Criminal Justice in Action 12th edition Gaines Test Bank

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Name:_____ Class:_____ Date:_____

Chapter 01 - Criminal Justice Today

1. What is the definition of crime according to criminal justice principles?
   a. Any behavior that violates social norms and customs.
   b. Actions that are considered morally wrong by society.
   c. An act that violates criminal law and is punishable by criminal sanctions.
   d. Behavior that causes harm to individuals or property.

ANSWER: c

2. How does the consensus model explain society's determination of criminal acts?
   a. Criminal behavior is defined through ongoing conflict between different groups.
   b. Society members naturally share similar norms,values and beliefs about right and wrong.
   c. Laws are created based on economic interests of dominant classes.
   d. Criminal acts are determined by those with the most economic,political and social power.

ANSWER: b

3. What distinguishes the consensus model from the conflict model in determining criminal behavior?
   a. The consensus model argues that groups that hold economic, political and social power in a community can impose their values on others.
   b. The conflict model believes moral attitudes toward crime are consistent in society .
   c. The consensus model emphasizes shared moral values across society.
   d. The conflict model assumes universal acceptance of criminal laws.

ANSWER: c

4. What are the two primary purposes of the criminal justice system?
   a. Enforcing laws and collecting fines.
   b. Investigating crimes and prosecuting offenders.
   c. Maintaining justice and protecting society.
   d. Punishing criminals and deterring future crime.

ANSWER: c

5. What are the three levels of law enforcement in the United States?
   a. Municipal, county, and regional levels.
   b. Local, state, and federal levels.
   c. City, township, and state levels.
   d. Urban, suburban, and rural levels.

ANSWER: b

6. Which elements comprise the essential components of the corrections system?
   a. Probation, incarceration, community-based corrections, and parole.
   b. Arrest, trial, sentencing, and appeals.
   c. Police, courts, corrections, and incapacitation.
   d. Investigation, prosecution, defense, and judgment.

ANSWER: a

7. How does the informal criminal justice process differ from the formal process?

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a. The informal process relies on discretionary decisions by criminal justice professionals.
b. The informal process operates only in federal courts.
c. The informal process follows strict procedural rules and guidelines.
d. The informal process eliminates the need for legal representation.

ANSWER: a

8. What role do ethics play in discretionary decision making within the criminal justice system?
a. Ethics are only relevant in courtroom proceedings.
b. Ethics provide moral principles to guide individual judgment and conscience.
c. Ethics eliminates the need for discretionary decisions.
d. Ethics replaces formal rules and procedures entirely.

ANSWER: b

9. How do background checks theoretically protect the public from firearm-related violence?
a. They eliminate all illegal gun sales in the United States.
b. They limit the number of firearms any individual can own.
c. They prevent certain high-risk individuals from legally purchasing firearms.
d. They require mandatory training for all gun purchasers.

ANSWER: c

10. What are the three major reasons why the internet facilitates the dissemination of child sexual abuse materials?
a. Privacy, portability, and permanence.
b. Encryption, storage, and distribution.
c. Speed, security, and anonymity.
d. Cost, convenience, and accessibility.

ANSWER: c

11. What distinguishes white-collar crime from traditional violent or property crimes?
a. White-collar crimes result in more severe physical injuries.
b. White-collar crimes requires direct contact with the victim.
c. White-collar criminals have legal access to crime scenes and appear legitimate.
d. White-collar criminals use physical force to commit their crimes.

ANSWER: c

12. A police officer discovers someone knowingly using a counterfeit twenty-dollar bill at a grocery store. Based on the definition of crime, what makes this action criminal?
a. The action violates social norms about honesty.
b. The action demonstrates poor moral character.
c. The action causes financial harm to the store owner.
d. The action is punishable under criminal law as determined by society.

ANSWER: d

13. When a judge ensures that all defendants receive due process regardless of their social status, which primary purpose of the criminal justice system is being fulfilled?

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a. Rehabilitating convicted offenders.
b. Deterring future criminal behavior.
c. Maintaining justice through fairness and equality.
d. Compensating victims for their losses.

ANSWER: c

14. A drug trafficking case involves suspects transporting illegal substances across multiple states. Which level of law enforcement would most likely take the lead in this investigation?

a. County sheriff departments.
b. State highway patrol officers.
c. Local police departments.
d. Federal law enforcement agencies.

ANSWER: d

15. An offender convicted of a minor theft is allowed to remain in the community under court supervision while following specific rules of conduct. Which element of the corrections system is being utilized?

a. Probation supervision.
b. Electronic monitoring.
c. Community-based residential treatment.
d. Parole after prison release.

ANSWER: a

16. A prosecutor decides not to file charges against a suspect despite having sufficient evidence, choosing instead to refer them to a drug treatment program. This decision exemplifies which aspect of the criminal justice process?

a. The formal process following established legal procedures.
b. The appellate process reviewing lower court decisions.
c. The administrative process managing court operations.
d. The informal process utilizing discretionary decision making.

ANSWER: b

17. A police officer chooses not to arrest a peaceful unhoused person for trespassing, believing such an arrest would be morally wrong. This decision demonstrates the role of which concept in criminal justice?

a. Community pressure affecting law enforcement.
b. Ethics influencing discretionary decision making.
c. Legal precedent guiding officer behavior.
d. Departmental policy overriding individual judgment.

ANSWER: b

18. A person with a history of domestic violence attempts to purchase a firearm from a licensed dealer. How would the background check system theoretically protect public safety in this scenario?

a. The system would deny the purchase based on the domestic violence history.
b. The system would require additional waiting periods for the purchase.
c. The system would limit the person to purchasing only certain types of firearms.
d. The system would require mandatory anger management classes.

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ANSWER: a

19. Law enforcement discovers an online network requiring a code to access and to distribute sexually explicit images of children. Which characteristic of the internet makes this criminal activity particularly challenging to investigate?
    a. The global reach of internet communications.
    b. The cost-effectiveness of digital distribution.
    c. The security provided by passwords and encryption.
    d. The speed of internet transmission.

ANSWER: c

20. A bank employee systematically transfers small amounts from customer accounts to personal accounts over several years. How does this white-collar crime differ from a traditional bank robbery?
    a. The white-collar criminal has legitimate access and appears to act legally.
    b. The white-collar crime causes more physical harm to victims.
    c. The white-collar crime is easier for law enforcement to detect.
    d. The white-collar crime involves more money than the robbery.

ANSWER: a

21. What distinguishes deviant behavior from criminal behavior?
    a. Deviant behavior is only considered morally wrong and never legally wrong.
    b. Deviant behavior is always more serious than criminal behavior.
    c. Criminal behavior is subjective while deviant behavior is objective.
    d. Criminal behavior is punishable by law while deviant behavior may not be.

ANSWER: d

22. According to the conflict model, what primarily determines which acts are labeled as criminal?
    a. those in society who hold economic, political and social power.
    b. Universal moral principles shared by all citizens.
    c. Religious teachings and spiritual guidance.
    d. Scientific research on harmful behaviors.

ANSWER: a

23. What does the concept of justice mean in the context of the criminal justice system?
    a. Restitution for crime victims regardless of the crime.
    b. Equality before the law and freedom from arbitrary arrest.
    c. Swift and harsh punishment for all criminal offenders to deter future crimes.
    d. Mandatory maximum sentences for society's most serious crimes.

ANSWER: b

24. What is the primary responsibility of local law enforcement agencies?
    a. Providing foot patrol officers in each high crime neighborhood.
    b. Handling nuts and bolts law enforcement work including crime investigation and patrol.
    c. Regulating interstate commerce violations and drug trafficking within the municipality.
    d. Training and placing school resource officers in public schools.

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ANSWER: b

25. What is the most common form of correctional treatment in the United States?
    a. Incarceration in state prisons.
    b. Parole after serving prison sentences.
    c. Probation supervision in the community.
    d. Placement in community-based residential facilities.

ANSWER: c

26. Why does the criminal justice system rely on discretion rather than following formal procedures exclusively?
    a. Discretion eliminates the need for legal training.
    b. Limited resources and practical constraints require flexible decision making.
    c. Formal procedures favor wealthy defendants unfairly.
    d. Formal procedures are too complicated for most cases.

ANSWER: b

27. What are ethics in the context of criminal justice?
    a. Moral principles that govern perception of right and wrong.
    b. Written rules that govern professional conduct.
    c. Legal standards established by court decisions.
    d. Administrative policies created by government agencies.

ANSWER: a

28. Which legislation established the current background check system for firearm purchases?
    a. The Gun Control Act of 1968.
    b. The Brady Handgun Violence Prevention Act of 1993.
    c. The Federal Firearms Act of 1938.
    d. The National Firearms Act of 1934.

ANSWER: b

29. Which type of terrorist activity is dominated by antigovernment actors, such as white supremacists?
    a. Domestic terrorism.
    b. Civil terrorism.
    c. Racial terrorism.
    d. International terrorism.

ANSWER: a

30. What are civil liberties in the criminal justice system?
    a. The policies and procedures that law enforcement are required to follow.
    b. Constitutionally defined civil penalties for criminal acts.
    c. The guaranteed right for government interference in societal life.
    d. The basic rights and freedoms guaranteed to American citizens..

ANSWER: d

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Chapter 01 - Criminal Justice Today

31. What are the three components of the integrated definition of crime presented in the text?
    a. Punishable under criminal law, offense against society, and punishable by sanctions.
    b. Violent, property-related, and morally wrong.
    c. Federal, state, and local violations.
    d. Harmful, illegal, and punishable by fines.

ANSWER: a

32. According to Megan Kurlychek, what are the four specific goals of the criminal justice system?
    a. Investigate crimes, gather evidence, conduct trials, and impose sentences.
    b. Deter crime, incapacitate criminals, seek retribution, and restore justice.
    c. Protect society, determine guilt, rehabilitate offenders, and support victims.
    d. Arrest, prosecute, convict, and punish offenders.

ANSWER: c

33. Which federal agency is primarily responsible for drug enforcement?
    a. The Drug Enforcement Administration (DEA).
    b. The U.S. Secret Service, and the Bureau of Alcohol, Tobacco, Firearms (ATF).
    c. The Environmental Protection Agency EPA.
    d. The Federal Bureau of Investigation (FBI).

ANSWER: a

34. What is the primary difference between jails and prisons?
    a. Jails focus on rehabilitation while prisons focus on punishment.
    b. Jails hold minor offenders and those awaiting trial while prisons house serious offenders.
    c. Jails are federal facilities while prisons are state facilities.
    d. Jails are privately operated while prisons are government-run.

ANSWER: b

35. The stealing of any property without the use of force is known as what?
    a. Arson.
    b. Burglary.
    c. Public order crime.
    d. Larceny.

ANSWER: d

36. How are ethics and justice related in the criminal justice system?
    a. Justice is more important than ethical considerations.
    b. Ethics help ensure that state representatives treat citizens fairly.
    c. Ethics and justice are completely separate concepts.
    d. Ethics override legal requirements in all situations.

ANSWER: b

37. Which categories of individuals are prohibited from purchasing firearms under the Brady Act?
    a. Anyone under age 21 and those with traffic violations.

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b. Only those with violent crime convictions.
c. Only convicted felons and fugitives from justice.
d. Fugitives, felons, drug users, domestic violence offenders, mentally ill, illegal immigrants, and dishonorably discharged military personnel.

ANSWER: d

38. How has the internet changed the scope of child sexual abuse materials compared to the 1970s?
a. The number of illegal images has increased from about 250 magazines to 45 million online images.
b. The internet has made law enforcement more effective at stopping distribution.
c. The ease of posting materials has reduced the number of websites producing the materials.
d. The internet has made it more difficult to track who is viewing the materials.

ANSWER: a

39. What is embezzlement and how does it differ from larceny?
a. Embezzlement involves larger amounts of money than larceny.
b. Embezzlement involves physical theft while larceny involves fraud.
c. Embezzlement involves wrongful appropriation by someone entrusted with funds while larceny involves physical taking.
d. Embezzlement is a federal crime while larceny is a state crime.

ANSWER: c

40. Why might the same behavior be considered criminal in one society but not in another?
a. Different societies have different legal systems and values.
b. Different societies only criminalize property crimes.
c. Different societies do not have written criminal codes.
d. Different societies rely solely on individual determination of what is criminal and allow self-policing.

ANSWER: a

41. How does the race or ethnicity of a prosecutor illustrate the conflict model of criminal law?
a. It shows that all prosecutors share the same values and represents all community interests.
b. It indicates that prosecutor race or ethnicity has no effect on decision making.
c. It proves that the consensus model is more accurate.
d. It demonstrates how lack of diversity can lead to unequal representation of community interests.

ANSWER: d

42. Why is the goal of maintaining justice considered challenging for the criminal justice system?
a. Justice can only be achieved through harsh punishments.
b. Justice requires expensive technology and equipment.
c. Justice is a subjective concept that people may define differently.
d. Justice requires unanimous agreement from all citizens.

ANSWER: c

43. How does federalism affect the structure of law enforcement in the United States?
a. It creates a single unified law enforcement system.

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b. It gives federal agencies authority over all criminal matters.
c. It establishes independent agencies at local, state, and federal levels.
d. It demonstrates that interagency cooperation is unnecessary.

ANSWER: c

44. What assumption underlies the use of community-based corrections facilities?
a. Community-based facilities are less expensive than prisons.
b. Offenders prefer community-based facilities to traditional incarceration.
c. Not all convicts need or benefit from incarceration in jail or prison.
d. All offenders should receive the same type of punishment.

ANSWER: c

45. What is a potential drawback of discretionary decision making in the criminal justice system?
a. It can lead to biased decisions and unfair treatment of certain groups.
b. It eliminates the need for formal rules and procedures.
c. It makes the system more efficient and cost-effective.
d. It reduces the workload of criminal justice professionals.

ANSWER: a

46. Why do criminal justice professionals often need to fill in ethical blanks when making decisions?
a. Ethical decisions are always obvious and straightforward.
b. Ethics change too frequently to be codified in law.
c. Criminal justice professionals receive no ethical training.
d. Ethical standards are usually not written into criminal statutes.

ANSWER: d

47. What is a significant limitation of the current background check system?
a. Background checks are too expensive for most gun buyers.
b. Background checks take too long to complete.
c. An estimated 22 percent of gun purchases are made without background checks.
d. Background checks are too intrusive and ask questions applicants are unwilling to answer.

ANSWER: c

48. What type of malware is capable of reproducing itself as it spreads from one computer to another?
a. Botnets.
b. Worm.
c. Virus.
d. Trojans.

ANSWER: b

49. What type of cyber theft is when unauthorized persons access and steal confidential or protected information?
a. Data breach.
b. Phishing.
c. Password theft.

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d. Identity theft.

ANSWER: a

50. A state legislature passes a law making it illegal to smoke cigarettes in public buildings. A person is caught smoking in a government office and fined $100. How does this scenario demonstrate the integrated definition of crime?

a. The act was punishable under law, considered an offense against society, and resulted in sanctions.

b. The person caused physical harm to others in the building.

c. The behavior was considered deviant by most people.

d. The behavior violated universal moral principles.

ANSWER: a

51. In the early 1900s, heroin could be purchased at pharmacies, but today its sale is criminal. This change in legal status best illustrates which model of criminal law?

a. The conflict model showing powerful groups imposing their values.

b. The federal model demonstrating government control over commerce.

c. The medical model based on scientific understanding of drug effects.

d. The consensus model reflecting changing social attitudes toward morality.

ANSWER: d

52. A victim advocacy program helps crime victims navigate the court system and provides counseling services. Which specific goal of the criminal justice system does this program primarily address?

a. Protecting society from dangerous offenders.

b. Rehabilitating offenders for safe return to the community.

c. Determining when offenses have been committed.

d. Supporting crime victims and returning them to their precrime status.

ANSWER: d

53. A wildlife officer discovers someone illegally hunting endangered species in a state forest. Which level of law enforcement would most appropriately handle this case?

a. Local police departments.

b. County sheriff departments.

c. State fish, game, and watercraft wardens.

d. Federal Bureau of Investigation.

ANSWER: c

54. An offender serves two years in prison and is then released to serve the remainder of their sentence in the community under supervision. Which element of the corrections system is being utilized?

a. Halfway house placement.

b. Parole supervision.

c. Probation supervision.

d. Community-based corrections.

ANSWER: b

55. Police officers in Los Angeles issue only 170 citations for illegal electric scooter use despite nearly 1 million monthly rides, many on sidewalks. This situation best demonstrates which aspect of the criminal justice system?

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a. The formal process requiring strict enforcement of all laws.
b. The appellate process reviewing enforcement decisions.
c. The informal process allowing discretionary enforcement based on priorities.
d. The legislative process creating new traffic laws.

ANSWER: c

56. A judge consistently sentences defendants of different races to different penalties for the same crimes. This behavior demonstrates a failure in which aspect of criminal justice decision making?
a. Community relations and public communication.
b. Administrative efficiency and case management.
c. Ethical decision making and moral principles.
d. Legal knowledge and procedural understanding.

ANSWER: c

57. A person who was involuntarily committed to a mental health facility attempts to purchase a firearm. How should the background check system respond to protect public safety?
a. Allow the purchase with regular check-ins required.
b. Approve the purchase with mandatory safety training.
c. Require additional waiting periods before approval.
d. Deny the purchase based on mental health disqualification.

ANSWER: d

58. What type of white collar crime involves illegal activity in the stock market?
a. Corporate violence.
b. Mail and wire fraud.
c. TSecurities fraud..
d. Embezzlement.

ANSWER: c

59. A financial advisor systematically steals money from elderly clients' retirement accounts over several years. How does this white-collar crime differ from an armed robbery of the same clients?
a. The white-collar crime involves less money than the robbery.
b. The white-collar crime is easier for victims to detect immediately.
c. The white-collar criminal has legitimate access and operates through deception rather than force.
d. The white-collar crime causes less harm to the victims.

ANSWER: c

60. What makes an action subject to prosecution by public officials rather than private parties?
a. The action causes significant financial damage.
b. The action violates federal rather than state law.
c. The action is considered an offense against society as a whole.
d. The action involves violence or threat of violence.

ANSWER: c

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Chapter 01 - Criminal Justice Today

61. What does the consensus model assume about people forming a society?
    a. They will disagree about most moral issues.
    b. They will need strong government control.
    c. They will naturally share similar norms and values.
    d. They will compete for resources and power.

ANSWER: c

62. What does maintaining justice mean in the criminal justice system?
    a. Law enforcement has unlimited authority to investigate crimes.
    b. All individuals are equal before the law and free from arbitrary arrest.
    c. Ensuring all criminals receive maximum sentences.
    d. Victims receive financial compensation for their losses.

ANSWER: b

63. What is the typical term length for elected county sheriffs?
    a. Four to six years.
    b. Six to eight years.
    c. Two to four years.
    d. One to two years.

ANSWER: c

64. Which government levels typically administer jails versus prisons?
    a. Federal and state governments administer both jails and prisons.
    b. Private companies administer jails while government administers prisons.
    c. Counties and municipalities administer jails while federal and state governments administer prisons.
    d. State governments administer jails while federal government administers prisons.

ANSWER: c

65. What does Herbert Packer compare the ideal criminal justice process to?
    a. A sports team with coordinated players.
    b. A military organization with clear hierarchy.
    c. An assembly line with routinized operations.
    d. A complex computer system.

ANSWER: c

66. What is critical thinking in the context of ethical decision making?
    a. Following established procedures without question.
    b. Relying on intuition and personal experience.
    c. Developing analytical skills and reasoning for ethical responses.
    d. Consulting with supervisors before making decisions.

ANSWER: c

67. What happens when a background check is not completed within three days?
    a. The FBI conducts an extended investigation.

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b. The applicant must wait an additional week.
c. Gun dealers are permitted to sell firearms to the applicant.
d. The gun purchase is automatically denied.

ANSWER: c

68. Which of the following types of internet crimes cause the highest monetary loss for its victims?
a. Investment.
b. Confidence / romance.
c. Real estate / rental.
d. E-commerce non-payment / nondelivery.

ANSWER: a

69. What is the Racketeer Influenced and Corrupt Organizations Act (RICO) primarily designed to combat?
a. Government corruption and bribery.
b. Organized crime and racketeering activities.
c. White-collar crime in corporate settings.
d. Internet fraud and cybercrime.

ANSWER: b

70. How does the example of adultery laws demonstrate the changing nature of crime?
a. It proves that federal law overrides state law.
b. It demonstrates that religious laws influence criminal law.
c. It illustrates how social attitudes toward morality change over time.
d. It shows that moral crimes are becoming more serious.

ANSWER: c

71. Why might the conflict model be more applicable in large, democratic societies?
a. Large societies have more crime than small societies.
b. Different groups have widely varying opinions on controversial moral issues.
c. Democratic societies require more laws than authoritarian societies.
d. Large societies have more resources to enforce criminal laws.

ANSWER: b

72. Why does the example of drone regulation illustrate challenges in protecting society?
a. Drones are too expensive for most criminals to use.
b. Public opinion is divided on whether drone use should be regulated.
c. New technologies create criminal opportunities faster than laws can address them.
d. Federal agencies lack jurisdiction over drone-related crimes.

ANSWER: c

73. How does the marijuana law enforcement example illustrate tensions between different levels of law enforcement?
a. It demonstrates conflicts when state and federal criminal laws are incompatible.
b. It proves that local police cannot enforce federal laws.
c. It shows that state laws always override federal laws.

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d. It indicates that federal agencies lack authority in state matters.

ANSWER: a

74. What is the most frequent type of release from jail or prison?

a. Transfer to community-based facilities.
b. Parole supervision in the community.
c. Completion of full sentence.
d. Appeal and case dismissal.

ANSWER: b

75. How does the comparison between the criminal justice system and a sports team challenge the concept of a formal system?

a. Both systems require extensive training and professional development.
b. Both systems rely on unpredictable decisions, relationships, and adjustments rather than orderly processes.
c. Sports teams follow more rigid rules than criminal justice systems.
d. Sports teams require a strict hierarchy where every member serves a role, the criminal justice system treats all members of the courtroom group as equals.

ANSWER: b

76. Explain the three components of the integrated definition of crime and why each component is necessary.

ANSWER: The three components are: (1) punishable under criminal law as determined by the majority or powerful minority, (2) considered an offense against society as a whole and prosecuted by public officials, and (3) punishable by sanctions that result in loss of personal freedom or life. Each component is necessary because together they distinguish crime from mere deviance, civil wrongs, or moral violations by establishing legal authority, societal interest, and serious consequences.

77. Compare and contrast the consensus model and conflict model in determining criminal behavior, providing an example of each.

ANSWER: The consensus model assumes that society members naturally share similar norms and values about right and wrong, with laws reflecting general agreement (e.g., laws against murder reflect widespread moral consensus). The conflict model argues that politically powerful groups impose their values on others, with criminal law determined by those holding power (e.g., the lack of diversity among prosecutors potentially leading to unequal representation of community interests). The key difference is whether criminal law reflects shared values or imposed power.

78. Describe the four specific goals of the criminal justice system according to Megan Kurlychek and explain why achieving these goals can be challenging.

ANSWER: The four goals are: (1) protecting society from dangerous offenders, (2) determining when offenses have been committed and providing appropriate punishment, (3) rehabilitating offenders for safe return to the community, and (4) supporting crime victims and returning them to their precrime status. These goals are challenging because they require balancing competing interests, limited resources, subjective judgments about justice and fairness, and adapting to new forms of criminal behavior like drone-related crimes that existing laws may not adequately address.

79. Identify the three levels of law enforcement and describe the primary responsibilities of each level.

ANSWER: The three levels are local, state, and federal. Local law enforcement handles the nuts and bolts of police work including investigating most crimes, deterring crime through patrol, apprehending criminals, keeping the

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peace, and providing social services. State law enforcement includes state police and highway patrols focusing on traffic enforcement, plus specialized agents like fire marshals and game wardens. Federal law enforcement agencies like the FBI, DEA, and Secret Service handle crimes that cross state boundaries, terrorism, and violations of federal law, often working cooperatively with local and state agencies.

80. Describe the four essential elements of the corrections system and explain how they provide different approaches to handling convicted offenders.

ANSWER: The four elements are: (1) probation, which allows offenders to remain in the community under supervision while following court-imposed rules; (2) incarceration in jails for minor crimes and short sentences or those awaiting trial, and prisons for serious crimes with longer sentences; (3) community-based corrections including halfway houses and work-release centers for those who don't need full incarceration; and (4) parole, allowing inmates to serve the remainder of their sentence in the community after partial incarceration. These elements provide a range of options based on offense severity and individual needs.

81. Explain why the criminal justice system relies on discretion rather than following formal procedures exclusively, and provide an example of discretionary decision making.

ANSWER: The system relies on discretion because of practical constraints: law enforcement agencies lack staff and funds to investigate every crime, courts face increasing caseloads with limited time, and correctional facilities deal with overcrowding. Discretion allows professionals to make individual judgments based on circumstances rather than mechanically following rigid rules. An example is prosecutors choosing not to file charges despite sufficient evidence, instead referring defendants to treatment programs, or police officers issuing warnings instead of citations for minor violations when they need to focus resources on violent crime.

82. Define ethics in the context of criminal justice and explain how ethical decision making can help address the potential problems of discretionary authority.

ANSWER: Ethics are the moral principles that govern a person's perception of right and wrong. In criminal justice, ethics help ensure that discretionary decisions are made based on societal norms and values rather than personal bias or arbitrary judgment. Ethical decision making can address discretion problems by providing moral guidance when formal rules are absent, helping professionals make fair decisions that serve justice rather than personal interests. For example, an officer's ethical beliefs about treating all citizens fairly can prevent discriminatory enforcement based on race or social status.

83. Describe how the Brady Act background check system is designed to protect public safety and identify the major limitations that reduce its effectiveness.

ANSWER: The Brady Act requires background checks for firearm purchases from licensed dealers to identify prohibited persons including fugitives, convicted felons, drug users, domestic violence offenders, mentally ill individuals, illegal immigrants, and those dishonorably discharged from military service. Major limitations include: gun dealers can sell firearms if background checks aren't completed within three days, sales over the internet and at gun shows don't require background checks, and system failures or errors sometimes allow prohibited persons to obtain firearms. An estimated 22% of gun purchases occur without background checks due to these loopholes.

84. Explain the three major reasons why the internet facilitates the dissemination of child sexual abuse materials and how this has changed the scope of the problem since the 1970s.

ANSWER: The three reasons are: (1) Speed—the internet allows quick transmission of visual material to multiple locations much faster and more securely than regular mail, (2) Security—password-protected websites and encrypted communications protect users from discovery by law enforcement or random web surfers, and (3) Anonymity—the most important protection, allowing both sellers and buyers to hide their identities from authorities. This has dramatically changed the scope from about 250 magazines circulating in the 1970s to tech companies reporting as many as 45 million illegal online images, making law enforcement much more

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difficult.

85. Analyze the key differences between white-collar crime and traditional violent or property crime, using specific examples to illustrate these distinctions.

ANSWER: White-collar criminals typically have legal access to crime scenes, are spatially separated from often unknown victims, and behave in seemingly legitimate ways. For example, an employee embezzling funds has legitimate access to company accounts and appears to be conducting normal business, unlike a burglar who must physically break into someone's home. White-collar crime victims are often large groups or abstract concepts like society (such as student loan fraud affecting taxpayers), while traditional crime victims are specific, identifiable individuals. White-collar crimes also involve deception and abuse of trust rather than physical force or direct confrontation.

86. Explain the difference between crime and deviance, and why this distinction is important for understanding the criminal justice system.

ANSWER: Crime is behavior that violates criminal law and is punishable by legal sanctions, while deviance is behavior that doesn't conform to social norms but may not be illegal. Deviant acts become crimes only when they are made punishable by law. For example, smoking marijuana might be considered deviant by some, but it only becomes criminal when prohibited by statute. This distinction is important because the criminal justice system can only respond to legally defined crimes, not all deviant behavior, and not all crimes are considered particularly deviant (like parking violations). The distinction helps define the boundaries of criminal justice authority.

87. Describe what justice means in the context of the criminal justice system and why it can be difficult to achieve.

ANSWER: Justice means that all individuals are equal before the law and are free from arbitrary arrest or seizure as defined by law, linking justice with fairness. It can be difficult to achieve because justice and fairness are subjective concepts—people may have different ideas about what constitutes just treatment. For example, in a case where a battered woman kills her abusive husband, some might think lenient treatment is just while others believe she should face full legal consequences. Criminal justice professionals must make decisions about fairness in situations where reasonable people might disagree about the appropriate outcome.

88. Explain how federalism influences the structure of American law enforcement and provide an example of how this creates both benefits and challenges.

ANSWER: Federalism creates three independent levels of law enforcement—local, state, and federal—each with their own organizational structures and jurisdictions, generally operating independently while cooperating when needed. This provides benefits like allowing local control over local crime problems and specialized expertise at different levels. However, it creates challenges when laws conflict between levels, such as marijuana legalization in many states while federal law still prohibits all marijuana use. Federal agents can make marijuana arrests in states where it's legal, creating tension between different levels of law enforcement and confusion about which laws apply.

89. Explain why community-based corrections have increased in popularity and describe the assumption underlying their use.

ANSWER: Community-based corrections have increased in popularity due to problems of funding and overcrowding in jails and prisons. These facilities include halfway houses, residential centers, and work-release centers. They operate on the assumption that not all convicts need or benefit from incarceration in jail or prison. This approach recognizes that some offenders can be effectively supervised and rehabilitated in the community at lower cost than full incarceration, while still providing structure and accountability. It allows offenders to maintain family relationships, employment, and community ties while serving their sentences.

90. Using the example of the police officer who refused to arrest a peaceful person experiencing homelessness, analyze

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the relationship between ethics, discretion, and justice in criminal justice decision making.

ANSWER: This example illustrates how ethics guide discretionary decisions when formal rules may not address specific circumstances. The officer used ethical judgment about what was morally right, believing it would be wrong to arrest someone who was peaceful and homeless. This demonstrates how ethics can conflict with strict law enforcement, as the officer's supervisors suspended him for not following the ordinance. The case shows the tension between formal legal requirements and ethical considerations in achieving justice. While the officer acted on moral principles about fair treatment, his supervisors prioritized consistent law enforcement. This highlights how different interpretations of justice and ethics can lead to conflicting decisions within the criminal justice system.

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Instructor Manual

Larry Gaines, Roger LeRoy Miller, Introduction to Criminal Justice in Action, 12e, ©2027, 9798214130958; Chapter 01: Criminal Justice Today

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Purpose and Perspective of the Chapter

The purpose of this chapter is to provide a comprehensive foundation for understanding the American criminal justice system's structure, processes, and contemporary challenges. Students will explore fundamental concepts including crime definition through consensus and conflict models, examine the three-tiered structure of law enforcement, courts, and corrections operating within a federalist framework, and analyze the critical role of discretion and ethics in criminal justice decision making. The chapter addresses significant contemporary issues including gun violence, domestic terrorism, cybercrime, and white-collar crime, emphasizing how these challenges impact system operations. Through examination of real-world cases and policy debates, learners will develop critical thinking skills necessary for understanding the complex balance between maintaining public safety and protecting individual rights within diverse communities.

What's New in This Chapter

The following elements are improvements in this chapter from the previous edition:

- New discussions on several important crime issues, including gun crime and gun control, cyber crime, and white-collar crime
- Updated discussion of the George Floyd case with more recent information
- Updated references and data for currency
- New Figures 1.1 and 1.2 with more recent data and information

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Chapter Objectives

1-1 Define crime.

1-2 Describe the two most common models of how society determines which acts are criminal.

1-3 Explain two main purposes of the criminal justice system.

1-4 Outline the three levels of law enforcement.

1-5 List the essential elements of the corrections system.

1-6 Explain the difference between the formal and informal criminal justice processes.

1-7 Define ethics, and describe the role that it plays in discretionary decision making.

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1-8 Explain how background checks, in theory, protect the public from firearm-related violence.

1-9 Outline the three major reasons why the Internet is conducive to the dissemination of child sexual abuse materials.

1-10 Indicate some of the ways that white-collar crime is different from violent or property crime.

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CHAPTER OUTLINE

SECTION 1-1: WHAT IS CRIME?

Key Concepts

- Crime is a wrong against society that is proclaimed by law and punishable by the criminal justice system, distinguished from deviance by its legal consequences and formal sanctions.
- Criminal behavior is determined through consensus (majority agreement on shared values) or conflict (dominant groups imposing their values) models of social control.
- The consensus model assumes society shares similar moral values and criminalizes acts that threaten public welfare, while laws evolve as social attitudes change.
- The conflict model argues that criminal law reflects the interests of politically powerful groups who impose their values on less powerful segments of society.

Discussion Questions

- How do you think social media has influenced society's perception of what behaviors should be considered criminal versus merely deviant?
    - **Sample Response:** Social media has accelerated the spread of information about behaviors, potentially leading to faster shifts in public opinion about criminality. However, legal definitions of crime still require formal legislative processes, creating tension between rapid social change and slower legal adaptation.
- Which model—consensus or conflict—better explains why marijuana laws have changed so dramatically across different states in recent years?
    - **Sample Response:** The changing marijuana laws likely reflect both models: shifting consensus among voters about the drug's harmfulness, combined with conflict between federal authorities and state-level political coalitions with different priorities and values.

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- If the consensus model is accurate, why do we see such stark differences in criminal laws between different states on issues like gun control or drug possession?
    - **Sample Response:** Even within the consensus model, different communities can reach different conclusions about what threatens public welfare based on their unique experiences, demographics, and local values. Geographic and cultural diversity naturally leads to some variation in legal approaches.
- How might the underrepresentation of minorities in prosecutor positions (only 5 percent according to the text) influence which crimes are prioritized for prosecution?
    - **Sample Response:** Underrepresentation could lead to prosecution priorities that don't reflect minority community concerns, potentially focusing more on street crimes than white-collar offenses, or being less sensitive to issues like police misconduct that disproportionately affect minority communities.

Teaching Tips

- Use current examples like cyberbullying or "cancel culture" to illustrate the difference between social disapproval and legal sanctions. Address student misconceptions that popularity or moral outrage automatically makes something criminal.
- Encourage students to consider multiple perspectives and avoid oversimplifying complex social issues. Help students understand that both models can operate simultaneously in different contexts.
- Use concrete examples like adultery laws or helmet requirements to show how consensus can shift over time. Address the misconception that consensus means unanimity—emphasize that it refers to majority agreement.
- Present this as an analytical framework rather than taking sides. Encourage students to examine power structures critically while recognizing the complexity of democratic decision-making processes.

Section 1-2: The Purpose of the Criminal Justice System

Key Concepts

- The criminal justice system aims to maintain justice by ensuring equal treatment under law and protecting individuals from arbitrary government action.
- The system protects society through four specific goals: restraining dangerous offenders, providing appropriate punishment, rehabilitating criminals, and supporting crime victims.

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Discussion Questions

- When police officers use their discretion to not arrest peaceful homeless individuals for trespassing, are they upholding or undermining justice?
    - **Sample Response:** This creates tension between formal legal equality and substantive fairness—officers might argue they're promoting justice by considering individual circumstances, while others might contend that selective enforcement undermines the rule of law and equal treatment.
- Which of these four protective goals do you think should take priority when they conflict with each other, such as when rehabilitation programs are expensive but punishment is cheaper?
    - **Sample Response:** Different communities might prioritize differently based on their values and resources—some emphasizing public safety through incapacitation, others focusing on long-term crime reduction through rehabilitation, and still others prioritizing victim needs and justice.

Teaching Tips

- Help students understand that justice is subjective and contested. Use scenarios that highlight the tension between formal rules and individual circumstances to promote critical thinking about fairness.
- Present real-world budget scenarios where students must make trade-offs between competing goals. Address the misconception that these goals are always compatible or that there are simple solutions to complex policy choices.

Section 1-3: The Structure of the Criminal Justice System

Key Concepts

- Local law enforcement handles most day-to-day police work including crime investigation, patrol, peacekeeping, and social services, with most departments being relatively small.
- State and federal law enforcement agencies have specialized jurisdictions and resources, with federal agencies focusing on crimes that cross state lines or threaten national security.
- The corrections system includes probation (community supervision), incarceration (jails for short-term/pre-trial, prisons for long-term), and community-based alternatives that balance punishment with practical constraints.
- Parole allows inmates to serve part of their sentence in the community under supervision, reflecting the goal of successful reintegration while maintaining public safety.

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Discussion Questions

- How might the fact that most police departments employ fewer than 25 officers affect their ability to address complex crimes like cybercrime or organized drug trafficking?
    - **Sample Response:** Small departments may lack specialized expertise and resources for complex investigations, making them dependent on state and federal assistance. This could create gaps in enforcement or delays in response to sophisticated criminal activities.
- What challenges arise when federal marijuana laws conflict with state legalization, and how should law enforcement agencies at different levels coordinate their responses?
    - **Sample Response:** This creates confusion for citizens and officers about which laws apply, potential conflicts between agencies, and questions about resource allocation. Coordination requires clear policies about priorities and jurisdictional boundaries to avoid undermining either level of government.
- This suggests about society's approach to balancing punishment, public safety, and resource limitations?
    - **Sample Response:** The prevalence of probation suggests a pragmatic approach that recognizes incarceration is expensive and not always necessary for public safety. It reflects an attempt to maintain accountability while allowing offenders to remain productive community members.
- What factors should parole boards consider when deciding whether an inmate is ready for community supervision, and how can they balance public safety with rehabilitation goals?
    - **Sample Response:** Boards should consider the nature of the original crime, institutional behavior, participation in rehabilitation programs, family support, employment prospects, and risk assessment tools. Balancing requires individualized evaluation rather than one-size-fits-all approaches.

Teaching Tips

- Use specific examples of how different-sized departments handle various crimes. Address student assumptions about police capabilities and help them understand resource constraints in smaller communities.
- Use federalism conflicts as teachable moments about the complexity of American government structure. Help students understand that law enforcement officers often face competing legal obligations and must make difficult choices.
- Clarify the differences between jails and prisons, as students often confuse these. Address misconceptions about probation being "lenient" by explaining the conditions and supervision involved.

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- Use case studies to help students understand the complexity of parole decisions. Address public misconceptions about parole being automatic or lenient by explaining the supervision requirements and potential consequences.

Section 1-4: Discretion and Ethics

Key Concepts

- The formal process follows rigid legal procedures from arrest to punishment, while the informal process relies on discretionary decisions by criminal justice professionals to manage practical constraints and individual circumstances.
- Discretionary decision making is necessary to address resource limitations and individual circumstances but creates potential for bias, inconsistency, and abuse of power.
- Ethics involves moral principles that guide perceptions of right and wrong, serving as a crucial check on discretionary power in the criminal justice system.
- Ethical decision making requires critical thinking rather than intuitive responses, particularly when personal biases might influence professional judgment.

Discussion Questions

- When prosecutors choose not to charge teenagers involved in "sexting" with child pornography felonies, are they properly exercising discretion or failing to enforce the law equally?
    - **Sample Response:** This illustrates the tension between rigid legal categories and practical justice—prosecutors might argue they're preventing disproportionate punishment for adolescent behavior, while others might contend that selective enforcement undermines legal consistency and equal treatment.
- How can criminal justice agencies maintain necessary discretion while minimizing the risk of discriminatory enforcement, such as the racial disparities in marijuana arrests mentioned in the text?
    - **Sample Response:** Agencies can implement training on implicit bias, data collection and analysis to identify disparities, clear guidelines for discretionary decisions, and accountability mechanisms. However, completely eliminating discretion would create its own problems of inflexibility.
- How should a police officer balance legal obligations with ethical concerns when enforcing laws they personally believe are unjust or harmful?
    - **Sample Response:** Officers must generally enforce the law regardless of personal beliefs, but they can advocate for change through proper channels and exercise discretion within legal bounds. Professional ethics

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require following lawful orders while maintaining personal integrity and community trust.

- What role should community values play in how criminal justice professionals make ethical decisions, especially in diverse communities with conflicting moral perspectives?
    - **Sample Response:** Professionals should consider community input while maintaining adherence to constitutional principles and professional standards. The challenge is balancing local preferences with universal rights and ensuring that majority views don't override minority protections.

Teaching Tips

- Use the sexting example from the text to generate discussion about prosecutorial discretion. Help students understand that discretion is both necessary and potentially problematic, requiring ethical guidelines and accountability.
- Present discretion as both essential and problematic rather than inherently good or bad. Use data on racial disparities to discuss systemic issues while avoiding oversimplification of complex social problems.
- Use the homeless trespassing example to explore ethical dilemmas. Help students understand that ethical decision making often involves competing values and that reasonable people can disagree about the right course of action.
- Encourage students to think systematically about ethical dilemmas rather than relying on gut reactions. Address the misconception that ethics are purely personal by emphasizing professional responsibilities and societal expectations.

Section 1-5: Crime in Focus

Key Concepts

- Background checks screen gun purchasers for disqualifying factors like felony convictions, mental health issues, and domestic violence history to prevent dangerous individuals from legally obtaining firearms.
- Mental health restrictions on gun ownership reflect public concerns about mass shootings, though research suggests mental illness accounts for a relatively small percentage of gun violence overall.
- The internet facilitates CSAM distribution through speed (rapid transmission to multiple locations), security (password protection and encrypted communications), and anonymity (concealed identities of buyers and sellers).
- The dark web provides additional layers of anonymity that make CSAM investigation particularly challenging for law enforcement agencies with limited technical resources.

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- White-collar criminals typically have legal access to crime scenes, operate in seemingly legitimate contexts, and target unknown or abstract victims, unlike traditional crimes involving physical force and identifiable victims.
- White-collar crimes involve deception, abuse of trust, and concealment, often targeting large groups or abstract concepts like “the environment” rather than specific individuals.

Discussion Questions

- Given that an estimated 22 percent of gun purchases occur without background checks, how effective can this system be in preventing gun violence, and what policy changes might address these gaps?
    - **Sample Response:** The current system provides some protection but significant loopholes limit its effectiveness. Expanding background checks to private sales and gun shows, improving data sharing between agencies, and better enforcement of existing laws could enhance the system’s protective capacity.
- How should policymakers balance public safety concerns about mentally ill individuals accessing firearms with the rights and dignity of people seeking mental health treatment?
    - **Sample Response:** Policies should focus on specific dangerous behaviors rather than broad mental health categories, ensure due process protections, and avoid creating disincentives for people to seek mental health care. The goal should be targeted intervention rather than stigmatization.
- How can law enforcement agencies balance the need to investigate online CSAM with protecting privacy rights and maintaining public trust in digital communications?
    - **Sample Response:** Agencies must use targeted investigative techniques with proper warrants, focus on the most serious offenders, and maintain transparency about their methods while protecting operational security. Balancing requires clear legal frameworks and oversight mechanisms.
- What ethical considerations should guide law enforcement when using undercover techniques or accessing illegal websites to investigate CSAM distribution networks?
    - **Sample Response:** Officers must follow strict legal guidelines, minimize exposure to illegal content, focus on identifying perpetrators rather than consumers, and ensure that investigative techniques don’t inadvertently facilitate further distribution of harmful materials.
- Why might white-collar crimes often receive less public attention and lighter sentences than violent crimes, even when they cause greater financial harm to more people?
    - **Sample Response:** White-collar crimes lack the immediate emotional impact of violent crimes, involve complex schemes that are harder to

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understand, and often target abstract entities rather than sympathetic individual victims. The sophisticated nature of these crimes can make them seem less threatening to the general public.

- How should the criminal justice system adapt its investigation and prosecution methods to address the unique challenges posed by white-collar crime compared to traditional street crimes?
    - **Sample Response:** The system needs specialized investigators with financial expertise, longer investigation timelines, enhanced inter-agency cooperation, and sentencing approaches that account for the sophisticated nature and broad impact of these crimes while ensuring proportional punishment.

Teaching Tips

- Present background checks as one tool among many rather than a complete solution. Address both pro and anti-gun control perspectives fairly while focusing on the mechanics and limitations of the current system.
- Address stigma around mental illness while acknowledging legitimate safety concerns. Help students understand the difference between correlation and causation when discussing mental health and violence.
- This is a sensitive topic requiring careful handling. Focus on the technological and legal aspects rather than graphic details. Emphasize the importance of protecting children while respecting constitutional rights.
- Acknowledge the difficulty of investigating these crimes while maintaining focus on legal and procedural aspects. Help students understand the complexity of balancing effective investigation with ethical constraints.
- Use concrete examples to illustrate abstract concepts. Address the misconception that white-collar crime is “victimless” by showing real-world impacts on individuals and communities. Help students understand different types of harm and social responses.
- Compare investigation techniques for different crime types to highlight the unique challenges of white-collar crime. Address student assumptions about the relative seriousness of different types of criminal behavior.

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Standard Rubrics – Writing and Presentation

Editable rubrics are provided to support both the Writing Assignment and Connect It activities in MindTap. These rubrics are accessible through the Cengage Instructor Center at **www.cengage.com**. Instructors may customize the criteria to align with course objectives, departmental standards, or individual teaching preferences. Using these rubrics ensures consistency in evaluating student work and provides learners with clear expectations for writing quality and video assignment/presentation skills.

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