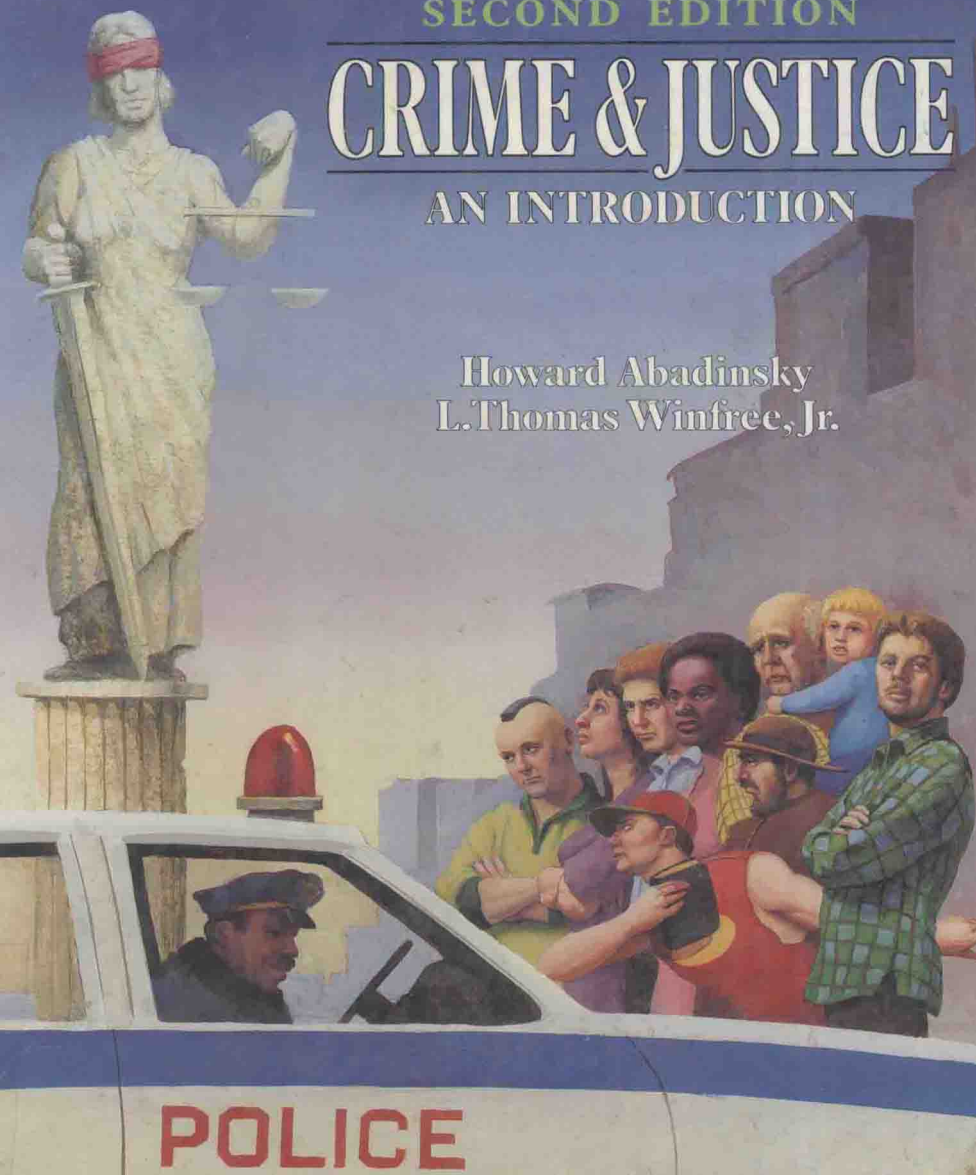


SECOND EDITION

CRIME & JUSTICE

AN INTRODUCTION

Howard Abadinsky
L. Thomas Winfree, Jr.



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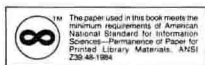
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Howard Abadinsky, Chicago, Illinois
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CONTENTS IN BRIEF

PART 1	Crime, Criminals, and Criminal Justice	1
Chapter 1		
Crime: Problems of Definition and Law	3	
Chapter 2		
How Much Crime? The Problems of Perception and Statistics	35	
Chapter 3		
Of Crimes and Criminals	83	
Chapter 4		
Understanding Crime and Criminals: Theories of Causation		107
Chapter 5		
The System of Criminal Justice		145
PART 2	Reacting to Crime	181
Chapter 6		
The Police: History and Goals	183	
Chapter 7		
The Structure of Law Enforcement in America	223	
Chapter 8		
Police Organization and Operation	261	
Chapter 9		
Issues in Policing	303	
Chapter 10		
Federal and State Courts		335
Chapter 11		
The Lawyers: Judge, Prosecutor, and Defense Attorney		373
Chapter 12		
Seeking Justice: Plea Bargaining, Trials, and Sentencing		413
PART 3	Reacting to Criminals	467
Chapter 13		
The Question of Punishment: Jails	469	
Chapter 14		
The Question of Punishment: Prisons	501	
Chapter 15		
The Question of Punishment: Alternatives to Incarceration		549
Notes	A-1	
Author Index	B-1	
Subject Index	C-1	

CONTENTS

Acknowledgments v

PART 1

Crime, Criminals, and Criminal Justice

Chapter 1

Crime: Problems of Definition and Law

3

Defining Crime 4

Law and Its Sources 8

Maintaining Social Order: From Folkways and Mores to Law

Sources of Law in Contemporary Society

Criminal Law 15

Objectives

Categories of Crime

Civil Law 18

Key Differences

Significance of Civil Law for Criminal Justice

Corpus Delicti 20

Actus Reus

Mens Rea

Concurrence

Criminal Responsibility 25

Infancy

Insanity

Affirmative Defenses 27

Excusable Acts

Justifiable Acts

Juvenile Law 30

Jurisdictional Definitions and Objectives

Legal Categories

Juvenile Justice: A Civil or Criminal Process?

Summary 32

Key Terms 33

Key Cases 33

Study Questions 34

FEATURES

Defining Crime: Iran 4

Substantive and Procedural Criminal Law 13

Sources of Law in the United States 14

PROFILES IN CRIME AND JUSTICE

Building Consensus: The Salem Witch Trials 9

Definition of Law 12

CASES AND COMMENTS

The Law: Where to Find It 15

Entrapment and the Law 29

Chapter 2

How Much Crime? The Problems of Perception and Statistics

35

Crime: A Matter of Perception 36

Scientific Research 38

Fundamentals of Science

Basic and Applied Research

Research Designs 40

Purpose of the Research

Units of Analysis

Research Topics

To Census or to Sample?

Time Dimension

Modes of Observation: Quantitative Research 46

Survey Design

Experimental Design

Secondary Analysis

Modes of Observation: Qualitative Research 47

Case Study

Observation: From Complete Observer to Complete Participant

Agency-Based Reports as Crime Statistics	51
<i>Uniform Crime Report</i>	
<i>The Contents of a Uniform Crime Report</i>	
<i>UCR Measurement Problems</i>	
<i>The UCR: Reliable and Valid?</i>	
Victimization Studies as Crime Statistics	60
<i>National Crime Survey</i>	
<i>Problems with the NCS</i>	
Self-Report Studies as Crime Statistics	66
<i>National Youth Survey</i>	
<i>Problems with the NYS</i>	
Uniform Crime Report Trends	73
<i>Why the Decline in Crime?</i>	
National Crime Survey Trends	77
<i>Personal Sector Offense Trends</i>	
<i>Household Sector Offense Trends</i>	
The UCR and NCS in Perspective	78
Summary	80
Key Terms	80
Key Cases	81
Study Questions	81
FEATURES	
Journalism versus Research	36
Student Victimization Study	62

PROFILES IN CRIME AND JUSTICE

Social Artifacts and Criminal Investigations:	
Ties Between Criminal Justice Research and Practice	41
Random Selection	43
Sampling Errors	44
Additional "Costs" of Complete Participation	50
Politics and Crime Statistics	51
The Hierarchy Rule, Unfounded Crimes, and the "Crime Clock"	54
Sample UCR Reporting Form A	57
Sample NCS Screening Instrument	64
Delinquency as Measured by the NYS	68
Crimes, Victims, and Arrestees—1989	70

CASES AND COMMENTS

The Nuremberg Code	48
--------------------	----

Chapter 3

Of Crimes and Criminals 83

Criminals and Their Crimes	84
<i>Typologies and Crime</i>	
<i>Criteria for a Crime Typology</i>	
Major Forms of Criminal Activity	88
Violent Personal Crime	88
Fraud	89
<i>Fraud against the Government</i>	
<i>Insurance Fraud</i>	
<i>Consumer Fraud</i>	

Employee Crime	91
Career Crime	92
Political Crime	93
<i>Crime against Government</i>	
<i>Governmental Crime</i>	
Professional Crime	95
Victimless Crimes	97
<i>Decriminalization and Legalization of Vice</i>	
<i>AIDS and the Concept of Victimless Crimes</i>	
Corporate Crime, or "Crime in the Suites"	100
Organized Crime	102
Summary	105
Key Terms	106
Study Questions	106
FEATURE	
Drug Legalization: Pro and Con	98
PROFILES IN CRIME AND JUSTICE	
Victimless Crimes in the United States and England:	
A Comparison	99
The Crimes and Punishments of a Corporate Offender	101

Chapter 4

Understanding Crime and Criminals: Theories of Causation 107

What Is a Theory?	108
Classical Criminology	109
<i>Assessment</i>	
Crime and the Individual	111
<i>The Legacy of Demonological Explanations</i>	
<i>Biogenic Theory</i>	
<i>Psychogenic Theory</i>	
<i>Social-Psychological Theory</i>	
Crime and Culture	127
<i>Social Ecology and Crime</i>	
<i>The Anomic Tradition</i>	
<i>Subcultural Theories</i>	
Crime and Social Structure	135
<i>Societal Reaction and Labeling Theory</i>	
<i>Conflict Theory</i>	
Summary	142
Key Terms	143
Key Cases	143
Study Questions	143
PROFILES IN CRIME AND JUSTICE	
The Birth of Scientific Criminology	113
The Legacy of Early Positivism: Biology and Crime	115
An Example of Theory Integration	123
Functionalism and the Normalcy of Crime	130
When Theory Meets Politics	133
The Search for Criminal Woman	141

Chapter 5 The System of Criminal Justice 145

- The Problem of Governmental Complexity 146
 - The Law and Jurisdiction*
- What Is Criminal Justice? 147
 - Waging War on Crime*
 - Criminal Justice: The Components*
 - Crime and Justice: System or Process?*
 - Law Enforcement, Jurisdiction, and the "Justice Funnel"*
 - Crime Control versus Due Process*
- Due Process of Law 151
 - The Exclusionary Rule*
 - The Right to Remain Silent*
 - The Right to Legal Counsel*
 - The Right to Bail*
 - The Right to a Jury Trial*
 - The Right to Confront Accusers and Witnesses*
 - Double Jeopardy*
- The Criminal Justice Process 167
 - Preliminary Investigations*
 - Arrest*
 - Booking*
 - Pretrial Hearing*
 - Grand Jury*
 - Plea Bargaining*
 - Trial*
 - Sentencing*
 - Probation*
 - Jail/Prison*
 - Parole*
 - Appeals*
- Juvenile Justice 173
 - Juvenile Due Process of Law*
 - Juvenile Justice Processing*
- Summary 178
- Key Terms 178
- Key Cases 178
- Study Questions 179
- PROFILES IN CRIME AND JUSTICE
 - Cases of Mistaken Guilt* 152
 - Overview of the Felony Criminal Justice Process* 168
 - Crime Victims* 174
- CASES AND COMMENTS
 - Mapp v. Ohio: When the Police Went Too Far* 156
 - Protection against "Compulsory Self-Incrimination:" An Absolute?* 162
 - A Civil Alternative to the Exclusionary Rule?* 164

PART 2 Reacting to Crime

Chapter 6 The Police: History and Goals 183

- The History of Law Enforcement 184
 - The English: From Shire Reeves to Parish Constables*
 - Maintaining Order in Colonial America*
 - Law Enforcement in the New Nation*
- Corruption and Reform in Twentieth-Century Policing 192
 - The Origins of Police Reform: 1900-1918*
 - Crime Fighting and Police Reform: 1919-1949*
 - The Legacy of Depersonalized Policing: 1950-1969*
 - Recent Police Reforms: Toward the Year 2000*
- Limitations on Policing 204
 - Structural Limitations*
 - Resource Limitations*
 - Legal Limitations*
- Police Goals and Objectives 205
 - The Business of Police Work*
 - Doing Police Work*
 - The Dilemma of Law versus Order*
- Discretion in Law Enforcement 207
 - Work Environment and Discretion*
 - Extralegal Factors and Discretion*
 - Social-Situational Factors and Discretion*
- Styles of Policing 210
 - Departmental Styles of Policing*
 - Individual Officer Styles of Policing*
- Policing in the Private Sector 212
 - Private Security Forces in America*
 - Public Police in the Private Sector*
 - Public Police and Private Security: A Study in Contrasts*
- Policing Juveniles 215
 - Police Role Conflict and the Juvenile Offender*
 - Police-Juvenile Contacts and Discretion*
- Summary 220
- Key Terms 221
- Study Questions 221
- PROFILES IN CRIME AND JUSTICE
 - Policing Paris: 1750-1850* 186
 - Policing London: 1750-1850* 187
 - Policing Berlin: 1750-1850* 188
 - The Police Role of the Army and the Pinkertons in the Old West* 190
 - The Birth of Police Professionalism* 194
 - The Boston Police Strike of 1919* 195
 - Vollmer and Wilson: Pioneers in Police Administration* 196

The Federal Bureau of Investigation and Prohibition	197
Police and the "Rotten Apple" Thesis of Human Nature	200
Police Work in Fiction and Fact: Citizen Calls for Police Services	206
 Chapter 7	
The Structure of Law Enforcement in America	223
State Law Enforcement	224
<i>Contemporary State Police</i>	
<i>Other State-Level Policing Agencies</i>	
Local Law Enforcement	231
<i>Municipal Police</i>	
<i>County Law Enforcement</i>	
<i>Other Local Policing Agencies</i>	
Federal Law Enforcement	234
<i>Department of Justice</i>	
<i>Department of the Treasury</i>	
<i>Department of Transportation</i>	
<i>General Services Administration</i>	
<i>Postal Inspection Service</i>	
<i>Offices of the Inspectors General</i>	
<i>Department of Defense</i>	
<i>Other Federal Agencies</i>	
INTERPOL	256
Summary	258
Key Terms	259
Study Questions	259
FEATURES	
Two State Police Forces	230
PROFILES IN CRIME AND JUSTICE	
The FBI's NCIC in the Twenty-First Century	238
The Federal Law Enforcement Training Centers (FLETC): Training America's Federal Law Enforcement Agents	243
CASES AND COMMENTS	
Seizing the Assets of Drug Traffickers	240
The Uniform Code of Military Justice	253
 Chapter 8	
Police Organization and Operation	261
Police Organization	262
<i>Organizational Units</i>	
<i>Principles of Organizational Control</i>	
Patrol	266
<i>Calls for Service</i>	
<i>Preventive Patrol</i>	
<i>Officer-Initiated Activities</i>	
<i>Administrative Tasks</i>	

Specialized Patrol	270
<i>Uniformed Tactical Patrol</i>	
<i>Decoy Operations</i>	
<i>Surveillance</i>	
<i>Repeat Offender Programs</i>	
Investigation	276
<i>Proactive Investigation</i>	
<i>Reactive Investigation</i>	
Traffic	280
<i>Sobriety Checkpoints</i>	
Police-Community Relations	283
<i>Police and the Community</i>	
<i>Civilianization of Policing</i>	
Special Weapons and Tactics (SWAT) Units	289
Police Auxiliaries	289
Youth Division	290
<i>Policing Juvenile Offenders: Organizational Issues</i>	
<i>Rights of Juveniles in Police Custody</i>	
Administrative and Auxiliary Services	293
<i>Internal Affairs</i>	
<i>Intelligence</i>	
<i>Personnel and Training</i>	
<i>Planning, Research, and Analysis</i>	
<i>Criminalistics</i>	
<i>Records and Communications</i>	
<i>Property</i>	
<i>Detention</i>	
Summary	299
Key Terms	300
Key Cases	300
Study Questions	301
PROFILES IN CRIME AND JUSTICE	
Decoy	272
Street Crime Unit	273
Do Sting Operations Work?	274
Theodore Robert Bundy and the Traffic Cops	278
Community Policing and the War on Drugs	286
Guardian Angels: The New Police Auxiliaries?	290
Police and Juvenile Gangs	292
NYPD's Internal Affairs Division and the Integrity Test	294
Juvenile and Adult Records: One System, One Record?	298
CASES AND COMMENTS	
Electronic Surveillance and the Law	279
Refining the Legal Limits of Sobriety Checkpoints	282

 Chapter 9	
Issues in Policing	303
Controlling Police Behavior	304
Police Personality	304
<i>Authoritarianism and the Police Personality</i>	

Contemporary Views of the Police Personality	
Police Work	309
Stress in the Workplace	
Police and the Courts	312
Police Legal Practice	
Police and Civil Liability	
Police and Affirmative Action	
Police Deviance and Violence	317
Police Corruption	
Brutality	
Deadly Force: Firearms	
Other Instruments of Deadly Force	
Police Professionalism	327
Professionalism Defined	
Evaluating Police Work as a Profession	
Police Unions	
Summary	333
Key Terms	333
Key Cases	334
Study Questions	334
FEATURES	
The Blue Wall	320
Cleveland FBI Sting	321
PROFILES IN CRIME AND JUSTICE	
Defining the Authoritarian Personality	305
Minority Officers in American Police Agencies	316
"Shoot/Don't Shoot"	324
Police Officer Deaths: The Other Side of the Deadly Force Issue	326
Law Enforcement Code of Ethics	329
On Strike: A Comparison of Two Police Strikes	332
Chapter 10	
Federal and State Courts	335
Legal Jurisdiction and Court Structure	336
Geographical Jurisdiction	
Subject Matter Jurisdiction	
Jurisdiction and Court Hierarchical Structure	
The Federal Justice System: History and Development	338
The Federal Courts	340
U.S. District Courts and Magistrates	
Special Courts and Administrative Quasi-Judicial Federal Agencies	
U.S. Court of Appeals	
U.S. Supreme Court	
The State Courts: Early History	349
The Structure of the State Courts	352
Lower Court/Court of Limited Jurisdiction	
Superior Court/Court of General Jurisdiction	
Intermediate Court of Appeals/Appellate Jurisdiction	

Court of Appeals/Court of Last Resort	
Courts at Work: State and Local Courts	
The Appellate Process	357
Administering the Courts	358
Clerk of the Court	
Trial Court Manager	
Court Reform	362
Court Unification	
Central Court Administration	
Juvenile Court System	365
Establishing the Juvenile Court	
Contemporary Juvenile Courts	
Summary	369
Key Terms	371
Key Cases	371
Study Questions	371
PROFILES IN CRIME AND JUSTICE	
The International Court of Justice	337
The U.S. Solicitor General	348
Law and Justice in the French Colonies	350
CASES AND COMMENTS	
Jurisdiction	336
Marbury v. Madison	345

Chapter 11

The Lawyers: Judge, Prosecutor, and Defense Attorney

373

Legal Education	374
Early Legal Education	
The Roots of American Legal Education	
Langdell and Twentieth-Century Legal Education	
Law School Stratification	
The Legal Profession	379
National Law Firms	
Stratum III Lawyers	
The Judge: Roles and Responsibilities	383
Selecting Judges	383
Executive Appointment	
Partisan Election	
Nonpartisan Election	
Merit/Missouri Plan	
Disciplining and Removing Judges	389
Traditional Methods of Judicial Removal	
The Judicial Conduct Commission	
The Prosecutor	394
Prosecutorial Case Management	395
Horizontal Prosecution	
Vertical Prosecution	
Mixed Prosecution	
The Defense Counsel	397
Private Defense Counsel	
Public Defender System	

Assigned Counsel	
Contract System	
Attorney Competency	
The Courtroom Workgroup	403
Courtroom Ancillaries	404
Coroner	
Court Reporter	
Bailiff	
Court Interpreter	
Court Actors and Juvenile Defendants	407
Summary	409
Key Terms	410
Key Cases	410
Study Questions	410
FEATURES	
Justice in China	398
PROFILES IN CRIME AND JUSTICE	
From Spiritual to Temporal Law	375
Court Officers in Contemporary England	376
Appointing Federal Judges: A Search for the Best or Partisan Politics?	386
National Commission on Criminal Justice Standards and Goals: Standard 7.1, Judicial Selection	389
Professional Socialization: Becoming a Judge	405
CASES AND COMMENTS	
Dirty Money and Drug Defendants: The Best Lawyers Money Can Buy?	399

Chapter 12

Seeking Justice: Plea Bargaining, Trials, and Sentencing	413
--	-----

Pretrial Procedures	414
Misdemeanors versus Felonies	
Grand Jury versus Probable-Cause Hearings	
Arraignment	
Bail	416
The Bail Process	
Bail Reform	
Bargaining for Justice	418
Plea Bargaining Is Unjust	
Plea Bargaining Serves Justice	
The Plea Bargaining Process	422
Case Screening	
Legal Issues	
Plea Bargain Reform: Implications for Justice	
Setting the Stage	429
Right to a Speedy Trial	
Discovery and Pretrial Motions	
Jury Selection	
The Criminal Trial	435
Opening Statements	
Prosecutor's Case-in-Chief	

Cross-Examination (Optional)	
Redirect, Recross-Examination, and Motions	
Redirect (Optional)	
Defendant's Case-in-Chief (Optional)	
Rebuttal and Surrebuttal Witnesses and Motions (Optional)	
Closing Statements	
Charge to the Jury	
Jury Deliberations	
Sentencing Objectives	439
Classical School	
Positive School	
Positivism and the Medical Model	
Just Deserts and Retributive Justice	
Contemporary Objectives	
Types of Sentences	442
Determinate Sentence	
Indeterminate Sentence	
Toward Punitive Measures: Mandatory Sentences and Habitual Criminal Statutes	
Plea Bargaining and the Determinate Sentence	
Presentence Investigation	446
Sentencing Guidelines	450
Capital Punishment	453
Arguments Pro and Con	
Juvenile Court Procedures	459
Preliminary Hearing	
Transfer Hearing	
Adjudicatory Hearing	
Dispositional Hearing	
Summary	463
Key Terms	464
Key Cases	464
Study Questions	464
FEATURES	
Law and Order in China	456
Capital Punishment in Saudi Arabia	456
TV Special, Live from San Quentin . . .	460
PROFILES IN CRIME AND JUSTICE	
A Plea-Bargaining Session	426
Jury Socialization	432
Scientific Jury Selection: Fact or Myth?	434
Types of Witnesses	436
Impeaching Witness Credibility	437
Victims and Sentencing	447
Presentence Investigation: State of Indiana, Marion County Superior Court, Criminal Division	448
The Death Penalty as Deterrent	452
Executions Deter Violent Crimes versus Executions	
Fail to Deter: The Evidence	457
Discrimination and Capital Punishment	458
Death Penalty Reversals	459
What Happens When the Juvenile Court Waives Jurisdiction?	461

PART 3

Reacting to Criminals

Chapter 13

The Question of Punishment: Jails 469

- Jails: A Matter of Definition 470
- The History of Jails 471
 - The English Gaol*
 - Houses of Correction and Workhouses*
- Jails in America 472
 - Colonial Jails*
 - Jails in the New Nation*
 - Twentieth-Century Jails*
- Contemporary American Jails 474
 - Goals and Functions*
 - Population Trends*
 - Inmate Characteristics*
- Jail Administration 480
 - Design and Operations*
 - Staff and Training*
- Life and Death in Jail 485
 - Jail Deaths*
- Issues in Jail Management 487
 - Managing Jail Population*
 - Regional Jails*
 - Privatized Jail Management*
- Special-Needs Inmates 491
 - Women*
 - The Mentally Ill*
 - Alcoholics and Drug Users*
 - AIDS in Jail*
 - Jail Services and Jail Management: A Final Note*
- Juveniles and Jails 496
 - Removing Juveniles from Adult Jails*
 - Juveniles in Jail: Current Status*
- Summary 499
- Key Terms 499
- Key Case 500
- Study Questions 500
- PROFILES IN CRIME AND JUSTICE
 - Total Institutions and Confinement* 475
 - Cost Savings Associated with Podular Jails* 484
 - Predicting Jail Suicides: The Use of Profiles* 486
 - A System That Works: Screening Mentally Ill Inmates in Santa Clara County* 493

Chapter 14

The Question of Punishment: Prisons 501

- Imprisonment and Punishment: A Brief History 502
 - The Creation of the Penitentiary*
- Evolution of the American Prison 503
 - Connecticut's Newgate Prison*
 - The Pennsylvania System*
 - The Auburn System*
 - Rehabilitation and the Elmira Reformatory*
 - The Big House*
- Contemporary Correctional Institutions 509
 - Classification*
 - Custody and Prison Security*
 - Treatment*
- Prisoners: A Profile 515
 - Inmate Characteristics*
- Life in Modern American Prisons 518
 - Prisonization and the Inmate Code*
 - Inmate Responses to Imprisonment*
- Prison Violence 522
 - Inmate Victimization*
 - Prison Riots*
 - Prison Gangs*
- Women in Prison 528
 - History of Prisons for Women*
 - Life in Prisons for Women*
- Prison Labor 531
 - Anti-Prison-Labor Legislation*
 - Contemporary Prison Industries*
- Prisons and the Courts 533
 - From Hands-Off to Involved-Hands: The Road from Ruffin to Wolff*
 - Jail-House Lawyers and Judicial Access*
 - Seeking Judicial Relief: Avenues to the Courts*
 - The Question of Inmate Rights*
- Privatization 538
 - The Movement Toward Private Corrections in America*
- Juvenile Institutions 541
 - The History of Juvenile Institutions*
 - Contemporary Juvenile Institutions*
- Summary 545
- Key Terms 546
- Key Cases 546
- Study Questions 546
- FEATURES
 - Women Guarding Men* 511
- PROFILES IN CRIME AND JUSTICE
 - Connecticut's Newgate Prison: A Failed (and Ignored) Prison System* 504
 - Inmates Controlling Inmates: Building Tenders and Inmate Guards* 508

The Correction Officer	510
Moving around the Maximum-Security Prison	512
Inmate Rules	514
The "War on Drugs" and Rising Prison Populations	517
Federal Bureau of Prisons	520
Inmate Role Adaptation	521
Intrapersonal Violence: The Case of Self-Mutilation	523
Valley Women	530
AIDS: Are America's Prisons Ready?	539
Alternatives to Litigation	540
Private Prisons: The Issues	541
Juvenile Prisonization	544
CASES AND COMMENTS	
Consent Decrees and Court Orders as Instruments of Institutional Change	526
The Juvenile's Right to Treatment	543

Chapter 15

The Question of Punishment: Alternatives to Incarceration	549
--	-----

Probation	550
<i>The History of Probation</i>	
<i>Administration of Probation</i>	
<i>Violation of Probation</i>	
<i>Legal Decisions Affecting Probation</i>	
Parole	563
<i>Origins of Parole in the United States</i>	
<i>Administration of Parole</i>	
<i>Parole Board Guidelines</i>	
<i>Violation of Parole</i>	
Probation/Parole/Supervision	572
<i>Interstate Adult and Juvenile Compacts</i>	
<i>Probationers and Parolees: Similarities and Differences</i>	
Probation/Parole Officers	573
<i>Case Assignment</i>	
<i>Probation/Parole Agency Models</i>	
<i>The Probation/Parole Officer as Law Enforcement Agent</i>	
<i>Ongoing Supervision</i>	
<i>Offender Employment</i>	
Probation/Parole Services	577
<i>Trends in Probation</i>	

<i>Trends in Parole</i>	
Abolishing Parole: Rhetoric or Reality?	581
Institution-Based Alternatives	583
<i>Halfway Houses</i>	
<i>Work Release and Furloughs</i>	
<i>Shock Programs</i>	
Community-Based Corrections	588
<i>Intensive Supervision</i>	
<i>Diversion</i>	
<i>Fines and Forfeitures</i>	
<i>Restitution and Community Service</i>	
<i>House Arrest and Electronic Monitoring</i>	
The Demise and Rebirth of Sentencing Alternatives	596
Executive Clemency	596
Alternatives for Juveniles	597
<i>Diversion</i>	
<i>Community-Corrections Programs</i>	
<i>Probation</i>	
<i>Parole</i>	
Summary	601
Key Terms	602
Key Cases	603
Study Questions	603
FEATURES	
Continuum of Sanctions	551
Juvenile Court Order or Probation	600
PROFILES IN CRIME AND JUSTICE	
Common Pleas Court	554
Conditions of Probation	556
Probation: Advantages and Disadvantages	558
Statement of Conditions Under Which Parole Is Granted	570
Parole: Advantages and Disadvantages	571
Brooke House Multi-Service Center	583
Shock Incarceration: Does It Work, and at What Cost?	586
Fines, Deterrence, and Economic Equality	591
The Merits (and Demerits) of Electronic Monitoring	595
Merging Theory and Practice: The Provo Experiment	598

Notes	A-1
Author Index	B-1
Subject Index	C-1

1

CRIME, CRIMINALS, AND CRIMINAL JUSTICE

CHAPTER 1

CRIME: PROBLEMS OF DEFINITION AND LAW

Defining Crime

Law and Its Sources

*Maintaining Social Order: From Folkways and
Mores to Law*

Sources of Law in Contemporary Society

Criminal Law

Objectives

Categories of Crime

Civil Law

Key Differences

Significance of Civil Law for Criminal Justice

Corpus Delicti

Actus Reus

Mens Rea

Concurrence

Criminal Responsibility

Infancy

Insanity

Affirmative Defenses

Excusable Acts

Justifiable Acts

Juvenile Law

Jurisdictional Definitions and Objectives

Legal Categories

Juvenile Justice: A Civil or Criminal Process?

Summary

Key Terms

Key Cases

Study Questions

FEATURES

Defining Crime: Iran

Substantive and Procedural Criminal Law

Sources of Law in the United States

PROFILES IN CRIME AND JUSTICE

Building Consensus: The Salem Witch Trials

Definition of Law

CASES AND COMMENTS

The Law: Where to Find It

Entrapment and the Law

In this chapter we begin a journey over the landscape of crime and justice in the United States. First we need to define the seemingly obvious—what is a crime? Crime, as we shall see, is often a matter of perspective. For example, under certain circumstances, the killing of women and children may be defined not as a crime, but as the heroic action of “freedom fighters.” To further complicate matters, consider the observation that Irangate’s Oliver North is a hero to some Americans and a criminal to others. How do we evaluate the actions of Panama’s former strongman, Manuel Noriega? Drug-dealing criminal? Nationalistic hero? Coward? It’s all a matter of perspective. Furthermore, the legal system which defines certain harmful behavior as criminal defines an even larger amount of harmful behavior as civil wrongs. What accounts for the difference?

Defining Crime

Societal concern with the “crime problem” has an ancient history that includes divine intervention: “Thou shalt not kill!” Every recorded society has had some version of this prohibition, but nearly all also allowed some exception to it. Consider the following variation: “Thou shalt not kill, except in the service of thy nation.” This exception has sent tens of millions of people to their deaths as they tried in pitched combat to take the lives of their enemies, all in the name of national honor. The more of the enemy they killed, the greater the risks they took in that pursuit, the higher the esteem in which they were held, oftentimes not only by their own comrades-in-arms but by the enemy as well.

What of the individuals who hold true to the absolute prohibition against killing? At a minimum, their countrymen may ostracize them. They may find themselves subject to imprisonment or worse. In more enlightened times and places, they are offered alternative ways of serving their nation-state.

Other exceptions to the prohibition against taking human life have led to the destruction of entire populations. Thus, for ancient Hebrews, the prohibition did not extend to Amalekites in Canaan and the Sinai peninsula; for Catholics during the Thirty Years’ War (1614-48), the prohibition did not extend to Protestants, and vice versa; for the Ottoman Empire, it did not extend to the Armenians, particularly during the massacre of 1915; for the Nazis (1933-1945), it did not extend to Jews. More recently, it has not been extended by some contemporary Brazilians to the

native tribes inhabiting the Amazon basin. Apparently the lifestyle and physical appearances of these Indians, not to mention the rich lands through which they roam, have resulted in a common redefinition of the original prohibition. This one effectively reads: “Thou shalt not kill human beings, but _____ aren’t human so they are fair game.” In the Amazon basin the word “Indians” completed this sentence. Just as Jews, Gypsies, and others were “legally” defined as non-humans in Hitler’s Germany, so these natives are considered less than human by those who covet their lands. Even a cursory review of history and of contemporary times will cause the reader to conclude that crime and justice are not objective realities. Rather, they are

Defining Crime: Iran

White patrol cars whose license plates carry the letter “K” in Persian, identify the Komiteh. Outfitted in olive green fatigues and sporting sidearms, they enforce Islamic regulations on social behavior:

- A young store clerk is pulled from the street and thrown against a wall. Komiteh officers wipe her lips with cotton dabbed in cold cream, looking for any sign of lipstick, forbidden in public for Iranian women, as is any exposure of arms, hair, or ankles.
- A woman in her early forties is stopped as she walks with an adolescent boy—the officers suggest she is a prostitute and the boy is her client. The humiliated woman is released after producing identification proving the boy is her son.
- A young man’s acceptance into a prestigious university is withdrawn after he is overheard playing Western music.
- A sailor is held in jail for three days after attending a party where liquor was served. He is freed only after his parents offer their car as collateral that he will never repeat the offense.
- A fourteen-year old girl places on a classroom wall a small sticker that declares: “Down with the Ayatollah Khomeini.” She serves three years in prison for the offense. The Komiteh uses spies throughout the school system to report any violations of law.

SOURCE: Philip Shenon, “In Iran, a Glimpse of Ankle Can Bring Out the Komiteh,” *New York Times*, 16 July 1990: 1, 5.