

## CRJ 101 – TEST 1 LECTURE

### Training vs. Education

Training: prepares you to follow specific procedures in accomplishing task

Education: prepares you to think independently – to develop novel approaches to problems (using historical precedent and theory)

Note: to be really effective you need both training and education (especially if you aspire to promotion)

### Levels of C.J. education:

- (1) certificate,
- (2) associate,
- (3) bachelors,
- (4) masters (research and theory based),
- (5) doctorate (stressing original research & college teaching preparation).

### Undergraduate vs. graduate education

Note: in the year 2000, Florence, S.C. Police Department had 52% of members at or above the B.A. degree (though most college degrees were not specifically in "Criminal Justice")

Internships/practicums (school based; allows students to work with professionals)

On-the-job training (job-based after hiring; no academic credit; paid for by employer)

Police/Corrections Academy (provides certification and continuing education)

Note: a really good combination of degrees for a career in law enforcement/corrections would be: (1) Certificate in Criminal Justice, (2) Associate in Arts, and a (3) Bachelors degree in some social science area other than criminal justice (to broaden your employability potential if you ever decide to leave police/corrections work).

### Four-year colleges in our area that offer social science bachelors:

- (1) Francis Marion University (day and night),
- (2) Coker College (day and night),
- (3) St. Andrews Presbyterian College (day),
- (4) Gardner-Webb (offers night classes, off-campus at Anson Tech and Richmond Tech in North Carolina – very highly recommended as an option).

Criminology (i.e. the actual study of crime; focus tends to be on statistical analysis & theories of explanation)

Criminal Justice (a broad term to encompass all social sciences as they apply to crime and criminals – special emphasis on psychology and sociology as they relate to police, courts and corrections)

Criminalistics (i.e. the application of "hard" science to crime)

Social science vs. "hard" science

Crime = any act which violates law

Crime of commission vs. omission

Legal statutes (called "criminal codes") define "criminal acts"

Note: criminal codes vary across jurisdictions (i.e. local, state and federal)

Criminalize (i.e. to define behavior as crime through legislative statute)

Decriminalize (i.e. to reduce criminal penalty)

Legalize (i.e. to make once criminal act no longer punishable)

Two models of C.J. system (dating back to President's Commission on Law Enforcement and Administration of Justice in 1967):

- (1) consensus model (stressing how elements of C.J. work in harmony),
- (2) conflict model (stressing mutual distrust/hostility between C.J. elements).

Elements of C.J. system: police, courts and corrections

Systems approach to C.J.:

- (1) input = police,
- (2) throughput = courts,
- (3) output = corrections

Recidivism = closes the loop in the systems approach = being released from prison, getting caught doing another criminal act, and going back to prison again (usually thought of as occurring within 5 years of release, though it could be defined in shorter time frames) – leads to "revolving door" in C.J..

Felony vs. misdemeanor

Samuel Walker's "Wedding Cake" model of criminal justice (stating that C.J. officials handle different kinds of cases according to the informal rules of a particular layer):

- (1) celebrated cases = police and prosecutors agree that these should get full treatment by C.J. system resources – defendants will get everything available from the system, including competent lawyers (these are cases involving wealthy/famous people, cases widely reported in media, or other famous cases with high degree of media attention),
- (2) serious felonies = rape, murder, etc. where police and prosecutors agree that the cases require all of C.J. systems resources,
- (3) less serious felonies = juveniles, 1st time offenders, assault where the parties know each other well (where police and prosecutors are hesitant to expend resources when serious felonies need so much greater attention – these cases are typically handled more through (a) plea bargaining, (b) probation, and (c) victim restitution),
- (4) misdemeanors = minor offenses like public drunkenness or disorderly conduct – cases which don't represent serious threat to society and are handled by lower criminal courts (often like a quick-moving assembly line); usually results in monetary fine, minor public service or a short jail sentence.

Example of criminal court case where rich have huge advantage: singer Michael Jackson agreed to pay 14 year old boy he was accused of sexually molesting between \$15 and \$50 million in civil court case on condition boy wouldn't testify against Jackson in criminal court.

Examples of "celebrated cases":

- (1) Rodney King (1991 – L.A. videotaped beating – jury found police innocent – rioting took place – police were retried in 1993 in Federal Court and found guilty of depriving King of constitutional rights against unreasonable force, etc.),
- (2) five black men who pulled Reginald Denny from truck and severely beat him in L.A. King riots – beating was televised on national television – five men were found guilty on only a single felony,
- (3) O.J. Simpson (tried for 1994 slaying of his wife, Nicole, and a friend, Ron Goldman – found innocent in criminal court, but responsible for paying victim's families in civil court).

Sub-units within corrections:

- (1) probation (instead of prison),
- (2) incarceration,
- (3) parole (after release from prison).

Crime control model vs. due process model (as proposed by Herbert Packer)

Crime control model ( stresses swift/efficient justice; emphasis on protecting Society – downside is some innocent people are sentenced)

Due process model (stresses slow, methodical justice; emphasis on protecting personal rights of accused) – downside is that the slowness allows attorneys to manipulate legal procedure in behalf of clients)

Note: the idea of a C.J. system independent from politics is a myth. Politics and political parties help determine who is police chief, prosecutor, corrections administrators, judges, and other C.J. agency leaders. Because they are dependent on other politicians for funding and support, they are under the control of other, more powerful agencies and officials. This is all especially true of sheriffs.

"Law on books" vs. "law in action"

Law on books (i.e. formal law – emphasis on rules, regulations, what should be)

Law in action (i.e. informal, day-to-day law enforcement – reality; law as it is actually implemented on daily basis)

Note: "law on books" is really a fantasy view of law enforcement because it assumes:

- (1) all laws are clearly stated,
- (2) adequate financial/human resources exist to enforce laws,
- (3) all 3 C.J. institutions work in harmony together,
- (3) police officers will mechanistically enforce the law.

"Real reasons" laws get passed (in order of importance):

- (1) pressure by interest groups,
- (2) desires of important people in community,
- (3) attention given problem by mass media,
- (4) triggering events like sensational murder or rape,
- (5) personal desires of legislators,
- (6) public opinion.

Note: once established, criminal justice policy should be continually evaluated for effectiveness. Once determined to longer work, ineffective programs should be terminated (which is hard to do because "bureaucratic programs quickly take on an independent life and try to avoid their demise at all costs").

Levels of government/law enforcement/correctional administration:

- (1) national/federal,
- (2) state,
- (3) local:
  - (A) county,
  - (B) city (municipal).

Note: many small communities tolerate "law enforcement corruption" because it often benefits the ruling elite (as well as other classes who have little or no power). Thus, "favors" become ingrained ways to do business (i.e. the inadequately paid police chief, who was expected to get majority of his real income from "favors").

Reasons for declining small town police corruption today:

- (1) traditional power structures in small communities are failing so that "common people" gain more power,
- (2) influence/power of mass media.

Privatization (involves turning over police/security and correctional work to "for-profit" private agencies – who can often provide the same service much more cheaply due to less red tape and the lack of state benefits for employees)

Unofficial vs. official goals of C.J. System:

- (1) Unofficial:
  - (A) organizational self-interest (i.e. desired agency growth by hiring more people),
  - (B) self-interest of individual officials (such as judge's concern about maintaining power or sheriff's desire to be re-elected).
- (2) Official:
  - (A) crime control (i.e. safeguarding people/property),
  - (B) due process (i.e. dealing fairly with accused and avoiding abuse),
  - (C) justice (i.e. making certain guilty are punished),
  - (D) public tranquility (i.e. assuring society remains peaceful/orderly),
  - (E) economy (i.e. operating C.J. system at minimum cost and major productivity),
  - (F) accountability (i.e. giving citizens some voice in formulation and implementation of criminal law).

Police discretion (i.e. discretion police have to enforce law or "look the other way" – police have a lot of discretion in small matters, no discretion in serious ones – if not for police discretion, the courts would be overwhelmed with minor cases)

Levels of "discretion":

- (1) police (to make arrest),
- (2) prosecutors (to file charges, drop charges reduce charges, etc.),
- (3) judge (to set bail, accept pleas, dismiss charges, impose sentences, revoke parole, etc.),
- (4) correctional officials (in assignment of offenders to different type facilities, awarding privileges, punishment for discipline problems, etc.),
- (5) parole authorities (to grant or revoke parole).

"No contest" plea = admission by defendant not to contest charges (which can save the guilty person from later civil lawsuits if judge allows the plea – which gives judge tremendous power over people to help them avoid future economic penalties). It has the same legal effect as a "guilty" plea, but can't be used against the person in a civil lawsuit to show guilt.

Victim = person who has suffered death, injury, psychological harm or economic loss as result of criminal act.

Victimology (i.e. formal study of victims and their interactions with offenders)

"Criminal justice" vs. "victim justice":

- (1) criminal justice – favors rights of criminal over victim,
- (2) victim justice – places emphasis on victim/victim's rights).

Hidden victimization (refers to victims not recorded in official data)

"Hidden victimization" includes victims of:

- (1) child abuse,
- (2) spouse abuse,
- (3) elderly abuse,
- (4) consumer fraud (especially false advertising and "bait & switch"),
- (5) corporate crime (including industrial safety violations),
- (6) environmental crime (especially illegal dumping/pollution),
- (7) medical fraud.

Victim facilitation vs. victim precipitation:

- (1) victim facilitation – occurs when victim fails to take precautions (or makes mistakes that create opportunity for offenders),
- (2) victim precipitation – occurs when victims play active role in own victimization (example: victim provocation of murderer).

Note: inaccurate eyewitness identification is single biggest factor in producing false convictions.

False imprisonment by "design" vs. false imprisonment by "error"

Note: of every 100 adult arrests for a felony, only 3 lead to actual trial and sentencing (with the rest being released, plea bargained, plead guilty, or otherwise dealt with instead of actual trial).

"Victim impact statement" – allows victim to tell court about physical, psychological and financial harm resulting from criminal act.

Victim Advocacy Groups (which play significant role in "victim assistance"):

- (1) The National Coalition Against Domestic Violence,
- (2) Mothers Against Drunk Driving (MADD),
- (3) National Organization for Victim Assistance (NOVA),
- (4) Parents of Murdered Children.

"Third party lawsuit" (allows "deep pockets" lawsuit on grounds of "negligent security" against business, institution, landlord or government when aggressive crime has happened).

1st systematic collection of criminal statistics anywhere was in France in 1827

1930 – FBI – Uniform Crime Reports – UCR – 8 index crimes

Three ways to obtain crime statistics:

- (1) Uniform Crime Reports (since 1930),
- (2) The National Crime Victimization Survey (since 1967),
- (3) self-reports.

Note: relative to population, both violent and property crime declined since early 1980's.

Questions to ask when official statistics show increase of arrests of over 50% for a crime in a given year:

- (1) does it really indicate a crime wave (or are police seeking more funding)?
- (2) does it indicate cops are doing a better job of reporting (for political purposes or to justify more funding)?
- (3) has the definition of that particular crime been broadened from the previous year (so more people become guilty under new definition)?

Note: juveniles tend to brag about things they didn't do in "self-reports" and older people tend to not be completely honest in reporting all they did (despite the guarantee of anonymity).

Predatory crime (like robbery) vs. economic crime and regulatory offenses

Economic crime (like embezzlement)

Regulatory offenses (where businesses/professionals don't do practices required by government)

Note:

White collar crime is "crime conducted in the course of one's professional employment" (i.e. economic crime and regulatory offenses) -- it conservatively costs U.S. 10 times what predatory crime costs each year (yet we tend to idolize those very pillars of the community who engage in it)

Note: media focus is almost entirely on "predatory crime" (instead of "corporate crime")

Hate crimes: related to race, ethnicity, religion & sexual orientation

Third wave/high tech crime:

- (1) computer hacking,
- (2) theft/counterfeiting of credit/debit cards,
- (3) telephone fraud,
- (4) production/distribution of counterfeit software,
- (5) theft of cable television services,
- (6) theft/fraud at automatic teller machines.

Charles Ponzi:

- (1) operated a "pyramid scheme" for 7 months in Boston in 1919 (selling 45- and 90-day promissory investment notes which he guaranteed returns of %50 and %100),
- (2) exposed by local newspaper in 1920 (when he owed investors \$14,375,000),
- (3) he was simply paying off previous investors with the money put in by current investors (so those who got in early really did make a lot of money – those getting in later lost everything).

Note: our nation's jails and prisons often serve an additional function of "welfare institutions" (i.e. the poor often commit crime so they can get state services for free – otherwise they couldn't live due to chronic unemployment, etc.)

Note: statistics indicate the following disparity in criminality:

- (1) Whites – predominate in white-collar crime (reflecting overall higher educational level and being in professional positions where such crimes become possible),
- (2) Blacks/Hispanics – predominate in predatory crime (reflecting poverty, relative lack of legitimate opportunity, etc.).

Mass murderers: kill 5 or more people at one time (i.e. multiple murderers).

Serial murderers: commit multiple murders over a stretch of time, one after another.

Famous mass murderers:

- (1) Herman W. Mudgett (1890's – Chicago – got boarders in his boarding house to sign property over to him, then he killed them by gassing and dissecting the bodies – possibly killing as many as 200 people, although the number will never be exactly known).
- (2) Albert DeSalvo (1960's – the Boston Strangler – killed 13 women).
- (3) John Wayne Gacy (1970's – "the Happy Clown" – contractor who sexually assaulted and killed 33 boys and buried their bodies in his house's crawl space in Chicago).
- (4) J.O. Huberty (1984 – former security guard – killed 21 people at McDonalds in San Ysidro, California).
- (5) Geroge Hennard (1991 – killed 22 people at Luby's Cafeteria in Killeen, Texas, after smashing into building with his pick-up truck).
- (6) Jeffrey Dahmer ( 1980's – claimed 17 victims who were sexually assaulted, murdered and dismembered – killed in prison in 1994).
- (7) Charles Whitman (1942 - 1966; ex-marine, straight-A student, described as "all American boy" – started 24 hour killing spree by stabbing his mother and wife to death in their houses; went to 307 ft. high University of Texas observation tower where, with phenomenal accuracy with a rifle, at distances averaging 300 yards, and hitting a target at least once out of every 3 shots he fired, he killed 18 people and wounded 30 more during a 96-minute period – an autopsy done after he was killed by a policeman showed a brain tumor).
- (8) Ted Bundy (1947 - 1989; killed at least 19 women – maybe as many as 40, with victims spread all across U.S.; defended himself at trial – he had completed one year of law school; convicted in 1979 but not executed until 1989 in Florida).

Other interesting murderers include:

- (1) Edward Gein:
  - (A) Wisconsin farmer,
  - (B) got bodies from graveyards for sexual purposes,
  - (C) provided basis for movies: "Psycho", "Silence of the Lambs", and "Texas Chain Saw Massacre",
  - (D) apparently only killed two women (one of whom was dismembered as if a deer – in his smoke house),
  - (E) caught with a butchered human body in November, 1957,
  - (F) found mentally insane and died years later in asylum (a much-liked, gentle, model patient).
- (2) Albert Fish:
  - (A) said there was no sexual perversity he hadn't sampled,
  - (B) probably killed many more children – was executed for the only one he was caught for – killing 12 year old girl named Grace Budd in Westchester County, New York – he convinced her parents to let her go with him to his granddaughter's supposed birthday party – instead he carried her to a house he owned, where he killed her, cut up her body, carried the "best" parts back with him on the subway to his apartment,.
  - (C) he later wrote a letter to her parents wherein he admitted to cooking Grace's body in a stew, with carrots and onions, and spending three days in a wild sexual ecstasy while consuming the stew,
  - (D) the letter postmark was traced to him and he confessed when confronted – while in Sing-Sing awaiting electrocution it was discovered he had a habit of inserting sewing needles into his perineum -- numerous pins showed on a pelvic X-ray,
  - (E) electrocuted at age 66 – looked forward to electrocution as "the only sexual experience I've never had – death!"
- (3) Carl Panzram (1891 – 1939):
  - (A) admitted to having violently sodomized over 100 males against their will during the course of his adult life,
  - (B) murdered at least 21 males between 1920 and 1929 in West Africa, Mexico, California, Montana and Washington, D.C.,
  - (C) bought a yacht he called the "John O'Leary" in 1920, hired 10 crewman, got them passed –out using drugs/alcohol at a shipboard party, sexually abused all 10 men and threw them overboard to drown..
- (4) Richard Speck (1941 – 1990's):
  - (A) had tattoo on arm saying "Born To Raise Hell",
  - (B) killed 8 student nurses in Chicago apartment by strangulation/stabbing (but one, Curazon Amurao, got away by hiding under a bed),
  - (C) raped and sodomized at least one of the students,
  - (D) died in prison of natural causes (after making an "underground" prison video in which he engaged in homosexual acts with his prison lover. snorted coke, and bragged about how great his life in prison had been as a homosexual)..

2nd Amendment to U.S. Constitution = Right to Bear Arms = "a well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed"

Note: firearms are used in only %32 of all murders, robberies and aggravated assaults.

Gun-related federal legislation:

- (1) Federal gun Control Act of 1968 (prevented gun sales to minors, ex-felons or drug users – dealers must maintain purchases on record),
- (2) Brady Handgun Violence Prevention Act of 1993 (established week-long waiting period before sales of guns, so dealers could check customer's background),
- (3) Violent Crime Control and Law Enforcement Act of 1994 ( banned certain types of assault weapons – a fact dealers got around by selling "pre-ban" parts and by eliminating prohibited features on assault rifles – for example, the bayonet lug and flash suppressor might be removed).

Purposes of C.J. System (as its elements act together):

- (1) protect and maintain order within our society,
- (2) control crime,
- (3) apprehend offenders,
- (4) determine guilt or innocence,
- (5) sentence the guilty,
- (6) protect constitutional rights (as person moves through entire system).

Note: in state courts the following are average, elapsed times from arrest to conviction:

- (1) 234 days if by jury trial,
- (2) 190 days if by bench trial,
- (3) 177 days by guilty plea.

Note: arrest (called an "on view arrest") occurs when officer personally witnesses crime or has sufficient information from reliable source to establish "probable cause" that crime has happened. If a misdemeanor was committed outside of arresting officer's presence (or if officer must enter subject's premises to make an arrest) the arrest may be made "pursuant to an arrest warrant".

"Booking" involves the following steps by policeman:

- (1) make an entry into chronological arrest log,
- (2) arresting officer files "arrest report",
- (3) arresting officer makes statement of charges against the subject.

Typical level of state judicial system:

- (1) magistrate courts – conduct initial appearance in criminal case & may set bail (but usually have no real trial jurisdiction);
- (2) lower-level trial courts (or "municipal" or "district" courts) – try misdemeanor cases & conduct probable cause hearings in felony cases;
- (3) felony (or "circuit") courts – the basic state criminal trial court for felonies (and for misdemeanors appealed from lower trial courts);
- (4) intermediate appellate court – court of appeals from lower court;
- (5) state supreme court – appeals are made from appellate court (or directly from trial court if there is no intermediate court – which happens in half of all U.S. states.

Steps in C.J. process:

- (1) arrest,
- (2) initial court appearance/"probable cause" hearing,
- (3) pretrial release on bail or recognizance,
- (4) prosecutor's review & arraignment,
- (5) preparation for trial/jury selection (i.e. voir dire),
- (6) pretrial motions (e.g. change of venue),
- (7) trial,
- (8) presentation of evidence,
- (9) closing arguments & judge's instructions to jury,
- (10) jury deliberation & verdict,
- (11) presentence investigation report (done by probation officer, if guilty verdict),
- (12) sentencing,
- (13) correctional supervision.

Citation vs. formal arrest (and police "booking")

Citation (i.e. promise to appear in court; legally enforceable – used for traffic tickets, etc.)

25% of those on bail will fail to appear in court (and forfeit bail money)

Ways to exclude potential jurors: challenge for cause vs. peremptory challenge

8th Amendment right against "excessive bail" – not a right to bail

75% of all criminal trials result in guilty verdict

Grand jury vs. petit jury (i.e. 12 people drawn to hear specific case – however some states allow a petit jury of as few as 6 jurors)

Grand jury (of more than 12 people – decide if prosecutor's case has enough merit to take it to court – these jurors are drawn to hear a number of presented cases over a specific period of time)

Plea bargaining (i.e. plead guilty to lesser offense –this distorts crime statistics because what the person serves time for may be far less serious than what he/she actually did).

Plea options:

- (1) guilty (often with understood plea bargain to lesser offense),
- (2) not guilty,
- (3) nolo contendere (i.e. "no contest"),
- (4) not guilty by reason of insanity.

Criminal court burden of proof = beyond a reasonable doubt (hint: think "BARD")

Civil court burden of proof = preponderance of evidence (hint: think "POE")

"directed verdict" (i.e. judge directs jury to return "not guilty" verdict on grounds that state hasn't proven case by sufficient evidence).

"Stack a jury" (i.e. select jurors sympathetic to one's side)

"Hearsay rule" (i.e. bars second-hand information in court testimony)

"Hung jury" produces mistrial

"Jury nullification" (occurs when a jury disagrees with a specific law, so they send a social message by refusing to convict the obviously guilty person).

Writ of habeas corpus (filed to obtain release from unlawful imprisonment)

Grounds to seek "writ of habeas corpus":

- (1) inadequate legal representation,
- (2) denial of constitutional rights.

Presentence investigation report (conducted by probation/parole officers; it will follow person from sentencing phase to parole).

Possible sentencing options:

- (1) death penalty (i.e. capital punishment),
- (2) incarceration,
- (3) probation,
- (4) suspended sentence (in whole or part),
- (5) fine,
- (6) restitution,
- (7) forfeiture of proceeds of crime,
- (8) confinement in mental facility,
- (9) community service.

Criminal justice funnel (which refers to decreasing numbers of people remaining in the criminal justice system as cases are processed through the system's stages):

- (1) crimes reported,
- (2) arrests made (after crime reported to authorities),
- (3) prosecutions,
- (4) convictions.

Statistics used to measure quality of police performance:

- (1) reported crime rates (with assumption that decreasing rates of reported crime mean police are doing better job),
- (2) overall arrests (with assumption that more arrests indicate better job performance),
- (3) crimes cleared by arrest (with assumption that there is a correlation between this and police job performance),
- (4) response time (with assumption that a decreased response time indicates a better overall job performance).

"Violent Crime Control and Law Enforcement Act (1994)" – the largest crime bill in U.S. history (which will cost an estimated \$30 billion). However, critics say it will simply replace violent society with a "repressive, police state."

"Truth in sentencing" is requirement that violent offenders serve at least 85% of sentences – this requirement has been encouraged by the Violent Crime Control and Law Enforcement Act of 1994.