

INTRODUCTION TO CRIMINAL JUSTICE

JOSEPH J. SENNA & LARRY J. SIEGEL

NINTH EDITION





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Ninth Edition

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ABOUT THE AUTHORS

Joseph J. Senna was born in Brooklyn, New York. He graduated from Brooklyn College, Fordham University Graduate School of Social Service, and Suffolk University Law School. Mr. Senna has spent over fourteen years teaching law and justice courses at Northeastern University. In addition, he has served as an Assistant District Attorney, Director of Harvard Law School Prosecutorial Program, and consultant to numerous criminal justice organizations. His academic specialties include the areas of Criminal Law, Constitutional Due Process, Criminal Justice, and Juvenile Law.

Mr. Senna lives with his wife and sons outside of Boston. He is currently working on a criminal law textbook.

Larry J. Siegel was born in the Bronx in 1947. While attending City College of New York in the 1960s he was introduced to the study of crime and justice in courses taught by sociologist Charles Winick. After graduation he attended the newly opened program in criminal justice at the State University of New York at Albany, where he earned both his M.A. and Ph.D. After completing his graduate work, Dr. Siegel began his teaching career at Northeastern University, where he worked closely with colleague Joseph Senna on a number of texts and research projects. After leaving Northeastern, he held teaching positions at the University of Nebraska–Omaha and Saint Anselm College in New Hampshire. He is currently a professor at the University of Massachusetts–Lowell.

Dr. Siegel has written extensively in the area of crime and justice, including books on juvenile law, delinquency, criminology, and criminal procedure. He is a court certified expert on police conduct and has testified in numerous legal cases. He resides in Bedford, New Hampshire, with his wife Therese J. Libby, Esq. and their children.



PREFACE

On Friday January 19, 2001, professional football star Rae Carruth was convicted of conspiracy to commit murder, discharging a firearm onto occupied property, and using instruments to harm an unborn child in the 1999 shooting of Cherica Adams, his former girlfriend who was carrying his child. The jury believed that Carruth had conspired with Brett Watkins, Michael Kennedy, and Stanley Drew “Boss” Abraham to kill Adams because Carruth didn’t want the baby. Although the charge could keep him in prison for 25 years, the jury spared Carruth the death penalty by refusing to convict him of first-degree murder, the top charge on which he had been tried.

The Carruth case illustrates why the study of criminal justice is so fascinating to the American public. First, there are the social issues in the case. Why would a highly paid athlete enter into a conspiracy to kill a young woman with whom he had once had an intimate relationship? How can such violent acts be explained? Can anything be done to reduce or eliminate their occurrence? For example, might Cherica Adams’s life have been spared if it were more difficult to obtain

handguns? There are also fascinating legal and procedural elements to the case. The crime of first-degree murder requires proof of premeditation; the act must have been thought out and planned in advance. To convict Carruth as they did, the jury must have believed that he recruited Watkins, Abraham, and Kennedy to kill Adams. Nonetheless, they refused to find him guilty of first-degree murder, thus sparing his life. Did they bend the law because he was a well-known sports star? Or did they take pity on a young man who they believed deserved a second chance?

While the Carruth case is fascinating and helps focus attention on the criminal justice system, it is actually a very unusual “high profile” event. Each year the criminal justice system routinely processes millions of cases involving theft, violence, drug trafficking, and other crimes that are rarely reviewed on TV or in the newspapers. How does this vast enterprise costing billions of dollars and involving millions of people operate? What are its most recent trends and policies? How effective are its efforts to control crime? What efforts are being made to improve its efficiency? We have written

this edition of *Introduction to Criminal Justice* in an attempt to help answer these questions in a forthright and objective manner.

The study of criminal justice is a dynamic, ever-changing field of scientific inquiry, and the concepts and processes of justice are constantly changing and evolving. Therefore, we have updated *Introduction to Criminal Justice* to reflect the structural and procedural changes, the most critical legal cases, research studies, and policy initiatives that have taken place during the past three years. This text provides a groundwork for the study of criminal justice by analyzing and describing the agencies of justice and the procedures used to identify and treat criminal offenders. It covers what most experts believe are the critical issues in criminal justice, and it analyzes their impact on the justice system. This edition focuses on critical policy issues in the criminal justice system, including community policing, preventive detention, alternative sentencing, jury reform, and prosecuting domestic violence.

Our primary goals in writing this Ninth Edition remain as they have been for the previous eight editions:

- To provide students with a thorough knowledge of the criminal justice system
- To be as thorough and up to date as possible
- To be objective and unbiased
- To describe current methods of social control and analyze their strengths and weaknesses

Every attempt has been made to make the presentation of material interesting, balanced, and objective. No single political or theoretical position dominates the text; instead, the many diverse views that are contained within criminal justice and characterize its interdisciplinary nature are presented. The text includes analysis of the most important scholarly works and scientific research reports, while, at the same time, it presents topical information on recent cases and events to enliven the presentation. We have tried to provide a text that is both scholarly and informative, comprehensive yet interesting, well organized and objective, and provocative and thought provoking.

Organization of the Text

This new edition has been thoroughly revised. We have made a concerted effort to make the text more concise and “leaner.”

Part 1 gives a basic introduction to crime, law, and justice. The first chapter covers the problem of crime in America, agencies of justice, and the formal justice process, and introduces students to the concept of the informal justice system, which involves discretion, deal making, and plea bargains. Finally, Chapter 1 discusses the major perspectives on justice and shows how they influence the “war on drugs.” Chapter 2 discusses the

nature and extent of crime and victimization: How is crime measured? Where and when does it occur? Who commits crime? Who are its victims? What social factors influence the crime rate? Chapter 3 covers both important crime patterns and types, as well as theoretical issues: Why do people commit crime? Why do some people become the victims of criminal acts? Chapter 4 provides a discussion of the criminal law and its relationship to criminal justice. It covers the legal definition of crime, the defenses to crime, changes in the insanity defense, the Federal Criminal Code, and issues in procedural law.

Part 2 provides an overview of the law-enforcement field. Its four chapters cover the history and development of criminal justice organizations, the functions of police in modern society, issues in policing, and the police and the rule of law. There is an emphasis on community policing and community crime prevention, private security, and other current issues.

Part 3 is devoted to the adjudication process, from pretrial indictment to the sentencing of criminal offenders. Chapters in this part focus on organization of the court system, an analysis of the prosecution and defense functions, pretrial procedures, the criminal trial, and sentencing. Topics included are bail reform, court reorganization, sentencing policy, three strikes laws, and capital punishment. There are also sections on the processing of felony cases, indigent defense systems, attorney competence, legal ethics, pretrial services, and bail reform.

Part 4 focuses on the correctional system, including probation and the intermediate sanctions of house arrest, intensive supervision, and electronic monitoring. The traditional correctional system of jails, prisons, community-based corrections, and parole are also discussed at length. Such issues as the prison and jail overcrowding crisis, house arrest, private corrections, correctional workers, private industry in prisons, privacy in prison, suing the parole board, parole guidelines, and parole effectiveness are discussed.

Part 5 explores the juvenile justice system. There is information on parental preventive detention of youth, waiving youths to the adult court, and the death penalty for children.

Great care has been taken to organize the text to reflect the structure and process of justice. Each chapter attempts to be comprehensive, self-contained, and orderly.

Features

To keep up with the changes in the criminal justice system, the Ninth Edition of *Introduction to Criminal Justice* has been thoroughly revised and renewed. The evolution of crime control policy has been followed by updated discussions of the criminal justice system, including recent court decisions, legislative changes, and

theoretical concepts that reflect the changing orientation of the field. To help students analyze the material in greater depth, the text now contains seven different kinds of boxed inserts.

- **Analyzing Criminal Justice Issues** helps students to think critically about current justice issues. For example, in Chapter 6, *Zero Tolerance: Aggressive Policing in New York City* discusses efforts to reduce street crime using aggressive patrol techniques.
- New **Images of Justice** boxes show how the criminal justice system is portrayed in films and TV shows and also how the media influence crime and justice. *The Entertainment Media and Violence* in Chapter 3 answers the questions: Do the media influence behavior? Does broadcast violence cause aggressive behavior in viewers?
- **Law in Review** features give the facts, decisions, and significance of critical legal cases. For example, the case of *Kansas v. Hendricks* on the Sexually Violent Predator Act is covered in Chapter 4's Law in Review feature *The Constitution and the Criminal Law*.
- **International Justice** focuses on criminal justice issues around the world. *The International Use of the Death Penalty* in Chapter 13 shows that the United States is not alone in using the death penalty.
- **Race, Gender, and Ethnicity in Criminal Justice** features explore the experiences of women and minorities in the justice system. For example, *Women in Prison: Vengeful Equity* (Chapter 16) shows how women are more likely to be given prison sentences today than in the past.
- New **Criminal Justice and Technology** boxes focus on some of the latest efforts to modernize the system using contemporary technological methods. For example, in Chapter 14, *Using Technology to Monitor Offenders at Home* shows how house arrest can be made more effective by use of innovative communications gear.
- **Perspective on Justice** boxes, appearing throughout the book, show how competing views have influenced the way the system of justice operates and identify programs and policies to which they are linked. In Chapter 1, we describe competing viewpoints on what criminal justice is all about and how it should be directed. For example, some people believe that the primary mission of the justice system is to punish criminals while others focus more on their treatment and rehabilitation.
- Featured at the end of each chapter is a new element called **A Closer Look**. This feature contains short excerpts from current *InfoTrac College Edition* articles related to chapter topics. They are designed to direct readers to relevant material on the topics discussed in the chapter.

The book also contains many new figures, exhibits, and tables that make the presentation of the material easier to understand and conceptualize.

What's New in This Edition

Each chapter has been thoroughly updated.

Chapter 1: Crime and Criminal Justice

- New boxes include Analyzing Criminal Justice Issues: Is Crime a Recent Development? and Can Rehabilitation Work?
- There is a new discussion of Hollywood films that make crime seem glamorous.

Chapter 2: The Nature of Crime and Victimization

- A new chapter-opening vignette presents the interesting case of a former police officer who turns to crime, masterminding a high-tech burglary ring.
- There is updated information on recent changes in crime rates and trends.
- A new box on Analyzing Criminal Justice Issues: Debating Gun Control.
- An updated box on International Justice: International Crime Rates now includes updated information on international/transnational crime rates and Chinese crime.

Chapter 3: Understanding Crime and Victimization

- A new box on Race, Gender, and Ethnicity in Criminal Justice: Building a Bridge over the Racial Divide is presented.

Chapter 4: Criminal Law: Substance and Procedure

- A new chapter-opening vignette discusses an Internet adoption scam to sell nonexistent infants.
- A new Law in Review box discusses three recent Supreme Court cases that demonstrate court rulings declaring laws unconstitutional: *U.S. v. Morrison* (2000), *Chicago v. Morales* (1999), and *Kansas v. Hendricks* (1997).
- We include two new charts on Criminal Classification and Elements of Crime.
- A new Perspectives on Justice: The U.S. Supreme Court Role in Criminal Law and Procedure—Philosophy and Case Examples compares the Warren, Burger, and Rehnquist courts.

Chapter 5: Police in Society: History and Organization

- A new chapter-opening vignette analyzes Project Exile, an innovative Richmond, Virginia, program designed to combat gun crime.
- We present new exhibits on "The Most Notable Achievements of American Police, 1960–1999" and "Special Programs and Divisions of the FBI."

- We present new information on drug enforcement administration (including the Operation Pipeline and Operation Convoy programs) and a new section on information technology, including automatic fingerprint systems and DNA analysis.
- There is a new Criminal Justice and Technology: Crime Mapping feature.

Chapter 6: The Police: Organization, Role, and Function

- There are new boxes: Analyzing Criminal Justice Issues: Zero Tolerance: Aggressive Policing in New York City; School Resource Officers; and Civilian Review Boards.
- Sections on community policing are updated, including a successful residential police officer program initiated in Alexandria, Virginia.

Chapter 7: Issues in Policing

- A new chapter-opening vignette presents Analyzing Criminal Justice Issues: School Resource Officers.
- Images of Justice: *NYPD Blue* compares this gritty TV drama with real-life policing.
- A new exhibit features How Were Police Officers Killed in the Line of Duty?
- We present new analyses of the police corruption scandal in the Ramparts Division of the Los Angeles Police Department and disciplinary procedures of the New York City Police Department.
- There is a new box featuring Criminal Justice and Technology: Eliminating Racial Profiling.

Chapter 8: Police and the Rule of Law

- We discuss two 2000 Supreme Court cases dealing with custodial interrogation and Fourth Amendment rights: *Dickerson v. U.S.* (which reaffirms the *Miranda* rule) and *Indianapolis v. Edmond* (which struck down a state of Indiana case allowing road blocks to be used for drug search and seizure).

Chapter 9: Courts and the Judiciary

- A new chapter-opening vignette discusses controversial Massachusetts Superior Judge Maria Lopez, who rose to national attention on Sept. 6, 2000, when she sentenced a convicted kidnapper to home detention and probation rather than to jail time.
- We present the most recent data on court caseloads and the court system, updated information on judicial selection, and a new section on judicial alternatives.
- There is a new box on Criminal Justice and Technology: Technology and Court Management.

Chapter 10: The Prosecution and the Defense

- A new chapter-opening vignette offers two vivid case examples in which prosecutors make the difficult discretionary call of whether to prosecute or not to prosecute.
- There is a new personal profile of Michigan prosecutor Patricia Jessamy, new to this edition.
- A new section discusses community prosecution, a new proactive strategy that increases prosecutors' communication with the police, schools, and other community groups.
- We present updated information on public defender programs in the United States.

Chapter 11: Pretrial Procedures

- There is a new box feature Analyzing Criminal Justice Issues: The Pros and Cons of Plea Bargaining.

Chapter 12: The Criminal Trial

- A new chapter-opening vignette features the McVeigh case (Oklahoma City bombing) and the McKinney case (gay rights murder) as examples of the special difficulties of handling high-profile cases.
- There is a new chart on Defender's Constitutional Right to Trial.
- A new Table 12.2 summarizes the arguments for and against using TV cameras in courtrooms.
- We have included a new section on Trial Reform in the twenty-first century.

Chapter 13: Punishment and Sentencing

- A new chapter-opening vignette discusses child murderer/rapist Ricky McGinn's positive DNA test and ultimate execution.
- We present new sections on criticizing indeterminacy, the capital jury project, and recent data on how people are sentenced.
- There is a new box Analyzing Criminal Justice Issues: Let's Get Tough: Truth in Sentencing and Three Strikes Laws.
- There is an updated feature International Justice: The International Use of the Death Penalty.

Chapter 14: Probation and Intermediate Sanctions

- New sections appear on Why People Fail on Probation, Probationers in Prison, and Restorative Justice.
- A new box appears on International Justice: Community Sentencing Abroad.
- There is a new box Criminal Justice and Technology: Using Technology to Monitor Offenders at Home.
- There are new features Analyzing Criminal Justice Issues: Is Probation Becoming More Punitive than Prison? and Restorative Justice in the Community.

Chapter 15: Corrections: History, Institutions, and Populations

- A new chapter-opening vignette raises disturbing questions about paroling dangerous inmates and/or allowing them to conduct business on the Internet (serial killer/rapist Arthur Shawcross is highlighted).
- There are new sections on New Generation Jails and Will the Cost of Incarceration Be Reduced?
- There are new boxes on Criminal Justice and Technology: Ultra-Maximum-Security Prisons and Using Technology to Increase Prison Security.

Chapter 16: The Prison Experience: Living in and Leaving Prison

- There is a new chapter-opening vignette on The Cowboys (renegade federal corrections officers).
- There is a new box on Criminal Justice and Technology: Technocorrections: Contemporary Correctional Technology.
- We present new sections on what works in correctional rehabilitation, private health care in prisons, the Litigation Reform Act of 1996, and why people fail at parole.
- There is a new box Race, Gender, and Ethnicity in Criminal Justice: Women in Prison: Vengeful Equity.
- There is a new box Analyzing Criminal Justice Issues: Newjack.

Chapter 17: Juvenile Justice

- A new chapter-opening vignette discusses children charged with adult crimes.
- We present new information on blended sentences, waiver laws, juvenile justice reform, and the future of juvenile courts in America.
- A new figure summarizes cases involving juvenile law from the 1960s to the present.

Supplements

The most extensive package of supplemental aids for a criminal justice text accompanies this edition. The following items have been developed to enhance the course and to assist instructors and students.

Instructor's Edition A fully annotated instructor's edition will assist instructors in organizing their classroom presentations and reinforcing the themes of the course. Each chapter ties all of the supplements directly to the topics in the text.

Student Edition For the first time, Wadsworth offers a fully annotated student edition that is connected topic by topic to the book's *Study Guide*. Marginal notes throughout every chapter lead students to spe-

cific topic-related self-quizzes, activities, and other resources in the *Study Guide*. Visually inviting and innovative chapter-opening spreads are also a valuable study tool that help students easily locate important material contained within the chapter. Each chapter opener includes a list of criminal justice Web links—with page numbers—to guide students to some of the most popular Internet addresses for criminal justice-related Web sites featured throughout each chapter. Chapter openers also include an index of the chapter's boxed material so students can quickly find specific topical material within the chapter.

Instructor's Resource Manual The Instructor's Resource Manual has been revised by Charles Crawford. The manual includes resource lists, lecture outlines, and testing suggestions that will help time-pressed teachers more effectively communicate with their students and also strengthen coverage of course material. Each chapter has multiple choice, true/false, and fill-in-the-blanks test items, as well as review and discussion questions. The *Instructor's Resource Manual* is backed up by ExamView®, a computerized test bank available in Windows and Macintosh formats.

ExamView® This computerized testing software helps instructors create and customize exams in minutes. Instructors can easily edit and import their own questions and graphics, change test layout, and reorganize questions. This software also offers the ability to test and grade online. It is available for both Windows and Macintosh.

State Supplements for California, Florida, Illinois, New York, and Texas These concise booklets include state-specific topics, laws, and other criminal justice-related information as they pertain to each state. State crime enforcement, court procedures, correctional systems, and juvenile justice programs are just a few of the issues covered.

CNN® Today Video Series Exclusively from Wadsworth/Thomson Learning, the *CNN Today Video Series* offers compelling videos that feature current news footage from the Cable News Network's comprehensive archives. Volumes 1 through 4 of *Introduction to Criminal Justice* each provide a collection of three- to five-minute clips on hot topics in criminal justice, such as cybercrime, juveniles behind bars, gender and ethnicity, and much more. Available to qualified adopters, these videotapes are great lecture launchers as well as classroom discussion pieces.

The Wadsworth Criminal Justice Video Library The Wadsworth Criminal Justice Video Library offers an

exciting collection of videos to enrich lectures. Qualified adopters may select from a variety of professionally prepared videos covering various aspects of policing, corrections, and other areas of the criminal justice system. The selections include videos from *Films for the Humanities & Sciences*, Court TV videos that feature provocative one-hour court cases to illustrate seminal and high-profile cases in depth, *A&E American Justice Series* videos, *National Institute of Justice: Crime File* videos, *ABC News* videos, and *MPI Home* videos.

Web Site for Introduction to Criminal Justice, Ninth Edition Designed exclusively for this text, this text-specific Web site, located at <http://cj.wadsworth.com>, offers a variety of online resources for students and instructors. Students can enhance their learning experience with book-specific and chapter-based resources. Web links, periodicals, and *InfoTrac College Edition* offer valuable and reliable sources for researching specific topics. Projects and quizzing activities provide immediate feedback and can be emailed to instructors. Online homework assignments integrate Web site research with textbook activities. Student study tips provides a well-developed guide to encourage student success. Instructor downloads and Web links for professionals offer an array of resources for curriculum development.

Introduction to Criminal Justice Transparencies To help bring key concepts of the text to the classroom, fifty full-color transparency masters for overhead projection are available in the *Criminal Justice 2001* transparency package. These transparencies help instructors fully discuss concepts and research findings with students.

Multimedia Manager for Criminal Justice: A Microsoft® PowerPoint® Link Tool This tool is an important instrument that instructors can utilize to prepare for class lectures. The more than 450 color images included on this invaluable reference will aid instructors in visually representing to students the main concepts and ideas contained in the text.

Student Study Guide The extensive *Student Study Guide* has been revised by Eugene Bouley, Jr. Because students learn in different ways, a variety of pedagogical aids are included in the guide to help them. Each chapter is outlined; major terms are defined; and summaries and sample tests are provided.

WebTutor Advantage™ on Web CT and Blackboard Designed specifically for *Introduction to Criminal Justice*, Ninth Edition, WebTutor Advantage is an online resource that gives both instructors and students a virtual environment rich with study and communication tools. For instructors, WebTutor Advantage can pro-

vide virtual office hours, post syllabi, set up threaded discussions, and track student progress. WebTutor Advantage can also be customized in a variety of ways, such as uploading images and other resources and adding Web links to create customized practice materials. For students, WebTutor Advantage offers real-time access to many study aids, including flash cards, practice quizzes, online tutorials and Web links.

Careers in Criminal Justice Interactive CD-ROM This engaging self-exploration CD-ROM provides an interactive discovery of the wide range of careers in criminal justice. The self-assessment helps steer students to suitable careers based on their personal profile. Students can gather information on various careers from the job descriptions, salaries, employment requirements, sample tests, and video profiles of criminal justice professionals presented on this valuable tool.

Crime Scenes: An Interactive Criminal Justice CD-ROM The first CD-ROM developed specifically for the introductory criminal justice course, this highly visual and interactive program casts students as the decision makers in various roles as they explore all aspects of the criminal justice system. Exciting videos and supporting documents put students in the midst of a juvenile murder trial, a prostitution case that turns to manslaughter, and several other scenarios. This product received the gold medal in higher education and silver medal for video interface from *NewMedia Magazine's Invision Awards*.

Mind of a Killer CD-ROM Based on Eric Hickey's book, *Serial Murderers and Their Victims*, this award-winning CD-ROM offers viewers a look at the psyches of the world's most notorious killers. Students can view confessions of and interviews with serial killers, and they can examine famous cases through original video documentaries and news footage. Included are 3-D profiling simulations, which are extensive mapping systems that seek to find out what motivates these killers.

InfoTrac® College Edition Students receive four months of real-time access to *InfoTrac College Edition's* online database of continuously updated, full-length articles from hundreds of journals and periodicals. By doing a simple key word search, users can quickly generate a list of related articles, then select relevant articles to explore and print out for reference or further study.

Criminal Justice Internet Investigator III This fully updated, handy brochure lists the most useful criminal justice links on the World Wide Web. It includes the most popular criminal justice sites featuring online newsletters, grants and funding information, and more.

Seeking Employment in Criminal Justice and Related Fields Written by J. Scott Harr and Kären Hess, this practical book, now in its Third Edition, helps students develop a search strategy to find employment in criminal justice and related fields. Each chapter includes “insiders’ views,” written by individuals in the field and addressing promotions and career planning.

Guide to Careers in Criminal Justice This concise 60-page booklet provides a brief introduction to the exciting and diverse field of criminal justice. Students can learn about opportunities in law enforcement, courts, and corrections and how they can go about getting these jobs.

Internet Guide for Criminal Justice Developed by Daniel Kurland and Christina Polsenberg, this easy reference text helps newcomers as well as experienced Web surfers use the Internet for criminal justice research.

Internet Activities for Criminal Justice This 60-page booklet shows how to best utilize the Internet for research via searches and activities.

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Larry Siegel
Joseph Senna

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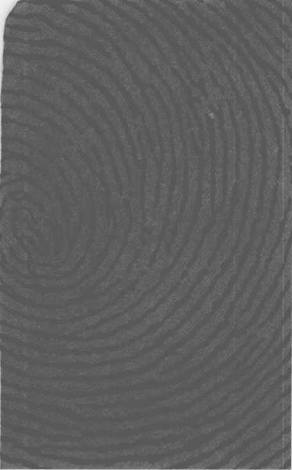
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