Criminal Justice Today

AN INTRODUCTORY TEXT
FOR THE TWENTY-FIRST CENTURY

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This book is dedicated to my beautiful wife, Ellen “Willow” Szirandi Schmalleger, my true companion, whose wonderful, happy, and free spirit is a gift to all who know her.
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New to This Edition

Chapter-Specific Changes

Chapter 1: What Is Criminal Justice?
- A new and revised story and associated photo opens the chapter.
- A discussion of the 2016 Pulse Nightclub shootings in Orlando, Florida, has been added to a description of crimes in the current era.
- A new Gallup poll on American’s respect for police is discussed.
- The discussion of multiculturalism and criminal justice has been shortened, although the term “cultural competence” has been added as a new key term.
- A series of new “Evidence-based Justice Reinvestment” boxes have been added to the text. The first of these boxes, found in this chapter, introduces the concepts of both evidence-based practices and justice reinvestment.

Chapter 2: The Crime Picture
- The National Crime Statistics Exchange (NCS-X), a BJS-sponsored program designed to generate nationally representative incident-based data on crimes reported to law enforcement agencies, is now discussed.
- Updated crime statistics are found throughout the chapter.
- A photo and brief discussion of Omar Mateen, who killed 49 patrons at a nightclub in Orlando, Florida, in 2016, has been added.
- The discussion of race and the criminal justice system has been expanded.
- A discussion and photo showing the Emanuel AME Church in Charleston, S.C., where a 2015 shooting took nine lives, has been added to the chapter.

Chapter 3: The Search for Causes
- The discussion of the number of female offenders (versus males) for specific crimes has been changed.
- Statistics and crime data throughout the chapter have been updated.

Chapter 4: Criminal Law
- The chapter now begins with the story of Dr. Hsiu-Ying “Lisa” Tseng, a Los Angeles-area physician, who was convicted of second-degree murder in 2016 for overprescribing pain killers that resulted in the deaths of three of her patients.
- In the list of types and levels of crimes, the word “infraction” has replaced “offense.”

Chapter 5: Policing: History and Structure
- A new CJ News box describing the wearing of turbans and beards by Sikh officers in the NYPD has been added.

Chapter 6: Policing: Purpose and Organization
- The concept of evidence-based policing is introduced earlier in the chapter than it was in the last edition.
- The discussion of fusion centers has been updated.

Chapter 7: Policing: Legal Aspects
- The chapter now opens with the story of Freddie Gray and the six Baltimore police officers who were charged with his killing.
- A discussion of U.S. Supreme Court “eras” has been added to the chapter, to include the Warren Court, the Burger Court, and the Rehnquist Court.
- A clear distinction is drawn between the police power to detain and the power to arrest.
- The 2015 Cybersecurity Information Sharing Act (CISA) is now discussed.

Chapter 8: Policing: Issues and Challenges
- The 2017 National Consensus Policy on Use of Force, a collaboration between 11 nationally significant law enforcement leadership organizations, is described.
- The killing of five Dallas, Texas, police officers is described in the context of the Black Lives Matter movement.
- Ambush-style killings of police officers in various places across the nation are discussed.
- Discussion of the 2015 investigation of the Baltimore Police Department by the U.S. Department of Justice is included.
- Recommendations of the President’s Task Force on 21st Century Policing are presented in a CJ Issues box.
The 2016 report by the Police Executive Research Forum called “Taking Policing to a Higher Standard” is now discussed.

The discussion of racial profiling has been enhanced and clarified.

Chapter 9: The Courts: Structure and Participants

The discussion of problem-solving courts has been updated.

Chapter 10: Pretrial Activities and the Criminal Trial

The results of a new study focusing on the pretrial release of federal criminal defendants have been added to the chapter.

Chapter 11: Sentencing

A new chapter-opening story has been added.

The discussion of capital punishment has been updated to include California's Proposition 66, a 2016 initiative that speeds up the appeals process in capital cases by establishing a five-year deadline for appeals to be heard.

Mandatory DNA collection during various stages in the criminal justice process is now discussed.

The discussion of exonerations using DNA evidence has been expanded.

The chapter now mentions that the Innocence Protection Act was reauthorized in 2016 with passage of the Justice for All Reauthorization Act.

The 2016 U.S. Supreme Court case of *Hurst v. Florida* regarding the state’s death penalty sentencing scheme is now discussed in the chapter. The justices found Florida’s death penalty process to be unconstitutional under the Sixth Amendment because it allowed a judge to find and weigh aggravating circumstances independently of the jury.

Chapter 12: Probation, Parole, and Reentry

The definition of parole has been updated in keeping with BJS terminology.

A new story about the District of Columbia’s Youth Rehabilitation Act and its impact on the sentencing of young felons in the district opens the chapter.

The discussion of California’s 2011 Criminal Justice Realignment Act, which transferred jurisdiction and funding for managing lower-level criminal offenders from the state to the counties, has been expanded.

The story of NBA star Dwayne Wade’s sister, who was gunned down on Chicago’s South Side in 2016 when caught in a cross fire between two paroled felons, is illustrated in a new photo.

Chapter 13: Prisons and Jails

Evidence-based corrections (EBC) has been added as a new key term.

A new CJ Issues box on the Charles Colson Task Force on Federal Corrections has been added to the chapter.

The decision by the U.S. Department of Justice to bring an end to the use of private prisons throughout the federal Bureau of Prisons systems is discussed.

Chapter 14: Prison Life

A discussion of the 2015 riot at the Willacy Detention Center, operated by the Bureau of Immigration and Customs Enforcement, is now discussed.

The coverage of security threat groups in prisons has been increased.

A description of the 2017 riot that took place at the James T. Vaughn Correction Center in Smyrna, Delaware, is now included.

Chapter 15: Juvenile Justice

The 2016 U.S. Supreme Court decision of *Montgomery v. Louisiana*, which gave people who were sentenced to mandatory life in prison as juveniles the right to have their sentences reviewed, is discussed.

The phrase “detention hearing” has been made a key term, and is now more clearly defined.

The term “justice-involved youth” has been added as a key term.
Chapter 16: Drugs and Crime
- The chapter contains updated material on marijuana legalization and decriminalization.
- The chapter now addresses California’s Proposition 64, which passed on November 8, 2016, and which legalized the recreational use of marijuana in that state. It also rolled back the sentence of thousands of people who had been previously convicted on marijuana-related charges.

Chapter 17: Terrorism, Multinational Criminal Justice, and Global Issues
- A more complete discussion of state-sponsored terrorism has been added.

Chapter 18: High-Technology Crimes
- The chapter now begins with government claims that Russian hacking may have influenced the 2016 American presidential election.
- The 2016 Justice for All Reauthorization Act, which provided additional funding to assist victims of sex crimes and allocated additional moneys for testing backlogged rape kits, is now discussed.
- All data (on cybercrimes) throughout the chapter have been updated.
Preface

Many students are attracted to the study of criminal justice because it provides a focus for the tension that exists within our society between individual rights and freedoms, on the one hand, and the need for public safety, security, and order, on the other. Recently, twenty-first-century technology in the form of social media, smartphones, and personal online videos, has combined with perceived injustices in the day-to-day operations of the criminal justice system, culminating in an explosion of demands for justice for citizens of all races and socioeconomic status—especially those whose encounters with agents of law enforcement turn violent.

A social movement that began with the shooting of an unarmed black teenager in Ferguson, Missouri, in 2014, has developed into a widespread initiative that demands justice for all.

The tension between individual rights and public order is the theme around which all editions of this textbook have been built. That same theme is even more compelling today because of the important question we have all been asking in recent years:

How much personal freedom are we willing to sacrifice to achieve a solid sense of individual and group security?

Although there are no easy answers to this question, this textbook guides criminal justice students in the struggle to find a satisfying balance between freedom and security. True to its origins, the 15th edition focuses on the crime picture in America and on the three traditional elements of the criminal justice system: police, courts, and corrections. This edition has been enhanced with additional “Freedom or Safety” boxes, which time and again question the viability of our freedoms in a world that has grown ever more dangerous. This edition also asks students to evaluate the strengths and weaknesses of the American justice system as it struggles to maintain a workable balance between freedom and security. True to its origins, this edition will ground students in the importance of critical thinking as they define what it means to be a criminal justice professional.

CJ Careers boxes outline the characteristics of a variety of criminal justice careers in a Q&A format, to introduce today’s pragmatic students to an assortment of potential career options and assist them in making appropriate career choices.

Key Features Include

Freedom OR safety? YOU decide boxes in each chapter highlight the book’s ever-evolving theme of individual rights versus public order, a hallmark feature of this text since the first edition. In each chapter of the text, Freedom or Safety boxes build on this theme by illustrating some of the personal rights issues that challenge policymakers today. Each box includes critical-thinking questions that ask readers to ponder whether and how the criminal justice system balances individual rights and public safety.

CJ CAREERS

Police Officer

What qualities/characteristics are most helpful for the job? Communication skills, honesty, integrity, and the ability to work with minimal, to no, supervision.

What is the salary potential for this occupation? Starting salary is $45,324 annually, with excellent benefits.

What advice would you give someone considering beginning studies in criminal justice? They’re a job you can never stop learning to do all the time. You have to have a strong desire to learn all the time. A job you can do for the rest of your life.

What is the typical day like? A typical day involves doing research and interviewing a target. Once an investigation is complete, we move to a new task.

Name: Narcotics Agent Christian Jones
Position: County Sheriff’s Office, Narcotics
Education: Palm Beach State College
Major: Psychology
Year hired: 2007

What are the advantages of your job? The most rewarding aspect of my job is the ability to make a difference in our community.

What advice would you give someone who is considering a career in criminal justice? You have to be self-disciplined and be willing to work with minimal, to no, supervision.

What is the typical day like? The typical day involves doing research and interviewing a target. Once an investigation is complete, we move to a new task.

Name: Charles Thomas

Distinguished Professor Emeritus, The University of North Carolina at Pembroke

FRANK SCHMALLEGER, PH.D.

Preface
Evidence-Based Justice Reinvestment

Cost-Efficient Policing

A few years ago, Camden, New Jersey, city officials disbanded their police department and hired police officers from out of state, sparking controversy. The new police department, the Camden County Police Department, restructured with a focus on cost savings. The new department, with fewer personnel, was able to work more efficiently by implementing force multipliers, the last of the options listed here, refers to tactics and strategies that can be used to reduce the number of officers needed to perform certain functions. Force multipliers leverage technology, data, and other resources to allow the department to do more with fewer personnel. These strategies include cross-training, in which personnel are trained to perform multiple roles, and problem-solving service models, in which officers are assigned to specific neighborhoods and work closely with community members to identify and solve problems. This approach allows officers to focus on specific issues and work more efficiently, improving the overall effectiveness of the department.

In some areas, the term "force multipliers" is also associated with the idea of "broadening the mission" of police officers. This approach involves assigning officers to tasks that are not traditionally part of their duties, such as community outreach or administrative work. However, the term "force multipliers" should not be used to justify the outsourcing of core police functions. In most cases, broader mission assignments should be used to support the core mission of policing, not to replace it. Overall, force multipliers offer a promising approach to reducing costs and improving the efficiency of police departments, as long as they are implemented in a way that is consistent with the core mission of policing and does not compromise the effectiveness of the department.
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Schmalleger has taught in the online graduate program of the New School for Social Research, helping build the world’s first electronic classrooms in support of distance learning on the Internet. As an adjunct professor with Webster University in St. Louis, Missouri, Schmalleger helped develop the university’s graduate program in security administration and loss prevention. He taught courses in that curriculum for more than a decade. An avid Web user and website builder, Schmalleger is also the creator of a number of award-winning websites, including some that support this textbook.

Frank Schmalleger is the author of numerous articles and more than 40 books, including the widely used Criminal Justice: A Brief Introduction (Pearson, 2018), Criminology Today (Pearson, 2019), and Criminal Law Today (Pearson, 2016).

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Schmalleger’s philosophy of both teaching and writing can be summed up in these words: “In order to communicate knowledge we must first catch, then hold, a person’s interest—be it student, colleague, or policymaker. Our writing, our speaking, and our teaching must be relevant to the problems facing people today, and they must in some way help solve those problems.” Visit the author’s website at http://www.schmalleger.com, and follow his Tweets @schmalleger.

Justice is truth in action!
—Benjamin Disraeli (1804–1881)

Injustice anywhere is a threat to justice everywhere.
—Martin Luther King, Jr. (1929–1968)