

Chapter 01

True / False

1. Use of the term criminal justice system can be traced to work done by the American Bar Foundation that revealed the intricate network of decision-making processes employed by justice professionals.

- a. True
- b. False

ANSWER: True

2. Scientific research used to develop evidence-based justice has supported many commonly-held beliefs about the justice system.

- a. True
- b. False

ANSWER: False

3. The Law Enforcement Assistance Administration (LEAA) continues to provide the majority of federal funds to states for criminal justice activities.

- a. True
- b. False

ANSWER: False

4. Of the components in the Criminal Justice System, the correctional component usually comes before the other two components.

- a. True
- b. False

ANSWER: False

5. The police department was created in the United States; the first formed in Philadelphia just before the Civil War.

- a. True
- b. False

ANSWER: False

6. The contemporary criminal justice system is society's instrument of formal social control.

- a. True
- b. False

ANSWER: True

7. Most criminal cases are processed through the entire formal justice system.

- a. True
- b. False

ANSWER: False

8. Police officers can arrest someone for a misdemeanor if a nearby witness claims that the person is guilty of a criminal offense.

- a. True
- b. False

ANSWER: False

9. In a probable cause hearing, the defendant and his or her attorney may appear and dispute the prosecutor's charges.

- a. True
- b. False

ANSWER: True

10. Less-serious felonies are the largest grouping of crimes, making up Level 4 of the criminal justice system wedding cake.

- a. True
- b. False

ANSWER: False

11. The crime control perspective views the proper role of the justice system as a means of caring for and treating people who cannot manage themselves.

- a. True
- b. False

ANSWER: False

12. Those who have a due process perspective on the justice system would be the most likely to advocate decriminalization of marijuana.

- a. True
- b. False

ANSWER: True

13. Noninterventionists support the placement of first-time offenders who commit minor crimes into informal community-based treatment programs.

- a. True
- b. False

ANSWER: True

14. The issue of ethics is less of an issue than it used to be thanks to an increasing number of checks and balances within the system itself.

- a. True
- b. False

ANSWER: False

15. One ethical issue that has received recent attention is that concerning sexual violence perpetrated by correctional officers against inmates.

- a. True
- b. False

ANSWER: True

16. The discretion afforded correctional workers can lead to ethical challenges.

- a. True
- b. False

ANSWER: True

17. Although there has been a substantial decline in the crime rate, more than 11 million individuals are still arrested annually.

- a. True
- b. False

ANSWER: True

18. State government spending accounts for most of the funding directed at the criminal justice system.

- a. True
- b. False

ANSWER: False

19. A courtroom work group helps to streamline the process of justice through the extensive use of deal making and plea bargaining.

- a. True
- b. False

ANSWER: True

Multiple Choice

20. Which of the following statements accurately characterizes the relationship between criminal justice and the media?

- a. The media routinely features stories exposing brutal cops and violent prisons.
- b. In media representations of court trials, criminal defendants receive lengthy trials and attentive juries.
- c. The media leads many individuals to gain false impressions about criminal justice.
- d. All of the above

ANSWER: d

21. Which of the following statements is true?

- a. During the nineteenth century, the United States experienced a surge in violent

behavior.

- b. Organized gangs flourished in the rural areas of the United States in the early 1900s.
- c. The first criminal gangs formed after the Civil War in urban slums.
- d. All of the above

ANSWER: a

22. What commission, appointed by President Herbert Hoover, made a detailed analysis of the US justice system and helped usher in the era of treatment and rehabilitation?

- a. Chicago Crime Commission
- b. National Commission on Corrections and Enforcement
- c. Wickersham Commission
- d. President's Commission on Law Enforcement and Administration of Justice

ANSWER: c

23. One-quarter of states spend _____ or more per year per inmate.

- a. \$8,000
- b. \$28,000
- c. \$40,000
- d. \$120,000

ANSWER: c

24. Federal funding makes up _____ percent of the contemporary criminal justice system.

- a. 10
- b. 19
- c. 27
- d. 31

ANSWER: b

25. The three main components of the contemporary criminal justice system are:

- a. law enforcement, the courts, and the legislature.
- b. the courts, the correctional system, and the legislature.
- c. law enforcement, the courts, and the correctional system.
- d. law enforcement, the correctional system, and the legislature.

ANSWER: c

26. Federal funding accounts for approximately _____ of budget for the criminal justice system in the United States.

- a. 19%
- b. 31%
- c. 48%
- d. 62%

ANSWER: a

27. There are about _____ people employed in local, state, and county law enforcement

agencies.

- a. 500,000
- b. 725,000
- c. 1.1 million
- d. 2 million

ANSWER: c

28. Which of the following is NOT a condition required for an officer to make an arrest?

- a. Probable cause that a crime has been committed
- b. Deprivation of the individual's freedom
- c. The police officer using the word "arrest"
- d. Belief by the suspect that he or she is in police custody

ANSWER: c

29. The formal criminal justice process is supposed to be fair and unbiased. Critics argue that extralegal factors often influence the process. Which of the following is one of those extralegal factors critics argue influences the system?

- a. Offender's race
- b. Offender's prior record
- c. Seriousness of offense
- d. Available evidence

ANSWER: a

30. Discretion by police officers occurs during the first four stages of the criminal justice process. In order, what are those stages?

- a. Initial contact, arrest, charging, custody
- b. Initial contact, investigation, arrest, charging
- c. Initial contact, investigation, arrest, custody
- d. Initial contact, arrest, investigation, charging

ANSWER: c

31. Which of the following is the purpose of law enforcement agencies in the criminal justice system?

- a. To conduct trials and formulate sentences for crimes
- b. To monitor, treat, and rehabilitate convicted offenders
- c. To investigate crimes and apprehend suspects
- d. All of the above

ANSWER: c

32. Although there has been a recent decline in the number of cases brought to state courts, how many cases are still being heard each year in state courts?

- a. 2 million
- b. 20 million
- c. 96 million
- d. 112 million

ANSWER: c

33. Which of the following is NOT a reason for a nolle prosequi—the term used when a prosecutor decides to drop a case after a complaint has been formally made?

- a. Race of the defendant
- b. Insufficient evidence
- c. Reluctance of witnesses to testify
- d. Police error

ANSWER: a

34. In the formal criminal justice process, at which stage are formal charges read and an initial plea entered?

- a. Arraignment
- b. Charging
- c. Preliminary hearing
- d. Bail hearing

ANSWER: a

35. If the prosecution can present sufficient evidence, the grand jury will issue a(n) ____, which specifies the exact charges on which the accused must stand trial.

- a. true bill of indictment
- b. information
- c. charging bill
- d. nolle prosequi

ANSWER: a

36. Under what circumstances may a defendant be released on their own promise to return to the court without bail??

- a. No circumstances allow the defendant to be released without bail..
- b. If the defendant has committed a nonviolent crime.
- c. If the defendant is a stable member of the community regardless of the crime they committed.
- d. If the defendant has enough money to pay bail should the court decide to issue bail after all.

ANSWER: b

37. For every 1000 serious crimes, about ____ adults are sent to prison.

- a. 5
- b. 10
- c. 20
- d. 30

ANSWER: c

38. About what percent of serious crimes go unreported to the police?

- a. 15
- b. 35
- c. 50
- d. 75

ANSWER: c

39. The case of Jared Lee Loughner, who shot Congresswoman Gabrielle Giffords, is an example of what level of the “wedding cake” model of justice?

- a. Level I
- b. Level II
- c. Level III
- d. Level IV

ANSWER: a

40. Approximately ____ percent of felony cases are settled without a trial.

- a. 20
- b. 40
- c. 60
- d. 80

ANSWER: d

41. What percent of misdemeanors go to trial?

- a. Less than 10 percent
- b. About 20 percent
- c. 30 percent
- d. More than 30 percent

ANSWER: a

42. Which of the following people would be placed in Level II of the criminal justice “wedding cake”?

- a. A noted celebrity who is arrested for shooting her bodyguard.
- b. A stranger who uses a weapon to commit violent act.
- c. An individual who is arrested for public drunkenness.
- d. A first-time offender who assaults a friend.

ANSWER: b

43. A case of domestic violence would be considered ____ of the criminal justice “wedding cake.”

- a. Level I
- b. Level II
- c. Level III
- d. Level IV

ANSWER: c

44. Shoplifting and public drunkenness would be considered ____ of the criminal justice "wedding cake."

- a. Level I
- b. Level II
- c. Level III
- d. Level IV

ANSWER: d

45. Which perspective on the criminal justice system sees the proper role of the justice system as one that prevents crime through the judicious use of criminal sanctions?

- a. Crime control
- b. Rehabilitation
- c. Due process
- d. Equal justice

ANSWER: a

46. Which of the following statements about the beliefs of crime control advocates is NOT true?

- a. Crime control advocates call for harsh punishment as a deterrent to crime.
- b. Crime control advocates do not want legal technicalities to help the guilty go free.
- c. Crime control advocates argue that the more efficient the system, the greater its effectiveness.
- d. Crime control advocates believe the criminal justice system should treat and rehabilitate offenders.

ANSWER: d

47. Which justice perspective sees the justice system serving as a mechanism of caring for and treating people who cannot manage themselves, and assumes people are at the mercy of social, economic, and interpersonal conditions?

- a. Crime control
- b. Rehabilitation
- c. Due process
- d. Equal justice

ANSWER: b

48. Proponents of which justice perspective believe that the greatest concern of the justice system should be providing fair and equitable treatment to those accused of committing a crime?

- a. Crime control
- b. Rehabilitation
- c. Due process
- d. Equal justice

ANSWER: c

49. Proponents of which justice perspective are concerned about the effect of the stigma

that criminal suspects bear when they are given negative labels such as “rapist” or “child molester”?

- a. Rehabilitation
- b. Nonintervention
- c. Equal justice
- d. Restorative justice

ANSWER: b

50. Which perspective on the criminal justice system advocates mediation rather than coercive punishment?

- a. Rehabilitation
- b. Nonintervention
- c. Equal justice
- d. Restorative justice

ANSWER: d

51. If you believe that procedural fairness, civil rights, and the rule of law are inviolate principles, which perspective on the justice system do you favor?

- a. Crime control
- b. Due process
- c. Equal justice
- d. Rehabilitation

ANSWER: b

52. Those who hold the rehabilitation perspective on justice believe that people who commit crimes ____.

- a. are motivated by rational decisions
- b. are the victims of social problems like racism and poverty
- c. cannot be successfully treated within the confines of the criminal justice system
- d. can be deterred by the threat of punishment alone

ANSWER: b

53. The term “widening the net of justice” refers to the idea that ____.

- a. efforts to treat offenders may actually further their stigmatization
- b. police officers should arrest offenders even of minor crimes
- c. there should be more laws that criminalize the actions of citizens
- d. justice should be more broadly and fairly administered

ANSWER: a

54. Which perspectives of the justice system have tended to dominate during the last few decades?

- a. Nonintervention and equal justice
- b. Due process and rehabilitation
- c. Crime control and due process
- d. Due process and crime control

ANSWER: c

55. According to noninterventionists, the efforts to treat offenders may lead to further stigma beyond the scope of the original offense. This is referred to as ____.

- a. deinstitutionalization
- b. nolle prosequi
- c. victimless crime
- d. widening the net of justice

ANSWER: d

56. Which of the following is NOT an example of a way that law enforcement agents and prosecutors exercise discretion of criminal cases?

- a. Deciding whether to make an arrest
- b. Sentencing based on the letter of the law
- c. Substituting charges for others
- d. Handling a case informally

ANSWER: b

57. Ethical issues transcend all elements of the justice system. Why are ethical standards so important in criminal justice?

- a. Without ethical decision making, it is possible that individual civil rights and liberties will suffer.
- b. Agents of the criminal justice system have access to citizens' most personal information, raising concerns of privacy and confidentiality.
- c. Justice system personnel may work in an environment where moral ambiguity is widespread.
- d. All of the above

ANSWER: d

58. Which of the following statements about ethics in the criminal justice system is NOT true?

- a. Ethical issues transcend all elements of the criminal justice system.
- b. It is often difficult to determine what is fair and just and balance; this concerns with the needs of the public.
- c. Ethical issues end with the arrest of a suspect.
- d. Ethical behavior is important in law enforcement because officers have the authority to deprive individuals of their liberty.

ANSWER: c

59. Jessica has been in trouble with the law for as long as she can remember. Her first crime was shoplifting a candy bar from the drugstore. Since then she has moved on to more substantial shoplifting and stealing. She is currently on probation and is paying restitution to a victim for a previous theft. Now Jessica has been arrested for home invasion and robbery. As Jessica recalls her past history of stealing and theft, she realizes that her parents weren't around very much and she doesn't remember regularly

attending school. Parents and school represent what kind of social control in society?

- a. Formal social control
- b. Informal social control
- c. Legal and immoral control
- d. Illegal and moral control

ANSWER: b

60. Jessica has been in trouble with the law for as long as she can remember. Her first crime was shoplifting a candy bar from the drugstore. Since then she has moved on to more substantial shoplifting and stealing. She is currently on probation and is paying restitution to a victim for a previous theft. Now Jessica has been arrested for home invasion and robbery. With Jessica's new charge of home invasion and robbery, she will likely be sentenced to prison time. What component of the system will she serve her sentence in?

- a. Corrections
- b. Institutional supervision
- c. Courts
- d. Community counseling

ANSWER: a

61. Jessica has been in trouble with the law for as long as she can remember. Her first crime was shoplifting a candy bar from the drugstore. Since then she has moved on to more substantial shoplifting and stealing. While she was on probation and paying restitution to a victim for a previous theft, she was arrested and charged with home invasion and robbery. As a result, Jessica was asked to participate in a rehabilitation program that is designed to provide a more successful readjustment to society after prison. Her participation in this program will occur during what stage of the criminal justice process?

- a. Sentencing/disposition
- b. Prerelease
- c. Correctional treatment
- d. Post release

ANSWER: c

62. Jackson has been arrested for possession of drugs. When he was taken into custody, the officer had just witnessed Jackson taking money from someone and handing them a small bag that looked as if it contained drugs. After witnessing the event that served as probable cause, the officer searched Jackson's backpack where he found approximately 4 ounces of marijuana packaged in smaller bags for resale. After arrest, Jackson will be in what stage of the criminal justice process while the officer searches his home for more evidence?

- a. Initial contact
- b. Booking
- c. Custody
- d. Holding

ANSWER: c

63. Jackson has been arrested for possession of drugs. When he was taken into custody, the officer had just witnessed Jackson taking money from someone and handing them a small bag that looked as if it contained drugs. After witnessing the event that served as probable cause, the officer searched Jackson's backpack where he found approximately 4 ounces of marijuana packaged in smaller bags for resale. Upon searching Jackson's home, the officer found an additional 3 ounces of marijuana packaged for resale. The prosecutor has decided to charge Jackson with possession with intent to distribute. What is the next stage of the criminal justice process after charging?

- a. Custody
- b. Preliminary hearing
- c. Arraignment
- d. Plea bargaining

ANSWER: b

64. Jackson has been arrested for possession of drugs. When he was taken into custody, the officer had just witnessed Jackson taking money from someone and handing them a small bag that looked as if it contained drugs. After witnessing the event that served as probable cause, the officer searched Jackson's backpack where he found approximately 4 ounces of marijuana packaged in smaller bags for resale. He later searched Jackson's home and found an additional 3 ounces of marijuana packaged for resale. As a result, Jackson was charged with possession with intent to distribute. At arraignment, Jackson accepts a plea deal that will shorten his sentence in return for naming one of his marijuana dealers. About what percentage of cases end like Jackson's every year with a plea bargain instead of a criminal trial?

- a. 60 percent
- b. 70 percent
- c. 80 percent
- d. 90 percent

ANSWER: d

65. Patricia, a famous child actor, has been arrested yet again. She has had many brushes with the law but has yet to be sentenced to prison. This time, the arrest was for was stealing, but in the end, the charges are reduced after the star agrees to return the stolen goods. She has a team of attorneys on retainer and is always in the spotlight. With Patricia's retained counsel, the judge was convinced that she had learned her lesson and that the challenge of the spotlight led her to her most current crime. This type of case would fall on what level of the criminal justice "wedding cake"?

- a. Level 1
- b. Level 2
- c. Level 3
- d. Level 4

ANSWER: a

66. Patricia, a famous child actor, has been arrested yet again. She has had many brushes with the law but has yet to be sentenced to prison. This time, the arrest was for was

stealing, but in the end, the charges are reduced after the star agrees to return the stolen goods. She has a team of attorneys on retainer and is always in the spotlight. When Patricia had her charges reduced in exchange for the return of stolen goods, what agency of crime control did she most likely deal with?

- a. Police
- b. Prosecution and defense
- c. Courts
- d. Corrections

ANSWER: b

Henry Huggins is a state's attorney who wants to be mayor of Baltimore. He knows that mayors before him have run and won on the "tough on crime" platform. Henry also believes in being tough but fair and knows that he has the winning record both in the courtroom and in politics. He feels that every person deserves a full array of constitutional rights and preserving democratic ideals is paramount over the need to punish the guilty. If Henry believes in democratic ideals and that decisions made in the justice system must fall under careful scrutiny, what perspective on justice does Henry take?

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- a. Noninterventionist
- b. Crime control
- c. Due process
- d. Equal justice

ANSWER: c

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68. Henry Huggins is a state's attorney who wants to be mayor of Baltimore. He knows that mayors before him have run and won on the "tough on crime" platform. Henry also believes in being tough but fair and knows t

- a. Safe streets control group
- b. Courtroom work group
- c. The center work group
- d. Cooperative work group

ANSWER: b

Completion

69. The first police agency was developed in 1829 in ____.

ANSWER: London

70. ____ is what manages an individual's behavior by social and institutional forces in society.

ANSWER: Social control

71. A ____ is designed to restrict the maximum time after an event that legal proceedings may be initiated.

ANSWER: statute of limitations

72. The ____ stage follows initial contact and is concerned with gathering evidence.

ANSWER: investigation

73. In order to make an arrest in a misdemeanor, the arresting officer must have personally witnessed the crime being committed. This condition is known as the ____.

ANSWER: in-presence requirement

74. The ____ is composed of law enforcement, the courts, and the correctional system.

ANSWER: criminal justice system

75. When prosecutors decide to take no further action after conducting a preliminary investigation of the legal matters of a case, this action is known as ____.

ANSWER: nolle prosequi

76. The charging document filed by the prosecution that forms the basis of the preliminary hearing is referred to as a(n) ____.

ANSWER: information

77. In some jurisdictions, the preliminary hearing is known as a ____ hearing, and is meant to show cause to bring a case to trial.

ANSWER: probable cause

78. The justice process can be viewed as a ____ that holds many cases at the beginning

and relatively few at the end.

ANSWER: funnel

79. The _____ is comprised of the prosecutor, defense attorney, judge, and other court personnel who function to streamline the process of justice.

ANSWER: courtroom work group

80. Millions of misdemeanors, such as disorderly conduct, shoplifting, public drunkenness, and minor assault, comprise _____ of the criminal justice “wedding cake.”

ANSWER: Level IV

81. A sex offense by a repeat offender would fall on _____ of the criminal justice “wedding cake.”

ANSWER: Level II

82. Decriminalization, deinstitutionalization, and pretrial diversion are favored by those adhering to the _____ perspective.

ANSWER: nonintervention

83. The goal of the _____ perspective is to enable the offender to appreciate the damage caused, to make amends, and to be reintegrated back into society.

ANSWER: restorative justice

84. The _____ perspective has influenced the development of sentencing policies that emphasize mandatory punishments.

ANSWER: equal justice

85. Advocates of the _____ perspective lobby for the abolition of legal restrictions on a police officer’s ability to search for evidence and interrogate suspects. These advocates do not want offenders to go free on a technicality.

ANSWER: crime control

86. According to the criminal justice assembly line, each stage is actually a _____ through which the cases flow.

ANSWER: decision point

87. _____ is a money bond levied to ensure the return of the defendant for the criminal trial and allows the defendant to remain in the community prior to trial.

ANSWER: Bail

88. New efforts to use the scientific method to determine whether criminal justice

programs reduce crime rates are known as _____.

ANSWER: evidence-based justice

Essay

89. Describe the scope of the current criminal justice system.

ANSWER: The contemporary criminal justice system costs \$264 billion annually. Local governments fund about half of this amount. There are 1.1 million people employed at all levels of law enforcement. More than 11 million people are arrested each year. Ninety-six million cases are heard annually in state courts, including 20 million criminal matters and 2 million juvenile matters. Seven million people are under some form of correctional supervision; more than 2 million individuals are in jails/prisons.

90. Explain why Herbert Packer describes the criminal justice process as an assembly line. What proportion of cases make their way through the entire assembly line?

ANSWER: According to Herbert Packer, the criminal justice process is an assembly line that processes an endless flow of cases and never stops. In this view, each stage of the criminal justice process is a decision point through which cases flow. At each decision point, the case can continue onto the next decision point or be terminated due to various reasons. All cases do not complete the entire assembly line, but are weeded out along the way, for reasons such as insufficient evidence or the police deciding not to press charges. For every 1000 serious crimes committed, only about 21 adults are incarcerated. Additionally, 80 percent of all felony cases and over 90 percent of misdemeanors are settled without trial.

91. Compare and contrast two of the perspectives on justice. Which perspective would you advocate, and why?

ANSWER: The rehabilitation perspective sees the justice system as a means of caring for and treating people who cannot manage themselves. It assumes that people are at the mercy of social, economic, and interpersonal conditions and interactions and argues that government programs can help reduce crime at both a societal and individual level. The restorative justice perspective may follow similar views in relation to the rehabilitation perspective but instead of fixing the individual the restorative justice perspective argues that the true purpose of the criminal justice system is to promote a peaceful and just society by resolving conflict between criminal and victim, which should take place in the community in which it originated. The goal is to enable the offender to appreciate the damage, make amends, and be reintegrated back into society. Often times this may not occur until rehabilitation has occurred. The crime control perspective argues that the proper role of the justice system is to prevent crime through judicious use of criminal sanctions. This perspective questions the criminal justice system's ability to rehabilitate offenders and argues that legal technicalities should not help the guilty go free. On the other hand, due process proponents argue that the greatest concern of the justice system should be providing fair and equitable treatment to those accused of crime. Its advocates believe that legal principle of fairness and due process must be upheld. They also point out that the justice system needs to remain an adversarial process. The nonintervention perspective emphasizes the least intrusive treatment possible, including decarceration, diversion, and decriminalization. The equal justice perspective suggests that all people

should be treated equally before the law, which is best achieved through individual discretion.

92. Explain how the formal criminal justice system differs from the informal criminal justice system, why both systems are important, and which system faces more scrutiny from critics and why.

ANSWER: Few cases are actually processed through the entire formal system. However, the formal system is important because it implies that every criminal defendant charged with a serious crime is entitled to a full range of constitutional rights under the law. A comprehensive view of formal criminal process normally includes but is not limited to the following: 1. Initial contact 2. Investigation 3. Arrest 4. Custody 5. Charging 6. Preliminary hearing/grand jury 7. Arraignment 8. Bail/detention 9. Plea bargaining 10. Trial/adjudication 11. Sentencing/disposition 12. Appeal/post-conviction remedies 13. Correctional treatment 14. Release 15. Post-release. The informal system is used much more often than the formal system as many cases are settled in an informal pattern of cooperation between the major actors in the justice process—think of the courtroom work group. Upwards of 80 percent of all felony cases and over 90 percent of misdemeanors are settled without trial. The informal system is important because it tends to be the rule of how cases are decided and whether they are prosecuted. It has also faced criticism for “backroom deals” and bargain justice. The informal system suggests cases are more subject to individual discretion and individual biases.

93. How does the criminal justice assembly line result in the concept of a “criminal justice funnel”? Why might the “funnel” create positive consequences for society and what could be some of the negative effects?

ANSWER: The attempt to describe the criminal justice as an assembly line as funnel is appropriate. Although crime has declined in recent years, more than 11 million people are arrested each year. It is a massive undertaking to process, treat, and care for millions of people. In actual practice, many suspects are released before trial because of procedural error, problems with evidence, and dismissal by the prosecutor; thus, justice can be viewed as a funnel that holds many cases in the beginning but dwindles to relatively few cases at its end. The positives of this system might include that innocent people are not prosecuted and that resources can be directed toward more serious cases. Think of the “cost-effectiveness” of the evidence-based system and how much money is already spent on the system. Negative consequences could include cases that should be prosecuted are not because there aren’t enough resources and repeat offenders can continue to commit offenses.

94. The “wedding cake” model is an alternative to the traditional criminal justice flowchart. Using specific examples, elaborate the “wedding cake” model and why the image of a wedding cake works for this set up. Address how society and the justice system respond to crimes committed at each level.

ANSWER: Samuel Walker describes the informal criminal justice process as a four-layer cake. Level I involves celebrated cases such as Jared Lee Loughner, who has been accused of shooting congresswoman Gabrielle Giffords, and the Casey Anthony murder trial and her acquittal. Level II involves serious felonies that include rape and robbery, including repeat offenders. Level III involves less serious felonies, offenses committed by young or

first-time offenders, or involves offenders known to one another such as domestic violence. Level IV involves misdemeanors such as shoplifting, public drunkenness, minor assault. Examples will vary by student. The image of a wedding cake works because Level IV is the largest layer, and the amount of misdemeanors is the largest pool of cases. As you move to smaller layers, you also move toward a smaller number of cases. Society responds to Level I with a great deal of attention and scrutiny, while they tend to ignore the lower levels. The criminal justice system is more likely to carry cases from Level I through the full array of formal procedures. Level IV cases are more likely to be ended with a fine and probation and defendants are less insistent on constitutional rights.

95. Compare and contrast the rehabilitation perspective on criminal justice to the restorative justice perspective on criminal justice. How do these two perspectives differ, and are there any points where they agree?

ANSWER: The rehabilitation perspective sees the justice system as a means of caring for and treating people who cannot manage themselves. It assumes that people are at the mercy of social, economic, and interpersonal conditions and interactions and argues that government programs can help reduce crime at both a societal and individual level. The restorative justice perspective may follow similar views in relation to the rehabilitation perspective but instead of fixing the individual the restorative justice perspective argues that the true purpose of the criminal justice system is to promote a peaceful and just society by resolving conflict between criminal and victim, which should take place in the community in which it originated. The goal is to enable the offender to appreciate the damage, make amends, and be reintegrated back into society. Often times this may not occur until rehabilitation has occurred. Both might be considered “soft on crime” and opposed to more “hard line” approaches to criminal justice.

96. Why are ethics important in criminal justice? Choose a component of the justice system and discuss ethical issues of importance.

ANSWER: Ethics today is an especially important topic considering the power granted to those in control. Without ethical decision making, individual civil rights or personal liberties may suffer. Moral ambiguity is often the norm in the environment of justice system personnel. Ethics is especially important when considering the court process and the defense attorney who is often confronted with conflicting obligations to his or her client and profession. Additionally, the prosecutor may become tested when dual role of prosecutor causes him or her to experience role conflict. Response will vary for each student.

97. Why has an evidence-based approach to justice come into use and what purpose does it serve?

ANSWER: In the past, programs and procedures may have been shaped by political goals, which means that programs result from someone’s beliefs, even though they might not be effective. A mature justice system, like the one in the U.S. now, relies more on the scientific collection of data to determine whether programs work. This approach emphasizes gathering empirical evidence using scientific methods, which is then collected and analyzed. This achieves several ends: scientifically analyzing a program’s success can reveal that commonly held beliefs are incorrect, it can eliminate bias in the system, it can more accurately determine a program’s success, and it can help determine whether

programs are cost effective. These results mean keeping successful programs that help society and eliminating unsuccessful programs.

98. When evaluating a program that aims to keep repeat offenders from recidivism, is it enough to look at the rate of crime in the three months following completion of the program? What other factors would an evidence-based approach take into account aside from the three-month success rate?

ANSWER: Looking at the success rate of repeat offenders three months after completing the program can give some good information, but will not provide the entire scope needed to determine whether a program is successful. Another factor that should be taken into consideration is the long-term success of the program participants. Are they still successful a year down the road? Other factors to take into consideration would include intervening factors—are there other reasons why the participants might be crime free three months later besides the program? An evidence-based justice approach would also consider if the program has the right target audience and what other measures of success might be. Another important consideration might be the cost of the program and whether the success rate justifies the cost. Finally, it would be important to consider the retention rate. How many of the originally enrolled offenders remained in and graduated from the program?

99. Take the case of a repeat offender who is caught selling marijuana for a third time. Explain how three different perspectives of justice would want this case to be handled and why. Does the decriminalization of marijuana in certain states complicate the issue?

ANSWER: The decriminalization of marijuana would complicate the issue for certain perspectives of justice, as it has complicated the conversation surrounding marijuana in the country. For example, someone from the crime control perspective might consider that if marijuana is illegal in the state where the crime is committed, they should receive a full punishment. Furthermore, if they are a repeat offender, perhaps past punishments were not enough to deter them from future crime. Someone from the rehabilitation perspective would look at the social and economic reasons that led someone to deal marijuana—low-income neighborhoods are particularly susceptible, and the race of the offender would certainly play a role in how harshly the system would treat them from the rehabilitation perspective. The due process perspective would want to ensure that the process proceeded fairly, especially if the offender was from a targeted group to make sure they received fair justice. Someone from the nonintervention perspective would likely point to decriminalization in other states and make the argument that the offender never should have been arrested for selling marijuana at all and that they should be let go and marijuana be decriminalized in general. Someone from the equal justice perspective might have some complications considering that selling marijuana cannot be persecuted equally in every state. They might look at how other offenses were treated in that particular state, but they would also likely argue that marijuana be treated equally across the country. Someone from the restorative justice perspective, who wants the system to be more humane, would also aim for no incarceration and would likely also support a decriminalization of marijuana as a way for all those offenders to integrate into society.

100. What do all the different perspectives on criminal justice tell you about the criminal justice system and process? Can multiple perspectives be applied to the same case and

still all be “correct”?

ANSWER: The different perspectives on the criminal system and process tell us that the system itself is incredibly complicated and complex and cannot be easily evaluated from one point of view. Each perspective on criminal justice seeks to explain how justice can be enforced, but a single case can have many different perspectives. There is no “right” way to approach criminal justice, and the system does use multiple views and approaches in its treatment of crime. Each person has to decide for themselves but keep in mind that a particular approach does not explain the full truth and that different perspectives are valid.

101. Why is the “wedding cake” model of informal justice a useful image for the way we view criminal justice? Does it suggest that this system is the right way to view cases or does it highlight certain inequalities?

ANSWER: This model of informal justice effectively shows how many cases fall at each level and how society is most concerned with the smallest number of high-profile cases. The smallest number of cases fall into Level I, but that is where the majority of our attention is directed. This highlights the fact that public opinion is often formed on the basis of what happens in an atypical case. A large number of cases that fall into the lower tiers are often dealt with consistently across jurisdictions, so those fall by the wayside. This model also successfully illustrates the number of misdemeanors and where the bulk, or base, of most cases fall. It can also bring out inequalities. For example, Level I cases, because they are so highly publicized, give us misconceptions about the justice system, such as the idea that intelligent people receive the full range of procedural rights and that most victims are members of the upper classes. The “wedding cake” model is helpful for how we, as a society, currently view criminal justice, but also shows that this approach might not be the most equitable way to focus attention on cases.