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CRIMINAL JUSTICE



96/97

CRIMINAL JUSTICE 96/97

Editor

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John J. Sullivan, professor and former chair of the Department of Law, Criminal Justice, and Safety Administration at Mercy College, received his B.S. in 1949 from Manhattan College and his J.D. in 1956 from St. John's Law School. He was formerly captain and director of the Legal Division of the New York City Police Department.

Editor

Joseph L. Victor

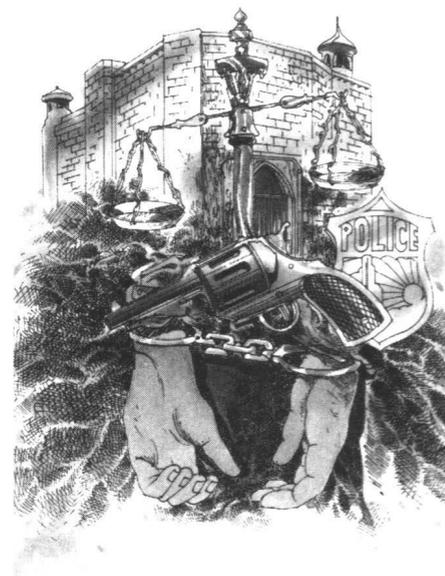
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To the Reader

In publishing ANNUAL EDITIONS we recognize the enormous role played by the magazines, newspapers, and journals of the *public press* in providing current, first-rate educational information in a broad spectrum of interest areas. Within the articles, the best scientists, practitioners, researchers, and commentators draw issues into new perspective as accepted theories and viewpoints are called into account by new events, recent discoveries change old facts, and fresh debate breaks out over important controversies. Many of the articles resulting from this enormous editorial effort are appropriate for students, researchers, and professionals seeking accurate, current material to help bridge the gap between principles and theories and the real world. These articles, however, become more useful for study when those of lasting value are carefully collected, organized, indexed, and reproduced in a low-cost format, which provides easy and permanent access when the material is needed. That is the role played by ANNUAL EDITIONS. Under the direction of each volume's *Editor*, who is an expert in the subject area, and with the guidance of an *Advisory Board*, we seek each year to provide in each ANNUAL EDITION a current, well-balanced, carefully selected collection of the best of the public press for your study and enjoyment. We think you'll find this volume useful, and we hope you'll take a moment to let us know what you think.

During the 1970s, criminal justice emerged as an appealing, vital, and unique academic discipline. It emphasizes the professional development of students who plan careers in the field and attracts those who want to know more about a complex social problem and how this country deals with it. Criminal justice incorporates a vast range of knowledge from a number of specialties, including law, history, and the behavioral and social sciences. Each specialty contributes to our fuller understanding of criminal behavior and of society's attitudes toward deviance.

In view of the fact that the criminal justice system is in a constant state of flux, and because the study of criminal justice covers such a broad spectrum, today's students must be aware of a variety of subjects and topics. Standard textbooks and traditional anthologies cannot keep pace with the changes as quickly as they occur. In fact, many such sources are already out of date the day they are published. *Annual Editions: Criminal Justice 96/97* strives to maintain currency in matters of concern by providing up-to-date commentaries, articles, reports, and statistics from the most recent literature in the criminal justice field.

This volume contains units concerning crime and justice in America, victimology, the police, the judicial system, juvenile justice, and punishment and corrections. The articles in these units were selected because they are informative as well as provocative. The selections are timely and useful in their treatment of ethics, punishment, juveniles, courts, and other related topics.

Included in this volume are a number of features designed to be useful to students, researchers, and professionals in the criminal justice field. These include a *topic guide* for locating articles on specific subjects; the *table of contents abstracts*, which summarize each article and feature key concepts in bold italics; and a comprehensive *bibliography*, *glossary*, and *index*. In addition, each unit is preceded by an *overview* that provides a background for informed reading of the articles, emphasizes critical issues, and presents challenge questions.

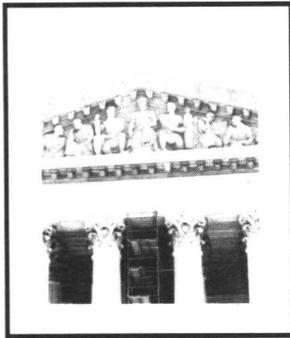
We would like to know what you think of the selections contained in this edition. Please fill out the postage-paid *article rating form* on the last page and let us know your opinions. We change or retain many of the articles based on the comments we receive from you, the user. Help us to improve this anthology—annually.



John J. Sullivan



Joseph L. Victor
Editors



Unit 1

Crime and Justice in America

Eight selections focus on the overall structure of the criminal justice system in the United States. The current scope of crime in America is reviewed, and topics such as criminal behavior, drugs, and organized crime are discussed.

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Topic Guide	2
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1. An Overview of the Criminal Justice System, <i>Report to the Nation on Crime and Justice, Bureau of Justice Statistics, U.S. Department of Justice, March 1988.</i>	6
What is the sequence of events in the <i>criminal justice system</i> ? This report reveals that the response to crime is a complex process, involving citizens as well as many agencies, levels, and branches of government.	
2. The Real Problems in American Justice, <i>U.S. News & World Report, October 9, 1995.</i>	11
"Each year, 4.3 million violent crimes are committed, but barely more than 200,000 people are convicted of felonies and a little over half end up going to prison," this article reports. It discusses 10 major " <i>flaws in the criminal justice system</i> ," such as plea bargaining, police failures, the jury system, and repeaters of violent crime.	
3. What to Do about Crime, James Q. Wilson, <i>Commentary, September 1994.</i>	14
James Wilson discusses crime in America and those who commit it. He proposes some innovative approaches to dealing with <i>crime</i> , such as <i>problem-oriented policing</i> , expanding the right of police to <i>stop and frisk</i> suspects, developing technologies that will permit the police to detect from a distance persons who are carrying weapons, and enforcing <i>truancy</i> laws.	
4. The Decline of the American Mafia, Peter Reuter, <i>The Public Interest, Summer 1995.</i>	25
Peter Reuter states that <i>the American Mafia</i> is almost extinguished as a major actor in the U.S. criminal world. Reuter explores some of the reasons for this alleged decline.	
5. How Much Crime Is There? Michael Hedges, <i>The World & I, April 1994.</i>	30
Violent crime has increased dramatically in the last 30 years, particularly in the cities. Here, a former police chief and president of the National Association of Chiefs of Police, who took part in a study of <i>the problems of rising crime</i> , catalogs some reasons for the rise.	
6. Moral Credibility and Crime: Why People Obey the Law, Paul H. Robinson, <i>Current, June 1995.</i>	34
Paul Robinson argues that the extent of the law's power to gain compliance depends upon <i>the extent of the law's "moral credibility,"</i> that is, the law's reputation for punishing those who deserve it, under rules that are perceived as just.	

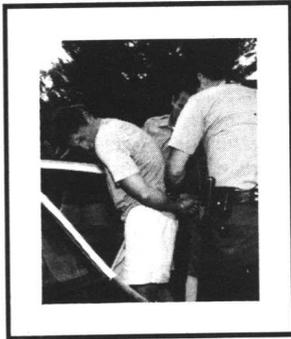


Unit 2

Victimology

Seven articles discuss the impact of crime on the victim. Topics include the rights of crime victims and the consequences of family violence and rape.

7. **Russian Organized Crime—A Worldwide Problem**, 40
Ronald K. Noble, *The Police Chief*, June 1995.
Organized crime in the states of the former Soviet Union has become a matter of growing concern as its activities spread throughout the world. Ronald Noble, a U.S. Treasury Department official, outlines some of the resulting problems we face today in America.
 8. **Color Blinded? Race Seems to Play an Increasing Role in Many Jury Verdicts**, 43
Benjamin A. Holden, Laurie P. Cohen, and Eleena de Lisser, *Wall Street Journal*, October 4, 1995.
Jury watchers are becoming aware that *race plays a far more significant role in jury verdicts* than many people involved in the criminal justice system prefer to acknowledge.
- Overview 46
9. **Criminal Victimization 1993**, Lisa Bastian, *Bureau of Justice Statistics Bulletin*, U.S. Department of Justice, May 1995. 48
Lisa Bastian presents information on *criminal victimization* in the United States gathered in a redesigned survey. Of the 43.6 million criminal victimizations that victims described in 1993, 10.9 million were rapes, robberies, or assaults.
 10. **True Crime**, Cheryl Russell, *American Demographics*, August 1995. 53
Safety-conscious baby boomers and the media fuel an overwhelming *public fear of crime*. An examination of the data reveals that much fear is misplaced. Yet the worst crimes are increasing, and life can be dangerous, especially in the South.
 11. **Protecting Our Seniors**, Ronald J. Getz, *Police*, September 1995. 62
Elder abuse and neglect are coming out of the closet as police network with social agencies to improve the quality of life for *senior citizens*.
 12. **Stopping Terrorism at Home**, Ann H. Crowe, *State Government News*, August 1995. 66
By developing a coordinated response by criminal justice agencies and other organizations to *domestic violence*, a Massachusetts community shows that it can save battered women's lives.
 13. **Responding to Domestic Violence against Women**, 70
Loretta J. Stalans and Arthur J. Lurigio, *Crime & Delinquency*, October 1995.
Why does *domestic violence* occur, and what can society and the criminal justice system do about it? Loretta Stalans and Arthur Lurigio address *violence against women* from two theoretical perspectives: the family violence perspective, which focuses on the family, and the feminist perspective, which examines the relationship between men and women.



Unit 3

The Police

Six selections examine the role of the police officer. Some of the topics discussed include the stress of police work, utilization of policewomen, and ethical policing.

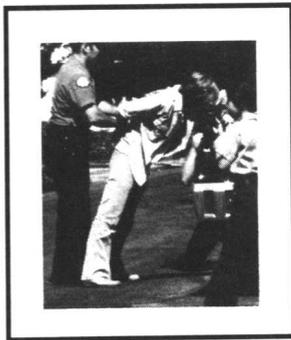
14. "Towards the Institutionalization of a New Kind of Justice Professional: The Victim Advocate," Andrew Karmen, *The Justice Professional*, Winter 1995. 75
 Andrew Karmen argues that jurisdictions in the United States should offer all complainants the services of advocates, free of charge, through mechanisms parallel to the way indigent defendants are provided with lawyers. The result might be a reduction in the "differential handling" of victims of varying social status, and *a more vigorous implementation of victims' rights*.
15. **Computer Technology Comes to Aid of Crime Victims**, Robert Davis, *USA Today*, September 15, 1995. 82
 A computer-based *victim notification system* in Louisville, Kentucky, is aimed at saving lives and giving crime victims a way to stay informed about their cases.
- Overview 84
16. **Police and the Quest for Professionalism**, Barbara Raffel Price, *Law Enforcement News*, June 15, 1995. 86
 Professionalism has long been a goal of the American *police* community. Barbara Price explores some of the reasons for this and what factors might impede reaching this goal. Some see *community policing* as the key to solving the problems.
17. **Police Work from a Woman's Perspective**, James M. Daum and Cindy M. Johns, *The Police Chief*, September 1994. 88
 A survey of *female police officers* indicates that there are still some problems of being accepted, some *sexual harassment*, and unequal treatment. The survey also considers the impact of the job on individual *women*.
18. **Officers from Rural, Suburban, and Urban Jurisdictions Share Views**, *Community Policing Exchange*, July/August 1995. 91
 Four police officers, from different perspectives, answer questions concerning the *implementation of community policing* in their agencies.
19. **A LEN Interview with Professor Carl Klockars of the University of Delaware**, Marie Simonetti Rosen, *Law Enforcement News*, April 15, 1994. 94
 In a far-ranging interview, an outstanding professor of law enforcement discusses various issues that include *community policing*, *the use of force*, *research*, and *the criminal justice system*.
20. **The Crooked Blue Line**, Elizabeth Gleick, *Time*, September 11, 1995. 102
 During the O. J. Simpson murder trial, allegations concerning police detective Mark Fuhrman helped focus attention on charges of *corruption and brutality in America's police departments*. Problems of this type in several cities are explored in this article, and various corrective measures, including civilian review boards, are discussed.
21. **The Thin White Line**, *U.S. News & World Report*, August 15, 1994. 104
 The *racial mix in the population is not reflected in the police forces* of the nation's top five cities. This short article highlights some of the problems faced in trying to implement means of increasing minority representation.



Unit 4

The Judicial System

Six selections discuss the process by which the accused are moved through the judicial system. Prosecutors, courts, the jury process, and judicial ethics are reviewed.



Unit 5

Juvenile Justice

Six selections review the juvenile justice system. The topics include effective ways to respond to violent juvenile crime, juvenile detention, and children in gangs.

- Overview 106
22. **Abuse of Power in the Prosecutor's Office**, Bennett L. Gershman, *The World & I*, June 1991. 108
Bennett Gershman, a distinguished law professor, discusses the power that a *prosecutor* possesses in determining whom to bring to trial, whom to charge with a capital crime, and what evidence will be introduced or withheld. He also cites examples of the abuse of these powers.
23. **The Trials of the Public Defender**, Jill Smolowe, *Time*, March 29, 1993. 115
The typical *public defender* is underpaid and overworked. Some contend that public defenders serve up a brand of justice that is not always in their client's best interest. Jill Smolowe discusses problems public defenders face in different jurisdictions.
24. **Suspect Confessions**, Richard Jerome, *The New York Times Magazine*, August 13, 1995. 117
Richard Jerome discusses the work of Richard Ofshe, a social psychologist, who has made a study of "*coerced confessions*." Ofshe contends that "false confession ranks third after perjury and eyewitness error as a cause of wrongful convictions in American homicide cases."
25. **A Trial for Our Times: An Ugly End to It All**, Lance Morrow and Richard Lacayo, *Time*, October 9, 1995. 121
The *O. J. Simpson trial* had a dramatic impact on the *American criminal justice system*. It raised questions concerning jury trials, police professionalism, and, perhaps most important, racism.
26. **Justice English Style**, J. R. Spencer, *The World & I*, August 1995. 126
J. R. Spencer, a professor of law at Cambridge University, discusses the *differences between the British judicial system and the American system*. Spencer says the differences are so great that if the O. J. Simpson case took place in England, it would probably seem to be happening in an entirely different world.
27. **Jury Consultants: Boon or Bane?** Frederick P. Furth and Robert B. Hirschhorn, *The National Law Journal*, June 6, 1994. 130
The use of *jury consultants* in criminal cases has called into question the role of lawyers. Two distinguished practitioners, one an attorney and the other a jury consultant, express different views.
- Overview 132
28. **Rethinking the Sanctioning Function in Juvenile Court: Retributive or Restorative Responses to Youth Crime**, Gordon Bazemore and Mark Umbreit, *Crime & Delinquency*, July 1995. 134
Gordon Basemore and Mark Umbreit assert that a restorative sanctioning model could provide a clear alternative to the punishment-centered sanctioning approaches now dominant in juvenile justice and could ultimately redefine the sanctioning function. *Restorative justice* responds to crime by addressing the harm that results when an offense is committed, gives first priority to victim repair, and addresses the need to build safer communities.
29. **Hard Times for Bad Kids**, Mark Curriden, *ABA Journal*, February 1995. 145
Numbed by teen-age killers and unable to rehabilitate youthful offenders, the *juvenile justice system* is turning to get-tough measures to halt a new generation of crime.



Unit 6

Punishment and Corrections

Twelve selections focus on the current state of America's penal system and the effects of sentencing, probation, overcrowding, and capital punishment on criminals.

30. **Judge Hayden's Family Values**, Jan Hoffman, *The New York Times Magazine*, October 15, 1995. 149
 In a nation of dysfunctional families, the **family court judge** is making more of society's most personal decisions: where a child grows up; when love is dead, who gets the house? What factors enter into the decisions one such judge, Katherine Sweeney Hayden, makes?
31. **Violence by Young People: Why the Deadly Nexus?** Alfred Blumstein, *National Institute of Justice Journal*, August 1995. 158
 From about 1985, and within a 7-year period, the rate of **homicides committed by young people**, the number of homicides they committed with guns, and the arrest rate of non-white juveniles for drug offenses all doubled. The sudden upward surge in all three of these indicators, which began with **the increased drug trafficking** of the mid-1980s, is the topic of this article.
32. **Controlling Crime before It Happens: Risk-Focused Prevention**, J. David Hawkins, *National Institute of Justice Journal*, August 1995. 165
 J. David Hawkins advocates using the **public health model to reduce violence in America's communities**. The model calls for first identifying factors that put young people at risk for violence, in order to reduce or eliminate these factors and strengthen the protective factors that buffer the effects of exposure to risk.
33. **Everyday School Violence: How Disorder Fuels It**, Jackson Toby, *American Educator*, Winter 1993/1994. 171
 Jackson Toby addresses the causes of everyday **school violence** and the educational policies that might be changed to reduce it.
- Overview 180
34. **Probation's First 100 Years: Growth through Failure**, Charles J. Lindner, *Journal of Probation and Parole*, Spring 1993. 182
 During the 100-year existence of **probation**, inadequate resources frequently have been identified as an underlying factor contributing to the ineffectiveness of offender supervision.
35. **Doing Soft Time**, Jon Jefferson, *ABA Journal*, April 1994. 189
 Faced with rising crime and falling revenues, governments are looking for alternative ways to sentence and rehabilitate **offenders**.
36. **Punishment and Prevention**, Laurin A. Wollan Jr., *The World & I*, April 1994. 193
 Laurin Wollan maintains that both **punishment** and **prevention** strategies are needed if **crime** in America is to be brought under control.
37. **HIV in Prisons and Jails, 1993**, Peter M. Brien and Caroline Wolf Harlow, *Bureau of Justice Statistics Bulletin, U.S. Department of Justice*, August 1995. 199
 According to this national report, **HIV-infected inmates** were concentrated in relatively few states. Four states—New York, Florida, Texas, and California—had over half of known HIV cases at the end of 1993. New York reported the highest percentage of prisoners infected with HIV (12.4 percent), while six states reported having fewer than 10 cases.
38. **More in U.S. Are in Prisons, Report Says**, Fox Butterfield, *New York Times*, August 10, 1995. 201
 The number of Americans under the control of the criminal justice system reached 5 million in 1994, including a record 1.5 million **inmates in federal and state prisons** and local jails and 3.5 million convicted criminals on probation and parole.

39. Privatizing America's Prisons, Slowly, Anthony Ramirez, <i>New York Times</i> , August 14, 1994. Despite a checkered past, the future is looking brighter for the <i>private prison industry</i> .	203
40. Crime Takes on a Feminine Face, Chi Chi Sileo, <i>Insight</i> , December 20, 1993. Economic need, self-defense, or greed has driven more <i>women</i> to turn to <i>crime</i> , at a cost beyond the expense of incarceration. Children are often the biggest losers.	207
41. Psychiatric Gulag or Wise Safekeeping? Rorie Sherman, <i>The National Law Journal</i> , September 5, 1994. New laws target <i>violent sex offenders</i> who have served their sentences but are deemed by a <i>parole</i> board likely to commit further crimes if released. Under these laws, <i>prosecutors</i> can seek to have them transferred directly from prison to mental institutions.	210
42. Bringing God to Death Row, Erik Brady, <i>USA Today</i> , August 25, 1995. Although he cannot save the lives of the men in his <i>death row congregation</i> , the Rev. Russell Ford strives to save their souls. Having served as a death row chaplain for 11 years, Ford has "made the walk" with over 20 men.	213
43. Anger and Ambivalence, David A. Kaplan, <i>Newsweek</i> , August 7, 1995. Most Americans support <i>capital punishment</i> , yet few inmates are actually executed. This essay explores the reasons why the country has mixed feelings about putting people to death.	217
44. Death Row, U.S.A., <i>NAACP Legal Defense and Educational Fund</i> , Summer 1995. As of August 31, 1995, there had been a total of 295 executions since the 1976 <i>reinstatement of capital punishment</i> . This Legal Defense Fund report also identifies 40 jurisdictions with capital punishment statutes, and indicates that there were 3,028 inmates on death row.	220
45. 'This Man Has Expired,' Robert Johnson, <i>Commonweal</i> , January 13, 1989. The focus of Robert Johnson's research is on the <i>executioners</i> themselves as they carry out typical executions. He draws upon their words to describe the death work they do in our name. Serving as an <i>official witness</i> , Johnson describes his experience at the execution of an inmate.	222
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Topic Guide

This topic guide suggests how the selections in this book relate to topics of traditional concern to students and professionals involved with the study of criminal justice. It is useful for locating articles that relate to each other for reading and research. The guide is arranged alphabetically according to topic. Articles may, of course, treat topics that do not appear in the topic guide. In turn, entries in the topic guide do not necessarily constitute a comprehensive listing of all the contents of each selection.

TOPIC AREA	TREATED IN	TOPIC AREA	TREATED IN
AIDS	37. HIV in Prisons and Jails	Crime	1. Overview of the Criminal Justice System 3. What to Do about Crime 5. How Much Crime Is There? 6. Moral Credibility and Crime
Attorneys	22. Abuse of Power in the Prosecutor's Office 23. Trials of the Public Defender 25. Trial for Our Times 27. Jury Consultants	Crime Victims	See Victimology
Battered Families	11. Protecting Our Seniors 12. Stopping Terrorism at Home 13. Responding to Domestic Violence against Women 15. Computer Technology Comes to the Aid of Crime Victims	Criminal Justice	1. Overview of the Criminal Justice System 6. Moral Credibility and Crime 22. Abuse of Power in the Prosecutor's Office 23. Trials of the Public Defender
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Brutality	20. Crooked Blue Line	Defense Counsel	23. Trials of the Public Defender 25. Trial for Our Times 26. Justice English Style
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Community Policing	3. What to Do about Crime 16. Police and the Quest for Professionalism 18. Officers from Rural, Suburban, and Urban Jurisdictions Share Views 19. Professor Carl Klockars	Elder Abuse	11. Protecting Our Seniors
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		Judges	25. Trial for Our Times 30. Judge Hayden's Family Values

TOPIC AREA	TREATED IN	TOPIC AREA	TREATED IN
Jury	8. Color Blinded? 25. Trial for Our Times 27. Jury Consultants	School Violence	33. Everyday School Violence
Juveniles	28. Rethinking the Sanctioning Function in Juvenile Court 29. Hard Times for Bad Kids 30. Judge Hayden's Family Values 31. Violence by Young People 33. Everyday School Violence	Sentencing	28. Rethinking the Sanctioning Function in Juvenile Court 29. Hard Times for Bad Kids 35. Doing Soft Time 36. Punishment and Prevention
Mafia	4. Decline of the American Mafia 7. Russian Organized Crime	Sex Offenders	41. Psychiatric Gulag or Wise Safekeeping?
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Prisons	37. HIV in Prisons and Jails 38. More in U.S. Are in Prisons 39. Privatizing America's Prisons	Violence	5. How Much Crime Is There? 9. Criminal Victimization 1993 11. Protecting Our Seniors 12. Stopping Terrorism at Home 13. Responding to Domestic Violence against Women 15. Computer Technology Comes to the Aid of Crime Victims
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原书缺页



An Overview of the Criminal Justice System

The response to crime is a complex process that involves citizens as well as many agencies, levels, and branches of government

The private sector initiates the response to crime

This first response may come from any part of the private sector: individuals, families, neighborhood associations, business, industry, agriculture, educational institutions, the news media, or any other private service to the public.

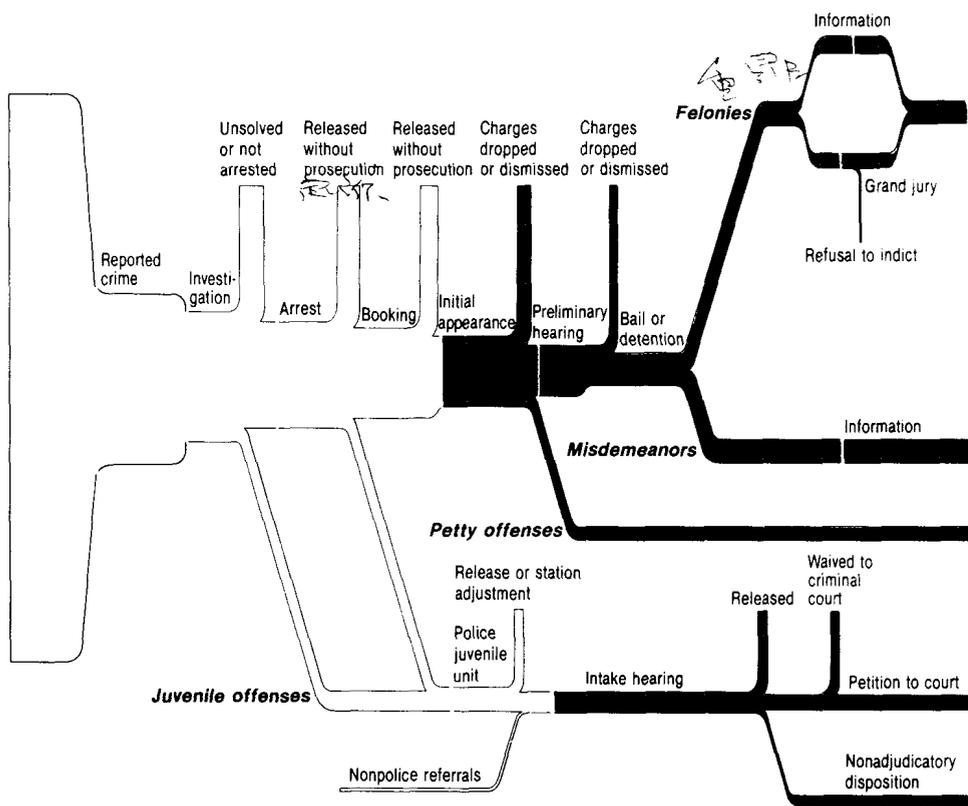
It involves crime prevention as well as participation in the criminal justice process once a crime has been committed. Private crime prevention is more than providing private security or burglar alarms or participating in neighborhood watch. It also includes a commitment to stop criminal behavior by not engaging in it or condoning it when it is committed by others.

Citizens take part directly in the criminal justice process by reporting crime to the police, by being a reliable participant (for example, witness, juror) in a criminal proceeding, and by accepting the disposition of the system as just or reasonable. As voters and taxpayers, citizens also participate in criminal justice through the policymaking process that affects how the criminal justice process operates, the resources available to it, and its goals and objectives. At every stage of the process, from the original formulation of objectives to the decision about where to locate jails and prisons and to the reintegration of inmates into society, the private sector has a role to play. Without such involvement, the criminal justice process cannot serve the citizens it is intended to protect.

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

Entry into the system

Prosecution and pretrial services



Note: This chart gives a simplified view of caseload through the criminal justice system. Procedures vary among jurisdictions. The weights of the lines are not intended to show the actual size of caseloads.

The government responds to crime through the criminal justice system

We apprehend, try, and punish offenders by means of a loose confederation of agencies at all levels of government. Our American system of justice has evolved from the English

common law into a complex series of procedures and decisions. There is no single criminal justice system in this country. We have many systems that are similar, but individually unique.

Criminal cases may be handled differently in different jurisdictions, but court

decisions based on the due process guarantees of the U.S. Constitution require that specific steps be taken in the administration of criminal justice.

The description of the criminal and juvenile justice systems that follows portrays the most common sequence of events