



Criminal Justice In America

Process and Issues

SECOND EDITION

Peter Kratcoski / Donald Walker

*To Lucille, Debbie, and
Peter Kratcoski and Lori, Dale,
and Scott Walker*

Second Edition
987654321

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Preface

The issues surrounding the American criminal justice process today are so complex and important that they must be examined in detail if students are to gain a perspective on the social, political, and economic implications of the operation of the process. *Criminal Justice in America: Process and Issues*, Second Edition, accomplishes this not only by providing chapters that describe the operation of the law enforcement, judicial, and correctional components of the process but also by presenting separate chapters that address the issues surrounding each of these components.

This edition's new Chapter 1 prepares the student to comprehend the issues presented in subsequent chapters by giving an overview of the major components of the criminal justice process. Chapters 2 and 3 build on this foundation, placing criminality in a historical perspective and examining the various schools of thought on the causes of crime and the classification of crimes and criminals. The importance of legislation, which provides the framework within which the law enforcement, judicial, and correctional components of the criminal justice process operate, is highlighted separately in Chapter 4.

The treatment of the law enforcement process and related issues has been expanded to three chapters in this edition. In Chapter 5 we describe the role of the police and the various types of police departments and police activities. Then in Chapter 6 we take up the important issues surrounding the law enforcement process: police discretion; aggressive law enforcement; arrest and interrogation procedures; police brutality and corruption; ways of disciplining police; and stresses on police officers. Chapter 7 deals with issues related to the administration of law enforcement: police training and education; police unions, work stoppages, and collective bargaining; the role of women in police work; the recruitment of minority officers; the use of civilians in police work; and police-community relations.

The judicial process and issues surrounding it receive similarly detailed treatment. After describing the judicial process itself in Chapter 8, we turn in Chapter 9 to the major controversies in that area: pretrial release and preventive detention; the impact of court decisions related to providing counsel for the indigent and the right to a speedy trial; plea bargaining; disparities in sentencing; and judicial dereliction and corruption.

The coverage of the correctional process and issues related to it has been expanded to three chapters. In Chapter 10 we discuss the increasing use of alternatives to incarceration: probation, restitution, and community service. Chapter 11 takes up the topics of institutionalization and return to the community. In Chapter 12 we consider the major issues in corrections: the debate over capital punishment; conflicting views of the purpose of incarceration—punishment or rehabilitation; problems of parole and recidivism; and the question of the effectiveness of community corrections.

Chapter 13 describes the juvenile justice process, while Chapter 14 examines the issues surrounding it, with special emphasis on the debate over removal of status offenders from juvenile court jurisdiction, on the action taken in several states to provide more severe penalties for violent juvenile offenders, and on the issue of juvenile offenders' rights to treatment and punishment.

In addition to its focus on issues, the second edition of *Criminal Justice in America* has two features that set it apart from other texts: its separate chapter (15) on cross-cultural comparisons of criminal justice in the United States, France, Sweden, and Canada, and its new chapter (16) on the emergence of criminal justice as a profession, with entrance requirements and ethical standards. In this chapter we examine the issue of professional autonomy of criminal justice personnel, as opposed to control by politicians and administrators. The text concludes, in Chapter 17, with a look at the future: trends in criminal justice philosophy and the changes that are likely to take place in the criminal justice process.

Criminal Justice in America, Second Edition, includes the findings of recent research on all aspects of the criminal justice process, analysis of materials published by various justice agencies, and syntheses of our interviews with criminal justice personnel, concerned citizens, and accused and convicted offenders. Students will find here the most recent data available on crime rates, changes in criminal activity, the number and disposition of juvenile and adult cases processed by criminal justice agencies, the number and types of professionals in the criminal justice field, the outlook for job opportunities, and the sources and distribution of funds.

Throughout this book we take no ideological stand, but try to present a complete and balanced view of the material. Many case studies and examples are used to illustrate the depth and complexity of the critical issues in criminal justice. Our goal is to help readers not only to develop a knowledge of the operation of the criminal justice process, but also to feel

compassion for the victims of crime, to appreciate the complex causes of crime, and to feel motivated to work for the eradication of inequality and injustice.

Many colleagues, students, and friends have contributed to the preparation of this book. We would like to thank the critical readers listed opposite the title page, who suggested many improvements. We owe a special measure of gratitude to Professors Frank E. Hartung and Joseph Albin of Wayne State University and Professors Thomas Coffey and Theodore Curtis of the University of Michigan at Flint, for their critical appraisal of and helpful suggestions on the first edition of this book. Our appreciation is also extended to the late Judge John Thomas; Judge Norman Fuerst; Attorney William McLane; Joseph Janesz, chief probation officer of the Cuyahoga County (Ohio) Probation Department; Susan Kunkle, probation officer of the Stark County (Ohio) Family Court; Walter Kramer, retired director of the Portage County (Ohio) Juvenile Court; David Yonas, social worker at Ohio Boys' Village; Captain Richard Radich of the Warren (Ohio) Police Department; Professors B. Earle Roberts and Mary Ann Kenny of Kent State University; George B. Lockwood; Kirk Scheuerman; Jeffrey S. Kostbar; and Andrea Boyarko. Patsy McClendon, Mary Metivier, and Wanona Gembar assisted with their skillful typing of portions of the manuscript. Special appreciation is extended to Lucille Dunn Kratcoski, who assisted in all phases of the research, editing, and typing of the manuscript.

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Peter C. Kratcoski
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SECOND EDITION

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Introduction

Increasing crime rates, urban riots, and civil disobedience during the decade of the 1960s served to focus attention on the administration of justice in American society. One consequence of this increased attention was the development of interest in organizations and agencies serving the criminal justice process.

In response to the growing national concern over crime and lawlessness, President Lyndon Johnson established the President's Commission on Law Enforcement and the Administration of Justice on July 23, 1965. This commission, composed of leading specialists in the field of justice, undertook a broad inquiry into the underlying nature of crime in our society and the manner in which the major organizations of law enforcement, courts, and corrections were attempting to deal with it. The commission began reporting its findings to Congress in 1967 in the form of task force reports detailing strengths and weaknesses and including numerous specific recommendations for improvements. In 1968 Congress passed the Omnibus Crime Control and Safe Streets Act, which created the first federal agency specifically designed to assist states—and through them, local communities—in combating crime and improving justice services. This agency, The Law Enforcement Assistance Administration (LEAA), began to operate in 1969 with an initial budget of \$60 million. Appropriations for LEAA grew rapidly, reaching \$810.7 million by 1976; by 1982, the last full year of its operation, LEAA had channeled some \$5 billion into the nation's criminal justice agencies to fight crime.

A second consequence of the increased attention to the problem of crime and the administration of justice during the 1960s and early 1970s was that crime became a significant political issue. Crime, as a political issue, figured prominently in the presidential campaigns of 1968 and 1972. On the local level, crime was also a political issue in a number of major cities, including Philadelphia, Detroit, and Milwaukee.