Chapter 1
Crime and Justice in the United States
Chapter Objectives

After completing this chapter, you should be able to:

- Describe how the crime presented by the media compares with crime in general.
- Identify institutions of social control and explain what makes criminal justice an institution of social control.
- Summarize how the criminal justice system responds to crime.
Chapter Objectives

- Explain why criminal justice in the United States is sometimes considered a nonsystem.
- Point out the major differences between Packer’s crime control and due process models.
- Describe the costs of criminal justice in the United States and compare those costs among federal, state, and local governments.
- Explain how myths about crime and criminal justice affect the criminal justice system.
Crime in the United States

- Every day we are flooded with reports of crime in the news media.
- It’s no wonder crime and criminal justice are a concern of the American public.
- However, the sensational crimes reported by the media do not provide a very accurate picture of the crimes typically committed nor do they accurately depict the kinds of crime to which police respond on a daily basis.
A more accurate picture of crimes typically committed can be seen in Table 1.1 on the following slide.

Keep in mind that the police rarely respond to the sensational crimes reported by the media.

The calls to which they respond often do not involve crimes at all.
## Table 1.2 Distribution of Calls for Police Service

<table>
<thead>
<tr>
<th>Police Calls</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disturbance</td>
<td>17.5</td>
</tr>
<tr>
<td>Alarm</td>
<td>15.5</td>
</tr>
<tr>
<td>On view*</td>
<td>12.1</td>
</tr>
<tr>
<td>Suspicious person, package, or vehicle</td>
<td>6.3</td>
</tr>
<tr>
<td>Auto accident</td>
<td>6.1</td>
</tr>
<tr>
<td>Burglary</td>
<td>4.9</td>
</tr>
<tr>
<td>Theft</td>
<td>3.9</td>
</tr>
<tr>
<td>Assault</td>
<td>3.2</td>
</tr>
<tr>
<td>Traffic</td>
<td>2.2</td>
</tr>
<tr>
<td>Criminal mischief</td>
<td>2.0</td>
</tr>
<tr>
<td>Trespasser/prowler</td>
<td>1.8</td>
</tr>
<tr>
<td>Illegal parking complaint</td>
<td>1.8</td>
</tr>
<tr>
<td>Auto theft</td>
<td>1.6</td>
</tr>
<tr>
<td>Discharge firearm</td>
<td>1.1</td>
</tr>
<tr>
<td>Recover stolen vehicle</td>
<td>1.1</td>
</tr>
<tr>
<td>Narcotics complaint</td>
<td>1.0</td>
</tr>
</tbody>
</table>

Note: These figures represent calls for police service to the Houston, Texas, Police Department during January 2006. There were a total of 109,370 police calls.

*Officer on patrol actually sees accident.
Criminal Justice: An Institution of Social Control

- Criminal justice is an institution of social control, as are:
  - The family
  - Schools
  - Organized religion
  - The media
  - The law
Defining an institution of social control:

- An organization that persuades people, through subtle and not-so-subtle means to abide by the dominant values of society.

- Subtle means of persuasion include gossip and peer pressure, whereas expulsion and incarceration are examples of not-so-subtle means.
Criminal Justice: An Institution of Social Control

As an institution of social control, criminal justice differs from the others in two important ways:

- It is concerned only with behavior that is defined as criminal.
- It is society’s “last line of defense” against people who refuse to abide by dominant social values and commit crimes.
Criminal justice in the United States is administered by a loose confederation of more than 50,000 agencies of federal, state, and local governments.

Together they are commonly referred to as the “criminal justice system.”

- The police
- The courts
- Corrections
The criminal justice system operates differently in some jurisdictions, but there are also similarities.
The following slides provide a brief overview of a typical criminal justice response to criminal behavior.

Figure 1.2, the next slide, is a graphic representation of the process.

A more detailed examination of the criminal justice response to crime and delinquency will be provided later.
Overview of the Criminal Justice System
Overview of the Criminal Justice System

[Diagram showing the flow of the criminal justice system, including stages such as charge dismissed, acquitted, trial, guilty plea, sentencing, and corrections, with paths leading to probation, revocation, pardon and clemency, capital punishment, and other outcomes.]
The criminal justice response to crime begins when a crime is reported to the police, or when the police discover a crime has been committed.

- Police investigate the crime.
- If the investigation is successful, police arrest a suspect.
- After the arrest, the suspect is booked at the police station.
Arrest and Booking

- **Arrest**
  - The seizing and detaining of a person by lawful authority.

- **Booking**
  - The administrative recording of an arrest.
  - Typically, the suspect’s name, the charge, and perhaps the suspect’s fingerprints or photograph are entered in the police blotter.
After a suspect has been arrested and booked, a prosecutor reviews the facts of the case and the available evidence. The prosecutor decides whether to charge the suspect with a crime. If no charges are filed, the suspect must be released.
Charging Documents

There are three kinds of charging documents:

1. A **complaint** – a document specifying that an offense has been committed.

2. An **information** – a document that outlines the formal charge against a suspect.

3. A **grand jury indictment** – a written accusation by a grand jury that a person has committed a crime.
If the offense is a misdemeanor or an ordinance violation, then the prosecutor may prepare a complaint.

- Misdemeanor: A less serious crime generally punishable by a fine or by incarceration in jail for not more than one year.
- Ordinance violation: Usually the violation of a law of a city or town.
If the offense is a **felony**, an information is used in about half the states.

A grand jury indictment is used in the other half.
On rare occasions, police may obtain an arrest warrant from a lower-court judge before making an arrest (sometimes considered a charging document).
After the charges have been filed, the suspect is brought before a lower-court judge for an initial appearance and given formal notice of the charges against him/her and his/her constitutional rights (for example, the right to counsel).
Defendant

- A person against whom a legal action is brought, a warrant is issued, or an indictment is found.

Initial Appearance

- A pretrial stage in which a defendant is brought before a lower court to be given notice of the charge(s) and advised of his/her constitutional rights.
Pretrial Stages

- In the case of a misdemeanor or an ordinance violation, a summary trial may be held.
- In the case of a felony, a hearing is held to determine whether the defendant should be released or whether there is probable cause to hold the defendant for a preliminary hearing.
If the suspect is to be held for a preliminary hearing, **bail** may be set by the judge.
If the judge at a preliminary hearing finds probable cause, the defendant is bound over for possible indictment or arraignment.
Pretrial Stages

- The grand jury determines whether there is probable cause to believe that the accused committed the crime with which the prosecutor has charged him/her.

- A **grand jury** is:
  - A group of citizens who meet in closed sessions for a specified period to investigate charges coming from preliminary hearings and to fulfill other responsibilities.
Pretrial Stages

- Once an indictment or information is filed with the trial court, the defendant is scheduled for arraignment.

- About 95 percent of criminal defendants plead guilty to the charges against them, in an arrangement called plea bargaining.
The arraignment is a pretrial stage to hear the information or indictment and to allow a plea.

Plea bargaining is the practice whereby a specific sentence is imposed if the accused pleads guilty to an agreed-upon charge or charges instead of going to trial.
If a defendant pleads not guilty or not guilty by reason of insanity, a trial date is set.

- 5 percent of criminal cases go to trial.
- 3 percent of criminal cases are decided in a **bench trial**.
  - **Bench Trial**: A trial before a judge, without a jury.
- 2 percent of criminal cases are decided in a jury trial.
- See Figure on slide 28.
Trial

• If the defendant is found guilty as charged
  • The judge (and sometimes the jury) begins to consider a sentence.

• If the defendant is found not guilty
  • The defendant is released.
Currently, five types of punishment are used in the United States:
- Fines
- Probation
- Intermediate punishments
- Imprisonment
- Death

As long as a judge imposes one or a combination of the five punishments, and the sentence length and type are within statutory limits, the judge is free to set any sentence.
Corrections

Defendants can appeal their convictions either on legal or constitutional grounds

- **Legal Grounds**
  - Defects in jury selection
  - Improper admission of evidence at trial
  - Mistaken interpretations of law

- **Constitutional Grounds**
  - Illegal search and seizure
  - Improper questioning by police
  - Incompetent assistance from counsel
A defendant sentenced to prison may be eligible for parole after serving a portion of his sentence.
Police, courts, and corrections are commonly referred to as the criminal justice system. However, the depiction of criminal justice as a “system” may be inappropriate and misleading for at least two reasons.
There is no single “criminal justice system” in the United States.

Rather there is a loose confederation of many independent criminal justice agencies at all levels of government.

This loose confederation is spread throughout the country with different, sometimes, overlapping jurisdictions.

The only requirement they all share is that they follow procedures permitted by the U.S. Constitution.
Second, if a system is thought of as a smoothly operating set of arrangements and institutions directed toward the achievement of common goals, one is hard-pressed to call the operation of criminal justice in the United States a system.

Instead, because there is considerable conflict and confusion between different agencies of criminal justice, a more accurate representation may be that of a nonsystem.
In his influential book entitled *The Limits of the Criminal Sanction*, legal scholar Herbert Packer describes the criminal justice process in the United States as the outcome of competition between two value systems.

Those two value systems represents two ends of a value continuum.

Figure 1.4 depicts this continuum.
Two Models of Criminal Justice

Figure 1.3
Two Models of the Criminal Justice Process

**Due Process Model**
- Traditional liberal values

**Crime Control Model**
- Traditional conservative values
In the crime control model, the control of criminal behavior is by far the most important function of criminal justice.

The primary focus is on efficiency in the operation of the criminal justice process.

The key to its operation is “a presumption of guilt.”

Advocates assume that if the police have expended the time and effort to arrest a suspect and the prosecutor has formally charged the suspect with a crime, then the suspect must be guilty.
The due process model is based on the doctrine of legal guilt and the presumption of innocence.

According to this, people are not to be held guilty of crimes merely on a showing based on reliable evidence, that in all probability they did in fact do what they are accused of doing.

In other words, it is not enough that people are factually guilty; they must also be legally guilty.

Fundamentally, the due process model defends the idea of personal freedom and its protection.
Since the mid-1970s the crime control model has dominated the practice of criminal and juvenile justice in the United States.

But elements of the due process model remain evident in the process of justice.

How long this present trend will continue is anybody’s guess.
The Costs of Criminal Justice

- Each year in the United States an enormous amount of money is spent on criminal justice.

- In 2004, local, state, and federal governments spent a total of $194 billion in direct expenditures for the civil and criminal justice systems.

- See Table 1.2 for additional information.
## Table 1.3 Costs of Criminal Justice

In 2007, federal, state, and local governments spent $227.5 billion in direct expenditures for the criminal and civil justice systems.

<table>
<thead>
<tr>
<th></th>
<th>In Millions ($)</th>
</tr>
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<tbody>
<tr>
<td><strong>Police Protection</strong></td>
<td></td>
</tr>
<tr>
<td>70% Local</td>
<td>72,643</td>
</tr>
<tr>
<td>11% States</td>
<td>11,383</td>
</tr>
<tr>
<td>19% Federal</td>
<td>19,617</td>
</tr>
<tr>
<td>100%</td>
<td>103,643</td>
</tr>
<tr>
<td><strong>Judicial/Legal Services</strong></td>
<td></td>
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<tr>
<td>40% Local</td>
<td>19,846</td>
</tr>
<tr>
<td>38% States</td>
<td>18,921</td>
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<tr>
<td>22% Federal</td>
<td>10,954</td>
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<tr>
<td>100%</td>
<td>49,721</td>
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<tr>
<td><strong>Corrections</strong></td>
<td></td>
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<tr>
<td>32% Local</td>
<td>23,849</td>
</tr>
<tr>
<td>59% States</td>
<td>44,021</td>
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<tr>
<td>9% Federal</td>
<td>6,328</td>
</tr>
<tr>
<td>100%</td>
<td>74,198</td>
</tr>
</tbody>
</table>

Note: Detail may not add to 100% because of rounding.

State and local governments pay most of the costs of criminal justice.

Generally speaking:
- In 2007, local governments spent 70% of the total spent on police protection.
- In 2007, state governments spent nearly 63% of the total on corrections.
About 4 cents out of every tax dollar is spent on criminal justice.

More than half of Americans thinks the government should spend more.
Myths About Crime and Criminal Justice

- Much of the American public’s understanding of crime and criminal justice is wrong; it is based on myths rather than facts.