Contents

Preface xxiii
Acknowledgments xxvii
About the Author xxix

Part I

Introduction to Criminal Justice Systems 1

Chapter 1: Criminal Justice: An Overview 3

Learning Objectives 3 The Nature and Philosophical Bases of Punishment 7 The Role of Discretion in Punishment 9 Components of Criminal Justice Systems 9 Criminal Law: An Overview 10 Criminal and Civil Law Distinguished 11 The Adversary System 12 Constitutional Limitations on Criminal Law: A Brief Look 12 Sources of Criminal Law 13 The Concept of Crime 16 Classification of Crimes 16 Elements of a Crime 16 An Act 16 An Unlawful Act 17 An Intent 17 The Concurrence of Act and Intent 19 Causation 19 Attendant Circumstances 19 Defenses to Crimes 19 The Reach of Criminal Law 19 Physician Assisted Suicide (PAS) 19 Sexual Behavior 20 Illegal Drug Abuse 20 Conclusion on the Reach of Criminal Law 21

Summary 22 Key Terms 23 Study Questions 23 Notes 24

Animal Cruelty 50

Chapter 2: Crime, Offenders, and Victims 25

Learning Objectives 25 Sources of Crime Data The Uniform Crime Reports (UCR) 27 The National Incident-Based Reporting System (NIBRS) The National Crime Victimization Survey (NCVS) 28 Self-Report Data (SRD) 29 Crime Data: An Analysis 30 Serious Crimes: Part I Offenses 31 Violent Crimes 31 Murder and Nonnegligent Manslaughter 31 Rape 31 Robbery 32 Aggravated Assault 32 Property Crimes 33 Burglary 33 Larceny-Theft Motor Vehicle Theft 34 Arson 34 Less Serious Crimes: Part II Offenses 35 Hate Crimes 35 Criminal Offenders 39 Age 40 Race 40 Gender 40 Crime Victims 40 Characteristics of Crime Victims 42 Age 42 Race 44 Gender 45 Mentally and Physically Challenged Victims 45 Other Victimization Characteristics 45 Relationship Between Victims and Offenders 45 Fear of Crime and Citizens' Reactions 46 Criminal Justice Systems and Crime Victims 46 Special Focus on Specific Crimes 48 Stalking 48 Cybercrime 48 Terrorism 50 White Collar Crime 50

Summary 51 Key Terms 52 Study Questions 52 Notes 53

Notes 84

Part II

Entry into Criminal Justice Systems: Policing 55

Chapter 3: The Emergence and Structure of Police Systems 57

Learning Objectives 57 The History of Policing 58 Modern Policing: The London Beginning 59 The Emergence of Policing in the United States 60 Decentralized Policing: U.S. Systems 61 Local Policing 61 Rural Policing 61 County Policing 63 Municipal Policing 64 State Policing 64 Federal Policing 66 The Federal Bureau of Investigation (FBI) 66 Recent Federal Legislative Enactments 70 The Department of Homeland Security (DHS) 70 The Transportation Security Administration (TSA) 70 U.S. Customs and Border Protection (CBP) 70 Other Federal Law Enforcement Agencies 72 Special Focus: Campus Policing 73 Private Police and Security Systems 75 Types of Private Security Systems 76 Public and Private Policing Compared 76 **International Policing** 77 The Organization, Administration, and Management of Police Systems 78 Early Reform Efforts Policing Models 78 A Professional Model of Policing 79 Problem-Oriented Policing 79 Community-Oriented Policing 80 Police Strategies and Crime Reduction 81 Summary 82 Key Terms 83 Study Questions 83

Chapter 4: Policing in a Modern Society 87

Learning Objectives 87 Preparing for Policing 88 Recruitment and Selection 88 Education 89 Training 91 **Police Discretion Police Functions** Order Maintenance Community Service Law Enforcement 96 Constitutional Provisions: An Overview 96 Traffic Control and the Enforcement of Traffic Laws 96 The Investigatory Stop 97 Racial Profiling 99 Stop and Frisk 102 Arrest, Search, and Seizure 104 Warrants and Probable Cause 104 Home Searches 107 Vehicle Searches 109 Body Searches 113 Interrogation 114 Investigation 119 Summary 121 Key Terms 122 Study Questions *123* Notes 123

Chapter 5: Problems and Issues in Policing 127

Learning Objectives 127

```
Dilemmas in Policing 128

External Political Pressures 128

Allocation of Police Time 129

Evidence-Based Practice 130

Proactive versus Reactive Policing: Domestic Violence 130

Hot Spots 134

Stress 134

The Police Subculture 135

Police Misconduct 136

The Knapp Commission and Its Aftermath 137

The Mollen Commission 137

Drugs and Policing 138

Violence and the Police 138

Police Use of Deadly Force 140

Fleeing Felon Rule 140
```

Vehicle Pursuits 141
Police Brutality 142
Violence Against the Police 143
The Control of Policing 144
Regulation by Police Departments 144
Federal Regulations 145
Regulation by Courts 145
The Exclusionary Rule and Its Exceptions 145
Civil Actions 147
Community Relations 147
Affirmative Action Recruitment and Hiring 149
Summary 151
Key Terms 152
Study Questions 152
Notes 153

Part III

Processing a Criminal Case: Criminal Court Systems 157

Chapter 6: Criminal Court Systems 159

Learning Objectives 159

The Judicial Branch of Government Definitions of Legal Terms Trial and Appellate Courts The Dual Court System 163 State Courts 163 Courts of Limited Jurisdiction 163 General Trial Courts 164 Intermediate Appellate Courts 166 Highest State Appellate Courts 166 Lower Federal Courts 166 The U.S. Supreme Court 166 Judges in Criminal Court Systems 169 Trial Judges 170 Appellate Judges 172 Judicial Selection, Training, and Retention 172 Diversity and Judging 177 Judicial Control 178 Crisis in the Courts 180

Summary 181 Key Terms 182 Study Questions 182 Notes 183

Chapter 7: Prosecution, Defense, and Pretrial Procedures 185

Learning Objectives 185

Lawyers and the Legal Profession 186

Prosecution 188

The Organization and Structure of Prosecution Systems 188

Community Prosecution 190

The Prosecutor's Role 191

Prosecutorial Discretion: An Overview 193

The Prosecutorial Decision 194

Deciding the Specific Charge 195

Charging Goals 195

Prosecutorial Discretion and Judicial Review 195

Prosecutorial Misconduct 195

Defense 196

The Defense Attorney's Role 196

Defense and the Right to Counsel 198

Appointed Counsel 198

The Right to Refuse Counsel 201

Private Defense Counsel 201

The Right to Effective Assistance of Counsel 201

Defense Systems for Indigents 205

Public Defender Systems 205

Assigned Counsel Systems 207

Contract Attorneys 207

Pretrial Procedures 207

Steps in the Criminal Justice Process 207

Release or Detention: Bail or Jail? 211

The Bail Decision 212

The Bail System 213

The Guilty Plea 213

Plea Bargaining 214

Summary 217

Key Terms 219

Study Questions 220

Notes 221

Chapter 8: Trial, Sentencing, and Appeal 223

Learning Objectives 223

Constitutional Issues at Trial 224

Speedy Trial 224

Public Trial 225

Trial by Jury 226

Other Constitutional Issues at Trial 229

The Trial Process 230
Opening of the Court Session 230
Jury Selection 231
Opening Statements 231
Presentation of the Evidence 231
The Prosecution's Case 233
The Defense Attorney's Case 233
Closing Statements 234
Submittal of the Case to the Jury 234
Sentencing 237
The Concept and Process of Sentencing 237
Sentencing Strategies 237
The Sentencing Hearing 239
The Sentencing Decision 239
Victims' Participation in Sentencing 241
Capital Punishment 241
Current Sentencing Issues 244
Sentence Disparity 244
Issues of Race and Ethnicity 246
Issues of Gender 248
Efforts to Control Disparity 248
Three Strikes and You're Out 249
Truth in Sentencing 250
Treatment and Sentencing 250
Appeals and Writs 251
Wrongful Convictions 251
Summary 254
Key Terms 255
Study Questions 256
Notes 257

Part IV

Confinement and Corrections 259

Chapter 9: The History and Structure of Confinement 261

Learning Objectives 261

```
The Emergence of Prisons for Punishment 262

The Emergence of American Penitentiaries 263

The Walnut Street Jail 264

The Pennsylvania System 264

The Auburn System 265

Comparison of the Pennsylvania and Auburn Systems 266

The Emergence of the Reformatory Model 266
```

Modern Prisons: An Overview 267

Confinement Institutions 268

Prison Security Levels 269

Women's Prisons 272

Federal and State Prisons 274

The Federal System 274

State Systems 275

Local Systems: The Jail 276

Prison and Jail Populations 278

Overcrowding and Its Effects 280

Prison and Jail Expansion 280

Private Correctional Facilities 280

Summary 282

Key Terms 283

Study Questions 283

Notes 283

Chapter 10: Life in Prison 287

Learning Objectives 287

The Incarceration of Offenders 288

Legal Implications of Incarceration 290

Rights versus Privileges 291

Eighth Amendment Prohibitions 291

First Amendment Prohibitions 293

Prison Administration 293

Wardens or Superintendents 294

Correctional Officers 295

Female and Minority Officers 297

Adaptation to Prison Life 298

Daily Routine 298

Prisonization 299

The Inmate Subculture: Models for Analysis 299

The Inmate System as a Social Control Agency 300

Prison Gangs 301

Female Inmates 302

The Female Inmate Subculture 302

Children of Inmates 303

Medical and Other Needs 304

Prison Issues 305

Solitary Confinement 305

Visitation Policies 306

Inmate Sexual Behavior 307

Inmates Who Are Elderly, or Physically or Mentally Challenged 311

Prison Programs 313

Prison Violence 315

Summary 318
Key Terms 319
Study Questions 319
Notes 320

Chapter 11: Community Corrections, Probation, and Parole 323

Learning Objectives 323

Supervision of Offenders in the Community 324 Overview 324 Diversion of Nonviolent Drug Offenders 327 Decriminalizing Minor Drug Offenses 327 Drug Courts 328 Statutory Provisions for Treatment 329 Diversion of Mentally Challenged Persons Problems of Offenders on Release 330 Furlough and Work Release Programs 331 Prerelease Programs 332 Focus on the Second Chance Act 333 Probation and Parole: An Overview 334 **Probation 336** Types of Probation 336 Probation Administration 337 **Probation Conditions 338** Probation Supervision 341 Parole 342 The Organization of Parole Systems 344 The Parole Process 345 Eligibility for Parole The Parole Hearing 346 Parole Board Discretion 346 Due Process and the Parole Hearing 346 Control of Parole Decisions 347 Parole Conditions 347 Medical Parole: A New Focus? 347 Parole Supervision 348 **Constitutional Issues**

Search and Seizure 348

The Americans with Disabilities Act (ADA) 350

Probation and Parole Revocation 350

Sex Offender Registration Laws 353

Megan's Law 353

Adam Walsh Child Protection and Safety Act 353

Jessica's Law 355

Effectiveness Issues 355

Constitutional Issues 357 Civil Commitment of Released Sex Offenders 358

Summary 358 Key Terms 359 Study Questions 360 Notes 360

Part V

Juvenile Justice: A Special Case 363

Chapter 12: Juvenile Justice Systems 365

Learning Objectives 365

Juvenile Justice Systems: An Overview 366 Juvenile Delinquency Data 370

Youth Gangs 373

The Nature and Extent of Gangs 374

Female Gang Members 374

The Constitutional Rights of Juveniles 375

U.S. Supreme Court Cases 375

Juvenile Curfews 379

Race and Ethnicity Issues 380

Gender Issues 381

Juvenile Courts 381

Court Organization and Procedures 381

The Role of Attorneys 384

Juveniles in Adult Criminal Courts 384

Procedural Requirements for Waivers 385

Evaluation of Waivers 386

Sentencing 386

Life Without Parole (LWOP) 386

Juveniles in Adult Jails and Prisons 388

Sex Registration Laws and Juveniles 389

Juveniles in Correctional Facilities 389

Historical Background 389

Recent Data on Offenders and Facilities 390

Types of Institutions for Juveniles 391

Legal Issues in Juvenile Facilities 392

Treatment and Juvenile Corrections 393

Deinstitutionalization 394

Juveniles in the Community 395

Juveniles and Capital Punishment 397

Juvenile and Adult Criminal Justice Systems: A Brief Assessment 398

Summary 401 Key Terms 402 Study Questions 402 Notes 403

Appendix A: Amendments to the U.S. Constitution 407 Appendix B: How to Read a Court Citation 413

Glossary 415
Case Index 429
Name Index 433
General Index 437
Photo Credits 453