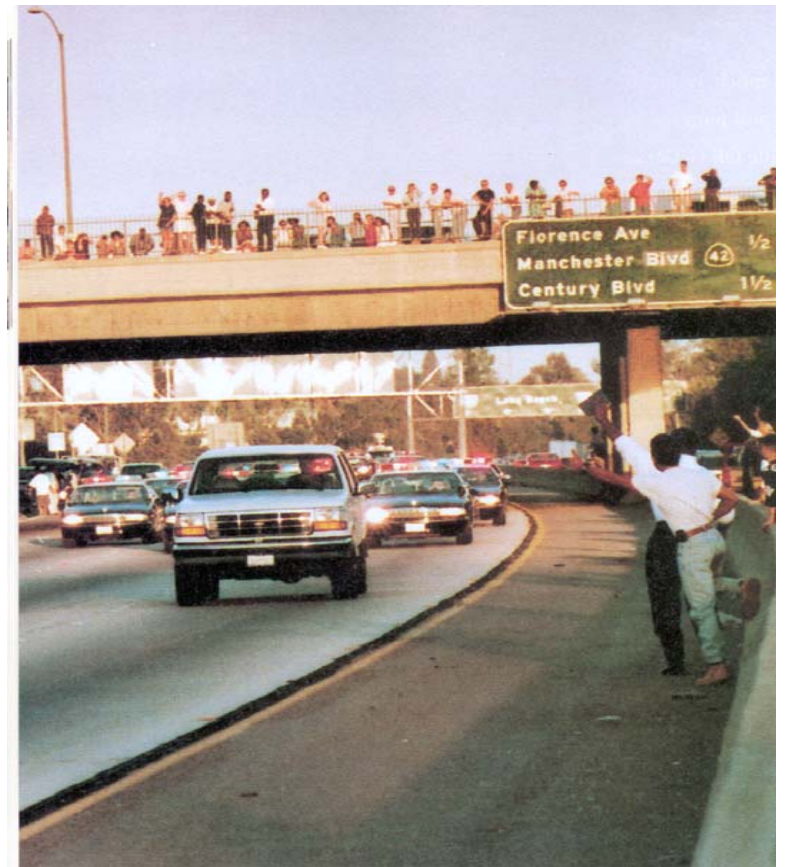


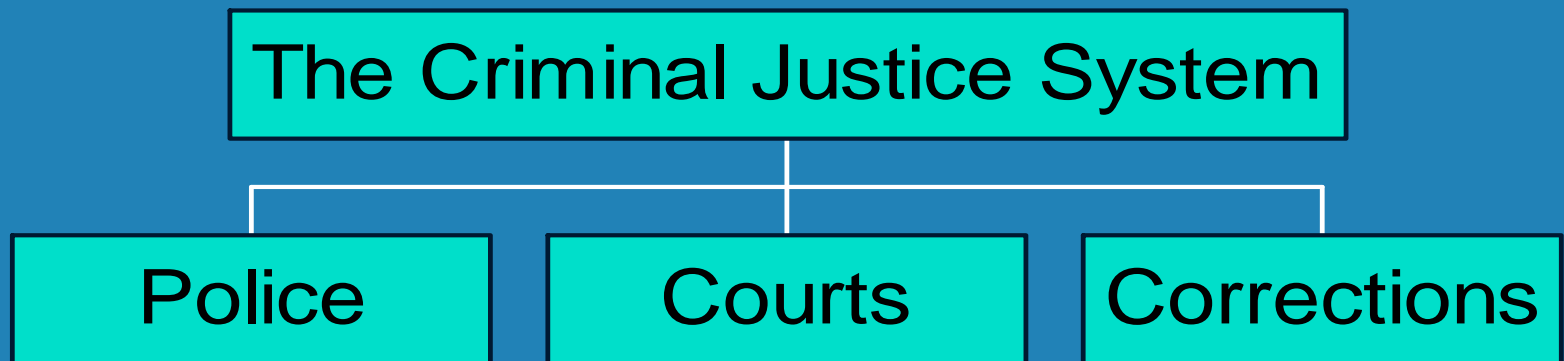
Lecture 14A: Criminal Justice System

- Part I: Models of Criminal Justice
- Part II: Evaluating the System



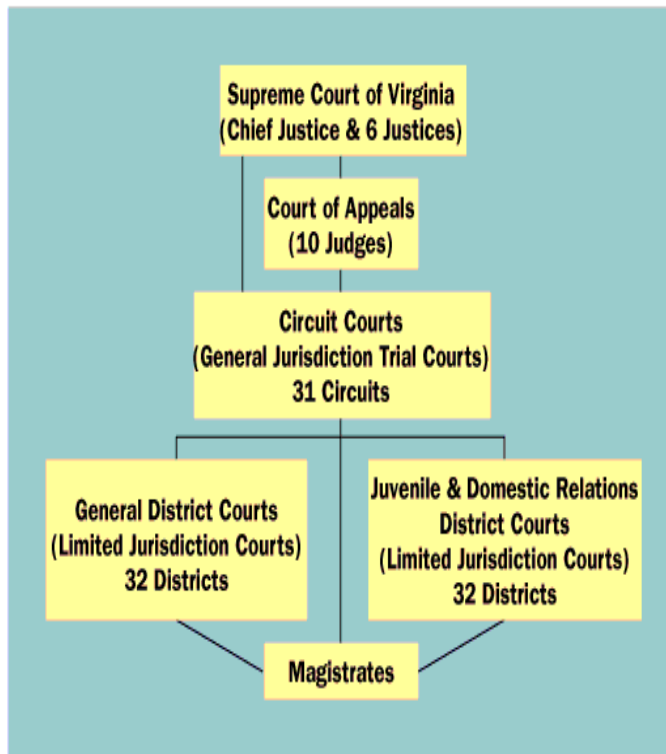
Part I: Models of Criminal Justice

Components of Criminal Justice

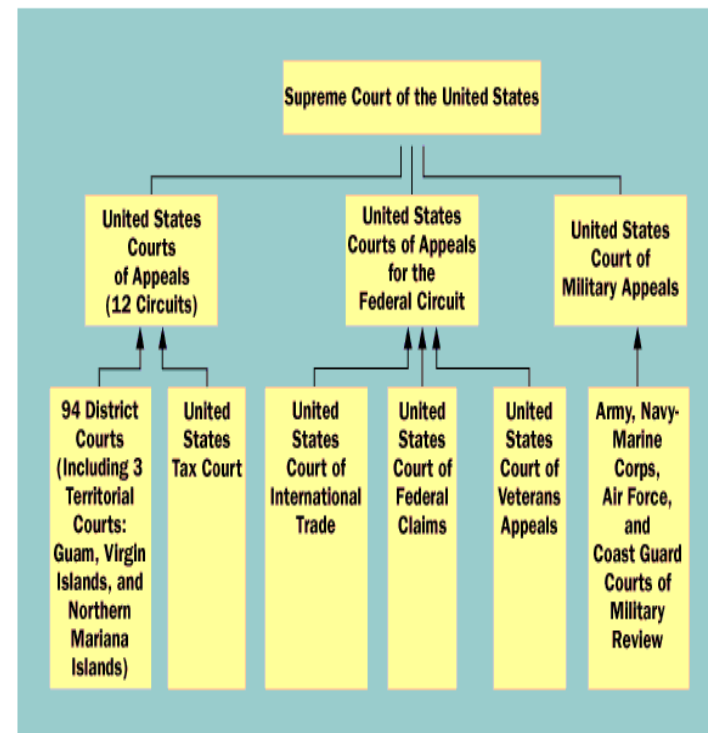


Early Models of Criminal Justice: Focused on Separate Justice Agencies with Little Relationship to Each Other.

► The Virginia State Court Structure



► The Federal Court System



Systems Model of Criminal Justice System

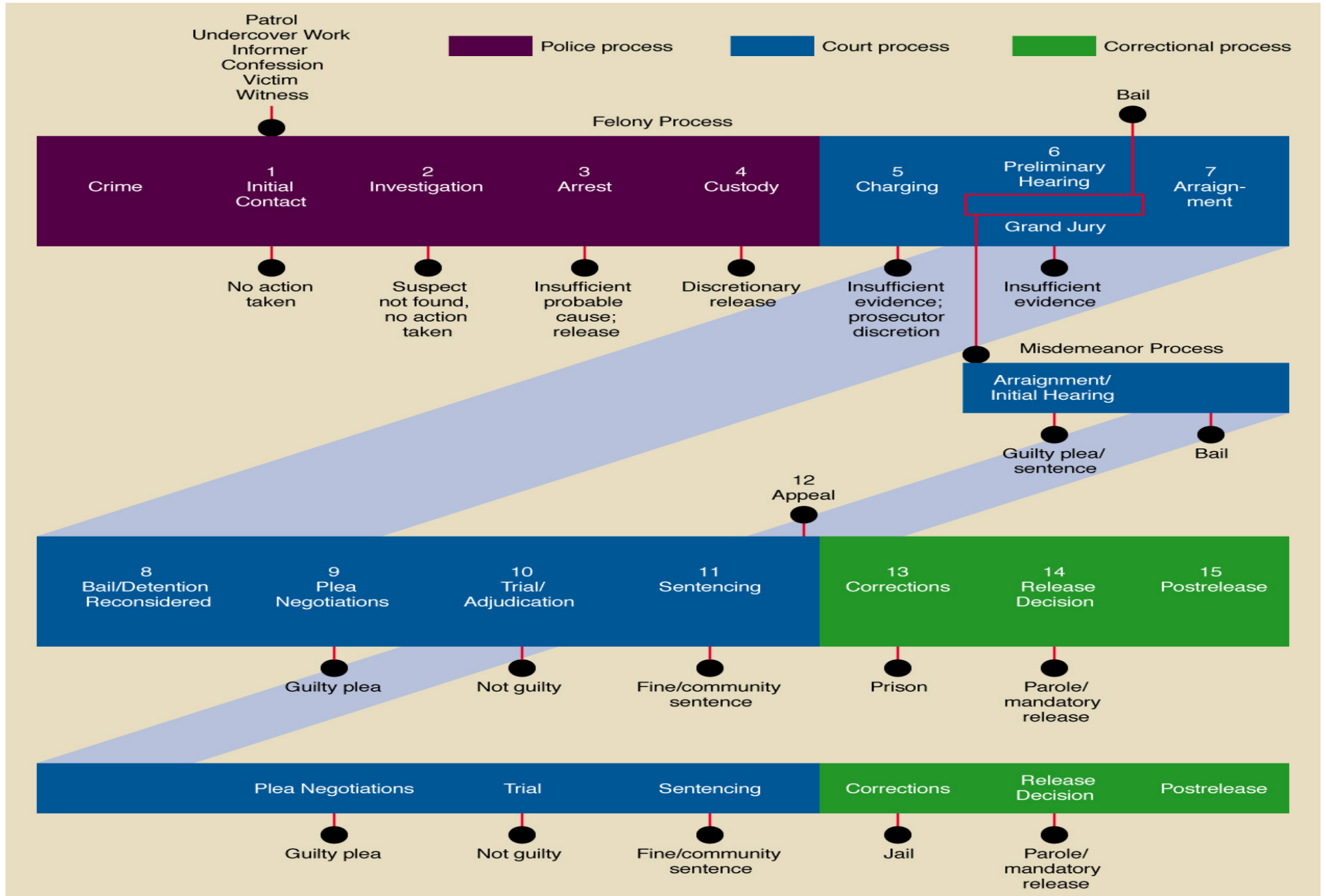
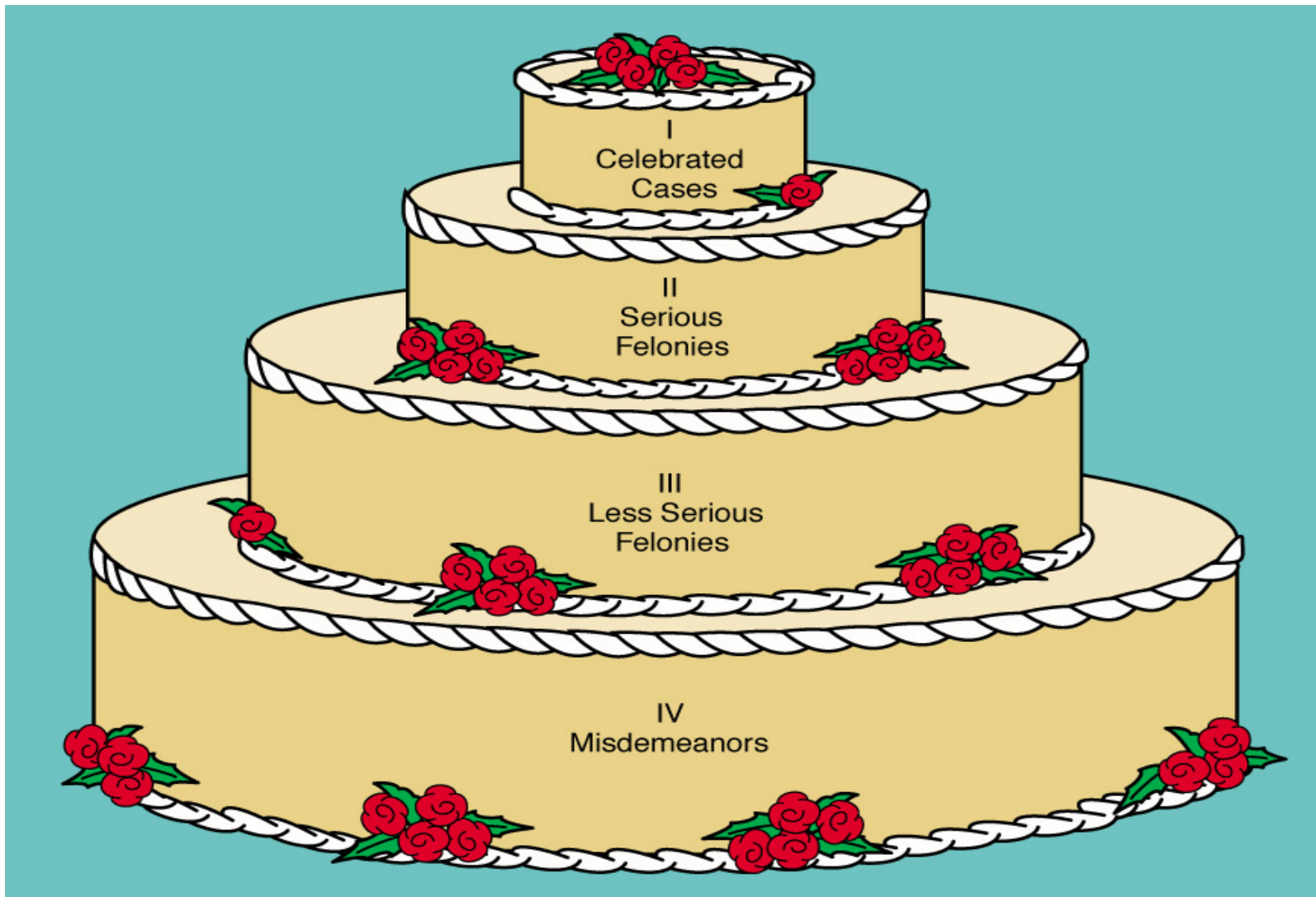


Figure 1.8 the Criminal Justice “Wedding Cake”

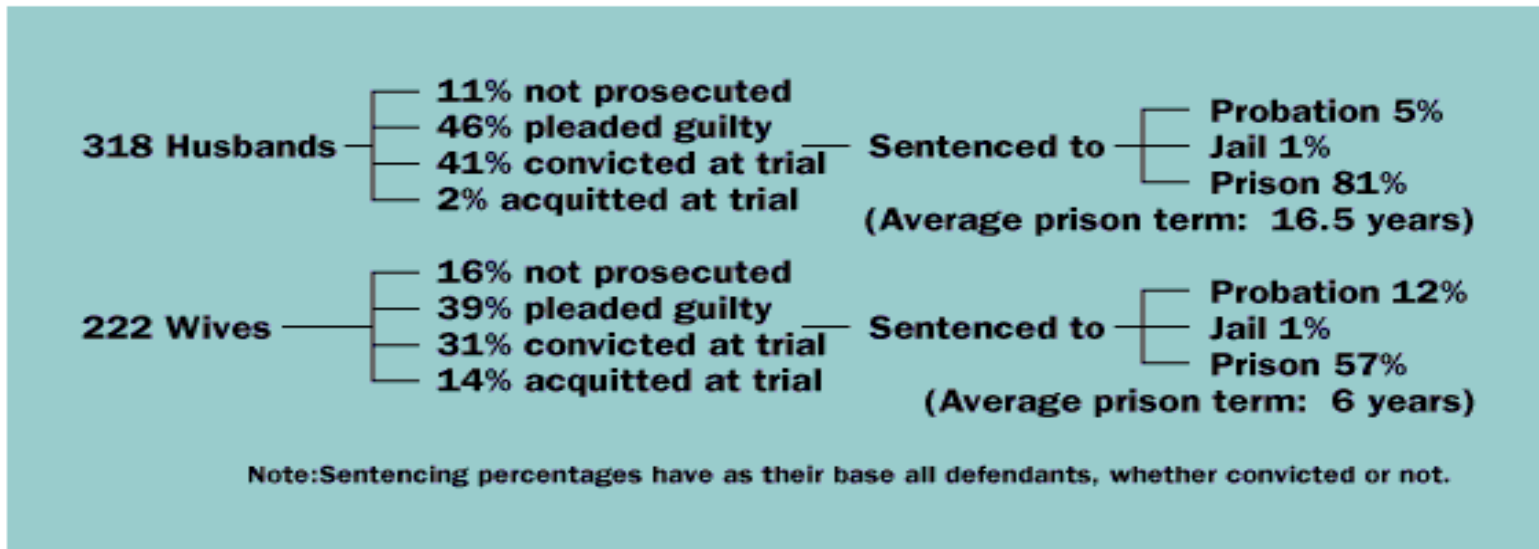


I. Celebrated Cases

- Rare cases that involve the full criminal justice process (usually victim or offender is rich or famous).
- Enormous publicity
- Impact citizens perceptions of crime and criminal justice system.
- Justice personnel take on cases to gain status and recognition.

In response to OJ's case, justice department showed that system is not lenient on spouse murder cases.

► **Spouse Murder Cases**



II. Serious Felonies

- Felonies (often vicious incidents of violence) where the victim does *not* know the offender.
- Usually committed by individuals with a history of violent crime.
- Everyone in the system sees these cases as serious and worthy of the attention of the entire criminal justice system.

III. Less Serious Felonies

- Generally small time felonies committed by first-time offenders.
- Felonies that involve people who *know each other* such as relatives or married couples.
- May be dealt with by dismissal, a plea bargain, reduction in charges, probation, or restitution.

(e.g., when OJ was beating his wife Nicole Brown, it was treated as a less serious felony because they were married and because OJ didn't have a history of violent convictions)

IV. Misdemeanors

- Petty crimes including, disorderly conduct, public intoxication, shoplifting, minor assault.
- Millions of these cases are handled by the lower criminal courts in "assembly-line" fashion each year.
- Typical penalty is a small fine; few cases receive any jail time
- The experience of having to attend court is generally punishment enough. **ALTHOUGH VARIES BY COURTS**

Hard or Soft on Crime?

- The system is both harsh and lenient
- Hard on second-layer serious felonies and soft on third-layer less serious felonies.
- Must be careful with aggregate data because relatively few cases are celebrity and serious.

Part II. Evaluating the System

- Does the criminal justice system go easy on “criminals”?
- If not, what types of criminal behavior receives the strongest punishments?

The Criminal Justice System: Size and Expense

- 55,000 different public agencies
- \$100 billion annual budget
- 1.8 million employees
- 20,000 police agencies
- 17,000 courts
- **THERE IS DIVERSITY IN HOW THESE SYSTEMS FUNCTION**

The criminal justice system is complex, with different agencies behaving differently.

TABLE 11.2

Prosecutor Case Loads and Trial Rates in Two Counties

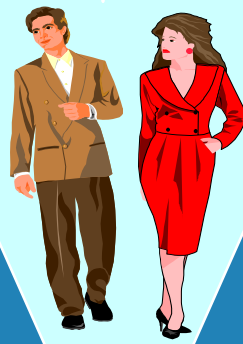
	MANHATTAN	CAYUGA COUNTY
Trial rate	7 %	2 %
Average case load (per prosecutor)	151	63

SOURCE: State of New York Judicial Conference and Office of Court Administration.

Criminal Justice Funnel



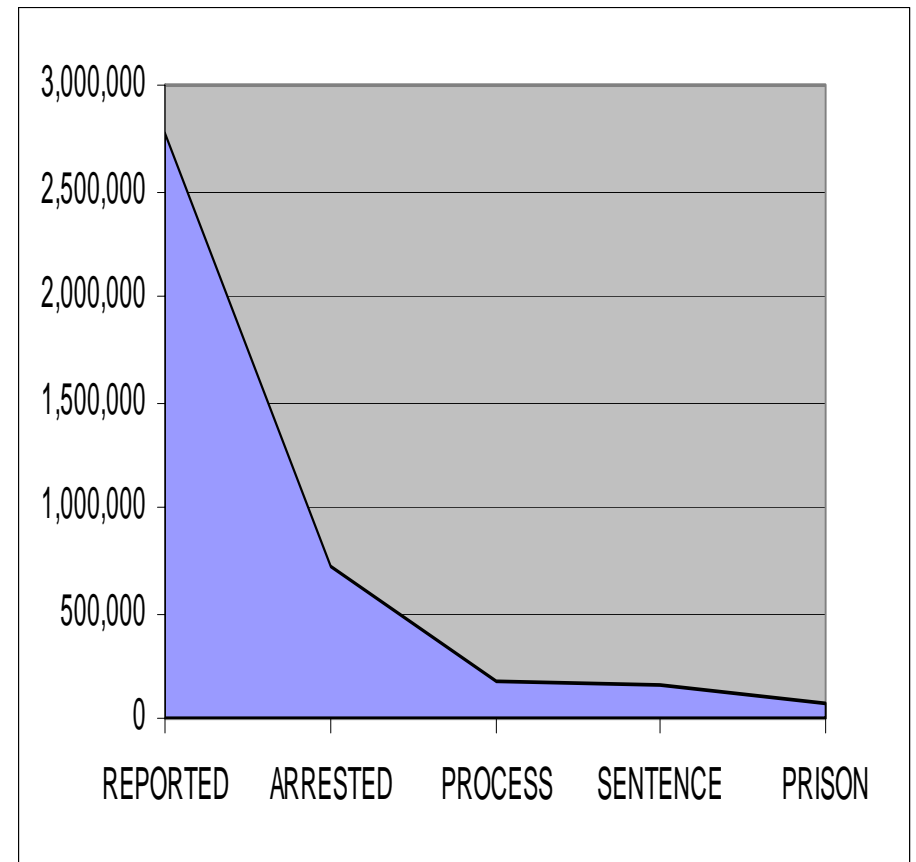
**Of 1,000
crimes that are
committed**



**Only
5 juveniles and
18 adults are
incarcerated**

The Funnel

- 2,780,000 index crimes reported, 727,000 arrested, 177,000 formal felony complaints, 160,000 sentenced, 63,000 to prison.
- (1% of all criminals go to prison.)



Soft on Crime?

Why out of 727,000 arrests are only 177,000 processed by system?

- 260,000 are juveniles (35%). Thus, 467,000 adults remain.
- 128,000 of 467,000 (27%) are dismissed. Thus, 73% prosecuted.
- 90% of processed felonies are sentenced.

Figure 1.6 The Criminal Justice Funnel

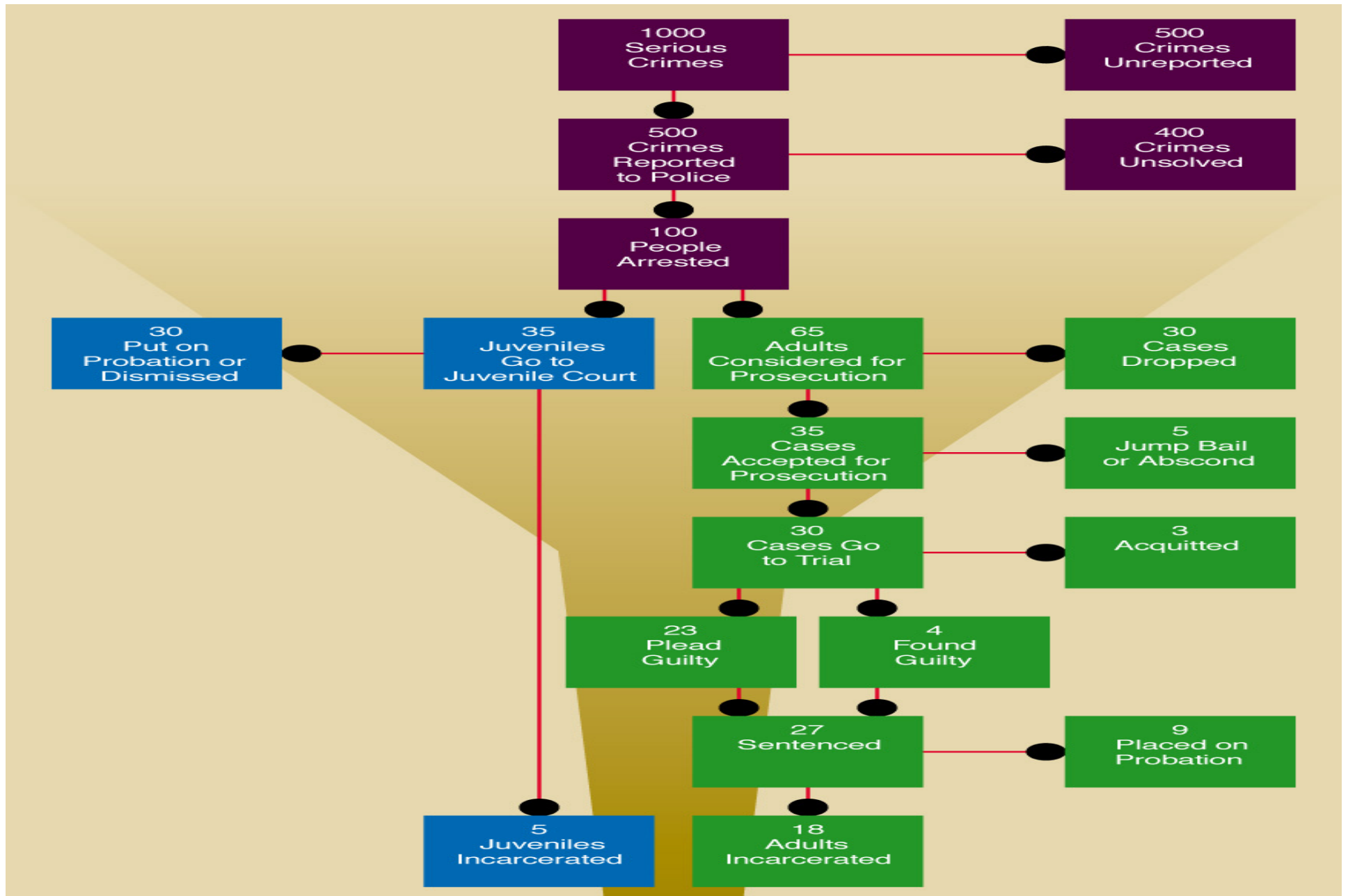
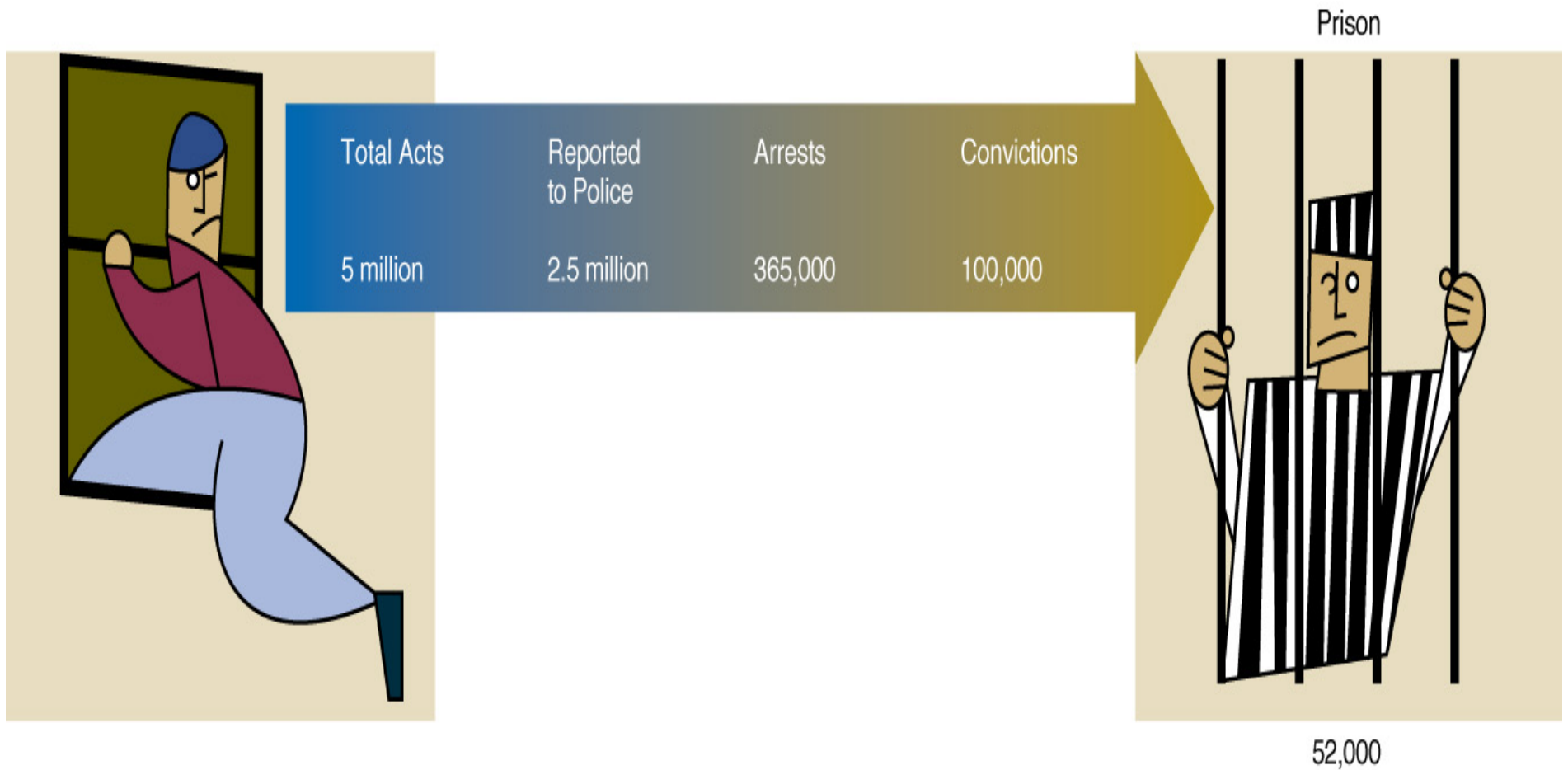


Figure 1.7 Burglary: The Chance of Punishment



Courtroom Work Group and Legal Reform

- Prosecutors, defense attorneys, judges, and some police work together day in and day out.
- As a result of social interaction, these individuals create informal rules (institutions) about how to deal with different types of cases. (e.g., “heavy” vs. “garbage” cases).

Legal Reform

- Legal reform can be inhibited by the informal institutions of the courtroom work group.
- New laws are passed, but the workgroup ignores them and follows their own system. (e.g., three-strikes laws).

How Many Mistakes?

- CJ officials surveyed believe that about 1% of cases lead to wrongful convictions.
- 1981: 5,729 convictions
- 1900-present: 343 people convicted of capital punishment; 25 killed and the others got up to 25 years in prison.

Date of Execution:

January 4, 1995

Offender:

Jesse Jacobs #872

Last Statement:

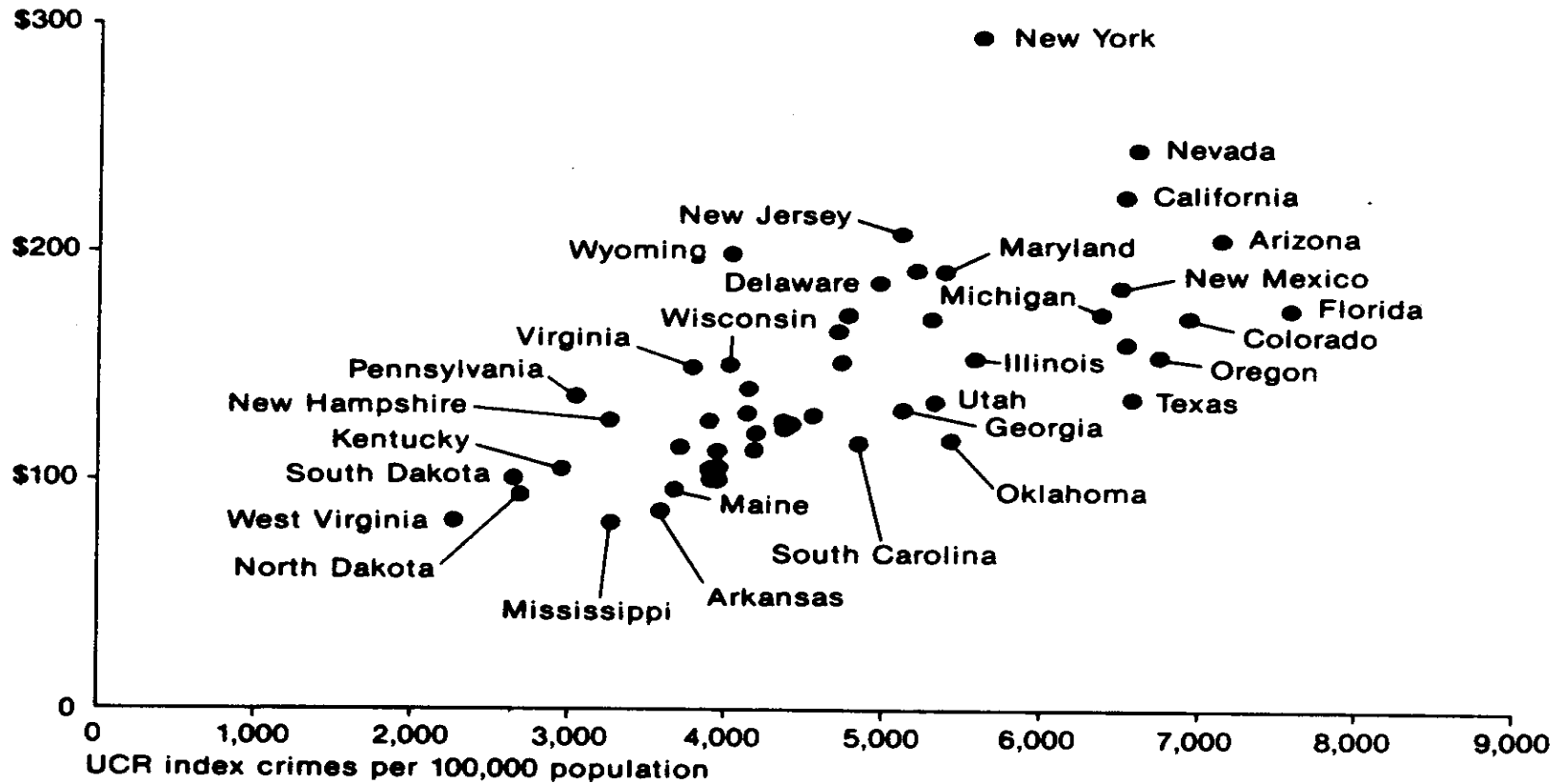
I have committed lots of sin in my life, but I am not guilty of this crime.

I would like to tell my son, daughter and wife that I love them —

Eden, if they want proof of them, give it to them. Thanks for being my friend.

States with high crime rates tend to have high expenditures for criminal and civil justice

Per capita spending
for criminal and civil justice



Sources: *Justice expenditure and employment in the U.S., 1985*, BJS Bulletin, March 1987. *FBI Crime in the United States, 1985*.

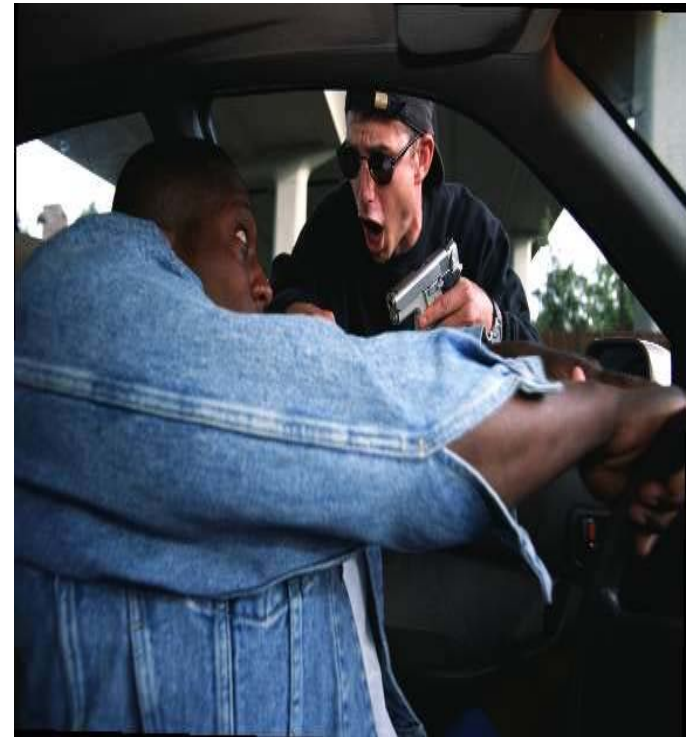
Lecture 14B: Conservative Position; Liberal Position

How much of an effect do parts
of the criminal justice system
have on crime rates (burglary
and robbery)?



Conservative Position

The system is “easy” on criminals. In other words, individuals who violate laws do not experience criminal sanctions such as prison, jail, or fines.



Can Different Policing Practices Reduce Crime?

- 1.) Police/population ratio: will more police per capita reduce crime? Are crackdowns on “hot spots” effective?
- 2.) Increase number of detectives
- 3.) Eliminate the “Technicalities”

Police/population ratios

City	Officers per 1,000 citizens
Wash. D.C.	7
Newark, N.J.	4
Detroit	3.8
Los Angeles	2.2
San Diego	1.7
San Jose	1.6

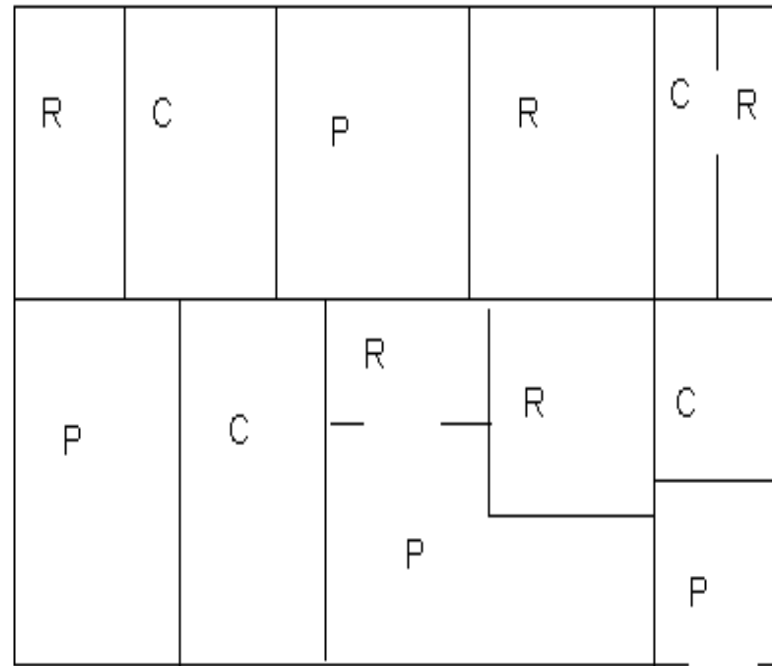


It depends on what police do!

- More police does not always mean more enforcement.
- Police may not actually be on patrol at peak crime hours, or they may not make arrests and be visible.
- More police and more money for police may not result in more “policing.”

Kansas City Experiment

- Proactive (2-3 more patrols)
- Reactive (no routine patrols)
- Control (normal levels).
- Neither crime nor perceptions of crime differed in experiment



P = Proactive
C = Control
R = Reactive

Why Patrol Has Limited Impact

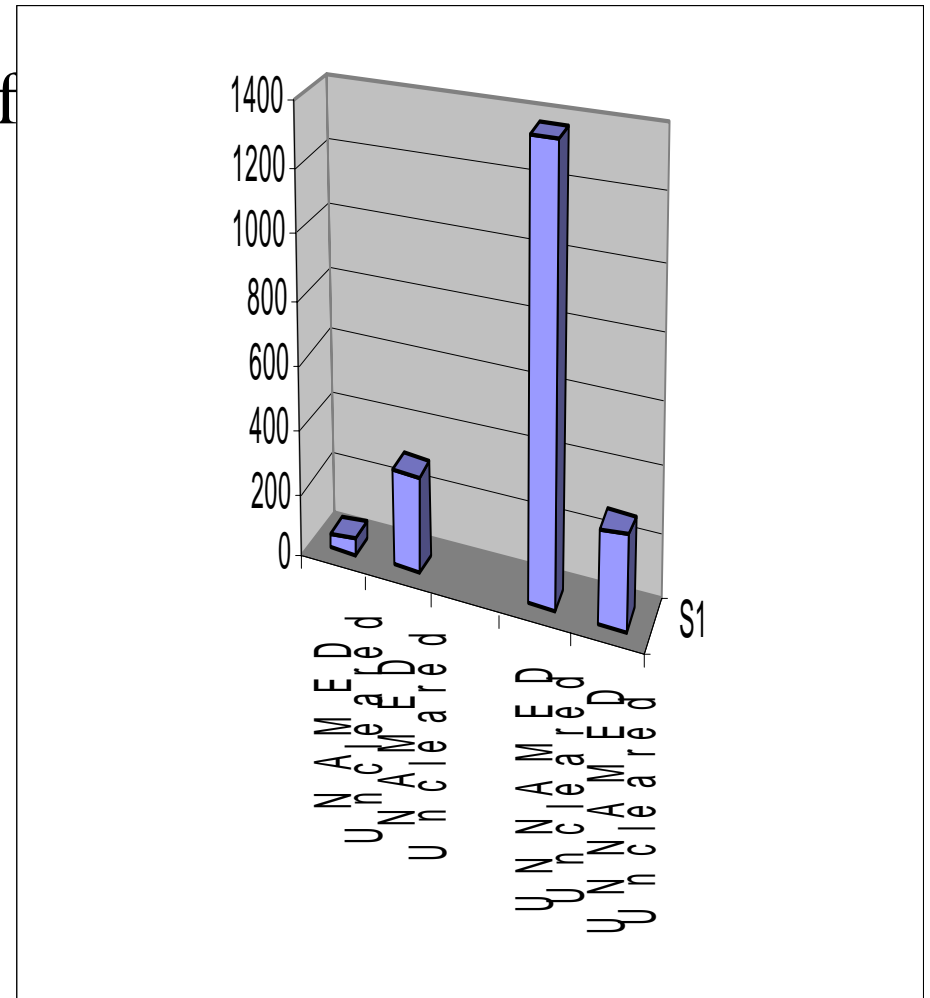
- Patrols are spread very thin—patrol cars pass different points only once a week or so.
- Many crimes occur indoors, involve acquaintances, and occur in the “heat of passion.”
- Many criminals underestimate possibility of being caught, and some are simply fatalistic.

Crackdowns and “Hot spots”

- Crackdowns—short bursts of police activities—
are often crude and unsophisticated. Often
purpose is to arrest a lot of suspected criminals
(then release them) to satisfy the public.
- Hot spots: Some areas majority of victimizations
occurs in small geographic area. Evidence for
modest deterrence effect from increased patrols in
these areas.

2.) More detectives?

- Detectives solve cases in which they have a name of the suspect.
- Information is the critical factor.
- LA: 86% of “Named” cases cleared and 12% of “Unnamed.”



Eliminate the “Technicalities”

- Conservatives believe the courts have “handcuffed” the police with procedural rules that limit their power.
- Exclusionary rule: evidence obtained in illegal searches and seizures is inadmissible in court.
- Miranda warning: “You have the right to remain silent....”

Exclusionary Rule and Crime Fighting

- Due process accounts for very few rejections and dismissals (about 27% dismissed).
- Cases solved more by information from witnesses than from physical evidence (physical evidence more important for drugs/weapons possession and gambling cases).
- Few defendants use rule (5%) and successful in less than 1% of cases.

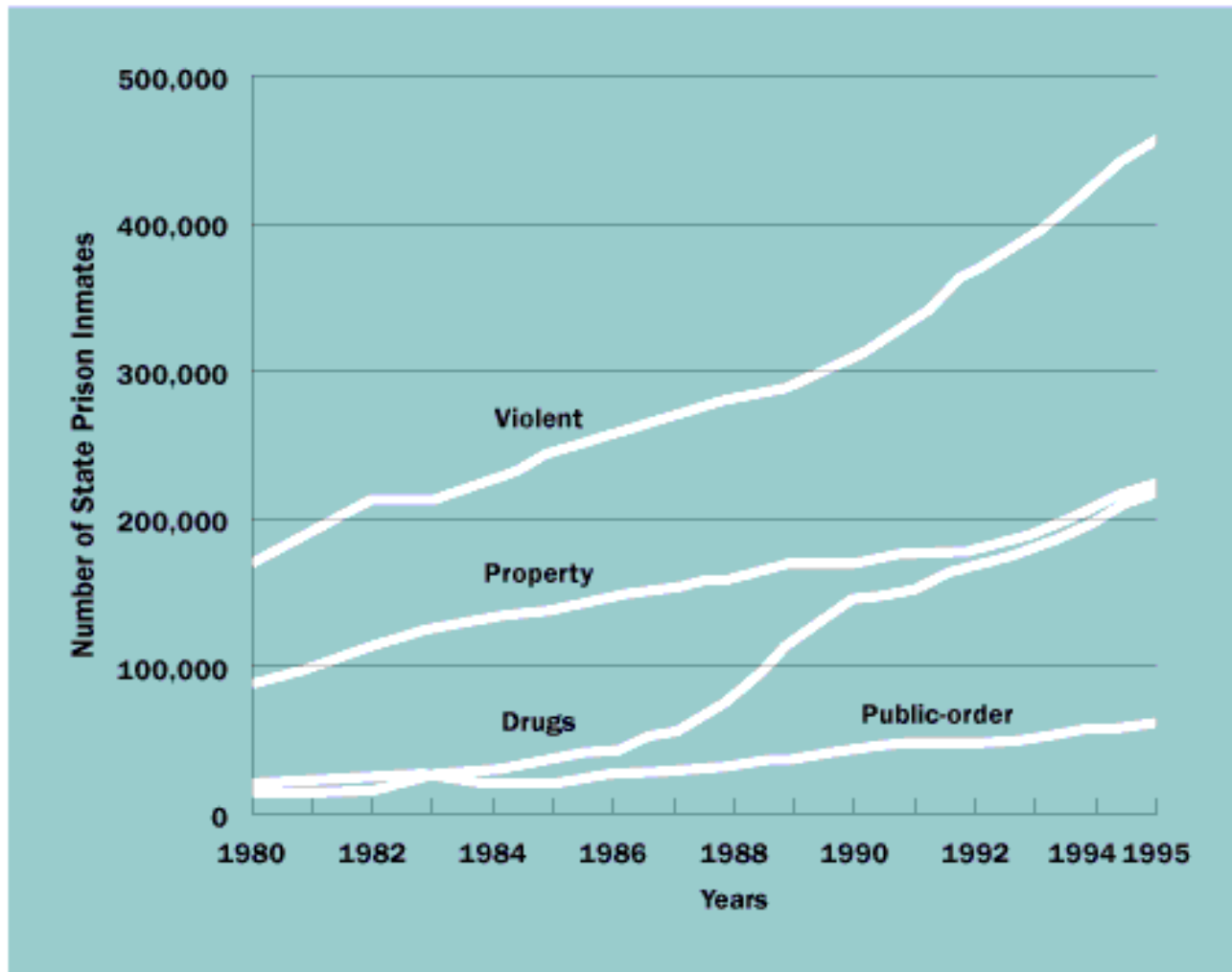
Miranda Warning

- Important to look not at only convictions overturned, but at number of confessions police get. Confession rate declined, but net effect was only 3.8% loss in convictions.
- Most suspects (60-80%) feel guilty and confess to police (although “prisoner’s dilemma tactics used).

Part II. Incarceration: Getting Criminals off the Street

- The main conservative control strategy is to get criminals off the street by locking them up.
- All “lock ‘em up strategies” seek to limit discretion of judges. “Bleeding heart” judges are simply too lenient with convicted offenders.

► **Number of State Prison Inmates, 1980 to 1995**



Bail Reform

- Civil rights activists in the 1960-70s pushed for reforming bail laws that discriminated against the poor.
- Defendants released on recognizance if evidence of job, family, or community ties (discrimination of unemployed people continued).
- Rise in crime rates coincided with bail reform, thus conservative sought new policies.

Preventive Detention

- Allows judges to deny bail to high-risk criminal offenders.
- Reagan administration pushed for laws allowing this to occur and Supreme Court upheld it.
- Ineffective: 1.) Judges only switched *method* of detention 2.) and only 6% of released defendants committed another crime.

Selective Incapacitation

- Lock up only the few high rate or career criminals.
- Attention from CJ system. Claims that selective incapacitation can reduce crime between 30-80%.

The Rand Formula

- Individuals from the 90th percentile—or the career criminals—average 87 crimes a year.
- Use background characteristics (e.g., previous offenses) to rank likelihood of committing more crimes.
- Employment carries same weight as prior offence!
If unemployment causes crime, why not create more jobs?

Gross Incapacitation

- Gross incapacitation has been adopted. Goal is to simply put lots of people in prison.
- Reason why prison rates tripled between 1980 and 1995.

Zedlewski's Model

- Argued that for every dollar we spend on imprisoning criminals, we save 17\$ in other societal costs.
- Argued that each offender imprisoned saves society 405,000\$

1.)

Crime cost U.S. 100 billion in 1983
33.8 - CJ system + 35 billion victim losses + 26.1 billion on private security. = **2,300 for each felony**

42 million crimes

2.)

2,300\$ X 187 crimes per-person = 405,000\$

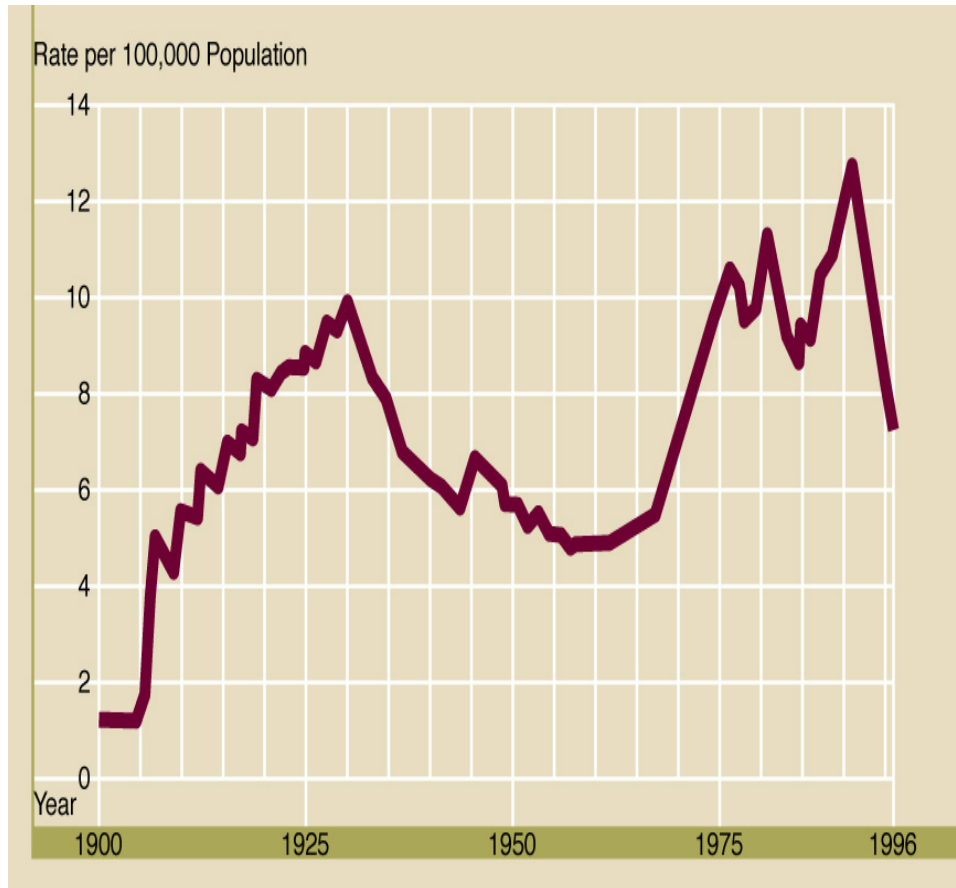
3.)

405,000 - 25,000 = 405,000

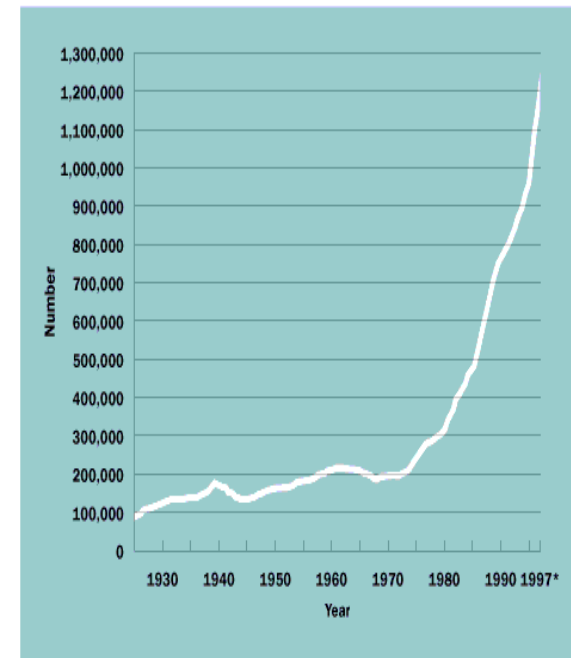
Absurd Predictions of Model

- 1977 to 1987 prison population increased by 230,000.
- If each criminal did on average of 187 crimes, then 43 million crimes should have been prevented.
- In 1987 there were less than this 43 million crimes altogether. In short, the model predicts complete elimination of all crime by 1986!!!

We should be skeptical that incarceration has dramatic effect on crime rates.



► Number of State and Federal Prisoners Sentenced, 1925 to 1997

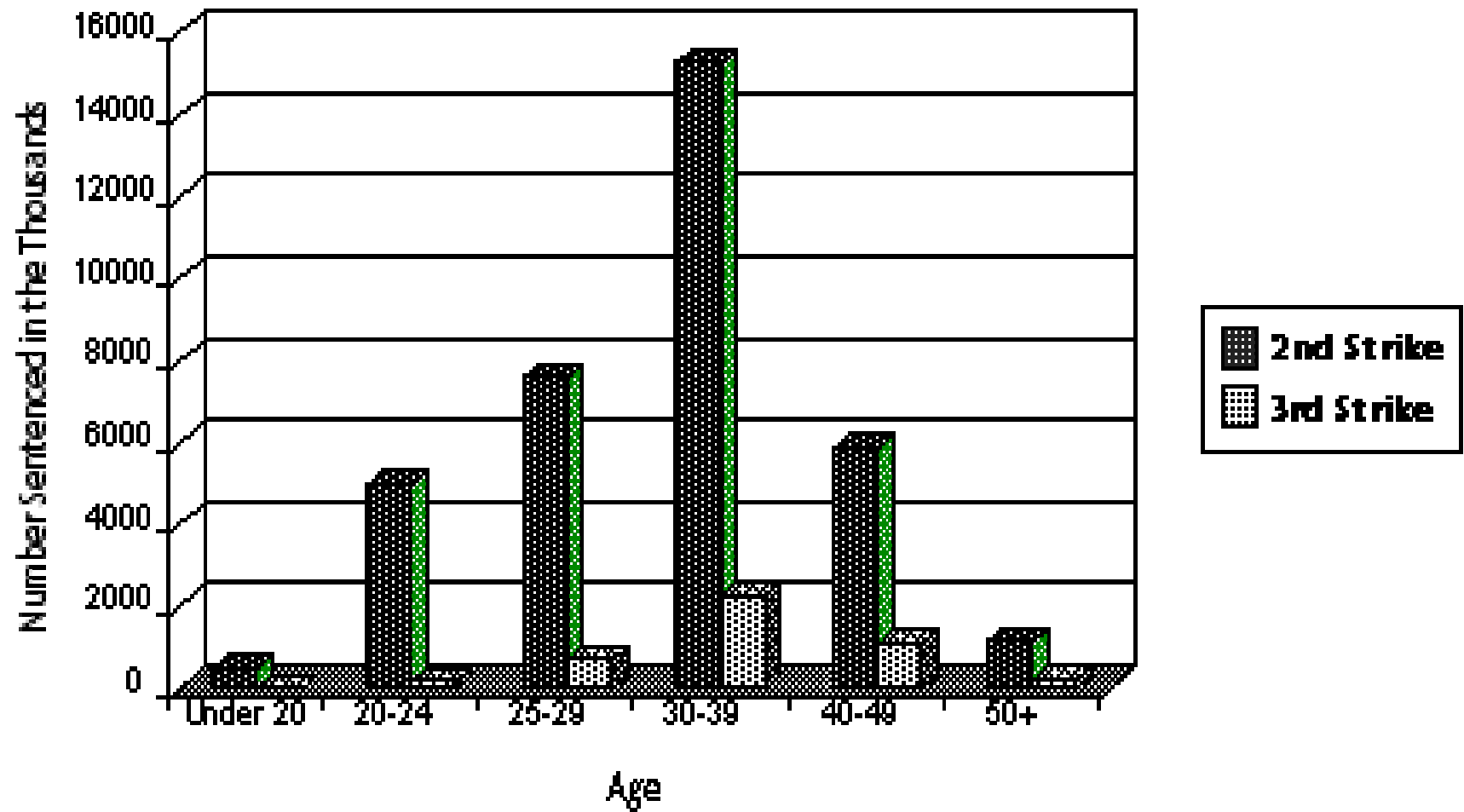


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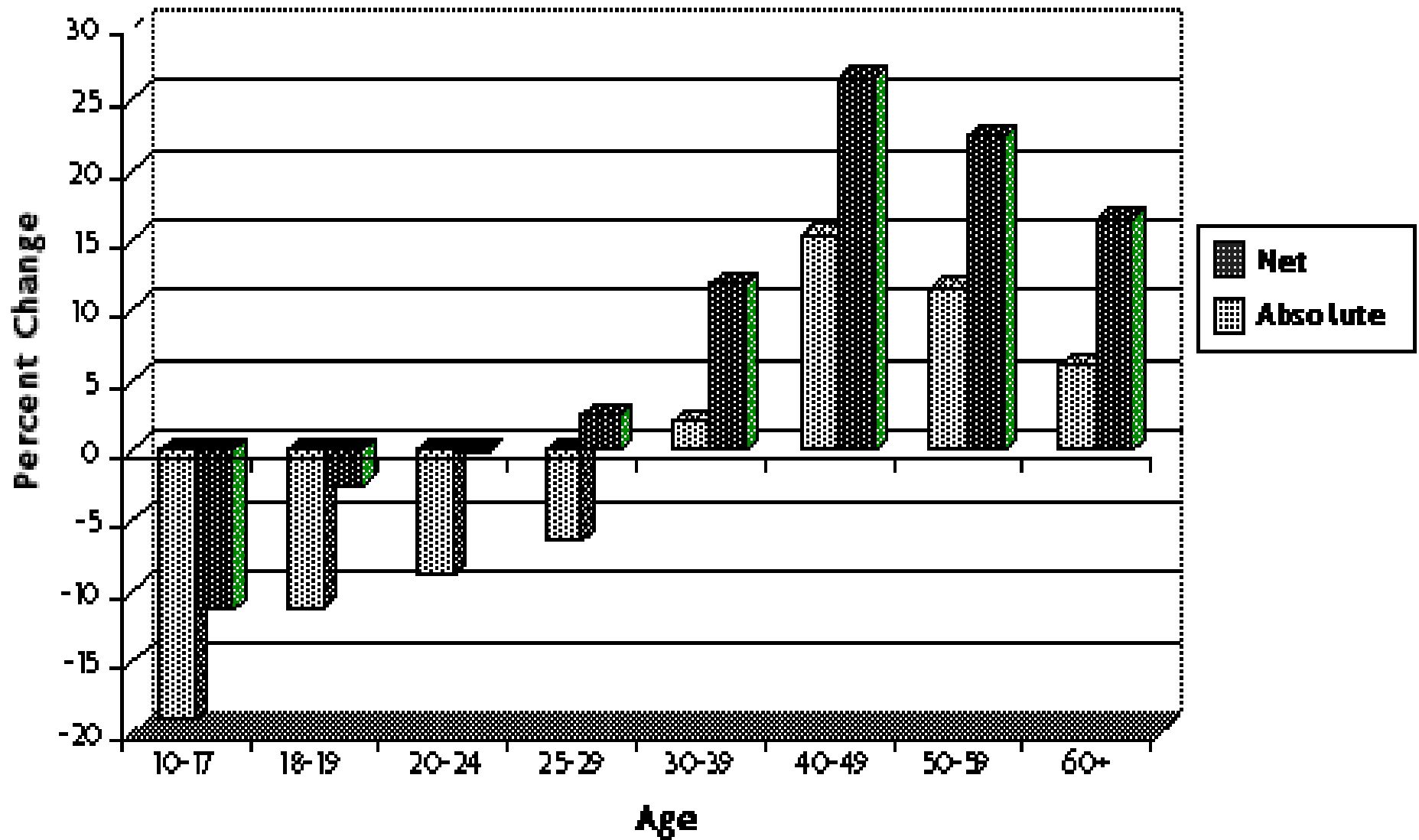
Three Strikes Laws

- A popular form of mandatory sentencing law. Goal is to mandate prison for third offence regardless of judges' preferences.
- Used in many states, but with varying degree of severity.
- Universally condemned by criminologists. "Vengeance as Public Policy."

Graph 1: Older offenders are more heavily sentenced under "Three Strikes"



Graph 2: Change in felony offense rates by age between the three years before and after implementation of "Three Strikes"



Part III: Loopholes

- Celebrity cases have made people believe insanity defense is often used. In reality less than 1% of all cases and usually not successful.
- Plea bargaining: hated by both liberals and conservatives. However, a “market” for the courtroom work group that leads to predictable outcomes (serious felony cases treated severely).

Part IV. Liberal Position

Reduce crime by treating criminals and “correcting” their behavior.

Goal is planned intervention to reduce individuals’ criminal behavior sooner than they would without state intervention.

We have departments of *corrections*, but not departments of *punishment*.

Reintegrate with Furloughs

- Furlough: classic rehabilitation program with goal to reintegrate prisoner into community.
- Few “fail” on furloughs.
Florida: 31/96,745
Illinois: all/13,785
Conn. 29/3,398



Bush and Dukakis
dramatized the Willie Horton
case in the 1988 presidential
election

The “Nothing Works” Controversy

- Review of rehabilitation programs found discouraging by different researchers.
- Findings suggest that there needs to be a good match between offenders and treatment programs.
- **BUT DIFFICULT TO PREDICT.**

Are there any rehabilitation programs (correctional intervention) that are effective, and thus will help reduce crime rates?

- 1.) Diversion
- 2.) Probation
- 3.) New intermediate punishments
- 4.) Parole
- 5.) Reintegration and restorative justice

1.) Diversion

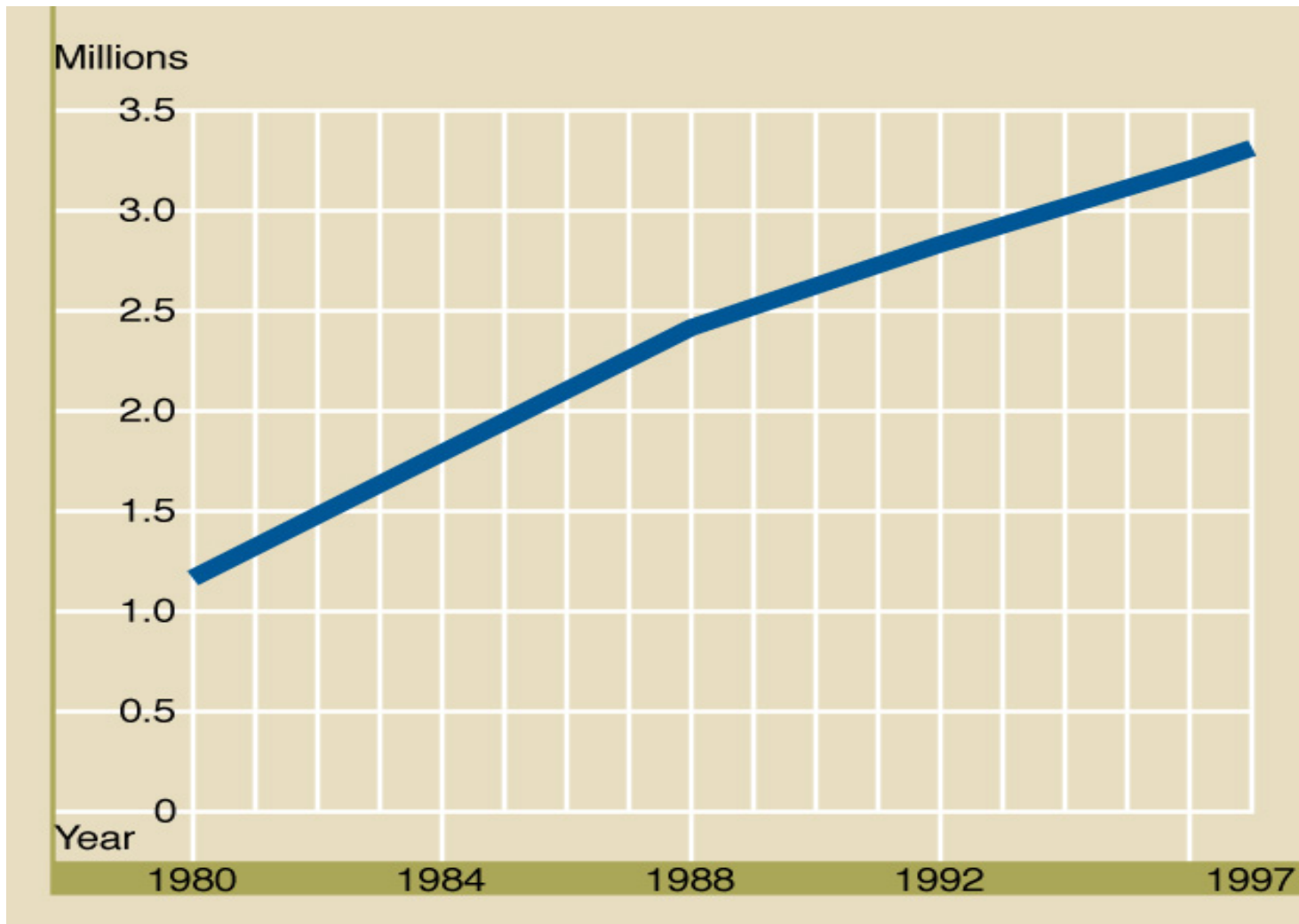
- 1.) Avoid labeling offenders committing less serious crimes and protect juveniles.
- 2.) Provide social services (drug/employment counseling).
- 3.) Reduce costs of imprisonment.

Consequences: a.) Net-widening (more people brought under some form of social control), b.) treatment is unspecific and often ineffective.

2.) Probation

- Most widely used rehabilitation program.
- By end of 1994, 2.9 million adults on probation.
- About 25% of convicted felons get “straight probation”.
- Goal: Keep person out of prison, but monitor them and give them treatment such as drug/alcohol counseling and job help.

Probation Populations in the United States, 1980-1997



Percentage of Serious Felons Receiving Probation-Only Sentences

Murder	Rape	Robbery	Assault	Burglary	Larceny	Fraud	Drug Possession	Drug Dealing	Weapons
3%	12%	12%	25%	25%	34%	40%	34%	29%	31%

SOURCE: Patrick Langan and Jodi Brown, *Felony Sentences in State Courts, 1994* (Washington, D.C: Bureau of Justice Statistics, 1997).

Is Probation Effective?

Failure rates vary from 12 to 65%.

Estimated that 8% of crime committed by probationers

Probation effective if offender is socially “embedded” in positive networks ?

3.) New Intermediate Punishments

- A number of programs often used together in an attempt to improve effectiveness of probation.
- Generally more intensive supervision and treatment.
- Evaluations suggest ineffective and not truly rehabilitative.

Intensive Probation Supervision

- Rely on great degree of client contact by probation officer (smaller case loads).
- Many systems use very specific conditions, e.g. mandatory curfew, employment, drug testing, community service, etc..
- Effectiveness varies

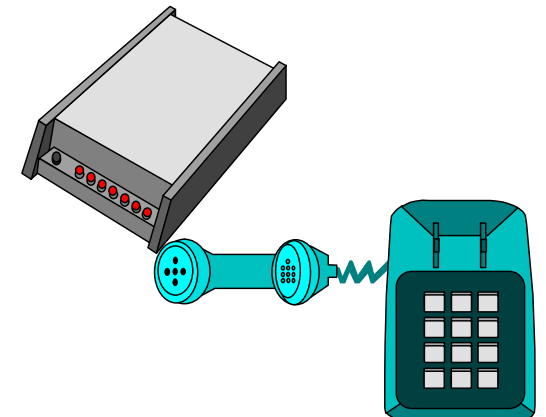
House Arrest

- Offender required to spend extended periods of time in one's own home as an alternative to incarceration
- Little standardization throughout U.S. in how house arrest is administered



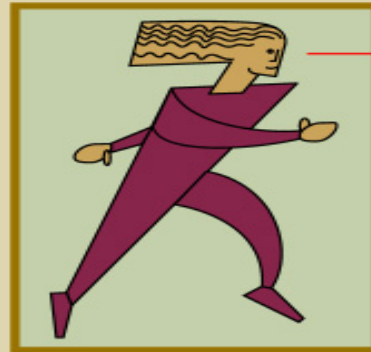
Electronic Monitoring

- Often used to ensure compliance with house arrest
- Similar recidivism to traditional systems
- Prison overcrowding is reduced
- Issues of privacy and liberty



Boot Camps:

- Military style
- Mixed success
- Aggressive and counterproductive ?



Rita finishes 50 sit-ups and springs to her feet. At 6 A.M. her platoon begins a 5-mile run, the last portion of this morning's physical training. After 5 months in New York's Lakeview Shock Incarceration Correctional Facility, the morning workout is easy. Rita even enjoys it, taking pride in her physical conditioning.

When Rita graduates and returns to New York City, she will face 6 months of intensive supervision before moving to regular parole. More than two-fifths of Rita's platoon did not make it this far; some withdrew voluntarily, and the rest were removed for misconduct or failure to participate satisfactorily. By completing shock incarceration, she will enter parole 11 months before her minimum release date.

The requirements for completing shock incarceration are the same for male and female inmates. The women live in a separate housing area of Lakeview. Otherwise, men and women participate in the same education, physical training, drill and ceremony, drug education, and counseling programs. Men and women are assigned to separate work details and attend network group meetings held in inmates' living units.

DAILY SCHEDULE

A.M.	
5:30	Wake up and standing count
5:45–6:30	Calisthenics and drill
6:30–7:00	Run
7:00–8:00	Mandatory breakfast/cleanup
8:15	Standing count and company formation
8:30–11:55	Work/school schedules
P.M.	
12:00–12:30	Mandatory lunch and standing count
12:30–3:30	Afternoon work/school schedule
3:30–4:00	Shower
4:00–4:45	Network community meeting
4:45–5:45	Mandatory dinner, prepare for evening
6:00–9:00	School, group counseling, drug counseling, prerelease counseling, decision-making classes
8:00	Count while in programs
9:15–9:30	Squad bay, prepare for bed
9:30	Standing count, lights out

4.) Parole

- Second most prevalent rehabilitation program
- Most prisoners released early on some form of supervision.
- Goal: reintegrate offender into community

Do prisoners who are released on parole have lower recidivism rates than those serving longer sentences?

- Data are not encouraging: Half of all offenders “fail.”
- Because parolees do no worse than those who stay in prison, a good idea to release offenders early?
- Once again, difficult to predict prisoners most likely to respond well to parole.

Restorative Justice

- Victim/offender mediation and restoration.
- Limited usefulness for serious crimes
- Strong informal social controls required (e.g., community enforcement of rules).

Educate vs. Rehabilitate!

