

# CRIMINAL JUSTICE TODAY

An Introductory Text  
for the 21st Century



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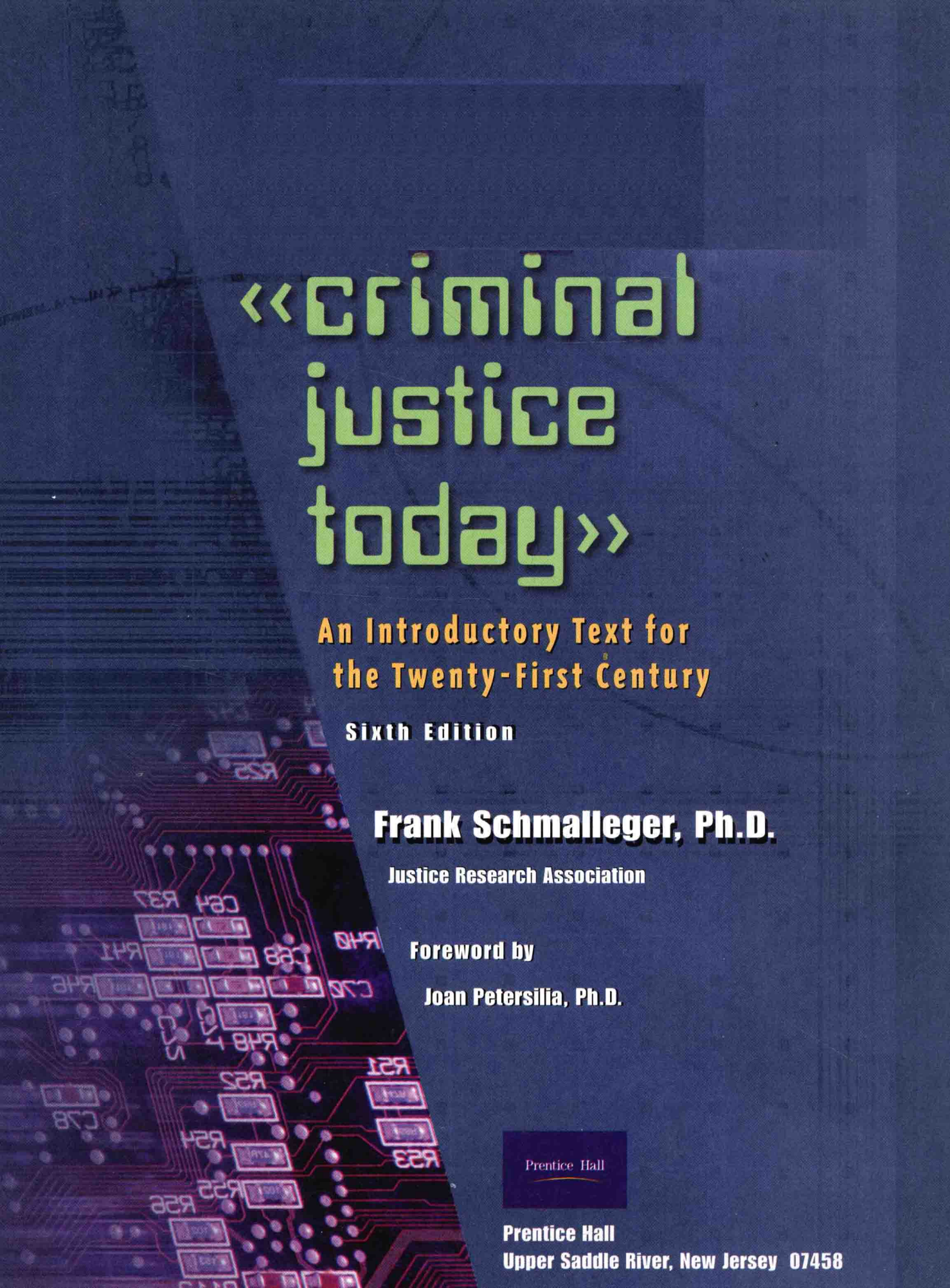
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# SCHMALEGER 6.0





# «criminal justice today»

An Introductory Text for  
the Twenty-First Century

Sixth Edition

**Frank Schmalleger, Ph.D.**

Justice Research Association

Foreword by

**Joan Petersilia, Ph.D.**

Prentice Hall

**Prentice Hall**  
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**For Harmonie Star-Schmalleger**

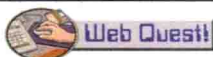
*—my beautiful wife and other self*

# a guide to key features



## APBnews.com Boxes

We keep you informed! Featuring 16 full-length stories written by APB News writers. *Criminal Justice Today*, 6/e contains up-to-date and current articles on today's hottest topics, such as genetic crimes and rape. But this new edition doesn't stop there. Each **APB News Box** provides a link to the APB Web site, allowing you to read these and other stories online.



## Web Quest!

Visit Dr. Frank Schmallegger's Cybrary of Criminal Justice Links on the Web at <http://talkjustice.com/cybrary.asp>, and familiarize yourself with the Cybrary's features. Note that a number of general categories are listed on the home page. The power of the Cybrary, however, lies in its advanced search capabilities. Practice using the Cybrary's search feature. Once you have become familiar with how the search feature works, use it to find links to the *Uniform Crime Reports* (hint: look for the FBI's home page), the *Sourcebook of Criminal Justice Statistics*, and the Bureau of Justice Statistics. Visit all three sites to gather information on the crime of rape.

Compare the availability of information on the crime of rape. What are the similarities and the differences? What are some of the other crimes you find most useful? Why?

Submit your answers to these questions to the instructor.

## Web Quests!

Bring the Web into class! **Web Quests!**, found at the end of each chapter, are Web-based assignments that show how to use the Web to research topics in the criminal justice area.

## WebExtras!

End aimless Net surfing! **WebExtras!**, integrated throughout the text, take readers to crime and justice-related Web sites. Some of the sites include: the FBI, a site providing an in-depth history of the Columbine High School shooting, and a site providing a virtual tour of the U.S. Supreme Court.

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Part 1 >> Crime in America

Six-year-old JonBenet Ramsey, the young "beauty queen" strangled at Christmastime 1996 in her family's Boulder, Colorado, home, JonBenet's killing, and the ensuing investigation, captured the nation's attention for years. Dave Sartin, Gamma—Liaison, Inc.



1999. A check of your local or national newspapers, TV news shows, or news-oriented Web sites will show that crimes, especially shocking, violent, personal, and seemingly random crimes, continue unabated.

Violent crimes, punctuated with seemingly random cruelty, have changed the mood of the American public or, perhaps more accurately, have accelerated what was an already changing mood. A growing national frustration with the apparent inability of our society and its justice system to prevent crimes and to consistently hold offenders who are identified and then arrested to heartfelt standards of right and wrong has led to increased conservatism in the public policy arena. That conservative tendency, which continues to thrive today, was already in place by the time of the 1994 congressional elections, where get-tough-on-crime policies won the day. Since that time, numerous other public officials have joined the get-tough bandwagon. Many have stopped asking what society can do to protect individuals accused of crimes and instead demand to know how offenders can better be held accountable for violations of the criminal law. As we enter the twenty-first century, public perspectives have largely shifted away from seeing the criminal as an unfortunate victim of poor social and personal circumstances, to seeing him as a dangerous social predator. For a detailed look at crimes that shaped the twentieth century, see WebExtra! 1-3 at [cjtoday.com](http://cjtoday.com).

Web  
EXTRA!



## Library Extras!

The Library Extras! listed here complement the WebExtras! found throughout this chapter. Library Extras! may be accessed on the Web at [cjtoday.com](http://cjtoday.com).

- Library Extra! 2-1** Age Patterns of Victims of Serious Violent Crime (BJS, September 1997).
- Library Extra! 2-2** "Crime's Decline—Why?" *National Institute of Justice Journal* (NIJ, October 1998).
- Library Extra! 2-3** *Criminal Victimization* (BJS, current volume).
- Library Extra! 2-4** *Prevalence, Incidence, and Consequences of Violence against Women: Findings from the National Violence against Women Survey* (NIJ, November 1998).
- Library Extra! 2-5** *Preventing Crime: What Works, What Doesn't, What's Promising* (NIJ, 1998).
- Library Extra! 2-6** *Promising Strategies to Reduce Gun Violence* (NIJ, 1999).
- Library Extra! 2-7** *Stalking in America: Findings from the National Violence against Women Survey* (NIJ, April 1998).
- Library Extra! 2-8** *Violence by Intimates: Analysis of Data on Crime by Current or Former Spouses, Boyfriends, and Girlfriends* (BJS, March 1998).
- Library Extra! 2-9** *Women Offenders* (BJS, December 1999).

## Audio Introductions

Hear it straight from Frank Schmalleger! Using the latest Web technology, readers can listen to the author introduce each chapter and hear him identify important criminal justice issues addressed by the text.

## 21st Century Criminal Justice

These informative boxes lead readers into the twenty-first century criminal justice enterprise, and help prepare them for work in the next century.

Chapter 2 >> The Crime Picture

CJ 63

Key Concepts

RPB News.com

Theory Into Practice

21st Century CJ

### Gender Issues I: The Growing Recognition of Women's Rights and Gender-Based Violence

The Violent Crime Control and Law Enforcement Act of 1994 included important provisions intended to enhance gender equality throughout the criminal justice system. One especially noteworthy provision is Section 101, the Civil Rights Remedies for Gender-Based Violence Act. It establishes a federal civil rights cause of action for victims of crimes of violence motivated by gender. Although the section does not establish criminal penalties for gender-motivated violence (enlightening, instead, that such crimes will be punished as crimes under appropriate federal and state law), the law says that "all persons within the United States shall have the right to be free from crimes of violence motivated by gender."

In creating the Civil Rights Remedies for Gender-Based Violence Act, Congress found that "crimes of violence motivated by gender constitute bias crimes in violation of the victim's right to be free from discrimination on the basis of gender; current law provides a civil rights remedy for gender crimes committed in the workplace, but not for crimes of violence motivated by gender committed on the street or in the home. State and federal criminal laws do not adequately protect against the bias element of crimes of violence motivated by gender, which requires those crimes from acts of random violence, nor do they adequately provide victims of gender-motivated crimes the opportunity to vindicate their interests, (and) existing bias and discrimination in the criminal justice system often deprives victims of crimes of violence motivated by gender of equal protection of the laws and the redress to which they are entitled."

two bullets in his head. Spilled breakfast cereal was next to his body. In a nearby bedroom, Brandon 7-year-old brother, Austin, was found sitting upright on the top level of his bunk bed, dead from two shots to the head. Two younger brothers, 4-year-old Benjamin and 4-year-old Matthew, were found on the bottom bunk—also dead from gunshot wounds to the head. Fatmeh told her sons an argument with her boyfriend. She stopped once to reload the .38-caliber revolver she was using, and then she shot herself in the stomach. Police found her crying on a bedroom floor. At trial, prosecutors argued that Fatmeh deliberately plotted to kill her sons to torment her boyfriend and the boy's father (two ex-husbands). Graceless as her story may be, however, Fatmeh was just the latest in a string of former prostitutes, received multiple death sentences in Florida after confessing to a string of seven murders. Worsen, labeled by the FBI as the "first textbook female serial killer," preyed upon men who offered her rides as the hitchhiker. "Five textbook female serial killers," in 1996, the U.S. Supreme Court turned down an appeal by Worsen, who argued that she killed the men in self-defense when they became violent, raped her, and did not pay for sexual services, were not given sufficient weight because of the children.

In 1995, another woman, Susan Smith of Union, South Carolina, rose to prominence in the national media after she confessed to the drowning murders of her two young sons, Alex, 1, and Michael, 3. The boys died after their mother rolled their car off the end of a pier and into a lake, leaving her sons strapped in their safety seats. Smith's confession came after investigators found a letter from Smith's adolescent boys suggesting that she felt unable to continue the relationship because of the children.

The crimes committed by Fatmeh, Worsen, and Smith, ghastly as they are, fall outside what we know to be the norm for female criminality. Although the proportion of female offenders

of violence motivated by gender is small, it is growing. In 1994, the U.S. Supreme Court found that "crimes of violence motivated by gender constitute bias crimes in violation of the victim's right to be free from discrimination on the basis of gender; current law provides a civil rights remedy for gender crimes committed in the workplace, but not for crimes of violence motivated by gender committed on the street or in the home. State and federal criminal laws do not adequately protect against the bias element of crimes of violence motivated by gender, which requires those crimes from acts of random violence, nor do they adequately provide victims of gender-motivated crimes the opportunity to vindicate their interests, (and) existing bias and discrimination in the criminal justice system often deprives victims of crimes of violence motivated by gender of equal protection of the laws and the redress to which they are entitled."

Many argue that the networked cable channels are simply giving viewers what they want. Because it is exciting, violence is often sold with sexuality or combined with violent action behavior attracts audiences, and of course, large audiences attract advertisers who then support the networks.

Not to be outdone by their highly visual counterparts, newspapers and magazines depict real-life episodes of violent crime in every issue of a year. Following the highly publicized murder of Nicole Brown Simpson and Ronald Goldman, for example, it was almost impossible to find a newspaper in the country which wasn't carrying a daily story about some aspect of the case, especially when O. J. Simpson, charged in the murders, went to trial.

Even computer-based services, among them *Compuserve* and *America Online*, set up special O. J. Simpson sections to attract subscribers. Simpson's "trial" trial continued almost as much publicity—mostly only by the fact that the judge banned television news from the courtroom.

Unfortunately, what some have called the "sensationalism" of crime and violence, now a characteristic of the media in this country, makes it extremely difficult to separate crime from entertainment. If media companies are any guide, it would appear that the United States is a land of crime, especially violent personal crime. The impression given is that crime is truly a

Key Concepts

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Theory Into Practice

21st Century CJ

### The Media's Impact on the Public's Fear of Crime

It is not only television in the United States on a typical day, and you will see killing after killing, frequent acts of gratuitous violence, and murder and mayhem to brutal proportions. This is in their editorial practice to view and of the major networks, a pay-per-view channel, a premium cable like Home Box Office, Cinemax, or Showtime. Only a few specialized forms of programming, such as the recent *Shooting War*, the *Discovery Channel*, and the *Public Broadcasting Service*, are relatively violence-free.

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## Library Extras!

Library Extras! make suggested readings fun! Located at the end of every chapter, Library Extras! are Web-based documents that expand upon the material presented in the book. Most Library Extras! are published by the National Institute of Justice or by the Bureau of Justice Statistics.

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Part 3 >> Crime in America

Key Concepts

RPB News.com

Theory Into Practice

21st Century CJ

### Justice and Criminal Justice

Most students who major in criminal justice seek to dedicate their professional careers to crime fighting. That was not true in the case of Benjamin Nathaniel Smith, a 21-year-old former criminal justice major at Indiana University (IU) in Bloomington. On Fourth of July weekend, 1999, Smith went on a 36-hour drive by shooting spree that spanned the states of Illinois and Indiana. When it was over, two people were dead, and many more injured. Smith's target appear to have been Hispanics, African-Americans, Asians, and Jews. Killed in the rampage were former Northwestern University basketball coach Ricky Brydson and Woon Yoon, a South Korean doctoral student at Indiana University. Brydson, who was African-American, was gunned down as he walked with his children. Yoon was killed outside of Bloomington's Korean United Methodist Church. Eight other people, including six Orthodox Jews, were shot and wounded in the shooting spree. Another nine people were shot or hit but not physically injured.

Media reports claimed that Smith's one-man crime spree was related to his membership in a white supremacist group called the World Church of the Creator. Founded in 1973, the group is often mentioned as one of the most dangerous hate groups in the country. Its Web site is shut down shortly after Smith's shooting spree, evidenced its members as "glad for a total war against Jews and the rest of the goddamned mud races of the world." Church leader Mark Hale, 27, had been using the Web in what he called an "Internet blitzkrieg" to promote the group's racist policies.

Hate-crime experts believe that Smith saw himself as a warrior in RAINBOW—the racial holy war movement that is driving members of some underground groups to commit a wide variety of hate-motivated crimes. During his time at IU-Bloomington, Smith had become well known for his habit of littering the campus with racist leaflets and for discussing his racist views openly in class.

Smith's shooting spree ended on the evening of July 4, 1999. As officers pursued him down a body in the drive. Soon afterward his vehicle crashed into a tree. As officers surrounded the car, Smith was able to positively identify the quarry when they saw the tattoo "Sabbath Bruker" on his hand.

Another infamous crime, the Columbine High School massacre, in which 13 students died and 28 more were injured, also took place in 1999. The shootings, which happened on April 20, 1999, in Littleton, Colorado, were the work of 18-year-old Eric Harris and 17-year-old Dylan Klebold. Both of whom were students at the school. After police arrived, the attackers killed themselves. As of this writing, the Columbine massacre is the worst incident of school violence in U.S. history.

## Theory into Practice

Learn how theory translates into practice with this informative series of boxes that shows the convergence of academic knowledge and real-world applications.

Key Concepts

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Theory Into Practice

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### QUESTIONS FOR DISCUSSION

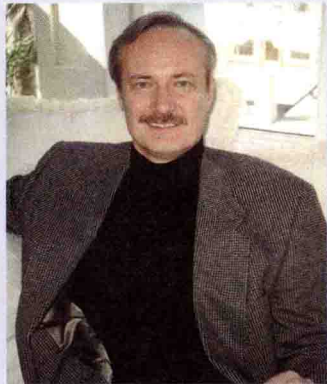
1. What events does television influence when people think about crime? How do they feel about crime? How do they feel about the justice system?

2. Does television help shape our culture, or does it merely reflect what we, as a nation, already are?

3. Do you, as a viewer, feel "racially responsible" television programming? Why or why not? If so, how would you change the content of television shows?



# about the author



**FRANK SCHMALLEGER, Ph.D.** is Director of the Justice Research Association, a private consulting firm and think tank focusing on issues of crime and justice. The Justice Research Association, which is based in Hilton Head Island, South Carolina, serves the needs of the nation's civil and criminal justice planners and administrators through workshops, conferences, and grant-writing and program-evaluation support. It can be reached on the Web at <http://cjcentral.com/jra>. Dr. Schmalleger is also founder and codirector of the Criminal Justice Distance Learning Consortium (<http://cjcentral.com/cjdlc>).

Dr. Schmalleger holds degrees from the University of Notre Dame and Ohio State University, having earned both a master's degree (1970) and a doctorate in sociology (1974) from Ohio State University with a special emphasis in criminology. From 1976 to 1994, he taught criminal justice courses at the University of North Carolina at Pembroke. For the last 16 of those years he chaired the university's Department of Sociology, Social Work, and Criminal Justice. As an adjunct professor at Webster University in St. Louis, Missouri, Schmalleger helped develop the university's graduate program in Security Administration and Loss Prevention. He taught courses in that curriculum for more than a decade. Schmalleger has also taught in the New School for Social Research's online graduate program, helping build the world's first electronic classrooms in support of distance learning through computer telecommunications. An avid Web developer, Schmalleger is also the creator of a number of award-winning World Wide Web sites, including some which support this textbook (<http://www.prenhall.com/schmalleger>; <http://cjtoday.com>; and <http://talkjustice.com/cybrary.asp>).

Frank Schmalleger is the author of numerous articles and many books, including the widely used *Criminology Today* (Prentice Hall, 1999); *Criminal Justice: A Brief Introduction* (Prentice Hall, 2001); *Criminal Law Today* (Prentice Hall, 1999); *Crime and the Justice System in America: An Encyclopedia* (Greenwood Publishing Group, 1997); *Trial of the Century: People of the State of California vs. Orenthal James Simpson* (Prentice Hall, 1996); *Computers in Criminal Justice* (Wyndham Hall Press, 1991); *Career Paths: A Guide to Jobs in Federal Law Enforcement* (Regents/Prentice Hall, 1994); *Criminal Justice Ethics* (Greenwood Press, 1991); *Finding Criminal Justice in the Library* (Wyndham Hall Press, 1991); *Ethics in Criminal Justice* (Wyndham Hall Press, 1990); *A History of Corrections* (Foundations Press of Notre Dame, 1983); and *The Social Basis of Criminal Justice* (University Press of America, 1981).

Schmalleger is also founding editor of the journal *The Justice Professional*. He serves as editor for the Prentice Hall series *Criminal Justice in the Twenty-First Century* and as imprint adviser for Greenwood Publishing Group's criminal justice reference series.

Schmalleger's philosophy of both teaching and writing can be summed up in these words: "To communicate knowledge we must first catch, then hold, a person's interest—be it student, colleague, or policymaker. Our writing, our speaking, and our teaching must be relevant to the problems facing people today, and they must—in some way—help solve those problems."



# preface

The first edition of this textbook appeared in print a little over ten years ago. At that time, I chose what seemed to be a rather unique subtitle: *An Introductory Text for the Twenty-First Century*. The subtitle was unusual not only because the new century was still a decade away, but because other introductory criminal justice authors seemed to be writing about the past and not the future. I wanted my subtitle to speak to students and professors. I wanted it to say, “This is a book that, while it owes a legacy to the past, is not bound by it. This is a book that will prepare students of justice for the world of the future—a soon-to-be vital and real world with almost limitless possibilities in which they will live and work.”

Since then, of course, much has changed. *Criminal Justice Today* is now in its sixth edition. The long-awaited new century is here, and the future is on almost everyone’s mind.

As I write this preface to the sixth edition, I think of how the first edition of this text was a standard ink-on-paper hardcover book with sparsely placed black-and-white photographs. I reflect on how it has evolved into a multimedia-rich, information-filled, experiential package that brings up-to-the-minute learning opportunities to today’s students in printed form, on the Web, via CD-ROM, and through other digital formats. I think of how it makes extensive use of technologically enhanced learning environments, and I hope that it has contributed, at least in some small way, to the growth and continuing maturation of those environments.

The sixth edition of this learning package (for it is no longer merely a book) has become an integral part of our “wired” world—in the best sense of that term. *Criminal Justice Today* has evolved into a multifaceted learning experience that, I believe, sets the standard for a new generation of educational tools that sweepingly integrate text-based information and electronic media in ways not possible only a short while ago.

Although you can still hold this book in your hands, the printed pages are but a representation of the multitude of learning possibilities that accompany it. The *Criminal Justice Today* companion web site (<http://www.prenhall.com/schmalleger>) and the [cjtoday.com](http://cjtoday.com) home page, for example, add a wealth of constantly updated news, statistics, legal information, and diverse opinions to the core text. The *Criminal Justice Today* e-mail discussion groups, message boards, and Talk Justice facility make it possible for students and professors to interact with one another—and with others across the nation and around the world who share an interest in criminal justice and in crime prevention. Our criminal justice Cybrary (<http://talkjustice.com/cybrary.asp>) provides a fully searchable gold mine of thousands of up-to-the-minute justice-specific Web sites to facilitate research, writing, and learning. WebCT templates for this textbook, as well as the online teaching possibilities provided by the *Criminal Justice Today* companion website, allow classes to be taught entirely online, so students can study criminal justice subject matter from virtually anywhere.

While much has changed over six editions, this text remains true to its original purpose. In the preface to the first edition I wrote that the purpose of this book is “to teach criminal justice students the fundamental tried-and-true concepts of an evolving discipline, to give them the critical-thinking skills necessary to effectively apply those concepts to the real world, and to apply those concepts and skills to today’s problems and to the emerging issues of tomorrow.” In Chapter 1 I promised that this book would “describe in detail the criminal justice system, while helping students develop an appreciation for the delicacy of the balancing act now facing it.” I pointed out that the fundamental question for the future will be “how to ensure the existence of, and effectively manage, a justice system which is as fair to the individual as it is supportive of the needs of society.” Finally, I asked, “Is justice for all a reasonable expectation of today’s system of criminal justice?” The sixth edition remains true to these roots, yet has blossomed in ways unanticipated a mere decade earlier.

As it was from the start, *Criminal Justice Today* is intended for use by students everywhere who are beginning the study of criminal justice. The sixth edition incorporates and supports the best



and most contemporary principles guiding the study of our discipline. The educational principles underlying the Academy of Criminal Justice Sciences' recent explorations into the accreditation arena (via the ACJS Ad Hoc Committee on Minimum Standards for Criminal Justice Education), for example, are incorporated into this text, as are some of the more prominent state-specific guidelines for criminal justice education. *Criminal Justice Today* and its various supplements are also written to be consistent with and supportive of the California POST College Transition Program. The College Transition Program allows students to earn basic law enforcement course certification credits during their college studies—reducing the academy training time needed for students seeking law enforcement careers. POST standards, even when not state-specific, add a pragmatic dimension to the study of criminal justice, stressing as they do the development of useful employment-related abilities and critical-thinking skills.

In summary, *Criminal Justice Today* is intended not as a simple description of what has already taken place in the field (although it contains plenty of descriptions and lots of historical information), but as a visual and thoughtful guide to the study and practice of criminal justice today, a road map through the criminal justice system of the twenty-first century, and a bridge between past and future.

FRANK SCHMALLEGGER, PH.D.



# to the student

## <Exploring Criminal Justice Today CD-ROM System Requirements>

### PC

- >> **Color Monitor (Adjust settings inside Control Panel/Display/Settings):**  
Color Palette: 256 colors (True Color 32-bit recommended)  
Desktop area: 800 × 600  
Font size: Small fonts
- >> **Minimum system requirements:** Pentium/266 MHz, with 24 MB of RAM  
Multimedia-equipped PC, with 4x (or better) CD-ROM drive
- >> **Operating Systems:** Windows95/Windows98

### Macintosh

- >> **Color Monitor (Adjust settings inside Control Panel/Display/Settings):**  
Color Palette: 256 colors (True Color 32-bit recommended)  
Desktop area: 800 × 600  
Enable sounds
- >> **Minimum system requirements:** PowerPC or above, with 24 MB of RAM  
Multimedia-equipped Macintosh, with 4x (or better) CD-ROM drive
- >> **Operating System:** System OS 7.5 and above

## <Instructions to the Student for Using the "Exploring Criminal Justice Today" CD-ROM>

The *Exploring Criminal Justice Today* CD-ROM contained in your textbook is as entertaining as it is useful. Designed to help you learn about daily practices in the criminal justice system, the CD facilitates a number of independent learning activities that you can use to enhance study sessions, to build knowledge of key concepts, to quiz yourself on course material, and to learn about important U.S. Supreme Court cases of relevance to each chapter. Keep in mind that your instructor may require you to complete assignments from material found on the disc and may ask you to submit those assignments via e-mail or in hard copy. Specific features of the CD-ROM include:

- >> **Interactive scenarios.** These multimedia interactive scenarios are designed to improve your justice-related decision-making skills. Each simulation is based on a real-life court case, and each contains links to abbreviated on-disc court opinions.
- >> **Study review games.** These chapter-specific vocabulary-building games focus on the key terms listed at the start of each chapter and help you remember crucial concepts and associated definitions.
- >> **Electronic exercises.** Each practice quiz contains multiple-choice and true-false questions intended to help assess your understanding of course material.
- >> **Glossary.** The terms in the disc-based glossary parallel the definitions of important terminology used in the book. If you have any questions about the definition of a key term, just check this glossary.



- >> **Web links.** If you are connected to the Internet while using the *Criminal Justice Today* CD-ROM, you will be able to browse the Web and link to important criminal justice sites from within other areas of the disc.

## <Instructions to the Student for Using Criminal Justice Today World Wide Web Features>

*Criminal Justice Today* is supported by a widely acclaimed award-winning Web site accessible at <http://www.prenhall.com/schmallegger>. Once you arrive at the site, click on the cover of your book to enter. The feature-rich sixth edition Web site builds upon a strong tradition of standard-setting excellence in Web-based media. It offers the following special features:

- >> **Electronic syllabus.** Check here to see if your instructor has created an online syllabus. If so, refer to it to keep track of reading assignments, test dates, term papers, and other coursework. The electronic syllabus posted by your instructor may also contain links to Web-based media, such as online lectures, and to sites chosen by your instructor for you to view.
- >> **Audio chapter introductions.** Hear the author introduce each chapter. Audio chapter introductions require Real Player™ or Windows Media Player™ software.
- >> **Chapter learning objectives.** Set your study goals for each chapter with chapter-specific learning objectives. Use these objectives to maintain your focus on important materials as you read through the text.
- >> **Practice review questions.** Prepare for tests and assess your knowledge of critical content with online review questions. Use these true-false and multiple-choice questions to test yourself as often as you want—and watch your scores improve.
- >> **Electronic homework.** Respond to online essay questions and e-mail your answers to your instructor for grading. Electronic homework makes it possible for you to demonstrate your knowledge of core concepts while it helps save trees!
- >> **Chapter summaries.** Review chapter materials with online summaries of key points. Bulleted summaries allow for quick and easy access to critical content and can help you remember important chapter information.
- >> **Web Quests!** Work your way through comprehensive Web-based chapter projects, and learn how to do criminal justice research on the Internet. Web Quests! make studying enjoyable and open the door to a wealth of electronic information.
- >> **WebExtras!** Visit sites that are closely related to the materials you are reading about. WebExtras! provide a virtual criminal justice tour of the Internet, with visits to police, courts, and corrections sites on the Web.
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FRANK SCHMALLEGER, PH.D.



# foreword

The American public is preoccupied with crime and justice as never before. Public opinion polls show that Americans see crime as a very serious problem, and they believe it will get worse in the next few years. And while they voice skepticism that government officials know how to curb crime, they believe they have some solutions: Citizens overwhelmingly endorse such punitive measures as three-strikes laws, mandatory prison terms, no parole, and expanding the death penalty.

Perhaps it is the extensive media coverage about crime that has created a nation of “instant experts” on justice matters. After all, no previous generation of Americans has been subjected to saturated TV crime coverage, reality-based TV cop shows, and video cameras placed in stores and patrol cars to film crimes in progress. Considering all that, plus the unprecedented coverage of the *People v. O.J. Simpson* case and other celebrity crimes, one can understand why crime policy has moved out of academic circles and into the living rooms of the American public. U.S. citizens have seen the justice system “up close and personal,” and they are angry and demanding change.

Of course, the public’s desire to address the crime problem is admirable. Without their cooperation, needed programs cannot be funded or implemented. But allowing them to *direct* reform efforts is misguided and likely to be costly in both human and financial terms. Too much of current crime policy is being made according to what we wish or believe, rather than on the basis of what is known.

Those familiar with the justice system know that the O.J. Simpson case and all of the other celebrity cases are idiosyncratic, an amalgam of individual ingredients that will never again arise. Most cases are not settled through lengthy trials, DNA is seldom brought to bear, the death penalty is almost never considered, and defenses like the battered women’s syndrome are rarely offered or accepted. Information about these celebrity cases is, for most purposes, simply not relevant to most justice decision making. In short, U.S. citizens have become experts by studying the atypical.

So, we are rather in a quandary. The public’s newfound energy to *do* something about crime is sorely needed, yet citizens possess little of the knowledge necessary to accurately address the problem. Cancer is a major problem, too, but the public does not think it should go in there and start tinkering—telling doctors what drugs to administer or when to hospitalize patients. But in criminal justice matters, the public does tinker. It votes to enact punitive sentencing legislation, abolish parole boards, and abandon treatment programs. It’s almost as if we have put the public in charge of a major medical operation, and it is untrained and ill equipped for the task.

But lest we take the doctor analogy too far, justice is different from medicine because the community is a coproducer of justice, and experts can’t solve crime alone. In fact, they aren’t even the critical link to the solutions. Rather, they depend on citizens to identify assailants, bring them to justice, and assist in offender reintegration. So justice experts cannot simply say to the public, “Leave us alone.” Rather the goal must be to move the public away from the television set and toward more factual information. We must provide a comprehensive resource so that students and the public can learn to separate crime fiction from crime fact.

I believe that is what Frank Schmalleger’s book *Criminal Justice Today* does so well. He provides a clear statement not only of the crime problem and explanations of the causes, but also of what strategies might work. He helps us better understand the agencies that are responsible for processing criminal cases and supervising offenders, and the legal and moral boundaries which constrain them.

Schmalleger begins by summarizing criminal justice “reality” as it is currently known by scholars and practitioners. Students may be surprised, for example, by his description of serious crime trends. He tells us that while fear of crime is gripping the American public, high levels of reported crime are concentrated in certain regions of the nation, and, in most instances crime is declining.



Students might well believe that criminal victimization rates have reached record levels. They have: They are at their *lowest* levels in 20 years! Again, Schmalleger sets us straight.

Many Americans might suspect that drive-by shootings or drug-related gunfire or holdups are to blame for most shooting deaths. They would not be close to the truth. Schmalleger tells us that the most common shooting death in America takes place not on the street but in the home: It is a suicide. The second most common shooting death is not a random killing but someone shooting someone he or she knows, often in the home.

After succinctly describing the reality of crime, Schmalleger turns his attention to crime causation. Knowing the causes of crime seems critically important to finding an effective intervention. The bulk of *Criminal Justice Today* is appropriately devoted to discussing the laws that govern crime and describing the agencies responsible for administering justice. There are excellent chapters devoted to each component of the justice system, from police through courts, corrections, and probation and parole. Each chapter describes the roles and duties of those agencies, the practitioners who work within them, and issues regarding evaluation and program effectiveness. Importantly, the chapters also explain the relationship between justice agencies and their profound influence on one another—for example, how jail populations and procedures affect prisons, which in turn influence probation and parole policies, which in turn influence rehabilitation prospects.

But more useful than any of these specific details on crime or the justice system is the organizing theme of the entire textbook. Schmalleger writes that justice in America is ever changing and cyclic, and at any point in time it mostly reflects how citizens have chosen to balance the justice system's two primary objectives: community safety versus individual rights. Balancing these two competing goals creates a constant and unavoidable tension in formulating justice policies and programs.

Of course, we all want community safety. But, philosophically, Americans tend to align themselves more or less with one of these two perspectives. There are those who prioritize the protection of personal freedoms and civil rights within the justice process. Schmalleger labels these people *individual-rights advocates*. The public often refers to such people as "liberals." On the other hand, there are those who suggest that, specifically on crime matters, the interest of society should take precedence over individual rights. Schmalleger labels such people *public-order advocates*, and they are popularly thought of as political "conservatives."

Depending on the mood of the country, either crime control or due process concerns receive higher priority. During the 1960s to 1980s, protecting individual rights and due process concerns seemed most important, whereas calls for social and individual responsibility now are paramount. Schmalleger correctly notes that it is the tension between these two perspectives that forms the basis of most policymaking; public-order advocates are currently winning the day, and conservative crime policies are in vogue.

I believe Schmalleger's excellent discussion of these two perspectives in Chapter 1, and his effective weaving of the concept throughout each of the subsequent chapters, is this book's most unique contribution. Once students have mastered these two concepts, they will have learned something far more important than simply the facts and figures behind crime and justice; they will have learned *how to think about crime* and policies proposed for its reduction. Laws and details about crime and justice agencies will change, but having an understanding of how to think appropriately about crime is an educational advance that will forever be useful to students, whether they become criminal justice professionals or simply seek to be more informed citizens.

I know I join my criminological colleagues in congratulating Dr. Schmalleger for another excellent edition of *Criminal Justice Today*. It is a great service to criminal justice students and the general public.

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***Justice is truth in action!***

—BENJAMIN DISRAELI (1804–1881)

***Injustice anywhere is a threat to justice everywhere.***

—MARTIN LUTHER KING, JR. (1929–1968)