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Crime, Justice, and Law in American Society

Crime and the operation of the criminal justice system are two of the most important issues in today’s society. This chapter discusses popular views of crime, examines the major goals of the U.S. criminal justice system, and presents several models of how the criminal justice system works.
Counting and Explaining Crime

To reduce crime, our society must first know how much crime we have and why it occurs. This chapter reviews the primary ways in which government officials and criminal justice researchers measure crime, and it outlines important explanations of crime from the fields of biology, psychology, and sociology.

UNDER Investigation: Who Commits Crime?

Crime is socially patterned. This Under Investigation examines the kinds of people who are more likely to commit crime, and the kinds of places that are more likely to have crime. This section discusses how age, gender, race and ethnicity, social class, and urban residence all affect crime rates.

Crime in the United States

This chapter is an up-to-date summary of the major forms of criminal activity in the United States, including stalking, prostitution, drunk driving, hate crimes, occupational crimes, and organized crime. A survey of illegal drug use is presented, including an examination of the drug distribution system beginning with the coca growing fields of South America.
part TWO
Crime and Victimization

chapter 4
Criminal Law

Criminal law governs what makes certain behaviors crimes and how the criminal justice system works. This chapter sketches the history of criminal law and discusses the elements of criminal acts, legal defenses to criminal prosecution, and the procedural rights afforded criminal suspects and defendants in the United States.

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UNDER Investigation:
Street Gangs and Motorcycle Gangs p. 98
This Under Investigation gives a brief history of urban street gangs and outlaw motorcycle gangs in the United States, focusing on their involvement in criminal activity and explanations for this behavior. This section looks at female gang members, including their status in these groups and participation in various street crimes.
chapter 5

Victims and Victimization

This chapter addresses the questions too often overlooked in criminal justice texts: Who is most likely to be a victim of street crime in the United States? Why are some people repeatedly victimized? What is the relation between victims and offenders? Is there a geography of victimization? What prompted the formation of the victims’ movement, and what services do victims’ organizations provide?

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UNDER Investigation:

Terrorists and Victims—A World at Risk 164

This Under Investigation presents a typology of terrorist groups, explanations for terrorist behavior including target selection, and a look at the various strategies used by the United States and other nations to prevent terrorist attacks. This section concludes with a discussion of the impact of the attacks of September 11, 2001, on the criminal justice system, especially the police and the courts.
An engaging social history of police in the United States, this chapter provides a context within which police issues and problems can be examined. It discusses the impact of technology on policing as well as the growth and function of police unions. Along with a survey of police at the local, state, and federal levels, this chapter examines the increasing participation of minority officers in American policing, especially African American, Latino, female, and gay officers.

UNDER INVESTIGATION:
Community Policing and Militarizing the Police
This Under Investigation examines two simultaneous yet different developments in law enforcement in the United States over the past 30 years: community policing (working closely with members of the community in a joint effort to identify and solve local problems) and PPU (police paramilitary units). The pros and cons of militarizing the police are discussed in this section.
**Chapter 7**

**Becoming a Cop and Doing Police Work**

This chapter looks at the people who become police officers, why individuals choose this career, the strategies that police departments employ to attract young men and women to law enforcement, the difference between formal training in police academies and the informal socialization that occurs in on-the-job training on the streets, and the police subculture and its effect on police behavior. This chapter also provides a survey of police work, including patrol, traffic enforcement, criminal investigation, and undercover work.

**Chapter 8**

**Police Misconduct**

Why do some cops “go bad”? This chapter provides a typology of police misconduct as well as an examination of the evolution of a deviant career. Included is a thorough investigation of the most serious form of law enforcement deviance: police brutality. Topics discussed in this section include the use of force as a rite of passage, the “Dirty Harry” problem, and “contempt of cop.” This chapter concludes with an overview of how various forms of police misconduct can be curtailed.
History, Organization, and Pretrial Procedures

This chapter examines the organization of criminal courts in the United States as well as the principal players in the courts: judges, prosecutors, and defense attorneys. This chapter also presents pretrial procedures from arrest through discovery, with special emphasis on the pros and cons of the grand jury and bail (including bondsmen and skip-tracers) and pretrial detention.

Bargaining and Jury Trials

This chapter provides an in-depth look at the most misunderstood and controversial aspect of the criminal courts—plea bargaining. This chapter also presents the dynamics of the criminal trial from jury selection, composition, and voir dire through the appeals process. It examines an increasingly important phenomenon in the criminal trial—jury nullification. This chapter concludes with an overview of the numerous ways factually innocent people are falsely accused and convicted of crimes they did not commit.
chapter 11
Sentencing

Once someone is convicted of a crime, sentencing becomes the next phase of the criminal justice process—perhaps its most important. This chapter discusses the goals of sentencing, the types of sentences, and the various factors affecting judges’ sentencing decisions.

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chapter 12
Prisons and Punishment: Yesterday and Today

This chapter discusses the history of prisons and examines the growing size and cost of the corrections system. It also examines several important and controversial correctional issues in the United States today, including the privatization of prisons and jails and the death penalty.

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Life Behind Bars

This chapter presents a picture of life in prison and jail. It critically addresses several issues of the prison and jail experience, including living conditions, health and health care, prison violence, and treatment programs. Additional topics include the special needs of women prisoners and the issues facing correctional officers.
Community Corrections and Juvenile Justice

The U.S. correctional system includes community corrections for millions of adults and the juvenile justice system for youthful offenders. This final chapter examines both of these institutions. A major theme is the effectiveness and cost of community corrections for adults and juveniles compared to incarceration.

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eThemes of the Times for Introductory Criminal Justice
This online collection of about 30 contemporary articles from the award-winning New York Times brings currency and relevancy to the classroom. With additional pedagogy around eThemes articles, such as discussion and research questions, students practice their critical thinking and reading skills.

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Research Navigator™ requires a Pearson Access Code, which is included in Allyn & Bacon’s Research Navigator for Criminal Justice.
We finished writing this text after the tragic attacks of September 11, 2001, when commercial airliners hijacked by terrorists crashed into New York City’s World Trade Center, the Pentagon, and farmland in western Pennsylvania. More than 3,000 people died that terrible day, including dozens of police officers who rushed into the World Trade Center before it collapsed.

In the aftermath of this tragedy, the nation struggled with many issues, including how best to balance the need for security with civil liberties guaranteed by the Constitution. Among other actions, the government detained hundreds of Middle Eastern immigrants, many of whom were neither informed of the charges against them nor allowed to consult attorneys; others who were allowed to consult lawyers were told that their conversations would be monitored. Critics charged that these actions violated constitutional safeguards, whereas defenders of these measures argued they were a necessary response to the continuing terrorist threat facing the nation.

This debate makes clear the fact that the criminal justice system—law enforcement, the criminal courts, and corrections—continues to play an important yet controversial role in life in the United States, both in ordinary times and during national crises. This book addresses several key topics and questions for understanding the role that criminal justice plays, the controversies it raises, and its potential for addressing the crime problem.

A first topic, and probably the most important for students to learn, is how the criminal justice system is structured and how it works in reality (as opposed to how it functions ideally). Because most students obtain their knowledge of this system from television programs and movies, their understanding of the practice of criminal justice is necessarily limited or even gravely mistaken. Our book provides them with an accurate and comprehensive view of the police, the criminal courts, and corrections in the United States.

A second and related topic is the role played by race, class, and gender in the operation of the criminal justice system. This role is both complex and significant, and most other texts do not treat it adequately. For a complete and accurate understanding of the criminal justice system, students must be aware of the impact of these essential components of contemporary U.S. society.

A third topic involves the tension between public safety and civil liberties that came to the forefront after the September 11 attacks. In a democracy, it is crucial to strike that delicate balance between these two goals, but this is extremely difficult to accomplish. We address this issue in the first chapter and return to it periodically throughout the book.

A final topic is the capacity of the criminal justice system (either as it currently exists or with appropriate reforms) to control criminal behavior and to reduce crime. This capacity is the very reason for having a criminal justice system, and our treatment will help students recognize both its potential and its limitations for protecting society.

In addressing these issues, the book casts a critical but balanced eye that draws on sociology and other disciplines and is grounded in the most recent empirical evidence. We recognize that students come from varied settings (like us, one a Californian and the other a Mainer), and that they have different views on, and experiences with, issues of crime and justice. Thus, we
George J. Bryjak

George J. Bryjak received his Ph.D. from the University of Oklahoma in 1980 and is a professor of sociology at the University of San Diego. His areas of interest include criminology, deviant behavior, the sociology of developing nations, and the sociology of sport. He is the co-author of three books (with Michael P. Soroka): Sociology: Changing Societies in a Diverse World, Fourth Edition (Allyn & Bacon, 2001), Social Problems: A World at Risk, Second Edition (Allyn & Bacon, 1999), Sociology: The Biological Factor (Peek Publications, 1985). He was the recipient of a summer Fulbright fellowship to India (1981), and was a visiting professor at a teacher’s college in Zakopane, Poland (1993). His social commentary articles appear regularly in the San Diego Union-Tribune. He and his wife, Diane, have three passions in life: travelling, hiking in the mountains, and their granddaughter Elizabeth—not necessarily in that order.

The University of San Diego provided two faculty research grants and a full-year sabbatical toward the completion of this project. The reference librarians at this institution never failed to provide needed information, in many cases long after hope had been lost of ever locating an obscure journal or foreign newspaper. Research assistant Kate Martin spent many summer afternoons in San Diego perusing library stacks and returning with an armload of books and journal articles. We would also like to thank the reviewers who carefully read early drafts of the manuscript, made innumerable comments (many of them incorporated in the final draft), and pointed out any mistakes or oversights. We sincerely appreciate your time and effort. These reviewers include: Roger C. Barnes, University of the Incarnate Word; Barbara Belbot, University of Houston, Downtown; Jana Bufkin, Drury University; Tod W. Burke, Radford University; Ligun Cao, Eastern Michigan University; Katherine A. Culotta, Indiana State University; L. Edward Day, Pennsylvania State University, Altoona; Thomas E. Fields, Cape Fear Community College, UNC–Wilmington; Ann-Victaire Lawrence-Robinson, Kean University; William J. Mathias, University of South Carolina; Nicholas Meier, Kalamazoo Valley Community College; Robert Neville, College of Siskiyous; Angela M. Nickoli, Ball State University; Jeannette M. Sereno, California State University, Stanislaus; and Brad Smith, Terra Community College.

Finally, we acknowledge our significant others, Diane Kulstad and Barbara Tennent. They endured an endless work schedule and our book-writing highs and lows during the preparation of this text. We are grateful for their understanding, support, and love.

encourage students from both two-year and four-year institutions to draw their own conclusions on the many issues the text addresses, and we provide them with engaging yet comprehensive discussions of the latest research to help them do so.

We, the authors and publishers, would like to caution readers about the graphic subject matter and language within some of the chapters and interchapters in Fundamentals of Criminal Justice, especially within quoted materials. Changing such subject matter and language would have resulted in a lack of authenticity and jeopardized the integrity of such materials.

Acknowledgments

Writing a textbook requires a great deal of intellectual, and even physical, energy and has occupied much of our time. After completing such an endeavor, it is tempting to think in terms of "we did it," that is, the two authors. However, numerous people have given generously of their time and talent in the preparation of this book.

We are especially grateful to sociology editor Karen Hanson for having faith in our ability as sociologists and writers. Series editor Jennifer Jacobson prodded us (even pushed us a bit) down paths we did not always want to go. Monica Ohlinger and Joanne Vickers of Ohlinger Publishing Services did a terrific job in shaping the manuscript in the final months of the project. A special thanks to Joanne whose insightful comments and editorial skills contributed immeasurably to what we believe is a first-class textbook.

The University of San Diego provided two faculty research grants and a full-year sabbatical toward the completion of this project. The reference librarians at this institution never failed to provide needed information, in many cases long after hope had been lost of ever locating an obscure journal or foreign newspaper. Research assistant Kate Martin spent many summer afternoons in San Diego perusing library stacks and returning with an armload of books and journal articles. We would also like to thank the reviewers who carefully read early drafts of the manuscript, made innumerable comments (many of them incorporated in the final draft), and pointed out any mistakes or oversights. We sincerely appreciate your time and effort. These reviewers include: Roger C. Barnes, University of the Incarnate Word; Barbara Belbot, University of Houston, Downtown; Jana Bufkin, Drury University; Tod W. Burke, Radford University; Ligun Cao, Eastern Michigan University; Katherine A. Culotta, Indiana State University; L. Edward Day, Pennsylvania State University, Altoona; Thomas E. Fields, Cape Fear Community College, UNC–Wilmington; Ann-Victaire Lawrence-Robinson, Kean University; William J. Mathias, University of South Carolina; Nicholas Meier, Kalamazoo Valley Community College; Robert Neville, College of Siskiyous; Angela M. Nickoli, Ball State University; Jeannette M. Sereno, California State University, Stanislaus; and Brad Smith, Terra Community College.

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