MEDIA EDITION

TENTH EDITION

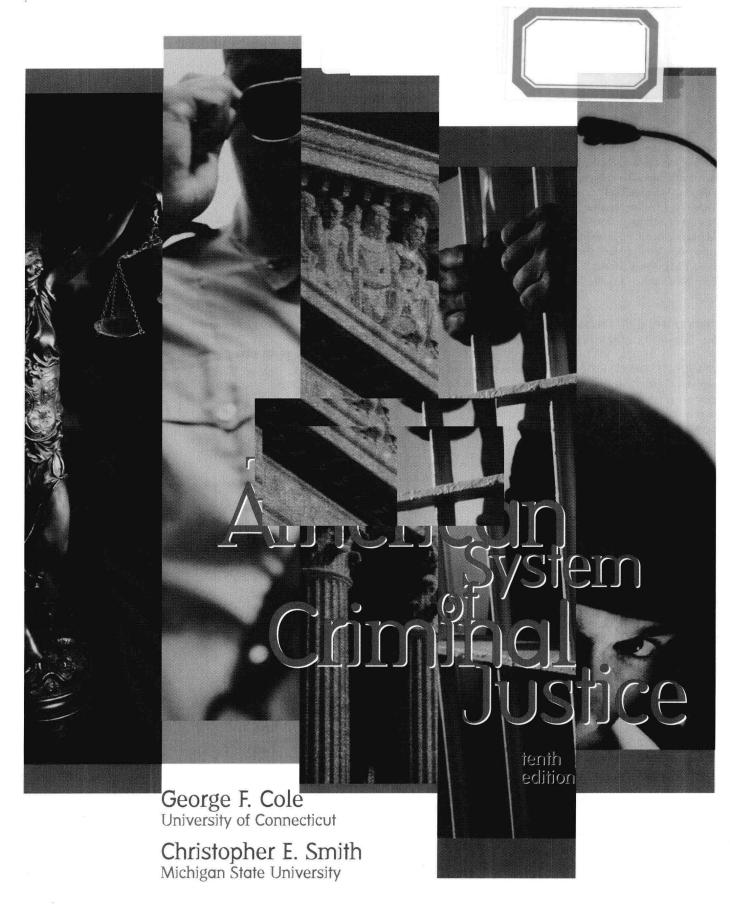
The American System of Criminal Justice



GEORGE F. COLE

CHRISTOPHER E. SMITH

Free Interactive CD-ROM enclosed!







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Most students come to the introductory course in criminal justice intrigued by the prospect of learning about crime and the operation of the criminal justice system. Many of them look forward to the roles they may one day fill in allocating justice, either as citizens or in careers with the police, courts, or corrections. All have been exposed to a great deal of information—and misinformation—about criminal justice through the news and entertainment media. Whatever their views, few are indifferent to the subject they are about to explore.

Like all newcomers to a field, however, introductory students in criminal justice need, first, content mastery—a solid foundation of valid information about the subject—and second, critical understanding—a way to think about this information. They need conceptual tools that enable them not only to absorb a large body of factual content but also to process that information critically, reflect on it, and extend their learning beyond the classroom. This text aims at providing both the essential content and the critical tools involved in understanding criminal justice.

This new version of *The American System of Criminal Justice* has been labeled the "media edition" because it is designed so that students can take advantage of the vast resources now available on CD-ROM and the Internet. The technological changes of the last five years have revolutionized learning. Faculty can now bring to the classroom visual and print presentations that replace the lecture podium and blackboard as teaching tools. Students can be directed to original sources and databases that augment the content of textbooks and lectures, as well as to numerous interactive research tools, including a new text-specific CD-ROM and text companion Web site.

The Approach of This Text: Four Key Themes

When the first edition of *The American System of Criminal Justice* was published in 1975, it embodied three assumptions about the future direction of criminal justice as a discipline and the way the introductory course should be taught:

- 1. The field of criminal justice is interdisciplinary, with research contributions from criminology, sociology, law, history, psychology, and political science.
- 2. Criminal justice involves public policies that are developed within the political framework of the democratic process.
- 3. The concept of social system is an essential tool for explaining and analyzing the way criminal justice is administered and practiced.

In this tenth edition, greater emphasis has been placed on a fourth theme—American values, which people have always assumed to be the foundation on which criminal justice in a democracy is based. At this time, with citizens' concerns about terrorism and civil liberties at the forefront of the national agenda, we decided that making this theme explicit was important. Basic American values include individual liberty, equality, fairness, and the rule of law. These values guide the development of criminal justice policies and procedures. The application of American values creates special tensions between the civil liberties of the individual and the crime control needs of society.

Over the years the approach of *The American System of Criminal Justice* has found a degree of acceptance both gratifying and challenging. Instructors at hun-

dreds of colleges and universities throughout the nation have chosen this book, and during its 30 years of use in their classrooms more than a half million of their students have used it. Yet textbook authors cannot afford to rest on their laurels, particularly in a field as dynamic as criminal justice. The social scene changes, research multiplies, theories are modified, and new policies are proposed and implemented while old ones become unpopular and fade away. Students and their needs change as well. Accordingly, we have made this tenth edition of the "Eagle" even more current, vital, cohesive, and appealing to students and instructors alike.

Highlights of the Tenth Edition

This new media edition encompasses major revisions in organization, content, and presentation. Users of the ninth edition will find significant changes in the reordering of chapters to equalize each part of the book, the combining of several chapters, and the addition of a new chapter on police actions and constitutional law. As just discussed, we give a more explicit focus to the role of American values in the application of criminal justice goals and to the conflicts that often ensue. We have enhanced our coverage of public policies dealing with crime and justice, as well as the role public opinion plays in the development of those policies.

As mentioned, this media edition has been designed to help students take advantage of advancements in information technology. We hope it will enhance students' learning and critical analysis by providing opportunities for interactions between the text and original data and literature sources found on the Internet.

In addition to these structural changes, the content, research sources, examples, and emphasis have been updated in every chapter. We have rewritten the text line by line to make descriptions succinct and clear and chapters and sections cohesive. The text's special features help the student see the significance of important issues and the context in which they occur. The text is also now more accessible to students at all levels. The use of full color clarifies and enhances the many graphs, photographs, and illustrations, bringing to life the text discussion of the rapidly changing aspects of criminal justice today. We hope that these changes make this tenth edition even more usable and "teachable" than its predecessors. Let's look more closely at the book's principal features and the ways they address the two main goals introduced earlier—to promote content mastery and critical understanding.

Content Mastery: Organization, Coverage, and Study Aids New to This Edition

Although current users will find the basic plan of the text familiar, this edition embodies several important changes. Study and review aids have been revised and enhanced in accordance with these changes.

Expanded Coverage of Policing

Major changes are occurring in American policing as the law enforcement and crime-fighter emphasis is supplemented by a focus on community policing and problem solving. Part 2 (Chapters 5, 6, 7, 8) has been reoriented to illustrate this shift in police operations, and the most up-to-date research has been incorporated into the text. We have strengthened the content of these chapters to give students a better understanding of the day-to-day operations of the police. Because law enforcement functions within the context of law, we have provided a new Chapter 7: "Police and Constitutional Law." Coverage of the new, enhanced role of private security as a guard against terrorism has been expanded. Police tactics—aggressive public order enforcement, high-speed chase policies, profiling—are explored more deeply than they were in previous editions.

Crime and Justice in a Multicultural Society

Disparities in the treatment of African Americans, Hispanics, and other minorities are pervasive in the criminal justice system. This issue is addressed in Chapter 3 and reexamined in succeeding chapters in discussions of what minority group members experience when they come in contact with the police, the courts, and corrections. We carefully examine the complex issue of attributing criminality to race and give special attention to the controversy over racial profiling, especially as it affects immigrants from the Middle East.

Criminal Justice and the War on Terrorism

The war on terrorism has brought about changes in the American criminal justice system. The creation of the Department of Homeland Security is reorganizing many law enforcement agencies of the federal government. Private security is playing a much greater role than in the past in protecting people and property. The courts are wrestling over issues of civil liberties and national security. Corrections, especially the Federal Bureau of Prisons, may have to deal with convicted terrorists. Public policies dealing with terrorists are changing rapidly. Throughout this new edition, we have tried to alert students to this new dimension of criminal justice.

Crime Control Policy

Recent years have seen a major shift to a greater emphasis on crime control. In response to public opinion, legislators have toughened sentences, increased the number of police officers, and reduced funding for rehabilitative programs. We examine this shift in light of the decrease in crime rates and the increase in prison populations.

This edition includes five policy issues for student discussion and debate in boxes called "The Policy Debate." In each, we describe an issue such as aggressive policing or the death penalty, outline its pros and cons, and then ask students to decide which policy they think the United States should adopt.

Study and Review Aids

To help students identify and master core concepts, the text provides several study and review aids.

- Chapter outlines preview the structure of each chapter.
- Opening vignettes introduce the chapter topic with a high-interest real-life episode.
- Questions for Inquiry highlight the chapter's key topics and themes.
- *Checkpoints* throughout each chapter allow students to test themselves on content.
- Going Online provides students with a set of exercises using the World Wide Web and InfoTrac College Edition.
- Chapter Summaries and Questions for Review reinforce key concepts and provide further checks on learning.
- Key Terms are defined throughout the text in the margins of each chapter and can also be located in the Glossary. Key Cases explain major issues decided by the courts.
- An appendix on understanding statistical figures and tables helps readers interpret the data presented in this text and research in other fields as well.

Enhanced Graphics

Today's students have been influenced by television all their lives. They are attuned to colorful images that convey values and emotions as well as information. For this edition, outstanding graphic artists and photo researchers have

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helped to develop an impressive array of full-color illustrations. Quantitative data are illuminated by conversion into bar and line graphs, pie charts, and other graphics; written summaries guide comprehension of the graphic presentations. We have taken special care to place photographs and their captions so that the images are linked to the message of the text.

Promoting Critical Understanding

Aided by the features just described, a diligent student can learn the essential content of the introductory course. While such mastery is no small achievement, most teachers aim higher: They want their students, whether future criminal justice professionals or simply citizens, to complete this course able to take a more thoughtful and critical approach to issues of crime and justice than they did at the start of the course. The tenth edition provides several features that help students learn *how to think* about the field.

Thematic Emphases

A gratifying number of instructors have welcomed the key assumptions that have guided the writing of this book. These assumptions—that criminal justice is an interdisciplinary field, that crime and justice are public policy issues, and that criminal justice can best be seen as a social system—are introduced in Chapter 1 and reiterated in the chapters that follow. The new emphasis on the role of American values in criminal justice policies and procedures provides a basis for the presentation and discussion of contemporary issues.

The text is truly *interdisciplinary* in that it draws on the research and writings of scholars from a range of academic and applied disciplines. In each chapter students can see the contributions of historians, criminologists, legal scholars, psychologists, political scientists, and others. They will recognize, for example, that the penitentiary is an American invention and that its development in the 1830s was greatly influenced by the social and political ideas of that era. They will also see how the administrative sciences have contributed to the organization and tactics of the police.

Through examples and explicit discussions throughout the text, we also explore the *role of public policy* in criminal justice. For example, we examine policies such as "three strikes and you're out," assistance to crime victims, community policing, and the death penalty for both their content and their potential impact on the system. Throughout the book, students are reminded that the definition of behaviors as criminal, the funding of criminal justice operations, and the election of judges and prosecutors all result from decisions that are politically influenced.

The *system perspective*, developed in Chapter 3, is carried throughout the book as a useful tool for analyzing criminal justice operations. The idea of the system is reinforced graphically with illustrations that remind students of exchange relationships, the flow of decision making, and the way the criminal justice system is itself embedded in a larger social context.

Close Ups and Other Real-Life Examples

Understanding criminal justice in a purely theoretical way does not give students a balanced understanding of the field. The wealth of examples in this book shows how theory plays out in practice and what the human implications of policies and procedures are. In addition to the many illustrations in the text, the "Close Up" features in each chapter draw on newspapers, court decisions, first-person accounts, and other current sources. In this edition, the Close Up boxes are smoothly integrated into the context so that students readily see their relevance.

New Directions in Criminal Justice Policy

To illustrate criminal justice policies that have been proposed or are being tested, we include a box called "New Directions in Criminal Justice Policy" in many of our chapters. Policies such as restorative justice, wrongful convictions, and the changing role of federal law enforcement are discussed so that students will be prepared to face the new realities of criminal justice.

Doing Your Part

Many Americans have contributed to criminal justice through voluntary activities or by promoting reforms. In selected chapters the roles played by individuals who are doing their part to assist the police, crime victims, courts, and prisoners are described in "Doing Your Part." We hope that these illustrations will encourage students to contribute to a just society.

A Question of Ethics

Criminal justice requires that decisions be made within the framework of law but also be consistent with the ethical norms of American society. In most chapters, boxes entitled "A Question of Ethics" place students in the context of decision makers faced with a problem involving ethics. Students become aware of the many ethical dilemmas that criminal justice personnel must deal with and the types of questions they may have to answer if they assume a role in the system.

What Americans Think

Public opinion plays an important role in the policy-making process in a democracy. As such, we present the opinions of Americans, as collected through surveys, alongside controversial criminal justice issues. Students are encouraged to compare their own opinion with the national perspective. This feature is linked to the text-specific Web site as well.

Comparative Perspective

With the move toward more global thinking in academia and society at large, students are showing new interest in learning more about criminal justice in other parts of the world. Most chapters of this edition include a "Comparative Perspective" section that describes a component of the criminal justice system in another country. In addition to broadening students' conceptual horizons, these sections encourage a more critical appreciation of the system many Americans take for granted. By learning about others, we learn more about ourselves.

Supplements

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

Available to qualified adopters. Please consult your local sales representative for details.

For the Instructor

Instructor's Edition

The *Instructor's Edition* includes a complete Resource Integration Guide for the text. This valuable tool will assist instructors in organizing their classroom presentations and reinforcing the themes of the course. Each chapter contains topically relevant references to all of the supplements and where they fit best in the lectures.



Instructor's Manual

A full-fledged, completely updated *Instructor's Manual* has been developed by Scott Johnson of Frostburg State University. The manual includes learning objectives, a detailed chapter outline, key terms and figures, class discussion exercises, worksheets, lecture suggestions, and a test bank. Each chapter's test bank has multiple choice, true/false, fill-in-the-blank, and essay questions. The *Instructor's Manual* is backed up by ExamView, a computerized test bank available for IBM-PC compatibles and Macintosh computers.

ExamView® Computerized Testing

Create, deliver, and customize tests and study guides (both print and online) in minutes with this easy-to-use assessment and tutorial system. ExamView offers both a Quick Test Wizard and an Online Test Wizard that guide you step-by-step through the process of creating tests, while its WYSIWYG capability allows you to see the test you are creating on the screen exactly as it will print or display online. You can build tests of up to 250 questions using up to 12 question types. Using ExamView's complete word processing capabilities, you can enter an unlimited number of new questions or edit existing questions.

Classroom Presentation Tools for the Instructor

Multimedia Manager for Criminal Justice 2004: A Microsoft® PowerPoint® Link Tool This valuable resource is a one-stop shop containing all of the art from the book as well as interactive learning tools that will enhance your classroom lectures. In addition, you can choose from the ready-made dynamic slides offered or customize your own with the art files provided from the text.

Transparency Acetates Taken directly from the text, these 50 full-color figures and tables will help bring your lectures to life.

CNN® Today: Introduction to Criminal Justice, Volume VI Now you can integrate the up-to-the-minute programming power of CNN and its affiliate networks right into your course. This video features short, high-interest clips perfect for launching your lectures. A current new volume is available to adopters each year. Ask your Thomson/Wadsworth representative about our video policy by adoption size. Also available: Volumes I–V.

America's New War: CNN Looks at Terrorism This great discussion starter includes 16 two- to five-minute segments featuring CNN news footage, commentator remarks, and speeches dealing with terrorist attacks on U.S. targets throughout the world. Topics include: anthrax and biological warfare, new security measures, Osama bin Laden, Al Qaeda, asset freezing, homeland defense, renewed patriotism, new weapons of terrorism, the bombing of U.S. embassies in Kenya and Tanzania, the American psyche, and the Arab-American response to recent events. Ask your Thomson/Wadsworth representative about our video policy by adoption size.

The Wadsworth Custom Video for Criminal Justice, Volume II Produced by Wadsworth and Films for the Humanities, this video includes short five- to tenminute segments that encourage classroom discussion. Topics include: white collar crime, domestic violence, forensics, suicide and the police officer, the court process, the history of corrections, prison society, and juvenile justice. Also available: Volume I.

The Wadsworth Criminal Justice Video Library So many exciting, new videos... so many great ways to enrich your lectures and spark discussion of the material in this text! Your Thomson/Wadsworth representative will be happy to provide details on our video policy by adoption size. The library includes these selections and many others:

- Court TV videos: One-hour videos presenting seminal and high-profile court cases.
- Videos from the A&E American Justice series, Films for the Humanities, and the National Institute of Justice Crime File videos.

For the Student

Companion CD-ROM

Each copy of the text is packaged with a free CD-ROM. The CD-ROM provides students with Chapter Topics, Assessment Quizzing, an interactive Public Policy feature, InfoTrac College Edition research, Critical Thinking exercises, Work Perspectives, and Review Discussion Questions.

InfoTrac College Edition

Every new copy of this text includes 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 keyword search, users can quickly generate a list of related articles, then select relevant articles to explore and print out for reference or further study.

Study Guide

An extensive student guide has been developed and updated for this edition by Scott Johnson. Because students learn in different ways, the guide includes a variety of pedagogical aids to help them. Each chapter is outlined and summarized, major terms and figures are defined, and worksheets and self-tests are provided.

Terrorism: An Interdisciplinary Perspective, Second Edition

Available for bundling with each copy of *The American System of Criminal Justice*, Tenth Edition, this 80-page booklet (with companion Web site) discusses terrorism in general and the issues surrounding the events of September 11, 2001. This information-packed booklet examines the origins of terrorism in the Middle East, focusing on Osama bin Laden in particular, as well as issues involving bioterrorism, the specific role played by religion in Middle Eastern terrorism, globalization as it relates to terrorism, and the reactions and repercussions of terrorist attacks.

Careers in Criminal Justice Release 2.0 Interactive CD-ROM

The Careers in Criminal Justice 2.0 Interactive CD-ROM is filled with self-assessment and profiling activities. It is designed to help students investigate and focus on the criminal justice career choices right for them. This CD-ROM includes many outstanding features:

- The Career Rolodex features video testimonials from a variety of practicing professionals in the field and information on hundreds of specific jobs including descriptions, employment requirements, and more
- Interest Assessment gives students a direct link and free online access to the Holland Personalized Self-Assessment Test, designed to help them decide which careers suit their personalities and interests



- The Career Planner features helpful tips and worksheets on resume writing, interviewing techniques, and successful job search strategies
- Links for Reference offer direct links to federal, state, and local agencies where students can get contact information and learn more about current job opportunities.

Crime Scenes: An Interactive Criminal Justice CD-ROM

Recipient of several *New Media Magazine Invision Awards*, this interactive CD-ROM allows your students to take on the roles of investigating officer, lawyer, parole officer, and judge in excitingly realistic scenarios! Available for FREE when bundled with every copy of *The American System of Criminal Justice*, Tenth Edition! An *Instructor's Manual* is also available for the CD-ROM.

Mind of a Killer CD-ROM (bundle version)

Voted one of the top 100 CD-ROMs by an annual *PC Magazine* survey, *Mind of a Killer* gives students a chilling glimpse into the realm of serial killers with over 80 minutes of video, 3-D simulations, and extensive mapping system, a library, and much more.

Internet Guide for Criminal Justice, Second Edition

Internet beginners will appreciate this helpful booklet! With explanations and the vocabulary necessary for navigating the Web, it features customized information on criminal justice Web sites and presents Internet project ideas.

Internet Activities for Criminal Justice, Second Edition

This completely revised 96-page booklet shows how to best utilize the Internet for research through searches and activities.

Criminal Justice Internet Explorer, Third Edition

This colorful, trifold brochure lists the most popular Internet addresses for criminal justice Web sites. It includes URLs for corrections, victimization, crime prevention, high-tech crime, policing, courts, investigations, juvenile justice, research, and fun sites.

Internet-Based Supplements

WebTutor™ Advantage on Blackboard and WebCT http://webtutor.thomsonlearning.com

WebTutor Advantage takes your course beyond the classroom to an anywhere, anytime environment. You can use WebTutor Advantage to provide virtual office hours, post your syllabi, set up threaded discussions, and track student progress with the quizzing material. WebTutor's rich communication tools include a course calendar, asynchronous discussion, real-time chat, a whiteboard, and an integrated e-mail system. WebTutor Advantage offers access to a full array of study tools organized by text chapter, including glossary flashcards, practice quizzes, online tutorials, and Web links. "Out of the box" or customizable, this versatile online tool is filled with preloaded, text-specific content, including diagrams and illustrations, Microsoft® PowerPoint® files organized by text chapter, and more. Customize the content in any way you choose, from uploading images and other resources to adding Web links, to creating your own practice materials. WebTutor Advantage is flexibly designed for use in a variety of ways, from an electronic study guide for your students all the way to a tool for teaching your course online.

The Wadsworth Criminal Justice Resource Center http://www.cj.wadsworth.com

Now includes a direct link to "Terrorism: An Interdisciplinary Perspective," an intriguing new site that provides thorough coverage of terrorism in general and the issues surrounding the events of September 11. This Web site also provides a variety of tools and resources such as critical thinking exercises from Jonathan White's *Terrorism: An Introduction*, InfoTrac College Edition Exercises, and links to on-line journals for updated information.

Companion Web Site

http://www.cj.wadsworth.com/colesmith10e

The book-specific Web site provides many chapter-specific resources. These include Chapter Outlines, Chapter Summary and Review, Glossary, Flashcards, Tutorial Quizzing, Final Exam, Internet Exercises, InfoTrac College Edition Exercises, Web References, and a Discussion Forum. The text Web site also offers a Multi-Step Learning Module, presenting key concepts with case examples followed by essay questions for students to apply their knowledge and critical thinking skills.

In addition to these chapter-specific resources, the site contains information on conventions and grants, as well as interactive features such as the criminal justice timeline; the Crime and Technology module, packed with resources and activities; and the CJ in the News site. It also includes the "What Americans Think" poll, where students can cast their votes on key issues. An extensive criminal justice glossary, general discussion forums, and activities specifically addressing policing, the courts, and corrections, are also provided, as well as hundreds of links to popular criminal justice sites.

A Group Effort

No one can be an expert on every aspect of the criminal justice system. Authors need help in covering new developments and ensuring that research findings are correctly interpreted. This revision has greatly benefited from the advice of two groups of criminal justice scholars. The first group were those we asked to comment on the entire manuscript, especially its organization and pedagogical usefulness. We chose these reviewers from the wide range of colleges and universities throughout the country that have used previous editions, so their comments concerning presentation, levels of student abilities, and the requirements of introductory courses at their institutions were especially useful. Reviewers in the second group we consulted are nationally recognized experts in the field; they focused their attention on the areas in which they specialize. Their many comments helped us avoid errors and drew our attention to points in the literature that had been neglected.

The many criminal justice students and instructors who used the ninth edition also contributed abundantly to this edition. Several hundred readers returned the questionnaire included in that edition. Their comments provided crucial practical feedback. Others gave us their comments personally when we lectured in criminal justice classes around the country.

Others have helped us as well. Chief among them was Senior Executive Editor Sabra Horne, who has always supported our efforts. Editor Jay Whitney helped us strengthen the focus of the book. Our Developmental Editor, Shelley Murphy, provided invaluable comments as we revised the book. The project has benefited much from the attention of Production Editor Jennie Redwitz, and Dawn Mesa was invaluable in helping us develop the supplements. Molly Roth prevented us from committing egregious errors in the use of English. As always, Greg Hubit used his managerial skills to oversee the project from manuscript

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submission to bound books. Patrick Devine designed the interior of the book. Finally, the following reviewers contributed valuable comments:

Jerry Armor, Calhoun Community College

Ronald Burns, Texas Christian University

William Head, Indiana University, Bloomington

Harold Nees, Metropolitan State College of Denver

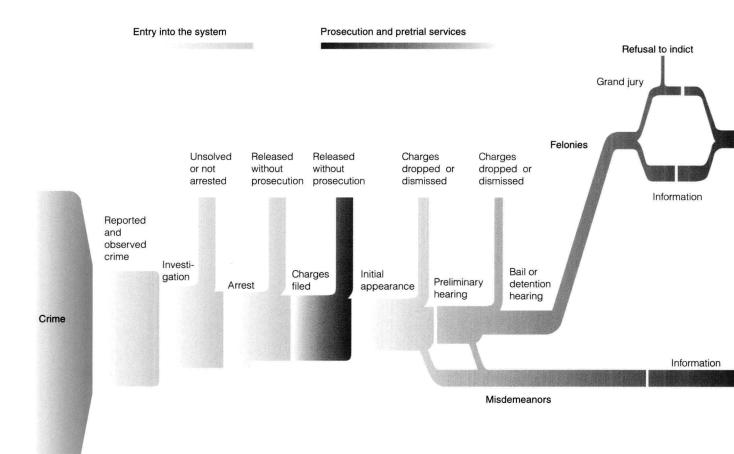
Patrick O'Guinn, Sr., Howard Community College

Ultimately, however, the full responsibility for the book is ours alone. We hope you will benefit from it, and we welcome your comments.

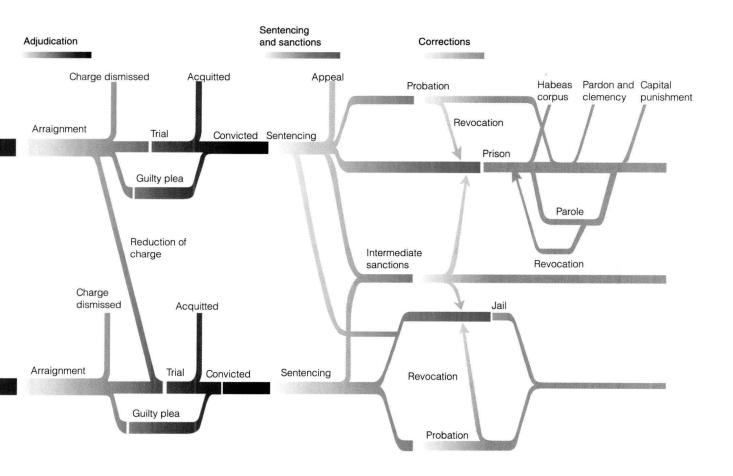
George F. Cole gcole281@earthlink.net Christopher E. Smith smithc28@msu.edu

What is the sequence of events in the criminal justice system?

This flowchart provides an overview of the criminal justice system as it will be described in this book. It is important to recognize that the system portrayed here is a social system. Each event depicted represents a complex interaction of people, politics, and procedures.



Originally published by the President's Commission on Law Enforcement and Administration of Justice in 1967, the flowchart was revised in 1997 by the Bureau of Justice Statistics.



CD-ROM Cross-Reference Guide to The American System of Criminal Justice, Tenth Edition Topic Chapter Page Crime and Justice in America 20 **Investigating Cybercrime** Victimization and Criminal Behavior Victims' Rights 47 The Criminal Justice System Federalization of Criminal Justice 67 Criminal Justice and the Rule of Law The Exclusionary Rule 122 Police Police Discretion 157 Police Officers and Law Measuring Police Productivity 188 **Enforcement Operations** Police and Constitutional Law Constitutional Rights for 224 **Terrorism Suspects** Policing: Issues and Trends Civilian Review Boards 257 **Courts and Pretrial Processes Bounty Hunters** 290 **Prosecution and Defense** Counsel for Indigents 323 **Determination of Guilt:** Peremptory Challenge 358 Plea Bargaining and Trials **Punishment and Sentencing** Sentencing Guidelines 398 13 Corrections Rehabilitation of Prisoners 416 Probation, Intermediate Sanctions, **Expanded Use of Probation** 445 and Parole 15 Prisons: Their Goals and Management **Prisoner Litigation** 491 **Prison Society and Release Parole** 519 Juvenile Justice Juveniles and the Death Penalty 547



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