

CRIMINAL JUSTICE



Step-by-step outline of the U.S. system for investigating & prosecuting criminal offenses—from arrest to disposition

CRIMES & CRIMINAL OFFENSE

Entry into the criminal justice system typically begins with the commission of a crime or criminal offense.

I. Crime

A criminal offense committed in violation of the criminal laws of a state, the federal government, or a local jurisdiction in which the guilty party may be punished; the word originated from the Latin *crimen*; criminal offenses are often categorized into three broad categories: street crime, white collar crime and victimless crimes.

A. **Street Crime:** A class of offenses, sometimes formally defined as those that occur in public locations, are visible and assaultive, and thus constitute a special risk to the public and a special target for law enforcement preventative efforts and prosecutorial attention.

Example – Aggravated Assault

1. **Aggravated Assault:** Unlawful, intentional causing of serious bodily injury, with or without use of a deadly weapon.

B. **White Collar Crime:** Crimes that are often nonviolent, yet committed for financial gain by means of deception by persons whose occupational status is entrepreneurial, professional or semiprofessional, and who use their special occupational skills and opportunities.

Example – Embezzlement

1. **Embezzlement:** The misappropriation, misapplication or illegal disposal of legally entrusted property by the person(s) to whom it was entrusted, with the intent to defraud the legal owner or intended beneficiary.

C. **Victimless Crimes:** Illegal acts that are often perceived to cause no specific harm, especially since it is often negated by the informed and legal consent of the participants of the crime; the harm may take several forms.

1. Harm to the person
2. Harm to the property
3. Psychological harm
4. Social harm
5. Harm to an individual's freedom

Example – Prostitution

a. **Prostitution:** Offering or agreeing to engage in, or engaging in, a sex act with another in return for a fee.

D. **Additional Crime Categories:** Include terrorism, sex offenses and cybercrime.

1. **Terrorism:** The calculated use of violence to obtain political goals through instilling public fear, intimidation or coercion.

Example – September 11, 2001

2. **Sex Offenses:** Any of a broad category of varying offenses having a sexual element, except for forcible rape.

Example – Indecent Exposure

3. **Cybercrime:** (also referred to as computer crimes); Any crime perpetrated through the use of computer technology or the Internet.

Example – Cyberstalking

II. Criminal Offense

A term defined by statute describing any offense, misdemeanor or felony, for which punishment by imprisonment

or fine may be imposed under the law of a state, federal government, or a local jurisdiction; most crimes are divided into felonies and misdemeanors.

A. **Statute:** A law enacted by, or with the authority of, a legislature.

B. **Law:** A body of rules—including constitutions, the common law, equity, statutes, judicial decisions, administrative orders, and ordinances—together with the principle of justice commonly applied in their enforcement.

C. **Misdemeanor:** An offense punishable by incarceration, usually in a local confinement facility, for a period of which the upper limit, typically a year or less, is prescribed by statute in a given jurisdiction.

Example – Simple Assault

1. **Simple Assault:** Unlawful threatening, attempted inflicting, or inflicting of less than serious bodily injury in the absence of a deadly weapon (i.e., push, shove, kick or slap).

D. **Felony:** A criminal offense punishable by death or by incarceration in a prison facility for at least one year.

Example – Murder in the First Degree

1. **Murder in the First Degree:** Intentionally causing the death of another without legal justification or excuse, and/or causing the death of another while attempting to commit another crime.

E. **Degree:** In criminal law, the term refers to the ranking of crimes by seriousness with the classification of first degree being the most serious.

CRIMINAL LAW

I. Criminal Law (also referred to as Penal Law)

A specialized branch of the law dealing with a body of rules and regulations that specify the nature of and punishment for a criminal offense; the criminal law aspect of the criminal justice system is divided into two subcategories: Substantive Criminal Law and Procedural Law.

A. **Substantive Criminal Law:** The part of the law that defines crimes and specifies punishments.

B. **Procedural Law:** The part of the law that prescribes in detail the methods or procedures to be used in determining and enforcing the rights of the accused.

1. Crimes are often reported to the police after a victim or witness observes that a crime has taken place.
2. There are also instances in which law enforcement may apprehend a suspect while in the commission or attempted commission of a crime.

C. Elements of a Crime

1. **Actus Reus:** The requirement that, for an act to be considered criminal, the individual must have committed an overt act that resulted in harm.
2. **Mala Prohibita:** Acts that are considered wrong only because there is a law against them.
Example – Speeding
3. **Mala In Se:** Acts that are regarded, by tradition and convention, as wrong in themselves.
Example – Treason
a. **Treason:** A citizen's actions to help a foreign government overthrow, make war against, or seriously injure the country in question.
4. **Mens Rea:** The state of mind (intent) that accompanies the particular act (*actus reus*) defined as criminal; also referred to as the criminal or evil mind.

D. Criminal Law Violations

1. **Crimes Against Property:** Any criminal offense against property.

Example – Criminal Mischief

a. **Criminal Mischief:** Intentionally destroying or damaging, or attempting to destroy or damage, the property of another without his/her consent.

2. **Crimes Against the Person:** Any offense that attempts, threatens or uses physical force against a person.

Example – Robbery

3. **Public Order Offenses:** Violations of the peace or order of the community, or threats to the public health, through unacceptable public conduct, interference with governmental authority, or violation of civil rights or liberties.

Example – Tax Evasion

a. **Tax Evasion:** Illegally avoiding paying taxes, failing to report, or reporting inaccurately.

III. Criminal Justice

As defined by the *Federal Crime Control Act of 1990*, criminal justice is any activity pertaining to:

- A. Crime prevention, control or reduction, or the enforcement of the criminal law.
- B. Police efforts to prevent, control or reduce crime, or to apprehend criminals.
- C. Activities of the courts having criminal jurisdiction and related agencies, including the prosecutorial and defense services.
- D. Activities of corrections, probation or parole authorities.
- E. Programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.

IV. Justice

The principles of law applied to the facts of a case.

IV. Crime Prevention

The anticipation, recognition and appraisal of a crime risk, and the initiation of action to eliminate or reduce it.
Example – Anti-Drug Use Campaign

CRIMINAL INVESTIGATION

I. Criminal Investigation

The process of discovering, collecting, preparing, identifying and presenting evidence found at a crime scene to determine what happened and who is responsible when a crime has occurred.

A. **Crime Scene:** The physical area in which a crime is thought to have occurred and in which evidence of the crime is thought to reside.

B. **Evidence:** Anything helpful and practical to aid a judge or jury in deciding the facts of a case; evidence may take the form of witness testimony, DNA, written documents, videotapes, magnetic media, photographs, physical objects, and so forth.

1. **Plain View Doctrine:** A legal term describing the ready visibility of objects that might be seized as evidence during a search by police in the absence of a search warrant.

a. **Search Warrant:** A document that is issued by a judicial officer to direct a law enforcement officer to conduct a search at a specific location, for specified property or person relating to a crime, to seize the property or person if found, and to account for the results of the search to the issuing judicial officer.

b. **Exclusionary Rule:** A court-generated rule holding that evidence obtained in violation of the protections granted by the U.S. Constitution becomes tainted and thus, inadmissible at trial.

c. **Corpus Delicti:** The facts that show that a crime has occurred; the term when translated means "the body of the crime."

d. **Victim:** Any person having suffered death, physical or mental injury, and/or loss of property or property rights as a result of the criminal activity or attempted criminal activity of another.

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K. Jaishankar



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Criminal Justice Michael Pittaro, 2007-05-16 Step by step outline of the U S system for investigating prosecuting criminal offenses from arrest to disposition *International Perspectives on Crime and Justice* K. Jaishankar, 2009 In a world of growing interdependence crimes are no longer confined by national boundaries In this context the necessity to understand criminological developments across the globe becomes imperative This book aims to offer cross cultural perspectives of different criminological issues and criminal justice systems operating worldwide This book emphasizes the collective understanding of criminological problems from an international perspective This book is a quintessence of contemporary criminological developments with a global outlook The book is an edited volume of articles collected from criminologists all over the world It is a peer reviewed collection The chapters focus on various criminological issues such as Bullying Child abuse Corrections Institutional and Community Cyber crimes Corporate crime Corruption Costs of crime Crime Analysis Crime prevention Crime Mapping and GIS Criminal justice systems Environmental crime Ethnic communal caste conflicts Family violence Fear of crime High tech crimes Homicide Human trafficking Juvenile Delinquency Organized crime Offenders including women offenders Policing Prisons Public attitudes Restorative justice Sexual assault Stalking Theories of crime Transnational crime Victimology Violence White collar crime and Workplace violence The book aims to provide theoretical frameworks and pragmatic discussions on Criminology and Criminal Justice It is intended for Academics Criminal Justice professionals and Graduate Students who want to improve their understanding of the issues and challenges that arise when issues related to criminology and criminal justice cross national boundaries Also practitioners and academics of allied fields like sociology psychology geography political science public administration and forensic sciences whose research interests include either crime criminal justice system Victim or crime analysis will find this book useful The comprehensive framework of this book means that it provides a rich variety of international perspectives on an array of crime and justice related issues The thirty chapters presented here are a treasure trove of insights in terms of both topical variety and approaches within topic Dr Jaishankar has assembled a valuable collection of readings that will find broad acceptance internationally Prof Keith Harries From the Foreword **Cyber Criminology** K. Jaishankar, 2011-02-22 Victimization through the Internet is becoming more prevalent as cyber criminals have developed more effective ways to remain anonymous And as more personal information than ever is stored on networked computers even the occasional or non user is at risk A collection of contributions from worldwide experts and emerging researchers Cyber Criminology **Prison Break** David Dagan, Steven Michael Teles, 2016 Over the last few years conservatives in Washington D C and in bright red states like Georgia and Texas have abandoned their tough on crime rhetoric and are now leading the charge to curb prison growth In Prison Break Steven Teles and David Dagan will explain how this striking turn of events occurred how it will affect mass incarceration and what it teaches us about achieving policy breakthroughs in our polarized age Combining insights from law

sociology and political science Teles and Dagan will offer the first comprehensive account of this major political shift

Criminal Justice ,2004 **Psychotherapy in Corrections** Peter N. Novalis, M.D., Ph.D., Virginia Singer, DNP, Carol M. Novalis, M.A., 2022-09-13 To practice psychotherapy in a correctional setting is to encounter a range of cultural issues reflecting the various ethnic class gender and physical subgroups of the prison population as well as to navigate the culture of the prison staff and justice system that underpins the patients circumstances Drawing on the authors extensive professional experience Psychotherapy in Corrections offers mental health professionals a comprehensive look at the most common situations they are likely to face and provides practical advice on dealing with them Diagnostically oriented chapters cover core issues that include self harm and substance use disorders as well as mood and personality disorders Specific supportive therapy techniques for addressing these issues as well as special situations including the experience of women in prison behaviors that can disrupt care and efforts to reduce recidivism are illustrated by clinical vignettes In tackling the social and developmental conditions that lead individuals to interact with the correctional system Psychotherapy in Corrections also acknowledges the effects of the COVID 19 pandemic and the movement for social justice in society Anyone who conducts psychotherapy in a prison setting will benefit from an approach centered on treating the human in front of them regardless of the setting or their crime **All the Missing Souls** David Scheffer, 2013-01-27 This title is Scheffer s account of the international gamble to prosecute those responsible for genocide war crimes and crimes against humanity and to redress some of the bloodiest human rights atrocities in our time Lawrence L. Graham, 2007-06-01 A young minister is sent to arrange a funeral The dead man died under peculiar circumstances and the dead man s young companion knows more than he s telling This unlikely pair is drawn into a web of intrigue that involves murder billions in stolen gold blackmail espionage kidnapping a global disaster and a plot to create a new Nazi world order Before it is all over a fraudulent evangelist is exposed shots ring out in a darkened churchyard a young reporter gets a chance at national fame the minister falls in love a bishop announces astonishing news and more than one person is dead The sub text of this fast paced novel raises questions about the manipulation of the faithful for financial gain links between religious bodies and politics the possible rise of fascism in America and celebrates how love is often found in the most unlikely relationships **Criminal Justice Journal** ,1976 **Final Solution** Lawrence L. Graham, 2008-09-18 A young minister is sent to arrange a funeral The dead man died under peculiar circumstances and the dead man s young companion knows more than he s telling This unlikely pair is drawn into a web of intrigue that involves murder billions in stolen gold blackmail espionage kidnapping a global disaster and a plot to create a new Nazi world order Before it is all over a fraudulent evangelist is exposed shots ring out in a darkened churchyard a young reporter gets a chance at national fame the minister falls in love a bishop announces astonishing news and more than one person is dead Graham will keep you spellbound Louie Crew

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