

CHAPTER 1

What Is Criminal Justice?

Teaching Outline

I. Introduction (p.2)

- Recent events such as Hurricane Katrina (August 29, 2005) and the terrorist attacks of September 11, 2001 have had a major impact on society. Highlight the role that the criminal justice system has in responding to crime associated with these events.

Crime: Conduct in violation of the criminal laws of a state, the federal government, or a local jurisdiction, for which there is no legally acceptable justification or excuse. (p.3)

II. A Brief History of Crime in America (p.3)

Individual Rights: The rights guaranteed to all members of American society by the U.S. Constitution (especially those found in the first ten amendments to the Constitution, known as the *Bill of Rights*). These rights are particularly important to criminal defendants facing formal processing by the criminal justice system. (p.4)

Instructional Cue

Provide students with a historical perspective of crime in the last half century. An effective way to highlight the changes is to simply provide a time line of critical events (those discussed in this section and those listed in Figure 1-1). Discuss the importance of these high-profile cases and how they influence public understanding of criminal justice. Ask students what other high profile crimes they remember.

III. The Theme of This Book (p.5)

- The major focus of the book is the recognition by society of the need to balance (1) the freedoms and privileges of our nation's citizens and the respect accorded the rights of individuals faced with criminal prosecution against (2) the valid interests of society in preventing crimes, maintaining public safety, and reducing the harm caused by criminal activity.

Individual-Rights Advocate: One who seeks to protect personal freedoms within the process of criminal justice. (p.7)

Public-Order Advocate: One who believes that under certain circumstances involving a criminal threat to public safety, the interests of society should take precedence over individual rights. (p.7)

Highlight the key differences between individual-rights advocates and public-order advocates.

Instructional Cue

A good method to help students understand the complexities in balancing the concerns of individual-rights advocates and public-order advocates is to hold a debate in class. Divide the class in half, and assign one half to be individual-rights advocates and the other half to be public-order advocates. A good issue for them to examine is the profiling of airline passengers. Explain to students how the criminal justice system's response to the events of September 11 has significantly changed airport screening procedures. Ask the half of the class that represents the individual-rights advocates to prepare a list of personal characteristics (e.g., race, ethnicity, gender, age, and clothing) that they would seek to utilize in screening potential dangerous passengers in an airport terminal. Ask the half of the class viewing this issue as public-order advocates to provide a list of stereotypes or situations regarding passengers in a terminal that might indicate an unreasonable search or seizure by the criminal justice system. After placing both their lists on the board for everyone to see, have the two groups debate the topic.

IV. Criminal Justice & Basic Fairness (p.8)

Explain the differences between criminal justice and social justice. Contrast the focus of criminal justice (violations of the criminal law) and civil justice (fairness in relationships among citizens, government agencies, and businesses in private matters).

Discuss justice, and ask students what justice means to them.

Justice: The principle of fairness; the ideal of moral equity. (p.8)

Social Justice: An ideal that embraces all aspects of civilized life and that is linked to fundamental notions of fairness and to cultural beliefs about right and wrong. (p.8)

Civil Justice: The civil law, the law of civil procedure, and the array of procedures and activities having to do with private rights and remedies sought by civil action. Civil justice cannot be separated from social justice because the justice enacted in our nation's civil courts reflects basic American understandings of right and wrong. (p.8)

Criminal Justice: In the strictest sense, the criminal (penal) law, the law of criminal procedure, and the array of procedures and activities having to do with the enforcement of this body of law. Criminal justice cannot be separated from social justice because the justice enacted in our nation's criminal courts reflects basic American understandings of right and wrong. (p.8)

Administration of Justice: The performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. (p.8)

V. American Criminal Justice: System and Functions (p.9)

- The criminal justice system has three component subsystems: law enforcement, courts, and corrections.

A. The Consensus Model (p.9)

- The consensus model envisions the components of the criminal justice system as functioning in order to achieve the goal of justice.

Criminal Justice System: The aggregate of all operating and administrative or technical support agencies that perform criminal justice functions. The basic divisions of the operational aspects of criminal justice are law enforcement, courts, and corrections. (p.9)

Consensus Model: A criminal justice perspective that assumes that the system's components work together harmoniously to achieve the social product we call *justice*. (p.9)

B. The Conflict Model (p.10)

Conflict Model: A criminal justice perspective that assumes that the system's components function primarily to serve their own interests. According to this theoretical framework, justice is more a product of conflicts among agencies within the system than it is the result of cooperation among component agencies. (p.10)

- The conflict model envisions the components of the criminal justice system as serving their own interests and competing with one another over scarce resources, public recognition, and other forms of accomplishment.

Instructional Cue

An effective way to teach students about the consensus and conflict models is to explain the limitations that tax-supported funding can place on criminal justice agencies. One position to explain is that the consensus model is most likely to be present in venues where the state and local tax bases can provide for adequate staffing of police, criminal courts, and correctional agencies. Hence, these subcomponents of the criminal justice system can afford more services, which leads to greater cooperation between agencies. Then explain how another local area experiencing budget cuts in times of limited tax revenue places increased workloads on the subcomponents. Therefore, operating within the constraints of a fixed budget can create fragmented efforts, as each subcomponent must make more of an individual effort to deliver services in an environment that does not afford maximum cooperation between agencies.

VI. American Criminal Justice: The Process (p.12)

- The stages of the process are discussed at various places throughout this book.

VII. Due Process and Individual Rights (p.12)

Due Process: A right guaranteed by the Fifth, Sixth, and Fourteenth Amendments of the U.S. Constitution and generally understood, in legal contexts, to mean the due course of legal proceedings according to the rules and forms established for the protection of individual rights. In criminal proceedings, due process of law is generally understood to include the following basic elements: a law creating and defining the offense, an impartial tribunal having jurisdictional authority over the case, accusation in proper form, notice and opportunity to

defend, trial according to established procedure, and discharge from all restraints or obligations unless convicted. (p.11)

A. The Role of the Courts in Defining Rights (p. 13)

- Rights, even those guaranteed by the Constitution, are subject to interpretation.

B. The Ultimate Goal: Crime Control through Due Process (p.14)

Crime-Control Model: A criminal justice perspective that emphasizes the efficient arrest and conviction of criminal offenders. (p.14)

Due Process Model: A criminal justice perspective that emphasizes individual rights at all stages of justice system processing. (p.14)

Instructional Cue

A good way to illustrate the due process model is by discussing a case of a defendant who was wrongfully convicted. Highlight how DNA technology has assisted law enforcement on the one hand but also helped innocent people who were convicted. You could also discuss the case of Rubin “Hurricane” Carter, who is the subject of the movie *The Hurricane*.

Social Control: The use of sanctions and rewards within a group to influence and shape the behavior of individual members of that group. Social control is a primary concern of social groups and communities, and it is their interest in the exercise of social control that leads to the creation of both criminal and civil statutes. (p.15)

Instructional Cue

A good way for students to appreciate the complex role that the criminal justice system faces in a multicultural society is to identify distinct languages used in America. Ask your students to name specific cities within the United States where they are aware of a large ethnic group that speaks a language other than English. Have them list cities in a column with the corresponding foreign language on the opposite side of the list. Then lead a discussion among the students on whether or not they believe that the criminal justice system should pay a higher salary to employees who have bilingual skills.

VIII. Evidence-Based Practice in Criminal Justice (p.15)

Evidence-Based Practice: Crime-fighting strategies that have been scientifically tested and are based on social science research. (p.15)

A. The Start of Academic Criminal Justice (p.15)

Criminology: The scientific study of the causes and prevention of crime and the rehabilitation and punishment of offenders. (p.16)

Explain the differences between criminal justice (p.8) and criminology (p.16).

IX. Multiculturalism and Diversity in Criminal Justice (p.18)

Multiculturalism: The existence within one society of diverse groups that maintain unique cultural identities while frequently accepting and participating in the larger society's legal and political systems. *Multiculturalism* is often used in conjunction with the term *diversity* to identify many distinctions of social significance. (p.18)

Highlight the importance of multiculturalism to criminal justice processes.

Learning Activities Utilizing the World Wide Web

The following are presented as instructor-led activities to be used in a classroom with online access.

Visit the Prentice Hall Cybrary at <http://mycrimekit.pearsoncmg.com>. Choose a topic that is relevant to the material provided in Chapter One. In class, display the types of resources available on that topic.

While in the Cybrary, collect information on the criminal justice system's response to terrorism after the attacks at the World Trade Center and the Pentagon. Find at least one article that highlights individual-order concerns and one that highlights public-order concerns. In class, display (or duplicate) the article and have students compare and contrast the findings from the different articles.

Other websites for organizations and agencies related to the material in Chapter 1 include:

American Civil Liberties Union <http://www.aclu.org>

Justice for All <http://www.jfa.net>.

United States Department of Justice <http://www.usdoj.gov>

National Institute of Justice <http://nij.gov/>

Bureau of Justice Statistics <http://bjs.ojp.usdoj.gov/>

Office of Justice Programs <http://www.ojp.usdoj.gov/>

National Criminal Justice Reference Service <https://ncjrs.gov/>

Terrorism Files <http://www.terrorismfiles.org>

National Center for Victims of OutlineCrime <http://www.victimsofcrime.org/>

Office for Victims of Crime (OVC)

<http://www.ojp.usdoj.gov/ovc>

Violence, Public Health, and the Media

<http://www.annenberg.northwestern.edu/pubs/violence/>