

JOSEPH P. SENNA *&* LARRY G. SIEGEL

INTRODUCTION TO

# CRIMINAL JUSTICE

EIGHTH EDITION



# Introduction to Criminal Justice

**EIGHTH EDITION**

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**Northeastern University**

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**University of Massachusetts Lowell**



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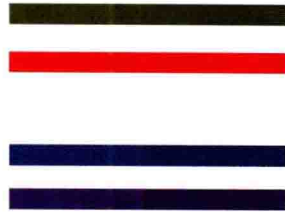
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# Introduction to Criminal Justice



**EIGHTH EDITION**

## *About the Authors*

**J**OSEPH 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.

**L**ARRY 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 MA and Ph.D. and studied with famed scholars such as Michael Hindelang, Gilbert Geis, and Donald Newman. 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.



# P R E F A C E

**E**VENTS OF THE PAST FEW YEARS remind us of the great impact crime, law, and justice have had on the American psyche. The already famous, such as sports figures O. J. Simpson and Marv Albert, actors Hugh Grant and Robert Downey, Jr., and political figures Illinois Congressman Dan Rostenkowski and Arkansas Governor Jim Guy Tucker, made headlines when they were accused and/or convicted of criminal acts. Some people who were formerly unknown, such as Oklahoma City bomber Timothy McVeigh, the Beverly Hills madame Heidi Fleiss, British au pair Louise Woodward, and “Unabomber” Theodore Kaczynski, became household names when they were involved in criminal acts that captured public attention. Although these cases help focus attention on the justice system and make fascinating TV viewing, they are actually very unusual “high profile” cases. Each year the criminal justice system routinely processes millions of cases involving theft, violence, drug trafficking, and other crimes. How does this vast enterprise, which costs billions of dollars and involves 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 *Introduction to Criminal Justice* in an attempt to help answer these questions in a forthright and objective manner.

Because the study of criminal justice is a dynamic, ever-changing field of scientific inquiry and the concepts and processes of justice are constantly evolving, we have updated *Introduction to Criminal Justice* to reflect the most important structural and procedural changes and the most critical legal cases, research studies, and policy initiatives that have taken place during the past three years. Like previous editions, the book provides a foundation for the study of criminal justice by analyzing and describing the agencies of justice and the procedures they use to identify and treat criminal offenders. It also covers what most experts believe are the critical issues in criminal justice and analyzes their impact on the justice system. This edition focuses on current, 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 eighth edition remain as they have been for the previous seven:

1. to provide students with a thorough knowledge of the criminal justice system.
2. to be as thorough and up to date as possible.
3. to be objective and unbiased.

4. 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 analyses 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 yet thought provoking.

## Organization of the Text

This new edition has been thoroughly revised, and the chapter organization has been streamlined. The material that was contained in Chapter 5 *Confronting Crime* of the previous edition has been incorporated into Chapter 1 *Crime and Criminal Justice*. The material on parole from Chapter 18 of the previous edition is now contained in Chapter 16 *The Prison Experience: Living in and Leaving Prison*. As a result, the book now contains 17 chapters whereas earlier editions had 19 chapters. We hope this reorganization will make the text more appropriate for the typical semester-long Introduction to Criminal Justice course.

Part One gives the student a basic introduction to crime, law, and justice. The first chapter covers the problem of crime in America, agencies of justice, the formal justice process, and introduces students to the concept of the informal justice system, which involves discretion, deal making and plea bargains. Chapter 1 also introduces 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 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 Two provides an overview of the law enforcement field. 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 emphasis on community policing and community crime prevention, private security, and other current issues.

Part Three is devoted to the adjudication process, from pretrial indictment to the sentencing of criminal offenders. Chapters focus on organization of the court system, an analysis of the prosecution and defense function, pretrial procedures, the criminal trial, and sentencing. Topics included are bail reform, court reorganization, and sentencing policy, including such issues as “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 Four 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 prison and jail overcrowding, house arrest, private corrections, correctional workers, private industry in prison, privacy in prison, suing the parole board, parole guidelines, and parole effectiveness are discussed.

Part Five explores the juvenile justice system. There is information on parental responsibility statutes, gangs and justice, school searches, preventive detention of youth, waiving youth to the adult court, the death penalty for children, treating the chronic offender, and the gang problem.

Great care has been taken in organizing the text to reflect the structure and process of justice. We have attempted to make each chapter comprehensive, self-contained and logically organized.

## New Features

To keep up with the changes in criminal justice, the eighth edition of *Introduction to Criminal Justice* has been thoroughly revised and renewed. We have followed the evolution of crime control policy and updated the discussion of the criminal justice system with recent court decisions, legislative changes, and theoretical concepts that reflect the changing orientation of the field. To further this goal, the text now contains six different kinds of boxed inserts to help students analyze material in greater depth:

1. **Analyzing Criminal Justice Issues** boxes help students think critically about current justice issues. For example, in Chapter 14, *Privatizing Treatment* discusses efforts to provide private services to supplement traditional probation treatment plans.

2. **Criminal Justice and the Media** boxes show how the criminal justice system is portrayed in films and TV shows and also how the media influence crime

and justice. *The Media and Violence* in Chapter 3 addresses the questions, “does the media influence behavior? Does broadcast violence cause aggressive behavior in viewers?”

3. **Law in Review** boxes give the facts, decision, 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.

4. **International Justice** boxes focus on criminal justice issues around the world. The *Death Penalty Abroad* feature in Chapter 13 shows that the United States is not alone in using the death penalty.

5. **Race, Gender, and Ethnicity in Criminal Justice** boxes are aimed at better understanding the problems of women and minorities in the justice system. For example, in Chapter 16, *When Mother Lives in Prison* focuses on the serious problem of female prison inmates who have young children and the disruption a prison sentence causes their families.

6. **Trial of the Century** boxes give students a glimpse of some of the high-profile cases that have helped shape the American legal system. For example, *Commonwealth v. Woodward* discusses the case of British au pair Louise Woodward, who was accused of killing Matthew Eappen, the 8-month-old baby she had been hired to care for.

In addition, running throughout the book is a new feature called **Perspective on Justice**. In Chapter 1 we introduce competing viewpoints of criminal justice and how it should be directed. For example, some people believe that the primary mission of the justice system is punishing criminals, whereas others believe the focus should be more on treatment and rehabilitation. The Perspective boxes show how each of these competing views has influenced the way the system of justice operates and the boxes identify programs and policies to which the views are linked.

Finally, a new feature called **Criminal Justice in the News** consists of three current news items at the conclusion of each Part. They focus on many of the “hot” issues and controversies that make today’s headlines. For those instructors who use videos in their classes, we have linked each news story to a corresponding segment of the Wadsworth/West CNN video for criminal justice (available exclusively to adopters of Wadsworth introductory criminal justice texts). For example, the story entitled “Political Hot Potato: Protesters Demand Death Penalty Be Abolished” is linked to CNN coverage of the recent execution of Karla Faye Tucker in Texas. Of course, *Criminal Justice in the News* can also be assigned to students without the corresponding videos.

The book also contains many new graphs, figures, charts, and tables that make the presentation easier to understand and conceptualize.



## What's New in This Edition?

Each chapter has been thoroughly updated.

Chapter 1, *Crime and Criminal Justice*, now includes a discussion of restorative justice concepts.

Chapter 2, *The Nature of Crime and Victimization*, has updated sections on international crime trends and the future of crime. It has more material on criminal careers and looks at transnational research on chronic offending.

Chapter 3, *Understanding Crime and Victimization*, now contains material on various crime types, such as serial murder and white collar crime. It looks at the influence of the media on crime causation.

Chapter 4, *Criminal Law: Substance and Procedure*, reviews a number of new court decisions including *Printz v. United States* on the Brady gun law and *Hudson v. United States* on dual prosecution on both civil and criminal matters.

Chapter 5, *Police in Society: History and Organization*, has a new International Justice box on Thief Takers, organized groups of private police who earned a living by catching wanted felons and collecting rewards for their capture in 18th century England. There are also new sections on current trends in police technology.

Chapter 6, *The Police: Organization, Role, and Function*, has a new section on the control of domestic violence and reviews current community and problem-oriented policing programs.

Chapter 7, *Issues in Policing*, reviews the problems of policing with new coverage of the Abner Louima case and how police discretion is influenced by race and gender.

Chapter 8, *Police and the Rule of Law*, has new sections on “no-knock” laws, traffic stops, and a Trial of the Century case involving Dr. Sam Shepard, upon which the popular film *The Fugitive* was based.

Chapter 9, *Courts and the Judiciary*, updates the U.S. court system, covers the “craft of justice” of informal decision making in the court system, has a Trial of the Century on the Louise Woodward, British au pair, case, and an in-depth look at the Nathan Thill skinhead murder case in Denver, Colorado.

Chapter 10, *The Prosecution and the Defense*, covers *United States v. Scheffer*, an important ruling on the use of polygraph data in criminal trials. It updates coverage of public defender programs and presents a new section on prosecuting computer crime perpetrators. It also covers nontraditional prosecution efforts in areas such as elder-care fraud.

Chapter 11, *Pretrial Procedures*, updates the role of prosecutors in plea bargaining and has two Trial of the Century boxes—one on financier Michael Milken and the other on Unabomber Theodore Kaczynski.

Chapter 12, *The Criminal Trial*, contains new material on the use of jury consultants and jury reform,

as well as the issue of race, gender, and ethnicity in jury selection. It contains a new International Justice box comparing the American and British trial systems and a review of *Lewis v. United States*, a 1997 case that focused on the issue of jury trials for petty offenses.

Chapter 13, *Punishment and Sentencing*, has material on recent felony sentencing in state courts, updates the coverage of “three strike” sentences, has a new Race, Gender, and Ethnicity box on race and sentencing, and another entitled “Explosive Avengers and Cold Calculators: Women on Death Row.”

Chapter 14, *Probation and Intermediate Sanctions*, looks at special rules of probation, such as those designed to control convicted sex offenders. An Analyzing Criminal Justice Issues box called “Privatizing Treatment” looks at how probation departments around the country are now relying on private service providers to treat clients.

Chapter 15, *Corrections: History, Institutions, and Populations*, updates trends in correctional populations as well as reviewing international incarceration rates. There is a new Race, Gender, and Ethnicity box entitled “Women in Prison: Vengeful Equity,” which discusses the recent upswing in the number of female inmates. It also contains an analysis of how the incarceration surge may actually increase crime rates!

Chapter 16, *The Prison Experience: Living in and Leaving Prison*, discusses a problem area for female inmates in a Race, Gender, and Ethnicity box entitled “When Mother Lives in Prison.” A number of new programs are featured, including Oklahoma’s Moral Reconnection Therapy (MRT). It also reviews the get-tough “no-frills” movement.

Chapter 17, *Juvenile Justice*, reviews the changing view of juvenile justice in the late 1990s, with emphasis on the new get-tough laws including parental responsibility laws and statutes making it easier to waive juveniles to adult court. There is updated information on violent juveniles and trends in juvenile incarceration. There is an International Justice box on “Juvenile Violent Crime in Canada” and an Analyzing Criminal Justice Issues box on the role of the Supreme Court in juvenile justice.

## Ancillary Material

A number of pedagogic supplements are provided by Wadsworth to help instructors use *Introduction to Criminal Justice* in their courses and to aid students in preparing for exams. These include:

### For the Instructor

**Annotated Instructor’s Edition** marginal annotations integrate the major ancillary products with helpful teaching tips for every chapter.



**Instructor's Manual** chapter objectives, chapter outlines, teaching suggestions, and numerous testing items in a variety of formats: multiple choice, fill-in, and essay.

**Computerized Test Bank** the test questions in the Instructor's Manual are in computerized format for professors to generate their own tests. Professors can change the order of the questions as well as add to them.

### For the Student

**Study Guide** contains chapter objectives, chapter outlines, and numerous self-testing items, averaging over 65 questions per chapter.

**Crime Scenes: An Interactive Criminal Justice CD-ROM** the first introductory criminal justice CD-ROM available. This interactive CD-ROM places the student in various roles and explores all aspects of the criminal justice system: policing and investigations, courts, sentencing, and corrections.

**InfoTrac College Edition** gives students access to full-length articles from hundreds of scholarly and popular periodicals. Students can print complete articles or use the cut-and-paste and e-mail techniques. Includes readings from *U. S. News and World Report*, *Corrections Today*, *Prison Journal*, *American Criminal Law Review*, and many more.

**PowerPoint** colorful PowerPoint slides are provided to enhance lecture discussions.

**Videos** adopters can select from a variety of videos: Criminal Justice video library; Court TV videos; Films for the Humanities Customized Video; and CNN Customized Video.

**Your Research: Data Analysis for Criminal Justice and Criminology, Second Edition** a very powerful, yet easy to use, data analysis and graphics program with an accompanying workbook replete with examples of criminology research projects.

**Internet Investigator II** includes new criminal justice-related web sites categorized by course for ease of use: policing, investigations, courts, corrections, research, juvenile delinquency, and much more! Save students money by bundling with the book.

**Guide to the Internet for Criminal Justice** intended for the novice Internet user, the first half explains the background of the World Wide Web and the second half offers criminal-justice-related web sites and Internet project ideas.

**Mind of a Killer CD-ROM** this interactive CD-ROM provides a chilling look into the realm of serial murderers. Contains more than 80 minutes of video, 3D simulations, an extensive mapping system and library, and graphic crime-scene photos.

**Seeking Employment in Criminal Justice and Related Fields, Second Edition** by Harr/Hess offers excellent job-search strategies, including discussion of résumés, cover letters, and interview techniques.

**Virtual Classroom Web Site** this book-specific web site includes the criminal justice links for major headings of every chapter, electronic homework, self-testing items, Internet projects, scavenger hunt, search engine, and more!

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The form and content of this new edition were directed by our editor, Sabra Horne. It has been a pleasure working with Sabra and our other colleagues at Wadsworth: editorial assistant Cherie Hackelberg, project development editor Claire Masson, project manager Debby Kramer, production editor Cecile Joyner, photo editor Linda Rill, and marketing manager Mike

Dew. A lot of credit for getting this book out must go to developmental editor (and unofficial psychotherapist) Dan Alpert, who is always patient, kind, and sensitive.

JOSEPH SENNA  
LARRY SIEGEL

# BRIEF CONTENTS

<b>PART ONE</b>	<b>The Nature of Crime, Law, and Criminal Justice 1</b>
<b>CHAPTER 1</b>	<i>Crime and Criminal Justice 3</i>
<b>CHAPTER 2</b>	<i>The Nature of Crime and Victimization 37</i>
<b>CHAPTER 3</b>	<i>Understanding Crime and Victimization 69</i>
<b>CHAPTER 4</b>	<i>Criminal Law: Substance and Procedure 108</i>
<b>PART TWO</b>	<b>The Police and Law Enforcement 149</b>
<b>CHAPTER 5</b>	<i>Police in Society: History and Organization 151</i>
<b>CHAPTER 6</b>	<i>The Police: Organization, Role, and Function 177</i>
<b>CHAPTER 7</b>	<i>Issues in Policing 210</i>
<b>CHAPTER 8</b>	<i>Police and the Rule of Law 246</i>
<b>PART THREE</b>	<b>Courts and Adjudication 279</b>
<b>CHAPTER 9</b>	<i>Courts and the Judiciary 281</i>
<b>CHAPTER 10</b>	<i>The Prosecution and the Defense 307</i>
<b>CHAPTER 11</b>	<i>Pretrial Procedures 340</i>
<b>CHAPTER 12</b>	<i>The Criminal Trial 374</i>
<b>CHAPTER 13</b>	<i>Punishment and Sentencing 408</i>
<b>PART FOUR</b>	<b>Corrections 447</b>
<b>CHAPTER 14</b>	<i>Probation and Intermediate Sanctions 449</i>
<b>CHAPTER 15</b>	<i>Corrections: History, Institutions, and Populations 483</i>
<b>CHAPTER 16</b>	<i>The Prison Experience: Living in and Leaving Prison 513</i>
<b>PART FIVE</b>	<b>The Nature and History of the Juvenile Justice System 559</b>
<b>CHAPTER 17</b>	<i>Juvenile Justice 561</i>



# C O N T E N T S

## PREFACE xix

## PART ONE

### The Nature of Crime, Law, and Criminal Justice 1

#### CHAPTER 1

##### *Crime and Criminal Justice 3*

##### THE CONCEPT OF CRIMINAL JUSTICE 5

Historical Development of the Criminal Justice Concept 5

The Modern Era 6

Federal Involvement in Criminal Justice 6

##### WHAT IS THE CRIMINAL JUSTICE SYSTEM? 7

The Governmental Structure of Criminal Justice 7

Agencies of the Criminal Justice System 9

##### THE FORMAL CRIMINAL JUSTICE PROCESS 10

Steps of the Process 11

The Criminal Justice Assembly Line 13

##### THE INFORMAL JUSTICE SYSTEM 17

The Courtroom Work Group 17

The "Wedding Cake" Model of Justice 18



*Criminal Justice and the Media:  
Ransom 20*

##### PERSPECTIVES ON JUSTICE 20

Crime Control Perspective 21



*Trial of the Century:  
The People v. O. J. Simpson 22*

Rehabilitation Perspective 24

Due Process Perspective 25

Noninterventionist Perspective 25



*Analyzing Criminal Justice Issues:  
What to Do about Crime 26*

Justice Perspective 28

Restorative Justice Perspective 28

##### PERSPECTIVES IN ACTION: CONTROLLING THE DRUG TRADE 29

Crime Control Approaches 29

Justice Model 30

Rehabilitation Strategies 31

Noninterventionist Strategies 32

Restorative Justice Strategies 33

Perspectives in Perspective 33

Summary 34

Questions 35

Notes 35

#### CHAPTER 2

##### *The Nature of Crime and Victimization 37*

##### THE CONCEPT OF CRIME 38

##### HOW CRIME IS MEASURED 39

Survey Data 39

Record Data 40

Cohort Data 40

Observation Data 40

Interview Data 41

##### CRIME RATES AND TRENDS: THE UCR 41

How Is the UCR Compiled? 42

Official Crime Trends 43

Violent Crime Trends 44

Property Crime Trends 44

Arrest Trends 45

Solving Crime 45

Explaining Official Crime Trends 45



*International Justice:  
International Crime Trends 46*



*Analyzing Criminal Justice Issues:  
The Future of Crime in America 48*

Analysis of the Uniform Crime Reports 49

Revising the UCR 50

##### SELF-REPORTED CRIME DATA 51

Self-Reported Drug Use 53

Is the Survey Accurate? 54

##### VICTIMIZATION DATA: THE NCVS 54

Redesigning the NCVS 55

What the Victim Survey Shows 55

Victim Characteristics 55

##### ARE THE DATA SOURCES COMPATIBLE? 59

##### CRIME PATTERNS 59

Ecology and Crime 60

Social Class and Crime 61

Age and Crime 61

Gender and Crime 62

Race and Crime 63

**CRIMINAL CAREERS AND CRIME 64**



*International Justice:  
Transatlantic Research on Criminal Careers* 64

Summary 66

Questions 66

Notes 66

**CHAPTER 3**

*Understanding Crime and Victimization* 69

**CRIME IN THE UNITED STATES 70**

Violent Crime 70



*Criminal Justice and the Media:  
Seven* 73

Substance Abuse 73

Economic Crimes 74

**THE CAUSE OF CRIME 76**

**BECAUSE THEY WANT TO: CHOICE THEORY 77**

The Classical View of Crime 77

The Rational Criminal 78

Rational Crimes 79

Make 'Em Afraid I: The Concept of General Deterrence 79

Make 'Em Afraid II: Specific Deterrence 80

Make It Difficult: Situational Crime Prevention 81

**BECAUSE THEY'RE DIFFERENT: BIOLOGICAL THEORIES 82**

Biological Theory Today 82

**IT'S IN THEIR HEADS: PSYCHOLOGICAL THEORIES 84**

The Disturbed Mind: Psychoanalytic Theory 84

Learning to Commit Crime: Behavioral Theory 84



*Criminal Justice and the Media:  
The Media and Violence* 85

Developing Criminal Ideas: Cognitive Theory 86

Personality and Crime: The Psychopath 87

**SOCIOLOGICAL THEORIES 88**

Because They're Poor: Social Structure Theory 88



*Race, Gender, and Ethnicity in Criminal Justice:  
Race and Poverty: The Truly Disadvantaged* 90

Socialized to Crime: Social Process Theories 93

**CONFLICT THEORY 96**

Radical Feminist Views 97

**INTEGRATED THEORIES 98**

Multifactor Theories 98

Latent Trait Theories 99

Life Course 99

Analyzing Theory Integration 100

**THEORIES OF VICTIMIZATION 101**

Victim Precipitation 101

Lifestyle Theories 101

Routine Activities Theory 102

Summary 103

Questions 104

Notes 104

**CHAPTER 4**

*Criminal Law: Substance and Procedure* 108

**HISTORICAL DEVELOPMENT OF THE CRIMINAL LAW 109**

The Common Law 110

The Principle of Stare Decisis 110

Criminal Law and Civil Law 111

**PURPOSES OF THE CRIMINAL LAW 112**

Identification of Public Wrongs 112

Exertion of Social Control 112

Deterrence of Antisocial Behavior 112

Regulation of Punishments 113

Maintenance of the Social Order 113

**SOURCES OF THE CRIMINAL LAW 113**

Common Law and Statutes 113

Case Decisions 113

Administrative Rule Making 114

Constitutional Law and Its Limits 114

**CRIMES: CLASSIFICATIONS AND LEGAL DEFINITIONS 114**

Felonies and Misdemeanors 114



*Law in Review:  
Kansas v. Hendricks (1977)* 115

The Legal Definition of a Crime 116

**CRIMINAL RESPONSIBILITY 120**

Insanity 121



*Trial of the Century: The Hinckley Assassination  
Attempt on President Reagan* 124

Intoxication 124



*Law in Review:  
Powell v. Texas (1968)* 125

Age 126

**CRIMINAL DEFENSE: JUSTIFICATION AND EXCUSE 126**

Consent 126

Self-Defense 127

Entrapment 127



*Trial of the Century:  
The Subway Shooter* 128

Double Jeopardy 129  
Mistake, Compulsion, and Necessity 130  
Exotic Defenses 130

**SUBSTANTIVE CRIMINAL LAW REFORM 131**

The RICO Statute 131



*Analyzing Criminal Justice Issues:  
Public Policy through Lawmaking* 132

Federal Crime Legislation: 1984–1998 134

**CONSTITUTIONAL CRIMINAL PROCEDURE 135**

The U.S. Constitution 135

The Bill of Rights—More Than Two Hundred  
Years Old 135

**THE STATE CRIMINAL JUSTICE  
SYSTEM UNDER THE CONSTITUTION 139**

The Fourteenth Amendment 139

Application of the Bill of Rights to the States 139

Theories of Incorporation 140

**PROCEDURAL DUE PROCESS OF LAW 141**

**FUTURE DIRECTIONS IN CRIMINAL  
LAW AND PROCEDURE 142**

The U.S. Supreme Court 143



*Summary* 146



*Questions* 146



*Notes* 146

**CRIMINAL JUSTICE IN THE NEWS 148**

**PART TWO**

**The Police and Law  
Enforcement 149**

**CHAPTER 5**

*Police in Society: History and Organization* 151

**THE HISTORY OF POLICE 152**

Sir Robert Peel and His Bobbies 153



*International Justice:  
The Thief Takers* 154

The American Colonial Experience 154

Early Police Agencies 155

Twentieth-Century Reform 156

The Emergence of Professionalism 157

Policing in the 1960s 158

Policing in the 1970s 159

Policing in the 1980s 159

**POLICING IN THE 1990S: CONTEMPORARY STATE  
AND LOCAL LAW ENFORCEMENT 160**

Local Police 160



*Analyzing Criminal Justice:  
Rural versus Metropolitan Police* 161

County Law Enforcement 162

State Police 163

**FEDERAL LAW ENFORCEMENT AGENCIES 163**

The Justice Department (DOJ) 163

The Treasury Department 166

**LAW ENFORCEMENT IN THE TWENTY-FIRST CENTURY 167**

Decentralization 167

New Crime Categories 167

Efficiency 168

The Changing Face of Police Technology 168

**PRIVATE POLICING AND SECURITY 172**

Public-Private Cooperation 173

The Future of Private Security 174



*Summary* 175



*Questions* 175



*Notes* 175

**CHAPTER 6**

*The Police: Organization, Role, and Function* 177

**POLICE ORGANIZATION 178**

**THE POLICE ROLE 178**

Service versus Enforcement 180

Law Enforcement Activity 180

The Changing Police Role 181

**PATROL FUNCTION 181**

Does Patrol Work? 182

Proactive Patrol 182

Making Arrests 183

Does Increasing Resources Help? 183



*Race, Gender, and Ethnicity in Criminal Justice:  
Controlling Domestic Violence* 184

**INVESTIGATION FUNCTION 184**



*Analyzing Criminal Justice Issues:  
The Kansas City Gun Experiment* 186



*Criminal Justice and the Media:  
NYPD Blue* 187

Effectiveness of Investigation 187

Going Undercover 188



Improving Investigation Effectiveness 189

**CHANGING CONCEPTS OF POLICING:  
POLICE AND THE PUBLIC 190**

**COMMUNITY ORIENTED POLICING (COP) 191**

“Broken Windows” 191

The Philosophy of COP 192

COP in Action 194

Problem Oriented Policing (POP) 195

Challenges to the Revolution:  
Can New Models of Policing Work? 196

**POLICE SUPPORT FUNCTIONS 198**


Types of Support Functions 198


**ISSUES IN POLICE ADMINISTRATION AND MANAGEMENT 200**


Recruitment and Selection 200

Improving Police Productivity 203

Productivity Measures 204

 Summary 206

 Questions 206

 Notes 206

**CHAPTER 7**

*Issues in Policing 210*

**THE POLICE PROFESSION 211**

Police Culture 211

The Police Personality 212

Styles of Policing 213

**THE CHANGING COMPOSITION OF THE POLICE 216**

Educated Police Officers 216

Minority Police Officers 217

Female Police Officers 219

**APPLYING SOCIAL CONTROL: POLICE USE OF DISCRETION 222**

Environmental Influences on Discretion 222

Departmental Influences on Discretion 223

Peer Influences on Discretion 224

Situational Influences on Discretion 225

Criminal/Victim Influences on Discretion 225

**PROBLEMS OF POLICING 226**

Violence and the Police 226



*Race, Gender, and Ethnicity in Criminal Justice: Does  
Race Influence the Use of Discretion by Police? 228*

Police Stress 233



*Analyzing Criminal Justice Issues:  
Suing the Police 234*




*Analyzing Criminal Justice Issues:  
In the Line of Fire: Shootings of Police 236*

**CORRUPTION 236**



*Race, Gender, and Ethnicity in Criminal Justice:  
The Abner Louima Case 239*

 Summary 241

 Questions 242

 Notes 242

**CHAPTER 8**

*Police and the Rule of Law 246*

**IDENTIFICATION OF CRIMINAL BEHAVIOR 247**

Police and the Courts 248

**SEARCH AND SEIZURE 248**



*Trial of the Century: The Dr. Sam Sheppard Case:  
An Unsolved Mystery 249*

Search Warrant Requirements 250

Use of Informers 250

**WARRANTLESS SEARCHES 251**

Searches Incident to a Lawful Arrest 251



*Law in Review:  
Chimel v. California (1969) 252*

Field Interrogation: Stop and Frisk 253

Automobile Searches 254



*Law in Review:  
United States v. Ross (1982) 255*



*Analyzing Criminal Justice Issues: Traffic Stops:  
Undercutting the Fourth Amendment 256*

Consent Searches 256

The Bus Sweep 257

Drug Courier Profiles 258

The Doctrine of Plain View and Curtilage 258

**ELECTRONIC SURVEILLANCE 259**

The Law of Electronic Surveillance 260



*Law in Review:  
Katz v. United States (1967) 261*

**ARREST 261**

**CUSTODIAL INTERROGATION 263**

Historical Perspective on *Miranda* 263



*Law in Review:  
Miranda v. Arizona (1966) 264*

The Legacy of *Miranda* 265



*Analyzing Criminal Justice Issues:  
Confronting *Miranda*: Thirty Years Later 266*

**THE PRETRIAL IDENTIFICATION PROCESS 268**

## THE EXCLUSIONARY RULE—"SHOULD THE CRIMINAL GO FREE BECAUSE THE CONSTABLE BLUNDERED?" 270

Current Status 271



*Law in Review:*  
Mapp v. Ohio (1961) 272



*Analyzing Criminal Justice Issues:*  
Confronting the Exclusionary Rule Again 273

## THE FUTURE OF THE EXCLUSIONARY RULE 274

Summary 275

Questions 275

Notes 276

## CRIMINAL JUSTICE IN THE NEWS 277

## PART THREE

# Courts and Adjudication 279

## CHAPTER 9

*Courts and the Judiciary* 281

## CRIMINAL COURT PROCESS 282

### THE STRUCTURE OF THE STATE COURT SYSTEM 283

Lower Trial Courts: Courts of Limited Jurisdiction 283



*Analyzing Criminal Justice Issues:*  
The Craft of Justice 284

Felony Courts: Courts of General Jurisdiction 285



*Analyzing Criminal Justice Issues:*  
Routine Justice Gone Awry: The Nathan Thill Case 286

Specialty Courts 286

Appellate Courts 287

Model State Court Structure 288

### THE STRUCTURE OF THE FEDERAL COURTS 288

Federal District Courts 289

Federal Appellate Courts 292

The U.S. Supreme Court 292



*Analyzing Criminal Justice Issues:*  
The Role of the High Court and States' Rights 294

## COURT CASELOADS 296

Reducing Court Congestion 296

## THE JUDICIARY 298

Judicial Qualifications 299

Judicial Selection 299



*Trial of the Century:*  
Commonwealth v. Woodward 300

Judicial Alternatives 302

## COURT ADMINISTRATION 302

Technology and Court Management 303

## COURT UNIFICATION 304

Summary 305

Questions 305

Notes 305

## CHAPTER 10

*The Prosecution and the Defense* 307

## THE PROSECUTOR 308

Local Prosecution—a Profile 309

Politics and Prosecutors 309

The Duties of the Prosecutor 310



*Analyzing Criminal Justice Issues:*  
The Role of Politics and Partisanship  
in Law Enforcement 311



*Trial of the Century: The Sacco and Vanzetti Case:*  
Anarchism, Ethnicity, and Inadequate Evidence 312

Priority Prosecution in the Twenty-First Century 312

Types of Prosecutors 314



*Analyzing Criminal Justice Issues:*  
Cybercrime 315

The Law Enforcement Role of Prosecutors 315

## PROSECUTORIAL DISCRETION 317



*Analyzing Criminal Justice Issues: What Are the Most*  
Common Reasons for Rejection or Dismissal  
of a Criminal Case? 318

Extent of Discretion 318

The Role of Prosecutorial Discretion 320

## THE DEFENSE ATTORNEY 322

The Role of the Criminal Defense Attorney 323

Ethical Issues 324

## THE RIGHT TO COUNSEL 325

The Private Bar 326



*Law In Review:*  
Gideon v. Wainwright (1963) 328

## LEGAL SERVICES FOR THE INDIGENT 328

Types of Indigent Defender Systems 329

Costs of Defending the Poor 332

## THE DEFENSE LAWYER AS A PROFESSIONAL ADVOCATE 333

The Adversary System Reconsidered 334

## THE COMPETENCE OF DEFENSE LAWYERS 334

Defining Attorney Competence 335

Relations between Prosecutor and Defense Attorney 336

Summary 338

Questions 338

Notes 338

## CHAPTER 11

### Pretrial Procedures 340

#### PROCEDURES FOLLOWING ARREST 341

Misdemeanor Procedures 341



*Criminal Justice and the Media:  
Law and Order* 342

Felony Procedures 342

Pretrial Services 343

#### BAIL 345

The Legal Right to Bail 345

Receiving Bail 346

Bail Bonding Today 348

History of Bail Reform 348

#### THE PREVENTIVE DETENTION CONTROVERSY 350

The Legality of Preventive Detention 350



*Law in Review:  
United States v. Salerno (1987)* 351

#### PRETRIAL DETENTION 351

The Consequences of Detention 352

#### THE INDICTMENT PROCESS 353

The Grand Jury 353

The Preliminary Hearing 354

Arraignment 356

The Plea 356

#### PLEA BARGAINING 357

Legal Issues in Plea Bargaining 358



*Law in Review:  
United States v. Mezzanatto (1995)* 360

Plea-Bargaining Decision Making 360

The Nature of Plea Bargaining 361



*Trial of the Century:  
The Junk Bond King* 363

The Role of the Prosecutor in Plea Bargaining 363

The Role of the Defense Counsel in Plea Bargaining 364



*Trial of the Century: Ted Kaczynski:  
The Unabomber* 365

The Judge's Role in Plea Bargaining 365

The Victim and Plea Bargaining 366

Plea-Bargaining Reform 367

#### PRETRIAL DIVERSION 369



*Analyzing Criminal Justice Issues:  
The Case for Plea Bargaining* 369

Summary 371

Questions 372

Notes 372

## CHAPTER 12

### The Criminal Trial 374

#### LEGAL RIGHTS DURING TRIAL 376

The Right to Confront Witnesses 376

The Right to a Jury Trial 377

The Right to Counsel at Trial 379



*Law in Review:  
Powell v. Alabama (1932)* 380

The Right to Self-Representation 381



*Law in Review:  
Argersinger v. Hamlin (1972)* 381

The Right to a Speedy Trial 382

#### FAIR TRIAL VERSUS FREE PRESS 384

The Law of Fair Trial 385

The Right to a Public Trial 385

High-Profile Criminal Trials 386

#### THE TRIAL PROCESS 387



*Analyzing Criminal Justice Issues:  
Should We Televisе Criminal Trials?* 388

Jury Selection 388



*Trial of the Century:  
Oklahoma City Bombing Trial:  
Model of Judicial Efficiency* 390



*Law in Review:  
Batson v. Kentucky (1986)* 393

Opening Statements 395

Presentation of the Prosecutor's Evidence 395



*Race, Gender, and Ethnicity in Criminal Justice:  
Jury Selection and Peremptory Challenges* 396

Types of Evidence at a Criminal Trial 396

Motion for a Directed Verdict 398

Presentation of Evidence by the Defense Counsel 398

Closing Arguments 398

Instructions to the Jury 398

The Verdict 399

The Sentence 400

The Appeal 400

#### JURY REFORM IN AMERICA 401

#### EVIDENTIARY STANDARDS 403



*International Justice:  
A Comparison of the American  
and English Trial Processes* 404

Summary 406

Questions 406

Notes 406