

C O L L E



6th Edition

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The American System of Criminal Justice

George F. Cole

The University of Connecticut



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Preface

Twenty years ago when I began work on the first edition of this text, certain assumptions were made about the future direction of criminal justice education and the way the introductory course should be taught. The approach used in *The American System of Criminal Justice* emphasized that criminal justice is interdisciplinary, with research contributions from criminology, sociology, law, history, psychology, and political science. There is also a practitioner component of criminal justice, and the reality of the system must be communicated to students. I believed then, as I do *now*, that students come to the classroom interested in the subject, intrigued by the prospect of learning about crime and criminal justice, and are optimistic about the role they may one day play in allocating justice, either as citizens or in careers with the police, courts, or corrections.

Instructors at hundreds of colleges and universities throughout the nation have apparently liked this approach; over the years upward of a half million of their students have used the book. The acceptance has been gratifying, humbling, and challenging.

Writing a criminal justice textbook is pleasurable, but it also requires an all-consuming effort. Work on a new edition begins the day that the manuscript for the current edition goes to the publisher. A new edition cannot be merely an updating of statistics; it requires the introduction of new topics and the dropping of the outdated. The author must continuously collect information about research findings, current theoretical concepts, decisions of the courts, and innovations in the system. For example, the developments of the past few years have included a rethinking of the concept of policing, the working out of such fresh approaches to community corrections as house arrest and intensive probation supervision, and research on the impact of sentencing reforms on the size of prison populations. An author must be judicious in separating passing fads from long-term trends.

The author must also write with the student in mind and be keenly aware of the necessity to communicate knowledge accurately and in a readily understandable manner. Through contact with my own students and through classroom visits to a range of schools in all parts of the country, I have become aware of changes in the objectives of students in criminal justice courses. Classes were once largely composed of students who intended to pursue careers in criminal justice or who were already working for the police, the courts, or the corrections system. Now a greater

number do not have such aspirations, yet they still find the subject matter fascinating. Instructors thus must serve two constituencies. A successful text meets the needs of students who require the technical information that is the foundation for later courses in the criminal justice major; at the same time, the text must provide general knowledge for students whose contact with the system will be as citizens. Members of both groups need to be aware of the complexity of crime and the administration of justice and familiar with the policy issues that we as a society face.

REVISION HIGHLIGHTS

This sixth edition has been a major revision effort. The book has been completely updated and rewritten on a line-by-line basis. I researched the current literature and communicated with various specialists in the subfields of criminal justice to identify new approaches, research findings, and shifts of emphasis. More than thirty instructors were asked to review each chapter of the fifth edition. They pointed out portions of the text their students found difficult, made suggestions as to topics that should be covered, and noted those sections that should be dropped. Drafts of chapters were resubmitted for review, and further suggestions were incorporated into the final product.

Although the revisions in the sixth edition are too extensive to describe completely in this preface, the following ten examples illustrate some of the changes that have been made:

1. Chapter 1 starts the student thinking about the extent of crime in the United States. New international data raise the question of why violent crime is so much more extensive here than in other developed countries. Information on Iceland, a country with little crime, is used for comparative purposes. The section on the crime control and due process models of criminal justice, a feature of past editions, has been rewritten for clarity.

2. The war on drugs is having an enormous impact on the criminal justice system. The problem of drug enforcement and its impact on the police, courts, and corrections is addressed throughout the book. Questions concerning the relationship of drugs and crime, the new levels of violence being experienced in American cities, the use of the military to impede the foreign flow of illegal substances, and the reallocation of police and prison resources to fight this war are addressed.

3. Major changes are taking place in American policing. The law enforcement/crime-fighter emphasis is being supplemented by a greater focus on community policing and problem solving. Chapters 5 and 6 have been reoriented to illustrate this shift in police operations.

4. With prison crowding and overwhelming probation caseloads has come a search for intermediate punishments more restrictive than probation but less restrictive than incarceration. Chapter 13 on sentencing and Chapter 16 on community corrections: probation and parole introduce such new sanctions as intensive probation supervision, house arrest, boot camp, and restitution.

5. Students are now exhibiting a new interest in learning more about criminal justice systems in other parts of the world. Most chapters of this edition now include Comparative Perspective sections that describe a component of criminal justice in another country. By learning about others, we learn more about ourselves.

6. This is not a criminology text, yet criminal justice students need to know the logical policy implications of the major theories of criminal behavior—why some people commit crimes. If the evidence shows a bio-

logical predisposition to criminality, certain policies might follow. Chapter 2 has been rewritten to include this policy perspective.

7. Politics is an important influence on criminal justice, as the impact of the Willie Horton case on Dukakis's 1988 presidential campaign well illustrates. But there are other ways that politics play a role in the system. The definition of behaviors as criminal, the funding of criminal justice operations, and the election of judges and prosecutors all result from decisions that are politically influenced. Current examples of the influence of politics are given throughout the book.

8. Certain criminal justice policy issues are now being debated by professionals and by informed laypeople. Four of these issues have been chosen for special emphasis. The ongoing debates over drug legalization, handgun control, capital punishment, and incarceration are highlighted by special policy sections. These sections are supplemented with color graphics and photographs to assist students to fully understand the issues.

9. Criminal justice requires that decisions not only be made within the framework of law but also be consistent with the ethical norms of American society. Throughout the book scenarios place the student in the context of a decision maker faced with a problem involving a question of ethics. The aim is to make students aware of the many ethical dilemmas faced by criminal justice personnel and the types of questions that they may have to answer if they assume a role in the system.

10. The research on the governing of prisons that has emerged during recent years challenges many of the assumptions of the past. Chapter 15 on incarceration has been rewritten to show the importance of governance in maintaining secure, safe, and humane prisons.

THE GRAPHICS PROGRAM

Today's students have been greatly influenced by television. They are attuned to images that convey not only information but also values and emotions. We worked directly with a group of outstanding graphic artists and photographers to develop an extensive program of illustrations. Wherever possible, quantitative data have been converted into bar graphs, pie charts, and other graphic forms so that they will be clearly understood. Written summaries of the graphic presentations make them easier to grasp. Special care has been taken with regard to the placement of photographs and their captions so that the images are tied directly to the message of the text.

SUPPLEMENTS

An extensive package of supplemental aids accompanies the text. A full-fledged instructor's manual has been developed by Professor Charles Myers of Aims Community College. New to this edition are lists of resources, lecture outlines, and testing suggestions that will help time-pressed teachers communicate more effectively to their students. Each chapter has multiple-choice and true-false test items, as well as sample essay questions. The instructor's manual is backed up with a computerized test bank suitable for IBM or Macintosh personal computers.

To bring the graphic portions of the text to the classroom, forty-eight transparency masters for overhead projection are provided to help instructors fully discuss concepts and research findings with students.

Because students learn in different ways, a more extensive student guide that includes a variety of pedagogical aids has been developed for this edition. Each chapter is outlined, major terms are defined, summaries are given, and sample tests are provided.

A GROUP EFFORT

It is not possible to be expert about all portions of the criminal justice system; an author needs help in covering new developments and ensuring that research findings are correctly interpreted. This revision has greatly benefited from the advice of two sets of scholars, each of which read the manuscript from a different perspective. One group was asked to comment on the entire manuscript, with an emphasis on its organization and pedagogical usefulness. These reviewers were chosen from the wide range of colleges and universities throughout the country that have used previous editions, so their comments were especially useful with regard to presentation, levels of student abilities, and the requirements of the introductory courses at their institutions.

Reviewers in the second group are nationally recognized experts in the field, and they focused on the areas in which they specialize. Thus Gil Geis read the chapter on theories of criminal behavior; James J. Fyfe, the chapters on policing; Candace McCoy and David W. Neubauer, the material on pretrial and court processes; Lynne Goodstein, the coverage of sentencing; John Klofas, the chapters on corrections. Their many comments helped me avoid errors and drew my attention to points in the literature that had been neglected.

The many criminal justice students and instructors who used the fifth edition also contributed abundantly to this edition. Several hundred readers returned the questionnaire included in that edition. Their comments provided crucial practical feedback, as did those made to me personally when I lectured in criminal justice classes around the country.

I have also been assisted in writing this edition by a diverse group of associates. Chief among them are developmental editors Pat Gadban and Janet Hunter. Because early in the process it was decided to do a major reshaping of the book, their help was most valuable. The staff of the Homer Babbidge Library, at the University of Connecticut, was extremely helpful, especially Robert Viececnak. Stephen Black provided valuable research assistance. Christopher Smith, University of Akron, assisted with the development of the policy issues sections. The project has benefited much from the attention of Cindy Stormer, criminal justice editor at Brooks/Cole, whose encouragement and support have been crucial, and from the careful work of Marjorie Sanders, production editor. Cat Collins was a welcome voice over the telephone, answering my many questions. The extensive photographic and art programs were developed and produced by Cloyce Wall and Ruth Minerva. For design of the cover and interior of the book, I wish to thank Sharon Kinghan. Ultimately, however, the full responsibility for the book is mine alone.

George F. Cole

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To The Reader

Criminal justice emerged during the 1970s as a vital and unique academic discipline that simultaneously enhanced the professional development of students planning careers in the field and attracted those who wanted to know more about a difficult social problem and how this country responds to it. Criminal justice incorporates a broad range of knowledge from a variety of specialties, including law, history, and the social and behavioral sciences, each of which contributes to our fuller understanding of criminal behavior and of society's attitudes toward deviance.

Because of the vast amount of research that has been done during the past two decades, today's students of criminal justice must be familiar with a great deal of up-to-date literature. In preparing this text, I have drawn from monographs, government publications, scholarly journals, papers read at academic meetings, as well as the popular media. Although research reports are essential for developing an empirical foundation of criminal justice study, biographies and news accounts reflect the human dimension far more vividly. Before introducing my view of the American system of criminal justice, it is appropriate to discuss some of the assumptions on which this book is based and describe several of its special features.

Multidisciplinary Perspective

In this book I aim at comprehensiveness by describing the criminal justice system from the perspectives of several disciplines. Because criminal behavior is human behavior, key research findings and concepts are drawn from sociology, psychology, and political science, while history allows a comparison of past and contemporary issues and phenomena. Because the institutions of criminal justice make up an organizational system, concepts from the administrative sciences are employed. Criminal justice operates under law; accordingly, its boundaries are formed by jurisprudential responses to society's need for protection and the individual citizen's need for freedom. Because the criminal justice system is an arm of the government, it operates within the political context as well. Many criminal justice personnel obtain office by political means, and a form of bureaucratic politics influences how each portion of the system works. From this confluence of administration, law, and politics, decisions are made that define

which behavior is criminal, determine the level of resources available to criminal justice agencies, and result in actions that affect the lives of citizens, crime victims, offenders, and officials.

Special Features

To make this introduction to American criminal justice informative, enjoyable, and rewarding (a tall order, but one worth attempting), I have included a number of special features.

1. **Running glossary:** One goal of an introductory course is to convey the terminology of a field. Because criminal justice is interdisciplinary, a number of terms used in law and the social sciences are fully defined in the margin, next to their first, boldfaced appearance in the text.

2. **Graphics:** Great care has been given to providing tables, figures, and photographs that focus and enliven information so that it can be accurately perceived and easily understood.

3. **Policy Issues:** Criminal justice issues are debated not only by policy analysts but also by citizens. There are four Policy Issue sections that present arguments concerning the vital topics of the legalization of drugs, the control of handguns, the abolition of the death penalty, and the use of incarceration. Full-color photographs and graphics make various kinds of information readily accessible and vividly bring alive competing perspectives on these issues.

4. **A Question of Ethics:** Criminal justice concerns raise a variety of ethical issues. Separate boxes on ethical questions related to the topic of each chapter are included to encourage the reader to consider these issues on a more personal level.

5. **Close-Ups:** At frequent intervals throughout the book, excerpts from magazines, newspapers, and other sources dramatize the topics under discussion with the vivid words of journalists, prisoners, judges, and attorneys.

6. **Biographies:** An introductory course usually highlights the many contributors to the development of the field. I have therefore included succinct descriptions of some of the most important figures in criminal justice. The student who knows something about the lives of these leaders will have a greater appreciation of their work.

7. **Real-life experience:** The story of a young man who was caught up in the criminal justice system is reprinted at the end of Chapter 4. "The People versus Donald Payne," first published in *Newsweek*, shows how the system operated in relation to one individual. While reading this selection, students can consider what they would have done in similar circumstances. New to this edition is a follow-up on Donald Payne, recapping some of what has happened in his life since the events described in the article.

8. **Comparative Perspectives:** Crime is a worldwide problem, and internationally there are various ways that justice is allocated. In each chapter there is a separate description of some aspect of criminal justice in a foreign country. A different view of American criminal justice is often possible when seen from an international perspective.

9. **Other student aids:** Each chapter opens with an outline and a list of the terms and cases to be discussed; each chapter concludes with a summary, discussion questions, and suggestions for further reading. The glossary items first encountered in the margins are presented alphabetically at the end of the text to facilitate quick reference. The appendix contains the criminal justice portions of the Constitution of the United States. The book concludes with a detailed index.

In the "Epilogue," I imagine the status of crime and justice in the year 2010, basing my projections on discernible trends that will affect policy. *The American System of Criminal Justice, Sixth Edition*, is neither a radical critique of its subject nor an endorsement of the status quo. I have tried to present contemporary, real-life aspects. Through this introductory text, I hope to challenge those who contemplate careers in the field to improve the system. For general readers, I have provided a foundation for participation in related policy decisions in their roles as voters, jurors, and informed citizens.

Criminal justice has been changing rapidly as new concepts and methods have come to the fore. The need for freedom and the need for order sometimes conflict in a democratic society, and this conflict creates both problems and opportunities. It is time for a new generation of criminal justice practitioners, scholars, and concerned citizens to provide the insight and leadership that will bring about long-overdue improvements.

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