

1.1: Crime and the Criminal Justice System

Theft as a Child

The first lesson in crime and criminality I remember was when I was in second grade and stole something from a local drug store. I thought that the bracelet was shiny and perfect. At first, I remember wanting to try it on, but then I did not want to take it off. I had more questions than my Nana may have been ready to answer about why I did it and why I could not keep it. I had to take the bracelet back, which hurt because I loved it. Because of guilt or shame, I told my grandma what I did.

Think about a time in your life that you may have done something similar. Was this first lesson in crime and criminality from the person you were raised by such as a parent(s) or grandparent(s)? Did they teach you that what you did was a crime and, hopefully, how to correct this wrong at a young age?

You were probably punished, and they may have consisted of helping out with more chores or losing your allowance to pay back what you stole.

Imagine all the questions you may have for your parents at the moment: Why was it wrong? What would happen to me if I did not tell you? What is a crime? Who decides what makes a crime? What happens to me if I commit a crime and get caught? What is my punishment? Why was it wrong when there were so many polishes there?

Further, I had to help out around the house for the weekend. In exchange for all this, she did not tell my dad because she knew her punishment was sufficient and to tell him may be excessive. She took a balanced approach to punishment and I think this is why it was so effective. It was not too strict, it was hard to complete, and I had to think about what I did.

Most criminologists define **crime** as the violation of the laws of a society by a person or a group of people who are subject to the laws of that society (citizens). Thus, crime as defined by the State or Federal government. Essentially, crime is what the law states and a violation of the law, stated in the statute, would make actions criminal. ^[1]

For example, if someone murdered another individual in the process of stealing their automobile most people would see this as a criminal and a straight-forward example of crime. We often see murder and robbery as wrong and harms society, as well as social order. However, there are times crime is not as straight-forward though and people may hesitate to call it criminal. The community I live in, and many others throughout the area, post signs that it is illegal to give food and other items to homeless individuals in need. If one were to violate this law and give food to a homeless person it would not involve harm to individuals, but the social order.

Adele MacLean joined others in an Atlanta park to feed the hungry the Sunday before Thanksgiving and was given a citation and a summons to appear in court. Ultimately, MacLean's case was dropped when she showed up in court, but she and her lawyers argued the citation for serving food without a permit was improper and demonstrates callousness toward the homeless. The city and some advocates say feeding people on the streets can hinder long-term solutions and raises sanitation concerns. ^[2] Approximately 40 cities across the nation have active laws to restrict food sharing, and a few dozen more had attempted such restrictions, according to the National Coalition for the Homeless. ^[3]

We will talk later about how we may create laws based on what can cause harm. Harm can be to the social order, physical, economic, social, emotional, environmental, and more. In order to ensure that people receive justice in today's society, we use the criminal justice system to administer punishment or reward, and those crimes are often punished based on morals and norms.

The **criminal justice system** is a major social institution that is tasked with controlling crime in various ways. Police are often tasked with detecting crime and detaining individuals, courts often adjudicate and hand down punishments, and the correction system implements punishments and/or rehabilitative efforts for people who have been found guilty of breaking the law.

Criminal Justice Process

When the law is broken, the criminal justice system must respond in an attempt to make society whole again. The criminal justice system is made up of various agencies at different levels of government that can work independently and together, but each attempting to deal with crime. Challenges may arise when agencies do not work together or attempt to work together inefficiently. The notorious serial killer Ted Bundy was an example of U.S. law enforcement agencies not working together because of lack of technological advancement to freely exchange information and resources about killings in their area. Bundy exploited gaps in the

traditional law enforcement, investigative processes throughout different jurisdictions, and ultimately was able to avoid arrest and detection. If various agencies at the Federal, State, and Local law enforcement level had worked together they could have potentially stopped Ted Bundy sooner. Following Ted Bundy, a Multi-agency Investigative Team manual, also known as the MAIT Taskforce, was created through the National Institute of Justice to develop information about the crime, it causes and how to control it <https://www.ncjrs.gov/pdffiles1/Digitization/110826NCJRS.pdf>. One of the values of the United States is that local agencies will control their local community, but at times this may create unexpected complications.

Working Together?

You are to create an argument for or against law enforcement agencies working together. Some countries have national police forces, whereas we do not. Be prepared to defend your position in the class.

Although agencies may operate differently, the way cases move through the criminal justice system is consistent. The first step after getting caught stealing something from a store is involvement with police when law enforcement is called. The next step in the process is to proceed through the court system to determine guilt or innocence. If you are found guilty then you will receive a sentence that will be carried out in the next step. After conviction, you move to the correctional system for formal punishment and/or treatments as determined by the courts. An individual may not go through the entire process and criminal justice officials decide whether the case should continue on to the next stage. Perhaps the officer decides not to cite you and your contact ends there. However, it may be the district attorney (DA) that decides to drop your case before it even goes to trial. Regardless, the process is typically cops, courts, and then corrections. We will explore each of these in greater detail later on.

News Box

In 2016, more people were arrested for marijuana possession than for all crimes the FBI classifies as violent. ^[4] Overall in 2016, roughly 1.5 million people were arrested for drug-related offenses, up slightly year-over-year ^[5] Marijuana enforcement and criminalization goes to the heart of some of the most pressing issues facing the criminal justice system, policymakers, citizens, and the world. Is criminalizing drug use effective, especially for marijuana? Is spending money on enforcing drug laws, prosecuting drug crimes, and punishing drug offenders effective? The United States has taken a get-tough approach towards the War on Drugs, created mandatory minimum sentences, and punished people in large numbers but is it effective?

1. Lynch, M., Stretesky, P., Long, M. (2015). *Defining crime: A critique of the concept and its implication*. Palgrave Macmillan: US. [↩](#)
2. Brumback, K. (2017). Cities, volunteers clash over feeding homeless in public. Associated Press. www.seattletimes.com/nation-world/cities-volunteers-clash-over-feeding-homeless-in-public/ [↩](#)
3. National Coalition for the Homeless. (2018). [↩](#)
4. ucr.fbi.gov/crime-in-the-u.s/2016/crime-in-the-u.s.-2016/topic-pages/tables/table-18 [↩](#)
5. Ingraham, C. (2017). More people were arrested last year over pot than for murder, rape, aggravated assault, and robbery — combined. *The Washington Post*. [↩](#)

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