

PART ONE



THE FOUNDATIONS OF CRIMINAL JUSTICE

CHAPTER ONE

Crime and Justice in
the United States

CHAPTER TWO

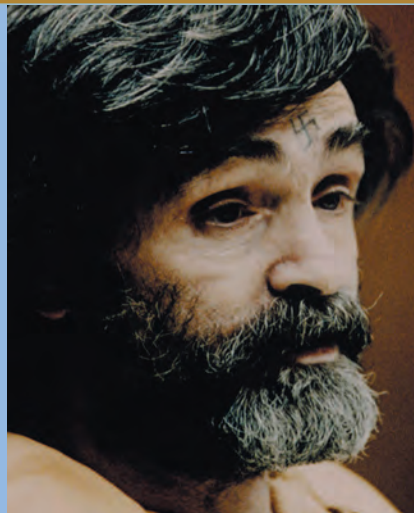
Crime and Its Consequences

CHAPTER THREE

Explaining Crime

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CRIME AND JUSTICE IN THE UNITED STATES

CHAPTER ONE

Chapter Outline

Crime in the United States

Criminal Justice: An Institution of Social Control

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Two Models of Criminal Justice

The Crime Control Model

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Crime Control versus Due Process

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Myths About Crime and Criminal Justice

Chapter Objectives

After completing this chapter, you should be able to:

1. Describe how the type of crime routinely presented by the media compares with crime routinely committed.
2. Identify institutions of social control and explain what makes criminal justice an institution of social control.
3. Summarize how the criminal justice system responds to crime.
4. Explain why criminal justice in the United States is sometimes considered a nonsystem.
5. Point out major differences between Packer's crime control and due process models.
6. Describe the costs of criminal justice in the United States and compare those costs among federal, state, and local governments.
7. Explain how myths about crime and criminal justice affect the criminal justice system.

A graphic with a blue top section containing the word "Crime" in white serif font, and a brown bottom section containing the word "Story" in white serif font. The top edge of the graphic is jagged, resembling torn paper.

Crime Story

On April 26, 2005, a 32-year-old bride-to-be, Jennifer Wilbanks, disappeared from her Duluth, Georgia, home in what became known as the infamous “runaway bride” case. The case elicited an enormous amount of community support and generosity from Wilbanks’s hometown. Law enforcement officials and community volunteers searched day and night trying to locate the missing bride. On the third day of the search, which by then was receiving national publicity, Wilbanks phoned her fiancé from Albuquerque, New Mexico, to report that she had been abducted and sexually assaulted. The subsequent investigation, however, revealed her disappearance was a hoax, and she had fled for personal reasons.

Wilbanks contended she did not see any television reports while she was on the run, and she had no idea so many people had been searching for her. She stated she did not feel she had done anything wrong, because she only wanted to disappear. The investigation discovered that Wilbanks scraped together about \$240 for her journey, which included the purchase of a Greyhound Bus ticket. After a stopover in Dallas, Wilbanks continued on her journey to Las Vegas, then discovered that hotels were too expensive for her limited budget. With only \$80 left, Wilbanks then purchased a \$76 ticket to Albuquerque, where she phoned her fiancé and brought an end to the search.

The community of Duluth spent more than \$43,000 in resources searching for Jennifer Wilbanks. As the facts of the case began to emerge, the Gwinnett County, Georgia, prosecutor felt compelled to charge Wilbanks with making false statements to the police in order to quell the rising tide of community resentment. Wilbanks pleaded no contest to the charges and was sentenced to two years’ probation, 120 hours of community service, and restitution in the amount of \$2,550 to the Gwinnet County Sheriff’s Office. In addition, Wilbanks repaid \$13,249 of the \$43,000 the city of Duluth spent looking for her.

Chapter 1 discusses how the criminal justice system operates both formally and informally in the United States. Jennifer Wilbanks’s “disappearance” eventually involved all three phases of criminal justice: the police, the courts, and the correctional system. It also raised some important questions: Should Jennifer Wilbanks be treated as a criminal offender, or is she simply a person suffering emotional problems? As you are about to learn, these questions and many like them are matters of continual and contentious debate. However, if Jennifer Wilbanks meets her mandated goals and remains crime-free, then many observers would likely argue that the criminal justice system has served its purpose. We turn now to an overview of the criminal justice system.

Crime in the United States

Every day we are confronted with reports of crime in newspapers, magazines, and radio and television news programs. We also see crime in TV docudramas; on such popular shows as the fictional *NYPD Blue*, *Law & Order*, and the *CSI* series; and on the reality-based *America's Most Wanted*, *Cops*, and *Unsolved Mysteries*. There is also Court TV, an entire network devoted to crime and justice issues. Crime is also a favorite subject of movies and novels. Unfortunately, some of us encounter crime more directly, as victims. No wonder crime is a top concern of the American public.

We should keep in mind, however, that the crimes presented by the media are usually more sensational than the crimes routinely committed. Consider some of the top crime news stories in the United States in 2005.

- On March 16, 2005, Judge Alfred Delucchi of San Mateo County (California) Superior Court sentenced Scott Peterson to death for the December 2002, murder of his pregnant wife, Laci Peterson.
- Also on March 16, 2005, a Los Angeles County Superior court jury acquitted actor Robert Blake of the May 2001, murder of his 44-year-old wife. Blake, 71, was also acquitted of asking a stuntman to kill his wife for him.
- Jeff Weise, a 16-year-old member of the Red Lake Band of Chippewa Indians killed nine people and himself on March 21, 2005, in a shooting spree on the Red Lake reservation in northern Minnesota. The incident, which centered on the reservation's high school, was the deadliest U.S. school shooting since a 1999 attack at Columbine High School in Littleton, Colorado, in which 15 people had died.
- On April 16, 2005, White supremacist leader Matthew Hale was sentenced in U.S. District Court in Chicago to 40 years in prison for soliciting the murder of Judge Joan Humphrey Lefkow. The judge had enforced a trademark ruling against Hale's organization, the World Church of the Creator.
- Zacarias Moussaoui, on April 22, 2005, pleaded guilty to six counts of conspiracy to commit terrorism for participating in the Al Qaeda terrorist network plot behind September 11, 2001, terrorist attacks on the U.S. Moussaoui became the only person convicted in the United States in connection with the September 11 attacks. Prosecutors were seeking the death penalty on the four charges that allowed for capital punishment.
- Ali al-Timimi, a prominent Muslim leader in the Washington, D.C. area, was convicted on April 26, 2005, of inciting his followers to carry out jihad, or holy war, against the U.S. Timimi was the 10th person sentenced in the so-called Virginia jihad network, a group of Muslim men accused by prosecutors of preparing to fight the United States by engaging in paramilitary training in rural Virginia. He faces a mandatory life sentence under federal guidelines. The defense said it planned to file a petition to dismiss the verdict, partly on the grounds that the First Amendment protected Timimi's speech.
- A Santa Barbara County Superior Court jury in Santa Maria, California, on June 13, 2005, acquitted pop star Michael Jackson of child molestation, finding him not guilty on all 10 counts in the indictment. He had been accused of molesting a 13-year-old cancer patient on at least four occasions between February and March of 2003.
- On July 13, 2005, Bernard Ebbers was sentenced to 25 years in prison for his role in the \$11 billion WorldCom fraud scheme. The 2002 collapse of the telecom giant led to the largest bankruptcy in U.S. history and

Crime and the Media

A study conducted jointly by researchers at eight universities (Miami, Columbia, Northwestern, Syracuse, Southern California, Texas, Oregon, and Ball State) found that crime stories dominate local television news shows, confirming the adage, "If it bleeds, it leads." The researchers reported that stories about crime and criminal justice, particularly those involving blood and mayhem, accounted for nearly 30 percent of the broadcasts. Stories about government and politics, once the mainstay of local news, were given the second largest amount of time (about 15 percent). Natural disaster stories were third, with about 10 percent of the time. One of the researchers speculated that excessive crime news "has a numbing effect on the public." He added that "people withdraw from activities because of fear."

Source: "Crime Is Tops on TV News, Study Says," *The Orlando Sentinel*, May 7, 1997, p. A-10.



Crime in the News

You can read more about past and present crime news stories by visiting the CRIMEBLOG website at www.crimeblog.com/news. Does this website provide a balanced picture of crime in the United States or does it primarily provide sensational news coverage?



Criminal cases involving Zacarias Moussaoui, Michael Jackson, and Bernard Ebbers were among the top crime news stories of 2005. *What factors make these crimes so sensational?*

investor losses in the billions. The 25-year sentence was the stiffest penalty for a U.S. executive since the 2001 fall of Enron touched off a wave of scandals. Even with time off for good behavior, Ebbers would remain incarcerated until 2027, when he would be 85.

TABLE 1.1		Distribution of Calls for Police Service
POLICE CALLS		PERCENTAGE
Disturbance		20.9
Alarm		9.4
Domestic Disturbance		7.6
Parking Violation		6.5
Selling Narcotics		4.5
Auto Accident		3.9
Domestic Battery		2.4
Vice Complaint		2.2
Suspicious Person		1.9
Gang Disturbance		1.7
Shots Fired		1.7
Battery (just occurred)		1.6
Person with Gun		1.4
Suspicious Auto (no occupant)		1.2
Fire		1.2
Missing Person		1.1
Assault (in progress)		1.0
Theft (just occurred)		1.0
Fireworks		1.0

Calls for police service to the Chicago, IL, Police Department during June 2000. There were a total of 181,748 police calls.

Some of these crime stories are likely to remain top news stories for 2006 and beyond. Furthermore, the fight against domestic terrorism occasioned by the tragedies of September 11, 2001, is likely to remain newsworthy for the foreseeable future. However, taken together, those sensational crime news stories do not provide a very accurate image of the types of crime by which the average citizen is victimized. Nor do such stories accurately depict the kinds of crime to which the police respond on a daily basis.

To provide a more accurate idea of the kinds of crimes more typically committed, we reviewed a list of calls for police service in Chicago, Illinois, for the month of June 2000.² There were 181,748 calls for police service in Chicago during the period selected.

A close examination of the list of police calls (see Table 1.1) reveals that the most frequent type of call for service in Chicago involves disturbances (for example, domestic quarrels, neighbor or landlord-tenant squabbles, gang altercations, bar or street fights, or even loud music or a dog barking). This type of call accounted for 30.2 percent of the total. (In the list, three separate types of disturbances are cataloged—general disturbances [20.9 percent], domestic disturbances [7.6 percent], and gang disturbances [1.7 percent].) Other calls for service ranged from burglar alarms (9.4 percent) to parking violations (6.5 percent); from selling narcotics (4.5 percent) to auto accidents



As shown in Table 1.1, Chicago police respond to disturbance calls more often than any other type of call for service, by a wide margin. *To what types of disturbances should the police respond and not respond?*

(3.9 percent); and from domestic battery (2.4 percent) to vice complaints (2.2 percent). The calls for police service listed in Table 1.1 represent only those calls that accounted for at least 1 percent of the total calls. In all, there were 122 categories of calls for police service. There were also serious crimes or potential crimes not included in the list (because they accounted for less than 1 percent of the total calls): 1,241 robbery calls, 111 death investigation calls, 78 kidnapping calls, and 69 arson calls. Police are also called to assist motorists and to provide escorts for funeral processions—to name just two additional services. Police services and responsibilities will be discussed further in Chapter 6.

Here it is important to observe that the calls to which the police routinely respond rarely involve the sensational crimes reported by the media. In many cases, they do not involve crimes at all. Critics argue that the news media have a dual obligation to (1) present news that reflects a more balanced picture of the overall crime problem and (2) reduce their presentation of sensational crimes, especially when such crimes are shown not so much to inform as to pander to the public's curiosity and its simultaneous attraction *and* repulsion to heinous crimes. The more fundamental problem, however, is that the public's conception of crime is to a large extent shaped by the media, and what the media present, for the most part, misleads the public about the nature of crime.

THINKING CRITICALLY

1. Do you think the news media are obligated to present a balanced picture of the overall crime problem and reduce their presentation of sensational crimes? Why or why not?
2. How much do you think the public conception of crime is influenced by the media? How do you think the media select crime stories on which to focus?

Criminal Justice: An Institution of Social Control

In the United States, there are a variety of responses to crime. When a child commits a criminal act, even if that act does not come to the attention of the police, parents or school authorities nevertheless may punish the child for the offense (if they find out about it). Attempts to prevent crime by installing burglar alarms in automobiles and homes are other ways of responding to crime. Throughout this book, we focus on the criminal justice response to crime.



institution of social control An organization that persuades people, through subtle and not-so-subtle means, to abide by the dominant values of society.

Like the family, schools, organized religion, the media, and the law, criminal justice is an **institution of social control** in the United States. A primary role of such institutions is to persuade people, through subtle and not-so-subtle means, to abide by the dominant values of society. Subtle means of persuasion include gossip and peer pressure, whereas expulsion and incarceration are examples of not-so-subtle means.

As an institution of social control, criminal justice differs from the others in two important ways. First, the role of criminal justice is restricted officially to persuading people to abide by a limited range of social values: those whose violation constitutes crime. Thus, although courteous behavior is desired of all citizens, rude behavior is of no official concern to criminal justice, unless it violates the criminal law. Dealing with noncriminal rude behavior is primarily the responsibility of the family. Second, criminal justice is generally society's "last line of defense" against people who refuse to abide by dominant social values and commit crimes. Usually, society turns to criminal justice only after other institutions of social control have failed.

THINKING CRITICALLY

1. Given what you know about crime in the United States, do you think that the criminal justice system is a strong institution of social control? Why?
2. Do you think that other institutions such as the family, schools, and organized religion are better institutions of social control than the criminal justice system? If so, which ones? Why?

jurisdiction A politically defined geographical area.

Criminal Justice: The System

Criminal justice in the United States is administered by a loose confederation of more than 50,000 agencies of federal, state, and local governments. Those agencies consist of the police, the courts, and corrections. Together they are commonly referred to as the *criminal justice system*. Although there are differences in the ways the criminal justice system operates in different jurisdictions, there are also similarities. The term **jurisdiction**, as used here, means a politically defined geographical area (for example, a city, a county, a state, or a nation).

The following paragraphs will provide a brief overview of a typical criminal justice response to criminal behavior. Figure 1.1 is a graphic representation of the process. It includes the variations for petty offenses, misdemeanors, felonies, and juvenile offenses. A more detailed examination of the criminal justice response to crime and delinquency will be provided in later chapters of this book.



POLICE

The criminal justice response to crime begins when a crime is reported to the police or, far less often, when the police themselves discover that a crime has been committed. Sometimes solving the crime is easy—the victim or a witness knows the perpetrator, or where to find him or her. Often, an arrest supported by witness statements and crime scene evidence is sufficient to close a case, especially with a less serious crime. More often, though, the police must conduct an in-depth investigation to determine what happened in a particular crime. Even when the police start with a known crime or a cooperative victim or witness, the investigation can be lengthy and difficult.

If police investigation of the crime is successful, a suspect is arrested. An **arrest** is the seizing and detaining of a person by lawful authority. After an arrest has been made, the suspect is brought to the police station to be booked.

arrest The seizing and detaining of a person by lawful authority.

Booking is the administrative recording of the arrest. It typically involves entering the suspect's name, the charge, and perhaps the suspect's fingerprints or photograph in the police blotter.

COURTS

Soon after a suspect has been arrested and booked, a prosecutor reviews the facts of the case and the available evidence. Sometimes a prosecutor reviews the case before arrest. The prosecutor decides whether to charge the suspect with a crime or crimes. If no charges are filed, the suspect must be released.

CHARGING DOCUMENTS There are three principal kinds of charging documents:

1. A complaint.
2. An information.
3. A grand jury indictment.

If the offense is a **misdemeanor** (a less serious crime) or an **ordinance violation** (usually the violation of a law of a city or town), then in many jurisdictions the prosecutor prepares a complaint. A **complaint** is a charging document specifying that an offense has been committed by a person or persons named or described. If the offense is a **felony** (a serious offense punishable by confinement in a prison for more than 1 year or by death), an information is used in about half the states. A grand jury indictment is used in the other half. An **information** outlines the formal charge or charges, the law or laws that have been violated, and the evidence to support the charge or charges. A **grand jury indictment** is a written accusation by a grand jury that one or more persons have committed a crime. (Grand juries will be described later in this discussion.) On rare occasions, police may obtain an arrest warrant from a lower-court judge before making an arrest. An **arrest warrant** is a written order directing law enforcement officers to arrest a person. The charge or charges against a suspect are specified on the warrant. Thus, an arrest warrant may also be considered a type of charging document.

PRETRIAL STAGES After the charge or charges have been filed, the suspect, who is now the **defendant**, is brought before a lower-court judge for an initial appearance. At the **initial appearance** the defendant is given formal notice of the charge or charges against him or her and advised of his or her constitutional rights (for example, the right to counsel). In the case of a misdemeanor or an ordinance violation, a **summary trial** (an immediate trial without a jury) may be held. In the case of a felony, a hearing is held to determine whether the defendant should be released or whether there is probable cause to hold the defendant for a preliminary hearing. **Probable cause** is a standard of proof that requires trustworthy evidence sufficient to make a reasonable person believe that, more likely than not, the proposed action is justified. If the suspect is to be held for a preliminary hearing, bail is set if the judge believes release on bail is appropriate. **Bail**, usually a monetary guarantee deposited with the court, is meant to ensure that the defendant will appear at a later stage in the criminal justice process.

In about half of all states, the initial appearance is followed by a preliminary hearing. Preliminary hearings are used only in felony cases. The purpose of the **preliminary hearing** is for a judge to determine whether there is

booking The administrative recording of an arrest. Typically, the suspect's name, the charge, and perhaps the suspect's fingerprints or photograph are entered in the police blotter.

misdemeanor A less serious crime generally punishable by a fine or by incarceration in jail for not more than 1 year.

ordinance violation Usually the violation of a law of a city or town.

complaint A charging document specifying that an offense has been committed by a person or persons named or described.

felony A serious offense punishable by confinement in prison for more than 1 year or by death.

information A document that outlines the formal charge(s) against a suspect, the law(s) that have been violated, and the evidence to support the charge(s).

grand jury indictment A written accusation by a grand jury that one or more persons has committed a crime.

arrest warrant A written order directing law enforcement officers to arrest a person.

defendant A person against whom a legal action is brought, a warrant is issued, or an indictment is found.

initial appearance A pretrial stage in which a defendant is brought before a lower court to be given notice of the charge(s) and advised of her or his constitutional rights.

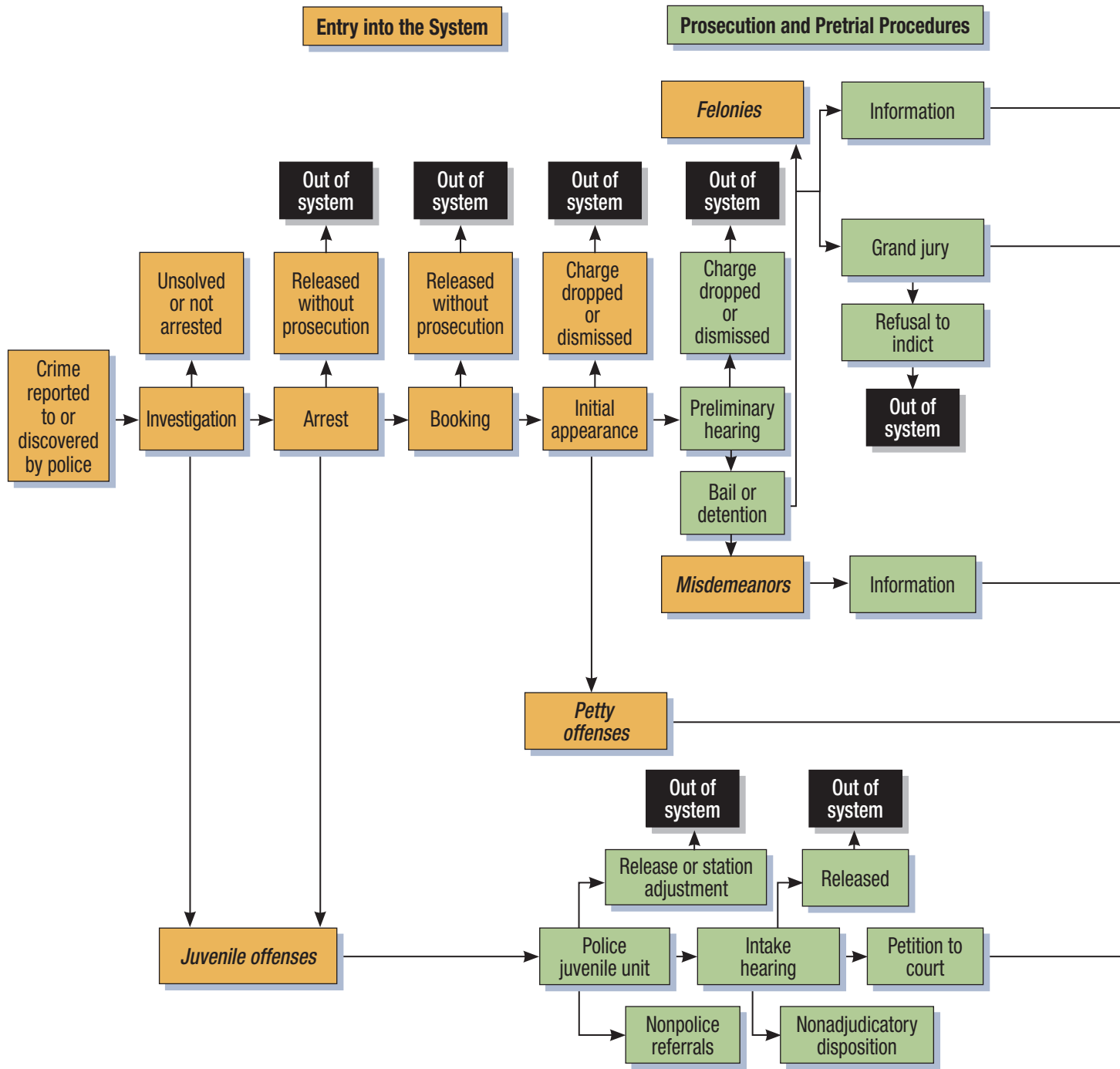
summary trial An immediate trial without a jury.

probable cause A standard of proof that requires evidence sufficient to make a reasonable person believe that, more likely than not, the proposed action is justified.

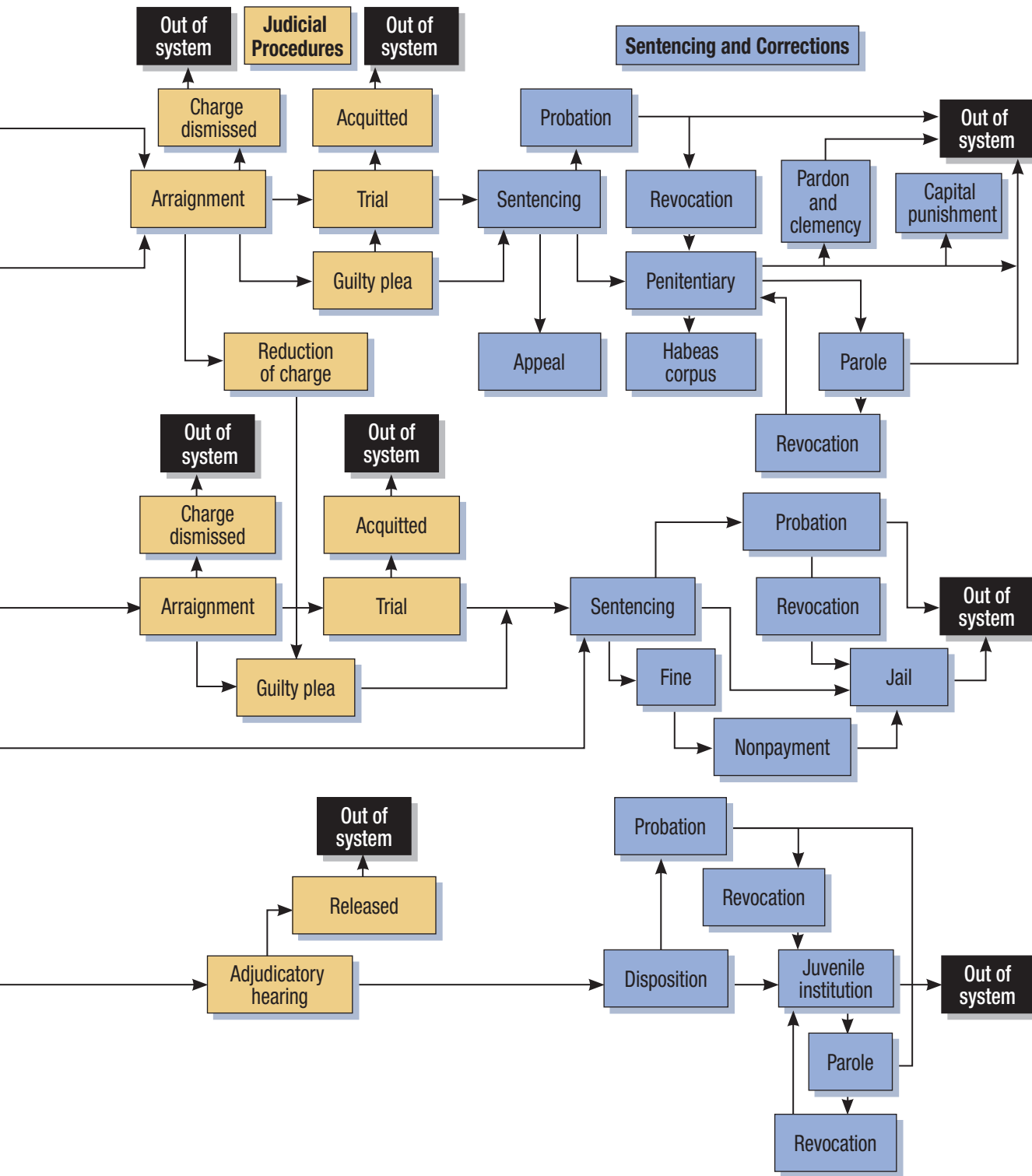
bail Usually a monetary guarantee deposited with the court to ensure that suspects or defendants will appear at a later stage in the criminal justice process.

preliminary hearing In a felony case, a pretrial stage at which a judge determines whether there is probable cause.

FIGURE 1.1 Overview of the Criminal Justice System



Procedures vary among jurisdictions.



grand jury A group of citizens who meet to investigate charges coming from preliminary hearings.

probable cause to believe that the defendant committed the crime or crimes with which he or she is charged. If the judge finds probable cause, the defendant is bound over for possible indictment in a state with grand juries or for arraignment on an information in a state without grand juries.

Grand juries are involved in felony prosecutions in about half the states. A **grand jury** is a group of citizens who meet in closed sessions for a specified period to investigate charges coming from preliminary hearings and to fulfill



CAREERS IN CRIMINAL JUSTICE

Law Enforcement/Security

BATF Agent
 Border Patrol Agent
 Campus Police Officer
 Crime Prevention Specialist
 Criminal Investigator
 Criminal Profiler
 Customs Officer
 Deputy Sheriff
 Deputy U.S. Marshal
 Drug Enforcement Officer
 Environmental Protection Agent
 FBI Special Agent
 Federal Agency Investigator
 Fingerprint Technician
 Forensic Scientist
 Highway Patrol Officer
 INS Officer
 Insurance Fraud Investigator
 Laboratory Technician
 Loss Prevention Officer
 Military Police Officer
 Park Ranger
 Police Administrator
 Police Dispatcher
 Police Officer
 Polygraph Examiner
 Postal Inspector
 Private Investigator
 Secret Service Agent
 State Trooper

Courts/Legal

Arbitrator
 Attorney General

Bailiff
 Clerk of Court
 Court Reporter
 District Attorney
 Judge
 Jury Assignment Commissioner
 Jury Coordinator
 Juvenile Magistrate
 Law Clerk
 Law Librarian
 Legal Researcher
 Mediator
 Paralegal
 Public Defender
 Public Information Officer
 Trial Court Administrator
 Victim Advocate

Teaching/Research

Agency Researcher
 Community College, College, or
 University Lecturer or Professor

Corrections/Rehabilitation

Activity Therapy Administrator
 Business Manager
 Case Manager
 Chaplain
 Chemical Dependency Manager
 Child Care Worker
 Children's Services Counselor
 Classification Officer
 Client Service Coordinator
 Clinical Social Worker
 Community Liaison Officer
 Correctional Officer
 Dietary Officer

Drug Court Coordinator
 Field Administrator
 Fugitive Apprehension Officer
 Home Detention Supervisor
 Human Services Counselor
 Job Placement Officer
 Juvenile Detention Officer
 Juvenile Probation Officer
 Mental Health Clinician
 Parole/Probation Officer
 Presentence Investigator
 Prison Industries Superintendent
 Program Officer/Specialist
 Programmer/Analyst
 Psychologist
 Recreation Coordinator
 Rehabilitation Counselor
 Researcher
 Residence Supervisor
 Sex Offender Therapist
 Social Worker
 Statistician
 Substance Abuse Counselor
 Teacher
 Vocational Instructor
 Warden or Superintendent
 Youth Service Worker/Coordinator
 Youth Supervisor



Getting fingerprints is generally a part of the booking into jail process. Pictured here is an inmate being fingerprinted with a technologically advanced “Printrat Livescan Finger Machine.” *Why are inmates fingerprinted?*

other responsibilities. Thus, a primary purpose of the grand jury is to determine whether there is probable cause to believe that the accused committed the crime or crimes with which the prosecutor has charged her or him. The grand jury can either indict or fail to indict a suspect. If the grand jury fails to indict, the prosecution must be dropped.

Once an indictment or information is filed with the trial court, the defendant is scheduled for arraignment. The primary purpose of **arraignment** is to hear the formal information or indictment and to allow the defendant to enter a plea. About 90 percent of criminal defendants plead guilty to the charges against them, in an arrangement called *plea bargaining*. **Plea bargaining** is the practice whereby the prosecutor, the defense attorney, the defendant, and, in many jurisdictions, the judge agree on a specific sentence to be imposed if the accused pleads guilty to an agreed-upon charge or charges instead of going to trial.

TRIAL If a defendant pleads not guilty or not guilty by reason of insanity, a trial date is set. Although all criminal defendants have a constitutional right to a trial (when imprisonment for 6 months or more is a possible outcome), only about 10 percent of all criminal cases are disposed of by trial. Approximately 5 percent of criminal cases involve jury trials. The remaining cases that are not resolved through plea bargaining are decided by a judge in a **bench trial** (without a jury). Thus, approximately 90 percent of all criminal cases are resolved through plea bargaining, about 5 percent through jury trials, and about 5 percent through bench trials. (See Figure 1.2.) In most jurisdictions the choice between a jury trial and a bench trial is the defendant’s to make.

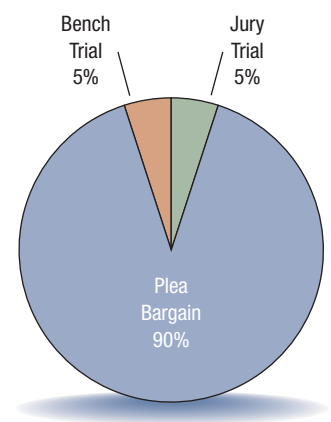
If the judge or the jury finds the defendant guilty as charged, the judge begins to consider a sentence. In some jurisdictions the jury participates to varying degrees in the sentencing process. The degree of jury participation

arraignment A pretrial stage to hear the information or indictment and to allow a plea.

plea bargaining The practice whereby a specific sentence is imposed if the accused pleads guilty to an agreed-upon charge or charges instead of going to trial.

bench trial A trial before a judge without a jury.

FIGURE 1.2 Criminal Case Dispositions



depends on the jurisdiction and the crime. If the judge or jury finds the defendant not guilty, the defendant is released from the jurisdiction of the court and becomes a free person.

CORRECTIONS

Judges cannot impose just any sentence. There are many factors that restrict sentencing decisions. They are limited by statutory provisions. They are guided by prevailing philosophical rationales, by organizational considerations, and by presentence investigation reports. They are also influenced by judges' own personal characteristics. Presentence investigation reports are used in the federal system and in the majority of states to help judges determine appropriate sentences.

Currently, five general types of punishment are in use in the United States: fines, probation, intermediate punishments (various punishments that are more restrictive than probation but less restrictive and less costly than imprisonment), imprisonment, and death. As long as a judge imposes one or a combination of the five punishments and the sentence length and type are within statutory limits, the judge is free to set any sentence.

Defendants who are found guilty can appeal their convictions either on legal grounds or on constitutional grounds. Examples of legal grounds include defects in jury selection, improper admission of evidence at trial, and mistaken interpretations of law. Constitutional grounds include illegal search and seizure, improper questioning of the defendant by the police, identification of the defendant through a defective police lineup, and incompetent assistance of counsel.

The appellate court can either *affirm* the verdict of the lower court and let it stand; modify the verdict of the lower court, without totally reversing it; reverse the verdict of the lower court, which requires no further court action; or reverse the decision and *remand*, or return, the case to the court of original jurisdiction for either a retrial or resentencing.

A defendant sentenced to prison may be eligible for parole (in those jurisdictions that grant parole) after serving a portion of his or her sentence. **Parole** is the conditional release of prisoners before they have served their full sentences. Generally, the decision to grant parole is made by a parole board. Once offenders have served their sentences, they are released from criminal justice authority.

parole The conditional release of prisoners before they have served their full sentences.

THINKING CRITICALLY

1. Do you think the criminal justice system “works” in the United States? Why or why not?
2. What improvements do you think should be made to the criminal justice system?
3. Do you think judges should be limited in the sentences they are allowed to impose? Why or why not?

Criminal Justice: The Nonsystem

As noted earlier, the many police, court, and corrections agencies of the federal, state, and local governments, taken together, are commonly referred to as the criminal justice system. However, the depiction of criminal justice—or, more specifically, of the interrelationships and inner workings of its various components—as a “system” may be inappropriate and misleading for at least two reasons.

First, there is no single “criminal justice system” in the United States. Rather, as noted earlier, there is a loose confederation of many independent criminal justice agencies at all levels of government. This loose confederation is spread throughout the country with different, sometimes overlapping, jurisdictions. Although there are some similarities among many of those agencies, there are



Arrestees can spend up to 48 hours or more in a jail holding cell before a judge decides whether an arrest was justified. *What problems could occur as a result of this practice?*

also significant differences. The only requirement they all share, a requirement that is the basis for their similarities, is that they follow procedures permitted by the U.S. Constitution.

Second, if a **system** is thought of as a smoothly operating set of arrangements and institutions directed toward the achievement of common goals, one is hard-pressed to call the operation of criminal justice in the United States a system. Instead, because there is considerable conflict and confusion between different agencies of criminal justice, a more accurate representation may be that of a criminal justice *nonsystem*.

For example, police commonly complain that criminal offenders who have been arrested after weeks or months of time-consuming and costly investigation are not prosecuted or are not prosecuted vigorously enough. Police often maintain that prosecutors are not working with them or are making their jobs more difficult than necessary. Prosecutors, on the other hand, often gripe about shoddy police work. Sometimes, they say, they are unable to prosecute a crime because of procedural errors committed by the police during the investigation or the arrest.

Even when a criminal offender is prosecuted, convicted, and sentenced to prison, police often argue that the sentence is not severe enough to fit the seriousness of the crime, or they complain when the offender is released from prison after serving only a portion of his or her sentence. In such situations, police frequently argue that the courts or the correctional agencies are undermining their efforts by putting criminals back on the streets too soon.

system A smoothly operating set of arrangements and institutions directed toward the achievement of common goals.

Myth

The agencies that administer criminal justice in the United States form a unified system: the criminal justice system.

Fact

There is no single “criminal justice system” in the United States. Instead, there is a loose confederation of many independent criminal justice agencies at all levels of government. Moreover, instead of operating together as a system, agencies of criminal justice in the United States interact but generally operate independently of each other, each agency often causing problems for the others.

Conflicts between the courts and corrections sometimes occur when judges continue to impose prison sentences on criminal offenders, especially so-called petty offenders, even though the judges know that the prisons are under court orders to reduce overcrowding.

Additionally, there is a mostly separate process for juvenile offenders. Criminal justice officials frequently complain that their jobs are made more difficult because of the practice, common in many states, of sealing juvenile court records. That practice withholds juvenile court records from the police, prosecutors, and judges even though the records may be relevant and helpful in making arrests, prosecuting criminal cases, and determining appropriate sentences. A rationale for concealing juvenile court records is to prevent, as much as possible, the labeling of juvenile offenders as delinquents, which could make them delinquents. (Labeling theory will be discussed in Chapter 3.)

In short, rather than operating together as a system, agencies of criminal justice in the United States generally operate independently of each other, each agency often causing problems for the others. Such conflicts may not be entirely undesirable, however, since they occur in a context of checks and balances by which the courts ensure that the law is enforced according to constitutional principles.

THINKING CRITICALLY

1. What do you think are some of the positive aspects of having a criminal justice “nonsystem”?
2. What do you think are some of the disadvantages of having a criminal justice “nonsystem”?

crime control model One of Packer’s two models of the criminal justice process. Politically, it reflects traditional conservative values. In this model, the control of criminal behavior is the most important function of criminal justice.

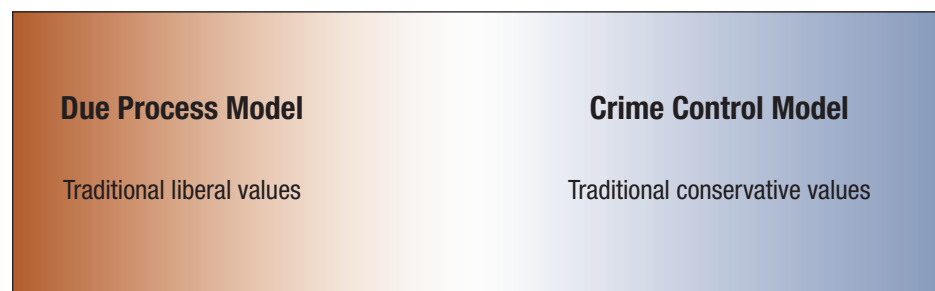
due process model One of Packer’s two models of the criminal justice process. Politically, it embodies traditional liberal values. In this model, the principal goal of criminal justice is at least as much to protect the innocent as it is to convict the guilty.

Two Models of Criminal Justice

In his influential 1968 book entitled *The Limits of the Criminal Sanction*, legal scholar Herbert Packer describes the criminal justice process in the United States as the outcome of competition between two value systems.³ Those two value systems, which represent two ends of a value continuum, are the basis for two models of the operation of criminal justice—the crime control model and the due process model. Figure 1.3 depicts this continuum. From a political standpoint, the **crime control model** reflects traditional conservative values, while the **due process model** embodies traditional liberal values.⁴ Consequently, when politically conservative values are dominant in society, as they are currently, the principles and policies of the crime control model seem to dominate the operation of criminal justice. During more politically liberal periods, such as the 1960s and 1970s, the principles and policies of the due process model seem to dominate criminal justice activity.

FIGURE 1.3

Two Models of the Criminal Justice Process



The models are ideal types, neither of which corresponds exactly to the actual day-to-day practice of criminal justice. Rather, they both provide a convenient way to understand and discuss the operation of criminal justice in the United States. In practice, the criminal justice process represents a series of conflicts and compromises between the value systems of the two models. In the following sections, we describe Packer's two models in detail.

THE CRIME CONTROL MODEL

In the crime control model, the control of criminal behavior is by far the most important function of criminal justice. Although the means by which crime is controlled are important in this view (illegal means are not advocated), they are less important than the ultimate goal of control. Consequently, the primary focus of this model is on efficiency in the operation of the criminal justice process. Advocates of the crime control model want to make the process more efficient—to move cases through the process as quickly as possible and to bring them to a close. Packer characterizes the crime control model as “assembly-line justice.” To achieve “quick closure” in the processing of cases, a premium is placed on speed and finality. Speed requires that cases be handled informally and uniformly; finality depends on minimizing occasions for challenge, that is, appeals.

To appreciate the assembly-line metaphor used by Packer and to understand how treating cases uniformly speeds up the process and makes it more efficient, consider the way that McDonald's sells billions of hamburgers. When you order a Big Mac from McDonald's, you know exactly what you are going to get. All Big Macs are the same, because they are made uniformly. Moreover, you can get a Big Mac in a matter of seconds most of the time. However, what happens when you order something different, or something not already prepared, such as a hamburger with ketchup only? Your order is taken, and you are asked to stand to the side because your special order will take a few minutes. Your special order has slowed down the assembly line and reduced efficiency. This happens in criminal justice, too! If defendants ask for something special, such as a trial, the assembly line is slowed and efficiency is reduced.

As described in Chapter 8 (“The Administration of Justice”), even when criminal justice is operating at its best, it is a slow process. The time from arrest to final case disposition can typically be measured in weeks or months. If defendants opt for a jury trial, as is their right in most felony cases, the cases are handled formally and are treated as unique; no two cases are the same in their circumstances or in the way they are handled. If defendants are not satisfied with the outcome of their trials, then they have the right to appeal. Appeals may delay by years the final resolution of cases.

To increase efficiency—meaning speed and finality—crime control advocates prefer plea bargaining. As described in Chapter 8, plea bargaining is an informal process that is used instead of trial. Plea bargains can be offered and accepted in a relatively short time. Also, cases are handled uniformly because the mechanics of a plea bargain are basically the same; only the substance of the deals differs. Additionally, with successful plea bargains, there is no opportunity for challenge; there are no appeals. Thus, plea bargaining is the perfect mechanism for achieving the primary focus of the crime control model—efficiency.

The key to the operation of the crime control model is “a presumption of guilt.” In other words, advocates of this model assume that if the police have expended the time and effort to arrest a suspect and the prosecutor has



Gary Ridgway, the so-called Green River Killer, was allowed to plead guilty to 48 counts of murder in exchange for helping authorities find some of his victims' remains. The plea bargain allowed him to escape the death penalty. He was sentenced to 48 consecutive life sentences without parole instead. *Was the plea bargain in this case justified? Why or why not?*

formally charged the suspect with a crime, then the suspect must be guilty. Why else would police arrest and prosecutors charge? Although the answers to that question are many (see the discussions in Chapters 7 and 8 of the extralegal factors that influence police and prosecutorial behavior), the fact remains that a presumption of guilt is accurate most of the time. That is, most people who are arrested and charged with a crime or crimes are, in fact, guilty. A problem—but not a significant one for crime control advocates—is that a presumption of guilt is not accurate all of the time; miscarriages of justice do occur (see the discussion in Chapter 4, “The Rule of Law”). An equally important problem is that a presumption of guilt goes against one of the oldest and most cherished principles of American criminal justice—that a person is considered innocent until proven guilty.

Reduced to its barest essentials and operating at its highest level of efficiency, the crime control model consists of an administrative fact-finding process with two possible outcomes: a suspect’s exoneration or the suspect’s guilty plea.

THE DUE PROCESS MODEL

Advocates of the due process model, by contrast, reject the informal fact-finding process as definitive of factual guilt. They insist, instead, on formal, adjudicative fact-finding processes in which cases against suspects are heard publicly by impartial trial courts. In the due

process model, moreover, the factual guilt of suspects is not determined until the suspects have had a full opportunity to discredit the charges against them. For those reasons, Packer characterizes the due process model as “obstacle-course justice.”

What motivates this careful and deliberate approach to the administration of justice is the realization that human beings sometimes make mistakes. The police sometimes arrest the wrong person, and prosecutors sometimes charge the wrong person. Thus, contrary to the crime control model, the demand for finality is low in the due process model, and the goal is at least as much to protect the innocent as it is to convict the guilty. Indeed, for due process model advocates, it is better to let a guilty person go free than it is to wrongly convict and punish an innocent person.

The due process model is based on the doctrine of legal guilt and the presumption of innocence. According to the **doctrine of legal guilt**, people are not to be held guilty of crimes merely on a showing, based on reliable evidence, that in all probability they did in fact do what they are accused of doing. In other words, it is not enough that people are factually guilty in the due process model; they must also be legally guilty. Legal guilt results only when factual guilt is determined in a procedurally regular fashion, as in a criminal trial, and when the procedural rules, or due process rights, designed to protect suspects and defendants and to safeguard the integrity of the process are employed. Many of the conditions of legal guilt—that is, procedural, or due process, rights—are described in Chapter 4. They include:

- Freedom from unreasonable searches and seizures.
- Protection against double jeopardy.

doctrine of legal guilt The principle that people are not to be held guilty of crimes merely on a showing, based on reliable evidence, that in all probability they did in fact do what they are accused of doing. Legal guilt results only when factual guilt is determined in a procedurally regular fashion, as in a criminal trial, and when the procedural rules designed to protect suspects and defendants and to safeguard the integrity of the process are employed.

- Protection against compelled self-incrimination.
- A speedy and public trial.
- An impartial jury of the state and district where the crime occurred.
- Notice of the nature and cause of the accusation.
- The right to confront opposing witnesses.
- Compulsory process for obtaining favorable witnesses.
- The right to counsel.
- The prohibition of cruel and unusual punishment.

In short, in the due process model, factual guilt is not enough. For people to be found guilty of crimes, they must be found *both* factually and legally guilty.

This obstacle-course model of justice is championed by due process advocates because they are skeptical about the ideal of equality on which American criminal justice is supposedly based. They recognize that there can be no equal justice where the kind of trial a person gets, or whether he or she gets a trial at all, depends substantially on how much money that person has. It is assumed that in an adversarial system of justice (as described in Chapter 8 and employed in the United States), an effective defense is largely a function of the resources that can be mustered on behalf of the accused. It is also assumed that there are gross inequalities in the financial means of criminal defendants. Most criminal defendants are indigent or poor, and because of their indigence, they are frequently denied an effective defense. Although procedural safeguards, or conditions of legal guilt, cannot by themselves correct the inequity in resources, they do provide indigent defendants, at least theoretically, with a better chance for justice than they would receive without them.

Fundamentally, the due process model defends the ideal of personal freedom and its protection. The model rests on the assumption that preventing tyranny by the government and its agents is the most important function of the criminal justice process.

CRIME CONTROL VERSUS DUE PROCESS

As noted earlier, which of the models dominates criminal justice policy in the United States at any particular time depends on the political climate. Currently, the United States is in the midst of a prolonged period—beginning in the mid-1970s—in which politically conservative values have dominated the practice of criminal and juvenile justice. Thus, it should come as no surprise that the crime control model of criminal justice more closely resembles the actual practice of criminal and juvenile justice in the United States today. At the time Packer wrote and published his book, however, politically liberal values and, thus, the principles and policies of the due process model, dominated the operation of criminal and juvenile justice.

In any event, neither model is likely to completely represent the practices of criminal justice. Even though the current operation of criminal and juvenile justice reflects the dominance of the crime control model, elements of the due process model remain evident. How long this trend will continue is anybody's guess. Many suspect that the American people will eventually get tired of seeing their tax dollars spent on programs and a process that is not providing them with the safety from criminal behavior that they so desperately desire. However, if Packer's model of criminal justice is correct, a shift in criminal justice practice will come only after a shift in the values held by American political leaders and, of course, American citizens.

THINKING CRITICALLY

1. What do you think are some of the fundamental problems with the crime control model? What are the benefits of this model?
2. What do you think are some of the fundamental problems with the due process model? What are the benefits of this model?

Costs of Criminal Justice

Each year in the United States, an enormous amount of money is spent on criminal justice at the federal, state, and local levels. In 2002 (the latest year for which figures are available), a total of \$180 billion was spent on civil and criminal justice. That represents approximately \$600 for every resident of the United States. Table 1.2 shows the breakdown of spending among the three main segments of the criminal justice system and among the federal, state, and local levels. The \$180 billion was an increase of about 8 percent from 2001 and 400 percent from 1982.⁵

Criminal justice is primarily a state and local function; state and local governments spent about 84 percent of the 2002 total. Note that state and local governments share the costs of criminal justice by making police protection primarily a local function and corrections primarily a state function. In 2002, local governments spent 69 percent of the total spent on police protection, while state governments spent nearly 62 percent of the total spent on corrections. The expense of judicial and legal services was more evenly divided between state and local governments; still, local governments (primarily counties) spent more than state governments on those services (42 percent versus 36 percent).

It is important to note that although the bulk of government spending on criminal justice is at the state and local levels, the federal government uses its expenditures strategically to influence criminal justice policy at the other levels of government. For example, the federal government develops and tests new approaches to criminal justice and crime control. It then encourages state and local criminal justice agencies to duplicate effective programs and practices by awarding monetary grants to interested and willing agencies. Grants are also awarded to state and local criminal justice agencies to implement programs that address the federal government's crime control priorities, such as its recent emphasis on violent and drug-related crimes. In 2002, the federal government spent 16 percent of the total expenditures on criminal and civil justice.

It is also noteworthy that despite the billions of dollars spent on criminal and civil justice at the state and local levels, as a percentage of all government expenditures, the amount spent on criminal justice represents only a tiny fraction—about 7 percent (3 percent for police protection, nearly 3 percent for corrections, and 2 percent for judicial and legal services). In other words, only about 7 cents of every state and local tax dollar is spent on criminal justice. Include federal tax dollars and only about 4 cents of every tax dollar is spent on criminal justice—an amount that has stayed about the same for about 20 years. Thus, compared with expenditures on other government services, such as social insurance, national defense, international relations, interest on debt at the federal level, public welfare, education, health and hospitals, and interest on debt at the state and local levels, spending on criminal justice remains a relatively low priority—a point apparently not missed by the American public.⁶

For almost three decades, public opinion polls have shown that more than half of all Americans believe that too little money is spent on crime control. Very few people think that too much is being spent.⁷ In a 2002 public opinion poll, for example, 56 percent of people surveyed believed that too

TABLE 1.2 Costs of Criminal Justice

In 2002, federal, state, and local governments spent \$180 billion in direct expenditures for the criminal and civil justice systems.

Police Protection	\$ Millions
69% Local	\$55,084
12% States	9,792
18% Federal	14,663
100%	79,540
Judicial/Legal Services	
42% Local	\$16,820
36% States	14,474
23% Federal	9,137
100%	40,431
Corrections	
31% Local	\$18,215
62% States	36,645
8% Federal	4,748
100%	59,609
Detail may not add to 100% because of rounding.	

Source: Steven W. Perry, "Justice Expenditure and Employment in the United States, 2002," *Bureau of Justice Statistics*, U.S. Department of Justice at www.ojp.usdoj.gov/bjs/eande.htm selected, # filename:cjee0201.csv (date of version: 6/29/2005).



The state of Florida reportedly spent \$10 million to administer justice to serial murderer Ted Bundy in 1989, and the federal government spent more than \$100 million to execute mass murderer Timothy McVeigh in 2001. *Were the executions worth the expense? Why or why not?*

little was being spent to halt the rising crime rate (down from 75 percent in 1994). What is not clear, however, because no data are available, is whether those people who believe more money should be spent to fight crime are willing to pay higher taxes to provide that money.

The data presented so far in this section provide a general overview of the aggregate costs of criminal justice in the United States. They do not, however, reveal the expenses of individual-level justice, which vary greatly. On one hand, administering justice to people who commit capital or death-eligible crimes costs, on average, between \$2.5 and \$5 million per case (the cost of the entire process); extraordinary cases can cost much more. For example, the state of Florida reportedly spent \$10 million to administer justice to serial murderer Ted Bundy in 1989, and the federal government spent more than \$100 million to execute mass murderer Timothy McVeigh in 2001.⁸

On the other hand, the routine crimes processed daily cost much less. A better idea of the costs of justice in more typical cases comes from an examination of the costs of each stage of the local criminal justice process. The results of such a study are presented below.⁹ A 39-year-old male burglar was arrested in Orange County, Florida, in 1995. The state of Florida and Orange County spent \$46,106 to administer justice to that offender, who had stolen approximately \$5,100 of merchandise and caused about \$1,000 in damages to the store. Of course, the costs of the crime include more than just the stolen merchandise and damaged property. They also include the psychological costs of victimization (for example, the loss of a sense of security, a greater fear of crime), which are difficult to place a dollar figure on. Figure 1.4 displays the total cost of the case and the costs for each of the specific criminal justice functions. As shown, corrections costs accounted for the bulk of expenditures (98 percent). Law enforcement, prosecution, and court costs were

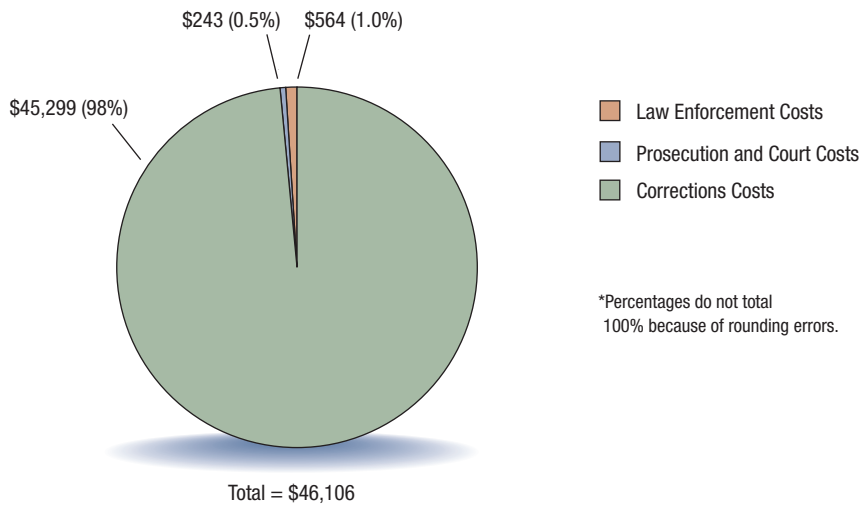
Money and Crime

Americans have definite opinions about crime and the money spent to fight it. For example, in 2003, 69 percent of Americans thought that to lower the crime rate in the United States, more money and effort should be spent attacking social and economic problems through better education and job training. Twenty-nine percent thought more money and effort should be spent on improving law enforcement with more prisons, police, and judges, and 2 percent didn't know or refused to answer.

SOURCE: Sourcebook of Criminal Justice Statistics Online, Table 2.0007, at www.albany.edu/sourcebook/pdf/t20007.pdf

FIGURE 1.4

Total Costs of the Orange County, Florida, Burglary Case by Specific Criminal Justice Functions



- Law enforcement costs include the time spent capturing and arresting the offender, writing reports, and conducting the investigation.
- Prosecution costs include the time spent reviewing the case and filing charges, negotiating a plea with the public defender, and attending the sentencing hearing and the support staff who performed various tasks such as filing and forwarding documents.
- Defense costs include the time spent reviewing the case, talking to the defendant, negotiating a plea, and attending the sentencing hearing.
- Judicial costs include time spent at the initial appearance and arraignment and completing required paperwork.
- Court support staff costs include time spent filing the charges, entering the file into the computer, assigning the case number, scheduling the arraignment, preparing subpoenas, and recording minutes of the formal proceedings.
- Corrections costs include the costs of booking the offender, detaining him in jail while awaiting adjudication of the case, and incarcerating him in prison as a result of the sentence imposed.

minimal in comparison. An interesting postscript is that in 2002, the offender was adjudicated guilty on several charges stemming from separate incidents in 1999 and 2000. The charges included battery on a law enforcement officer, resisting arrest with violence, burglary of a conveyance, possession of burglary tools, and grand theft. His combined sentence for all charges was 20 years with credit for 3 years' time served. Florida law mandates that offenders serve at least 85 percent of their initial sentence. Therefore, this offender is not scheduled for release until 2017. Given the severity of the offenses and the duration of his prison sentence, it now appears that this offender is anything but typical.

THINKING CRITICALLY

Do you think more money needs to be spent on criminal justice? Why or why not?

Myths About Crime and Criminal Justice

A major theme of this book is to expose and correct misconceptions the American public has about crime and criminal justice. Much of the public's understanding of crime and criminal justice is wrong; it is based on myths. **Myths** are "simplistic and distorted beliefs based upon emotion rather than rigorous analysis" or "at worst . . . dangerous falsifications."¹⁰ More specifically, myths are "credible, dramatic, socially constructed representation[s] of perceived realities that people accept as permanent, fixed knowledge of

myths Beliefs based on emotion rather than analysis.

reality while forgetting (if they were ever aware of it) [their] tentative, imaginative, creative, and perhaps fictional qualities.”¹¹ For example, during the Middle Ages in Europe, people commonly believed that guilt or innocence could be determined through *trial by ordeal*. The accused might be required to walk barefoot over hot coals, hold a piece of red-hot iron, or walk through fire. The absence of any injury was believed to be a sign from God that the person was innocent. Although we may now wonder how such a distorted and simplistic belief could have been taken as fact and used to determine a person’s guilt or innocence, people did not consider the belief a myth during the time that it was official practice. The lesson to be learned from this example is that a belief that is taken as fact at one time may in retrospect be viewed as a myth. In this book, we attempt to place such myths about crime and criminal justice in perspective.¹²

Throughout this text, we present generally accepted beliefs about crime or the justice system that can be considered myths because they can be contradicted with facts. In some instances it can be demonstrated that the perpetuation and acceptance of certain myths by the public, politicians, and criminal justice practitioners has contributed to the failure to significantly reduce predatory criminal behavior and to increase peace. It is also possible that acceptance of these myths as accurate representations of reality or as facts results in the waste of billions of dollars in the battle against crime.



During the Middle Ages, Holy Roman Emperor Otto III married the King of Aragon’s daughter, who fell in love with a count of the court. When the count refused her advances, the emperor’s wife accused him of making an attempt on her honor. The scene shows the count’s wife attempting to prove his innocence by trial by fire (a red-hot rod in her hand). When she was not burned, the count’s innocence was proved and the emperor’s wife was burned alive for making the false accusation. *How could people believe that guilt or innocence could be proven in this way?*

SUMMARY

1. Describe how the type of crime routinely presented by the media compares with crime routinely committed

Crime presented by the media is usually more sensational than crime routinely committed.

2. Identify institutions of social control and explain what makes criminal justice an institution of social control

Institutions of social control include the family, schools, organized religion, the media, the law, and criminal justice. Such institutions attempt to persuade people to abide by the dominant values of society. Criminal justice is restricted to persuading people to abide by a limited range of social values, the violation of which constitutes crime.

3. Summarize how the criminal justice system responds to crime

The typical criminal justice response to the commission of a crime involves the following: investigation; arrest (if the investigation is successful); booking; the formal charging of the suspect; an initial appearance; a preliminary hearing (for a felony); either indictment by a grand jury followed by arraignment, or arraignment on an information; either a plea bargain or a trial; sentencing; possible appeal; and punishment (if the defendant is found guilty).

4. Explain why criminal justice in the United States is sometimes considered a nonsystem

Criminal justice in the United States is sometimes considered a nonsystem for two major reasons. First, there is no single system, but instead a loose confederation of more than 50,000 agencies on federal, state, and local levels. Second, rather than being a smoothly operating set of arrangements and institutions, the agencies of the criminal justice system interact with one another, but generally operate independently, often causing problems for one another.

5. Point out major differences between Packer's crime control and due process models

From a political standpoint, the crime control model of criminal justice reflects traditional conservative values, while the due process model embodies traditional liberal values. In the crime control model, the control of criminal behavior is by far the most important function of criminal justice. Consequently, the primary focus of this model is on efficiency in the operation of the criminal justice process. The goal of the due process model, on the other hand, is at least as much to protect the innocent as it is to convict the guilty. Fundamentally, the due process model defends the ideal of personal freedom and its protection, and rests on the assumption that the prevention of tyranny on the part of government and its agents is the most important function of the criminal justice process.

6. Describe the costs of criminal justice in the United States and compare those costs among federal, state, and local governments

An enormous amount of money is spent each year on criminal justice in the United States. In 2002, federal, state, and local governments spent a total of \$180 billion on police protection (\$80 billion), judicial/legal services (\$40 billion), and corrections (\$60 billion). The bulk of government spending on criminal justice is at the state and local levels, but the federal government spends money strategically to influence criminal justice policy at the other levels of government.

7. Explain how myths about crime and criminal justice affect the criminal justice system

The acceptance and perpetuation of myths, or simplistic beliefs based on emotion rather than rigorous analysis, can harm the criminal justice system by contributing to the failure to reduce crime and to the waste of money in the battle against crime.

KEY TERMS

institution of social control, p. 8
jurisdiction, p. 8
arrest, p. 8
booking, p. 9
misdemeanor, p. 9
ordinance violation, p. 9
complaint, p. 9

felony, p. 9
information, p. 9
grand jury
indictment, p. 9
arrest warrant, p. 9
defendant, p. 9
initial appearance, p. 9
summary trial, p. 9

probable cause, p. 9
bail, p. 9
preliminary hearing, p. 9
grand jury, p. 12
arraignment, p. 13
plea bargaining, p. 13
bench trial, p. 13

parole, p. 14
system, p. 15
crime control model, p. 16
due process model, p. 16
doctrine of legal guilt, p. 18
myths, p. 22

REVIEW QUESTIONS

1. What is the fundamental problem with the types of crime routinely presented by the media?
2. What was the most frequent type of call for police service in Chicago during the period examined in the text (see Table 1.1)?
3. What is an *institution of social control*?
4. Why is criminal justice sometimes considered society's "last line of defense"?
5. What three agencies make up the criminal justice system?
6. What is a *jurisdiction*?
7. What is the difference between an *arrest* and a *booking*?
8. Who decides whether to charge a suspect with a crime?
9. What are three principal kinds of charging documents?
10. What is the difference between a *misdemeanor* and a *felony*?
11. What is a *defendant*, and when does a suspect become a defendant?
12. What is the difference between an *initial appearance* and a *preliminary hearing*?
13. Define *bench trial*, *summary trial*, *bail*, *grand jury*, *arraignment*, *plea bargaining*, and *parole*.
14. What is meant by *probable cause*?
15. Why are the conflicts between the different agencies of criminal justice not entirely undesirable?
16. Why does Packer use the metaphors of *assembly-line justice* and *obstacle-course justice* to characterize his crime control and due process models of criminal justice?
17. What are the bases (that is, the presumptions or doctrines) of Packer's crime control and due process models of criminal justice?
18. Which levels of government—federal, state, or local—bear most of the costs of criminal justice in the United States?
19. What is a lesson to be learned from myths about crime and criminal justice?

IN THE FIELD

1. **Crime and the Media** Watch a local television station's broadcast of the evening news for one or more days and record the crimes reported. Then obtain from your local police department a copy of the log of calls for police service for one of those days. Compare the crimes reported on the nightly news with the calls for police service. Describe similarities and differences between the two different sources of crime information. What have you learned?
2. **Costs of Crime** Follow a criminal case in your community and determine the costs of processing the



case. You will have to contact the police, the prosecutor, the defense attorney, the judge, and other relevant participants. Remember to consider both monetary and psychological costs. After you have determined the costs, decide whether you think they were justified. Defend your answer.

3. **Costs of Justice** In 2001, 7 percent of state and local spending was for criminal justice. By contrast, 30 percent of state and local spending was for education, 14 percent for public welfare, 7 percent for health and hospitals, and 4 percent for interest on debt. Divide into groups. Using the preceding data, debate within your group whether states and localities spend enough of their budgets on criminal justice. Share group results with the class.

ON THE NET

1. **Criminal Justice in Other Countries** Learn about the criminal justice systems of other countries by visiting the website of the U.S. Justice Department's *The World Factbook of Criminal Justice Systems* at www.ojp.usdoj.gov/bjs/abstract/wfcj.htm.
2. **FBI's Most Wanted** Access the FBI's "Top Ten Most Wanted Fugitives" at www.fbi.gov/mostwant.htm. Read the descriptions of the fugitives. Write a report describing the characteristics they share. Also, try to determine what unique features qualify these fugitives, and not others, for the list.

CRITICAL THINKING EXERCISES

- 1. Plea Bargaining** Shirley Smith pleaded guilty to third-degree murder after admitting she had put rat poison in drinks her husband ingested at least 12 times during the course of their 13-month marriage. Sentenced to a maximum of 20 years in prison, she would have to serve at least 10 years before she could be considered for parole. The prosecutor defended the plea bargain against much public criticism. The prosecutor claimed that the costs of a murder trial and subsequent appeals were not paramount. However, the prosecutor did acknowledge that the case could have been the most expensive in county history, exhausted his entire \$2 million budget for the fiscal year, and required a tax increase to cover the costs. As an elected official, the prosecutor attempted to seek justice while exercising a sense of fiscal responsibility.
 - a. Do you think the prosecutor made the correct decision to plea bargain? Defend your answer.
 - b. In potentially expensive cases, should the prosecutor seek a referendum on the matter (to determine whether residents are willing to pay additional taxes to try a defendant rather than accept a plea bargain)?
- 2. Prison versus Rehabilitation** The city council of a midsize East Coast city is locked in a debate concerning how to address the rising incidence of violent crime. John Fogarty, one of the most influential people in the city, is pushing for more police and stiffer penalties as the solution. He is the leader of a group that is proposing the construction of a new prison. Another group thinks putting more people in prison is not the answer. They believe that early intervention, education, and prevention programs will be most effective. There is not enough money to fund both sides' proposals.
 - a. Which side would you support? Why?
 - b. What do you think is the number one crime problem in your community? List ways of dealing with that problem. What would be the most cost-effective way to lower the rate of that crime?

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