

CRIMINAL JUSTICE



JAY S. ALBANESE

Criminal Justice

Jay S. Albanese

Virginia Commonwealth University

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Preface

Due to the serious and personal nature of crime and justice, people think viscerally and often emotionally about particular incidents. Therefore, facts are needed to determine whether these incidents are typical or unusual. It is only in this way that we can properly gauge our fear, decide precautionary measures to be taken, and determine whether or not we should support various new laws or policies being proposed.

Criminal Justice provides these facts by examining the nature of crime and the criminal justice system to reveal significant history, facts, and trends, and systematically traces them from the past to the present and into the future. The term *Criminal justice* refers to the operation and management of police, courts, and corrections agencies. The decision to punish certain behaviors as crimes, the arrest decision, charging decision, jury decision, and sentencing decision are a few of the far-reaching decisions made many times each day in criminal justice. Striking a balance among public safety, concern for victims, and the protection of the accused is fundamental and is reflected throughout this book.

For many years, surveys have reported that the fear of crime is steadily increasing, especially among the poor and disenfranchised who often lack the ability to change the nature and condition of their communities. There is evidence that this fear reduces the mobility of citizens, reduces their social interactions (through increased fear of strangers), hurts the commercial sector (especially nighttime shopping), and generally affects the quality of life by which we judge our leaders, our communities, and our country.

This fear is intensified when reports of new crimes, new criminals, police problems, plea-bargaining, overcrowded courts, and ineffective prisons leave the individual citizen with the feeling that little effort is being made to improve existing conditions and that life is becoming more dangerous. One consequence of such feelings is the declining participation in the political process, as witnessed by the continuing drop in the percentage of eligible citizens who vote. People also react unexpectedly, and sometimes violently, to additional stresses placed on them exemplified by the increased instances of workplace violence and road rage.

In the pages that follow, the issues of crime and justice that affect us all are clearly presented. It is hoped that readers, through greater understanding of these

problems which have such far-reaching personal and social consequences, will be better able to participate in informed strategies for their amelioration.

Organization of the Book

Perhaps the most useful aspect of this book is that it is written like a book rather than an encyclopedia. The chapters read as a narrative rather than an encyclopedia of facts too numerous for readers to learn, prioritize, or connect together. Emphasis is placed on fitting together concepts and the criminal justice system rather than cramming as many facts as possible onto each page. This is extremely important for students taking what might be their first course in criminal justice. This book is written so students are able to read with understanding and not be lost in an avalanche of facts and figures that serve to confuse rather than inform.

The topics are arranged logically beginning with a comparison of the fear of crime with other dangerous life events. This is followed in Chapter 2 with a discussion of the borderland of criminal behavior including the history of the vices and how we have come to define behavior as criminal. The nature, definition, and extent of crime and trends over time are presented in Chapter 3, permitting an objective look at the extent of crime and violence in America. In Chapter 4 the causes of crime are examined with a summary of the history of thinking about this fundamental subject. A unique section on ethical explanations of crime highlights this chapter. Chapter 5 explains the scope of the criminal law in how we define crime in precise terms, determine liability, and excuse conduct under certain circumstances. Chapter 6 provides an overview of criminal procedure, showing in exact terms how an individual case proceeds from arrest through disposition.

In Chapters 7, 8, and 9 address the history and organization of police, together with how their discretion is exercised and the legal limits on police conduct. As the gatekeepers of the criminal justice system, an understanding of police is central to the study of criminal justice. Chapter 10 explains how courts are organized in the United States and how they operate in practice. Chapter 11 offers an interesting discussion of prosecutors and their role in criminal justice. A unique section is included on the role of independent counsel in prosecuting crimes by federal officials.

Chapter 12 is devoted exclusively to understanding the defense of criminal cases. This chapter is the only one of its kind in introductory criminal justice textbooks. It addresses the important issue of the competing interests between seeking the truth versus winning criminal cases. Chapter 13 presents the history and philosophy of sentencing and recent innovations in the sentencing of offenders. Chapter 14 discusses prisons and their role and purpose in dealing with offenders, including trends in prison populations.

Chapter 15 introduces the reader to the concepts of authentic versus restorative justice and how alternatives to prison often can serve the dual purposes of deterrence and rehabilitation. Recent cases where offenders are “shamed” or embarrassed are assessed in this chapter. Chapter 16 illustrates the crimes, including smuggling and terrorism, that are increasingly occurring across borders and what the prospects are for an international system of justice.

Chapter 17 offers a unique look at the sophisticated crimes, including white collar crime, computer crime, and organized crime. The similarities among these crimes are presented as well as a typology to understand them more clearly. Chapter 18 presents the history, current status, and future directions in juvenile justice. How we deal with juveniles today will have a dramatic impact on criminal justice and on society in general in the years to come.

Features of the Book

There are numerous important features that distinguish this book. Each feature adds to the book's usefulness as a source of information and as a tool for teaching and learning.

1. Two *Critical Thinking Exercises* are included in each chapter. These exercises describe an interesting issue, relate some facts, history, and research about it, and then ask the reader two or three questions that query them to *think* about alternatives, rather than merely to *recall* facts. The critical thinking exercises force readers to think about issues of concern and come up with thoughtful responses, rather than rehearsed answers. Examples of critical thinking topics included in the book are hate crimes, overcriminalization, homicide, pit bulls, Theodore Kaczynski and legal insanity, justice on the Carolina frontier, responding to spouse abuse, unannounced entry by police, sex offender castration, registering sex offenders, terrorists on the Internet, and abolishing the age of majority.
2. In each chapter, a *Contemporary Issue* is featured that highlights a current issue that provides a jumping-off point for discussion of current events in the news, projects, or further reading. Examples include obscenity, drug-abusing women offenders, serial murders, campus law enforcement, race and the death penalty, private prisons and liability, the rebirth of youth gangs, and avoiding cyber-theft.
3. Each chapter highlights an issue that is bound to become more significant in the future. Following each *Future Issue*, readers are asked a question that requires an original response, one based on reflection. Examples of these features include school violence by children, crib death or infanticide, why we buy guns, television crime dramas and homicide, blame and believability in rape cases, preventing subway crime, pursuit driving, and prosecuting false statements.
4. Each chapter has at least one feature titled *Media and Criminal Justice* that summarizes a film that deals with criminal justice issues. Each media feature is followed by a question that requires the student to respond thoughtfully. Featured films included in media features are *A Clockwork Orange*, *Primal Fear*, *Star Chamber*, *Dead Man Walking*, *Falling Down*, *The People v. Larry Flynt*, and *New Jersey Drive*.
5. This is the only book of its kind that features a separate chapter on *criminal defense*. This chapter presents information on the legal and ethical issues that face defense attorneys today. The issues of the scope of the right to

counsel and whether an attorney should defend a guilty person are addressed in this chapter.

6. This is the only book of its kind with a separate chapter on *sophisticated crimes*. The chapter addresses the growth of white collar, organized, and computer crimes thereby expanding the scope of criminal justice books from traditional street crimes. As technology advances, the economy changes, and the population ages, these crimes will continue to grow in number and severity.
7. A major section on *restorative and authentic justice* takes a close look at new alternative sentences by placing them in context so that students may understand how the aims of restorative and authentic justice compare to more traditional notions of justice.

Supplemental Materials

Criminal Justice is accompanied by an expansive package of supplementary materials to facilitate teaching and learning. These materials include:

INSTRUCTOR'S MANUAL Each chapter of this valuable teaching tool includes a chapter outline, annotated lecture outline, summary, learning objectives, key terms, class discussion questions, essay questions, projects, and guest speaker suggestions. And to assist your transition from another text, the Instructor's Manual also contains conversion notes from other popular Introductory Criminal Justice texts.

COMPUTERIZED INSTRUCTOR'S MANUAL The Instructor's Manual is also available on disk for both Mac and IBM (Windows).

TEST BANK More than 1,500 test questions are contained in this test preparation aid. There are approximately 40 multiple choice, 30 true-false, 15 fill-in, and 5 essay questions for each chapter of the text.

ALLYN AND BACON TEST MANAGER—COMPUTERIZED TEST BANK The Test Manager contains all of the questions from the Test Bank, plus you may customize it with your own questions. Test Manager produces a variety of statistics that allow you to analyze the performance of test questions students, an individual class or section, and assessment types such as homework and online tests.

PRACTICE TESTS Consisting of approximately 15 questions per chapter, these self-tests help students gain mastery of the material covered in the text, above and beyond their reading in the text and the study guide.

POWERPOINT This PowerPoint presentation provides approximately 500 graphic and text images, in addition to links to the Internet, enabling you to create complete multimedia presentations in the classroom. The presentation is available on disk for IBM users, and online at www.abacon.com/albanese for Mac users. PowerPoint software is not required to use this program; a PowerPoint viewer is

included to access the images. Each chapter of the text has its own corresponding PowerPoint module.

TRANSPARENCIES Available online at www.abacon.com/albanese, these transparencies are another way to enhance your classroom presentation. This transparency set contains approximately 100 pieces, including all figures, charts and tables from the book, plus additional art from outside sources.

STUDY GUIDE PLUS This Study Guide provides learning objectives, key terms, self-tests, and glossaries. Students who need special language assistance will find a glossary for potentially confusing idioms and colloquialisms.

COMPUTERIZED STUDY GUIDES This valuable resource includes comprehensive chapter outlines, and comprehensive question sets consisting of multiple choice, true/false, and short-answer questions for each chapter. Questions are presented randomly and missed questions are presented more frequently. The questions are designed to cover all the material in the chapter, and serve to reinforce each other—knowing the answer to one question can assist the student in correctly answering other questions. Also included are flashcards that allow the student to view the term and give the correct definition or use it jeopardy style and view the definition while responding with the correct term. A performance appraisal shows students how they did by question type or topic. The Computerized Study Guide is available in two versions: single user for individual student use or multi user, designed to be installed in a learning resource center or computer labs, either on individual machines or network servers.

ALLYN AND BACON INTERACTIVE VIDEO—PRIME TIME CRIME This custom video covers a variety of major topics of interest to Criminology and Criminal Justice. The video segments are great to launch lectures, spark classroom discussion, and encourage critical thinking. The accompanying video user's guide provides detailed descriptions of each video segment, specific tie-ins to the text, and suggested discussion questions and projects. Prime Time Crime is organized as follows: Predatory Crimes; Domestic Violence; Organizational Crime; Corporate Crime; State Crime; and Crimes Against Humanity.

ALLYN AND BACON INTERACTIVE VIDEO FOR ALBANESE This custom video covers a variety of topics in the field of Criminal Justice, which are linked tightly with the text. The up-to-the-minute video segments are great to launch lectures, spark classroom discussion, and encourage critical thinking. The accompanying video user's guide provides detailed descriptions of each video segment, specific tie-ins to the text, and suggested discussion questions and projects.

THE BLOCKBUSTER APPROACH: A GUIDE TO TEACHING SOCIOLOGY WITH VIDEO This manual provides extensive lists, with descriptions, of hundreds of commercially available videos, and shows how they can be incorporated in the classroom. The videos are organized by topic and presented in an order common to most introductory textbooks.

ALLYN AND BACON QUICK GUIDE TO THE INTERNET FOR CRIMINAL JUSTICE, 1999 This handy reference guide contains a relevant discussion of Internet basics writ-

ten for students in a language to which they can relate. It includes criminal justice Internet activities; a section on critical evaluation of Internet sources; proper electronic documentation guidelines for both MLA and APA styles; and a multitude of criminal justice-specific URLs.

CAREERS IN CRIMINAL JUSTICE This supplement goes beyond the academic career path of the criminal justice major and explores careers in criminology and criminal justice, showing how people entered the field, and how a degree in criminal justice can be a preparation for careers in a wide variety of areas.

A&B VIDEO LIBRARY Qualified adopters may select from a wide variety of high quality videos from such sources as Films for the Humanities and Sciences, and Annenberg/CPB.

WEBSITE An extensive website has been developed for this text at www.abacon.com/albanese. Features of the online study guide portion of the website include learning objectives; practice tests (interactive multiple choice, true-false, fill-in and essay questions); web destinations; exploring the Internet; chapter chats, etc. There are numerous non-text specific criminal justice resources included on this exciting site!

INTERACTIVE EDITION The Criminal Justice Interactive Edition combines the complete textbook with the latest in multimedia, taking your students beyond the traditional learning experience. The Interactive Edition CD-ROM contains the complete book in full color as well as more than 500 contextually placed media links. All of the media links take students to additional content that directly relates to key concepts in the text. There are video and audio clips, activities, practice tests, and links to websites, including the online study guide specific to this text. Because the Interactive Edition CD-ROM allows students to walk through a variety of media, it accommodates a wide variety of individual learning styles.

Acknowledgments

This book is much more than a collection of several hundred thousand words. It took a significant portion of my life to gather the personal and social experience that resulted in this book. It began while a senior undergraduate at Niagara University when my sociology professor, Nicholas Caggiano, mentioned in class that Rutgers University was opening a new School of Criminal Justice. I applied and was admitted. It was the only graduate school to which I applied. To this day, I do not believe I would have heard about the Rutgers' program if I had cut that class.

After finishing my Master's degree at Rutgers and entering the work force as a criminal justice planner, I considered attending law school. An emergency appendectomy the night before the law school admission test sidetracked those plans. Instead, I received a call from Rutgers a few weeks later, inviting me to apply to their newly established doctoral program at the School of Criminal Justice.

I entered the Ph.D. program that Fall. I am indebted to Rutgers for starting the School of Criminal Justice when it did and also for supporting my studies with assistantships and fellowships during my time there. I finished the Ph.D. in 1981, having obtained a variety of work experiences in the process. These experiences included research, consulting work, and a great deal of teaching. The opportunity to teach enabled me to discover I enjoyed it, and that I improved with each class I taught.

I returned to Niagara University in Fall, 1981 and taught there for 15 years. During that time I had the opportunity to revise the undergraduate curriculum in criminal justice, write the curriculum for a Masters program, and at one time or another teach most of the courses there. I have gained more knowledge through teaching than through any other activity because good teaching requires preparation. The lack of many good books in the field, especially during the early years of my career, forced me to look to primary sources. This instilled an appreciation of the history and philosophy that underlies the field of criminal justice which is reflected in this book. Teaching is a very important profession, and I am gratified to have the opportunity to do it for a living. I thank my students for providing the forum to do so.

I began this manuscript while serving as president of the Academy of Criminal Justice Sciences and moved to my current position as chair of the Department of Criminal Justice at Virginia Commonwealth University in 1996. These undertakings slowed my progress on the book somewhat, but the delays added to the book's interest in light of a series of major events in criminal justice that have occurred recently including major acts of domestic terrorism, the acceleration in media coverage of criminals trials, and significant growth in international and sophisticated crimes.

The reviewers who made many helpful suggestions on early drafts of this book's manuscript include Nola Allen, University of South Alabama; Jennifer M. Balboni, Northeastern University; John K. Cochran, University of South Florida; Richard H. DeLung, Wayland Baptist University; David Friedrichs, University of Scranton; Herbert C. Friese, Burlington County College; Dennis Hoffman, University of Nebraska; Terrance W. Hoffman, Nassau Community College; Katherine Jamieson, University of North Carolina; William E. Kelly, Auburn University; JoAnne M. Lecci, Nassau Community College; Larry Rostintoski, Trident Technical College; Carl Russell, Scottsdale Community College; Jo Ann M. Scott, Ohio Northern University; Donald H. Smith, Old Dominion University; Gregory B. Talley, Broome Community College; and Angela D. West, Indiana State University. Their comments undoubtedly improved the quality of the final book.

My editors deserve recognition for their help in seeing this project through to publication. Karen Hanson, editor-in-chief, thought the idea for this book was a good one and I thank her for her tactful yet persistent attention to details and deadlines. In a similar way, Carolyn Smith's editorial assistance was invaluable. Susan Brown and Heather Ahlstrom provided cheerful assistance in the book's production and marketing, and the many field representatives I have met impressed me with their knowledge of both publishing and the field of criminal justice.

Like most families, mine is active and involved. I thank mine for helping me keep my work on this book in context, while they wondered if it would ever end.

Character-building exploits such as coaching a soccer team of 7- and 8-year-olds, teaching forensic science to middle school students, and managing a little league team provided me with wonderful experiences of the possibilities for constructive behavior by day, while I wrote about the often dark side of life at night. Without all these experiences, this book would have been quite different and probably not as good.

About the Author

JAY S. ALBANESE is Professor and Chair of the Department of Criminal Justice at Virginia Commonwealth University. He received the M.A. and Ph.D. from Rutgers University, where he was the first Ph.D. recipient from the Rutgers School of Criminal Justice. At Virginia Commonwealth University, Dr. Albanese directs a 500 student undergraduate program in criminal justice, and Master's programs in forensic science and criminal justice with a total enrollment of more than 100 students. The graduate program is one of the seven largest in the nation.

Dr. Albanese served as Interim Research Director at the Training and Research Institute of the National White Collar Crime Center during 1998–1999. In this capacity, he has developed a 3-year research plan for the Institute and directed their research projects.

Dr. Albanese is author of seven books, including *Organized Crime in America* (Anderson, 3rd edition, 1996), and *White Collar Crime in America* (Prentice Hall, 1995). He is editor of the book *Contemporary Issues in Organized Crime* (Willow Tree Press, 1995).

Jay Albanese was recipient of the *Excellence in Teaching Award* from the Sears Foundation, and is listed in *Who's Who in America*, *Who's Who in American Law*, *Who's Who in Education*, and *Who's Who among America's Teachers*. He is a past president of both the Academy of Criminal Justice Sciences and the Northeastern Association of Criminal Justice Sciences.

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