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Crime and Criminal Justice

Learning Objectives

- Identify the major stages of the criminal justice system
- Explain the importance of discretion and ethics in the criminal justice system
- Describe the different tiers of the wedding cake model
- Compare and contrast the crime control model with the due process model
- Assess how media can impact the criminal justice system

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On May 19, 1975, Harold Franks was the victim of a robbery-murder in Cleveland, Ohio. The 59-year-old money order salesman was walking from a local neighborhood store when he was approached by two men, one of whom subsequently tossed acid in Franks's face and shot him in the chest. A second bullet broke through the window of the store and hit Anna Robinson, the store owner's wife. While she survived, Franks died at the scene. The take from the crime was \$425 from Franks's briefcase.

Within a week of Franks's murder, the police had an eyewitness who stated that he had seen the three men who robbed and shot Franks. Eddie Vernon was just 12 years old when he identified 18-year-old Ricky Jackson as the man who shot Franks. Vernon also identified Ronnie and Wiley Bridgeman as co-conspirators to the crime. None of the three men had had any previous engagements with the law, and no physical or forensic evidence linked them to this crime. The gun used in the crime was never found, nor was the getaway car that was used to flee the scene. The only evidence presented by the prosecution was the testimony of Eddie Vernon, whose stories about the crime were inconsistent. Despite defense witnesses who contradicted Vernon's description of the events, Jackson and the Bridgeman brothers were found guilty. Even though each was tried separately, it took the local courts less than four months after the murder to convict and sentence all three to death. In 1978, the state struck down the death penalty and all three had their sentences commuted to life in prison.

It was over two decades before any of the men saw life outside of the prison walls. In 2001, Wiley was granted parole, and his brother Ronnie was released the following year. During a chance encounter, Wiley ran into Eddie Vernon at the City Mission, a shelter in Cleveland, but he could not convince Vernon to speak out about his testimony. Wiley returned to prison in 2002 on a parole violation. Jackson remained behind bars. Ronnie (who later changed his name to Kwame Ajamu) worked with local reporters and the Ohio Innocence Commission to try and clear their names and get Wiley and Jackson released.

In 2013, Vernon recanted his testimony and stated that he had been pressed by the police to lie about seeing Jackson and the Bridgeman brothers at the scene of the Franks murder. It took over a year for the court to hold a hearing on a petition for a new trial for Jackson. The judge vacated the convictions for all three men, and the prosecutor dismissed their charges.

Ricky Jackson served 39 years, three months, and nine days in prison. His case stands as the longest incarceration sentence of an exonerated individual in the United States.¹

This text is designed to provide an overview of our criminal justice system. In each chapter, you will learn about different features and functions of this system. You'll also learn about different high-profile cases and how the criminal justice system has responded to these crimes, and examples of how criminal justice issues are handled in a global context will be provided. As a student of criminal justice, you'll also learn about some of the different careers that you might pursue within this field. Finally, you'll explore some of the cutting-edge issues and debates that face the criminal justice system today.

In this chapter, you will learn about the criminal justice system and the different models that help describe its functions. You'll also learn about the role of the media and how information about **crime** is shared with the public. The chapter concludes with two explorations of current controversies that debate the pros and cons of key issues in criminal justice. The first, by Kareem L. Jordan, questions whether justice is served by our criminal justice system. The second, by Amanda Burgess-Proctor, asks whether the media is a credible source on crime.



Ricky Jackson, 57, of Cleveland, center, with his lawyers, looks skyward after being released from his life sentence for a 1975 murder.

© AP Photo/Phil Long

Crime: An act that is against the law and causes a punishment.

Brief History of the American Criminal Justice System

Throughout this text, you'll learn about the basic features of our criminal justice system, the origins of these features, and how past practices evolved into our current system. Politics played a significant role in the development of our criminal justice system as well as in justice itself during early colonial America. Justice during this period was broadly shaped by the traditions of the English common law system. There were few legal professionals among the early settlers, which gave government leaders wide latitude in shaping the system. This meant that religion and, in particular, puritanical values were strong influences on the development of our criminal codes. The fact that religion had such an influence on our system is rather ironic, given that many settlers came to America to escape the religious persecution under English law.

During these early colonial times, there was no unified criminal code. As such, the definition of crime and the types of punishments that were used varied from colony to colony. For example, the law in Massachusetts was dominated by puritanical values, and the influence of religion was significant. Judges were highly ranked political and religious leaders in the community, and criminals were seen as individuals who had sinned. Indeed, there was very little distinction between criminal acts and sins. Trials were a form of religious ceremony, "an occasion for repentance and reintegration: a ritual for reclaiming lost sheep and restoring them to the flock."² While the death penalty was a legally recognized punishment for offenses such as witchcraft, adultery, assault in anger, and poisoning (as well as premeditated murder and manslaughter),³ its use varied between the colonies. Massachusetts law required testimony by two or three witnesses in order to sentence someone to death. Without these witnesses, the individual would receive a lesser punishment. In Virginia, punishments and executions were carried out in public as a way both to warn would-be offenders and to reinforce the legitimacy of the criminal justice process and religious rule.⁴ In contrast, Pennsylvania was heavily influenced by the Quakers. William Penn was the first Quaker reformer, and he abolished the death penalty for all crimes except murder. He also believed that prisons should be used to incapacitate and reform individuals, not simply to punish them. His work became a primary influence in the development of the first American prisons.

Following the Revolutionary War, the colonists continued to develop a new system of justice. The Founding Fathers had a strong belief in protecting the rights of those accused of a crime. We see this influence throughout the Bill of Rights and its emphasis on due process. They were also concerned about creating a system that was transparent and regulated, which can be seen through the codification of our criminal laws. Finally, the Founding Fathers valued a legal system that balanced the needs of Federalism with states' rights. As you can see, the core features of the new government system were closely linked to the development of the criminal justice system. Over time, these structures and practices evolved into the system we have today. And, as you will learn throughout this text, these practices continue to evolve into the twenty-first century.

Police: Police are tasked with investigating crime and apprehending offenders.

Courts: The courts are responsible for determining whether an offender should be charged with a crime and also manage the process to determine whether the offender should be held criminally responsible for the crime.

Stages of the Criminal Justice System

There are three major components of the criminal justice system: police, courts, and corrections. Each of these systems functions both in relationship to the others and as a separate entity. In terms of the criminal justice system, the **police** are tasked with investigating crime and apprehending offenders. The **courts** are responsible for determining whether an offender should be charged with a crime and managing

the process to determine whether he or she should be held criminally responsible. The courts are also responsible for handing down a punishment in cases where the court determines that the offender is guilty of a crime. It is then up to the **corrections** system to carry out the punishment as ordered by the court. Throughout this text, you'll be exposed to all of these groups and learn about their key functions and processes.

With so many different players, how do these components work together to form our criminal justice system? While the police, courts, and our correctional systems all have different roles and responsibilities, each group makes decisions that ultimately impact the other groups. Figure 1.1 highlights how a case moves through the different stages of the criminal justice system.

Policing

Police officers are generally the first point of contact in the system, and they learn about crime in a variety of ways. They might be called to the scene of a crime to take a statement from a victim or witness or to preserve and collect evidence in a case. If an offender is identified, the police may arrest the offender. In cases in which the perpetrator is unknown, the police investigate the crime in an attempt to identify a suspect.

The Courts

Once this information is collected and processed, it is forwarded on to the courts. Here, a district attorney (also called a prosecutor) will review the information and determine what charges, if any, will be filed against an offender, also known as the **defendant**. In order to proceed with a case, the prosecutor must prove that she or he has probable cause that the accused committed the crime. If someone has been arrested and is currently in custody, courts will begin the proceedings on whether the offender is eligible for release or must stay in custody. The offender will also plead guilty or not guilty at an arraignment. If the offender enters a guilty plea, the judge will issue a sentence. If the offender pleads not guilty, then the case will proceed. The prosecutor may choose to take the case to trial or may decide to offer a plea bargain, which generally allows the offender to enter a guilty plea for a lesser charge and reduced sentence. While it is the responsibility of the district attorney to carry out the legal proceedings of the case, it is the job of the defense counsel to ensure that the rights of the accused are upheld and to defend the client throughout the criminal justice process.

The judge is an impartial moderator of the court process. The judge resolves disputes between the prosecution and the defense. In some cases, the judge may also be responsible for making a decision on whether the defendant is guilty or not guilty. In other cases, a jury determines the outcome. A jury is made up of a group of citizens who are charged with reviewing the evidence presented in court and then making a decision about the defendant's guilt. In certain cases (like capital punishment cases), a jury is also responsible for determining the sentence for the guilty offender. However, in the majority of criminal cases, it is up to the judge to make this decision during a sentencing hearing.

Corrections

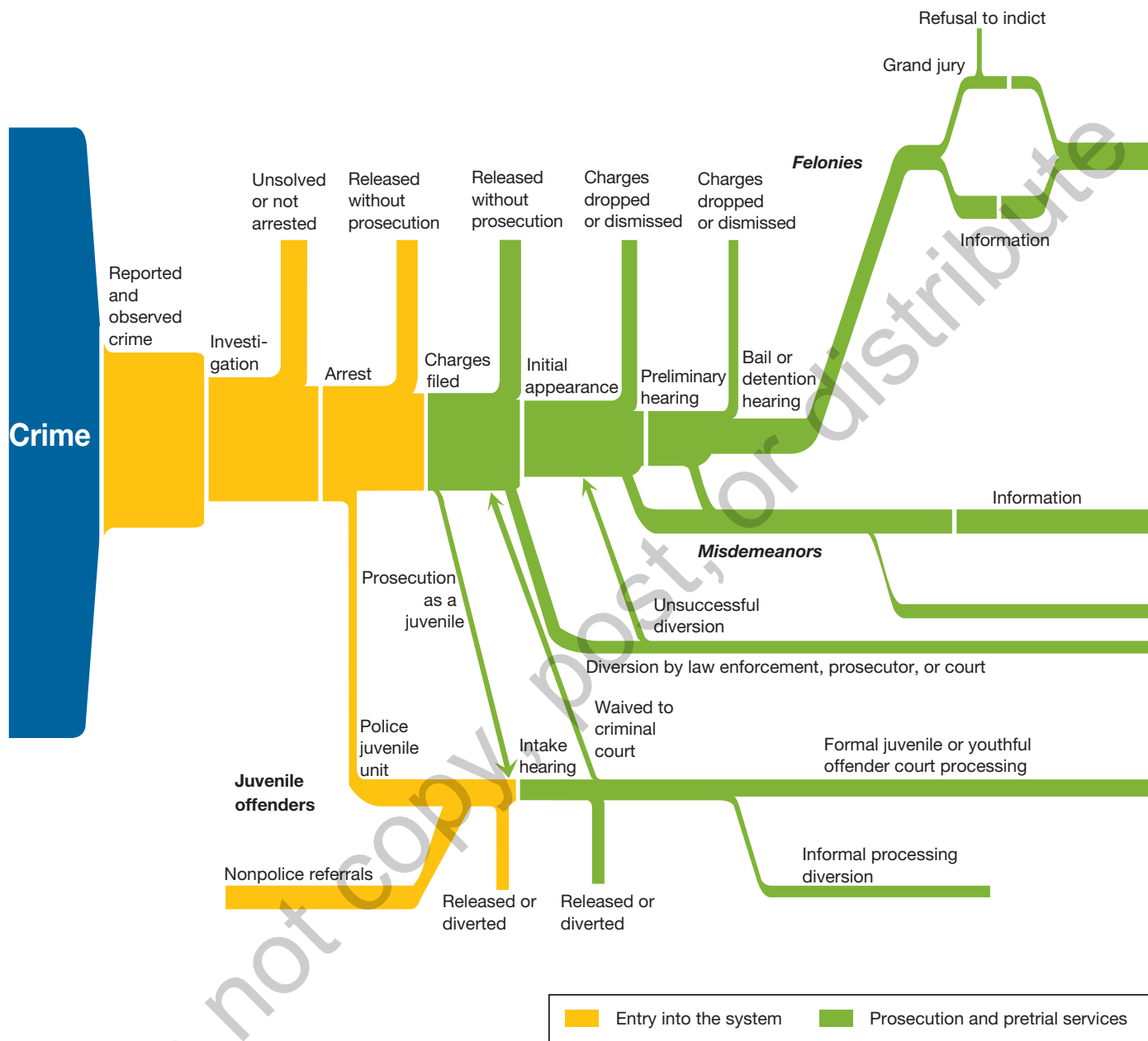
If an offender is sentenced to a period of incarceration, he or she will serve that sentence in either a jail or prison. In other cases, an offender may be sentenced to community-based supervision, such as probation. This allows the offender to remain in the community rather than being sent to a facility.⁵

Corrections: The corrections system carries out the punishment as ordered by the court.

Defendant: Someone who has criminal charges filed against her or him.

FIGURE 1.1

The Criminal Justice Process



Source: Bureau of Justice Statistics, "Criminal Justice System Flow Chart," August 2, 2018, <http://www.bjs.gov/content/largechart.cfm>.

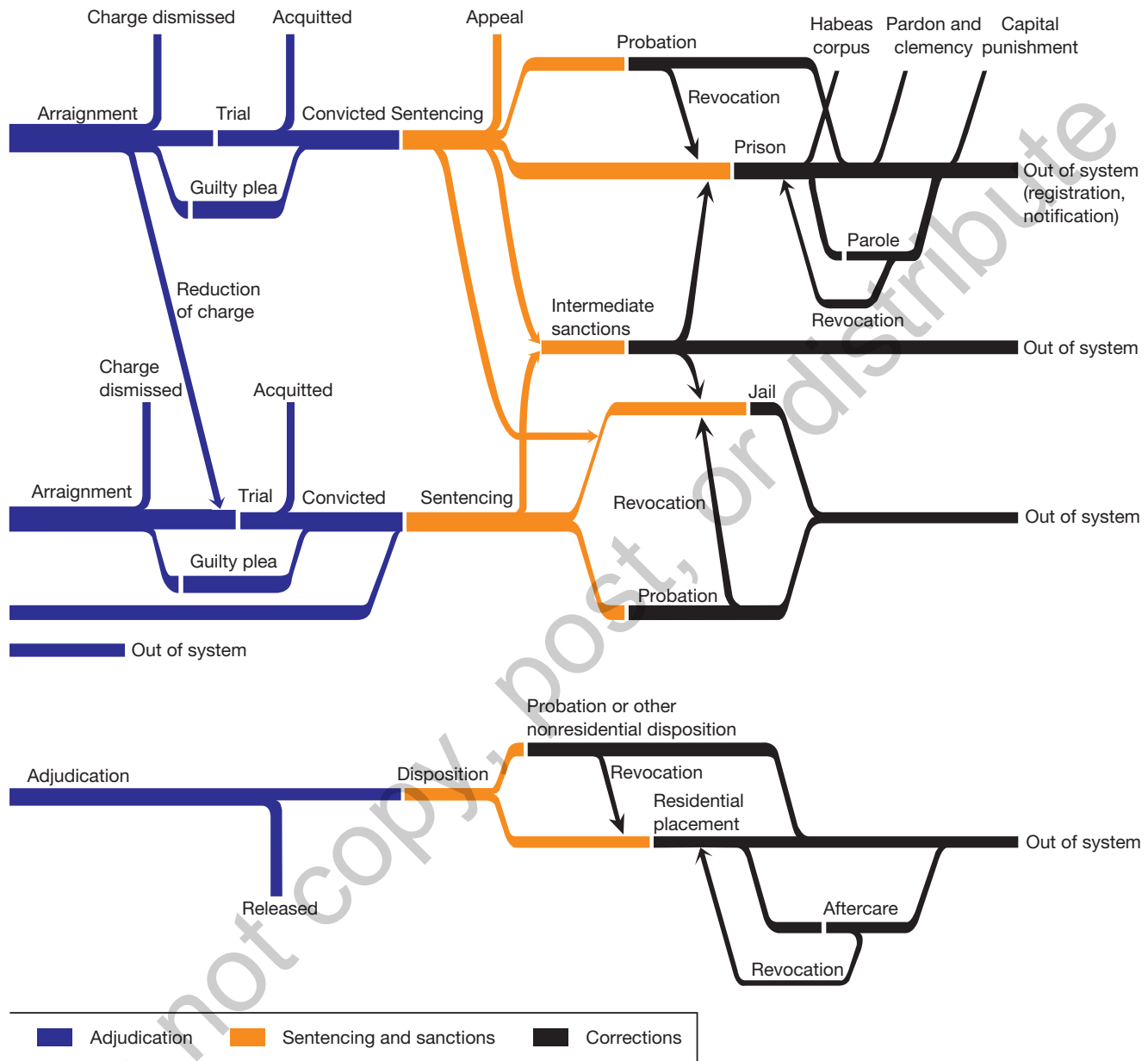
Discretion and Ethics in the Criminal Justice System

Discretion: The power of criminal justice officials to make decisions.

Ethics: The understanding of what constitutes good or bad behavior.

The decision-making power of criminal justice agents is called **discretion**. Discretion refers to the freedom to make decisions. It is perhaps the most powerful tool of the criminal justice system. Laws and policies can help guide the discretion of individuals in the criminal justice system, such as the police, prosecutors, and the courts.

Related to this issue is the question of **ethics**. Ethics in criminal justice refers to the understanding of what constitutes good or bad behavior. As agents of criminal justice



exercise their discretion, they may face ethical challenges about which course of action is the most appropriate. Ethics can help guide the decision-making process. In some cases, ethical violations occur. Consider the case that you were introduced to at the beginning of this chapter. Eddie Vernon was pressured by the police to identify Ricky Jackson and his friends as the men who shot and killed Harold Franks. Was this ethical behavior on the part of the police? Throughout this text, you'll learn about how the police, courts, and correctional systems are faced with ethical challenges.

Another example of the use of discretion by our criminal justice system can be observed by investigating how different types of offenders are treated by the system. For example, there is a large body of research highlighting the mistreatment of individuals



So You Want to Work in Criminal Justice?

There are many different opportunities to work in the criminal justice system. Throughout this text, you'll learn about the different types of jobs that are available throughout the police, courts, and correctional agencies. In addition, there are also opportunities for employment with organizations and agencies that are affiliated with or linked to the criminal justice system, such as offender treatment programs and facilities, social services, and victim assistance programs.

As you think about the type of career that you might be interested in, consider what issues or topics you are most drawn to in criminal justice. What are the requirements to work in these fields? Do you need a bachelor's degree or a graduate degree? Is there specialized training that is involved? Will being fluent in multiple languages help you in your career? You will also want to consider how your personality fits with your career choice. Are you someone who likes to work as part of a team, or do you prefer work that is more independent? Your answers to these questions will help you determine what your future career might look like.

Many jobs within criminal justice agencies are government related. This means that postings for these positions can be quite competitive and involve several steps as part of the application process. Jobs are typically advertised online with each agency. For example, if you are interested in working for a local police agency, you would want to seek out information about the hiring department for that specific city or county. Meanwhile, jobs with the federal government (such as the Department of Homeland Security) are often posted on the USAJobs website for all federal agencies. If you are thinking about a job in the federal government, make sure you consider different types of agencies since many agencies employ similar types of positions. For example, maybe you're set on being

a special agent for the Federal Bureau of Investigation (FBI). These jobs are often very competitive, and only a few people are selected from a large pool of applicants. But there are several opportunities for these types of positions within other federal agencies, such as the U.S. Fish and Wildlife Service or the Office of Criminal Investigations for the U.S. Food and Drug Administration.

Some criminal justice occupations require a number of different security screenings as part of the application process. Many jobs require that applicants undergo a background investigation, and applicants may also be required to complete a polygraph examination. Finally, applicants are often required to complete a physical fitness test and submit to a drug test.

In order to get a sense of the types of career opportunities that are available, you may want to consider an internship with a criminal justice agency. Internships are a great way to get applied experience with an agency in the criminal justice field. Depending on the requirements of your educational program, an internship may be part of the curriculum, or you may be able to receive academic credit for your work with an agency. You should talk with a faculty member or adviser from your program to determine whether this is an option for you. Depending on the placement, internships may involve paid or unpaid work. Alternatively, you might consider volunteering with an agency. Unlike an internship, which usually requires that a specific number of hours be completed over a specific period of time, volunteer opportunities can vary dramatically. While volunteer work may involve basic tasks (whereas internships can involve more professional tasks), volunteers serve an important role for organizations, and such opportunities can also provide a window into the different types of careers that are available within the organization.

at every stage of the criminal justice system based on their race or gender. In other cases, you'll note that certain groups receive preferential treatment. In some cases, we blame increases in crime on certain groups of individuals, such as immigrants or the mentally ill. Yet many of these populations require increased attention by the criminal justice system as a result of their unique needs for services and rehabilitation. You'll be exposed to some of these findings throughout this text as well as within some of the debates on current controversies.

The Wedding Cake Model of Justice

While Figure 1.1 earlier in this chapter demonstrates how a case can move through the criminal justice system, not all cases are handled in the same way. Some cases may be handled more informally because they are minor offenses. In other instances, some offenders may receive preferential treatment as a result of their status in society. The **wedding cake model** (Figure 1.2) helps us understand how cases can be treated

Wedding cake model: Model that demonstrates how cases are treated differently by the criminal justice process.

differently by the criminal justice process. Consider that a wedding cake is generally made up of several different tiers, with the largest tier appearing at the bottom of the cake and tiers decreasing in size as one moves up to the top layer of the cake, which is the smallest.

If we apply this analogy to the criminal justice system, the bottom layer of the cake represents the largest number of cases that are handled by the criminal justice system. **Misdemeanors** are the least serious types of crimes that are typically handled by the criminal justice system. However, these types of cases also make up the majority of those in the system. Given the nature of these offenses, the majority of these cases are not resolved by a trial, and the offenders in these cases are offered plea bargains with reduced sentences or other lower-level punishments. Generally speaking, the maximum punishment for a misdemeanor crime is less than one year in jail. In comparison, punishment for a **felony** crime can range from more than one year in prison to life without the possibility of parole or, in some cases, the death penalty. The severity of the punishment is linked to the severity of the crime.

The second tier is smaller and composed of lower-level felony cases. These cases are typically nonviolent in nature, and the offenders in these cases are generally lower-level offenders. Like misdemeanors, many of these cases are handled with plea agreements and generally do not involve significant incarceration sentences. The next tier is filled with upper-level felony cases, which tend to be violent in nature and involve offenders with significant criminal histories. Unlike the cases in the lower levels, these cases are more likely to proceed to a trial if the offender pleads not guilty. If the offender is found guilty, she or he will likely face time in prison.

Finally, the top layer of the cake represents the high-profile cases. These cases tend to be covered by the media and often involve the potential for significant penalties, such as life in prison or the death penalty. However, other cases that are also found in this category involve well-known offenders, such as celebrities. For example, rapper Nelly was accused of raping a young woman on his tour bus in Washington State. Nelly protested the charges and argued that he was the victim of a false accusation. Prosecutors ultimately were unable to file charges against him as the accuser decided not to cooperate with the authorities.⁶ Another example of a high-profile case was that of Anthony Weiner. The former New York congressman was sentenced to 21 months for engaging in a sexting conversation with a 15-year-old girl. Weiner pled guilty to the charge of transferring obscene material to a minor. His lawyer requested that Weiner be sentenced to probation so that he could continue to participate in treatment for his sex addiction. Although the prosecutor requested a sentence of 21 to 27 months, in many ways Weiner benefited from leniency from the court as this crime carries a maximum penalty of 10 years.⁷

Louis Tomlinson, a member of the boy band One Direction, was arrested in March 2017 for assaulting a paparazzo who was taking photos of the star and his girlfriend at the Los Angeles Airport. As a celebrity, which layer in the wedding cake model would this case represent? If this was a case between two ordinary citizens, how would this case be viewed differently? Should cases involving celebrities be viewed differently by the criminal justice system? Why or why not?

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FIGURE 1.2

The Wedding Cake Model of Justice



Source: © iStockphoto.com/azshooter.

Misdemeanors: Lower-level crimes that are punished by less than one year in jail. Punishments can also involve community-based sanctions, such as probation.

Felony: Serious crime that can be punished by more than one year in prison.

Models of Criminal Justice

Within our criminal justice system, there are two competing ideologies: the crime control model and the due process model (Table 1.1).⁸

The Crime Control Model

The **crime control model** believes that the most important function of the criminal justice system is to suppress and control criminal behavior as a function of public order in society. This philosophy is often aligned with a more conservative perspective. The crime control model focuses on a criminal justice system that processes criminals in an efficient, consistent manner. Justice under the crime control model resembles an assembly line. Under this model, the plea bargain is an essential tool as it allows the wheels of justice to continue to move. Trials are viewed as taking up excessive time in the system and can slow down the efficiency of the “factory.” Here, the focus is on swift and severe punishments for offenders. For example, supporters of a crime control model would argue that the identification and detention of enemy combatants following the 9/11 terror attacks was a good policy in fighting against future terrorist threats. Any risk of violating individual liberties was considered secondary to the need to protect and ensure the safety of the community.

The Due Process Model

In contrast, the **due process model** believes that the protection of individual rights and freedoms is of utmost importance. The due process model embodies more of a liberal perspective compared with the crime control model. One could argue under the due process model that it is better for the guilty to go free than to risk incarcerating or executing the innocent. In contrast to his identification of the crime control model as an assembly line, Packer suggested that the due process model resembles an obstacle course, consisting of a variety of legal challenges that must be satisfied throughout the criminal justice process in order to hold someone accountable for a criminal action (and therefore punish that person for said action). The due process model emphasizes the formalized legal practices of the criminal justice process and requires that each stage of the criminal justice system represent a fair and equitable treatment of all cases and all offenders. Drawing from the 9/11 example used earlier, supporters of the due process model would argue that individuals identified as enemy combatants were denied their due process rights and were therefore detained by the U.S. government illegally following the 9/11 terror attacks. Under the due process model, it is not acceptable to engage in such practices just to suppress the risk for potential harm. While liberals would argue that the crime control model infringes on the rights of individuals, conservatives fear that the due process model ignores crime victims and gives criminals too much leeway to escape “justice.”

Crime control model:

Model of criminal justice that advocates for the suppression and control of criminal behavior as a function of public order in society.

Due process model: Model of criminal justice that believes the protection of individual rights and freedoms is the most important function of the system.

TABLE 1.1

Crime Control Model Versus Due Process

MODEL	MAIN GOAL	VALUES	PUNISHMENT	EXAMPLE	CONCERNS WITH THIS MODEL
Crime Control	Suppress and control criminal behavior as a function of public order in society	A criminal justice system that processes criminals in an efficient and consistent manner	Should be swift and severe; it is important that offenders be punished for their crimes	Criminal justice as an assembly line	Infringes on the rights of individuals
Due Process	Protects the rights and freedoms of individuals	A criminal justice system that represents a fair and equitable treatment of all cases and all offenders during each stage of the process	Should be fair and just; it is better for the guilty to go free than to risk incarcerating the innocent	Criminal justice as an obstacle course	Ignores crime victims and gives criminals too much leeway to escape justice



Under the crime control model, criminal justice is seen as an assembly line where efficiency and productivity are valued. The due process model views criminal justice as an obstacle course made up of legal challenges to protect individual rights. Which approach makes more sense to you?

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The Influence of the Media on the Criminal Justice System

The majority of Americans have limited direct experience with the criminal justice system. As a result, what most people know about crime comes not from personal interactions but perhaps from the experiences of others known to them (peers and family members) or within the general community.

The mass media also has significant power in shaping individuals' perceptions of crime and justice.⁹ The scope of the media is extensive since it includes "mechanisms for public presentations of entertainment, propaganda, and nonfiction information."¹⁰ More important than the levels of media consumption is how the information is interpreted.¹¹ For the majority of Americans, the images generated by the media regarding crime and criminal justice are often internalized as "facts" about the world we live in.¹²

"The public's perception of victims, criminals, deviants, and law enforcement officials is largely determined by their portrayal in the mass media."¹³ However, the content and prevalence of stories relating to crime presents a distorted view of the realities of the criminal justice system. The popular expression "If it bleeds, it leads" represents the prevalent position of crime stories for media outlets. While stories about violent crime make up almost one-third of all news time, that does not reflect the reality of crime in society.¹⁴ These exaggerations have a direct relationship to public understanding of crime. Adding to this equation are findings that individuals tend to retain the content of these stories, affirming any negative notions regarding crime, criminals, and criminal justice.¹⁵

"The public's perception of victims, criminals, deviants, and law enforcement officials is largely determined by their portrayal in the mass media."

The CSI Effect

In addition to the portrayal of crime in the news, stories of crime, criminals, and criminal justice have been a major staple of television entertainment programming. These images, too, present a distorted view of the reality of crime as they generally present crimes as graphic, random, and violent incidents. Entertainment television about crime has covered a variety of topics, including policing, courtroom portrayals, forensic investigations, and corrections. For example, the different installments of the *Law & Order* series cover all aspects of the criminal justice system, from offenders to police and investigators to the court process and its actors. These crime dramas have such an impact on individuals that criminologists have begun to study what is known as the *CSI* effect, which references the popular crime drama *CSI: Crime Scene Investigation*. In this program, crimes are solved in a single episode using sophisticated techniques of crime analysis that aren't readily available or utilized in a typical criminal case. The *CSI* effect

Crime, Law, and Justice From a Global Perspective

The issues of crime, law, and justice vary dramatically around the world. While many other countries have similar functions, practices, and policies compared with the American criminal justice system, there are many countries whose perceptions of crime and punishment are very different. For example, in countries such as Pakistan and Turkey, honor killings have been carried out in cases of adultery—or even perceived infidelity. Harsh punishment can even be handed down for acts that many Western cultures would consider to be normal, everyday occurrences, such as requesting a love song on the radio or strolling through the park. However, not only are such acts rarely reported, even when they are brought to the attention of legal authorities; the perpetrators are rarely identified, and, as a result, such crimes often go unpunished.^a Other crimes are often punished more severely than they would be in the American legal system. In March 2016, Otto Frederick Warmbier, a student from the University of Virginia, was sentenced to 15 years of hard

labor in North Korea after he was arrested for committing a hostile act against the state. His crime? Warmbier confessed to tearing down a poster of a political slogan at the hotel where he was staying as part of a student tour group.^b Warmbier spent 17 months in North Korea before he was released. However, his return home was anything but a joyous occasion as he was on his deathbed when he arrived and had suffered from a number of abuses. He died within a week of returning to the United States.^c

Throughout this text, you'll learn about various examples of crime, law, and justice from countries around the world. As you read about these examples, consider how they relate to the American criminal justice system. Are there features that you can identify as similar to the practices that we use here? How are things different? Are there ways in which these systems could benefit from our experiences here in the United States? Or are there features in other countries that we should consider adopting as part of our system?

CRITICAL THINKING QUESTIONS

1. How are issues of culture reflected in the development of crime, law, and justice in a global society?
2. Research a case in which an American was punished for a crime in a foreign country. How was this person treated in the foreign legal system? Would he or she be treated in a similar fashion if the crime had happened in the United States?

can have a significant impact on real issues of criminal justice. For example, juries may believe that DNA evidence is readily available and required in every case in order to secure a conviction.

Reality TV

Crime is also present in reality TV programming. From *COPS* to *Forensic Files*, viewers are afforded the opportunity to see the criminal justice system in action. In addition, networks such as A&E, the Discovery Channel, Investigation Discovery, and the History Channel have made documentaries about crime and justice a major component of their programming. Even airing real-life criminal justice cases on networks such as Court TV (now truTV) can have an effect on the public. Often it is the atypical, high-profile cases, such as the trials of O. J. Simpson, Casey Anthony, and George Zimmerman, that garner the greatest attention. This fascination with crimes of violence has created a demand for multiple avenues of information about issues of crime and justice. Live streaming of these proceedings on cable television and online, as well as updates via social media, provides an all-access pass to the courtroom action. Such attention also creates “wanna-be” experts out of ordinary citizens. As in many other high-profile cases, these themes were displayed in the case of Jodi Arias (see Spotlight feature).

The Media and Perception of Crime Rates

While there is documentation that the saturation of crime stories on the news impacts viewers' opinions of crime, how does crime as “entertainment” influence fears about

crime and victimization? Crimes of murder and violence in general are overemphasized in television entertainment.¹⁶ For example, the victimization of women is often portrayed by “movie of the week” outlets such as Lifetime TV that showcase story lines of women being sexually assaulted, stalked, or otherwise injured by a stranger. Unfortunately, these popular-culture references paint a false picture of the realities of crime since most women are not maltreated by strangers (as portrayed in these story lines) but are victimized by people known to them.¹⁷ While the enjoyment of reality-based crime programming is related to punitive attitudes on crime, such an effect is not found for viewers of fictional crime dramas.¹⁸ However, viewers of nonfiction television shows (such as *The First 48*) can experience increased fear of crime.¹⁹

Influencing Public Policy

While the public’s concern about crime may be very real, it can also be inflamed by inaccurate data on crime rates or a misunderstanding about the community supervision of offenders and recidivism rates. Indeed, a fear of crime, coupled with the public’s perception about rising crime rates, contributes to a lack of faith by citizens in the efficacy of the criminal justice system.²⁰ Watching television news programs also contributes to this because the increased viewing of local news is associated with punitive beliefs in



Dramatic and reality-based television programming about crime and criminal justice is designed to entertain the public, not educate. Such programming can lead to an inaccurate understanding of the criminal justice system. What are some inaccuracies you can spot in your favorite crime drama?

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SPOTLIGHT

The State v. Jodi Arias

Violence. Murder. Lies. And a woman behind it all. The case of Jodi Arias had everything it needed to be a television movie. Yet this was no fictionalized story line. Over the course of her four-month trial, every moment was broadcast on cable television. In addition, there was no shortage of “legal experts” waiting to give their opinion on the events of the day, the evidence presented, or the demeanor of the defendant.

Arias was charged and ultimately convicted for the murder of her boyfriend, Travis Alexander. This was no simple murder but rather an act of extreme aggression as Alexander was found in his shower, where he had been stabbed 27 times, had his throat slit, and been shot in the head. But it wasn’t just the excessive nature of the crime that drew the attention of the media. Arias was the perfect candidate to fuel the media fire. The frenzy began when Arias changed her story about the crime several times. At first, she denied any involvement in the murder. Later, she alleged that she and Alexander had been attacked by two masked intruders who murdered Alexander but allowed her to

live. During the trial, her story was amended once again to one of self-defense. Arias asserted that Alexander had frequently abused her throughout their relationship and that she killed him during one of these attacks. However, she claimed that she did not remember the specific events of his death and that she had blocked out these events due to her emotional trauma.^a

One of the particularly sensationalized parts of the trial involved Arias’s own testimony, which lasted 18 days. Under Arizona law, members of the jury are allowed to submit questions to the accused should she or he choose to take the stand to offer a defense. “Some of the questions seemed to serve no other purpose but to mock Arias and illustrate the jurors’ annoyance with her claims.”^b While Arias was convicted of first-degree murder, the same jurors were unable to reach an agreement on the sentence, resulting in a hung jury. During a second sentencing hearing, the jury was unable to reach a unanimous verdict on a death sentence. As a result, Arias was sentenced to life without the possibility of parole.^c

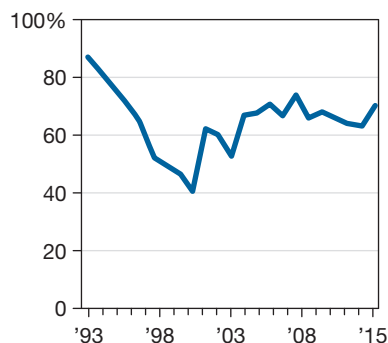
CRITICAL THINKING QUESTIONS

1. Why do you think this case was so sensationalized in the media?
2. What impact might the media representation of this case have on other cases before the courts?

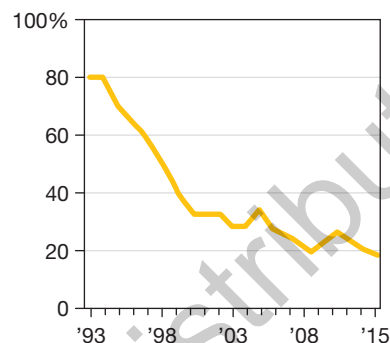
FIGURE 1.3

Public Perception of Crime Rate at Odds With Reality

% saying there is more crime in the U.S. than a year ago



Violent crimes per 1,000 persons ages 12 and older



Source: Pew Research Center, "Perceptions of Crime Rate at Odds With Reality," January 31, 2018, http://www.pewresearch.org/fact-tank/2016/11/16/voters-perceptions-of-crime-continue-to-conflict-with-reality/ft_16-11-16_crime_trend-2.

the punishment of offenders.²¹ Together, these factors can influence a rise in the public dialogue about crime, which can lead to changes in criminal justice policies. Agents of criminal justice can respond to a community's fear of crime by increasing police patrols while district attorneys pursue tough-on-crime stances in their prosecution of criminal cases. Politicians respond to community concerns about violent crime by creating and implementing tough-on-crime legislation, such as habitual sentencing laws like "three strikes," and targeting perceived crimes of danger, as the so-called war on drugs attempts to do. Unfortunately, "public policy is influenced more by media misinformation and sensationalized high profile cases than by careful or thoughtful analysis."²²

The use of the public's fear of crime as momentum for generating policies to control crime can be a dangerous incentive. Chapter 6 of this text highlights the development of criminal justice policies. Indeed, many of our criminal justice policies have been named after crime victims or high-profile events that helped inspire or influence the development and passage of such legislation. Given that much of the public's fear of crime is not generated from personal experiences, it is important to remain aware of the role of the media in generating fear (and therefore crime control policies; see Figure 1.3). "Even if information coming through the media causes fear, first amendment protections for freedom of the press have to be respected and many follow the credo that the public has a right to know regardless of the outcome."²³

Conclusion

The criminal justice system contains powerful tools to combat crimes, such as laws, discretion, and ethics. Each of these tools is used at different stages to move cases through the system. However, there are often competing interests that impact this process and how agents of the system respond to cases. Throughout this text, you'll learn about the functions of each stage of the system as well as the challenges that arise. As you read the Current Controversy debates at the end of this chapter, consider how the tools used by the criminal justice system both help and harm society. How do we balance the diverse needs of society with our criminal justice system? With competing interests throughout society, how do we know if justice is served?

CURRENT CONTROVERSY 1.1

Is Justice Served by Our Criminal Justice System?

—Kareem L. Jordan—

Introduction

There is not an easy way to define justice. There is some debate on whether "justice" means a fair process, regardless of the outcome, or a fair outcome, regardless of the process. In other words, is justice based on the *means* or the *ends*? Historically, the American criminal justice system has defined justice in terms of process, with the hope that the correct outcome will be achieved. In fact, some would suggest that the criminal justice system's process is thought to be so fair that it is better to let many of those criminally guilty go free than to punish one innocent person. Stated differently, the criminal justice process should be fair and set such a high threshold for conviction that the outcomes should be presumed "just" because the process was "just."

If we look at this issue through the lens of policing, we would argue that one of the primary responsibilities of the police is to enforce the laws established by lawmakers.²⁴ Police officers have the legal authority to deprive people of their physical freedom (e.g., temporarily detain and/or arrest) if appropriate circumstances exist. They also have the legal authority to use force (even deadly force) in certain situations. How do we determine whether justice is served in these cases? Is justice about whether the law is followed? What if the law itself or its application is viewed as unjust?

PRO: Justice Is Served by Our Criminal Justice System

Police represent the first stage in serving justice. Crimes are reported to the police, who, in turn, respond to identify and apprehend a suspect. A just policing system means that the police exercise their responsibilities based on objective factors, without regard to discriminatory practices.²⁵ For example, police officers should only arrest when they have, at a minimum, probable cause for believing that a crime was committed. This ensures that the police have a minimum legal standard to meet in order to make an arrest. Such a standard ensures that all cases are handled in a similar fashion, which promotes a just and fair system.

The court plays an integral role in the criminal justice system. After an arrest takes place, the court is the venue where certain important decisions and actions occur: bail decision, the trial, and sentencing, if convicted. During the court process, the prosecutors and judges are presumed to want justice, though again, it is not always clear that every key actor in the system agrees on the definition.²⁶ Judges are actors in the court process who interpret the law in such a way to provide impartiality in outcomes. The decisions of judges are to be based on the law and legally relevant factors (e.g., offense charged, prior record of defendant, conviction offense, etc.). In order to minimize potential biases in court, judges are typically required to use written statutory guidelines to help guide in their decision making. These sentencing guidelines ensure that each case of a similar nature is decided in a similar fashion. Such a process is a key characteristic of a just system.

The American correctional system is considered the last phase of the criminal justice system.²⁷ There is debate on whether the purpose of the correctional system is to rehabilitate or punish. Most of those under correctional supervision will return to the community at some point.²⁸ In some cases, the correctional system helps prepare offenders for (re)integration into the community (i.e., rehabilitation). In other cases, the sentence is designed to punish the offender. The correctional system is unique because it must be responsive to the orders of the criminal court. If defendants are convicted in the court system and sentenced to confinement, the correctional system must confine those offenders in either a local or state correctional facility. Or if convicted offenders are sentenced to community supervision, the correctional system must supervise those offenders in the community to ensure they are adhering to the conditions set by the court. Depending on how you define the role of our correctional system, both options can be considered ways in which justice is served.

Under the crime control model, justice is served by cases moving through the system in a consistent, efficient, and fair manner. The majority of cases in our system are managed in this fashion. As a result, we can say that justice is served by our criminal justice system.

PRO

CON

CON: Justice Is Not Served by Our Criminal Justice System

We have examples throughout each stage of the criminal justice system wherein justice is not served. Consider how injustices occur in policing. While research generally indicates that those objective factors influence the decision to arrest and use force, empirical studies also find that extralegal factors influence these very important acts by police officers.²⁹ For instance, Blacks are more likely to be arrested, be given a speeding ticket rather than a warning,³⁰ and be victims of police use of force.³¹ In cases of discriminatory applications of the law, would we suggest that the quest for justice has failed? We also have examples of injustices occurring within our court system. In practice, legally relevant factors are the biggest predictors of court outcomes. Most research does find that the seriousness of the offense and prior record are the factors that largely influence judicial decision making. Other factors, though, are also significant in this process. Empirical research generally indicates that race, gender, and age influence particular outcomes.³² Blacks are less likely to be released on bail³³ and are sentenced more harshly than Whites.³⁴ Hispanics are also shown to have some harsher sanctions within the court process.³⁵ While males are generally sentenced more harshly than women (due to men committing more serious offenses), research does indicate that females are sometimes given more punitive sentences than males, especially when they commit offenses that are generally viewed as counter to the "traditional" and historical roles of females.³⁶ Stated differently, females are often treated more leniently than males in court outcomes because of the patriarchal view of females being weak and needing protection. However, when females step outside of those "traditional behaviors," they are given harsher outcomes than males as a form of punishment for not being consistent with the established gender roles. In addition, age has been shown to influence court decisions. The impact of age on court decisions varies, though, based on the age of the offenders. Although race, gender, and age have independent effects on court decisions, the combination of the three has been shown to produce a very substantial impact. Young Black males are often treated more harshly than most groups, which can be observed when examining court outcomes.³⁷ One rationale provided is that this group is perceived to be more dangerous and threatening.³⁸ Although crime statistics debunk the myth of the "dangerous" Black male, it still appears to enter the decision-making process within the criminal court process. In these cases, does it appear that justice is always a fair and equitable process?

As a result of these processes, the correctional population can reflect many of the problems that exist within the criminal justice system. Many jails and prisons are overcrowded, which results in more uncomfortable and tighter living conditions, decreased services and programming, and increased costs to address the needs (food, health care, etc.) of those confined.³⁹ Some have challenged whether these conditions are a violation of the Eighth Amendment protection against cruel and unusual punishment. In addition, the racial/ethnic makeup of those confined is indicative of a broken criminal justice system, given the disproportionately higher numbers of minority inmates who fill our nation's correctional institutions.⁴⁰

Summary

The ideals of the criminal justice system allow for justice to be served. After all, the law provides for certain due process rights for every individual who is accused of a crime. But does the reality differ from the ideal? Certainly, we can say that the criminal justice system is not overrun with systematic discrimination, which would occur across all stages of the criminal justice system, in every jurisdiction, and at all times. At the same time, it is reasonable to conclude that pure justice is an elusive concept and that discrimination does occur.⁴¹ So where does that leave us? Do we have the best system that is possible? Or are there opportunities for reform at a fundamental level?

Discussion Questions

1. Do you believe that the criminal justice system is fair and just? Or are some groups more likely than others to have a negative experience?
2. What does it mean for justice to be served? How might this change depending on the perspective of the community? The criminal justice system? The victim?

CURRENT CONTROVERSY 1.2

Is the Media a Credible Source on Crime?

—Amanda Burgess-Proctor—

Introduction

The American public has long been fascinated by crime.

Consider the case of Harry K. Thaw. The wealthy heir to a coal and railroad fortune, Thaw fatally shot renowned architect Stanford White during a theater performance on the rooftop of New York's Madison Square Garden, reportedly to avenge White's prior relationship with model and entertainer Evelyn Nesbit, whom Thaw had since married. The "trial of the century," as it came to be known, dominated newspaper headlines. Media coverage was so overwhelming that the jury in Thaw's criminal trial was sequestered for the duration of the proceedings—the first use of such sequestration in U.S. history.⁴² The murder that so fully captured the nation's attention occurred on June 25, 1906.

Today, more than a century later, there are dozens of outlets for crime-related media content both fictional (such as the prolific *Law & Order* franchise) and nonfictional (including reality shows like *The First 48*). There is even a cable television channel, Investigation Discovery, dedicated entirely to 24-hour true crime content. Just recently, SiriusXM satellite radio announced expansion of its programming via the Law & Crime network, which promises to "broadcast live high-profile trials and riveting crime cases in a new, exclusive programming lineup."⁴³ Perhaps rivaled only by cooking and home improvement, criminal justice is among a handful of topics that can sustain this level of media saturation.

Some observers might argue that such media exposure is welcome as it offers the general public knowledge about the criminal justice system and allows lay citizens to understand their criminal legal rights. Other observers may fret that this media frenzy perpetuates inaccurate, exaggerated, or otherwise unrepresentative views of crime and the criminal justice system. Either way, media amplification of crime events—especially those involving serious, violent victimization—can create the false impression that such crimes occur more frequently than they actually do.

Another dimension to consider is that media content has become increasingly decentralized. Prior generations received their news from a limited number of sources: a few main national newspapers, three national broadcast networks (ABC, CBS, and NBC), and local newspapers and television newscasts. Today, given an Internet connection and a smartphone, users can access news outlets from nearly anywhere on Earth. The decentralization of news media and the resulting proliferation of content adds complexity to the current crime media landscape. As a result, identifying reputable sources of crime and justice news can be increasingly challenging.

Hence the question: "Are the media a good source of information about crime?" Before this question can be answered, it is important to clarify what the term *the media* actually means. Generally speaking, there are two types of media: news media and entertainment media. However, classification of content as either "news" or "entertainment" is complicated by popular multi-episode, true-crime documentary programming like the 2015 Netflix series *Making a Murderer*⁴⁴ and the public radio podcast *Serial*.⁴⁵ Another way to classify media is by the method of transmission. Traditional sources of print media (newspapers and magazines) and broadcast media (radio and television) have been joined by websites, blogs, YouTube channels, social media sites, and other electronic content, dramatically expanding the pool of available information. In this context, the precise definition of the media may be difficult to identify.

PRO: The Media Is a Credible Source on Crime

Examples of excellent reporting on crime and justice stories can be found in every medium, and high-quality investigative journalism has uncovered some of the most newsworthy crime stories in recent years.

One reputable source of crime information is the Marshall Project,⁴⁶ "a nonpartisan, nonprofit news organization that seeks to create and sustain a sense of national urgency about the U.S. criminal justice system." Named after Thurgood Marshall, the first African American United States Supreme Court justice, the Marshall Project provides investigative journalism on a host of crime and justice topics, and in 2016 was awarded a Pulitzer Prize for its reporting.⁴⁷

PRO

Another reputable source of crime information is the Crime Report,⁴⁸ "the nation's only comprehensive news service covering the diverse challenges and issues of 21st century criminal justice in the U.S. and abroad." Featuring pieces of original investigative journalism, a daily digest of top crime and justice headlines, and commentary from criminal justice experts, the Crime Report is a worthwhile resource for crime news.

The Crime & Justice Research Alliance⁴⁹ (CJRA) likewise deserves mention. A joint effort of two leading criminological organizations, the American Society of Criminology and the Academy of Criminal Justice Sciences, the CJRA "is a centralized resource of authoritative experts and scholarly studies created to provide policymakers, practitioners and the public direct access to relevant research on crime and criminal justice issues." Among other valuable resources, the CJRA provides a monthly newsletter that is available free to download.

Finally, podcasts can be a useful tool for members of the public, including students, to learn about crime and justice issues in an accessible manner. A good example is Ear Hustle,⁵⁰ which is recorded and produced entirely within California's San Quentin prison and which brings listeners a firsthand account of life "on the inside." For more academic content, the National Institute of Justice has a podcast⁵¹ focused on informing listeners about the latest trends in criminal justice research.

These examples make clear that there are many ways in which the media, broadly defined, "get it right" when it comes to crime information.

CON

CON: The Media Is Not a Credible Source on Crime

However, it is also possible to identify examples of times the media "get it wrong" when it comes to crime information. Hoaxes, rumors, and urban legends are by no means a new phenomenon, and likely have existed for as long as humans have been communicating with one another. Eighteenth-century essayist Jonathan Swift wryly observed that "falsehood flies, and the truth comes limping after it."⁵² Unfortunately, the Internet and social media have made it even easier for false or misleading crime information to "fly."

Not all misinformation about crime is the result of a purposeful attempt to mislead. In fact, news stories about crime—like other areas of significant interest to the general public—are ripe for misrepresentation in part because the public appetite for these stories is insatiable. The more voraciously the public consumes crime-related headlines, the more incentive there is for media outlets to quickly (and, sometimes, carelessly) provide fodder to consumers.

Unfortunately, in the United States especially, distorted depictions of crime often are raced and classed and so perpetuate stereotypes of criminality among people of color, poor people, and members of other marginalized groups. As evidenced by the 1980s uproar over "crack babies"⁵³ and the 1990s obsession with juvenile "superpredators,"⁵⁴ the U.S. news media bears the scars of the moral panics⁵⁵ it once helped perpetuate. Thus, it is essential for media consumers to exercise caution when consuming crime and justice information, particularly if the news source is not reputable and/or if the assertions presented are not supported by evidence.

Summary

So, how can savvy consumers better navigate this ever-expanding crime media landscape? First, it is a good idea to diversify your media diet. As with the food you consume, it is best to rely mostly on a range of news sources that offer intellectual diversity and that "nourish" your brain. To do this, it is helpful to distinguish between *information* (like empty calories, this is the mere existence of consumable content) and *knowledge* (this is content that offers analysis, context, or otherwise fortifies your understanding of a subject). Prudent media consumers also should be skeptical of strident knowledge claims, whatever the source, and to seek out information that is supported by research evidence. For example, the National Institute of Justice maintains a website called CrimeSolutions.gov⁵⁶ that makes it easy to identify which crime and justice policies empirical evaluation research has determined to be effective.

Taking heed of Swift's warning and bearing in mind the damaging impact of distorted crime information, we each have a responsibility to help ensure that the media "get it right" when it comes to information about crime.

Discussion Questions

1. Have you ever had a friend or relative share a crime-related news item that you realized was inaccurate or misleading? If so, what did you do? What are strategies for helping to correct public misperceptions about crime?
2. Do you think fictional television programs like *Law & Order*, *NCIS*, *Criminal Minds*, and others help or hurt the public's understanding of the criminal justice system? What about reality-based programming like *Making a Murderer* or *The First 48*?
3. Think of an example of a recent high-profile news story related to crime. What was your initial understanding of this story based on the immediate headlines? Did your perception of the story change at all as more information became available? How so?

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KEY TERMS

Corrections	5	Due process model	10
Courts	4	Ethics	6
Crime	3	Felony	9
Crime control model	10	Misdemeanors	9
Defendant	5	Police	4
Discretion	6	Wedding cake model	8

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DISCUSSION QUESTIONS

1. What are the three main components of the criminal justice system?
2. How might discretion be used in a positive manner? A negative manner?
3. How does the wedding cake model illustrate how cases are processed by the criminal justice system?
4. What are the differences between the crime control model and the due process model?
5. How do the media influence the public's fear of crime?
6. How do the media influence public policy related to criminal justice?

LEARNING ACTIVITY

1. Pick a television show about criminal justice. As you watch this show, highlight areas that you think might lead the general public to make incorrect assumptions about the criminal justice system.

SUGGESTED WEBSITES

- **U.S. Department of Justice:** <https://www.justice.gov>
- **National Institute of Justice:** <http://www.nij.gov>
- **Crime, Media, Culture:** <http://cmc.sagepub.com>

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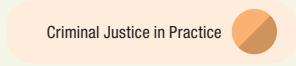
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1.1 Craig Hemmens: Professor



1.1 Overview of the Criminal Justice System



1.1 Sessions: Help on the Way to Fight Violent Crime

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