CRIMINAL JUSTICE

97/98



Iwenty-First Edition



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Members of the Advisory Board are instrumental in the final selection of articles for each edition of ANNUAL EDITIONS. Their review of articles for content, level, currentness, and appropriateness provides critical direction to the editor and staff. We think that you will find their careful consideration well reflected in this volume.

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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. Many of these articles 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 *academic editor*, who is an expert in the subject area, and with the guidance of an *Advisory Board*, each year we seek 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 that you will find this volume useful, and we hope that you will 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 97/98 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 reader. Help us to improve this anthology—annually.

John J. Sullivan

John J. Sullivan

Joseph L Victor

Joseph L. Victor Editors

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UNIT 1



Crime and Justice in America

To the Reader

Seven 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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1. An Overview of the Criminal Justice System, Report to the Nation on Crime and Justice, Bureau of Justice Statistics, U.S. Department of Justice, March 1988. What is the sequence of events in the criminal justice system? This report reveals that the response to crime is a complex process, involving citizens as well as many agencies, levels, and branches of government.	6
2. The Real Problems in American Justice, U.S. News & World Report, October 9, 1995. "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 report reveals. The 10 major "flaws" in the criminal justice system, such as plea bargaining, police failures, the jury system, and repeaters of violent crime, are discussed.	11
3. What to Do about Crime, James Q. Wilson, Commentary, September 1994. James Q. Wilson discusses crime in America and those who commit it. He proposes some innovative approaches to dealing with crime, such as problem-oriented policing, expanding the right of police to stop and frisk suspects, developing technologies that will permit the police to detect from a distance persons who are carrying weapons, and enforcing truancy laws.	14
4. Who Is the Mob Today? Peter Maas, Parade, February 25, 1996. Potent new criminal elements, mostly from Russia and China, loom ominously on the law enforcement horizon. Is "Cosa Nostra" being replaced with new ethnic crime groups?	25
5. Disintegration of the Family Is the Real Root Cause of Violent Crime, Patrick F. Fagan, USA Today Magazine (Society for the Advancement of Education), May 1996. Patrick Fagan argues that "the popular assumption that there is an association between race and crime is false." He cites illegitimacy as the key factor. The absence of marriage and the failure to maintain intact families impact on the incidence of crime among whites as well as blacks.	28



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

6	The Evolution of Street Gangs: A Shift toward Organized	31
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	Crime, Michael C. McCort, The Police Chief, June 1996.	
	Police lieutenant Michael McCort presents a brief history of the de-	
	velopment of ethnic street gangs in the United States. He states that	
	today's street gangs present a diverse and complex problem that	
	must be dealt with in a diverse and comprehensive manner by law	

- Experts Are at Odds on How Best to Tackle Rise in Teen-Agers' Drug Use, Gina Kolata, New York Times, September 18, 1996.
 As drug use among people in their teens begins to rise sharply,
 - As *drug* use among people in their teens begins to rise sharply, experts in *drug abuse* say there is an opportunity to halt this incipient epidemic in its tracks. However, there is a disagreement as to the right remedy.

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8. Criminal Victimization 1994, Craig Perkins and Patsy Klaus, Bureau of Justice Statistics Bulletin, U.S. Department of Justice, April 1996.

This report presents information on *criminal victimization* in the United States during 1994. Of the 42.4 million crimes U.S. residents age 12 or older experienced, 31 million were *property crimes*, 10.9 million were *crimes of violence*, and one-half million were *personal thefts*.

- True Crime, Cheryl Russell, American Demographics, August 1995.
 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.
- 10. Protecting Our Seniors, Ronald J. Getz, *Police*, September 1995.

Elder abuse and neglect are coming out of the closet as police interact with social agencies to improve the quality of life for senior citizens.

- Nobody's Victim, Stephanie B. Goldberg, ABA Journal, July 1996.
 Stephanie Goldberg reviews the background of prosecutor Sarah Buel. Buel left an abusive partner to save her life, and since then, she's been saving others.
- Helping to Prevent Child Abuse—and Future Criminal Consequences: Hawai'i Healthy Start, Ralph B. Earle, National Institute of Justice Program Focus, October 1995.
 As the criminal justice system increasingly focuses its attention on the reduction of crime and violence, the prevention of child abuse and neglect has become a critical priority.
- 13. Is Street Crime More Harmful than White-Collar Crime? Kurt Finsterbusch and George McKenna, Dushkin Publishing Group/McGraw-Hill, 1996.

The authors present this pro/con essay in which professor John Dilulio contends that street criminals should be the focus of crime study. Jeffrey Reiman, professor of philosophy, argues that uncorrected pollution, medical malpractice, and dangerous working conditions are far more serious than street crimes.



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.

UNIT 4



The Judicial System

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

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- 14. Police and the Quest for Professionalism, Barbara Raffel Price, Law Enforcement News, June 15, 1995. Professionalism has long been a goal of the American police community. Barbara Price explores some of the reasons for this and explains factors that might impede reaching this goal. Some see community policing as the key to solving the problems.
- 15. Police Work from a Woman's Perspective, James M. Daum and Cindy M. Johns, The Police Chief, September 1994. A survey of female police officers indicates that there are still some problems of acceptance, some sexual harassment, and unequal treatment. The survey also considers the impact of the job on individual women.
- 16. The Community's Role in Community Policing, Wesley G. Skogan, National Institute of Justice Journal, August 1996. One of the key elements in a successful community policing program is the community itself. Wesley Skogan discusses challenges in sustaining community involvement and offers some suggestions as to how to keep the public involved.
- 17. Incorporating Diversity: Police Response to Multicultural
 Changes in Their Communities, Brad R. Bennett, FBI Law
 Enforcement Bulletin, December 1995.
 Brad Bennett discusses the findings of a study undertaken to determine how four California law enforcement agencies responded to
 demographic changes in their communities. Bennett argues that the
 country is being called on to open its arms to people from many
 different ethnic backgrounds. He says police departments must do
 their parts to respond to multicultural changes.
- LEN Interview: Police Chief Robert E. Ford of Port Orange,
 Fla., Marie Simonetti Rosen, Law Enforcement News, September 15, 1996.
 An experienced police administrator discusses far-ranging issues such as quality of life crimes, community policing, and, for police officers,
- report-writing skills and college education requirements.

 19. Police Cynicism: Causes and Cures, Wallace Graves, FBI Law Enforcement Bulletin, June 1996.

 Cynicism is an attitude of "contemptuous distrust of human nature and motives." Cynical, distrustful police officers can hinder a department's efforts to forge collaborative relationships with the community. Wallace Graves discusses problems that can arise when cynicism

creeps into a police department and suggests some remedies.

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- 20. Abuse of Power in the Prosecutor's Office, Bennett L. Gershman, The World & I, June 1991.

 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.
- 21. The Rehnquist Reins, David J. Garrow, New York Times Magazine, October 6, 1996.
 David Garrow explores the role of William H. Rehnquist as chief justice of the United States and his relationships with other members of the Supreme Court. This is an interesting insight into the personalities and the inner workings of the Court.



Juvenile Justice

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

22	'We're in the Fight of Our Lives,' Bernard Gavzer, Parade,	131
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	July 28, 1996.	
	"Criminal justice in America is in a state of collapse," says Judge	
	Harold J. Rothwax, who has presided over criminal cases in New	
	York City for over 25 years. He argues for eliminating both the ex-	
	clusionary rule and the requirement for a unanimous jury verdict,	
	and he calls for restrictions on more returned to the districtions of the same	
	and he calls for restrictions on peremptory challenges to prospective	
	iurors	

- 23. Unlocking the Jury Box, Akhil Reed Amar and Vikram David Amar, *Policy Review,* May/June 1996. "Jury service offers Americans an unequaled opportunity to participate democratically in the administration of justice. But on its present course, this vital egalitarian institution may shrivel up, avoided by citizens, manipulated by lawyers and litigants, and ridiculed by the general public," say Akhil and Vikram Amar. Their critical review of the jury system today makes suggestions for reform.
- 24. Do You Swear That You Will Well and Truly Try...?

 Barbara Holland, Smithsonian, March 1995.

 Trial by jury has had its ups and downs, but it beats what led up to it—trial by combat and ordeal by fire, water, or poison. This article presents an interesting history of the concept of trial by jury.

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- 25. Rethinking the Sanctioning Function in Juvenile Court: Retributive or Restorative Responses to Youth Crime, Gordon Bazemore and Mark Umbreit, Crime & Delinquency, July 1995. Gordon Bazemore 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. Restorative justice responds to crime by addressing the harm that results when an offense is committed, gives first priority to victim reparation, and addresses the need to build safer communities.
- 26. Juvenile Probation: The Workhorse of the Juvenile Justice System, Patricia McFall Torbet, Juvenile Justice Bulletin, U.S. Department of Justice, March 1996. In 1993 nearly 1.5 million delinquency cases were handled by juvenile courts. Virtually every one of those cases had contact with a probation officer at some point. This report presents a comprehensive picture of juvenile probation activity in the nation.
- 27. Crime Time Bomb, U.S. News & World Report, March 25, 1996.
 Rising juvenile crime, and worries that it will get worse, lead cities, states, and Congress to seek a balance between tougher laws and preventive measures.
- 28. Controlling Crime before It Happens: Risk-Focused Prevention, J. David Hawkins, National Institute of Justice Journal, August 1995.
 J. David Hawkins advocates using the public health model to reduce violence in America's communities. The model calls for (1) identifying factors that put young people at risk for violence, in order to reduce or eliminate these factors, and (2) strengthening the protective factors that buffer the effects of exposure to risk.



Punishment and Corrections

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

29.	Street Gangs-Future Paramilitary Groups? Robert J. Bun-	173
	ker, The Police Chief, June 1996.	
	"Of all the concerns related to street gangs, probably the one that	
	should be most closely watched is the interrelationship of these	
	gangs to the U.S. military," says Robert Bunker. "Street gang mem-	
	bers with military training would bring a whole new dimension to	
	law enforcement's struggle with these criminal groups "	

- 30. States Revamping Laws on Juveniles as Felonies Soar, Fox 176 Butterfield, New York Times, May 12, 1996. "Almost all 50 states have overhauled their laws in the past two years, allowing more youths to be tried as adults and scrapping longtime protections like the confidentiality of juvenile court proceedings," Fox Butterfield reports.
- 31. The Search for a Proper Punishment, Randall Edwards, APA 179 Monitor, December 1995. "Many psychologists say that incarcerating children, in juvenile facilities or adult prisons, fails to reduce juvenile crime. They warn that warehousing delinquent youth bleeds money from rehabilitation and treatment programs that could more effectively prevent crime," writes Randall Edwards.

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- 182 32. Correctional Populations in the United States, 1994, 184 Bureau of Justice Statistics Executive Summary, U.S. Department of Justice, July 1996. An estimated 5.1 million adults were under some form of correctional supervision in 1994. Nearly three-quarters of these people were on probation or parole. About 2.7 percent of the U.S. adult resident population were under correctional care or supervision in 1994, up from 1.1 percent in 1980.
- 33. Doing Soft Time, Jon Jefferson, ABA Journal, April 1994. 187 Faced with rising crime and falling revenues, governments are looking for alternative ways to sentence and rehabilitate offenders. 34. Going to Meet the Man, Mansfield B. Frazier, Prison Life, 191
 - October 1996. Mansfield Frazier offers practical advice to fellow former inmates about field parole officers and parole supervision. After debunking some common myths, he asserts that "the new-breed parole officer would rather keep you out of the joint than send you back."

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- 35. Eddie Ellis at Large, Pam Widener, Prison Life, October 1996. Former Black Panther Eddie Ellis spent 23 years in New York State's toughest prisons for a crime he did not commit. Released a few years ago, he has worked tirelessly to make needed changes in his own community and in the justice system.
- 36. Probation's First 100 Years: Growth through Failure, Char-202 les J. Lindner, Journal of Probation and Parole, Spring 1993. During the 100-year existence of probation, inadequate resources frequently have been identified as an underlying factor contributing to the ineffectiveness of offender supervision.

	A Woman behind Bars is Not a Dangerous Man, Adrian Nicole LeBlanc, New York Times Magazine, June 2, 1996. Adrian LeBlanc points out that "prison administrators, corrections officers and inmates consistently express an awareness of the differences between incarcerated women and men." Yet, despite these differences, she reports, "the treatment of imprisoned women is based on a correctional model that is based on muddy assumptions about violent men."	210
	The Color of Justice, John H. Trumbo, Death Row, 1995. There are more nonwhite men on death row than their Caucasian counterparts, a fact supported by the numbers. The real question is this: Is the disparity due to racial discrimination or some other not-so-black-and-white issues?	21
	Anger and Ambivalence, David A. Kaplan, Newsweek, August 7, 1995. Most Americans support capital punishment, yet few inmates are actually executed. This essay explores the reasons why the country has mixed feelings about putting people to death.	22:
1	Death Row, U.S.A., NAACP Legal Defense and Educational Fund, Summer 1996. As of July 31, 1996, there had been a total of 335 executions since the 1976 reinstatement of capital punishment. This report also identifies 40 jurisdictions with capital punishment statutes, and indicates that there were 3,153 inmates on death row.	226
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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.

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Crime and Justice in America

Opening this unit, the essay "An Overview of the Criminal Justice System" charts the flow of events in the administration of justice. The report "The Real Problems in American Justice" declares that the criminal justice system is in crisis from "cops to prison." Calls for action to help stem the flow of crime are discussed in "What to Do about Crime." James Q. Wilson offers some controversial suggestions, such as expanding police powers to stop and frisk.

Organized crime is no longer the exclusive province of the Mafia as new ethnic groups become involved. "Who Is The Mob Today?" by Peter Maas focuses on the rise of Chinese and Russian crime groups. "The Evolution of Street Gangs: A Shift toward Organized Crime" presents a brief history of the development of ethnic street gangs.

The rise of drug use by youngsters is of national concern. However, in "Experts Are at Odds on How Best to

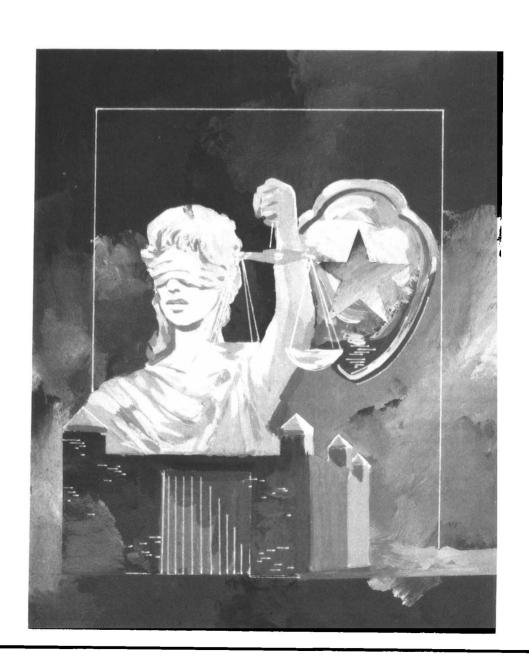
Tackle Rise in Teen-Agers' Drug Use," Gina Kolata shows that there are diverse views on treatment. And in the last reading, "Disintegration of the Family Is the Real Root Cause of Violent Crime,", Patrick Fagan calls illegitimacy that root cause.

Looking Ahead: Challenge Questions

What indications are there of ethnic street gangs in your community?

Should the police be given more power to stop and search people on the street or should they not? Defend your answer.

To what degree are drugs a problem with teen-agers in your community? How adequate are the treatment programs available?



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.

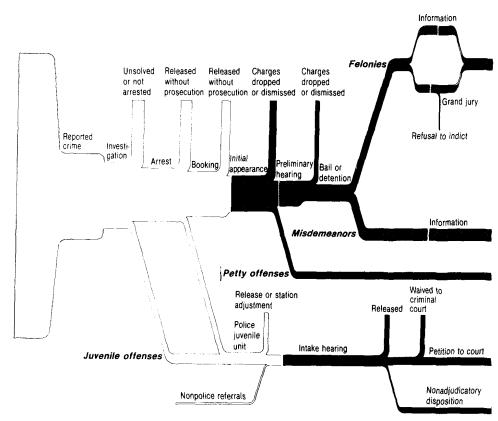
Citizens take part directly in the criminal justice process by reporting crime to the police, by being a reliable participant (for example, witness, juror) in a criminal proceeding, and by accepting the disposition of the system as just or reasonable. As voters and taxpayers, citizens also participate 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.

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

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 caseflow through the criminal justice system. Procedures vary among jurisdictions. The weights of the lines are not intended to show the actual size of caseloads.

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

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