

STUDY GUIDE FOR SENNA/SIEGEL'S

Essentials of

CRIMINAL JUSTICE

third edition

Roy Roberg

Study Guide

for Senna and Siegel's

Essentials of Criminal Justice

Third Edition

Roy Roberg
San Jose State University



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Student Introduction

This study guide has been designed and written to introduce students to the field of criminal justice by helping them master the important concepts and principles presented in *Essentials of Criminal Justice*, and to further stimulate interest in defining the problems and solutions which confront the administration of justice system. Following is a brief description of how this workbook can best be utilized in assimilating the materials in the text and in preparing you for examination.

For good use of the study guide, the following steps are suggested. First, read the **LEARNING OBJECTIVES** to familiarize yourself with the key issues that will be addressed in the chapter. Second, read the **CHAPTER SUMMARY** to get an overview of the chapter's contents. Third, review the **KEY TERMS AND CONCEPTS** to assist you in recognizing important points as they appear in the chapter. Fourth, carefully read the chapter itself. Fifth, attempt to complete the **FILL-IN REVIEWS** without the use of the text for reference.

After the FILL-IN REVIEW section has been completed, you can evaluate your accuracy by turning to the **ANSWER SECTION** at the back of the chapter. If you have problems completing some of the fill-in questions, the text should be reviewed until all the answers can be provided. To assist you in locating the correct responses, this section has been prepared in sequential order with the material in the text.

After you have studied the chapter material, you should take the **SELF TEST** as though you were actually taking an exam. This section contains True/False, Multiple Choice, Matching, and Essay questions; although most exams in introductory courses tend to be primarily multiple choice in nature, the other types of questions in this section will help you to assess your knowledge of the materials. If you do not do as well on the SELF TEST as anticipated, you may wish to intensify your study of the textbook and further your review of the study guide.

In order to further your understanding of the covered materials, each chapter of this study guide also includes a **CRIMINAL JUSTICE ON THE NET** section intended to supplement your knowledge of the covered topics. Although not a complete accounting of all available information, the selected sites provide a convenient starting point for additional web-based research.

We hope you enjoy your study of crime and justice in the United States. A special thanks and gratitude are extended to Tim J. Green for his contributions to the preparation of this study guide.

Study Guide

for Senna and Siegel's

Essentials of Criminal Justice

Third Edition

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Chapter 1

Crime and Criminal Justice

LEARNING OBJECTIVES

1. Explain the crime problem.
2. Describe the differences between formal and informal justice systems.
3. Discuss the stages of the criminal justice process, from initial contact to post-release.
4. Identify at least three problems that the criminal justice system is currently facing.
5. Briefly discuss the six dominant perspectives in criminal justice: crime control, rehabilitation, due process, nonintervention, justice, and restorative justice. Include their current roles.
6. Discuss the different methods employed to control the flow of drugs into the United States. Which method do you feel is the most effective? Should drugs be legalized?
7. Describe the crime control model with respect to controlling violence.
8. Discuss the various problems and strategies related to controlling the drug trade.

CHAPTER SUMMARY

The term criminal justice refers to an area of knowledge devoted to controlling crime through the operation and administration of police, court, and correctional agencies. Criminal justice is an interdisciplinary field of study that uses knowledge from many other disciplines to attempt to understand what causes people to commit crimes and how to deal with the crime problem. In sum, criminal justice consists of the study of crime and of the agencies concerned with its prevention and control.

Criminal justice is both a system and a process. It is a **system** in that it functions cooperatively among several primary agencies: police, courts, and corrections. The **process** of criminal justice consists of steps the offender follows from the initial investigation through trial, sentencing, and appeal. The modern era of criminal justice study was ushered in during the late 1960's with the **Crime Commission** study of America's crime problem and the passage of the **Safe Streets and Crime Control Act** which funded the Law Enforcement Assistance Administration (LEAA).

The three basic components of the criminal justice system include the police, the courts, and correction agencies. The **police** are involved in law enforcement, the **courts** deal with the administration of justice, and **correction** agencies deal with probation, incarceration and parole.

Often, the criminal justice system works informally to quickly settle cases. The **courtroom work group**, which consists of the prosecutor, defense attorney, judge and other courtroom personnel, helps to streamline the process with plea-bargaining and other alternatives. Most criminal acts that are deemed serious usually receive the entire complement of the criminal justice process, from arrest to trial. However, cases that are less serious may be settled quickly when a bargain between the prosecution and the defense can be reached to keep the justice system from becoming too backlogged.

quickly when a bargain between the prosecution and the defense can be reached to keep the justice system from becoming too backlogged.

This informal justice process has been compared to a four-layer cake, known as the "**Wedding Cake**" Model of Justice. Cases in the first layer of the criminal justice wedding cake are usually celebrated cases receiving the full array of criminal justice procedures, including competent defense attorneys, expert witnesses, jury trials, and elaborate appeals. In the second layer are the serious felonies: rapes, robberies and burglaries. Level three of the wedding cake consists of either less serious offenses, committed by young or first-time offenders, and/or involving people who knew each other or were otherwise related. Level three crimes may be dealt with by an outright dismissal, a plea bargain, reduction in charges, and, most typically, a probationary sentence or intermediate sanction, such as victim restitution. The fourth layer of the cake is made up of the many types of misdemeanors, such as disorderly conduct, shoplifting, public drunkenness, and minor assault. These are handled by lower criminal courts in assembly-line fashion. Few defendants insist on exercising their constitutional rights because the delay would cost them valuable time and money.

The criminal justice system can be interpreted in many different ways, including a number of different perspectives. The **crime control** perspective views the proper role of the justice system as preventing crime through the judicious use of criminal sanctions. According to the crime control perspective, the focus of justice should be on the victims of crime and not the criminal. The **rehabilitation** perspective perceives the justice system as a means of caring for and teaching people who cannot manage for themselves. It views crime as an expression of frustration and anger created by social inequality. The rehabilitation concept assumes that people are at the mercy of social, economic, and inter-personal conditions and interactions. The rehabilitation perspective places its emphasis on the criminal offender. The **due process** perspective argues that the greatest concern for the justice system should be to provide fair and equitable treatment for those accused of crime. This means providing impartial hearings, competent legal counsel, equitable treatment, and reasonable sanctions. The **noninterventionist** perspective holds that justice agencies should limit their involvement with criminal defendants when at all possible. Non-interventionists are concerned about the effect of stigma and were influenced by labeling theory.

The **justice** perspective combines both liberal and conservative views of justice. On the conservative side, it stresses that the purpose of the justice system is to control crime and punish those who violate the law. On the liberal side, it stresses fairness, equality, and strict control of discretion. The justice perspective holds that it is futile to rehabilitate criminals through correctional treatment efforts. The core principle of the justice model is that the treatment of criminal offenders must be based solely on present behavior: punishment must be equitably administered and based on "just deserts."

Controlling drug use has both political and social implications. There has been a massive and concerted effort to control the flow of illegal drugs into the United States. Research indicates that about 75 percent of all arrestees test positive for drug use. One reason it has been so difficult to control drug sales is the enormous profits involved in the drug trade. Government crackdowns simply serve to drive up the price of drugs and encourage more illegal entrepreneurs to enter the market. **Source control** is an approach to cut off supplies of drugs by destroying overseas crops and arresting members of drug cartels. Another crime control approach to the drug problem has been directed at **interdicting** drug supplies as they enter the United States. Local, state and federal law enforcement agents have also been engaged in an active fight against drugs. One method is to direct efforts at large scale drug rings. Local police use methods such as intimidation, arrests, and drug sweeps to curtail drugs. Another crime control approach is through **punishment** strategies. This method intensifies criminal punishments for drug dealing.

Prevention strategies, on the other hand, try to convince non-users to avoid the onset of drug abuse. This effort places heavy reliance on educational programs that teach adolescents to "say no" to drugs. **Treatment** strategies assume that users have a low self-esteem and treatment efforts must focus on building a sense of self. More intensive efforts use group therapy approaches relying on group leaders who have had prior experiences as

substance abusers. **Legalization** of drugs has been a hotly debated issue. Advocates for legalization feel that the government could control distribution and that the price and distribution methods could be regulated, reducing addicts cash requirements. Crime rates would be reduced because users would no longer need the same cash flow to support their habit. Those against legalization feel that drug use might increase, creating an overflow of non-productive drug dependent people who must be cared for by society.

KEY TERMS AND CONCEPTS

Criminal Justice System
Law Enforcement Assistance Administration
Social Control
Probable Cause
In-Presence Requirement
nolle prosequi
Grand Jury
Bill of Indictment
Preliminary Hearing
Information
Appeal
Courtroom Work Group
Crime Control Perspective
Rehabilitation Perspective

Due Process Prospective
Nonintervention Perspective
Decriminalization
Victimless Crimes
Deinstitutionalization
Pre-Trial Diversion
Justice Perspective
Just Desert
Truth in Sentencing Laws
Restorative Justice Perspective
Source Control
DARE
Methadone
Legalization

FILL-IN REVIEW

1. Mobile outlaw gangs that provided illegal goods and services were the forerunners to _____ families.
2. The _____ Commission, created in 1919, acted as a citizens advocate group and kept track of the ongoing activities of local justice agencies.
3. The _____ Commission, created in 1931, helped usher in the era of treatment and rehabilitation.
4. The Law Enforcement Assistance Administration provided federal funding to local and state justice agencies.
5. The three components of the criminal justice system in the United States are the _____, the _____, and _____.
6. The _____ considers cases in a closed hearing in which only the _____ presents evidence.
7. _____ is a money bond to insure the return of a criminal defendant.
8. Thirty-five states and the federal government allow for the death penalty as a disposition in cases of first-degree murder.

Chapter 1

9. The prosecutor, defense attorney, _____, and other court personnel form the _____ that encourages plea-bargaining and other alternatives leading to quick resolution.
10. The informal justice process has been described as a four-layer wedding cake model of justice.
11. Advocates of the _____ perspective believe that the proper role of the justice system is to prevent crime through the judicious use of criminal _____.
12. Advocates of the _____ perspective see the justice system as a means of caring for and treating people who cannot manage themselves.
13. Advocates of the _____ perspective argue that the greatest concern of the justice system should be providing fair and _____ treatment to those accused of crime.
14. The _____ perspective holds that criminal justice agencies should limit their involvement with criminal defendants when at all possible.
15. Non-interventionists demand the removal of non-violent offenders from the nations correctional system. This policy is referred to as _____.
16. The _____ perspective contains elements of both liberal and conservative views of criminal justice and stresses that both crime control and punishment, as well as fairness, equality and control of _____ should be employed.
17. Enacted in 1984, _____ require offenders to serve a substantial portion of their prison sentences behind bars by eliminating or restricting parole and other early release programs.
18. Advocates of the _____ perspective believe the criminal justice system should aim for _____ and not punishment.
19. A crime control approach to the drug problem has been directed at _____ drug supplies as they enter the United States.

SELF TEST

True/False

1. The modern era of criminal justice study began in 1967 with the publication of the final report by the Presidents Commission on Law Enforcement and Administration of Justice.
2. Criminal justice is an agency of social control designed to deal with legal misbehavior.
3. Academic institutions have not been a resource for those trying to find solutions to the crime problem.
4. Appellate courts deal with procedural errors arising in the lower courts that are considered a violation of rights guaranteed by state and/or the United States Constitution.
5. To make an arrest in a misdemeanor, the officer must have witnessed the crime personally.

6. Bail is used to pay for the court costs.
7. Approximately ninety percent of all cases end in a plea bargain, rather than a criminal trial.
8. Incarceration is a form of disposition.
9. A defendant has the right to appeal his conviction in an appellate court.
10. The crime control perspective is one of the oldest views of criminal justice and is still a dominant force today.
11. The rehabilitation concept assumes that people are at the mercy of social, economic, and inter-personal conditions and interactions.
12. The rehabilitation perspective places its emphasis on the victim.
13. Non-interventionists are influenced by the labeling theory.
14. The justice perspective holds that the rehabilitation of criminals through correctional treatment is possible.
15. Desert based sentences are associated most closely with the due process perspective of crime control.
16. Each of the crime control perspectives presented has an influence on the justice system.
17. Government crackdowns on drugs actually serve to drive down the price of drugs and discourage other entrepreneurs to enter the market.
18. The Anti-Drug Abuse Act of 1988 provides punitive sentences for anyone caught distributing drugs within 1000 feet of a school playground.
19. Of all criminal types, drug offenders spend the most amount of their sentence behind bars.
20. The massive "war on drugs" campaign has proven successful at stemming the flow of illegal drugs from foreign countries.
21. Advocates of legalizing drugs feel that if drugs were legalized that crime rates would be reduced.

MULTIPLE CHOICE

1. The predominant form of release for prison inmates is:
 - a. parole
 - b. probation
 - c. mandatory release
 - d. community based

Chapter 1

2. Which of the following would be unlikely to happen at an arraignment.
 - a. defendant would be informed of his/her constitutional rights
 - b. prosecutors would demonstrate that a trial was warranted
 - c. formal charges would be read to the defendant
 - d. both a and c
3. Which extralegal factor may influence the decision outcome in the criminal justice process?
 - a. available evidence
 - b. suspect's race or class
 - c. suspect's prior record
 - d. seriousness of charges
4. If a felony case is turned over to the district attorney's office, the prosecutor can then.
 - a. bring the case before a grand jury
 - b. bring the case to a preliminary hearing
 - c. *nolle prosequi* the case
 - d. all of the above
5. The research arm of the United States Justice Department is the:
 - a. National Institute of Justice
 - b. Battelle Institute
 - c. National Council on Criminal Delinquency
 - d. Law Enforcement Assistance Administration
6. Due process advocates argue that the accused should be entitled to:
 - a. impartial hearings
 - b. competent legal counsel
 - c. equitable treatment
 - d. all of the above
7. Decriminalization is the same as:
 - a. given strict penalties
 - b. reduction of penalties
 - c. a reduction of crime in an area
 - d. an increase in crime in an area
8. Which of the following is considered to be a non-serious victimless crime.
 - a. public drunkenness
 - b. larceny
 - c. vagrancy
 - d. possession of small amounts of marijuana

Crime and Criminal Justice

9. The _____ perspective contains elements of both liberal and conservative views of criminal justice.
- a. nonintervention
 - b. justice
 - c. crime control
 - d. none of the above
10. The approach to cut off supplies of drugs by destroying overseas crops and arresting members of drug cartels is known as:
- a. zoning control
 - b. source control
 - c. border control
 - d. strike and seize
11. The _____ effect is where crackdown efforts to curb drug dealing in one area or city simply encourages dealers to seek out friendlier "business" territory.
- a. moving
 - b. seeking
 - c. displacement
 - d. disencouraged
12. Which approach tries to convince non-users to avoid the onset of drug abuse?
- a. diversion
 - b. prevention
 - c. punishments
 - d. none of the above
13. Which of the following is not part of the D.A.R.E. program.
- a. teaching students techniques to resist peer pressure
 - b. teaching students respect for the law and law enforcers
 - c. building the self-esteem of the students
 - d. all are part of the D.A.R.E. program
14. The _____ model suggests that it is possible to treat known users, get them clean of drugs and alcohol, and help them to re-enter conventional society.
- a. diversion
 - b. prevention
 - c. rehabilitation
 - d. deterrence
15. One treatment for certain drug addicts includes maintenance with methadone which is:
- a. similar to cocaine
 - b. similar to alcohol
 - c. similar to heroin
 - d. similar to marijuana

16. Which of the following is not a view held by advocates of restorative justice.
- a. community "ownership"
 - b. harsh punishment
 - c. material and symbolic reparation for crime victims
 - d. social reintegration of the offender

MATCHING

Process

- | | |
|-----------------------------|--------------------------------|
| 1. <i>nolle prosequi</i> | A. Decision by prosecutor |
| 2. Arraignment | B. State proves probable cause |
| 3. Grand Jury | C. Criminal trial held |
| 4. Post-conviction remedies | D. Opportunity to appeal |
| 5. Adjudication | E. Money bond |
| 6. Bail | F. Formal charges read |

Perspectives

- | | |
|--------------------------------|---------------------------------|
| 1. Justice perspective | A. Swift and sure justice |
| 2. Due process perspective | B. Treatment |
| 3. Crime control perspective | C. Decriminalization |
| 4. Rehabilitation perspective | D. "Just Desert" |
| 5. Nonintervention perspective | E. Fair and equitable treatment |

ESSAY QUESTIONS

1. List and briefly discuss the 15 steps of the formal criminal process.
2. Describe the "wedding cake" model, and give an example of a crime at each level.
3. Describe the differences between the formal and informal justice systems. Is it fair to treat some offenders informally and not others?

4. Which of the criminal justice perspectives do you feel should have the most significant impact on the system? Explain.
5. How would each perspective on criminal justice view the use of the death penalty as a sanction for first degree murder?
6. What are the primary strategies being used to fight the war on drugs? What are the problems in controlling the drug trade? What strategy do you feel is the most effective?

CRIMINAL JUSTICE ON THE NET

The Internet provides a wealth of information on the activities of the criminal justice system and evaluation of their effects. In addition, information can be obtained pertaining to drugs and crime, current crime statistics, correctional statistics and law enforcement activities. The following websites will provide a starting point for further research.

Bureau of Justice Statistics - Drug use and crime: Provides statistical information pertaining to drug-related crimes and offenders under the influence at the time of the offense.

<http://www.ojp.usdoj.gov/bjs/dcf/duc.htm>

U.S. Department of Justice - Drug Enforcement Administration: Provides information pertaining to this department's activities and statistics of domestic DEA arrests.

<http://www.usdoj.gov/dea/>

Justice Information Center (NCJRS): Provides information on law enforcement, corrections, research and evaluation, criminal justice statistics.

<http://www.ncjrs.org/>

Federal Bureau of Investigation - Uniform Crime Reports (UCR): Provides statistical information on crime in the United States. Several years are available for comparison research.

<http://www.fbi.gov/ucr.htm>

New Jersey, Criminal Practice Division: This site provides detailed information on the criminal justice process from intake to post-conviction motions.

<http://www.state.nj.us/judiciary/criminal/crproc.htm>

National Institute of Justice (NIJ) - Publications and Products: Provides information on various criminal justice related topics and research projects.

<http://www.ojp.usdoj.gov/nij/pubs.htm>

CHAPTER ONE ANSWER SECTION

FILL-IN REVIEW

- | | |
|--|--------------------------------------|
| 1. Organized crime | 11. Crime control, sanctions |
| 2. Chicago Crime | 12. rehabilitation |
| 3. Wickersham | 13. due process, equitable |
| 4. Law Enforcement Assistance Administration | 14. nonintervention |
| 5. police, courts, corrections | 15. deinstitutionalization |
| 6. grand jury, prosecutor | 16. justice, discretion |
| 7. Bail | 17. Truth in Sentencing laws |
| 8. death penalty | 18. Restorative justice, peacemaking |
| 9. judge, courtroom work group | 19. interdicting |
| 10. "wedding cake" | |

SELF TEST

True/False

- | | |
|-------|-------|
| 1. T | 12. F |
| 2. T | 13. T |
| 3. F | 14. F |
| 4. T | 15. F |
| 5. T | 16. T |
| 6. F | 17. F |
| 7. T | 18. T |
| 8. T | 19. F |
| 9. T | 20. F |
| 10. T | 21. T |
| 11. T | |

MULTIPLE CHOICE

- | | |
|------|-------|
| 1. A | 9. B |
| 2. D | 10. B |
| 3. B | 11. C |
| 4. D | 12. B |
| 5. A | 13. D |
| 6. D | 14. C |
| 7. B | 15. C |
| 8. B | 16. B |

MATCHING

Process

- | |
|------|
| 1. A |
| 2. F |
| 3. B |
| 4. D |
| 5. C |
| 6. E |

Perspectives

- | |
|------|
| 1. D |
| 2. E |
| 3. A |
| 4. B |
| 5. C |

Chapter 2

The Nature of Crime and Victimization

LEARNING OBJECTIVES

1. Explain the concept of crime.
2. Discuss survey data and record data.
3. Describe the Uniform Crime Reports and how they measure crime; discuss several major methodological problems regarding validity.
4. Discuss the differences in crime trends in other countries and what accounts for them.
5. List and discuss at least four important issues regarding patterns of crime in America.
6. Discuss the advantages of self-report studies.
7. Describe the National Crime Victimization Survey and how crime is measured by the survey; discuss several methodological problems regarding the validity of the NCVS.
8. Explain the general pattern of victimization including victim characteristics, ecology and relationship to criminal.
9. Discuss what might account for the apparent rise in female criminal activities.
10. Describe the major theories regarding why individuals commit crimes.
11. Differentiate between the social structure theory and the social process theory.
12. Discuss the theories of victimization.

CHAPTER SUMMARY

Crimes are behaviors that are harmful to a majority of citizens and therefore are prohibited or controlled by criminal law. Criminal justice seeks to understand the nature and causes of crime and victimization in order to create effective reduction programs.

Criminal justice data comes from a variety of sources. **Survey data** is comprised of information obtained from interviews and questionnaires focusing on people's behaviors, attitudes and beliefs. This data proves an invaluable source of information on the nature and extent of criminal victimization and particular crime problems, such as drug use, which are rarely reported. **Official records** from a variety of sources, including police departments, courts, social service centers and schools, also provide a significant amount of criminal justice data.

The **Uniform Crime Reports (UCRs)**, prepared by the Federal Bureau of Investigation, are the best known and