Chapter 1
What Is Criminal Justice?

CHAPTER OVERVIEW

Chapter 1 introduces the subject of criminal justice. It describes the major theme of the book and discusses whether the criminal justice process actually functions as a "system". It then provides an overview of the criminal justice process and the textbook as a whole. Finally, it discusses multiculturalism and diversity and the unique challenges and opportunities they present for the criminal justice system.

The major theme of the book, **individual rights** versus **public order**, is a primary determinant of the nature of contemporary criminal justice. **Individual rights advocates** focus on protecting personal freedoms and civil rights within our society while **public order advocates** suggest that under certain circumstances involving criminal threats to public safety, the interests of society should take precedence over individual rights. Individual rights and community interests are delicately balanced in our criminal justice system. Attempts to expand individual rights affect community interests; conversely, as community interests have expanded more recently, individual rights have been limited. Balancing these competing interests revolves around individual conceptions of **social justice**.

The **criminal justice system** includes a number of component agencies: police, courts, and corrections. However, whether it functions as a "system" has been called into question. The **consensus model** supports the system view, arguing that there is a high level of cooperation among agencies and individuals in the system, and that the components of the system operate without conflict. Conversely, the **conflict model** of criminal justice views the operation of these components from a different perspective, arguing that the goals of individual agencies differ and various external pressures fragment their efforts, leading to a criminal justice "nonsystem."

Both models have value in helping us understand the operation of the criminal justice system. Although the agencies of justice have a diversity of functions, they are linked closely enough for the term system to be applied. However, their sheer size makes effective inter-agency cooperation difficult.

The author provides an overview of the book and introduces the stages in the justice process. In general, the criminal justice process begins with the police who are responsible for conducting an **investigation**, making an **arrest** if **probable cause** can be established, and **booking** the suspect. Pretrial activities begin with the **first appearance**, where the suspect is brought before a judge and may have the opportunity for bail. A **preliminary hearing** will then be conducted to determine whether there is probable cause and whether the criminal justice process should continue. In some states, the prosecutor may then seek to continue the case by filing an **information** with the court; in others, an **indictment** must be returned by a **grand jury** before prosecution can proceed. The suspect then goes to **arraignment** and is asked to enter a plea. If the defendant does not plead guilty, a **trial** will be held. After conviction, the judge imposes punishment in the form of a **sentence**, after which the corrections stage begins.

As required by the U.S. Constitution, criminal justice case processing must be conducted with fairness and equity, also known as **due process**. Due process underlies the Bill of Rights;

the guarantees in the Bill of Rights has been interpreted and clarified by the Supreme Court. Court decisions provide rights in practice and often carry as much weight as legislative action.

The two models of justice are also discussed. The **crime-control model** values efficiency while the **due process model** emphasizes individual rights. While these goals appear opposing, it is realistic to think of the American system of justice as representative of crime control through due process – a system of social control that is fair to those whom it processes.

The move towards **evidence-based practice** is discussed, as well as a brief introduction to the beginnings of academic criminal justice and criminology. Finally, the issue of **multiculturalism**, which describes a society that is home to a multitude of different cultures, each with its own set of norms, values and behaviors, is introduced. The face of multiculturalism in America is different today than in the past. Multiculturalism is one form of **diversity**; diversity characterizes both immigrant and U.S.-born individuals.

CHAPTER OBJECTIVES

After reading this chapter, students should be able to

- Summarize the history of crime in America and corresponding changes in the American criminal justice system.
- Describe the public order (crime-control) and individual rights (due process) perspectives of criminal justice, concluding with how the criminal justice system balances the two perspectives.
- Explain the relationship of criminal justice to general concepts of equity and fairness.
- Describe the American criminal justice system in terms of its three major components and their respective functions.
- Describe the process of American criminal justice, including the stages of criminal case processing.
- Define *due process of law,* including where the American legal system guarantees due process.
- Describe the role of evidence-based practice in contemporary criminal justice.
- Explain how multiculturalism and social diversity present special challenges to, and opportunities for, the American system of criminal justice.

LECTURE OUTLINE

I. Introduction
II. A Brief History of Crime in America
III. The Theme of This Book
IV. Criminal Justice and Basic Fairness
V. American Criminal Justice: System and Functions
VI. American Criminal Justice: The Process
VII. Due Process and Individual Rights
VIII. Evidence-Based Practice in Criminal Justice
IX. Multiculturalism and Social Diversity in Criminal Justice

I. Introduction

- Discuss the meaning of crime, and highlight the role that the criminal justice system has in responding to crime.
- Discuss the impact of recent events that have led to increased distrust of the police and feelings of injustice about how suspects, especially African-Americans, were being treated by the criminal justice system
- Introduce the concept of procedural fairness

Crime: Conduct in violation of the criminal laws of a state, the federal government, or a local jurisdiction, for which there is no legally acceptable justification or excuse.

Procedural Fairness: The process by which procedures that feel fair to those involved are made

II. A Brief History of Crime in America

Individual Rights: The rights guaranteed to all members of American society by the U.S. Constitution (especially those found in the first ten amendments to the Constitution, known as the *Bill of Rights*). These rights are particularly important to criminal defendants facing formal processing by the criminal justice system.

Social Disorganization: A condition said to exist when a group is faced with social change, uneven development of culture, maladaptiveness, disharmony, conflict, and lack of consensus.

- Provide students with a historical perspective of crime in the last half century. An effective way to highlight the changes is to simply provide a timeline of critical events —those discussed in this section. Discuss the importance of these high-profile cases and how they influence public understanding of criminal justice. Ask students what other high-profile crime events they remember.
- Engage students in a discussion of why crime and criminal justice are such important political issues. Ask them how the political process can be influenced by high-profile media events, such as any of the incidents discussed at the beginning of the chapter. Discuss the September 11 attacks with students, and then describe how politicians responded by enacting the USA PATRIOT Act of 2001.

III.The Theme of This Book

- Introduce the major focus of the book, which is the recognition by society of the need to balance (1) the rights of individuals faced with criminal prosecution against (2) the valid interests of society in preventing crimes and in reducing the harm caused by criminal activity (individual rights versus public order).
- Highlight the key differences between individual-rights advocates and public-order advocates.

Individual-Rights Advocate: One who seeks to protect personal freedoms within the process of criminal justice.

Social Order: The condition of a society characterized by social integration, consensus, smooth functioning, and lack of interpersonal and institutional conflict. Also a lack of social disorganization.

Public-Order Advocate: One who believes that under certain circumstances involving a criminal threat to public safety, the interests of society should take precedence over individual rights.

DISCUSSION STARTERS—INDIVIDUAL RIGHTS/PUBLIC ORDER

Do you identify more with what the book calls the individual-rights perspective or the public-order perspective? What experiences have you had that might explain your affinity for that perspective?

What are the relative merits of the individual-rights perspective, and what are the merits of the public-order point of view? How can the goals of both perspectives be balanced in contemporary society?

Do you see a trend in our society in favor of individual rights or public-order interests? What recent examples support your opinion?

IV. Criminal Justice and Basic Fairness

- Introduce the concept of justice, and ask students what justice means to them.

Justice: The principle of fairness; the ideal of moral equity.

- Explain the differences between criminal justice and social justice. Contrast the focus of criminal justice (violations of the criminal law) and civil justice (fairness in relationships among citizens, government agencies, and businesses in private matters).

DISCUSSION STARTER—JUSTICE

What does justice mean to you?

Social Justice: An ideal that embraces all aspects of civilized life and that is linked to fundamental notions of fairness and to cultural beliefs about right and wrong.

Civil Justice: The civil law, the law of civil procedure, and the array of procedures and activities having to do with private rights and remedies sought by civil action. Civil justice cannot be separated from social justice because the justice enacted in our nation's civil courts is a reflection of basic American understandings of right and wrong.

Criminal Justice: In the strictest sense, the criminal (penal) law, the law of criminal procedure, and the array of procedures and activities having to do with the enforcement of this body of law. Criminal justice cannot be separated from social justice because the justice enacted in our nation's criminal courts reflects basic American understandings of right and wrong.

- Explain that criminal justice is "truth in action" within the process of administrative justice and that while justice the ultimate goal of criminal justice, the reality frequently falls short of the ideal

Administration of Justice: The performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or other criminal offenders.

V. American Criminal Justice: System and Functions

- Explain the criminal justice system in terms of its component subsystems: law enforcement, courts, and corrections.

Criminal Justice System: The aggregate of all operating and administrative or technical support agencies that perform criminal justice functions. The basic divisions of the operational aspects of criminal justice are law enforcement, courts, and corrections.

A. The Consensus Model

- Explain that the consensus model of criminal justice envisions the components of the criminal justice system as functioning together smoothly to achieve the goal of justice.

Consensus Model: A criminal justice perspective that assumes that the system's subcomponents work together harmoniously to achieve the social product we call *justice*.

B. The Conflict Model

- Explain that the conflict model of criminal justice envisions the components of the criminal justice system as serving their own interests and competing with one another over scarce resources, public recognition, and various other forms of accomplishment.

Conflict Model: A criminal justice perspective that assumes that the system's components function primarily to serve their own interests. According to this theoretical framework, justice is more a product of conflicts among agencies within the system than it is the result of cooperation among component agencies.

- Illustrate differences between the consensus and conflict models by discussing the criminal justice system in general and specific terms. In general, the goals of the system include responding to crime in society, fairness, and justice. One could argue that the subcomponents are in consensus by including these general goals as part of their mandate. However, the subcomponents also approach these goals in very different ways; thus, there is conflict. Police focus on putting people behind bars; a prosecutor is willing to plea-bargain to increase the efficiency of the system, frequently resulting in the release of convicted offenders to the community; and correctional institutions are concerned with overcrowded facilities.

DISCUSSION STARTER—CONSENSUS/CONFLICT

Which model, to your mind, best describes the American system of criminal justice: the consensus model or the conflict model? Why?

VI. American Criminal Justice: The Process

Evidence-Based Practice: Crime-fighting strategies that have been scientifically tested and are based on social science research.

Sustainable Justice: Criminal laws and criminal justice institutions, policies and practices that achieve justice in the present without compromising the ability of future generations to have the benefits of a just society.

Justice Reinvestment: A data-driven approach to criminal justice reform that examines and addresses justice system expenditures and population drivers in order to generate cost-saving that are then reinvested in high-performing public safety strategies.

A. Investigation and Arrest
   - Investigation is the start of the modern justice process
   - Explain arrest warrants.

Warrant: In criminal proceedings, a writ issued by a judicial officer directing a law enforcement officer to perform a specified act and affording the officer protection from damages if he or she performs it.

- Explain the U.S. Supreme Court decision, *Miranda v. Arizona* and the requirement to advise individuals of their rights prior to questioning

1. Booking
   - This is an administrative procedure carried out by the police before turning the suspect over to the court system for father processing

Booking: A law enforcement or correctional administrative process officially recording an entry into detention after arrest and identifying the person, the place, the time, the reason for the arrest, and the arresting authority.

B. Pretrial Activities
   1. First Appearance
      - Explain how the court process begins, and discuss what occurs at the first appearance, including the bail process.

Bail: The money or property pledged to the court or actually deposited with the court to effect the release of a person from legal custody.

2. Preliminary Hearing

Preliminary Hearing: A proceeding before a judicial officer in which three matters must be decided: (1) whether a crime was committed, (2) whether the crime occurred within the territorial jurisdiction of the court, and (3) whether there are reasonable grounds to believe that the defendant committed the crime.

Probable Cause: A specified set of facts and circumstances that would induce a reasonably intelligent and prudent person to believe that a person has committed a specified crime. Also, reasonable grounds to make or believe an accusation. Probable cause refers to the necessary level of belief that would allow for police seizures (arrests) of individuals and full searches of dwellings, vehicles, and possessions.

- Explain probable cause by showing that as actors in the criminal justice system develop a case against a suspect, the information available to them and their belief about the defendant's culpability generally build according to the following steps: (1) reasonable suspicion, (2) probable cause, (3) a preponderance of the evidence, (4) clear and convincing proof, and finally (5) proof beyond a reasonable doubt.

3. Information or Indictment
    - Explain the difference between an indictment and an information.
    - Discuss the pros and cons of the grand jury system.

Information: A formal, written accusation submitted to a court by a prosecutor, alleging that a specified person has committed a specified offense.

Indictment: A formal, written accusation submitted to the court by a grand jury, alleging that a specified person has committed a specified offense, usually a felony.

Grand Jury: A group of jurors who have been selected according to law and have been sworn to hear the evidence and to determine whether there is sufficient evidence to bring the accused person to trial, to investigate criminal activity generally, or to investigate the conduct of a public agency or official.

4. Arraignment

- Discuss the acceptable pleas that may be entered at arraignment, including (1) not guilty, (2) guilty, and (3) no contest or *nolo contendere*

- Explain why judge may choose not to accept a guilty plea and what happens if a defendant "stands mute" and refuses to enter a plea of any type.

Arraignment: Strictly, the hearing before a court having jurisdiction in a criminal case, in which the identity of the defendant is established, the defendant is informed of the charge and of his or her rights, and the defendant is required to enter a plea. Also, in some usages, any appearance in criminal court prior to trial.

C. Adjudication
- Explain why most cases do not come to trial and discuss the implications of this
- Introduce the concept of precedent as understandings built up through common usage and also as decisions rendered by courts in previous cases.

Trial: In criminal proceedings, the examination in court of the issues of fact and relevant law in a case for the purpose of convicting or acquitting the defendant.

D. Sentencing
- Discuss the difference between consecutive and concurrent sentences.

Consecutive Sentence: One of two or more sentences imposed at the same time, after conviction for more than one offense, and served in sequence with the other sentence. Also, a new sentence for a new conviction, imposed upon a person already under sentence for a previous offense, which is added to the previous sentence, thus increasing the maximum time the offender may be confined or under supervision.

Concurrent Sentence: One of two or more sentences imposed at the same time, after conviction for more than one offense, and served at the same time. Also, a new sentence for a new conviction, imposed upon a person already under sentence for a previous offense, served at the same time as the previous sentence.

E. Corrections

- Discuss some of the problems with modern prisons

F. Reentry

- Explain that not all convicted offenders are incarcerated
- Incarcerated offenders may be paroled and serve part of their sentence in the community

VII. Due Process and Individual Rights

Due Process: A right guaranteed by the Fifth, Sixth, and Fourteenth Amendments of the U.S. Constitution and generally understood, in legal contexts, to mean the due course of legal proceedings according to the rules and forms established for the protection of individual rights. In criminal proceedings, due process of law is generally understood to include the following basic elements: a law creating and defining the offense, an impartial tribunal having jurisdictional authority over the case, accusation in proper form, notice and opportunity to defend, trial according to established procedure, and discharge from all restraints or obligations unless convicted.

DISCUSSION STARTER—DUE PROCESS

What is due process? Why is due process such a central notion in American criminal justice? What would our justice system be like without due process? Would you want to live in a society that did not guarantee due process rights?

A. The Role of the Courts in Defining Rights

- Explain why many rights written into the Constitution did not exist in practice until the Supreme Court decided to recognize them in cases brought before it.
- Explain the concept of "judge-made law" and the importance of Supreme Court decisions.

B. The Ultimate Goal: Crime Control through Due Process

Crime-Control Model: A criminal justice perspective that emphasizes the efficient arrest and conviction of criminal offenders.

Due Process Model: A criminal justice perspective that emphasizes individual rights at all stages of justice system processing.

Social Control: The use of sanctions and rewards within a group to influence and shape the behavior of individual members of that group. Social control is a primary concern of social groups and communities, and it is their interest in the exercise of social control that leads to the creation of both criminal and civil statutes.

- Although these two goals appear opposing, explain that the view of the justice system as representative of crime control through due process is a realistic one
- A good way to illustrate the due process model is by discussing a case of a defendant who was wrongfully convicted. If applicable, you could discuss how DNA technology has assisted law enforcement but also helped innocent people who were convicted. You could also discuss the case of Rubin "Hurricane" Carter, who is the subject of the movie *The Hurricane*.

VIII. Evidence-Based Practice in Criminal Justice

- Present the concept of evidence-based practices and discuss their importance

A. The Start of Academic Criminal Justice

- Explain the differences between criminal justice and criminology.

Criminology: The scientific study of the causes and prevention of crime and the rehabilitation and punishment of offenders.

IX. Multiculturalism and Social Diversity in Criminal Justice

- Define multiculturalism, and highlight the importance of multiculturalism to criminal justice processes.

Social diversity: Differences between individuals and groups in the same society, including differences based on culture, race, religion, ethnicity, age, gender identity, and disabilities.

Multiculturalism: The existence within one society of diverse groups that maintain unique cultural identities while frequently accepting and participating in the larger society's legal and political system. *Multiculturalism* is usually used in conjunction with the term *diversity* to identify many distinctions of social significance.

- Explain that multiculturalism is often linked to the concept of social diversity and that multiculturalism and diversity emphasize the importance of the impact of multigroup differences on the criminal justice system.

Cultural competence: The ability to interact effectively with people of different cultures. Cultural competence helps to ensure that the needs of all community members are addressed

LIST OF CHANGES/TRANSITION GUIDE

- The chapter opening story now describes the 2015 justice system crisis that arose following refusals by grand jurors in Missouri and New York to indict police officers in the death of two black suspects in separate incidents.
- "Milestones in crime history" now recognize the present-day impact of computer and high-technology crimes
- The late-2014 assassination of two New York City police officers as they sat in their marked patrol car on a Brooklyn Street is now discussed.
- The 2014 trial of Oscar Pistorius, the South African Paralympic athlete known as the "Blade Runner", who was convicted of the shooting death of his model girlfriend, Reeva Steenkamp is now discussed.
- Mention is made of Justin Bieber's Miami Beach, Florida arrest in 2014, where he was charged with speeding in a yellow Lamborghini, for driving with an expired license, and for driving under the influence of alcohol, marijuana, and prescription drugs.
- A new key term, "procedural fairness," has been added to the chapter.
- The 2015 "work stoppage" by NYPD officers is described.

ADDITIONAL ASSIGNMENTS AND CLASS ACTIVITIES

- Have students collect clippings and stories from newspapers, magazines, and the Web to do a short report or presentation noting which criminal justice–related topics (such as individual rights, social control, policing, terrorism, and violent crime) receive the most coverage.
- Consider holding a debate in class to help students understand the dichotomy of individual-rights advocates and public-order advocates is to hold a debate in class. Divide the class in half and assign one half to be individual-rights advocates and the other to be public-order advocates. A good issue for them to take a position on is drunk driving. Explain to students how the criminal justice system's response to drunk driving has evolved significantly during the last 30 years. Emphasize that drunk driving was virtually ignored in the 1970s; when an incident came to the attention of the criminal justice system, it would either be ignored or the drunk driver would receive a short sentence. Today drunk driving is considered a serious crime and is given high priority in many cities. Ask the half of the class that represents the individual-rights advocates to argue that the new emphasis on drunk driving is excessive. Ask the half of the class viewing the issue as public-order advocates to provide reasons that strict enforcement of drunk-driving laws is a reasonable criminal justice response.
- Ask students to write a short essay on which perspective they identify with more closely – individual rights or public order. Have them discuss the relative merits of each perspective and how the goals of both may be balanced in contemporary society. They may also present personal experiences that help explain their affinity for their chosen perspective.
- Ask students to write a short essay discussing which model, consensus or conflict, best describes the American system of justice today and why.

- Provide students with a list of criminal justice issues, such as habitual offender statutes (three-strikes laws, etc.), the *Miranda* warnings, the exclusionary rule, mandatory domestic violence arrests, speedy trials, police crackdowns, drunk-driving roadblocks, and providing attorneys to indigents. Have students discuss whether each issue is more consistent with the due process model or the crime-control model.
- Create a criminal justice e-newsletter to which members of the class can contribute throughout the term. Students should serve as researchers, reporters, and editors and should cover criminal justice topics that might be of interest to the campus community, such as date rape, drug abuse, and vandalism. Have students arrange for all aspects of the newsletter's production. You might consider posting the newsletter on the Web.
- Create a Web site for your class. Post news of student activities in the criminal justice area, build a discussion area for current criminal justice topics, list links to other criminal justice Web sites, and perhaps post a brief biography of each student in the class (do not post personal information such as addresses or telephone numbers).
- Ask representatives from community criminal justice agencies to visit your class throughout the semester, either in person or virtually through computer conferencing. Create a master schedule for speakers, linking it to the topics covered in the class syllabus and in the textbook.
- Collect information on the criminal justice system's response to terrorism after the attacks at the World Trade Center and the Pentagon. Find at least one article that highlights individual-order concerns and one that highlights public-order concerns. In class, display (or duplicate) the articles, and have students compare and contrast the findings from the different articles.

SUGGESTED ANSWERS TO END-OF-CHAPTER ASSIGNMENTS

Questions for Review

1. **Describe the American experience with crime during the last half century. What noteworthy criminal incidents or activities can you identify during that time, and what social and economic conditions might have produced them?**

   During the civil rights era in the 1960s and 1970s, there was a strong emphasis on individual rights. This led to the recognition of personal rights previously denied on the basis of race, ethnicity, gender, sexual orientation, or disability. During the same time, American criminal justice sought to understand the root causes of crime and violence. During the more recent past, interest has increased in keeping an ordered society, ensuring the public safety, and providing for the rights of victims. Currently the focus is on accountability, with a "get tough on crime" attitude. The change during the past century was due to a societal frustration. There was an inability of the system to prevent crimes. The events of September 11, 2001, led to increased conservatism in public policy. More recently, corporate and white-collar crime have taken center stage in criminal justice, and the current era is characterized by declining rates of "traditional" crimes but an increase in crimes that are Internet-based or involve other forms of high technology.

2. **What is the theme of this textbook? According to that theme, what are the differences between the individual-rights perspective and the public-order perspective?**

   The main theme of this book is that of individual rights versus public order. The theme stresses the need to balance the protection of each individual's constitutional rights with the protection of society as a whole. Ensuring that the basic rights of individuals are not infringed upon while society is protected through the maintenance of public order requires a delicate balancing act. The central feature of the individual-rights perspective is the focus on its protection of personal freedoms. This perspective is concerned about unnecessarily restrictive government actions that limit or eliminate these freedoms. The central feature of the public-order perspective is in the acknowledgment that the interests of society should take precedence over individual rights. These perspectives are in conflict. The individual-rights perspective is willing to sacrifice public safety in order to protect important personal freedoms. The public-order perspective is willing to eliminate or limit rights to increase public safety.

3. **What is justice? What aspects of justice does this chapter text discuss? How does criminal justice relate to other, wider notions of equity and fairness?**

   Justice focuses on the principle of fairness and the ideal of moral equity. The chapter focuses on social justice, criminal justice, and civil justice. Social justice embraces all aspects of civilized life and is linked to broader notions of fairness and right and wrong. Criminal justice is one aspect of this wider form of justice. Criminal justice is an important mechanism by which justice can be achieved. Not only do victims, defendants, and others seek and expect fairness from the criminal justice system, but the activities and actions of the criminal justice system often spark society to consider what is considered equal justice.

4. **What are the main components of the criminal justice system? How do they interrelate? How might they conflict?**

   The criminal justice system encompasses three main components: police, courts, and corrections. These three components interrelate in several ways. First, they interact in the processing of specific cases. For example, police officers conduct investigations and make arrests. Offenders must then be processed by the court system, but police officers play a critical role in this process, as they might confer with prosecutors or testify at motion hearings or trials. If an offender is convicted, prosecutors might recommend the sentence and judges may consider prison overcrowding issues when deciding the final sentence. Second, these components interact at a policy level. The formal and informal decision-making processes of each component can impact the strategies and priorities of the other components. Third, the components are increasingly working together in various ways to respond to specific types of crimes. For example, drug, gun, and violent crime task forces often include line-level and command staff from the different components. The interactions between components often result in conflict. Each component focuses on achieving different goals, and the priorities of the different components may not be consistent. A new criminal justice strategy might be implemented by one component, but the goals of that program may not be consistent with the other components.

5. **List the stages of case processing that characterize the American system of criminal justice, and describe each stage.**

    a. *Investigation, arrest, and booking*. The process generally begins with the investigation of a crime. A witness or victim might report a crime, a patrol officer may discover a crime, or police officers might use undercover operations to discover crime. An arrest involves taking a person into custody. Booking involves taking pictures and fingerprints and recording personal information.

    b. *First appearance, preliminary hearing, information or indictment, and arraignment*. At the first appearance, the judge tells suspects of the charges, will advise them of their rights, and will decide bail. The purpose of the preliminary hearing is to determine whether there is sufficient evidence to continue the criminal justice process. In some states, the prosecutor may seek to continue the case by filing an information with the court; other states require an indictment be returned by a grand jury before prosecution may proceed. At the arraignment, the suspect hears the charges and is asked to enter a plea.

    c. *Adjudication*. Cases are resolved by either plea bargaining or trial. Cases that go to trial are governed by the rules of evidence, procedural law, and precedent. Trials are best thought of as a contest between prosecuting and defense attorneys.

    d. *Sentencing*. Once a person pleads guilty or is convicted at trial, the judge must impose a sentence. Judges have a wide range of sentences available to them, but their discretion is limited by statute and guidelines. Defendants do have the right to appeal.

    e. *Corrections and Reentry*. Corrections begin after a sentence is imposed. Among the options available to judges are prison and probation.

6. **What is meant by *due process of law*? Where in the American legal system are guarantees of due process found?**

    Due process means procedural fairness. Due process of law includes laws creating and defining offenses, an impartial tribunal, accusation in proper form, notice and opportunity to defend, trial according to established procedures, and discharge or conviction. Due process underlies the first ten amendments of the U.S. Constitution, and is specifically guaranteed by the Fifth, Sixth, and Fourteenth Amendments.

7. **What is the role of research in criminal justice? What is evidence-based practice? How can research influence crime-control policy?**

    Research has become a major component of criminal justice and has served to increase professionalism, in practice and in theory. Evidence-based practice comes from sound research. Whereas evidence usually refers to a crime, here it refers to findings that are supported by research studies. Criminal justice research influences policy by providing sound research on which policy can be based.

8. **What is multiculturalism? What is social diversity? What impact do multiculturalism and diversity have on the practice of criminal justice in contemporary American society?**

Multiculturalism is the existence within one society of diverse groups that maintain unique cultural identities while frequently accepting and participating in the larger society's legal and political system. Social diversity refers to differences between individuals and groups within the same society. This can include differences based on culture, race, religion, ethnicity, age, gender identity, and disabilities.

The diversity within American society makes the United States a textbook example of multiculturalism. America has always been multicultural and extremely diverse, although the face of multiculturalism in America is quite different than in the past. Overall, however, modern American society is an amalgam of ethnic, racial, religious, and cultural influences.

Few governmental systems are as impacted by multiculturalism and diversity as is the criminal justice system. Perhaps the most dramatic effects are noted in the field of law enforcement. Continuing revelations of past or current wrongs committed by police against individual members of the public—wrongs unarguably shown to have been motivated by racial or ethnic bias—have significantly eroded public trust in policing agencies. Recent events have led to increased distrust of the police and feelings of injustice about how suspects, especially African-Americans, are being treated by the criminal justice system.

The courts, also are confronted with multicultural factors that demand consideration as rulings are made. A ruling against an offender charged with violating American law by practicing an ethnic or religious tradition can create backlash within the affected ethnic community.

Correctional officials must also address multiculturalism on a daily basis. Given the diverse populations in American prisoners, corrections departments must sometimes scramble to meet inmates' religious or ethnic needs while trying to operate within the constraints of limited budgets.

Multiculturalism presents both profound problems and significant opportunities for American justice administrators. While some argue that oversensitivity to multiculturalism and diversity has a corrosive effect that weakens the justice system, others see our growing social awareness as a catalyst for change that will yield greater justice for all.

Like all segments of society—business and industry, education, the military, and so on—the criminal justice system's adoption of functional changes to accommodate evolving social concerns is a complex process that inevitably moves far too slowly for some and way too fast for others. It is critical to note, though, that the process has begun and is continuing.

Questions for Reflection

1. **Reiterate the theme of this textbook. How might this textbook's theme facilitate the study of criminal justice?**

   The main theme of this textbook is individual rights versus public order. The theme stresses the need to balance the protection of each individual's constitutional rights with the protection of society as a whole. Ensuring that the basic rights of individuals are not infringed upon while society is protected through the maintenance of public order requires a delicate balancing act.

The study of criminal justice involves examination of the processes by which the various components of the system interact to maintain the balance between individual rights and public order. In considering the impact of social issues and technological changes on future crime, administrators must also address systemic changes mandated by increased social awareness of and sensitivity to the multicultural makeup of American society.

2. **Why is public order necessary? Do we have enough public order or too little? How can we tell? What might a large, complex society like ours be like without laws and without a system of criminal justice? Would you want to live in such a society? Why or why not?**

   Answers will vary

3. **What must we, as individuals, sacrifice to facilitate public order? Do we ever give up too much in the interest of public order? If so, when?**

   True and complete freedom means living without constraints of any kind. Public order, however, relies on a social bond between society and the individual. That bond involves the submission of society's members to controls imposed by laws, governmental regulations, and social customs. Although society protects us through its laws and the mechanisms it establishes to enhance security (such as the justice system), it is our duty to responsibly follow the law and to contribute to public safety.

   History is replete with examples of citizens giving up too much to achieve order. Within the context of their limited society, the citizens of Nazi Germany may have considered the stringent controls imposed by the Nazi state—including the extermination of German Jews—to be essential to their way of life. In the greater context of the world community, however, those controls were seen as excessive, even horrific.

   Ethnic cleansing programs in various countries during the second half of the twentieth century, as well as the infamous Apartheid laws formerly practiced in South Africa, exemplify the efforts of oppressive regimes to achieve their own forms of public order. Such activities typically evoke condemnation as a world response, on grounds that they violate elemental human rights. The practitioners of such activities, however, argue that the pursuit of their narrowly defined state of public order justifies their abhorrent practices.

4. **This text describes two models of the criminal justice system. What are they, and how do they differ? Which model do you think is more useful? Which is more accurate? Why?**

   This chapter describes the *consensus model*, which assumes that the component parts of the criminal justice system strive toward a common goal, and that the movement of cases and people through the system is smooth due to cooperation between the various components of the system; and the *conflict model*, which says that criminal justice agency interests tend to make actors within the system self-serving, and that pressures for success, promotion, pay increases, and general accountability fragment the efforts of the system as a whole, leading to a criminal justice nonsystem.

Given the great variation in attitudes about crime and punishment, varying propensities toward liberalism or conservatism, the strength of local government leadership, the degree of citizen activism or ambivalence, etc., it would be difficult to label either model as “more accurate” than the other. To a large extent, it is a matter of perspective.

For example, many view the consensus model as the ideal of the criminal justice system and the conflict model as the reality. An incumbent state attorney general running for reelection, therefore, might well depict the criminal justice system within his or her state as a shining example of the consensus model at its best—while his or her opponent depicts it as a chaotic example of the conflict model at its worst.

Many academicians, in contrast, will say that the conflict model is the most accurate—that is, it depicts the criminal justice system in terms of its everyday realities. In fact, the various agencies that make up the justice system are often at odds and are concerned only with their own interests rather than with system-wide goals. Similarly, individual agencies rarely focus on society-wide values such as social justice and procedural fairness, but instead are primarily concerned with meeting legislative, budgetary, and administrative requirements.

Answers will vary

CHAPTER 2

The Crime Picture

CHAPTER OVERVIEW

This chapter provides a statistical overview of crime in America and identifies special categories of crime of particular interest. Though examined statistically it is important to remember that, unlike TV dramas, the numbers represent real people, victims and perpetrators, real pain and real loss.

Crime statistics in the U.S. come from two major sources, the FBI's **Uniform Crime Reporting Program** (also known today as the UCR/NIBRS program) and the **National Crime Victimization Survey** (NCVS) produced by the Bureau of Justice Statistics. A third course of crime data is offender **self-reports**.

Statistics from the UCR are based on reports by victims of crime to the police. The FBI collects crime information from approximately 18,000 law enforcement agencies, using standardized definitions of offenses. The UCR program also includes the **National Incident-Based Reporting System** (NIBRS), which represents a significant redesign of the original UCR program. Unlike the UCR, which is summary-based, NIBRS is incident-driven. UCR/NIBRS information reports rates of crime. Since the program began, there have been three major shifts in crime rates and a fourth appears imminent. The UCR/NIBRS program is currently going through a transitional phase as more NIBRS-based data are being integrated into the FBI's official summaries.

The FBI collects data on eight **Part I** offenses, each of which is briefly discussed. They include **murder**, **rape**, **robbery**, **aggravated assault**, **burglary**, **larceny-theft**, **motor-vehicle theft**, and **arson**. Data are also collected on a number of **Part II** offenses, which are generally less serious than the Part I crimes. Only information on recorded arrests is collected for Part II offenses.

The NCVS is based on victim self-reports and includes data on reported and unreported crime in an effort to uncover information on the **dark figure of crime**. The survey asks citizens directly about their victimization experiences, including characteristics of the perpetrator, the crime, and the incident. This survey includes information on six crimes: rape and sexual assault, robbery, assault, burglary, personal and household larceny, and motor vehicle theft.

Although both sources provide some general understanding of the crime problem, they have limitations. Because UCR/NIBRS data are based on citizen crime reports to the police, there are several inherent problems. Not all people report crimes to the police, some crimes are rarely if ever reported, certain crimes do not fit into the traditional reporting categories, reports go through multiple bureaucratic levels, and victim reports may be inaccurate. The NCVS relies on survey data, which may be skewed for several reasons. Respondents include personal interpretations as well as objective information, not everyone is equally willing to participate, some victims may be afraid to report crimes to the interviewers, and some respondents may invent victimizations. Additionally, both the UCR/NIBRS and the NCVS are human artifacts and only contain data considered appropriate by their creators.

Several special categories of crime are also discussed in this chapter. Information is provided on crime against women (including **stalking** and **cyberstalking**), crime against the elderly, **hate crime**, **corporate** and **white-collar crime**, **organized crime**, gun crime, drug crime, **cybercrime,** and terrorism.

CHAPTER OBJECTIVES

- Describe the FBI's UCR/NIBRS Program, including its purpose, history, and what it tells us about crime in the United States today.
- Describe the National Crime Victimization Survey (NCVS) program, including its purpose, history, and what it tells us about crime in the United States today.
- Compare and contrast the UCR and NCVS data collection and reporting programs.
- Describe how the special categories of crime discussed in this chapter are significant today.

LECTURE OUTLINE

I. Introduction
II. The UCR/NIBRS Program
III. The National Crime Victimization Survey
IV. Comparisons of the UCR and NCVS
V. Special Categories of Crime

I. Introduction
   A. Crime Data and Social Policy
      - Crime statistics provide an overview of criminal activity
      - A statistical picture of crime can be a tool for creating social policy.
      - There are questions regarding how objective, and therefore how useful, crime statistics are

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DISCUSSION STARTER—PUBLIC OPINION

What implications does media coverage have for public opinion on crime? On criminal justice policy-making? Explore the differences between statistics on crime and the media's coverage of crime.

   B. The Collection of Crime Data
      - Discus the two main sources of crime statistics: The Uniform Crime Reports and the National Crime Victimization Survey.
      - Briefly discuss other data sources, including self-reports and the *Sourcebook of Criminal Justice Statistics*.

Uniform Crime Reporting (UCR) Program: A statistical reporting program run by the FBI's Criminal Justice Information Services (CJIS) division. The UCR Program publishes *Crime in the United States*, which provides an annual summation of the incidence and rate of reported crimes throughout the United States.

National Crime Victimization Survey (NCVS): An annual survey of selected American households conducted by the Bureau of Justice Statistics to determine the extent of criminal victimization—especially unreported victimization—in the United States.

Bureau of Justice Statistics (BJS): A U.S. Department of Justice agency responsible for the collection of criminal justice data, including the annual National Crime Victimization Survey.

Self-reports: Crime measures based on surveys that ask respondents to reveal any illegal activity in which they have been involved.

II. The UCR/NIBRS Program

A. Development of the UCR Program

- The FBI has been compiling statistics on crimes known to the police since 1930
- Police departments (about 18,000) voluntarily submit to the FBI information on the crimes that have been reported to them.
- The FBI originally constructed a Crime Index, which represented the total number of Part I Offenses that have been reported to the police, but this was discontinued because it was skewed by the large numbers of larceny-thefts.

DISCUSSION STARTER—UNDERSTANDING CRIME

What was our understanding of crime like before the creation of the UCR/NIBRS and the NCVS? What insights have the UCR/NIBRS and the NCVS provided policymakers?

Crime Index: A now defunct but once inclusive measure of the UCR Program's violent and property crime categories, or what are called *Part I offenses*. The Crime Index, long featured in the FBI's publication *Crime in the United States,* was discontinued in 2004. The index had been intended as a tool for geographic (state-to-state) and historical (year-to-year) comparisons via the use of crime rates (the number of crimes per unit of population). However, criticisms that the index was misleading arose after researchers found that the largest of the index's crime categories, larceny-theft, carried undue weight and led to an under appreciation for changes in the rates of more violent and serious crimes.

B.The National Incident-Based Reporting System (NIBRS)

National Incident-Based Reporting System (NIBRS): An incident-based reporting system that collects detailed data on every single crime occurrence. NIBRS data is replacing the kinds of summary data that have traditionally been provided by the FBI's Uniform Crime Reporting Program.

- NIBRS represents a significant redesign of the original UCR program

- The original UCR was summary based; NIBRS is incident driven

- NIBRS includes a larger number of offenses and collects data on an expanded array of attributes involved in the commission of crime

- Plans call for the transition to a NIBRS-only data format by 2021.

National Crime Statistics Exchange (NCS-X): A BJS-sponsored program designed to generate nationally representative incident-based data on cirmes reported to law enforcement agencies.

C.Historical Trends

- Most UCR information is reported as a rate of crime.
- Discuss the three major shifts in crime rates that have occurred since the UCR began.
- A decrease in crime in the early 1940s due to the large number of men entering military service during World War II
- An increase in crime between 1960 and the early 1990s
- A decline in crime rates beginning in 1991
- A fourth shift may be starting now.

D.UCR/NIBRS in Transition

- The UCR/NIBRS program is going through a transitional phase as more NIBRS-based data is being integrated into the FBI's official summaries
- Some of the definitions used for criminal activity under NIBRS are different than under the traditional UCR.
- The FBI Crime Clock, a shorthand way of diagramming crime frequency in the United States, distinguishes between violent/personal crimes and property crimes.

DISCUSSION STARTER—CRIME DATA

From your perspective, which form of data gathering—that represented by the UCR/NIBRS or the NCVS—provides the most useful information about crime in America? Why? How can we combine data provided by the two to get a more complete picture of crime?

Violent Crime: A UCR/NIBRS summary offense category that includes murder, rape, robbery, and aggravated assault.

Property Crime: UCR/NIBRS summary offense category that includes burglary, larceny-theft, motor vehicle theft, and arson.

- Crimes may be cleared by arrest or by exceptional means. Clearances do not involve judicial disposition.

Clearance Rate: A traditional measure of investigative effectiveness that compares the number of crimes reported or discovered to the number of crimes solved through arrest or other means (such as the death of the suspect).

DISCUSSION STARTER—CLEARANCE RATES

Ask why some crimes have much higher clearance rates than others. Explain that personal crimes are cleared far more frequently than most property crimes because victims of violence are often able to identify their attackers.

DISCUSSION STARTER—DATA GATHERING

Which form of data gathering—that represented by the UCR/NIBRS or the NCVS—would individual-rights advocates be most likely to support? Which form would public-order advocates likely support? Why? In a broader sense, how can the form in which data are gathered serve political ends?

E. Part I Offenses

1. Murder

Part I Offenses: A UCR/NIBRS offense group used to report murder, rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson, as defined under the FBI's UCR/NIBRS Program.

Murder: The unlawful killing of a human being. *Murder* is a generic term that in common usage may include first- and second-degree murder, manslaughter, involuntary manslaughter, and other similar offenses.

- Explain the various types of homicide, including justifiable homicides, first degree murder, and second degree murder.
- Murder is the smallest numerical category of Part 1 offenses.
- Discuss statistics and characteristics of murder.
- Explain the difference between spree killings, mass murder, and serial murder
- Murder has the highest clearance rate of any index crime.

2. Rape

Rape: Unlawful sexual intercourse achieved through force and without consent. More specifically, penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. *Statutory rape* differs from other types of rape in that it generally involves nonforcible sexual intercourse with a minor. Broadly speaking, the term *rape* has been applied to a wide variety of sexual attacks and may include same-sex rape and the rape of a male by a female. Some jurisdictions refer to same-sex rape as sexual battery.

- Explain the changes in the definition of rape made by the FBI in 2012.
- Rape is the least reported of all violent crimes. Explain that criminologists believe that far more rapes occur than are reported. Suggest that reasons for

underreporting include embarrassment, fear of insensitive handling by the justice system, and fear of the offender.

- Discuss statistics and characteristics of rape.
- Explain that many researchers see rape as a crime of power rather than one of sex. Explain that many rapists seek to humiliate their victims and that they enjoy the sense of power that comes from the abuse. Mention, however, that other researchers have found that imprisoned rapists identify "lust," rather than "power," as their primary criminal motivation.

Sexual Battery: Intentional and wrongful physical contact with a person, without his or her consent, that entails a sexual component or purpose.

Date Rape: Unlawful forced sexual intercourse with a female against her will that occurs within the context of a dating relationship. Date rape, or acquaintance rape, is a subcategory of rape that is of special concern today.

DISCUSSION STARTER—DATE RAPE

Ask whether the phenomenon of date rape is of recent origin or has existed for generations. Why has it received so much media attention recently?

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3. Robbery

Robbery (UCR/NIBRS): The unlawful taking or attempted taking of property that is in the immediate possession of another by force or violence and/or by putting the victim in fear. Armed robbery differs from unarmed, or strong-arm, in that it involves a weapon. Contrary to popular conceptions, highway robbery does not necessarily occur on a street—and rarely in a vehicle. The term *highway robbery* applies to any form of robbery that occurs outdoors in a public place.

- Robbery is a personal crime involving a face-to-face confrontation between victim and perpetrator.
- Discuss statistics and characteristics of robbery.
- Explain the hierarchy rule
- Define *highway robbery* as any robbery that occurs outdoors in a public place. Explain that highway robbery does not necessarily occur on the road or in a vehicle.

4. Aggravated Assault

Assault (UCR/NIBRS): An unlawful attack by one person upon another. Historically, *assault* meant only the attempt to inflict injury on another person; a completed act constituted the separate offense of battery. Under modern statistical usage, however, attempted and completed acts are grouped together under the generic term *assault*.

Aggravated Assault: The unlawful, intentional inflicting, or attempted or threatened inflicting, of serious injury upon the person of another. While *aggravated assault* and *simple assault* are standard terms for reporting purposes, most state penal codes use labels like *first-degree* and *second-degree* to make such distinctions.

- Explain the differences between simple and aggravated assault.
- Discuss statistics and characteristics of assault.
- The clearance rate for aggravated assault is relatively high.

DISCUSSION STARTER—SEASONAL CRIME

Certain crimes, like rape, assault, and robbery, seem to show seasonal variations. Why do you think this is so?

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5. Burglary

Burglary (UCR/NIBRS): The unlawful entry of a structure to commit a felony or a theft (excludes tents, trailers, and other mobile units used for recreational purposes). Under the UCR/NIBRS program, the crime of burglary can be reported if (1) an unlawful entry of an unlocked structure has occurred, (2) a breaking and entering (of a secured structure) has taken place, or (3) a burglary has been attempted.

- Burglary is primarily a property crime even though it may involve personal confrontation.
- Discuss statistics and characteristics of burglary.
- Explain the differences among forcible entry, unlawful entry where no force is used, and attempted forcible entry.
- Clearance rates for burglary are typically low.
- Most people tend to confuse the terms *robbery* and *burglary*, using them interchangeably. Explain the differences between the two terms, and show why they are not the same.

6. Larceny-Theft

Larceny-Theft (UCR/NIBRS): The unlawful taking or attempted taking, carrying, leading, or riding away of property, from the possession or constructive possession of another. Motor vehicles are excluded. Larceny is the most common of the eight major offenses, although probably only a small percentage of all larcenies are actually reported to the police because of the small dollar amounts involved.

- Larceny, also called theft, is the most common Part I offenses and includes a variety of offenses.
- Discuss statistics and characteristics of burglary.
- Explain the difference between simple and grand larceny.
- Larceny is a catch-all category of the UCR.
- Discuss issues relating to identity theft, a special kind of larceny.

Identity-Theft: A crime in which an impostor obtains key pieces of information, such as Social Security and driver's license numbers, to obtain credit, merchandise, and services in the name of the victim. The victim is often left with a ruined credit history and the time-consuming and complicated task of repairing the financial damage.

7. Motor Vehicle Theft

Motor Vehicle Theft (UCR/NIBRS): The theft or attempted theft of a motor vehicle. *Motor vehicle* is defined as a self-propelled road vehicle that runs on land surface and not on rails. The stealing of trains, planes, boats, construction equipment, and most farm machinery is classified as larceny under the UCR/NIBRS program, not as motor vehicle theft. (p. 50)

- Motor vehicle theft is actually a form of larceny-theft but is categorized separately by the UCR/NIBRS Program.
- Motor vehicle thefts have high reporting rates because insurance companies require that the theft be reported.
- Motor vehicle thefts have low clearance rates because the stolen vehicle is usually disassembled and sold as parts.
- Discuss statistics and characteristics of motor vehicle theft.
- Carjacking occurs when an offender forces the occupants onto the street before stealing the vehicle.

8. Arson

Arson (UCR/NIBRS): Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, and so on. Some instances of arson result from malicious mischief, some involve attempts to claim insurance monies, and some are committed in an effort to disguise other crimes, such as murder, burglary, or larceny.

- Explain that the category of arson was added after the UCR/NIBRS Program had been established and that not all agencies that report crime data provide information on arson.
- Point out that arson data only include fires determined through investigation to have been willfully or maliciously set and that fires of unknown or suspicious origin are excluded from arson statistics.
- Discuss statistics and characteristics of arson.

F. Part II Offenses

- Part II offenses include a number of social-order, or so-called victimless crimes.
- Remind students that the statistics on Part II offenses are for recorded arrests, not for crimes reported to the police.

Part II Offenses: A UCR/NIBRS offense group used to report arrests for less serious offenses. Agencies are limited to reporting only arrest information for Part II offenses with the exception of simple assault.

III. The National Crime Victimization Survey

- The NCVS is based on victim self-reports rather than police reports.
- Discuss the origins of the NCVS, and explain that is designed to give a more complete picture of crime than the UCR. Explain how the NCVS can help uncover the "dark figure of crime."
- The NCVS shows that many more crimes occur than are reported.

Dark Figure of Crime: Crime that is not reported to the police and that remains unknown to officials.

- The Bureau of Justice Statistics gathers NCVS data from a semiannual national sample of approximately 90,000 households (170,000 people). Only individuals aged 12 or older are interviewed.
- The NCVS includes data on six crimes: rape and sexual assault, robbery, assault, burglary, personal and household larceny, and motor vehicle theft.
- Point out that a number of crimes, such as murder, victimless crimes, and crimes against businesses are not included in the NCVS.
- Discuss information obtained from recent NCVS statistics.

IV. Comparisons of the UCR and NCVS

- Both the UCR/NIBRS and NCVS programs have problems,
- UCR/NIBRS data are based primarily on citizens' crime reports to the police, resulting in several inherent difficulties,
    - Not everyone reports victimization to the police.
    - Certain types of crimes are rarely if ever reported.
    - High-technology and computer crime do not fit well with traditional reporting categories and may be underrepresented in the crime statistics.
    - Victims' reports may not be entirely accurate.
    - Reports are filtered through a number of bureaucratic levels, increasing the likelihood of inaccuracies in the data.
- NCVS relies on surveys and personal interviews and survey results may be skewed
    - Victims provide personal interpretations and descriptions rather than objective information
    - Some victims are more willing to participate than others
    - Some victims are afraid to report crimes to interviewers
- Both the UCR/NIBRS and the NCVS are human artifacts and only contain data that their creators think appropriate.

DISCUSSION STARTER—CRIME STATISTICS

Ask students whether the following statistics would be found in the UCR/NIBRS or the NCVS.

In 2005, 254 infants were murdered. **(UCR/NIBRS)**

Approximately 40% of crimes are reported to the police. **(NCVS)**

Fifty-six percent of aggravated assaults are cleared by arrest. **(UCR/NCBRS)**

The arson rate in 2005 was 5,660. **(UCR/NCBRS)**

V. Special Categories of Crime

Crime Typology: A classification of crimes along a particular dimension, such as legal categories, offender motivation, victim behavior, or the characteristics of individual offenders.

- Explain the purpose of developing crime typologies.

A. Crime against Women

- Women are victimized far less frequently than men in every major personal crime category other than rape, but are more likely to be injured during victimization.
- Women are more likely than men to make modifications in their lifestyles because of fear of crime.

Stalking: Repeated harassing and threatening behavior by one individual against another, aspects of which may be planned or carried out in secret. Stalking might involve following a person, appearing at a person's home or place of business, making harassing phone calls, leaving written messages or objects, or vandalizing a person's property. Most stalking laws require that the perpetrator make a credible threat of violence against the victim or members of the victim's immediate family.

- Discuss findings from the National Violence against Women Survey.
- Explain the importance of the Violence against Women Act (VAWA)

Cyberstalking: The use of the Internet, e-mail, and other electronic communication technologies to stalk another person.

B. Crime against the Elderly

- Criminal victimization declines with age.
- Discuss characteristics of elderly victims
- Explain that the elderly face special kinds of victimization that only rarely affect younger adults, such as abuse at the hands of caregivers.

C. Hate Crime

Hate Crime (UCR/NIBRS): A criminal offense committed against a person, property, or society which is motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin.

- Explain that the Hate Crime Statistics Act, which was signed into law by President George H. W. Bush in 1990, requires the collection of hate crime statistics.

- Discuss information obtained from recent hate crime data and explain the effects of the 9/11 terrorist attacks on hate crimes.
- Discuss the Violent Crime Control and Law Enforcement Act of 1994 and the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2010. Explain how these Acts expanded the definition of hate crime to include additional protected categories.
- Hate crime statistics vary greatly depending on the data source used. The NCVS reports more hate crimes than the UCR.

DISCUSSION STARTER—HATE CRIME

How do hate crimes and the existence of survivalist organizations highlight the dichotomy between individual rights and the need for public order?

D. Corporate and White-Collar Crime

Corporate Crime: A violation of a criminal statute by a corporate entity or by its executives, employees, or agents acting on behalf of and for the benefit of the corporation, partnership, or other form of business entity.

White-Collar Crime: Financially motivated nonviolent crime committed by business and government professionals.

- Explain the effect of the recent economic downturn on mortgage fraud scams and discuss the various types of mortgage fraud.
- Discuss the Corporate Fraud Task Force and the Sarbanes-Oxley Act.

E. Organized Crime

Organized Crime: The unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including gambling, prostitution, loan-sharking, narcotics, and labor racketeering, and in other unlawful activities.

Transnational Organized Crime: Unlawful activity undertaken and supported by organized criminal groups operating across national boundaries.

- Explain that the idea of organized crime as the Mafia is a stereotype and that there is considerable variation in the types of groups involved in organized crime.
- Discuss the concept of transnational organized crime and why it is such a key issue in criminal justice today.

F. Gun Crime

- Remind students of the constitutional guarantee of the right to bear arms and explain that this has contributed to the plethora of guns in our society today.
- The Brady Handgun Violence Prevention Act was passed in 1994. It provided a five-day waiting period and a national incident criminal background check system. Point out that the five-day waiting period was discontinued in 1998 after an instant computerized background checking system went into operation.

- Research indicates that most offenders obtained weapons from friends or family members and that a growing number of violent criminals are carrying handguns.

G. Drug Crime

- Point out that unlike many types of crime, drug-related crime has continued to increase and is a major cause of the growth in the U.S. prison population.
- Discuss the links between drugs and crime and explain that a large percentage of homicides are drug-related.
- Discuss issues relating to the legalization of the recreational use of marijuana and other “soft” drugs.

H. Cybercrime

Cybercrime: Any crime perpetrated through the use of computer technology. Also, any violation of a federal or state cybercrime statute.

- Explain that cybercrime involves the use of computers and computer technology to commit crimes and that the theft of computer equipment is not cybercrime.
- Point out that many cybercrimes are not new forms of offending but are traditional crimes that use technologies in their commission.

I. Terrorism

- September 11, 2001 brought terrorism to the forefront of American consciousness.
- The Department of Homeland Security was created to assist in developing protection for the country’s critical infrastructure.

LIST OF CHANGES/TRANSITION GUIDE

- The discussion of cybercrimes has been enhanced, recognizing them as contributing to a higher rate of crime than is commonly acknowledged.
- Updated crime statistics are found throughout the chapter.
- A new and detailed box on marijuana legalization and decriminalization is included, along with a map of marijuana legalization initiatives.
- A new definition of "rape" is provided, reflecting a change by the FBI in its Uniform Crime Reporting terminology.
- A new example of the crime of larceny is provided.
- The CJ Issues box dealing with race and the justice system has been modified and updated to include recent incidents in Ferguson, Missouri, and elsewhere.
- New photos are used to illustrate racial tensions affecting the justice system.
- A new "Freedom v. Safety" box now describes the FBI's concern with encryption technology, and asks if citizens can have too much privacy.
- The discussion of cybercrime has been enhanced.
- The URL for the federal government's Elder Justice website is now provided.
- The information on hate crimes has been updated.

- A new study on gun control laws and their effectiveness at preventing gun crime is discussed.
- The potential for new 3-D printers to be used in the fabrication of handguns is now discussed, and a photo of such a weapon is provided.

ADDITIONAL ASSIGNMENTS AND CLASS ACTIVITIES

- Discuss common misconceptions about crime caused by our heavy reliance on the news media for information about crime. Research on the types of crime presented in the news consistently indicates an inverse relationship between the amount of crime that occurs and what the media present. For example, murder is the index offense least likely to occur, but it is the crime most likely to be presented in the news.

- Have students research UCR Part I crime statistics for their home states (and/or counties and cities) for the past few years. Have students compare crime rates for each geographic area and discuss possible reasons for the variations in rates.

- Have students research UCR Part I crime statistics for their home state, including trend data, and compare the state figures to national trends. Have them identify the similarities and differences between state and national crime patterns and trends.

- Have students select a crime that is included in both the UCR and the NCVS. Have them research statistics on this crime from both sources, including trend data, and compare the results. Have them identify similarities and differences in the information on crime patterns and trends obtained from the two sources.

- Find the latest national summary of campus crime. (*USA Today* periodically publishes a detailed report of such statistics, and data may also be available on the Internet). Have students compare crime on your campus with reports of campus crime elsewhere. What might account for the differences observed?

- Have students construct and conduct a local community or campus questionnaire about crime. For example, a random sampling of resident and off-campus students to determine victimization rates with regard to the theft of textbooks, computers, and personal items from dorm rooms and classrooms can provide a picture of crime on campus. It may be advisable to limit the survey to property crimes because of the sensitive nature of certain types of other crimes. The questionnaire could be extended to include professors and administrative staff. If yours is a distance learning school, invite students to participate by online questionnaire. Have students report on their findings.

- Have students construct and conduct a local community or campus self-report survey that asks respondents about the offenses they have committed. It may be advisable to limit the survey to property crimes because of the sensitive nature of certain types of other crimes. The questionnaire could be extended to include professors and administrative staff. If yours is a distance learning school, invite students to participate by online questionnaire. Have students report on their findings.

- Present students with a variety of situations and have them identify which Part I offense category is occurring in each, and explain their responses. You could also include situations that are not crimes. Sample criminal situations include:
    - A college freshman visits a friend's residence hall and forces her to have sexual intercourse. (**rape)**
    - A woman is caught after she puts a gun to an elderly man's head and takes his wallet and watch. (**robbery)**
    - A man drives his car into a group of teenagers. Six teenagers have to be taken to the hospital for treatment of their injuries. **(aggravated assault)**
    - A 14-year-old girl steals a Porsche 944 from a car dealership. (**motor vehicle theft**)
    - A 14-year old boy steals a bulldozer. (**larceny-theft**)
    - A man walks through an open door of a home and steals cash and other valuables and raids the refrigerator. (**burglary**)
    - An 18-year-old girl gave birth to a baby boy in her mother's fourth-floor apartment and tossed the child out the window, causing the baby's death. (**murder**)
    - A woman walks out of a coatroom with a leather jacket that does not belong to her. (**larceny-theft**)
    - A man sets his neighbor's Christmas tree on fire. (**arson**)
    - A woman borrows her neighbor's boat to go fishing without obtaining his permission first. (**larceny-theft**)
- Prior to class, visit the Websites of the Uniform Crime Reports and the *Sourcebook of Criminal Justice Statistics*. Collect information on murder from both sites. Display this information in class and discuss key issues, including:
    - How much information is available at these sites?
    - What does it consist of?
    - What are the similarities and the differences in the availability of information on the crime of murder between these two sites?
    - Generally speaking, how do the two sites compare?
    - Which one do you find more useful? Why?
- The above exercise could also be done with other crime times, and could also include data from the National Crime Victimization Survey.

SUGGESTED ANSWERS TO END-OF-CHAPTER ASSIGNMENTS

1. **Describe the historical development of the FBI's Uniform Crime Reporting Program, and list the crimes on which it reports. How is the ongoing implementation of the National Incident-Based Reporting (NIBRS) system changing the UCR Program? How do data reported under the new UCR/NIBRS differ from the crime statistics reported under the traditional UCR Program?**

   The FBI has been compiling statistics on crimes known to the police since 1930, by Congress authorization. The FBI received reports from 400 cities in 43 states in its first year of operation. Today, approximately 18,000 police departments voluntarily submit to the FBI information on the crimes that have been reported to them. To ensure reporting uniformity, the FBI developed standardized definitions of offenses. The original Uniform Crime Reporting Program was designed to permit comparisons over time through the Crime Index, which summed the reports of seven major offenses (murder, forcible rape, robbery, aggravated assault, burglary, larceny-theft, and motor vehicle theft) and expressed the result as a crime rate based on population. An eighth offense (arson) was added in 1979. Over the years, concern grew over the Crime Index's unclear picture of criminality because the abundance of larceny-theft reports skewed the results. In 2004, the FBI discontinued its use of the Crime Index and instead published simple violent crime and property crime totals. The FBI is currently working to develop a better and more viable index.

   The National Incident-Based Reporting System (NIBRS) is an incident-based reporting system that collects detailed data on every single crime occurrence (as compared to the summary-based UCR). Under the new enhanced system, law enforcement agencies provide detailed information about crime and arrest activities at the incident level. NIBRS replaces the old Part I and Part II offenses with 22 general offenses and also eliminates the hierarchy rule. NIBRS is not a separate report, but utilizes data from the UCR system in more detail. With the addition of NIBRS based data, some of the older definitions of criminal activity have changed.

2. **Describe the history of the National Crime Victimization Survey (NCVS). What do data from the NCVS tell us about crime in the United States today?**

   The NCVS was first conducted in 1972. It built on efforts previously made by the National Opinion Research Center and the President's Commission on Law Enforcement and the Administration of Justice in the late 1960s. The intent was to uncover the "dark figure of crime," referring to crime that occurs but is not reported to authorities. According to recent NCVS statistics, approximately 15% of American households are affected by crime annually and about 23 million victimizations occur each year. According to the NCVS, the rate of both violent and property crime reported by the NCVS has declined since 1993. Many researchers believe that self-reported crime is more accurate than crime reported to police in getting a true picture of crime and delinquency.

3. **What significant differences between the UCR/NIBRS and NCVS programs can be identified?**

   NCVS programs are based on victim self-reports rather than police reports, as with UCR/NIBRS. Murder, kidnapping, victimless crimes, commercial robbery, and business burglary are not included in NCVS reports as they are in UCR/NIBRS. The UCR uses a hierarchical counting system, which counts the most serious incident in a series of criminal events against a single person. UCR/NIBRS counts crimes reported, whereas NCVS counts both completed and attempted offenses that may or may not have been reported to police. Researchers tend to rely on NCVS data more than UCR/NIBRS because it is a more accurate gauge of criminal incidents than police reports.

4. **What are the special categories of crime discussed in this chapter? Why are they important?**

   The chapter discusses several special categories of crime, including crime against women, crime against the elderly, hate crime, corporate and white-collar crime, organized crime, gun crime, drug crime, high-technology and computer crime, and terrorism. These categories are important because they provide us with additional ways to think about crime and how the criminal justice system responds to crime. The importance of these special categories is also illustrated by thinking of them as crime typologies. Various typologies are used to describe the characteristics of criminal offending. Creating such special categories increases the importance of these types of crime and provides a common ground for scholars and policymakers to discuss them.

SUGGESTED ANSWERS TO QUESTIONS FOR REFLECTION

1. **What can crime statistics tell us about the crime picture in America? How has that picture changed over time? What additional changes might be coming?**

   Analysis of crime data yields discernible patterns of crime and victimization rates and the demography of both crime victims and criminals. Changes in the frequency or types of crime in specific geographic regions are easily detectable, as are changes in the participation of specific demographic groupings in criminality. Statistics are also able to show how public perceptions of crime are not always realistic and how the influence of the media is instrumental in creating those perceptions.

   Since its inception in 1930, the UCR Program has enabled researchers to identify three major shifts in crime rates. The first was a pronounced reduction in crime rates after the crime-prone young male segment of the population entered military service in large numbers during World War II. The second shift was a dramatic increase as the postwar baby-boom generation entered its teen years—the crime-prone age range—in the 1960s. Another escalation was detected in the 1980s, when drug-related violent crimes increased significantly, peaking in about 1991. Through the remainder of the 1990s, major crime rates initially stabilized and then began showing declines in almost all categories.

   A fourth shift in crime rates appears to be on the horizon. Factors such as the recent economic uncertainty, increased joblessness among unskilled workers, the growing number of ex-convicts back on the streets, the recent growth in the teenage population, the increasing influence of gangs, copycat crimes, and the lingering social disorganization resulting from natural disasters may lead to sustained increases in crime.

2. **What are the potential sources of error in the nation's major crime reports? Can you think of some popular use of crime statistics today that might be especially misleading?**

   Because UCR/NIBRS data are based mainly in reports to the police, they are flawed for a number of reasons. They omit unreported crime, and not everyone reports when they are victimized. For example, a drug dealer is unlikely to file a report if someone steals his or her drug supply. Likewise, the victim of the theft of a $20 item will probably not file a report because the amount of the deductible on his or her insurance (if he or she has it) likely exceeds the amount of the loss. Certain types of crimes are rarely if ever reported, particularly so-called victimless crimes such as prostitution and gambling. High-technology and computer crimes do not fit well with traditional reporting categories and may be underrepresented in the crime statistics. Victims' reports may be inaccurate. The various levels of bureaucracy through which reports are filtered also increases the likelihood of inaccuracies in the data. Further, the hierarchy rule, which mandates that only the most serious crime be reported in cases where multiple crimes are committed, prevents the counting of criminal events known to have occurred. Some of these problems are being addressed by adoption of the National Incident-Based Reporting System (NIBRS).

NCVS data are obtained through surveys and interviews, which may result in skewed results. Survey respondents may answer subjectively rather than objectively. Not everyone is equally willing to talk to interviewers. Some victims are afraid to report crimes to the surveyors while others may invent victimizations.

It has become commonplace for the news media to report declines in the overall rate of crime in the United States. Such reports, of course, are based on "official" crime statistics—especially those made available through the UCR. Because data on crime rates, however, are based primarily on the reported rates of specific crimes (such as murder, rape, robbery, etc.), any increase or change in the rates of novel forms of crimes not covered by the program will not be visible. Hence, the recent rise in high-technology crimes is not obvious because it does not fall into one of the categories of crime reported under the UCR Program.

3. Why are many crime statistics expressed as rates? How does the use of crime rates instead of simple numerical tabulations improve the usefulness of crime data?

Expressing crime statistics as rates permits comparisons among areas, across time, and among populations of widely varied sizes. Pure numbers can be grossly misleading. In a city with a population of 7 million, 600 murders would equate to a murder rate of 8.57 per 100,000. If 30 murders occur in a city with a population of 300,000, the rate would be 10 per 100,000. Observers might fixate on the huge number of murders in the larger city—600—and inaccurately believe the city to be more dangerous than the smaller city. In fact, the smaller city, with its higher rate per 100,000, presents a greater risk of someone being murdered.

This ability to evaluate crime data on a universal scale clarifies the true meaning of the hard numbers, defuses emotional responses to large numbers, and enables the researcher to interpret more accurately what those numbers really mean.

4. Do "traditional" UCR/NIBRS and NCVS categories accurately reflect the changing nature of crime in America? Why or why not?

No, Today's UCR/NIBRS Program provides annual data on the number of reported Part I offenses, or major crimes, as well as information about arrests that have been made for less serious Part II offenses. The Part I offenses are murder, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. The Part II offense category covers many more crimes, including drug offenses, driving under the influence, and simple assault. However, many crimes do not fall clearly into these categories, such as white-collar crime, computer crime, and high-technology crime, leading to their possible underrepresentation in today's crime statistics. Similarly, so-called victimless crimes are underrepresented, as they are rarely reported to the police. Modifications to the UCR Program, which has traditionally provided only summary crime data, are occurring with the implementation of the new National Incident-Based Reporting System (NIBRS). NIBRS, which represents a significant redesign of the original UCR Program, gathers many details about each criminal incident, such as place of occurrence, weapon used, type and value of property damaged or stolen, the personal characteristics of the offender and the victim, the nature of any relationship between the two, and the disposition of the complaint. However, it still may result in underrepresentation of many of these types of crime.

The NCVS collects data on only six major crimes and only includes data on victims aged 12 or older. It omits crimes against businesses and corporations, crimes against victims who are not in households, and victimless crimes. Like the UCR, it also includes a hierarchical counting system that counts only the most serious crime in a criminal event.

5. **This chapter recognizes the changing nature of crime. What might crime rates look like if all types of crime today could be captured by traditional crime reporting systems?**

It is important to recognize that UCR/NIBRS and NCVS data do not necessarily provide a complete picture of crime in America not only because they fail to capture what we have called the dark figure of crime, but also because the traditional reporting categories that they employ do not always encompass more innovative forms of crime such as those committed through the use of high technology or certain forms of white-collar crime. A number of special categories of crime, including crime against women, crime against the elderly, hate crime, corporate and white-collar crime, organized crime, gun crime, drug crime, cybercrime, and terrorism would be reported. Each of these categories is of special concern in contemporary society. With all the crimes reported, crime rates would look significantly different.

6. **Do some property crimes have a violent aspect? Are there any personal crimes that could be nonviolent? If so, what might they be?**

Certain property crimes often include a violent aspect. Examples include:

- A motor vehicle theft by carjacking that results in the injury or death of the vehicle's owner.
- A burglary that involves a violent confrontation between the property owner and the burglar.
- An arson that results in the injury or death of a person.
- A larceny by purse snatching that results in injury to the purse's owner.

For a crime to be categorized as a violent crime, it is not necessary for actual injury or death to occur. Violence can extend from the mere threat of physical harm or from intimidation that leads the victim to believe he or she will suffer physical harm if he or she resists. Consequently, personal crimes are inherently violent.

7. What is a clearance rate? What does it mean to say that a crime has been "cleared"? What are the different ways in which a crime can be cleared?

When a crime has been cleared, it has been "solved" by the police A crime can be cleared by arrest, but also by exceptional circumstances, such as when the suspect has been killed during the commission of the crime, when the suspect was not arrested but later died, or when the suspect is known but has fled U.S. jurisdiction and is likely to be unarrestable as a result. It is not necessary for an individual to be convicted of a crime for a crime to be considered cleared.