

INTRODUCTION TO

# Criminal Justice

A BRIEF  
EDITION



John Randolph Fuller

OXFORD  
UNIVERSITY PRESS



INTRODUCTION TO

# Criminal Justice

A BRIEF  
EDITION

John Randolph Fuller  
*University of West Georgia*

New York Oxford  
Oxford University Press

Oxford University Press is a department of the University of Oxford. It furthers the University's objective of excellence in research, scholarship, and education by publishing worldwide. Oxford is a registered trade mark of Oxford University Press in the UK and certain other countries.

Published in the United States of America by Oxford University Press  
198 Madison Avenue, New York, NY 10016, United States of America.

Copyright © 2019 by Oxford University Press

For titles covered by Section 112 of the US Higher Education Opportunity Act, please visit [www.oup.com/us/he](http://www.oup.com/us/he) for the latest information about pricing and alternate formats.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, without the prior permission in writing of Oxford University Press, or as expressly permitted by law, by license, or under terms agreed with the appropriate reproduction rights organization. Inquiries concerning reproduction outside the scope of the above should be sent to the Rights Department, Oxford University Press, at the address above.

You must not circulate this work in any other form  
and you must impose this same condition on any acquirer.

**Library of Congress Cataloging-in-Publication Data**

Names: Fuller, John R., author.

Title: Introduction to criminal justice : a brief edition / John Randolph Fuller, University of West Georgia.

Description: First Edition. | New York : Oxford University Press, [2018]

Identifiers: LCCN 2017036142 (print) | LCCN 2017037979 (ebook) | ISBN 9780190298197 (ebook) | ISBN 9780190298173 (paperback) | ISBN 9780190858636 (looseleaf)

Subjects: LCSH: Criminal justice, Administration of. | Crime. | Criminal law.

Classification: LCC HV7419 (ebook) | LCC HV7419 .F875 2018 (print) | DDC

364—dc23

LC record available at <https://lcn.loc.gov/2017036142>

9 8 7 6 5 4 3 2 1

Printed by LSC Communications, United States of America

*For Amy*  
*For Everything*



# Brief Contents

Preface xiv



## PART I **CRIME: PROBLEMS, MEASUREMENT, AND LAW** 01

Chapter 1 Crime and Criminal Justice 03

Chapter 2 How Crime Is Measured and Who It Affects 29

Chapter 3 Criminal Law 63



## PART II **ENFORCING THE LAW** 95

Chapter 4 The History and Organization of Law Enforcement 97

Chapter 5 Police Organization, Operation, and the Law 131

Chapter 6 Policing: Innovations and Controversies 161



## PART III **THE ROLE OF THE COURTS** 197

Chapter 7 The Courts 199

Chapter 8 The Courtroom Work Group 227

Chapter 9 The Disposition: Plea Bargaining, Trial, and Sentencing 259



## PART IV **FROM PENOLOGY TO CORRECTIONS AND BACK** 295

Chapter 10 The History of Control and Punishment 297

Chapter 11 Prisons and Jails 329

Chapter 12 Community Corrections 367



## PART V **CONTEMPORARY ISSUES** 397

Chapter 13 Juvenile Justice 399

Chapter 14 Criminal Justice in the Future: Issues and Concerns 429

Appendix: Theories of Crime 451

Glossary 469

Credits 478

Index 479

# Contents

Brief Contents iv

Preface xiv



## PART I **CRIME: PROBLEMS, MEASUREMENT, AND LAW** 1

### CHAPTER 1 **CRIME AND CRIMINAL JUSTICE** 03

WHAT IS CRIME? 04

THE CRIMINAL JUSTICE SYSTEM AND PROCESS 08

The Criminal Justice Process 08

*Law Enforcement* 10

*Courts* 10

*Corrections* 11

The Due Process and Crime Control Models 11

How Cases Move Through the System 13

The Perception of Crime and the Wedding-Cake Model of Criminal Justice 14

TYPES OF CRIME 17

Street Crime 17

Corporate Crime and White-Collar Crime 18

OFFENSES AND OFFENDERS 19

Violent Crime 20

Property Crime 22

Public-Order Crime 23

SUMMARY 25

#### FEATURES

 A CLOSER LOOK 1.1: A Comparison of Federal, State, and Local Law Enforcement 09

 FOCUS ON ETHICS: A Balance of Interests 24

### CHAPTER 2 **HOW CRIME IS MEASURED AND WHO IT AFFECTS** 29

THE PROBLEMS OF MEASURING CRIME 30

HOW CRIME IS MEASURED 32

Uniform Crime Reports 35

National Incident-Based Reporting System 38

National Crime Victimization Survey 41

Self-Report Studies 42

VICTIMS OF CRIME 44




Typologies of Crime Victims 45

The Incidence of Victimization 47

Categories of Victims	47
<i>Victims of Violent Crime</i>	47
<i>Victims of Hate Crime</i>	49
<i>Victims of Financial Crime</i>	51
<i>The Elderly and Children</i>	52
<i>Victims' Rights and Assistance</i>	54

SUMMARY	57
---------	----




## FEATURES

-  A CLOSER LOOK 2.1: Cracks in the Statistics 35
-  CJ REFERENCE 2.1: The Hierarchy Rule 38
-  FOCUS ON ETHICS: To Report or Not to Report 56

## CHAPTER 3 CRIMINAL LAW 63

THE DEVELOPMENT OF THE CRIMINAL LAW	64
Early Legal Codes	67
The Magna Carta	67
Common Law	69
SOURCES OF LAW	70
Constitutions	70
Statutes	72
Case Law	73
Administrative Rules and Executive Orders	73
TYPES OF LAW	74
Criminal Law and Civil Law	74
Substantive Law and Procedural Law	77
TYPES OF CRIME	78
Felonies	78
Misdemeanors	79
Inchoate Offenses	79
Infractions	80
FEATURES OF CRIME	80
<i>Actus reus</i>	81
<i>Mens rea</i>	81
Strict Liability	82
CRIMINAL RESPONSIBILITY AND CRIMINAL DEFENSE	83
My Client Did Not Do It	83
My Client Did It, but My Client Is Not Responsible Because of Insanity	83
My Client Did It but Has a Good Excuse	85
My Client Did It but Has a Good Reason	87
My Client Did It but Should Be Acquitted Because the Police or the Prosecutor Cheated	88
My Client Did It but Was Influenced by Outside Forces	89
SUMMARY	91

## FEATURES

-  CJ REFERENCE 3.1: The Bill of Rights 72
-  A CLOSER LOOK 3.1: Drug Laws: More Expensive than Effective? 76
- CASE IN POINT 3.1:** *Durham v. United States* (1954) 84
-  FOCUS ON ETHICS: Changing the Substantive Law 90






## PART II ENFORCING THE LAW 95

### CHAPTER 4 THE HISTORY AND ORGANIZATION OF LAW ENFORCEMENT 97

A BRIEF HISTORY OF THE POLICE	99
Early Policing in England	99
Early Policing in the United States	101
The Introduction of Police Professionalism	103
The End of the 20th Century to Today: Crime Control, Communities, and Homeland Security	106
LEVELS OF LAW ENFORCEMENT	108
Federal Level	108
<i>The Federal Bureau of Investigation</i>	110
<i>The Secret Service</i>	111
State Level	111
Local Level	113
<i>Sheriff's Offices</i>	115
<i>Requirements to Become a Police Officer</i>	116
STRATEGIES IN POLICING	117
Wilson's Three Styles of Policing	117
Community Policing	118
Problem-Oriented Policing	120
Zero-Tolerance Policing and Broken-Windows Perspective	121
SUMMARY	125




#### FEATURES

-  CJ REFERENCE 4.1: Federal Law Enforcement Agencies 110
-  A CLOSER LOOK 4.1: Who Polices the Police? 123
-  FOCUS ON ETHICS: Righteous Vengeance 124

### CHAPTER 5 POLICE ORGANIZATION, OPERATION, AND THE LAW 131

WHAT WE EXPECT OF THE POLICE	132
HOW THE POLICE ARE ORGANIZED	133
WHAT THE POLICE DO	136
Patrol	136
Investigation	139
Traffic Enforcement	140
Peacemaking and Order Maintenance	140
THE RULES THE POLICE FOLLOW	144
Police Discretion	144
The Fourth Amendment	146
<i>Search</i>	147
<i>Special-Needs Searches</i>	151
<i>Seizures</i>	152
<i>Stop-and-Frisk</i>	153
<i>Arrests</i>	154
Interrogations and Confessions	155
SUMMARY	157





## FEATURES

-  A CLOSER LOOK 5.1: The Police and Justifiable Homicide 143
-  CJ REFERENCE 5.1: The Fourth Amendment 146
- CASE IN POINT 5.1:** *Terry v. Ohio* (1968) 150
- CASE IN POINT 5.2:** *Florida v. Bostick* (1991) 153
-  FOCUS ON ETHICS: It's Only Marijuana 156

CHAPTER 6 **POLICING: INNOVATIONS AND CONTROVERSIES** 161

- USE OF FORCE 162
- THE MILITARIZATION OF POLICE 168
  - The Evolution of Police Militarization 169
- STRESS AND BURNOUT 172
  - Police and Alcohol 173
  - Family Problems and the Police 174
  - Police and Suicide 175
  - Dealing with the Stress of Policing 176
  - The Police Subculture 177
  - Police Corruption 178
- POLICING AND TECHNOLOGY 180
  - Body-Worn Cameras 180
  - Police Surveillance 182
  - Less-Than-Lethal Weapons 183
  - DNA Databases 183
- SEX AND RACE 186
  - Women as Police Officers 186
  - Minorities as Police Officers 188
- SUMMARY 190

## FEATURES





-  CJ REFERENCE 6.1: Police Use of Force 164
- CASE IN POINT 6.1:** *Tennessee v. Garner* (1985) 165
-  CJ REFERENCE 6.2: What is the Posse Comitatus Act? 168
-  A CLOSER LOOK 6.1: Where Did All This Stuff Come From? 171
-  FOCUS ON ETHICS: To Trust a Partner 190

PART III **THE ROLE OF THE COURTS** 197CHAPTER 7 **THE COURTS** 199

- THE COURT SYSTEM IN THE UNITED STATES 200
- THE HISTORICAL FOUNDATION OF MODERN U.S. COURTS 202
  - Courts in England 203
  - Courts in Colonial North America 204
- THE ORGANIZATION OF MODERN U.S. CRIMINAL COURTS 205
  - The Nature of Jurisdiction 205
  - The Structure of the Federal Courts 206
    - U.S. District Courts* 209
    - U.S. Courts of Appeals* 210

U.S. Supreme Court	210
Specialized Federal Courts	211
The Structure of State Courts	213
Juvenile Courts	215
State Trial Courts	215
State Intermediate Courts of Appeals	216
State Supreme Courts	217
Local and Community Courts	218
SUMMARY	221






## FEATURES

-  CJ REFERENCE 7.1: What Makes the Supreme Court Supreme? 211
-  CASE IN POINT 7.1: *Hamdan v. Rumsfeld* (2006) 214
-  A CLOSER LOOK 7.1: Problem-Solving Courts 218
-  FOCUS ON ETHICS: Modern-Day Blood Feud 220

## CHAPTER 8 THE COURTROOM WORK GROUP 227

THE COURTROOM WORK GROUP	228
THE PROSECUTOR	229
The Prosecutor at Work	230
Prosecution at the Federal Level	232
Prosecution in State Courts	233
THE DEFENSE ATTORNEY	235
The Defense Attorney and the Courtroom Work Group	236
The Best Defense: Private Attorney or Public Defender?	238
THE JUDGE	242
Judicial Selection: Executive Appointments	244
Judicial Selection: Election of Judges	244
Judicial Selection: Merit Selection	246
THE PARTICIPANTS	247
Law Enforcement	247
Court Support Staff	248
Corrections	248
The Public	248
DEFENDANTS, VICTIMS, AND WITNESSES	249
Defendants	249
Victims	250
Witnesses	250
Victim–Witness Programs	251
SUMMARY	253






## FEATURES

-  A CLOSER LOOK 8.1: (De)Funding Public Defenders 239
-  CASE IN POINT 8.1: *Argersinger v. Hamlin* (1972) and *Scott v. Illinois* (1979) 240
-  CASE IN POINT 8.2: *Gideon v. Wainwright* (1963) 241
-  CJ REFERENCE 8.1: American Bar Association Guidelines for Reviewing Qualifications  
of Candidates for State Judicial Office 244
-  FOCUS ON ETHICS: Difficult Decisions for the Defense 252

## CHAPTER 9 THE DISPOSITION: PLEA BARGAINING, TRIAL, AND SENTENCING 259

THE CRIMINAL COURT PROCESS	260
PRE-TRIAL RELEASE DECISIONS	261
THE PLEA BARGAIN	263
Issues That Affect Plea Bargaining	265
Types of Plea Bargains	266
Should Plea Bargaining Be Abolished?	268
THE TRIAL	270
The Pre-trial Phase	271
Pre-trial Motions	274
Opening Arguments	276
The Prosecution's Presentation of Witnesses and Evidence	276
The Case Goes to the Jury	279
The Defense Doesn't Rest	282
Appeal	283
SENTENCING	284
Indeterminate Sentencing	285
Determinate Sentencing	286
Mandatory Minimum Sentences	288
SUMMARY	290

### FEATURES

-  A CLOSER LOOK 9.1: The Dark Side of Plea Bargaining 269
-  CJ REFERENCE 9.1: What Are Grand Juries and How Do They Work? 273
-  CJ REFERENCE 9.2: The Exclusionary Rule 275
-  CASE IN POINT 9.1: *Batson v. Kentucky* (1986) 281
-  FOCUS ON ETHICS: Letting the Big Ones Get Away 289



## PART IV FROM PENOLOGY TO CORRECTIONS AND BACK 295




## CHAPTER 10 THE HISTORY OF CONTROL AND PUNISHMENT 297

PRISONS IN THE UNITED STATES	298
Control in the Colonies and	
Early United States: 1770–1860	298
<i>The Pennsylvania System</i>	300
<i>The Auburn System</i>	301
Age of Reform: 1860–1900	301
<i>Alexander Maconochie</i>	302
<i>Sir Walter Crofton</i>	302
<i>Zebulon Brockway</i>	302
A New Emphasis on Prison Labor: 1900–1930	303
Age of Rehabilitation: 1930–1970	304
Retributive Era: 1970s to the Present	306
CAPITAL PUNISHMENT	309
Capital Punishment in Historical Perspective	310
The Search for Humane Execution	311
<i>Electrocution</i>	312



Gas	312
Lethal Injection	314
Arguments Supporting Capital Punishment	316
Arguments against Capital Punishment	317
Is the Death Penalty Dead?	320
SUMMARY	323






## FEATURES

CASE IN POINT 10.1: <i>Furman v. Georgia</i> (1972)	313
CASE IN POINT 10.2: <i>Gregg v. Georgia</i> (1976)	313
 A CLOSER LOOK 10.1: The Innocence Project	320
 CJ REFERENCE 10.1: States/Jurisdictions without a Death Penalty	321
 FOCUS ON ETHICS: Capital Punishment: Some Immodest Proposals	322

## CHAPTER 11 PRISONS AND JAILS 329

PRISON LIFE	330
How U.S. Prisons Work	330
The Pains of Imprisonment	333
Prison Gangs	335
Supermax Prisons	338
Violence and Overcrowding	339
WOMEN IN PRISON	342
A Short History of Women's Prisons	342
Life in Women's Prisons	343
COURTS AND THE PRISON	345
Eighth Amendment	346
Fourteenth Amendment: Due Process and Equal Protection	347
WORKING IN THE PRISON	350
PRIVATE PRISONS	352
JAILS	355
SUMMARY	359

## FEATURES

 A CLOSER LOOK 11.1: The Stanford Prison Experiment	336
CASE IN POINT 11.1: <i>Brown v. Plata</i> (2011)	341
 CJ REFERENCE 11.1: The Prison Litigation Reform Act	346
 CJ REFERENCE 11.2: The Eighth and Fourteenth Amendments	347
 CJ REFERENCE 11.3: What Jails Do	356
 FOCUS ON ETHICS: Keeping the Condemned Alive	358

## CHAPTER 12 COMMUNITY CORRECTIONS 367

COMMUNITY CORRECTIONS IN CONTEXT	368
DIVERSION	371
PROBATION	372
Probation Officers at Work	375
Investigation	375
Supervision	377
Service	380

Private Probation 380

*Advantages* 382

*Disadvantages* 382

PAROLE 383

When to Parole 385

Re-entry and “Making It” 386

INTERMEDIATE SANCTIONS 388

Intensive-Supervision Probation 389

Drug Testing 389


House Arrest and Electronic Monitoring 390

Fines 391

Shock Probation 391

SUMMARY 393

### FEATURES

 A CLOSER LOOK 12.1: Pay or Stay in the Modern Debtor’s Prison 381

 FOCUS ON ETHICS: Going Out on a Limb 392



## PART V CONTEMPORARY ISSUES 397

### CHAPTER 13 JUVENILE JUSTICE 399

THE JUVENILE JUSTICE SYSTEM 400

The Pros and Cons of the Modern Juvenile Justice System 402

Who Enters the Juvenile Justice System? 404

Entering the System 408

*Pre-hearing Detention* 409

*Intake* 409

*Diversion* 410

*Determining Jurisdiction* 412

*Adjudicatory Hearing* 412

*Disposition* 413

*Aftercare* 414

ISSUES IN JUVENILE JUSTICE 415

Chronic Offenders 415

Gangs 416


Types and Conditions of Youth Confinement 418

Juvenile Waiver: Treating Children as Adults 421

SUMMARY 424

### FEATURES

 CJ REFERENCE 13.1: Waiver to Criminal Court 421

 A CLOSER LOOK 13.1: Thaddeus Jimenez 422

 FOCUS ON ETHICS: Widening the Net of Social Control 423

### CHAPTER 14 CRIMINAL JUSTICE IN THE FUTURE: ISSUES AND CONCERNS 429



THE HIGH INCARCERATION RATE 430

Unintended Consequences of High Incarceration 432

*Children and Families* 433

<i>Physical and Mental Health</i>	434
<i>Employment and Earnings</i>	434
<i>Communities</i>	435
<i>Society Overall</i>	435
THE WAR ON DRUGS	437
PREDICTIVE POLICING	439
Use of Technology in Predictive Policing	441
TECHNOLOGY AND SURVEILLANCE	443
THE FUTURE OF CRIMINAL JUSTICE AND YOU	446
SUMMARY	447

## FEATURES

-  A CLOSER LOOK 14.1: The USA FREEDOM Act 445
-  FOCUS ON ETHICS: Changing the Law in the Future 447

## APPENDIX: Theories of Crime 451

THE CLASSICAL SCHOOL OF CRIMINOLOGY	451
THE NEOCLASSICAL SCHOOL OF CRIMINOLOGY	452
Rational Choice Theory	452
Situational Crime Prevention	452
Routine Activities Theory	453
THE POSITIVIST SCHOOL OF CRIMINOLOGY	453
Biological Theories of Crime	453
<i>Biosocial Criminology</i>	453
Genes	453
Hormones	454
Brain Structure and Brain Chemistry	454
Psychological Theories of Crime	454
<i>Behaviorism</i>	454
<i>Observational Learning</i>	454
<i>Cognitive Psychological Theory</i>	455
<i>Psychopathy</i>	455
Sociological Theories of Crime	456
<i>The Chicago School</i>	457
<i>Differential Association Theory</i>	457
<i>Strain Theory</i>	457
<i>Social Control Theory</i>	458
Critical Sociological Theories of Crime	459
<i>Marxism</i>	459
<i>Gender and Justice</i>	459
<i>Critical Race Theory</i>	460
Integrated Theories of Crime	461
<i>Integrated Theory of Delinquent Behavior</i>	461
<i>Interactional Theory of Delinquency</i>	461
<i>Control Balance Theory</i>	461
Life-Course and Developmental Theories	462
<i>Pathway Theory</i>	462
<i>Persistent-Offending and Desistance-from-Crime Theory</i>	462
Glossary	469
Credits	478
Index	479

# Preface

The field of criminal justice is undergoing constant change. As new laws are enacted, new technology developed, and offenders get more sophisticated in their lawbreaking methods, professionals in the criminal justice system must constantly adapt. These changes also require continual updates in what students who are interested in the criminal justice system need to understand.

*Introduction to Criminal Justice: A Brief Edition* has kept abreast of these many changes. There is a renewed emphasis on policing and technology, the militarization of the police, victimology, and white-collar crime, new concerns about how criminal justice policies are shaped by political considerations, and a host of new ways of responding to crime, particularly in the field of corrections where innovative methods for addressing the problems of offenders are always being introduced. Since the terrorist attacks of September 11, 2001, the field of criminal justice has become even more complex and challenging to study and to write about. The basic mission of some criminal justice agencies, such as the FBI, has been altered; the Department of Homeland Security was created; and state and local criminal justice agencies now have the additional duties of being first responders to terrorist attacks. Yet in spite of this ever-evolving threat, the fundamental job of the criminal justice system remains. Protecting individuals and property within the rule of law has always been a difficult mission. The delicate balance between thorough and effective public safety and protecting individual rights and liberties is being stretched anew by terrorist threats; the laws designed to address those threats, such as the USA PATRIOT Act and USA FREEDOM Act; and the emotions of citizens, which range from legitimate concern to paranoia.

It follows, then, that the criminal justice system is not as neat and orderly as is often portrayed; many factors, issues, and controversies must be put in context if we are to understand why some people break the law and how the criminal justice system responds when they do. This book is written with a critical perspective that recognizes the profound influence extralegal characteristics such as inequality, race, class, sex, and gender have on the criminal justice system and the quality of justice. Reflecting these contexts, this book is designed to help students grasp both the excitement of the field and the immense responsibility of serving the country and community. The mainstream narrative of this text provides instructors and students with foundational knowledge of the criminal justice discipline while helping students to separate fact from fiction and gain insight into the complexities of ethical decision making. It articulates the important issues of the field and supplies students with the basics necessary to work in this arena.

*Introduction to Criminal Justice: A Brief Edition* is designed to be, first and foremost, a standard text that covers the canon required in the first course that most criminal justice majors take. Additionally, the book serves as an introduction to the discipline for those students who have not yet chosen a major. The history and contemporary concerns of criminal justice are among the most interesting and necessary fields of study offered at universities. However, students often bring to these fields many myths about the criminal justice system that they have absorbed from television shows, as well as from media coverage of sensational cases. Students must not blindly accept the status quo when learning

about the discipline; engaging in critical thinking is essential to fully understanding the field. This text is unique in that it encourages students' critical thinking skills beyond the memorization of facts and figures through a robust pedagogical framework. Students must appreciate the history of social control and the limits of the ability of science and government to respond to deviant behavior. Most important, students should be open to the many ways in which the criminal justice system might be effectively reformed as new challenges continue to emerge.

Criminal justice benefits from having students and instructors who have worked in the field, gained experience through internships, and interacted with the criminal justice system. These experiences enrich discussions in the classroom, and this text readily acknowledges the interplay between theory and practice in the criminal justice system. It is somewhat regrettable that the employment opportunities in criminal justice are so plentiful; it would be better for us all if crime were less prevalent. Nevertheless, good people who can solve problems, act ethically, and be trusted to use power responsibly are needed to fill the many positions in the criminal justice system. To the extent that this book facilitates the development of those types of individuals, it will be judged a success.

## Organization of the Brief Edition

*Introduction to Criminal Justice: A Brief Edition* presents the latest available research, statistics, and developments in the field of criminal justice and is comprehensive yet concise enough for instructors who prefer a more economical option for their students without forgoing the primary advantages of a traditional longer text. This result has been achieved without sacrificing the kinds of features, images, tables, maps, and figures expected in this course. The brief edition is derived from the third edition of *Criminal Justice: Mainstreams and Crosscurrents*; each chapter has been streamlined, revised for more balanced coverage, and pedagogically strengthened to give students the tools they need to succeed. The following table illustrates how chapters from the third edition of *Criminal Justice: Mainstream and Crosscurrents* were streamlined to create the brief edition. Adopters will find the same content previously covered in 16 chapters now covered in 14 chapters and an appendix:

BRIEF EDITION CHAPTERS	THIRD EDITION CHAPTERS
Chapter 1: Crime and Criminal Justice	Chapter 1: Crime and the Problem of Social Control Chapter 2: The Nature and Measurement of Crime Types of Crime Offenses and Offenders
Chapter 2: How Crime Is Measured and Who It Affects	Chapter 2: The Nature and Measurement of Crime The Nature and Measurement of Crime Measurement of Crime Chapter 15: Victims of Crime and Victimless Crimes Victims of Crime
Chapter 3: Criminal Law	Chapter 4: Criminal Law
Chapter 4: The History and Organization of Law Enforcement	Chapter 5: The History and Organization of Law Enforcement A Brief History of the Police Levels of Law Enforcement Chapter 7: Issues in Policing Challenges to Traditional Policing

Chapter 5: Police Organization, Operation, and the Law	Chapter 5: The History and Organization of Law Enforcement Modern Police Organization Chapter 6: Policing and the Law
Chapter 6: Policing: Innovations and Controversies	Chapter 5: The History and Organization of Law Enforcement Innovations in Policing Chapter 7: Issues in Policing Sex and Race Use of Force Stress and Burnout
Chapter 7: The Courts	Chapter 8: The History and Organization of Courts
Chapter 8: The Courtroom Work Group	Chapter 9: Working in the Courtroom The Courtroom Work Group
Chapter 9: The Disposition: Plea Bargaining, Trial, and Sentencing	Chapter 9: Working in the Courtroom Pretrial Release Decisions Chapter 10: The Disposition: Plea Bargaining, Trial, and Sentencing
Chapter 10: The History of Control and Punishment	Chapter 11: The History of Control and Punishment
Chapter 11: Prisons and Jails	Chapter 12: Contemporary Prison Life Chapter 13: Corrections in the Community Jails
Chapter 12: Community Corrections	Chapter 13: Corrections in the Community Community Corrections in Context Diversion Probation Intermediate Sanctions Parole
Chapter 13: Juvenile Justice	Chapter 14: Juvenile Justice
Chapter 14: Criminal Justice in the Future: Issues and Concerns	Chapter 16: Present and Emerging Trends: The Future of Criminal Justice
Appendix: Theories of Crime	Chapter 3: Theories of Crime

## Features

Criminal justice is not black and white: it requires much situation-based decision making in shades of gray. Placing students in scenarios that reflect high-pressure, on-the-job circumstances is an ideal way to draw students into the field and prepare them to meet such challenges, whether in a courtroom or on the streets. To this end, *Introduction to Criminal Justice: A Brief Introduction* implements a robust pedagogical program to assist in teaching students the critical-thinking and ethical decision-making skills they need to understand and work in the criminal justice system.

- › Each chapter begins with a **chapter-opening vignette**, which introduces a controversial case and/or event in the news that illuminates the chapter's major themes.
- › **Learning objectives** describe the educational goals students are expected to come away with upon reading the chapter. Learning objectives

are keyed to each chapter-ending summary, as well as the major headings within the chapters.

- › **Pause and Review** questions are knowledge-based review questions that now appear at the end of each major section to test students' memory and understanding of the chapter content.
- › **A Closer Look** boxes encourage critical thinking in relation to various key topics discussed throughout the chapters, present relevant real-life examples, and expose common misconceptions about the criminal justice system.
- › **Case in Point** boxes summarize landmark court cases relevant to the chapter discussion.
- › **CJ Reference** boxes provide pertinent information, which students will refer to throughout their studies.
- › **Focus on Ethics** boxes at the end of each chapter place students in on-the-job scenarios and ask them to respond to ethical dilemmas. The feature is accompanied by a set of "What Do You Do?" questions to help students understand the consequences of a potential decision (or these can be used to encourage in-class discussion). This feature also links to the book's companion website where students can watch videos that connect the scenarios to real-world situations.
- › Each **Chapter Summary** is linked to the learning objectives and outlines the main concepts covered in each chapter.
- › **Critical Reflection** questions appear at the end of each chapter. These questions are open-ended, and some may require further research.
- › **Key terms** appear in the chapter margins where terms are first used, as well as in a chapter-ending list to help students recall the important concepts covered in the chapter.
- › A rich **graphics program** of photographs and figures that illustrate the latest statistics helps students explore essential chapter themes.

## Supplements

Oxford University Press offers a complete and authoritative supplements package for both instructors and students. When you adopt *Introduction to Criminal Justice: A Brief Edition*, you will have access to an exemplary set of learning resources to enhance teaching and support students' learning.

### Ancillary Resource Center (ARC)

A convenient, instructor-focused destination for resources accompanies *Introduction to Criminal Justice: A Brief Edition*. Accessed online through individual user accounts (<https://arc2.oup-arc.com/>), the ARC provides instructors with access to up-to-date ancillaries at any time, while guaranteeing the security of grade-significant resources. In addition, it allows Oxford University Press to keep instructors informed when new content becomes available. The ARC for *Introduction to Criminal Justice: A Brief Edition* includes:

- › **Instructor's Manual:** For each chapter of the textbook, the Instructor's Manual includes the following:
  - Chapter Summaries: Full summaries of each chapter provide a thorough review of the important facts and concepts covered.



- Chapter Outlines: Detailed outlines give an overview of each chapter.
- Key Concepts
- Key Terms
- Media Connections: Suggestions are given for related books, movies, and television programs on which to focus discussion of the chapter topics, including questions to stimulate class discussion.
- Learning Objectives: These are based on the book.
- CNN Videos: These videos showcase news stories with summaries and questions.
- › **Textbook Figures and Tables:** All of the textbook's illustrations and tables are provided for instructor use.
- › **PowerPoint Resources:** Complete lecture outlines are presented, ready for use in class.
- › **Computerized Test Bank:** A complete test bank provides instructors with a wide range of test items (approximately 50 questions per chapter), including multiple-choice, short-answer, true/false, and essay questions.
- › **Sample Syllabi** for both semester and quarter terms.
- › **Focus on Ethics Videos:** Designed to enhance the educational value of the Focus on Ethics features at the end of each chapter, these videos and accompanying exercises help students connect the scenarios presented in the chapters to real-world situations. Available on the text's companion website, the exercises guide students through a series of questions expanding the analysis of the ethical and practical implications of each Focus on Ethics scenario. They are ideal for use as lecture starters or as assignments.
- › **Interactive Media Activities:** Designed to reinforce key concepts with real-world situations, each activity:
  - Takes approximately 10 minutes to complete and produces unique results for each student.
  - Enables students to see how criminal justice works, experiencing the decision making required on the job.
  - Is optimized to work on any mobile device or computer.
  - Ends with assessments to connect the activity to classroom discussions.

Interactive media activities will cover topics such as Discretion in the Criminal Justice System, Prosecutor Misconduct, Prison Contraband, Job Application Dilemmas, and Probation Internship.

- › **Careers in Criminal Justice:** The book has extensive coverage of the careers available to criminal justice students. In addition to the chart on the inside front cover detailing 10 types of criminal justice occupations, the companion website presents an expanded version of the chart with greater descriptions of the occupations and the educational requirements necessary to pursue them. Additionally, the companion website presents an annotated list of 50 criminal justice agencies' websites that allows students to learn what each of these agencies requires for employment and what benefits they provide to their employees.

### Student Companion Website

The free and open access companion website for *Introduction to Criminal Justice: A Brief Edition* ([www.oup.com/us/fuller](http://www.oup.com/us/fuller)) helps students to review what they

have learned from the textbook as well as explore other resources online. Resources include:

- › **Chapter Summaries:** Full summaries of each chapter provide a thorough review of the important facts and concepts covered.
- › **Chapter Outlines:** Detailed outlines give an overview of each chapter.
- › **Practice Quizzes:** Each chapter includes a practice quiz (10 multiple-choice, 10 true/false, and 10 fill-in-the-blank questions, as well as approximately five essay/discussion questions), which students can use as a self-review exercise, to check their understanding.
- › **Focus on Ethics Videos:** Designed to enhance the educational value of the Focus on Ethics features at the end of each chapter, these videos and accompanying exercises help students connect the scenarios presented in the chapters to real-world situations. Available on the text's companion website, the exercises guide students through a series of questions expanding the analysis of the ethical and practical implications of each Focus on Ethics scenario. They are ideal for use as lecture starters or as assignments.
- › **Interactive Media Activities:** Designed to reinforce key concepts with real-world situations, each activity:
  - Takes approximately 10 minutes to complete and produces unique results for each student.
  - Enables students to see how criminal justice works, experiencing the decision making required on the job.
  - Is optimized to work on any mobile device or computer.
  - Ends with assessments to connect the activity to classroom discussions.

Interactive Media Activities will cover topics such as Discretion in the Criminal Justice System, Prosecutor Misconduct, Prison Contraband, Job Application Dilemmas, and Probation Internship.

- › **Careers in Criminal Justice:** The book has extensive coverage of the careers available to criminal justice students. In addition to the chart on the inside front cover detailing 10 types of criminal justice occupations, the companion website presents an expanded version of the chart with greater descriptions of the occupations and the educational requirements necessary to pursue them. Additionally, the companion website presents an annotated list of 50 criminal justice agencies' websites that allows students to learn what each of these agencies requires for employment and what benefits they provide to their employees.
- › **What Agency Am I?** These activities test students' understanding of the duties of federal criminal justice agencies.
- › **Crossword:** This feature consists of puzzles testing students' comprehension of key concepts.
- › **In the News:** These activities help students connect concepts they learn in class to current events.
- › **Flashcards:** Interactive flashcard activities are an effective way for students to learn and review all of the important terminology.

## Dashboard

Dashboard ([www.oup.com/us/dashboard](http://www.oup.com/us/dashboard)) is Oxford University Press's nationally hosted learning management system. It features a streamlined interface that connects instructors and students with the functions they perform most often, simplifying the learning experience to save instructors time and put students' progress first. Dashboard's prebuilt assessments were created specifically to accompany *Introduction to Criminal Justice: A Brief Edition* and are automatically graded so that instructors can see student progress instantly. The Dashboard for *Introduction to Criminal Justice: A Brief Edition* includes:

- › **Practice Questions:** There are 20 questions per chapter (10 multiple-choice, 10 true/false), distinct from what is offered on the ARC and Student Companion Website.
  - Each question is tied to a **learning objective** from the chapters.
- › **PowerPoint Resources:** Complete lecture outlines are available, ready for use in class.
- › **Interactive Media Activities:** Designed to reinforce key concepts with real-world situations, each activity:
  - Takes approximately 10 minutes to complete and produces unique results for each student.
  - Enables students to see how criminal justice works, experiencing the decision making required on the job.
  - Is optimized to work on any mobile device or computer.
  - Ends with assessments to connect the activity to classroom discussions.

Interactive Media Activities will cover topics such as Discretion in the Criminal Justice System, Prosecutor Misconduct, Prison Contraband, Job Application Dilemmas, and Probation Internship.

- › **Careers in Criminal Justice:** The book has extensive coverage of the careers available to criminal justice students. In addition to the chart on the inside front cover detailing 10 types of criminal justice occupations, the companion website presents an expanded version of the chart with greater descriptions of the occupations and the educational requirements necessary to pursue them. Additionally, the companion website presents an annotated list of 50 criminal justice agencies' websites that allows students to learn what each of these agencies requires for employment and what benefits they provide to their employees.
- › **Flashcards:** Interactive flashcard activities are an effective way for students to learn and review all of the important terminology.
- › **What Agency Am I?** These activities test students' understanding of the duties of federal criminal justice agencies.
- › **Crossword:** Puzzles test students' comprehension of key concepts.
- › **In the News:** These activities help students connect concepts they learn in class to current events.
- › **Media Connections:** Suggestions are offered for related books, movies, and television programs on which to focus discussion of the chapter topics, including questions to stimulate class discussion.
- › **Find it Online:** These activities are designed to expand students' awareness of Internet research and online government sources.

For more information about Dashboard, contact your Oxford University Press sales representative.

### Course Cartridges

For instructors who wish to use their campus learning management system, a course cartridge containing all of the ARC and Dashboard resources is available for a variety of e-learning environments.

### eBook

*Introduction to Criminal Justice: A Brief Edition* is available as an eBook via Redshelf, VitalSource and Chegg.

## Acknowledgments

The professionals at Oxford University Press have been delightful to work with. My editor, Steve Helba, has been instrumental in helping me refine the focus of the book to appeal to a broad range of students and professors. His wise counsel and sound judgment mean a lot to me, and I will be forever indebted for his commitment to this project. I am also indebted to John Challice, Vice President and Publisher, Higher Education; Frank Mortimer, Director of Marketing; Tony Mathias, Marketing Manager; Clare Castro, Marketing Manager and Head of Market Development; Larissa Albright, Assistant Editor; and Jordan Wright, Marketing Assistant, for their many helpful suggestions in developing and marketing this edition. I am especially indebted to Maegan Sherlock, my Development Editor, who made countless insightful contributions to this book. Finally, Amy Hembree, to whom this book is dedicated, deserves great credit for her hard work, wise counsel, sense of humor, and tolerance over these many years of working with me.

### Manuscript Reviewers

I was lucky to have a set of reviewers who were not afraid to suggest ways that this edition could be improved. The following reviewers gave generously of their time and expertise, and I am grateful for their many wise suggestions:

Tina Adams, Worcester State University  
Jonathan Appel, Tiffin University  
Amin Asfari, Wake Tech Community College  
Lauren M. Barrow, Chestnut Hill College  
Allan Barnes, University of Alaska Anchorage  
Curt R. Blakely, Truman State University  
Bradley Carlton Bowen, Tri-County Technical College  
Julie Campbell, University of Nebraska at Kearney  
Serguei Cheloukhine, John Jay College of Criminal Justice, CUNY  
Barbara Allison Crowson, Norwich University  
Anthony Dangelantonio, Keene State College  
Nicole Doctor, Ivy Tech Community College  
Scott Duncan, Bloomsburg University of Pennsylvania  
Laura Dykstra, Plymouth State University  
Julie Globokar, Kent State University  
Brian Gorman, Towson University  
Jennifer D. Griffin, University of Delaware

Melchor C. de Guzman, Georgia Gwinnett College  
 Julia Hall, Drexel University  
 Diane Hartmus, Oakland University  
 Brittany Hayes, Sam Houston State University  
 Marilyn Horace-Moore, Eastern Michigan University  
 Shawn Keller, Florida Gulf Coast University  
 Erin M. Kerrison, University of Pennsylvania  
 Douglas Klutz, The University of Alabama  
 Barry Langford, Columbia College  
 John Mabry, University of Central Oklahoma  
 Waylyn McCulloh, Saint Ambrose University  
 Karen McCue, Central New Mexico Community College  
 Shana Mell, Virginia Commonwealth University  
 Eric Metchik, Salem State University  
 John Lincoln Passmore, University of Massachusetts, Boston  
 Patrick O. Patterson, Eastfield College  
 Lynn Pazzani, University of West Georgia  
 Cornel D. Plebani, Eastern Maine Community College  
 Marlene Ramsey, Albany State University  
 Joseph Schafer, Southern Illinois University Carbondale  
 Martin D. Schwartz, George Washington University  
 Pamela J. Segers, North Georgia Technical College  
 Quanda Watson Stevenson, Athens State University  
 Francis M. Williams, Plymouth State University  
 Wayne Thompson, Carthage College  
 J. Michael Vecchio, Loyola University of Chicago  
 Harold Wells, Tennessee State University  
 Bradley Wright, University of Connecticut  
 Jennifer R. Wynn, LaGuardia Community College

## About the Author

John Randolph Fuller is Professor Emeritus at the University of West Georgia where he taught in the Department of Criminology for 33 years. He brings both an applied and a theoretical background to his scholarship and has been recognized by his students and peers as an outstanding teacher and scholar. In addition, he served as the university's Ombuds, where his knowledge in conflict resolution helped settle disputes among and between students, faculty, staff, and administrators.

Dr. Fuller served as a probation and parole officer for the Florida Probation and Parole Commission in Broward County, Florida, where he managed a caseload of more than 100 felons. In addition, he served as a criminal justice planner for the Palm Beach County metropolitan criminal justice planning unit. In this capacity, he worked with every criminal justice agency in a three-county area and wrote grants for the Law-Enforcement Assistance Administration that funneled more than \$1 million into local criminal justice agencies. By working directly with offenders as a probation and parole officer and with criminal justice administrators as a criminal justice planner, Dr. Fuller gained significant insights that inform his writing about the criminal justice system.

Dr. Fuller has authored and edited numerous journal articles, chapters, and books on criminal justice, criminology, global crime, courts, and juvenile delinquency.





PART I

# Crime: Problems, Measurement, and Law







Bea

Transfo





## Chapter 1

# Crime and Criminal Justice

### WHAT IS CRIME? 4

### THE CRIMINAL JUSTICE SYSTEM AND PROCESS 8

The Criminal Justice Process

*Law Enforcement*

*Courts*

*Corrections*

The Due Process and Crime Control Models

How Cases Move Through the System

The Perception of Crime and the Wedding-Cake

Model of Criminal Justice

### TYPES OF CRIME 17

Street Crime

Corporate Crime and White-Collar Crime

### OFFENSES AND OFFENDERS 19

Violent Crime

Property Crime

Public-Order Crime

### SUMMARY 25

### FEATURES

#### A CLOSER LOOK 1.1

A Comparison of Federal, State, and Local Law Enforcement *p. 9*

#### FOCUS ON ETHICS

A Balance of Interests *p. 24*

In October 2011, 24-year-old Kayla Laws photographed herself at her home and e-mailed the pictures to herself. Laws says she never shared the pictures, some of which were of her nude from the waist up. In January 2012, she learned that one picture had been posted on a website called Is Anyone Up that was operated by Hunter Moore.<sup>1</sup> Since 2010, Moore had been posting nude photographs to the site. Many of the images, most of which were of women, were supposedly sent by people who wanted revenge against their former partners. Moore posted not only the photographs, but also personal identifying details of the people in them, including names, home addresses, phone numbers, and workplaces.<sup>2</sup>

Is Anyone Up was regularly receiving over 30 million page views and earning about \$10,000 monthly in ad revenue.<sup>3</sup> In his defense, Moore cited the Communications Decency Act of 1996, which holds websites unaccountable for content submitted by users.<sup>4</sup> Although Moore claimed that all the site's photographs were sent to him, Kayla Laws was certain that no one else had seen her photographs. She told her mother, Charlotte Laws, what had happened.

Charlotte Laws wrote to Moore, asking him to remove her daughter's photo. When Moore ignored her, Laws wrote to his attorney, his web-hosting service, Facebook, and his Internet security company.<sup>5</sup> When none of this worked, Laws contacted the Los Angeles police, who said they could not help. Laws then called the Federal Bureau of Investigation (FBI). It was only when she explained that her daughter's computer had been broken into that the FBI acted. When the agency opened an investigation, Moore removed Laws's photo.<sup>6</sup> Eventually, the FBI found that many, if not most, of the site's photos were stolen from victims' computers by Charles Evens, whom Moore was paying. In some cases, the image of a victim's face had been pasted onto the body of a pornographic actor.<sup>7</sup>

Moore closed the site in April 2012.<sup>8</sup> The FBI arrested Moore and Evens in January 2014, and Moore, 28, pleaded guilty to unauthorized access to a computer, aiding and abetting unauthorized access of a computer, and identity theft. In December 2015, Moore was sentenced to 30 months in prison, and Evens received 25 months.<sup>9</sup> Twenty-seven states now have laws banning the posting of nude photographs of a person without his or her permission.<sup>10</sup>

**THINK ABOUT IT > Why was it so difficult for Charlotte Laws to get assistance in this case? Why did Laws finally resort to the criminal justice system?**

#### LEARNING OBJECTIVE | 1

Define social control.

#### LEARNING OBJECTIVE | 2

Outline how the U.S. criminal justice system protects individual rights.

#### LEARNING OBJECTIVE | 3

Define crime and criminal justice.

## What is Crime?

**Social control** consists of the rules, habits, and customs a society uses to enforce conformity to its norms. Imagine how chaotic society would be if there were no rules and everyone did whatever they wanted. Recall the opening case of Hunter Moore. One reason that Charlotte Laws was unable to get the images of her daughter removed from the website was that there was no state or federal law specifically prohibiting posting a person's image on the Internet without his or her consent. Only when Laws referenced federal laws concerning identity theft and unauthorized access to a computer was law enforcement able to act.

Communities and countries are composed of the citizens who live in them. In a democracy, not only do citizens decide which laws they want to govern them, but sometimes citizens must also ensure that the laws are enforced. This is an important aspect of social control in a democracy. The feature that sets the U.S. criminal



justice system apart from those of many other countries is the way individual rights are protected as an integral part of the functioning of law enforcement. The criminal justice system must maintain a delicate balance between imposing order and preserving individual rights. This task, which is difficult in the best of times, becomes even more problematic in times of war and terrorism. Yet it would be a grave mistake to think of these issues as mutually exclusive. In other words, keeping people safe does not mean removing their constitutional rights. To successfully create and nurture meaningful communities, the government must control crime without turning the country into a police state. Achieving this balance is part of the Herculean task of the criminal justice system.

As we construct new responses to the threats of terrorism, this task will challenge all of us to appreciate the complexities and ambiguities of crime control in the 21st century. Although crime must be addressed within the rule of law, many practitioners recognize that more fundamental questions must be considered. These questions about the nature of justice in the United States include concerns of racial prejudice, the power of law enforcement to decide what to do with suspects, economic inequality, and the gaps in access to decision-making processes in all aspects of society.

**Crime** can be described as the violation of the laws of a society by a person or a group of people who are subject to the laws of that society. In this context, **justice** is the administration of a punishment or reward in accordance with morals that a given society considers correct. **Criminal justice** is a social institution that has the mission of controlling crime by detecting, detaining, adjudicating, and punishing and/or rehabilitating people who break the law. Most people envision crime as fairly straightforward, often sordid affairs, such as robbery, rape, and murder. For example:

- › In 2012, an ATM security camera in Arizona recorded the image of a man driving a white Ford Focus making a withdrawal while wearing a horror mask. The ATM card belonged to an 18-year-old Alaska woman, Samantha Koenig, who had been reported missing. Later in Texas, police pulled over the car for speeding and arrested its driver, Israel Keyes, upon seeing his Alaska driver's license.<sup>11</sup> Charged with Koenig's murder and facing the death penalty and a pile of incriminating evidence, Keyes told police about his murderous career.<sup>12</sup> He had traveled around the country from his home in Anchorage, hiding cash, tools, and weapons to facilitate murders he would commit later. In the 2011 murder of Bill and Lorraine Currier, Keyes flew to Chicago, rented a car, and visited family in Indiana on his way to Burlington, Vermont. There, he spent three days looking for random victims. After kidnapping and killing the Curriers, Keyes flew home.<sup>13</sup> Similarly, after killing Samantha Koenig, he hid her body in a shed and went on a two-week cruise.<sup>14</sup> The murders of Koenig and the Curriers are the only ones Keyes gave details about. Keyes claimed responsibility for eight murders but hinted about at least three more. He committed suicide in his jail cell in December 2012.<sup>15</sup>

Many offenses involve the harm not of other people but of social order. Although order is a good thing to have in a society, sometimes the order itself is questionable.

- › In 2015, Arnold Abbott, 90, was arrested in Ft. Lauderdale, Florida, for giving food to homeless people. Abbott, an activist and World War II veteran, had operated a charity that provides food to the city's homeless population since 1991. He said he would continue his work despite violating a recent ordinance that restricted giving food to homeless people. Police cited Abbott at least five times, with each citation bearing a fine of up to \$500 and up to 60 days in jail. Weeks later, however, a judge temporarily halted the ordinance.<sup>16</sup>

**social control**—The rules, habits, and customs a society uses to enforce conformity to its norms.

**crime**—The violation of the laws of a society by a person or a group of people who are subject to the laws of that society.

**justice**—The administering of a punishment or reward in accordance with morals that a given society considers to be correct.

**criminal justice**—A social institution that has the mission of controlling crime by detecting, detaining, adjudicating, and punishing and/or rehabilitating people who break the law.

Samantha Koenig was one of the victims of serial murderer Israel Keyes who traveled the country looking for victims. Why is it so difficult to detect serial killers who kill in many different states?



Other offenses, such as espionage (spying), threaten not only society's laws but also its political stability. How these offenses are dealt with, however, is usually a result of the political mood of the times. In the last 10 years, those who have committed treasonous offenses have been sent to prison.

- › In 2013, Edward Snowden, a then 29-year-old Central Intelligence Agency (CIA) contractor and computer analyst, left the United States and flew to Hong Kong to reveal a trove of classified National Security Agency documents to journalists. It is believed that Snowden may have downloaded as many as 1.7 million secret documents during his tenure as a CIA contractor. In June 2013, the *Guardian* newspaper reported that the U.S. National Security Agency (NSA) was collecting the telephone records of millions of Americans.<sup>17</sup> On June 14, 2013, the U.S. Department of Justice charged Snowden with violating the Espionage Act and theft of government property, offenses punishable by up to 30 years in prison.<sup>18</sup> The U.S. Department of State revoked Snowden's passport on June 22, 2013, one day before Snowden flew to Russia.<sup>19</sup> In 2014, the Russian government issued Snowden a residency permit that allows him to travel freely within Russia and to leave the country for up to three months. As of November 2017, Snowden continued to live in Russia.<sup>20</sup> He has stated that he has applied for asylum in 21 countries, including some in western Europe.<sup>21</sup>

Incidents such as these make rational discussion about crime difficult. The personal nature of crime further compounds this problem. In a society as diverse as the 21st-century United States, what is rational to one person might not be rational to another, and everyone has his or her own solution to crime based on what he or she considers rational.





Although Edward Snowden is accused of violating the law, many people believe he did the right thing by exposing U.S. surveillance practices. If Snowden ever returns to the United States, should he be prosecuted for his crimes or treated as a hero?

Taking these factors into account, a student of criminal justice can begin to understand how the apparently simple progression of crime → **arrest** → trial → punishment really represents many subtleties and complications. Still, as individuals we hold tightly to the perspectives that support our personal notions of fairness, justice, and goodness, even when we know those notions might be grounded in the privilege of middle-class values concerning race, class, sex, and gender. However, crime is a messy human problem that does not respond to simple, mechanical, or straightforward solutions.

The study of crime and the criminal justice system is not an exact science. In thinking about crime, we must use what sociologist C. Wright Mills called the **sociological imagination**, or the idea that we must look beyond the obvious to evaluate how our social location influences how we perceive society.<sup>22</sup> Mills encouraged us to step back from our personal experiences and examine issues apart from our social location. For example, could the father of a murdered daughter reasonably sit on a jury of the accused killer? Of course not. Likewise, according to Mills, each of us should attempt to look at crime and criminal justice policy from a neutral and objective position. The key word here is “attempt.” It can be argued that no one can truly be neutral and objective when considering social issues. We must be honest and acknowledge that our social class, race, gender, sex, age, and other personal attributes affect our thinking. Only by explicitly stating our social location can we, and those we seek to convince, put our opinions in context and evaluate them.

**arrest**—When law enforcement detains and holds a criminal suspect or suspects.

**sociological imagination**—The idea that we must look beyond the obvious to evaluate how our social location influences how we perceive society.

## PAUSE AND REVIEW

1. What is the feature that sets the U.S. criminal justice system apart from those of other countries?
2. What is crime? What is criminal justice?
3. What is the relationship between crime and justice?

### LEARNING OBJECTIVE 4

List the steps of the criminal justice process.

### LEARNING OBJECTIVE 5

Explain the major difference between the due process and crime control models.

### LEARNING OBJECTIVE 6

Describe the wedding-cake model of criminal justice.

**probation**—The suspension of all or part of a sentence subject to certain conditions and supervision in the community.

## The Criminal Justice System and Process

When the law is broken, the criminal justice system must respond in the name of society. The criminal justice system comprises various agencies from different levels of government, each with a mission to deal with some aspect of crime. Although some of these agencies appear to overlap in duties, and the system seems to be inefficient and cumbersome, it chugs along, processing a vast number of cases. However, the criminal justice system is often criticized by the public for being ineffective and failing to produce the justice that many people expect. Why do so many people perceive the criminal justice system in this way?

First, the system is not confined to one level of government. The criminal justice system spans the range from local governments to the federal government. The lines of authority and distinction between agencies are not always clear and in some cases must be negotiated according to the politics of the case. For example, tension exists between federal agencies such as the FBI and local law enforcement agencies. Depending on the case, investigators must decide whether federal or state laws have been violated and which agency has the primary responsibility for investigation. Although interagency cooperation is the stated norm, conflict does arise. (See A Closer Look 1.1 to learn more about interagency cooperation.) In addition, problems between different components of the criminal justice system may exist. The goals and missions of law enforcement are not always viewed as identical to those of the judicial system or the corrections system. Individual criminal justice practitioners might believe that other agencies are working against them. For example, the police sometimes believe that district attorneys and judges are working against them by helping offenders get plea bargains, light sentences, and **probation**. On the other hand, prison officials might think that lawmakers who legislate tougher, longer sentences are overcrowding the prisons.

Now let's examine how the criminal justice system is set up.

## The Criminal Justice Process

The criminal justice process is covered in great detail in the following chapters. However, this brief overview will provide some orientation as to how each component of the system is related to the process.

Cases move through the criminal justice system in a consistent manner. They begin with contact with a law enforcement agency and then proceed to the courts which determine guilt (if any) and prescribe a sentence for the guilty. The convicted then move to the correctional system where punishment and/or treatments are administered. At each step of the process criminal justice officials decide whether the case should continue to the next stage.



## A CLOSER LOOK 1.1

## A Comparison of Federal, State, and Local Law Enforcement

One of the most stubborn problems in U.S. law enforcement is getting agencies to work together. Although we call it a criminal justice “system,” historic, structural, personal, and jurisdictional issues prevent or impede criminal justice agencies from freely exchanging information and resources. Local, state, and federal law enforcement agencies are all subject to individual agency cultures rather than one national law enforcement culture affecting individual law enforcement agencies. This philosophy had an especially tragic effect on September 11, 2001. Following the attacks, the National Commission on Terrorist Attacks Upon the United States, known as the 9/11 Commission, was created to investigate the circumstances surrounding the attacks. The Commission discovered that many major federal law enforcement and investigation agencies all held separate pieces of information regarding the terrorist plot but had not communicated them to one another.<sup>23</sup> The Commission concluded that had various agencies acted together, the attacks could have potentially been prevented.

A solution to this problem would be to create a large, federally mandated law enforcement agency, but this is unlikely to happen. Although other countries have this type of law enforcement structure, one of the intrinsic values of the United States is the idea that, when possible, government control should be vested at the level closest to the people. According to Sunil B. Desai, a U.S. Marine Corps major who served on the Council on

Foreign Relations, four factors challenge the transition to greater interagency cooperation:

1. There is no formal, comprehensive concept of coordination for either routine or crisis situations.
2. There is no independent authority to develop and train personnel in interagency cooperation.
3. Individual agencies organize their policies and operations differently.
4. Personnel policies focus on developing personnel who are primarily dedicated to the individual agency rather than the community of agencies.<sup>24</sup>
5. Table 1.1 illustrates how the various federal, state, and local agencies are organized and funded, and what they do.

As shown in Table 1.1, law enforcement agencies at different levels of government have different resources, funding authorities, and mandates. Cooperation between these agencies is always a goal, but their differences are grounded in legal mandates. Also, agency cultures dictate that there will always be some degree of conflict, competition, and distrust between law enforcement agencies operating at different levels of government. Until the culture changes, our law enforcement system will be challenged to find ways to get federal, state, and local agencies to work together.

### THINK ABOUT IT

1. What would you do to encourage law enforcement agencies to work together?
2. Should there be a national police force? Explain your answer.

**TABLE 1.1** Comparison of Law Enforcement Levels of Jurisdiction

	FEDERAL	STATE	LOCAL
<b>Agencies</b>	<ul style="list-style-type: none"> <li>• FBI</li> <li>• Immigration and Customs Enforcement</li> <li>• Secret Service</li> </ul>	<ul style="list-style-type: none"> <li>• State highway patrol</li> <li>• State investigative agencies</li> </ul>	<ul style="list-style-type: none"> <li>• Municipal police departments</li> <li>• County sheriff's offices</li> </ul>
<b>Mandate for Enforcing Laws</b>	<ul style="list-style-type: none"> <li>• Offenses on federal property and military reservations</li> <li>• Interstate crime</li> </ul>	<ul style="list-style-type: none"> <li>• Interstate highway systems</li> <li>• Offenses of local and state government officials</li> </ul>	<ul style="list-style-type: none"> <li>• State statutes within local jurisdictions</li> </ul>
<b>Funding</b>	<ul style="list-style-type: none"> <li>• Federal income tax</li> </ul>	<ul style="list-style-type: none"> <li>• State income tax</li> <li>• Sales tax</li> <li>• User taxes (driver's license, license plate fees, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>• Sales tax</li> <li>• Property tax</li> </ul>



## LAW ENFORCEMENT

Police officers are typically the first responders to crime and thus make initial contact. Someone may report or alert them to the crime, or they may witness it themselves. Upon making contact, police officers seek to determine the causes and perpetrators of the crime through investigation. They gather evidence, preserve the crime scene, and interview victims and witnesses. Individuals suspected of breaking the law are arrested and taken into custody. They are advised of their constitutional rights, questioned, and subject to limited freedom until further processing. Once an individual is arrested, the booking process takes place. This includes several activities, including fingerprinting, the taking of photographs (mugshots), and in some cases the collection of DNA evidence from the suspect.

**Role of law enforcement:** initial contact → investigation → arrest → booking

## COURTS

If the prosecutor's office decides that there is enough evidence to proceed with the case, it will charge the suspect with a specific crime. This is a major decision-making point at which the prosecutor may decide to dismiss the case. If the prosecutor decides to charge the suspect, a preliminary hearing is held. This process is designed to determine whether there is reason to think that a law has been broken. In some states and in the federal system, a grand jury makes this determination. At this stage, the defendant is brought before the court and the formal charges are read. The defendant is also informed of his or her constitutional right to be represented by legal counsel. A plea of guilty or not guilty is entered, and a trial date is set. Bail may also be considered at this point. Following arraignment, plea bargaining occurs. Here, the prosecutor and defense attorney discuss the case and attempt to agree on a resolution. Typically, the prosecutor seeks a guilty plea in exchange for a reduced sentence. Defense attorneys who believe that the case against their client is weak or that their client is innocent will reject a plea bargain and demand a jury trial.

If the case proceeds to trial, the prosecution and defense present their cases before a jury which decides whether the prosecution has presented enough evidence



The sentencing of a convicted person can be an emotional ordeal. Which key term best describes the movement of a case through the trial process?



to convict the defendant. A verdict of guilty or not guilty is returned. This is called **adjudication**. In cases in which a jury cannot decide on a verdict, the prosecutor must choose between releasing the defendant or requesting a new trial. If a guilty verdict is reached, the judge sentences the convicted party to a punishment, usually a fine, a treatment program, probation, incarceration, or some combination of these. In some serious cases, the sentence may be death.

**Role of courts:** charging → preliminary hearing → arraignment → plea bargaining → adjudication → sentencing

## CORRECTIONS

An offender may have to pay a sum of money as part of his or her punishment. In addition, an offender may be able to serve all or part of the sentence outside of prison or jail. The offender must agree to a set of conditions by which he or she will remain free and report to a probation officer. The offender may have to wear an electronic device that tracks his or her location.

Offenders serve sentences less than a year in a local jail and sentences longer than a year in prison. After release from incarceration, the corrections system attempts to ease the reintegration of the offender into the community. This is typically done through **parole** in which the rights and liberties of the former convict are restricted and requirements such as drug-testing, job counseling, and educational requirements may be imposed.

**Role of corrections:** fines and probation and/or incarceration → re-entry

## The Due Process and Crime Control Models

The criminal justice system has a complicated mission. People expect the system to operate efficiently and move cases through the system as expeditiously as possible, but also to protect the innocent, convict and punish the guilty, and deliver justice. Not only are these two expectations difficult to achieve consistently, but they are sometimes at odds. In the 1960s, legal scholar Herbert L. Packer created models to describe these two expectations: the **due process model** and the **crime control model**. The crime control model describes the expectation of an efficient criminal justice system. The due process model describes the expectation of a just and fair system. The tension between these two models can be described as a competition between two sets of values: one that seeks to control crime and one that seeks to protect the legal rights of individuals accused of violating the law. In truth, the criminal justice system exemplifies both of these value systems and seeks to create a balance in which crime is controlled while individual rights are protected.<sup>25</sup>

The crime control model is based on the idea that the repression of crime is the most important function of the criminal process. This is because, according to this model, crime control is important to individual freedom. It is difficult to be truly free in a society that does not enforce laws, apprehend offenders, and convict the guilty. If individuals are always living in fear of being victimized, they cannot behave in a free manner, and thus the social order is threatened. So, under the crime control model, the justice process moves like an assembly line. Suspects are apprehended; the most likely suspects are charged and their guilt is ascertained, and the guilty receive an appropriate disposition. A free society is dependent on the criminal justice system doing this efficiently and well. In contrast, the due process model operates more like an “obstacle course,” in comparison with the crime control model’s assembly line. Each stage of the due process model is designed to obstruct the movement of suspects further along the justice process. This is because the due process model recognizes the role of human error. People make mistakes, or they can be corrupt. Thus, the due process model pursues informal,

**adjudication**—To administer a legal process of judging and to pronounce a judgment.

**parole**—The conditional release of a prison inmate who has served part of a sentence and who remains under the court’s control.

**due process model**—A model proposed by legal scholar Herbert L. Packer to describe the public’s expectation of a just and fair criminal justice system.

**crime control model**—A model proposed by legal scholar Herbert L. Packer to describe the public’s expectation of an efficient criminal justice system.

non-judgmental fact-finding that recognizes the right of a suspect or defendant to receive the most correct and just judicial process possible.<sup>26</sup> Some major distinctions between the two models are outlined in Table 1.2.

The application of these models is affected by the political climate at any given time. Two good examples are illustrated by the efforts of the Warren Court (the U.S. Supreme Court between 1953 and 1969 named for its Chief Justice Earl Warren) and the passage of the USA PATRIOT ACT in response to the terrorist attacks of September 11, 2001. Friendly to the due process model, the Warren Court left a lasting mark on U.S. criminal procedure with its decisions. Notable cases include *Gideon v. Wainwright*, which established that states must provide impoverished defendants with an attorney in felony cases (see Chapter 9) and *Miranda v. Arizona*, which established that police must inform arrestees that they do not have to answer questions and may have an attorney present during questioning (see Chapter 5). On the other hand, the USA PATRIOT ACT is an example of the crime control model. USA PATRIOT stands for Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism. This legislation greatly expanded the government's powers to investigate and process cases of terrorism while curtailing the legal protections of not only criminal suspects, but also, to a large extent, the general public.<sup>27</sup>

**TABLE 1.2** The Crime Control Model versus the Due Process Model

CRIME CONTROL MODEL	DUE PROCESS MODEL
The repression of crime is the most important function of the criminal justice system and a necessary condition for meaningful communities and a free society.	The most important function of the criminal justice process is to deliver fundamental fairness of the law and due process.
The criminal justice system should be more concerned with the victim's rights than the defendant's rights.	Because the Bill of Rights expressly provides for protection of defendant's rights, the criminal justice system should concentrate on those rather than on the rights of victims.
Police should have expanded powers to investigate, arrest, and search suspects.	Police power should be limited to prevent oppression of individuals by the state.
Legal technicalities that obstruct the police should be eliminated.	Criminal justice authority should be held accountable to the rules, procedures, and guidelines embedded in the Constitution.
The criminal justice system should operate like an assembly line that moves cases efficiently toward disposition.	The government should not convict a person as guilty solely on the facts; a person should be found guilty only if the government has followed legal procedures in its processing of the case.
The main objective of the criminal justice process should be to discover the truth and establish the factual guilt of the accused.	The main objective of the criminal justice process should be to correctly follow legal procedure in establishing the factual guilt of the accused.

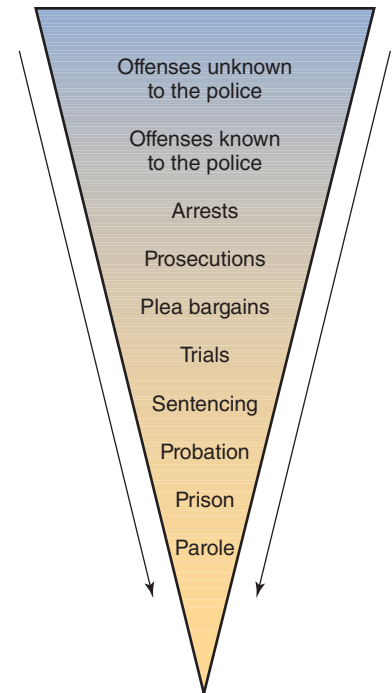


## How Cases Move Through the System

With an appreciation of how complex the criminal justice system is, we now turn to how cases are processed. Only a small percentage of offenses result in someone going to prison. This is because the system is close to being overloaded. An even slightly larger percentage of cases would be nearly impossible for the system to process in a fair and legal manner given the resources currently available. Therefore, police officers, prosecutors, judges, and corrections officials use their judgment to decide which cases are pushed further into the criminal justice system and which ones are kicked out. It is useful to envision the criminal justice system as a large funnel in which cases move downward toward their final disposition (see Figure 1.1). The problem with the funnel, however, is that it is too small to hold all the cases, so a considerable amount of leakage occurs.

The criminal justice system is much more complex than suggested by the funnel analogy, and this complexity will be revealed in subsequent chapters that cover the system's components in greater detail. The analogy's goal is to indicate how the numbers dwindle drastically when we move down the funnel from offense to sentencing. This funnel analogy illustrates the relatively low number of offenders who are actually incarcerated. Many offenses that enter the system are excluded for several reasons. Briefly, these reasons include, but are not limited to, the following:

1. **Cost.** As a society, we simply cannot afford to spend the money and resources necessary to have a totally crime-free society. Although crime is a serious social problem, many other worthy items compete for our tax dollars. Increased spending on crime means that health care, national defense, education, highways, and a host of other legitimate and desirable services do not get enough of the resources they require to function effectively. For example, decisions must be made on which military aircraft are built because we cannot afford all of them. Similarly, most students must take out loans to pay for a college education because the government can fund only so many scholarships. The criminal justice system, by some estimates, could bankrupt the nation if funded for all its legitimate needs. This is especially true at the local level: local governments spend far more on criminal justice than state governments or the federal government. Therefore, only a relatively small percentage of offenses ever receive what the public believes to be "full justice."
2. **Discretion.** Criminal justice practitioners exercise a considerable amount of **discretion**—that is, the power to make decisions—in deciding what happens to individual cases. Although this discretion is constrained by resources, a good amount of personal philosophy and judgment also goes into deciding what happens to cases. This discretion is sometimes deemed problematic, and the influence of individual decision makers is curbed. For example, there can be wide disparity in sentencing across jurisdictions or even between judges in the same city. In an effort to ensure that similar cases are treated more equally, legislatures have passed laws mandating fixed sentences. Mandatory-minimum statutes and three-strikes laws greatly limit the discretion judges have in sentencing offenders. Similarly, some police departments are required to make arrests in domestic assault cases in which there is clear evidence of physical abuse. Some discretion is inherent in the criminal justice system, but its use is contested.



**FIGURE 1.1 The Funnel Effect** This figure represents the pattern of how cases move through the criminal justice system. The actual number of cases varies by jurisdiction, severity, and annual occurrence. At each point along the way, cases drop out of the system. Charges may be dropped; cases may be dismissed; offenders may abscond; or defendants may plea bargain. Relative to the number of suspects arrested, only a small percentage of offenders actually go to prison. Does the funnel illustrate the total number of offenses that catch the full implications of the public's perception of justice?

**discretion**—The power of a criminal justice official to make decisions on issues within legal guidelines.



3. Errors. Sometimes cases simply fall through the cracks. Criminal justice practitioners are human and can make mistakes. They are often overworked and underpaid, and they experience a considerable amount of stress in doing a difficult job. Most jurisdictions do not have sophisticated computer systems that link all the components of the criminal justice system that would help ensure that cases are handled efficiently. Also, criminal justice practitioners might make errors in judgment. The police officer who gives a suspect a second chance or the judge who places a sex offender on probation can find himself or herself betrayed by offenders who do not or cannot appreciate the break they have been given.

### The Perception of Crime and the Wedding-Cake Model of Criminal Justice

Not all crime is the same. Many offenses go undetected, and their harm to society is not generally perceived. Some offenses are just a step across the line of good, effective business practices and are considered the price we pay for a market economy. An example of this offense is insider trading (using confidential information about an investment instrument to buy and sell on the stock exchange). Other offenses, such as some murders, are sensationalized by the media and given such vast resources in their detection and prosecution that they distort the perception of the amount and seriousness of crime. Finally, there is the problem of **street crime**: small-scale, violent, and property offenses. These types of crime illustrate how complex and differentiated the issue really is. Making broad general statements about crime is difficult because so many behaviors are considered criminal offenses.

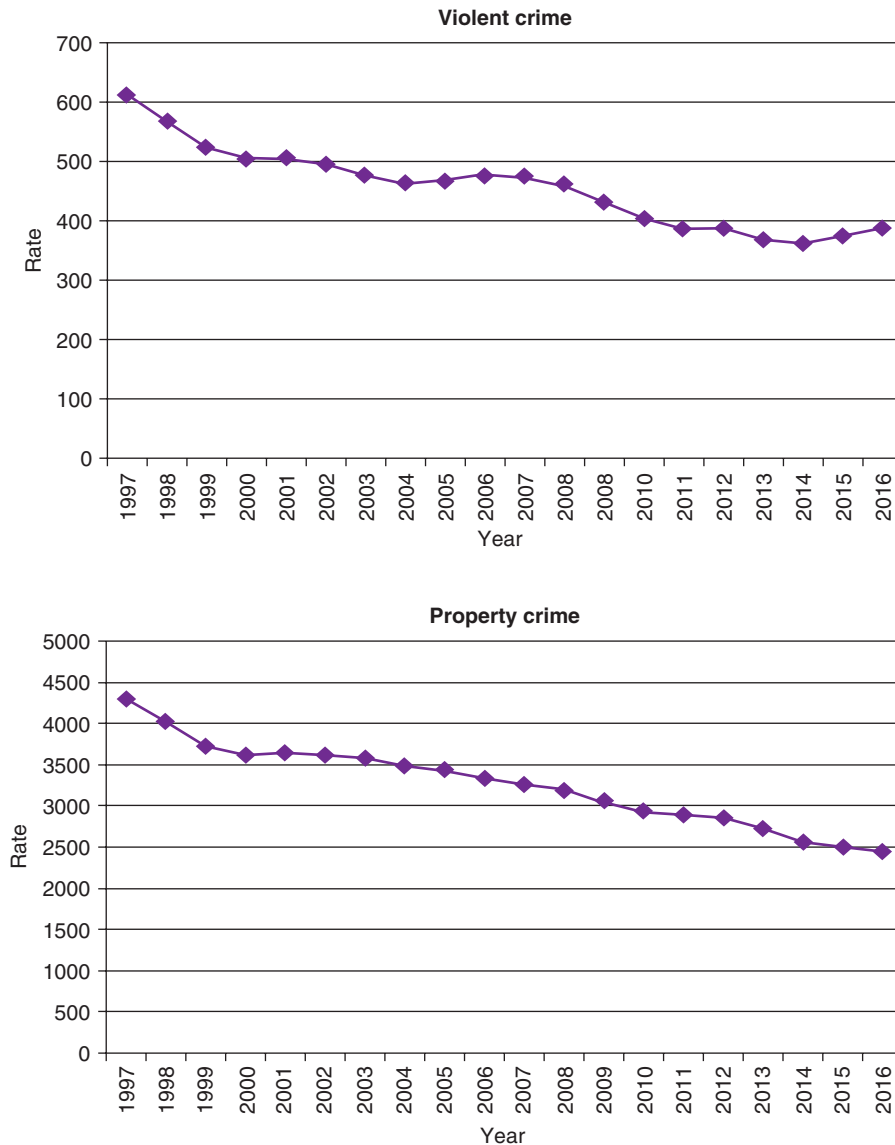
Crime in the United States has dropped steadily for the last several years. In 2016, property crime (burglary, larceny-theft, motor vehicle theft, and arson) continued to decline, and violent crime (murder, rape, robbery, and aggravated assault), though slightly up from 2015, continued its general decline (see Figure 1.2).<sup>28</sup> This drop in crime reveals an interesting disconnect between the occurrence of crime and the perception of crime. Street crime is often what most people fear and what they consider as needing the strictest social control. As such, prisons continue to be built, zero-tolerance policies enforced, and the **war on drugs** fought.

The wedding-cake model of criminal justice differentiates types of cases based on the seriousness of the offense, the defendant/offender's criminal record, and the relationship between the victim and the defendant/offender.<sup>29</sup> This model also highlights the differences between types of cases based on how the media treats them and how the public considers them. The four layers are as follows (see Figure 1.3).

1. The top layer. As on a wedding cake, the top layer is the smallest but receives the most attention. Referred to as "celebrated cases," the cases in this layer are the ones that fascinate the public the most: unusual or gruesome murders; serial murders and mass murders; mysterious missing-persons cases; and cases that involve famous people. These cases may also interest the public for additional reasons: they may involve children or terrorism, or they may have significant racial or gender dimensions. Examples of such cases include the 2012 shooting of Trayvon Martin by George Zimmerman, the 2015 shooting of nine people at a historic black church in Charleston, South Carolina, or the 2016 Orlando nightclub shooting. The participants in these cases may also have defining qualities that are favorable to media coverage. For instance, in the O. J. Simpson murder case, Simpson, who was accused of murdering his wife and her friend, was a college and professional football star who had gone on to a successful career as a sportscaster and media personality. Top-layer cases differ from others in that they usually involve

**street crime**—Small-scale, personal offenses such as single-victim homicide, rape, robbery, assault, burglary, and vandalism.

**war on drugs**—Governmental policy aimed at reducing the sale and use of illegal drugs.

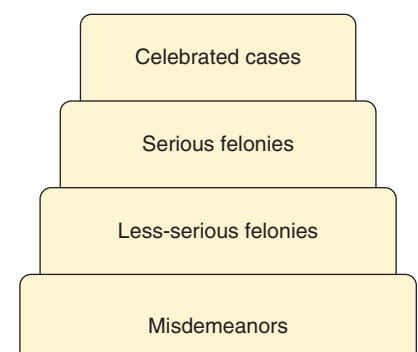


**FIGURE 1.2 Violent and Property Crime Rates** The rate of violent offending increased slightly in 2016, but the rate of property offending was down for the fifteenth year in a row. Give some possible reasons for the decrease in property offending and the increase in the rate of violent offending.

Source: Federal Bureau of Investigation, Uniform Crime Reports: Crime in the United States 2016, Table 1, <https://ucr.fbi.gov/crime-in-the-u.s.-2016/crime-in-the-u.s.-2016/topic-pages/offenses-known-to-law-enforcement/tables/table-1>.

a criminal trial and extensive publicity. It is through these cases that many people develop their opinions of the criminal justice system and their perceptions of how it operates. Although these cases receive a great amount of attention, they are relatively rare.

2. The second layer. The second layer comprises serious felonies, such as rape, murder, manslaughter, and robberies that result in fatalities. As with the first layer, the cases in the second layer often involve a gruesome offense and a criminal trial. Second-layer cases may receive local media coverage and attention but do not reach first-layer status because they involve more ordinary offenses and participants. For example, the robbery of a small-town jewelry store by some local youths who shoot and kill its owner would qualify as such a case.
3. The third layer. Less-serious felonies that typically do not involve fatalities, such as burglary and larceny, compose the third layer. These cases are sometimes dismissed, or defendants may be allowed to plea bargain. Convicted defendants may be placed on probation (the suspension of all or part of a sentence subject to certain conditions). The outcomes for defendants in this layer are less predictable



**FIGURE 1.3 The Wedding-Cake Model** How are celebrated cases different from the lower three layers?

The terrorist bombing at the 2013 Boston Marathon is an example of a celebrated case. Why do celebrated cases get the most media coverage even though they are relatively rare?



because the charges are not as serious. Trials become increasingly rare in this layer. Here, criminal justice proceedings are more routine and less dramatic, and usually the only people interested in them are those who are directly involved.

4. The bottom layer. The bottom layer consists of misdemeanors, or minor offenses, which include traffic violations, minor drug violations, shoplifting, and minor assault. Lower criminal courts usually deal with bottom-layer offenses, which are punishable by a fine or jail time up to a year, although there are so many of these offenses that they overwhelm some small courts. Defendants in these cases are not considered threats to public safety, and the typical outcome is a fine, probation, or jail.<sup>30</sup> Trials are rare: some defendants consider the proceedings an annoyance and prefer to just pay the fine for, say, a speeding ticket, rather than go to court. A more troubling outcome in these cases is that, although the offenses are minor, they constitute a major problem for the offenders. Many offenders are too impoverished to not only challenge the case, but also to pay the fine and/or any court fees. Instead, many go to jail and lose their jobs, sending themselves and their families deeper into poverty. In an economically disadvantaged community, enough of these cases can endanger the entire community.

The celebrated cases of the top layer represent the majority of media interest, even though they are relatively rare. At the bottom layer, the number of cases expands greatly. Few cases are unusual enough to command media attention, and the vast number of routine cases remains unseen, unknown, and unappreciated by the public.

## PAUSE AND REVIEW

1. What is the nature of the relationship between local, state, and federal levels of criminal justice?
2. What are the basic steps of the criminal justice process?
3. Discuss the difference between the due process and crime control models.
4. Describe the four layers of the wedding-cake model.



## Types of Crime

Crime can be divided into different types. Sometimes crime is categorized according to a specific characteristic of the offense. For instance, as you study crime, you will see references to gang crime, victimless crime, environmental crime, sex crime, urban crime, rural crime, drug crime, hate crime, cybercrime, and so on. In these cases, the differentiation is itself worth studying. For example, the phenomenon of young people banding together to sell drugs, commit murders, wear specific colors, and defend neighborhood turf is an important characteristic of gang crime that is worthy of study and differentiates it from, say, hate crime.

This section divides crime into two broad types: street crime and corporate/white-collar crime. As discussed in the previous section, street crime is what most people worry about when they think of crime, probably because it sometimes involves violence. However, **corporate crime** and **white-collar crime** are just as damaging, perhaps even more so, but these types of crime get less attention because no violence is involved. This is essential to the measurement of crime because measures of crime are what help to generate criminal justice funding, media attention, and public concern. If there is little or no official measurement of a type of crime—as with corporate and white-collar crime—then that type of crime will likely receive less social attention. It is significant, then, that the differences between street crime and corporate and white-collar crime are discussed.

### Street Crime

Street crime includes a wide variety of acts in both public and private spaces, including interpersonal violence and property crime. These offenses, which include homicide, rape, assault, **larceny**, **arson**, breaking-and-entering, **burglary**, **robbery**, and motor-vehicle theft, are the ones most often included in official measurements of crime. (We discuss official measurements of crime further in Chapter 2.)

A healthy fear of street crime is wise. The effect of rape, assault, and especially homicide may alter how a person and his or her loved ones relate to others and may require many years of recovery. However, street crime is still relatively rare. Most of us go about our daily lives without encountering danger, and we do not need to carry a weapon or distrust people most of the time. Some studies have found that those with the least likelihood of being victimized fear crime the most. Elderly citizens demonstrate the greatest fear of street crime, yet they are the least likely to encounter it. Conversely, young males are the most victimized, but they do not have a great fear of crime. In some ways, this disjuncture is understandable, but it also illustrates how distorted our concept of crime is.<sup>31</sup>

The crime rate does not always correlate with the public perception of the level of crime. During the 1990s, even as the national crime rate was declining, people felt that crime was one of the most important social problems.<sup>32</sup> Because the public is so concerned about street crime, many criminal justice resources are devoted to its prevention and prosecution. This emphasis on street crime is both understandable and problematic. We need to believe that the criminal justice system is doing all that can be done to protect innocent people from predatory criminals. The public clearly demands that the police “do something” to prevent crime and apprehend lawbreakers.<sup>33</sup> According to some criminologists, for example, aggressive control of the homeless is necessary for meaningful, safe communities. People who feel safe on the streets are engaged in public interaction to a greater degree, and this, in turn, means that the streets are populated by more lawful citizens.<sup>34</sup>

The emphasis on street crime is problematic because it drains resources from the prevention of other types of crime. Scholar Jeffrey Reiman contends that corporate crime is much more harmful to society than street crime, stating that the

### LEARNING OBJECTIVE 7

Discuss why street crime receives more attention than corporate and white-collar crime.

#### **corporate crime—**

Offenses committed by a corporation's officers who pursue illegal activity in the corporation's name.

#### **white-collar crime—**

A nonviolent criminal offense committed during the course of business for financial gain.

**larceny—**A form of theft in which an offender takes possessions that do not belong to him or her with the intent of keeping them.

**arson—**Any willful or malicious burning or attempt to burn a dwelling, public building, motor vehicle, aircraft, or personal property of another.

**burglary—**Breaking into and entering a structure or vehicle with intent to commit a felony or a theft.

**robbery—**The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.



Larceny is one of the most common types of street crime reported to police. Why is street crime more likely to be reported to the police than other types of crime?



preoccupation of the criminal justice system with street crime is fueled by a racist and class-conscious society. Although street crime is significant to individuals, corporate crime is much more damaging to society as a whole. Reiman argues that individuals with the most money and power define crime and use the criminal justice system to protect their own interests.<sup>35</sup>

### Corporate Crime and White-Collar Crime

Sometimes criminal offenders are conventional in all other aspects of their lives, and it is difficult to envision them as lawbreakers. Because harmful behaviors are not always defined as crime, envisioning how otherwise honorable citizens can be considered criminals is sometimes difficult. So-called pillars of society known for their charity, public service, and conventional behavior are sometimes the biggest crooks.

Corporate crime involves breaking laws in the otherwise lawful pursuit of profit. For example, an industrial company that does not follow safety standards in disposing of its industrial waste can do irreparable harm to the environment and to the health of many people. Although the intent of the company's officers may be simply to maximize profits and not to hurt anyone, the result can be devastating. The company's officers did not physically rob or assault the citizens, but the damage done to the community water supply may be much more harmful. Corporations can hurt individuals in a variety of ways. Yet when we look at the law and the response of the criminal justice system, we see that street crime is often met with greater penalties.<sup>36</sup>

Sometimes the terms *corporate crime* and *white-collar crime* are used interchangeably, but there are important distinctions between them.<sup>37</sup> Corporate crime involves the purposeful commission or omission of acts by individuals acting as representatives of a business. Their goal is to make money for the business, and the offenses they commit are related to making the company profitable. Corporate crime, then, may also include environmental crime if a corporation's criminal negligence results in an environmental disaster, such as an oil spill. White-collar crime, by contrast, usually involves employees harming the corporation. For example, the treasurer who embezzles money and the office manager who makes excessive long-distance phone calls are harming the company. Sometimes corporate and white-collar crime may be present in the same offense. It may be argued that the financial offenses of investor Bernard Madoff, who defrauded his investors of



Martin Shkreli, former CEO of Turing Pharmaceuticals, being escorted by federal law enforcement agents after being arrested for securities fraud in December 2015. What is the difference between corporate crime and white-collar crime?

at least \$20 billion, were perpetrated by someone who was acting not only in his personal interest but also as the head of a company.<sup>38</sup>

There is no official program that measures corporate and white-collar crime. Without a thorough official measurement, it is difficult to estimate how much corporate and white-collar crime is being perpetrated and who the victims are. Unlike street crime, corporate and white-collar crime are difficult to investigate and difficult for laypeople to understand. Not only may it take years for an offense to be perpetrated, the investigation of a complicated scheme may take years to complete. Bernard Madoff perpetrated fraud for nearly his entire working life and was not caught until he was 71 years old. In contrast, a liquor store robbery may take only a few minutes to plan and execute, and the police may be onto the perpetrators within hours.

## PAUSE AND REVIEW

1. What are some examples of street crime?
2. How is corporate crime different from white-collar crime?
3. Why does street crime receive more attention than corporate and white-collar crime?

## Offenses and Offenders

The behaviors that offend our sensibilities can be categorized in many ways. We have rules, regulations, norms, folkways, and laws that dictate what is acceptable and what is punished. Laws attempt to define crime in a comprehensible manner, the most basic distinction being between misdemeanors and felonies. This distinction is a rather crude way to distinguish the seriousness of these actions, and it is not made until a law enforcement officer decides which law was violated by the action. The distinction between a **misdemeanor** (a minor criminal offense punishable by a fine and/or jail time for up to one year) and a **felony** (an offense punishable by a sentence of more than a year in state or federal prison and sometimes by death) might be blurred when the prosecutor decides what the formal charge will be. The process becomes even more complicated when, as a result of plea negotiations, the judge passes sentence.<sup>39</sup>

### LEARNING OBJECTIVE | 8

Give examples of violent crime, property crime, and public-order crime.

**misdemeanor**—A minor criminal offense punishable by a fine and/or jail time for up to one year.

**felony**—An offense punishable by a sentence of more than a year in state or federal prison and sometimes by death.

**sexual assault**—Sexual contact that is committed without the other party's consent or with a party who is not capable of giving consent.

**rape**—Sexual activity, usually sexual intercourse, that is forced on another person without his or her consent, usually under threat of harm. Also, sexual activity conducted with a person who is incapable of valid consent.

Therefore, a man who gets into a fistfight may believe he is acting in self-defense, but he might also find that because he severely hurt his opponent, a police officer has charged him with misdemeanor assault. The prosecutor may decide to kick the charge up to a felony because of the use of a baseball bat, but after a plea negotiation the charge might once again become a misdemeanor. The relationship between a behavior and the legal designation ultimately attached to it is sometimes difficult to justify. Therefore, the legal categorizations of offenses are not the best indicators of the nature of crime.<sup>40</sup>

Another way to understand crime is to consider the victimization. Focusing on the victim or object of harm instead of the charge can provide a better measure of the level of crime. The following three-group typology elucidates the similarities and differences among the general classes of crime:

1. Violent crime. These offenses include the violent personal offenses of homicide, rape, **sexual assault**, robbery, and assault.
2. Property crime. These offenses include burglary, arson, embezzlement, larceny-theft, and auto theft.
3. Public-order crime. These offenses include drug use, disturbing the peace, drunkenness, prostitution, and some forms of gambling.

Considering crime in this manner gives us a better idea of the harm caused by unlawful actions than does the simple misdemeanor/felony dichotomy. Although each of these categories spans the range of seriousness from minor irritation to extreme disruption, they group offenses in terms of who or what is harmed. Exploring this typology in greater detail reflects the type of harm done to victims. Each of these categories includes a continuum of offenses that differ in degree and may be either stringently punished or relatively neglected by the criminal justice system.

## Violent Crime

The most severe penalties, including capital punishment, are reserved for those who commit violent crime. Personal violent offenses such as murder and **rape** are the most devastating and the most feared of all offenses and receive the most media coverage.<sup>41</sup> These serious offenses occur much less frequently than do property offenses, but they are of the most concern to law enforcement and victims. When considering homicide and assault cases, we can discern certain motivations that apparently compel offenders to engage in this serious antisocial behavior.

- › Interpersonal disputes. Sources of dispute can include disagreements over money, charges of infidelity, challenges to masculinity, or insults to moral character. Often, the difference between offender and victim is who is fastest on the draw; that is, there is sometimes no clear relationship between who is responsible for starting the dispute and who emerges the winner.<sup>42</sup> In some segments of society, a subculture of violence emerges in which assault or murder is expected as a way of resolving conflict.<sup>43</sup>
- › Instrumental violence. Violence is sometimes used as a means to another criminal end. Drug dealers may kill competitors; robbers sometimes shoot convenience-store clerks, and carjackers sometimes attack drivers to steal automobiles.<sup>44</sup> Some forms of instrumental violence are premeditated. Intimidating witnesses or “teaching a lesson” to an informant employs violence as an extreme form of communication when “a message” needs to be sent.<sup>45</sup> Often, the motivation or message of instrumental violence is difficult to discern, such as when a bank robber successfully takes the money, then shoots the clerk on the way out of the bank.
- › Group violence. Another source of motivation to commit violence can be found in the dynamics of certain groups. Assaults or homicides often occur in situations in which groups of young people conflict. Violence is often used in





instrumental ways when youth gangs clash over territory or symbolic concerns such as colors of clothing or other displays of gang affiliation. Youths often feel a greater sense of bravado when surrounded by friends and may feel a greater need to demonstrate their courage and rebellion. Group dynamics might encourage and facilitate, and, in some cases, even demand, members' use of violence to address some real or imagined insult. When alcohol or drugs enter the equation, violence is even more likely.<sup>46</sup>

- › **Serial murder and mass murder.** Sometimes violence is instrumental as a part of a larger pattern of crime, as with **serial murder** (the murder of several individual victims in separate incidents), and sometimes it seems random and indiscriminate, as with **mass murder** (the murder of three or more victims in a single incident). Often, this type of offender is the hardest to understand because there is no apparent motivation. Although serial murderers are rare, they usually have some underlying personal logic regarding their targets. Some, such as Ted Bundy, might kill young women with a certain hair color. Others, such as John Gacy or Jeffrey Dahmer, might exclusively kill young men.<sup>47</sup> Even though the motivation might be the result of a psychological problem, the serial murderer is often capable of committing many offenses and eluding detection and arrest. The typical mass murderer is not a chronic violent offender: his or her offense may be the only time the offender has ever broken the law. This is what makes mass murder so difficult for law enforcement to deal with—it is explosive, singular, devastating, and often makes little sense.
- › **Political violence.** Some offenses are meant to send a message. This is the case with political violence, of which the most well-known type is **terrorism**. Terrorism can be domestic, as in the case of the 1995 bombing of the Murrah Federal Building in Oklahoma City, or it can be of the international variety, as in the suicide plane hijackings of September 11, 2001. Terrorism is often committed by intelligent, sincere people who believe violence is necessary for their voices to be heard.<sup>48</sup>
- › **Rape and sexual assault.** Because the motivations for committing rape and sexual assault are often different from the motivations for committing other types of personal violent offenses, and because the effect on the victims can be so devastating, these offenses will be considered as unique forms of violence. Rape is just one of a number of sex offenses that has garnered more attention from criminologists in recent years.<sup>49</sup> Although rape has been a consistent occurrence throughout recorded history, the past 40 years have seen an increased awareness of the definition of what types of behavior constitute rape and sexual assault, as well as greater legal protections for victims. Women and children, once considered as not having individual rights when the perpetrator was a husband or father, are now protected by the criminal justice system.<sup>50</sup> In 2011, the Department of Justice changed the definition

**serial murder**—The murder of a series of victims during three or more separate events over an extended period of time.

**mass murder**—The murder of three or more people in a single incident.

**terrorism**—The use or threat of violence against a state or other political entity in order to coerce.



Serial killer Chester Turner, on death row for killing 10 women in the Los Angeles area, was convicted in June 2014, of four more murders. Why is Turner considered a serial murderer instead of a mass murderer?

The 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, was a domestic terrorist attack that caused the deaths of 168 people. How do local, state, and federal law enforcement agencies work together to fight terrorism?



of rape from “the carnal knowledge of a female, forcibly and against her will” to “the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.”<sup>51</sup> This new definition expanded how the government collects rape statistics. Additionally, child molestation, date rape, acquaintance rape, the rape of males, and sexual harassment are now recognized as serious types of antisocial behavior and are dealt with in a more humane and serious manner by law enforcement and the courts.<sup>52</sup>

- › Robbery. The FBI defines robbery as the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear. Robbery varies by location, whether on the street (such as a mugging) or within an institution (such as a bank or a convenience store). Finally, even though carjackings involve the theft of a motor vehicle, they are considered robberies because of the force involved.

## Property Crime

The accumulation of wealth and possessions is an important cornerstone of individual and group well-being in the United States, and laws protect the rights of those who own and control property. These laws range from prohibitions against theft to the copyrights that protect intellectual and creative endeavors. The types of property crime that are best measured by the criminal justice system are those in which the offender is a stranger to the victim. Although many laws address differences in opinion while transacting business, these conflicts are usually covered by civil law. Burglary, larceny-theft, motor vehicle theft, and arson are dealt with by the criminal law and measured by the FBI. The following are several points to understand when considering the measurement of property crime.

- › Burglary is different from larceny-theft. When classifying the taking of another person’s property, several distinctions determine whether the offense is larceny-theft or burglary. Burglary involves the unlawful entry of a structure to commit a felony. Larceny-theft involves the unlawful taking of another person’s





Arson involves setting fire to a structure. What are some of the motivations that drive individuals to set fires?

property. Larceny-theft includes theft from a person by stealth such as pocket-picking, purse-snatching (when only minimal force is used), shoplifting, thefts of articles from motor vehicles, and thefts from coin-operated machines.

- › Motor vehicle theft involves the theft of most self-propelled vehicles that run on land surfaces and not on rails. The theft of water craft, construction equipment, airplanes, and farming equipment is classified as larceny rather than motor vehicle theft.
- › Arson involves purposely set fires. It does not matter whether the fire was started with the intent to defraud, only that it was willfully or maliciously set. Fires of suspicious or unknown origin are not treated as arson.<sup>53</sup>

## Public-Order Crime

Some criminal offenses involve no discernible victim. **Victimless crime** involves consensual interactions or behaviors that offend the powerful groups of society who have succeeded in having their concerns and sensibilities elevated to the level of the criminal law. Although broad consensus exists on some of these behaviors, there is also a good deal of controversy about offenses that are a matter of values.<sup>54</sup>

Behaviors that fit into the category of offenses against the public order include drug use and sales, loitering, gambling, prostitution, vagrancy, disorderly conduct, and liquor law violations. These are often considered to be nuisance offenses, reflecting quality-of-life concerns for many people. The laws concerning these offenses are vigorously enforced in some places and almost completely ignored in others.<sup>55</sup> For instance, when vagrants, street people, and the homeless are considered to be interfering with the tourism trade, shopkeepers, hotel owners, and restaurant managers might ask the police to clear the streets.<sup>56</sup> It is worth noting that the police have broad decision-making powers in deciding how to enforce public-order laws. They might overlook the possession of small amounts of marijuana in one instance and decide to make an arrest in another if the offender does not show respect.<sup>57</sup>

## victimless crime—

Behaviors that are deemed undesirable because they offend community standards rather than directly harm people or property.

## PAUSE AND REVIEW

1. What are some examples of violent crime, property crime, and public-order crime?



Two women march for sex workers' rights in the Capital Pride Parade in Ottawa, Ontario, Canada. Who are the victims of public-order crimes such as prostitution?



## FOCUS ON ETHICS

### A Balance of Interests

In your job as a probation officer, you are assigned the case of a rich and successful accountant who is on probation for driving under the influence of alcohol. As part of her community service, the accountant has spent each Saturday morning at a local nursing home where she has been helping the residents fill out their tax forms. This accountant has secured thousands of dollars in tax refunds for these elderly citizens. In fact, one of the residents, who happens to be your grandmother, reports that not only is this accountant helping the residents save money, but she also has been coming to the nursing home during the middle of the week, on her own time, to talk to lonely and depressed residents.

You feel a little guilty that this accountant has developed a close relationship with your grandmother and that you have not been to the nursing home in months. Being suspicious, you investigate to see whether the accountant knows that you have a relative in the home. You discover that not only does she not know, but she has volunteered to serve as a member of the board of directors of the home and help the residents deal with confusing social service agencies such as Medicare and Social Security.

Late one night you get a call from the accountant. She is obviously drunk and informs you that she has just crashed her car into a tree and that she needs a ride home before the police come and arrest her. You know that if she gets another DUI, she not only will lose her

license but will also have to spend 90 days in jail and might lose her job. Although you have little sympathy for people who cannot control their drinking, this young woman has been turning her life around and doing good works, especially for the elderly. You see potential in this client.

#### WHAT DO YOU DO?

1. Pick her up. You owe her for helping your grandmother, and this is one of the few things you can do to repay her help and kindness.
2. Call the police and report her. You are a court officer, and you cannot ethically do anything else. Also, you might get in trouble if you do not call.
3. Help her but make a deal stipulating that she will check herself into a clinic and get help for her drinking problem. Use this last incident as leverage to force her to confront her drinking.
4. Call your supervisor and ask to be relieved of the case because you can no longer be objective.

For more insight as to how someone might respond to such an ethical dilemma, visit the companion website at [www.oup.com/us/fuller](http://www.oup.com/us/fuller) to watch a video that connects this scenario to a real-world situation.





## Summary

<b>LEARNING OBJECTIVE</b>   <b>1</b> Define social control.	Social control refers to the rules, habits, and customs a society uses to enforce conformity to its norms.
<b>LEARNING OBJECTIVE</b>   <b>2</b> Outline how the U.S. criminal justice system protects individual rights.	The protection of individual rights is an integral part of the functioning of law enforcement. The government serves citizens' interests by finding methods to control crime without allowing law enforcement agencies to turn the country into a police state.
<b>LEARNING OBJECTIVE</b>   <b>3</b> Define crime and criminal justice.	Crime is as an action taken by a person or a group of people that violates the rules of society to the point that harm is done to an individual or to society's interests. Criminal justice is a social institution whose mission is to control crime by detecting, detaining, adjudicating, and punishing and/or rehabilitating people who break the law.
<b>LEARNING OBJECTIVE</b>   <b>4</b> List the steps of the criminal justice process.	Law enforcement: Initial contact, investigation, arrest, booking Courts: Charging, preliminary hearing, arraignment, plea bargaining, adjudication, sentencing Corrections: Fines and probation, incarceration, reentry
<b>LEARNING OBJECTIVE</b>   <b>5</b> Explain the major difference between the due process and crime control models.	The crime control model describes the expectation of an efficient criminal justice system. The due process model describes the expectation of a just and fair system.
<b>LEARNING OBJECTIVE</b>   <b>6</b> Describe the wedding-cake model of criminal justice.	The wedding-cake model of criminal justice differentiates types of cases based on the seriousness of the offense, the defendant/offender's criminal record, and the relationship between the victim and the defendant/offender. This model also highlights the differences between types of cases based on how the media treats them and how the public considers them. The top layer consists of cases that receive the most attention; the middle layers comprise grave felonies; and the fourth layer comprises less serious offenses.
<b>LEARNING OBJECTIVE</b>   <b>7</b> Discuss why street crime receives more attention than corporate and white-collar crime.	People are more afraid of street crime because it is sometimes violent. It also gets more media attention and is easier for the public to understand. Corporate and white-collar offenses may take years to perpetrate and investigate, whereas most street crime happens relatively quickly.
<b>LEARNING OBJECTIVE</b>   <b>8</b> Give examples of violent crime, property crime, and public-order crime.	Violent crime offenses include homicide, rape, sexual assault, robbery, and assault. Property crime offenses include burglary, arson, embezzlement, larceny-theft, and auto theft. Public-order offenses include drug use, disturbing the peace, drunkenness, prostitution, and some forms of gambling.



## Critical Reflections

1. What is the proper role of the criminal justice system in maintaining social control? How does the criminal justice system share this responsibility with other institutions such as the school, family, and religious institutions?
2. Explain how different individuals can have wildly different opinions on what the goals of the criminal justice system should be. How may a person's social location (age, sex, race, gender, economic situation) influence how a person feels about the role of the criminal justice system?

## Key Terms

- |                                  |                            |                                      |
|----------------------------------|----------------------------|--------------------------------------|
| adjudication <b>p. 11</b>        | felony <b>p. 19</b>        | sexual assault <b>p. 20</b>          |
| arrest <b>p. 7</b>               | justice <b>p. 5</b>        | social control <b>p. 4</b>           |
| arson <b>p. 17</b>               | larceny <b>p. 17</b>       | sociological imagination <b>p. 7</b> |
| burglary <b>p. 17</b>            | mass murder <b>p. 21</b>   | street crime <b>p. 14</b>            |
| corporate crime <b>p. 17</b>     | misdemeanor <b>p. 19</b>   | terrorism <b>p. 21</b>               |
| crime <b>p. 5</b>                | parole <b>p. 11</b>        | victimless crime <b>p. 23</b>        |
| crime control model <b>p. 11</b> | probation <b>p. 8</b>      | war on drugs <b>p. 14</b>            |
| criminal justice <b>p. 5</b>     | rape <b>p. 20</b>          | white-collar crime <b>p. 17</b>      |
| discretion <b>p. 13</b>          | robbery <b>p. 17</b>       |                                      |
| due process model <b>p. 11</b>   | serial murder <b>p. 21</b> |                                      |

## Endnotes

- 1 Emily Greenhouse, "The Downfall of the Most Hated Man on the Internet," *The New Yorker*, January 28, 2014, <http://www.newyorker.com/tech/elements/the-downfall-of-the-most-hated-man-on-the-internet>.
- 2 Charlotte Laws, "I've Been Called the 'Erin Brockovich' of Revenge Porn, and for the First Time Ever, Here Is My Entire Uncensored Story of Death Threats, Anonymity and the FBI," *XOJane*, November 21, 2013, <http://www.xojane.com/it-happened-to-me/charlotte-laws-hunter-moore-erin-brockovich-revenge-porn>.
- 3 Megan Geuss, "Revenge Porn Site Operator Hunter Moore Pleads Guilty to Hacking, ID Theft," *Ars Technica*, February 18, 2015, <http://arstechnica.com/tech-policy/2015/02/revenge-porn-site-operator-hunter-moore-pleads-guilty-to-hacking-id-theft>.
- 4 Alex Morris, "Hunter Moore: The Most Hated Man on the Internet," *Rolling Stone*, November 13, 2012, <http://www.rollingstone.com/culture/news/the-most-hated-man-on-the-internet-20121113>.
- 5 Carole Cadwalladr, "Charlotte Laws' Fight with Hunter Moore, the Internet's Revenge Porn King," *theguardian*, March 30, 2014, <http://www.theguardian.com/culture/2014/mar/30/charlotte-laws-fight-with-internet-revenge-porn-king>.
- 6 Ibid.
- 7 Ibid.
- 8 Greenhouse, "The Downfall of the Most Hated Man on the Internet."
- 9 Motherboard, "Revenge Porn King Gets Two Years in Prison," December 2, 2015, <http://motherboard.vice.com/read/revenge-porn-king-gets-two-years-in-prison>.
- 10 Cyber Civil Rights Initiative, <http://www.cybercivilrights.org/revenge-porn-laws>. Accessed April 2016.
- 11 Justin Peters, "Was Israel Keyes the Most Meticulous Serial Killer of Modern Times?," *Slate*, December 10, 2012, [http://www.slate.com/blogs/crime/2012/12/10/israel\\_keyes\\_suicide\\_is\\_he\\_the\\_most\\_meticulous\\_serial\\_killer\\_of\\_modern\\_times.html](http://www.slate.com/blogs/crime/2012/12/10/israel_keyes_suicide_is_he_the_most_meticulous_serial_killer_of_modern_times.html).
- 12 Rick Anderson, "Israel Keyes: In Plane Sight," *Seattle Weekly News*, January 22, 2013, <http://www.seattleweekly.com/2013-01-23/news/israel-keyes-in-plane-sight>.
- 13 Peters, "Was Israel Keyes the Most Meticulous Serial Killer of Modern Times?"; Anderson, "Israel Keyes: In Plane Sight."
- 14 Peters, "Was Israel Keyes the Most Meticulous Serial Killer of Modern Times?"
- 15 Anderson, "Israel Keyes: In Plane Sight."
- 16 Peter Holley, "After 90-Year-Old Is Arrested, Florida Judge Halts Law That Restricts Feeding the Homeless," *Washington Post*, December 3, 2014, <https://www.washingtonpost.com/news/post-nation/wp/2014/12/03/after-90-year-old-is-arrested-florida-judge-halts-law-that-restricts-feeding-the-homeless>.
- 17 BBC, "British Spies 'Moved after Snowden Files Read,'" <http://www.bbc.com/news/uk-33125068>.
- 18 Peter Finn and Sari Horwitz, "U.S. Charges Snowden with Espionage," *Washington Post*, June 21, 2013, [http://www.washingtonpost.com/world/national-security/us-charges-snowden-with-espionage/2013/06/21/507497d8-dab1-11e2-a016-92547bf094cc\\_story.html](http://www.washingtonpost.com/world/national-security/us-charges-snowden-with-espionage/2013/06/21/507497d8-dab1-11e2-a016-92547bf094cc_story.html). David M. Herszenhorn, "Leaker Files for Asylum to Remain in Russia," *New York Times*, July 16, 2013, <http://www.nytimes.com/2013/07/17/world/europe/snowden-submits-application-for-asylum-in-russia.html>.
- 19 Kathy Lally, Anthony Faiola, and Jia Lynn Yang, "Edward Snowden Flees Hong Kong for Moscow, Asks Ecuador to Grant Him Asylum," *Washington Post*, June 24, 2013, [http://www.washingtonpost.com/world/snowden-departs-hong-kong-for-a-third-country-government-says/2013/06/23/08e9eff2-dbde-11e2-a9f2-42ee3912ae0e\\_story.html](http://www.washingtonpost.com/world/snowden-departs-hong-kong-for-a-third-country-government-says/2013/06/23/08e9eff2-dbde-11e2-a9f2-42ee3912ae0e_story.html).
- 20 Michael Birnbaum, "Russia Grants Edward Snowden Residency for Three More Years," *Washington*



- Post, August 7, 2014, [http://www.washingtonpost.com/world/europe/russia-grants-edward-snowden-residency-for-3-more-years/2014/08/07/8b257293-1c30-45fd-8464-8ed278d5341f\\_story.html](http://www.washingtonpost.com/world/europe/russia-grants-edward-snowden-residency-for-3-more-years/2014/08/07/8b257293-1c30-45fd-8464-8ed278d5341f_story.html).
- 21 Gordon Hunt, "Edward Snowden: I've Applied for Asylum in 21 Countries," *Silicon Republic*, June 5, 2015, <https://www.siliconrepublic.com/enterprise/edward-snowden-ive-applied-for-asylum-in-21-countries>.
  - 22 C. Wright Mills, *The Sociological Imagination* (New York: Oxford University Press, 1959).
  - 23 Sunil B. Desai, "Solving the Inter-agency Puzzle," *Policy Review* (February 1, 2005): 57–71.
  - 24 Ibid.
  - 25 Herbert L. Packer, *The Limits of the Criminal Sanction* (Stanford, Calif.: Stanford University Press, 1968).
  - 26 Herbert L. Packer, "Two Models of the Criminal Process," *University of Pennsylvania Law Review* 113, no. 1 (1964). [AU: Please provide pages. THERE ARE NO PAGES.]
  - 27 Walter M. Brasch, *America's Unpatriotic Acts: The Federal Government's Violation of Constitutional and Civil Rights* (New York: Peter Lang, 2005).
  - 28 Federal Bureau of Investigation, *Crime in the United States 2015*, Table 1: Crime in the United States, <https://ucr.fbi.gov/crime-in-the-u.s/2015/crime-in-the-u.s.-2015/tables/table-1>.
  - 29 Lawrence M. Friedman and Robert V. Percival, *The Roots of Justice: Crime and Punishment in Alameda County, California, 1870–1910* (Chapel Hill: University of North Carolina Press, 1981). Samuel Walker, *Sense and Nonsense about Crime, Drugs, and Communities*, 8th ed. (Stamford, Conn.: Cengage Learning, 2015), 43–54. Don M. Gottfredson, *Decision-making in the Criminal Justice System: Reviews and Essays* (Rockville, Md.: National Institute of Mental Health, Center for Studies of Crime and Delinquency, 1975).
  - 30 Walker, *Sense and Nonsense about Crime, Drugs, and Communities*.
  - 31 William G. Doerner and Stephen P. Lab, *Victimology*, 5th ed. (Cincinnati, Ohio: Lexis-Nexis, 2008), 289–299.
  - 32 Alfred Blumstein and Joel Wallman, *The Crime Drop in America* (New York: Cambridge University Press, 2005).
  - 33 Ronald D. Hunter and Mark L. Dantzer, *Crime and Criminality: Causes and Consequences* (Upper Saddle River, N.J.: Prentice Hall, 2002).
  - 34 James Q. Wilson and George L. Kelling, "Broken Windows," in *Critical Issues in Policing: Contemporary Issues*, 2d ed., eds. Roger G. Durham and Geoffrey P. Alpert (Prospect Heights, Ill.: Waveland Press, 1993).
  - 35 Jeffrey Reiman, *The Rich Get Richer and the Poor Get Prison*, 8th ed. (Boston: Allyn & Bacon, 2006).
  - 36 Ibid.
  - 37 Lewis R. Mizell, Jr., *Masters of Deception: The Worldwide White-Collar Crime Crisis and Ways to Protect Yourself* (New York: Wiley, 1997).
  - 38 "The Madoff Recovery Initiative," <http://www.madofftrustee.com/>. Accessed January 2016.
  - 39 Ellen Hochstedler Steury and Nancy Frank, *Criminal Court Process* (Minneapolis/St. Paul, Minn.: West, 1996).
  - 40 Maximo Langer, "Rethinking Plea Bargaining: Prosecutorial Adjudication in American Criminal Procedure," *American Journal of Criminal Law* 33, no. 3 (2006): 223–299.
  - 41 Chris McCormick, ed., *Constructing Danger: The Misrepresentation of Crime in the News* (Halifax, Nova Scotia: Fernwood, 1995).
  - 42 Lance Hannon, "Race, Victim Precipitated Homicide, and the Subculture of Violence Thesis," *Journal of Social Sciences* 41, no. 1 (2004): 115–121.
  - 43 Albert K. Cohen, *Delinquent Boys: The Culture of the Gang* (New York: The Free Press, 1955).
  - 44 Mitch Stacy, "Details Sketchy in Killing of Charlotte County Prison Guard," *Florida Times Union*, June 12, 2003.
  - 45 Frederic G. Reamer, *Criminal Lessons: Case Studies and Commentary on Crime and Justice* (New York: Columbia University Press, 2003). See especially Chapter 5, "Crimes of Revenge and Retribution," 97–119.
  - 46 Malcolm Klein, *The American Street Gang: Its Nature, Prevalence, and Control* (New York: Oxford University Press, 1997).
  - 47 Eric W. Hickey, *Serial Murderers and Their Victims*, 4th ed. (Belmont, Calif.: Wadsworth, 2006).
  - 48 Alex Schmid and Janny de Graaf, *Violence as Communication: Insurgent Terrorism and the Western News Media* (Newbury Park, Calif.: Sage, 1982).
  - 49 Eric W. Hickey, ed., *Sex Crimes and Paraphilia* (Upper Saddle River, N.J.: Prentice Hall, 2006).
  - 50 David Finkelhor and Kersti Yllo, *License to Rape: Sexual Abuse of Wives* (New York: Holt, Rinehart, and Winston, 1985).
  - 51 Federal Bureau of Investigation, Attorney General Eric Holder Announces Revisions to the Uniform Crime Report's Definition of Rape, January 6, 2012, <https://www.fbi.gov/news/pressrel/press-releases/attorney-general-eric-holder-announces-revisions-to-the-uniform-crime-reports-definition-of-rape>.
  - 52 Dean G. Kilpatrick, David Beatty, and Susan Smith Hawley, "The Rights of Crime Victims: Does Legal Protection Make a Difference?" in *Victims and Victimization: Essential Readings*, eds. David Shichor and Stephen G. Tibbetts (Prospect Heights, Ill.: Waveland Press, 2000), 287–304.
  - 53 Terence D. Miethe and Richard C. McCorkle, *Crime Profiles: The Anatomy of Dangerous Persons, Places, and Situations* (Los Angeles: Roxbury, 2001).
  - 54 Robert F. Meier and Gilbert Geis, *Victimless Crime? Prostitution, Drugs, Homosexuality, Abortion* (Los Angeles: Roxbury, 1997).
  - 55 William H. Daly, "Law Enforcement in Times Square, 1970s–1990s," in *Sex, Scams, and Street Life: The Sociology of New York City's Times Square*, ed. Robert P. McNamara (Westport, Conn.: Praeger, 1995), 97–106.
  - 56 John A. Backstrand, Don Gibbons, and Joseph F. Jones, "Who's in Jail? An Examination of the Rabble Hypothesis," *Crime and Delinquency* 38 (1992): 219–229.
  - 57 Joseph Goldstein, "Police Discretion Not to Invoke the Criminal Process," in *The Invisible Justice System: Discretion and the Law*, eds. Burton Atkins and Mark Pogrebin (Cincinnati, Ohio: Anderson, 1978), 65–81.







## Chapter 2

# How Crime Is Measured and Who It Affects

### THE PROBLEMS OF MEASURING CRIME 30

### HOW CRIME IS MEASURED 32

- Uniform Crime Reports
- National Incident-Based Reporting System
- National Crime Victimization Survey
- Self-Report Studies

### VICTIMS OF CRIME 44

- Typologies of Crime Victims
- The Incidence of Victimization
- Categories of Victims
  - Victims of Violent Crime*
  - Victims of Hate Crime*
  - Victims of Financial Crime*
  - The Elderly and Children*
  - Victims' Rights and Assistance*

### SUMMARY 57

### FEATURES

#### A CLOSER LOOK 2.1

Cracks in the Statistics p. 35

#### CJ REFERENCE 2.1

The Hierarchy Rule p. 38

#### FOCUS ON ETHICS

To Report or Not to Report p. 56



In July 2013, Chicago police found the naked, decomposed body of 20-year-old Tiara Groves on the floor of a vacant warehouse. Wire was draped over her hand and wound around the arms of a nearby chair. She had been gagged. Toxicology tests revealed non-lethal amounts of heroin and alcohol in her system. Police told Groves's mother, who had filed the missing-person report, that her daughter was murdered. The pathologist ruled Groves's death a homicide by "unspecified means," meaning that it was uncertain exactly what had killed the young woman. However, by December, police reclassified the case as a noncriminal death investigation, and the death of Tiara Groves escaped Chicago's murder statistics for 2013.<sup>1</sup>

Chicago has a crime problem. It also has a crime-reporting problem. In a two-part series about the city's crime, *Chicago* magazine found that the unbelievable drop in crime in Chicago was, well, unbelievable. The steep drops in serious crime were too good to be true. The reason for this reported decline was that some crimes were not being counted. This non-counting was achieved in several ways, such as assigning new codes to certain offenses so that they were recorded as less serious offenses; pushing the recording of offenses forward or backward in time so that the statistics were not reported in the current year; charging suspects with less serious offenses; and, finally, as in the Tiara Groves case, recategorizing cases entirely. It is possible, according to *Chicago* magazine, that serious crime in Chicago has not been accurately reported for many years.<sup>2</sup>

In April 2016, Groves's neighbor, Leondra Martin—who can be seen on a surveillance video arguing with Groves—and a man named Desmond Collins were convicted of concealing Groves's death.<sup>3</sup> The pair say they saw Groves die of a heroin overdose and hid her body. Groves's sister, Kenyatta, believes "they got away with murder."<sup>4</sup>

**THINK ABOUT IT > How can the measurement of crime rates be made less political and more scientifically accurate?**

## LEARNING OBJECTIVE 1

Describe three logistical obstacles to measuring crime effectively and efficiently.

## The Problems of Measuring Crime

Measuring crime is tricky. Criminal justice scholars, government officials, and the public all have different motivations, interests, and ideologies that dictate why and how crime should be measured. Whereas scholars and the public want a realistic picture of crime so that they can make informed decisions, some police administrators may have an occupational perspective. For example, if a police chief wants to make the case that his or her department needs more financial resources, a crime wave could be used as a justification. Conversely, if the police chief is in political trouble, that chief might determine that a drop in the crime rate would be evidence that he or she is doing a good job. In the case of Chicago's crime-reporting controversies, the city is under social pressure to do something about the rate of serious crime in order to make Chicago safer for its citizens. The logistical obstacles to measuring crime effectively and efficiently are daunting. These logistical problems, which we will cover in detail later in the chapter, include:

- › Problems of definition: Although laws are written in a specific manner to minimize ambiguity, the interpretation of behaviors that seem to be criminal offenses can be problematic. For the legislator who writes the law in





the safety of his or her office, the circumstances might seem clear-cut and easily defined. For the police officer, the information needed to determine whether a criminal offense is committed might be conflicting, absent, or even false.

- › Problems of resources: Thousands of criminal justice jurisdictions report official criminal justice statistics. Some large metropolitan or state agencies have teams of well-trained personnel dedicated to tracking crime, whereas other, smaller agencies do not. Consequently, the priority of maintaining these records varies significantly across jurisdictions based on the available resources, in terms of both finances and personnel.
- › Problems of politics: Public officials do not want their communities perceived as high-crime areas. The economic and social effects of the perception of crime can cause city officials to pressure law enforcement agencies to minimize the reporting of crime. For this reason, aggravated assaults might be reported as simple battery, and motor vehicle theft might be deemed to be joyriding, depending on the political circumstances.

To understand crime's effect on individuals and society, we must understand how crime is conceptualized and measured. There is a big difference between a homicide and some children throwing rocks through the windows of an abandoned house. Similarly, there is a big difference between massive corporate fraud and the motorist whose license is suspended after three drunken-driving convictions.<sup>5</sup> The total number of criminal offenses, or even the crime rate, fails to capture the variability and deleterious effects of crime. Although crime measures are useful in any comparison of the relative safety of cities, states, or regions, the way crime is measured can provide misleading and inaccurate pictures of how it is distributed and how it affects people, especially victims.<sup>6</sup>

The victim performs an important role in the criminal justice system. The victim of a criminal offense is one of a triad of important actors. The perpetrator commits the offense; the victim is on the receiving end of the behavior; and the criminal justice system responds to the offense in the name of the state. This is an important point. Once a criminal offense has been committed, the criminal justice system sets the victim aside, and the prosecutor acts in the name of society rather than the victim. Because of this structure, many claim that the victim is forgotten in the criminal justice process.<sup>7</sup> For example, the police may decide not to arrest a criminal suspect; the prosecutor may decide to accept a lenient plea bargain or not to press charges at all; or a judge may dismiss the charges against a defendant or impose a lenient punishment on a convicted offender. Or, as may have happened in the case of Tiara Groves, the death may not be counted as a homicide for political reasons. These actions often occur without any input from the victim or victim's family, which is not only frustrating for those parties, but also makes the public cynical about the quality of justice meted out by the criminal justice system.<sup>8</sup>

This chapter will explore the role and perspective of the victim in several ways. First, we consider some typologies of victims. Next, we will look at categories of victims and how the criminal justice system responds to them, with a particular focus on programs aimed at alleviating harm.

## PAUSE AND REVIEW

1. What are three logistical obstacles to the effective and efficient measurement of crime?

LEARNING  
OBJECTIVE 2

Explain what the Uniform Crime Reports program is, as well as its flaws.

LEARNING  
OBJECTIVE 3

Understand why the National Incident-Based Reporting System is an improvement over the Uniform Crime Reports program.

LEARNING  
OBJECTIVE 4

Compare and contrast the similarities and differences between the National Crime Victimization Survey and self-report studies.

**dark figure of crime**

—A term describing crime that is unreported and never quantified.

**burglary (from**

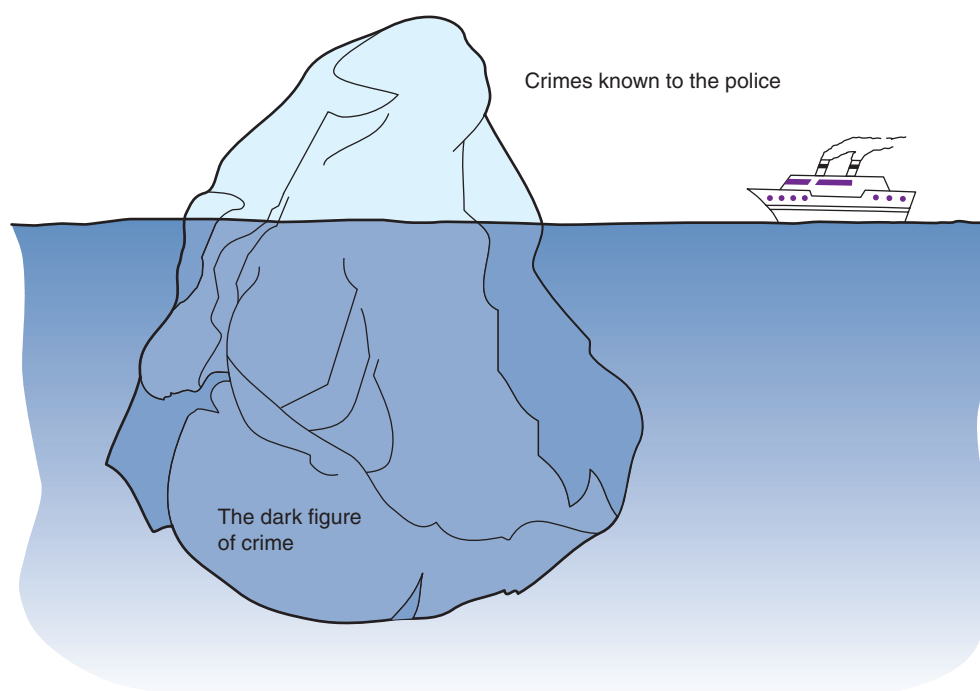
**Chapter 1)**—Breaking into and entering a structure or vehicle with intent to commit a felony or a theft.

## How Crime Is Measured

In this section, we will examine the various tools used for measuring crime and identify some of the issues and concerns raised by trying to measure the amount of crime in communities. Whenever there are variations in crime rates, care must be taken to ensure that these variations are the result of actual changes in crime and not measurement error. Besides definitional problems as to how to classify certain behaviors, there may also be perceptual problems about exactly when a behavior becomes a criminal offense. Kids who are fist fighting may think they are “just horsing around,” but to the parent of the child with the bloody nose, it might look like bullying or an assault. To be included in the measurement of crime, the incident must be reported to law enforcement, which reports data to the Uniform Crime Reports and National Incident-Based Reporting System, or researchers who collect data for the National Crime Victimization Survey and self-report studies.

One of the problems in attempting to measure crime is that not all offenses are reported. If an offense is not reported, it will not be counted in the indices that comprise the official measures of crime rates. The offenses that actually occur but do not get reported are called the “**dark figure of crime**” (see Figure 2.1). A victim might not want to report an offense to the police for several reasons.

- › An offense might be so subtle that it is never known to have happened. Suppose that a person uses a passkey to break into an apartment with the intent to steal a television belonging to the resident, then changes his mind and leaves, disturbing nothing. This action constitutes **burglary**—which is the breaking into and entering of a structure or vehicle with intent to commit a felony or a theft—but no one but the offender would ever know it happened.
- › An offense might not be perceived as such. Suppose that in the course of a hockey game, a defenseman for the Philadelphia Flyers were to slash a star center of the Montreal Canadiens with his hockey stick, opening a large cut



**FIGURE 2.1 The Dark Figure of Crime** Would efforts to shed light on the dark figure of crime infringe too much on individual civil rights?