

SECOND EDITION

Myths and Realities of Crime and Justice

What Every American Should Know



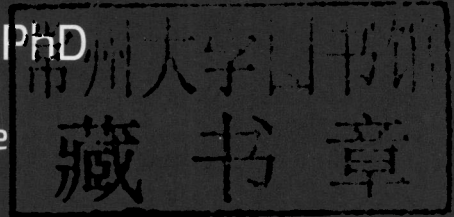
Steven E. Barkan // George J. Bryjak

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Preface

This book provides an understanding of crime and justice in the United States that will surprise many Americans. Most people obtain information about crime and justice from the evening news, television shows, newspaper articles, movies, and detective novels. Unfortunately, these sources often provide a greatly distorted picture that perpetuates certain myths about crime and justice while ignoring the realities of these issues. Drawing on our many years of research and writing in criminology and criminal justice, we offer an easy-to-read primer on what every American should know about crime, criminals, police, courts, and prisons.

To keep the book concise and avoid superficial coverage, we do not cover every possible issue of crime and justice today—for example, we do not discuss the complexities and ramifications of organized crime. We hope we succeed in telling you something you did not know, and in whetting your appetite for learning more via the lists of recommended readings found at the end of most chapters.

Acknowledgments

This book would not have been possible without the help of numerous individuals. For their assistance in bringing our work to print and enabling it to reach the public, we extend our heartfelt gratitude to Sean Connelly, Caitlin Murphy, Erin O'Connor, Audrey Schwinn, Alyssa Lawrence, Lindsay White, and their colleagues at Jones & Bartlett Learning. We are pleased that Jones & Bartlett Learning shared our vision for this book and agree that the issues it explores deserve a wider audience.

As always, our deepest thanks go to our significant others, Diane M. Bryjak and Barbara Tennent. We are grateful for their understanding, support, and love, as well as for enduring yet another writing project.

Finally, we dedicate this book to past, present, and future victims of crime, and to the police, judges, prosecutors, public defenders, corrections officers, and other criminal justice professionals who deal with the reality of crime in this country. We hope readers of this book will agree that a greater public understanding of the myths and realities of crime and criminal justice will result in lower crime rates, fewer victims of crime, and a safer working environment for police and other members of the law enforcement community.



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one *chapter one*

What No One Is Telling You About Crime and Justice

In December 2012, America reacted in horror when a young man forced his way into an elementary school in Newtown, Connecticut, and systematically shot and killed 20 schoolchildren and 6 adults in one of the worst massacres in our history. For days and weeks afterward, Americans wondered why this horrific crime occurred and what, if anything, could be done to prevent future acts of violence from killing or maiming even more people, whatever their ages.

This book is written for every American who is concerned about or interested in crime and criminal justice. This short book discusses the nature of crime and the operation of the criminal justice system. Most Americans obtain their information about crime and justice from television shows, movies, novels, true crime books, and the news media. Unfortunately, public beliefs about crime and justice in America are often inaccurate, because the sources of these beliefs often distort the true nature of criminal behavior and provide a misleading picture of the police, the courts, and the penal system.

Some quick examples should illustrate why this book examines, as its subtitle indicates, what every American should know. Think about the last few times you watched police shows on television. It is virtually certain that

the crimes depicted in these shows were violent offenses: usually a murder, often an especially vicious rape or sexual assault, sometimes a strong-arm robbery. In actuality, less than 10% of all street crimes (which includes violent crime and property crime combined) are serious violent crimes, i.e., murder, robbery, rape, or aggravated assault. By the end of the shows you watched, the person who committed the crimes usually was identified and arrested. In actuality, less than 15% of all violent and property crimes end in an arrest.

The misinformation we gain from television and other sources undermines a reliable understanding about the reality of crime and justice in the United States. Because violent offenses such as the Newtown massacre are featured so heavily in the news media and television police dramas, Americans overestimate the amount of violent crime that actually occurs in this country and they think that crime rates have been rising when in fact they have fallen steadily since the early 1990s.

There is also widespread misunderstanding about how the criminal justice system works. Consider the criminal trial, one of the most compelling events in fiction or in real life. In any number of television shows over the years, attorneys match their legal skills in dramatic criminal trials wherein the defendant is convicted or the real culprit is uncovered and justice triumphs. But what percentage of criminal cases is actually decided in a court of law? Contrary to what TV shows portray, the criminal trial is actually a rare legal event; nationwide, more than 90% of criminal cases are resolved by means of a plea bargain. Although TV viewers may be somewhat familiar with plea bargaining, most are probably unaware of how deals between prosecutors and defense attorneys are struck and why bargaining is the pivotal feature of the American criminal court system.

CRIME, CRIMINALS, AND WHY WE ALL NEED TO KNOW ABOUT THEM

Why does crime occur? Why do some people commit crime while others abstain from engaging in criminal activity? Are parents at fault? Is the criminal justice system too lenient? Do criminals have defective genes? Is the lack of education the culprit? Are poverty and urban overcrowding to blame? In order to know how to reduce crime, we need to know what causes it. If we believe the main problem is that the criminal justice system is too lenient, then as a society we must crack down on crime and criminals, with substantially more arrests, more convictions, and longer prison terms. If we think that parents are at fault, then mothers and fathers must change their childrearing strategies. If we believe that poverty and urban overcrowding are at fault, then public

officials must implement social programs to address these problems. If several factors are to blame for crime, then multiple interventions will be necessary.

These possibilities underscore the need to determine the causes of crime so that we can effectively reduce criminal behavior. An analogy comes from the field of public health and the treatment of cancer. Although it is important to provide cancer patients with the best medical care possible, it is equally critical to determine what causes cancer in the first place. Possible causes include defective genes, improper diet, obesity, smoking, and environmental pollution. Researchers recognize the necessity of treating people who already have cancer, but they also recognize that no matter how many cancer patients might be treated successfully, identifying and addressing the causes of cancer will reduce its occurrence in the first place. Thus, public health researchers urge people to stop smoking and change their diets as well as make other lifestyle alterations to reduce the odds of developing cancer.

The analogy to crime is apparent: an important strategy for reducing the occurrence of crime is to identify and address its causes with appropriate and effective policies. No matter how strongly we feel about crime and the criminals who may have victimized us or people we know, it is important to step back and examine the evidence gathered by criminologists and other social scientists. Sound social policy to reduce crime demands an informed citizenry as well as an informed government.

GETTING TOUGH? THE U.S. CRIMINAL JUSTICE SYSTEM IN CRISIS

Since the 1970s, the federal and state governments have tried to reduce crime with a get-tough approach involving crackdowns on minor offenses, longer prison sentences for serious crimes, and the expenditure of tens of billions of dollars on the police, courts, and prisons. The criminal justice system now costs about \$260 billion annually, compared to roughly \$36 billion in the early 1980s. More than 2.2 million individuals are in jail or prison on any given day, yielding the highest incarceration rate in the Western world. A number of states (especially California, with the nation's largest prison population) have had to reduce higher education budgets or undertake other drastic actions in order to finance the costs of incarceration and prison construction. The American criminal justice system is in crisis, and governments at the local, state, and federal level are struggling to find ways to reduce their criminal justice expenditures without endangering public safety.

High rates of incarceration and a \$260 billion yearly expenditure might make sense if the get-tough approach helped keep Americans much safer

from street crime, corporate crime, identity theft, and other crimes. However, this is not the case. As we discuss in this book, the get-tough approach has resulted in only a modest dent in crime rates and has cost far too much for the modicum of crime reduction it has achieved. Most criminologists favor a public health strategy that attacks the causes of crime, arguing that such strategies will be more cost-effective than the get-tough perspective and do a much better job of making the nation safer.

WHO WE ARE AND WHY WE WROTE THIS BOOK

We wrote this book for two reasons. First, as American citizens, we are naturally concerned about the crime problem in the United States and about the quality and effectiveness of our criminal justice system. Second, as social scientists, we are also concerned that most Americans know too little about crime and justice through no fault of their own, and we believe that an effective crime strategy demands accurate information about crime and justice in our nation.

Who are we and why do we believe we are well suited to write this book? We are both sociologists who have written textbooks and editorial commentaries about crime and criminal justice for several newspapers. George J. Bryjak was on the sociology faculty at the University of San Diego from 1979 to 2003. He is coauthor with Steve Barkan of *Fundamentals of Criminal Justice* (Jones & Bartlett Learning) and coauthor of two other textbooks: *Social Problems: A World at Risk* (Allyn & Bacon), and *Sociology: Changing Societies in a Diverse World* (Allyn & Bacon). George has published numerous articles in both scholarly journals and other academic outlets as well as more than 100 op-ed pieces in newspapers including *USA Today*, *The San Diego Union-Tribune*, *The Los Angeles Daily News*, *The Baltimore Sun*, *The Seattle Post-Intelligencer*, *The Orange County Register*, and *The Adirondack Daily Enterprise*.

Steven Barkan has taught sociology at the University of Maine since 1979 and is a past president of the Society for the Study of Social Problems. He is coauthor with George Bryjak of *Fundamentals of Criminal Justice* and author of *Criminology: A Sociological Understanding* (Prentice Hall). He also authored *Law and Society: An Introduction* (Prentice Hall) and *Protestors on Trial: Criminal Justice in the Southern Civil Rights and Vietnam Antiwar Movements* (Rutgers University Press), along with several journal articles on various crime and justice topics. He was also the first chair of the American Sociological Association's Task Force on Sociology and Criminology Programs.

We share a love of our country, but also a perception that it can do much better in numerous areas, not the least of which is crime and criminal justice. We hope this book will help you understand the nature and causes of crime in the United States; how our police, courts, and prisons work; what the criminal justice system can and cannot do to reduce crime; and promising strategies for reducing crime rates so that we can finally have a safer society. We hope you will find our discussion enjoyable and informative and that it stimulates your thinking about these important issues.

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