

The American System of Criminal Justice Fourth Edition

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Preface

An opportunity to write the fourth edition of a book is most gratifying, but it is also humbling. Knowing that students and teachers in a variety of colleges and universities throughout the country have found the first three editions useful makes me keenly aware of the necessity to communicate knowledge accurately and in a readily understandable manner. As an instructor of undergraduates, I have always found teaching criminal justice pleasurable. Students come to the classroom interested in the subject, intrigued by the prospect of understanding the system, and optimistic about the role they may one day play in allocating justice, as practitioners or as citizens.

The present revision has been stimulated by the abundant high-quality research about the criminal justice system that has emerged since the third edition was published. Knowledge about crime and justice has expanded so greatly during the past decade that many of the assumptions in earlier works can no longer serve as the foundation of criminal justice curricula. One has only to compare the 1967 report of the President's Commission on Law Enforcement and Administration of Justice with recent scholarship on the police, courts, and corrections to realize how much the discipline has developed. In such a fast-changing field, instructional materials must be kept up to date. This task requires more than replacing the data in the figures and tables of a book; it demands continued reading of the wide-ranging literature of criminal justice, and the incorporation of significant findings in the text.

In writing this edition I have had much assistance from people who merit particular recognition. Again heading this list is Betty Seaver, who has guided me through the intricacies of the English language. The staff of the Homer Babbidge Library, University of Connecticut, was extremely helpful; especially Isabelle DiCenzo, Lucy DeLuca, and Robert Vrecenak. The project has benefited much from the attention of Claire Verduin, criminal justice editor at Brooks/Cole, whose encouragement and support have been crucial. The many suggestions offered by reviewers and critics in the field have greatly improved this edition. Ultimately, however, the responsibility for the work rests with me alone.

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To the Reader

Criminal justice emerged during the 1970s as a vital and unique academic discipline emphasizing the professional development of students who plan careers in the field and attracting those who want 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 contributing 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 last decade, today's students of criminal justice must be familiar with a great deal of up-to-date literature. In preparing this text I have given close attention to monographs, government publications, scholarly journals, papers read at academic meetings, and the popular media. Although reports of research are essential for developing the empirical foundation of criminal justice study, biographies and fiction evoke the system's human dimension far more vividly. Before presenting an interesting and fruitful introduction to the American system of criminal justice, it is appropriate that I discuss some of the assumptions on which this book is based, and describe several of the special features that make this edition especially clear, orderly, and, I hope, exciting.

Multidisciplinary perspective

This introduction to American criminal justice aims at comprehensiveness by describing the system's operational components from a multidisciplinary perspective. Because criminal behavior is human behavior, the key research findings and concepts are drawn from sociology, psychology, and political science, while the efforts of historians allow a comparison of past and contemporary issues and phenomena. Because the institutions of criminal justice compose an organizational system, concepts from the administrative sciences are similarly 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. We recognize both that many criminal justice personnel obtain office by means of politics, and that a form of bureaucratic politics viii To the Reader influences how each portion of the system works. It is from this confluence of administration, law, and politics that decisions are made that concern the basis on which behavior is defined as criminal, determine the level of resources given criminal justice agencies, and result in actions that affect the lives of citizens, crime victims, offenders, and officials.

Special features

To make this integrated 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 employed in law and the social sciences are fully defined in the margin, next to their first appearance in the text.
- 2. *Graphics*. Great care has been given to preparing tables, figures, and pictures that focus and enliven information so that it can be accurately perceived and easily understood.
- 3. Boxed materials. Scattered throughout the book are excerpts from magazines, newspapers, and other sources that dramatize the topics under discussion and tie the text to the real world with the vivid words of journalists, prisoners, judges, and attorneys.
- 4. Biographies. An introductory course customarily acknowledges many contributors to the development of the field. The book therefore includes succinct descriptions of some of the most important figures in criminal justice. Knowing something about the lives of these leaders will give the student a greater appreciation of their work.
- 5. Real-life experience. The story of Donald Payne, a young man caught in the criminal justice system, is told serially at the end of relevant chapters. "The People versus Donald Payne," first published in Newsweek, enables us to see how the system operated in relation to one individual. While reading these selections, students can consider what they would have done in similar circumstances.
- 6. Other student aids. Each chapter opening includes an outline of the topics that follow. Each chapter concludes with a summary, discussion questions, and suggestions for further reading. At the end of the text the running glossary items are arranged alphabetically to facilitate quick reference. An appendix contains the criminal justice portions of the Constitution of the United States. The book concludes with a detailed index.

I want to make it clear that *The American System of Criminal Justice* is neither a radical critique of its subject nor an endorsement of the status quo. I have tried to present an image of current reality, and I hope to challenge those who contemplate careers in this field to work to improve the system. After years of neglect, criminal justice is now in a period of rapid change and development as new concepts and methods come to the fore. The sometimes conflicting needs for freedom and for order in a democratic society create problems and opportunities alike. It is time for a new generation of criminal justice practitioners and scholars to provide leadership that will bring about long-overdue improvements.

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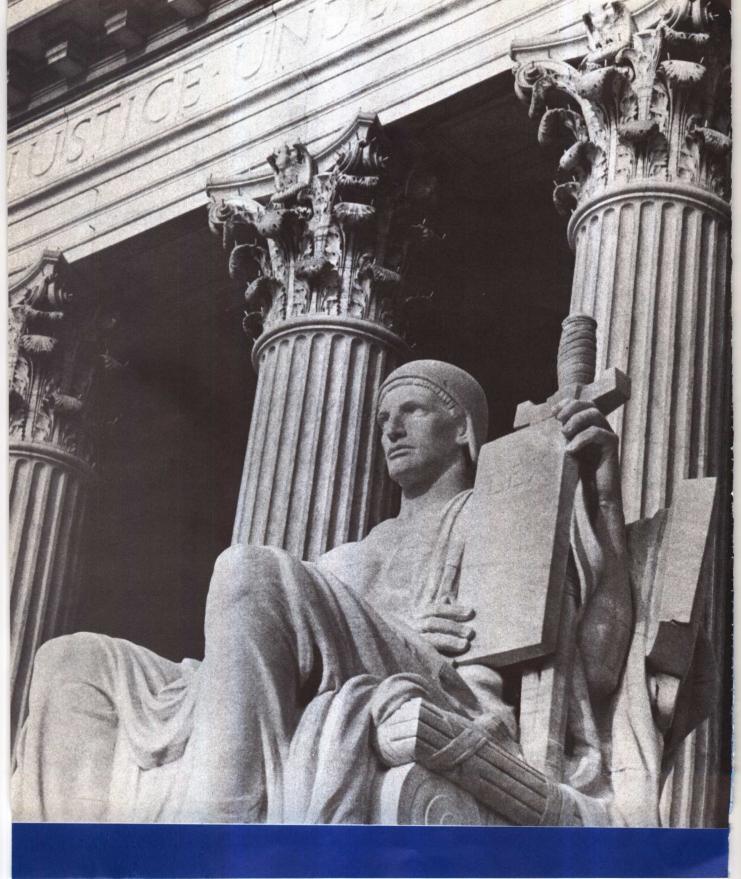
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The American System of Criminal Justice Fourth Edition



The Criminal Justice Process

Crime is an enduring problem that has required attention since time immemorial. Today we want to understand the dimensions of this problem, how it has been defined, and how society has attempted to deal with it. Is it possible that crime will never be controlled? What types of behaviors does the law define as "criminal"? What legal and administrative requirements must be met before a person can be labeled "guilty"? Part One explores such questions with a twofold aim: to give the reader (1) a sense of the nature of crime and what is currently being done about it and (2) a broad, general framework within which to analyze the more specific materials found in the rest of the book.

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