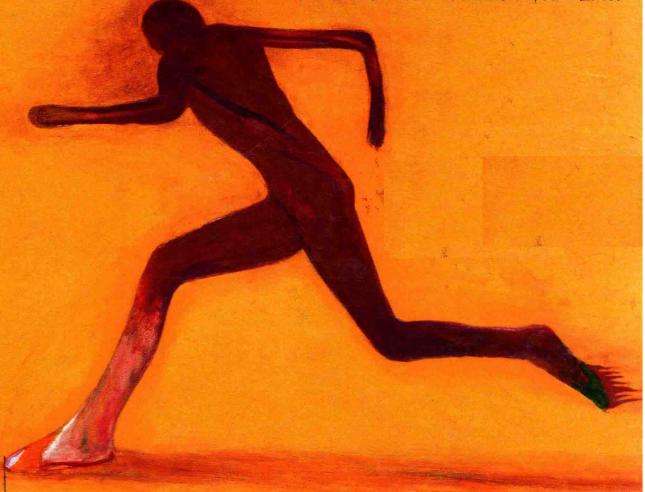
JUVENILE EIGHTH EDITION DELINGUENCY

THEORY, PRACTICE, AND LAW



LARRY J. SIEGEL BRANDON C. WELSH JOSEPH J. SENNA

Juvenile Delinquency Theory, Practice, and Law

EIGHTH EDITION

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Juvenile Delinquency and Children's Rights in the United States and Abroad

1825

New York House of Refuge is founded.

1828

Boston House of Refuge is founded.

1838

Ex Parte Crouse—Parens patriae concept relied on. The right of the parent is not inalienable.

1841

John Augustus, first official probation officer in the United States, begins work in Boston.

1847

State institutions for juvenile delinquents open in Boston and New York.

1850

The House of Refuge in Philadelphia closes.

1851

The first adoption act in the United States is passed in Massachusetts.

1853

New York Juvenile Asylum started by the Children's Aid Society.

1881

Michigan begins child protection with the Michigan Public Acts of 1881.

1884

The state assumes the authority to take neglected children and place them in an institution. See *Reynolds v. Howe*, 51 Conn. 472, 478 (1884).

1886

First neglect case is heard in Massachusetts.

1889

Board of children's guardians is established in Indiana and given jurisdiction over neglected and dependent children.

1890

Children's Aid Society of Pennsylvania, a foster home for the juvenile delinquent used as an alternative to reform schools, is established.

1891

Supreme Court of Minnesota establishes the doctrine of parental immunity.

1866

Massachusetts establishes that the state has power over children under 16 whose parents are "unfit."

1868

Passage of the Fourteenth Amendment to the U.S. Constitution

1870

Illinois Supreme Court reverses Dan O'Connell's vagrancy sentence to the Chicago Reform School due to lack of due' process procedures in People v. Turner.

1875-1900

Case Law begins to deal with protective statutes.

1897

Ex Parte Becknell, a California decision that reverses the sentence of a juvenile who has not been given a jury trial

1899

Illinois Juvenile Court Act

1903-1905

Many other states pass juvenile court acts.

1905

Commonwealth v. Fisher—Pennsylvania Court upholds the constitutionality of the Juvenile Court Act.

1906

Massachusetts passes an act to provide for the treatment of children not as criminals but as children in need of guidance and aid.

1908

Ex Parte Sharpe defines more clearly the role of the juvenile court to include parens patriae.

Legislation establishes juvenile justice in Canada (*Juvenile Delinquents Act*) and in England (*Children Act*)

1910

Compulsory school acts

1918

Chicago area studies are conducted by Shaw and McKay.

1924

Federal Probation Act

1930

Children's Charter

continued on back inside cover

1900 1910 1920 1930 1940

To my wife, Therese J. Libby, and my children, Julie, Andrew, Eric, and Rachel

—L.J.S.

To my wife, Jennifer, and our son, Ryan
—B.C.W.

To my wife, Janet, and my children, Christian, Stephen, Peter, and Joseph

—J.J.S.

About the Authors

LARRY I. 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. 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.

BRANDON C. WELSH was born in Canada. He received his undergraduate and M.A. degrees at the University of Ottawa and his Ph.D. from the University of Cambridge in England. Dr. Welsh is currently an assistant professor at the University of Massachusetts—Lowell. He teaches graduate and undergraduate courses on crime prevention, juvenile delinquency, policing, and international criminology.

His research interests include the prevention of crime and delinquency and the economic analysis of crime prevention programs. Dr. Welsh has published extensively in these areas, including two books with Drs. David Farrington and Lawrence Sherman. He lives in Brookline, New Hampshire, with his wife and son.

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 specialities 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.

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orthern New Hampshire is known for its beautiful scenery and laid-back lifestyle, not violent crime. So when two Dartmouth College professors—Half Zantop, 62, an economic geologist, and his wife, Susanne, 55, who chaired the German Studies department—were found dead in their home on January 27, 2001, the killings rocked the state. The murders had been carried out in a particularly grisly fashion: Each had been stabbed repeatedly in the neck, chest, and head with a military-style knife. Police quickly traced the weapons used in the killings to Robert Tulloch, 17, and James Parker, 16, who lived in Chelsea, Vermont, a town of about 1,200 people located about 20 miles northwest of the Zantop's home in Etna, New Hampshire.

The murders seemed to make no sense to the people who knew the boys. Chelsea is a peaceful village. Robert Tulloch was a student council president, champion debater, and a good student who did well in tough courses, such as precalculus and physics. James Parker, 16, played on the high school basketball team and was known as a fun-loving jokester. Both Parker and Tulloch came from families who were well respected in the community.

The Zantop murders raise many issues concerning youth crime and juvenile delinquency. What could possibly motivate two young people with no history of violent crimes to commit such ghastly acts? They were not inner-city youths growing up in poverty and despair. Those familiar with the case seemed baffled by their outburst of violence. And, considering their youth and immaturity, what would be a fitting punishment for their act: life in an adult prison? the death penalty? On April 4, 2002, the boys pled guilty to murder. Robert Tulloch received a mandatory sentence of life without parole, while James Parker was sentenced to 25 years to life as an accomplice to murder (Parker had struck a deal and agreed to testify against Tulloch).

Cases such as the Zantop murders have sparked interest in the study of juvenile delinquency, and it is not surprising, considering the national concern with the problems of youth, that courses on juvenile delinquency have become popular offerings on the nation's college campuses. We wrote *Juvenile Delinquency: Theory, Practice, and Law* to help students understand the nature of juvenile delinquency and its causes and correlates, as well as the current strategies being used to prevent or control its occurrence. The text also reviews the legal rules that have been set down either to protect innocent minors or control adolescent misconduct. Thus the text addresses such questions as these: Can children be required to submit to drug testing in school? Can teachers search suspicious students or use corporal punishment as a method of discipline? Should children be allowed to testify on closed-circuit TV in child abuse cases? Should a minor be given a death penalty sentence?

Because the study of juvenile delinquency is a dynamic, ever-changing field of scientific inquiry and because the theories, concepts, and processes of this area of study are constantly evolving, we have updated *Juvenile Delinquency: Theory, Practice, and Law,* Eighth Edition, to reflect the changes that have taken place in the study of delinquent behavior during the past few years.

Like its predecessors, the eighth edition includes a review of recent legal cases, research studies, and policy initiatives. Also like earlier editions, its aim is to provide

a foundation for the study of juvenile delinquency by analyzing and describing the nature and extent of delinquency, the suspected causes of delinquent behavior, and the environmental influences on youthful misbehavior. It also covers what most experts believe are the critical issues in juvenile delinquency and analyzes crucial policy issues, including the use of pretrial detention, waiver to adult court, and restorative justice programs. This edition adds three new chapters—one on developmental views of delinquency, another on delinquency prevention, and a third on delinquency and juvenile justice abroad—to reflect the growing interest in these important topics.

Goals and Objectives

Our primary goals in writing this Eighth Edition remain the same as that for previous editions:

- To be as objective as possible, presenting the many diverse views and perspectives that characterize the study of juvenile delinquency and reflect its interdisciplinary nature.
- 2. To maintain a balance of theory, law, policy, and practice. It is essential that a book on delinquency address the juvenile justice system when discussing theory and include legal issues and cases when covering current policies.
- **3.** To be as thorough and up-to-date as possible. We have attempted to include the most current data and information available.
- **4.** To make the study of delinquency interesting as well as informative. We want readers to become interested in the study of delinquency so that they will pursue it on an undergraduate or graduate level.

We have tried to provide a book that is both scholarly and informative, comprehensive yet interesting, well organized and objective, yet provocative and thought provoking. We hope you agree that we have been successful in reaching our goals.

Organization of the Text

The Eighth Edition of Juvenile Delinquency is divided into four main sections.

Part One examines the concept of delinquency and status offending, the measurement of delinquency, and the trends and patterns in the delinquency rate. Chapter 1 contains extensive material on the history of childhood and the legal concept of delinquency and status offending. This material enables the reader to understand how the concept of adolescence evolved over time and how that evolution influenced the development of the juvenile court and the special status of delinquency. Chapter 2 covers the measurement of delinquent behavior, the trends and patterns in teen crime, and also discusses the correlates of delinquency, including race, gender, class, age, and chronic offending.

Part Two describes the various theoretical models that have been used to explain the onset of delinquent behavior. Chapter 3 covers recent individual-level views that focus on choice, biological, and psychological theories. Chapter 4 looks at theories that hold that economic, cultural, and environmental influences control delinquent behavior. Chapter 5 covers the newly emerging developmental theories of delinquency, including such issues as the onset, continuity, paths, and desistance of a delinquent career.

Part Three covers the environmental and individual correlates of delinquency. It begins with Chapter 6 on gender and delinquency, which explores the sex-based differences that are thought to account for gender patterns in the delinquency rate. Also

in Part Three are chapters that cover the influence of families (Chapter 7), peers (Chapter 8), schools (Chapter 9), and drugs (Chapter 10). Part Three concludes with a new chapter, Chapter 11, that addresses social and developmental perspectives on delinquency prevention. It examines a wide range of innovative programs and policies applicable during the childhood and teenage years to prevent young people's involvement in delinquency.

Part Four addresses juvenile justice advocacy. It covers both the history of juvenile justice and the philosophy and practice of today's juvenile justice system. Chapter 12 gives extensive coverage to the emergence of state control over children in need and the development of the juvenile justice system. It covers the contemporary juvenile justice system, the major stages in the justice process, the role of the federal government in the juvenile justice system, and an analysis of the differences between the adult and juvenile justice systems. It also provides extensive coverage of the legal rights of children, including a new time line of constitutional cases. Chapter 13 discusses the role of police in delinquency prevention. It covers legal issues such as major court decisions on school searches and *Miranda* rights of juveniles. It also examines how race and gender affect police discretion, as well as efforts by police departments to control delinquent behavior. Chapter 14, which covers the juvenile trial process through sentencing, includes coverage of plea bargaining in juvenile court, the use of detention, and transfer to adult jails. It also contains an analysis of the critical factors that influence the waiver decision.

Chapter 15's coverage of juvenile corrections includes material on probation and other community dispositions, including restorative justice programs and secure juvenile corrections, with an emphasis on legal issues such as the right to treatment and controversial programs such as boot camps. The final chapter, Chapter 16, looks at juvenile delinquency abroad and examines how juvenile justice systems in other nations compare with the system used in the United States.

What's New in This Edition

We have added a number of important new features to this edition. On the author team, we are joined by a new colleague, Dr. Brandon Welsh, who contributes his expertise on delinquency prevention and international delinquency. We are very pleased that Brandon has joined our team.

Each chapter now begins with a real-life vignette illustrating an actual dilemma that highlights issues relevant to the chapter's study of juvenile delinquency and helps draw students immediately into the chapter. Also included are InfoTrac[®] College Edition exercises—scattered throughout each chapter and at the end of the boxed features—that direct students to a variety of relevant articles supplementing the material found in the chapter itself. InfoTrac College Edition is an online library containing hundreds of thousands of current articles, many related to juvenile delinquency. To encourage students to think critically, we have added critical-thinking questions at the end of each boxed feature, where we take a look at specific topics or events in greater detail.

We have thoroughly updated each chapter in this new edition. Following are a few of the more important changes and updates we have made.

We begin Chapter 1 with an analysis of the 2001 case of 14-year-old Nathaniel Brazill, who killed his teacher in Florida. In the chapter itself, we updated data on the state of America's children, including the latest statistics on adolescent poverty. We also added new information on why kids take risks, and we address the results of a national police survey on the use of juvenile curfews in the new *Policy and Practice* box, "Keeping Truants in School."

In Chapter 2 we added a new discussion on the youngest victims as well as new material on the background of chronic offenders. We also incorporated a new section

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on the relationship between gun possession and juvenile delinquency. In this chapter, you will see two new boxes: The first, *Focus on Delinquency*: "Delinquent and Victim: One and the Same?" looks at the relationship between delinquents and victims, while the second, *Focus on Delinquency*: "Internet Victimization," reviews this growing national phenomenon.

Chapter 3 includes a new box, *Focus on Delinquency*: "Delinquency as Problem Solving," which shows how kids may turn to delinquency to deal with personal issues. A second box, *Focus on Delinquency*: "Diet and Delinquency," reviews research indicating that aggression may be linked to food intake. We also added new sections on the relationship between lead exposure and homicide, female violence and personality, and the continuing debate over birth order, family size, and intelligence.

Sociological views of delinquency are reviewed in Chapter 4. We added new data on the key national indicators of well-being to the chapter, which now also covers such topics as economic deprivation and changes in homicide arrest rates; the concept of collective efficacy; and the political, economic, and social consequences that influence children when prisoners return to communities. There is new evidence on how the ethnic composition of neighborhoods is related to perceived risk of crime, and other new sections include discussions on whether disorder in urban neighborhoods leads to crime, the association between adolescent religious commitment and crime, and the impact of maternal employment on delinquency.

Chapter 5 is new to this edition. Topics include life transitions, problem behavior syndrome, pathways to crime and delinquency, delinquent trajectories, continuity of crime and delinquency, age-graded theories, and the concept of latent traits. Among the boxes included in this new chapter are *Focus on Delinquency:* "The Cambridge Youth Study" and *Focus on Delinquency:* "Five Hundred Delinquent Boys in the New Millennium."

The association between gender and delinquency is the topic of Chapter 6. In it, we included new material on girls in the juvenile justice system and how gender relates to delinquency in the everyday lives of high-risk youths. There is also a new *Focus on Delinquency* box, "Girls on the Run," which deals with the lives of runaway teens.

Chapter 7 has been fully updated. We added new data on the changing American family, as well as on the sexual exploitation of children. We also included recent surveys of child abuse, child maltreatment, and child abuse cases reported to the police, and added a new section on parental efficacy and delinquent behavior. You will find two new *Focus on Delinquency* boxes: "Does Divorce Matter? Two Opposing Views on Families in Crisis" and "Relationship between Substance Abuse and Child Maltreatment."

We updated Chapter 8 with data from the most recent youth gang surveys and added two new boxes, *Policy and Practice*: "Boston's Youth Violence Strike Force (YVSF)" and *Focus on Delinquency*: "Gang Boys and Guns."

In Chapter 9 we added new data on school-based crime, including school shootings and a discussion on bullying in the new *Focus on Delinquency* box, "Bullying in School." We also updated the legal component with cases such as *Good News Club v. Milford Central School* (2001) on school prayer.

Chapter 10 now covers the relationship between mental health and substance abuse among adolescents. You will also see that it reviews the new (2001) D.A.R.E. curriculum, and the relationship between alcohol and interpersonal aggression during adolescence. There are new sections on prevention, including breaking the juvenile drug/crime cycle and preventing and reducing substance use among institutionalized adolescents.

Brand new for this edition, Chapter 11 provides an overview of current efforts to prevent delinquency before it occurs. It looks at the financial costs of delinquency as a justification for prevention. It covers what works and what doesn't in preventing delinquency in childhood and adolescent years. It also presents the policy implications of early delinquency prevention programs.

Chapter 12 was updated with new material on the history of the House of Refuge movement. We also added new perspectives on the future of juvenile justice, going into further depth on specific aspects of the topic in boxes such as *Policy and Practice*: "Teen Courts" and *Policy and Practice*: "Abolish the Juvenile Court?"

We thoroughly revamped Chapter 13. We now look at what works and what doesn't in policing for delinquency prevention and cover such topics as aggressive law enforcement, community-based policing services, and police in schools. We examine integrated policing models and look at new research on police discretion.

In this edition, we streamlined the discussion on the juvenile court process by combining two chapters—one on pretrial procedure and another on trials and sentencing—into one that covers all three phases. Chapter 14 contains new data on court case flow and changes in the pretrial detention of children, as well as new material that supports the waiver of children to adult court. Finally, we added a new box, *Policy and Practice:* "The Detention Diversion Advocacy Program," that discusses efforts to reduce reliance on detention.

Instead of addressing juvenile probation and community treatment in one chapter and institutions for juveniles in another as we did in the previous edition, we now address all three topics in a single chapter: Chapter 15. To this chapter, we added new material on innovations in correctional treatment for juveniles, up-to-date research on the effectiveness of boot camps, and an assessment of new data on disproportionate minority confinement.

Chapter 16 is a brand-new chapter. In it, we compare the juvenile delinquency rates across a variety of countries and examine why the rate has or has not climbed in certain instances, including a closer look at a rising rate in Japan in the *Focus on Delinquency* box, "Youth Violence on the Rise in Japan." We also examine the juvenile justice systems across countries. We address how they are managed, as well as how special issues, such as the use of juvenile courts and transfers to adult courts, are handled abroad. We end the chapter with a special profile on juvenile justice in England and how it compares with the system in the United States.

Learning Tools

The text contains the following features designed to help students learn and comprehend the material:

- 1. Each chapter begins with a chapter outline.
- 2. The book contains more than 200 photos, tables, figures, and exhibits.
- 3. The book is now more closely linked to the Internet. Numerous research exercises in each chapter, called *A Closer View*, direct students to important articles and sources on InfoTrac College Edition, the comprehensive Web-based database. There are also Web-link features throughout each chapter. These provide Web site addresses that can be accessed for more information on topics covered in the text. Keep in mind, however, that although we have attempted to select stable sites, URLs frequently change over the course of time.
- **4.** As in previous editions, we have included *Focus on Delinquency* boxes that address topics of special importance and concern. For example, in Chapter 3, a box called "Diet and Delinquency" discusses whether children's food intake can affect their behavior.
- 5. Juvenile Law in Review boxes include major Supreme Court cases that influence and control the juvenile justice system. For example, In re Gault, which defines the concept of due process for youthful offenders, is covered in a box in Chapter 14.
- 6. Policy and Practice boxes discuss major initiatives and programs. For example, in Chapter 16, the box "Precourt Diversion Programs around the World" tells

how keeping youths who have become involved in minor delinquent acts from being formally processed through the juvenile justice system has become a top priority of many countries.

7. Each of the boxes—Focus on Delinquency, Juvenile Law in Review, and Policy and Practice—includes critical-thinking questions and InfoTrac College Edition references intended to motivate students to develop their ability to apply the concepts covered in the text, as well as cultivate a critical perspective.

8. Each chapter ends with a *Viewpoint* feature that uses material found in articles from InfoTrac College Edition to lead students to research ideas contained within

the chapter.

9. Key terms are defined throughout the text as they appear in each chapter.

- 10. Each chapter ends with thought-provoking discussion questions to help students review and gain a deeper understanding of the material covered in the chapter.
- 11. A glossary sets out and defines the key terms used in the text.

Supplements

Juvenile Delinquency, Eighth Edition, is accompanied by a wide array of supplements prepared for both the instructor and student to create the best learning environment inside as well as outside the classroom. All the continuing supplements for Juvenile Delinquency, Eighth Edition, have been thoroughly revised and updated, and several are new to this edition. Especially noteworthy are the new media- and Internet-based supplements. We invite you to examine and take full advantage of the teaching and learning tools available to you.

For the Instructor

Instructor's Resource Manual This revised and updated Instructor's Resource Manual includes the following for every chapter: learning objectives, key terms with definitions, detailed chapter outlines, chapter summaries, and a test bank. The completely new test bank features the following for each chapter: 25 multiple choice, 20 true/false, 15 fill-in-the-blank, and 3 essay questions.

ExamView ** Computerized Testing ExamView helps you create and customize tests in minutes. You can easily edit and import your own questions and graphics, edit and maneuver existing questions, and change test layouts. Tests appear on screen just as they will when printed. ExamView offers flexible delivery and the ability to test and grade online.

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Classroom Presentation Tools for the Instructor

Juvenile Delinquency 2003: A Microsoft® PowerPoint® Presentation Tool This set of over 500 slides will help you enhance your classroom presentations quickly and easily.

Transparency Acetates for Juvenile Delinquency This set of 50 full-color transparencies will help you enhance your discussion of key concepts and research findings effortlessly.

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

For the Student

Study Guide For each chapter of the book, this helpful guide contains learning objectives, detailed chapter outlines, key terms with definitions, critical-thinking exercises, and a practice test. The practice test questions include 35 multiple choice, 25 true/false, 20 fill-in-the-blank, and 5 essay questions.

Internet Activities for Criminal Justice, Second Edition This completely updated booklet shows how to best utilize the Internet for research through interesting and informative exercises, searches, and activities.

Internet Guide for Criminal Justice, Second Edition Intended for the less-experienced Internet user, the first part of this completely revised booklet explains the background and vocabulary necessary for navigating the Internet, while the second part focuses on Internet applications in criminal justice, doing criminal justice research online, and criminal justice career information on the Web.

InfoTrac College Edition Student Guide for Criminal Justice This booklet provides detailed user guidelines for students, illustrating how to use the InfoTrac College Edition database. Special features include log-in help, a complete search tips worksheet, and a topic list of suggested keyword search terms for criminal justice.

The Criminal Justice Internet Investigator, Third Edition This colorful trifold brochure lists some of the most popular Internet addresses for criminal justice-related Web sites.

Internet-Based Supplements

WebTutor® Advantage This Web-based software for students and instructors takes a course beyond the classroom to an anywhere, anytime environment. Students gain access to a full array of study tools, including chapter outlines, chapter-specific quizzing material, interactive games and maps, and videos. With WebTutor Advantage, instructors have access to an assortment of communication and class management tools. Instructors can provide virtual office hours, post syllabi, track student progress with the quizzing material, and even customize the content to suit their needs. They can also set up threaded discussions and conduct real-time chats. "Out of the box" or customized, WebTutor Advantage provides powerful tools for instructors and students alike.

Criminal Justice Resource Center at http://cj.wadsworth.com This Web site provides instructors and students with a wealth of *free* information and resources, such as:

- The Criminal Justice Timeline
- What Americans Think
- BookFinder
- Terrorism: An Interdisciplinary Perspective
- National Criminal Justice Reference Service Calendar of Events

and so much more!

The Criminal Justice Resource Center also includes text-specific Web sites with chapter-specific resources for instructors and students. For instructors, the Web sites offer password-protected instructor's manuals, Microsoft PowerPoint presentation slides, and more. For students, there is a multitude of text-specific study aids. These chapter-specific features are available for students using many of Wadsworth's criminal justice and criminology textbooks:

- Tutorial practice quizzes that can be scored and emailed to the instructor
- Internet links and exercises
- InfoTrac College Edition exercises
- Flashcards
- Crossword puzzles
- MicroCase Exercises. On the text-specific Web site for Juvenile Delinquency, Eighth Edition, the activities for Chapters 2, 7, 10, and 12 (chapters particularly amenable to statistical research) include exercises with real data and corresponding questions that give students the opportunity to extend their exploration and analysis of the criminal justice issues and principles presented in the text. Basic univariate statistics, mapping, and cross-tabulations give students a chance to discover criminal justice by using the same data and methods utilized by professional researchers.

To access all these exciting text-specific Web resources, go to The Wadsworth Criminal Justice Resource Center at http://cj.wadsworth.com and follow these steps:

- Click either Student Resources or Instructor Resources on the left navigation bar. If you are an instructor, you will be prompted to enter a user name and password.
- 2. Click the cover of the text that you use.

Acknowledgments

The preparation of this text would not have been possible without the aid of our colleagues who helped by reviewing the previous editions and giving us important suggestions for improvement.

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