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Introduction to Criminal Justice

BRIAN WAS 15 THE FIRST NIGHT HE SPENT IN A JUVENILE HOME. The 10-bed dormitory room was half-full with five other boys—Harry, Dale, David, Wayne, and John (Brian's bunkmate). Brian was similar to the other boys in many ways. They ate a lot of food, hated doing their homework, and thought they knew everything about the world. Brian was different in one important way: He was there because his parents had become house parents in the juvenile home. The other boys were there because the courts had labeled them "in need of supervision" and sent them to the home.

During his first week in the home, Brian quickly learned about the "house rules." Wayne told him to sleep with his socks on or else Harry might "have sex with his feet" while he was trying to sleep. John showed him how to finish his daily chores each morning in time to have a few extra minutes before the bus came. David showed him that being nice to the other boys would keep him safe, an important point for Brian since he didn't want to get beaten up.

About six months after arriving at the juvenile home, Brian's parents announced that they were leaving their jobs there and returning to the town where Brian grew up. Brian later realized how much those six months had affected his life. Unfortunately, he lost touch with the boys who lived in the home and he never returned.

Brian enrolled in a juvenile justice class as a junior in college, thinking it might help him better understand his own experiences in the juvenile home. That class, and his experiences in the home, led Brian to decide that he wanted to learn even more about crime and criminal justice. Later, Brian got his master's and doctoral degrees in criminology. He eventually found his passion as a criminal justice scholar. In addition to teaching many different classes, Brian has authored or coauthored many research articles and books. In fact, he is a coauthor of this book.

—Brian K. Payne

ADMISSIBLE or INADMISSIBLE Evidence

Read the statements that follow. If the statement is true, circle *admissible*. If the statement is false, circle *inadmissible*. Answers can be found on page 511.

1. **Admissible** **Inadmissible** The job of the prosecutor is to represent the victim of a crime.
2. **Admissible** **Inadmissible** The media portrays the most common types of cases handled by the criminal justice system.
3. **Admissible** **Inadmissible** The initial appearance is the first stage of the criminal justice process.
4. **Admissible** **Inadmissible** Only around 10% of criminal cases go to trial.
5. **Admissible** **Inadmissible** Academic criminal justice programs are a relatively new type of college program, beginning in the past 10 years or so.
6. **Admissible** **Inadmissible** *Determinism* means that behavior is caused by preceding events.
7. **Admissible** **Inadmissible** Criminal justice and criminology are distinct areas of study.
8. **Admissible** **Inadmissible** Male college students have victimization rates lower than males who are not college students.

Stories about criminal justice are all around us. From controversy surrounding a situation in which the leader of a neighborhood watch group shot an unarmed African American male to a case where a woman suspected of killing her two-year-old daughter was found not guilty, we are inundated with criminal justice stories. The stories we hear are often just that—superficial, and sometimes inaccurate, descriptions of actual events. To fully understand these “stories,” it is helpful to have a basic understanding of criminal justice. Figure 1.1 depicts how different groups view criminal justice. As an introduction to criminal justice, this chapter focuses on the criminal justice system, the juvenile justice system, the criminal justice process, and the roles of criminal justice.

LEARNING OBJECTIVES

After reading this chapter, students will be able to:

- 1.1 Identify the three main components of the criminal justice system
- 1.2 Determine whether cases reported in the media adequately reflect the bulk of cases processed through the justice system
- 1.3 Describe the relationship between the criminal justice system and the juvenile justice system
- 1.4 Explain how criminal justice is a social science
- 1.5 Describe the history of criminal justice as a field of study
- 1.6 Compare and contrast criminal justice and criminology
- 1.7 Explain the role that criminal justice has in their life
- 1.8 Describe the process of ethical decision making in the criminal justice system

FIGURE 1.1 The Many Dimensions of Criminal Justice

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► The Criminal Justice System

The phrase **criminal justice system** is used to describe the three main components of criminal justice: the police, the courts, and corrections. In some ways, these three components can be seen as subsystems of the broader criminal justice system. Each subsystem has specific roles and responsibilities that are designed to further the aims of the criminal justice system. Of course, the individuals who work in these subsystems are those who carry out the activities required to meet these duties.

A great deal of discussion has centered on whether the criminal justice system is actually a system. Those who argue that the three subsystems come together to form a system point to at least four different facets of criminal justice to suggest that a criminal justice *system* does, in fact, exist. First, it can be argued that the three components of the justice process have one overarching goal: public safety. Much more is written later in this text about the way that the agencies involved in each of these components promote public safety. As an introduction, the components of the justice system work toward the public safety goal in the following way:

criminal justice system: A phrase used to describe the three main components of criminal justice: the police, the courts, and corrections.

- Actors in the police subsystem enforce the law, maintain order, and provide services to protect members of the community.
- Actors in the courts determine whether suspects are guilty of criminal behavior to determine whether they should be punished for their alleged transgressions. Prosecutors are charged with representing the state in criminal trials. Judges oversee the court process and, among other things, sentence offenders in an effort to promote public safety.
- Actors in the corrections subsystem supervise and counsel convicted offenders in an effort to prevent future crime and protect the public.

Whether the justice system meets the goal of public safety is debatable. Still, the fact that the three components share a similar goal lends credence to the idea that a criminal justice system exists.

Second, one can point to the way that offenders enter one part of the system and exit another part of the system as an indication of how the three components operate in a systemic way. That offenders move from one component of the system to another suggests that the components are working together as a system. Consider Bill Cosby's sexual assault allegations. After nearly 50 women alleged that the famous actor had sexually assaulted them, Cosby was arraigned in a Pennsylvania court and booked by police in December 2015 on one of the allegations.¹ Cosby subsequently had numerous contacts with other parts of the justice system as his case progressed. In other words, Cosby moved from one part of the justice system to the next.

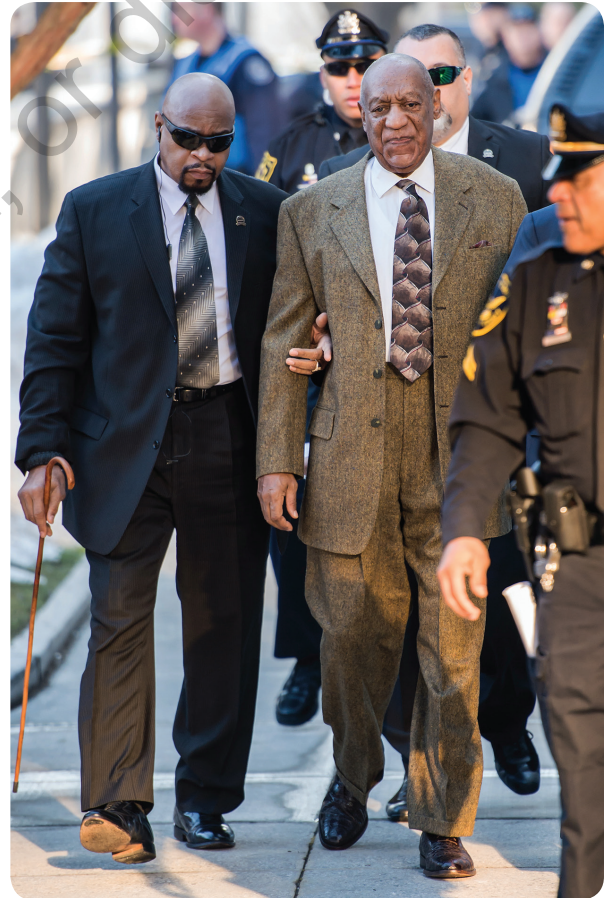
Third, experts have pointed to the interdependent nature of the components of the justice process to illustrate the systemic nature of criminal justice. In short, what happens in one part of the system has implications for what happens in other parts of the system.² If a police department begins to arrest more offenders for drunk driving, for example, more offenders will be sent to the courts for prosecution. The higher number of offenders in the courts, in turn, will have implications for the corrections subsystem.

Finally, to some observers the criminal law is structured in such a way that it guides the behavior of all individuals operating in the criminal justice system. The police enforce the criminal law, the courts adjudicate the criminal law, and the corrections subsystem applies penalties that are prescribed in the criminal law. In many ways, the criminal law is the glue that binds together the components of the criminal justice system.



Stories about criminal justice often unfold in the media, as was the case for Casey Anthony and for Aaron Hernandez.

REUTERS/Red Huber/Pool; © Cal Sport Media/Alamy



Bill Cosby attended several court hearings in 2016 for the sexual assault allegations against him from several women. As of June 2017, Cosby's case was declared a mistrial.

Gilbert Carrasquillo/WireImage/Getty Images

1.1 BEYOND A REASONABLE DOUBT

Which of the following is *not* one of the main components of the criminal justice system?

- (a) Police. (b) The courts. (c) Corrections. (d) The legislature. (e) All are major components of the criminal justice system.

The answer can be found on page 512.

► The Juvenile Justice System

Some individuals refer to what they call a **juvenile justice system**. In theory, the juvenile justice system is the system through which cases involving juvenile offenders are processed. In reality, the juvenile justice system differs little in appearance from the criminal justice system. For the most part, police officers charged with enforcing the law make no distinction between adult criminals and juvenile offenders in terms of the specific practices they engage in to apprehend them. Of course, what officers do with different types of offenders may be influenced by juvenile status. For example, a police officer who catches a young person engaging in illegal acts might choose to take that young person home to his or her parents. If a police officer catches one of the authors doing something illegal, the officer is unlikely to take us home to our aging parents. But, the simple fact remains that, when reacting to crime, there are no “juvenile police officers” and “adult offender police officers.”

Although a case can be made that the juvenile justice system is a mere reflection of the criminal justice system, it is important to note that “juvenile court” and “juvenile corrections agencies” do exist. However, juvenile courts are typically in the same courthouse as “adult courts,” the employees work for the same agency in both types of courts, and the types of individuals working in juvenile and adult courts have similar qualifications. The same can be said of corrections agencies: They are typically adjoined to adult corrections agencies, and the employees are similar in both settings.

To be sure, police, judges, corrections officials, and other criminal justice officials respond differently to younger offenders than they do to older offenders. However, this response occurs in the same broader justice system. Much more is written about juvenile offending, juvenile policing, juvenile courts, and juvenile corrections throughout this book in conjunction with discussion of the broader areas of policing, courts, and corrections.

1.2 BEYOND A REASONABLE DOUBT

Which of the following is *not* a part of the juvenile justice system?

- (a) Juvenile police officers. (b) Juvenile courts. (c) Juvenile detention. (d) Juvenile corrections. (e) All are components of the juvenile justice system.

The answer can be found on page 512.

► The Justice Process

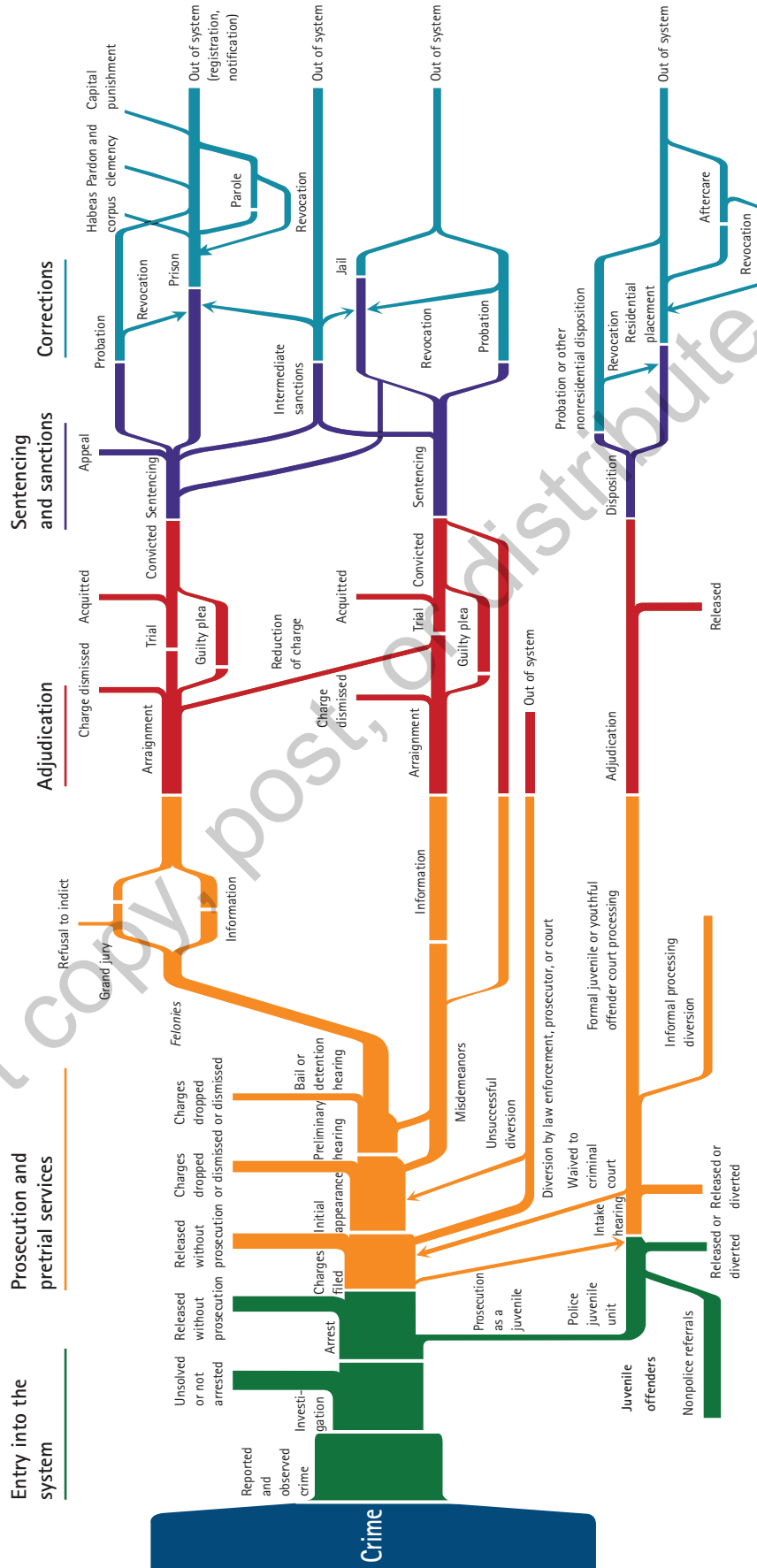
The President’s Commission on Law Enforcement and Administration of Justice offered one of the most comprehensive and earliest depictions of the justice process (see Figure 1.2). More attention is given to the stages of the justice process later in this book. For now, a summary of the stages of the criminal justice process is warranted:

juvenile justice system: The system through which cases involving juvenile offenders are processed.

FIGURE 1.2 The Criminal Justice Process

Note: This chart gives a simplified view of caseload through the criminal justice system. Procedures vary among jurisdictions. The weights of the lines are not intended to show actual size of caseloads.

The U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics





Juvenile offenders frequently serve their sanctions in facilities connected to adult prisons.

REUTERS/Fabrizio Bensch

arrest: When a suspect is taken into custody by law enforcement officers under suspicion that he or she violated a law.

booking: The process of formally recording the charges against a person into police records; often includes a mug shot, fingerprints, and other personal information.

initial appearance: When the suspect first appears before a judicial official to be formally notified of the charges, advised of his or her rights, and notified of bail decisions (in some jurisdictions).

preliminary hearing: The stage in the criminal justice process (in some jurisdictions) when a judge determines if probable cause exists to suggest that the suspect committed a crime.

- **Investigation.** The police investigate suspected offenses after citizens report the offense or authorities identify possible offending through their own proactive efforts. The investigation will focus on whether a crime was committed, who is suspected of committing the crime, whether an arrest is warranted, and when an arrest should occur.
- **Arrest.** As an initial step in the formal processing of a case, an **arrest** entails formally taking a suspect into custody.
- **Booking.** To formally record the arrest, **booking** of a suspect involves procedures such as fingerprinting, taking mug shots, completing arrest records, and so on.
- **Initial appearance.** During the **initial appearance**, the suspect appears before a magistrate or similar official and is formally notified of the charges, advised of his or her rights, and notified of bail decisions (in some jurisdictions). In minor cases, summary trials may be held before the judge at this juncture, with the judge determining guilt or innocence and sentencing cases in which guilt is determined.
- **Preliminary hearing.** Some jurisdictions hold a **preliminary hearing** in which a judge determines if probable cause exists to suggest the suspect committed a crime in the judge's jurisdiction. *Probable cause* refers to facts that would lead a reasonable person to conclude that the suspect committed a crime. The judge decides if the evidence reasonably shows that (a) a crime was committed within his or her jurisdiction and (b) the suspect committed the crime.
- **Grand jury or information.** In more serious cases, the prosecutor may present the case to a *grand jury* in an effort to seek an indictment against the suspect. The purpose of the grand jury hearing is to determine whether sufficient evidence exists to suggest that the case should proceed to trial. An indictment is

a written statement describing the charges and the evidence in the case. In less serious cases, the prosecutor moves the case forward by issuing to the court an *information* (a formal charging document detailing the case).

- **Arraignment.** After the indictment or information is filed, the **arraignment** is held. The suspect is formally notified of the charges, advised of his or her legal rights, and asked whether he or she wants to plead guilty, not guilty, or no contest. If the defendant pleads guilty, the sentencing process occurs next, assuming the judge accepts the plea. If the defendant pleads not guilty, the case proceeds to trial.
- **Trial.** It is commonly estimated that less than 10% of cases go to trial because the vast majority of defendants plead guilty. During the **trial** the prosecution is expected to prove beyond a reasonable doubt that the defendant committed the offense or offenses with which he or she is charged.
- **Sentencing.** For a defendant found guilty, a hearing will be held in which the judge will sentence the offender. Possible sentences include incarceration, probation, fines, restitution, or the death penalty (for capital offenses in states that allow the death penalty).
- **Appeals.** A defendant may appeal the court's ruling to an appellate court. The appellate court will decide whether to hear the appeal or reject it without a hearing. Death penalty convictions are automatically granted appellate review.
- **Sanction.** Those who are sentenced to a year or more of incarceration will be sent to prison, whereas those sentenced to less than a year of incarceration will be sent to jail. Offenders on probation will be supervised in the community for the duration of their sanction. Those released from prison on parole will be supervised in the community by parole officers for the length of their sanction.
- **Release.** Offenders are released from the justice process by completing their sanctions, being pardoned or paroled, or successfully appealing their conviction.³

A few points about the criminal justice process are worth highlighting. First, cases do not always flow smoothly from one point to the next. Second, officials may decide to drop a case from the justice process. Third, specific jurisdictions have rules and guidelines stipulating how cases will be processed through the justice system. Fourth, the juvenile justice process flows differently than the adult justice process, depending on the nature of the juvenile case entering the system. Finally, the seriousness of various types of cases influences how they are processed through the justice system. In other words, the notion of process should not lead one to assume that all cases are treated similarly.

Crime Control and Due Process Models

Scholars have described the criminal justice process in different ways. In *The Limits of the Criminal Sanction*, Herbert Packer described two models to characterize the justice process: the **crime control model** and the **due process model**.⁴ The crime control model refers to situations in which cases are processed with a primary focus given to the need to protect the public. In this model, the police are charged with enforcing the law in an effort to maintain public safety and keep criminals from spiraling out of control. Emphasis is placed on processing cases efficiently in ways that maximize resources, while recognizing that budgetary constraints limit long, drawn-out

arraignment: The first stage of the trial process; a defendant appears before the judge to respond to charges by pleading guilty, not guilty, or *nolo contendere* (no contest).

trial: A legal proceeding in which evidence is presented to a jury or a judge to determine the guilt or innocence of a defendant.

crime control model: A model characterizing the criminal justice system, in which cases are processed with a primary focus given to the need to protect the public.

due process model: A model characterizing the criminal justice system that emphasizes the protection of defendants' rights and is driven by respect for the "formal structure of the law."



The criminal justice process includes various professionals working in vastly different settings—from the street, to the courtroom, to prisons and jails.

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processes. Packer notes that a “premium [is placed] on time and finality” in the crime control model. He adds that under this model, the justice process “is seen as a screening process in which each successive state—prearrest investigation, arrest, postarrest investigation, preparation for trial, trial or entry of plea, conviction, disposition—involves a series of routinized operations whose success is gauged primarily by their tendency to pass the case along to a successful conclusion.”⁵

In contrast, the due process model emphasizes the protection of defendants’ rights and is driven by respect for the “formal structure of the law.” In the due process model, “each successive stage is designed to present formidable impediments to carrying the accused any further along in the process.”⁶ As you learn more about the criminal justice process later in this book, for example, you will see that it takes less evidence to arrest suspects than it takes to convict them. Whereas the crime control model views the justice process as an assembly line, the due process model views the process as an obstacle course. Packer summarizes the two models suggesting that “the due process model insists on the prevention and elimination of mistakes to the extent possible; the crime control model accepts the probability of mistakes up to the level at which they interfere with the goal of repossessing crime.”⁷

These two models are particularly useful in that they highlight how cases are potentially processed when different values drive the justice process, and these different values depend on the type of case and the actors involved in the process.

Wedding Cake Model of Justice

Other scholars have also highlighted the differential processing of cases throughout the justice process. Building on the work of legal scholars Lawrence Friedman and Robert Percival, Samuel Walker discussed what is widely known as the **wedding cake model** of criminal justice (see Figure 1.3). Imagine a wedding cake that has multiple layers. Layers at the top of the cake are smaller, and layers at the bottom are much larger. Using this analogy, Walker describes four layers of cases that flow through the

wedding cake model:

An analogy used to describe the types of cases that flow through the criminal justice system.

criminal justice process. The top layer of cases includes celebrated cases that receive a great deal of attention from the media. Examples include cases involving O. J. Simpson (the former Hall of Fame football player who was accused of killing his ex-wife, Nicole, and her friend Ron Goldman), Aaron Hernandez (the New England Patriots football player accused of murder), and Bernard Madoff (the former Wall Street executive who duped investors out of billions). The public is inundated with such cases, which is problematic given that they do not represent how the majority of cases are processed through the justice system. Indeed, these cases represent a small fraction of all the cases that make their way through the justice system (just as the top layer of the wedding cake is the smallest part of the cake). In short, Walker points out that cases in the top layer are different from other cases because (a) they go through the full criminal justice process, (b) they receive a great deal of publicity, and (c) they paint a distorted picture of the justice process because they receive so much publicity.

Walker used the example of O. J. Simpson's acquittal to illustrate this layer. One could also consider Casey Anthony's case, which a reporter from *Time* magazine dubbed as "the social media trial of the century,"⁸ as another example of a celebrated case. Anthony, a single mom, was accused of killing her two-year-old daughter, Caylee. The case received a tremendous amount of attention from the national media, with national television news programs covering the case as it made its way through the entire criminal justice process. In the end, a jury found Anthony not guilty of the charges. Members of the public might have assumed from this case that most trials fail to result in convictions, which is not at all true. Other distortions may have surfaced from this case as well. Here are just a few facts to refute the distortions:

- Most murder defendants are not young single mothers.
- Most murder victims are not two-year-old children.
- Most defense attorneys do not reach star status from homicide cases.
- Most cases do not go to trial.

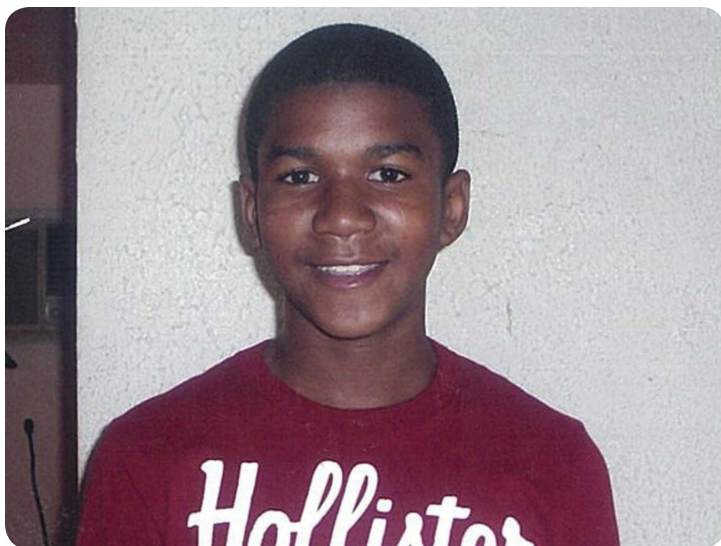
The second layer of cases in the justice process, according to Walker, includes "heavy-duty felonies," or cases that criminal justice officials decide warrant more attention and resources. A felony is a crime that can result in a penalty of incarceration for a year or more in prison or the death penalty. According to Walker's model, with regard to heavy-duty felonies, the decision to classify certain types of cases is informal, with officials asking questions such as "How much is this case worth?" and "How bad is this offender?"⁹ By deciding which cases are serious, officials can more efficiently process less serious cases through the justice system. As Walker writes, "The shared definition of seriousness facilitates rapid disposition of a high volume of cases."¹⁰ In other words, officials can give less time, attention, and resources to cases in lower parts of the wedding cake.

Cases in the third layer include "lightweight" felonies. These would include felony offenses that do not seem to involve serious offenders or may not seem to be "worth" a great deal to prosecutors or law enforcement. Walker suggests that officials will consider the defendant's prior record and the relationship between the victim and the suspect when making these decisions. Suspects with no history of crime would be more likely to have their offenses defined as "lightweight felonies" (assuming they are not local celebrities). In addition, if the victim and the suspect know one

FIGURE 1.3
Wedding Cake Model of Justice

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Trayvon Martin's case is an example of what Samuel Walker means by layer one cases: the case went through the entire justice process, it received a great deal of publicity, and it did not represent most criminal justice cases.

Photo released to public by family of Trayvon Martin

another, the case is more likely to be defined as less serious.

At the bottom of the wedding cake are the vast majority of cases processed through the justice system: misdemeanors. Misdemeanors are crimes for which the most serious penalty would be one year in jail; these cases are typically heard in what are referred to as lower courts. In reality, most misdemeanor convictions result in less serious penalties, including fines, probation, restitution, or a very short jail sentence. According to Walker, "Because of the huge volume of cases and their relative lack of seriousness, relatively little concern is shown for the formalities of the felony process" in the processing of misdemeanor cases through the justice process.¹¹ Walker concludes his discussion of the wedding cake model with two points: "(1) the lower courts are very different from the upper courts and (2) there are significant differences between courts in different jurisdictions."¹²

1.3 BEYOND A REASONABLE DOUBT

The _____ model refers to situations in which cases are processed with a primary focus given to the need to protect the public.

(a) Crime control. (b) Due process. (c) Wedding cake. (d) Substantive. (e) Legal.

The answer can be found on page 512.

► The Roles of Criminal Justice

Although criminal justice can be seen as both a system and a process, in reality the phrase *criminal justice* refers to much more than a system or a process. Generally speaking, the various roles of criminal justice include the following:

- Criminal justice as an academic discipline
- Criminal justice as a social science
- Criminal justice as a political topic
- Criminal justice as a setting for controversial issues
- Criminal justice versus criminology
- Criminal justice as a collection of individuals
- Criminal justice and college students

Criminal Justice as an Academic Discipline

At your college, there are likely several disciplines that offer degree programs. Many of those disciplines have likely been around for a long time. Criminal justice, by contrast, has a rather short history. The first criminology major was offered in 1937 and the first School of Criminology was created in 1950 at the University of California, Berkeley. August Vollmer, a professor of police administration in Berkeley's Department of Political Science and former police chief, is credited with leading the development of criminology at his university.¹³ Vollmer worked for years trying to develop coursework for police officers at Berkeley. After World War I, he produced a report titled *The Police* for the Wickersham Commission. This report prompted the Rockefeller Foundation to fund police education initiatives at Berkeley in the early 1930s.¹⁴ These initiatives led to the development of the criminology major a few years later. The "Criminal Justice Pioneer" box in this chapter provides additional insight into August Vollmer's life.

The "modern emergence of [criminal justice]" is traced to President Lyndon Johnson's Commission on Law Enforcement and Administration of Justice, which called for the education of criminal justice professionals and improved criminal justice research efforts as strategies to address the crime problem.¹⁵ Among the recommendations the commission made in its several-hundred-page report, *The Challenge of Crime in a Free Society*, were the following:¹⁶

- Creation of research units in criminal justice agencies
- Dedication of funds to develop criminal justice research institutes across the United States
- Expansion of criminal justice programs in colleges and universities
- Federal support to develop new education and training programs

The commission was particularly focused on the need to offer criminal justice programs in higher education:

Higher education has played an uneven part in criminal justice. A few law schools have engaged for years in research, and in representation of indigent defenders; their professors have been responsible for a major share of modern criminal legislation and much of the informed criticism of the criminal process. On the other hand, until recently little emphasis was given to preparing students to practice criminal law. Universities like the University of California, Berkeley, and Michigan State University have had police science departments for several decades, but they have existed too much in isolation from the rest of the academic community. The same thing is to a large extent true of teaching and research in the corrections field. All operating agencies of justice urgently need the close contact with academic thought that could be achieved through use of faculty consultants; seminars and institutes to analyze current problems and innovations; advanced training programs for judges, police administrators, and correctional officers; and more operational research projects and surveys conducted in conjunction with agencies of justice.¹⁷

After Johnson's commission published its report, the Law Enforcement Assistance Administration (LEAA) was created as part of the Omnibus Crime Control and Safe Streets Act of 1968. The LEAA was charged with revolutionizing criminal justice. Among the accomplishments of the agency were the following:¹⁸

CRIMINAL JUSTICE PIONEER



AUGUST VOLLMER



Library of Congress Prints and Photographs Division, Washington, DC.

August Vollmer was born on March 7, 1876, in New Orleans, Louisiana, to parents who had immigrated recently from Germany. In 1905, he stopped a runaway railcar from hitting a passenger train, and the editor of the local newspaper encouraged him to run for town marshal of Berkeley, California. He did and won by a landslide against the corrupt incumbent. He

ran again in 1907 and won, and then in 1909, Berkeley converted the position and Vollmer was appointed police chief, a position in which he would serve until 1932.

Vollmer was an innovative chief. He was the first to put all of his officers on bicycles in 1910, and he

adopted motorcycles and patrol cars early. Through his leadership and the assistance of many of his officers, he contributed to creating the first crime lab, the modern polygraph, and the two-way radio in patrol cars. Vollmer was also very progressive; he did not believe in police brutality, he opposed capital punishment, and he favored the decriminalization of drugs. This was all in the 1920s and 1930s!

Vollmer's greatest contribution to American policing, however, was in the area of education. He started a program of in-service training for his officers (1906) and a police academy (1907), and he developed the first criminal justice degree at the University of California, Berkeley (1916). Although the degree was known as criminology, it was largely police science and in later years developed into criminal justice. In 2016, criminal justice education celebrated its 100th anniversary, and you are reading this book most likely because of the pioneering work of August Vollmer.

Oliver, W. M. (2017). *August Vollmer: The father of American policing*. Durham, NC: Carolina Academic Press.

- Encouraged for the first time state-level planning in criminal justice by spurring the formation of criminal justice state planning agencies.
- Contributed to law enforcement professionalism by providing higher education opportunities. The Law Enforcement Education Program (LEEP) enabled 100,000 students to attend more than 1,000 colleges and universities. A significant majority of current criminal justice leaders around the country are LEEP alumni.
- Laid the foundation for the development of standards for police, courts, and correctional agencies.
- Encouraged the use of targeted strategies (for example, the establishment of career criminal units in prosecutors' offices).
- Launched the victim witness movement, encouraging prosecutors and other parts of the criminal justice system to undertake victim-witness initiatives.
- Enabled technological advances, including the development of bulletproof vests and forensic applications of DNA technology.

LEEP doled out more than \$300 million to higher education institutions in an effort to support the development of criminal justice programs.¹⁹ Criminal justice programs changed significantly after LEEP. In the 1970s, attention was given to training criminal justice professionals, but little attention was given to who was serving as

educators. In the 1980s, more attention was given to educating (rather than training) in criminal justice programs, and a greater emphasis was placed on using highly qualified instructors (much like the instructors you now have in your criminal justice classes).²⁰

In 1982, the LEAA was disbanded after facing a great deal of criticism, much of which was politically motivated. In 1984, the Justice Assistance Act led to the development of federal agencies that carried out functions similar to the LEAA.²¹ Today, federal agencies such as the Bureau of Justice Assistance, National Institute of Justice, Office on Violence Against Women, and Office for Victims of Crime are among the major federal agencies supporting criminal justice training and research.

To be sure, criminal justice has gone through various stages as an area of study. In its early stages, the academic area of study was viewed very much as a “cop shop.” Initially, scholars from other disciplines questioned whether topics of interest to criminal justice professors “belonged in the academic community.”²² Such questions were followed by “questions about academic quality because of faculty credentials and the general ability to conduct research on par with the social, managerial, and behavioral sciences.”²³ Through a concerted effort by leaders in the field, and the growth of the programs in colleges and universities across the world, criminal justice has garnered respect as a discipline. Describing this respect, James Finckenhauer,²⁴ former president of the Academy of Criminal Justice Sciences, made the following comments: “Criminal justice is clearly an accepted academic discipline, at least in most places; and it is an enormously popular one everywhere.”²⁵ He highlighted three accomplishments of criminal justice higher education: (1) the professionalization of criminal justice practices, (2) the education of thousands of students in the area of criminal justice, and (3) the development of new careers such as security specialists, crime analysts, forensic scientists, and criminal justice planners. Several professional associations now exist that promote and support criminal justice scholarship and educational efforts.

As evidence of the increased popularity of criminal justice programs, in 1975 there were 55 criminal justice programs offered in colleges and universities across the United States. By 1990, there were 687 such programs.²⁶ More recent estimates suggest that there are roughly 1,000²⁷ or 2,000²⁸ college programs offering criminal justice coursework. The popularity of the criminal justice major stems from two factors: (1) Criminal justice is incredibly interesting, and (2) the demand for criminal justice professionals is growing.

Table 1.1 shows some of the careers available to criminal justice majors. Currently, more than 3 million individuals are employed in criminal justice careers,²⁹ and each of these careers is expected to grow in the future.³⁰ Even if crime and violence decreases, the need for criminal justice professionals will remain. Although many of these careers are in public agencies, private companies also hire professionals to do “criminal justice”-related work, including security work, forensics, audits, and



Criminal justice conferences are held throughout the year so researchers and professionals can discuss the most effective criminal justice practices.

Department of Justice

TABLE 1.1 Common Careers in Criminal Justice

JOB TITLE	JOB DESCRIPTION FROM BUREAU OF LABOR STATISTICS	ANNUAL MEAN WAGE IN 2016	EXPERIENCE NEEDED	NUMBER OF JOBS IN 2016
Correctional Officer	Oversee those awaiting trial or sentenced to serve time in jail or prison.	\$46,750	No	431,600
Court Reporter	Attend legal proceedings and create transcripts.	\$55,940	No	17,700
Criminal Justice or Law Enforcement Teacher, Postsecondary	Teach courses in criminal justice, corrections, or law enforcement administration.	\$67,040	No	14,620
Lawyer	Advise and represent individuals, businesses, or government agencies on legal issues or disputes.	\$139,880	J.D. required	619,530
Paralegal or Legal Assistant	Perform tasks to support lawyers, including maintaining and organizing files, conducting legal research, and drafting documents.	\$53,180	No	277,310
Police Officer or Sheriff's Patrol Officer	Enforce laws, maintain order, and protect people and their property.	\$62,760	Recruit training for entry; experience for higher level	657,690
Private Detective or Investigator	Find facts and analyze information about legal, financial, and personal matters. May offer services such as verifying people's backgrounds, tracing missing persons, investigating computer crimes, or protecting celebrities.	\$53,530	Some	28,490
Probation Officer or Correctional Treatment Specialist	Work with and monitor offenders to prevent them from reoffending.	\$55,380	No	87,500
Security Guards and Gaming and Surveillance Officers	Patrol and inspect property against fire, theft, vandalism, terrorism, and illegal activity. Monitor people and buildings in an effort to prevent crime.	\$29,730	No	1,103,120
Substance Abuse and Behavior Disorder Counselor	Advise people who have alcoholism or other types of addiction, eating disorders, or other behavioral problems. Provide treatment and support to help clients recover from addiction or modify problem behaviors.	\$44,160	No	91,040

Bureau of Labor Statistics. (2017, March 31). *Occupational employment and wages, May 2016*. Retrieved from https://www.bls.gov/oes/current/oes_stru.htm

investigations. You will read much more about these careers in later chapters, when the specific occupations are addressed. For now, make a note to update your resume so that you are prepared for the criminal justice adventures that await you. The “Help Wanted” box in this chapter describes the job duties and salary for one job that may be of interest to some of you.

Two other aspects related to the academic discipline of criminal justice are worth highlighting: (1) the discipline is interdisciplinary in nature and (2) the discipline—and scholars within the discipline—has the potential to change the world. Regarding the interdisciplinary nature of criminal justice, prior to the development of the initial criminal justice departments, those scholars who taught in the programs were often from other disciplines such as political science, history, psychology, law, sociology, and other social sciences. Over time, the interdisciplinary origins of the discipline became somewhat invisible, perhaps to the detriment of the future growth of criminal

justice. Summarizing his argument for a renewed commitment to an interdisciplinary approach to criminal justice, in his presidential address to the Academy of Criminal Justice Sciences, Brian Payne (2015) (one of this text's coauthors) said:

In closing, I want to share a quote from Alfred North Whitehead who said, “A university is imaginative or it is nothing—at least nothing useful.” Let’s change the quote just a little: “an *academic discipline* is imaginative or it is nothing—at least nothing useful.” As a group of scholars, we must use our collective criminal justice imaginations to expand the criminal justice sciences. We will do this by working with other academic disciplines, not by competing with them.³¹

Essentially, recognizing the interdisciplinary foundation on which criminal justice is founded helps to address social (and crime) problems from a broader orientation.

Using the criminal justice discipline—and scholars within the discipline—to address crime is a form of what Joann Belknap has called “**activist criminology**.” Belknap, former president of the American Society of Criminology, argued in her presidential address that criminologists truly have the knowledge, expertise, and opportunity to make important changes in the world. She said:

My definition of activist criminology is, quite simply, one of criminologists engaging in social and/or legal justice at individual, organizational, and/or policy levels, which goes beyond typical research, teaching, and service. I am hoping that my speech will ignite those of you who have thought about becoming more engaged in social and/or legal justice to do so, and for those of you already doing this, I hope you feel validated and further inspired.³²

1.4 BEYOND A REASONABLE DOUBT

_____ created the first criminology program at the University of California, Berkeley.

- (a) Jerry Westby. (b) Dean Dabney. (c) Robert Mutchnick. (d) August Vollmer.
(e) Emile Durkheim.

The answer can be found on page 512.

Criminal Justice as a Social Science

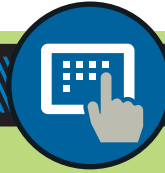
As noted earlier, criminal justice has not always been held in high regard. When colleges and universities first developed criminal justice programs, questions surfaced about whether the area of study was actually a science. Other social science disciplines have faced similar questions. In 1970, Robert Bierstedt addressed concerns about whether sociology was a science in *The Social Order*.³³ To demonstrate his belief that sociology was a science, he outlined the way that the discipline adhered to specific principles of science that guide other disciplines and “harder” sciences such as physics, biology, and chemistry. Later, researchers Jack Fitzgerald and Steven Cox described the way that these principles relate to criminal justice research. Using these works as a foundation, one can also demonstrate how modern criminal justice researchers and criminal justice practitioners are guided by the principles of science. These principles include objectivity, parsimony, ethical neutrality, determinism, and skepticism.

Objectivity as a principle of science means that criminal justice scholars must not let their values drive their research endeavors. Criminal justice scholars will examine

activist criminology: Refers to efforts of criminologists to influence policy within a social justice framework.

objectivity: A principle of science suggesting that scientists must not let their values drive their research endeavors.

HELP WANTED



STUDENT TRAINEE (LEGAL/OFFICE AUTOMATION)

DUTIES:

- Processing a variety of legal documents that are relatively routine or straightforward in content and format.
- Obtaining needed information from files or general reference sources, and submitting completed legal documents.
- Typing tables of contents and indices to briefs in accordance with established format.
- Utilizing software applications to complete work assignments.
- Answering telephone and referring callers to staff members or taking messages as appropriate.
- Scheduling appointments, meetings, engagements, and conferences.
- Responsibilities will increase and assignments will become more complex as your training and experience progress.

REQUIREMENTS: Be enrolled in or accepted to an accredited high school, college, or graduate school with good academic standing. This is a great internship option for some of you.

SALARY: \$14.06 per hour

Adapted from USAJOBS.gov. Retrieved from <https://www.usajobs.gov/GetJob/ViewDetails/465940400/>

many controversial issues. To study these topics effectively, criminal justice researchers must set aside their own values and beliefs. Researchers who study sex offenders, for example, must approach the topic without letting their values influence the research endeavor. In a similar way, criminal justice professionals must approach criminal cases in an objective way—with an open mind. It is our hope that readers will also approach the topics addressed in this book with an open mind.

Parsimony means that scientists must create the simplest explanations possible in examining the topics under study. This is much easier in the hard sciences, where topics such as energy can be reduced to rather simple formulas (for example, $E = mc^2$). Describing criminal behavior and criminal justice activities is not quite so simple. Still, as you will read about later in this text, criminal justice researchers have developed a number of rather simple explanations for crime and criminal justice actions. Just as researchers must develop simple explanations for the topics they study, criminal justice professionals must develop simple descriptions of offenses they are investigating. When they present cases to judges and juries, for instance, prosecutors must make sure that their cases are easily understood.

Ethical neutrality suggests that criminal justice researchers should not allow their own ethical beliefs (or ideas about right and wrong) to guide their research efforts. Also, researchers have an ethical duty to respect the rights of their research subjects. Criminal justice researchers, like researchers from other disciplines, must ensure that the research subjects involved in their projects are not harmed. Colleges and universities require all research involving human subjects to be approved by a human subjects review board, which is typically called the college's institutional review board. According to federal policy, when college institutional review boards review proposals involving prisoners, "at least one member of the Board shall be a prisoner, or a prisoner representative with appropriate background and experience to serve in that capacity."³⁴ The prisoner representative could be someone (practitioner or scholar) who is familiar with prison life. The board reviews research proposals to

parsimony: A principle of science suggesting that scientists must create the simplest explanation possible in examining the topics under study.

ethical neutrality: A principle of science that states researchers should not allow their own ethical beliefs to guide their research efforts.

ensure that studies will not violate the rights of research subjects or otherwise harm them. Just as criminal justice researchers exercise great caution to protect the rights of research subjects, criminal justice professionals must go to great lengths to ensure that they do not violate suspects' constitutional rights. Bear in mind—especially in the interests of objectivity—that these rights are not “offenders’ rights.” They are individuals’ rights: Each of us has rights that protect us against certain behaviors of criminal justice professionals. You will read more about these rights throughout this book.

Determinism means that behavior is caused or influenced by preceding events. On one level, criminal justice researchers point to a number of external factors that might contribute to criminal behavior. On another level, researchers may examine those factors within an individual that lead to criminal behavior. In some ways, the ideal of determinism is in contrast to “free will,” which minimizes the relevance of external factors and suggests that individuals make a conscious decision to engage in specific activities. In an effort to balance deterministic and free-will perspectives, one might ask what leads individuals to make these decisions. It is insufficient to suggest that they simply make choices without delving deeper into the decision-making process. Indeed, the criminal justice process is—in many ways—based on a balancing of deterministic and free-will assumptions. In particular, criminal justice professionals will engage in activities designed to keep individuals from offending (for example, in an ideal system, the behaviors of criminal justice professionals should “cause” individuals to “choose” not to commit a crime).

Skepticism means that scientists must question and re-question everything. Criminal justice researchers must not accept the findings from prior research studies as fact. By questioning prior findings, the accuracy of prior research is either confirmed or new ways for approaching criminal justice topics will follow. In a similar way, criminal justice professionals must question and re-question (a) whether specific cases belong in the justice system, (b) whether prior agencies made the right decisions on specific cases, and (c) whether specific policies are appropriate in the criminal justice process.

Criminal Justice as a Political Topic

Criminal justice can also be seen as a political topic, perhaps even as a hotly debated and contested political topic. There are at least eight different ways that criminal justice can be seen as part of the broader political conversation. First, criminal justice professionals who work in public settings are governmental workers. Political decisions have an incredibly strong influence on criminal justice professionals. From the type of health care they receive to whether they receive raises or are expected to participate in certain types of trainings, criminal justice officials operate within a political vacuum that defines virtually all aspects of their occupational routines.

Second, and somewhat related, laws that are enforced by criminal justice professionals are created in a political environment. In the words of one scholar, “Law is a key component of the criminal justice system. It is a truism that without laws, there would be no crime, and no need for a criminal justice system to enforce those laws.”³⁵ At the most basic level, politicians define whether behaviors are criminal or not (and these decisions can vary from state to state!). On another level, criminal justice officials are called upon to enforce, interpret, and apply these laws that were created in the political arena. Some have argued that the political processes guiding these decisions are racially biased. The “Politics and Criminal Justice” box in this chapter shows the two political sides of this issue.

Third, budgets provided to criminal justice agencies and for criminal justice research studies are determined by political decisions. The amount of money given to

determinism:

A principle of science suggesting that behavior is caused or influenced by preceding events.

skepticism:

A principle of science that states scientists must question everything.

POLITICS and CRIMINAL JUSTICE



RACIAL PROFILING

A great deal of debate has centered on whether police officers engage in racial profiling. Those who believe that racial profiling is prevalent point to an overrepresentation of minorities in arrest statistics and to studies that lend support to the belief that minorities are profiled by police officers. Those who do not believe racial profiling occurs argue that the police are simply responding to crimes that occur in their communities. They further argue that if certain groups are overrepresented in arrest statistics, the

overrepresentation reflects more frequent criminal behaviors by members of those groups. Taking it a step further, those who argue this point often suggest that the higher amount of crime by certain groups reflects socialization or cultural forces that promote criminal behavior, and the police, it is believed, are simply responding to behaviors that arise out of these broader societal forces. Below are arguments that have been made reflecting these views.

For

Tragic events in Baltimore and New York, North Charleston and Ferguson, and elsewhere around the country have shown us that federal legislation finally ending racial profiling is essential. While the vast majority of law enforcement work with professionalism and fidelity to the rule of law, we can never accept the outright targeting of individuals based on the way they look or dress.

As a matter of practice, racial profiling just doesn't work and it erodes the trust that is necessary between law enforcement and the very communities they protect.

—U.S. Senator Ben Cardin (D-MD)³⁶

Against

There is no racial profiling. There just isn't. There is criminal profiling that exists. We have contact with the public all the time that requires no documentation, no paperwork... Now, the amount of time we [have] to spend doing documentation and paperwork has gone up. The time doing menial tasks has gone up.

—Lt. Steve James, President of the Long Beach Police Officers' Association³⁷

CROSS-EXAMINATION QUESTIONS

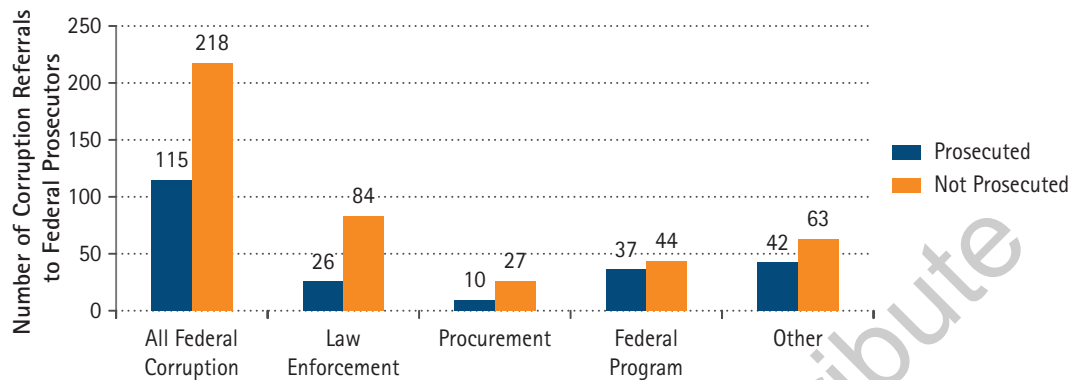
1. How pervasive do you think racial profiling is?
2. Should criminal justice professionals be disciplined if they engage in racial profiling? Explain.

different parts of the criminal justice system and agencies within that system is decided by politicians. These decisions vary over time and across political orientations. Later you will read about private security and private corrections. Decisions to allow public funds to support those practices are also driven by political discussions. Under the Obama administration, for example, a decision was made to prohibit the use of federal funds to administer private prisons, thereby prohibiting their use at the federal level. The Trump administration overturned the earlier decision. Here, political decisions about how to use public funds impacted the administration of justice.

Fourth, leaders of criminal justice agencies are decided through political mechanisms. In some cases, criminal justice leaders might be appointed by elected officials. Local police chiefs, for example, are frequently selected by either an elected mayor or city council. Wardens (e.g., prison administrators) are often appointed by

FIGURE 1.4 Federal Corruption Cases in 2014

Trac Reports. (2014). *Official corruption prosecution decline under Obama*. Retrieved from <http://trac.syr.edu/tracreports/crim/358/>



officials who themselves were appointed by the governor. In other cases, criminal justice leaders might be elected. In some places, for example, judges and sheriffs are elected. Even when politics does not play a direct role in appointing criminal justice leaders, there are also situations when criminal justice leaders are hired based on their political contacts.

Fifth, our system of government includes three levels: (1) local government, (2) state government, and (3) federal government. Each level of government employs criminal justice officials and oversees various criminal justice agencies. For example, local, state, and federal levels of government each hire their own law enforcement officials. In a similar way, each level may have its own correctional institutions.

Sixth, crimes also occur in the political arena. Some have referred to “political crime” to describe situations where policy makers use the legal forces to perpetrate criminal behavior.³⁸ Cases involving corruption, bribery, and fraud occur at all levels of government. Figure 1.4 shows the trends in corruption cases prosecuted at the federal level.

Seventh, narratives by political officials frequently center around “tough on crime” strategies that support criminal justice practices. These narratives are justified on the basis that strict responses to crime will improve the likelihood of election or re-election. Prosecutors, sheriffs, judges, legislators, representatives, and senators alike—at each level of government—voice messages that demonstrate they take crime seriously. Perhaps not surprisingly, a recent study found that “during an election, a significantly larger percentage of offenders convicted of a felony crime are more likely to receive a prison sentence.”³⁹ This suggests that narratives about being “tough on crime” are followed by behaviors that demonstrate this stern response to crime.

Finally, perhaps the most important way that the political system relates to criminal justice has to do with rights that many may take for granted. The political system determines what your rights are, whether those rights should be restricted and extended, and how those rights apply. Our constitution, for instance, is a political document. Many have ignored the relationship between our constitutional rights as they relate to criminal justice. Others have viewed “criminal justice rights” as the “rights of criminals.” It is imperative to recognize, though, that the rights afforded in the constitution are not criminals’ rights; instead, those rights are the rights of all individuals. To help shed light on the ties between our constitutional rights and criminal justice issues, we include features titled “You Have the Right to . . .” in each chapter. Each feature includes a constitutional right corresponding to the chapter number and

YOU HAVE THE **RIGHT** TO . . .**FREEDOM OF PRESS, SPEECH, AND RELIGION**

The First Amendment to the U.S. Constitution succinctly states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."⁴⁰ Although this is a succinct statement, in reality this amendment is at the core of American values. Individuals have the right to choose religious beliefs, the government cannot force religion on anyone, individuals have the right to protest peacefully and the right to speak their minds, and the press has the right to publish news.

On the surface, some college students may not readily recognize how this right applies to them in their role as college students. It is important to note, however, that college administrators are fully aware of the need to ensure that students' First Amendment rights are protected on college campuses. Public universities, for example, cannot force students to attend religious services. Students are also able to assemble to protest governmental actions, so long as those protests are peaceful and done within the policies set by higher education institutions (e.g., protesters typically need to "register" their protest, protesters cannot disrupt classes, etc.). Consider the following examples:

- In February 2017, a group of college students at the University of California, Berkeley, protested a community lecture where a controversial conservative expert was scheduled to speak.⁴¹

- Many college students protested on their college campuses in Spring 2017 to voice their opposition to President Donald Trump's executive order that restricts individuals from certain countries from entering the United States.⁴²
- In November 2015, students at the University of Missouri protested what they saw as the unfair treatment of minorities and other issues they deemed unfair. The protests led to the resignations of the university's president and chancellor.⁴³
- Students at the University of California, Davis, protested tuition hikes in November 2011. In an effort to control the protest, police used pepper spray on many of the protesters. The protesters sued and eventually a \$1 million settlement was reached.⁴⁴

In addition to the freedom to protest, the freedom of press is alive and well on college campuses. This doesn't mean that the freedoms of student journalists have not been violated. In the words of one author team:

[C]onflicts arise when administrators limit student expression directly by attempting to impose controls such as demanding prior review or more subtly by limiting funding for publications . . . disputes arise over censorship when campus officials treat faculty advisors as vehicles by which to restrain what student journalists can publish or to order them to delete materials deemed unacceptable.⁴⁵

the constitutional amendment with that same number. After reading each of these features, it is our hope that you will see how these constitutional rights are not designed to protect the rights of criminals; they are designed to protect all of our rights.

Criminal Justice as a Setting for Controversial Issues

Criminal justice is at the center of many controversial issues. These issues are frequently depicted on television shows and in the press. Issues such as the death penalty, appropriate handling of sex offenders, police corruption, racial profiling, drug legalization, prostitution, whether abortion is tied to the crime rate, torture, prison overcrowding, and drunk driving are just a handful of the hundreds of types of

controversial issues that arise in discussions about criminal justice. Let's review four controversial criminal justice cases to demonstrate the complexity of these issues.

On April 29, 2014, the state of Oklahoma attempted to execute convicted murderer Clayton Lockett by lethal injection. Typically, inmates are unconscious from the injection in about 30 seconds or so and are pronounced dead within a few minutes. In Lockett's case, he was still awake 16 minutes after receiving the injection. He flailed around violently while lying on the gurney. Lockett tried to sit up and said one word: "Man." The warden ordered the curtains to the viewing rooms closed. The injection had not killed him, and the prison doctor indicated that no lethal drugs remained. Corrections department director Robert Patton was preparing to halt the execution when Lockett died of a massive heart attack. Figure 1.5 provides a timeline of the execution. Critics of the death penalty vocally demonstrated their disdain for the sanction. The parents of the woman who Lockett murdered released this statement shortly after the botched execution:

God blessed us with our precious daughter, Stephanie, for 19 years. Stephanie loved children. She worked in Vacation Bible School and always helped with our Church nativity scenes. She was the joy of our life. We are thankful this day has finally arrived and justice will finally be served.—Susie and Steve Neiman⁴⁶

In another case, a Stanford University student was convicted of sexual assault. Although the conviction itself was not controversial, what was controversial was the penalty given to the student and the judge's reason for the sentence: he was sentenced to prison for six months because the judge expressed concern, among other things, that a long prison sentence would be too detrimental for the offender. In the judge's own words during sentencing, "[another factor considered] is the likely effect of imprisonment on the defendant and his or her dependants. Obviously, a prison sentence would have a severe impact on him. And that may be true in any case. I think it's probably more true with a youthful offender sentenced to state prison at a—at a young age."⁴⁷ The judge also cited the positive character witnesses who came forward on the offender's behalf. One of the character witnesses, the offender's father, pled with the judge to be lenient, given that the way the justice process had already changed his son was "a steep price to pay for 20 minutes of action out of his 20 plus years of life."⁴⁸

In a third controversial case, the University of Minnesota football team threatened to boycott the Holiday Bowl after ten of their teammates were

FIGURE 1.5
Timeline of Clayton Lockett's Execution





Criminal justice covers a range of controversial issues, and it's important to approach them from a balanced perspective.

PAUL BUCK/Stringer/AFP/Getty Images; © istockphoto/Bob Ingelhart; VIEW press/Corbis News/Getty Images

suspended as a result of sexual assault allegations investigated by the university. Supporters of the team lauded their demonstration of unity. Others wondered whether the team had enough information about the alleged assault to make such a decision. After being assured that the suspended players would be able to appeal the suspension decision, the team decided to play in the bowl game after all.⁴⁹

In a fourth controversial case, Weldon Angelos was convicted in 2004 of selling small amounts of marijuana to undercover law enforcement officers on multiple occasions. Because he had a gun concealed under his clothes, he was sentenced to 55 years in prison. This was the equivalent of a life sentence for Angelos. The long sentence was the result not of an irrational judge, but of a sentencing system that determined this was the appropriate sentence. In fact, in his written opinion, sentencing judge Paul Cassell wrote that he viewed the sentence as “unjust, cruel, and irrational.” He added that because the case was “one of those rare cases where the system has malfunctioned, the President [should] commute this unjust sentence.”⁵⁰ In 2013, a group of current and former judges, prosecutors, defense attorneys, scholars, political officials, and others familiar with the case sent President Barack Obama a letter requesting that the sentence be commuted. Angelos remains in prison, serving a sentence longer than would be served by kidnappers, rapists, and aircraft hijackers.⁵¹

These four cases only begin to introduce you to the range of issues that surface in criminal justice discussions. Oftentimes it is believed that clear lines exist between what is “right” and “wrong.” In reality, most issues cannot be dissected so simply. Did the convicted murderer deserve to die? Should the next execution have been halted because of the botched execution? What sanctions should have been given in the sexual assault case? Was the Minnesota football team acting appropriately in threatening to boycott the bowl game? Is a 55-year sentence for selling marijuana while possessing a handgun appropriate?

In this text, you will read about numerous controversial issues surfacing in policing, the courts, and corrections. In discussing these criminal justice issues, we will use a balanced approach to demonstrate all sides of the issues. It is our hope that, in doing so, we will give you a foundation from which you can think more scientifically about these issues.

Criminal Justice Versus Criminology

Thus far, our discussion has focused on what we have called the discipline of criminal justice. In our field, the area of study focusing on criminal justice topics has several different names. Each name tends to connote a slightly different focus.

Criminal justice focuses primarily on the justice process, with a particular emphasis given to the agencies and officials involved in the process. **Criminology**, in turn, focuses primarily on crime and criminals in an effort to understand and explain behavior. Some scholars might identify with one of the areas more than the other. Even so, scholars from both areas seem to appreciate the need to understand both. For instance, it is impossible to understand and explain crime without also understanding the criminal justice process.

Academic departments often select between the two names to identify the nature of the curriculum offered in the department. Other departments or colleges label themselves “Criminology and Criminal Justice” or “Criminal Justice and Criminology” because it is truly impossible to separate crime, criminals, and the criminal justice process in our scholarly pursuits. Combining the two areas also offers a balanced foundation from which students will gain a full understanding about crime and criminal justice. Also, joining the two names strengthens our area of study by limiting unnecessary debates about the relative importance of the two areas. Note, too, that some programs are called “Justice Studies,” others are called “Administration of Justice,” and others are called “Crime, Law, and Society” or some variation. Regardless of what the academic program is called, all of the programs recognize the need for students to adequately understand the criminal justice process.

Criminal Justice as a Collection of Individuals

Criminal justice can also be defined by the actions of those individuals engaged in the criminal justice process. In particular, criminal justice can be viewed as a collection of individuals charged with making decisions as part of a formal effort to control human behavior. These decisions will ultimately affect how a case is processed through the justice system. It is important to recognize that the activities of professionals in the criminal justice system are guided by a series of decisions made by the professionals as well as by those outside of the system. On one level, the decisions are influenced by broader structural and political influences. On another level, the decisions made in specific criminal cases have consequences for those involved with those specific cases. Figure 1.6 shows the various types of decisions made in the criminal justice process.

The criminal justice system can be viewed as a living system influenced by the decisions made by individuals inside and outside the system. Their decisions will influence how cases proceed through the justice system. The decisions have extraordinarily significant implications for other peoples’ lives. Deciding to arrest a suspect will change the course of the suspect’s life, as well as the lives of the suspect’s loved ones. Decisions made by others in the justice process will have equal, if not greater, consequences for suspects.

Because of the ramifications of these decisions, criminal justice professionals must approach their professions in an ethical way. *Ethical decision making* refers to the



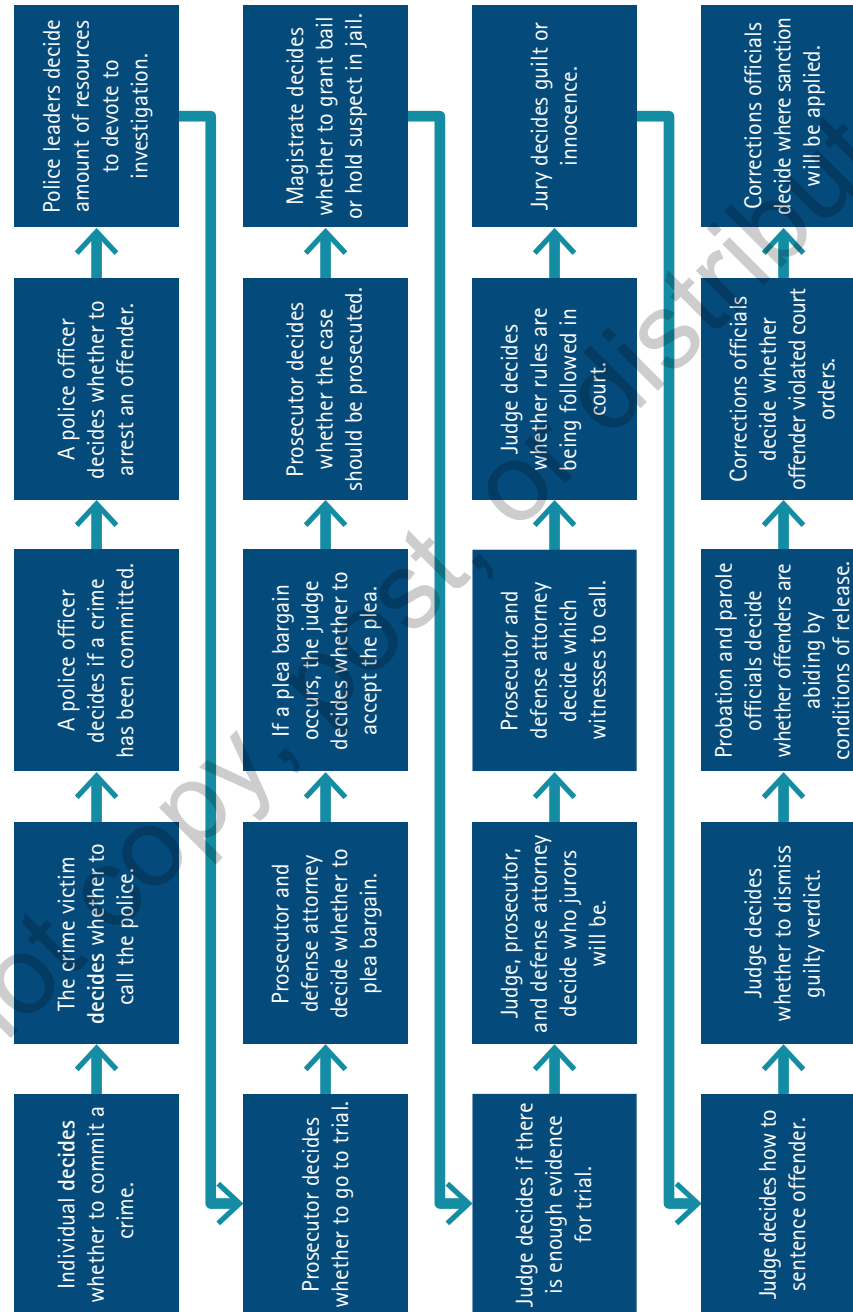
One of the most powerful decisions made in the criminal justice process occurs during the sentencing hearing.

Greg Sorber/ZUMA Press/News.com

criminology:

The academic study of crimes and the circumstances surrounding them.

FIGURE 1.6 Decisions Made in the Criminal Justice Process



process of considering multiple options, deciding the appropriateness of each option, and assessing the consequences of each option for the suspect, the criminal justice official, the criminal justice agency, and the broader community. Throughout this book, we include boxed features that ask you to read a criminal justice scenario and engage in the ethical decision-making process. The “Ethical Decision Making” box in this chapter includes a scenario that we hope never happens to you.

Criminal Justice and College Students

Just as criminal justice professionals make decisions that influence case processing, college students make decisions that are relevant to criminal justice. Consider the following decisions that college students might need to make:

- Whether to declare criminal justice as a major
- Whether to attend every criminal justice class
- Whether to do an internship with a criminal justice agency
- Whether to go to graduate school in criminal justice
- Which criminal justice agency they want to work for

College students also might find themselves playing one or more of several roles that are relevant to the criminal justice process. These roles include (a) victims, (b) offenders, (c) current or future practitioners, (d) research subjects, (e) future policy makers, and (f) future researchers.⁵²

College Students as Victims

College students are not isolated from the crime problem. A review of victimization experiences between 1995 and 2002, comparing college students and non-college students, found similar violent victimization rates in male college students and male nonstudents, whereas victimization rates were lower in female college students than in female nonstudents.⁵³ However, compared to male students, female students are more frequently the target of certain types of victimization, such as sexual assault, and authorities often give these offenses inadequate attention.⁵⁴

College Students as Offenders

Some college students may be offenders, in the past, currently, or in the future. Offenses committed during the college years appear to be tied to the lifestyles of college students.⁵⁵ In particular, offenses frequently attributed to college students include public drunkenness, minor drug offenses, simple assault, sexual assault, and computer crimes such as piracy. As a note of warning, these offenses can be particularly devastating to a criminal justice student’s future career. Some college criminal justice programs require their majors to report any arrests to the program administrators. The guidelines for one program, for example, state:

A Criminal Justice student arrested for any criminal offense, for driving under the influence of alcohol or drugs, or for fleeing a police officer, is expected to file a written report with the CJ program coordinator. The report will include (a) date of arrest, (b) date of court appearances, and (c) final disposition. The initial report is expected to be filed no later than 72 hours following the arrest. Failure to comply with this expectation may result in disciplinary probation and/or dismissal from the program.⁵⁶

College Students as Criminal Justice Practitioners

College students often fulfill the role of criminal justice practitioner. In some cases, criminal justice majors in particular might be current criminal justice professionals. For some jobs in criminal justice, a college degree may not be necessary to enter the profession, but a degree is typically necessary to advance in a criminal justice career. As a result, professionals who began their criminal justice careers without a degree frequently enter college as nontraditional college students. The presence of such students in criminal justice courses makes for lively discussions, as professionals are able to bring insight to courses that otherwise would not be present.

Of course, many criminal justice majors are not employed as criminal justice professionals while they are college students. These students may have the goal of entering a criminal justice career after receiving their degree. Indeed, many criminal justice careers require at least an associate degree, if not a bachelor's degree, for employment. Interestingly, research shows that the better education that students receive, the more satisfied they will be with their careers later in life.⁵⁷

College Students as Research Subjects

College students are frequently research subjects in criminal justice studies. The benefits of using college students in criminal justice research studies include the following:⁵⁸

- Students are easily accessible.
- Student samples are cost- and time-efficient.
- Researchers can measure change fairly easily with students.
- Students are people, too.
- Students reflect culture.
- Students tend to be close to the age category most often involved in crime or deviance.
- Students can learn from the research process.

Studies using college students as a sample tend to focus on the behaviors of college students, their victimization experiences, tests of theory, and attitudes of students. Although a number of limitations exist with using college students as research subjects, the discipline of criminal justice has learned a great deal from our college student research subjects.

College Students as Future Policy Makers

Some college students have a role as future policy makers. Recognizing that justice comes from decisions made by individuals, it is important to note that students will one day be those making these decisions. As a result, Brandon Applegate, former president of the Academy of Criminal Justice Sciences, drew attention to the fact the efforts to advance justice can best be carried out through our students. In his words:

[N]ow is an opportune time to think strategically about criminal justice education practices that will advance justice through our students. I encourage each of us to take deliberate action to cultivate our students' preparation for employment. Grow the skills and abilities that will help launch them into successful careers and lead to positive contributions to the future of criminal justice.⁵⁹

Think about this . . . you, or your study partner, might be a future legislator. Just for fun, put the word *Governor* or *Senator* in front of your name. Sounds good, doesn't

it? Although we are making light of this suggestion, the real fact is that most legislators have a college education. Learning about criminal justice from a balanced perspective as college students will provide future policy makers the foundation they need to begin to formulate effective criminal justice policies. We hope you hang on to this book to be on the safe side, so that when you become governor you will have a handy resource to remind yourself about criminal justice issues.

College Students as Future Researchers

Some college students will go on to become criminal justice researchers. Your professors were once students themselves. Something got them excited about criminal justice. For our field to grow, current college students must also get excited about the discipline. It is our hope that some of you will become so excited about criminal justice that you will consider a future career as a criminal justice scholar. At the very least, we hope we don't scare you off!

In this text, we view criminal justice as (a) a system, (b) a process, (c) a career, (d) a social science, (e) the center of many controversial issues, and (f) a collection of individuals charged with formally controlling the behaviors of others through a complex decision-making process while responding to structural and societal influences and demands. Beyond recognizing that criminal justice is a "collection of individuals," bear in mind that many of you will someday become part of that collection of individuals who are responsible for responding to crime. Whether as police officers, professionals in the courts, corrections officials, policy makers, or officials in private security careers, the individuals in these careers make decisions about other people's lives, and these decisions have very real ramifications for the way that the justice process unfolds. (Good luck, governor!)

Just the Facts: Chapter Summary

- The phrase *criminal justice system* is used to describe the three main components of criminal justice: the police, the courts, and corrections.
- The stages of the criminal justice process include the following: investigation, arrest, booking, initial appearance, preliminary hearing, grand jury or information, arraignment, trial, sentencing, appeals, sanction, and release.
- Walker's wedding cake model of criminal justice describes four layers of cases that flow through the criminal justice process: celebrated cases, heavy-duty felonies, lightweight felonies, and misdemeanors.
- The "modern emergence of [criminal justice]" is traced to President Lyndon Johnson's Commission on Law Enforcement and Administration of Justice, whose report *The Challenge of Crime in a Free Society* called for the education of criminal justice professionals and improved criminal justice research efforts as strategies to address the crime problem.
- Criminal justice researchers and practitioners parallel the principles of sciences described by Bierstedt: objectivity, parsimony, ethical neutrality, determinism, and skepticism.
- As professionals in a social science discipline, criminal justice researchers and criminologists have recently become more instrumental in helping to determine the efficacy of criminal justice policies.
- Criminal justice focuses primarily on the justice process, with particular emphasis given to the agencies and officials involved in the process. Criminology, in turn, focuses primarily on crime and criminals in an effort to understand and explain behavior.
- Criminal justice can be viewed as a collection of individuals charged with making decisions as part of a formal effort to control human behavior.
- *Ethical decision making* refers to the process of considering multiple options, deciding the appropriateness of each option, and assessing the consequences of each option for the suspect, the criminal justice official, the criminal justice agency, and the broader community.

- College students might find themselves playing one or more roles that are relevant to the criminal justice process. These roles include (a) victims, (b) offenders, (c) current or future practitioners, (d) research subjects, (e) future policy makers, and (f) future researchers.
- In this text, the balanced approach we take also reflects the multiple dimensions of criminal justice.

Attention is given to criminal justice as (a) a system, (b) a process, (c) a career, (d) a social science, (e) a political issue, (f) the center of many controversial issues, and (g) a collection of individuals charged with formally controlling the behaviors of others through a complex decision-making process while responding to structural and societal influences and demands.

Key Terms

activist criminology (17)	criminal justice system (4)	ethical neutrality (18)	parsimony (18)
arraignment (9)	criminology (25)	initial appearance (8)	preliminary hearing (8)
arrest (8)	determinism (19)	juvenile justice system (6)	skepticism (19)
booking (8)	due process model (9)	objectivity (17)	trial (9)
crime control model (9)			wedding cake model (10)

Critical Thinking Questions

- What is criminal justice? Why does it matter how you define criminal justice?
- What is meant by a “balanced approach” to understanding criminal justice? Why is such an approach an effective way to understand criminal justice?
- How do you think the advent of online education will affect criminal justice education? Explain.
- What is the difference between criminal justice and criminology? Of the program names discussed in this chapter, which one best describes your criminal justice program? How does the name of the program reflect the program's orientation?
- Review the careers shown in Table 1.1. Which careers would you find appealing? Which careers would you avoid? Explain.
- What is ethical decision making? Are there instances when unethical decisions are appropriate in the criminal justice process? Explain.
- What role do you have in criminal justice? What role do other criminal justice students have?

ETHICAL DECISION MAKING



THE CHOICE TO ENFORCE THE LAW (OR NOT)

Randy Rainey is a 42-year-old single father who returned to school in hopes of completing a double major in criminal justice and management. He is employed as a loss prevention officer at a retail store and wants to become a regional director of loss prevention. He knows that he will need to work his way up through the loss prevention ranks but that he also needs to have the requisite education to meet his career goals.

His favorite professor is his advisor, Dr. Jame. Randy enjoys taking Dr. Jame's classes and talking with the professor about his career goals.

One Wednesday evening, Randy is working his loss prevention job. He is watching the cameras when he sees his favorite professor enter the store. Curious about the shopping habits of his mentor, Randy decides to “follow” Dr. Jame through the store by watching the security cameras. He is stunned at what he subsequently sees: Dr. Jame steals more than \$200 worth of infant formula by putting items in his infant son's oversized diaper bag. Randy has several decisions to make:

YOU DECIDE

1. Should Randy confront Dr. Jame?
Why or why not?
2. Should he ask his supervisor to handle the case?
What would the supervisor think about Randy's decision not to handle the case himself?
3. If he stopped Dr. Jame, should he call the police?
Why or why not?
4. What are some possible reasons that Dr. Jame stole the formula? Should those factors affect Randy's decision to bust Dr. Jame? Should those factors affect decisions to better secure formula in the future? Explain.
5. Should Randy continue to take classes offered by Dr. Jame? Explain.
6. What if Dr. Jame stole something cheaper, like a package of diapers that costs \$10? Would this change any of your answers to the preceding questions?











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FOR FURTHER EXPLORATION AND APPLICATION, TAKE A LOOK AT THE INTERACTIVE EBOOK FOR THESE PREMIUM RESOURCES:

-  **Author Video 1.1** Define Criminal Justice
-  **Author Video 1.2** Definition of a System
-  **Author Video 1.3** Levels of Student Involvement
-  **Career Video 1.1** Professor
-  **SAGE News Clip 1.1** Criminal Justice Reform Bill
-  **SAGE News Clip 1.2** Actors on OJ Simpson
-  **Journal Article 1.1** Criminal Justice and Criminology
-  **Journal Article 1.2** State of Criminology in Sociology