

# FOUNDATIONS OF CRIMINAL JUSTICE

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# 1

## CRIME AND CRIMINAL JUSTICE

### LEARNING OBJECTIVES

- Identify the historical development of the American criminal justice system.
- Identify the components and processes within the criminal justice system.
- Explain the importance of discretion and ethics in the criminal justice system.
- Compare and contrast the different models of criminal justice.
- Assess how media can impact the criminal justice system and perceptions of crime across society.

On April 9, 1989, Jo Ann Parks put her three young children to bed in their new home, a converted garage apartment in Bell, California, that they had moved into earlier that week. Shortly after midnight, she ran to a neighbor's home, pleading for help. Her home was engulfed in flames and her three children died. Within a few days, Parks and her husband went from being victims, to suspects in the arson and murder of their children. But only Jo Ann was arrested, accused of arson and first-degree murder.

At trial, the prosecutor argued that Parks had deliberately set the fire. They also asserted that she drugged her children and placed a clothing hamper in front of the bedroom closet to act as a barricade. Witnesses during the trial painted Parks as someone who did not try to save her children or show enough emotion about their deaths. Meanwhile, arson officials testified that the fires were the result of human action. Her attorney told her that she didn't need to testify in her own defense, a decision that Parks ultimately regretted. The jury convicted Jo Ann of arson and three counts of first-degree murder. While prosecutors had pursued the case as one eligible for the death penalty, jurors sentenced her to life in prison without the possibility of parole.<sup>1</sup>

In 2001, the California Innocence Project received a letter from Bob Lowe, a 25-year veteran of the Los Angeles Fire Department, suggesting that the cause of the fire may have been based on flawed and outdated fire science. In 2011, an arson review panel concluded that the fire was most likely an accident and was not intentionally set. In 2015, the California Innocence Project took on Parks's case as a potential wrongful conviction and filed a legal challenge based on recent changes to California state law that allowed individuals to challenge expert witness testimony. Her attorneys argued that the methods used to label the house fires as arson have since been found to be unreliable and that new methods of arson investigation would not have come to the same conclusion. While her appeal was denied by the court, Jo Ann Parks was granted clemency by Governor Gavin Newsom in 2020. She was released on parole in 2021, 29 years after her conviction. She continues to maintain her innocence.<sup>2</sup>

This text is designed to provide an overview of our criminal justice system. In each chapter, you will learn about different features and functions of this system. You'll also learn about different high-profile cases and how the criminal justice system has responded to these crimes, and examples of how criminal justice issues are handled in a global context will be provided. As a student of criminal justice, you'll also learn about some of the different careers that you might pursue within this field. Finally, you'll explore some of the cutting-edge issues and debates that face the criminal justice system today.

In this chapter, you will learn about the criminal justice system and the different models that help describe its functions. You'll also learn about the role of the media and how information about **crime** is shared with the public. The chapter concludes with two explorations of current controversies that debate the pros and cons of key issues in criminal justice. The first, by Kareem L. Jordan, questions whether justice is served by our criminal justice system. The second, by Michael Caudy and Benjamin Cohn, asks should drugs be decriminalized in the United States.

### BRIEF HISTORY OF THE AMERICAN CRIMINAL JUSTICE SYSTEM

Throughout this text, you will learn about the basic features of our criminal justice system, the origins of these features, and how past practices evolved into our current system. Politics played a significant role in the development of our criminal justice system as well as in justice itself during early colonial

America. Justice during this period was broadly shaped by the traditions of the English common law system. There were few legal professionals among the early settlers, which gave government leaders wide latitude in shaping the system. This meant that religion and, in particular, puritanical values were strong influences on the development of our criminal codes. The fact that religion had such an influence on our system is rather ironic, given that many settlers came to America to escape the religious persecution under English law.

During these early colonial times, there was no unified criminal code. As such, the definition of crime and the types of punishments that were used varied from colony to colony. For example, the law in Massachusetts was dominated by puritanical values, and the influence of religion was significant. Judges were highly ranked political and religious leaders in the community, and criminals were seen as individuals who had sinned. Indeed, there was very little distinction between criminal acts and sins. Trials were a form of religious ceremony, “an occasion for repentance and reintegration: a ritual for reclaiming lost sheep and restoring them to the flock.”<sup>3</sup> While the death penalty was a legally recognized punishment for offenses such as witchcraft, adultery, assault in anger, and poisoning (as well as premeditated murder and manslaughter),<sup>4</sup> its use varied between the colonies. Massachusetts law required testimony by two or three witnesses in order to sentence someone to death. Without these witnesses, the individual would receive a lesser punishment. In Virginia, punishments and executions were carried out in public as a way both to warn would-be offenders and to reinforce the legitimacy of the criminal justice process and religious rule.<sup>5</sup> In contrast, Pennsylvania was heavily influenced by the Quakers. William Penn was the first Quaker reformer, and he abolished the death penalty for all crimes except murder. He also believed that prisons should be used to incapacitate and reform individuals, not simply to punish them. His work became a primary influence in the development of the first American prisons.

Following the Revolutionary War, the colonists continued to develop a new system of justice. The Founding Fathers had a strong belief in protecting the rights of those accused of a crime. We see this influence throughout the Bill of Rights and its emphasis on due process. They were also concerned about creating a system that was transparent and regulated, which can be seen through the codification of our criminal laws. Finally, the Founding Fathers valued a legal system that balanced the needs of Federalism with states’ rights. As you can see, the core features of the new government system were closely linked to the development of the criminal justice system. Over time, these structures and practices evolved into the system we have today. And, as you will learn throughout this text, these practices continue to evolve throughout the twenty-first century.

## THE COMPONENTS AND PROCESSES OF THE CRIMINAL JUSTICE SYSTEM

There are three major components of the criminal justice system: police, courts, and corrections. Each of these systems functions both in relationship to the others and as a separate entity. In terms of the criminal justice system, the **police** are tasked with investigating crime and apprehending individuals who commit criminal acts. The **courts** are responsible for determining whether an individual should be charged with a crime, and managing the process to determine whether they should be held criminally responsible. The courts are also responsible for handing down a punishment in cases where the court determines that the defendant is guilty of a crime. It is then up to the **corrections** system to carry out the punishment as ordered by the court. Throughout this text, you’ll be exposed to all of these groups and learn about their key functions and processes.

With so many different players, how do these components work together to form our criminal justice system? While the police, courts, and our correctional systems all have different roles and responsibilities, each group makes decisions that ultimately impact the other groups. Figure 1.1 highlights how a case moves through the different stages of the criminal justice system.

### Policing

Police officers are generally the first point of contact in the system, and they learn about crime in a variety of ways. They might be called to the scene of a crime to take a statement from a victim or witness

or to preserve and collect evidence in a case. If an suspect is identified, the police may arrest the individual. In cases in which the perpetrator is unknown, the police investigate the crime in an attempt to identify a suspect.

### The Courts

Once this information is collected and processed, it is forwarded on to the courts. Here, a district attorney (also called a prosecutor) will review the information and determine what charges, if any, will be filed against the accused, also known as the **defendant**. In order to proceed with a case, the prosecutor must prove that they have probable cause that the accused committed the crime. If someone has been arrested and is currently in custody, courts will begin the proceedings on whether the defendant is eligible for release or must stay in custody. The accused will also plead guilty or not guilty at an arraignment. If they enter a guilty plea, the judge will issue a sentence. If the defendant pleads not guilty, then the case will proceed. The prosecutor may choose to take the case to trial or may decide to offer a plea bargain, which generally allows the accused to enter a guilty plea for a lesser charge and reduced sentence. While it is the responsibility of the district attorney to carry out the legal proceedings of the case, it is the job of the defense counsel to ensure that the rights of the accused are upheld and to defend the client throughout the criminal justice process.

The judge is an impartial moderator of the court process. The judge resolves disputes between the prosecution and the defense. In some cases, the judge may also be responsible for making a decision on whether the defendant is guilty or not guilty. In other cases, a jury determines the outcome. A jury is made up of a group of citizens who are charged with reviewing the evidence presented in court and then making a decision about the defendant's guilt. In certain cases (like capital punishment cases), a jury is also responsible for determining the sentence. However, in the majority of criminal cases, it is up to the judge to make this decision during a sentencing hearing.

### Corrections

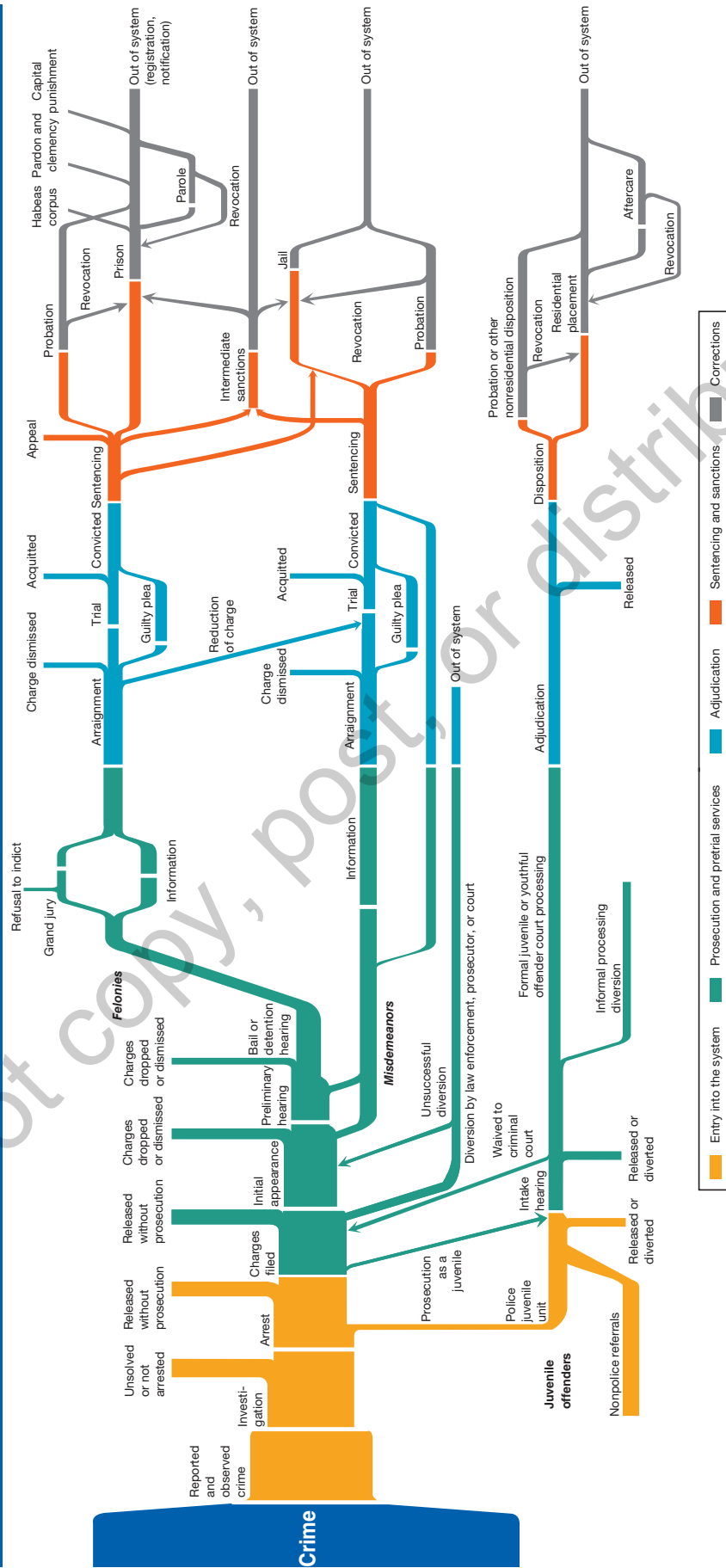
If an individual is sentenced to a period of incarceration, they will serve that sentence in either a jail or prison. In other cases, they may be sentenced to community-based supervision, such as probation. This allows them to remain in the community rather than being sent to a facility.<sup>6</sup>

### The Wedding Cake Model of Justice

While Figure 1.1 demonstrates how a case can move through the criminal justice system, not all cases are handled in the same way. Some cases may be handled more informally because they are minor offenses. In other instances, some individuals may receive preferential treatment as a result of their status in society. The **wedding cake model** (Figure 1.2) helps us understand how cases can be treated differently by the criminal justice process. Consider that a wedding cake is generally made up of several different tiers, with the largest tier appearing at the bottom of the cake and tiers decreasing in size as one moves up to the top layer of the cake, which is the smallest.

If we apply this analogy to the criminal justice system, the bottom layer of the cake represents the largest number of cases that are handled by the criminal justice system. **Misdemeanors** are the least serious types of crimes that are typically handled by the criminal justice system. However, these types of cases also make up the majority of those in the system. Given the nature of these offenses, the majority of these cases are not resolved by a trial, and the defendants in these cases are offered plea bargains with reduced sentences or other lower-level punishments. Generally speaking, the maximum punishment for a misdemeanor crime is less than one year in jail. In comparison, punishment for a **felony** crime can range from more than one year in prison to life without the possibility of parole or, in some cases, the death penalty. The severity of the punishment is linked to the severity of the crime.

FIGURE 1.1 The Criminal Justice Process



Source: Bureau of Justice Statistics, "Criminal Justice System Flow Chart," August 2, 2018, <http://www.bjs.gov/content/largechart.cfm>.

FIGURE 1.2 ■ The Wedding Cake Model of Justice



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Actor Ezra Miller was arrested in March 2022 for disorderly conduct and harassment. As a celebrity, which layer in the wedding cake model would this case represent? If this was a case between two ordinary citizens, how would this case be viewed differently? Should cases involving celebrities be viewed differently by the criminal justice system? Why or why not?

Hawai'i Police Department via Getty Images

The second tier is smaller and composed of lower-level felony cases. These cases are typically nonviolent in nature. Like misdemeanors, many of these cases are handled with plea agreements and generally do not involve significant incarceration sentences. The next tier is filled with upper-level felony cases, which tend to be violent in nature and involve individuals with significant criminal histories. Unlike the cases in the lower levels, these cases are more likely to proceed to a trial if the accused pleads not guilty. If the defendant is found guilty, they will likely face time in prison.

Finally, the top layer of the cake represents the high-profile cases. These cases tend to be covered by the media and often involve the potential for significant penalties, such as life in prison or the death penalty. However, other cases that are also found in this category involve well-known cases, such as celebrities. For example, actor and comedian Tiffany Haddish was arrested for a DUI charge in Georgia in January 2022. While the police arrest individuals every day for driving under the influence, Haddish's celebrity identity brought additional attention and scrutiny to her actions.<sup>7</sup> Another example of a high-profile case was that of Trevor Bauer, a pitcher with the Los Angeles Dodgers. Bauer was accused of sexual assault by three separate women, all of whom alleged that he physically abused them during sex. The district attorney ultimately decided not to file charges against Bauer, but he was suspended for 324 games, the equivalent of a two-year suspension. While he was reinstated early following an appeal, his 144-game suspension stands as the longest punishment handed down by Major League Baseball.<sup>8</sup>

## DISCRETION AND ETHICS IN THE CRIMINAL JUSTICE SYSTEM

The decision-making power of criminal justice agents is called **discretion**. Discretion refers to the freedom to make decisions. It is perhaps the most powerful tool of the criminal justice system. Laws and policies can help guide the discretion of individuals in the criminal justice system, such as the police, prosecutors, and the courts.

Related to this issue is the question of **ethics**. Ethics in criminal justice refers to the understanding of what constitutes good or bad behavior. As agents of criminal justice exercise their discretion,



they may face ethical challenges about which course of action is the most appropriate. Ethics can help guide the decision-making process. In some cases, ethical violations occur. Throughout this text, you'll learn about how the police, courts, and correctional systems are faced with ethical challenges.

Another example of the use of discretion by our criminal justice system can be observed by investigating how different groups are treated by the system. For example, there is a large body of research highlighting the mistreatment of individuals at every stage of the criminal justice system based on their race or gender. In other cases, you'll note that certain groups receive preferential treatment. In some cases, we blame increases in crime on certain groups of individuals, such as immigrants or the mentally ill. Yet many of these populations require increased attention by the criminal justice system as a result of their unique needs for services and rehabilitation. You'll be exposed to some of these findings throughout this text as well as within some of the debates on current controversies.

## CAREERS IN CRIMINAL JUSTICE

### SO YOU WANT TO WORK IN CRIMINAL JUSTICE?

There are many different opportunities to work in the criminal justice system. Throughout this text, you'll learn about the different types of jobs that are available throughout the police, courts, and correctional agencies. In addition, there are also opportunities for employment with organizations and agencies that are affiliated with or linked to the criminal justice system, such as offender treatment programs and facilities, social services, and victim assistance programs.

As you think about the type of career that you might be interested in, consider what issues or topics you are most drawn to in criminal justice. What are the requirements to work in these fields? Do you need a bachelor's degree or a graduate degree? Is there specialized training that is involved? Will being fluent in multiple languages help you in your career? You will also want to consider how your personality fits with your career choice. Are you someone who likes to work as part of a team, or do you prefer work that is more independent? Your answers to these questions will help you determine what your future career might look like.

Many jobs within criminal justice agencies are government related. This means that postings for these positions can be quite competitive and involve several steps as part of the application process. Jobs are typically advertised online with each agency. For example, if you are interested in working for a local police agency, you would want to seek out information about the hiring department for that specific city or county. Meanwhile, jobs with the federal government (such as the Department of Homeland Security) are often posted on the USA Jobs website for all federal agencies. If you are thinking about a job in the federal government, make sure you consider different types of agencies since many agencies employ similar types of positions. For example, maybe you're set on being a special agent for the Federal Bureau of Investigation (FBI). These jobs are often very competitive, and only a few people are selected from a large pool of applicants. But there are several opportunities for these types of positions within other federal agencies, such as the U.S. Fish and Wildlife Service or the Office of Criminal Investigations for the U.S. Food and Drug Administration.

Some criminal justice occupations require a number of different security screenings as part of the application process. Many jobs require that applicants undergo a background investigation, and applicants may also be required to complete a polygraph examination. Finally, applicants are often required to complete a physical fitness test and submit to a drug test.

In order to get a sense of the types of career opportunities that are available, you may want to consider an internship with a criminal justice agency. Internships are a great way to get applied experience with an agency in the criminal justice field. Depending on the requirements of your educational program, an internship may be part of the curriculum, or you may be able to receive academic credit for your work with an agency. You should talk with a faculty member or adviser from your program to determine whether this is an option for you. Depending on the placement, internships may involve paid or unpaid work. Alternatively, you might consider volunteering with an agency. Unlike an internship, which usually requires that a specific number of hours be completed over a specific period of time, volunteer opportunities can vary dramatically. While volunteer work may involve basic tasks (whereas internships can involve more professional tasks), volunteers serve an important role for organizations, and such opportunities can also provide a window into the different types of careers that are available within the organization.

## MODELS OF CRIMINAL JUSTICE

Within our criminal justice system, there are two competing ideologies: the crime control model and the due process model (Table 1.1).<sup>9</sup>

### The Crime Control Model

The **crime control model** believes that the most important function of the criminal justice system is to suppress and control criminal behavior as a function of public order in society. This philosophy is often aligned with a more conservative perspective. The crime control model focuses on a criminal justice system that processes people who commit crimes in an efficient, consistent manner. Justice under the crime control model resembles an assembly line. Under this model, the plea bargain is an essential tool as it allows the wheels of justice to continue to move. Trials are viewed as taking up excessive time in the system and can slow down the efficiency of the “factory.” Here, the focus is on swift and severe punishments for those who are convicted of a crime.<sup>10</sup> For example, supporters of a crime control model would argue that the swift punishment of rioters, regardless of ideological reason, should be immediate following civil unrest. One example of this might be the riots that erupted after the death of George Floyd by police within the Minneapolis–St. Paul, Minnesota, area in 2020. Businesses were vandalized and some buildings were destroyed, dumpsters and vehicles were set on fire, and there were numerous violent clashes between demonstrators and law enforcement over several days. In the aftermath of the details of Floyd’s excruciating death, tens of thousands of Americans, and countless others across the globe, took the streets for peaceful and sometimes tense demonstrations against police brutality with calls for social justice.



Compare and contrast the events from the social unrest during the George Floyd protests with the events of the January 6th, 2021, insurrection at the Capitol in Washington, D.C. How would these events be viewed under a crime control and due process models of justice? Should protestors at one or both be prosecuted for destruction of property, violence against others, or trespassing? Why?

AP Photo/Jose Luis Magana

### The Due Process Model

In contrast, the **due process model** believes that the protection of individual rights and freedoms is of utmost importance. The due process model embodies more of a liberal perspective compared with the crime control model. One could argue under the due process model that it is better for the guilty to go free than to risk incarcerating or executing the innocent. In contrast to his identification of the crime control model as an assembly line, Packer suggested that the due process model resembles an obstacle course, consisting of a variety of legal challenges that must be satisfied throughout the criminal justice process in order to hold someone accountable for a criminal action (and therefore punish

that person for said action). The due process model emphasizes the formalized legal practices of the criminal justice process and requires that each stage of the criminal justice system represent a fair and equitable treatment of all cases and all individuals. Drawing from the George Floyd civil unrest example used earlier, supporters of the due process model would argue that individuals who were arrested during peaceful protests were denied their due process rights and therefore detained illegally under the Constitution and their First Amendment rights to free speech and assembly. Under the due process model, it is not acceptable to engage in such practices just to suppress the risk for potential harm. While liberals would argue that the crime control model infringes on the rights of individuals, conservatives fear that the due process model ignores crime victims and gives criminals too much leeway to escape “justice.”

**TABLE 1.1** ■ Crime Control Model Versus Due Process

Model	Main Goal	Values	Punishment	Example	Concerns With This Model
Crime Control	Suppress and control criminal behavior as a function of public order in society	A criminal justice system that processes criminals in an efficient and consistent manner	Should be swift and severe; it is important that individuals are punished for their crimes	Criminal justice as an assembly line	Infringes on the rights of individuals
Due Process	Protects the rights and freedoms of individuals	A criminal justice system that represents a fair and equitable treatment of all cases and all individuals during each stage of the process	Should be fair and just; it is better for the guilty to go free than to risk incarcerating the innocent	Criminal justice as an obstacle course	Ignores crime victims and gives criminals too much leeway to escape justice



Under the crime control model, criminal justice is seen as an assembly line where efficiency and productivity are valued. The due process model views criminal justice as an obstacle course made up of legal challenges to protect individual rights. Which approach makes more sense to you?

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## THE INFLUENCE OF THE MEDIA ON THE CRIMINAL JUSTICE SYSTEM AND PERCEPTIONS OF CRIME

The majority of Americans have limited direct experience with the criminal justice system. As a result, what most people know about crime comes not from personal interactions but perhaps from the experiences of others known to them (peers and family members) or within the general community.

The mass media also has significant power in shaping individuals' perceptions of crime and justice.<sup>11</sup> The scope of the media is extensive since it includes “mechanisms for public presentations of entertainment, propaganda, and nonfiction information.”<sup>12</sup> More important than the levels of media consumption is how the information is interpreted.<sup>13</sup> For the majority of Americans, the images generated by the media regarding crime and criminal justice are often internalized as “facts” about the world we live in.<sup>14</sup>

“The public’s perception of victims, criminals, deviants, and law enforcement officials is largely determined by their portrayal in the mass media.”<sup>15</sup> However, the content and prevalence of stories relating to crime presents a distorted view of the realities of the criminal justice system. The popular expression “If it bleeds, it leads” represents the prevalent position of crime stories for media outlets. While stories about violent crime make up almost one third of all news time, that does not reflect the reality of crime in society.<sup>16</sup> These exaggerations have a direct relationship to public understanding of crime. Adding to this equation are findings that individuals tend to retain the content of these stories, affirming any negative notions regarding crime, criminals, and criminal justice.<sup>17</sup>

### The CSI Effect

In addition to the portrayal of crime in the news, stories of crime, criminals, and criminal justice have been a major staple of television entertainment programming. These images, too, present a distorted view of the reality of crime as they generally present crimes as graphic, random, and violent incidents. Entertainment television about crime has covered a variety of topics, including policing, courtroom portrayals, forensic investigations, and corrections. For example, the different installments of the Law & Order series cover all aspects of the criminal justice system, from the accused to police and investigators to the court process and its actors. These crime dramas have such an impact on individuals that criminologists have begun to study what is known as the CSI effect, which references the popular crime drama CSI: Crime Scene Investigation. In this program, crimes are solved in a single episode using sophisticated techniques of crime analysis that aren't readily available or utilized in a typical criminal case. The CSI effect can have a significant impact on real issues of criminal justice. For example, juries may believe that DNA evidence is readily available and required in every case in order to secure a conviction.

## AROUND THE WORLD

### CRIME, LAW, AND JUSTICE FROM A GLOBAL PERSPECTIVE

The issues of crime, law, and justice vary dramatically around the world. While many other countries have similar functions, practices, and policies compared with the American criminal justice system, there are many countries whose perceptions of crime and punishment are very different. For example, in countries such as Pakistan and Turkey, honor killings have been carried out in cases of adultery—or even perceived infidelity. Harsh punishment can even be handed down for acts that many Western cultures would consider to be normal, everyday occurrences, such as requesting a love song on the radio or strolling through the park. However, not only are such acts rarely reported, even when they are brought to the attention of legal authorities; the perpetrators are rarely identified, and, as a result, such crimes often go unpunished.<sup>3</sup> Other crimes are often punished more severely than they would be in the American legal system. In March 2016, Otto Frederick Warmbier, a student from the University of Virginia, was sentenced to 15 years of hard labor in North Korea after he was arrested for committing a hostile act against the state. His

crime? Warmbier confessed to tearing down a poster of a political slogan at the hotel where he was staying as part of a student tour group.<sup>b</sup> Warmbier spent 17 months in North Korea before he was released. However, his return home was anything but a joyous occasion as he was on his deathbed when he arrived and had suffered from a number of abuses. He died within a week of returning to the United States.<sup>c</sup>

Throughout this text, you'll learn about various examples of crime, law, and justice from countries around the world. As you read about these examples, consider how they relate to the American criminal justice system. Are there features that you can identify as similar to the practices that we use here? How are things different? Are there ways in which these systems could benefit from our experiences here in the United States? Or are there features in other countries that we should consider adopting as part of our system?

### Critical Thinking Questions

1. How are issues of culture reflected in the development of crime, law, and justice in a global society?
2. Research a case in which an American was punished for a crime in a foreign country. How was this person treated in the foreign legal system? Would they be treated in a similar fashion if the crime had happened in the United States?

<sup>a</sup> Arin., C. (2001). Femicide in the name of honor in Turkey. *Violence Against Women* 7 (7), 821–825.

<sup>b</sup> Ripley, W. (2016, February 29). *First on CNN: U.S. student detained in North Korea confesses to "hostile act."* CNN. <http://www.cnn.com/2016/02/28/asia/northkorea-otto-warmbier>

<sup>c</sup> Kurtz, J. (2017, September 17). *He was on his deathbed when he came home to us—Otto Warmbier's father.* CNN. <https://www.cnn.com/2017/09/26/politics/fred-cindy-warmbierparents-otto-north-korea-brooke-baldwin-cnnnewsroom-cnntv/index.html>

### Reality TV

Crime is also present in reality TV programming. From COPS to Forensic Files, viewers are afforded the opportunity to see the criminal justice system in action. In addition, networks such as A&E, the Discovery Channel, Investigation Discovery, and the History Channel have made documentaries about crime and justice a major component of their programming. Even airing real-life criminal justice cases on networks such as Court TV (now truTV) can have an effect on the public. Often it is the atypical, high-profile and most sensational cases, such as the trials of Alex Murdaugh (convicted of killing his wife and son), disgraced police officer Amber Guyger (who mistakenly shot and killed innocent neighbor Botham Jean), or rapper Tory Lanez (who was convicted of shooting then-girlfriend and fellow rapper Megan Thee Stallion outside a Los Angeles party), that garner the greatest attention by the public. This fascination with crimes of violence has created a demand for multiple avenues of information about issues of crime and justice. Live streaming of legal proceedings on cable television and online, as well as real-time blogs and updates via social media, provide viewers with a buffet of information via an all-access pass to the courtroom action. Such attention also creates “wannabe” crime experts out of ordinary citizens. Some of these average citizens are elevated to superstardom as influencers on social media, with their words and their thoughts becoming fodder for the masses, all while lacking any formal criminal justice or legal training.

### The Media and Perception of Crime Rates

While there is documentation that the saturation of crime stories on the news impacts viewers' opinions of crime, how does crime as “entertainment” influence fears about crime and victimization? Crimes of murder and violence in general are overemphasized in television entertainment.<sup>18</sup> For example, the victimization of women is often portrayed by “movie of the week” outlets such as Lifetime TV that showcase story lines of women being sexually assaulted, stalked, or otherwise injured by a stranger. Unfortunately, these popular-culture references paint a false picture of the realities of crime since most women are not maltreated by strangers (as portrayed in these story lines) but rather are victimized by

people well known to them such as their intimate partners or family.<sup>19</sup> While the enjoyment of reality-based crime programming is related to punitive attitudes on crime, such an effect is not found for viewers of fictional crime dramas.<sup>20</sup> However, viewers of nonfiction television shows (such as *The First 48*) can experience increased fear of crime.<sup>21</sup>



Dramatic and reality-based television programming about crime and criminal justice is designed to entertain the public, not educate. Such programming can lead to an inaccurate understanding of the criminal justice system. What are some inaccuracies you can spot in your favorite crime drama?

Monty Brinton/CBS via Getty Images

### The Role of Social Media on Perceptions of Crime

Social media was first created in 1997 and has had a significant impact on the public's understanding of crime and the criminal justice system. From the early days of Friendster and MySpace, to the creation of Facebook in 2008, and the launch of Truth Social in 2021, there are multiple platforms through which people connect with others around the world. Today, 7 out of 10 adults in the United States belong to at least one social media site where they engage with family and friends, share news and information, and are entertained by videos and commentary. When we consider that only 5% of adults used social media in 2005, we can understand how these platforms have quickly dominated the social sphere<sup>22</sup>

However, the rise of social media's popularity has also brought a dark side. Social media has been linked to the creation of new crimes, such as revenge porn. It has also allowed for the growth of crimes such as cyberstalking, doxxing, and identity theft, and has been linked to victim blaming in many cases. It has also led to the creation of **fake news**, which is information that is "intentionally and verifiably false."<sup>23</sup> Bots (automated accounts that impersonate people) and foreign interference have been a frequent source of fake news, and Mark Zuckerberg as the CEO of Facebook has come under fire for prioritizing profits and expansion of the platform, over safety and security.<sup>24</sup> However, bots are not only culprit—people are often responsible for sharing false information as well.

How does the spread of fake news impact the public's understanding of crime? It is important to note that people generally don't believe that they are sharing inaccurate information. In fact, tweets containing false information were 70% more likely to be shared compared to tweets with accurate data.<sup>25</sup> But in a world of information overload, we easily become susceptible to issues such as confirmation bias. **Confirmation bias** occurs when people seek out information, or remember information, that is closely aligned with their personal beliefs. So if you believe that crime rates are increasing, and you see a story or meme on social media that argues this point, you are more likely to believe that crime rates are in fact rising, despite any official data supporting this theory. Confirmation bias can be difficult to overcome, as people can be unlikely to believe the "truth" if it conflicts with their personally held ideals. Social media's algorithms, which are the coding structure that determines what people see on any

given platform, begins to shift the type of information that it delivers. As users engage in information on a given topic, even if false or inaccurate, the platform will begin to give more of this information. This increased exposure can influence one's cognitive understanding of the issue.<sup>26</sup> The belief in stories of fake news can have very real consequences. In 2016, Edgar Maddison Welch, a 28-year-old man from Salisbury, North Carolina, walked into a pizza restaurant in Washington D.C. with an assault rifle. He was there to investigate claims that a child-trafficking ring was operating in the basement of the restaurant, a criminal enterprise that he believed was supported by Bill and Hillary Clinton. The allegations had spread throughout sites such as Reddit and 4-chan, and was also promoted by alt-right media personalities. Welch fired his weapon at a locked basement door, though luckily no one was hurt. He was charged with assault with a deadly weapon and sentenced to 4 years in prison.<sup>27</sup>

The influence of confirmation bias can also shift who we engage with on social media. What began with a group of friends and family can ultimately morph into a collection of individuals and groups with similarly held ideals. The creation of these echo chambers means that we tend to hear more of things that support our beliefs and are less likely to hear about ideas or data that may challenge our thinking. Researchers have noted that conservative voices are more prevalent than liberal voices on Twitter, a pattern that played out in the days following the death of George Floyd. Not only were stories more likely to be linked to right-leaning sources, but people were more likely to engage with these sources.<sup>28</sup>

Social media use has also contributed to fears about crime. Earlier in this chapter you learned about how the distorted views of crime in the media increases the public's fear of crime. Research notes that fears about terrorism and violent crime have been linked to one's involvement with social media.<sup>29</sup> However, this influence may vary based on who is being studied. Among college students, use of Facebook does not predict increases in fears of victimization.<sup>30</sup> Ultimately these issues of fake news and media bias not only impact our understanding of crime and criminal behavior, but can also have implications for public policy.

While the public's concern about crime may be very real, it can also be inflamed by inaccurate data on crime rates or a misunderstanding about the community supervision of people who commit crime and recidivism rates. Indeed, a fear of crime, coupled with the public's perception about rising crime rates, contributes to a lack of faith by citizens in the efficacy of the criminal justice system.<sup>31</sup> Watching television news programs also contributes to this because the increased viewing of local news is associated with punitive beliefs about punishment.<sup>32</sup> Together, these factors can influence a rise in the public dialogue about crime, which can lead to changes in criminal justice policies. Agents of criminal justice can respond to a community's fear of crime by increasing police patrols while district attorneys pursue tough-on-crime stances in their prosecution of criminal cases. Politicians respond to community concerns about violent crime by creating and implementing tough-on-crime legislation, such as habitual sentencing laws like "three strikes," and targeting perceived crimes of danger, as the so-called war on drugs attempts to do. Unfortunately, "public policy is influenced more by media misinformation and sensationalized high-profile cases than by careful or thoughtful analysis."<sup>33</sup> You will learn more about the impact of criminal justice policy in Chapter 6.

## SPOTLIGHT

### SPOTLIGHT ON UVALDE, TEXAS, AND SCHOOL SHOOTINGS

On May 24, 2022, gun shots rang out in quick succession across the hallways of Robb Elementary in the small town of Uvalde, Texas. Law enforcement responded within minutes, but it would be more than an hour before officers would breach a classroom door and kill the 18-year-old shooter. A conflicting timeline of events ensued in the aftermath of the massacre of 19 children and two teachers, with a grief-stricken community and the families of the victims demanding accountability. At first hailed as heroes by Governor Gregg Abbott, it soon came to light that officers waited over an hour to confront the shooter due to concerns over their own safety.<sup>a</sup> as they felt outmanned by the highly lethal AR-15 rifle which can pierce body armor.<sup>b</sup> Despite 911 calls from victims hiding within

closets and under desks throughout the school pleading for police to breach the classroom where the shooter was, the first officers to enter the school retreated after being fired upon, evacuated people from other parts of the building, and waited for a fortified U.S. Border Patrol SWAT team to arrive from their base over 60 miles away.<sup>c</sup> Within the first three minutes of trespassing the school grounds, the shooter had fired over 100 high powered bullets at point blank range at students and teachers, leaving a wake of catastrophic injuries and death in his wake. In the weeks following the shooting, Uvalde Police Chief Pedro Arredondo was subsequently fired for giving orders to not enter, thereby violating a central tenet of active shooter training.<sup>d</sup>

Only three days after the shooting, the National Rifle Association (NRA) held their annual conference 300 miles away from Uvalde in Houston, Texas. The NRA has strong roots in Texas with its avid pro-gun culture and some of the most relaxed gun laws in the United States. In April of 2023, parents of the Uvalde shooting waited over 13 hours to testify before Texas lawmakers and plead for gun reform.<sup>e</sup>

The issue of school shootings and gun restrictions is a highly polarizing topic. While the public is united in its outrage over the tragic loss of life, roughly 1 in 5 adults reported being threatened with a gun, or losing a family member to a firearms-related death; another 1 in 6 report witnessing a shooting.<sup>f</sup> The K–12 School Shooting Database tracks all forms of firearms-related violence on school grounds since 1970, with data showing a steady rise in both the number of incidents (115 in the year 2020 to 303 in 2022) and the numbers of victims wounded and killed (74 in 2020 to 273 in 2022). As of April 2023, there were already 85 wounded or killed victims in school-related gun violence. In 2020, firearms became the leading cause of death of children under the age of 19 in the United States, now overtaking auto accidents.<sup>g</sup>

### Critical Thinking Questions

1. What public policies or legislation should be passed to address school and mass shootings? Should we limit certain types of firearms or put more restrictive policies in place for waiting periods, background checks or mental health flags?
2. How do we balance individual gun rights under the Second Amendment with the need for safety in society from gun-related deaths and injuries?

<sup>a</sup> Stengle, J., & Bleiberg, J. (July 9, 2022). Timeline: Texas elementary school shooting, minute by minute. AP News. <https://apnews.com/article/shootings-texas-education-school-6e37217b70e4977d985a1d1b50cc29fc>

<sup>b</sup> Despart, Z. (2023, March 20). "He has a battle rifle": Police feared Uvalde gunman's AR-15. Texas Tribune. <https://www.texastribune.org/2023/03/20/ualde-shooting-police-ar-15/>

<sup>c</sup> Stengle & Bleiberg (2022).

<sup>d</sup> Kellner, D. (2022). Editorial: The Uvalde, Texas school shooting massacre. *Educational Philosophy and Theory*. Advance online publication. <https://doi.org/10.1080/00131857.2022.2094763>

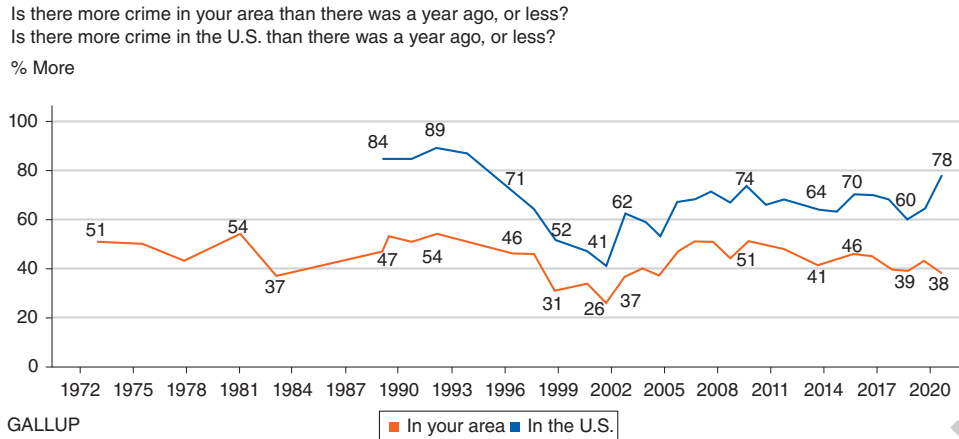
<sup>e</sup> Serrano, A. (2023, April 19). In overnight testimony, Uvalde victims' family members call on Texas lawmakers to raise age to buy semi-automatic guns. The Texas Tribune. <https://www.texastribune.org/2023/04/19/texas-house-gun-bills-2023/>

<sup>f</sup> KFF. (2023, April 11). One in five adults say they've had a family member killed by a gun, including suicide, and one in six have witnessed a shooting; Among black adults, a third have experienced each: three in four adults in households with guns say at least one gun in their home is either unlocked, loaded, or kept with ammunition. <https://www.kff.org/other/press-release/one-in-five-adults-say-theyve-had-a-family-member-killed-by-a-gun-including-suicide-and-one-in-six-have-witnessed-a-shooting-among-black-adults-a-third-have-experienced-each/>

<sup>g</sup> Jones, D. (2022, April 22). Firearms overtook auto accidents as the leading cause of death in children. NPR. <https://www.npr.org/2022/04/22/1094364930/firearms-leading-cause-of-death-in-children>

The use of the public's fear of crime as momentum for generating policies to control crime can be a dangerous incentive. Indeed, many of our criminal justice policies have been named after crime victims or high-profile events that helped inspire or influence the development and passage of such legislation. Given that much of the public's fear of crime is not generated from personal experiences, it is important to remain aware of the role of the media in generating fear (and therefore crime control policies; see Figure 1.3). "Even if information coming through the media causes fear, first amendment protections for freedom of the press have to be respected and many follow the credo that the public has a right to know regardless of the outcome."<sup>34</sup>



**FIGURE 1.3** ■ Perceptions of Crime in Local Area vs. the U.S., 1972–2020

Source: McCarthy, J. [2020, November 13]. *Perceptions of increased U.S. crime at highest since 1993*. Gallup News. <https://news.gallup.com/poll/323996/perceptions-increased-crime-highest-1993.aspx>

## CONCLUSION

The criminal justice system contains powerful tools to combat crimes, such as laws, discretion, and ethics. Each of these tools is used at different stages to move cases through the system. However, there are often competing interests that impact this process and how agents of the system respond to cases. Throughout this text, you'll learn about the functions of each stage of the system as well as the challenges that arise. As you read the Current Controversy debates at the end of this chapter, consider how the tools used by the criminal justice system both help and harm society. How do we balance the diverse needs of society with our criminal justice system? With competing interests throughout society, should we continue to criminalize certain behaviors? How do we know if justice is served?

### CURRENT CONTROVERSY 1.1

#### IS JUSTICE SERVED BY OUR CRIMINAL JUSTICE SYSTEM?

—Kareem L. Jordan

##### Introduction

There is not an easy way to define *justice*. There is some debate on whether justice means a fair process, regardless of the outcome, or a fair outcome, regardless of the process. In other words, is justice based on the means or the ends? Historically, the American criminal justice system has defined justice in terms of process, with the hope that the correct outcome will be achieved. In fact, some would suggest that the criminal justice system's process is thought to be so fair that it is better to let many of those criminally guilty go free than to punish one innocent person. Stated differently, the criminal justice process should be fair and set such a high threshold for conviction that the outcomes should be presumed "just" because the process was "just."

If we look at this issue through the lens of policing, we would argue that one of the primary responsibilities of the police is to enforce the laws established by lawmakers.<sup>35</sup> Police officers have the legal authority to deprive people of their physical freedom (e.g., temporarily detain or arrest) if appropriate circumstances exist. They also have the legal authority to use force (even deadly force) in certain situations. How do we determine whether justice is served in these cases? Is justice about whether the law is followed? What if the law itself or its application is viewed as unjust?

### PRO: Justice Is Served by Our Criminal Justice System

Police represent the first stage in serving justice. Crimes are reported to the police, who, in turn, respond to identify and apprehend a suspect. A just policing system means that the police exercise their responsibilities based on objective factors, without regard to discriminatory practices.<sup>36</sup> For example, police officers should only arrest when they have, at a minimum, probable cause for believing that a crime was committed. This ensures that the police have a minimum legal standard to meet in order to make an arrest. Such a standard ensures that all cases are handled in a similar fashion, which promotes a just and fair system.

The court plays an integral role in the criminal justice system. After an arrest takes place, the court is the venue where certain important decisions and actions occur: bail decision, the trial, and sentencing, if convicted. During the court process, the prosecutors and judges are presumed to want justice, though again, it is not always clear that every key actor in the system agrees on the definition.<sup>37</sup> Judges are actors in the court process who interpret the law in such a way to provide impartiality in outcomes. The decisions of judges are to be based on the law and legally relevant factors (e.g., offense charged, prior record of defendant, conviction offense). In order to minimize potential biases in court, judges are typically required to use written statutory guidelines to help guide in their decision making. These sentencing guidelines ensure that each case of a similar nature is decided in a similar fashion. Such a process is a key characteristic of a just system.

The American correctional system is considered the last phase of the criminal justice system.<sup>38</sup> There is debate on whether the purpose of the correctional system is to rehabilitate or punish. Most of those under correctional supervision will return to the community at some point.<sup>39</sup> In some cases, the correctional system helps prepare incarcerated persons for (re)integration into the community (i.e., rehabilitation). In other cases, the sentence is designed to punish the individual. The correctional system is unique because it must be responsive to the orders of the criminal court. If defendants are convicted in the court system and sentenced to confinement, the correctional system must confine those persons in either a local or state correctional facility. Or if convicted individuals are sentenced to community supervision, the correctional system must supervise them in the community to ensure they are adhering to the conditions set by the court. Depending on how you define the role of our correctional system, both options can be considered ways in which justice is served.

Under the crime control model, justice is served by cases moving through the system in a consistent, efficient, and fair manner. The majority of cases in our system are managed in this fashion. As a result, we can say that justice is served by our criminal justice system.

### CON: Justice Is Not Served by Our Criminal Justice System

We have examples throughout each stage of the criminal justice system wherein justice is not served. Consider how injustices occur in policing. While research generally indicates that those objective factors influence the decision to arrest and use force, empirical studies also find that extralegal factors influence these very important acts by police officers.<sup>40</sup> For instance, Blacks are more likely to be arrested, be given a speeding ticket rather than a warning,<sup>41</sup> and be victims of police use of force.<sup>42</sup> In cases of discriminatory applications of the law, would we suggest that the quest for justice has failed? We also have examples of injustices occurring within our court system. In practice, legally relevant factors are the biggest predictors of court outcomes. Most research does find that the seriousness of the offense and prior record are the factors that largely influence judicial decision making. Other factors, though, are also significant in this process. Empirical research generally indicates that race, gender, and age influence particular outcomes.<sup>43</sup> Blacks are less likely to be released on bail<sup>44</sup> and are sentenced more harshly than Whites.<sup>45</sup> Hispanics are also shown to have some harsher sanctions within the court process.<sup>46</sup> While males are generally sentenced more harshly than women (due to men committing more serious offenses), research does indicate that females are sometimes given more punitive sentences than males, especially when they commit offenses that are generally viewed as counter to the “traditional” and historical roles of females.<sup>47</sup> Stated differently, females are often treated more leniently than males in court outcomes because of the patriarchal view of females being weak and needing protection. However, when females step outside of those “traditional behaviors,” they are given harsher outcomes than males as a form of punishment for not being consistent with the established gender roles. In addition, age has been shown to influence court decisions. The impact of age on court decisions varies, though, based on the age of the individuals. Although race, gender, and age have independent effects on court decisions,

the combination of the three has been shown to produce a very substantial impact. Young Black males are often treated more harshly than most groups, which can be observed when examining court outcomes.<sup>48</sup> One rationale provided is that this group is perceived to be more dangerous and threatening.<sup>49</sup> Although crime statistics debunk the myth of the “dangerous” Black male, it still appears to enter the decision-making process within the criminal court process. In these cases, does it appear that justice is always a fair and equitable process?

As a result of these processes, the correctional population can reflect many of the problems that exist within the criminal justice system. Many jails and prisons are overcrowded, which results in more uncomfortable and tighter living conditions, decreased services and programming, and increased costs to address the needs (food, health care, etc.) of those confined.<sup>50</sup> Some have challenged whether these conditions are a violation of the Eighth Amendment protection against cruel and unusual punishment. In addition, the racial/ethnic makeup of those confined is indicative of a broken criminal justice system, given the disproportionately higher numbers of minority inmates who fill our nation’s correctional institutions.<sup>51</sup>

### Summary

The ideals of the criminal justice system allow for justice to be served. After all, the law provides for certain due process rights for every individual who is accused of a crime. But does the reality differ from the ideal? Certainly, we can say that the criminal justice system is not overrun with systematic discrimination, which would occur across all stages of the criminal justice system, in every jurisdiction, and at all times. At the same time, it is reasonable to conclude that pure justice is an elusive concept and that discrimination does occur.<sup>52</sup> So where does that leave us? Do we have the best system that is possible? Or are there opportunities for reform at a fundamental level?

### Discussion Questions

1. Do you believe that the criminal justice system is fair and just? Or are some groups more likely than others to have a negative experience?
2. What does it mean for justice to be served? How might this change depending on the perspective of the community? The criminal justice system? The victim?

## CURRENT CONTROVERSY 1.2

### SHOULD DRUGS BE DECRIMINALIZED IN THE U.S.?

—Michael Caudy and Benjamin K. Cohn—

#### Introduction

The criminalization of drugs is a complex and controversial issue with broad societal, community, and individual impacts. Illicit drug use is estimated to cost Americans more than \$193 billion per year in health care, crime, criminal justice, and lost productivity expenses.<sup>53</sup> Each year, illicit and prescription overdoses cause thousands of deaths—an estimated 106,000 in 2021.<sup>54</sup> These and other costs highlight the need for effective strategies to reduce the use and misuse of drugs. However, considerable debate surrounds the most ethical, effective, and cost-effective way to combat the harms caused by drug use.

Increasingly, both in the United States and globally, consideration for shifting from more criminal justice-based to public health approaches to drug control has gained some support. While legalization of illicit substances for recreational use has occurred in some state and local jurisdictions (e.g., Colorado, Washington, and Oregon), other jurisdictions (e.g., California, and Vermont) have pursued decriminalization strategies. Decriminalization refers to laws or informal policies that reduce or eliminate criminal penalties for sale, purchase, or possession of certain drugs, although the drugs remain illegal.<sup>55</sup> Which substances, how much, and for whom varies by jurisdiction. When drugs have been decriminalized, penalties may include civil citations and fines or, in some cases, no sanctions at all (e.g., for first-time violators). In many cases, efforts to decriminalize or legalize

drugs are coupled with strategies aimed at expanding access to treatment. While decriminalization has emerged as a public policy alternative to the punishment focused policies of the War on Drugs, questions remain about the appropriateness and effectiveness of this approach to substance use. This essay explores some of the most salient pros and cons of drug decriminalization policies in the United States.

### **PRO: Drug Use Should be Decriminalized in the U.S.**

Decriminalization allows for the recognition of drug addiction as a chronic health condition that can be addressed through appropriate research-supported treatments<sup>56</sup> while aiming to avoid further damage that is inflicted by labels such as “criminal.”<sup>57</sup> When drug use becomes less stigmatized, it allows society to place an increased emphasis on treatment services and harm reduction.<sup>58</sup> Advocates for decriminalization highlight that the threat of punishment has shown little effect on the behavior of persons who use drugs (PWUD) because the threat of withdrawal is perceived as a greater consequence than judicial punishment.<sup>59</sup> In addition to the harms experienced by PWUD, there are also broader negative impacts of prohibition on societal health due to crime and violence related to illegal drug economies that can be alleviated through decriminalization.<sup>60</sup>

Decriminalizing illicit substances may also have an impact on the criminal justice system. It can take some of the pressure off a system that is overburdened.<sup>61</sup> This is helpful in four main ways. First, reduced or eliminated penalties lead to fewer drug arrests, a lower burden on the court system, and eventually fewer people in the corrections system that is already one of the biggest in the world.<sup>62</sup> Second, decreasing the number of individuals entering the system may also help scale back some of the harms of mass incarceration (e.g., family disruption, lower lifetime earnings, housing difficulties). Third, this process can impact the way law enforcement officers operate including freeing officers and agencies to allocate their already limited time and resources to more serious offenses.<sup>63</sup> Fourth, advocates argue that decriminalization may lead to improvements in police–community relations by eliminating the use of proactive, occasionally overaggressive, enforcement tactics (e.g., raids, no-knock warrants), especially in racialized communities.<sup>64</sup>

A third primary justification for decriminalizing drugs is the potential impact on racial and ethnic disparities in the criminal legal system. Since their emergence, laws connected to the War on Drugs have differentially impacted certain marginalized and racialized communities.<sup>65</sup> Racial disparities in arrests, convictions, and sentencing can create and exacerbate long-term socioeconomic disparities.<sup>66</sup> Proponents argue that decriminalizing drugs provides an opportunity to reduce racial disparities in the criminal legal system and may serve as a foundation for broader reforms aimed at reducing the disproportionate burden experienced by racialized communities in the United States.<sup>67</sup>

### **CON: Drug Use Should Not Be Decriminalized**

Supporters of continued prohibition of drugs highlight the addictive and harmful nature of these substances that may lead directly or indirectly to health and social problems for PWUD and other members of society. Critics argue that the removal of the threat of criminal sanction and the stigma of drugs as criminal will lead to an increased prevalence of drug use (i.e., more people will use drugs who would not have otherwise). These concerns are voiced most strongly regarding adolescents and other vulnerable populations (e.g., pregnant women). In addition to the harms that may be experienced directly by PWUD (e.g., accidental overdoses, chronic disease), opponents argue that decriminalization may cause harm indirectly through increased rates of harmful behaviors committed by individuals under the influence of decriminalized substances. Increases in driving under the influence and fatal traffic accidents are two outcomes that have been considered as potentially harmful indirect consequences of decriminalization.<sup>68</sup> Additionally, there are concerns that decriminalization may lead to increased crime and victimization both among PWUD and non-users.<sup>69</sup> Finally, accidental ingestion, especially by minors, is another indirect harm that may be exacerbated if prevalence increases because of decriminalization.

Outside the direct and indirect harms cited in opposition to drug decriminalization, the perceptions of law enforcement have also been considered. In a growing body of literature, surveyed officers have expressed frustration with drug decriminalization. Some officers oppose it on ideological grounds while others cite its potential to contribute to increasing crime and social disorder. Other officers argue decriminalization policies are inadequate, unclear, and difficult to enforce.<sup>70</sup> The perceptions of law enforcement personnel are important because of their central role in the broader public safety system and their discretion as the front line implementors of these and other drug control reforms.<sup>71</sup>

A final argument against decriminalization is that it does not go far enough. One form of this argument favors outright legalization and regulation of drugs for personal use. In this view, decriminalization fails to capitalize on the potential financial benefits of legalization, still impinges on individual rights, and creates policy that is unclear and difficult to enforce. Another version of this argument is that decriminalization is insufficient for offsetting the harms caused by prohibition. In this view, decriminalization policies will not do enough to reduce the burden of drug enforcement on individuals and communities of color. This position is supported by empirical research on drug legalization that has demonstrated the persistence of racial disparities in drug arrests despite overall decreases in arrests post-legalization.<sup>72</sup>

### Conclusion

The pros and cons of drug decriminalization discussed here are potentially verifiable via empirical data. While ideology may continue to drive debate about the “best” way to respond to the harms caused by drugs, rigorous empirical research should be done to continually evaluate the effectiveness of existing drug control policies to provide a clearer picture of the most evidence-based responses to this socially polarizing and impactful issue. Special attention should be paid to the potential harms—intended and unintended—of not only substance use, but also the societal responses to this issue.

### Discussion Questions

1. Do you believe that drugs should be decriminalized in the United States? Why or why not?
2. If you were in charge of a state or local jurisdiction’s drug control policy, how would you allocate your resources? Would you favor a criminal justice or public health approach? Why?

### KEY TERMS

confirmation bias	due process model
corrections	ethics
courts	fake news
crime	felony
crime control model	misdemeanors
defendant	police
discretion	wedding cake model

### DISCUSSION QUESTIONS

1. How has history impacted the development of our modern criminal justice system in the United States?
2. What are the three main components of the criminal justice system?
3. How might discretion be used in a positive manner? A negative manner?
4. How does the wedding cake model illustrate how cases are processed by the criminal justice system?
5. What are the differences between the crime control model and the due process model?
6. How do the media influence the public’s fear of crime?
7. How do the media influence public policy related to criminal justice?

### LEARNING ACTIVITY

1. Pick a television show about criminal justice. As you watch this show, highlight areas that you think might lead the general public to make incorrect assumptions about the criminal justice system.
2. Tune in to a high-profile court case currently making headlines. What myths surrounding criminal justice are perpetuated during the trial with statements from either the prosecutor or the defense attorney? What role does the media commentators play in shifting public opinion and the “facts” of this type of sensational case?

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