CHAPTER 1
Crime and Criminal Justice

Chapter Outline

- Is Crime a Recent Development?
  Crime in the Old West
  Crime in the Cities

- Creating Criminal Justice
  Federal Involvement
  Evidence-Based Justice: A Scientific Evolution

- The Contemporary Criminal Justice System
  Scope of the System
  Careers in Criminal Justice: Police Officer

- The Formal Criminal Justice Process
  Formal Procedures
  The Criminal Justice Assembly Line

- The Informal Criminal Justice System
  The Courtroom Work Group
  The Wedding Cake Model of Justice

- Perspectives on Justice
  The Crime Control Perspective
  The Rehabilitation Perspective
  The Victim Experience: Neighborhood Watch
  The Due Process Perspective
  The Nonintervention Perspective
  The Equal Justice Perspective
  The Restorative Justice Perspective
  Perspectives in Perspective

- Ethics in Criminal Justice
  Evidence-Based Justice: Does Monitoring Sex Offenders Really Work?
  Ethics and Law Enforcement
  Ethics and the Court Process
  Ethics and Corrections

Learning Objectives

LO1 Be able to define the concept of criminal justice.

LO2 Be aware of the long history of crime in America.

LO3 Discuss the formation of the criminal justice system.

LO4 Name the three basic component agencies of criminal justice.

LO5 Comprehend the size and scope of the contemporary justice system.

LO6 Trace the formal criminal justice process.

LO7 Know what is meant by the term criminal justice assembly line.

LO8 Discuss the “wedding cake” model of justice.

LO9 Be familiar with the various perspectives on criminal justice.

LO10 Understand the ethical issues that arise in criminal justice.
On the night of February 26, 2012, neighborhood watch captain George Zimmerman, 28, (above left photo) was driving his SUV through his Sanford, Florida, neighborhood when he called 911 to report "a real suspicious guy," a "black male" walking around. That was Trayvon Martin (above right photo), a teen who was heading back to the house where he was staying after a 7-Eleven run. Martin was wearing a hooded sweatshirt and carrying a can of iced tea, a bag of Skittles, and his cell phone. Zimmerman followed Martin, and the two eventually got involved in an argument. Things escalated and the altercation culminated in Zimmerman firing a fatal shot into Martin's chest. Zimmerman was brought to the police station, pleaded self-defense, and was released without charges being filed. In the aftermath of the incident, Trayvon Martin's parents, Tracy Martin and Sybrina Fulton, went public, calling for Zimmerman to be prosecuted. Under public pressure, police in Sanford eventually released the 911 calls made by Zimmerman in which he disregards the operator telling him not to chase after Martin. On April 12, 2012, after a great deal of media attention and public debate, including a famous statement by President Barack Obama saying that if he had a son he "would look like Trayvon Martin." George Zimmerman was charged with second-degree murder. If found guilty he faces a minimum of 25 years in prison.

The Martin case quickly gained national media attention and raised numerous legal and social questions. And while the facts of the case are still in dispute at this time, a number of issues are being widely and openly debated. One area of controversy is Florida's "stand your ground" gun law, which lets residents use deadly force against a threat when they feel their lives are in danger. If Zimmerman had been attacked by Martin, which he claimed, and felt his life was being threatened, the law would
protect him from prosecution. If in fact he had been the aggressor or had illegally stalked Martin, his actions would be considered criminal and not protected by "stand your ground." There is also the issue of racial profiling. Did Zimmerman single out Martin for suspicion merely because he was a black teenager? While Zimmerman was a private citizen, the case focused attention on racial profiling, the police practice that singles out minority citizens for suspicion and questioning. The case also raised concern about gun control. Should someone like Zimmerman be allowed to own a handgun? Should the "right to carry" be more carefully restricted and controlled? Or is the Second Amendment’s right to bear arms inviolable and beyond government control?

High-profile cases such as the deadly interaction between George Zimmerman and Trayvon Martin help focus interest on the criminal justice system. The public relies on the agencies of the criminal justice system for protection from elaborate schemes. This loosely organized collection of agencies is responsible for protecting the public, maintaining order, enforcing the law, identifying transgressors, bringing the guilty to justice, and treating criminal behavior. The public depends on this vast system, which employs more than 2 million people and costs taxpayers more than $200 billion per year, to protect them from criminals and to bring justice to their lives. The criminal justice system is now taking on new duties, including protecting the country from international and domestic terrorists, transnational organized crime syndicates, and cyber criminals, groups that were almost unknown a decade ago. Member agencies must cooperate to investigate complex criminal conspiracies and meet these new challenges.

This text serves as an introduction to the study of criminal justice. This chapter covers some basic issues and concepts, beginning with a discussion of the concept and study of criminal justice. The major processes of the criminal justice system are then examined to provide an overview of how the system functions. Because no single view exists of the underlying goals that help shape criminal justice, the varying perspectives on what criminal justice really is—or should be—are set out in some detail.

**IS CRIME A RECENT DEVELOPMENT?**

After a highly publicized incident such as the shooting of Trayvon Martin, people are quick to say, "Crime is getting worse every day" and "I can remember when it was safe to walk the streets at night," but their memories may be colored by wishful thinking. Crime and violence have existed in the United States for more than 200 years and the crime rate was higher 100 years ago than it is today.

Crime and violence have been common since the nation was first formed. Guerrilla activity was frequent before, during, and after the Revolutionary War. Bands supporting the British (Tories) and the American revolutionaries engaged in savage attacks on each other, using hit-and-run tactics, burning, and looting.

**Crime in the Old West**

After the Civil War, many former Union and Confederate soldiers headed west with the dream of finding gold or starting a cattle ranch. Some even resorted to murder, theft, and robbery. The notorious John Wesley Hardin (who is alleged to have killed 30 men) studied law in prison and became a practicing attorney before his death. Henry McCarty, better known as the infamous "Billy the Kid," participated in range wars and may have killed more than 20 people before being
gunned down in 1881 by Sheriff Pat Garrett; Billy had just turned 22. Others formed outlaw bands that terrorized the western territories. There is no more storied bad man in the history of America than the outlaw Jesse James, who at his living robbing banks and trains. A folk hero, James remained an active outlaw until April 3, 1882, when he was shot in the back by Bob Ford, a fellow gang member, who did the deed in order to claim a $5,000 reward. Folktales aside, James was in fact more of an impulsive killer than a latter-day Robin Hood. In September 1864, during the Civil War, Jesse, riding with the guerilla band led by Bloody Bill Anderson, held up a train in the town of Centralla, Missouri, and helped to kill 22 unarmed Union soldiers on board.6

Facing these outlaws was an equally colorful group of lawmen who developed reputations that have persisted for more than a century. Of these, none is more famous than Wyatt Earp. In 1876, he became chief deputy marshal of Dodge City, Kansas, a lawless frontier town, and he later moved on to Deadwood, in the Dakota Territory. In 1879, Earp and his brothers Morgan and Virgil journeyed to Tombstone, Arizona, where he eventually was appointed acting deputy U.S. marshal for the Arizona Territory. The Earps, along with their gunslinging dentist friend Doc Holliday, participated in the famous O.K. Corral gunfight in 1881, during which they killed several members of a rustler gang known as the Cowboys.

Crime in the Cities
The Old West was not the only area where gang activity flourished. In East Coast cities, gangs bearing colorful names such as the Hudson Dusters and the Shirt-tails battled rivals for control of the streets. In New York City, many gangs, including the Plug Uglies, the Swamp Angels, the Daybreak Boys, and the Bowery Boys, competed for dominance in the Five Points section of the lower East Side. Gang battles were extremely brutal, and men were killed with knives, hatchets, cleavers, and anything else that could puncture or slice flesh.

The Civil War also produced widespread business crime. The great robber barons bribed government officials and plotted to corner markets and obtain concessions for railroads, favorable land deals, and mining and mineral rights on government land. The administration of President Ulysses S. Grant was tainted by numerous corruption scandals.

From 1900 to 1935, the nation experienced a sustained increase in criminal activity. This period was dominated by Depression-era outlaws who later became mythical figures. Charles “Pretty Boy” Floyd was a folk hero among the sharecroppers of eastern Oklahoma, and the whole nation eagerly followed the exploits of its premier bank robber, John Dillinger, until he was killed in front of a Chicago movie house. The infamous “Mu” Barker and her sons Lloyd, Herman, Fred, and Arthur are believed responsible for killing more than 10 people, and Bonnie Parker and Clyde Barrow killed more than 13 before they were slain in a shoot-out with federal agents.

The crime problem, then, is not a recent phenomenon; it has been evolving along with the nation itself. Crime has provided a mechanism for the frustrated to vent their anger, for business leaders to maintain their position of wealth and power, and for those outside the economic mainstream to take a shortcut to the American dream. To protect itself from this ongoing assault, the public has supported the development of a wide array of government agencies whose stated purpose is to control and prevent crime; to identify, apprehend, and bring to trial those who violate the law; and to devise effective methods of criminal correction. These agencies make up the criminal justice system.

CREATING CRIMINAL JUSTICE
In 1829, the first police agency, the London Metropolitan Police, was created both to keep the peace and to identify and apprehend criminal suspects. A huge success in England, police agencies began to appear in the United States during the mid-nineteenth century. Another nineteenth-century
innovation, the penitentiary (or prison) offered an alternative to physical punishments such as whipping, branding, or hanging.

As criminal justice developed over the next century, these fledgling agencies of justice rarely worked together in a systematic fashion. It was not until 1919—when the Chicago Crime Commission, a professional association funded by private contributions, was created—that the work of the criminal justice system began to be recognized.³ The Chicago Crime Commission acted as a citizens advocate group and kept track of the activities of local justice agencies. The commission still carries out its work today and is active in administering antiterror programs.⁴

In 1931, President Herbert Hoover appointed the National Commission of Law Observance and Enforcement, which is commonly known as the Wickersham Commission. This national study group made a detailed analysis of the U.S. justice system, helped usher in the era of treatment and rehabilitation, and found that the existing system of justice was flawed by too many rules and regulations.⁵

The modern era of criminal justice can be traced to a series of research projects begun in the 1950s under the sponsorship of the American Bar Foundation (ABF)⁶. The ABF project discovered that the justice system contained many procedures that had been kept hidden from the public view—investigation, arrest, prosecution, and plea negotiations—and that justice professionals had a great deal of latitude in decision making. For the first time, the term criminal justice system began to be used, reflecting a view that justice agencies could be connected in an intricate, yet often unobserved, network of decision-making processes.

**Federal Involvement**

In 1967, the President’s Commission on Law Enforcement and Administration of Justice (the Crime Commission), which had been created by President Lyndon B. Johnson, published its final report, *The Challenge of Crime in a Free Society.*⁷ Concomitantly, Congress passed the Safe Streets and Crime Control Act of 1968, providing for the expenditure of federal funds for state and local crime control efforts.⁸ This act helped launch a massive campaign to restructure the justice system. It funded the National Institute of Law Enforcement and Criminal Justice, which encouraged research and development in criminal justice. Renamed the National Institute of Justice in 1979, it has remained a major source of funding for the implementation and evaluation of innovative experimental and demonstration projects in the criminal justice system.⁹

The Safe Streets Act provided funding for the Law Enforcement Assistance Administration (LEAA), which, throughout its 14-year history, granted hundreds of millions of dollars in federal aid to local and state justice agencies. On April 15, 1982, the program came to an end when Congress ceased funding it. Although the LEAA attracted its share of criticism, it supported many worthwhile programs, including the development of a vast number of criminal justice departments in colleges and universities and the use of technology in the criminal justice system.

**Evidence-Based Justice: A Scientific Evolution**

With continued funding from federal agencies such as the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Bureau of Justice Statistics—as well as from private foundations such as the Pew and Annie E. Casey foundations—the study of criminal justice has embraced careful research analysis to support public policy initiatives. Whereas programs, policies, and procedures may have been shaped by political goals in the past, a mature justice system now relies more on the scientific collection of data to determine whether programs work and what policies should be adopted. According to this “What Works” movement,¹⁰ empirical evidence, carefully gathered using scientific methods, must be collected and analyzed in order to determine whether criminal justice programs work and whether they actually reduce crime rates and offender recidivism. Programs must now undergo rigorous review to ensure that they achieve their stated goals and have a real and measurable effect on behavior. Evidence-based justice efforts have a few unifying principles.¹¹
Target audience. Programs must be reaching the right audience. A drug treatment program that is used with groups of college students caught smoking pot may look successful, but can it work with hard-core substance abusers? It is important for programs to work with high-risk offenders who have the greatest probability of recidivating. Targeting low-risk offenders may make programs look good, but it really proves little because the client group might not have repeated their criminal offenses even if left untreated.

Randomized experiments. Whenever possible, random experiments are conducted. For example, two groups of drug users are randomly selected, the first group is placed in the special treatment program, and the other is treated in a traditional fashion, such as being put in prison. If the recidivism rates of the experimental group are superior, we have strong evidence that the novel treatment method really works. Although it is sometimes difficult to select subjects randomly, other methods (such as matching subjects on key characteristics such as age, race, gender, and prior record) can be substituted.

Intervening factors. Evidence-based programming must consider intervening factors that enhance or impede program success. A community-based crime prevention program that is used in a high-income neighborhood may be met with general approval and prove effective in reducing local problems, such as kids drinking at night in the local park. But will the program work in a high-crime area where well-armed gangs frighten residents? Conversely, a program that is deemed a failure with a group of at-risk kids living in an inner-city neighborhood may work quite well with at-risk youngsters living in a rural environment.

Measurement of success. Evidence-based programs must develop realistic measures of success. For example, a treatment may seem to work, but careful analysis might reveal that the effect quickly wears off; long-term measures of program effectiveness are needed. Program retention must also be considered. A program for teens may seem to work because those who complete the program are less likely to commit crime in the future. But before success is declared and the program is adopted on a national level, research must closely evaluate such issues as the dropout rate: Are potential failures removed before the program is completed in order to ensure overall success (and continued funding)? And what about selectivity? Is the program open to everyone, including repeat offenders, or is it limited to people who are considered to have the greatest potential for success?

Cost-effectiveness. Programs may work, but the cost may be too high. In an era of tight budgets, program effectiveness must be balanced with cost. It is not enough for a program to be effective; it must also prove to be efficient.

Scientific research is now being used to dispute commonly held beliefs that may be misleading and erroneous. For example, the track record of school-based drug education programs has proven to be spotty at best: the evidence shows that the best intentions do not necessarily result in the best practice. Through the text, we will highlight programs that have passed careful, evidence-based evaluations and some that have failed to stand up to such scrutiny.

THE CONTEMPORARY CRIMINAL JUSTICE SYSTEM

The contemporary criminal justice system is society’s instrument of social control. Some behaviors are considered so dangerous that they must be either strictly controlled or outlawed outright; some people are so destructive that they must be monitored or even confined. The agencies of justice seek to prevent or reduce outlawed behavior by apprehending, adjudicating, and sanctioning lawbreakers. Society maintains other forms of informal social control, such as parental and school discipline, but these are designed to deal with moral—not social control.

A society’s ability to control individual behavior in order to serve the best interests and welfare of the society as a whole.
Police departments are those public agencies created to maintain order, enforce the criminal law, provide emergency services, keep traffic on streets and highways moving freely, and develop a sense of community safety. Police officers work actively with the community to prevent criminal behavior; they help divert members of special needs populations, such as juveniles, alcoholics, and drug addicts, from the criminal justice system; they participate in specialized units such as a drug prevention task force or anti-rape unit; they cooperate with public prosecutors to initiate investigations into organized crime and drug trafficking; they resolve neighborhood and family conflicts; and they provide emergency services, such as preserving civil order during strikes and political demonstrations.

The criminal courthouse is the scene of the trial process. Here the criminal responsibility of defendants accused of violating the law is determined. Ideally, the court is expected to convict and sentence those found guilty of crimes while ensuring that the innocent are freed without any consequence or burden. The court system is formally required to seek the truth, to obtain justice for the individual brought before its tribunals, and to maintain the integrity of the government's rule of law. The main actors in the court process are the judge, whose responsibilities include overseeing the legality of the trial process, and the prosecutor and the defense attorney, who are the opponents in what is known as the adversary system. These two parties oppose each other in a hotly disputed contest—the criminal trial—in accordance with rules of law and procedure.

In the broadest sense, correctional agencies include community supervision or probation; various types of incarceration (including jails, houses of correction, and state prisons); and parole programs for both juvenile and adult offenders. These programs range from the lowest security, such as probation in the community with minimum supervision, to the highest security, such as 23-hour lockdown in an ultra-maximum-security prison. Corrections ordinarily represent the postjudicial care given to offenders when a sentence is imposed by the court and the offender is placed in the hands of the correctional agency.

FIGURE 1.1
Components of the Criminal Justice System

legal—misbehavior. Only the criminal justice system has the power to control crime and punish outlawed behavior through the arm of the criminal law.

The contemporary criminal justice system can be divided into three main components: law enforcement agencies, which investigate crimes and apprehend suspects (see the accompanying Careers in Criminal Justice feature); the court system, which charges, indicts, tries, and sentences offenders; and the correctional system, which incapacitates convicted offenders and attempts to aid in their treatment and rehabilitation (see Figure 1.1).

Criminal justice agencies are political entities whose structure and function are lodged within the legislative, judicial, and executive branches of the government:

Legislative. Under our current justice system, the legislature defines the law by determining what conduct is prohibited and establishes criminal penalties for those who violate the law. The legislative branch of government helps shape justice policy by creating appropriations for criminal justice agencies and acting as a forum for the public expression of views on criminal justice issues.

Judicial. The judiciary interprets existing laws and determines whether they meet constitutional requirements. It also oversees criminal justice practices and has the power to determine whether existing operations fall within the bounds of the state constitution and, ultimately, the U.S. Constitution. The courts have the right to overturn or ban policies that conflict with constitutional rights.

Executive. The executive branch of government is responsible for the day-to-day operation of justice agencies. It does not make or interpret the
laws but is trusted with their enforcement. In this capacity, it must create and oversee the agencies of justice, determine their budget, and guide their direction and objectives. Laws cannot be enforced unless the executive supplies crime control agencies with sufficient funding to support their efforts.

Scope of the System
Because of its varied and complex mission, the contemporary criminal justice system in the United States is monumental in size. It now costs federal, state, and local governments more than $200 billion per year for civil and criminal justice—up more than 300 percent since 1982 (see Figures 1.2 and 1.3). Per
CAREERS IN CRIMINAL JUSTICE

Police Officer

Duties and Characteristics of the Job

Police officers are responsible for enforcing the written laws and ordinances of their jurisdiction. Police officers patrol within their jurisdiction and respond to calls wherever police attention is needed. Duties can be routine, such as writing a speeding ticket, or more involved, such as responding to a domestic disturbance or investigating a robbery. Their nonpatrol duties include testifying in court and writing reports of their law enforcement actions. Some officers will choose or be chosen to work in specialized units such as the well-known special weapons and tactics (SWAT) teams or canine (K9) corps.

Police officers patrol jurisdictions of various sizes and have varying duties based on the nature of their jurisdiction. For example, sheriffs and their deputies enforce the laws within a county. State police primarily patrol state highways and respond to calls for backup from police units across their state. Institutions such as colleges and universities often have their own police forces as well, which enforce laws and rules in this specific area.

Police work can be an intense and stressful job; it sometimes entails encounters with hostile and potentially violent people. Police are asked to put their lives on the line to preserve order and safety. Their actions are watched closely and reflect upon their entire department. Because the places that police protect must be watched at all times, police work shifts may fall on weekends and holidays. Quite often it is the younger police officers who take these less desirable shifts. Additionally, police officers often have to work overtime; 45-hour workweeks are common.

Job Outlook

Government spending ultimately determines how many officers a department has. Overall opportunities in local

capita expenditure across the three government types and criminal justice functions is now more than $700 each year for every American! One reason why the justice system is so expensive to run is that it employs more than 2 million people in thousands of independent law enforcement, court-related, and correctional agencies. The nation now has almost 18,000 law enforcement agencies, including more than 12,000 local police departments, 3,000 county sheriffs’ offices, and 49 state police departments (every state has one except Hawaii). In addition, there are 2,000 other specialized law enforcement agencies ranging from transit police in large cities to county constables.

These police and law enforcement agencies now employ more than a million people; more than 765,000 are sworn personnel with general arrest powers, and the rest are civilian employees. Of these, about 660,000 are in local agencies, 350,000 work in county sheriffs’ offices, and 90,000 work for state police. There are nearly 17,000 courts; more than 8,000 prosecutorial agencies employ around 80,000 people; and about 1,200 correctional institutions (such as jails,
police departments will be excellent for individuals who meet the stringent psychological, personal, and physical qualifications. Many openings are created by the need to replace workers who retire and those who leave local agencies for federal jobs or for employment in private-sector security.

Most police officers are employed at the local level, so this is where a majority of the jobs are found. There are generally more opportunities for employment in larger departments, such as those that serve large urban or suburban areas. Not surprisingly, most opportunities exist in areas with comparatively high crime rates or low salaries.

Salary
The most recent data available indicate that police and sheriffs’ patrol officers have annual wages of more than $55,000. The lowest 10 percent earned less than $32,440, and the top 10 percent earned more than $88,870.

Opportunities
Police work is often appealing to many because of the good benefits and retirement policies. These factors may contribute to the fact that for the better-paying positions, such as state police, there may be more applicants than available positions. This competition means that those with qualifications such as a college education will have a better chance of being hired. After several years, those with the proper education who build a reputation for good work can rise in the ranks of their department or be assigned to other desirable positions, such as detective or investigator.

Qualifications
To be a police officer, you must be in good shape mentally and physically, as well as meet certain education requirements and pass written tests. New police officers undergo thorough, rigorous training and testing—normally by spending 12 to 14 weeks at a local police academy—before they go out on the streets. During training, new officers learn diverse skills that will be necessary for their job, such as knowledge of laws and individual rights, self-defense, and first aid. Applicants can also expect to be asked to pass lie detector and drug tests.

Because of the enormous responsibility associated with being a police officer, certain personal qualities are considered indispensable for future officers. These include responsibility, good communication skills, good judgment, and the ability to make quick decisions.

Education and Training
In most cases, one needs a high school diploma to be a police officer, but more and more jurisdictions are requiring at least some college education. Some college credits may be enough for an applicant to obtain a position on the police force, but more education, generally in the form of a bachelor’s degree in a relevant field (especially criminal justice) is necessary for being promoted and moving up in rank.


prisons, and detention centers) employ around half a million people. There are also thousands of community corrections agencies, including more than 3,500 probation and parole departments.

The system is massive because it must process, treat, and care for millions of people. Although the crime rate has declined substantially in the past decade, more than 13 million people are still being arrested each year, including 550,000 for violent crimes and 1,600,000 for property crimes; in all more than 2 million arrests are made each year for serious felony offenses. In addition, the juvenile courts handle about 1.5 million juveniles. Today, state and federal courts process, convict, and sentence over 1 million adults each year. It is not surprising, considering these numbers, that today more than 7 million people are under some form of correctional supervision, including 2 million men and women in the nation’s jails and prisons and an additional 5 million adult men and women being supervised in the community while on probation or parole. How can this trend be explained? The answer is that people are more likely to be
convicted than in the past and, if sent to prison or jail, to serve more of their sentence. The cost of corrections is now about $66 billion per year, a cost of about $30,000 per inmate, reinforcing the old saying that “It costs more to put a person in the state pen than to send a student to Penn State.”

THE FORMAL CRIMINAL JUSTICE PROCESS

Another way of understanding criminal justice is to view it as a process that takes an offender through a series of decision points beginning with arrest and concluding with reentry into society. During this process, key decision makers resolve whether to maintain the offender in the system or to discharge the suspect without further action. This decision making is often a matter of individual discretion, based on a variety of factors and perceptions. Legal factors, including the seriousness of the charges, available evidence, and the suspect’s prior record, are usually considered legitimate influences on decision making. Troubling is the fact that the suspect’s race, gender, class, and age may also influence decision outcomes. Critics believe that such extralegal factors determine the direction a case will take, whereas supporters argue that the system is relatively fair and unbiased.16

In reality, few cases are actually processed through the entire formal justice system. Most are handled informally and with dispatch. The system of justice has been roundly criticized for its “backroom deals” and bargain justice. It is true that most criminal suspects are treated informally, but more important is the fact that every defendant charged with a serious crime is entitled to a full range of legal rights and constitutional protections.

Formal Procedures

The formal criminal process includes a complex series of steps, from initial contact to postrelease.

INITIAL CONTACT In most instances, an offender’s initial contact with the criminal justice system takes place as a result of a police action:

- Patrol officers observe a person acting suspiciously, conclude the suspect is under the influence of drugs, and take her into custody.
- Police officers are contacted by a victim who reports a robbery; they respond by going to the scene of the crime and apprehending a suspect.
- An informer tells police about some ongoing criminal activity in order to receive favorable treatment.
- Responding to a request by the mayor or other political figure, the local department may initiate an investigation into an ongoing criminal enterprise such as gambling, prostitution, or drug trafficking.
- A person walks into the police station and confesses to committing a crime—for example, he killed his wife after an altercation.
- Initial contact can also be initiated by citizens when no crime is involved—for example, when a parent files a petition in juvenile court alleging that his child is beyond control and needs to be placed in a state detention facility.

INVESTIGATION The purpose of the criminal investigation is to gather enough evidence to identify a suspect and support a legal arrest. An investigation can take just a few minutes, as when a police officer sees a crime in progress and apprehends the suspect quickly. Or it can take many years and involve hundreds of law enforcement agents. Dennis Rader, the notorious BTK (Bind, Torture, Kill) serial killer, began his murderous streak in 1974 and was finally apprehended in 2005 after an investigation that lasted more than 30 years.17

During the investigatory stage, police officers gather information in an effort to identify the perpetrator of a crime, understand the perpetrator’s methods
and motives, and determine whether the crime was an individual event or one of many similar crimes committed by a single individual. Gathering information means engaging in such activities as interviewing victims and witnesses at the crime scene, canvassing the neighborhood to locate additional witnesses, securing the crime scene, and then conducting a thorough search for physical evidence, such as weapons, fluids, and fingerprints.

Experienced officers recognize that all material gathered during a criminal investigation must be carefully collected, recorded, classified, processed, and stored. Because they may have to testify at trial under strict rules of evidence, they know that even early in the investigatory process, all evidence must be marked for identification and protectively packaged. If the police fail to follow proper procedures, the “chain of evidence” may be broken, tainting the evidence and making it inadmissible in court. Similarly, police must follow proper procedures while interviewing and/or searching suspects, being careful to uphold the constitutionally guaranteed right to privacy. If police overstep the boundaries set by the law to protect the rights of the accused, relevant information may later be excluded from trial.

**ARREST** An arrest is considered legal when all of the following conditions exist:

- The police officer believes there is sufficient evidence, referred to as “probable cause,” that a crime is being or has been committed and that the suspect is the person who committed the illegal act.
- The officer deprives the individual of freedom.
- The suspect believes that he is now in the custody of the police and has lost his liberty. The police officer is not required to use the word “arrest” or any similar term to initiate an arrest, nor does the officer have to handcuff or restrain the suspect or bring him to the police station.

Under most circumstances, to make an arrest in a misdemeanor, the officer must have witnessed the crime personally, a principle known as the in-presence requirement. However, some jurisdictions have waived the in-presence requirement in specific classes of crimes, such as domestic violence offenses, enabling police officers to take formal action after the crime has been committed even if they were not present when it occurred. Arrests can also be made when a magistrate, presented with sufficient evidence by police and prosecutors, issues a warrant authorizing the arrest of the suspect.

**CUSTODY** After an arrest and while the suspect is being detained, the police may wish to search for evidence, conduct an interrogation, or even encourage a confession. Witnesses may be brought to view the suspect in a lineup or in a one-on-one confrontation. Because these procedures are so crucial and can have a great impact at trial, the U.S. Supreme Court has granted suspects in police custody protection from the unconstitutional abuse of police power, such as illegal searches and intimidating interrogations. If a suspect who is under arrest is to be questioned about her involvement in or knowledge of a crime, the police must advise her of her right to remain silent and inform her that she is under no obligation to answer questions. Furthermore, recognizing that the police can take advantage of or exploit the suspect’s psychological distress, the Court has ordered interrogating officers to advise the suspect that she is entitled to have a lawyer present and that the state will provide one at no charge if she cannot afford legal services. This so-called *Miranda* warning must be given if the police intend to use the answers against the person in a criminal case. If the arrested person chooses to remain silent, the questioning must stop. (*Miranda* will be discussed further in Chapter 8.)

**CHARGING** If the arresting officers or their superiors believe that sufficient evidence exists to charge a person with a crime, the case will be turned over to the prosecutor’s office. The prosecutor’s decision whether to charge the suspect

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**in-presence requirement**

The principle that in order to make an arrest in a misdemeanor, the arresting officer must have personally witnessed the crime being committed.

**Miranda warning**

*Miranda v. Arizona* established that suspects under arrest must be advised that they have no obligation to answer questions and that they are entitled to have a lawyer present during questioning, if necessary, at no expense to themselves.
with a specific criminal act involves many factors, including evidence sufficiency, crime seriousness, case pressure, and political issues, as well as personal factors such as a prosecutor’s own specific interests and biases.

Charging is a critical decision in the justice process. Depending on the prosecutor’s interpretation of the case, the suspect could be charged with a felony or a misdemeanor, and the subsequent differences between the charges can be vast. It is also possible that after conducting a preliminary investigation of its legal merits, prosecutors may decide to take no further action in a case; this is referred to as a *nolle prosequi*.

**PRELIMINARY HEARING/GRAND JURY** Created in England in the twelfth century, the grand jury’s original purpose was to act as a buffer between the king (and his prosecutors) and the common citizen. The practice was instituted in the colonies, and later the U.S. Constitution mandated that before a trial can take place, the government must first show probable cause to believe that the accused committed the crime for which he is being charged. In about half the states and in the federal system, this determination is made by a grand jury in a closed hearing. In its most classic form, the grand jury consists of 12 to 23 persons, who convene in private session to evaluate accusations against the accused and determine whether the evidence warrants further legal action. If the prosecutor can present sufficient evidence, the grand jury will issue a **true bill of indictment**, which specifies the exact charges on which the accused must stand trial.

In some instances, and especially in the federal system, prosecutors have used the grand jury as an investigative instrument directed against ongoing criminal conspiracies, including racketeering and political corruption. In this capacity, the grand jury has wide, sweeping, and almost unrestricted power to subpoena witnesses, solicit their testimony, and hand down indictments. Because the power to use the grand jury in this way is virtually in complete control of the prosecutor, and thus its proper application depends on his or her good faith, critics have warned of abuse and potential "witch hunts."18

In most states (and ironically in England, where the practice began), the grand jury system has been either replaced or supplemented by the preliminary hearing. In a preliminary hearing, the prosecution files a charging document (usually called an "information") before a lower trial court, which then conducts an open hearing on the merits of the case. During this procedure, which is often referred to as a "probable cause hearing," the defendant and the defendant’s attorney may appear and dispute the prosecutor’s charges. The suspect will be called to stand trial if the presiding magistrate or judge accepts the prosecutor’s evidence as factual and sufficient.

Both the grand jury and the preliminary hearing are designed to protect citizens from malicious or false prosecutions that can damage their reputations and cause them both financial distress and psychological anguish.

**ARRAIGNMENT** Before the trial begins, the defendant will be arraigned, or brought before the court that will hear the case. At this time, formal charges are read; the defendant is informed of his constitutional rights (the right to be represented by legal counsel and to have the state provide one if he is indigent); an initial plea (not guilty or guilty) is entered in the case; a trial date is set; and bail issues are considered.
BAIL/DETENTION  Bail is a money bond levied to ensure the return of a criminal defendant for trial, allowing the defendant to remain in the community prior to trial. Defendants who do not show up for trial forfeit their bail. Those people who cannot afford to put up bail or who cannot borrow sufficient funds for it will remain in state custody prior to trial. In most instances, this means an extended stay in a county jail or house of correction. If they are stable members of the community and have committed nonviolent crimes, defendants may be released on their own recognizance (promise to the court), without bail.

PLEA BARGAINING  After an arraignment, if not before, the defense and prosecution discuss a possible guilty plea in exchange for reducing or dropping some of the charges or agreeing to a request for a more lenient sentence or some other consideration, such as placement in a treatment facility rather than a maximum-security prison. It is generally accepted that almost 90 percent of all cases end in a plea bargain, rather than a criminal trial.

TRIAL/ADJUDICATION  If an agreement cannot be reached or if the prosecution does not wish to arrange a negotiated settlement of the case, a criminal trial will be held before a judge (bench trial) or jury, who will decide whether the prosecution's evidence against the defendant is sufficient beyond a reasonable doubt to prove guilt. If a jury cannot reach a decision—that is, if it is deadlocked—the case is left unresolved, leaving the prosecution to decide whether it should be retried at a later date.

SENTENCING/DISPOSITION  If after a criminal trial the accused has been found guilty as charged, he will be returned to court for sentencing. Possible dispositions may include a fine, probation, some form of community-based corrections, a period of incarceration in a penal institution, and, in rare instances, the death penalty.

APPEAL/POSTCONVICTION REMEDIES  After conviction, the defense can ask the trial judge to set aside the jury's verdict because the jury has made a mistake of law, such as misinterpreting the judge's instructions or convicting on a charge that was not supported by the evidence. Failing that, the defendant may file an appeal if, after conviction, she believes that her constitutional rights were violated by errors in the trial process. Appellate courts review such issues as whether evidence was used properly, whether the judge conducted the trial in an approved fashion, whether jury selection was properly done, and whether the attorneys in the case acted appropriately. If the court finds that the appeal has merit, it can rule that the defendant be given a new trial or, in some instances, order her outright release.

CORRECTIONAL TREATMENT  After sentencing, the offender is placed within the jurisdiction of state or federal correctional authorities. The offender may serve a probationary term, be placed in a community correctional facility, serve a term in a county jail, or be housed in a prison. During this stage of the criminal justice process, the offender may be asked to participate in rehabilitation programs designed to help her make a successful readjustment to society.

RELEASE  Upon completion of the sentence and period of correction, the offender will be free to return to society. Most inmates do not serve the full term of their sentence but are freed through an early-release mechanism, such as parole or pardon, or by earning time off for good behavior. Offenders sentenced to community supervision simply finish their term and resume their lives in the community.

POSTRELEASE  After termination of their correctional treatment, offenders may be asked to spend some time in a community correctional center, which acts as a bridge between a secure treatment facility and absolute freedom. Offenders may find that their conviction has cost them some personal privileges, such as the
right to hold certain kinds of employment. These may be returned by court order once the offenders have proved their trustworthiness and willingness to abide by society’s rules.

The Criminal Justice Assembly Line
To justice expert Herbert Packer, the image that comes to mind from the criminal justice process is an assembly-line conveyor belt down which moves an endless stream of cases, never stopping, carrying them to workers who stand at fixed stations and who perform, on each case as it comes by, the same small but essential operation that brings it one step closer to being a finished product—or, to exchange the metaphor for the reality, a closed file.\(^\text{16}\) Criminal justice is seen as a screening process in which each successive stage (prearrest investigation, arrest, postarrest investigation, preparation for trial or entry of plea, conviction, disposition) involves a series of routinized operations whose success is gauged primarily by their ability to pass the case along to a successful conclusion.\(^\text{16}\)

According to this view, each of the stages is a decision point through which cases flow. At the investigatory stage, police must decide whether to pursue the case or to terminate involvement because insufficient evidence exists to identify a suspect, because the case is considered trivial, or because the victim decides not to press charges. At the bail stage, a decision must be made whether to set bail so high that the defendant remains in custody, to set a moderate bail, or to release the defendant on her own recognizance. Each of these decisions can have a critical effect on the defendant, the justice system, and society. If an error is made, an innocent person may suffer or, conversely, a dangerous individual may be released to continue to prey upon the community.

In practice, many suspects are released before trial because of a procedural error, evidence problems, or other reasons that result in a case dismissal by the prosecutor (\textit{nolle prosequi}). Although most cases that go to trial wind up in a conviction, others are dismissed by the presiding judge because of a witness’s or complainant’s failure to appear or because of procedural irregularities. Thus the justice process can be viewed as a funnel that holds many cases at its mouth and relatively few at its stem end.

Theoretically, nearly every part of the process requires that individual cases be disposed of as quickly as possible. However, the criminal justice process is slowed by congestion, inadequate facilities, limited resources, inefficiency, and the nature of governmental bureaucracy. When defendants are not processed smoothly, often because of the large caseloads and inadequate facilities that exist in many urban jurisdictions, the procedure breaks down, and the ultimate goal of a fair and efficient justice system cannot be achieved.

Figure 1.4 illustrates the approximate number of offenders removed from the criminal justice system at each stage of the process. As the figure shows, most people who commit crime escape detection, and of those who do not, relatively few are bound over for trial, convicted, and eventually sentenced to prison. However, more than a million people are convicted on felony charges each year—about 30 percent of all people arrested on felony charges. About 70 percent of people convicted on felony charges are sentenced to a period of incarceration, either in state prison or in a local jail. Of the remainder, about 25 percent receive a probation sentence with no jail or prison time. The rest receive fines, restitution, treatment, community service, or some other penalty (for example, house arrest or periodic drug testing).\(^\text{21}\) The average prison sentence is about 5 years: most imprisoned felons are able to get out early via parole, early release for good behavior, or both. Concept Summary 1.1 shows the interrelationship of the component agencies of the criminal justice system and the criminal justice process.
FIGURE 1.4
The Criminal Justice Funnel

### Concept Summary 1.1

<table>
<thead>
<tr>
<th>The System: Agencies of Crime Control</th>
<th>The Process</th>
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<tbody>
<tr>
<td>POLICE</td>
<td>1. Contact</td>
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<tr>
<td></td>
<td>2. Investigation</td>
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<td>3. Arrest</td>
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<td>4. Custody</td>
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<td>PROSECUTION AND DEFENSE</td>
<td>5. Complaint/charging</td>
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<td></td>
<td>6. Grand jury/preliminary hearing</td>
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<td></td>
<td>7. Arraignment</td>
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<td></td>
<td>8. Bail/detention</td>
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<td>COURT</td>
<td>9. Plea negotiations</td>
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<td>10. Adjudication</td>
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<td></td>
<td>11. Disposition</td>
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<tr>
<td>CORRECTIONS</td>
<td>12. Appeal/postconviction remedies</td>
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<tr>
<td></td>
<td>13. Correction</td>
</tr>
<tr>
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<td>14. Release</td>
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<td>15. Postrelease</td>
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### The Informal Criminal Justice System

The traditional model of the criminal justice system depicts the legal process as a series of decision points through which cases flow. Each stage of the system is defined by time-honored administrative procedures and controlled by the rule of law. The public’s perception of the system, fueled by the media, is that it is composed of dour, crime-fighting police officers who never ask for overtime or sick leave, crusading district attorneys who stop at nothing to send the mob boss up the river, wily defense attorneys who neither ask clients for up-front cash nor cut short office visits to play golf, no-nonsense judges who are never overt political appointees, and tough wardens who rule the yard with an iron hand. Yet it would be overly simplistic to assume that the system works this way for every case. Although a few cases illustrate all the rights and procedures that make up the traditional, formal model, many are settled in an informal pattern of cooperation between the major actors in the justice process. For example, police may be willing to make a deal with a suspect to gain his cooperation, and the prosecutor may bargain with the defense attorney to get a plea of guilty as charged in return for a promise of leniency. Law enforcement agents and court officers are allowed tremendous discretion in their decisions whether to make an arrest, to bring formal charges, to handle a case informally, to substitute charges, and so on. Crowded courts operate in a spirit of getting the matter settled quickly and cleanly, instead of engaging in long, drawn-out criminal proceedings with an uncertain outcome.

The recognition of the informal justice process has spurred development of two concepts—the courtroom work group and the wedding cake model—that help us better understand how U.S. justice really operates.
The Courtroom Work Group

Whereas the traditional model regards the justice process as an adversary proceeding in which the prosecution and defense are combatants, the majority of criminal cases are cooperative ventures in which all parties get together to work out a deal.

This courtroom work group, which is made up of the prosecutor, defense attorney, judge, and other court personnel, functions to streamline the process of justice through the extensive use of plea bargaining and other trial alternatives. Instead of looking to provide a spirited defense or prosecution, these legal agents (who have often attended the same schools, know one another, and have worked together for many years) try to work out a case to their own professional advantage. Their goal is to remove “unnecessary” delays and avoid formal trials at all costs. Because most defendants who have gotten this far in the system are assumed to be guilty, the goal is to process cases efficiently rather than to seek justice.

In most criminal cases, cooperation, not conflict, between prosecution and defense appears to be the norm. The adversarial process comes into play in only a few widely publicized criminal cases involving rape or murder. Consequently, more than 90 percent of all cases are settled without trial.

What has developed is a system in which criminal court experiences can be viewed as a training ground for young defense attorneys looking for seasoning and practice. It provides a means for newly established lawyers to receive government compensation for cases they take to get their practice going and an arena in which established firms can place their new associates for experience before they assign them to paying clients. Similarly, successful prosecutors often look forward to a political career or a highly paid partnership in a private firm. To further their career aspirations, prosecutors must develop and maintain a winning track record in criminal cases. Although the courtroom work group limits the constitutional rights of defendants, it may be essential for keeping the overburdened justice system afloat. Moreover, it is not clear that the informal justice system is inherently unfair to both the victim and the offender. Rather, evidence shows that the defendants who benefit the most from informal court procedures commit the least serious crimes, whereas most chronic offenders gain relatively little.22

The Wedding Cake Model of Justice

Samuel Walker, a justice historian and scholar, has come up with a dramatic way of describing the informal justice process. He compares it with a four-layer cake, as depicted in Figure 1.23

LEVEL 1 The first layer of Walker's model is made up of the celebrated cases involving the wealthy and famous, such as media figure O. J. Simpson and style guru Martha Stewart. The first level may also contain people who are not so famous or powerful but victimize someone who is—John Hinckley Jr., who shot President Ronald Reagan, might fall into this category, as would Mark David Chapman, who murdered John Lennon in 1980. Other cases fall into the first layer because they are widely reported in the media and become the subject of a TV investigation. For example, there was an avalanche of media interest in the kidnapping of Elizabeth Smart from her Salt Lake City home on June 5, 2002, and her rescue nine months later. Media attention rebounded in 2010 when her abductors, Brian David Mitchell and Wanda Barzee, were tried and convicted of the crime, Barzee receiving a 15-year sentence and Mitchell life without the chance of parole.24

Cases in the first layer of the criminal justice wedding cake usually receive the full array of criminal justice procedures, including competent defense attorneys, expert witnesses, jury trials, and elaborate appeals. The media typically focus on Level 1 cases, and the TV-watching public gets the impression that most criminals are sober, intelligent people, and most victims are members of the upper classes—a patently false impression.
LEVEL II In the second layer are the serious felonies—rapes, robberies, and burglaries—that have become all too familiar in U.S. society. These are serious crimes committed by experienced offenders. Burglaries are included if the amount stolen is high and the techniques that were used indicate the suspect is a pro. Violent crimes, such as rape and assault, are vicious incidents against an innocent victim and may involve a weapon and extreme violence. Robberies involve large amounts of money and suspects who brandish handguns or other weapons and are considered career criminals. Police, prosecutors, and judges all agree that these cases demand the full attention of the justice system. Offenders in such Level II cases receive a full jury trial and, if convicted, can look forward to a prison sentence.

LEVEL III Although they can also be felonies, crimes that fall in the third layer of the wedding cake are less serious offenses committed by young or first-time offenders or involving people who knew each other or were otherwise related. An inebriated teenager committed a burglary and netted $50; the rape victim had gone on a few dates with her assailant before he attacked her; the robbery involved members of rival gangs and no weapons; the assault was the result...
of a personal dispute, and there is some question who hit whom first. Agents of the criminal justice system relegate these cases to the third level because they see them as less important and less deserving of attention. Level III crimes may be dealt with by an outright dismissal, a plea bargain, reduction in charges, or (most typically) a probationary sentence or intermediate sanction, such as victim restitution.

**LEVEL IV** The fourth layer of the cake is made up of the millions of misdemeanors, such as disorderly conduct, shoplifting, public drunkenness, and minor assault. The lower criminal courts handle these cases in assembly-line fashion. Few defendants insist on exercising their constitutional rights, because the delay would cost them valuable time and money. Because the typical penalty is a small fine, everyone wants to get the case over with.25

The wedding cake model of informal justice is an intriguing alternative to the traditional criminal justice flowchart. Criminal justice officials handle individual cases differently, yet there is a high degree of consistency in the way particular types or classes of cases are dealt with in every legal jurisdiction. For example, police and prosecutors in Los Angeles and Boston handle the murder of a prominent citizen in similar fashion. They also deal similarly with the death of an unemployed street person killed in a brawl. Yet in both jurisdictions, the two cases, both involving a murder, will be handled very differently: the bigwig's killer will receive a full-blown jury trial (with details on the six o'clock news), whereas the drifter's killer will get a quick plea bargain. The model is useful because it shows that all too often, public opinion about criminal justice is formed on the basis of what happened in an atypical case.

### PERSPECTIVES ON JUSTICE

Since the 1960s, when the field of criminal justice began to be the subject of both serious academic study and attempts at unified policy formation, significant debate has continued over the meaning of the term *criminal justice* and how the problem of crime control should be approached. After decades of research and policy analysis, criminal justice is still far from a unified field. Practitioners, academics, and commentators alike have expressed irreconcilable differences concerning its goals, purpose, and direction. Some conservatives believe the solution to the crime problem is to increase the number of police, apprehend more criminals, and give them long sentences in maximum-security prisons. In contrast, liberals call for increased spending on social services and community organization. Others worry about giving the government too much power to regulate and control behavior and to interfere with individual liberty and freedom.

Given the multitude of problems facing the justice system, this lack of consensus is particularly vexing. The agencies of justice must try to eradicate such diverse social problems as substance abuse, gang violence, pornography, cyber crime, and terrorism, all the while respecting individual liberties and civil rights. The agencies of the justice system also need adequate resources to carry out their complex tasks effectively, but this hope often seems to be wishful thinking. Experts are still searching for the right combination of policies and actions that will significantly reduce crime and increase public safety, while upholding individual freedom and social justice.

Considering the complexity of criminal justice, it is not surprising that no single view, perspective, or philosophy dominates the field. What are the dominant views of the criminal justice system today? What is the role of the justice system, and how should it approach its tasks?

### The Crime Control Perspective

According to the crime control perspective on criminal justice, the proper role of the justice system is to prevent crime through the judicious use of criminal sanctions.
People want protection from dangerous criminals and expect the government to do what is necessary to make them feel secure; crime control is part of the democratic process.\(^{26}\) Because the public is outraged by crime, it demands an efficient justice system that hands out tough sanctions to those who violate the law.\(^{27}\)

According to crime control philosophy, if the justice system operated in an effective manner, most potential criminals would be deterred from crime. The few who broke the law would be apprehended, tried, and punished so that they would never again risk committing crime. Effective law enforcement, strict mandatory punishment, and expanding the use of prison are the keys to reducing crime rates. Although crime control may be expensive, reducing the appeal of criminal activity is well worth the price.

**EFFECTIVENESS AND EFFICIENCY** According to the crime control perspective, the true goal of the justice system, protecting society, can be achieved through more effective police protection, tough criminal punishments, and the incapacitation of hardened criminals. If the system could be made more efficient, few would be tempted to break the law, and its effectiveness would improve.

Crime control advocates do not want legal technicalities to help the guilty go free and tie the hands of justice. They lobby for the abolition of legal restrictions on law enforcers.\(^{28}\) The police may sometimes be forced to use tactics that abridge civil liberties for the sake of effectiveness, such as profiling people at an airport on the basis of their race or ethnic origin in an effort to identify and apprehend suspected terrorists. Civil libertarians are wary of racial profiling, but crime control advocates argue that we are in the midst of a national emergency and that the ends justify the means.

**ABOLISHING LEGAL ROADBLOCKS** One impediment to effective crime control is the legal roadblocks set up by the courts to protect the due process rights of criminal defendants. Several hundred thousand criminals go free every year in cases dropped because courts find that police have violated the suspects' *Miranda* rights.\(^{29}\) Crime control advocates lobby for abolition of the exclusionary rule, which requires that illegally seized evidence be barred from criminal proceedings. Their voices have been heard: a more conservative Supreme Court has given police greater latitude to search for and seize evidence and has eased restrictions on how police operate. However, research shows that even in this permissive environment, police routinely violate suspects' rights when searching for evidence, and the majority of these incidents are never reviewed by the courts because the search was not followed up by arrest or citation.\(^{30}\)

In recent years, the crime control model has emerged as the dominant vision of justice. Its proponents have helped shape public attitudes toward crime and its control. As a result, the American public seems quite punitive toward criminals,\(^{31}\) and about two-thirds approve availability of the death penalty. The Victim Experience feature recounts a notorious incident stemming from the application of the crime control perspective to everyday life.

### The Rehabilitation Perspective

If the crime control perspective views the justice system in terms of protecting the public and controlling criminal elements, the rehabilitation perspective sees the justice system as a means of caring for and treating people who cannot manage themselves. Advocates of this perspective view crime as an expression of frustration and anger created by social inequality. Crime can be controlled by giving people the means to improve their lifestyle through conventional endeavors.

The rehabilitation concept assumes that people are at the mercy of social, economic, and interpersonal conditions and interactions. Criminals themselves are the victims of racism, poverty, strain, blocked opportunities, alienation, family disruption, and other social problems. They live in socially disorganized neighborhoods that are incapable of providing proper education, health care, or civil services. Society must help them compensate for their social problems.
THE VICTIM EXPERIENCE

NEIGHBORHOOD WATCH

Background

The Trayvon Martin case drew attention to neighborhood watch programs. Originally designed as neighborhood surveillance programs or groups created so that concerned residents could patrol the streets in an attempt to prevent crime and reduce victimization, they are not a new phenomenon, having been around for more than 30 years. An early example began more than 20 years ago in Laurel Lake, New Jersey, where community residents working with law enforcement founded the Laurel Lake Community Crime Watch in response to an increase in property crime and drug activity in the rural community (population 2,800). Police calculated that 90 percent of the crimes in the area were property crimes committed by those involved in buying and selling drugs. As a consequence of the community watch group’s efforts, there was no more graffiti or any other acts of vandalism. In addition, when the town began enforcing local ordinances such as the late-night juvenile curfew, residents noticed fewer youth on the streets and in trouble.

While popular, do these programs really help people and reduce victimization? A recent study by Trevor Bennett, Katy Holloway, and David Farrington evaluated 19 carefully chosen studies of neighborhood watch program effectiveness. Their review included stand-alone schemes and those that included other programs such as property marking efforts. They found that about half of the studies indicated neighborhood watch is effective in reducing crime, while the other half found that it has little effect or may even increase crime. Taken together, the research found that in areas with neighborhood watch, crime rates decreased 16 percent more than those without watch programs. The authors find these results “encouraging.”

Despite the negative publicity given the neighborhood watch program has received over the Martin case, it needs further study to determine whether it can truly prevent people from becoming crime victims.

Classroom Exercise

Have class members contact neighborhood watch groups in the surrounding areas (if there aren’t any, say in a rural area, find groups on the Internet). Ask them about their procedures, their success, and whether members routinely carry guns.


ALTERNATIVES TO CRIME

Rehabilitation advocates believe that government programs can help reduce crime on both a societal (macro) and an individual (micro) level. On the macro, or societal, level, research shows that as the number of legitimate opportunities to succeed declines, people are more likely to turn to criminal behaviors, such as drug dealing, to survive. Increasing economic opportunities through job training, family counseling, educational services, and crisis intervention is a more effective crime reducer than prisons and jails. As legitimate opportunities increase, violence rates decline.32

Society has a choice: pay now, by funding treatment and educational programs, or pay later, when troubled youths enter costly correctional facilities over and over again. This view is certainly not lost on the public. Although the public may want to get tough on crime, many people are willing to make exceptions—for example, by advocating leniency for younger offenders.33

The Due Process Perspective

Advocates of the due process perspective argue that the greatest concern of the justice system should be treating all those accused of crime fairly.34 This means providing impartial hearings, competent legal counsel, equitable treatment, and reasonable sanctions. The use of discretion within the justice system should be strictly monitored to ensure that no one suffers from racial, religious, or due process perspective.

A perspective on criminal justice that emphasizes individual rights and constitutional safeguards against arbitrary or unfair judicial or administrative proceedings.
or ethnic discrimination. The system must be attuned to the civil rights afforded every citizen by the U.S. Constitution. Therefore, it is vexing to due process advocates when the Supreme Court extends the scope of law enforcement's reach, enabling police agencies to monitor and control citizens at the expense of their right to privacy.

Although many views exist of what the true goals of justice should be, the system undoubtedly must be expected to operate in a fair and unbiased manner. Those who advocate the due process orientation point out that the justice system remains an adversary process that pits the forces of an all-powerful state against those of a solitary individual accused of committing a crime. If concern for justice and fairness did not exist, the defendant who lacked resources could easily be overwhelmed.

Misdemeanors of justice are common. Numerous criminal convictions have been overturned because newly developed DNA evidence later showed that the accused could not have committed the crimes. Many of those who were falsely convicted spent years in prison before their release. Evidence also shows that many innocent people have been executed for crimes they did not commit. From 1976 to 1999, 566 people were executed. During that same period, 82 convicts awaiting execution were exonerated—a ratio of one freed for every seven put to death. Because such mistakes can happen, even the most apparently guilty offender deserves all the protection the justice system can offer. Having a competent attorney who mounts a spirited defense may mean the difference between life and death. When Talia Rutberg Harmon and William Lofquist studied the cases of people who had been falsely convicted of murder, they found that those who employed private counsel were much more likely to be exonerated than those who could not afford a private attorney. Is it fair that a life-or-death outcome may rest on the ability to afford private counsel?

Those who question the due process perspective claim that the legal privileges that are afforded to criminal suspects have gone too far and that the effort to protect individual rights now interferes with public safety. Is it fair, they argue, for evidence to be suppressed when it is obtained in violation of the constitutional right to be free from illegal search and seizure, even if it means that a guilty person goes free? Yet, many people who appear guilty may actually be victims of slipshod justice. Recent (2008) research sponsored by the Pew Foundation found that a majority of death penalty convictions that have been overturned were due to “serious, reversible error,” including egregiously incompetent defense counsel, suppression of exculpatory evidence, false confessions, racial manipulation of the jury, questionable “snitch” and accomplice testimony, and faulty jury instructions. Certainly, the danger of convicting an innocent person still remains a frightening possibility.

The Nonintervention Perspective

Supporters of the nonintervention perspective believe that justice agencies should limit their involvement with criminal defendants. Regardless of whether intervention is designed to punish people or to treat them, the ultimate effect of any involvement is harmful. Whatever their goals or design, programs that bring people in contact with a social control agency—such as the police, a mental health department, the correctional system, or a criminal court—will have long-term negative effects. Once involved with such an agency, criminal defendants may be watched, people might consider them dangerous and untrustworthy, and they can develop a lasting record
Chapter 1  ■  Crime and Criminal Justice  25  ■

that has negative connotations. Bearing an official label disrupts their personal and family life and harms parent–child relationships. Eventually, they may even come to believe what their official record suggests; they may view themselves as bad, evil, outcasts, troublemakers, or crazy. Thus, official intervention promotes, rather than reduces, the tendency to engage in antisocial activities.30

Noninterventionists are concerned about the effect of the stigma that convicted criminals bear when they are branded “rapist” or “child abuser.” As horrifying as these crimes are, such labels imply chronic criminality, and they will stick with the perpetrators forever. Noninterventionists point out that this may not be in the best interests of society. Once labeled, people may find it difficult to be accepted back into society, even after they have completed their sentence. It is not surprising, considering these effects of stigma and labeling, that recidivism rates are so high. When people are given less stigmatizing forms of punishment, such as probation, they are less likely to become repeat offenders.30

Fearing the harmful effects of stigma and labels, noninterventionists have tried to place limitations on the government’s ability to control people’s lives. They have called for the decriminalization (reduction of penalties) and legalization of nonserious victimless crimes, such as the possession of small amounts of marijuana, public drunkenness, and vagrancy. Noninterventionists demand the removal of nonviolent offenders from the nation’s correctional system, a policy referred to as deinstitutionalization. First offenders who commit minor crimes should instead be placed in informal, community-based treatment programs, a process referred to as pretrial diversion.

Sometimes the passage of new criminal laws can stigmatize offenders beyond the scope of their offense, a phenomenon referred to as widening the net of justice. For example, a person who purchases pornography on the Internet may be labeled a dangerous sex offender, or someone caught for a second time with marijuana may be considered a habitual drug abuser. Noninterventionists have fought implementation of community notification-type laws that require convicted sex offenders to register with state law enforcement officials and that allow officials to publicly disclose when a registrant moves into a community. Their efforts have resulted in rulings stating that these laws can be damaging to the reputation and future of offenders who have not been given an opportunity to defend themselves from the charge that they are chronic criminal sex offenders.32 As a group, noninterventionist initiatives have been implemented to help people avoid the stigma associated with contact with the criminal justice system.

decriminalization

Reducing the penalty for a criminal act without legalizing it.

deeinstitutionalization

The policy of removing from secure confinement as many first offenders of minor, nonviolent crimes as possible and treating them in the community.

On October 28, 2009, a group of sign-waving supporters demonstrate for Measure 2F, a reform to legalize private possession of up to an ounce of marijuana by adults 21 and older in the town of Breckenridge, Colorado. Supporters urged people to pass 2F, which would legalize possession of smoking paraphernalia and of up to 7 ounces of marijuana. Possession would still be a state crime, but rather than making an arrest, town police officers would have to take users to the county sheriff’s department to be cited. The measure passed overwhelmingly in the November election. Do you believe that pot should be legalized?
The Equal Justice Perspective

The equal justice perspective asserts that all people should receive the same treatment under the law. The discretion routinely employed in criminal justice making has created a system of individualized justice that can be unfair, and that unfairness undermines the goals of the system. Frustration arises when two people commit the same crime but receive different sentences or punishments. The resulting anger and sense of unfairness will increase the likelihood of recidivism.

The equal justice model has legitimacy, according to its advocates, because there is still evidence that perceptions of race shape the contours of how Americans think about crime and its control. According to the racial animus model, white America has developed a mental image of the typical offender as a young, inner-city black male who offends with little remorse. Criminal justice decision makers have responded to the general public's perceptions by endorsing mass imprisonment and the death penalty. Their views rest on the belief that the targets of these harsh crime control efforts are African American young men, a group already feared and loathed by the white majority. These feelings are supported by political pundits who constantly dwell on the failings of the court system and the "coddling of criminals." It is therefore important to ensure the equal treatment of all defendants, regardless of their race or class.

To remedy this situation, each criminal act must be treated independently and punished proportionately. Punishment must not be based on race, class, or status, nor on past events for which people have already paid their debt to society. It is also critical not to base punishment on often erroneous guesses about what defendants may do in the future. The treatment of criminal offenders must be based solely on present behavior. Punishment must be equitably administered and based on the principle of "just deserts."

The equal justice perspective has had considerable influence in molding the nation's sentencing policy. An ongoing effort has been made to reduce discretion and guarantee that every offender convicted of a particular crime receives equal and precisely computed punishment. This change has been particularly welcome, given the charges of racial discrimination that have beset the sentencing process. A number of initiatives have been designed to achieve this result, including mandatory sentences, which require that all people convicted of a crime receive the same prison sentence. Truth-in-sentencing laws require offenders to serve a substantial portion of their prison sentence behind bars, thus limiting their eligibility for early release on parole.

The Restorative Justice Perspective

According to the restorative justice perspective, the true purpose of the criminal justice system is to promote a peaceful and just society; the justice system should aim for peacemaking, not punishment. The restorative justice perspective draws its inspiration from religious and philosophical teachings ranging from Quakerism to Zen. Advocates of restorative justice view the efforts of the state to punish and control as "crime encouraging" rather than "crime discouraging." The violent punishing acts of the state, they claim, are not unlike the violent acts of individuals. Therefore, mutual aid, not coercive punishment, is the key to a harmonious society. Without the capacity to restore damaged social relations, society's response to crime has been almost exclusively punitive.

According to restorative justice, resolution of the conflict between criminal and victim should take place in the community in which that conflict originated, not in some far-off prison. The victim should be given a chance to voice his story, and the offender can directly communicate her need for social reintegration and treatment. The goal is to enable the offender to appreciate the damage she has caused, to make amends, and to be reintegrated into society.
Restorative justice programs are now being geared to these principles. Mediation and conflict-resolution programs are now common in efforts to resolve harmful human interactions ranging from domestic violence to hate crimes.\textsuperscript{46} Police officers, as elements of community policing programs, are beginning to use mediation techniques to settle disputes instead of resorting to formal arrest.\textsuperscript{47} Financial and community service restitution programs as an alternative to imprisonment have been in operation for more than two decades.

**Perspectives in Perspective**

The variety of tactics being used to combat crime today aptly illustrates the impact of the various perspectives on the operations of the criminal justice system. Advocates of each view have attempted to promote their vision of what justice is all about and how it should be applied. During the past decade, the crime control and equal justice models have dominated. Laws have been toughened and the rights of the accused curtailed, the prison population has grown, and the death penalty has been employed against convicted murderers. Because the crime rate has been dropping, these policies seem to be effective. They may be questioned if crime rates once again begin to rise. At the same time, efforts to rehabilitate offenders, to provide them with elements of due process, and to administer the least intrusive treatment have not been abandoned. Police, courts, and correctional agencies supply a wide range of treatment and rehabilitation programs to offenders in all stages of the criminal justice system. Whenever possible, those accused of a crime are treated informally in nonrestrictive, community-based programs, and the effects of stigma are guarded against.

Although the legal rights of offenders are being closely scrutinized by the courts, the basic constitutional rights of the accused remain inviolate. Guardians of the process have made sure that defendants are afforded the maximum protection possible under the law. For example, criminal defendants have been awarded the right to competent legal counsel at trial; merely having a lawyer to defend them is not considered sufficient legal protection.

In sum, understanding the justice system today requires analyzing a variety of occupational roles, institutional processes, legal rules, and administrative
### Key Elements of the Perspectives on Justice

<table>
<thead>
<tr>
<th>Perspective on Justice</th>
<th>Main Beliefs</th>
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<tbody>
<tr>
<td>CRIME CONTROL PERSPECTIVE</td>
<td>- The purpose of the justice system is to deter crime through the application of punishment.</td>
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<tr>
<td></td>
<td>- The more efficient the system, the greater its effectiveness.</td>
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<tr>
<td></td>
<td>- The role of the justice system is not to treat people but, rather, to investigate crimes, apprehend suspects, and punish the guilty.</td>
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<tr>
<td>REHABILITATION PERSPECTIVE</td>
<td>- In the long run, it is better to treat than to punish.</td>
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<td></td>
<td>- Criminals are society’s victims.</td>
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<td></td>
<td>- Helping others is part of the American culture.</td>
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<tr>
<td>DUE PROCESS PERSPECTIVE</td>
<td>- Every person deserves his or her full array of constitutional rights and privileges.</td>
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<td></td>
<td>- Preserving the democratic ideals of American society takes precedence over the need to punish the guilty.</td>
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<td></td>
<td>- Because of potential errors, decisions made within the justice system must be carefully scrutinized.</td>
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<td>- Steps must be taken to treat all defendants fairly, regardless of their socioeconomic status.</td>
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<td></td>
<td>- Illegally seized evidence should be suppressed even if it means that a guilty person will go free.</td>
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<td></td>
<td>- Despite the cost, the government should supply free legal counsel at every stage of the justice system to prevent abuse.</td>
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<tr>
<td>NONINTERVENTION PERSPECTIVE</td>
<td>- The justice process stigmatizes offenders.</td>
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<td></td>
<td>- Stigma locks people into a criminal way of life.</td>
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<td></td>
<td>- Less is better. Decriminalize, divert, and deinstitutionalize whenever possible.</td>
</tr>
<tr>
<td>EQUAL JUSTICE PERSPECTIVE</td>
<td>- People should receive equal treatment for equal crimes.</td>
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<tr>
<td></td>
<td>- Decision making in the justice system must be standardized and structured by rules and regulations.</td>
</tr>
<tr>
<td></td>
<td>- Whenever possible, individual discretion must be reduced and controlled.</td>
</tr>
<tr>
<td>RESTORATIVE JUSTICE PERSPECTIVE</td>
<td>- Inconsistent treatment undermines respect for the system.</td>
</tr>
<tr>
<td></td>
<td>- Offenders should be reintegrated into society.</td>
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<tr>
<td></td>
<td>- Coercive punishments are self-defeating.</td>
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<td></td>
<td>- The justice system must become more humane.</td>
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<tr>
<td></td>
<td>- Crime is a community-level problem.</td>
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Doctrines. Each predominant view of criminal justice offers a vantage point for understanding and interpreting these complex issues. No single view is the right or correct one. Each individual must choose the perspective that best fits his or her ideas and judgment—or they can all be discarded and the individual’s own view substituted. The various perspectives on justice and their key elements are set out in Concept Summary 1.2.
ETHICAL CHALLENGES IN CRIMINAL JUSTICE

It might be possible to legalize and control illegal substances so that they could not fall into the hands of adolescents, similar to what is done now with alcohol and cigarettes. However, many kids drink and smoke, creating an ethical dilemma. Write an essay addressing this key issue: Is it moral, practical, and ethical to legalize dangerous drugs?

SUMMARY

**LO1** Be able to define the concept of criminal justice.
- The criminal justice system consists of the agencies that dispense justice and the process by which justice is carried out.

**LO2** Be aware of the long history of crime in America.
- America has experienced crime throughout most of its history.
- In the Old West, justice was administered by legendary lawmen such as Wyatt Earp.
- Crime rates skyrocketed during the Depression and hit their peak in the 1930s.

**LO3** Discuss the formation of the criminal justice system.
- There was little in the way of a formal criminal justice system until the nineteenth century when the first police agencies were created.
- The term *criminal justice system* became prominent in the United States around 1967, when the President’s Commission on Law Enforcement and the Administration of Justice began a nationwide study of the nation’s crime problem.
- Criminal justice is a field that applies knowledge gleaned from various disciplines in an attempt to understand what causes people to commit crimes and how to deal with the crime problem.

**LO4** Name the three basic component agencies of criminal justice.
- The main function of law enforcement agencies is to investigate crimes and apprehend suspects.

- Agencies of the court system charge, indict, try, and sentence criminal offenders.
- The correctional system’s role is to incapacitate convicted offenders and attempt to aid in their treatment and rehabilitation.

**LO5** Comprehend the size and scope of the contemporary justice system.
- The contemporary criminal justice system in the United States is monumental in size.
- It costs federal, state, and local governments more than $200 billion per year to maintain a criminal justice system that employs more than 2 million people.
- The system processes, treats, and cares for millions of people. More than 14 million people are being arrested each year, and there are more than 7 million people in the correctional system.

**LO6** Trace the formal criminal justice process.
- The process consists of the actual steps the offender takes from the initial investigation through trial, sentencing, and appeal.
- The justice process comprises 15 stages, each of which is a decision point through which cases flow.
- Each of these decisions can have a critical effect on the defendant, the justice system, and society.

**LO7** Know what is meant by the term criminal justice assembly line.
- Herbert Packer described the criminal justice process as an assembly-line conveyor belt down which moves an endless stream of cases.
Chapter 1  Crime and Criminal Justice

- The system also acts as a funnel: most people who commit crime escape detection, and of those who do not, relatively few are bound over for trial, and even fewer are convicted and eventually sentenced to prison.
- The justice funnel holds many cases at its mouth and relatively few at its stem end.

LO8 Discuss the wedding cake model of justice.
- In many instances, the criminal justice system works informally to expedite the disposal of cases.
- Criminal acts that are very serious or notorious may receive the full complement of criminal justice processes, from arrest to trial. However, less serious cases are often settled when a bargain is reached between the prosecution and the defense.

LO9 Be familiar with the various perspectives on criminal justice.
- The role of criminal justice can be interpreted in many ways.

- People who study the field or work in its agencies bring their own ideas and feelings to bear when they try to decide on the right course of action to take or recommend. Therefore, there are a number of different perspectives on criminal justice today.
- Perspectives range from the most conservative—crime control—to the most liberal—restorative justice.

LO10 Understand the ethical issues that arise in criminal justice.
- The justice system must deal with many ethical issues.
- The challenge is to determine what is fair and just and to balance that with the need to protect the public.

KEY TERMS

- criminal justice system, 4
- Law Enforcement Assistance Administration (LEAA), 6
- evidence-based justice, 6
- social control, 7
- in-presence requirement, 13
- Miranda warning, 13
- nolle prosequi, 14
- grand jury, 14
- true bill of indictment, 14
- courtroom work group, 19
- crime control perspective, 21
- rehabilitation perspective, 22
- due process perspective, 23
- nonintervention perspective, 24
- decriminalization, 25
- deinstitutionalization, 25
- equal justice perspective, 26
- racial animus model, 26
- restorative justice perspective, 26

CRITICAL THINKING QUESTIONS

1. Can a single standard of ethics be applied to all criminal justice agencies? Or is the world too complex to legislate morality and ethics?
2. Describe the differences between the formal and informal justice systems. Is it fair to treat some offenders informally?
3. What are the layers of the criminal justice wedding cake model? Give an example of a crime for each layer.
4. What are the basic elements of each perspective on justice? Which perspective best represents your own point of view?
5. How would each perspective on criminal justice view the use of the death penalty as a sanction for first-degree murder?
three-dimensional image allows the investigator to move around and examine different points of view. Or if a victim was found seated, an investigator can see and show a jury what the victim might have seen just before the crime occurred. Witnesses outside said that they looked in a living room window as the investigator attempted to view what the witnesses could or could not have seen through that window.

HDS technology can also limit crime scene contamination. Investigators may inadvertently touch an object at a crime scene, leaving their fingerprints, or they may move or take evidence from the scene, perhaps by picking up fibers on their shoes. Evidence is compromised if moved or disturbed from its resting place, which may contaminate the scene and undermine the case. HDS technology is a “stand-off” device, allowing investigators to approach the scene in stages by scanning from the outer perimeter and moving inward, reducing the chances of contamination. The investigative and prosecutorial value of virtual crime scenes is evident. If an HDS device is used at the scene, detectives, prosecutors, and juries can return to a crime scene in its preserved state. Showing a jury exactly what a witness could or could not have seen can be very valuable.

**Crime Mapping**

It is now recognized that there are geographic “hot spots” where a majority of predatory crimes are concentrated. Computer mapping programs that can translate addresses into map coordinates allow departments to identify problem areas for particular crimes, such as drug dealing. Computer maps allow police to identify the location, time of day, and linkage among criminal events and to concentrate their forces accordingly. Figure 5.1 illustrates a typical crime map that is now being used in Providence, Rhode Island.

Crime maps offer police administrators graphic representations of where crimes are occurring in their jurisdiction. Computerized crime mapping gives the police the power to analyze and correlate a wide array of data to create immediate, detailed visuals of crime patterns. The simplest maps display crime locations or concentrations and can be used to help direct patrols to the places they are most needed. More complex maps can be used to chart trends in criminal activity, and some have even proven valuable in solving individual criminal cases. For example, a serial rapist may be caught by observing and understanding the patterns of his crime so that detectives may predict where he will strike next and stake out the area with police decoys.

Crime mapping makes use of new computer technology. Instead of antiquated pin maps, computerized crime mapping lets the police detect crime patterns and pathologies of related problems. It enables them to work with multiple layers of information and scenarios, and thus identify emerging hot spots of criminal activity far more successfully and target resources accordingly. Most law enforcement agencies throughout the United States now use mapping techniques. The New York City Police Department’s CompStat process relies on computerized crime mapping to identify crime hot spots. The Chicago Police Department has developed the popular CLEARMAP Crime Incident web application. By visiting the department’s web page, anyone can search a database of reported crime within the city and map incident locations. The system was awarded a prestigious Harvard Innovations in American Government award.

Some mapping efforts cross jurisdictional boundaries. Examples of this approach have included the Regional Crime Analysis System in the greater Baltimore-Washington area and the multi-jurisdictional efforts of the Greater Atlanta PACT Data Center. The Charlotte-Mecklenburg Police Department (North Carolina) has used data collected by other city and county agencies in its crime mapping efforts. By coordinating the departments of tax assessor, public works, planning, and sanitation, police department analysts have made links between disorder and crime that have been instrumental in supporting the department’s community policing philosophy.
Crime maps alone may not be a panacea for significantly improving police effectiveness. Many officers are uncertain about how to read maps and assess their data. To maximize the potential of this new technique, police agencies need to invest in training and infrastructure before crime mapping can have an impact on their service efficiency.

ALTERNATIVE MAPPING INITIATIVES Mapping may soon serve other purposes than resource allocation. Law enforcement officials in the state of Washington have developed a new Internet-based mapping system that will provide critical information about public infrastructures to help them handle terrorist or emergency situations. The initiative, known as the Critical Incident Planning and Mapping System, provides access to tactical response plans, satellite imagery, photos, floor plans, and hazardous chemical locations.

In West Virginia, local and state government entities are working with private firms to develop an emergency 911 system that can pinpoint the location...
of callers if they are unable to speak English, if they are unconscious, or even if they hang up. The West Virginia Statewide Addressing and Mapping Board is using geospatial information technology to produce maps that show a caller’s exact location by a given number and street name. The project is designed to reduce emergency response times and improve disaster recovery planning, floodplain mapping, security, evacuation routing, counterterrorism efforts, crime analysis, and more.\textsuperscript{72}

Mapping technology has recently been combined with GPS (global positioning system), a network of orbiting satellites that transmit signals to a portable device that tracks the precise whereabouts of a person or thing. Officers in one gruesome case found various parts of a man’s badly decomposed body in Lake Powell, in Utah’s Bryce Canyon National Park. They used a digital camera equipped with GPS technology to snap pictures of the exact locations where body parts and related evidence were found. The officers were then able to view all the photos locations on a map, which helped them determine that the body broke apart over time due to wave action, not because of foul play.\textsuperscript{73} GPS technology is also used for a wide range of other applications, such as keeping track of the exact locations of officers’ patrol cars.\textsuperscript{74}

**Biometrics**

Biometrics is defined as automated methods of recognizing a person based on a physiological or behavioral characteristic.\textsuperscript{75} Some biometric measures, such as fingerprint identification, have been used for years by law enforcement to identify criminals. However, recent improvements in computer technology have expanded the different types of measures that can be used for identification. Biometrics is now used to identify individuals based on voice, retina, facial features, and handwriting identification, just to name a few.

The field of biometrics can be used at all levels of government, including the military and law enforcement, and is also helpful in private businesses. Financial institutions, retail shopping, and health and social fields can all use biometrics as a way to limit access to financial information or to secure Internet sites.

As opposed to current personal identification methods, such as personal identification numbers (PINs) used for bank machines and Internet transactions, biometric authenticators are unique to the user and as a result cannot be stolen and used without that individual’s knowledge.

The process of recording biometric data occurs in four steps. First, the raw biometric data are captured or recorded by a video camera or a fingerprint reading device. Second, the distinguishing characteristics of the raw data are used to create a biometric template. Third, the template is changed into a mathematical representation of the biometric sample and is stored in a database. Finally, a verification process will occur when an individual attempts to gain access to a restricted site. The individual will have to present his or her fingerprint or retina to be read and then matched to the biometric sample on record. Once verification is made, the individual will have access to restricted areas. Currently, a number of programs are in effect. Immigration and Naturalization Enforcement has been using hand geometry systems at major U.S. airports to check frequent international travelers. Casinos around the country have started to implement facial recognition software into their buildings so that security is notified when a known cheater enters their premises.

**Automated Fingerprint Identification Systems**

The use of computerized automated fingerprint identification systems (AFIS) is growing in the United States. Using mathematical models, AFIS can classify fingerprints and identify up to 250 characteristics (minutiae) of the print. These automated systems use high-speed silicon chips to plot each point of minutiae and count the number of ridge lines between that point and its four nearest neighbors, which substantially improves their speed and accuracy over earlier systems.
Some police departments report that computerized fingerprint systems are allowing them to make over 100 identifications per month from fingerprints taken at crime scenes. AFIS files have been regionalized. The Western Identification Network (WIN), for example, consists of eight central site members (Alaska, Idaho, Montana, Nevada, Oregon, Utah, Wyoming, and Portland Police Bureau), two interface members (California and Washington), multiple local members, and six federal members (Drug Enforcement Administration, Federal Bureau of Investigation, Immigration and Naturalization Service, Internal Revenue Service, Postal Inspection Service, and Secret Service). When it began, the system had a central automated database of 900,000 fingerprint records; today, with the addition of new jurisdictions (Alaska, California, and Washington), the system's number of searchable fingerprint records has increased to more than 14 million. Technology is constantly improving the effectiveness and reliability of the AFIS system, making it easier to use and more efficient in identifying suspects.

DNA Testing

DNA profiling, a procedure that gained national attention during the O. J. Simpson trial, allows suspects to be identified on the basis of the genetic material found in hair, blood, and other bodily tissues and fluids. When DNA is used as evidence in a rape trial, DNA segments are taken from the victim, the suspect, and semen found on the victim. A DNA match indicates a four-billion-to-one likelihood that the suspect is the offender.

Every U.S. state and nearly every industrialized country now maintain DNA databases of convicted offenders. These databases allow comparison of crime scene DNA to samples taken at other crime scenes and to known offenders. The United States has more than 3 million samples of offenders/arrestees in its state and federal DNA databases. The United States is not alone in gathering this material. Great Britain requires that almost any violation of law enforcement result in the collection of DNA of the violator.

Leading the way in the development of the most advanced forensic techniques is the Forensic Science Research and Training Center, operated by the FBI in Washington, D.C., and Quantico, Virginia. The lab provides information and services to hundreds of crime labs throughout the United States. The National Institute of Justice is also sponsoring research to identify a wider variety of DNA segments for testing and is involved in developing a PCR-based DNA-profiling examination using fluorescent detection that will reduce the time required for DNA profiling.

The FBI is now operating the Combined DNA Index System (CODIS), which has assisted in nearly 50,000 investigations. CODIS is a computerized database that allows DNA taken at a crime scene to be searched electronically to find matches against samples taken from convicted offenders and from other crime scenes. Early on, the system linked evidence taken from crime scenes in Jacksonville, Florida, to ones in Washington, D.C., thereby tying nine crimes to a single offender. When Timothy Spence was executed in Virginia on April 27, 1994, he was the first person convicted and executed almost entirely on the basis of DNA evidence. More recently, CODIS has been expanded to include a wealth of information, including profiles of individuals convicted of crimes—and even of arrestees, if state law permits. Critics of this information gathering cite concerns that some arrestees are innocent and that retaining data from innocent persons could be improperly used and constitute a violation of privacy and civil liberties.

DNA evidence—and the forensic sciences in general—are not without some problems, however. A recent study reported that although there is widespread knowledge about the utility of forensic evidence, it is not being adequately used by law enforcement agencies. The authors found that a significant number of
unsolved homicides and rapes with forensic evidence had not been submitted to laboratories for analysis. And when cases with DNA evidence make it to trial, jurors are sometimes confused by the complexities involved.85

Social Media and Networking

Police departments have for several years used the Internet and particularly their websites to communicate with the public. More recently, they have jumped on the social media and social networking bandwagon. People voluntarily reveal intimate details of their lives on sites such as Facebook and MySpace, something that has proven quite useful for the police. People also follow police departments on Twitter and MySpace, the latter of which is a dedicated police local alert system to which anyone can sign up for free.

The Baltimore Police Department has used Facebook and Twitter since 2009.86 They used Facebook to post information on wanted criminals and news updates. Individual officers also have their own Facebook pages, permitting citizens to interact with them directly online. The department uses Twitter to inform the public on important developments.

Baltimore does not rely on Twitter for crime tips, citing security concerns (anyone can see the postings). In contrast, the Boston Police Department, which has over 41,000 Twitter followers, relies on the social networking site heavily for the receipt of crime-fighting tips.87 The department also maintains a “text-a-tip” program, allowing residents to send anonymous texts to the Crime Stoppers Unit.88 Texters then receive an automatic reply: “Thx. We’ll ask u a few questions.” Special software then blocks the person’s phone number as officers exchange information back and forth with them.

Facebook has proven particularly useful. For example, the Hartselle, Alabama, police department sees its Facebook page as providing an extra 1,300 sets of eyes in the community. The department, which has around 1,300 likes, recently used the site to identify a couple who ran up over $1,500 worth of charges on a stolen credit card.89 After the department posted surveillance photos from a local Walmart on its Facebook page, the couple was identified by a member of the community. Other departments around the country have used Facebook to capture crooks, and not just thieves. Police in one Louisiana department successfully used Facebook as part of their effort to apprehend a suspected cop-killer.90

**ETHICAL CHALLENGES IN CRIMINAL JUSTICE**

The FBI’s Combined DNA Index System (CODIS) helps law enforcement develop investigative leads in cases where biological evidence is secured from a crime scene. Biological samples are matched against DNA profiles of people in the database, including convicted criminals and arrestees. State and local law enforcement officials have access to the system and can possibly link several similar crimes to a single perpetrator.

Write an essay on the ethics of using this system. In doing so, answer these questions: Should every arrestee have a DNA sample taken? Does CODIS amount to an undesirable invasion of individual privacy, or does it represent a positive advance in police investigations that generates benefits for society? What other technological advances in law enforcement raise ethical questions? Why do they raise ethical questions? Refer to this chapter’s “Technology and Law Enforcement” section for some guidance.
Chapter 5  Public Policing and Private Security

101 Recount the early development of the police in England.

- Early in English history, law enforcement was a personal matter.
- Under the pledge system, people were grouped into tythings and hundreds. The leader of a tything was called a tythingman. The leader of a hundred was called the hundredman and later came to be called the constable. This rudimentary beginning was the seed of today’s police departments.
- Shires, which resembled today's counties, were controlled by the shire reeve, the forerunner of the sheriff.
- Under the thirteenth-century watch system, watchmen patrolled at night and helped protect against robberies, fires, and disturbances.
- Early in the eighteenth century, paid private police called chief takers patrolled the streets.
- The Metropolitan Police Act established the first organized police force in London.

102 Recount the development of the police in colonial America.

- Law enforcement in colonial America resembled the British model.
- The county sheriff became the most important law enforcement official.
- Urban police departments were born out of urban mob violence.
- Boston created America’s first urban police department in 1838.

103 Discuss twentieth-century police reforms and the emergence of professionalism.

- In the early years of the twentieth century, various reforms were undertaken with the intent of limiting local officials’ control over the police.
- The Boston police strike of 1919 fueled interest in police reform.
- Nationally recognized leaders called for professionalization of the police. The International Association of Chiefs of Police, a key professional society, was formed.

104 Identify the main events in policing between 1960 and the present.

- Police professionalism was interpreted to mean tough, rule-oriented police work featuring advanced technology and hardware.

However, the view that these measures would quickly reduce crime proved incorrect.

- During the 1970s, federal support for local law enforcement benefited police departments considerably. Criminal justice programs began to be formed in colleges and universities throughout the United States.
- Between 1960 and the 1990s, police were beset by many problems, including questions about their treatment of minorities and why they were not more effective. This paved the way for a radical change in policing and the development of community policing.

105 Identify the various levels of law enforcement.

- There are four main levels of law enforcement in the United States: federal, state, county, and local.
- Most law enforcement is performed at the local level.
- The typical local police department employs fewer than 50 officers.

106 Identify the most prominent federal law enforcement agencies.

- The most prominent federal law enforcement agencies within the Justice Department are the Federal Bureau of Investigation (FBI), the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and the U.S. Marshals Service.
- The most prominent federal law enforcement agencies within the Department of Homeland Security are Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), and the Secret Service.

107 Discuss the differences among local, county, state, and federal law enforcement agencies.

- Federal law enforcement agencies primarily enforce federal law.
- State law enforcement agencies come in two main varieties. State police generally enforce state law and have broad police power. State patrols and highway patrols focus mainly on traffic enforcement on state highways and interstates.
- County law enforcement officials enforce state laws and county ordinances. Most of their enforcement work occurs in unincorporated areas. Some sheriff’s departments are
mainly law enforcement oriented. Some also take on correctional responsibilities, such as running county jails.

- City and metropolitan police are the most common type of law enforcement official. They have broad authority to enforce state and local laws.

**LO8 Know the differences between public and private policing.**

- Private police outnumber public police (those employed by the federal, state, or local government) by roughly three to one.

- Private police have emerged in response to (a) the desire for nongovernmental service provision, (b) growth in mass private property, such as shopping malls, and (c) a belief that the private sector can do a better job than the public sector (government) of preventing and controlling crime.

- Private policing is controversial due to concerns that (a) the profit motive will take precedence over crime control, (b) private police may replace public police, and (c) there are few constitutional constraints on private police.

**LO9 Identify various technologies currently used in law enforcement.**

- Today, most police departments rely on advanced computer-based technology to identify suspects and collate evidence.

- Various technologies, such as gun detectors, have been developed to aid the police in locating the whereabouts of criminals.

- Many law enforcement agencies use mapping software to identify geographic “hot spots” of crime and to track their progress in crime control and prevention.

- Automated fingerprint systems and computerized identification systems have become widespread. Some believe that technology may make police overly intrusive and interfere with civil liberties.

- DNA testing, combined with DNA databases, helps law enforcement officials identify criminals.

- Police are increasingly relying on social media and social networking, particularly for the purpose of catching suspected criminals.

**KEY TERMS**

- tything (tithing), 158
- hue and cry, 158
- hundred, 158
- shire reeve, 158
- sheriff, 158
- watch system, 158
- constable, 158
- justice of the peace, 158
- Metropolitan Police Act, 159
- vigilantes, 161
- Wickersham Commission, 163
- community policing, 165
- Federal Bureau of Investigation (FBI), 166
- private policing, 175
- data mining, 181
- thermal imager, 183
- biometrics, 188
- DNA profiling, 187

**CRITICAL THINKING QUESTIONS**

1. List the problems faced by today’s police departments that were also present during the early days of policing.
2. There is concern that history may be repeating itself in policing due to increased reliance on civilian volunteers and privatization. Is this cause for concern?
3. Distinguish among the duties of the state police, sheriff’s departments, and local police departments.
4. What is the Department of Homeland Security? What are its component law enforcement agencies?
5. Private police outnumber public by a factor of three to one. Is this beneficial or harmful?
6. What are some of the technological advances that should help the police solve more crimes? What are the dangers of these advances?