

Syllabus

Course Overview

This course is an introduction to criminal justice and follows the process from the crime to the investigation, the trial process, sentencing, corrections, and parole. The course also takes a look at the different models of policing and the issues that relate to enforcing the laws in society. To help illustrate the different views of law enforcement and related hot topics, there are some stories to illustrate how law enforcement looks in two fictional communities, Happyland and Pleasantville.

Assignments

Week 1: Create 2–3 page paper about a felony crime scenario and the most likely steps that would happen if the case proceeded through the whole the criminal justice system. -

Week 3: Summarize the policy statements related to policing and racial bias from a federal document and apply the policy to a new scenario. -

Week 4: Review a court case simulation and write a 3–5 page paper about the verdict you would have selected as the judge and jury. -

Week 7: Review the sentencing options simulation and write a 3–4 page paper about sentencing an offender.

Week 9: Write a 3–4 page paper to describe how a juvenile armed robbery suspect proceeds through the juvenile justice system.

Discussions

The following discussions are part of the course. Participation in discussions will count for 25% of your final grade.

Week 1: Read two Supreme Court decision descriptions to determine which model applies: due process model (like Pleasantville) or public-order model (Like Happyland).

Week 2: Locate an article about police use of force, police vehicle pursuits, or police profiling and explain the perceived or realistic fault of the police. Describe what you would do if you were police chief to correct any wrongdoings, if you think they exist.

Week 3: Discuss when the Miranda warning is used to inform citizens of their rights.

Week 5: Research the death penalty process in your state or another state and explain the steps leading up to an execution.

Week 6: Research your state's parole/probation system from a state website. Write a synopsis of the characteristics of the system in your state and estimate its effectiveness.

Week 7: Find a police use of force or vehicle pursuit policy online. Summarize the points of the use of force or vehicle pursuit procedure and any use of force continuum that is used.

Week 8: Summarize the background of the *Howes v. Fields* court decision and how an inmate or a correctional officer might use this decision to their advantage.

Week 10: Read a scenario in which a criminal justice professional might need to use discretion and explain your rationale for your decision to follow procedure or use discretion.

Course Competencies

(Read Only)

To successfully complete this course, you will be expected to:

Course Prerequisites

There are no prerequisites for this course.

Syllabus >> Course Materials

Required

The materials listed below are required to complete the learning activities in this course.

Integrated Materials

Many of your required books are available via the VitalSource Bookshelf link in the courseroom, located in your Course Tools. Registered learners in a Resource Kit program can access these materials using the courseroom link on the Friday before the course start date. Some materials are available only in hard-copy format or by using an access code. For these materials, you will receive an email with further instructions for access. Visit the [Course Materials](#) page on Campus for more information.

Book

Schmallegger, F. (2020). *Criminal justice: A brief introduction* (13th ed.). New York, NY: Pearson. ISBN: 9780135186268.

Library

The following required readings are provided in the Capella University Library or linked directly in this course. To find specific readings by journal or book title, use [Journal and Book Locator](#). Refer to the [Journal and Book Locator library guide](#) to learn how to use this tool.

- Lai, Y.-L. (2013). *Policing diversity: Determinants of white, black, and Hispanic attitudes toward police*. El Paso, TX: LFB Scholarly Publishing.
- Nowacki, J. S. (2015). *Organizational-level police discretion: An application for police use of lethal force*. *Crime & Delinquency*, 61(5), 643–668. doi:10.1177/0011128711421857
- Regoeczi, W. C., & Kent, S. (2014). *Race, poverty, and the traffic ticket cycle: Exploring the situational context of the application of police discretion*. *Policing*, 37(1), 190–205.

- Schulenberg, J. L. (2015). Moving beyond arrest and reconceptualizing police discretion: An investigation into the factors affecting conversation, assistance, and criminal charges. *Police Quarterly*, 18(3), 244–271.
- Suttmoeller, M., & Keena, L. D. (2012). Treatment provider's perceived effectiveness of probation and parole: A case study. *International Journal of Offender Therapy and Comparative Criminology*, 56(1), 153–168. doi:10.1177/0306624X11405957

External Resource

Please note that URLs change frequently. While the URLs were current when this course was designed, some may no longer be valid. If you cannot access a specific link, contact your instructor for an alternative URL. Permissions for the following links have been either granted or deemed appropriate for educational use at the time of course publication.

- Capital Punishment in Context. (n.d.). Racial and geographical disparities in the federal death penalty. Retrieved from <https://capitalpunishmentincontext.org/issues/disparitiesfdp>
- Clayton County, Georgia. (n.d.). Arrest to sentence process. Retrieved from <https://www.claytoncountyga.gov/government/district-attorney/arrest-to-sentence-process>
- Findlaw. (n.d.). Weeks v. US. Retrieved from <https://caselaw.findlaw.com/us-supreme-court/232/383.html>
- Fox News. (2018, December 19). Historic bipartisan criminal justice reform bill backed by President Trump passes Senate. House will vote next [Video]. | Transcript Retrieved from <https://video.foxnews.com/v/5981542237001/#sp=show-clips>
- Frontline. (n.d.). Four kids, four crimes. Retrieved from <http://www.pbs.org/wgbh/pages/frontline/shows/juvenile/four/>
- Frontline. (n.d.). Juvenile vs. adult justice. Retrieved from <https://www.pbs.org/wgbh/pages/frontline/shows/juvenile/stats/juvvsadult.html>
- Johnson, J. P. (n.d.). Co-opting the police: What can be done about "profiling by proxy"? Retrieved from <https://www.policefoundation.org/co-opting-the-police-what-can-be-done-about-profiling-by-proxy/>
- Judicial Learning Center. (n.d.). The players in the courtroom. Retrieved from <http://judiciallearningcenter.org/the-players-in-the-courtroom/>
- Juvenile Law Center. (n.d.). Youth in the justice system: An overview. Retrieved from <http://www.jlc.org/news-room/media-resources/youth-justice-system-overview>
- Kaebel, D., & Bonczar, T. P. (2017). Probation and parole in the United States, 2015 [PDF]. Retrieved from <https://www.bjs.gov/content/pub/pdf/ppus15.pdf>
- Kelling, G. L. (1999). "Broken windows" and police discretion [PDF]. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/178259.pdf>
- Legal Information Institute. (n.d.). Terry v. Ohio. Retrieved from <https://www.law.cornell.edu/supremecourt/text/392/1>
- Lehrer, E. (2000). The Left's prison complex: The case against the case against jail. The Heritage Foundation. Retrieved from <http://www.heritage.org/research/commentary/2000/10/the-lefts-prison-complex-the-case-against-the-case-against-jail>
- Mass.gov. (n.d.). Massachusetts law about testimonial and non-testimonial evidence in criminal cases. Retrieved from <https://www.mass.gov/info-details/massachusetts-law-about-testimonial-and-non-testimonial-evidence-in-criminal-cases>
- MirandaWarning.org. (n.d.). What are your Miranda rights? Retrieved from <http://www.mirandawarning.org/whatareyourmirandarights.html>
- Muhlhausen. (2007, June 27). The death penalty deters crime and saves lives. Retrieved from <https://www.heritage.org/testimony/the-death-penalty-deters-crime-and-saves-lives>
- New York v. Benjamin Quarles. 467 U.S. 649 (1984).
- Oyez. (n.d.). Howes v. Fields. Retrieved from <https://www.oyez.org/cases/2011/10-680>
- Police Dynamics. (Producer). (n.d.). Dynamic of discretion – The traffic stop [Video]. Retrieved from https://www.youtube.com/watch?v=XJiaYw3Cq_Y
- PoliceOne. (2014, February 19). Do police officers have too much or too little discretion? Retrieved from <https://www.policeone.com/investigations/articles/do-police-officers-have-too-much-or-too-little-discretion-rHuSa6BSN6PVCjGI/>
- PoliceOne. (2014, January 7). Liability issues in use of force [Video]. | Transcript Retrieved from <https://www.policeone.com/dave-smith/videos/liability-issues-in-use-of-force-ntGp9v2gAU31ebSv/>
- Prison Policy Initiative. (n.d.). Overview: Trends in the crime control industry. Retrieved from <http://www.prisonpolicy.org/prisonindex/overviewprivate.html>
- Pursuit Response. (n.d.). 5 court cases that have changed police pursuits. Retrieved from <https://www.pursuitresponse.org/5-court-cases-that-have-changed-police-pursuits/>
- Rand. (2006, July 17). Rand study finds no evidence of racial bias in federal prosecutors' decisions to seek death penalty from 1995–2000. Retrieved from <https://www.rand.org/news/press/2006/07/17.html>
- State Board of Pardons and Paroles. (n.d.). Parole consideration. Retrieved from <http://pap.georgia.gov/parole-consideration>
- The Clark County Prosecuting Attorney. (n.d.). Juvenile rights in delinquency proceedings. Retrieved from <http://www.clarkprosecutor.org/html/juvenile/juvenile13.htm>
- U.S. Department of Homeland Security. (2014). Guidance for federal law enforcement agencies regarding the use of race, ethnicity, gender, national origin, religion, sexual orientation, or gender identity [PDF]. Retrieved from https://www.dhs.gov/sites/default/files/publications/use-of-race-policy_0.pdf
- United States Courts. (n.d.). Comparing federal and state courts. Retrieved from <https://www.uscourts.gov/about-federal-courts/court-role-and-structure/comparing-federal-state-courts>

Suggested

The following materials are recommended to provide you with a better understanding of the topics in this course. These materials are not required to complete the course, but they are aligned to course activities and assessments and are highly recommended for your use.

Optional

The following optional materials are offered to provide you with a better understanding of the topics in this course. These materials are not required to complete the course.

Unit 1 >> Criminal Justice Theories, Current Issues, and the Processing of a Criminal Case

Introduction

Pleasantville and Happyland

In this course we examine two fictional cities with distinctly different views on the age-old debate over due process versus public order. Due process means that individuals have a right to speak or act and they accept that the legal consequences will naturally follow. Public order means that the community expects the police to enforce to the letter of the law for protection of all members of the community. Pleasantville embraces due process and places emphasis on individual rights. Happyland on the other hand, embraces public order as a priority over individual rights.

Note: The cities depicted in this course are meant to represent two extremes to better highlight some of the issues debated and not to advocate for one particular viewpoint over another.

As you look at the criminal justice system this week, think about how laws and law enforcement professionals are always balancing between two ends of the continuum between individual rights and public order. You will also be introduced to the common steps in the criminal justice process by reading a crime scenario and following it through the process in the adult criminal justice system.

To-Do List:

- **Discussion:** Review two sample Supreme Court case descriptions and discuss how they show due process or public order.
- **Assignment:** Using the crime scenario provided, trace the case through the appropriate steps in the criminal justice process.
- **What You Need to Know:** You will learn about the steps in the criminal justice process and system.

Learning Activities

u01s1 - Activity Overview

Discussion Overview

The due process model (like Pleasantville) or public-order model (like Happyland) are the two ends of the spectrum for criminal justice models. You will review two sample Supreme Court case descriptions, then write 100–200 words about whether the judgment was correct and how it shows either due process or public order.

Assignment Overview

In your 2–3 page paper, write about the most likely steps or events that would happen if the case proceeded through the whole the criminal justice system in order to identify the key steps of the criminal justice process.

u01s2 - What You Need to Know

Pleasantville and Happyland

Both Pleasantville and Happyland, the cities from our course scenario, are expecting a rally and an opposing counterprotest between two groups known to escalate to violence when they meet.

Pleasantville welcomes the events to their town and the mayor issues a stand down order to the police to allow them to express their frustrations. The end result is 5 buildings torched, 21 cars torched, 19 cases of aggravated assault, 12 hospitalizations, no arrests, and a very frightened community. The media criticizes the city officials for failing to act to protect the community.

Happyland on the other hand, has their police mobile field forces in full riot gear and 3 armored vehicles deployed as a show of strength when the protesters arrive. The end result is no buildings torched, no cars torched, 2 cases of aggravated assault which resulted in immediate arrest and 1 hospitalization. The media condemns the police for being too militaristic and thus causing the conflict.

If you look at this as a contest, who won? Can there be a winner with these types of situations?

Individual Rights Versus Public Order

The criminal justice process can vary slightly from one state to another as well as from the adult system to the juvenile system, but the basic process remains the same.

- In *Criminal Justice: A Brief Introduction*, read Chapter 1, "What is Criminal Justice?" pages 1–21.
 - This chapter introduces the field of criminal justice and describes the two ends of the continuum—due process and individual rights versus public order. You will use this basic concept as background for your discussion post and your assignment.
- Clayton County, Georgia. (n.d.). [Arrest to sentence process](https://www.claytoncountygga.gov/government/district-attorney/arrest-to-sentence-process). Retrieved from <https://www.claytoncountygga.gov/government/district-attorney/arrest-to-sentence-process>
 - This website gives basic definitions of each stage of the arrest to sentence process plus commonly used terms to describe the process that you will use to complete your first assignment.
- View the [Criminal Justice System Overview](#) interactive media presentation.
 - This is a colorful interactive chart that breaks down the purpose of each step in the criminal justice process and gives a good visual for your first assignment. Be sure to summarize and paraphrase the information from this chart in your paper or give the correct citation if you use a direct quote.

u01d1 - Write Your Discussion Post

Models of Criminal Justice

As illustrated in the descriptions of Happyland and Pleasantville in the introduction, there are two main models of criminal justice. The model the criminal justice system has placed emphasis on has changed numerous times over the course of history due to a variety of factors.

Often, U.S. Supreme Court decisions drive criminal procedural boundaries and actions. For example, the *Miranda v. Arizona* decision clearly tipped the scales toward individual rights and one could easily argue that this decision represents the *due process model*. It certainly would not represent the *public-order* side of the debate. Any of the supreme court decisions allowing exigent circumstances for police to search or ask questions without a warrant or without providing Miranda warnings would tip the scales toward the public order side of the debate.

Discussion Preparation

For this discussion, review the two cases summarized below. One fits the due process model (like Pleasantville) and the other, public-order model (like Happyland).

Example of Public Order Case: [Terry v. Ohio](#)

An officer observed what he believed to be suspicious behavior based on his experience as an officer. He stopped an individual, patted him down for weapons and recovered a weapon.

The U.S. Supreme Court ruled that the stop was reasonable and that a pat down of the outer clothing for weapons was also reasonable for officer protection.

The court found that:

- Where a reasonably prudent officer is warranted in the circumstances of a given case in believing that his safety or that of others is endangered, he may make a reasonable search for weapons of the person believed by him to be armed and dangerous regardless of whether he has probable cause to arrest that individual for crime or the absolute certainty that the individual is armed.
- An officer may make an intrusion short of arrest where he has reasonable apprehension of danger before being possessed of information justifying arrest.
- The officer's protective seizure of petitioner and his companions and the limited search which he made were reasonable, both at their inception and as conducted.
- The actions of petitioner and his companions were consistent with the officer's hypothesis that they were contemplating a daylight robbery and were armed.
- The officer's search was confined to what was minimally necessary to determine whether the men were armed, and the intrusion, which was made for the sole purpose of protecting himself and others nearby, was confined to ascertaining the presence of weapons.
- The revolver seized from petitioner was properly admitted into evidence against him, since the search which led to its seizure was reasonable under the Fourth Amendment.

Example of Due Process Case: Weeks v. United States

The defendant was arrested by a police officer, so far as the record shows, without warrant, at the Union Station in Kansas City, Missouri, where he was employed by an express company. Other police officers had gone to the house of the defendant, and being told by a neighbor where the key was kept, found it, and entered the house. They searched the defendant's room and took possession of various papers and articles found there, which were afterwards turned over to the United States marshal. Later in the same day police officers returned with the marshal, who thought he might find additional evidence, and, being admitted by someone in the house, probably a boarder, in response to a rap, the marshal searched the defendant's room and carried away certain letters and envelopes found in the drawer of a chiffonier. Neither the marshal nor the police officer had a search warrant.

The court found that:

- If letters and private documents can thus be seized and held and used in evidence against a citizen accused of an offense, the protection of the Fourth Amendment, declaring his right to be secure against such searches and seizures, is of no value, and, so far as those thus placed are concerned, might as well be stricken from the Constitution.
- The efforts of the courts and their officials to bring the guilty to punishment, praiseworthy as they are, are not to be aided by the sacrifice of those great principles established by years of endeavor and suffering which have resulted in their embodiment in the fundamental law of the land.
- The United States marshal could only have invaded the house of the accused when armed with a warrant issued as required by the Constitution, upon sworn information, and describing with reasonable particularity the thing for which the search was to be made. Instead, he acted without sanction of law, doubtless prompted by the desire to bring further proof to the aid of the government, and under color of his office undertook to make a seizure of private papers in direct violation of the constitutional prohibition against such action.

Discussion Instructions

After reviewing the cases and doing any optional additional research, address the following in your main post in 100–200 words:

- Do you believe the court was correct in their decision for each of the two examples?
- Why do you believe they were correct or incorrect? Can you support your decision with other similar court decisions?
- Can due process and public order exist simultaneously?
- Does one ruling delete the other?

Response Guidelines

Respond to the posts of two peers. Use the following questions as a guide for your thinking and comment on one or two questions in each post to your peers.

- Do you agree or disagree with other learners' analyses of the two court decisions? Why or why not?
- Can due process of public order exist simultaneously? How do other learners support their arguments? Do you agree with their rationale? Why or why not?

Course Resources

CJ Discussion Scoring Guide

Introduction

Whether the police in your community are aligned with the individual rights/due process model or more on the public safety end of the spectrum, there will always be defendants that go through the adult criminal justice process. In your assignment, write about the most likely steps or events that would happen if the case below proceeded through the whole the criminal justice system. You can use the most common processes as they occur in your state.

Tony Soprano is down on his luck, addicted to cocaine, and desperate for cash. He uses a handgun to do an armed robbery of a convenience store at 2 a.m. Only one clerk was on duty at that time of night. Mr. Soprano is caught on camera parking behind the store, entering the store and brandishing a weapon at the clerk. After receiving the money from the cash register, he is on camera exiting the store, getting in his car and fleeing the area. Police stop a car at 3 a.m. matching the description from the robbery. Soprano is taken into custody. The gun is recovered from the car and money matching the amount taken in the robbery is recovered from his person.

Write Your Paper

Write a 2–3 page paper to describe the commission of a felony committed by the adult in the scenario above and all of the related steps in the investigation and criminal justice process. **Note:** You are free to be creative about any information that is not specifically provided in the scenario above such as details of the arrest, the investigative process, and so forth.

Your paper should meet the following requirements:

1. Read your scoring guide to see what you will be evaluated on for this assignment.
2. Use the following headings to address all aspects of the grading criteria as it is written in the scoring guide:
 - The Crime That Occurred.
 - Write a brief overview of the crime committed by the adult in the scenario above.
 - Identify the specific statutory crime that occurred.
 - Circumstances of the Crime.
 - Describe and explain the circumstances of the crime.
 - Investigative Process and Arrest.
 - Describe the investigative process through the arrest and any professionals involved.
 - Arraignment Through Sentencing.
 - Describe the process and professionals involved from the beginning, with arraignment through sentencing.

Academic Requirements

- **Written communication:** Produce text with minimal grammar, usage, spelling, and mechanical errors that detract from the overall message.
- **Resources and citations:** You need to get accustomed to citing your resources/references in APA format in the body of the paper and on a reference page at the end. In this beginning level course, there is no penalty if the format is not correct. It is okay to practice and make your mistakes now. Learn from them because you will be graded lower in higher level courses for the same kinds of mistakes.
- **Length of paper:** 2–3 typed, double-spaced pages, not including the title page or the references page.
- **Formatting:**
 - Include a title page and reference page, Times New Roman, 12 point.
 - Use the following headings to organize your paper:
 - The Crime that Occurred
 - Circumstances of the Crime
 - Investigative Process and Arrest
 - Arraignment Through Sentencing
 - Conclusion
- **References:** List any resources you may have used on a reference page at the end of your paper.

Note: Your instructor may use the [Writing Feedback Tool](#) when grading this assignment. The Writing Feedback Tool is designed to provide you with guidance and resources to develop your writing based on five core skills. You will find writing feedback in the Scoring Guide for the assignment, once your work has been evaluated. Learn more about the Writing Feedback Tool on the course Tools and Resources page.

Competencies Measured

- **Competency 1:** Explain theories and models of criminal justice.
 - Identify the felony crime committed by an adult and explain the circumstances of the crime that occurred.
- **Competency 2:** Explain the structure of the criminal justice system.
 - Describe the investigative process.
- **Competency 3:** Identify the processes in criminal court cases.
 - Describe the adult criminal justice process, from arraignment through sentencing.

- **Competency 5:** Communicate in a manner that is scholarly, professional, and consistent with expectations for criminal justice professionals.
 - Appropriately address all components of the assignment prompt, using the assignment description to structure the text.
 - Convey clear meaning through grammar, usage, word choice, and mechanics.

Unit 2 >> The Crime Picture and How to Fight It

Introduction

Theories of Policing

Pleasantville considers police pursuits to be too dangerous for the officers, the suspect vehicle occupants, and the public. Pleasantville is of the opinion that it's best for the police to not have a car chase because if the police do not chase, the suspect vehicle will quickly slow down, drive responsibly and therefore pose less risk to the community. Happyland, on the other hand, sends its officers to pursuit school and P.I.T. school, re-enforces the bumpers for doing the P.I.T. maneuver, and uses it frequently to stop vehicles fleeing from the police.

This week you will be reading about all types of crime and different theories of policing. Try to look at the issues of policing from the different perspectives of the police, the community, and crime victims. Then form your own opinions in the discussion about whether or not the media is justified in their coverage of issues of the use of force, police vehicle pursuits, and profiling.

To-Do List:

- **Discussion:** Find a news article or video clip that describes an incident or policy where the police used force, police vehicle pursuit, and/or police profiling. Write a discussion post about the perceived or realistic errors by the police and what you would do about it.
- **What You Need to Know:** This week you will review all of the different types of crime and the theories of policing that are used to address the different levels of crime.
- **Plan:** Week 3 and Week 4 both have assignments that will take time to complete. It is recommended that you look ahead to get started on the assignments or the readings for those weeks.

Learning Activities

u02s1 - Activity Overview

Discussion Overview

Find a news article that describes an incident or policy that involves the police in a U.S. community that used force, police vehicle pursuits, and/or police profiling. In your 100–300 word discussion post, summarize the incident or policy, any error of the police, and what you would do if you were chief of police to correct any wrongdoings, if you think they exist.

u02s2 - What You Need to Know

Pleasantville and Happyland

Let's check in with Pleasantville and Happyland to see their distinctly different views on police vehicle pursuits.

Imagine that there is an armed robbery and a car chase starts minutes after. It is 5:15 P.M. and traffic is heavy.

From the perspective of Pleasantville, the risk to chase is too great due to the heavy traffic and also the likelihood that the suspects will shoot at the police during the chase and innocents might be harmed. The chase is called off. The suspects continue driving recklessly and they wreck into a minivan and kill a mother and her two children. One of the suspects is also killed in the accident. The other suspect flees on foot, takes the first person they see hostage and a standoff with the police begins. In the end, a police sniper shoots the suspect in the head and the hostage is freed but emotionally scarred and in therapy for life. The media criticizes Pleasantville police for not doing enough to prevent this.

From the perspective of Happyland, two armed suspects just committed a violent crime, they represent a clear threat to the public and the police and the police will pursue them. When the opportunity presents itself, the police will use the P.I.T. maneuver. Police use the P.I.T. maneuver a few minutes later which causes the suspect vehicle to roll over 4 times. One suspect is killed in the accident and the other rushed to the hospital where he receives treatment and is eventually transported to jail when he recovers. When the car rolled over, it also struck another vehicle coming in the opposite direction and killed the driver of that vehicle. The media criticizes Happyland for being too aggressive.

Is there a compromise to be found in the use of force or with police vehicle pursuits? How does the media's reporting on events like the armed robbery and the results in Pleasantville and Happyland impact the daily work of law enforcement?

Types of Crime

This week the focus is on the types of crime as some of the basic vocabulary for a criminal justice professional.

- In *Criminal Justice: A Brief Introduction*, read Chapter 2, "The Crime Picture," pages 22–60.
 - This chapter is an introduction to all of the different types of crimes, felonies, and misdemeanors. It is helpful to learn all of the vocabulary for your career and will come in handy even when you are listening to the news on TV.

Policing Models

After learning the types of crime, you will review the chapter on policing models to respond to crime.

- In *Criminal Justice: A Brief Introduction*, read Chapter 4, "Policing: Purpose and Organization," pages 90–124.
 - This chapter weighs the mission of the police to keep order in the community with the responsibility of law enforcement to be fair and equitable when enforcing the law.

One of these three resources will help you with the discussion topic and article that you choose to write about in your discussion. You do not need to review all three. Choose one resource based on the topic you choose: use of force, police pursuits, or profiling.

- PoliceOne. (2014, January 7). [Liability issues in use of force \[Video\]](https://www.policeone.com/dave-smith/videos/liability-issues-in-use-of-force-ntGp9v2gAU31ebSv/). | [Transcript](#). Retrieved from <https://www.policeone.com/dave-smith/videos/liability-issues-in-use-of-force-ntGp9v2gAU31ebSv/>
 - The video is of a conversation with a use of force expert about how police officers need to prepare themselves for the likelihood that they could be sued for use of force incidents.
- Pursuit Response. (n.d.). [5 court cases that have changed police pursuits](https://www.pursuitresponse.org/5-court-cases-that-have-changed-police-pursuits/). Retrieved from <https://www.pursuitresponse.org/5-court-cases-that-have-changed-police-pursuits/>
 - This is a short two-page article that lists the significant court cases that have helped to form the current approaches to vehicle pursuits. It is another example of how the court interpretation of the law impacts policing.
- Johnson, J. P. (n.d.). [Co-opting the police: What can be done about "profiling by proxy"?](https://www.policefoundation.org/co-opting-the-police-what-can-be-done-about-profiling-by-proxy/) Retrieved from <https://www.policefoundation.org/co-opting-the-police-what-can-be-done-about-profiling-by-proxy/>
 - This is an article from a professional police publication that describes the history of a Terry stop, or stop and frisk. This relates to the question of racial profiling for this type of stop.

u02d1 - Write Your Discussion Post

Crime and Media

It is just about impossible to watch the news today and not see a story pertaining to something the police have done. Crime sells news and the more controversial it is and the more action it involves, the better it sells. The media does not even have to be present any more. Bystanders will record the incident on their phones and upload it to YouTube or Twitter and it goes viral in no time. Three common themes you will see involve police using force, police vehicle pursuits, and police profiling. Sometimes, one incident might involve all three.

Instructions

For this discussion, choose one of the following current issues in criminal justice:

- Police use of force.
- Police vehicle pursuits.
- Profiling.

Locate one news article or video on your chosen issue involving a city in the United States that has been embroiled in controversy over a policy or specific incident related to the issue of police use of force, police vehicle pursuits, or profiling. If more than one issue applies that is acceptable.

Refer to the appropriate resource below for more information on the topics: use of force, police vehicle pursuits, or profiling.

- PoliceOne. (2014, January 7). [Liability issues in use of force \[Video\]. | Transcript](https://www.policeone.com/dave-smith/videos/liability-issues-in-use-of-force-ntGp9v2gAU31ebSv/). Retrieved from <https://www.policeone.com/dave-smith/videos/liability-issues-in-use-of-force-ntGp9v2gAU31ebSv/>
 - The video is of a conversation with a use of force expert about how police officers need to prepare themselves for the likelihood that they could be sued for use of force incidents.
- Pursuit Response. (n.d.). [5 court cases that have changed police pursuits](https://www.pursuitresponse.org/5-court-cases-that-have-changed-police-pursuits/). Retrieved from <https://www.pursuitresponse.org/5-court-cases-that-have-changed-police-pursuits/>
 - This is a short two-page article that lists the significant court cases that have helped to form the current approaches to vehicle pursuits. It is another example of how the court interpretation of the law impacts policing.
- Johnson, J. P. (n.d.). [Co-opting the police: What can be done about "profiling by proxy"?](https://www.policefoundation.org/co-opting-the-police-what-can-be-done-about-profiling-by-proxy/) Retrieved from <https://www.policefoundation.org/co-opting-the-police-what-can-be-done-about-profiling-by-proxy/>
 - This is an article from a professional police publication that describes the history of a Terry stop, or stop and frisk. This relates to the question of racial profiling for this type of stop.

In your main post, write 100–300 words:

- Describe the circumstances of the policy or incident from the article or video that reflects one of the issues: use of force, police vehicle pursuits, or profiling.
- Explain any fault of the police, perceived or realistic, and the basis for the error (for example, constitutional violations, safety issues, et cetera).
- Determine what you would do if you were the chief of police to correct any wrongdoings, if you think they exist.

Response Guidelines

Respond to the posts of two peers.

- Did you perceive an error the same as other learners? If so, why? If not, on what basis?
- How does race factor into the issue that you or your colleagues summarized?

Course Resources

CJ Discussion Scoring Guide

u02s3 - Prepare: Week 3 Assignment

To prepare for your assignment in Week 3:

1. Read the Week 3 assignment and the scoring guide.
2. Find an article that describes steps taken in a police agency or a proposal to address issues of racism and bias.

The Criminal Justice library guide, found in the Tools and Resources, can help you with your article search.

Unit 3 >> Interrogations and Race Issues

Introduction

Racial Issues and Policing

Pleasantville believes that police should conduct Terry stops (stop and frisk) on blacks and Hispanics at the same rate as whites. In their view, the percentage of crime committed by those races is irrelevant and the percentage that live in impoverished high crime areas is irrelevant. Anything other than equal representation in this respect equals racism. Minorities represent 78% of the population in high-crime areas in Pleasantville. Happyland on the other hand, disregards race and looks at whether or not the Terry stop was justified by the standards of the U.S. Supreme Court. They purposefully target high-crime areas because that is where the crime is. Minorities represent 78% of the population in high-crime areas in Happyland as well.

This week you will consider some of the current issues in policing and how some Supreme Court rulings, such as *Terry v. Ohio*, have influenced common practices, like stop and frisk or the Terry stop as it is described in the Happyland and Pleasantville stories above. You will also look at the Miranda warning in an activity and discussion. With that background, you will find your own news article or proposal about policing and race to summarize in your paper this week.

To-Do List:

- **Discussion:** Locate one case where a police interrogation was deemed appropriate or inappropriate and the statements were or were not admitted in court. Discuss your perceptions of that decision.
- **Assignment:** Summarize the policy statements related to policing and racial bias from a federal document and apply the policy to a new scenario.
- **What You Need to Know:** Read about some of the issues and challenges that face police when they are dealing with Miranda warnings, use of force, and other hot legal topics.
- **Interactive Learning Module:** You will see two quick scenarios and answer questions about how to properly apply the Miranda warning in each case. You can do this activity on your computer, tablet, or phone.

Learning Activities

u03s1 - Activity Overview

Discussion Overview

This is a discussion about when the Miranda warning is used to inform citizens of their rights.

Assignment Overview

In your 2–4 page paper, you will summarize the policy statements related to policing and racial bias from a federal document and apply the policy to a new scenario.

u03s2 - What You Need to Know

Pleasantville and Happyland

Let's examine the two cities, who as you read, have very different views on racism and bias as it pertains to policing. Both cities decide to do a one-year study and to track their Terry stops, the races involved, and any changes in the crime rate.

Pleasantville would allow a Terry stop in a high-crime area of a minority as long as the officer or another officer stopped a non-minority either in the same location or by going to an area where there was a higher concentration of non-minorities. Officers were skittish about making the stops for fear of an allegation of racism. Pleasantville also tightened the restrictions on how and when to do the stops making them even more restrictive than what the Supreme Court allowed so as to avoid allegations that the police were too aggressive. The end result was a 40% increase in the crime rate overall and a 50% increase in the known high-crime areas. Fourteen minorities were murdered during the year and 75 assaulted in known high-crime areas. The stops made and arrests made were within 1 percentage point of minority and non-minority. The media praised their efforts toward equality but criticized them for not doing more to bring down crime.

Happyland took an aggressive approach to Terry stops. They stopped at every given legitimate opportunity regardless of location, race, and so forth. They concentrated on known high-crime areas. Their officers knew that as long as they followed the Supreme Court's ruling, the department would support them in making the stop. The end result was a 40% reduction in the overall crime rate and a 60% reduction in known high-crime areas. Two minorities were murdered and 15 assaulted. 70% of the stops made and arrests made were minorities. The media accused the entire town of being racists but praised their reduction in the crime rate and minority lives that were saved as a result.

If you look at this as a contest, who won? Can there be a winner with these types of situations?

Policing Issues and Challenges

There are many laws, court decisions, and cultural characteristics that impact policing.

- In *Criminal Justice: A Brief Introduction*, read:
 - Chapter 5, "Policing: Legal Aspects," pages 125, 143, and 169.
 - This chapter starts with references to some high-profile cases where police use of force was questioned. The rest of the chapter explains many other court cases that are relevant, but you don't need to know all of the details from each case. Be sure to read page 143, the Detention and Arrest section, to learn more about the Terry stops that were mentioned in the weekly introduction and will be in your discussion.
 - Chapter 6, "Policing: Issues and Challenges," pages 170–211.
 - This chapter includes sections on many of the current challenges that law enforcement faces, including corruption and integrity, dangers of police work, terrorism, racial profiling, civil liability, and more. These are all topics of concern to society. The section on racial profiling is directly related to your assignment for this week, so be sure to read it.
- In Lai, Y-L. (2013). *Policing diversity: Determinants of white, black, and Hispanic attitudes toward police*. El Paso, TX: LFB Scholarly Publishing, read Chapter 1, "Public Attitudes Toward the Police in a Democratic Society," pages 1–5.
 - This is a good chapter that shows some of the statistics, examples, patterns, and comparisons in the criminal justice field.
- Read Mass.gov. (n.d.). [Massachusetts law about testimonial and non-testimonial evidence in criminal cases](https://www.mass.gov/info-details/massachusetts-law-about-testimonial-and-non-testimonial-evidence-in-criminal-cases). Retrieved from <https://www.mass.gov/info-details/massachusetts-law-about-testimonial-and-non-testimonial-evidence-in-criminal-cases>
 - These are brief overviews of some significant and relevant cases that impact policing.
- Review MirandaWarning.org. (n.d.). [What are your Miranda rights?](http://www.mirandawarning.org/whatareyourmirandarights.html) Retrieved from <http://www.mirandawarning.org/whatareyourmirandarights.html>
 - This website is a great resource to get answers to the most commonly asked questions about Miranda rights. You can also search the site for specific issues related to Miranda, such as the public safety exception highlighted in the Miranda activity this week.

Public Safety Exception

New York v. Benjamin Quarles, 467 U.S. 649 (1984).

In this case, a woman identified a man (Benjamin Quarles) as her rapist to an officer in a supermarket. The officer stopped the suspect, frisked him and found an empty shoulder holster. The officer asked where the gun was and Quarles told him. The officer retrieved the gun and at that time advised Quarles of his Miranda rights. The case went all the way to the Supreme Court to address the following issue: "Is there an exception to the requirement that a suspect be read their Miranda rights before their answers can be admitted into evidence when the officer's aims in questioning are to ensure that no danger to the public results from concealment of a weapon?"

The answer was "yes." The court ruled that strong public safety concerns created an exception to the requirement to advise of Miranda. This is referred to as the public safety exception.

u03v1 - Interactive Learning Module: Miranda Warning: Necessary or Not?

Miranda Warning: Necessary or Not? is a brief activity with scenarios about the implementation of the Miranda warning.

u03d1 - Write Your Discussion Post

Interrogation

Interrogation is a key tool for law enforcement to solve and prosecute crime. The Miranda decision changed the game considerably and placed the burden on law enforcement to advise the defendant of the following:

You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney. If you cannot afford an attorney, one will be provided for you. Do you understand the rights I have just read to you? With these rights in mind, do you wish to speak to me? (MirandaWarning.org, n.d.)

It is important to understand that not advising Miranda does not invalidate an arrest. An officer can make an arrest, place the suspect in jail, go through the trial process, and even get a conviction without ever advising Miranda. The effect of Miranda is that *generally* any statements made during an interrogation (meaning the suspect is not free to leave) cannot be used against them. Any evidence gathered against the suspect separate from this interrogation is still fair game.

Instructions

For this discussion, locate one case where a police interrogation was deemed appropriate and any statements made were admitted. Alternatively, you may find one case where it was deemed inappropriate and all or some statements were not admissible.

In your main post:

- Summarize the circumstances behind the interrogation and whether the statements were admitted or not.
- Analyze any constitutional issues that arose as a result of the interrogation.
- Describe how this case could have a direct effect on you as a criminal justice professional.

Reference

MirandaWarning.org. (n.d.). What are your Miranda rights? Retrieved from <http://www.mirandawarning.org/whatareyourmirandarights.html>

Response Guidelines

Respond to the posts of two of your peers.

- Do you agree with your peers' opinions on the admissibility of statements in court? Why or why not?
- Do you see their perspectives as being any different from your own?
- Do you see any weak arguments in their positions?

Course Resources

CJ Discussion Scoring Guide

u03a1 - Homework: Issues of Race and Police Conduct

Introduction

Race has been, is currently, and will probably always be an issue in policing. There will always be disagreement between the races and each will have a different way of looking at the issue of race in policing. Certainly, there has to be some common ground. We all want to enforce the laws in a consistent manner. We would all like to see a reduction in crime. The question becomes, in light of race, how do we go about it in a manner to minimize racial issues or even allegations of racial issues?

Write Your Paper

1. Read U.S. Department of Homeland Security. (2014). [Guidance for federal law enforcement agencies regarding the use of race, ethnicity, gender, national origin, religion, sexual orientation, or gender identity \[PDF\]](https://www.dhs.gov/sites/default/files/publications/use-of-race-policy_0.pdf). Retrieved from https://www.dhs.gov/sites/default/files/publications/use-of-race-policy_0.pdf
2. Read your scoring guide to see how you will be evaluated for this assignment.
3. Write a 2–4 page paper using the following headings to address all aspects of the grading criteria as it is written in the scoring guide:
 - Summary of the Policy.
 - Summarize the six policy statements in the U.S. Department of Justice document.
 - Policy Application Scenario.

- Read the following scenario: Local police get a call to a murder of a Hispanic male. They receive credible information that the killer was a member of a rival gang. The rival gang is known to only have black males as members. The gang is also known to specifically wear red and black colors. Police conduct Terry stops on all black males in the general area wearing red and black.
- Determine which of the six policy statements would apply to this scenario.
- Analysis of Police Behavior.
 - Determine whether police behavior would be deemed acceptable under the guidelines and give ideas for future situations.

Academic Requirements

Your paper should meet the following requirements:

- **Written communication:** Must be free of errors that detract from the overall message.
- **Resources and citations:** You need to get accustomed to citing your resources/references in APA format in the body of the paper and on a reference page at the end. In this beginning level course, there is no penalty if the format is not correct. It is okay to practice and make your mistakes now. Learn from them because you will be graded lower in higher level courses for the same kinds of mistakes.
- **Length of paper:** 2–4 typed, double-spaced pages, not including the title page or the references page.
- **References:** At least one reference, the federal document.
- **Font and font size:** Times New Roman, 12 point.
 - Use the following headings to organize your paper:
 - Summary of the Policy.
 - Policy Application Scenario.
 - Analysis of Police Behavior.

You are required to submit a draft of your paper to SafeAssign. Once you review your results and make any needed changes, submit your paper for grading.

Note: Your instructor may use the Writing Feedback Tool when grading this assignment. The Writing Feedback Tool is designed to provide you with guidance and resources to develop your writing based on five core skills. You will find writing feedback in the Scoring Guide for the assignment, once your work has been evaluated. Learn more about the Writing Feedback Tool on the course Tools and Resources page.

Competencies Measured

- **Competency 4:** Analyze criminal justice issues.
 - Summarize the policy statements presented in the federal document.
 - Analyze the scenario to apply the most relevant policy statement from the federal document.
 - Determine whether police behavior would be deemed acceptable under the guidelines and give ideas for future situations.
- **Competency 5:** Communicate in a manner that is scholarly, professional, and consistent with expectations for criminal justice professionals.
 - Appropriately address all components of the assignment prompt, using the assignment description to structure the text.
 - Convey clear meaning with grammar, usage, word choice, and mechanics.

u03s3 - Prepare: Week 4 Assignment

Take the time to read through the assignment and scoring guide in Week 4. Begin by reviewing the media simulation The Court System – Evidence and Procedure.

Unit 4 >> The Courtroom: Processes and Participants

Introduction

Evidence in a Trial

Happyland follows the Supreme Court ruling to only allow evidence admitted in a trial if officers followed the exact rules and procedures set forth by the courts for collecting evidence. They follow this rule

of law even if it means the suspect goes free because the evidence was not collected properly. Pleasantville believes in justice for victims at all costs. They admit all legitimate evidence in a trial regardless of how it was obtained. Instead of throwing out evidence of guilt, they punish officers administratively for not following set rules and court decisions about the collection of evidence.

This week you will apply your new knowledge of Miranda warnings and Terry stops in real case that goes to trial in a media simulation. You will study the trial simulation and the chapter from your text about the proceedings and players in a criminal trial court so that you will be able to write your paper with your verdict for the trial, supported with evidence.

To-Do List:

- **Assignment:** Based on your study of the media simulation The Court System – Evidence and Procedure, you will decide on a verdict and write about the compelling arguments and evidence that were the basis for your decision.
- **What You Need to Know:** Read the chapter about the court system and the roles of the court officials. Review the website to see the visuals of the courtroom and the players.
- **Interactive Learning Module:** Study the media simulation The Court System – Evidence and Procedure to prepare for your assignment.

Learning Activities

u04s1 - Activity Overview

Assignment Overview

After studying the evidence from a crime presented at a simulated trial, you will make a decision about a verdict, just like a jury. Your 3–5 page paper will be a summary of the trial proceedings, your verdict, and the supporting arguments and evidence for your decision.

u04s2 - What You Need to Know

Pleasantville and Happyland

Both Happyland and Pleasantville have a case involving the kidnapping, rape, and murder of three little girls.

For this case, Happyland refuses to allow evidence obtained by police because they did not have a warrant to search the suspect's property, so the suspect goes free as a result. Shortly thereafter, three more girls are kidnapped, raped, and murdered by the same suspect. The media praises the city for protecting the rights of the accused suspect and make little to no mention of the slaughtered children. Happyland has the officer involved fired.

For the same kind of case, Pleasantville admits the evidence found on the suspect's property, convicts, and executes the murderer via the death penalty. The officer involved is sent for additional training on evidence collection and is suspended for two days without pay. No additional children are murdered. The media criticizes the city for being cruel to the accused and make little to no mention of the slaughtered children.

To what extent should the rights of the accused be protected? To what extent should government go to assure the right person is convicted and its citizenry protected?

The Court System

After you read the background about the court system and all of the different related careers in your text, the main focus for this week is to review all of the evidence and arguments in the media simulated trial, The Court System – Evidence and Procedure. Then you will determine a verdict and write a paper about your decision and the evidence that was presented.

- United States Courts. (n.d.). Comparing federal and state courts. Retrieved from <https://www.uscourts.gov/about-federal-courts/court-role-and-structure/comparing-federal-state-courts>
 - This website shows a chart that lists the differences and similarities between the federal and state courts and the kinds of cases that are tried in each.
- In *Criminal Justice: A Brief Introduction*, read Chapter 8, "The Courtroom Workgroup and the Criminal Trial," pages 236–270.

- This chapter is a great resource for learning about the different people and their roles in the court systems. It will be helpful to review this chapter prior to beginning the media simulation so that you are familiar with the vocabulary.
- Judicial Learning Center. (n.d.). [The players in the courtroom](http://judiciallearningcenter.org/the-players-in-the-courtroom/). Retrieved from <http://judiciallearningcenter.org/the-players-in-the-courtroom/>
 - This website houses an interactive glossary of court- and trial-related terms, along with some diagrams and some student questions at the bottom of the page.
- The Court System – Evidence and Procedure | Transcript
 - This is a Capella media simulation that includes all of the players from the criminal justice system from the time the crime is committed and through the trial. You can listen to the narration of each character or there is a transcript icon for you to download and read. You will need to study the case presented because your assignment is to decide the verdict and write about the arguments and evidence that supports your decision.

u04v1 - Interactive Learning Module: The Court System - Evidence and Procedure

View The Court System – Evidence and Procedure in preparation for the assignment in this unit.

This is a media simulation that includes all of the players from the criminal justice system from the time the crime is committed through the trial. You will need to study the case presented, because your assignment is to decide the verdict and write about the arguments and evidence that supports your decision. You can listen to the narration of each character, or there is a transcript for you to download and read.

u04a1 - Homework: The Court System

Assignment Overview

Shows such as *Law and Order SVU* have glorified the roles of prosecuting and defending attorneys, the judge, the bailiff, and the jury, and the popularity of these types of shows have brought these courtroom participants into the living rooms of everyday Americans on a weekly or even daily basis. All these roles are links in the chain to make the whole system function smoothly. Have you ever thought about what it would be like to be a professional courtroom participant?

Write Your Paper

1. Interact with [The Court System – Evidence and Procedure](#) activity to see how a criminal trial proceeds. Listen to several different people in the courtroom, and notice the different roles they play.
2. Review the evidence and think about a verdict.
3. Be sure to read your scoring guide and address all criteria.
 - Analyze and describe one potential issue (not shown in the simulation) that could surface at any stage of the trial process (arrest through verdict) that would impact a case.
 - Describe evidentiary rules, constitutional issues, and/or possible errors that may have potential case impact in the context of the simulation.
 - Reasonable doubt.
 - Admissibility of certain evidence.
 - Impact of Miranda.
 - Describe how each issue above may play a role in helping you (and the jury) reach a verdict.
 - Determine the verdict based on the evidence in this case and explain your rationale for selecting that verdict.

Academic Requirements

Your paper should meet the following requirements:

- **Written communication:** Must be free of errors that detract from the overall message.
- **Resources and citations:** You need to get accustomed to citing your resources/references in APA format in the body of the paper and on a reference page at the end. In this beginning level course, there is no penalty if the format is not correct. It is okay to practice and make your mistakes now. Learn from them because you will be graded lower in higher level courses for the same kinds of mistakes.
- **Length of paper:** 3–5 typed, double-spaced pages, not including the title page or the references page.
- **References:** A minimum of two references.

- **Font and font size:** Times New Roman, 12 point.

You are required to submit a draft of your paper to SafeAssign. Once you review your results and make any needed changes, submit your paper for grading.

Note: Your instructor may use the [Writing Feedback Tool](#) when grading this assignment. The Writing Feedback Tool is designed to provide you with guidance and resources to develop your writing based on five core skills. You will find writing feedback in the Scoring Guide for the assignment, once your work has been evaluated. Learn more about the Writing Feedback Tool on the course Tools and Resources page.

Competencies Measured

- **Competency 3:** Identify the processes in criminal court cases.
 - Describe evidentiary rules, constitutional issues, and/or errors that may have potential case impact in the context of the simulation.
- **Competency 4:** Analyze criminal justice issues.
 - Analyze and describe one potential issue (not shown in the simulation) that could surface at any stage of the trial process (arraignment through verdict) that would impact a case.
 - Determine the verdict based on the evidence in this case and explain the rationale for selecting that verdict.
- **Competency 5:** Communicate in a manner that is scholarly, professional, and consistent with expectations for criminal justice professionals.
 - Appropriately address all components of the assignment prompt, using the assignment description to structure the text.
 - Convey clear meaning through grammar, usage, word choice, and mechanics.

Unit 5 >> Sentencing Trends and Death: The Ultimate Penalty

Introduction

Death Penalty

When the death penalty is consistently and swiftly enforced, other than the obvious reduction in the murder rate because there will be no recidivism from the murderer put to death, is there an actual reduction in the murder rate? Has it even been enforced consistently and swiftly enough over a long enough period to gather relevant data? If one person is wrongfully put to death, is that sufficient reason to ban the death penalty?

This week you will consider sentencing and the death penalty, two topics that could directly impact you as a citizen and a criminal justice professional. The reading in the chapter is brief and you can check out the different websites related to both sides of the issue. Then, in your discussion, you will state your position on the death penalty and support it with facts.

To-Do List:

- **Discussion:** Research the death penalty process in your state or another state and explain the steps leading up to an execution.
- **What You Need to Know:** The reading in your text is shorter this week so that you can take time to review the websites on both sides of the issue, as well as do your own research on the death penalty.

Learning Activities

u05s1 - Activity Overview

Discussion Overview

You will write 100–200 words to explain the steps leading up to an execution in your state or another state that allows the death penalty.

u05s2 - What You Need to Know

Pleasantville and Happyland

Happyland does not support the death penalty under any circumstances and places emphasis on rehabilitation regardless of the success rate or the cost to tax payers.

Pleasantville supports the death penalty and uses it frequently not only for murder but also for rape, kidnapping for ransom, child molestation under certain circumstances, and drug trafficking.

The crime rate for the serious offenses mentioned above in Happyland is three times higher than that of Pleasantville. Pleasantville sentenced one man to death in a 20-year period that was later found to be innocent of that crime.

The media praise Happyland for being progressive in their thinking and their attempts at rehabilitation even though the success rate is at best 10%. They make little to no mention of the crime rate and the countless victims in Happyland. The media criticize Pleasantville for their "cruel and unusual" punishment of violent criminals and make little to no mention of their reduction in serious crime and improvement in overall quality of life for the citizens.

Sentencing and the Death Penalty

This week you will look at the five theories behind sentencing and clarify your positions on the death penalty.

- In *Criminal Justice: A Brief Introduction*, read Chapter 9, "Sentencing," pages 271–314.
 - This section of the chapter discusses the five main goals for sentencing.

These three sources represent the two ends of the spectrum about the death penalty and one article from the middle ground.

- Rand. (2006, July 17). [Rand study finds no evidence of racial bias in federal prosecutors' decisions to seek death penalty from 1995–2000](https://www.rand.org/news/press/2006/07/17.html). Retrieved from <https://www.rand.org/news/press/2006/07/17.html>
- Muhlhausen. (2007, June 27). [The death penalty deters crime and saves lives](https://www.heritage.org/testimony/the-death-penalty-deters-crime-and-saves-lives). Retrieved from <https://www.heritage.org/testimony/the-death-penalty-deters-crime-and-saves-lives>
- Capital Punishment in Context. (n.d.). [Racial and geographical disparities in the federal death penalty](https://capitalpunishmentincontext.org/issues/disparitiesfdp). Retrieved from <https://capitalpunishmentincontext.org/issues/disparitiesfdp>

u05d1 - Write Your Discussion Post

To Kill or Not to Kill?

Public opinion on the death penalty has changed many times in the United States. An incident such as 9/11 or a random shooting can sway public opinion overnight in favor of the death penalty. Suppose for a moment that your child were guilty of and convicted of murder and you had always supported the death penalty. Would you support it for your own child? Suppose for a moment that your daughter was brutally raped and murdered and you had always been opposed to the death penalty. Would you oppose it for the person found guilty of that crime?

Anti-death penalty groups such as Amnesty International would argue that the death penalty is not an effective deterrent. Many countries have abolished it altogether. Pro-death penalty groups such as the Heritage Foundation would argue that the death penalty deters crimes and saves lives.

According to deterrence theory, criminals are no different from law-abiding people. Criminals, according to Muhlhausen (2007), "rationally maximize their own self-interest (utility) subject to constraints (prices, incomes) that they face in the marketplace and elsewhere." In other words, individuals make their decisions based on the net costs and benefits of each alternative. Thus, deterrence theory provides a basis for analyzing how capital punishment should influence murder rates (Muhlhausen, 2007).

According to the Heritage Foundation, many studies have been conducted using sophisticated panel data methods that show a strong link between executions and murder rates.

Discussion Instructions

For this discussion, you will research to determine if your state allows the death penalty and if so, what the process is. If you live in a state that does not allow execution, pick any state that does executions and describe the process. (Process refers to crimes that are eligible for the death penalty, age of the defendant, extenuating circumstances that may be considered, how and when that state performs an execution, appeals, stays, etc.)

In 200–300 words in your main post:

- Explain if your state allows the death penalty and if so, what the process is. (If you live in a state that does not allow execution, pick any state that does executions and describe the process to carry out an execution.)

References

Amnesty International. (n.d.). The death penalty and deterrence. Retrieved from <http://www.amnestyusa.org/our-work/issues/death-penalty/us-death-penalty-facts/the-death-penalty-and-deterrence>

Muhlhausen, D. B. (2007). The death penalty deters crimes and saves lives. The Heritage Foundation. Retrieved from <http://www.heritage.org/research/testimony/the-death-penalty-deters-crime-and-saves-lives>

Response Guidelines

Respond to the posts of two of your peers. Which state's process for execution seems the most fair, and why?

Course Resources

CJ Discussion Scoring Guide

u05s3 - Prepare: Week 6 Assignment

Take the time this week to read through the assignment and scoring guide for Week 6. Begin to review the media simulation [Intermediate Sanctions](#). You might also review feedback from your paper about the trial in Week 4 to review the evidence in this case.

Course Resources

[Intermediate Sanctions](#) | Transcript

Unit 6 >> Probation, Parole, and Community Corrections

Introduction

Does Rehabilitation Work?

Is the state obligated to rehabilitate criminals? Are citizens obligated to pay taxes for their rehabilitation? Has any program been proven successful enough to justify the expense?

This week gives you the opportunity to look at all of the different sentencing options so that you can assign the most appropriate sentence for the offender from Week 4 in your assignment that is due in Week 7. There are a number of different criminal justice career options that are presented as part of programs to integrate prisoners back into society. You may find an area of the corrections system that you hadn't considered before in this unit.

To-Do List:

- **Discussion:** Briefly research the parole and probation system from your state website and write a synopsis about its characteristics.
- **What You Need to Know:** Read about parole, probation, and intermediate sanctions and then briefly research the parole and probation system in one of the states to prepare for your discussion and assignment.
- **Interactive Learning Module:** Study the media simulation Intermediate Sanctions to prepare for your assignment in Week 7.

Learning Activities

u06s1 - Activity Overview

Discussion Overview

Find an article about the effectiveness of your state's parole or probation system. Briefly research the parole and probation system from your state website and write a synopsis about its characteristics.

u06s2 - What You Need to Know

Pleasantville and Happyland

Consider our two fictional communities.

Happyland paroled nearly all of its prisoners before their full sentence has been served. Prisoners are allowed to watch television, lift weights, and are not made to work while in prison. Happyland spends millions on supervised parole/probation and various counseling, job skill, and rehabilitation efforts. The recidivism rate is about 70%. There are hidden costs in every purchase made in Happyland due in part to their high crime rate. The media praises Happyland for being compassionate in its methods.

Pleasantville will reduce time served by up to no more 10% for good time served. Their prisoners work hard 9 hours a day, watch no television, and have no gym equipment. There is no parole or supervision as such after being released. Former prisoners are offered a program to work while being taught job skills and they pay a portion of the cost. The recidivism rate is about 70%. Pleasantville takes the money saved on supervised parole/probation and various counseling, and rehabilitation efforts and beefs up its law enforcement agencies, which increases its crime clearance rates as well as deterring crime. There are little to no hidden costs in purchases. The media criticizes Pleasantville for being too harsh on its inmates and for not spending more money on rehabilitation efforts.

Probation, Parole, and Community Corrections

After considering the ultimate sentence last week, now you will learn about other sentencing options and how offenders transition to life outside of prison. Then in your assignment, you will decide the appropriate sentence for the offender from Week 4.

- In *Criminal Justice: A Brief Introduction*, read Chapter 10, "Probation, Parole, and Community Sentencing," pages 314–341.
 - This chapter considers the wide range of sentences and some of the professionals and systems that are set up to deal with newly paroled citizens and those on probation. It will help you understand the options that you have when you select the appropriate sentence in your assignment.
- View [Intermediate Sanctions](#) in preparation for the assignment next week.

Recidivism Statistics

Tracking results of programs and practices of sentencing and parole across the country is an important part of the criminal justice professional's responsibility. Review these statistics to see which practices might be more effective than others.

- Suttmoeller, M., & Keena, L. D. (2012). Treatment provider's perceived effectiveness of probation and parole: A case study. *International Journal of Offender Therapy and Comparative Criminology*, 56(1), 153–168. doi:10.1177/0306624X11405957
 - By reading the introduction, discussion, and conclusion sections of this Missouri research study, you will understand some of the key aspects of creating an effective parole and probation system from the perspective of one state.
- Kaebel, D., & Bonczar, T. P. (2017). Probation and parole in the United States, 2015 [PDF]. Retrieved from <https://www.bjs.gov/content/pub/pdf/ppus15.pdf>
 - This is a version of a report that has been repeated every two years for the last decade or more. It shows some of the trends in recidivism for those that are paroled or on probation across the country. Looking at this type of statistics and creating charts that track recidivism data is the job of yet another career option, that of crime and justice researcher.
- State Board of Pardons and Paroles. (n.d.). Parole consideration. Retrieved from <http://pap.georgia.gov/parole-consideration>
 - This web page shows Georgia's rationale for creating an effective parole board and its importance to safety of the citizens in the state and protection of the budget. This will help you to understand the real implications of a parole board.

Sentencing Overview

Once a defendant is found guilty, sentencing guidelines can vary greatly from state to state. There are uniform guidelines for federal cases, but guidelines for sentencing in local cases differ.

In some cases, the judge has wide latitude in determining the sentence for a defendant. Incarceration and length of incarceration (indeterminate sentencing, for example, no less than one year, no more than five) can vary. There are also alternative or intermediate sanctions that can be applied that avoid incarceration.

Examples of intermediate sanctions include court-ordered community service, probation with general or specific conditions, home confinement, and remote location monitoring. These types of sanctions are basically a compromise between an actual prison sentence and a release back into society. These are also commonly referred to as alternative sentences. The punishment, although not as severe as a prison sentence, is swift and certain. It could be argued that the swift-certainty aspect of this has a deterrent effect. Many of these sentences include an actual sentencing plan that is written in cooperation with defense attorneys and includes input from citizen suggestions (Schmallegger, 2016). The Sentencing Project is an example of an organization that does this. The Sentencing Project has developed over 100 locally based alternative sentencing programs. The sentencing plans will often contain letters of support from family members and employers and can be used in plea bargaining sessions (Schmallegger, 2016).

Are these programs good solution to the problem? According to Michael Tonry (1997), they are not without issues. He stated:

During the experimentation of the 1980s, it has become clear that (1) well-run programs can achieve some of their goals; (2) some conventional goals are incompatible; and (3) the availability of new sanctions may tempt judges and other officials to use them for offenders other than those for whom they were created.

Tonry is certainly not the only one to point out fallacies in these programs. French (n.d.), noted:

Problem areas identified in the current Wisconsin indeterminate sentencing scheme were disparity of sentences for similar crimes, uncertainty of release from prison on parole, lessened deterrent effect of prison terms because of the uncertainty of how much time will actually be served, parole boards' difficulty in accurately predicting when a person has been rehabilitated, difficulty in planning for future prison populations, and inmate anger and frustration due to the apparent arbitrariness of the sentencing system.

French went on to say that categorical exceptions might be the most promising tool to provide sentencing guidance. This would create specific categories where only specific kinds of sanctions are deemed appropriate (for example, only imprisonment or only intermediate sanctions or only less intrusive community penalties).

References

French, R. (n.d.). Criminal sentencing alternatives – A report of a Wingspread conference. Retrieved from <https://www.ncjrs.gov/App/publications/abstract.aspx?ID=81972>

Schmallegger, F. J. (2020). *Criminal justice: A brief introduction* (13th ed.). New York, NY: Pearson.

Tonry, M. (1997). Intermediate sanctions in sentencing guidelines. *Office of Justice Programs and National Institute of Justice*. Retrieved from <https://www.ncjrs.gov/pdffiles/165043.pdf>

u06d1 - Write Your Discussion Post

State Parole Systems

As with the differences between Happyland and Pleasantville, states can vary widely in their approach to parole and probation and still have the same recidivism rate. The research in the field suggests that there is no silver bullet to solve the recidivism problem, but many states are making an effort to find the right combination of programs to support rehabilitation of offenders and balance the reduction in crime and promotion of safety in their communities.

Instructions

For this discussion:

1. Research an article written about the effectiveness of any state's probation/parole system. It can be pro, con, or neutral.
2. Research the specifics of that state's probation/parole system after reading the article. You should find everything you need on the state's official website, but you are welcome to do additional research as well. (Helpful keywords to search on the state parole and probation websites include: supervision, offender or parolee information, parolee family information, intermediate sanctions, community programs.)

In your main post of 100–300 words:

1. Write a brief synopsis of the state's parole/probation system (structure, size, supervision requirements, program access, offender registration policies, family information, and so forth).

2. Summarize the highlights of the article you researched as it pertains to the effectiveness of the state's system. As a whole, was the article critical or complementary of the system?

Response Guidelines

Respond to the posts of two of your peers.

- What differences are you seeing between the parole system your peer chose and your own?
- Was there any one thing that stood out to you as an issue?

Course Resources

CJ Discussion Scoring Guide

u06v1 - Interactive Learning Module: Intermediate Sanctions

Study the Intermediate Sanctions interactive learning module in preparation for the Week 7 assignment.

u06s3 - Prepare: Week 7 Assignment

Take the time to read through the assignment and scoring guide in Week 7. Study the Intermediate Sanctions interactive learning activity and research sentencing practices in your state.

Unit 7 >> Prisons and Jails

Introduction

Should Jails Be Comfortable?

Should inmates be made to work while in jail? What can you do to them if they refuse? Is it slavery if you make inmates work and the state profits from that? How can a sheriff refuse to enforce existing laws? How can a city refuse to cooperate with federal agents enforcing the law?

The focus for this week is to learn about how the trends in the corrections system have changed over the years. This is especially relevant as politicians and society are contemplating changes to the system right now.

To-Do List:

- **Discussion:** Find a police use of force or vehicle pursuit policy online. Summarize the points of the use of force or vehicle pursuit procedure and any use of force continuum that is used.
- **Assignment:** Study the sentencing options presented in the Intermediate Sanctions media piece and then write about the sentence that you would apply as the judge for the offender from Week 4.
- **What You Need to Know:** Consider the arguments from different perspectives in the articles and the history from the textbook about the purpose of our corrections institutions so that you can provide sound evidence when you state your opinions in the discussion.

Learning Activities

u07s1 - Activity Overview

Discussion Overview

Find a police use of force or vehicle pursuit policy online. Summarize the points of the use of force or vehicle pursuit procedure and any use of force continuum that is used.

Assignment Overview

Study the Intermediate Sanctions interactive learning module, then write your 3–4 page recommendation for the sentencing of the offender from the trial in Week 4. Include any combination of the intermediate sanctions that you think align with the sentencing guidelines and that would promote rehabilitation or restitution.

u07s2 - What You Need to Know

Pleasantville and Happyland

Happyland has a sheriff named Jeff. Jeff is adored by the people, including the inmates in the city jail. Jeff frequently grants OR bonds (released on their own recognizance), air conditions the jail, provides gym equipment, and big screen televisions. Jeff refuses to cooperate with I.C.E when illegal aliens are captured and considers his town to be a safe haven for them. It costs millions to run the city jail and the crime rate has risen 15 percent. The media praise Happyland for their forward thinking and inclusive policies and fail to mention the cost to the taxpayers and the high crime rate.

Pleasantville has a sheriff named Paul. Paul is adored by his constituents and hated and criticized by his opposition. Paul does not allow OR bonds. He created a tent city for inmates. They work all day in the heat, receive no frills including no air conditioning. Inmates grow their own food and make their own clothing as well as making other items that are sold to support the expense of the jail. The jail is practically self-supporting and of little burden to the tax payers. Paul enforces the law across the board including laws pertaining to illegal aliens and cooperates fully with I.C.E. The crime rate in Pleasantville is half that of Happyland. Various pro-illegal immigration groups and the ACLU fund numerous lawsuits against Sheriff Paul each year that the county has to pay to defend. The media criticize Pleasantville for its harsh conditions, what they see as inhumane enforcement of existing federal laws pertaining to illegal immigration, and the expense of defending against the lawsuits.

Prisons and Jails

Again, Happyland and Pleasantville illustrate how different views can be on the purpose and characteristics of prison and jail. The readings this week provide some critical background for the criminal justice professional during a time when society is poised to make significant changes to the corrections system.

- In *Criminal Justice: A Brief Introduction*, read Chapter 11, "Prisons and Jails," pages 343–371.
 - This chapter gives an essential historical background for the development of our correctional system. Knowledge of how the system has grown and changed is foundational to some work in this field.
- View the [Intermediate Sanctions](#) presentation in preparation for the assignment this week.

These three resources represent different perspectives on what the purpose of corrections should be.

- Lehrer, E. (2000). [The Left's prison complex: The case against the case against jail](http://www.heritage.org/research/commentary/2000/10/the-lefts-prison-complex-the-case-against-the-case-against-jail). The Heritage Foundation. Retrieved from <http://www.heritage.org/research/commentary/2000/10/the-lefts-prison-complex-the-case-against-the-case-against-jail>
- Prison Policy Initiative. (n.d.). [Overview: Trends in the crime control industry](http://www.prisonpolicy.org/prisonindex/overviewprivate.html). Retrieved from <http://www.prisonpolicy.org/prisonindex/overviewprivate.html>
- Fox News. (2018, December 19). [Historic bipartisan criminal justice reform bill backed by President Trump passes Senate. House will vote next \[Video\]. | Transcript](https://video.foxnews.com/v/5981542237001/#sp=show-clips). Retrieved from <https://video.foxnews.com/v/5981542237001/#sp=show-clips>

Introduction to Prisons and Jails

Schmallegger defines a prison as "a state or federal confinement facility that has custodial authority over adults sentenced to confinement" (2016). The dismal results of rehabilitative efforts led to the nothing-works doctrine by Robertson in the 1970s. This doctrine cast serious doubt over the usefulness of rehabilitative programs and led to the justice model of imprisonment (commonly called just desserts), which focused on a get-tough-on-crime mindset. It relied heavily on mandatory minimum sentencing laws (Schmallegger, 2016). In a nutshell, this philosophy stresses individual responsibility and the fact that a prison sentence is fully deserved based on the crime committed.

As previously discussed, punishment philosophies change on a regular basis. Currently, the United States is moving away from the justice model. A greater focus is being placed on rehabilitative efforts and intermediate sentencing, as you learned about in the last unit. Overcrowding, rising costs, and a

weak economy have forced states to reduce costs by reducing prison populations. Selective incapacitation is a direct result of this. With this approach, only the most dangerous criminals go to prison and the assessment of dangerousness has become paramount (Schmallegger, 2016).

From 1980 to 1989, the population of federal prisons doubled. If that was not enough, it actually doubled again in the 1990s (Schmallegger, 2016). This increase was primarily due to mandatory minimum sentencing laws for drug offenses and also partially due to police taking their cases to the federal courts because inmates are required to do 80 percent of their sentence in federal prison, which is harsher than most state prisons.

Many states are looking toward privatization of all or part of their prison system. According to the American Civil Liberties Union (ACLU), this is not a good idea. "While supporters of private prisons tout the idea that governments can save money through privatization, the evidence is mixed at best—in fact, private prisons may in some instances cost more than governmental ones" (ACLU, n.d.). Many organizations argue otherwise. For example, the 2015 article "Top 4 Pros and Cons of Private Prisons" from NLCATP states that private prisons cost less and perform better.

The course text defines a jail as being run by a local government, intended for adults but housing juveniles in some circumstances for the purpose of holding people pending adjudication or committed after adjudication or sentenced to 1 year or less (Schmallegger, 2016). With all of the attention going to the concerns of prisons, jails often fall off the radar of politicians. Jails have many of the same issues as prisons, such as overcrowding. In 1983, jails were rated at 85 percent of their capacity, but by 1990 that increased to 104 percent. New construction efforts had brought that down to 84 percent by 2012. One example of a cost-saving measure with jails is the concept of regional jails such as the Western Tidewater Regional Jail, which serves the cities of Suffolk, Franklin, and the County of Isle of Wright in Virginia (Schmallegger, 2016).

References

American Civil Liberties Union. (n.d.). Private prisons. Retrieved from <https://www.aclu.org/issues/mass-incarceration/privatization-criminal-justice/private-prisons>

NLCATP. (2015). Top 4 pros and cons of private prisons. Retrieved from <http://nlcatp.org/top-4-pros-and-cons-of-private-prisons/>

Schmallegger, F. J. (2020). *Criminal justice: A brief introduction* (13th ed.). New York, NY: Pearson.

u07d1 - Write Your Discussion Post

Current Issues in Criminal Justice

The nature of the criminal justice system and especially the law enforcement side of it dictates that it will always be riddled with controversy. No other profession allows you to take away someone's freedom by putting them in handcuffs, taking them to jail, prosecuting them, and sentencing them to prison. With the exception of the military and a few private security personnel, no other profession allows you to use deadly force to eliminate a threat in the normal performance of your duties.

In military and police work, a significant amount of your time is spent training to do just that, eliminate a threat which although rare, can result in the taking of a life. Use of force and vehicle pursuits are two of the highest areas of liability for law enforcement. They are also two of the most controversial. Armed encounters, people that violently resist arrest with or without a weapon, and vehicle pursuits by their nature are very dangerous for the officer and suspect.

Instructions

For this discussion, find an example of a police department use of force and/or vehicle pursuit policy online.

In your main post:

- Summarize the main points of the policy pertaining to how and when to use force, how and when to begin a pursuit, how and when to call it off, and how and when to use a P.I.T. maneuver or stop sticks.
- If the policy uses a specific force continuum, explain it.

Response Guidelines

Respond to the posts of two of your peers. Do you see similarities in your post and those of your peers as far as policy goes? If there are differences, what are they?

Course Resources

u07a1 - Homework: Sentencing Options

Assignment Overview

You now know that the defendant in the court case in Week 4 was found guilty. In this assignment, you will put yourself in the position of the judge. Which sentence would you impose?

The criminal justice process can vary slightly from one state to another as well as from the adult system to the juvenile system, but the basic process remains the same and individual rights under the constitution remain the same in all states at the adult level. Once a defendant is found guilty, however, sentencing guidelines can vary greatly from state to state. There are uniform guidelines for federal cases, but guidelines for sentencing in local cases differ.

Read and research the options for sentencing that are open to the judge and then decide which of the intermediate or alternative options you would choose for this defendant in this case.

Write Your Paper

1. Read the sentencing information in What You Need to Know and review the [Intermediate Sanctions](#) media piece.
2. Research available sentencing options for felonies in your state. Research which states allow intermediate sanctions.
3. Read the scoring guide criteria and include the following in your paper:
 - Determine the basis for the sentence that you would impose for this defendant and explain thoroughly.
 - For example, why do you think he is eligible for this option?
 - Why is the option you chose the most appropriate of those offered in the scenario?
 - Feel free to review evidence presented in [The Court System – Evidence and Procedure](#) media piece.
 - Compare and describe the sentencing options you see in the Intermediate Sanctions media piece with information about available sentencing options for felonies in your own state.
 - Identify a state that allows intermediate sentencing and what criteria must be present for a defendant to be eligible for an intermediate program in that state.

Academic Requirements

Your paper should meet the following requirements:

- **Written communication:** Must be free of errors that detract from the overall message. Be sure to address all of the assignment instructions and scoring guide criteria.
- **Resources and citations:** You need to get accustomed to citing your resources/references in APA format in the body of the paper and on a reference page at the end. In this beginning level course, there is no penalty if the format is not correct. It is okay to practice and make your mistakes now. Learn from them because you will be graded lower in higher level courses for the same kinds of mistakes.
- **Length of paper:** 3–4 typed, double-spaced pages, not including the title page or the references page.
- **References:** A minimum of three references.
- **Font and font size:** Times New Roman, 12 point.

You are required to submit a draft of your paper to SafeAssign. Once you review your results and make any needed changes, submit your paper for grading.

Note: Your instructor may use the [Writing Feedback Tool](#) when grading this assignment. The Writing Feedback Tool is designed to provide you with guidance and resources to develop your writing based on five core skills. You will find writing feedback in the Scoring Guide for the assignment, once your work has been evaluated. Learn more about the Writing Feedback Tool on the course Tools and Resources page.

Competencies Measured

- **Competency 1:** Explain theories and models of criminal justice.
 - Determine the basis for the choice of the sentence imposed.
- **Competency 2:** Explain the structure of the criminal justice system.
 - Identify criteria required for intermediate sentencing in a selected state.
- **Competency 3:** Identify the processes in criminal court cases.
 - Compare sentencing options in the scenario with those available in one's state for felonies.
- **Competency 5:** Communicate in a manner that is scholarly, professional, and consistent with expectations for criminal justice professionals.
 - Appropriately address all components of the assignment prompt, using the assignment description to structure the text.

- Convey clear meaning through professional-level grammar, usage, word choice, and mechanics.

Unit 8 >> Prison Life

Introduction

Prisoners' Rights

Under what kind of scenario are statements made by a suspect most likely to be admitted as evidence? If the inmate is already in custody, is it ever necessary to advise of Miranda? If *Howe vs Fields* were not established procedure, might a court in California rule differently than say a court in Georgia pertaining to this issue?

This week you will consider the extent of a prisoner's rights while they are still in custody. You will also listen to some brief Supreme Court arguments to learn how they define prisoner's rights when it comes to Miranda warnings and then discuss how that will impact the work of police in future cases.

To-Do List:

- **Discussion:** Take the time to listen to the brief segments of Supreme Court proceedings related to prisoner's Miranda rights while in custody and then discuss how that will impact your work as a criminal justice professional.
- **What You Need to Know:** The text and the articles for this week complement the audio of the Supreme Court hearing that is part of the discussion.

Learning Activities

u08s1 - Activity Overview

Discussion Overview

Listen to a segment of the Supreme Court hearing for the case *Howes v. Fields*. Summarize the case and then describe how an inmate or a correctional officer might use the decision in *Howes v. Fields* to their advantage.

u08s2 - What You Need to Know

Pleasantville and Happyland

As you might expect, our two communities have different views on Miranda rights.

Happyland allows local police to interview prisoners any time and under any circumstances while in the correctional facility. Local police never advise an inmate of their Miranda rights before questioning. They often leave the handcuffed inmate in a non-common area with the door locked for extended periods of time without food, water, or a bathroom break.

Pleasantville allows local police to interview prisoners any time and under any circumstances while in the correctional facility. Local police sometimes advise an inmate of their Miranda rights. For example, if they are leaving them handcuffed in a non-common area for an extended period of time while or prior to questioning, and if not allowing food, water, or bathroom breaks, they will advise them of Miranda. If on the other hand, they take the un-handcuffed inmate to the cafeteria area, offer food, drink and a bathroom break if needed, they do not advise of Miranda prior to or during questioning.

Prison Life

In *Criminal Justice: A Brief Introduction*, read Chapter 12, "Prison Life," pages 373–408.

- This chapter is intriguing because it pulls back the curtains on something that citizens don't always see—the inside of prisons. Learn about the differences between institutions that incarcerate men versus women and the related issues. You will also get the perspective of a corrections professional about life in prison.

Use these resources to complete the discussion.

- Listen to the following from Oyez in preparation for the first discussion in this unit. A transcript is included as part of the media piece if you would like to read along. You will not need to listen to the full case, just the selected parts listed in the discussion. This is a good opportunity to hear a real case from the Supreme Court.
 - Oyez. (n.d.). *Howes v. Fields*. Retrieved from <https://www.oyez.org/cases/2011/10-680>

Introduction to Prison Life

The common mantra is that prison life is absolute hell. Is that not exactly what it should be? Prison is for rapists, child molesters, armed robbers, and murderers, just to name a few. You can only make living in a cage humane up to a point. You can only make the living conditions safe up to a point considering the company you keep in prison.

Is it any wonder that inmates devise their own subculture? Prison is almost like Superman's Bizarro world where everything is backwards.

For most people, the cop killer is the ultimate symbol of a despicable criminal; confined in a men's maximum security prison, he is admired by other inmates as a stand-up guy, or congratulated for being an outlaw (the highest terms of respect in these institutions). Drug dealers and gang bangers (members of urban street gangs) are hated by society, but they occupy positions of importance and power in the cellblocks. ("Prisons: Prisoners," n.d., para. 2)

This same article went on to say that even strong-arm rapists who sexually assault other inmates are actually admired in prison for their ability to dominate the weak.

Does it get any better for women in prison? That depends on your perspective, but some say yes.

This study concluded that prison subcultures for women are very different from the violent and predatory structure of the contemporary male prison. Owen did not find the presence of gangs—a central feature of the contemporary male prison—at the prison she studied. Women experience "pains of imprisonment" but their prison culture offers them other ways to survive and adapt to these deprivations. ("Prisons: Prisons for Women," n.d., para. 3)

Women try to replace the family with a "pseudo family" based on relationships which probably reduces some of the violence ("Prisons: Prisons for Women," n.d.).

Prisoners, as unacceptable as their behavior may be, still have rights and the prison system, and correctional officers need to honor those rights or risk being sued and possibly incurring criminal prosecution. For example, prisoners have a right to receive publications directly from the publisher, a right to meet with members of the press, and even a right to communicate with nonprisoners (Schmallegger, 2016).

References

Law Library – American Law and Legal Information. (n.d.). Prisons: Prisoners – Inmate subcultures and informal organizations. Retrieved from <http://law.jrank.org/pages/1796/Prisons-Prisoners-Inmate-subcultures-informal-organizations.htm>

Law Library – American Law and Legal Information. (n.d.). Prisons: Prisons for women – Prison subcultures. Retrieved from <http://law.jrank.org/pages/1802/Prisons-Prisons-Women-Prison-subcultures.html>

Schmallegger, F. J. (2020). *Criminal justice: A brief introduction* (13th ed.). New York, NY: Pearson.

u08d1 - Write Your Discussion Post

Howes v. Fields

The Miranda decision is pretty cut and dried when police want to question someone about a crime when that person is not free to leave. The police may still question the person if they desire, but they run the risk of the person's statements being inadmissible in court. But what if the police want to ask questions of someone who is already behind bars—whether in jail or prison—about something unrelated to the crime for which he or she is being held? Does the fact that the person is being held by the government imply that he or she is not free to leave the room? Do the same rules apply as for someone who is not incarcerated? This was the question before the U.S. Supreme Court in *Howes v. Fields*.

Instructions

For this discussion:

- Visit [Howes v. Fields](#).
- Click **Oral Argument – October 04, 2011** under *Media*.
- Listen to the first 4 minutes of oral argument with Attorney Bursch and Justice Sonia Sotomayor to set the tone for the basis of this case.
- Click **Opinion Announcement – February 21, 2012** under *Media*.
- Listen to the Opinion Announcement.
- Do any additional research that you feel is necessary for the case of *Howes v. Fields* using the Oyez Web site or the Capella library. Remember that the Criminal Justice Library Guide in the Tools and Resources can help you with this search.

In your main post:

- Summarize the background of *Howes v. Fields* and the court decision.
- Describe how an inmate might use the decision in *Howes v. Fields* to their advantage.
- Outline how a correctional officer might use the decision in *Howes v. Fields* to their advantage.

Response Guidelines

Respond to the posts of two of your peers.

- What additional issues that were not included the summary might be important?
- What additional insight can you share about how an inmate or a correctional officer might use this decision to their advantage?
- Can you identify how your peer's response might impact the criminal justice system?

Course Resources

CJ Discussion Scoring Guide

u08s3 - Prepare: Week 9 Assignment

Take the time to read through the assignment and scoring guide for Week 9. Review feedback from your paper from Week 1—this assignment is similar.

Unit 9 >> Juvenile Justice System

Introduction

Juvenile Versus Adult Systems

Are juveniles uniquely different from adults? Are juveniles more malleable than adults as far as rehabilitation efforts? Do a lot of delinquent juveniles "grow out" of committing crime as a natural process of maturing and assuming more responsibilities?

This week you will identify the similarities and differences between the juvenile and adult criminal justice systems. In your final assignment, you will get a chance to do a similar assignment to Week 1, this time focusing on the juvenile justice system.

To-Do List:

- **Assignment:** In a 3–4 page paper, you will follow a juvenile armed robbery suspect through the juvenile justice system from arrest through sentencing, identifying key terminology that is specific to juveniles.
- **What You Need to Know:** The websites that are selected to support the reading in the textbook this week have some interesting case comparisons about kids who were tried as juveniles and other who were tried as adults. This question and others are addressed in the text, charts, and perspectives from judges on the websites.

Learning Activities

u09s1 - Activity Overview

Assignment Overview

This assignment is similar to your first assignment to allow you to demonstrate the thinking and writing skills that you have developed during this class. In a 3–4 page paper, you will follow a juvenile armed robbery suspect through the juvenile justice system, identifying key terminology that is specific to juveniles.

u09s2 - What You Need to Know

Pleasantville and Happyland

Happyland does not distinguish between juveniles and adults in their criminal justice system. There are no "Status offenses" in Happyland. Juveniles and adults are tried in the same court system, following the same procedural rules and are given identical punishments. Parole and probation are also handled the same way for each. The recidivism rate for juveniles is 70%. The drug addiction rate and suicide rate for juveniles is also very high. The media criticize Happyland for not treating juveniles differently, especially when it comes to rehabilitation efforts and for their high recidivism rate.

Pleasantville has two criminal justice systems, one for juveniles and one for adults. They view juveniles as in need of treatment and far more likely to respond positively to efforts at rehabilitation. Their recidivism rate for juveniles is 35%. Their juvenile suicide and drug addiction rates are much less than Happyland's. The media praise them for their philosophies toward juvenile crime and their rehabilitation efforts.

Juvenile Justice

All of these resources provide good information about the juvenile system, including how they are tried, sentencing, the professionals that work with juveniles, and correctional institutions.

- In *Criminal Justice: A Brief Introduction*, read Chapter 13, "Juvenile Justice," pages 410–436.
 - This chapter will help you with your assignment because it highlights the main differences between the adult and juvenile systems. Note when an offender is considered a child and when they are tried as adults. There is also a section about how the correctional institutions are different.
- View the [Comparison of Juvenile and Criminal Justice Systems](#) chart.
 - This is a good visual overview of the comparison between the systems side by side.
- Read or review the following:
 - Frontline. (n.d.). [Four kids, four crimes](http://www.pbs.org/wgbh/pages/frontline/shows/juvenile/four/). Retrieved from <http://www.pbs.org/wgbh/pages/frontline/shows/juvenile/four/>
 - This website gives some sample cases that were tried as juveniles and some that were considered adults. Check out the tab, "Both Sides" at the top to see what some of the judges thought about these cases.
 - Frontline. (n.d.). [Juvenile vs. adult justice](https://www.pbs.org/wgbh/pages/frontline/shows/juvenile/stats/juvvsadult.html). Retrieved from <https://www.pbs.org/wgbh/pages/frontline/shows/juvenile/stats/juvvsadult.html>
 - This is another related web page that shows a comparison chart of the adult and juvenile system.
 - Juvenile Law Center. (n.d.). [Youth in the justice system: An overview](http://www.jlc.org/news-room/media-resources/youth-justice-system-overview). Retrieved from <http://www.jlc.org/news-room/media-resources/youth-justice-system-overview>
 - This is a website that addresses all issues around juvenile justice, including some audio from some recent webinars by judges.
 - The Clark County Prosecuting Attorney. (n.d.). [Juvenile rights in delinquency proceedings](http://www.clarkprosecutor.org/html/juvenile/juvenile13.htm). Retrieved from <http://www.clarkprosecutor.org/html/juvenile/juvenile13.htm>
 - This website is a sample of how a county approaches juvenile cases and the common statutes that relate to juveniles.

Introduction to the Juvenile Justice System

Who, as a child, has not smoked a cigarette, skipped school, or done some other less-than perfect type of activity? What makes a lot of these situations so unique is that had you been an adult, they would not have been against the law. There are crimes that only apply to juveniles called status offenses. It is not just the laws that can be different when dealing with juveniles, the whole system is different. There are different processes, different terminology used, different punishments, and so forth.

To give a couple of examples, a juvenile is adjudicated and found delinquent if the court rules that he or she committed the alleged offense. An adult is tried and found guilty. The sanction imposed on the juvenile is the disposition where as for the adult it is the sentence. Let us call it the softer, gentler approach.

There are many court cases that have helped shape the juvenile justice system. Three cases of significant importance are *Roper v. Simmons* (2005), *Graham v. Florida* (2010), and *Miller v. Alabama* (2012). The Roper decision made it unconstitutional to sentence anyone under the age of 18 to death. The Graham case declared it a violation of the Eighth Amendment to sentence a juvenile to life without parole for any crime other than homicide. The Miller case made it unconstitutional to sentence someone to life without parole who was not 18 years old at the time of the crime ("Three Supreme Court Cases," n.d.).

The "[Case Flow Diagram](#)" on the Office of Juvenile Justice and Delinquency Prevention Web site includes a chart that shows many similarities of the juvenile system to the adult system. The main difference is the terminology used.

The philosophy however is very different and cannot be demonstrated in this chart. The juvenile system was founded on the principle of rehabilitation through individualized justice. It was not always like this.

Throughout the late 18th century, "infants" below the age of reason (traditionally age 7) were presumed to be incapable of criminal intent and were, therefore, exempt from prosecution and punishment. Children as young as 7, however, could stand trial in criminal court for offenses committed and, if found guilty, could be sentenced to prison or even to death. (Juvenile Justice Bulletin, 1999)

References

Juvenile Justice Bulletin: Juvenile Justice: A Century of Change. (1999). The juvenile justice system was founded on the concept of rehabilitation through individualized justice. Retrieved from https://www.ncjrs.gov/html/ojjdp/9912_2/juv1.html

Office of Juvenile Justice and Delinquency Prevention. (n.d.). Juvenile justice system structure and process – Case flow diagram. Retrieved from http://www.ojjdp.gov/ojstatbb/structure_process/case.html

PBS. (n.d.). Three supreme court cases that have shaped juvenile justice. Retrieved from <http://www.pbs.org/pov/15tolife/supreme-court-cases.php>

u09a1 - Homework: Juvenile Criminal Justice Systems

Activity Overview

For this assignment, you will follow a similar process to your first paper in the course where you described the adult criminal justice process, giving you a chance to improve on some of feedback that you received from your instructor on that assignment. This time you will explain the process of a juvenile going through the criminal justice system.

Introduction

Whether you are an adult or a juvenile, if you break the law and get caught, you will go through some type of justice system to the point of conclusion. With juvenile status offenses, most kids are returned to their parents and the parents are given a date to appear with the child before the juvenile court.

With the more serious juvenile offenses, there will be a formal arrest and detention and an appearance before a judge to begin the justice process.

Write Your Paper

Give a description of the crime committed similar to the way the crime was described for your first assignment. Identify and describe each phase of the juvenile justice process for a juvenile that has been arrested for an armed robbery. Follow the case all the way through including a finding of delinquent and a sentencing. Remember to use the right nomenclature that applies to juveniles (example-they are found delinquent rather than guilty).

Be sure to address all of the criteria required for the content of your paper by referring to the scoring guide.

Academic Requirements

Your paper should meet the following requirements:

- **Written communication:** Produce text with minimal grammar, usage, spelling, and mechanical errors that detract from the overall message.
- **Resources and citations:** You need to get accustomed to citing your resources/references in APA format in the body of the paper and on a reference page at the end. In this beginning level course, there is no penalty if the format is not correct. It is okay to practice and make your mistakes now. Learn from them because you will be graded lower in higher level courses for the same kinds of mistakes.
- **Length of paper:** 3–4 typed, double-spaced pages, not including the title page or the references page.

- **Formatting:**
 - Include a title page and reference page, Times New Roman, 12 point.
 - Use the following headings to organize your paper:
 - The Crime Committed.
 - Arrest through Sentencing.
 - **References:** List any resources you may have used on a reference page at the end of your paper.

Note: Your instructor may use the [Writing Feedback Tool](#) when grading this assignment. The Writing Feedback Tool is designed to provide you with guidance and resources to develop your writing based on five core skills. You will find writing feedback in the Scoring Guide for the assignment, once your work has been evaluated. Learn more about the Writing Feedback Tool on the course Tools and Resources page.

Competencies Measured

- **Competency 3:** Identify the processes in criminal court cases.
 - Identify each step of the juvenile justice process from arrest through sentencing.
 - Explain each step in the juvenile justice process from arrest through sentencing.
- **Competency 5:** Communicate in a manner that is scholarly, professional, and consistent with expectations for criminal justice professionals.
 - Appropriately address all components of the assignment prompt, using the assignment description to structure the text.
 - Convey clear meaning through grammar, usage, word choice, and mechanics.

Unit 10 >> Police Discretion

Introduction

How Much Discretion Is Okay?

Is there a time and a place for officers to use discretion? Can it lead to abuse and bias? Should discretion be documented by the agency?

While laws are supposed to be defined clearly, criminal justice professionals often encounter gray areas when dealing with human beings. Some parts of our system give officers tools to deal with the gray areas with their professional discretion. This week you will read about how criminal justice professionals prepare themselves for the unusual situations with conflict, violence, technology, and so forth.

To-Do List:

- **Discussion:** For the final discussion, read the provided scenario where a criminal justice professional would have to use their discretion to resolve a situation in a gray area. Then write about how it will impact a potential citizen watching and what the supervisor for the professional would have to say about how it was resolved.
- **What You Need to Know:** Dig into industry articles to find ideas for discretionary scenarios that you can write about in your discussion. Keep in mind what the citizen perspective would be if they were watching these scenarios.

Learning Activities

u10s1 - Activity Overview

Discussion Overview

For the final discussion, read the provided scenario where a criminal justice professional would have to use their discretion to resolve a situation in a gray area. Then write about how it will impact a potential citizen watching and what the supervisor for the professional would have to say about how it was resolved.

Pleasantville and Happyland

Happyland does not allow its officers to use discretion. Their philosophy is that this opens the door for abuse, favoritism, and so forth. One evening an officer pulls over a speeding vehicle. A woman is in the passenger seat in a lot of pain and about to give birth. The officer calls an ambulance for them but writes the husband a speeding ticket and explains "the law is the law." The local media runs a story about how ridiculous and cruel the officer was given the circumstances. Citizens protest with signs in front of police headquarters for two weeks.

Pleasantville allows its officers to use discretion and trains them in the proper use of it and the proper documentation of it. One evening an officer pulls over a speeding vehicle. A woman is in the passenger seat in a lot of pain and about to give birth. The officer puts the lady in the front seat of his vehicle and the husband in the rear and runs blue light and siren to the local hospital. It never even crosses the officer's mind to write a speeding ticket. Baby and mama are fine a few hours later and the couple name the child after the officer. The officer gets an award and receives officer of the month. The local media run a story about how the local police department is compassionate and practical in enforcing the law. There are no protests in front of the police department.

Police Discretion

This week we don't rely on a textbook chapter. Dig into these industry articles to find ideas for discretionary scenarios that you can write about in your discussion. There is also a list of ideas below. Keep in mind what the citizen perspective would be if they were watching these scenarios.

- Nowacki, J. S. (2015). Organizational-level police discretion: An application for police use of lethal force. *Crime & Delinquency*, 61(5), 643–668. doi:10.1177/0011128711421857
- Schulenberg, J. L. (2015). Moving beyond arrest and reconceptualizing police discretion: An investigation into the factors affecting conversation, assistance, and criminal charges. *Police Quarterly*, 18(3), 244–271.
- Regoeczi, W. C., & Kent, S. (2014). Race, poverty, and the traffic ticket cycle: Exploring the situational context of the application of police discretion. *Policing*, 37(1), 190–205.
- Kelling, G. L. (1999). "Broken windows" and police discretion [PDF]. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/178259.pdf>
- Police Dynamics. (Producer). (n.d.). Dynamic of discretion – The traffic stop [Video] | Transcript. Retrieved from https://www.youtube.com/watch?v=XJiaYw3Cq_Y
- PoliceOne. (2014, February 19). Do police officers have too much or too little discretion? Retrieved from <https://www.policeone.com/investigations/articles/do-police-officers-have-too-much-or-too-little-discretion-rHuSa6BSN6PVCjGI/>

More About This Topic

Have you ever been stopped by the police for a traffic violation and just received a warning? Have you ever been stopped by police for a traffic violation and received a ticket? In both instances, discretion was present but obviously most of us would prefer the first example. If you received a ticket when you were stopped, were you respectful to the officer? Did you have proof of insurance? An answer of no to either of these may have very well led to the decision to issue a ticket. Was the officer respectful to you or was the stop confrontational from the beginning? The officer may have had a fight with their spouse that morning that led to a bad mood and a decision to issue a ticket.

According to Kelling (1999), "Although police discretion cannot be structured by simply proscribing certain actions or issuing policy statements, departments that fail to develop clear policy guidelines about complex issues face several serious concerns." A study conducted in Kansas, Michigan, and Wisconsin by Remington and Lloyd Owen revealed that discretion was found to be used at all levels of the criminal justice process, not just the police (Kelling, 1999).

Would you support doing away with discretion all together? Probably not if you are the one that is about to get a warning rather than a traffic ticket. Joseph Goldstein (as cited in Kelling, 1999) stated the following:

The ultimate answer is that the police should not be delegated discretion not to invoke the criminal law. . . . The police should operate in an atmosphere which exhorts and commands them to invoke impartially all criminal laws within the bounds of full enforcement. . . . Responsibility for the enactment, amendment, and repeal of the criminal laws will not, then, be abandoned to the whim of each police officer or department, but retained where it belongs in a democracy—with elected representatives.

The Bureau of Justice Statistics provides the following examples in the criminal justice system of those using discretion and the areas in which they can use it:

- Police:
 - Enforce specific laws.
 - Investigate specific crimes.
 - Search people, vicinities, and buildings.
 - Arrest or detain people.
- Prosecutors:
 - File charges or petitions for adjudication.
 - Seek indictments.

- Drop cases.
- Reduce charges.
- Judges or magistrates:
 - Set bail or conditions for release.
 - Accept pleas.
 - Determine delinquency.
 - Dismiss charges.
 - Impose sentence.
 - Revoke probation.
- Correctional officials:
 - Assign to type of correction facility.
 - Award privileges.
 - Punish for disciplinary infractions.
- Paroling authorities:
 - Determine date and conditions of parole.
 - Revoke parole.

References

Bureau of Justice Statistics. (n.d.). The justice system. Retrieved from <http://www.bjs.gov/content/justsys.cfm#discretion>

Kelling, G. L. (1999). "Broken windows" and police discretion. *Office of Justice Programs and National Institute of Justice*. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/178259.pdf>

u10d1 - Write Your Discussion Post

Discretion Scenario

Police officers use discretion practically every day. Discretion can have very serious consequences for the police officer and their employing agency. An example would be an officer allowing someone who is just over the legal limit to continue driving on a promise that they would go straight home. What if the person wrecks the car and kills someone on the way home? The potential liability for that officer and the employing agency is tremendous, not to mention the fact that someone's life was lost as a direct result of that officer's discretion.

According to Hirby (n.d.), police discretion is defined as "the decision-making authority afforded to police officers that allows them to decide if they want to pursue police procedure or simply let someone off with a warning." Some common examples of police discretion are domestic violence, traffic violations, potential hate crimes, and crimes involving the mentally ill. The line between discretion and racial profiling can become blurry when police make an assumption, for example, that people of a certain race are more likely to be guilty of crimes (Hirby, n.d.).

Keep in mind that officers cannot just use discretion for something like Miranda rights or whether or not to overlook a homicide. Serious incidents and matters involving court decisions should be handled in a procedural manner.

Scenario for This Discussion

You are a rookie officer with the Pleasantville Police department. It's prom night in Pleasantville. Around 11:00, you notice a car full of teenagers swerving while driving and the car crosses the yellow line twice. You stop the vehicle. Investigation reveals that there are two minor boys and two minor girls in the vehicle. All four are obviously intoxicated and underage. One of the girls tells you that she remembers you from when you gave her father a ride to work one morning because his patrol car broke down. Her father is your sergeant. What do you do?

Instructions

In your main post, write a 200–300 word response to the following questions:

- What was your decision? Explain why you chose it.
- Do you think other officers would support the decision? Why or why not?
- Do you think the general public would support your decision if they found out? Why or why not?

Reference

Hirby, J. (n.d.). Police discretion definition. *The Law Dictionary*. Retrieved from <http://thelawdictionary.org/article/police-discretion-definition/>

Response Guidelines

Respond to the posts of two of your peers.

- Would you have made the same decision they did? Why or why not?
- What key factors would impact your decision?
- Do you agree with their rationale for their decision?
- How might their decision affect them as a criminal justice professional?

Course Resources

CJ Discussion Scoring Guide