



CRIMINAL JUSTICE

A N I N T R O D U C T I O N

SECOND EDITION

F. ADLER G.O.W. MUELLER W.S. LAUFER

Criminal Justice

An Introduction

S E C O N D E D I T I O N

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McGraw-Hill Higher Education

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Criminal Justice: An Introduction

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This book is printed on acid-free paper.

2 3 4 5 6 7 8 9 0 QPD/QPD 9 0 9 8 7 6 5 4 3 2 1 0

ISBN 0-07-228221-5

Vice-president/Editor-in-chief: *Thalia Dorwick*

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Photo researcher: *Barbara Salz*

Compositor: *York Graphic Services, Inc.*

Typeface: *10.5/12.5 Palatino*

Printer: *Quebecor Printing Book Group/Dubuque*

Library of Congress Cataloging-in-Publication Data

Adler, Freda.

Criminal justice : an introduction / Freda Adler, Gerhard O.W. Mueller,
William S. Laufer. – 2nd ed.

p. cm.

Includes bibliographical references.

ISBN 0-07-228221-5 (pbk.)

1. Criminal justice, Administration of—United States.

I. Mueller, Gerhard O. W. II. Laufer, William S. III. Title.

HV9950.A353 2000

364.973—dc21

99-17716

<http://www.mhhe.com>

To:

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Nicolai A., John J., Lauren E., Stephen W., and Anna L.*

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American Journal of Criminal Law, Law and Human Behavior, Journal of Personality and Social Psychology, and Business Ethics Quarterly. He is coeditor of the *Handbook of Psychology and Law; Personality, Moral Development and Criminal Behavior; and Crime, Values and Religion.* Dr. Laufer is coeditor of *Advances in Criminological Theory*, with Freda Adler.

Preface

Criminal Justice: An Introduction, 2/e is designed to meet the needs of professors and students who are looking for a complete, yet affordable paperback text for the typical one-semester course. This text is written for both the young men and women at the beginning of their academic careers and those who are working in the field of criminal justice and want to broaden their knowledge and to advance professionally. The approach is lively and straightforward, with a focus on contemporary issues and events and an engaging style that is as non-technical as the subject matter permits. In contrast to the many encyclopedic texts on the market, our book is both more readable and manageable for students, and thus more likely to be read by them. In addition, it allows instructors to assign additional material or projects, if desired.

As with the first edition, the new edition was written to provide a broad view of the discipline—its component parts, its inner workings, its exciting developments, and the challenges it faces in the twenty-first century. We view criminal justice as a practical science, a modern vehicle for humane, effective and efficient crime control. We hope you will find our approach both stimulating and enlightening. In an effort to engage students, the second edition, like its predecessor, takes readers behind the scenes and introduces them to the most important aspects of crime and criminals, the police, the courts, and corrections. It uses exciting headlined events familiar to the general public, but goes beyond the headlines to illustrate their significance to the field of criminal justice. Incidents such as the murder of gay student Matthew Shepard in Wyoming, the Littleton and Jonesboro school massacres, the crimes committed by Unabomber Ted Kaczynski, and the Versace murder case, among others, are presented and put in perspective.

Organization

The text contains fifteen chapters, arranged within five parts. Part 1 introduces students to the universe of crime and justice, with chapters focusing on the origins and evolution of the science and profession of criminal justice (Chapter 1), the measurement and explanation of criminal behavior (Chapter 2), and a discussion of the legal definitions of crime and the component parts that make up the criminal justice system (Chapter 3). Chapters 4 through 14 focus on the individual parts of the criminal justice system. Chapters 4 through 7 examine the police (Part 2); Chapters 8 through 11 examine the courts (Part 3); and Chapters 12 through 14 cover corrections (Part 4). Chapter 15 (Part 5) describes the principal challenges to criminal justice in the twenty-first century: juvenile crime, victims of crime, and globalized crime.

Up-to-Date Coverage:

Critical issues confronting criminal justice today are examined, keeping students current on such topics as the *rapid changes in policing strategies* (police

mapping, expanded community policing, evidence-based policing, and policing in the age of high-tech crime), *new strategies in court processing* (drug courts, homicide courts, restorative justice programs, innovative sentencing, and the role of independent counsel), and *new evaluations of existing correctional practices* (the impact of electronic monitoring, house arrest, boot camp programs, drug treatment programs, and dealing with AIDS in prison).

Two New Chapters:

Chapter 3, *"The Criminal Justice System,"* provides a complete, easy-to-understand explanation of how the component parts of the system (police, courts, corrections) fit together and the problems that have to be overcome in running it. Chapter 15, *"Justice for Juveniles, Victims, and the Global Village,"* explores issues pertaining to juvenile justice, victims and restorative justice, and the globalization of crime.

The Influence of the Media on Crime and Criminal Proceedings

The new edition examines the impeachment proceedings of President Clinton, the impact of gangsta rap, and the portrayal of violence on prime-time TV. Four photo-essays entitled *Crime and Entertainment* highlight the prevalence of violence and crime as subjects in film and television.

New Boxes

21st Century Challenge focuses on major changes in the criminal justice system and give students a window into the forces that will have the most significant influence on tomorrow's system. Cyberpolicing, law enforcement and information systems, overcrowding in prisons, and changes in criminal behavior are just a few of the issues explored in these boxes.

In Their Own Words offers compelling first-person accounts by practitioners in the field, enabling students to experience part of a typical day in the life of a professional. Examples include an account by an inner-city police captain, who tells why, in 25 years on the force, he never had to draw his gun; a medical examiner, who takes readers through a typical day of reconstructing crimes at the scene of death; and a warden who describes the difficult challenges he faces in running a county jail.

Crime Scene, a popular feature in the First Edition, brings current issues to life. Topics such as road rage, *Court TV*, prison violence, and police stress are included. Many of the *Crime Scene* boxes are new to this edition; others have been updated.

A Career Guide profiles jobs in criminal justice, offering information such as descriptions, employment requirements, and salaries. Icons are placed in the margins of the text next to the first substantive mention of each career featured in the guide.

Increased Pedagogy includes "Questions for Discussion" in the "Crime Scene" and "21st Century Challenge" boxes, and "Thinking Critically about Criminal Justice" questions and "Internet Connection" exercises at the end of each chapter.

Extensive Ancillary Package

The supplements package offers a variety of print and new media materials for instructors and students.

Instructor's Manual with Test Item File

Written by Jarret Lovell and Megan McNally of Rutgers University in Newark, New Jersey, this supplement contains chapter outlines and objectives, lecture ideas, Internet exercises, classroom activities, student projects, suggested audiovisual resources, and multiple choice, true-false, fill-in-the-blank, and essay questions for each chapter.

Study Guide

The Study Guide, written by Adam Sundor of the University of Pennsylvania, has chapter reviews and highlights, key terms with definitions, and practice tests with objective questions, such as multiple choice and essay questions. There are answers to the objective questions, as well as suggested outlines for the essays.

PowerPoint Slides

A set of 50 PowerPoint slides includes illustrations taken from the text.

Presentation Manager CD-ROM

This CD-ROM includes the contents of the Instructor's Manual and PowerPoint slides for instructor's convenience in customizing media resources.

Website and Online Learning Center

Students and instructors are invited to visit the book's Website at www.mhhe.com/adlercj where they will find a variety of resources and activities. Students can also link directly to Internet sites from the book's home page. An icon appears in the *Internet Connection* sections in the book to remind students and instructors to visit the book's home page for current material and activities. In addition, students can access the book's Online Learning Center, which features chapter overviews, learning objectives, key terms, quizzes, PowerPoint slides and more.

PageOut

PageOut was designed for the professor just beginning to explore website options. In just a few minutes, even the most novice computer user can have a course website. You can pull any of the McGraw-Hill content from the Adler Website and Online Learning Center into your website.

Videotapes

McGraw-Hill offers adopters a variety of videotapes that are suitable for classroom use in conjunction with the textbook.

Please contact your local McGraw-Hill representative for details concerning policies, prices, and availability of the ancillary materials, as some restrictions may apply.

In Appreciation

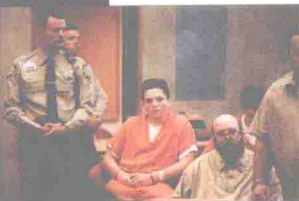
We gratefully acknowledge the assistance and support of a number of dedicated professionals. Joan Schroeder has word processed our manuscripts and provided many helpful suggestions for two decades. At Rutgers

University, Phyllis Schultze, the librarian of the NCCD/Criminal Justice Collection, has been most helpful in patiently tracking and tracing sources. We thank Sharon Chamard for her excellent research contributions and Diane Chicchetti and Rob Weidner for preparing the career guide which appears as an appendix. Jarret Lovell and Megan McNally deserve our gratitude for the preparation of the instructor's manual with test item file, as does Adam Sundor, who wrote the study guide. We also appreciate the research assistance of Laura Shepard and Kerry Dalip. We are especially grateful to those faculty who reviewed the first edition in preparation for the revision and to those who reviewed the manuscript for this edition:

Joe Belcraft, Portland Community College-Cascade Campus
Melissa Benningfield, Indiana State University
James M. Campbell, East Carolina University
Leo C. Downing, Jr., North Georgia College and State University
Carol Lynn Fine, Rutgers University
Jacqueline B. Helfgott, Seattle University
Beth C. Lord, Louisiana State University at Alexandria
Greg Matoesian, University of Illinois
John A. Mockry, Jr., Clinton Community College
Morgan Peterson, Palomar College
Ronald Sopenoff, Brookdale County Community College
Susette Talarico, University of Georgia
José L. Texidor, Jr., Pennsylvania State University

We again owe a special debt of gratitude to the team at McGraw-Hill: To editorial director Phil Butcher, senior sponsoring editor Alan McClare, senior development editor Rhona Robbin, marketing manager Leslie Kraham, and editorial assistant Miriam Beyer for their encouragement and support; to project manager Christine Vaughan, Art Director Keith McPherson, and production supervisor Rose Hepburn for efficiently and expertly turning manuscript into bound book; and to Barbara Salz for another outstanding photo program.

It takes a lot of intelligent, dedicated, motivated, and well-educated men and women to run the criminal justice system in a world where all local problems have international connections, and in the face of ever-changing political demands. We trust that this book will help create the competent practitioners and policymakers of the twenty-first century.



NIGHT COURT
GATEWAY TO THE
CRIMINAL JUSTICE
SYSTEM

What do fish do after Quercy? Fans can see them in *Mermaids*, a musical about the life of the 17th-century French actor Clément Bachein. The cast of *Mermaids* is a mix of talent: Le Chantilly is an equally impressive, multifaceted player; Mark Gattuso, and the mother of an 11-year-old girl who built up a private life in London, all were assigned recently in *Mermaids*. (Gottlieb, Clancy,

larger hanging from endangering the welfare of a child (the clerk's services submitted) to guard her very own kindergarten assembly chair. Regional law is unclear that all those arrested in New York City child abuse cases appear before a Manhattan Criminal Court judge within 24 hours to be "arrested."

young. And finally, the poor the disadvantaged, and those charged with the moral duty of making sure they all have access to the same opportunities.

In August, part of the two-acre development of Mammelon (Central Coast) will be a favorite place to take a date as well as a popular vacation destination for a family. The 100-acre site, owned by the State of California, the "Ten Towers" Club, and the Empire State Building, is being developed by the city of Santa Barbara. The city is planning to build a new attraction with scenic views of the city and the ocean. The city is planning to build a new attraction with scenic views of the city and the ocean. The city is planning to build a new attraction with scenic views of the city and the ocean.

With my monthly to Night Court all among the types: drug dealers, prostitutes, thieves, and others. Some state at the price that we the power of the courtroom. A few victims state that in a third place while mainly asking the arrangement judge to take justice. Some state that judge is dishonest that rarely he has friends. Finally, some legal aid lawyers, assistant district attorneys, defendants, and others requested the respect to a future place. With accurate that could assist, again the most experienced of lawyers find it difficult and impossible to follow the

out suddenly will soon disappear if not checked by the Street Bureau of Criminal Cases in a city that hardly appears as safe as it was 30 years ago. By the end of any one night-hour session in Night Court an Army of 250 defendants will have got back on the streets of New York City or back the long drive home to Rikers Island with new dates for a hearing or trial.

Questions for Discussion

*** points for the year**
I saw the letter in *Harper's* and decided that it might be worth the cover story of the Atlantic (which unfortunately is, indeed, a case that needs scholarly experiments to grasp its subtleties).

Federal grand juries are composed of 16 to 23 citizens, and an indictment in the federal criminal process requires the concurrence of at least 12 grand jurors.¹ State rules are similar. The indictment must rest on evidence indicating a *prima facie* case against the defendant. A *prima facie* case exists when there seems to be sufficient evidence to convict the defendant. The case may still be defeated by evidence at trial that raises reasonable doubt

not constitutes a legal excuse. Since that is a strong requirement, most indicted defendants are inclined to make a plea bargain at this point. And most of those convicted of a felony go to prison. In 1994, state courts convicted over 803,000 adults of a felony. Seventy-one percent were sentenced to some form of incarceration (jail or prison).²⁵

As soon as the grand jury has indicted, or the prosecutor has made a decision to charge the defendant and has informed defense counsel accordingly, the stage is set for plea bargaining. This process is part of the Anglo-

- Stimulating Crime Scene Boxes

These boxes, a popular feature of the first edition, continue to explore the most current topics, including gangsta rap, road rage, and police stress.

- (NEW!) Practical Career Guide

A Career Guide included at the end of the book profiles jobs in criminal justice, offering descriptions, employment requirements, and salaries.



County Sheriff's Department

Position: DEPUTY SHERIFF

Description: Deputy sheriffs are responsible for county policing as well as performing duties in the jail and court settings.

Employment Requirements: Stipulations vary significantly among countries throughout the country. In general, males must be between the ages of 21-29 and must have earned a high school degree (most require a post-high school degree as well). Other requirements are dictated by state and county civil service laws, which vary by jurisdiction. Newly hired delegates receive some type of formal training—anywhere from two to six months in duration—before beginning duty.

Benefits Departs shortly, commonly receive paid vacation, sick leave, life insurance, and medical insurance. They also usually receive uniform, service members, and other provided great free of charge.

For More Information: Contact your local county sheriff's department. Or for more general information about law enforcement careers, contact the International Union of Police Associations, 1116 Duke Street, Natick, MA 01904, 508-277-1114.

Municipal Police Department

Description: Time law enforcement officials work in municipal jurisdictions toward the goal of keeping peace

and gambling crime. Officers can fill many divergent roles within departments, depending upon the size of the force. For example, Los Angeles's department has many specialized assignments, including: TARE, juvenile division, computer systems, and bike detail. Naturally, smaller departments will have less specialized roles.

Employment Requirements: Requirements vary among police agencies, though generally applicants are required to be between the ages of 20 and 29 and must possess a high school (and some a college) degree. Good physical condition and height and weight requirements are also standard. Applicants' appointments are contingent on the completion of training, which varies widely as regard to length and content—as well as on-agency performance on written exams.

Salary: Average starting salary is \$34,700.

Benefits: *Clemson fringe benefits like paid vacation, sick leave, and life and medical insurance are commonly supplemented by an exclusive pension plan. Many police officers can retire at full pay after only 20-25 years.*

For More Information: The International Contact at the
low associations, 1010 Duke Street, Alexandria, VA
22314, or contact the local policy departments at which
you are interested.

Private Security Company

Position: SECURITY GUARD

Description: Security guards protect both private and public property against vandalism, theft, and fire. They



Prisons

Prisons are schools of state-penal institutions in which offenders are re-educated in terms of one just for the most part. Both state and federal prisons have been blessed with better management than jails and often, with better education, recreation, and employment training programs. But this is not too surprising. After all, prisons are larger, have more money, and are more visible than jails. They are also more likely to have a variety of facilities for inmates based on an assessment of their perceived day-to-day needs. Maximum, medium, and minimum jails, and maximum and medium security prisons are designed to hold the most violent, dangerous, and intractable offenders. They are also more likely to have a perimeter guard post between, say, gunners with armed officers, and strategically placed electronic monitors. Every state has one or several maximum security prisons. The Illinois State Penitentiary, near Joliet, is typical of a maximum security prison. The State Penitentiary at Moline, Illinois, is typical of a medium security, federal prison.



Medium security prisons house inmates who are considered less dangerous or escape prone than those in maximum security facilities. These structures typically have no high outside wall, only a series of fences. Many medium security inmates are housed in large dormitories rather than cells.



- (NEW!) Useful Career Icons

Icons are placed in the margins of the text next to the first substantive mention of each career featured in the *Career Guide*.

[illegible]

The Daxos case posed a significant challenge for the supreme court judge. How do you convey it

in activities were constantly reminded of the tragic consequences of an early or premature release. James Jones, the Myeroid oil dealer of the Buell Lake football star Michael Jordan, was shot and killed on a highway in North Carolina. Jerry Martin Demery and Daniel Andrew Green were charged with the murder of a woman in California. Demery, 32, was sentenced to 15 years and Green, 29, was granted parole after serving just two years of a six-year sentence for an assault that left the victim in a coma. Demery had a history of theft, robbery, and forgery. "Most everyone knows the sentence for killing someone is life," Demery said. "I was shocked to find out where I was kidnapped from my home."

By Richard Allen Davis, during a sleepover with two friends on October 1, 1983, Davis brutally murdered John Wayne Lee, 22, of Buell Lake. Davis, 25, pleaded guilty to first-degree murder in California, where he was released four months before murdering John Lee after serving only eight years.

Cases like Jordan and Kiaz have prompted Congress to consider and state legislatures to pass legislation called "truth in Sentencing Laws" moving those sentenced to prison to serve most if not all of their time. Over the next decade, and well into the twenty-first century, these laws will come under significant scrutiny by courts and criminal justice specialists. Some courts have already ruled such legislation

Questions for Discussion

1. What are the immediate benefits of Truth in Sentencing legislation?
2. Do you feel that Truth in Sentencing legislation would prompt judges to increase or decrease the sentences they impose?

(JANES)

Adrian Hastings, "Warfare: From 15 Years to Death (if You're in a Position to Live)", *New York Times*, October 31, 1988, p. 1.

Col. Anne Smith, "British Soldiers Jailed, 1990: New Sentences for Killing Troops", *Atlanta Post-Journal*, October 30, 1990, p. 4.

doi:10.1017/S0022278X0000500

Michael Smith and Jon Sweeney, "Soldiers in Jordan: Deaths in the Desert Reveal the New Israeli Strategy in the West Bank", *New York Times*, February 19, 1990, p. 1.

Michael Smith's Father, *Israel: Soldiers in the Desert*, Chicago, Ill.: Univ. of Chicago Press, 1990, p. 11.

Report of Justice Goldberg, U.S. Department of Justice, National Commission Reporting Program, 1982, Table 2-1 (1982).

More recently, states have experimented with a variety of additional options, called *alternative sanctions*. These options include placement in treatment programs, intensive supervision programs (ISP), shock incarceration, and regimented discipline programs (RDP), which are also called boot camps. While much research has been done on the success or failure of

These boxes focus on contemporary issues such as cyber-policing, law enforcement and information systems, victims and restorative justice, and the globalization of crime.

The Pains of Imprisonment. First, inmates are deprived of liberty and are cut off from friends and family. The results are lost emotional ties, loneliness, boredom, and hopelessness.¹⁰ Second, inmates are deprived of goods and services. While it is true that an inmate will get "three squares and clean sheets," the standard of living inside a jail or prison is very low. Prisoners have no chance to keep or to obtain material possessions. Hustling, obtaining goods and services that are unavailable through legitimate channels, is the basic inmate activity. The informal economy can supply drugs, alcohol, food, and sex. Contraband is a valued commodity. They are permitted in the book, *Dead Men Walking*, to wear a white t-shirt with a black and white

The third 'pain of imprisonment' is the deprivation of social and personal needs. Researchers have identified a number of psychological problems that result from this deprivation. The worst of these expresses itself in the homosexual enslavement of younger prisoners by aggressive older inmates. Two studies have been most shocking and revealing: that on investigations of local correction facilities by the Philadelphia district attorney's office and police department (conducted nearly 20 years ago) that revealed that over 100 prisoners were sexually abused by older inmates, and a 1980 study of 1,500 inmates and 1,500 victims. Furthermore, it found that almost all 'slightly built' young men were sexually assaulted almost immediately upon admission. Many were raped repeatedly by gangs of inmates.⁵⁵

For heterosexual inmates the deprivation of a partner of the opposite sex is one of the worst forms of punishment. Precisely for that reason, six correctional systems—California, Connecticut, Mississippi, New Mexico, New York, and Washington—have instituted programs that permit conjugal visits.¹² At the Eastern Correctional Facility in Nanuet, New York, for



A growing number of exceptions to the original rulings could signal change. The Supreme Court may abandon its insistence on the exclusionary rule as a "constitutional" requirement. Empirical evidence seems to indicate that constitutional restraints have not handicapped law enforcement—but they have led to improved police training. A troubling issue remains: that of the abuse of force by law enforcement officers. Although the Supreme Court has laid down definite limits on the use of deadly force by such officers, instances of abuse continue to occur.

1. What are the strongest arguments in favor of abandoning the exclusionary rule? Do you support this rule, and do you feel that it unfairly restricts legitimate police action, letting otherwise guilty criminals go free? If you were asked to write a set of rules for police use of deadly force, would the final product resemble the Supreme Court's ruling in *Tennessee v. Garner*? How would it differ?

Consider the facts in the tragic shooting death of Malik Jones on April 14, 1997. What conclusions do you come to about the way in which police handled the Jones case? See <http://www.peopleandprivate.com/jones07.htm> and <http://www.fbi.gov/foia/oe975.htm>.

How many police officers were killed in the line of duty over the past several years? See <http://www.fbi.gov/public/kill.htm>

31. H. Kohn, *Confessions*, 238 U.S. 21 (1914).
 32. See John N. Eekman, *Criminal Penalties in the United States and Factors Pertinent to Their Fairness*, 24 Fed. Mag. 267, 268 (1904), p. 130 (quoting *Ex parte Smith*, 100 U.S. 172, 175 (1879)).
 33. 531 (1978).
 34. *Shirley Jackson v. Bachmayer*, 448 U.S. 218 (1975).
 35. *United States v. Gurnea*, 401 U.S. 345, 352 (1970).
 36. *Allyda Dittus Kopsch and William L. Kopsch*, "The Accomplish of Red Dye in Third Party Cases," 1959 *Journal of Criminal Law and Criminology* 50, 51 (1959).
 37. Dorothy R. Kopsch and William S. Lauder, *Illness in the Prisoner: A Study of the Prisoners of the Federal House of Detention* (1971), p. 42.
 38. See Wayne R. LaFare and Gerald H. Isaacs, *Criminal Justice in the United States* (1972), p. 195, and 197 Wenden's *Encyclopedia*, 305 U.S. 294 (1943).
 39. *United States v. Gurnea*, 401 U.S. 345, 352 (1970); and *Drain v. Rouse*, 600 U.S. 170 (1903).
 40. *Gray v. Maryland*, 522 U.S. 1 (1997).
 41. *United States v. Gurnea*, 401 U.S. 345, 352 (1970).
 42. See *Ex parte Smith*, 100 U.S. 172, 175 (1879).
 43. See *Ex parte Smith*, 100 U.S. 172, 175 (1879).
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 82. See *Ex parte Smith*, 100 U.S. 172, 175 (1879).
 83. See *Ex parte Smith*, 100 U.S. 172, 175 (1879).
 84. See *Ex parte Smith*, 100 U.S. 172, 175 (1879).
 85. See *Ex parte Smith*, 100 U.S. 172, 175 (1879).
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 99. See *Ex parte Smith*, 100 U.S. 172, 175 (1879).
 100. See *Ex parte Smith*, 100 U.S. 172, 175 (1879).

● Pedagogically Effective End-of-Chapter Materials

Each chapter concludes with a summary, as well as critical thinking questions and Internet exercises that are new to this edition.

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