

Joseph J. Senna & Larry J. Siegel

ESSENTIALS OF **Criminal Justice**



SECOND EDITION

Essentials of Criminal Justice

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Northeastern University

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University of Massachusetts–Lowell



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About the Authors

Joseph J. Senna was born in Brooklyn, New York. He graduated from Brooklyn College, Fordham University Graduate School of Social Service, and Suffolk University Law School. Mr. Senna has spent over fifteen years teaching law and justice courses at Northeastern University. In addition, he has served as an Assistant District Attorney, Director of Harvard Law School Prosecutorial Program, and consultant to numerous criminal justice organizations. His academic specialties include the areas of Criminal Law, Constitutional Due Process, Criminal Justice, and Juvenile Law.

Mr. Senna lives with his family in Winchester, Massachusetts. He is currently completing work on a criminal law textbook and serves as an adjunct professor of criminal justice at colleges in the Boston area. Both Mr. Senna and Dr. Siegal have begun writing a juvenile justice text—their fifth collaborative effort.

Larry J. Siegel was born in the Bronx in 1947. While attending City College of New York in the 1960s he was introduced to the study of crime and justice in courses taught by sociologist Charles Winick. After graduation he attended the newly opened program in criminal justice at the State University of New York at Albany, where he earned both his MA and Ph.D. and studied with famed scholars such as Michael Hindelang, Gilbert Geis, and Donald Newman. After completing his graduate work, Dr. Siegel began his teaching career at Northeastern University, where he worked closely with colleague Joseph Senna on a number of texts and research projects. After leaving Northeastern, he held teaching positions at the University of Nebraska—Omaha and Saint Anselm College in New Hampshire. He is currently a professor at the University of Massachusetts—Lowell.

Dr. Siegel has written extensively in the area of crime and justice, including books on juvenile law, delinquency, criminology and criminal procedure. He is a court certified expert on police conduct and currently heads the graduate program in criminal justice at the University of Massachusetts—Lowell. He resides in Bedford, New Hampshire with his wife Therese J. Libby, Esq. and their children.

Preface

Crime seems everywhere today, from the bizarre (cases featured on the evening news) to the humdrum (incidents of urban violence, vandalism, and theft that are so common that the general public takes little notice). The government tells us that Americans commit almost 40 million criminal acts each year, that a large portion of the teenage population drinks and takes drugs, and that almost all of us will one day become a crime victim. The public imagination has been captivated by a number of highly publicized criminal cases, ranging from that of Timothy McVeigh, convicted for killing 150 people in the bombing of the Murrah Federal Building in Oklahoma City, to that of O. J. Simpson, the famed football star acquitted of murder after the “trial of the century.” These high-profile cases have become media events that promote intense public interest in crime and justice.

Considering the immediacy of the crime problem, the attention it gets in the media, and its focus as a political issue, it is not surprising that interest in criminal justice is at an all-time high. People are demanding greater police protection, more efficient court processes, and more effective correctional treatment facilities. To meet this demand, colleges and universities are today graduating an increasing number of criminal justice majors who seek employment in the justice system and who are being educated to improve its operations and increase its effectiveness.

As professors of criminal justice for the past two decades, we have tried to share our interest in and knowledge of the field in our textbook *Introduction to Criminal Justice*, first published in 1978 and now in its seventh edition. However, not all criminal justice courses require such a lengthy and elaborate book. Some instructors use supplementary reading material in their courses, while others use more discussion, films, and visual aids. Some schools operate on the semester level while others use trimester or quarterly systems and may find a more abbreviated book easier to cover during an 11- or 12-week schedule. We developed *Essentials of Criminal Justice* as a more concise version of our introductory text. It contains all the elements of our more comprehensive book and has been updated to reflect the structural and procedural changes that have occurred during the past few years.

This new edition of *Essentials of Criminal Justice* provides a concise and accurate statement of the vital goals, aims, and practices of the criminal justice system and its most critical institutions. It includes the most critical legal cases, research studies, and policy initiatives that have appeared in the past few years. It provides a groundwork for the study of criminal justice by analyzing and describing the agencies of justice and the procedures they use to identify and treat criminal offenders. It covers what most experts believe are the critical issues in criminal justice and analyzes their impact on the justice system. It focuses on critical policy issues in the criminal justice system, including preventive detention, shock incarceration, community policing, alternative sentencing, gun control, the war on drugs, and the death penalty. So while this book is more condensed than our introductory text, it retains all of the most important issues in the criminal justice system.

Our primary goals in writing this edition include (1) to provide students with a solid basis of knowledge about the criminal justice system, (2) to be as up to

date as possible, (3) to be objective and unbiased, and (4) to be concise in presentation and format while still retaining an interesting and engaging style. We have tried to provide a text that is highly informative but not as detailed as *Introduction to Criminal Justice*, seventh edition.

Organization of This Edition

Part 1 gives the student a basic introduction to crime, law, and justice. The first chapter covers the problem of crime in America, agencies of justice, the juvenile justice system, and the formal justice process, and it introduces students to the concept of the informal justice system that involves discretion, deal making, and plea bargains. The chapter also provides material on career opportunities in criminal justice to give students some idea of the career choices available. Chapter 2 discusses the nature, extent, and cause of crime and victimization: How is crime measured? Where and when does it occur? Who commits crime? Who are its victims? What social factors influence the crime rate? Why do people commit crime? Chapter 3 provides a discussion of the criminal law and its relationship to criminal justice. It covers the legal definition of crime, the defenses to crime, including the insanity defense, and issues in procedural law. Finally, Chapter 4 discusses the major perspectives on justice and how they impact on efforts to control drugs and violence.

Part 2 provides an overview of the law enforcement field. Four chapters cover the history and development of criminal justice organizations, the functions of police in modern society, issues in policing, and the police and the rule of law. This section emphasizes community policing and community crime prevention, private security, and other current issues.

Part 3 is devoted to the adjudication process, from pretrial indictment to the sentencing of criminal offenders. Chapter 9 focuses on the organization of the court system, including the role of judge, prosecuting attorney, and defense counsel. Chapter 10 deals with pretrial procedures, including bail and plea bargaining, while Chapter 11 covers the criminal trial, and 12 covers criminal sentencing. Topics included within Part 3 involve bail reform, court organization, sentencing policy, capital punishment, indigent defense systems, attorney competence, preventive detention, the jury trial, courtroom work groups, and extralegal factors in sentencing.

Part 4 focuses on the correctional system, including probation and the intermediate sanctions of house arrest, intensive supervision, and electronic monitoring. The traditional correctional system of jails, prisons, community-based corrections, and parole are also discussed at length. Such issues as the prison and jail overcrowding and parole effectiveness are discussed.

Great care has been taken to organize the text to reflect the structure and process of justice. Each chapter attempts to be comprehensive, self-contained, and orderly.

Learning Tools

The text contains the following features designed to help students learn and comprehend the material:

- **Analyzing Criminal Justice Issues** Every chapter contains boxed inserts on intriguing issues concerning criminal justice policy or processes. Within the boxed inserts are critical thinking sections that help students conceptualize problems of concern to the criminal justice system. For example, in Chapter 14, super maximum-security prisons are discussed, while in Chapter 13, “Can Alternative Sanctions Work?” is the topic.
- **Law in Review** Major Supreme Court cases that influence and control the justice system are evaluated in some detail in these boxed inserts. For example, there is discussion of *United States v. Salerno* on preventive detention and of *United States v. Ross* on automobile searches.
- **Criminal Justice and the Media** Each chapter also contains boxes that focus on a popular movie or TV show—such as *Lonestar*, *Dead Man Walk-*

ing, or *Seven*—to show how the media represent the criminal justice system. How accurate is the media's depiction of the system?

- **Art** The book contains more than 150 photos, tables, and charts that dramatize the events that occur in the criminal justice system and help students visualize its processes. The text is in full color so that the many photos and graphics can be as effective as possible.

The preparation of this text would not have been possible without the aid of our colleagues who reviewed the text and give us material to use in its preparation. These colleagues include Joe W. Becraft, Portland Community College; Bruce Bikle, Portland State University; Kathleen A. Cameron, Arizona State University; Janet Foster Goodwill, Yakima Valley Community College; Kathrine A. Johnson, Kentucky State University; and Margaret Vandiver, University of Memphis.

In addition, important information was provided by Eve Buzawa, Frank Cullen, Lee Ellis, James A. Fox, John Goldkamp, Jack Greene, Bob Langworthy, John Laub, Jack McDevitt, Marty Schwartz, Larry Sherman, and Sam Walker; Marv Zalman and the staff at the Institute for Social Research at the University of Michigan; the National Center for State Courts; the Police Foundation; the Sentencing Project; Kathleen Maguire and the staff of the Hindelang Research Center at SUNY-Albany; James Byrne of the Criminal Justice Research Center at the University of Massachusetts-Lowell; and Kristina Rose and Janet Rosenbaum of the National Criminal Justice Reference Service.

And, of course, our colleagues at Wadsworth Publishing did their usual outstanding job of aiding us in the preparation of this new edition. The form and content of this new edition were directed by our new editor, Sabra Horne. It has been a pleasure working with Sabra and our other new colleagues at Wadsworth/West: editorial assistant Kate Barrett, project coordinator Debby Kramer, production manager Nancy Sjoberg, copy editor Jackie Estrada, photo editor Linda L. Rill, and marketing manager Mike Dew. This is the first book we have written with our new Wadsworth team, and these folks made us feel right at home. They must be given a lot of credit for putting together a beautiful design and going out of their way to be patient, kind, and sensitive.

Acknowledgments

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