

THIRD EDITION

Exploring Criminal Justice

THE ESSENTIALS

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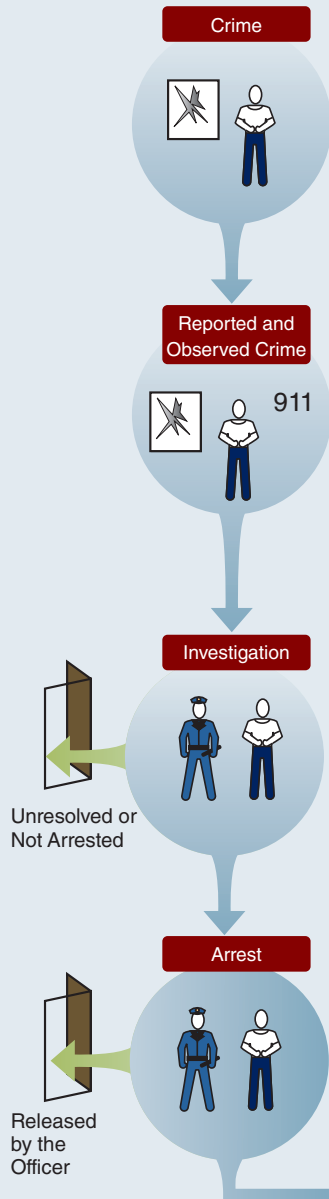
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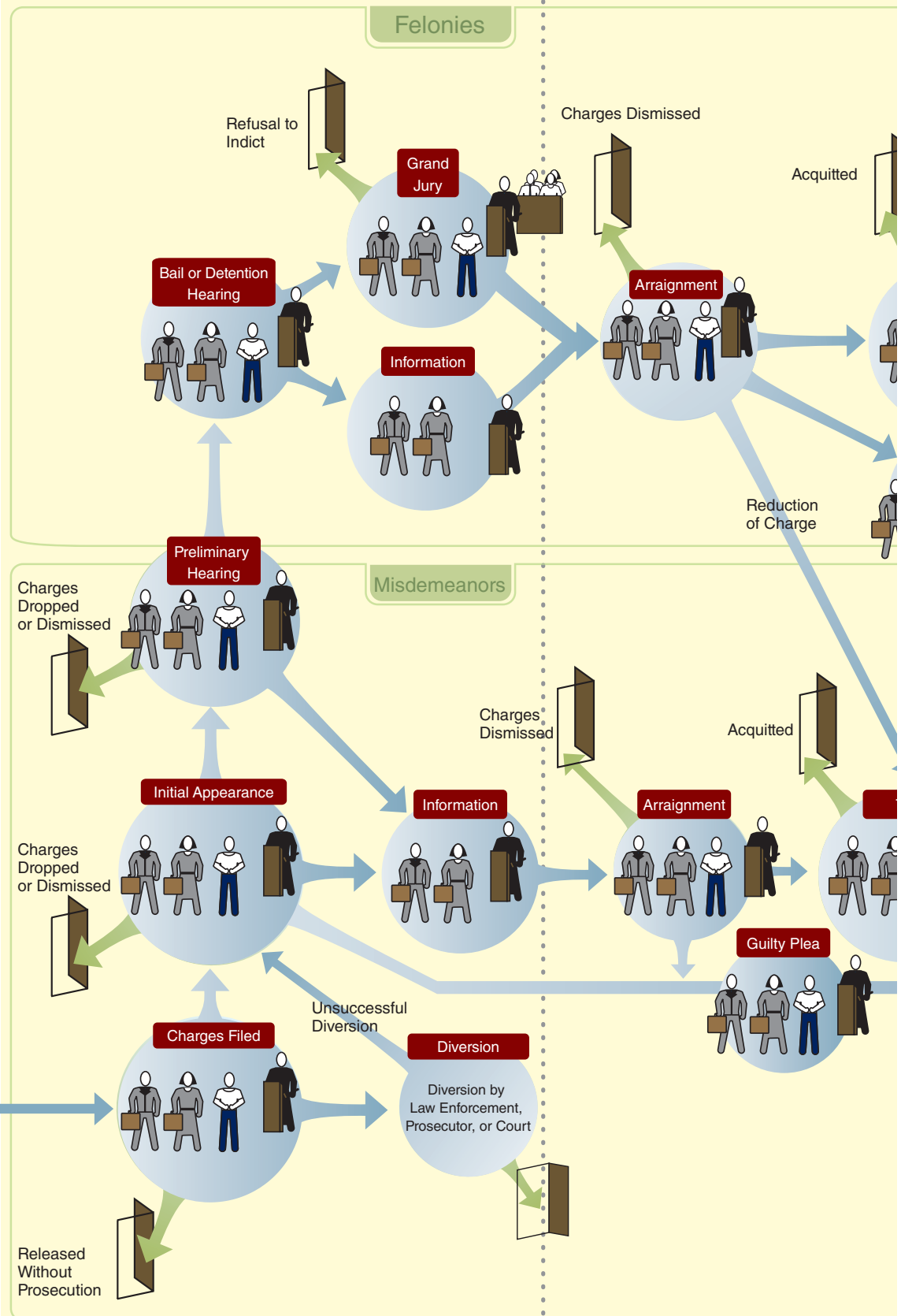
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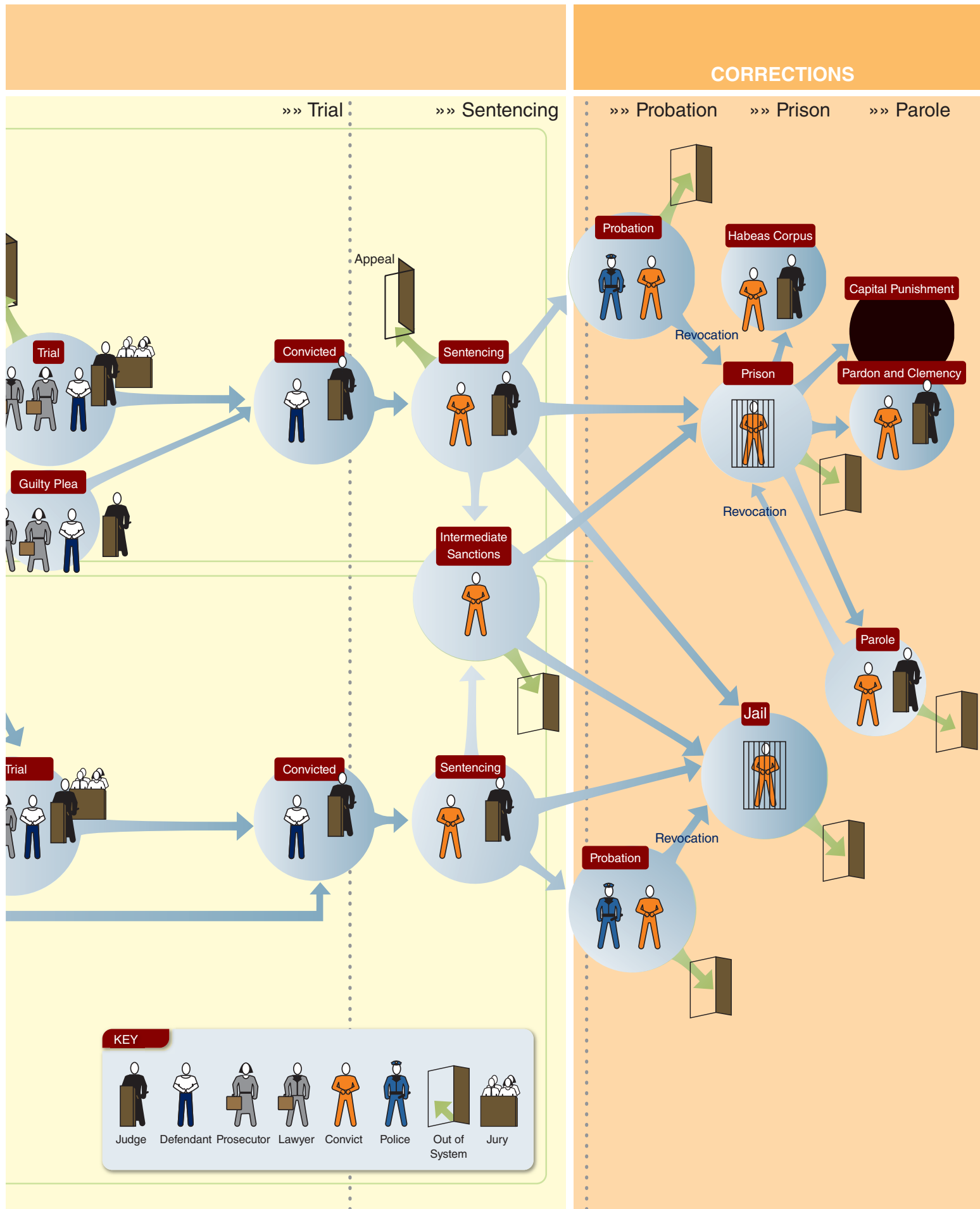


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»» Prosecution



JUSTICE SYSTEM





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Dedication

To pickleball friends. Thank you for all the good games and fun times!

—RMR

To Carl Keener, Civics Teacher, Burris Laboratory School, and Eliot Benowitz, Professor of Chinese and East Asian History, Western Washington State College. Thank you for being my teachers.

—JDH

To my students, may your dedication, passion, and desire to learn continue beyond your academic careers.

—AK



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Preface

Although the violent crime rate is lower than in previous decades, the need to understand violence and crime, as well as an institutional response, remains strong. Our collective teaching experience reminds us that students have a variety of backgrounds, experiences, and expectations, but the common thread is their desire to learn more about the world around them. Our goal with this textbook is to provide a comprehensive foundation on which they can begin their exploration into understanding the criminal justice system.

This book covers contemporary issues in criminal justice under the three branches, including law enforcement, the judicial system, and corrections. Yet, an ever-growing need to understand the role of media, technology, and victim-services are included throughout the book. Given the ever-changing policy implications connected to criminal justice, this new edition includes an overview of new court rulings and state and federal laws, new case studies, and updated cultural references. In responding to the needs of professors and their students, we have provided a textbook that is engaging and current, and that can be used to foster discussions for an understanding of contemporary criminal justice issues. To this end, we have made a number of changes, detailed here.

Chapter Updates

Chapter 1

- Updated coverage of mass shootings in the United States
- Expanded discussion of deviance and crime
- Updated data on law enforcement agencies and number of sworn officers across the United States
- Updated discussion of marijuana laws in the Netherlands

Chapter 2

- New coverage of the changes in the UCR Index Offenses
- Expanded discussion of females and crime
- Revised box feature on the media's influence on violence from the perspective of the Slender Man case
- Expanded discussion and additional examples of the theoretical perspectives presented

Chapter 3

- Revised discussion of categories of crime
- Added discussion of inchoate offenses
- Revised box feature on guns on college campuses
- New box feature on James Holmes
- Updated and expanded discussion of age as a legal defense

Chapter 4

- Updated law enforcement agency statistics
- Expanded discussion of requirements for careers in law enforcement
- Updated discussion of the structures and organization of federal law enforcement agencies
- Expanded discussion of privatization of law enforcement

Chapter 5

- New box feature on the Luis Rodriguez case
- Expanded discussion of exceptions to the exclusionary rule
- Added discussion of *Herring v. United States*
- Additional discussion of stop-and-frisk-related court case rulings
- New discussion of *United States v. Antonie Jones*
- Updated discussion of public transportation searches
- New box feature on police searching cell phones

Chapter 6

- Updated discussion of police discretion
- Expanded discussion of race and police–citizen interactions
- New box feature on an example of a high-speed chase
- Expanded discussion of corruption in police departments
- New graphic on the use of force continuum
- Revised box feature on reducing social inequality through mentoring
- Updated box with highlights of positive interactions between citizens and law enforcement officers

Chapter 7

- Expanded discussion of technology in the courtroom
- Updated discussion of pretrial release

- Additional examples and discussion of the *nolo contendere* plea

Chapter 8

- Updated discussion of defining the limits of the “speedy trial” provision
- Revised box feature on cellphones in the courtroom
- Updated data on juror compensation
- Expanded discussion of juror deliberations

Chapter 9

- New discussion of the restoration model
- Updated and reorganized discussion of fairness in sentencing
- Expanded discussion of sentencing guidelines
- Added discussion of California’s Proposition 36
- Updated discussion on demographics (e.g., race, gender, age) and sentencing
- Updated feature on the utilization of capital punishment in the United States
- Expanded discussion of the controversy surrounding the administration process for lethal injections in the United States
- Updated box feature on false convictions

Chapter 10

- Expanded box feature on goods made by inmates
- Updated prevalence and inmate statistics for prisons in the United States
- Updated discussion of Camp Delta
- Expanded discussion of U.S. Immigration and Customs Enforcement detainees
- Updated discussion of jails in Indian Country

Chapter 11

- Updated feature on the cost of prisons
- Revised discussion of the changing prison population
- Updated overview of characteristics of correctional staff
- New box feature on the release of nonviolent drug offenders to reduce prison overcrowding

- New box feature on the escape of two inmates from the Clinton Correctional Facility
- Expanded discussion of managing discipline in prison
- Updated discussion of juvenile offenders and correctional placement
- Expanded discussion of mothers in prison
- Updated discussions of prison violence and sexual victimization

Chapter 12

- Updated information on the prevalence and costs of probation
- Expanded discussion of probation administration
- Revised box feature on probation violations
- Revised discussion of restitution
- Updated information on the use of parole

Chapter 13

- Updated information on the prevalence of juvenile delinquency
- New box feature on status offenses
- New box feature on interactions between law enforcement officers and juveniles
- Updated data on delinquency in the courts
- Updated discussion of juvenile detention
- New case study of a violent juvenile
- New discussion of juveniles sentenced to life without parole

Chapter 14

- Updated discussion on Gallup data on terrorism versus mass shootings
- Updated list of terrorism-related incidents from 2011 to 2016
- New box feature on the 2015 San Bernardino attack
- Added discussion of the USA FREEDOM Act
- Expanded and updated box feature on WikiLeaks
- New discussion of cybersecurity breaches
- New box feature on cybercareers in law enforcement

The Student Experience

Every chapter of *Exploring Criminal Justice: The Essentials, Third Edition* opens with a succinct list of objectives. Students should review this list before diving into the chapter to help guide their focus. As they progress through the chapter, they should periodically flip back to the objectives to ensure they are

fully grasping the chapter's key concepts. This practice will encourage students to think critically, as well as retain key concepts and objectives.

Feature boxes abound in all chapters. There are four types of boxes: *Headline Crime*, *Focus on Criminal Justice*, *Focus on Crime*, and *Around the Globe*. Each type of box is identified by a colorful and distinctive logo placed near the box's title.

Headline Crime features offer a glimpse into headline stories that vividly embody current-day issues. The chosen cases tap into the pulse of trending news topics, and aim to open the reader's mind to large-scale phenomena experienced in today's society.

Headline Crime
Movie Theater Shooter Ruled Sane

On July 20, 2012, then-graduate student James Holmes walked into a movie theater in Aurora, Colorado, and opened fire. It was opening night for the third installment of the Dark Knight franchise. Holmes killed 12 people and injured 70 others. Multiple psychiatric evaluations resulted in Holmes being diagnosed with schizophrenia. Colorado, which uses a combination of the M'Naghten rule and the irresistible impulse test, placed the burden on the jury to determine whether Holmes knew what he was doing and if what he was doing was wrong on the night of July 20. After 46 days of testimony, the jury determined that Holmes was sane at the time he committed the crime. As District Attorney Brauchler stated in court, "he leaves nothing to chance," in fact "he's planned for all the contingencies and all of that planning goes to [his] intent." Holmes was convicted of 24 counts of murder, 140 counts of attempted murder, and a single explosives charge for an explosive device he set in his apartment complex before going to the theater. In August 2015, Holmes was sentenced to multiple life prison terms, plus 3318 years for the attempted murder charges. He is ineligible for parole. Holmes was being held in the Colorado State Penitentiary; however, in early 2016 a fellow inmate

James Holmes sits in court during his trial.

attacked Holmes and told the media "I'm so sorry I couldn't wipe him out and sent [sic] him packing to Satan's lake of fire." Holmes has since been transferred to a prison outside of Colorado to serve out the rest of his life sentence.

Source: DenverChannel.com. (2015). James Holmes guilty in Aurora Colorado theater shooting. Jury did not believe insanity defense. Retrieved from <http://www.denverchannel.com/news/movie-theater-shooting-james-holmes-guilty-in-aurora-colorado-theater-shooting-jury-did-not-believe-insanity-defense/>. O'Neill, A. (2015). Theater shooter Holmes gets 12 life sentences, plus 3,318 years. Retrieved from <http://www.cnn.com/2015/08/26/us/james-holmes-aurora-massacre-sentencing/>. Walker, L. (2016). Aurora shooter James Holmes secretly moved after prison assault-433501. Retrieved from <http://www.newsweek.com/aurora-shooter-james-holmes-secretly-moved-after-prison-assault-433501>.

Focus on Criminal Justice features use an apolitical approach to discuss courtroom cases and further explain how these outcomes define the current landscape of criminal justice. Additional topics central to the field of criminal justice are discussed in detail, such as battered spouse syndrome, fingerprints and DNA, and Uniform Crime Report offenses.

Focus on Criminal Justice
Real Evidence: Fingerprints and DNA

Rick Jackson was arrested in Upper Darby, Pennsylvania, for a gruesome murder and was told that the police had solid evidence against him—photographs of his bloody fingerprints taken from the crime scene. Even though experts agreed that the fingerprints were a match, Jackson insisted that they could not be his. He was found guilty and sentenced to life in prison without possibility of parole. Two years later, other fingerprint experts testified that the prosecution had been wrong and that the prints, in fact, did not belong to Jackson. He was released after spending two years in prison.

Although fingerprints have long been considered the "gold standard" of identification at trial and frequently are the key evidence used to obtain convictions, their reliability is increasingly being questioned, especially with the growing refinement of DNA technologies. DNA samples are often retrieved from crime scenes and used by prosecutors in minor property crimes. These samples

"Known" Print
 Courtesy of Cynthia D. Horne, Maine State Police Crime Laboratory

"Unknown" Print
 Courtesy of Cynthia D. Horne, Maine State Police Crime Laboratory

Focus on Crime features provide the reader with a snapshot of prison life in the United States. They explore various reform, therapy, and educational programs, and indicate where these are offered across the country.

Focus on Criminal Justice Drug Policy in the Netherlands

In the United States the federal government regulates illegal drugs. Recently, more than 20 states have passed new legislation on marijuana, many decriminalizing or even legalizing the substance. Decriminalization of marijuana currently exists in 16 states, including California, Maryland, Michigan, Arizona, and North Carolina. By decriminalizing marijuana, these states indicate they will not enforce legislation on the books for possession of small amounts of the drug. This means law enforcement will not issue citations or arrest individuals who have small amounts. More than 20 states have legalized the drug for medical purposes. Alaska, Colorado, Oregon, and Washington have gone a step further and legalized the substance for recreational use. In recent years, there has been a shift in the perception of marijuana use, moving it from a stigmatized and deviant act to a more mainstream or even normative act. Thus, the perception of marijuana use may be viewed as less criminal and deviant than in previous years. Even President Obama indicated that the federal government may take steps to decriminalize marijuana use. He made this statement in reference to a bill introduced by Senator Cory Booker (N.J.) and Kirsten Gillibrand (N.Y.) to move marijuana from a Schedule I drug to a Schedule II drug. The shift in marijuana policies drug to a Schedule II drug. Around the world, in is not unique to the United States. Attitudes toward marijuana places such as the Netherlands, attitudes toward marijuana have been more liberal.

In the Netherlands, the government regulates drugs differently. Beginning in the mid-1970s, the Netherlands quietly decriminalized the personal use of marijuana and hashish. Dutch drug policies were changed. Believing that the policies underlying the U.S. "war on drugs" and their criminalizing impact on individuals were harmful to society, the Dutch designed their approach to limit the negative and stigmatizing effects of drug use on individual users. They did so by drawing a clear distinction between "hard" drugs, such as opiates, and "soft" drugs, such as cannabis. They also gave law enforcement agencies priority over controlling the production, importation, and trafficking of hard drugs. Dutch law enforcement also decided to ignore the sale of small amounts of marijuana for personal use. Dutch officials believed that if marijuana users would reduce the likelihood that marijuana users would come into contact with heroin users, and young people experimenting with marijuana would be less likely to become involved with more dangerous and addictive drugs. The Dutch drug policies were also aimed at normalizing the drug problem. That is, the Dutch admitted that extensive marijuana use had gained a firm foothold in society, as was the case with alcohol and tobacco, and that it was far more realistic to try to reduce the

personal and social harms associated with drug use through education and "user-friendly" treatment programs. Thus, in the Netherlands, selling marijuana is illegal, but not punishable, so the law is not enforced in establishments called *coffeeshops*, where citizens and tourists alike partake in recreational marijuana use. Coffeeshops provide a controlled environment, reinforcing tolerance of soft drug use, while condemning the sale or use of harder drugs. As long as coffeeshops follow these rules, they will have no problems with law enforcement. Coffeeshops that violate a rule may be closed for three months or permanently. There are roughly 600 coffeeshops in the Netherlands, with about 200 in Amsterdam alone. More interesting, however, is that in 2015, the Dutch are considering tightening laws around coffeeshops. Cannabis with more than 15 percent of THC could be reclassified as a "hard drug," which may result in stiff penalties. Other restrictions under consideration include, coffeeshops becoming member-only clubs, being unable to sell to foreigners, and being required to be more than 350 meters from schools.



Sources: Rees, W. (2015, February 22). Holland's new marijuana laws are changing old Amsterdam. *Newsweek*. Retrieved from <http://www.newsweek.com/marijuana-and-old-amsterdam-368218>; Ferrel, M. (2015, March 17). Obama: If enough states decriminalize marijuana, Congress may change federal law. *The Huffington Post*. Retrieved from http://www.huffingtonpost.com/2015/03/16/obama-marijuana-decriminalization_n_8881234.html.

Around the Globe features delve into global case studies and news stories that offer a large-scale dissection of modern events. Case facts are presented in an impartial manner, guiding the reader through difficult topics without bias or reaching premature conclusions.

Around the Globe

Woman Blinded in Iran Seeks Eye-for-Eye Justice

In 2009, an Iranian court awarded an Iranian woman her "eye-for-eye" justice against a male suitor who blinded her with acid. Ameneh Bahrami told a foreign radio station that she was not doing this out of revenge, but rather so that the suffering she went through would not be repeated.

An Iranian court ruled that Majid, the man who blinded Bahrami after she rejected him, should also be blinded with acid based on the Islamic law system of *qisas*, or eye-for-eye retribution. However, under Iranian law, Bahrami was entitled to blind him in only one eye, unless she paid more than \$25,110, because in Iran women are not considered equal to men. Bahrami was told by the Iranian court that her two eyes were equal to one of his, because in Iran each man is worth two women. The offender, Majid, was blinded by having several drops of acid put into one eye, whereas Bahrami had acid splashed all over her face and other parts of her body.

Source: Associated Press. (2009, March 4). Blinded Iranian wants eye-for-eye justice in acid case. Retrieved from <http://www.foxnews.com/story/0,2933,504474,00.html>.

Teaching Tools

To assist you in teaching this course and supplying your students with the best in teaching aids, Jones & Bartlett Learning has prepared a complete supplemental package available to all adopters. Additional information and review copies for qualified instructors are available through your Jones & Bartlett Learning sales representative.

The **Slides in PowerPoint Format** presentations package provides lecture notes, graphs, and images for each chapter of *Exploring Criminal Justice: The*

Essentials. Instructors with Microsoft PowerPoint software can customize the outlines, images, and order of presentations.

The **Lecture Outlines** provided as a text file include chapter outlines, learning objectives, and additional concept and essay questions.

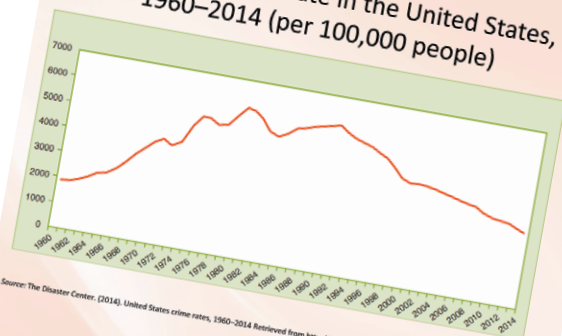
The **Test Bank** questions are available as text files and as files formatted to be ready for Angel, Blackboard, Desire2Learn, and Moodle.

Table 2-1: Offenses Known to Law Enforcement, 2014

Offense	Number of Incidents	Rate per 100,000	Clearance Rate
Violent Offenses	11,65,383	365.5	47.4
Murder	14,249	4.5	64.5
Rape*	1,16,645	36.6	38.5
Robbery	3,25,802	102.2	29.6
Aggravated Assault	7,41,291	232.5	56.3
Property Offenses	82,77,829	2,596.1	20.2
Burglary	17,29,806	542.5	13.6
Larceny-Theft	58,58,496	1,837.3	23
Motor Vehicle Theft	6,89,527	216.2	12.8
Arson	42,934	14.2	21.7

* Rape is reported under the new definition from 2012
 Source: Federal Bureau of Investigation, (2014). Crime in the United States, 2014. Washington, DC: U.S. Department of Justice.
 Retrieved from <https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u-s/2014/crime-in-the-u-s-2014/offenses-known-to-law-enforcement/main>.

Figure 1.1: Crime Rate in the United States, 1960–2014 (per 100,000 people)



Source: The Disaster Center. (2014). United States crime rates, 1960–2014 Retrieved from <http://www.disastercenter.com/crime/uscrime.htm>.

August Vollmer



Chief of Police, Berkeley, CA—used Roosevelt's ideas, added new ones

Key principles of reform agenda:

- Restrict political influence
- Hire qualified managers
- Redefine police role
- Raise personnel standards
- Apply scientific management
- Develop specialized units

Forms of Terrorism

- Nationalist-separatist terrorism
- Religious terrorism
- Left-wing terrorism
- Right-wing terrorism
- State-sponsored terrorism
- Eco-terrorism
- Cyberterrorism
- Bioterrorism

About the Authors

Robert M. Regoli is professor emeritus of sociology at the University of Colorado. In 1975, he received his PhD in sociology from Washington State University. Professor Regoli has found himself in an assortment of roles in the criminal justice system. In addition to having published more than 100 scholarly papers and authoring more than 10 books on topics ranging from police cynicism and causes of delinquency to unreported rule infractions in prisons, he has been a crime victim, misdemeanor offender, criminal complainant and witness, jury member, and legal consultant. Dr. Regoli is also a past president and fellow of the Academy of Criminal Justice Sciences, former executive editor of *The Social Science Journal*, recipient of two William J. Fulbright senior specialist awards, and member of Phi Beta Kappa. Today, Dr. Regoli's research focuses on the social organization of the fast-growing sport of pickleball, with an eye toward understanding the evolution of the game's norms, roles, hierarchies, and mechanisms of social control that affect its play.

John D. Hewitt recently retired as professor of criminal justice at Grand Valley State University. He was born in Carmel, California, grew up in Indiana, and completed his undergraduate work at Western Washington State College and his PhD at Washington State University. He has taught for more 30 years at small and large state colleges and universities, as well

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Anna E. Kosloski is an assistant professor of criminal justice at the University of Colorado Colorado Springs (UCCS). She received her PhD from Iowa State University in 2012. She has published scholarly articles on gender and crime, juvenile offending, institutional misconduct, and student learning. Her recent research explores the crime of human trafficking in the United States. She is a member of the American Society of Criminology and Academy of Criminal Justice Sciences. She has been recognized for her commitment to students and awarded the campus-wide Outstanding Teacher award at the University of Colorado Colorado Springs.

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Our colleagues who were selected by Jones & Bartlett Learning to review the text helped improve this *Third Edition* in innumerable ways. We extend our sincere gratitude to those reviewers, who are listed here.

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