luther King, Jr., made before the Southern Christian Leadership Conference, he said, "The arc of the moral universe is long; but it bends toward justice."²⁵

There is no denying that the word *justice* is powerful, and speaks to all Americans. The reality, however, is that *justice* is an elusive term. Although most listeners came away inspired that night, few who heard the 1967 speech knew exactly what justice might mean and what form it might eventually take. Even to those living within the same society, *justice* means different things. And just as *justice* can be an ambiguous term for politicians, it is not always clear how justice can be achieved in the criminal justice system. For example, is "justice for all" a reasonable expectation of today's—or tomorrow's—system of criminal justice? The answer is unclear because individual interests and social needs often diverge. From the perspective of a society

3

Explain the relationship of criminal justice to general concepts of equity and fairness.

The arc of the moral universe is long, but it bends towards justice.

—Martin Luther King, Jr.
(1929–1968)

or an entire nation, justice can look very different than it does from the perspective of an individual or a small group of people. Because of this dilemma, we now turn our attention to the nature of justice.

British philosopher and statesman Benjamin Disraeli (1804–1881) defined **justice** as “truth in action,” and noted that it also encompasses the principle of moral rightness. A popular dictionary defines it as “conformity to truth, fact, or reason.”²⁶ **Social justice** is a concept that embraces all aspects of civilized life. It is linked to notions of fairness and to cultural beliefs about right and wrong. Questions of social justice can arise about relationships between individuals, between parties (such as corporations and agencies of government), between the rich and the poor, between the sexes, between ethnic groups and minorities—between social connections of all sorts. In the abstract, the concept of social justice embodies the highest personal and cultural ideals.

Civil justice, one component of social justice, concerns itself with fairness in relationships between citizens, government agencies, and businesses in private matters, such as those involving contractual obligations, business dealings, hiring, and equality of treatment. **Criminal justice**, on the other hand, refers to the aspects of social justice that concern violations of the criminal law. As mentioned earlier, community interests in the criminal justice sphere demand the apprehension and punishment of law violators. At the same time, criminal justice ideals extend to the protection of the innocent, the fair treatment of offenders, and fair play by the agencies of law enforcement, including courts and correctional institutions.

Criminal justice, ideally speaking, is “truth in action” within the process that we call the **administration of justice**. It is therefore vital to remember that justice, in the truest and most satisfying sense of the word, is the ultimate goal of criminal justice—and of the day-to-day practices and challenges that characterize the American criminal justice system. Reality, unfortunately, typically falls short of the ideal and is severely complicated by the fact that justice seems to wear different guises when viewed from diverse vantage points. To some people, the criminal justice system and criminal justice agencies often seem biased in favor of the powerful. The laws they enforce seem to emanate more from well-financed, organized, and vocal interest groups than they do from any idealized sense of social justice. As a consequence, disenfranchised groups, those who do not feel as though they share in the political and economic power of society, are often wary of the agencies of justice, seeing them more as enemies than as benefactors.

On the other hand, justice practitioners, including police officers, prosecutors, judges, and corrections officials, frequently complain that their efforts to uphold the law garner unfair public criticism. The realities of law enforcement and of “doing justice,” they say, are often overlooked by critics of the system who have little experience in dealing with offenders and victims. We must recognize, practitioners often tell us, that those accused of violating the criminal law face an elaborate process built around numerous legislative, administrative, and organizational concerns. Viewed realistically, although the criminal justice process can be fine-tuned to take into consideration the interests of ever-larger numbers of people, it rarely pleases everyone. The outcome of the criminal justice process in any particular case is a social product, and like any product that is the result of group effort, it must inevitably be a patchwork quilt of human emotions, reasoning, and concerns.

Whichever side we choose in the ongoing debate over the nature and quality of criminal justice in America, it is vital that we recognize the plethora of pragmatic issues involved in the administration of justice while also keeping a clear focus on the justice ideal.²⁷ Was justice done, for example, in the 2005 criminal trial of pop music superstar Michael Jackson on charges of child molestation, or after Jackson’s death in the 2011 trial of his personal physician, Conrad Murray? Was justice served in the case of Casey Anthony, who authorities say killed her young daughter; or in the case of Jody Arias or George Zimmerman? Similarly, we might ask whether justice was done in the 2014 trial (and 2017 resentencing) of Oscar Pistorius, the South African Paralympic athlete known as the “Blade Runner,” who was convicted of the shooting death of his model girlfriend, Reeva Steenkamp.²⁸ While answers to such questions may reveal a great deal about the American criminal justice system, they also have much to say about the perspectives of those who provide them.

justice

The principle of fairness; the ideal of moral equity.

social justice

An ideal that embraces all aspects of civilized life and that is linked to fundamental notions of fairness and to cultural beliefs about right and wrong.

civil justice


The civil law, the law of civil procedure, and the array of procedures and activities having to do with private rights and remedies sought by civil action. Civil justice cannot be separated from social justice because the justice enacted in our nation’s civil courts reflects basic American understandings of right and wrong.

criminal justice

In the strictest sense, the criminal (penal) law, the law of criminal procedure, and the array of procedures and activities having to do with the enforcement of this body of law. Criminal justice cannot be separated from social justice because the justice enacted in our nation’s criminal courts reflects basic American understandings of right and wrong.

administration of justice

The performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders.ⁱⁱ

 Follow the author’s tweets about the latest crime and justice news @schmalleger

American Criminal Justice: System and Functions

The Consensus Model

criminal justice system

The aggregate of all operating and administrative or technical support agencies that perform criminal justice functions. The basic divisions of the operational aspects of criminal justice are law enforcement, courts, and corrections.

consensus model

A criminal justice perspective that assumes that the system's components work together harmoniously to achieve the social product we call *justice*.

We have been discussing a **criminal justice system**²⁹ consisting of the component agencies of police, courts, and corrections. Each of these components can, in turn, be described in terms of its functions and purpose (Figure 1–3).

The systems perspective on criminal justice is characterized primarily by its assumption that the various parts of the justice system work together by design to achieve the wider purpose we have been calling *justice*. Hence, the systems perspective on criminal justice generally encompasses a point of view called the **consensus model**. The consensus model assumes that each of the component parts of the criminal justice system strives toward a common goal and that the movement of cases and people through the system is smooth because of cooperation between the various components of the system.

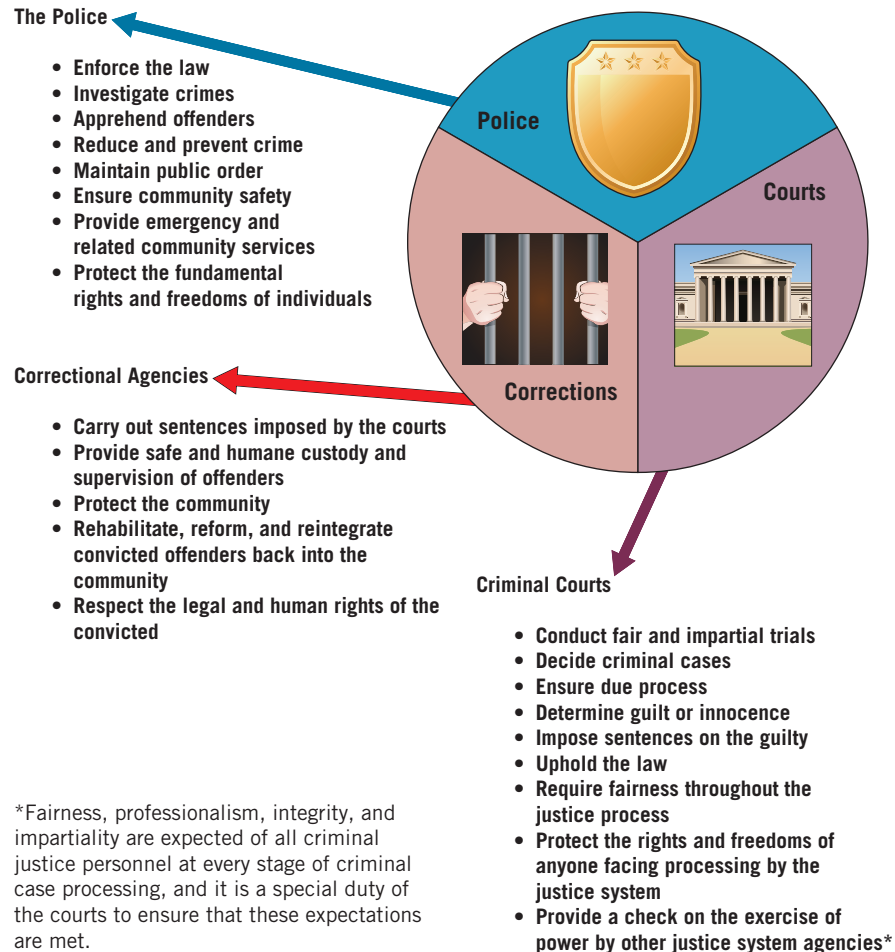
The systems model of criminal justice is more an analytic tool than a reality, however. An analytic model, whether in the hard sciences or in the social sciences, is simply a convention chosen for its explanatory power. By explaining the actions of criminal justice officials—such as arrest, prosecution, and sentencing—as though they were systematically related, we are able to envision a fairly smooth and predictable process.

The systems model has been criticized for implying a greater level of organization and cooperation among the various agencies of justice than actually exists. The word *system* calls to mind a near-perfect form of social organization. People today associate the idea of a system with machine-like precision in which the problems of wasted effort, redundancy, and

4

Describe the American criminal justice system in terms of its three major components and their respective functions.

FIGURE 1–3
The Core Components of the American Criminal Justice System and Their Functions



conflicting actions are quickly corrected. In practice, the justice system has nowhere near this level of perfection, and the systems model is admittedly an oversimplification. Conflicts among and within agencies are rife; individual actors within the system often do not share immediate goals; and the system may move in different directions depending on political currents, informal arrangements, and personal discretion.

Follow the author's tweets about the latest crime and justice news @schmallegger

CJ News

Surveillance Technology Has Been Blanketing the Nation since 9/11



▲ A Chicago Police Department surveillance camera system and microphone unit positioned high above the street. This surveillance system includes a camera, high-bandwidth wireless communication, a strobe light, and a gunshot-recognition system, all in a bulletproof enclosure. The city is installing the surveillance system to spot crimes and terrorist activity. Do such units infringe on the personal freedoms of Chicago residents?

Charles Rex Arbogast/AP Images

In the book *1984*, written more than 60 years ago, George Orwell envisioned a totalitarian regime that created an extensive surveillance network to monitor people's every move. Today, in the wake of the terrorist attacks of September 11, 2001, America has built a surveillance network that rivals that of *1984*, but without a totalitarian regime involved.

A decade after 9/11, there were an estimated 30 million surveillance cameras in the United States, says IMS Research. U.S. law enforcement is also implementing facial recognition technology, license plate readers, and gunfire alert systems. These developments prompted Jay Stanley of the American Civil Liberties Union to warn that the nation is heading toward "a total surveillance society in which your every move, your every transaction, is duly registered and recorded by some computer."

Most Americans, however, are not alarmed and actually welcome the trend. An ABC News/*Washington Post* poll showed that 71% of respondents favored increased video surveillance. In addition, courts have indicated that surveillance cameras, placed in plain view in public spaces, do not violate the Fourth Amendment, which bars governments from conducting unreasonable searches or seizures.

Technology has come a long way since surveillance cameras took small, grainy photos of two 9/11 hijackers boarding their plane at Boston's Logan Airport. Today's cameras collect and store images with many more pixels of information, making it possible to enlarge photographs and capture previously undetected details.

In 2003, the city of Chicago began building what has become one of the most extensive surveillance systems in the United

States, with 2,000 cameras operated by the police department and central monitoring over additional cameras operated by the transit system, school system, and private entities.

A recent study by the Urban Institute examining the use of surveillance cameras in three Chicago neighborhoods found they reduced crime in two of the neighborhoods. In the Humboldt Park neighborhood, for example, drug-related offenses and robberies fell by nearly 33% and violent crime declined by 20%.

Chicago has spent more than \$60 million on its video surveillance network. Although that cost was supplemented by federal Homeland Security grants, such systems have high maintenance costs and compete for scarce tax dollars with other law enforcement activities, such as patrolling. The Urban Institute, however, found that Chicago saved \$4.30 for every dollar spent on cameras in Humboldt Park.

Chicago uses wireless cameras mounted on poles with a "pan-tilt-zoom" technology that allows operators to follow subjects and focus in on them. Officers can do this manually, but as images proliferate, law enforcement has been increasingly turning to video analytic software that can sort through thousands of pictures to look for a specific image. This involves use of sophisticated software that recognizes faces or specific shapes and colors. The same technology is also used for scanners that read license plates and automatically check the number through a direct feed with state car license databases.

Police departments across the country are also implementing new sound-wave technology to monitor gunshots. This type of system, the best known of which is Shotspotter™, requires installing sensors throughout the city that can triangulate sound waves and identify the location of the gunshot within 5 yards. The Boston Police Department spent about \$1.5 million to install gunshot detection systems and spends \$150,000 to \$175,000 in annual maintenance fees. The city of Chicago, following the recent increase in street shootings there, is expanding its existing Shotspotter program to cover 14 square miles (up from 3 square miles), and will match information from gunshot sensors to real-time camera feeds, 9-1-1 transcripts, and arrest records. Soon, the system will be able to brighten street lights immediately after gunfire is detected.

The effectiveness of gunfire alert systems has not been independently studied. According to the manufacturer, about one-third of reports are false alarms involving backfiring cars, construction, and other urban noises. But one definite advantage is that gunshot reports arrive in 1 to 2 minutes faster than 9-1-1 calls, bringing officers to the scene more quickly. And sometimes the systems pick up gunshots that were never called in.

REFERENCES

- Ann Givens, "The Chicago PD's Top Tech Officer Is Betting on Sensors and Smartphones to Help Curb Shootings," *The Trace*, January 25, 2017, <https://www.thetrace.org/2017/01/chicago-homicide-rate-shotspotter-curb-shootings> (accessed March 20, 2017).
- Delores Handy, "Surveillance Technology Helps Boston Police Find Location of Gunfire," *WBUR*, December 23, 2011, <http://www.wbur.org/2011/12/23/shotspotter>.
- "Surveillance Cameras Cost-Effective Tools for Cutting Crime, 3-Year Study Concludes," Urban Institute, September 19, 2011, <http://www.urban.org/publications/901450.html>.

FIGURE 1–4
The American Criminal
Justice Process

Investigation ▶

After a crime has been discovered, evidence is gathered and follow-up investigations attempt to reconstruct the sequence of activities leading up to and including the criminal event. Efforts to identify suspects are initiated.

Warrant ▶

An arrest warrant issued by a judge provides the legal basis for an apprehension of suspects by police.

Arrest ▶

In an arrest, a person is taken into custody, limiting the arrestee's freedom. Arrest is a serious step in the process of justice. During arrest and before questioning, defendants are usually advised of their constitutional rights, or Miranda rights.



Booking ▶

Following arrest, suspects are booked. Booking is an administrative procedure where pictures, fingerprints, and personal information are obtained. A record of the events leading up to and including the arrest is created. In some jurisdictions, DNA evidence may be collected from arrestees.

conflict model

A criminal justice perspective that assumes that the system's components function primarily to serve their own interests. According to this theoretical framework, justice is more a product of conflicts among agencies within the system than it is the result of cooperation among component agencies.

The Conflict Model

The **conflict model** provides another approach to the study of American criminal justice. The conflict model says that the interests of criminal justice agencies tend to make actors within the system self-serving. According to this model, the goals of individual agencies often conflict, and pressures for success, promotion, pay increases, and general accountability fragment the efforts of the system as a whole, leading to a criminal justice *nonsystem*.³⁰

A classic study of clearance rates by criminologist Jerome H. Skolnick provides support for the idea of a criminal justice nonsystem.³¹ Clearance rates are a measure of crimes solved by the police. The more crimes the police can show they have solved, the better they look to the public they serve. Skolnick discovered an instance in which a burglar was caught red-handed during the commission of a burglary. After his arrest, the police suggested that he confess to many unsolved burglaries that they knew he had not committed. In effect they said, "Help us out, and we will try to help you out." The burglar did confess—to more than 400 other burglaries. Following the confession, the police were satisfied because they could say they had "solved" many burglaries, and the suspect was pleased as well because the police and the prosecutor agreed to speak on his behalf before the judge.

Both models have something to tell us. Agencies of justice with a diversity of functions (police, courts, and corrections) and at all levels (federal, state, and local) are linked closely enough for the term *system* to be meaningfully applied to them. On the other hand, the very size of the criminal justice undertaking makes effective cooperation between component agencies difficult. The police, for example, have an interest in seeing offenders put behind bars. Prison officials, on the other hand, are often working with extremely overcrowded facilities. They may favor early release programs for certain categories of offenders, such as those judged to be nonviolent. Who wins out in the long run might just be a matter of internal politics and quasi-official wrangling. Everyone should be concerned, however, when the goal of justice is affected, and sometimes even sacrificed, because of conflicts within the system.

American Criminal Justice: The Process

Whether part of a system or a nonsystem, the agencies of criminal justice must process the cases that come before them. An analysis of criminal justice case processing provides both a useful guide to this book and a "road map" to the criminal justice system itself. Figure 1–4

illustrates the processing of a criminal case through the federal justice system, beginning with the investigation of reported crimes. The process in most state systems is similar. Learn more about the criminal justice process at <https://www.justicestudies.com/pubs/perspectives.pdf>.

5

Describe the process of American criminal justice, including the stages of criminal case processing.

The stages illustrated in Figure 1–4 are discussed in detail at various places throughout this book. Chapter 5, "Policing: Legal Aspects," discusses investigation and arrest. All aspects of the first appearance and arraignment, including bail bonds and possible pretrial release, are discussed in Chapter 7, "The Courts." The criminal trial and its participants are described fully in Chapter 8, "The Courtroom Work Group and the Criminal Trial."

First Appearance

Within hours of arrest, suspects must be brought before a magistrate (a judicial officer) for a first (or initial) appearance. The judge will tell them of the charges against them, will advise them of their rights, and may provide the opportunity for bail.

Preliminary Hearing

The purpose of a preliminary hearing is to establish whether sufficient evidence exists against a person to continue the justice process. At the preliminary hearing, the hearing judge will seek to determine whether there is probable cause. The process provides the prosecutor with an opportunity to test the strength of the evidence.

Information or Indictment

In some states, the prosecutor may seek to continue the case against a defendant by filing an “information” with the court. Other states require an indictment be returned by a grand jury. The grand jury hears evidence presented by the prosecutor and decides whether the case should go to trial.

Arraignment

At arraignment, the accused stands before a judge and hears the information or indictment against him or her. Defendants are again notified of their rights and asked to enter a plea. Please include not guilty, guilty, and no contest. No contest may result in a conviction but cannot be used in trial as an admission of guilt.



FIGURE 1–4

The American Criminal Justice Process (continued)

Chapter 9, “Sentencing,” outlines modern sentencing practices and describes the many modern alternatives to imprisonment. Chapter 10, “Probation, Parole, and Community Corrections,” deals with the practice of probation and parole and with the issues surrounding it. Chapter 11, “Prisons and Jails,” discusses the philosophy behind imprisonment, and Chapter 12, “Prison Life,” portrays life on the inside and delineates the social structures that develop in response to the pains of imprisonment. For a critical look at the justice system, visit <http://www.360degrees.org>.

Due Process and Individual Rights

The U.S. Constitution requires that criminal justice case processing be conducted with fairness and equity; this requirement is referred to as **due process**, which, simply put, means procedural fairness.³² It recognizes the individual rights of criminal defendants facing prosecution by a state or the federal government. Under the due-process standard, rights violations may become the basis for the dismissal of evidence or of criminal

6

Define due process of law, including where the American legal system guarantees due process.

charges, especially at the appellate level. Table 1–1 outlines the basic rights to which defendants in criminal proceedings are generally entitled.

Due process underlies the first ten amendments to the Constitution, which are collectively known as the *Bill of Rights*. It is specifically guaranteed by the Fourth, Fifth, Sixth, and Fourteenth Amendments and is succinctly stated in the Fifth, which reads, “No person shall be . . . deprived of life, liberty, or property, without due process of law.” The Fourteenth Amendment makes due process binding on the states; that is, it requires individual states to respect the due-process rights of U.S. citizens who come under their jurisdiction.

The courts, and specifically the U.S. Supreme Court, have interpreted and clarified the guarantees of the Bill of Rights. The due-process standard was set in the 1960s by the Warren Court (1953–1969), following a number of far-reaching Supreme Court decisions that affected criminal procedure. Led by Chief Justice Earl Warren, the Warren Court is remembered for its concern with protecting the innocent against the massive power of the state in criminal proceedings.³³ As a result of its tireless efforts to institutionalize the Bill of Rights, the daily practice of modern American criminal justice is now set squarely upon the due-process standard.



▲ Canadian singer Justin Bieber’s mug shot. Bieber, 19, was arrested in Miami Beach, Florida, on January 23, 2014, and charged with speeding in a yellow Lamborghini, driving with an expired license, and driving under the influence of alcohol, marijuana, and prescription drugs. The justice system comprises three major sub-components: police, courts, and corrections. The justice process starts when a crime has been committed and a perpetrator arrested.

David Bro/ZUMA Press, Inc./Alamy Stock Photo

The Role of the Courts in Defining Rights

Although the Constitution deals with many issues, what we have been calling *rights* are open to interpretation. Many modern rights, although written into the Constitution, would not exist in practice were it not for the fact that the U.S. Supreme Court decided, at some point in history, to recognize them in cases brought before it. In the well-known case of *Gideon v. Wainwright* (1963),³⁴ for example, the Supreme Court embraced the Sixth Amendment guarantee of a

Adjudication

A criminal trial may be held, or the defendant may decide to enter a guilty plea. A criminal trial involves an adversarial process that pits the prosecution against the defense. In most trials, a jury hears the evidence and decides issues of guilt or innocence, while the judge ensures the fairness of the proceedings.

Sentencing

After the person has been convicted, it is up to the judge to determine the punishment. Prior to sentencing, a sentencing hearing is sometimes held in which attorneys for both sides can present information to influence the judge's decision.

Corrections

The corrections period begins following sentencing. Corrections involves a variety of sentences that can be imposed on a defendant.

**Reentry**

Not everyone who has been convicted of a crime goes to prison. Probation imposes requirements or restrictions upon offenders. Offenders are required to check in with a probation officer on a regular basis.

Similarly, after a defendant has served a portion of his or her prison term he or she may be freed on parole. Like probation, parole may come with obligations and requires the offender to check in with a parole officer.

Photo sources (from top): Dave King/Dorling Kindersley Ltd.; Gibsons/Shutterstock; Marc Dietrich/Shutterstock

FIGURE 1-4

The American Criminal Justice Process (continued)**TABLE 1-1****Individual Rights Guaranteed by the Bill of Rights^a**

- A right to be assumed innocent until proven guilty
- A right against unreasonable searches of person and place of residence
- A right against arrest without probable cause
- A right against unreasonable seizure of personal property
- A right against self-incrimination
- A right to fair questioning by the police
- A right to protection from physical harm throughout the justice process
- A right to an attorney
- A right to trial by jury
- A right to know the charges
- A right to cross-examine prosecution witnesses
- A right to speak and present witnesses
- A right not to be tried twice for the same crime
- A right against cruel or unusual punishment
- A right to due process
- A right to a speedy trial
- A right to assistance of counsel in criminal proceedings
- A right against excessive bail
- A right against excessive fines
- A right to be treated the same as others, regardless of race, sex, religious preference, and other personal attributes

^aKnow Your Rights, A guide to the United States Constitution, as interpreted by the U.S. Supreme Court.

due process

A right guaranteed by the Fourth, Fifth, Sixth, and Fourteenth Amendments of the U.S. Constitution and generally understood, in legal contexts, to mean the due course of legal proceedings according to the rules and forms established for the protection of individual rights. In criminal proceedings, due process of law is generally understood to include the following basic elements: a law creating and defining the offense, an impartial tribunal having jurisdictional authority over the case, accusation in proper form, notice and opportunity to defend, trial according to established procedure, and discharge from all restraints or obligations unless convicted.

crime-control model

A criminal justice perspective that emphasizes the efficient arrest and conviction of criminal offenders.

right to a lawyer for all criminal defendants and mandated that states provide lawyers for defendants who are unable to pay for them. Before *Gideon*, court-appointed attorneys for defendants unable to afford their own counsel were practically unknown, except in capital cases and in some federal courts. After the *Gideon* decision, court-appointed counsel became commonplace, and measures were instituted in jurisdictions across the nation to select attorneys fairly for indigent defendants. It is important to note, however, that although the Sixth Amendment specifically says, among other things, that “in all criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his defence,” it does not say, in so many words, that the state is *required* to provide counsel. It is the U.S. Supreme Court interpreting the Constitution that has said that.

The U.S. Supreme Court is very powerful, and its decisions often have far-reaching consequences. The decisions rendered by the justices in cases like *Gideon* become, in effect, the law of the land. For all practical purposes, such decisions often carry as much weight as legislative action. For this reason, we speak of “judge-made law” (rather than legislated law) in describing judicial precedents that affect the process of justice.

Rights that have been recognized by court decisions are subject to continual refinement, and although the process of change is usually very slow, new interpretations may broaden or narrow the scope of applicability accorded to constitutional guarantees.

The Ultimate Goal: Crime Control through Due Process

Two primary goals were identified in our discussion of this book's theme: (1) the need to enforce the law and to maintain public order and (2) the need to protect individuals from injustice, especially at the hands of the criminal justice system. The first of these principles values the efficient arrest and conviction of criminal offenders. It is often referred to as the **crime-control model** of justice. The crime-control model was first brought to the attention of the academic community in Stanford University law professor Herbert Packer's cogent analysis of the state of criminal justice in the late 1960s.³⁵ For that reason, it is sometimes referred to as *Packer's crime-control model*.

The second principle is called the **due-process model** because of its emphasis on individual rights. Due process is intended to ensure that innocent people are not convicted

CJ Exhibit Sentinel Events

The National Institute of Justice (NIJ), an arm of the U.S. Department of Justice, recently unveiled a new framework for improving the criminal justice system, and for keeping it true to the ideal of justice that underpins it. That framework is built around the concept of a **sentinel event**, or problematic justice system outcomes, whose study could benefit from an evidence-based (or scientific) approach. The evidence-based approach to criminal justice is discussed in this chapter. NIJ defines sentinel event as “a bad outcome that no one wants repeated and that signals the existence

of underlying weaknesses in the system.” Sentinel events are especially significant because they can lead to the public’s loss of confidence in the system, and because of the perceived injustices that they create.

Read the entire report on sentinel event reviews at <https://justicestudies.com/pubs/sentinel.pdf>.

Source: *Mending Justice: Sentinel Event Reviews* (Washington, D.C.: National Institute of Justice, 2014).

of crimes; it is a fundamental part of American criminal justice. It requires a careful and informed consideration of the facts of each individual case. Under the due-process model, police are required to recognize the rights of suspects during arrest, questioning, and handling. Similarly, prosecutors and judges must recognize constitutional and other guarantees during trial and the presentation of evidence.

The dual goals of crime control and due process are often assumed to be opposing goals. Indeed, some critics of American criminal justice argue that the practice of justice is too often concerned with crime control at the expense of due process. Other analysts of the American scene maintain that our type of justice coddles offenders and does too little to protect the innocent. Although it is impossible to avoid ideological conflicts like these, we can think of the American system of justice as representative of *crime control through due process*—that is, as a system of **social control** that is fair to those whom it processes. This model of *law enforcement infused with the recognition of individual rights* provides a workable conceptual framework for understanding the American system of criminal justice.

For intriguing in-depth coverage of crime and justice in America today, as seen through the eyes of victims, offenders, and professional justice system participants, see <https://www.newyorker.com/news/news-desk/we-are-witnesses-portrait-of-crime-and-punishment-in-america-today>. The same videos can also be accessed at <https://www.themarshallproject.org/witnesses>.

due-process model

A criminal justice perspective that emphasizes individual rights at all stages of justice-system processing.

sentinel event

A bad outcome that no one wants repeated and that signals the existence of underlying weaknesses in the system.

social control

The use of sanctions and rewards within a group to influence and shape the behavior of individual members of that group. Social control is a primary concern of social groups and communities, and it is their interest in the exercise of social control that leads to the creation of both criminal and civil statutes.

Follow the author's tweets about the latest crime and justice news @schmallegger

evidence-based practice

Crime-fighting strategies that have been scientifically tested and are based on social science research.

Evidence-Based Practice in Criminal Justice

In 2011, John H. Laub, then director of the National Institute of Justice (NIJ), called for the creation of a “culture of science and research within the institute.”³⁶ What that means, said

7

Describe the role of evidence-based practice in contemporary criminal justice.

Laub, “is embracing empirical data, embracing transparency and also embracing a critical perspective.” Science, Laub continued, challenges conventional wisdom and has the ability to evaluate programs and strategies to show what works in the area of

criminal justice. The NIJ, said Laub, should be thought of “as a science agency.” You can view Laub’s comments online at <https://tinyurl.com/ydxuzlyw>.

As the word is used here, *evidence* does not refer to evidence of a crime but means, instead, findings that are supported by studies. Hence, **evidence-based practice** refers to crime-fighting strategies that have been scientifically tested and are based on social science research. Scientific research has become a major element in the increasing professionalization of criminal justice, both as a career field and as a field of study. As Laub recognized, there is a strong call today within criminal justice policymaking circles for the application of evidence-based practice throughout the justice field.

Based on experts’ assessment of the evidence and studies, programs included on CrimeSolutions.gov are rated as either “effective,” “promising,” or “no effects.” As Chapter 4 of this text points out, evidence-based practices can be expected to play an expanded role in policymaking and in the administration of criminal justice in the years to come. For additional insight into some of the issues facing criminal justice policymakers today, read the U.S. Department of Justice’s “Smart on Crime” report at <https://www.justicestudies.com/pubs/smartoncrime.pdf>.

Follow the author's tweets about the latest crime and justice news @schmallegger

criminology

The scientific study of the causes and prevention of crime and the rehabilitation and punishment of offenders.

multiculturalism

The existence within one society of diverse groups that maintain unique cultural identities while frequently accepting and participating in the larger society's legal and political systems.ⁱⁱⁱ *Multiculturalism* is often used in conjunction with the term *diversity* to identify many distinctions of social significance.

social diversity

Differences between individuals and groups in the same society, including differences based on culture, race, religion, ethnicity, age, gender identity, and disabilities.

justice reinvestment

A data-driven approach to criminal justice reform that examines and addresses justice system expenditures and population drivers in order to generate cost savings that are then reinvested in high-performing public safety strategies.

sustainable justice

Criminal laws and criminal justice institutions, policies, and practices that achieve justice in the present without compromising the ability of future generations to have the benefits of a just society.

The Start of Academic Criminal Justice

The study of criminal justice as an academic discipline began in this country in the late 1920s, when August Vollmer (1876–1955), then chief of police in Berkeley, California, persuaded the University of California to offer courses on the subject.³⁷ Vollmer was joined by his former student Orlando W. Wilson (1900–1972) and by William H. Parker (who later served as chief of the LAPD from 1950 to 1966) in calling for increased professionalism in police work through better training.³⁸ Largely as a result of Vollmer's influence, early criminal justice education was practice oriented; it was a kind of extension of on-the-job training for working practitioners. Hence, in the early days of the discipline, criminal justice students were primarily focused on the application of general management principles to the administration of police agencies. Criminal justice came to be seen as a practical field of study concerned largely with issues of organizational effectiveness.

By the 1960s, however, police training came to be augmented by criminal justice education³⁹ as students of criminal justice began to apply the techniques of social scientific research—many of them borrowed from sister disciplines, such as **criminology**, sociology, psychology, and political science—to the study of all aspects of the justice system. Scientific research into the operation of the criminal justice system was encouraged by the 1967 President's Commission on Law Enforcement and Administration of Justice, which influenced passage of the Safe Streets and Crime Control Act of 1968. The Safe Streets Act led to the creation of the National Institute of Law Enforcement and Criminal Justice, which later became the National Institute of Justice (NIJ). As a central part of its mission, the NIJ continues to support research in the criminal justice field through substantial funding for scientific explorations into all aspects of the discipline, and it funnels much of the \$3 billion spent annually by the U.S. Department of Justice to local communities to help fight crime. Now, almost 100 years after its beginning as a field of study, criminal justice is being revitalized by an evidence-based approach to its subject matter (described earlier). Former Assistant Attorney General Robinson put it this way: “Justice professionals have been collecting, analyzing, and using evidence for centuries—in laboratories and courtrooms. As financial realities demand more innovative approaches, social science research is forming the basis for new programs in areas ranging from reentry to victim services. Evidence has found a new home: in the field.”⁴⁰

Multiculturalism and Social Diversity in Criminal Justice

Multiculturalism describes a society that is home to a multitude of different cultures, each with its own set of norms, values, and routine behaviors. Although American society today is truly multicultural, composed of a wide variety of racial and ethnic heritages, diverse religions, incongruous values, disparate traditions, and distinct languages, multiculturalism in America is not new. For thousands of years before Europeans arrived in the Western Hemisphere, tribal nations of Native Americans each spoke their own language, were bound to customs that differed significantly from one another,

8

Explain how multiculturalism and social diversity present challenges to and opportunities for the American system of criminal justice.

and practiced a wide range of religions. European immigration, which began in earnest in the seventeenth century, led to greater **social diversity** still. Successive waves of immigrants, along with the slave trade of the early and mid-nineteenth century,⁴¹ brought a diversity of values, beliefs, and patterns of behavior to American shores that frequently conflicted with those of prevailing cultures. Differences in languages and traditions fed the American melting pot of the late nineteenth and early twentieth centuries and made effective communication between groups difficult.

The face of multiculturalism in America today is quite different than it was in the past, largely because of relatively high birth rates among some minority populations and the huge but relatively recent immigration of Spanish-speaking people from Mexico, Cuba, Central America, and South America. Part of that influx consists of substantial numbers of undocumented immigrants who have entered the country illegally and who, because of experiences in their home countries, may have a special fear of police authority and a general distrust of the law. Such fears make members of this group hesitant to report being victimized, and their

Evidence-based practices can be expected to play an ever-increasing role in policymaking and in the administration of criminal justice in the years to come.

EVIDENCE-BASED JUSTICE REINVESTMENT

Data-Driven, Cost-Efficient Criminal Justice

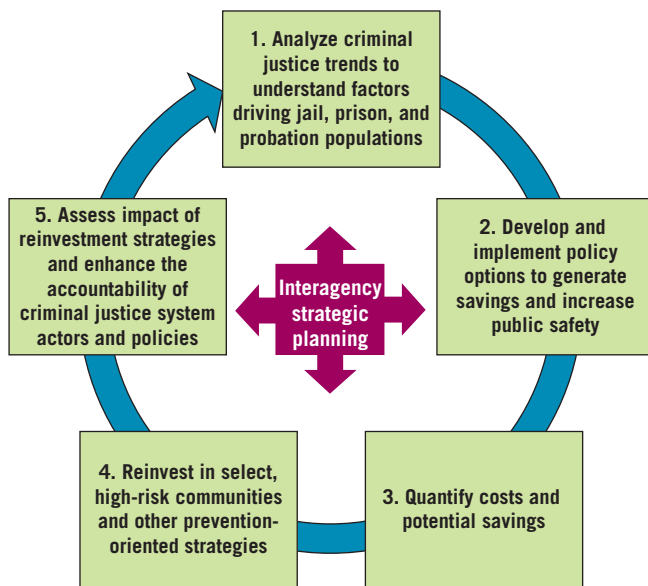


FIGURE 1–5
The Justice Reinvestment Decision-Making Process.
What Is Justice Reinvestment?

Source: Bureau of Justice Assistance.

Two of the most recent and promising practices to have emerged in criminal justice in recent years are (1) justice reinvestment strategies and (2) evidence-based practices. Increased budgetary restraints over the past few years have forced state and local governments to make some hard choices about expenditures. As government revenues declined as a result of a drop in taxable income, less consumer spending, lower property values, and fewer licensing fees, officials in many locales have been forced to reduce expenditures and to curb services. Criminal justice agencies were not immune to the impact of budget cuts, and many found themselves looking for ways to offer quality services at a lower cost. It was out of that environment that the Justice Reinvestment Initiative (JRI) was born. **Justice reinvestment** is a data-driven approach to criminal justice reform that examines and addresses justice system expenditures and population drivers in order to generate cost savings that are then reinvested in high-performing public safety strategies. The JRI found important support at the federal level when the Bureau of Justice Assistance announced a JRI initiative under which state governments could apply for seed money to be used to explore reinvestment strategies, and gauge the probability of their success, while providing accountability and transparency in their operations.

The second answer to today's justice system challenges can be found in evidence-based practices – meaning programs and procedures that have proven their effectiveness through the

application of rigorous social scientific analysis. The phrase “evidence-based” is now commonly used in the justice arena, where new and existing programs are being analyzed to see what works, and which are the most cost-effective. Both evidence-based criminal justice and justice reinvestment will be discussed (and defined) in greater detail later in this chapter.

Today, the federal JRI provides participating states with a means for all state government branches and other stakeholders to work together to identify and implement results-oriented, evidence-based justice systems reform. In other words, federal funding allows states to examine their unique law enforcement needs, their sentencing and correctional systems, and their courts, in order to make better-informed and cost-effective decisions about treatment, programs, and justice system resources. Savings from these reforms are then reinvested in high-performing public safety strategies. To date, 30 states have used federal JRI funding to take a comprehensive look at their criminal justice systems. The JRI cycle is illustrated in Figure 1–5.

Both evidence-based and justice reinvestment efforts are facilitated by U.S. Department of Justice website located at <http://crimesolutions.gov>. The site, run by the Washington, D.C.–based National Institute of Justice (NIJ), has been described by federal officials as a “single, credible, online resource to inform practitioners and policymakers about what works in criminal justice, juvenile justice, and crime victim services.”

Once criminal justice programs have been selected for review, experts working with the NIJ analyze available research documenting the program's effectiveness and cost-efficiency. Programs are then scored on **CrimeSolutions.gov** according to established criteria and identified as either (1) effective, (2) promising, or (3) no effect. Where evidence on a program is insufficient or inconsistent, it receives no ranking. As of this writing, 33% of programs reviewed have been scored as “effective,” whereas another 57% were identified as “promising.”

Finally, the concept of **sustainable justice** was advanced by Melissa Hickman Barlow, in her 2012 presidential address to the Academy of Criminal Justice Sciences. Sustainable justice, said Barlow, can be defined as “criminal laws and criminal justice institutions, policies, and practices that achieve justice in the present without compromising the ability of future generations to have the benefits of a just society.” Sustainable justice, in other words, refers to criminal justice practices and institutions that are affordable now, and into the future. Visit the topics page of **CrimeSolutions.gov** at <http://www.crimesolutions.gov/topics.aspx> to learn more about the programs being evaluated.

References: CrimeSolutions.gov; Melissa Hickman Barlow, “Sustainable Justice: 2012 Presidential Address to the Academy of Criminal Justice Sciences,” *Justice Quarterly*, Vol. 30, No. 1 (2013), pp. 1–17; USDJ press release, “Justice Department Announces \$17.5 Million in Grants to Support Correctional Reform, Enhance Public Safety,” September 13, 2016 (accessed February 10, 2017); and Georgia Department of Corrections, “Justice Reinvestment in Public Safety,” http://www.dcor.state.ga.us/sites/default/files/Justice_Reinvestment.pdf (accessed March 5, 2017).

undocumented status makes them easy prey for illegal scams involving extortion, blackmail, and documentation crimes. Learn more about immigration and crime via <http://www.npr.org/2013/03/08/173642807/does-crime-drop-when-immigrants-move-in>.

Diversity characterizes both immigrant and U.S.-born individuals. Census Bureau statistics show that people identifying themselves as white account for 71% of the U.S. population—a percentage that has been dropping steadily for at least the past 40 years. People of Hispanic origin constitute approximately 12% of the population and are the fastest-growing group in the country. Individuals identifying themselves as African American make up another 12% of the population, and people of Asian and Pacific Island origin make up almost 4% of the total. Native Americans, including American Indians, Eskimos, and Aleuts, account for slightly less

CJ Careers

Careers in Criminal Justice

Throughout this book, you will find a number of “Career Profile” boxes showcasing individuals currently working in the justice field. These boxes highlight job opportunities within various kinds

Arson/Fire Investigator

Bailiff

Bounty Hunter

Computer Forensic Technician

Correctional Officer

Correctional Treatment Specialist

Court Clerk

Court Reporter

Crime Laboratory Analyst

Crime Prevention Specialist

Crime Scene Investigator

Crime Scene Technician

Criminal Investigator

Criminalist

Criminologist

Criminology Researcher/Research Associate

Deputy Sheriff

Electronic Crime Scene Investigator

Federal Bureau of Investigation (FBI) Forensic Accountant

Federal Bureau of Investigation (FBI) Special Agent

Federal Protective Service (FPS) Officer

Fish and Game Warden

Forensic Nurse

Forensic Psychologist

Forensic Science Technician

Fraud Investigator

Gaming Surveillance Officer

Highway Patrol Officer

Homeland Security Investigator

Information Security Manager

Judge

Juvenile Probation Officer

K-9 Officer

Lawyer/Attorney

Legal Clerk

Loss Prevention Specialist (retail)

Magistrate

Motorcycle Officer

National Security Agency (NSA) Police

Native American Tribal Police Officer

Nuclear Security Officer

Paralegal

Park Ranger

Parole Officer

Penologist

Police Detective

Police Dispatcher

Police Officer

Police Sniper

of criminal justice agencies, and provide brief interviews with people employed in the field. Following is a list of some of the many kinds of criminal justice career opportunities available today:

Private Detective

Private Investigator

Private Security Manager

Private Security Officer

Probation Officer

Railroad Police

Sheriff

Social Worker

State Trooper

Substance Abuse Counselor

Surveillance Officer

SWAT Team Member

Transit Authority Police

University/College Campus Police Officer

U.S. Air Force Office of Special Investigations (OSI) Special Agent

U.S. Air Marshal

U.S. Army Criminal Investigator (CID)

U.S. Army Military Police Officer

U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Special Agent

U.S. Bureau of Indian Affairs (BIA) Corrections Officer

U.S. Bureau of Indian Affairs (BIA) Drug Enforcement Special Agent

U.S. Bureau of Indian Affairs (BIA) Investigator

U.S. Bureau of Indian Affairs (BIA) Police Officer

U.S. Bureau of Reclamation Security, Safety, and Law Enforcement Officer

U.S. Coast Guard (USCG) Compliance Officer

U.S. Coast Guard (USCG) Sea Marshal

U.S. Customs and Border Protection (CBP) Special Agent

U.S. Department of Agriculture (USDA) Compliance Officer

U.S. Department of Agriculture (USDA) Criminal Investigator

U.S. Department of Agriculture (USDA) Investigative Attorney

U.S. Department of Homeland Security Investigator

U.S. Department of State Civilian Response Corps Team Member

U.S. Department of State Diplomatic Security Officer

U.S. Department of Veterans Affairs (VA) Police

U.S. Drug Enforcement Agency (DEA) Special Agent

U.S. Fish and Wildlife Service Division of Refuge Law Enforcement Officer

U.S. Immigration and Customs Enforcement (ICE) Special Agent

U.S. Internal Revenue Service (IRS) Special Agent

U.S. Marine Corps Criminal Investigator

U.S. Marine Corps Military Police Officer

U.S. Marshal

U.S. Navy Criminal Investigator (NCIS)

U.S. Navy Law Enforcement Officer

U.S. Navy Security Officer

U.S. Park Police

U.S. Secret Service Special Agent

U.S. Secret Service Uniformed Division Officer

U.S. Transportation Security Administration (TSA) Screener

than 1% of all Americans.⁴² Statistics like these, however, are only estimates, and their interpretation is complicated by the fact that surveyed individuals may be of mixed race. Nonetheless, it is clear that American society today is ethnically and racially quite diverse.

Race and *ethnicity* are only buzzwords that people use when they talk about multiculturalism. After all, neither race nor ethnicity determines a person's values, attitudes, or behavior. Just as there is no uniquely identifiable "white culture" in American society, it is a mistake to think that all African Americans share the same values or that everyone of Hispanic descent honors the same traditions or even speaks Spanish.

Multiculturalism, as the term is used today, is but one form of diversity. Taken together, these two concepts—multiculturalism and diversity—encompass many distinctions of social significance. The broad brush of contemporary multiculturalism and social diversity draws attention to variety along racial, ethnic, subcultural, generational, faith, economic, and gender lines. Lifestyle diversity is also important. The fact that influential elements of the wider society are less accepting of some lifestyles than others doesn't mean that such lifestyles aren't recognized from the viewpoint of multiculturalism. It simply means that, at least for now, some lifestyles are accorded less official acceptability than others. As a result, certain lifestyle choices, even within a multicultural society that generally respects and encourages diversity, may still be criminalized, as in the case of polygamy.

Multiculturalism and social diversity will be discussed in various chapters throughout this textbook, along with the related areas of international and comparative criminal justice. For now, it is sufficient to recognize that the diverse values, perspectives, and behaviors characteristic of various groups within society have a significant impact on the justice system and that anyone who works in that system should be expected to have a significant level of **cultural competence**.

Whether it is the confusion that arises from a police officer's commands to a non-English-speaking suspect, the need for interpreters in the courtroom, a deep-seated distrust of the police in some minority communities, a lack of willingness among some immigrants to report crime, the underrepresentation of women in criminal justice agencies, or some people's irrational suspicions of Arab-Americans, social diversity and multiculturalism present special challenges to the everyday practice of criminal justice in America. Finally, as we shall see, the demands and expectations placed on justice agencies in multicultural societies involve a dilemma that is closely associated with the theme of this text: how to protect the rights of individuals to self-expression while ensuring social control and the safety and security of the public.

For an overview of cultural competence as it relates to the justice system, see <https://justicestudies.com/pubs/competence.pdf>.

The demands and expectations placed on justice agencies in multicultural societies involve the dilemma of how to protect the rights of individuals to self-expression while ensuring social control and the safety and security of the public.



cultural competence

The ability to interact effectively with people of different cultures. Cultural competence helps to ensure that the needs of all community members are addressed.

◀ A group of immigrants who have just completed taking the pledge of allegiance during a naturalization ceremony in Washington, D.C. American society is multicultural, composed of a wide variety of racial and ethnic heritages, diverse religions, incongruous values, disparate traditions, and distinct languages. What impact does the multicultural nature of our society have on the justice system?

Jim Lo Scalzo/EPA/Shutterstock

Summary

WHAT IS CRIMINAL JUSTICE?

- The American experience with crime during the last half century has been especially influential in shaping the criminal justice system of today. Although crime waves have come and gone, some events during the past century stand out as especially significant, including a spurt of widespread organized criminal activity associated with the Prohibition years of the early twentieth century, the substantial increase in “traditional” crimes during the 1960s and 1970s, the threat to the American way of life represented by illicit drugs around the same time, the terrorist attacks of September 11, 2001, and the ongoing threat from radical Islam.
- The theme of this book is that of individual rights versus public order. As this chapter points out, the personal freedoms guaranteed to law-abiding citizens as well as to criminal suspects by the Constitution must be closely guarded. At the same time, the urgent social needs of communities for controlling unacceptable behavior and protecting law-abiding citizens from harm must be recognized. This theme is represented by two opposing groups: individual-rights advocates and public-order advocates. The fundamental challenge facing the practice of American criminal justice is in achieving efficient and cost-effective enforcement of the laws while simultaneously recognizing and supporting the legal rights of suspects and the legitimate personal differences and prerogatives of individuals.
- Even though justice may be an elusive concept, it is important to recognize that criminal justice is tied closely to notions of procedural fairness, which include personal and cultural beliefs about equity and fairness. Although community interests in the administration of criminal justice demand the apprehension and punishment of law violators, criminal justice ideals extend to the protection of the innocent, the fair treatment of offenders, and fair play by justice administration agencies. Procedural justice, a concept that is crucial to effective criminal justice practices, refers to the implementation of fair and equitable procedures in the administration of justice, and helps to ensure the legitimacy of justice organizations and their acceptance by the people they serve.
- In this chapter, we described the process of American criminal justice as a system with three major components—police, courts, and corrections—all of which can be described as working together toward a common goal. We warned, however, that a systems viewpoint is useful primarily for the simplification that it provides. A more realistic approach to understanding criminal justice may be the nonsystem approach. As a nonsystem, the criminal justice process is depicted as a fragmented activity in which individuals and agencies within the process have interests and goals that at times coincide but often conflict.
- The stages of criminal case processing include investigation, the issuance of a warrant, arrest, booking, first appearance in court, defendant’s preliminary hearing, return of an indictment by the grand jury or filing of an information by the prosecutor, arraignment of the defendant before the court, adjudication or trial, sentencing, and corrections. As a field of study, corrections includes jails, probation, imprisonment, and parole.
- The principle of due process, which underlies the first ten amendments to the U.S. Constitution, is central to American criminal justice. Due process (also called *due process of law*) means procedural fairness and requires that criminal case processing be conducted with fairness and equity. The ultimate goal of the criminal justice system in America is achieving crime control through due process.
- The study of criminal justice as an academic discipline began in this country in the late 1920s and is well established today. Scientific research has become a major element in the increasing professionalization of criminal justice, and there is a strong call today for the application of evidence-based practices in the justice field. Evidence-based practices are crime-fighting strategies that have been scientifically tested and that are based on social science research.
- American society today is a multicultural society, composed of a wide variety of racial and ethnic heritages, diverse religions, incongruous values, disparate traditions, and distinct languages. Multiculturalism complicates the practice of American criminal justice because there is rarely universal agreement in our society about what is right or wrong or about what constitutes “justice.” As such, multiculturalism presents both challenges and opportunities for today’s justice practitioners.

QUESTIONS FOR REVIEW

1. Describe the American experience with crime during the last half century. What noteworthy criminal incidents or activities occurred during that time, and what social and economic conditions might have produced them?
2. What is the theme of this book? According to that theme, what are the differences between the individual-rights perspective and the public-order perspective?
3. What is justice? What aspects of justice does this chapter discuss? How does criminal justice relate to other, wider notions of equity and fairness?
4. What are the main components of the criminal justice system? How do they interrelate? How might they conflict?
5. List the stages of case processing that characterize the American system of criminal justice, and describe each stage.
6. What is meant by due process of law? Where in the American legal system are guarantees of due process found?
7. What is the role of research in criminal justice? What is evidence-based practice? How can research influence crime control policy?
8. What is multiculturalism? What is social diversity? What impact do multiculturalism and diversity have on the practice of criminal justice in contemporary American society?

The Crime Picture

CHAPTER

2

*No
one way of
describing crime
describes it well enough.*

—President's Commission
on Law Enforcement and
Administration of
Justice

Learning Objectives

After reading this chapter, you should be able to:

1. Describe the FBI's Uniform Crime Reporting/ National Incident-Based Reporting System (UCR/ NIBRS) Program, including its purpose, its history, and what it tells us about crime in the United States today. **24**
2. Describe the National Crime Victimization Survey (NCVS) Program, including its purpose, its history, and what it tells us about crime in the United States today. **42**
3. Compare and contrast the UCR and the NCVS data-collection and reporting programs. **45**
4. Describe how any three of the special categories of crime discussed in this chapter are significant today. **46**

Introduction

A few years ago, officials with the Dickson (Tennessee) County Sheriff's Office reported that the department had been extorted into paying a fee to unknown cybercriminals after ransomware had locked detectives and deputies out of more than 72,000 files stored on the agency's computers. Ransomware is malicious software that takes over personal computers and forces their users to pay a fee in order to regain control. After consulting with the FBI and military security experts, the department was forced to pay \$500 in Bitcoins to recover the data. Jeff McCliss, the agency's Information Technology director, told *Police Magazine*, "It's a very bad feeling to be the victim instead of the investigator."¹ A video describing the event was posted on the Web at <http://www.policemag.com/channel/technology/news/2014/11/13/video-tennessee-sheriff-s-office-pays-ransom-for-case-files.aspx>.

As this story shows, a wide range of new forms of crime are victimizing all areas of contemporary society—and they are not always easy to solve, or even to discover!

This chapter has a dual purpose. First, it provides a statistical overview of crime in contemporary America by examining information on reported and discovered crimes. Second, it identifies special categories of crime that are of particular interest today, including crime against women, crime against the elderly, hate crime, corporate and white-collar crime, organized crime, gun crime, drug crime, cybercrime, and terrorism.

Although we will look at many crime statistics in this chapter, it is important to remember that statistical aggregates of reported crime, whatever their source, do not reveal the lost lives, human suffering, lessened productivity, and reduced quality of life that crime causes. Unlike the fictional characters on TV crime shows, real-life crime victims as well as real-life offenders lead intricate lives—they have families, hold jobs, and dream dreams. As we examine the crime statistics, we must not lose sight of the people behind the numbers.

Crime Data and Social Policy

Crime statistics provide an overview of criminal activity. If used properly, a statistical picture of crime can serve as a powerful tool for creating social policy. Decision makers at all levels, including legislators, other elected officials, and administrators throughout the criminal justice system, rely on crime data to analyze and evaluate existing programs, to fashion and design new crime-control initiatives, to develop funding requests, and to plan new laws and crime-control legislation. Many "get-tough" policies, such as the three-strikes movement that swept the country during the 1990s, were based in large part on the measured ineffectiveness of existing programs to reduce the incidence of repeat offending.

However, some people question just how comprehensive and objective—and therefore how useful—crime statistics are. Social events, including crime, are complex and difficult to quantify. Even the decision of which crimes should be included and which excluded in statistical reports is itself a judgment reflecting the interests and biases of policymakers. Moreover, definitions of particular crimes used by data-gathering strategies are generally not the same as statutory descriptions. Finally, as mentioned in Chapter 1, the number of Internet-based offenses and crimes making use of other forms of high technology is constantly increasing, and statistical reporting programs that were designed years ago may not fully count such crimes. As famed criminologist Herbert Packer once observed, "We can have as much or as little crime as we please, depending on what we choose to count as criminal."²

How much crime we have depends on what we count as criminal.

We should also note that public opinion about crime is not always realistic. As well-known criminologist Norval Morris points out, the news media do more to influence public perceptions of crime than any official data do.³ During the 4-year period (in the mid-1990s) covered by Morris's study, for example, the frequency of crime stories reported in the national media increased fourfold. During the same time period, crime was at the top of the list in subject matter



▲ Public safety personnel in Sacramento, California, work on laptops. This chapter opens with a story about a sheriff's office that was victimized by ransomware. What other new forms of crime can you think of that were not known a generation ago?
Rich Pedroncelli/AP Images

A wide range of new forms of crime are victimizing all areas of contemporary society—and they are not always easy to solve, or even to uncover!

Follow the author's tweets about the latest crime and justice news @schmallegger

Uniform Crime Reporting (UCR) Program

A statistical reporting program run by the FBI's Criminal Justice Information Services (CJIS) division. The UCR Program publishes *Crime in the United States*, which provides an annual summation of the incidence and rate of reported crimes throughout the United States.

National Crime Victimization Survey (NCVS)

An annual survey of selected American households conducted by the Bureau of Justice Statistics to determine the extent of criminal victimization—especially unreported victimization—in the United States.

Bureau of Justice Statistics (BJS)

A U.S. Department of Justice agency responsible for the collection of criminal justice data, including the annual National Crime Victimization Survey.

covered in news stories at both the local and national levels. The irony, says Morris, is that “the grossly increasing preoccupation with crime stories came at a time of steadily declining crime and violence.” However, as Morris adds, “aided and abetted by this flood of misinformation, the politicians, federal and state and local, fostered the view that the public demands our present ‘get-tough’ policies.”⁴

The Collection of Crime Data

Nationally, crime statistics come from two major sources: (1) the FBI's **Uniform Crime Reporting Program** (also known today as the UCR/NIBRS Program), which produces an annual overview of major crime titled *Crime in the United States*; and (2) the **National Crime Victimization Survey (NCVS)** of the **Bureau of Justice Statistics (BJS)**. The most widely quoted numbers purporting to describe crime in America today probably come from the UCR/NIBRS Program, although the statistics it produces are based largely on *reports* to the police by victims of crime.

A third source of crime data is offender self-reports based on surveys that ask respondents to reveal any illegal activity in which they have been involved. Offender self-reports are not discussed in detail in this chapter because surveys utilizing them are not national in scope and are not undertaken regularly. Moreover, offenders are often reluctant to accurately report ongoing or recent criminal involvement, making information derived from these surveys somewhat unreliable and less than current. However, the available information from offender self-reports reveals that serious criminal activity is considerably more widespread than most “official” surveys show (Figure 2–1).

Other data sources also contribute to our knowledge of crime patterns throughout the nation. One important source is the *Sourcebook of Criminal Justice Statistics*—an compilation of national information on crime and on the criminal justice system. *Sourcebook* data were produced by the BJS, and made available on the Web through the auspices of the State University of New York at Albany. The National Institute of Justice (NIJ), the primary research arm of the U.S. Department of Justice; the Office of Juvenile Justice and Delinquency Prevention (OJJDP); the Federal Justice Statistics Resource Center; and the National Victims Resource Center provide still more information on crime patterns. The *Sourcebook* is available online at <http://www.albany.edu/sourcebook>.

The UCR/NIBRS Program

Development of the UCR Program

1

Describe the FBI's UCR/NIBRS Program, including its purpose, its history, and what it tells us about crime in the United States today.

In 1930, Congress authorized the U.S. attorney general to survey crime in America, and the Federal Bureau of Investigation (FBI) was designated to implement the program. In short order, the bureau built on earlier efforts by the International Association of Chiefs of Police (IACP) to create a national system of uniform crime statistics. As a practical measure, the IACP had recommended the use of readily available information, and so it was that citizens' crime reports to the police became the basis of the FBI's plan.⁵

During its first year of operation, the FBI's UCR Program received reports from 400 cities in 43 states; 20 million people were covered by that first comprehensive survey. Today, approximately 18,000 law enforcement agencies provide crime information for the program, with data coming from city, county, university and college, tribal, and state departments. To ensure uniformity in reporting, the FBI has developed standardized definitions of offenses and terminologies used in the program. Numerous publications, including the *Uniform Crime Reporting Handbook* and the *Manual of Law Enforcement Records*, are supplied to participating agencies, and training for effective reporting is available through FBI-sponsored seminars and instructional literature.

Following the IACP recommendations, the original UCR Program was designed to permit comparisons over time through construction of a **Crime Index**. As originally constituted, the index summed the occurrences of seven major offenses—murder, forcible rape, robbery, aggravated assault, burglary, larceny-theft, and motor vehicle theft—and expressed the result as a crime rate based on population. In 1979, by congressional mandate, an eighth offense—arson—was added to the index. The Crime Index, first published in *Crime in the United States* in 1960, was the title used for a simple aggregation of the seven main offense classifications (called Part I offenses). The Modified Crime Index refers to the original Crime Index offenses plus arson.

Crime Index

A now-defunct but once-inclusive measure of the UCR Program's violent and property crime categories, or what are called *Part I offenses*. The Crime Index, long featured in the FBI's publication *Crime in the United States*, was discontinued in 2004. The index had been intended as a tool for geographic (state-to-state) and historical (year-to-year) comparisons via the use of crime rates (the number of crimes per unit of population). However, criticism that the index was misleading arose after researchers found that the largest of the index's crime categories, larceny-theft, carried undue weight and led to an underappreciation of changes in the rates of more violent and serious crimes.

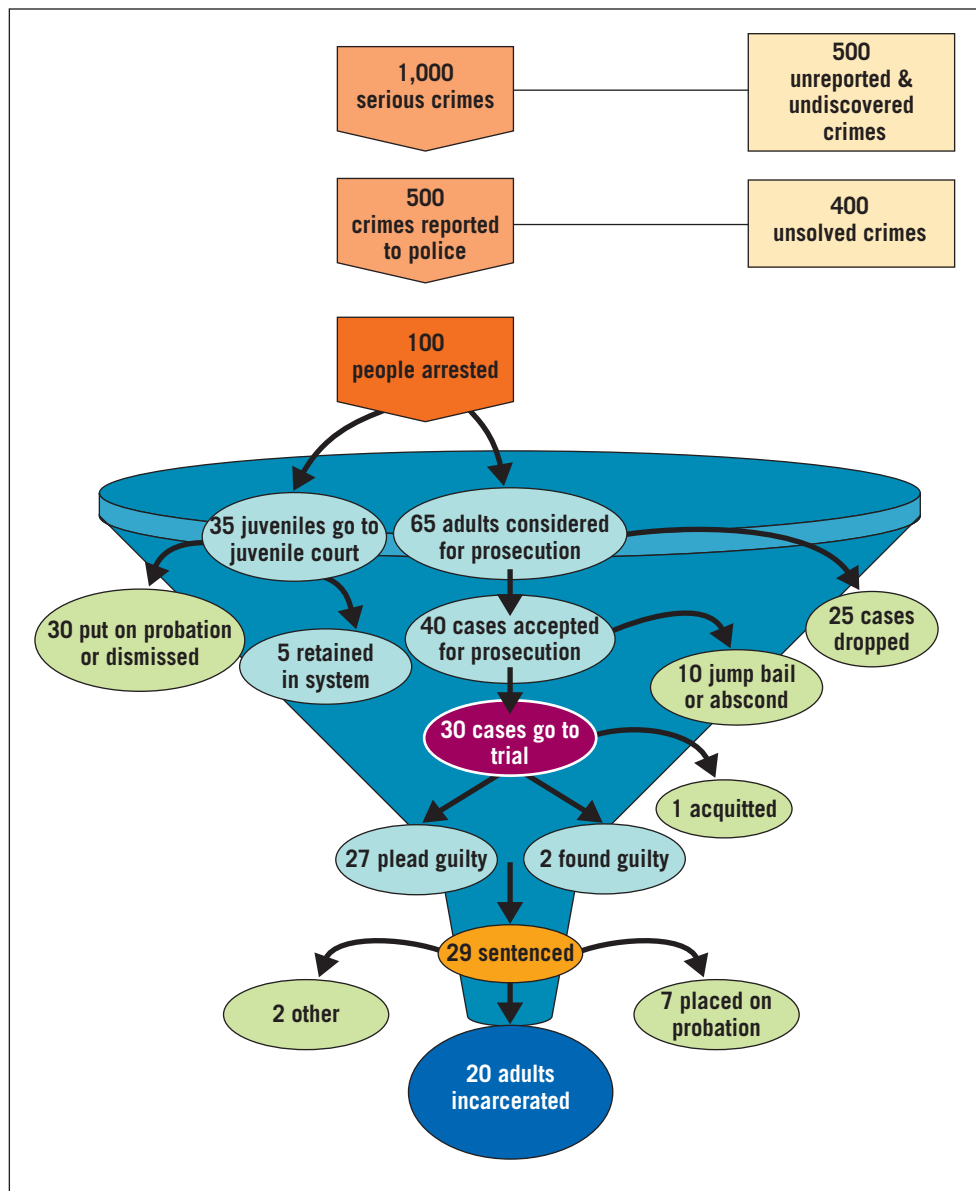


FIGURE 2-1
The Criminal Justice Funnel

Source: Adapted from Brian A. Reaves, *Felony Defendants in Large Urban Counties* (U.S. Department of Justice).

Over the years, however, concern grew that the Crime Index did not provide a clear picture of criminality because it was skewed by the offense with the highest number of reports—typically larceny-theft. The sheer volume of larceny-theft offenses overshadowed more serious but less frequently committed offenses, skewing perceptions of crime rates for jurisdictions with high numbers of larceny-thefts but low numbers of serious crimes such as murder and rape. In 2004, the FBI's Criminal Justice Information Services (CJIS) Advisory Policy Board officially discontinued the use of the Crime Index in the UCR/NIBRS Program and in its publications and directed the FBI to instead publish simple violent crime totals and property crime totals until a more viable index could be developed.⁶

Although work to develop such an index is still ongoing, UCR/NIBRS Program crime categories continue to provide useful comparisons of specific reported crimes over time and between jurisdictions (Figure 2-2). It is important to recognize, as you read through the next few pages, that today's UCR/NIBRS Program categories tend to parallel statutory definitions of criminal behavior, but they are not legal classifications—only conveniences created for statistical reporting purposes. Because many of the offense definitions used in this textbook are derived from official UCR/NIBRS Program terminology, you should remember that these definitions may differ from statutory definitions of crime.

[Follow the author's tweets about the latest crime and justice news @schmalleger](#)

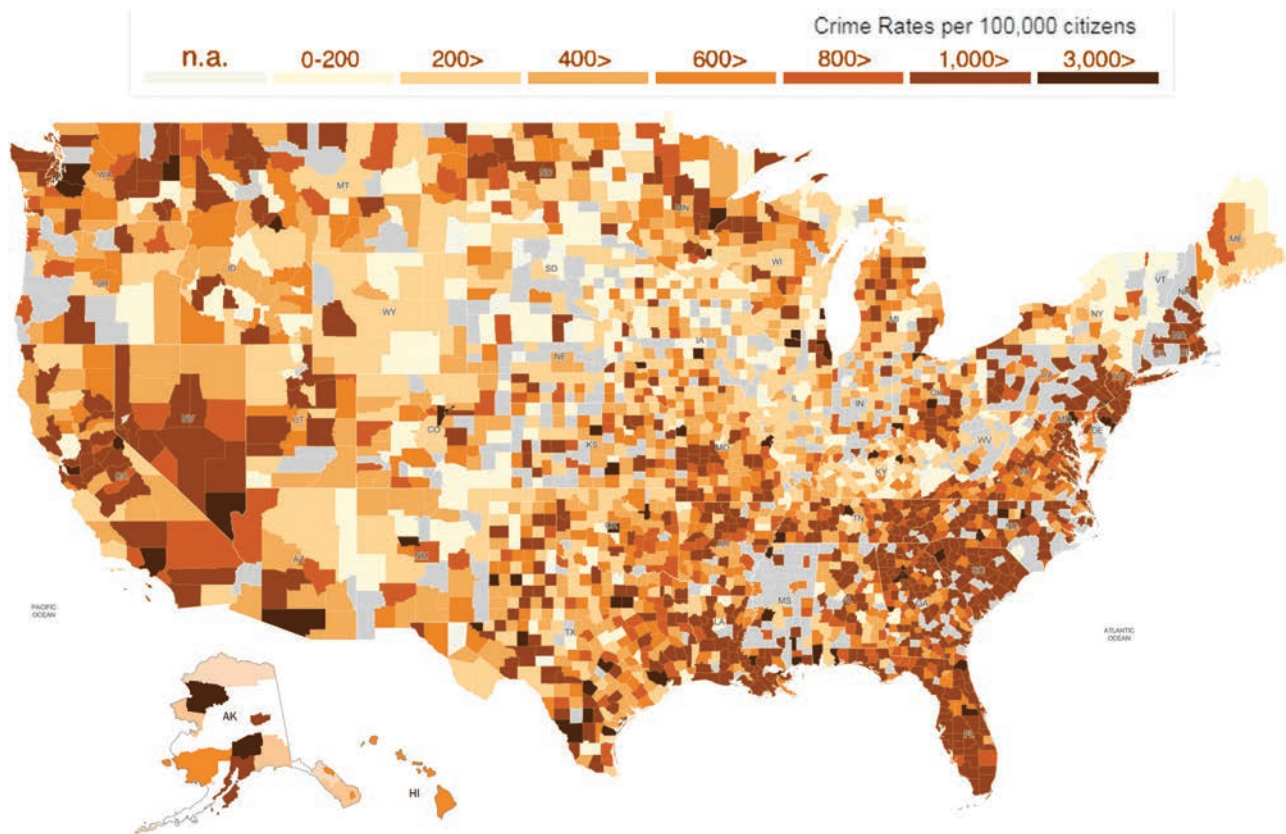


FIGURE 2-2
Reported Crimes per 100,000 People by U.S. Counties, 2017.

Source: Pearson Education.

Note: Grey areas indicate areas for which complete crime data is not available.

National Incident-Based Reporting System (NIBRS)

An incident-based reporting system that collects detailed data on every single crime occurrence. NIBRS data are replacing the kinds of summary data that have traditionally been provided by the FBI's Uniform Crime Reporting Program.

The National Incident-Based Reporting System

Beginning in 1988, the FBI's UCR Program initiated development of a new national crime-collection effort called the **National Incident-Based Reporting System (NIBRS)**. NIBRS represents a significant redesign of the original UCR Program. Whereas the original UCR system was "summary based," the enhanced NIBRS is incident driven (Table 2-1). Under NIBRS, city, county, state, and federal law enforcement agencies throughout the country furnish detailed data on crime and arrest activities at the incident level either to the individual state incident-based reporting programs or directly to the federal NIBRS Program.

NIBRS can be thought of as a significant new methodology underlying the contemporary UCR system—hence our use of the term *UCR/NIBRS* in describing today's Uniform Crime Reporting Program. Whereas the old UCR system depended on statistical tabulations of crime data, which were often little more than frequency counts, the new UCR/NIBRS system gathers many details about each criminal incident. Included among them is information on place of occurrence, weapon used, type and value of property damaged or stolen, personal characteristics of the offender and the victim, nature of any relationship between the two, and disposition of the complaint.

Under UCR/NIBRS, the traditional distinctions between Part I and Part II offenses are being replaced with 24 general offense categories made up of 52 specific crimes called Group A offenses. They are: animal cruelty, arson, assault, bribery, burglary, counterfeiting, destruction/vandalism of property, drug/narcotics offenses, embezzlement, extortion, fraud, gambling, homicide, human trafficking, kidnapping, larceny, motor vehicle theft, pornography, prostitution, receiving stolen property, robbery, sex offenses (forcible), sex offenses (nonforcible), and weapons law violations. In addition, there are 10 Group B offense categories for which only arrest data are reported. They include bad checks, vagrancy, disorderly conduct, driving under the influence, drunkenness, nonviolent family offenses, liquor-law violations, Peeping

TABLE 2-1
Differences between Traditional UCR and Enhanced UCR/NIBRS Reporting

Traditional UCR	Enhanced UCR/NIBRS
Consists of monthly aggregate crime counts	Consists of 24 “Group A” offense categories with details on offense, victim, offender, and property involved
Records one offense per incident, as determined by the hierarchy rule, which suppresses counts of lesser offenses in multiple-offense incidents	Records each offense occurring in an incident (no hierarchy rule)
Does not distinguish between attempted and completed crimes	Distinguishes between attempted and completed crimes
Collects assault information in five categories	Restructures definition of assault to include intimidation
Collects weapon information for murder, robbery, and aggravated assault	Collects weapon information for all violent offenses
Provides counts on arrests for the eight major crimes and 21 other offenses	Also provides details on 10 “Group B” offense categories
Distinguishes between personal (violent) and property crimes	General categories of crime consist of crimes against persons, property, and society
Sees robbery as a personal crime	Classifies robbery as a property crime

Source: Federal Bureau of Investigation, National Incident-Based Reporting System: Crimes against Persons, Property, and Society, <https://ucr.fbi.gov/nibrs-in-brief> (accessed July 30, 2018).

Tom activity, trespass, and a general category of all “other” criminal law violations. UCR/NIBRS also collects data on an expanded array of attributes involved in the commission of offenses, including whether the offender is suspected of using alcohol, drugs, or narcotics or may have used a computer in the commission of the offense.

The FBI began accepting crime data in the NIBRS format in January 1989. Although the bureau intended to have NIBRS fully in place by 1999, delays have been routine, and the NIBRS format has not yet been fully adopted.⁷ Plans call for the UCR Program to transition to a NIBRS-only data format by January 1, 2021. In anticipation of the transition, BJS recently established the **National Crime Statistics Exchange (NCS-X)**, which is designed to supplement existing NIBRS data by a close sampling of 400 carefully chosen law enforcement agencies. Data from those 400 agencies will be combined with data from more than 6,000 other law enforcement agencies that currently report NIBRS data in order to produce national estimates of crime that can be analyzed in many different ways.

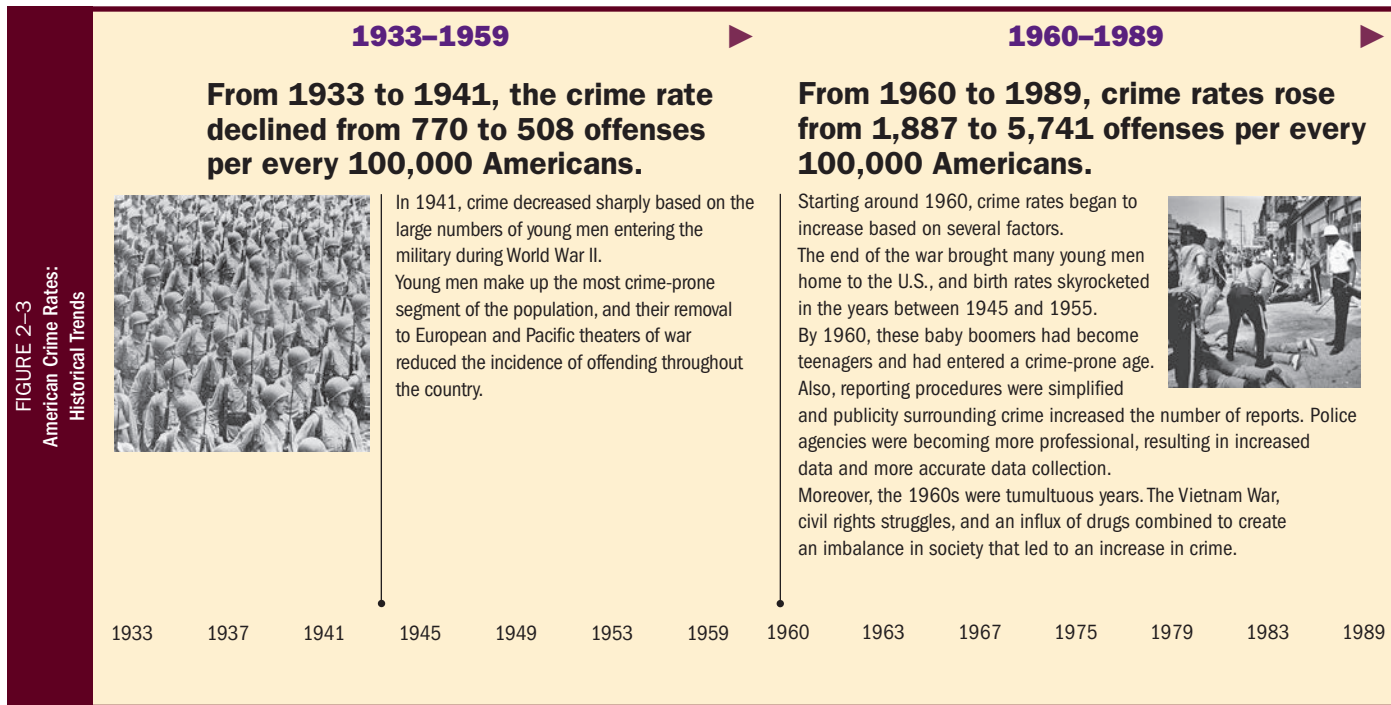
The goals of the innovations introduced under NIBRS are to enhance the quantity, quality, and timeliness of crime-data collection by law enforcement agencies and to improve the methodology used for compiling, analyzing, auditing, and publishing the collected data. A major advantage of UCR/NIBRS, beyond the sheer increase in the volume of data collected, is the ability that NIBRS provides to break down and combine crime offense data into specific information.⁸ The latest edition of *Crime in the United States* can be viewed at <http://www.fbi.gov/stats-services/crimestats>. You can also access the UCR table-building tool at <http://ucrdatatool.gov> to create a view of crime statistics that are of special interest to you.

One other important crime data source was created with passage of the 1990 Crime Awareness and Campus Security Act, which requires colleges to publish annual security reports.⁹ Most campuses share crime data with the FBI, increasing the reported national incidence of a variety of offenses. The U.S. Department of Education reported that 28 murders and 7,970 rapes occurred on U.S. college campuses in 2015. Also reported were 1,049 robberies, 2,254 aggravated assaults, 12,298 burglaries, and 3,251 motor vehicle thefts.¹⁰ Although these numbers may seem high, it is important to realize that except for the crimes of rape and sexual assault, college students experience violence at average annual rates that are lower than those for nonstudents in the same age group.¹¹ Rates of rape and sexual assault do not differ statistically between students and nonstudents. For the latest campus crime information, see <https://ope.ed.gov/campusafety>.

Follow the author's tweets about the latest crime and justice news @schmallegger

National Crime Statistics Exchange (NCS-X)

A BJS-sponsored program designed to generate nationally-representative incident-based data on crimes reported to law enforcement agencies.



Historical Trends

Most UCR/NIBRS information is reported as a rate of crime. Rates are computed as the number of crimes per some unit of population. National reports generally make use of large units of population, such as 100,000 people. Hence, the rate of rape reported by the UCR/NIBRS Program for 2017 was 30.7 rapes per every 100,000 inhabitants of the United States.¹² Rates allow for a meaningful comparison over areas and across time. The rate of reported rape for 1960, for example, was only about 10 per 100,000. We expect the number of crimes to increase as population grows, but rate increases are cause for concern because they indicate that reports of crime are increasing faster than the population is growing. Rates, however, require interpretation. Although there is a tendency to judge an individual's risk of victimization based on rates, such judgments tend to be inaccurate because they are based purely on averages and do not take into consideration individual life circumstances, such as place of residence, wealth, and educational level. Although rates may tell us about aggregate conditions and trends, we must be very careful when applying them to individual cases.

Since the FBI's UCR Program began, there have been three major shifts in crime rates—and we now seem to be witnessing the beginning of a fourth (Figure 2-3). The first occurred during the early 1940s, when crime decreased sharply due to the large number of young men who entered military service during World War II. Young males make up the most crime-prone segment of the population, and their deployment overseas did much to lower crime rates at home. From 1933 to 1941, the Crime Index declined from 770 to 508 offenses per every 100,000 members of the American population.¹³

The second noteworthy shift in offense statistics was a dramatic increase in most forms of crime between 1960 and the early 1990s. Several factors contributed to the increase in reported crime during this period. One was also linked to World War II. With the end of the war and the return of millions of young men to civilian life, birth rates skyrocketed between 1945 and 1955, creating a postwar baby boom. By 1960, the first baby boomers were teenagers—and had entered a crime-prone age. This disproportionate number of young people produced a dramatic increase in most major crimes.

Other factors contributed to the increase in reported crime during the same period. Modified reporting requirements made it less stressful for victims to file police reports, and the publicity associated with the rise in crime sensitized victims to the importance of reporting. Crimes that might have gone undetected in the past began to figure more prominently in official statistics. Similarly, the growing professionalization of some police departments