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Correct answers located at the end of the chapter.

MULTIPLE CHOICE - Choose the one alternative that best completes the statement or answers the question.

1) For a behavior to be considered a crime, it must be
   A) defined by society as such.
   B) abnormal according to the law.
   C) committed by an individual in public.
   D) witnessed by at least one person.

2) A(n)_____ is a rule that gives clarity on the behavior or action that is appropriate and expected in a given situation.
   A) advocate
   B) correction
   C) norm
   D) sanction

3) Behaviors that are considered deviant
   A) are consistent in terms of time and locations.
   B) are consistent across locations but change over time.
   C) differ across locations but are consistent over time.
   D) change over time and across locations.

4) Which of the following statements is true of social norms?
   A) An individual's deviance from a social norm is called a legal norm.
   B) In the criminal justice system, lawmakers are forbidden from changing any informal social norm to a legal social norm.
   C) They are the unwritten, informal rules that are followed by individuals.
   D) They are also called legal rules.

5) Kim is a criminology student. During a classroom lecture, Kim's phone starts ringing out loud. When she answers the call instead of disconnecting it, the professor stops the lecture and glares at her till she hangs up. Kim gets embarrassed and sinks into her seat. Kim's behavior is a violation of a_____.
   A) social norm
   B) crime
   C) legal norm
   D) public rule

6) Wearing your pajamas to work would be a violation of a(n)
   A) written law.
   B) formal social norm.
   C) informal social norm.
   D) ethical rule.

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7) The criminal justice system is set into motion when_____ is violated.
   A) a specific behavior
   B) a legal norm
   C) a community standard
   D) any social norm

8) An intoxicated person breaks into a house that they think is their own and fall asleep on the couch. When the residents of the house find the person, they call the police. The person is arrested for breaking and entering. The presiding judge sentences the person to commit themselves to an in-house treatment center for 30 days. The person's behavior is an example of a violation of a
   A) common law.
   B) formal norm.
   C) due process clause.
   D) social norm.

9) The violation of a norm is called_____.
   A) a correction
   B) a sanction
   C) deviance
   D) due process

10) *Mala*
in
*se*crimes are
   A) behaviors that are morally wrong.
   B) victimless.
   C) wrong because the law says they are wrong.
   D) not universally accepted as being wrong.

11) In 2004, Scott Peterson went on trial as a suspect in the murder of his wife and unborn child. The media extensively covered the trial starting from the time the victim, Laci Peterson, was reported missing. After a long trial, Scott was found guilty of a capital crime and was sentenced to death in 2005. The Petersons' neighbors would categorize Scott's behavior as_____.
   A) an inchoate crime
   B) a status offense
   C) *mala*
in
se
   D) a violation of informal social norms

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12) *Mala prohibita*crimes are also known as _____.
A) *decree nisi*crimes
B) *mala in se*crimes
C) statutory crimes
D) morally wrong crimes

13) An example of a *mala prohibita* crime that is not also necessarily a *mala in se* crime is
A) rape.
B) murder.
C) assisted suicide.
D) robbery.

14) Which perspective argues that laws are made to serve and represent the interest of the public majority?
A) the hierarchical perspective
B) the importation perspective
C) the conflict perspective
D) the consensus perspective

15) Which perspective argues that laws are influenced and created by those who control the political and economic power within the society?
A) the conflict perspective
B) the passive perspective
C) the social agreement perspective
D) the consensus perspective

16) The vast majority of people living in our society want to be protected from violence and theft. Because of this desire to be safe, our society has laws to prohibit members of our society from harming others and from taking possessions that belong to others. The laws described in the scenario above indicate evidence of a society that is heavily based on the_____.
A) due process perspective
B) radical perspective
C) consensus perspective
D) importation perspective

17) Conflict and competition among groups vying for power are the results of
A) generation of man-made resources that can be recycled.
B) the crime model that focuses on punishing every offender in a fair manner.
C) the general belief that there is less crime than there actually is.
D) unequal distribution of resources in society.

18) According to a 2021 Gallup poll, what percentage of Americans supported the legalization of marijuana?
A) 92 percent
B) 23 percent
C) 68 percent
D) 66 percent

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19) Which of the following is true of criminals and their victims?
A) Criminals and victims are of the same age range.
B) Criminals and their victims are of different races.
C) Criminals occupy a different social space compared to the victims.
D) Criminals and their victims are of the same sex in sexual assaults.

20) An intoxicated man breaks into a house he thinks is his own and falls asleep on the couch. When the residents of the home find him, they call the police. The man is arrested for breaking and entering. The judge sentences the man to an in-house treatment center for 30 days. The man received a(n)
A) informal sanction.
B) social sanction.
C) light sanction.
D) formal sanction.

21) Rewards for good behavior and punishments for bad behavior are_____.
A) laws
B) abuse of authority
C) behavioral adjustments
D) sanctions

22) In the contemporary view, the main parts of the criminal justice system are
A) law enforcement, judiciary, corrections, and courts.
B) law enforcement, jails, prisons, and courts.
C) law enforcement, the judiciary, corrections, and victim services.
D) probation, law enforcement, corrections, and victim services.

23) Which of the following statements is true about the criminal justice system?
A) A prosecutor decides whether a case should go to trial.
B) Few state courts have trial and appellate courts.
C) State courts consist of the U.S. Supreme Court and the district courts.
D) Law enforcement officers are entrusted to use force only when necessary.

24) Which criminal justice actor has the responsibility of instructing the jury for rendering the verdict about a case?
A) a probation officer
B) a court mediator
C) a judge
D) a prosecutor

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25) The two courts of the United States dual court system are
A) state and government courts.
B) state and federal courts.
C) international and local courts.
D) county and state courts.

26) The U.S. Supreme Court is classified under the_____ system.
A) federal court
B) world court
C) state court
D) local court

27) Circuit courts are also known as_____.
A) district courts
B) federal courts
C) appellate courts
D) state courts

28) In the United States, federal courts consist of
A) only circuit courts.
B) only the Supreme Court.
C) district courts, appellate courts, and the U.S. Supreme Court.
D) circuit courts and trial courts.

29) The systematic, organized effort by society to punish offenders, protect the public, and change an offender's behavior is referred to as_____.
A) informal social norms
B) deviations
C) formal social norms
D) corrections

30) A(n)_____ is a sentence that is served by an offender in a treatment facility or in community service.
A) jail sentence
B) FIR sentence
C) house arrest sentence
D) alternative sentence

31) Individuals may receive an early release from prison based on their compliance with certain standards while they are free. These individuals are under_____.
A) civil commitment
B) community watch
C) parole
D) probation

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32) While intoxicated, a man breaks into a home he thinks is his own and falls asleep on the couch. When the residents of the home find him, they call the police. The man is arrested for breaking and entering. The presiding judge sentences the man to commit to an in-house treatment center for 30 days. What type of sentence did the man receive?
   A) a mandatory sentence
   B) an alternative sentence
   C) a consecutive sentence
   D) a deferred sentence

33) A group of young men gets caught breaking into a convenience store at night to steal packs of cigarettes. Because it is their first offense, the judge sentences them to remain in the community under court supervision without any time incarcerated. What type of sanction did they receive?
   A) probation
   B) community service
   C) parole
   D) a punitive sanction

34) In 2019, approximately how many people were incarcerated in the United States (including those held in state and federal prisons and local jails)?
   A) 20 million
   B) 250,000
   C) 2.1 million
   D) 1 million

35) The descriptions written by victims to describe how their victimization affected them are called_____.
   A) victim impact statements
   B) victim forms
   C) feeling statements
   D) victimology forms

36) While walking down the street, John witnesses a friend being robbed and beaten. The police rely heavily on what John saw to find the perpetrator and ask him to testify in court against the assailant. John is traumatized by his friend's suffering and his own involvement in the trial. In this scenario, John is a_____.
   A) victim witness
   B) secondary victim
   C) crime victim
   D) perpetrator witness

37) While walking down the street, John is robbed and beaten. He is traumatized by the incident and with the court proceedings that follow. Whom would you recommend as the best and most qualified person for John to speak with about his trauma?
   A) a judge
   B) a prosecutor
   C) a victim advocate
   D) a witness counselor

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38) The person who is appointed to assist victims with every aspect of the post victimization period is called a_____.
A) victim counselor
B) victim advocate
C) public counselor
D) trauma advocate

39) A first-time offender is charged with misdemeanor for marijuana possession. According to the wedding cake model, this offense can best be classified under
A) layer 1.
B) layer 3.
C) layer 4.
D) layer 2.

40) An individual was issued a speeding ticket by a traffic cop. According to the wedding cake model, this offense can best be classified under
A) layer 2.
B) layer 3.
C) layer 1.
D) layer 4.

41) A first-time offender steals a car. According to the wedding cake model, this offense can best be classified under
A) layer 4.
B) layer 3.
C) layer 1.
D) layer 2.

42) The police catch and put Tom in jail under suspicion after he robs a house. When taken to the court for arraignment the next day, they brief Tom about the charges filed against him. After this, Tom's attorney asks the court for bail. Because Tom has a prior criminal record, no job, and no family living in the area, the judge denies bail and rules that Tom must be in jail until sentencing. Before the case goes to trial, Tom is offered a plea bargain by the district attorney assigned to the case. Complying with the terms of the plea bargain, Tom pleads guilty and is sentenced to nine months in jail followed by a twelve-month probation period. According to the wedding cake model, Tom's crime can best be classified under
A) layer 2.
B) layer 1.
C) layer 4.
D) layer 3.

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43) In 2004, Scott Peterson went on trial as a suspect in the murder of his wife and unborn child. The media extensively covered the trial starting from the time the victim, Lindsay Peterson, was reported missing. After a long trial, Scott was found guilty of a capital crime and was sentenced to death in 2005. According to the wedding cake model, Scott Peterson's case can best be classified under
    A) layer 1.
    B) layer 2.
    C) layer 4.
    D) layer 3.

44) Which of the following models advocates assembly-line justice?
    A) the crime control model
    B) the due process model
    C) the deprivation model
    D) the importation model

45) Which of the following is *not* a characteristic of the crime control model?
    A) It advocates strong procedural protections that would support human rights.
    B) It focuses on increasing the efficiency of the arrest and processing of alleged criminal offenders.
    C) It focuses on responding quickly to and punishing criminal behavior.
    D) It considers the repression of criminal conduct as the most important function of criminal justice.

46) The crime control model is mainly focused on
    A) creating effective policies that focus on the human rights of criminal offenders.
    B) the efficient arrest and processing of alleged criminal offenders.
    C) the policies that deal with the rehabilitation of the arrested criminal offenders.
    D) creating constitutional protection policies for criminal offenders.

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47) Certain offenders in prison have been convicted of crimes without DNA testing. Several of these offenders request to get the test done to prove their innocence. However, several district attorneys contest these requests and argue that the tests are unnecessary as the offenders have already been proven to be guilty beyond a reasonable doubt. The failure of states to accommodate DNA requests is reflective of the_____.

A) evidence procedural model
B) due process model
C) crime control model
D) processing model

48) The due process model is mainly focused on the

A) processes that focus on quick conviction and sentencing.
B) general public's right to be free of crime.
C) threat to the procedural rights of offenders.
D) efficient arrest and processing of alleged criminal offenders.

49) Which of the following is *not* a characteristic of due process?

A) It processes offenders through the system as quickly as possible.
B) It notifies individuals of their rights.
C) It ensures that offenders are guilty beyond a reasonable doubt.
D) It emphasizes people's constitutional rights.

50) The police must obtain a search warrant before searching a suspect's house. This statement is supportive of the_____.

A) due process model
B) presumptive sentencing model
C) punishment model
D) crime control model

51) Which famous case, introduced in 1966, made it a requirement for the police to notify suspects of their rights?

A) *Miranda v. Unites States*
B) *Miranda v. Arizona*
C) *Thomas v. Arizona*
D) *Plessy v. Ferguson*

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52) When was the due process model at its peak?
A) 1950s
B) 1970s
C) 1960s
D) 1980s

53) Identify a true statement about the factors that influence criminal justice.
A) Media houses are prohibited from broadcasting shows that cause moral panic in people.
B) In general, U.S. residents believe there is much more crime than there actually is.
C) Individuals are less likely to be victimized by someone they know.
D) Most criminal behaviors are crimes against persons and are confrontational.

54) The individuals most likely to be victims of crimes are
A) young females.
B) elderly males.
C) young males.
D) elderly females.

55) Which of the following groups is the most fearful of crime?
A) children in rural communities
B) elderly women
C) middle-aged men
D) young men

56) Individuals who are most fearful of crime typically get their news from
A) local television news.
B) radio news.
C) the Internet.
D) national television news.

57) Media reports on violent crimes, such as murders, give viewers the impression that
A) these crimes are more common than they actually are.
B) these crimes never occur.
C) these crimes are less common than they actually are.
D) media coverage is accurate regarding the frequency of these crimes.

58) A local news station reports a burglary that occurred in a small town. The house was broken into, and only small items were taken. After watching the news, some neighbors on the other side of the town decide to get together and set up a vigilante group to police their streets. They also decide that it is necessary to arm themselves with firearms while they roam their neighborhood. This reaction is an example of_____.
A) the due process model
B) moral panic
C) ethnocentrism
D) paroling

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59) In the context of the race of the victim and the offender, most crimes are
A) racially motivated.
B) intraracial.
C) interracial.
D) perpetrated by a Black offender on a white victim.

60) Which of the following statements is true about the influences on criminal justice?
A) In general, American residents believe there is less crime than there actually is.
B) In the United States, legislators can decide how much money the country will spend on prisons, policing, the court system, and victim services.
C) Moral panic in the United States is an objective, rational reaction exhibited by individuals when they are subjected to the due process model of crime prevention.
D) Lawmakers in the United States are prohibited from giving states access to federal funds.

61) In the 1980s, politicians pushed for the criminal justice system to become more focused on
A) therapy.
B) punitive punishment.
C) drug treatment.
D) rehabilitation.

62) Recently, there has been an increase in vandalism and thefts in a neighborhood. Most of the people are concerned that a number of unsupervised young males who live in the area might be the perpetrators. To deal with the issue, they want increased police presence in the area and the city to implement a curfew. The people in the locality form a group and start calling and sending letters to the mayor's office, threatening to not vote for him in the next election if he does not meet their demands. The group created is an example of a(n)
A) hierarchical group.
B) concessions group.
C) interest group.
D) political group.

63) Which group has the second highest incarceration rate?
A) Latinos
B) Native Americans
C) Asians
D) whites

64) What percentage of African American males aged 20-29 are under the supervision of the criminal justice system on any given day?
A) one-half
B) three-fourths
C) one-tenth
D) one-third

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65) Which state does *not* have a DNA testing law?
A) Texas
B) Alaska
C) Wisconsin
D) New York

66) Which of the following statements is true about youth and drug use?
A) Black and white youth use drugs at the same rate.
B) Black youth use more drugs than white youth.
C) Black and White youth are equally represented in the criminal justice system for drug use.
D) Young Blacks report less alcohol and drug use than white youth.

67) Identify the impact of the COVID-19 pandemic on the criminal justice system.
A) The criminal justice system was incapable in adapting to the effects of the pandemic.
B) Courts were forced to remove delinquents and undertrials from diversion programs.
C) It forced the criminal justice system to innovate.
D) Police agencies had to scale up detentions.

68) Identify the roles that police responsibilities have evolved to encompass on the frontlines of responding to the opioid crisis.
A) recidivism
B) public safety
C) desistance
D) faster processing

69) Which of the following pillars is associated with the National Strategy for Countering Domestic Terrorism, which was promulgated by the federal government in 2021 for the first time?
A) Limit the rate of information exchange between intelligence agencies.
B) Confront long-term contributors to domestic terrorism.
C) Take a "reimagining policing pledge" to amplify calls for policing terrorism.
D) Discourage scientific collaborations with other countries.

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70) As a nation, the United States has

A) a legal system that prohibits the U.S. Congress from passing any new laws.
B) evolved from a country that has a dual court system to one that has a single court system
C) become highly digitally dependent.
D) a network that contains federal policies that are completely independent of the policies established by the local justice agencies.

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Answer Key

Test name: Chapter 01

1) A
2) C
3) D
4) C
5) A
6) C
7) B
8) B
9) C
10) A
11) C
12) C
13) C
14) D
15) A
16) C
17) D
18) C
19) A
20) D
21) D
22) C
23) D
24) C
25) B
26) A
27) C
28) C
29) D
30) D
31) C
32) B
33) A
34) C
35) A
36) B
37) C
38) B
39) C
40) D
41) B
42) A
43) A
44) A
45) A
46) B
47) C
48) C
49) A
50) A
51) B
52) C
53) B
54) C
55) B
56) A
57) A
58) B
59) B
60) B
61) B
62) C
63) A
64) D
65) B
66) D
67) C
68) B
69) B
70) C

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Chapter 1
What Is the Criminal Justice System?

Learning Objectives

At the end of this chapter, students should be able to do the following:

1. Illustrate how social norms help us define crime.
2. Define crime and explain how it is classified.
3. Describe the consequences of crime for the offender and the victim.
4. Outline the basic structure of the criminal justice system.
5. Describe key models of the workings of the criminal justice system.
6. Describe how criminal justice is influenced by public opinion, the media, politics, and policy.
7. Review the challenges to the criminal justice system today.

Preview

The Rules that Bind: Norms and Laws
What Is Crime?
The Consequences of Crime
The Structure of the Criminal Justice System
How Criminal Justice Works: The Realities
Influences on Criminal Justice
Challenges to Criminal Justice Today

Review

Illustrate how social norms help us define crime.

- A norm is a rule that makes clear what behavior is appropriate and expected in a particular situation. The term *abnormal* connotes deviance, the violation of a norm.
- Whether we consider a behavior deviant always depends on the context in which it occurs.
- Formal social norms, also called legal norms, are formally written, such as laws that result from a legislative process.
- Violation of formal norms, or laws, sets the criminal justice system in motion.

Define crime and explain how it is classified.

- Society defines crime in the same way it defines deviance—by labeling specific behaviors as such. Thus, behaviors considered criminal in one country (or place or time) may not only be legal in another country (or place or time) but the norm.

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- One way of classifying crimes is as *mala in se* (an "evil unto itself," a behavior that is considered morally wrong). But no act or behavior is an inherently criminal act; society only labels it as criminal.
- Crimes can also be classified as *mala prohibita* (acts that are criminal because they are prohibited by law). *Mala prohibita* crimes reflect public opinion at a point in time.
- The consensus perspective of crime views laws defining crime as the product of social agreement or consensus about what criminal behavior is. The conflict perspective of crime views the definition of crime as one outcome of a struggle among different groups competing for resources in their society.

Describe the consequences of crime for the offender and the victim.

- Those who break the law must face sanctions, which are used to reinforce people's conformity to norms. Sanctions can be positive or negative, and they can be formal or informal.
- Victims generally suffer some sort of loss or injury or even death. When victims are neglected or abused by the criminal justice system, their suffering worsens.

Outline the basic structure of the criminal justice system.

- The three major institutions of the criminal justice system are law enforcement, the courts, and corrections, with victim services additionally involved in these major components.
- The police are called upon to do far more than protect and arrest. Law enforcement officers are expected to correct many of society's problems and are entrusted to use force when necessary.
- The U.S. judiciary consists of a dual court system made up of state courts (trial and appellate courts) and federal courts (district courts, appellate courts or circuit courts where appeals are heard, and the U.S. Supreme Court).
- Corrections is the systematic, organized effort by society to punish offenders, protect the public, and change an offender's behavior. Correctional efforts include incarceration, probation, parole, treatment, and community service.
- Victim services offer a broad array of services within and outside government agencies to help the victim, including shelters and transitional housing programs, counseling services, 24-hour hotlines, and the appointment of a victim advocate to assist with legal needs.

Describe key models of the workings of the criminal justice system.

- Criminal justice professionals have discretion, which results in a filtering of cases so that not all of them end up in court.
- The wedding cake model helps explain what cases make it through the criminal justice funnel. The bottom layer (4) represents the vast majority of cases (largely misdemeanor and infraction cases), which are dispatched rather quickly. Each of the three layers on top represent more and more serious cases, with the most celebrated cases in the top layer (1) getting the most attention and resources.

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- The crime control model emphasizes the efficient arrest and processing of alleged criminal offenders.
- The due process model values individual rights and procedural protections for the accused at all stages of the justice process.

Describe how criminal justice is influenced by public opinion, the media, politics, and policy.

- Public fears of crime are often inflated and misplaced. The level of fear we experience can be affected by factors such as gender, age, past experiences with crime, ethnicity, income, educational attainment, and the area in which we live.
- Media coverage of crime inflates levels of fear by presenting exaggerated or false perceptions about crime and criminal behavior. Media reports disproportionately focus on violent and sensational crime.
- Politics influences the administration of justice in many ways. Legislators define crimes, determine what actions are legitimate for agents of criminal justice, and decide how much money to allocate to the criminal justice system. Some individuals who seek to influence the administration of justice band together in interest groups.

Review the challenges to the criminal justice system today.

- A national protest movement, triggered by the police killing of George Floyd, sharpened the focus on the equity and fairness of the justice system, especially the police component.
- The Department of Homeland Security has accorded combatting domestic violent extremist threats a priority within its grant program.
- Malicious actors continue to adjust and evolve their ransomware tactics.
- Mentally ill and homeless offenders pose complex challenges to the criminal justice system.

Lecture Outline

Chapter 1 sets the foundation for the rest of the book by defining laws, crime, and sanctions; providing different views of crime; describing the structure and realities of the broader criminal justice system; discussing how the fear of crime, media coverage, and politics shape our ideas about crime; and introducing the major challenges to the criminal justice system in the twenty-first century. The chapter intends to dispel a few of the myths related to criminal justice and make readers understand the precise ways in which the criminal justice system works.

I. The Rules That Bind: Norms and Laws

- A **norm** is a rule that makes clear what behavior is appropriate and expected in a particular situation.
- The term *abnormal* connotes **deviance,** the violation of a norm.
- No behavior is inherently deviant—that is, deviant solely by virtue of its nature.
    - Rather, whether a particular act is considered deviant depends on many factors,

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including context, place, time, and the individual(s) judging it.
    - People's ideas of deviance also change over time.
- A **social norm** specifies how people are expected to behave.
    - Social norms are informal rules that are not written but that individuals nonetheless know and follow.
    - Formal social norms, also called *legal norms*, are formally written.

II. What Is Crime?

- Certainly, a crime is an act that breaks a law.
    - But this description, though concise, does not help us understand the complexity of classifying criminal behavior.
- It is common to distinguish between two broad categories of crime: *mala in se* and *mala prohibita* crimes.

A. Can Crimes Be Inherently Wrong?

- A crime is referred to as ***mala in se*** if it is categorized, as its Latin name suggests, as an "evil unto itself," a behavior that is morally wrong.
- Because no behavior is criminal until society makes it so, distinguishing a category of crime as *mala in se* can be confusing.

B. Crimes Prohibited by Law

- ***Mala prohibita*** crimes, also known as statutory crimes are acts that are criminal because they are prohibited by law.
- *Mala prohibita* crimes reflect public opinion at a particular moment in time.
    - As standards of social tolerance change, so do the behaviors included in this category.

C. Consensus and Conflict Perspectives

- The **consensus perspective** of crime views laws as the product of social agreement or consensus about what criminal behavior is.
- According to this view, criminals are individuals whose behavior expresses values and beliefs at odds with those of mainstream society.
- The **conflict perspective**, on the other hand, views the definition of crime as one outcome of a struggle among different groups competing for resources in society.
- The conflict perspective holds that laws are influenced and created by those who control the political and economic power within the society.

III. The Consequences of Crime

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- The consequences of crime—for victims and perpetrators alike—are numerous and varied.
- Some are obvious and can be readily measured.
    - Other consequences are indirect and more difficult to assess.

A. Sanctions

- **Sanctions** are prescribed consequences intended to reinforce people's conformity to norms; they can be positive (rewarding) or negative (punishing).
- Even though informal sanctions generally do not carry the weight of their formal counterparts, they can have a major impact on behavior.
- The U.S. criminal justice system delivers a range of formal negative sanctions in response to criminal behavior.

B. Impact of Crime on Victims

- Victims are the targets of illegal actions by others.
    - As a result, victims suffer physical, sexual, or emotional harm, death, or a combination of these injuries.
- Within the criminal justice system, victims are often neglected and even abused, and this reality makes their suffering significantly worse.
    - That is why many victims choose not to report their crime, not to cooperate with criminal justice officials, and not to serve as key witnesses.

IV. The Structure of the Criminal Justice System

- The **criminal justice system** comprises the wide array of actors and agencies at the local, state, and federal levels of government that deal with the problem of crime.
- The term *criminal justice system* denotes the process by which adult offenders are handled, while *juvenile justice system* refers to the process for those under 18.
- The major institutional components of the traditional criminal justice system include law enforcement, the judiciary, and corrections.

A. Law Enforcement

- The part of the criminal justice system familiar to most U.S. citizens is law enforcement.
- From childhood, one can identify a police officer and an officer's car and understand the basic functions of the police—to protect the community and arrest criminals.
- In recent years, police responsibilities have moved into the educational setting as school resource officers and educators raise awareness about crime, drugs, and prevention.

B. The Courts

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- The United States has a dual court system made up of **state courts** and **federal courts**.
- State courts differ from state to state, but all have trial courts and **appellate courts,** where cases can be appealed.
    - The federal system consists of district courts (comparable to the state trial courts), appellate courts or circuit courts where appeals are heard, and the U.S. Supreme Court.
- Within each of these settings, a prosecutor first decides whether to prosecute a case.
- If the prosecutor chooses to move forward, he or she presents the case against the defendant on behalf of the state or federal government.
- A grand jury decides whether a case should go to trial.
    - The prosecutor is then responsible for arguing that case at trial.
- Defense attorneys, hired by a client or assigned by the court, protect the legal rights of the defendant.
- Finally, judges are the arbiters in the courtroom and are responsible for ensuring that the rules of evidence and law are not violated.

C. Corrections

- **Corrections** is the systematic, organized effort by society to punish offenders, protect the public, and change an offender's behavior.
- The purpose of corrections is to achieve the goals of sentencing, which include retribution, deterrence, incapacitation, rehabilitation, (re)integration, and restitution.
- An offender also may be given an **alternative sentence** that can be served in a treatment facility or carried out in the form of community service.
- **Probation** is an alternative to jail or prison in which the offender remains in the community under court supervision, usually within the caseload of a probation officer.
- Offenders who have been sent to prison can be freed on **parole**, an early release based on their compliance with certain standards while free.
- A parole officer supervises the offender, who can be sent back to prison if he or she violates the terms or conditions of the parole.

D. Victim Services

- Until the late twentieth century, the U.S. criminal justice system focused mostly on the criminal rather than the victim.
- The promotion of victims' rights to take part in criminal proceedings with enhanced personal safety contributed to the formation of an array of movement.
- Other services focus on the victim's legal needs, including the creation of the **victim advocate** concept, a position dedicated to assist the victim with every aspect of the post-victimization period, from the initial crisis and investigation through case adjudication, sentence and ultimately to the offender's release back into the community.

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- Victim services may also include helping victims apply for victim compensation and write **victim impact statements** about how their victimization affected them.
- In other cases, victim advocates work with **secondary victims** and/or witnesses to help them cope with their trauma associated with the victimization of a loved one or an acquaintance.

V. How Criminal Justice Works: The Realities

- There are various explanations for—and debates about—how the criminal justice system works in reality.
    - These explanations complement debates about how it *should work*—that is, the theoretical ideal.

A. The Criminal Justice Funnel and the Wedding Cake Model

- The result of decisions by criminal justice professionals, suspects, and others creates what is often referred to as the *criminal justice funnel*.
- Some scholars and practitioners use the **wedding cake model** to help explain why some cases make it through the funnel and some do not.
- The vast majority of cases, about 90 percent, are contained within the base of the cake, Layer 4.
    - These offenses are largely misdemeanor and infraction cases.
        - *Misdemeanor cases* are those that can result in a sentence of one year of incarceration or less, probation, or other alternative sentences.
        - *Infractions* are even more minor offenses such as traffic violations.
    - The focus in this layer is to minimize the amount of resources expended on these cases.
        - To that end, there is a very high level of guilty pleas in exchange for lenient treatment.
    - The next three layers account for the other 10 percent of cases.
        - Layer 3 includes *felony* cases of a less serious nature (such as car theft) or ones in which the defendant has not previously had trouble with the law.
        - Layer 2 includes serious felonies. Here one would find murder cases, defendants with many prior offenses, and cases that include victims who were strangers to their perpetrators.
        - The top of the cake, Layer 1, includes the very few cases that are considered celebrated cases such as serial killings.

B. Crime Prevention

- **Crime prevention** rests on the notion that it is better to take measures to prevent crime than to respond to crime after its occurrence.

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- Crime prevention also has significant applications to victimization.

C. The Crime Control Model

- The **crime control model** emphasizes the efficient arrest and processing of alleged criminal offenders.
    - According to this model, the failure to bring criminal conduct under control leads to the breakdown of public order, a vital condition of human freedom.
- Because the crime control model emphasizes quick conviction and sentencing, advocates resist strong procedural protections that others would say help society ensure that only the guilty are punished.
- Proponents of the crime control model are satisfied with assembly-line justice because it speeds up the justice system and treats similar offenses and offenders in a consistent way.
    - They worry more about criminal threats to people's safety than about the constitutional protections of suspects.

D. The Due Process Model

- The **due process model** emphasizes individual rights at all stages of the justice process.
- This model is more concerned with the threat to procedural rights of the offenders than with the general public's right to be free of crime.
- *Due process* is the term used in the Constitution to describe procedural protections for the accused.

VI. Influences on Criminal Justice

- In an ideal society, the criminal justice system protects, defends, and upholds laws in an equitable way for all citizens.
- In the real world, however, people bring genuine fears and prejudices to the courtroom, the media can stoke those fears and prejudices, and lawmakers hold the purse strings to criminal justice initiatives.
    - Thus, the criminal justice system does not operate in isolation; it is subject to many outside influences that can change the course of justice, either intentionally or unintentionally.

A. Fear of Crime

- In general, U.S. residents believe there is much more crime than there actually is, and their fears are often misplaced.
- Fear of crime surged during the COVID-19 pandemic.
- Various factors can affect the level of fear one experiences about crime generally,

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including one's gender, age, past experiences with crime, ethnicity, income, educational attainment, and the area in which one lives.

- Criminologists point out that some of the most fearful groups are those less likely to be victimized.

B. Media Coverage

- Media coverage of crime inflates individuals' levels of fear.
  - It produces a **moral panic**, a group reaction based on exaggerated or false perceptions about crime and criminal behavior.
- Sensational media reports fuel fear of crime and result in support for the death penalty and handgun ownership, indicating that media coverage of crime can affect people's policy positions.

C. Politics

- The criminal justice system works within the larger U.S. political system, and politics influences the administration of justice in many ways.
- The legal system controls what actions are legitimate for criminal justice professionals.
- Federal policies influence the priorities established by local justice agencies.
- Some individuals who seek to influence the administration of justice band together in *interest groups* composed of people who have common social or political goals that they try to achieve by influencing government decision-making.
  - These individuals focus either on the overall administration of justice or on one particular aspect of the system or law to forward their interests.
  - A particularly effective victim interest group is Mothers against Drunk Driving (MADD), which was instrumental in passing the National Minimum Drinking Age Act.
  - The Sentencing Project, Families against Mandatory Minimums, and the Drug Policy Alliance argue that the tough-on-crime approach is not effective in reducing criminal behavior but does increase racial disparity.

D. Discrimination

- Individuals in jail or prison or on probation are disproportionately people of color.
- The conflict perspective would explain racial disparities in the criminal justice system as an extension of social divisions in U.S. society.
- Historically, some definitions of what is criminal were clearly discriminatory.
  - For example, in early America when slavery was legal, it was a crime for antislavery activists to harbor African Americans seeking freedom.
  - A patchwork of discriminatory laws against African Americans—generally called

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Jim Crow laws—was enforced from the years following the Civil War until the late 1960s.

VII. Challenges to Criminal Justice Today

- Challenges confronting criminal justice today and into the future place significant strains on its resources.
- Adaptability on the part of the system and its practitioners is more crucial than ever before.
- Since this textbook was last published, the landscape has been significantly altered by two major events: the novel coronavirus COVID-19 pandemic and the murder of George Floyd at the hands of the police.
- The pandemic represented a massive impetus to decarcerate, giving the United States the opportunity to consider how a justice system relying on less incarceration might look and how public safety might be impacted.
- During the COVID-19 pandemic, a national protest movement, triggered by the police killing of George Floyd in Minneapolis on May 25, 2020, sharpened the focus on the equity and fairness of the justice system, particularly the policing component.
    - The George Floyd Justice in Policing Act, passed by the U.S. House of Representatives in March 2021, proposed numerous mechanisms reflective of prevailing sentiment to improve policing practices.
- While possibly less overtly illuminated, but nonetheless an insidious public safety challenge, the opioid crisis is the most persistent, long-term public health emergency facing the United States.
- "Recidivism" is a term that is dominant in the criminal justice literature, among practitioners, and even in the mainstream media—and continues to constitute a significant challenge.
    - It implies commission of criminal acts that result in rearrest, reconviction, or return to prison.
- In 2021, the first-ever National Strategy for Countering Domestic Terrorism was promulgated by the federal government.
    - It is organized around four pillars: (1) Understand and share domestic terrorism-related information; (2) Prevent domestic terrorism recruitment and mobilization to violence; (3) Disrupt and deter domestic terrorism activity; and (4) Confront long-term contributors to domestic terrorism.
- Malicious actors continue to adjust and evolve their ransomware tactics.
    - The National Cyber Investigative Joint Task Force has convened 15 different governmental agencies to specifically focus on preventing and responding to ransomware attacks.
- Methods for diverting mentally ill people from the criminal justice system are evolving.
    - These include law enforcement–mental health liaison programs, increased crisis

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intervention training of law enforcement personnel, and mental health courts.

Lecture Summary

The criminal justice system is based in law. However, laws only reflect what societies agree should be the norm for behavior. What works or is acceptable or is normal in one society, in one place, or in one time period may be considered deviant in another society, place, or period of time. When a law or formal norm is broken, the criminal justice system is set in motion.

The main parts of the criminal justice system are law enforcement, the courts, corrections, and victim services. The actors in these different sectors interact in various ways with the offender and the victim in the process of protecting society, providing a fair trial, and carrying out punishment and rehabilitation.

The challenge is to administer justice consistently, to balance efficiency with fairness, to keep the system up to date, and to avoid undue influence from outside sources such as the media and interest groups.

Additional Lecture Ideas

1. Utilize the film *Criminal Justice*, starring Forest Whitaker. The film is about a character named Denise Moore who is robbed and has her face slashed after leaving a crack house. At the police station, she picks Jessie Williams (Whitaker) from a mug shot and identifies him in a lineup. Jessie Williams says he didn't do it. From that point on, everyone starts pushing him to make a deal and plead to a lesser crime to avoid a possible long-term sentence. This film is an excellent illustration of the criminal justice system and victim impact.

2. Invite a law enforcement officer as a guest speaker to the discuss various crime control strategies in their agency. Ask the speaker to specifically explore the various enforcement strategies used by their department and their effectiveness in reducing crime. Some of these strategies can include CompStat (computer statistics), drug education in schools, or community policing.

3. Have students participate in the "Crossing the Line" exercise to illustrate social norms and deviance. Students begin by standing on one side of the classroom. Then, they are asked each time to cross an imaginary line based on whether a particular statement applies to them or not (e.g., I have smoked a cigarette, I have had an occasion to go over the speed limit, I have stolen something). The instructor can come up with a list of appropriate statements that illustrate a norm/deviant act. Each time a group of students crosses the line, they are asked to go back to their original side. The goal of this activity is for students to participate in categorizing social norms and labeling. At the completion of the exercise, the instructor can ask the class how it felt to be on the "deviant" side of the line.

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Classroom Discussion Topics

1. **Evolution of Marijuana Laws**

   Divide the class into pairs. Have the students read the Disconnects feature "Evolution of Marijuana Laws." Have the students come up with a pro/con debate for the legalization of marijuana. Ask them to consider the ways in which laws against marijuana reflect a consensus perspective. In what ways do they reflect a conflict perspective?

2. **Can Crimes Be Inherently Wrong?**

   Divide the class into groups of no more than four students (depending on the size of the class). Have the groups come up with lists of at least 10 behaviors that they believe to be morally wrong (*mala in se*) and why they believe them to be so. Assign a reporter and a scribe to each group. The scribe will document the group's responses, and the reporter will present the group's responses to the class.

3. **Crimes Prohibited by Law**

   Divide the class into groups of no more than four students (depending on the size of the class). Have the groups come up with lists of at least 10 behaviors that, despite reflecting public opinion as criminal, may not necessarily be considered "bad" (e.g., adultery in some countries). Assign a reporter and a scribe to each group. The scribe will document the group's responses, and the reporter will present the group's responses to the class.

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