What is the definition of crime?

... conduct that violates criminal law for which there is no legally accepted justification or excuse.

A Brief History of Crime in America: 1850–Present

1850–1880:
- Crime epidemic and social upheaval caused by immigration
- Prohibition years:
  - Widespread organized crime

1960s–1970s:
- War protests
- Civil Rights Era increased concern for rights of women and ethnic and racial minorities
- Court decisions and new legislation expanded rights and affected all areas of life

1970s–1980s:
- FBI data indicate a considerable increase in murders, rapes, and assaults
- Dramatic increase in sale and use of illicit drugs, drug smuggling, and gangs
- Americans demanded “law and order”
- “War on Drugs” declared

1990s:
- Violent encounters among citizens and law enforcement agents lead public to focus on police brutality and effective police management
- Americans believe crime is out of control
- Emphasis on individual accountability, responsibility, and punishment of offenders
- Terrorism on American soil is of central concern
- USA PATRIOT ACT important tool in fight against terrorism
- Corporate and white collar crime gain attention

The Nature of Crime

...is always evolving. Historical developments shape our legal system and our understanding of crime and justice.
Individual Rights and Public Order Advocates

Individual Rights Advocates
...seek to protect personal freedoms within the process of criminal justice.

Public Order Advocates
...suggest that under certain circumstances involving a criminal threat to public safety, the interests of society should take precedence over individual rights.

What is Justice?

...a powerful, yet elusive phrase

...principle of fairness, the ideal of moral equity...

Social Justice

...embraces all aspects of civilized life and is linked to fundamental notions of fairness and cultural beliefs of right and wrong.

Components of Social Justice

Within social justice are:
♣ Civil Justice deals with fairness in relationships between citizens, government agencies, and business in private matters.
♣ Criminal Justice concern for violations of the criminal law.

Justice Ideal

...is the ultimate goal of criminal justice and of the daily practices and challenges that characterize the criminal justice system.
Criminal Justice

- The aspects of social justice that concern violations of the criminal law
- Includes the:
  - Criminal (penal) law
  - Law of criminal procedure
  - Procedures and activities dealing with criminal law enforcement

Studying Criminal Justice

... also includes the following viewpoints:

- Individual rights
- Public order

American Criminal Justice: The System

Core components:

1. Law Enforcement
2. Courts
3. Corrections

How well do the components of the justice system interact?

Consensus Model
- Assumes cooperation among all components of the system toward a common goal
- The “systems” model

Conflict Model
- Assumes all components are self-serving and compete for limited resources
- The “non-system” model

Police: Investigation and Arrest

Police become aware of a violation of law through either:

- proactive law enforcement
- reactive law enforcement
Types of Police Responses

- **Reactive**
  The police respond to a request for assistance either as a result of a phone call from a citizen, or are flagged down while on patrol.
  * Accounts for most

- **Proactive**
  The police, usually during routine patrol, observe a suspicious situation or a crime in progress.

What level of proof is needed for an arrest?

Arrests are based on *probable cause*.

Probable cause forms the basis for *warrants*.

What is Probable Cause?

...a set of facts and circumstances that would induce a reasonably intelligent and prudent person to believe that a particular other person has committed a specific crime.

What is a warrant?

...a writ issued by a judicial officer directing a law enforcement officer to perform a specified act and affording him/her protection from damage if he/she performs it.

What is an arrest?

...the taking of a person into physical custody by authority of law, for the purpose of charging the person with a criminal offense... or ...a delinquent act or status offense terminating with the recording of a specific offense.

*Miranda v. Arizona (1966)*

...held that police must notify suspects of their rights prior to *custodial interrogation*.
**Miranda Warnings**

- You have the right to remain silent.
- Anything you say can and will be used against you in a court of law.
- You have the right to talk to an attorney and have him/her present while you are being questioned.
- If you cannot afford a lawyer, one will be appointed for you before questioning.
- If you decide to answer questions now, you may stop at any time.

**Understanding Miranda**

After the warnings have been given, the following questions should be asked.

- Do you understand each of these rights I have explained to you?
- Having these rights in mind, do you wish to talk to us now?

**Booking**

An administrative process officially recording an entry into detention after arrest.

- The accused’s personal information, details of arrest, and name of arresting authority are entered into the police log.
- Fingerprints and photos are taken.
- Suspect informed of rights.

**First Appearance**

- Within hours of the arrest.
- Suspect informed of charges and advised of his/her rights.
- An attorney is appointed if the accused is indigent.
- An opportunity for bail may be provided.

**Pre-trial Release**

- Pre-trial release is afforded to most defendants through:
  - Release on recognizance
  - Bail bond
- Those not released will await case disposition in jail.

**Preliminary Hearing: Grand Jury**

The primary purpose: to establish whether sufficient evidence exists against a person to continue with the justice process.
Preliminary Hearing

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

Preliminary Hearing/Grand Jury may result in:

- **Information**
  - Based on outcome of preliminary hearing
  - Formal written accusation filed by prosecutor and outlining the charges against the accused
- **Indictment**
  - Required in some states
  - Issued by grand jury

Arraignment

- Before a court having jurisdiction in a criminal case
- The defendant is informed of the charge(s) and of his/her rights
- The defendant is required to enter a plea

Types of Pleas

1. Guilty
2. Not guilty
3. No contest (nolo contendere)
   - If the plea is "not guilty," then a trial date is set.
   - If the defendant "stands mute," then "not guilty" is entered.
   - If the plea is guilty or no contest and if the judge accepts the plea, then it moves to sentencing phase.

Adjudication: Jury Trial

The 6th Amendment guarantees criminal defendants the right to a trial by jury.
- Doesn’t include those charged with petty offenses.
- Some states allow defendants to waive jury trial and opt for a bench trial.

Trial

An examination of the issues of fact and law in a case, for the purpose of reaching a judgment of conviction or acquittal of the defendant(s).

Trials are governed by procedural law and precedent.

The state must prove "beyond a reasonable doubt" that the defendant committed the crime.
Most cases will not result in a trial. Instead, they will be handled through **plea-bargaining**.

**Sentencing**

Judges traditionally have considerable discretion. Sentencing decisions influenced by:

- Sentencing hearing
- Victim impact statement
- PSI report

**Sentencing**

Sentences on multiple charges can be served:

- **consecutively**—one after another
- **concurrently**—served at the same time

**Corrections**

Once sentenced, the “corrections” phase begins.

**Due Process and Individual Rights**

The entire justice process must be conducted fairly and with equity and according to **due process** standards.

**Due Process**

**procedural fairness**

...asserts that fundamental principles of justice must be guaranteed in any criminal proceeding, and that the administration of the law in a criminal case must not violate individual rights.
Due process underlies the first 10 amendments to the Constitution, collectively known as the Bill of Rights.

Interpreting the Constitution: The Role of the Courts

The U.S. Supreme Court

- Interprets the Constitution as it applies to the cases before them
- Precedent setting decisions become "the law of the land"

Administering Justice

<table>
<thead>
<tr>
<th>Due Process Model</th>
<th>Crime Control Model</th>
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<tbody>
<tr>
<td>♦ Obstacle course justice ♦ Focus on individual rights</td>
<td>♦ Assembly line justice ♦ Focus on system efficiency</td>
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The Ultimate Goal of the American Criminal Justice System

Crime control through due process.

The Role of Criminal Justice Research

...increasing professionalism of criminal justice.

Multiculturalism and Diversity in Criminal Justice

...American society is multicultural.

...Diverse values, perspectives, and behaviors influence the justice system.