



THE AMERICAN CRIMINAL JUSTICE SYSTEM

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This chapter is intended only as a brief overview of the criminal justice system and the reader is encouraged to consult full-fledged criminal justice texts for greater detail.

The American Criminal Justice System

In 2001, federal, state and local governments in the U.S. spent \$167 billion on police protection, judicial and legal services and corrections (BJS, 2004). These are the **three components of the criminal justice system**: the police, the courts, and corrections. Most of these costs are experienced by state and local governments. Per capita expenditures for criminal justice services translate to \$586 per person, with the federal government accounting for only 15 percent of these costs. While the justice system employed about 2.3 million people, only nine percent of these worked for the federal government.

Crime control in a democratic society is more complex than it is in authoritarian societies. In democratic societies law and order is to be achieved without abandoning the notion of justice. Nazi Germany, Stalin's Soviet Union, and Afghanistan's Taliban regime had little crime in the streets; but this was achieved through official violence and little concern for individual rights. Herbert Packer (1993) indicates that there are **two models of the criminal justice system**: the "crime control model" and the "due process model." The **crime control model** resembles a steamroller or assembly-line justice in which a premium is placed on solving and closing cases with little concern for individual rights or attention to actual guilt or innocence. It assumes that most of the accused are guilty. By comparison, the **due process model** assumes that it is more important that the rights of the innocent or falsely accused be protected. It operates on the assumption that it is better to let ten guilty persons go free rather than convict one innocent person. The due process model resembles an obstacle course in which the constitutional rights of the accused must be protected at every stage of the criminal justice process.



The Police

Origin

Policing is barely two centuries old and became formalized with the rise of urbanization and industrialization in the Western world. Predecessors in England relied upon citizen groups that policed themselves. Later, a system of elected constables and sheriffs was created to enforce laws. Posses and able-bodied citizens were called upon to assist officials when necessary; property owners took turns as watchmen guarding the town during the night.

In 1829 in England, the Metropolitan Police Act was passed due to the leadership of Home Secretary Robert Peel. This created the first, salaried police to patrol in London—the “Bobbies,” who were nicknamed for Robert Peel. In the U.S., Boston began its police department in 1838; and in 1845, New York City created a police force. Other municipalities quickly followed. The local police in the U.S. were heavily influenced by politics and the political machine. Police positions were often obtained by appointment by political bosses.

Federal involvement in policing began with the U.S. Marshals Service (1789), followed by the Coast Guard in 1790. Only Hawaii lacks a uniformed state police force. Other federal agencies with law enforcement functions include: the Immigration and Naturalization Service, Federal Bureau of Prisons, Federal Bureau of Investigation, U.S. Customs Service, Drug Enforcement Administration, U.S. Secret Service, U.S. Postal Inspection Service, Internal Revenue Service, and the Bureau of Alcohol, Tobacco and Firearms. In response to the terrorist attacks of 9/11, the Department of Homeland Security was created to coordinate the work of intelligence and security agencies.

A large area of growth in recent years has been in private policing, which now is larger in personnel and budgets than public policing. Some of this is in the form of public uniformed personnel providing services “off duty” on a moonlighting basis.

In 1835, the Texas Rangers became the first state police organization. The primary function of state police is to patrol the highways, provide law enforcement in rural areas, and assist local police in investigations. Special service police also provide law enforcement services such as campus police, conservation officers, school districts, transportation systems, airport and public housing security.

Structure

There are approximately 17,000 public law enforcement agencies in the United States, employing about 750,000 officers. Most enforcement of law and order in this country is a state and local rather than a federal responsibility. The vast majority of police work occurs in organizations of fewer than 30 officers. Department size varies from small towns to over 38,000 officers in the New York City Police Department. Police agencies include local police departments, sheriff’s departments, and state police, as well as 50 federal law enforcement agencies. This diversity of law enforcement agencies is in contrast to most other countries, which have much greater centralized (federal) control of policing.

Local police departments are by far the most common law enforcement agencies. While most are run by municipalities, they may also include county sheriff’s departments as well as specialized police departments such as port, airport, or campus police. State laws are enforced by local police as well as local ordinances. Sheriff departments operate on a county level and often serve as the police department in jurisdictions that lack police forces. They more commonly operate county jails, serve court papers, and maintain order in the courtroom.

The state police enforce state laws exclusively. There are approximately 80,000 full-time state police employees, of which 70 percent are sworn officers (Albanese, 2005, p. 173). While all state police are involved in highway traffic enforcement, about half are also involved in investigative work. There are about 88,000 federal law enforcement agents employed in 50 different agencies. Most

perform investigative functions primarily. The two biggest agencies with law enforcement functions are: Homeland Security and the Department of Justice. Homeland Security includes: Bureau of Customs and Border Protection (includes Border Patrol), Immigration and Customs Enforcement, Federal Protective Service, Transportation and Security Administration, and the U.S. Secret Service. The Department of Justice includes: Alcohol, Tobacco, Firearms and Explosives, the Bureau of Prisons, Drug Enforcement Administration, Federal Bureau of Investigation, and the U. S. Marshals Service.

Functions

James Q. Wilson (1968) has identified three styles of policing or approaches to management. These are: the **watchman style**, the **legalistic style**, and the **service style**.

The watchman style emphasizes the maintenance of order and is a more preventive approach to policing. In maintaining public order, the police use discretion in preventing disorder from occurring. The police may disperse noisy youth on a corner, negotiate family and neighborhood disputes, and detain and question suspicious persons. Minor law infractions may be ignored and disputes settled informally. Another name for order maintenance is peacekeeping. Police presence and ability to handle situations maintains public peace and order. Watchman-style departments are characteristic of large, older cities with large populations of poor and minorities. Vice is often tolerated, and political patronage and machine politics often control policing. Chicago under Mayor Richard Daley, Sr., served as an example (Barlow, 2000, p. 220).

The legalistic style focuses on violations of the law. This is largely a reactive approach to policing. Crime fighting is the hallmark of the law-enforcement style of policing. The police have the power to arrest and detain suspects, issue traffic citations, and collect and search for evidence of crime. It is in this function that the police exercise the greatest discretion. The police cannot possibly enforce every law to the letter. Their decision to arrest may be influenced by a host of factors, including the seriousness of the offense, whether the officer knows the offender, race or ethnicity of the offender, victim preference to have the offender arrested, social class of the offender, and the demeanor (politeness) of the offender (Voigt et al., 1994, p. 477). Legalistic-style policing is more characteristic of newer and more affluent communities. The emphasis is on professional policing (Lundman, 1980). Such departments enforce vice laws and emphasize arrest and enforcement of the law.

The service style of policing emphasizes police as problem-solvers. Such community policing stresses addressing social problems and neighborhood concerns. Service functions occupy the most police time. Such activities may include: providing directions to motorists, finding lost children, referring people to social agencies, or transporting people to hospitals. This may be true of policing in small rural and suburban communities. The low rates of crime in such communities give the police the luxury of time to pursue local concerns. Service-style policing is particularly characteristic of affluent suburban departments. The police are proactive in soliciting citizen involvement and use referrals to other agencies. Good community relations are paramount.

Problems

There is seemingly no limit to the list of problems facing law enforcement in the U.S. The problem of police corruption was discussed in our earlier discussion of occupational crime. Incidents of police abuse of power and even brutality have blemished the honest efforts of police to perform a professional and fair enforcement of their duties. The practice of racial profiling has at times created a self-fulfilling prophecy in which the concentration of investigation on profiled groups results in its members being more likely to be arrested, thus reifying the profile. A continuing problem has been the recruitment of minorities and women into the ranks of police. While much progress has been made in some departments, continuing efforts must be pursued in order to assure a more representative force.

As families, communities, and neighborhoods weaken as means of social control, we have become more dependent on the police to perform the near-impossible task of keeping the pieces together. The deindustrialization of our central cities and their use as dumping grounds for underclass victims of racism and inequality place even greater burdens on the urban police.

Programs

A quiet revolution in policing is taking place in the twenty-first century. This has included a plethora of programs, some more effective than others. Community policing has been highly praised as a successful shift in the basic concept of policing. Crime Files 1 reports on community policing.

This has included programs in foot patrol and bicycle patrol. Other programs have included closed-circuit television surveillance of public areas, sting operations, and repeat-offender programs.

The increased use of crime analysis units, geographic information systems for crime mapping, and the targeting of crime “hot spots” have been useful. Better use of computers and technology has moved the police into the high-tech world of the twenty-first century. Problem-oriented policing has concentrated on specific crime problems. The Kansas City gun control experiment, for instance, concentrated on confiscating illegally possessed weapons and reduced gun-related crime by 50 percent (Sherman, Shaw, & Rogan, 1995). The movement toward consolidated and metropolitan police departments promises greater efficiency in policing. The recognition by departments of interdepartmental transfers would greatly aid in police professionalization, as would better liaison of the police with other elements of the criminal justice system.

The Courts

Origin

Law enforcement is only the initial stage of the criminal justice process. Once an arrest is made, the prosecutor must decide whether to prosecute or drop the case and the judge decides the terms of bail. If prosecution is to take place, the prosecutor must then decide on charges. The defendant must choose to plead guilty or not guilty, juries are selected and, if guilty, the judge must decide the penalty. The American court system reflects the British common law model from the colonial period. Common law bases its decisions on precedence, court-made law on the **basis of past decisions**.

Structure

The U.S. has two legal systems: federal courts and state courts. Pluralism is the overriding feature of American courts, with each state having its own independent court system. There are 17,000 state and local courts that handle in excess of 120 million cases a year. There are 94 federal district courts and 13 U.S. Courts of Appeal in addition to the Supreme Court.



Photo 1 On March 17, 2005, Scott Peterson is escorted to jail in Redwood City, California. He was transported to San Quentin prison’s death row for the murder of his wife Laci and their unborn son.

Source: Getty Images

Crime Files 1 *Community Policing*

Community policing reflects a philosophy that the police and the community should work together in order to prevent crime. In *The Structure of Scientific Revolutions*, Thomas Kuhn (1970) claims that new knowledge, rather than being incremental or adding to previous knowledge, is often due to a “paradigm shift” or “new paradigms” (models) that stand previous assumptions on their heads. The old paradigm is made obsolete by this new schema. Copernicus, for example, rejected the then-prevalent paradigm of the earth as the center of the universe and revolutionized modern astronomy.

A **paradigm shift** took place in American policing with the results of the Kansas City Preventive Patrol experiment (Kelling et al., 1998) in the early 1970s. Police administrators were surprised to learn that neither increases nor decreases in random police patrol affected the crime rate, fear of crime, or public satisfaction with police. Neither rapid response to calls for service nor preventive patrol had any impact. It turned out that most people waited half an hour after an event was discovered before reporting a crime to the police and preventive patrol seldom came across crimes in progress. Being busy with these matters left little time for the police to be bothered with “trivial matters.”

James Q. Wilson and George Kelling in “Broken Windows” (1982) introduced a new paradigm. Kelling (1998) explains:

Just as unrepaired broken windows can signal to people that nobody cares about a building and lead to more serious vandalism, untended property, disorderly persons, drunks, obstreperous youth, etc.—both create fear in citizens and attract predators.

Such “trivial incidents” produce fear and disrupt a community’s spirit. It is as if no one cares. The crime dip of the 1990s in places such as New York City was credited in part to this new model emphasizing community policing and zero tolerance for panhandlers, subway turnstile hoppers, vagrants, and other disorderly persons. Some of the turnstile hoppers stopped by police turned out to have weapons in their possession and were on their way to rob people. Critics of the “broken windows” approach have charged that the police credited community policing too much for the decline in crime. Harcourt in *Illusions of Order: The False Promise of Broken Windows Policing* (2001) and Taylor in *Breaking Away from Broken Windows* (2001) note that crime declined just as much in cities that did not use the broken windows approach during this period. Karmen in *New York Murder Mystery* (2001) pointed to the decline in the crack epidemic as being responsible.

Traditional policing has emphasized solving the most serious crimes, apprehending and processing offenders, and little citizen involvement. Also stressed were centralized organization, solving crimes on a case-by-case basis, response to crime after it occurs, and the police as neutral and detached professionals (Albanese, 2005, p. 170; Kelling & Coles, 1996). Community policing, on the other hand, features emphasis on community concerns with disorders, crime prevention and fear reduction, citizen involvement and support, flexible decentralized agencies, a broader problem solving approach within which individual cases are embedded, an emphasis on neighborhood order, and the police acting on behalf of the community (Albanese, 2005; Kelling & Coles, 1996). Community policing is based upon the assumption that much crime control can take place informally in communities by addressing neighborhood concerns and awareness. Criminals tend to avoid such communities where the local citizens act as watchdogs.

Research Project

Using the companion Web site, click on and read the article by Yili, Fiedler and Flaming entitled: “Discovering the Impact of Community Policing: The Broken Windows Thesis, Collective Efficacy and Citizens’ Judgment.” What new light do the authors shed on the “broken windows” theme?

Most states have three levels of courts:

- trial courts of limited jurisdiction
- trial courts of general jurisdiction
- appellate courts (often two levels)

Courts of limited jurisdiction (the lowest level) exist under a variety of names in different states. These include: magistrate court, municipal court, police court, district justice court, small-claims court, and city court (Blumberg, 1979, p. 150). The next level is called courts of general jurisdiction. These exist under different names including: circuit court, superior court, court of general sessions, district court, court of common pleas, and in New York, supreme court. Twenty-three states have intermediate appellate courts that may be called supreme court, court of appeals, or appellate division of supreme court. The last level is the court of last resort called the supreme court, supreme judicial court, or court of appeals (Blumberg, 1979, p. 150). The lowest level court handles minor cases, while the next level has jurisdiction over all felony cases. Federal courts function to enforce federal law and to test the constitutionality of federal and state legislation and lower court decisions.

Functions

The courts operate on an **adversary system** in which the prosecutor and defense attorney operate as opponents (adversaries) and vigorously defend their client's interest. The prosecutor (district attorney's office) represents the state and victim, while the defense attorney represents the accused. In addition to being an arm of the state in assuring law and order, the courts are also the guardians of the Constitution and must be mindful of the rights of the accused.

Under the Bill of Rights and Supreme Court interpretations of the Constitution, the courts must recognize and uphold the rights of the accused. "**Due process rights**" under the U.S. Bill of Rights are contained in the 4th, 5th, and 6th Amendments. The 4th Amendment guarantees the right to freedom from unreasonable search and seizures. The police must have probable cause in order to arrest or search a person's private domain. Arrest warrants can be issued only if probable cause can be established for the person to be arrested, place to be searched, or items to be seized. While the 5th Amendment protects individuals from self-incrimination, the 6th guarantees the right of counsel for the defense. The 8th Amendment protects against the infliction of cruel or unreasonable punishment. The U.S. Supreme Court has added additional procedural guarantees. In the "exclusionary rule" any illegally obtained evidence cannot be used in a criminal trial. Products of illegal search and seizure or confessions under duress are inadmissible in court. The now-familiar Miranda ruling requires the police to advise individuals who are taken into custody of their constitutional rights to counsel, to remain silent, and to not self-incriminate.

Problems

Among issues or problems that have been identified as facing the courts has been the problem of inadequate legal representation for defendants. Public defenders are often young, inexperienced, and less skilled than those obtained by wealthier clients. The notion of "trial by one's peers" becomes problematic given the poor representation of minorities on juries. In "**plea bargaining**," defendants are given the opportunity to plead guilty to a lesser offense for which they receive a lesser penalty. Such a practice expedites cases and saves the cost of jury trials, but may be too easy on some serious cases in order to "clear the dockets" (move cases along). Blumberg (1996), in "the

Practice of Law as a Con Game,” is very critical of the abuse of this practice in which little attention is paid to the actual cases and little effort expended by the lawyers and judges involved.

A protracted problem in the judicial system has been “**sentence disparity**,” in which widely different sentences are given for the same offense. The development of “sentencing guidelines” has taken place in an attempt to set a range of appropriate sentencing for offenses, although some judges have complained that this removes their discretion in judging the complexities in actual cases. One of the most pressing problems, particularly in larger jurisdictions, has been case overload and the need for better management of the flow of cases.

Programs

A number of innovations have been implemented in an attempt to address some of the problems of the courts. Some large cities have experimented with neighborhood justice centers. Simplification of jury instructions and maximum one-day jury duty have been utilized, as well as limiting jury exclusion rights. There has been a greater use of fines, restitution, and community-service sentences. In order to cut down on abuse of plea bargaining, some jurisdictions have tried limiting the number of cases that one attorney or one firm can bring to court. Modern management techniques have been utilized in an attempt to streamline case flow. Crime Files 2 reports on “drug courts” that have been heralded as a highly successful innovation.

Crime Files 2 *Drug Courts*

Continual “wars on drugs” and subsequent convictions have overloaded many courts and contributed tremendously to prison overcrowding. Beginning in 1989, Florida was the first state to establish a **drug court**, which is a separate, specialized court to handle the growing number of drug offenders. Those charged with the sale or purchase of drugs and who lack a record of violent crime or prior arrest for trafficking or felonies were eligible. Defendants were offered a deal: In return for their agreement to undergo and complete treatment, the charges against them would be dropped. The judge, prosecutor, and defense attorney would then join together after talking with the drug court monitors and the defendant to decide the treatment (Inciardi, McBride, & Rivers, 1996). Those in the program underwent detoxification, stabilization, and rehabilitation. They also had urine tests, counseling, and an education program. The Miami drug court was heralded as a success, with about 60 percent rearrested later compared to 88 percent prior to the program (Finn & Newlyn, 1993). If the client was not rearrested within a year of release from the program, the arrest record was sealed. Many jurisdictions throughout the country replicated the program, and drug courts were declared a promising program by a 1996 NIJ-commissioned study of federally sponsored programs (Sherman et al., 1996).

Drug courts reduce the time between arrest and trial and reduce the caseloads of the regular courts. The drug court movement assumes that drug addiction is a treatable disease in which relapses may require more intensive treatment or sanctions (Terry, 2002, p. 557). The judge actively participates in the treatment regimen and holds periodic status hearings in order to monitor the patient’s progress. Not only do drug courts result in lower recidivism rates but, in reducing long-term incarceration, they hold great promise in reducing the cost of criminal justice (Terry, 2002).

Research Project

Using a Web browser search the term “drug court” and examine some more recent examples of drug courts.



Corrections

Origin

Early corrections relied on practices such as hard labor, executions, banishment, or transportation and galley slavery. In the new world in 1682, William Penn established houses of correction. In 1790, a penitentiary wing was added to the Walnut Street Jail; penitence of offenders was expected to be produced by solitary confinement. In 1813, Pennsylvania approved the construction of two new penitentiaries: Eastern and Western Penitentiary. They practiced the silent, but separate, system; while in New York State, the Auburn System emphasized congregate labor. This was followed by the reformatory movement and the medical treatment model after World War I.

Structure

Corrections refers to the system of probation, parole, jails, and prisons. Since the 1980s, America's answer to the crime problem has reflected a conservative model that emphasized building more prisons and mandatory sentencing such as "three strikes and you're out." Such policies and rhetoric have often been accompanied by the promise to reduce taxes—a free lunch of sorts. The term "corrections" (which reflects a rehabilitation model) has replaced the previous concept of penology (which reflected a more punitive or punishment model). By 2004 the U.S. had 1,410,000 prisoners incarcerated in over 1,500 state and federal prisons. In addition, over 714,000 were in local jails, over 100,000 children were in custody, and an estimated 5 million were on probation or parole (Bureau of Justice Statistics, 2004; Slevin, 2005).

With a record number of over two million in prisons and jails, the United States surpassed Russia to have the largest number of people in jail, in total numbers as well as per capita, in the world. Under a more conservative model of law and order, the U.S. had increasingly relied on the most expensive correctional option—imprisonization; incarceration had been cavalierly chosen as the panacea for our crime problem. With construction costs growing to \$50,000 and more per cell and the cost of confinement reaching \$20,000-\$30,000 per year per inmate, there were finite limits to America's love affair with prisons. It cost more to send someone to the state pen than to Penn State. We increasingly were choosing the equivalent of full scholarships to Harvard for our criminals, rather than cheaper alternatives such as community colleges.

Functions

There are basically two types of prison facilities: detention facilities and correctional facilities. Detention facilities are temporary holding facilities for those awaiting trial or transfer. Correctional facilities include jails as well as state and federal prisons. County jails normally include persons convicted of misdemeanors or those serving sentences of less than a year. Prisons are for those who have been convicted of felonies and are serving sentences of more than a year. Some county jails house those sentenced to state prison in order to save money or due to overcrowding at the state level.

Corrections also includes probation, parole, and community-based alternatives. **Probation** involves the community supervision of an offender in lieu of prison. It is a cost-effective alternative to prisons and attempts to rehabilitate and integrate the offender into the community. **Parole**, on the other hand, involves the supervised release of offenders after they have served a portion of their sentence.

Problems

There are a number of problems afflicting the U.S. correctional system. Prison overcrowding, despite a building spree, remains the number-one problem in the field of corrections. America's prison explosion is not the result of increased populations or higher crime rates, but is primarily

due to tougher drug laws. DUI laws have had a similar impact at the local level. The war on drugs has resulted in more black American males in prison than in college. The U.S. remains about the only developed country without national health insurance for all of its citizens; however, the exploding prison population has the equivalent of national medical coverage. An aging prison population promises to add to mounting costs in this regard. Despite the growth in prison populations, services provided have not kept pace. Up to 150,000 released state inmates in 2000 needed, but did not receive, drug treatment. Vocational and educational programs have also been cut (Slevin, 2005). The closing of many mental hospitals has meant that many of their former clients now end up in prisons which lack trained treatment personnel.

Programs

With varying degrees of success, a variety of programs have been implemented in corrections. Crime Files 3 reports on programs that work, do not work, and are considered promising, according to a 1996 study commissioned by Congress. This was presented earlier in Chapter 2 and appears here in order to highlight such programs.

Crime Files 3 *What Works for Police, Courts, and Corrections*

Police

What Works for Police

- For high-crime hot spots—extra police patrols
- For high-risk repeat offenders—monitoring by specialized units
- For domestic abusers who are employed—on-scene arrests

What Doesn't Work for Police

- Gun “buy-back” programs
- Community mobilization against crime in high-crime poverty areas
- Police counseling visits to homes of couples days after domestic violence incidents
- DARE (Drug Abuse Resistance Education)
- Neighborhood watch programs organized by the police
- Arrests of juveniles for minor offenses
- Increased arrests or raids on drug locations
- Storefront police offices
- Police newsletters with local crime information

What's Promising in Policing

- Proactive drunk-driving arrests with breath testing (may reduce accident deaths)
- Community policing with meetings to set priorities (may reduce perceptions of crime)

(Continued)

Police showing greater respect to arrested offenders (may reduce repeat offending)
Polite field interrogations of suspicious persons (may reduce street crime)
Mailing arrest warrants to domestic violence suspects who leave the scene before police arrive
Higher numbers of police officers in cities (may reduce crime generally)
Gang monitoring by community workers and probation and parole officers
Street closures, barricades, and rerouting (may reduce violence, burglary)
Target hardening (may reduce vandalism of parking meters and crime involving phones)
“Problem-solving” analysis unique to the crime situation at each location
Proactive arrests for carrying concealed weapons (may reduce gun crime)
Fines for criminal acts

Courts

What Doesn't Work in the Courts

Diversion from court to job training as a condition of case dismissal

What's Promising in Courts

Drug courts (may reduce repeat offending)

[Not as much research has been done on judicial systems]

Corrections

What Works in Corrections

For convicted offenders—rehabilitation programs

What Doesn't Work in Corrections

Correctional boot camps using traditional military basic training

“Scared Straight” programs whereby minor juvenile offenders visit adult prisons

Shock probation, shock parole, and split sentences adding jail time to probation or parole

Home detention with electronic monitoring

Intensive supervision on parole or probation (ISP)

Rehabilitation programs using vague, unstructured counseling

Residential programs for juvenile offenders using challenging experiences in rural settings

What's Promising in Corrections

For convicted offenders—rehabilitation programs with risk-focused treatments

For drug-using offenders in prison—therapeutic community treatment programs

Source: Lawrence W. Sherman, et al. (1998). “Preventing Crime: What Works, What Doesn't, What's Promising.” *National Institute of Justice Research in Brief*. July, NCJ 171676.

Research Project

Using the companion Web site, click on and read MacKenzie's article: “Evidence-Based Corrections: Identifying What Works.” Do any of these items update the selections in the Crime Files?

Other programs have included expanded prison industries, the use of citizen volunteers, expanded mental health and drug treatment, boot camps, house arrest (home confinement programs), electronic monitoring programs, and work release. Also implemented have been shock incarceration programs, restitution and community service programs, halfway houses, and intensive supervision in probation programs. Many other programs too numerous to discuss here have also been tried.

The problem of crime and criminal justice response is exacerbated by a broken juvenile justice system that must find new ways of responding to juvenile crime and delinquency. In the final analysis, the crime problem in America is not an issue to be resolved, but one to be managed.

Summary

The American *criminal justice system* has three components: the police, the courts, and corrections. Packer has identified two models of the U.S. criminal justice system: the crime control model and the due process model. Most criminal justice functions in the U.S. are performed at the state and local levels.

Policing is barely two centuries old. Much of the early history of American policing was inherited from developments in England. In 1838, Boston had the first police department in the U.S. *Police agencies* comprise roughly 17,000 public law-enforcement organizations, including local police departments, sheriff's departments, state police, as well as 50 federal law-enforcement agencies. *James Q. Wilson* has identified three styles of policing: the watchman style, the legalistic style, and the service style. While the *watchman style* emphasizes order maintenance and preventive policing, the *legalistic style* focuses on violations of the law or reactive policing. The *service style* emphasizes addressing social problems and neighborhood concerns. A variety of *police problems* were identified including: police corruption and abuse, racial profiling, and recruitment of minorities.

Programs in policing include: community policing, closed-circuit surveillance, sting operations, repeat offender programs, crime analysis units, and problem-oriented policing. Reflecting a philosophy that the police and community should work together, *community policing* has been credited by its advocates for the recent decline in crime. It represents a *paradigm shift*, a radical reorientation in basic models and assumptions.

The U.S. court system has two legal systems: federal courts and state courts. Pluralism in courts refers to the fact that each state has its own independent court system. Most states have three levels of courts: courts of limited jurisdiction, trial courts of general jurisdiction, and appellate courts. The courts operate on an *adversary system* in which the prosecution and defense battle as advocates for the state or the accused. "*Due process rights*" are constitutional guarantees that safeguard the rights of the accused. *Problems facing the courts* include: poorly funded public defenders, lack of minorities on juries, and overuse of *plea bargaining* (defendants make a deal and plead guilty to a lesser crime in return for lesser penalty). Sentence disparity and case overloads are also protracted problems. Among the programs being implemented by the courts are: neighborhood justice centers, one-day jury duty, modern management techniques, and drug courts. *Drug courts* are separate, specialized courts to handle drug offenders.



Photo 2 Jail photograph of Ted Kaczynski, the notorious "Unabomber" who committed a series of bombing murders in the 1980s and 1990s.

Source: AFP/Getty Images

Some of the earliest innovations in penitentiaries took place in the early 19th century in the U.S. with Eastern and Western Penitentiary (Pennsylvania) and Auburn, New York. *Corrections* refers to the system of probation, parole, jails and prisons. In recent years the U.S. has been on an expensive incarceration binge and now has the largest prison population in the world. There are *two types of prison facilities*: detention facilities and correctional facilities. While *detention facilities* are primarily temporary holding facilities, *correctional facilities* include jails as well as state and federal prisons. *Jails* are mainly for those serving less than a one-year sentence; *prisons* are for those serving more than a year.

Probation involves community supervision in lieu of prison, while *parole* entails the supervised release of offenders after they have served a portion of their sentence. *Problems facing the correctional system* include: prison overcrowding, a lack of drug treatment, and the lack of educational and vocational programs. Programs for improving corrections include: prison industries, mental health and drug treatment, boot camps, house arrest, and electronic monitoring. The federally sponsored evaluation of what works identifies what works, what doesn't, and what's promising in criminal justice programs.

Key Concepts

Adversary System

Community Policing

Corrections

Crime Control Model

Drug Court

Due Process Model

Due Process Rights

Legalistic Style of Policing

Paradigm Shift

Parole

Plea Bargaining

Probation

Sentence Disparity

Service Style of Policing

Watchman Style of Policing

Review Questions

1. Discuss the differences between the "crime control model" and the "due process model."
2. Discuss the basic structure of policing in the United States. How do local, state, and federal policing differ?
3. Explain James Q. Wilson's three styles of policing.
4. What are some problems facing policing in the United States? What are some programs that address some of these?
5. What are some basic elements of community policing? How does it differ from traditional policing?
6. What are the three levels of state courts and their function?
7. What are "drug courts"? How do they operate and what has been the evaluation of these programs?
8. What are the various components of the correctional system in the United States?

9. Discuss some problems affecting the correctional system in the U.S.
10. Discuss programs that work, don't work, and are promising in criminal justice. In your opinion, were there any surprises in examining these lists?

Criminology on the Web

Log on to the Web-based student study site at <http://www.sagepub.com/haganstudy> for additional Web sources and study resources.

Selected Readings

Freda Adler, Gerhard O. W. Mueller, and William Laufer (2002). *Criminal Justice: An Introduction* (3rd ed.). Boston: McGraw Hill.

This text features excellent coverage of the field of criminal justice with a strong international orientation.

Jay Albanese (2005). *Criminal Justice* (3rd ed.). Boston: Allyn & Bacon.

This introductory criminal justice text provides excellent coverage of all aspects of the criminal justice system.

Hugh Barlow (2000). *Criminal Justice in America*. Upper Saddle River, NJ: Prentice Hall.

Excellent "boilerplate" presentations on elements of the criminal justice system are provided.

Peter Benekos and Alida Merlo, editors (2004). *Controversies in Juvenile Justice and Delinquency*. Cincinnati, OH: Lexis Nexis.

This anthology contains a series of articles that extends our discussion of the criminal justice system to the juvenile justice system.

Charles P. Cozic, editor (1997). *America's Prisons: Opposing Viewpoints*. San Diego, CA: Greenhaven Press.

This book presents a series of articles that debate some of the major issues related to prisons which were discussed in our chapter.

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The author presents a detailed description of problems with the American court system.

Larry Sherman et al. (1996). *Preventing Crime: What Works, What's Promising, What Doesn't*. Washington, DC: National Institute of Justice.

This now-classic work details the evaluation of numerous federally funded criminal justice programs, classifying them into what works, what's promising and what doesn't.

Wesley G. Skogan and Susan M. Martnett (1997). *Community Policing: Chicago Style*. New York: Oxford University Press.

The authors explore one of the earlier programs of community policing in Chicago.

Jerome Skolnick and James J. Fyfe (1993). *Above the Law: Police and the Excessive Use of Force*. New York: Free Press.

The authors explore the issue of police abuse of power and offer suggestions for reform.