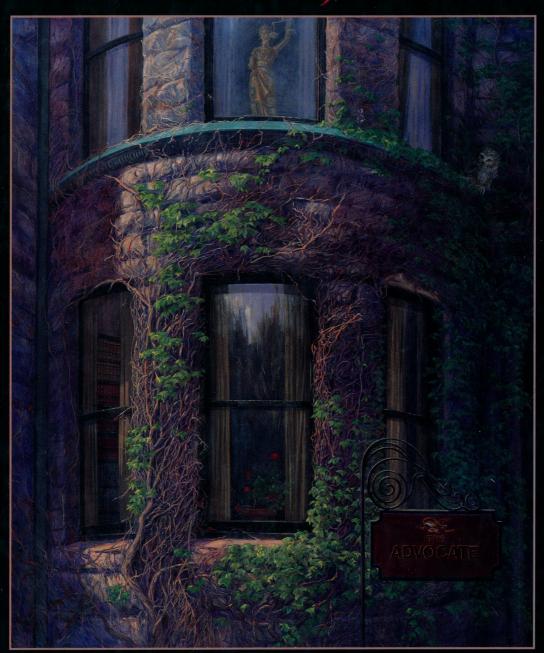
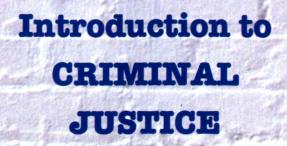
INTRODUCTION TO

CRIMINAL JUSTICE



SEVENTH EDITION

JOSEPH SENNA & LARRY SIEGEL



SEVENTH EDITION

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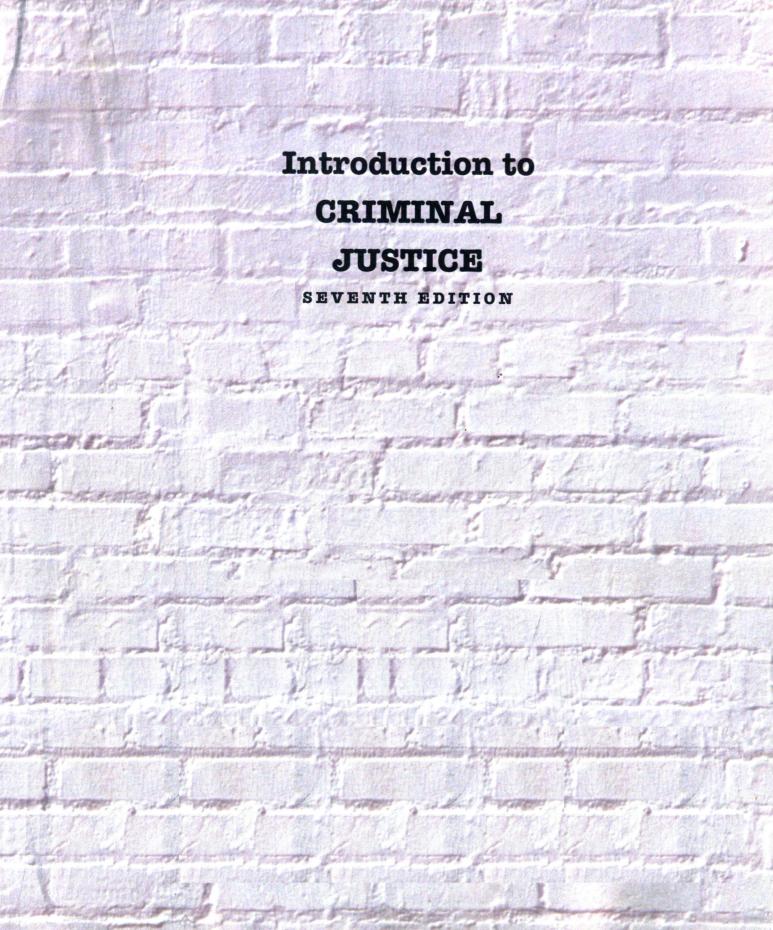
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about the authors

oseph J. Senna was born in Brooklyn, New York. He graduated from Brooklyn College, Fordham University Graduate School of Social Service, and Suffolk University Law School. Mr. Senna has spent over fourteen years teaching law and justice courses at Northeastern University. In addition, he has served as an Assistant District Attorney, Director of Harvard Law School Prosecutorial Program, and consultant to numerous criminal justice organizations. His academic specialties include the areas of Criminal Law, Constitutional Due Process, Criminal Justice and Juvenile Law.

Mr. Senna lives with his wife and sons outside of Boston. He is currently working on a criminal law textbook.

City College of New York in the 1960s he was introduced to the study of crime and justice in courses taught by sociologist Charles Winick. After graduation he attended the newly opened program in criminal justice at the State University of New York at Albany, where he earned both his MA and Ph.D. and studied with famed scholars such as Michael Hindelang, Gilbert Geis, and Donald Newman. After completing his graduate work, Dr. Siegel began his teaching career at Northeastern University, where he worked closely with colleague Joseph Senna on a number of texts and research projects. After leaving Northeastern, he held teaching positions at the University of Nebraska-Omaha and Saint Anselm College in New Hampshire. He is currently a professor at the University of Massachusetts-Lowell.

Dr. Siegel has written extensively in the area of crime and justice, including books on juvenile law, delinquency, criminology and criminal procedure. He is a court certified expert on police conduct and has testified in numerous legal cases. He resides in Bedford, New Hampshire with his wife Therese J. Libby, Esq. and their children.

preface

vents of the past few years remind us of the great impact of crime, law, and justice on the American public. People are now becoming famous public figures because they are involved in bizarre and wellpublicized crimes. How many people had heard of Susan Smith, John and Lorena Bobbitt, and the Menendez brothers before they were involved in serious crimes? And, of course, the already famous-Mike Tyson and O.J. Simpson-became even more so when they became criminal defendants in showcase trials. The public is now being treated to the spectacle of not only "celebrity" defendants but also judges, prosecutors and defense attorneys, and even witnesses who become media darlings: When the name "Kato" is mentioned, no one today asks "Kato who?" The media seem incapable of ever losing interest in serial murderers and drug lords, sex criminals and swindlers, with the tragic bombing in Oklahoma City showing that violent crime can be totally unexpected and devastating, taking the lives of innocent children and adults without warning.

It is not surprising the many Americans are more concerned about crime than almost any other social problem. Most of us are worried about becoming the victims of violent crime, having our houses broken into or our cars stolen. We read stories telling us that many kids bring guns to school and that American adolescents are more violent today than ever before. We are shocked when a mentally deranged inmate beats serial killer Jeffrey Dahmer to death in a maximum-security Wisconsin prison. We alter our behavior to limit the risk of victimization and question whether legal punishment alone can control criminal offenders. We watch movies that glorify violence and whose "action heroes" routinely dispense vigilante justice without concern for the consequences.

Yet crime is not simply a media creation. The government tells us that Americans experience more than 40 million criminal acts each year, that a large portion of the teenage population drinks and takes drugs, and that almost all of us will one day become a crime victim. So while the media may fan the flames of public fear there is actually much to be afraid of!

It should be expected, then, considering the immediacy of the crime problem, the attention it gets in the media, and its focus as a political issue, that interest in criminal justice is at an all-time high. People are demanding greater police protection, more efficient court processes, and more effective correctional treatment facilities. To meet this demand, colleges and universities are today graduating an increasing number of criminal justice majors who seek employment in the justice system, and who are being educated to improve its operations and increase its effectiveness.

Because the study of criminal justice is so important and dynamic, we have produced a comprehensive textbook called Introduction to Criminal Justice. Now in its seventh edition, our text has been updated to reflect the structural and procedural changes that have taken place in the criminal justice system during the past few years. It includes critical legal cases; research studies, and policy initiatives that help define criminal justice in the United States; it also describes some important elements of crime and justice in other nations. Introduction to Criminal Justice provides a groundwork for the study of criminal justice by analyzing and describing the agencies of justice and the procedures they use to identify and treat criminal offenders. It covers what most experts believe are the critical issues in criminal justice and analyzes their impact on the justice system. It focuses on critical policy issues in the criminal justice system, including shock incarceration, community policing, alternative sentencing, gun control, the war on drugs, and the death penalty.

Our primary goals in writing this edition are as follows:

- 1. To provide students with a solid basis of knowledge about the criminal justice system.
- 2. To be as up to date as possible.
- 3. To be objective and unbiased.
- 4. To be informative and complete while still retaining an interesting and engaging style.

ORGANIZATION OF THE TEXT

Part One gives the student a basic introduction to crime, law, and justice. The first chapter covers the problem of crime in America, agencies of justice, the formal justice process, and introduces students to the concept of the informal justice system, which involves discretion, deal making, and plea bargains. There is also material on career opportunities in criminal justice to give students some idea of the career choices available. Chapter 2 discusses the nature, extent, and causes of crime and victimization: How is crime

measured? Where and when does it occur? Who commits crime? Who are its victims? What social factors influence the crime rate? Chapter 3 addresses the issue of crime causation. Why do people commit crime? Is it a biological, psychological, or social phenomenon or a little of all three? Chapter 4 provides a discussion of the criminal law and its relationship to criminal justice. It covers the legal definition of crime, the defenses to crime including the insanity defense, and issues in procedural law. Finally, Chapter 5 discusses the major perspectives on justice and how they affect efforts to control drugs and violence.

Part Two provides an overview of the law enforcement field. Four chapters cover the history and development of police agencies, the functions of police in modern society, issues in policing, and the police and the rule of law. There is an emphasis on community policing and community crime prevention, private security, and other current issues. Among the topics covered are the history and organization of the police, private security, new technological developments, women and monorities in policing, police violence and corruption.

Part Three is devoted to the adjudication process, from pretrial indictment to the sentencing of criminal offenders. Chapter 10 focuses on the organization of the court system, including the role of the judge, while Chapter 11 discusses the role of the prosecuting attorney and defense counsel. Chapter 12 deals with pretrial procedures, including bail and plea bargaining; while Chapter 13 covers the criminal trial, and Chapter 14 covers criminal sentencing. Topics included in Part Three involve bail reform, court organization, sentencing policy, capital punishment, indigent defense systems, attorney competence, preventive detention, the jury trial, courtroom work groups, and extralegal factors in sentencing.

Part Four focuses on the correctional system, including probation and the intermediate sanctions of house arrest, intensive supervision, and electronic monitoring. The traditional correctional system of jails, prisons, community-based corrections, and parole are also discussed at length. Such issues as the prison and jail overcrowding crisis, house arrest, and parole effectiveness are discussed.

Part Five focuses on juvenile justice and discusses its organization and process. Some of the more important issues examined include sentencing of juvenile offenders and the death penalty for children.

Great care has been taken to organize the text to reflect the structure and process of justice. Each chapter attempts to be comprehensive, self-contained and orderly.

LEARNING TOOLS

The text contains the following features designed to help students learn and comprehend the material:

- 1. Analyzing Criminal Justice. Every chapter contains boxed inserts on intriguing issues concerning criminal justice policy or processes. Within the boxed inserts are critical thinking sections that help students conceptualize problems of concern to the criminal justice system. For example, in Chapter 3 an Analyzing Criminal Justice Issues feature covers the integrated theories of crime, another in Chapter 8 discusses lawsuits against the police, and in Chapter 14 the "three strikes and you're out" laws are discussed in detail.
- 2. Law in Review. Major Supreme Court cases that influence and control the justice system are evaluated in some detail. For example, there is discussion of *United States v. Salerno* on preventive detention and *United States v. Ross* on automobile searches. These boxed inserts present the facts of the case, the ruling and the legal basis for it, and how the case has influenced criminal justice policy.
- 3. Criminal Justice and the Media. Inter-chapter features that focus on a film or TV show such as *The Client* or *Law and Order* to show how the media represent the criminal justice system. How accurate is the media's depiction of the criminal justice system? Does the media present a distorted picture of the justice system, which misleads the public and creates expectations that cannot be met in "real life"?
- 4. The book contains more than 200 tables, charts, and photos that dramatize the events of the criminal justice system and help students visualize its processes. The text is in full color so that the many photos and graphics can be as effective as possible.

WHAT'S NEW IN THIS EDITION?

A major new feature in the seventh edition is called Criminal Justice and the Media. These inserts describe how police, courts, corrections, and crime are treated in the movies and on TV and how fictional depictions depart from reality. In addition, each chapter has been extensively updated. Some of the newest material includes:

- 1. Chapter 1 now contains more material on occupations and salaries in criminal justice as well as an analysis of the "craft of justice," the concept that the day to day operations of the criminal process are influenced by the political and social interactions of police and court personnel.
- 2. Chapter 2 has been updated with material on crime trends, including the recent upswing in international crime rates.
- 3. Chapter 3 now includes material on integrated criminological theories.

- 4. Chapter 4 has been extensively updated with material on "unusual" criminal defenses including the battered wife syndrome, posttraumatic stress disorder, and black rage defense. There is a new Law in Review feature on *Jacobson v. U.S.* on the entrapment defense. The federal Crime Bill of 1994 is reviewed in detail. The new "centrist" Supreme Court is analyzed in light of the recent appointments of Breyer, Thomas, and Ginzburg.
- Chapter 5 has expanded coverage on the debate over drug legalization. It also covers recent material published by James Q. Wilson on what to do about crime.
- Chapter six has new material on rural policing as well as updated information on DNA testing and other "21st century" technologies.
- 7. Chapter 7 has expanded coverage on undercover policing, community policing, and the Kansas City gun control experiment.
- 8. Chapter 9 has an analysis of *Minnesota v. Dickerson*, which allows police to seize evidence they discover during a "stop and frisk." There are two new Analyzing Criminal Justice Issues features, one on the effect of the *Miranda* decision on police behavior over the past thirty years and another on the efforts of the federal government to curtail the exclusionary rule.
- 9. Chapter 10 has new sections on specialized drug and gun courts.
- 10. Chapter 11 has new and expanded sections on local prosecutors. It also now covers priority prosecutions that emphasize domestic violence, environmental crimes, and health fraud cases.
- 11. Chapter 13 has been thoroughly reworked. It has new information on high-profile criminal cases including the O.J. Simpson case. It also reviews the cases of *J.E.B. v. Alabama*, which bars discrimination in jury selection on the basis of gender, and *U.S. v. Mezzanatto*, which deals with statements made during plea negotiations.
- **12.** Chapter 14 has a new Analyzing Criminal Justice Issues feature on the "three strikes and you're out law."
- 13. Chapter 16 reviews shock incarceration for female offenders as well as development of new "super maxi" prisons that hold the nations most dangerous offenders.

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