Understanding Justice 101

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CHAPTER 1: FOUNDATIONS OF THE U.S. CRIMINAL JUSTICE SYSTEM

Chapter 1: Foundations of the U.S. Criminal Justice System

Learning Objectives

By the end of this chapter, you should be able to do the following:

1. Explain the general purpose of the U.S. criminal justice system and why it matters to communities.
2. Distinguish among crime, criminal justice, criminology, and deviance.
3. Describe the roles of law enforcement, courts, corrections, and community partnerships and explain how their decisions and services affect one another.
4. Identify the major decision points that may occur from the discovery of an offense through punishment, supervision, and community reentry.
5. Compare the crime control and due process models and apply both perspectives to criminal justice situations.

Key Terminology

Booking:

The official process of recording an arrest, identifying the arrested person, documenting the charge, and securing personal property.

Community corrections:

Programs that supervise and support people in the community instead of, or after, confinement in a jail or prison.

Community partnerships:

The network of public, nonprofit, private, and community organizations that work with criminal justice agencies to prevent harm, support victims and families, address underlying needs, and improve case outcomes.

Corrections:

The part of the criminal justice system responsible for carrying out sentences through confinement, supervision, treatment, and reentry services.

Crime:

An act or failure to act that violates a criminal law and may be punished by the government.

Crime control model:

A view of criminal justice that gives priority to efficient enforcement, quick case processing, and the prevention of crime.

Criminal justice:

The system of laws, agencies, professionals, and community partners that prevent, investigate, process, and respond to crime.

Criminology:

The scientific study of crime, people who commit crime, victims, and society's responses to crime.

Defendant:

A person formally accused of a crime in a court of law.

Discretion:

The lawful authority to choose among reasonable options when rules do not require only one response.

Due process model:

A view of criminal justice that gives priority to fairness, reliable decisions, constitutional protections, and limits on government power.

Felony:

A serious criminal offense that may be punished by imprisonment for more than one year, depending on the law of the jurisdiction.

Jurisdiction:

The legal authority of an agency or court to act in a particular place, over a certain type of case, or involving particular people.

Justice:

The fair and lawful treatment of people while balancing public safety, individual rights, accountability, and repair of harm.

Law enforcement:

The part of the criminal justice system responsible for preventing crime, enforcing laws, responding to emergencies, and investigating suspected offenses.

Misdemeanor:

A less serious criminal offense that is generally punishable by no more than one year in a local jail, although the exact limit depends on the jurisdiction.

Probable cause:

Facts and circumstances that would lead a reasonable person to believe a crime occurred, a person committed it, or evidence will be found in a particular place.

Rule of law:

The principle that laws apply to everyone and that government power must be exercised according to law.

Sentencing:

The judicial process of selecting and imposing a lawful consequence after a criminal conviction.

Victim:

A person who experiences physical, emotional, psychological, or financial harm because of a criminal offense.

Chapter Overview

Imagine walking through downtown in your local city when you hear tires screech and see a vehicle strike a person in a crosswalk. Someone calls 911. A dispatcher gathers information and sends police officers and medical personnel. Officers protect the scene, speak with witnesses, and document

what happened. A prosecutor may later review the reports and decide whether criminal charges are supported. A judge may be asked to make decisions about release, legal responsibility, or punishment. Other professionals may assist the injured person, supervise the person convicted, or provide treatment and reentry services.

No single person or agency controls this entire response. **Criminal justice is the system of laws, agencies, professionals, and community partners that prevent, investigate, process, and respond to crime..** At its center is **justice, the fair and lawful treatment of people while balancing public safety, individual rights, accountability, and repair of harm.** A **crime is an act or failure to act that violates a criminal law and may be punished by the government.** These ideas may sound simple, but applying them to real situations requires careful judgment, reliable information, and respect for the law (Maier et al., 2025; U.S. Department of Justice, n.d.).

Many people learn about the system through news reports, television programs, social media, podcasts, and documentaries. These sources often focus on unusual investigations, serious violence, or dramatic trials. Most daily cases receive little public attention, even though ordinary arrests, court hearings, supervision decisions, and community responses reveal much more about how the system normally operates (Maier et al., 2025).

The United States does not have one single agency that controls all criminal cases. Federal, state, local, and tribal governments operate separate but sometimes overlapping systems. Their agencies must work together while remaining within the legal authority granted to them. This decentralized structure can make the system difficult to understand, but it also divides government power and allows communities to respond to local needs (Administrative Office of the U.S. Courts, n.d.; Maier et al., 2025).

This chapter introduces the purpose of the U.S. criminal justice system, its major goals, its three central components, and the path a case may follow. It also explains how crime is measured, why public safety must be balanced with individual rights, and why fairness and public trust matter at every stage.

Pro Tip

Develop the habit of separating facts from assumptions whenever you read about a criminal case. News stories often report limited information during the early stages of an investigation. Professional investigators document observable facts before drawing conclusions. This same habit will strengthen your classroom discussions, written assignments, and future professional decision-making.

1.1 Why Criminal Justice Matters

A student leaves a restaurant and discovers that someone has broken a window and taken a backpack from the student's vehicle. The backpack contains a laptop, class notes, identification documents, and medication. To an outside observer, the incident may appear to be a basic property offense. To the student, it may create financial loss, fear, missed assignments, identity theft concerns, and difficulty replacing needed medication.

A responding officer must decide what information to collect and whether evidence is available. A dispatcher must accurately record the call. An investigator may review security footage. A prosecutor may decide whether the evidence supports charges if a suspect is identified. A court may later determine legal responsibility. A community organization may help the student replace important documents or receive other support.

This example shows that criminal justice is not limited to dramatic arrests or jury trials. It affects safety, health, education, employment, housing, family relationships, and public confidence. It also shows that one event can create different responsibilities for many people.

Watch Your Step

General Public: "Criminal justice is about punishment."

Expert: Many people believe the criminal justice system exists only to punish people who commit crimes. Punishment is one important function, but it is only one part of a much larger mission. Criminal justice professionals also prevent crime, protect constitutional rights, assist victims, investigate offenses, supervise offenders, promote rehabilitation, and work to improve public safety. Keeping this broader purpose in mind will help you better understand every chapter that follows.

Public Trust Is Essential

Jurisdiction is the legal authority of an agency or court to act in a particular place, over a certain type of case, or involving particular people.

Jurisdiction answers questions such as these:

- Which agency may investigate the suspected offense?
- Which prosecutor may file charges?
- Which court may hear the case?
- Which government's law applies?
- May more than one government have authority?

Jurisdiction can be based on geography. A city department ordinarily serves people within city boundaries, while a county sheriff's office may serve unincorporated areas and provide countywide services. Jurisdiction can also be based on the type of offense. A federal agency may investigate conduct involving federal law, while state or local authorities handle most violations of state law.

Some cases involve overlapping authority. A suspected offense may violate both state and federal law. Conduct may begin in one city and continue into another county. An investigation may involve a tribal government, state officers, and a federal agency. Overlap does not mean that every agency performs the same work. Agencies must determine their lawful roles, share information when permitted, and coordinate their actions.

Slow Down and Think

Jurisdiction is not the same as rank. A federal badge does not give an officer automatic authority over every local case, and a state court cannot decide every federal matter. Begin by asking what law may have been violated, where the conduct occurred, and which government has legal authority. Skipping those questions can lead to incorrect assumptions about which agency or court should act.

Decision and Discretion

Written laws cannot predict every situation professionals will face. Two calls involving the same general offense may differ in risk, available evidence, harm, witness cooperation, and the needs of the people involved. Professionals must often select a lawful response after considering the facts.

Discretion is the lawful authority to choose among reasonable options when rules do not require only one response. It appears throughout the system. An officer may decide whether circumstances call for a warning, citation, referral, further investigation, or arrest. A prosecutor may decide whether the available information supports charges. A judge may choose among lawful release conditions or penalties. A supervision officer may decide how to respond to a minor violation of conditions.

Discretion is necessary because rigid rules can produce unreasonable outcomes when circumstances differ.

However, discretion also creates the risk that similar people or cases may be treated differently. For this reason, choices should be guided by law, agency policy, professional ethics, reliable information, training, and the purpose of the decision (Maier et al., 2025). Discretion does not mean that a professional may do whatever seems convenient. A decision can be reviewed by supervisors, courts, oversight bodies, or the public. Reports, recordings, court records, and data may later show whether the decision was lawful, consistent, and supported by facts.

Discretion can also be affected by limited time, staffing, treatment options, jail space, technology, and community resources. These pressures do not remove legal duties, but they may influence which lawful option is practical. A small rural agency may not have the same specialized units as a large urban department. A county with few treatment providers may have fewer alternatives available to a court. Students should therefore evaluate decisions within their legal and organizational setting rather than assuming every community has the same resources.

Public Trust and Legitimacy

Criminal justice agencies depend on legal authority, but legal authority alone is not enough to make a system work well. Agencies also depend on people reporting offenses, sharing information, appearing as witnesses, following court orders, serving on juries, and supporting lawful public institutions. People are more likely to view an institution as legitimate when they believe it performs its duties effectively, acts within the law, treats groups fairly, and uses fair procedures. Research on police legitimacy cautions that respectful communication is important but cannot replace effectiveness, lawfulness, or equal treatment. Public confidence is shaped by all of these factors together (National Academies of Sciences, Engineering, and Medicine [NASEM], 2022).

Fair procedures include allowing people an appropriate opportunity to speak, making decisions neutrally, explaining actions when possible, and treating people with dignity. These practices do not require officials to agree with everyone or produce the result each person wants. They require decision makers to show that the process is serious, lawful, and not based on favoritism (NASEM, 2022).

Public trust can be strengthened or damaged during routine encounters, not only during major events. A person may remember whether an officer listened to a concern, whether court instructions were understandable, whether jail staff responded to a safety issue, or whether an agency acknowledged a mistake. Community relationships therefore depend on daily conduct as much as formal policy (Wymore & Raber, 2019).

Slow Down and Think

Two people may receive the same legal outcome but judge the process differently. One person may have been heard, given a clear explanation, and treated respectfully. The other may have felt ignored or confused. Should the outcome alone determine whether justice was done? Consider how fairness of process, accuracy, respect, and public safety should each affect your answer.

Why the System Matters to Everyone

Criminal justice is not only a subject for future police officers, attorneys, judges, or correctional professionals. It affects anyone who may report an offense, receive a jury summons, vote on public policy, serve as a witness, seek a protection order, support a family member, or question the actions of a government agency.

The system also reflects community values. Legislatures decide which conduct will be prohibited and what consequences may follow. Agencies develop priorities and policies. Courts interpret laws and constitutional protections. Community members influence these decisions through voting, jury service, public comment, advocacy, employment, research, and oversight. This does not mean that public opinion should decide whether a particular person is guilty. Legal responsibility must be determined through evidence and lawful procedures. It means that the broader design of the system is shaped by choices about safety, liberty, punishment, rehabilitation, fairness, and the use of government power.

Understanding why the system matters leads to a more basic question: What exactly is crime, and how is the study of crime different from the operation of criminal justice?

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1.2 Crime, Criminal Justice, and Criminology

A student takes another student's reserved parking space. Someone lies to a friend. A shopper speaks loudly on a phone in a quiet store. A business breaks a contract. A driver knowingly leaves the scene after striking an occupied vehicle. Each action may be viewed as wrong, harmful, rude, or irresponsible. However, only some are crimes. This difference matters because criminal law permits the government to use some of its strongest powers. A person may be arrested, prosecuted, confined, fined, or placed under supervision. The label of crime should therefore be based on law rather than personal dislike or moral disagreement.

Criminal justice and criminology are also different. Criminal justice focuses on the institutions and processes used to respond to suspected violations. **Criminology is the scientific study of crime, people who commit crime, victims, and society's responses to crime.** Criminal justice asks how a case is handled. Criminology asks why crime occurs, how it is distributed, who is affected, and whether a response reduces future harm (Maier et al., 2025).

What Makes Conduct a Crime?

A harmful act is not automatically a crime. Conduct becomes criminal when a valid law prohibits it and authorizes government punishment. The law must identify the prohibited behavior, and the government must prove the required parts of the offense through an established legal process. Criminal laws may prohibit actions, such as taking property or intentionally injuring another person. They may also require action in limited situations. When a law creates a legal duty, a failure to act may support criminal responsibility. For example, certain professionals may be legally required to report suspected abuse under conditions defined by law.

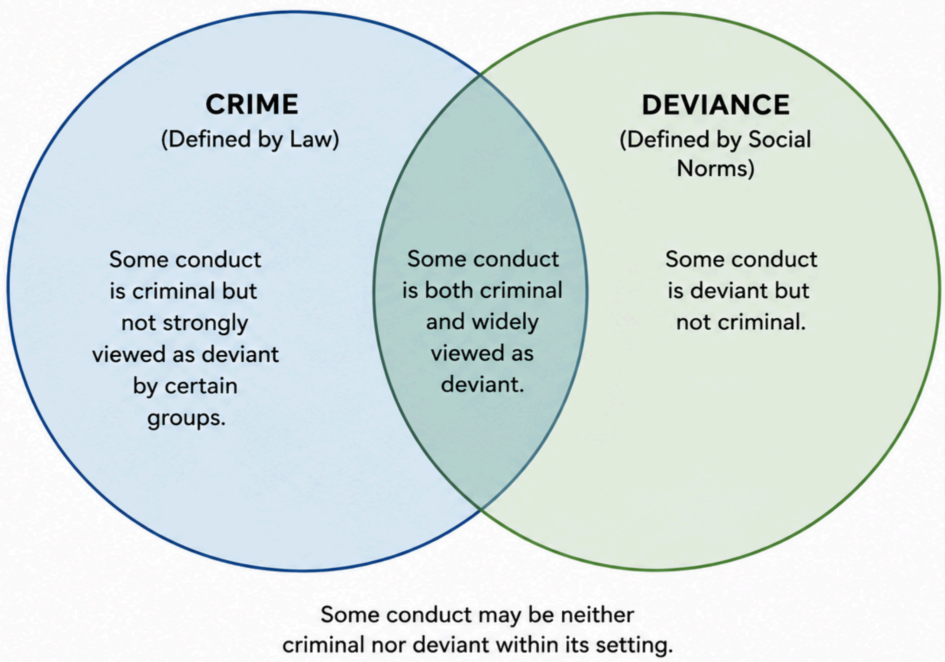
Criminal law serves several purposes. It identifies conduct the government has chosen to prohibit, warns people about possible consequences, gives officials authority to respond, and establishes limits on that response. Washington's criminal code states that its offense provisions are intended to forbid and prevent conduct that causes or threatens serious harm while defining the conduct and mental state required for criminal responsibility (Wash. Rev. Code § 9A.04.020, 2026).Not every dispute belongs in the criminal system. Some disputes are civil matters involving compensation, contracts, property, family relationships, or other private rights. Other conduct may violate workplace rules, school policies, licensing requirements, or social expecations without violating criminal law.

Crime and Deviance Are Not the Same

Deviance refers broadly to conduct that violates social expectations or group norms. What a community considers unusual or unacceptable may depend on culture, place, time, age, religion, occupation, or social setting. Because norms vary, conduct may be viewed as deviant in one setting but ordinary in another (OpenStax, 2021). Crime is narrower because it requires a violation of criminal law. Cutting ahead in a grocery line may be rude and deviant, but it is not normally a crime. Wearing clothing that violates a workplace dress code may lead to discipline but not prosecution. In contrast, some prohibited conduct may receive little social disapproval even though it remains illegal. Crime and deviance overlap, but they are not interchangeable concepts. Figure 1.1 shows how conduct may fall into either category, both categories, or neither depending on the law and the social setting.

Figure 1.1

The Relationship Between Crime and Deviance



Note. Crime is behavior defined and prohibited by law. Deviance is behavior that violates social norms and is disapproved of by some members of a society. These categories can overlap but are not identical.

These categories can change. Legislatures may create new offenses, repeal old ones, or change penalties. Social attitudes may change before the law changes, or the law may change before public attitudes do. Technology also creates new behavior faster than lawmakers and courts can always respond. Online fraud, misuse of personal data, artificial intelligence, and new forms of digital harassment may require older legal concepts to be applied to new conduct.

Felonies, Gross Misdemeanors, and Misdemeanors

Criminal offenses are commonly classified by seriousness. However, classification systems and possible penalties vary among governments. Students should never assume that the name or penalty for an offense is identical in every state.

A **felony is a serious criminal offense that may be punished by imprisonment for more than one year, depending on the law of the jurisdiction.** Washington law classifies felonies as Class A, Class B, or Class C offenses. The maximum possible confinement differs by class, although the sentence in a particular case depends on additional laws and circumstances (Wash. Rev. Code §§ 9A.04.040, 9A.20.021, 2026). A **misdemeanor is a less serious criminal offense that is generally punishable by no more than one year in a local jail, although the exact limit depends on the jurisdiction.** This definition is useful nationally, but Washington separates lower-level offenses into misdemeanors and gross misdemeanors. Under Washington law, an ordinary misdemeanor may carry no more than 90 days in a county jail and a fine of no more than $1,000. A gross misdemeanor may carry up to 364 days in a county jail and a fine of no more than $5,000. These are maximum penalties. They do not mean every person convicted will receive the maximum punishment (Wash. Rev. Code § 9A.20.021, 2026).

The name of an offense can also be misleading. A misdemeanor should not be treated as harmless merely because it is classified below a felony. Even a lower-level conviction may affect employment, housing, education, licensing, immigration status, family responsibilities, finances, and personal reputation. The level of an offense is a legal category, not a complete measure of its effect on a person or community.

Watch Your Step

General Public: "A crime is a crime…"

Experts: Do not use felony and misdemeanor as universal labels with identical penalties everywhere. Washington also recognizes gross misdemeanors, and other states organize offenses differently. Check the law of the correct jurisdiction before describing an offense or its possible punishment. A confident answer based on another state's law may still be completely wrong.

Criminology as a Scientific Field

Criminology focuses more directly on the causes, patterns, and consequences of crime. Criminologists may study why offending begins, why it continues, and why most people stop. They may examine how age, opportunity, relationships, neighborhoods, inequality, substance use, trauma, or social learning relate to criminal behavior. They also study victimization. Questions may include who faces the greatest risk, why some offenses are not reported, how repeated harm occurs, and how institutions can respond without causing additional trauma.

Criminology relies on systematic evidence rather than instinct alone. Researchers use official records, surveys, interviews, observations, experiments, program evaluations, and other methods. Each method has limits. Official records exclude conduct that was never discovered or reported. Surveys depend on memory and honest responses. Interviews provide depth but may involve smaller groups. Strong conclusions come from understanding both the value and limitations of the evidence.

The National Institute of Justice supports research, development, and evaluation intended to inform decisions by state, local, and tribal criminal justice agencies. This approach reflects the growing expectation that policies and programs should be examined through evidence rather than accepted only because they are traditional or popular (National Institute of Justice, 2020). Criminology does not provide one simple explanation for all offending. Different theories focus on personal choices, social learning, relationships, communities, strain, opportunity, development, biology, psychology, inequality, or social control. Later chapters will examine how theories are developed, tested, criticized, and applied.

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1.3 What Is Justice?

A person breaks into a neighborhood store and steals several thousand dollars in equipment. The business owner wants the property returned and the person held accountable. Nearby residents want protection from future break-ins. The person accused of the offense wants a fair investigation and a meaningful chance to challenge the evidence. If the person is convicted, a judge must decide what consequence is lawful and appropriate. The community may also want to know whether treatment, supervision, or other services could prevent another offense.

Each interest is connected to justice, but the people involved may disagree about which interest should receive the most attention. The business owner may view repayment as the most important result. A police officer may focus on identifying the responsible person and preventing another offense. A defense attorney may focus on whether the investigation was lawful and the evidence is reliable. A prosecutor may consider the strength of the case, the seriousness of the harm, and the most appropriate charge. A correctional professional may focus on accountability, safety, behavior change, and successful reentry.

Justice is therefore more difficult to define in practice than it appears in theory. It involves outcomes, but it also involves the fairness of the process used to reach those outcomes. A legal result may still feel unjust if the investigation was careless, one party was not heard, or people in similar situations were treated differently. At the same time, a fair process cannot guarantee that everyone will agree with the final decision.

Justice as a Fair Outcome

One way to think about justice is to examine the final result. Did the person who caused harm accept responsibility? Was the victim's loss recognized? Was the punishment related to the seriousness of the offense? Was an innocent person protected from an unfair conviction? Did the response improve public safety?

Fair outcomes do not always mean identical outcomes. Two people may be convicted of the same general offense but receive different sentences because their conduct, criminal histories, roles, risks, or personal circumstances differ. One person may have planned an offense and caused serious harm. Another may have played a smaller role and accepted responsibility early. Treating every person exactly the same could ignore meaningful differences.

However, differences in outcomes should have a lawful reason. Personal wealth, social status, race, gender, popularity, political connections, or an official's personal feelings should not determine whose case receives attention or who receives the benefit of a legal protection. The rule of law requires government decisions to rest on law and relevant facts rather than favoritism.

A fair outcome also requires accurate information. Criminal justice decisions may be affected by witness accounts, physical evidence, digital records, professional reports, expert opinions, and statements from the people involved. If information is incomplete or unreliable, even a decision maker acting in good faith may reach the wrong result. This is one reason the system contains reviews, hearings, appeals, evidentiary rules, and other safeguards.

Justice as a Fair Process

Justice also concerns how people are treated while decisions are being made. Procedural justice research focuses on both the quality of decision making and the quality of treatment. People are more likely to view a process as legitimate when decision makers appear neutral, listen to relevant concerns, explain actions when possible, and treat people with dignity (Martin et al., 2023; National Academies of Sciences, Engineering, and Medicine [NASEM], 2022). Fair treatment does not mean that a police officer must avoid making an arrest, a prosecutor must dismiss a supported charge, or a judge must impose the result a person requests. It means that authority should be exercised lawfully and respectfully. A person can disagree with a decision while still believing the process was serious and fair.

Consider a driver who receives a traffic citation. The driver may be unhappy with the result. However, the driver may view the encounter differently if the officer explains the reason for the stop, listens to the driver's response, applies the law consistently, and avoids unnecessary disrespect. The citation remains, but the way authority was used affects the person's view of the officer and the larger system.

The same principle applies throughout courts and corrections. A defendant may receive an unfavorable court decision but still recognize that the judge reviewed the arguments and explained the ruling. A person in jail may remain confined but still expect staff to apply rules consistently, respond to safety concerns, and provide access to required services. Procedural fairness is not limited to policing. It applies wherever government exercises authority over people.

Deterrence and Incapacitation

Deterrence seeks to prevent crime by making the possible consequences of offending meaningful. Specific deterrence focuses on discouraging a particular person from committing another offense. General deterrence focuses on discouraging other members of society who observe or learn about the consequence. Deterrence depends on more than the harshness of punishment. People must believe there is a meaningful chance that unlawful conduct will be discovered and addressed. A severe punishment that is rarely or unpredictably imposed may not influence behavior as expected. Individuals also differ in how they understand risk, plan behavior, and respond to consequences.

Incapacitation protects the public by limiting a person's opportunity to commit crimes in the community. Confinement in jail or prison is the clearest example. Restrictions may also be imposed through electronic monitoring, location limits, no-contact orders, or closely supervised release. Incapacitation may reduce immediate opportunity, but it does not automatically address why a person offended. Unless the sentence lasts for life, most incarcerated people eventually return to a community. Long-term public safety may therefore depend on what occurs during confinement and how the transition back to the community is managed.

Rehabilitative Justice

Rehabilitation seeks to reduce future offending by helping a person change behavior or address conditions connected to criminal activity. Services may include education, job training, substance use treatment, mental health care, cognitive behavioral programming, family support, or assistance with housing and employment. Rehabilitation is not the same as excusing an offense. A person may be held accountable while also receiving services intended to reduce future harm. In many cases, accountability and rehabilitation occur at the same time. A person may be required to follow strict supervision conditions, attend treatment, maintain employment, pay restitution, and avoid further violations.

Evidence-based correctional practice uses research and data to guide decisions rather than relying only on tradition or intuition. Programs should be selected and evaluated according to the risks and needs of the people they serve, the quality of implementation, and whether the program improves measurable outcomes (National Institute of Corrections [NIC], 2022). Rehabilitation also recognizes that people can change. Age, relationships, employment, treatment, maturity, and other life conditions may affect whether offending continues. A system focused only on past conduct may miss opportunities to prevent future victimization.

Restorative Justice

Restorative justice focuses on the harm caused by an offense and the responsibilities created by that harm. It may involve the person who caused the harm, the person harmed, and affected community members. The process may focus on accountability, restitution, understanding the impact of the offense, and identifying steps that can repair as much harm as possible. Restorative practices may include conferences, facilitated meetings, community panels, written agreements, restitution plans, or other structured processes. Participation should be voluntary and carefully managed. Not every case is appropriate, and the safety and wishes of the person harmed must receive serious attention.

Restorative justice differs from a process focused only on deciding guilt and imposing punishment. It asks broader questions: Who was harmed? What does that person need? Who is responsible for meeting those needs? What can be done to reduce the chance of future harm? Research reviews describe restorative approaches as efforts to involve those most affected by an offense while promoting accountability and repair.

These programs vary widely, and their effectiveness depends on program quality, participant readiness, offense type, and local practice (Office of Juvenile Justice and Delinquency Prevention [OJJDP], 2017). Restorative justice does not necessarily replace conventional prosecution or punishment. It may supplement another legal response. For example, a court could impose a lawful sentence while also requiring restitution or allowing an appropriate restorative process.

Nonintervention and Diversion

Not every unlawful act requires the most severe available response. Nonintervention is based on the concern that unnecessary criminal justice involvement can sometimes create more harm than benefit. Formal processing may disrupt school, employment, housing, or family connections without meaningfully improving public safety. Diversion offers an alternative path in appropriate cases. A person may be required to complete treatment, education, community service, restitution, or other conditions. Successful completion may reduce or avoid further court processing, depending on the program and governing law.

Diversion does not mean ignoring serious harm. It requires careful screening, clear expectations, and a response matched to the offense, the person's risk, and the needs of the victim and community. Poorly designed diversion may fail to address important behavior. Overly restrictive diversion may also become more demanding than the court response it was intended to replace. Nonintervention reminds decision makers to ask whether formal criminal processing is necessary and likely to produce a useful result. The answer may differ according to the seriousness of the offense, prior conduct, safety concerns, available services, and the wishes and needs of the people affected.

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1.4 The Goals of the Criminal Justice System

Although criminal justice agencies perform many different duties, they generally pursue several common goals. These goals guide decision-making throughout every stage of the criminal justice process.

Protecting Public Safety

The primary responsibility of every criminal justice agency is protecting the public. Police officers respond to emergencies, courts remove dangerous offenders from communities when legally appropriate, and correctional agencies supervise individuals serving criminal sentences. Together, these agencies work to reduce victimization and promote safe communities. Public safety, however, involves more than responding after crimes occur. Crime prevention programs, community partnerships, education initiatives, and evidence-based policing strategies all seek to reduce crime before it happens (BJS, 2024).

Upholding the Rule of Law

The **Rule of Law** is the principle that all individuals and institutions are subject to and accountable under the law. This principle applies equally to elected officials, judges, police officers, prosecutors, and private citizens. The rule of law promotes consistency, fairness, and predictability. Without it, criminal justice decisions could become arbitrary or influenced by personal bias rather than legal standards. When criminal justice professionals follow established laws and procedures, they strengthen public confidence in the legal system.

Protecting Individual Rights

The United States Constitution guarantees numerous protections for individuals accused of crimes. These constitutional safeguards limit governmental authority while protecting personal freedoms. For example, individuals possess rights relating to unreasonable searches, self-incrimination, legal counsel, fair trials, and due process. Criminal justice professionals must understand these constitutional requirements because violations may affect investigations, prosecutions, and court proceedings. Protecting constitutional rights benefits society as a whole by ensuring governmental power remains subject to legal limitations.

Holding Offenders Accountable

When sufficient evidence establishes criminal responsibility, offenders may face consequences established by law. Accountability serves several purposes within the criminal justice system. It reinforces society's expectation that individuals follow criminal laws while communicating that unlawful behavior can result in consequences. Accountability also allows courts to impose sanctions that consider both the seriousness of the offense and the circumstances of the offender. Depending on the offense and applicable law, these sanctions may include incarceration, probation, fines, restitution, community service, treatment programs, or a combination of these responses.

Supporting Victims

Victims occupy an increasingly important role within the modern criminal justice system. Historically, victims often had limited opportunities to participate in criminal proceedings. Today, many jurisdictions provide victims with legal rights relating to information, notification, protection, participation, and restitution. Victim advocates, prosecutors, law enforcement agencies, and community organizations frequently work together to ensure victims receive support throughout the criminal justice process (Office for Victims of Crime, 2024).

Watch Your Step

General Public: "You either win or lose."

Expert: Many students assume every criminal case has a clear winner and loser. In reality, criminal justice decisions often involve competing interests. Protecting victims, respecting defendants' constitutional rights, maintaining public safety, and following legal procedures may all influence the same case. Good criminal justice professionals learn to recognize these competing responsibilities rather than viewing cases in overly simple terms.

1.5 The Four Interdependent Components of the Criminal Justice System

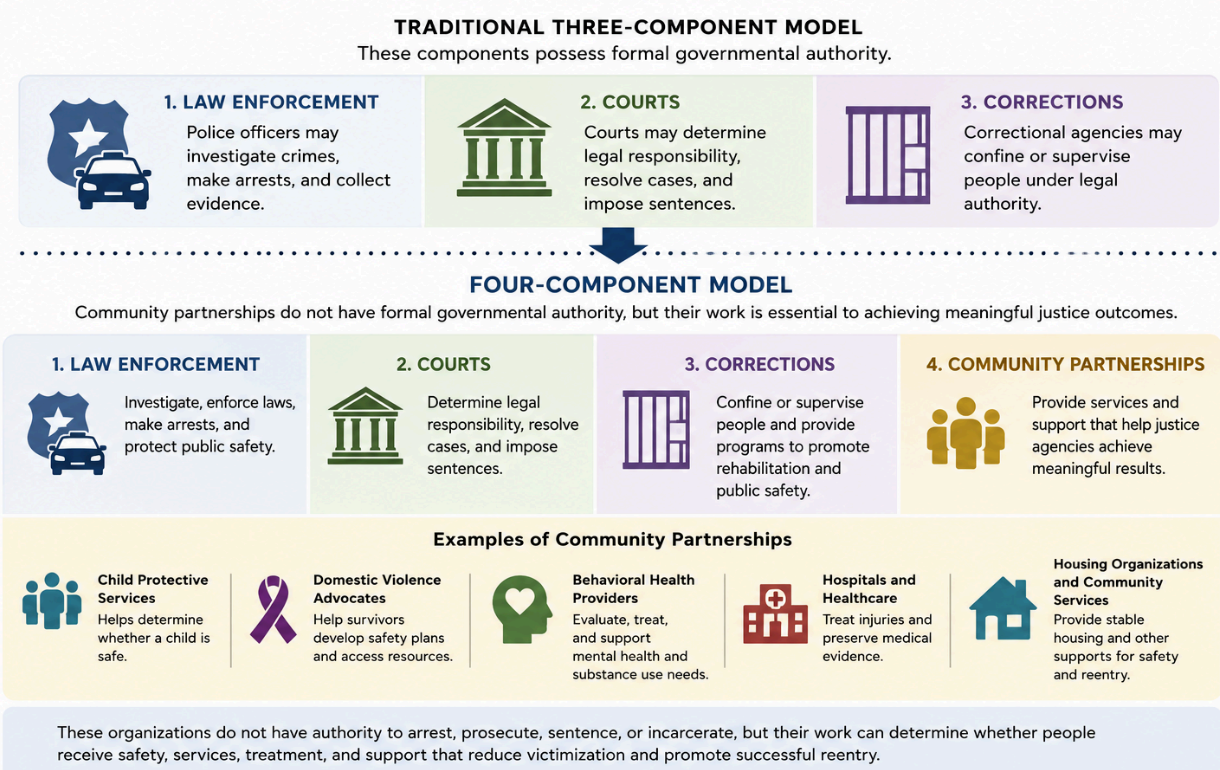
The traditional model of the U.S. criminal justice system identifies three major components: law enforcement, courts, and corrections. These three components possess formal governmental authority. Police officers may investigate crimes and make arrests. Courts may determine legal responsibility and impose sentences. Correctional agencies may confine or supervise people under legal authority.

However, this three-part model leaves out many organizations that make the system function. A child protective services worker may help determine whether a child is safe. A domestic violence advocate may help a survivor develop a safety plan. A behavioral health provider may evaluate a person for treatment. A hospital may preserve medical evidence and treat injuries. A housing organization may help someone remain safe after victimization or find stability after release from prison. These organizations may not have authority to arrest, prosecute, sentence, or incarcerate, but their work can determine whether justice agencies achieve meaningful results.

For this reason, this textbook uses a broader four-component model. This framework does not suggest that community organizations are a single government agency or that they should exercise police or court authority. Instead, it recognizes that public safety, victim support, rehabilitation, prevention, and reentry cannot be accomplished by formal justice agencies alone. Research and current federal programs increasingly describe effective responses as cross-system, multidisciplinary, community-based, and coordinated efforts involving justice agencies and organizations outside the traditional system.

Figure 1.2

The Three-Component Traditional Model and the Four-Component Model of the Criminal Justice System



Note. The traditional criminal justice model emphasizes three components with formal governmental authority: law enforcement, courts, and corrections. The four-component model used in this textbook adds community partnerships to recognize the important role of child protective services, victim advocates, behavioral health providers, health care organizations, housing programs, and other community services. These partners generally do not possess authority to arrest, prosecute, sentence, or incarcerate, but they can substantially influence safety, victim support, treatment, rehabilitation, reentry, and other justice outcomes.

Law Enforcement

Law Enforcement

is the component of the criminal justice system responsible for preventing crime, enforcing laws, protecting life and property, and investigating criminal offenses. Law enforcement agencies exist at multiple levels of government. Municipal police departments generally serve cities and towns. County sheriff's offices often provide patrol services in unincorporated areas while operating local jails and providing court security. State agencies investigate specialized crimes and enforce statewide laws. Federal agencies investigate violations of federal statutes and crimes affecting national interests. Law enforcement officers exercise significant discretion while performing their duties. They continually assess situations, determine appropriate responses, and balance enforcement priorities with community needs.

Courts

Courts determine whether criminal charges have been supported by sufficient evidence and whether legal procedures have been followed appropriately. Judges oversee courtroom proceedings, interpret laws, protect constitutional rights, and impose sentences following criminal convictions. Court proceedings also involve prosecutors, defense attorneys, victims, witnesses, jurors, probation officers, interpreters, bailiffs, and numerous support personnel. Although television often portrays dramatic jury trials, most criminal cases are resolved through negotiated plea agreements rather than jury verdicts (BJS, 2024).

Corrections

Corrections is the component of the criminal justice system responsible for carrying out criminal sentences through incarceration, supervision, rehabilitation, and community reintegration. Correctional agencies include local jails, state prisons, federal prisons, probation departments, parole agencies, community supervision programs, and residential treatment facilities. Modern corrections involves much more than confinement. Correctional professionals supervise offenders, provide educational opportunities, coordinate treatment programs, prepare individuals for release, monitor compliance with court orders, and promote successful reintegration into society. Reducing **recidivism**, or the tendency of a person previously convicted of a crime to commit another criminal offense, remains one of the major long-term goals of correctional agencies.

Community Partnerships

Community partnerships are the network of public, nonprofit, private, and community

organizations that work with criminal justice agencies to prevent harm, support victims and families, address underlying needs, and improve case outcomes.

This fourth component includes many different organizations. Examples include child protective services, domestic violence shelters, sexual assault programs, hospitals, behavioral health providers, substance use treatment programs, schools, housing agencies, legal aid organizations, victim advocacy programs, tribal social services, public health departments, community violence intervention programs, faith-based organizations, employers, and reentry providers. These organizations do not all perform the same work. Some respond before a crime occurs by addressing risk factors and strengthening communities. Others assist during an investigation or court case. Still others provide treatment, housing, supervision support, education, employment, or family services after a person leaves jail or prison.

The fourth component is less visible because it is not organized under one chain of command. There is no single director of community partnerships and no single community partnership budget. Services may be operated by state or local governments, tribes, hospitals, nonprofit organizations, private providers, schools, or volunteer groups. The organizations may also have different missions, professional standards, confidentiality rules, and funding sources.

Despite these differences, they regularly perform work that the other three components cannot complete by themselves.

Pro Tip

As you study future chapters, ask yourself two questions whenever a new topic is introduced: "Which component of the criminal justice system is primarily responsible?" and "How does this decision affect the other components?" Thinking this way will help you see criminal justice as an interconnected system rather than four separate institutions working independently.

Why the Traditional Model Is Incomplete

The traditional criminal justice model focuses on law enforcement, courts, and corrections because these agencies possess formal authority to investigate crimes, prosecute cases, impose sentences, and carry out sanctions. However, this model does not fully explain how communities prevent harm, support victims, address treatment needs, or help people successfully return to the community.

Community organizations often provide services that justice agencies cannot provide directly. Child protective services and Children's Advocacy Centers coordinate responses to child abuse while maintaining separate investigative, medical, advocacy, and child welfare roles (DCYF, 2026a, 2026b; OJJDP, 2025). Domestic violence and sexual assault programs provide safety planning, shelter, advocacy, and other resources that may remain necessary long after a criminal case ends (Johnson & Stylianou, 2022; Niolon et al., 2017; Washington State Department of Commerce, 2026).

Behavioral health providers, hospitals, and public health agencies also play important roles. They may provide crisis intervention, treatment, medical care, evidence collection, or violence-prevention services. These partnerships can help justice agencies respond to underlying needs rather than relying solely on arrest or incarceration (BJA, 2024a; CDC, 2024; Shepherd & Sumner, 2017; Washington State Courts, n.d.).

Community involvement is equally important during reentry. Housing organizations, employers, schools, health providers, treatment programs, and reentry organizations can help people obtain the stability needed to comply with supervision and reduce future offending (BJA, 2024b). Schools, tribal organizations, disability advocates, homeless service providers, immigrant and refugee organizations, and other community institutions may also contribute specialized knowledge and connections that formal justice agencies do not possess (DCYF, 2023).

These partnerships do not erase professional boundaries. Advocates are not investigators, clinicians do not make arrests, and community organizations do not determine criminal charges or sentences. Information sharing must also respect confidentiality, privacy, legal authority, and professional ethics. The broader four-component model recognizes that law enforcement, courts, and corrections retain their formal governmental authority while community partnerships provide many of the services, expertise, and resources needed to turn criminal justice decisions into meaningful outcomes.

Pro Tip

When reviewing a case, create a four-part resource check. Ask what law enforcement must do, what the court must decide, what corrections may supervise, and what community partner can meet needs the formal system cannot. Then identify who should make the referral, what information may legally be shared, and how the partners will know whether the referral was completed. This routine turns a list of agencies into an actual plan.

What Effective Partnerships Require

Partnerships can fail when responsibilities are unclear, organizations compete for control, or agencies assume another provider will handle an important task. Effective partnerships usually require man different aspects when working together (Table 1.1). Partnerships also require awareness of unequal power. A large government agency may have more funding and authority than a small nonprofit shelter or cultural organization. Community agencies should not be expected to absorb unlimited referrals without funding, staff, training, or a meaningful role in decisions. CDC guidance specifically warns that community organizations need sufficient resources to meet the demands created by justice partnerships (CDC, 2024).

Table 1.1

Elements of Effective Criminal Justice and Community Partnerships

Partnership Element	What It Means	Why It Matters
Clear roles and boundaries	Each participant understands what its own organization is responsible for and what other organizations can and cannot do.	Clear boundaries reduce confusion, duplication of work, and inappropriate involvement in another professional's responsibilities. For example, a victim advocate may support a survivor without becoming an investigator, while a police officer investigates without making clinical treatment decisions.
Reliable referral procedures	Referrals include a process for determining eligibility, making contact, confirming access to services, and responding when delays or barriers occur.	Simply giving someone a telephone number does not guarantee that help will be available. A reliable referral process increases the chance that victims, defendants, families, and people returning from incarceration actually reach the services they need.
Communication rules	Partners understand what information may be shared, who may receive it, why it is needed, and what legal authority permits the exchange.	Criminal justice cases may involve sensitive medical, investigative, child welfare, treatment, or victim information. Clear communication rules allow agencies to coordinate while reducing unnecessary or unlawful disclosure.
Confidentiality protections	Private information is protected according to law, professional ethics, consent requirements, and the purpose for which the information was collected.	Survivors and clients may avoid seeking help if they believe everything they say will automatically be shared with police, prosecutors, courts, employers, family members, or other organizations. Protecting confidentiality can strengthen trust and increase access to services.
Adequate resources	Community services have enough staff, funding, transportation access, language support, disability access, and available program space to meet expected demand.	A court order or referral has little practical value when a program has a long waiting list or cannot be reached by the person who needs it. Criminal justice decisions work better when the resources needed to carry them out actually exist.
Community representation	Partnerships include people with lived experience and organizations that are trusted by the communities affected by the issue.	Justice agencies may not fully understand local barriers, cultural concerns, service gaps, or reasons people hesitate to seek government help. Community participation can improve problem identification, policy design, and public trust.
Evaluation	Partners collect and review information to determine whether the partnership is producing the results it was designed to achieve.	A partnership should be judged by outcomes such as improved safety, access to services, case coordination, treatment continuity, victim well-being, successful reentry, and reduced future harm rather than simply by whether organizations met or made referrals.

Note. Effective partnerships require coordination without eliminating the separate legal, ethical, and professional responsibilities of participating organizations.

How the Four Components Depend on One Another

Law enforcement, courts, corrections, and community partnerships interact throughout a case. Consider a report that a child has been physically abused. A teacher may first notice signs of harm. Child protective services may assess immediate safety. Law enforcement may investigate a possible crime. A Children's Advocacy Center may coordinate a forensic interview, medical assessment, advocacy, and case review. A prosecutor may decide whether to file charges. A criminal court may determine the accused person's legal responsibility, while a separate dependency court addresses the child's care and placement. A mental health provider may help the child recover. A community organization may support the nonoffending caregiver.

No one component can complete this response alone.

The same is true in domestic violence cases. Police may respond to immediate danger. A shelter may provide emergency safety. A hospital may treat injuries. A prosecutor may pursue criminal charges. A civil court may issue a protection order. A community advocate may help the survivor understand options. A probation officer may supervise the person convicted. A treatment provider may address abusive behavior or substance use.

Information must move accurately, but it must not move carelessly. A delayed protection order, missing police report, unavailable shelter bed, unclear release condition, or failed referral can affect safety. At the same time, unrestricted sharing of medical, counseling, child welfare, or advocacy records can violate privacy and discourage people from seeking help.

Separate roles provide valuable checks. Community partners should not control charging decisions. Police should not control clinical treatment. Courts should not assume every service provider has room for another participant. Correctional agencies should not disclose protected information merely because another organization is part of the partnership.

The goal is coordinated work, not the removal of professional independence.

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1.6 The Criminal Justice Process

> ***A store employee reports that a person entered the business, threatened the cashier, took money, and left in a vehicle. Police officers respond, collect evidence, and begin searching for the person responsible.***

> ***A witness provides part of a license plate number. A nearby camera recorded the vehicle. Officers later identify and arrest a possible suspect.***

It may appear that the case will now move in a straight line from arrest to trial and punishment. Real cases rarely move so neatly. At several points, the case may be delayed, redirected, reduced, dismissed, resolved through an agreement, or transferred to another agency. Each stage includes decisions about evidence, legal authority, public safety, individual rights, available resources, and the needs of victims and families. The Bureau of Justice Statistics organizes the criminal justice process into several broad stages (Table 1.2): entry into the system, prosecution and pretrial services, adjudication, sentencing and sanctions, and corrections. This structure is useful for learning, but it should not be mistaken for a rigid path that every case follows (Bureau of Justice Statistics [BJS], 2021). The process is shown in a general sequence, but real cases do not always move in a straight line. Cases may end, change direction, return to an earlier stage, or involve community partners at several points.

Community partnerships may also become involved at almost any point. A victim advocate may respond shortly after the offense. A hospital may treat injuries and preserve evidence. Child protective services may assess a child's safety. A shelter may help a survivor relocate. A treatment provider may evaluate a person before sentencing. A reentry organization may begin working with an incarcerated person before release. The four components of the system therefore overlap throughout the process.

Table 1.2

Snapshot of the Criminal Justice Process

Stage	What Usually Happens
Crime Detection and Reporting	A possible offense is discovered or reported by a victim, witness, agency, or community organization.
Initial Response	Responders address immediate safety, provide aid, protect people, and preserve important information.
Investigation	Officers and investigators gather statements, physical evidence, digital information, records, and other facts.
Probable Cause and Arrest	If the legal standard is met, a person may be arrested based on facts supporting probable cause.
Booking and Custody	The arrest is formally recorded, identity is confirmed, property is secured, and release or detention is considered.
Prosecutorial Review and Charging	A prosecutor reviews the evidence and decides whether charges should be filed, changed, declined, or referred elsewhere.
Initial Appearance and Pretrial Release	A judge reviews custody, legal rights, counsel, release conditions, and safety or appearance concerns.
Arraignment	The defendant is formally informed of the charge and enters a plea.
Discovery and Pretrial Motions	The parties exchange evidence, investigate further, and ask the court to resolve legal issues before trial.
Plea Negotiation	The prosecutor and defense may negotiate a lawful agreement that resolves the case without trial.
Trial and Adjudication	If the case goes to trial, the government must prove the charge and a judge or jury determines the outcome.
Sentencing	After conviction, the judge imposes a lawful consequence such as confinement, probation, restitution, treatment, or other conditions.
Corrections and Community Supervision	Correctional agencies carry out confinement or supervise the person in the community.
Reentry and Continuing Support	Planning and services may address housing, employment, health care, transportation, treatment, and other needs after release.
Case Attrition and Redirection	At many stages, a case may be dismissed, declined, diverted, reduced, acquitted, or otherwise leave the traditional process.

Note. Community partnerships may be involved throughout the process. Victim advocates, hospitals, child protective services, shelters, treatment providers, housing organizations, and reentry programs may provide services before, during, or after formal criminal justice action. The stages above are a learning framework rather than a required path for every case. (Bureau of Justice Statistics [BJS], 2021)

Overview of the Criminal Justice Process

The criminal justice process begins when a possible crime is discovered or reported. A victim or witness may contact police, but reports may also originate with businesses, schools, hospitals, community organizations, or officers themselves. Not every crime is discovered or reported, which is why police records cannot capture all victimization. A report provides information for further assessment; it does not prove that a crime occurred.

When responders arrive, their first priorities are immediate safety, medical needs, and potential threats. They may separate people, protect children, secure the scene, preserve evidence, and request additional assistance. These early decisions can affect the entire case, making careful documentation and objective decision making especially important.

Investigators then gather and evaluate information to determine whether a crime occurred, identify possible suspects, and preserve evidence. They may use interviews, physical evidence, video, records, digital information, and forensic testing. A fair investigation considers information that both supports and challenges an early theory rather than searching only for evidence that confirms an initial suspicion. If the available facts establish probable cause, officers may have legal authority to make an arrest. Probable cause requires more than a guess but is a lower standard than the proof required for conviction. Most importantly, an arrest places a person in government custody but does not establish guilt.

Following an arrest, the person may undergo booking. This process documents identity, charges, personal property, fingerprints, photographs, and relevant health or safety information. Depending on the circumstances and applicable law, the person may then be released, transferred, or held for court review.

Prosecutors review the investigation and determine whether criminal charges are legally supported. They may file charges, select different charges, request additional investigation, pursue an alternative resolution, refer the matter elsewhere, or decline prosecution. A decision not to prosecute does not necessarily mean that the original report was false. The available evidence may simply be insufficient to support prosecution.

When a defendant first appears in court, a judge addresses matters such as the accusation, right to counsel, custody status, and possible release conditions. Because guilt has not yet been established, courts must consider the presumption of innocence while also addressing legitimate concerns about future court appearances and public safety.

At arraignment, the defendant is formally informed of the charge and enters a plea. A not-guilty plea requires the government to prove its case through the criminal process. A guilty plea gives up important trial rights and must be entered knowingly and voluntarily.

As the case moves toward possible trial, the prosecution and defense exchange and review evidence, conduct additional investigation, and raise legal issues. Pretrial motions may ask a judge to decide questions involving searches, statements, evidence, or whether a charge is legally supported. Many cases are resolved through plea agreements rather than trials. A defendant may agree to plead guilty in exchange for changes to charges, sentencing recommendations, or other lawful terms. Plea agreements can reduce delays and provide greater certainty, but the defendant's decision must be informed and voluntary.

Cases that are not dismissed or resolved through a plea may proceed to trial. The prosecution must prove the charged offense beyond a reasonable doubt. Depending on the type of trial, a judge or jury determines whether the government has met that burden. A not-guilty verdict means the government did not prove the charge beyond a reasonable doubt; it does not necessarily establish that no harmful event occurred.

Following a conviction, the judge imposes a lawful sentence. Possible consequences include jail or prison, probation, fines, restitution, community service, treatment, or other conditions. Sentencing may address several purposes, including accountability, rehabilitation, deterrence, public safety, and repairing financial harm to victims.

Correctional agencies then carry out the sentence through confinement, community supervision, or a combination of approaches. Probation, parole, treatment, electronic monitoring, and other programs may be involved. Supervision officers monitor compliance, assess needs, make referrals, document progress, and respond to violations.

For people returning from confinement, reentry planning may begin before release. Housing, identification, health care, medication, employment, transportation, treatment, education, and family support can all affect a person's ability to successfully return to the community. Community organizations often provide services that correctional agencies cannot provide alone.

Throughout this process, cases may change direction or leave the system entirely. Not every reported crime results in an arrest, every arrest in a charge, every charge in a conviction, or every conviction in incarceration. Cases may be declined, dismissed, diverted, reduced, acquitted, or otherwise redirected. This process, often called case attrition, is not automatically evidence of system failure. Each decision should instead be evaluated according to the evidence, legal standards, available options, and information known at that particular point in the case.

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1.7 Measuring Crime

A local news report announces that crime increased in a city. A police department later reports that arrests decreased. A hospital reports more patients with violence-related injuries. A victim survey shows that many offenses were never reported to police. *Which number best describes what happened?*

The answer depends on the question being asked. Crime is not measured through one perfect source. Researchers combine law enforcement records, victimization surveys, self-report studies, court information, correctional records, public health data, and community reports to develop a more complete understanding. There are four four major approaches students should understand: the Uniform Crime Reporting program, the National Incident-Based Reporting System, the National Crime Victimization Survey, and self-report crime surveys. Each measures a different part of crime and has different limits.

Why Crime Data Come From More Than One Source

Measuring crime is more difficult than simply counting police reports or arrests. For an offense to appear in official law enforcement statistics, it generally must first be discovered, reported or otherwise become known to police, recorded by an agency, classified under the applicable law, and submitted through a reporting system. At any of these points, information may never enter the official count. Some victims do not report crimes, some offenses are never detected, and some incidents are handled by organizations outside the criminal justice system.

Even when an offense is reported, crime statistics are influenced by more than the amount of criminal behavior occurring in a community. Changes in laws, reporting practices, police staffing, enforcement priorities, technology, and public willingness to contact law enforcement can affect the numbers. For example, adding officers to impaired-driving enforcement may produce more arrests without necessarily meaning that impaired driving suddenly increased. Similarly, stronger community trust may encourage more victims to report crimes, causing recorded crime to increase even when underlying victimization has not increased.

Population changes can also make raw numbers misleading. A growing city may experience more total offenses while its crime rate per resident remains stable or decreases. Rates make comparisons easier, but they can still hide differences among neighborhoods, populations, and offense types. For these reasons, crime statistics should be treated as pieces of evidence that require interpretation rather than complete measurements of everything happening in a community.

One major source of crime information is the Federal Bureau of Investigation's Uniform Crime Reporting program. Traditional UCR reporting provided broad information about crimes known to participating law enforcement agencies, but its summary approach captured limited information about individual incidents. The modern National Incident-Based Reporting System, or NIBRS, provides considerably more detail and became the national standard for law enforcement crime data reporting in 2021 (BJS, 2022). NIBRS can record multiple offenses within an incident along with information about victims, suspected offenders, locations, relationships, weapons, property, and arrests. This allows researchers to examine crime patterns in greater detail. NIBRS nevertheless has an important limitation: it primarily describes offenses that become known to participating law enforcement agencies. Crimes that are never reported or discovered generally will not appear in these records. Researchers must also consider whether agencies submitted complete and comparable information during the period being studied. The FBI's Crime Data Explorer provides public access to these data and national estimates, but national trends should not automatically be assumed to describe every state, county, city, or neighborhood (FBI, n.d.-a, 2025).

Another major source is the National Crime Victimization Survey. Rather than beginning with police records, the NCVS asks a nationally representative sample of households about selected victimizations they experienced. BJS surveys approximately 240,000 people from about 150,000 households each year, including questions about incidents that were and were not reported to law enforcement (BJS, n.d.-b). This makes the NCVS especially useful for estimating some of the victimization that does not appear in police statistics.

The NCVS and NIBRS therefore measure crime from different perspectives. NIBRS provides detailed information about incidents known to law enforcement, while the NCVS can estimate selected victimizations regardless of whether police were contacted. Neither provides a complete picture. Survey respondents may forget events, choose not to disclose them, or fall outside the populations covered by the survey. Differences between the two sources are not necessarily errors. They may reveal something important about whether victims report particular offenses to police.

Self-report surveys provide another perspective by asking people about illegal or delinquent behavior they have personally committed. These studies can reveal conduct that never resulted in police contact, arrest, or prosecution. They have helped researchers demonstrate why official records should not be interpreted as a complete count of everyone who engages in illegal behavior. Self-report studies also have limitations because participants may forget, exaggerate, minimize, misunderstand, or refuse to disclose behavior. Both self-report and official data therefore contain different sources of measurement error (NIJ, 2000; Piquero et al., 2014).

Court and correctional records tell researchers about later stages of the criminal justice process rather than the total amount of crime occurring in society. Court records can show charges, pleas, dismissals, convictions, sentences, appeals, and other case outcomes. Correctional records can provide information about jail and prison populations, admissions, releases, community supervision, violations, and reentry. These numbers are shaped by criminal justice policies as well as criminal behavior. An increase in incarceration, for example, could result from longer sentences or changes in release policies rather than an increase in crime.

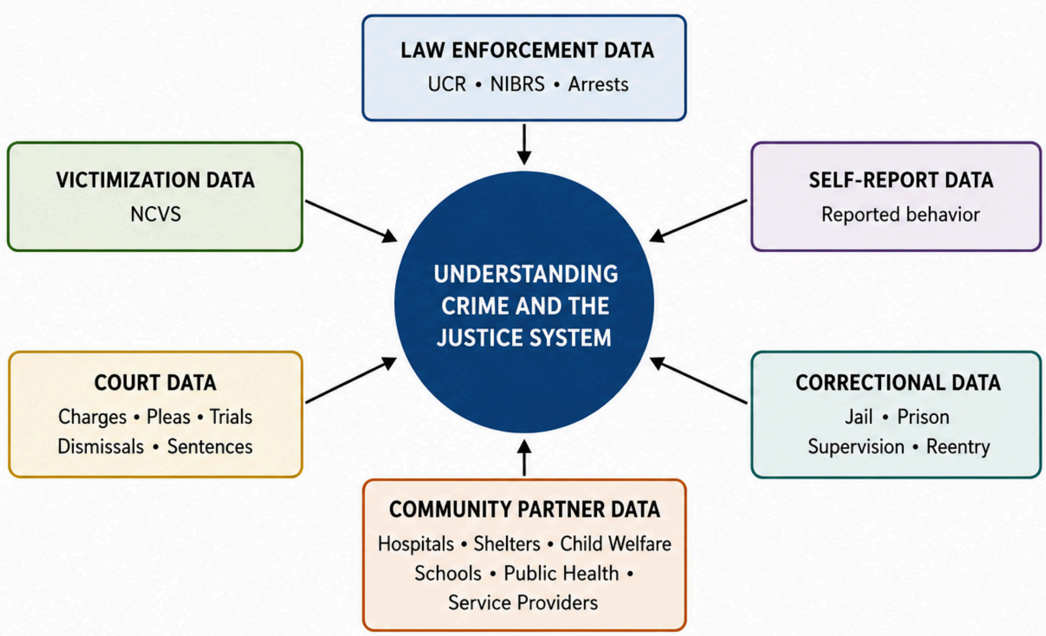
The four-component model used in this textbook adds another important source: community partnerships. Hospitals may document assault injuries, domestic violence programs may record requests for shelter and advocacy, child welfare agencies may track reports and safety assessments, schools may document violence or threats, public health agencies may collect overdose and injury information, and reentry organizations may track housing, treatment, employment, and service access. These records can reveal harms and needs that never appear in police, court, or correctional databases.

Community data require the same caution as official criminal justice data. A shelter's number of clients does not represent every person experiencing domestic violence. Hospital injury records do not establish that every injury resulted from a criminal offense. Organizations may also use different definitions and collect information for different purposes. Privacy and confidentiality requirements can appropriately restrict access to sensitive information. Combining data therefore requires clear definitions, lawful information sharing, privacy protections, and an understanding of what each source actually measures.

The central lesson is that there is no single perfect source for measuring crime. Researchers obtain a more complete picture by examining several sources together and understanding the strengths and limitations of each. A change in police reports, victimization surveys, hospital records, court filings, or shelter requests should prompt further investigation rather than an immediate conclusion that crime increased or decreased.

Figure 1.3

Major Sources of Crime and Criminal Justice Data



Note. No single data source provides a complete measure of crime or criminal justice activity. Each source captures different aspects of crime and system involvement and has important limitations. Using multiple sources together can provide a more complete understanding.

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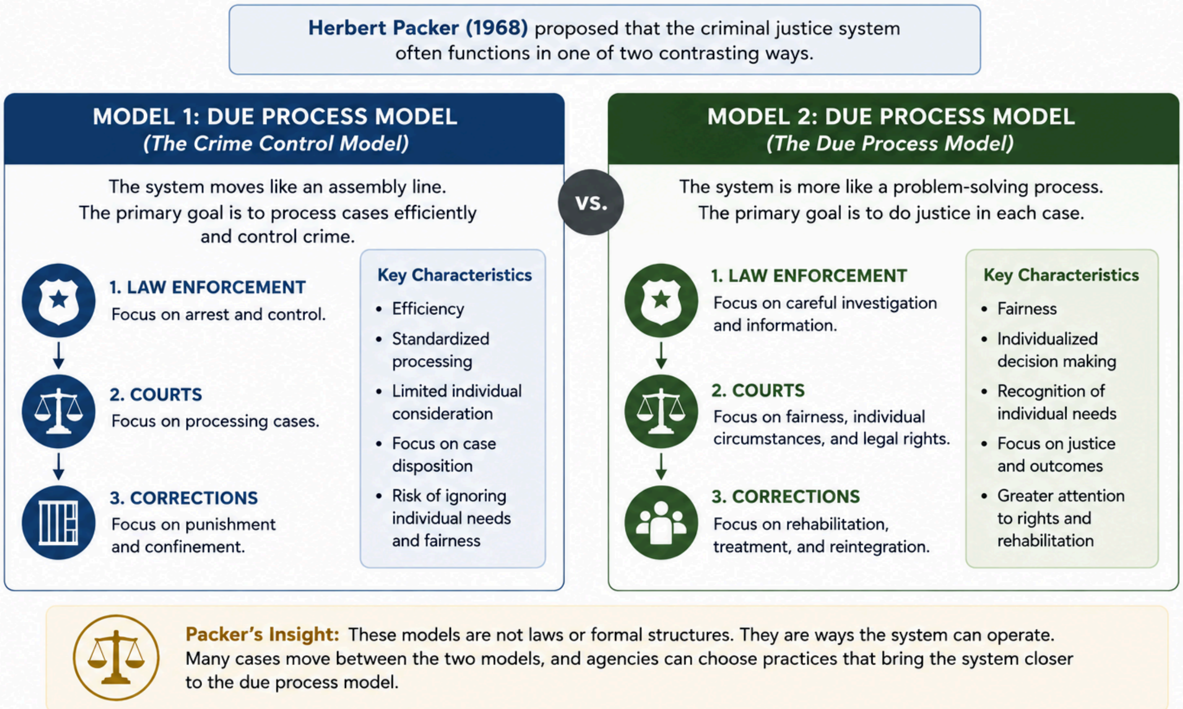
1.8 Crime Control and Due Process

Police receive a tip that illegal drugs are being sold from a house. Officers believe that evidence may be removed quickly. They enter and search without first obtaining a warrant. The search produces drugs, records, and weapons. The evidence strongly suggests criminal activity. However, the court must decide whether the search was lawful.

One perspective focuses on the evidence and the danger of allowing serious offenders to avoid accountability. Another focuses on the government's failure to follow constitutional search requirements. These competing concerns are represented by the crime control and due process models. Herbert Packer developed these models to explain different values within the criminal process. The models are not complete descriptions of real agencies. They are tools that help students identify which goals a policy or decision emphasizes (Maier et al., 2025; Packer, 1964).

Figure 1.4

Herbert Packer's Two Models of the Criminal Justice System



Note. Adapted from Packer, H. (1968). Two models of the criminal process. In H. Packer, *The limits of the criminal sanction* (pp. 3–22). Stanford University Press.

The Crime Control Model

The crime control model is a view of criminal justice that gives priority to efficient enforcement, quick case processing, and the prevention of crime.

This model begins with the concern that uncontrolled crime threatens public freedom and safety. If agencies cannot identify offenders, process cases, and impose consequences, the system cannot protect the public. Crime control values speed, accuracy, finality, and efficient use of resources. It supports strong investigative capacity and early screening so that cases believed to be reliable can move forward without unnecessary delay. The model is often compared to a conveyor belt or assembly line. Cases enter the system, are screened, and continue toward a result. This comparison does not mean that every person should be convicted. It means that routine cases should move efficiently once professionals determine that the evidence is reliable.

The model also recognizes that delay can harm victims, defendants, witnesses, and public safety. A case that takes years to resolve may lose evidence, weaken memory, increase costs, and leave everyone uncertain.

However, too much emphasis on speed may encourage decision makers to accept early conclusions without enough review. Pressure to clear cases or secure convictions can make errors harder to detect.

The Due Process Model

The due process model is a view of criminal justice that gives priority to fairness, reliable decisions, constitutional protections, and limits on government power.

This model begins with the concern that people and institutions make mistakes. Witnesses may be wrong. Confessions may be unreliable. Evidence may be mishandled. Officials may act with bias or exceed their authority. An innocent person may appear guilty during the early stages of a case. Due process values careful review, independent courts, legal representation, open procedures, evidentiary rules, and meaningful opportunities to challenge government action. The model is often compared to an obstacle course. The government cannot simply move a case from accusation to punishment. It must pass legal checks at each stage.

Due process protections may slow a case, but speed is not the only measure of success. A fast wrongful conviction is not an efficient form of justice. It harms the innocent person, leaves the actual offender unaddressed, damages the victim, and reduces trust. The model does not require officials to ignore public safety. It requires the government to pursue safety through lawful and reliable procedures.

Slow Down and Think

Suppose reliable evidence shows that a person committed a serious crime, but investigators obtained the evidence through an unlawful search. Should the court focus mainly on the person’s apparent guilt or the government’s violation? Consider what could happen if courts always accepted unlawfully obtained evidence. Then consider what could happen when reliable evidence cannot be used. Which risks should the system be most careful to prevent?

Neither Model Can Operate Alone

A system focused only on crime control could become fast but careless. It might treat arrest as proof, discourage legal challenges, or accept wrongful outcomes as the cost of efficiency. A system focused only on process without attention to public safety could become unable to respond effectively to harm. Endless delay may prevent accountability and leave victims without meaningful protection.

The United States combines both perspectives. Police receive authority to investigate, but courts review that authority. Prosecutors have discretion, but defendants have counsel. Cases may be negotiated, but judges review pleas. Correctional agencies maintain security, but their decisions remain subject to law. The balance changes over time and differs among policies. Periods of high public fear may increase pressure for crime control. Wrongful convictions, misconduct, or unequal treatment may increase demands for stronger safeguards.

You should avoid assuming that one model belongs to one political position or profession. A police officer may insist on strong due process because lawful investigations protect cases. A defense attorney may support effective crime prevention. A victim may want accountability and careful proof. A prosecutor may dismiss a weak case because justice requires more than a conviction.

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Chapter Summary

The U.S. criminal justice system is not one agency, one building, or one straight path from crime to punishment.

It is a network of decisions made by law enforcement agencies, courts, correctional organizations, and community partners.

A case may begin with a victim, witness, teacher, hospital employee, advocate, or police officer. It may move through investigation, arrest, booking, charging, release decisions, arraignment, negotiation, trial, sentencing, confinement, supervision, and reentry. At every stage, professionals must consider evidence, law, public safety, individual rights, available resources, and the needs of people affected by the case.

Crime data also require careful judgment. Police reports, NIBRS, victimization surveys, self-report studies, court records, correctional data, and community-service information each reveal part of the picture. No single number can fully describe crime or justice.

The crime control and due process models help explain why criminal justice decisions often create disagreement. One model emphasizes effective enforcement and timely accountability. The other emphasizes legal safeguards, reliable decisions, and limits on government power. A lawful and effective system needs both.

Finally, the addition of community partnerships provides a more complete view of how justice is actually delivered. Police officers, courts, and correctional professionals cannot provide shelter, health care, child protection, treatment, education, employment, housing, or long-term victim support by themselves. Community institutions are not secondary observers. They are active partners in prevention, response, recovery, rehabilitation, and reentry.

Understanding these foundations will help you examine criminal behavior, victimization, constitutional law, policing, courts, corrections, and community responses in the chapters that follow.

End of Chapter Activities

Case Study Analysis: The Night at Cedar Hall

At 10:35 p.m., a resident of Cedar Hall called 911 after hearing shouting, a child crying, and the sound of glass breaking in the unit next door. Two police officers arrived within minutes. They found Elena in the hallway with her eight-year-old daughter, Mia. Elena had redness on one wrist and appeared frightened. She first said that she had fallen while cleaning up a broken lamp. Mia quietly told one officer that Devin, Elena's partner, had pushed her mother, taken her phone, and blocked the front door when Elena tried to leave.

Devin remained inside the apartment. He told the officers that Elena had thrown the lamp during an argument and that he grabbed her wrist only to stop her from hitting him. The hallway security camera showed Devin standing in the doorway while Elena tried to move past him, but it did not capture what happened inside. Officers photographed the damaged lamp, Elena's wrist, and the doorway. They collected the broken phone after Elena said it belonged to her. One officer reviewed the known facts, spoke with a supervisor, and arrested Devin based on the officer's assessment of probable cause. The officer also sent a report to child protective services because Mia had witnessed the event and might face continuing safety concerns.

A community-based domestic violence advocate contacted Elena that night. The advocate explained safety planning, shelter, protection-order information, victim compensation, and other services. Elena did not want to enter a shelter because she feared losing work and could not take the family's dog. The advocate found a pet-friendly motel, arranged transportation for Mia to school, and helped Elena replace the damaged phone. The advocate did not tell Elena whether she should support prosecution.

The prosecutor reviewed the police reports, photographs, video, and witness statements. The prosecutor filed charges supported by the available evidence but declined a more serious charge because the video did not show the entire event and the remaining evidence did not clearly establish every required element. At the first court appearance, Devin's attorney argued that he should be released because he had a job, no prior failures to appear, and a stable address. The prosecutor requested detention because of safety concerns. The judge released Devin with a no-contact order, electronic check-ins, and a requirement to remain at another residence.

Before trial, the defense challenged messages found on the broken phone because officers had viewed part of the message history without first obtaining additional legal authority. The judge excluded those messages but allowed the photographs, hallway video, and witness testimony. Elena later asked the prosecutor to dismiss the case because Devin's income helped pay the rent. The prosecutor listened to Elena but continued the case after considering the evidence, public safety, and available support. Devin eventually entered a negotiated plea to a supported lower-level charge. The sentence included probation, restitution for the phone, a behavior-change program, and compliance with the no-contact order. Child Protective Services closed its case after Elena and Mia had a workable safety plan. Six months later, Devin had attended most required sessions but missed one appointment after changing jobs. The probation officer had to decide how to respond.

Answer each question in approximately one, single-spaced handwritten page (approximately 500-1000 words). Support your reasoning with specific concepts and section references from this chapter.

1. Identify the roles of law enforcement, the courts, corrections, and community partnerships in this case. Explain one important boundary that each component should not cross.
2. Identify at least five decision points where a professional used discretion or where a legal protection affected the case. Explain what facts and values should guide each decision.
3. Develop at least six measures that could be used to evaluate whether the overall response was successful.

Your measures must go beyond whether Devin was convicted.

Choose Your Own (Criminal Justice) Adventure

Skills Lab 1: Build the Four-Component Response Map

Use The Night at Cedar Hall case study. On one sheet of paper, create four labeled areas: law enforcement, courts, corrections, and community partnerships. Place every professional, organization, decision, and service from the case in the most appropriate area. Draw arrows showing where information, referrals, court orders, or services move between components. For each arrow, label what is shared and whether consent, confidentiality, or legal authority may limit the exchange. End by identifying one task that would fail if a component did not participate.

Deliverable: a completed map and a five-sentence explanation of the most important connection.

Skills Lab 2: Conduct a Decision-Point Audit

Select eight decisions from Sections 1.6.1 through 1.6.15, such as whether to report, arrest, charge, release, negotiate a plea, impose a sentence, respond to a supervision violation, or make a service referral. For each decision, write: (1) who has authority, (2) the facts available at that moment, (3) the legal or professional standard, (4) at least two lawful options, and (5) one risk of deciding too quickly. Do not use information discovered later as though the earlier decision maker already knew it.

Deliverable: eight short decision-point entries and a paragraph explaining why hindsight can distort case analysis.

Skills Lab 3: Become a Crime Data Detective

The City of Bellingham reports the following changes in one year (fictional): police-recorded assaults increased 18 percent; a household victimization survey found no meaningful change; hospital visits for assault injuries fell 9 percent; calls to the domestic violence shelter increased 27 percent; and the police department began full NIBRS reporting during the same year. Your group must develop three plausible explanations for the pattern. Identify what each source measures, what each source misses, and what additional information you would request before stating that violence increased.

Deliverable: a 200-word public statement that accurately explains the evidence without overstating what is known.

Skills Lab 4: Hold a Crime Control and Due Process Hearing

Police receive an anonymous tip that stolen firearms are inside a house. Officers enter without a warrant after seeing a person quickly close a curtain. They find the firearms and arrest the resident. Assign roles: crime control advocate, due process advocate, prosecutor, defense attorney, judge, and community observer. Each participant prepares a two-minute statement. The judge must identify the missing facts, explain the competing risks, and issue a reasoned ruling without assuming that finding evidence automatically made the entry lawful.

Deliverable: each role's main argument and the judge's written ruling of 150-200 words.

Skills Lab 5: Design a Reentry and Referral Plan

Justin will leave county jail in seven days after serving a sentence for a property offense. He has probation conditions, diabetes medication, no government identification, no stable housing, limited transportation, and a job interview in two weeks. His sister can offer temporary support but cannot provide housing. Create a plan covering the first 72 hours, first 30 days, and first 90 days. Identify the responsibilities of corrections and at least five community partners. State what information each partner actually needs and what information should remain confidential.

Deliverable: a sequenced plan with one backup option for housing, health care, transportation, identification, treatment, and employment.

Critical Thinking Questions

Answer each question in approximately one, single-spaced handwritten page (approximately 500-1000 words). Support your reasoning with specific concepts and section references from this chapter.

1. The traditional criminal justice model contains law enforcement, courts, and corrections. Explain whether community partnerships should be treated as a true fourth component. Address both the strengths and possible limits of this expanded model.
2. Two defendants receive the same lawful sentence. One understood the case, had effective counsel, and heard the judge explain the ruling. The other could not understand parts of the proceeding and felt ignored. Analyze whether equal outcomes necessarily produce equal justice.
3. Discretion is necessary, but it can also produce unequal treatment. Develop a practical framework that a police officer, prosecutor, judge, or supervision officer could use to make discretionary decisions more consistent and defensible.

CHAPTER 2: CRIME, CRIMINAL BEHAVIOR, AND CRIMINOLOGICAL THEORY

Chapter 2: Crime, Criminal Behavior, and Criminological Theory

Learning Objectives

By the end of this chapter, you should be able to do the following:

1. Differentiate criminology from criminal justice and explain the purpose of criminological theory.
2. Compare the major biological, psychological, and sociological explanations of criminal behavior.
3. Apply criminological theories to real criminal cases using evidence and critical thinking.
4. Evaluate the strengths and limitations of major criminological theories.
5. Explain why criminal behavior is usually influenced by multiple interacting factors rather than a single cause.

Key Terminology

Biological theory:
An explanation of behavior that focuses on genetic, neurological, physiological, or other bodily influences.

Classical School:

A perspective proposing that people generally use free will and weigh expected benefits against possible costs before acting.

Collective efficacy:

Shared trust and willingness among community members to act for common safety and well-being.

Criminal justice:

The system of laws, agencies, professionals, and community partners that prevent, investigate, process, and respond to crime.

Desistance:

The process through which offending declines or stops over time.

Determinism:

The view that behavior is shaped or constrained by forces outside a person's immediate conscious choice.

Deviance:

Behavior, belief, or appearance that violates a social norm, whether or not it violates criminal law.

Differential association:

The process through which people learn attitudes, motives, techniques, and definitions favorable or unfavorable to lawbreaking from close groups.

Free will:

The ability to make choices among available options.

General strain theory:

A theory proposing that certain pressures or losses can produce negative emotions that increase the risk of crime when lawful coping is weak.

Labeling theory:

A theory proposing that social reactions and stigmatizing labels can shape identity and increase continued deviance.

Positivism:

An approach that uses observation, measurement, and scientific testing to identify factors associated with crime.

Protective factors:

Characteristics or conditions that reduce risk or help people avoid harmful outcomes.

Psychological theory:

An explanation of behavior that focuses on thinking, emotion, personality, learning, development, or mental processes.

Rational choice theory:

A theory proposing that offending may occur when a person believes expected rewards outweigh risks and costs.

Recidivism:

A return to criminal behavior after a prior justice-system response or period of abstinence.

Risk factors:

Characteristics or conditions associated with a greater likelihood of crime or other harmful outcomes.

Routine activity theory:

A theory proposing that crime becomes more likely when a motivated offender, a suitable target, and the absence of a capable guardian come together.

Social control theory:

A theory proposing that strong bonds to family, school, work, and conventional society reduce offending.

Social disorganization theory:

A theory proposing that crime is more likely where community institutions, shared trust, and informal social control are weakened.

Social learning theory:

A theory proposing that behavior is learned through observation, interaction, imitation, and reinforcement.

Sociological theory:

An explanation of behavior that focuses on relationships, groups, institutions, communities, culture, and social structure.

Theory:

An organized explanation that connects concepts and evidence to explain or predict a pattern.

Chapter Overview

On November 13, 2022, University of Idaho students Ethan Chapin, Xana Kernodle, Madison Mogen, and Kaylee Goncalves were killed in an off-campus home in Moscow, Idaho. Their deaths deeply affected their families, friends, universities, and the surrounding Moscow-Pullman community. The University of Idaho later created a healing garden and memorial that includes the names of all four students. Their lives and the harm caused by their deaths should remain central whenever this case is discussed.

Bryan Kohberger was arrested in December 2022 after completing his first semester as a doctoral student in Washington State University's criminal justice program. His academic background attracted unusual attention because he had been studying crime, criminology, research methods, and the criminal justice system. That background does not explain his behavior, but it makes the case especially useful for examining what criminological theories can and cannot tell us. On July 2, 2025, Kohberger agreed to plead guilty to one count of burglary and four counts of first-degree murder. On July 23, the court imposed a ten-year sentence for burglary and four consecutive life sentences for the murders.

The guilty pleas resolved the legal question of responsibility, but they did not provide a complete public explanation of motive. This leaves one of the most common questions following a serious crime: Why did he do it? A conviction can establish what a person did without revealing every biological influence, psychological process, social experience, grievance, opportunity, emotional reaction, or decision that contributed to the behavior. Even extensive investigations may leave parts of an offender's reasoning unknown. This is where criminology becomes important.

Throughout this chapter, the Kohberger case will be used carefully to demonstrate how different theories ask different questions. Classical theories may examine planning, choice, and perceived risk. Psychological theories may examine learning, emotion, motivation, or personality development. Biological theories may examine verified neurological or developmental influences. Sociological theories may examine strain, relationships, social learning, or community conditions. None of these perspectives can diagnose Kohberger from a distance or establish a motive that the evidence does not support.

A theory is not a confession, criminal profile, diagnosis, or proof of one cause. A criminological theory is an organized explanation that helps researchers identify patterns, develop testable questions, compare evidence, and evaluate possible responses. The central question of this chapter is therefore not simply, "Which theory explains Bryan Kohberger?" A stronger question is: **How can criminological theories help us understand criminal behavior without claiming more than the evidence supports?**

2.1 What Is Criminology?

The Scientific Study of Crime and Criminal Behavior

Criminology is the scientific and systematic study of crime, criminal behavior, victimization, and society's responses to crime. It examines why crime occurs, why some people offend while others do not, how crime varies across people and places, how laws develop, and how communities and institutions respond. Criminology is multidisciplinary, drawing from psychology, sociology, law, biology, public policy, and other fields. It does not assume that every crime has one simple cause. Criminal behavior may involve personal choices, social relationships, learned attitudes, emotional reactions, biological characteristics, developmental experiences, community conditions, and opportunities that interact over time. People have attempted to explain crime for thousands of years. Early explanations often relied on religion, superstition, morality, or assumptions about evil. Modern criminology takes a different approach. It attempts to examine crime through organized observation, research, measurement, comparison, and testing.

Criminology covers more than the study of individual offenders. Criminologists may examine criminal laws, victimization patterns, neighborhoods, courts, correctional systems, inequality, prevention programs, public attitudes, and the consequences of justice policies (Burke et al., 2019; Maier et al., 2024). Criminology also helps us understand risk factors, or characteristics or conditions associated with a greater likelihood of crime or other harmful outcomes.

A psychologist might examine the relationship between emotion regulation and aggression. A sociologist might study how neighborhood instability affects violence. A biologist or neuroscientist might investigate brain development or the interaction between genetics and the environment. An economist might examine how legitimate employment opportunities affect offending. A legal scholar might study how lawmakers define crime and how courts interpret those definitions. These researchers may study the same general problem while asking different questions. Their findings may complement one another, but they may also conflict. Disagreement does not necessarily mean that criminology has failed. Scientific fields advance when researchers challenge explanations, improve measurements, identify limitations, and test alternative interpretations.

Criminologists do more than ask, "Why did this person commit a crime?" They also study **who, what, when, where, how, and under what conditions** crime and justice-system responses occur (Table 2.1). Asking different kinds of questions matters because criminal behavior rarely has one simple explanation. A question about an individual's decision may require different evidence than a question about peer influence, neighborhood crime patterns, or sentencing outcomes. Before applying a theory, students should first ask: **"What exactly am I trying to explain?"** The answer helps determine which theory, evidence, and level of analysis are most appropriate.

Table 2.1

Questions Criminologists Ask and Why They Matter

Question Criminologists Ask	Why Is This Question Important?
Why are some crimes concentrated in particular places?	Crime is not distributed evenly across communities or locations. Understanding where crime concentrates can help identify environmental conditions, opportunities, patterns, and resources that may guide prevention efforts.
Why does offending commonly increase during adolescence and decline during adulthood?	Understanding changes in offending across the life course can help researchers examine development, maturity, relationships, responsibilities, opportunities, and other factors that may contribute to both offending and desistance.
How do families, peers, schools, and communities influence behavior?	People develop within social environments. Studying these relationships helps criminologists identify both risk factors and protective factors without assuming that any single relationship causes criminal behavior.
Why do some people continue offending while others stop?	This question helps researchers understand persistence and desistance. The answers can improve reentry, supervision, treatment, employment, education, and other programs intended to support long-term behavioral change.
How does exposure to violence affect later behavior?	Exposure to violence may affect development, emotions, relationships, coping, and later behavior. Studying these relationships can identify opportunities for early intervention while avoiding the mistaken assumption that victimization determines a person's future.
How do opportunity and guardianship influence when a crime occurs?	Motivation alone may not explain when or where an offense occurs. Studying targets, opportunities, supervision, security, and guardianship can identify practical ways to make offending more difficult or less attractive.
Why are some harmful behaviors criminalized while others are handled through civil law, regulation, or social disapproval?	Crime is partly a legal and social category. This question helps students understand that lawmakers and societies make decisions about which behaviors receive criminal punishment and which are addressed through other forms of social control.
Which prevention, treatment, and correctional programs reduce future offending?	Criminal justice resources are limited, and programs can produce different results. Evaluating outcomes helps agencies identify approaches that reduce harm, support rehabilitation, improve public safety, and avoid spending resources on ineffective practices.
How do race, class, gender, disability, and social power affect the creation and enforcement of law?	Laws and justice-system decisions operate within a larger society. Examining social differences and power helps researchers determine whether laws, enforcement practices, and justice outcomes affect groups differently and why those differences occur.
How do justice-system decisions affect victims, accused people, families, and communities?	Arrest, prosecution, sentencing, incarceration, treatment, and release can affect far more than the person accused of an offense. Studying these consequences helps evaluate whether criminal justice policies promote safety, fairness, accountability, and community well-being.

Note. Criminology asks questions at multiple levels. Some questions focus on individuals, while others examine relationships, places, institutions, laws, or entire communities. A strong criminological explanation matches the theory and evidence to the level of the question being studied.

Some questions focus on an individual. Others focus on a group, institution, neighborhood, or society. The level of analysis matters because a theory that explains differences between neighborhoods may not explain why one particular person committed a particular homicide. For example, social disorganization theory may help explain why violence is more common in communities experiencing concentrated disadvantage, residential instability, and weakened institutions. It would be inappropriate, however, to use neighborhood conditions alone to explain every act committed by every resident. Most people living in disadvantaged communities do not commit serious crimes. Psychological research may identify thinking patterns associated with aggression. That does not mean every person who displays one of those patterns will become violent. Criminological findings generally describe probabilities and patterns rather than guaranteed outcomes.

Criminology and Criminal Justice Are Related but Different

Students sometimes use criminology and criminal justice as though they mean the same thing. They overlap, but they have different primary purposes. As discussed in Chapter 1, the criminal justice system includes law enforcement, courts, corrections, and closely connected community organizations. Criminal justice focuses heavily on what institutions do after a law is created, a crime is reported, a person is suspected, or a case enters the legal system (Burke et al., 2019; Maier et al., 2024). Criminology asks broader explanatory questions. It examines why laws are created, why people violate them, why victimization occurs, how crime is distributed, and how society responds.

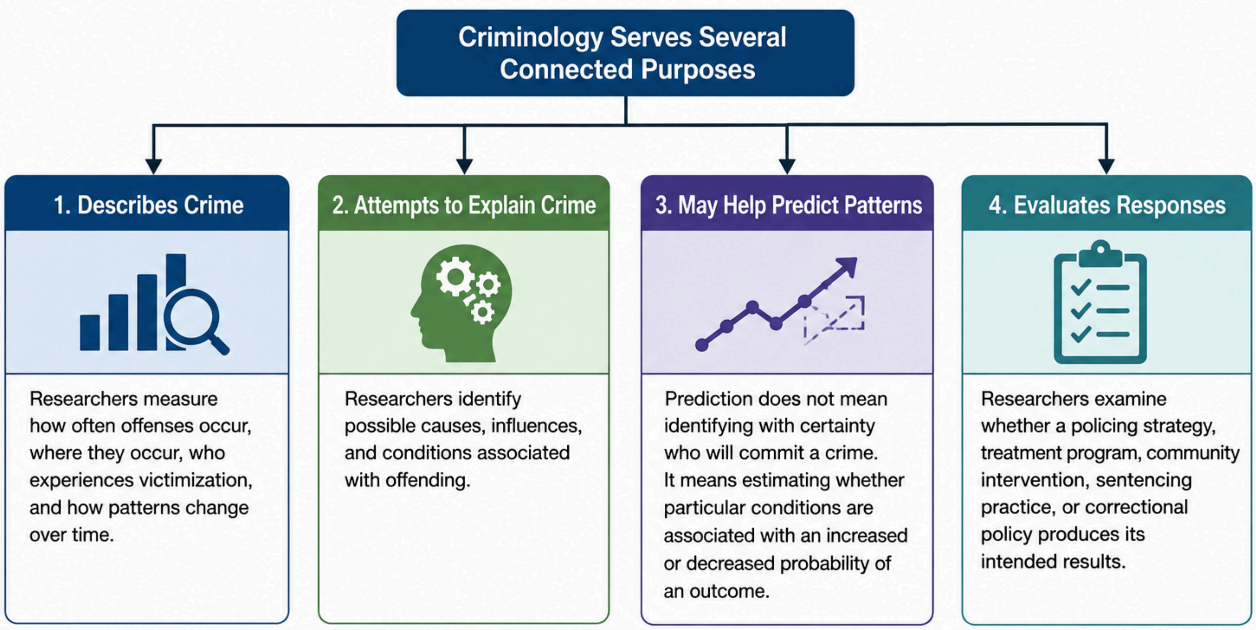
- A police detective investigating a robbery is performing criminal justice work. A criminologist studying hundreds of robberies to determine whether opportunity, peer learning, neighborhood conditions, or economic stress affects robbery patterns is performing criminological research.
- A probation officer deciding how to respond to a violation is working within the criminal justice system. A researcher comparing different probation practices to determine which ones reduce future offending is conducting criminology.
- A prosecutor applying a criminal statute to a case is performing criminal justice work. A scholar studying why the legislature criminalized one behavior but regulated a similar behavior through civil law is asking a criminological question.

The distinction is not absolute. Criminal justice professionals use criminological research, and many criminologists study criminal justice institutions. A police department may use research about crime concentration when assigning patrol resources. A court may use evidence about treatment and recidivism when developing a therapeutic court. A correctional agency may use research about risk and protective factors when designing supervision plans.

Criminology gives criminal justice professionals a stronger foundation for deciding what to do. Criminal justice practice gives criminologists real settings in which theories and interventions can be examined. These purposes are connected. A community cannot evaluate a violence-prevention program responsibly unless it first understands the problem, develops an explanation for why it is occurring, and identifies meaningful outcomes.

Figure 2.1

The Connected Purposes of Criminology



Note. Criminological purposes are iterative and interconnected. Findings from one purpose inform and improve the others.

Correlation Is Not Causation

Two factors may be related without one causing the other. A correlation between delinquent peers and delinquency, for example, could reflect peer influence, selection of similar friends, a third factor affecting both, or a combination of these processes (Boman et al., 2019; Mowen, 2020). Researchers strengthen causal reasoning by establishing that the proposed cause occurred before the outcome, measuring alternative explanations, comparing appropriate groups, and examining whether changes in the cause are followed by changes in the outcome. Experiments can provide strong evidence when they are ethical and practical, but many criminological questions cannot be studied by randomly exposing people to danger or disadvantage. Researchers therefore combine longitudinal studies, natural experiments, statistical controls, interviews, official records, surveys, and other methods. Even a well-supported causal relationship usually describes probability. Alcohol intoxication may increase the risk of violence in some situations, but most drinking episodes do not produce violence. Childhood victimization may increase later risk, but most victimized children do not become offenders. Careful language protects both scientific accuracy and human dignity (Gupta et al., 2022; Jackson et al., 2023).

Slow Down and Think

A correlation does not prove causation. If delinquent peers and offending are related, peers might influence behavior, people may choose similar friends, or another factor may influence both (Boman et al., 2019; Mowen, 2020). Before claiming causation, ask: Which came first? What other explanations are possible? Does the evidence show increased risk or an actual cause? Remember: A risk factor increases probability. It does not determine a person's future.

Applying Theory to a Single Case

A prominent case may illustrate theoretical questions, but it cannot validate a theory by itself. The Kohberger case can direct attention to planning, learning, emotion, relationships, biology, opportunity, and social environment. It cannot reveal facts that are absent from the record. Responsible case analysis separates three categories:

- **Established facts:** information supported by reliable evidence or admitted in court.
- **Reasonable questions:** information a theory would direct investigators or researchers to examine.
- **Unsupported claims:** conclusions about motive, diagnosis, personality, or cause that exceed the evidence.

The difference is essential. A rational choice analysis may ask how the offense was planned and what risks the offender believed he faced. It should not assume that every decision was rational. A strain analysis may ask whether grievance, rejection, or humiliation produced anger. It should not announce that a specific strain existed without evidence. A biological or psychological analysis may identify relevant domains for assessment. It should not diagnose a person from news reports (Bigenwald & Chambon, 2019; Prins, 2019). This chapter uses the case as a framework for disciplined inquiry. The goal is not to select a favorite explanation. The goal is to learn what each theory can explain, what evidence it requires, and where its limits appear.

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https://openwa.pressbooks.pub/introtocj101/?p=34#h5p-11

2.2 Crime and Deviance

Crime Is a Legal Category

Crime is an act or omission prohibited by criminal law and subject to government punishment. This definition appears simple, but each part matters (Burke et al., 2019; Maier et al., 2024). An act is conduct such as taking property, striking another person, or operating a vehicle while impaired. An omission is a failure to act when the law creates a duty, such as failing to provide legally required care to a dependent person. The conduct must be prohibited by law. Moral disapproval alone does not create a crime.

The government determines which conduct is criminal through constitutions, statutes, regulations, and court decisions. Police, prosecutors, judges, juries, and correctional agencies then apply those rules through procedures that are also governed by law. Criminal law is only one way society responds to harm. Civil law may provide compensation or an order to stop conduct. Administrative agencies may issue licenses, fines, or professional discipline. Schools and workplaces may impose their own consequences. Families and communities may respond through approval, disapproval, exclusion, or support.

Deviance Is Broader Than Crime

Deviance is behavior, belief, or appearance that violates a social norm, whether or not it violates criminal law. A social norm is an expectation about acceptable conduct within a group or setting (Burke et al., 2019; Maier et al., 2024). Norms may be formal or informal. A written school rule is formal. An expectation about how loudly a person should speak in a library is usually informal. Norms also depend on context. Clothing appropriate at a beach may be viewed as inappropriate in a courtroom. A direct style of communication may be valued in one setting and judged as rude in another. Deviance is not automatically harmful. Artists, reformers, whistleblowers, protesters, and innovators may challenge accepted practices. Some social changes begin when people reject a norm that later generations recognize as unjust (Regalado et al., 2022).

How Crime and Deviance Overlap

Some conduct is both criminal and widely viewed as deviant. Murder, robbery, sexual assault, and child abuse violate criminal law and deeply held social expectations. Some conduct is deviant but not criminal. Cutting in line, cheating on a private game, violating a family custom, or arriving in highly unusual clothing at a formal event may draw disapproval without creating criminal liability. Some conduct is criminal but receives little social condemnation. Minor speeding is a familiar example. Many drivers violate the rule, and their social group may treat the conduct as ordinary even though it remains unlawful. Finally, some harmful conduct may be neither clearly criminal nor strongly condemned at the time it occurs. Unsafe business practices, environmental harm, coercive behavior, or institutional neglect may fall into legal gaps. Criminologists study these gaps because the boundary between lawful and unlawful harm is created by people and institutions.

Definitions Change Across Time and Place

Conduct can move into or out of criminal law (Table 2.2). Legislatures may decriminalize behavior, create a new offense, change the age or circumstances under which conduct is lawful, or replace criminal punishment with civil regulation. Courts may invalidate a statute or interpret it more narrowly. Different states and countries may define the same conduct differently. These changes do not mean that law is meaningless. They show that criminalization is a social and political decision. Law reflects judgments about harm, blameworthiness, enforceability, liberty, public safety, and the proper power of government (Regalado et al., 2022). Marijuana policy illustrates geographic change. Conduct permitted under one jurisdiction's law may remain prohibited elsewhere. Civil disobedience illustrates another tension: a person may intentionally violate a law to challenge injustice while accepting legal consequences. The act is criminal under the statute, yet observers may disagree sharply about whether it is morally deviant.

When deciding whether conduct is a crime, do not ask only, **"Is this behavior wrong?"** Ask **"What law**

applied, in which jurisdiction, at what time, and under what circumstances?" Crime is a legal category, and legal classifications can change even when the underlying behavior remains the same.

Table 2.2

How Definitions of Crime Change Across Time and Place

Example	Earlier Legal Treatment	How the Law Changed	What Students Should Learn
Interracial Marriage	Some states made interracial marriage illegal and imposed criminal penalties on couples who violated those laws.	In *Loving v. Virginia* (1967), the U.S. Supreme Court struck down state laws prohibiting interracial marriage as unconstitutional.	Conduct may be criminalized for years and later become constitutionally protected. A criminal law is not automatically permanent or just simply because it exists.
Alcohol During Prohibition	The Eighteenth Amendment and federal law prohibited the manufacture, sale, and transportation of intoxicating liquor for beverage purposes nationwide.	The Twenty-First Amendment repealed national Prohibition in 1933, returning substantial authority over alcohol regulation to the states.	A behavior can move from lawful to criminal and back toward lawful regulation as political judgments about harm, enforcement, and government authority change.
Same-Sex Intimacy	Some states criminalized private consensual sexual activity between adults of the same sex.	In *Lawrence v. Texas* (2003), the U.S. Supreme Court invalidated laws criminalizing private consensual same-sex intimacy between adults.	Constitutional interpretation can remove conduct from the reach of criminal law even when legislatures previously treated the conduct as criminal.
Marijuana Possession and Use	Marijuana possession and use were widely criminalized under state and federal drug laws.	Many states later legalized or decriminalized some medical or adult-use marijuana while federal law continued to regulate marijuana under the Controlled Substances Act. Federal rescheduling has also been the subject of ongoing rulemaking.	The same conduct may receive different legal treatment depending on jurisdiction. Students should always ask which law applies, where the conduct occurred, and when it occurred.
Civil Disobedience	Protesters throughout U.S. history have intentionally violated trespass, segregation, assembly, or other laws to challenge policies they considered unjust.	The underlying law may later be repealed, invalidated, or changed even though the protester's conduct was technically unlawful when it occurred.	Criminality and moral judgment are not identical. An act can violate a valid law while observers strongly disagree about whether the behavior is socially or morally deviant.
Age-Based Alcohol Rules	States have historically used different age limits and rules governing the purchase, possession, and consumption of alcohol.	Federal and state policy eventually produced a nationwide minimum drinking age of 21 for most lawful alcohol purchases, while states still retain substantial regulatory authority.	Whether conduct is criminal may depend on age, location, licensing, and surrounding circumstances rather than the behavior alone.

Note. Criminal law changes across time and jurisdiction. Legislatures may criminalize, decriminalize, or regulate behavior differently, while courts may invalidate laws that violate constitutional protections. These examples show that criminalization reflects legal and political judgments about harm, liberty, public safety, enforceability, and the proper limits of government power.

Social Power and Criminalization

Not every group has equal influence over which harms receive attention. People with political, economic, or cultural power may be better positioned to define problems, lobby lawmakers, avoid enforcement, or frame their behavior as legitimate. This does not mean every criminal law serves only powerful interests. Laws against violence, theft, and exploitation protect essential interests. It does mean criminologists should examine whose conduct is regulated, whose harm is recognized, who is most likely to be observed, and how penalties are distributed. Enforcement matters as much as written law. Two behaviors may carry similar penalties while one is policed far more intensely. Differences in reporting, surveillance, police discretion, access to counsel, and prosecutorial decisions can shape who appears in official crime data (Prins, 2019).

Deviance Is Not Dangerousness

An unusual appearance, belief, diagnosis, identity, or communication style is not evidence that a person is dangerous. Treating difference as threat can produce discrimination and distract attention from behavior that actually matters. Threat assessment focuses on observable conduct and circumstances, including communicated intent, planning, target selection, access to means, escalating behavior, and protective supports. It does not rely on a stereotype of what a dangerous person looks like. The same caution applies to criminological theory. Risk factors are not labels. They identify conditions associated with probability across groups. They should guide further assessment and prevention, not substitute for evidence about an individual (Moore et al., 2023; Prins, 2019).

An interactive H5P element has been excluded from this version of the text. You can view it online here:
https://openwa.pressbooks.pub/introtocj101/?p=34#h5p-12

2.3 Early Explanations of Crime

Why the History of Criminology Matters

Modern criminology did not appear all at once. Ideas about crime developed over hundreds of years as people changed how they understood human behavior, government authority, science, and punishment. Earlier societies often explained crime through religion or supernatural forces. Later thinkers focused on personal choice. Still later, researchers attempted to identify biological, psychological, and social causes of criminal behavior.

The history of criminology also teaches an important warning. An explanation can sound scientific without being supported by reliable evidence. Early researchers sometimes used measurements, medical language, and formal classifications to support ideas that were biased or incorrect. Students should therefore judge a theory by the quality of its evidence rather than by how scientific its language sounds (Burke et al., 2019; Maier et al., 2024).

Supernatural Explanations

Before crime was studied scientifically, unlawful or harmful behavior was often explained through supernatural forces. People might believe that a person committed a harmful act because of demons, evil spirits, divine punishment, witchcraft, or a failure to follow religious teachings. These explanations are sometimes called preclassical or demonological explanations. They were based on the belief that forces beyond normal human understanding could control behavior. If a person's actions were thought to result from possession, punishment might be designed to drive out an evil spirit rather than to correct a legal violation.

In many early societies, political and religious authority were closely connected. An offense against a ruler could also be viewed as an offense against the divine order. Social position often affected how a person was treated. A ruler, noble, religious official, and ordinary resident might not face the same process or punishment for similar conduct. Methods used to determine guilt could include trial by ordeal, physical testing, confession under torture, or interpretation by religious authorities. These methods did not depend on the careful collection and testing of evidence as understood in modern criminal courts. Instead, they often rested on the belief that divine forces would reveal guilt or protect an innocent person.

Supernatural beliefs were not limited to one country, religion, or historical period. They appeared in different forms across societies. They also did not disappear completely when formal law developed. Religious and moral beliefs still influence how people think about guilt, evil, responsibility, and punishment. The major change was that criminal law gradually became more separate from supernatural explanations.

The Problem with Unobservable Causes

A central problem with supernatural explanations is that they cannot be tested through ordinary scientific methods. Researchers cannot reliably measure possession, identify a demon as the cause of an offense, or compare supernatural influence across groups. An explanation that cannot be observed, measured, challenged, or disproved is not a scientific theory. It may remain meaningful as a religious or personal belief, but it cannot serve as a testable criminological explanation.

Supernatural explanations also allowed punishment to become cruel and unpredictable. When authorities believed they were fighting evil rather than responding to a specific act, they could justify extreme suffering. Torture, public humiliation, mutilation, and execution were sometimes presented as necessary to cleanse the individual or protect the community. This approach provided little protection against false accusations. A person who was different, unpopular, poor, mentally ill, disabled, or socially isolated could be treated as suspicious. Once difference became linked to evil, the person had few reliable ways to prove innocence.

Modern criminal justice has not eliminated wrongful accusation or unequal treatment. However, the movement away from supernatural explanations helped establish the idea that government should prove a defined violation through evidence and legal procedure.

Watch Your Step

General Public: "You can usually tell when someone is dangerous by the way they look or act. If something about a person seems strange or threatening, there is probably a good reason to be suspicious of them."

Expert: Historical explanations should not be treated as harmless curiosities. Ideas about who appears evil, abnormal, or dangerous can affect real decisions. Modern professionals must avoid replacing evidence with fear, appearance, rumor, religion, disability, or social difference (Burke et al., 2019; Maier et al., 2024).

The Enlightenment and the Classical School

During the Enlightenment, European thinkers increasingly challenged inherited authority and demanded that government action be based on reason. They questioned secret proceedings, torture, unequal laws, and punishments that depended heavily on the status or personal preferences of officials.

The **Classical School is a perspective proposing that people generally use free will and weigh expected benefits against possible costs before acting.** The Classical School shifted attention away from demons and toward human decision making. Crime was no longer explained mainly as the result of supernatural control. Instead, people were viewed as capable of making choices. **Free will is the ability to make choices among available options.** From the Classical perspective, people generally seek pleasure and attempt to avoid pain. A person may choose crime when the expected benefit appears greater than the expected cost.

The Classical School did not claim that every decision is perfectly reasonable. It assumed that people can consider consequences and adjust their actions when laws and punishments are clear. This created a foundation for deterrence. Cesare Beccaria became the thinker most closely associated with this school. His 1764 work, *On Crimes and Punishments*, challenged torture, arbitrary sentencing, excessive punishment, and unclear law. He argued that criminal law should be written in advance, applied consistently, and limited to what was necessary to protect society.

Beccaria's arguments were radical for his time. He did not begin with the question of how to make suffering more severe. He asked how government could prevent crime while limiting unnecessary cruelty.

Beccaria's Purpose of Punishment

Beccaria believed that the main purpose of punishment should be prevention rather than revenge. Government cannot undo a completed crime. It can attempt to discourage future crimes by the same person and by other people who observe the consequences. Punishment should therefore create enough cost to discourage the prohibited behavior, but it should not inflict more suffering than necessary. Beccaria argued that a punishment should be public, lawful, prompt, necessary, and proportionate to the offense. He opposed punishment based mainly on anger or a desire to make the offender suffer.

This argument introduced proportionality into modern criminal justice thinking. Proportionality means that the seriousness of a punishment should have a reasonable relationship to the seriousness of the offense. Without proportionality, a legal system may impose the same extreme punishment for minor and serious crimes. That creates unfairness, but it may also weaken deterrence. A person who faces the same punishment for theft and murder has less legal reason to avoid escalating the harm.

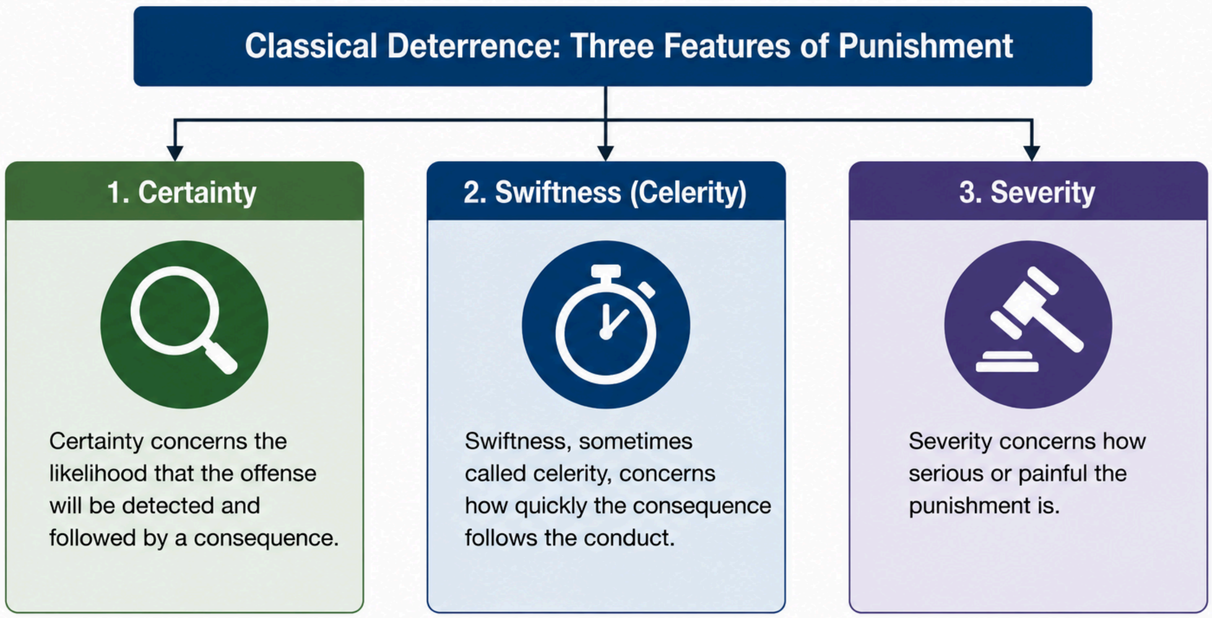
Beccaria also believed lawmakers should define crimes and establish punishments. Judges should not have unlimited authority to create penalties according to personal preference. Written laws would give people notice of prohibited conduct and reduce arbitrary treatment. These ideas appear ordinary today because they have become part of modern legal expectations. Yet they represented a major change from systems in which punishment could depend on social rank, confession under torture, secret accusations, or the personal preferences of a ruler (Burke et al., 2019; Maier et al., 2024).

Deterrence

Deterrence is the idea that the threat or experience of punishment can discourage criminal behavior. It depends on a person believing that unlawful conduct will lead to consequences that outweigh the expected benefit. Deterrence is commonly divided into two forms. *General deterrence* is intended to discourage members of the public from committing an offense after they observe or learn about its consequences. *Specific deterrence* is intended to discourage a particular person from offending again after that person experiences a criminal justice response. For example, a publicized impaired-driving arrest may be intended to warn other drivers. That is general deterrence. The license suspension, fine, treatment requirement, or jail sentence imposed on the convicted driver may also be intended to prevent that individual from driving while impaired again. That is specific deterrence. Classical deterrence theory proposes that punishment is most effective when people believe consequences are certain, swift, and severe (Figure 2.2).

Figure 2.2

The Three Features of Classical Deterrence



Note. Classical deterrence assumes that increasing one or more of these featuree will discourage potential offenders from committing crimes.

Beccaria's central insight was that certainty may matter more than extreme severity. A person may not be discouraged by a very harsh penalty when the person believes there is little chance of being caught. A more moderate consequence that appears likely and prompt may have a greater effect. Modern research generally supports this distinction. The National Institute of Justice concludes that the perceived certainty of being caught has a stronger deterrent effect than simply increasing punishment severity. Longer prison terms often add little deterrent effect, especially when people know little about the exact penalties or believe they will avoid detection (National Institute of Justice, 2016). This does not mean punishment never affects behavior. It means deterrence is more complicated than increasing sentence length. People must know about the consequence, believe it applies to them, and consider it before acting.

Pro Tip

When evaluating a punishment policy, separate deterrence from incapacitation. Deterrence assumes that the threat or experience of punishment changes behavior by affecting how people perceive the costs and risks of offending. Incapacitation works differently: offending in the community may decline simply because a person is confined and has fewer opportunities to commit crimes there. A reduction in crime during incarceration therefore does not necessarily show that harsher punishment changed the person's future decision-making. Research on deterrence also suggests that the certainty of being caught generally has a stronger deterrent effect than simply increasing the severity of punishment (Nagin, 2013; National Institute of Justice, 2016).

Applying Classical Thought to the Kohberger Case

The admitted conduct in the Kohberger case can be examined through a Classical or rational-choice lens without claiming that the theory provides a complete motive. This perspective would focus on choice, planning, expected reward, perceived risk, and efforts to avoid consequences. It would ask what Kohberger expected to gain from entering the residence and committing the murders. It would also examine whether he considered surveillance, witnesses, physical evidence, travel, timing, and the possibility of identification.

Evidence of planning would support the idea that choices occurred before the offenses. It would not establish that the choices were reasonable, emotionally normal, or based on accurate information. A person can make planned decisions while still acting on distorted beliefs, harmful fantasies, anger, obsession, or other influences. The Classical School would also examine deterrence. Idaho law authorized extremely serious penalties for first-degree murder. Yet the existence of severe punishment did not prevent the crime. One possible Classical explanation is that the offender believed he would not be identified or caught. The expected certainty of punishment may therefore have appeared low, even though the possible severity was extremely high.

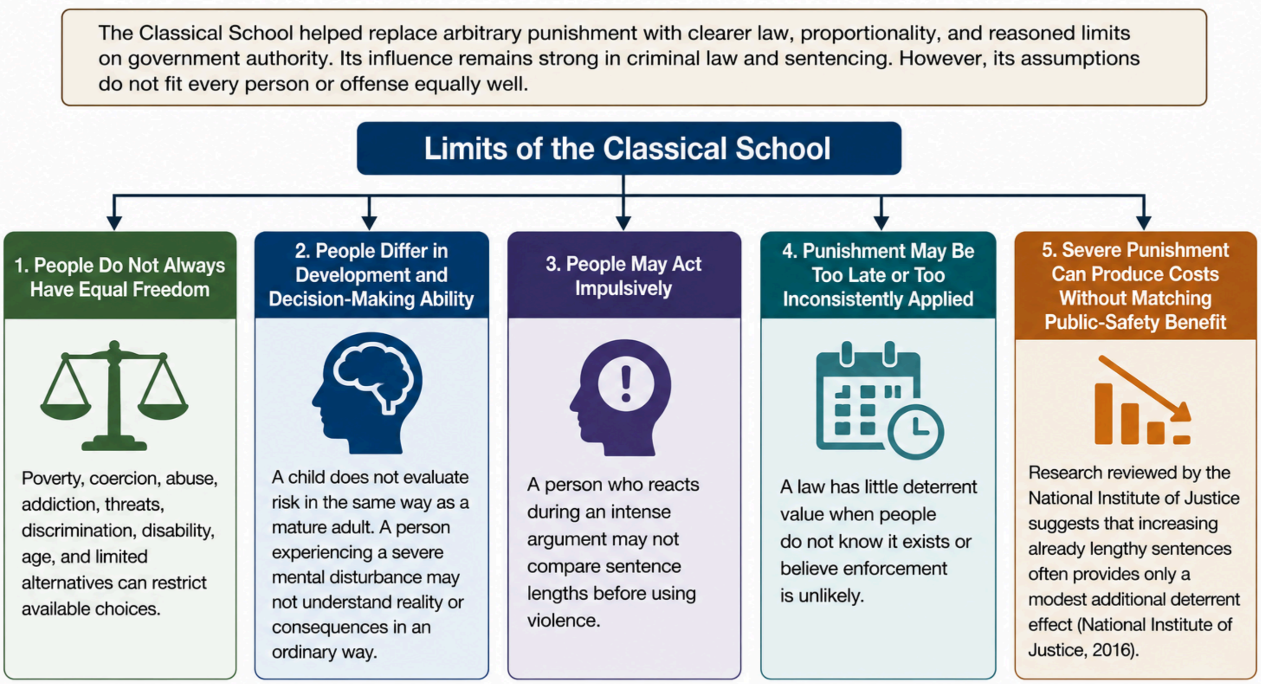
This application illustrates a strength of Classical theory. It helps explain preparation, target selection, and attempts to reduce detection. It also illustrates a limit. The theory does not tell us why a person desired the criminal outcome in the first place. It may explain how a person evaluated an opportunity without explaining how the motive, grievance, fantasy, or willingness to kill developed. Students should not assume that detailed planning proves a single motive. Planning can support a choice-based analysis while leaving biological, psychological, and social questions unanswered.

Limits of the Classical School

The Classical School helped replace arbitrary punishment with clearer law, proportionality, and reasoned limits on government authority. Its influence remains strong in criminal law and sentencing. However, its assumptions do not fit every person or offense equally well. Limitations led later thinkers to consider individual differences and circumstances. Neoclassical thought kept the Classical focus on choice but recognized that age, mental capacity, coercion, and other conditions may affect responsibility. This modification helped create a bridge between a pure free-will model and later scientific efforts to identify causes of behavior.

Figure 2.3

Limits of the Classical School



Note. These limits do not mean that punishment is ineffective. They mean that effective policy must consider human differences, context, timing, consistency, and costs as well as intended benefits.

History creates two lasting lessons. First, criminology should use observation and testing rather than superstition or assumption. Second, scientific language can cause harm when researchers treat correlation as destiny, confuse difference with inferiority, or use biased institutions as though they produce neutral data. The most important lesson from criminology's history is not simply that modern explanations are more scientific than earlier ones. Students should learn to ask two questions whenever they encounter an explanation of crime: **"What evidence supports this claim?"** and **"Does the evidence actually justify the conclusion?"** Good criminology requires both scientific evidence and caution about what that evidence can tell us (Table 2.3).

Table 2.3

Two Lasting Lessons from the History of Criminology

Historical lesson	What criminology learned	Why it matters today	Example of the problem to avoid
Use evidence instead of assumption	Explanations of crime should be based on systematic observation, measurement, comparison, and testing rather than superstition, fear, rumor, or unsupported beliefs.	Criminal justice professionals should ask what the evidence actually demonstrates before accepting an explanation of criminal behavior.	Assuming that someone is dangerous because of appearance, unusual behavior, religion, disability, or social background.
Correlation is not causation	When two characteristics occur together, one does not automatically cause the other. Researchers must consider alternative explanations and other variables.	Risk factors can help researchers understand patterns, but they should not be treated as proof of why one particular person committed an offense.	Finding that a characteristic is more common in an offending population and concluding that the characteristic caused the offending.
Risk is not destiny	Factors associated with increased offending describe probabilities across groups, not predetermined outcomes for individuals.	Most people who experience common risk factors do not commit serious crimes. Individual predictions therefore require considerable caution.	Treating childhood adversity, poverty, family conflict, or another risk factor as proof that someone will become an offender.
Difference does not mean inferiority	Earlier theories sometimes treated physical, psychological, racial, cultural, or social differences as evidence that certain people were naturally inferior or dangerous.	Modern criminology must distinguish scientifically meaningful evidence from stereotypes and biased assumptions.	Using a person's physical characteristics or social identity as evidence of criminality.
Scientific language does not guarantee good science	A claim can sound scientific while still relying on poor measurement, biased samples, weak comparisons, or unsupported conclusions.	Students and professionals should evaluate how evidence was collected and whether the research actually supports the conclusion being made.	Accepting a claim simply because it uses medical terminology, statistics, brain imaging, or other scientific language.
Data can reflect the system that produced them	Arrests, convictions, incarceration, and other justice-system records reflect both behavior and decisions made by police, prosecutors, courts, and other institutions.	Researchers must consider how enforcement practices and institutional processes influence the data they analyze.	Assuming that differences in arrest rates automatically represent identical differences in underlying criminal behavior.

Note. The history of criminology demonstrates why moving from supernatural explanations toward systematic observation was important, but scientific methods alone do not eliminate bias. Modern researchers must examine how concepts are defined, how samples are selected, how data are produced, and whether conclusions go beyond what the evidence supports (Burke et al., 2019; Maier et al., 2024; Prins, 2019).

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https://openwa.pressbooks.pub/introtocj101/?p=34#h5p-13

2.4 Biological Explanations of Crime

What Modern Biological Research Examines

Biological theory focus on genetic, neurological, physiological, developmental, and other bodily influences on behavior. Modern research may examine heredity, brain development, executive functioning, injury, hormones, neurotransmitters, prenatal exposure, nutrition, sleep, stress response, or interactions between these factors and the environment (Ling et al., 2019).

Biological influence is not biological destiny. No accepted scientific test identifies a criminal gene, criminal body type, or criminal brain. Biological characteristics may affect traits such as attention, emotional regulation, impulsivity, sensitivity to reward, fear response, or aggression. Whether those traits contribute to crime depends on relationships, learning, opportunities, substances, treatment, culture, and choice (Bigenwald & Chambon, 2019; Ling et al., 2019). The outcome of interest also matters. A factor associated with impulsive aggression may have little relevance to planned financial fraud. A condition associated with difficulty regulating emotion does not explain target selection, legal knowledge, group norms, or the opportunity that allowed an offense to occur.

Cesare Lombroso and Atavism

Cesare Lombroso is historically associated with the claim that some people were born criminals and could be recognized through physical features. He described these people as atavistic, meaning less evolved than others. Lombroso measured skulls, faces, bodies, tattoos, and other characteristics among incarcerated people. He interpreted differences as signs of criminal nature. His theory reflected nineteenth-century beliefs about evolution, race, class, gender, and social hierarchy.

The conclusions have been rejected. Physical appearance cannot establish criminality. Lombroso relied heavily on incarcerated samples without adequate comparison groups. Imprisoned populations are shaped by law, enforcement, poverty, discrimination, access to counsel, and sentencing. A feature common in a prison sample may have no causal relationship to offending. Lombroso remains important because his work illustrates both the promise and danger of early positivism. He attempted systematic observation, but his methods and assumptions produced discriminatory conclusions. Measurement is not neutral when the question, sample, or interpretation is biased (Burke et al., 2019; Maier et al., 2024).

William Sheldon and Somatotype Theory

Several decades after Lombroso, American psychologist William H. Sheldon developed another biological approach based on physical appearance. Sheldon called his approach somatotype theory, which classified people according to body build and attempted to connect those body types with personality and behavior. He proposed three broad types: endomorphs, mesomorphs, and ectomorphs (Sheldon, 1949).

Sheldon described endomorphs as having softer and rounder bodies, mesomorphs as more muscular and athletic, and ectomorphs as thinner and more lightly built. He also associated each body type with particular personality characteristics. Of greatest importance to criminology, Sheldon argued that mesomorphic individuals were more likely to display aggressive, assertive, and delinquent behavior. Later researchers also investigated associations between body build and offending, which helped keep somatotype theory in criminology textbooks long after Sheldon developed it (Maddan et al., 2008).

Modern criminology does not accept the idea that body shape determines personality or criminal behavior. Even when researchers find statistical relationships between physical characteristics and behavior, the relationship does not establish that body type causes crime. Body build may itself be related to age, genetics, nutrition, physical activity, health, social experiences, peer groups, and how other people respond to an individual. Criminal behavior is also influenced by many developmental, psychological, social, environmental, and situational factors (Ling et al., 2019). Sheldon's categories therefore cannot be used to identify who is criminal, predict who will offend, or explain why a particular person committed an offense.

Like Lombroso, Sheldon remains worth studying because his work illustrates an important scientific mistake: observing a difference between groups is not the same as discovering the cause of that difference. A correlation between body type and offending does not establish that body shape produced the behavior. Modern biological criminology instead examines biological influences as possible risk factors that interact with development and environment rather than treating physical appearance as criminal destiny (Ling et al., 2019). Sheldon's theory demonstrates an important lesson in criminology: finding a relationship between two characteristics does not prove that one caused the other. Researchers must consider alternative explanations, social and environmental influences, sampling problems, and whether a group-level pattern can reasonably be applied to an individual (Table 2.4).

Table 2.4

Sheldon's Somatotypes and Why the Theory Is Rejected

Sheldon's Category	How Sheldon Described the Body Type	Characteristics Historically Associated With It	Connection Sheldon Made to Offending	What Students Should Understand Today
Endomorph	Softer, rounder body with greater body fat.	Sociable, relaxed, and comfort-seeking.	Generally viewed by Sheldon as less strongly associated with aggressive delinquency.	Body shape does not establish personality, criminality, or future behavior. Physical appearance should never be treated as evidence that someone is likely to offend.
Mesomorph	Muscular, athletic, and more strongly built.	Active, assertive, energetic, and risk-taking.	Sheldon associated this body type more strongly with aggression and delinquency.	Even if a statistical association appears between body build and offending, that does not show that muscularity causes crime. Social experiences, activity patterns, peers, opportunity, and other factors may influence the relationship.
Ectomorph	Thin, narrow, and lightly built.	Reserved, sensitive, and restrained.	Generally viewed by Sheldon as less strongly associated with aggressive delinquency.	Thinness does not establish temperament or predict lawful behavior. Physical appearance is not a valid method for determining criminal risk.

Note. These descriptions summarize Sheldon's historical theory and do not represent accepted modern methods for predicting criminal behavior. Somatotype theory attempted to connect body build, temperament, and delinquency, but later research does not support using physical appearance as a reliable explanation or predictor of criminal behavior (Ling et al., 2019; Maddan et al., 2008; Morin, 2014; Sheldon, 1949).

Traumatic Brain Injury

Traumatic brain injury can affect memory, attention, judgment, emotion, sleep, and impulse control. Justice-involved populations show elevated rates of prior head injury in many studies. Several explanations may contribute to this relationship. Brain injury may create difficulties with regulation and decision-making, but risk-taking lifestyles may also increase exposure to both injury and arrest. Violence, contact sports, military service, accidents, substance use, and unstable living conditions can further increase the likelihood of head injury. These overlapping influences make it difficult to assume that brain injury alone caused later behavior.

Research involving contact-sport athletes illustrates why these relationships require careful interpretation. In a study of 152 deceased contact-sport athletes younger than 30 who had experienced repetitive head impacts, researchers identified chronic traumatic encephalopathy (CTE) in 41.4% of the donated brains. Most of the athletes had played football, and many had competed only at the youth, high school, or college level. Suicide was the most common cause of death in the sample. However, suicide occurred among athletes both with and without CTE, and the researchers did not establish that CTE caused the suicides. The sample also came from a brain bank rather than a random sample of all former athletes, making it inappropriate to use the percentage as an estimate of how common CTE is among all young football players (McKee et al., 2023). Other research provides another important caution. Iverson and Terry (2022) followed participants from a nationally representative longitudinal study and compared men who played high school football with those who did not. By their late 30s and early 40s, former high school football players did not have higher rates of depression, anxiety, recent suicidal thoughts, or current depressed mood. Mental health difficulties already present during adolescence were much stronger predictors of later problems (Iverson & Terry, 2022).

Together, these studies demonstrate an important principle of biological criminology: **brain injury can matter without becoming biological destiny**. Repetitive head impacts can produce neurological damage, including CTE in some people, but researchers cannot assume that a history of football, concussion, TBI, or even CTE explains a particular act of violence, suicide, or criminal behavior.

Screening can still improve criminal justice practice even when causation is uncertain. A person who repeatedly forgets supervision instructions, for example, may appear defiant when memory impairment is contributing to the problem. Written reminders, simplified conditions, medical evaluation, treatment, and coordinated services may improve compliance and safety. Brain injury does not excuse all later conduct or make violence inevitable. Its relevance depends on severity, timing, symptoms, circumstances, other risk and protective factors, and its demonstrated connection to the behavior being evaluated.

Applying Biological Perspectives to the Kohberger Case

A biological analysis would require reliable information about development, medical history, neurological functioning, injury, sleep, substances, medication, stress response, and family history. Publicly reported impressions cannot supply this evidence. Even if an assessment identified a biological risk factor, it would not explain the entire offense. Biology alone would not establish how the victims were selected, why the residence was entered, what meaning the offender gave to the act, how planning occurred, or why he chose violence rather than another response. The appropriate conclusion is limited: biological evidence might contribute to understanding capacities or vulnerabilities if reliable evidence existed. It cannot substitute for a motive, a legal finding, or an integrated explanation (Bigenwald & Chambon, 2019; Ling et al., 2019).

Strengths and Limits of Biological Explanations

Biological research expands criminology by recognizing that behavior occurs through a developing body and brain. It can improve screening, treatment, early support, and understanding of self-regulation. Its main risks are reductionism, determinism, stigma, and misuse. Reductionism treats a complex behavior as the product of one bodily feature. Determinism treats increased probability as inevitable. Stigma turns a health or developmental condition into an assumption of dangerousness. Misuse occurs when weak measures are applied to punishment, surveillance, or prediction (Bigenwald & Chambon, 2019; Levander & Torstensson Levander, 2024; Ling et al., 2019). Modern biological criminology is strongest when it is developmental, cautious, and integrated with psychological and social evidence. Biology helps explain variation in behavior. It does not divide humanity into criminals and noncriminals.

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2.5 Psychological Explanations of Crime

Looking Inside Human Thought and Behavior

A **psychological theory is an explanation of behavior that focuses on thinking, emotion, personality, learning, development, or mental processes.** Psychological explanations examine how people understand the world, respond to emotions, learn from others, control impulses, develop relationships, and make decisions (Spielman et al., 2020).

Psychological theories are different from biological theories, but the two perspectives often overlap. A biological explanation may examine brain functioning, genetics, hormones, or physical development. A psychological explanation may examine how a person interprets an event, manages anger, learns aggression, develops a conscience, or responds to rejection. The biological perspective often asks how the body influences behavior. The psychological perspective more often asks how the mind processes experience. Psychological theories also differ from sociological theories. Sociology focuses more heavily on relationships, groups, institutions, neighborhoods, inequality, and social structure. Psychology often begins with the individual, although psychological development is strongly influenced by families, peers, schools, culture, and communities.

These differences should not be treated as firm walls. A person's thoughts develop within a brain, but they are also shaped by experience. Emotions may be affected by biology, family relationships, trauma, stress, culture, and current circumstances. Learning occurs through interaction with other people. Human behavior develops through the constant exchange between the person and the surrounding environment (Burt, 2020; Spielman et al., 2020).

Psychological explanations may examine questions such as:

- How does a person learn aggressive behavior?
- Why do some people respond to rejection with anger while others withdraw or seek support?
- How does a person develop empathy and concern for others?
- What beliefs allow someone to justify harming another person?
- Why do some people focus on immediate gratification and ignore long-term consequences?
- How do fear, shame, anger, jealousy, and humiliation affect behavior?
- What experiences strengthen or weaken self-control?
- How do people learn that crime is acceptable, useful, or rewarding?
- Why do some people develop healthy coping skills while others rely on aggression, substance use, or manipulation?

Psychological explanations do not assume that every person who commits a crime has a mental illness. They also do not assume that one personality trait can identify a future offender. Psychological research studies patterns and processes. It does not provide a simple test that separates criminals from noncriminals (Bigenwald & Chambon, 2019; Levander & Torstensson Levander, 2024).

Psychological Theory Is Not the Same as Mental Illness

People sometimes hear about a shocking crime and immediately conclude that the offender must have been mentally ill. This response may come from a desire to make sense of conduct that appears impossible to understand. It can also create serious confusion.

Mental illness is a broad term covering many different conditions that affect emotion, thought, behavior, or daily functioning. Conditions differ greatly in their symptoms, severity, duration, and effect on behavior. Anxiety, depression, obsessive-compulsive disorder, schizophrenia, bipolar disorder, and trauma-related disorders are not interchangeable. A diagnosis alone does not explain why a particular person committed a particular act. A person may experience a mental health condition and never commit a crime. Another person may commit a serious crime without meeting the criteria for a mental disorder. A third person may have a mental disorder that affects part of life but has no meaningful connection to the criminal conduct.

A diagnosis should therefore not be used as a substitute for evidence. To determine whether a condition contributed to an offense, qualified professionals would need to examine the person's symptoms, functioning, behavior, treatment history, substance use, understanding, intent, and condition at the time of the event (Bigenwald & Chambon, 2019). For example, a person may learn that intimidation produces compliance. Another person may believe that violence is acceptable when respect is challenged. A third person may have difficulty delaying gratification. These are psychological issues, but they do not automatically establish mental illness.

Watch Your Step

General Public: "The suspect is a psychopath for what they did."

Expert: Do not describe a person as mentally ill simply because the person committed a disturbing crime. A criminal act is not a diagnosis. A diagnosis requires appropriate evaluation, and even a valid diagnosis does not automatically explain an offense.

This warning is especially important in high-profile cases. Public observers may try to diagnose a defendant from photographs, courtroom expressions, interviews, or secondhand stories. These observations are incomplete and easily affected by bias. In the Kohberger case, students should not assume that social awkwardness, unusual behavior, limited emotional display, or an academic interest in criminology establishes a psychological condition. Any psychological explanation must be based on verified evidence rather than public speculation (Bigenwald & Chambon, 2019; Levander & Torstensson Levander, 2024).

Sigmund Freud and Psychoanalytic Theory

Sigmund Freud was an Austrian physician and the founder of psychoanalysis. His ideas had a major influence on psychology, psychiatry, literature, and popular culture. Freud proposed that much of human behavior is influenced by unconscious wishes, fears, memories, and conflicts. The unconscious refers to mental material that exists outside immediate awareness but may still influence behavior. Freud believed people do not always understand why they act as they do. A person may consciously give one explanation while deeper emotional conflicts influence the behavior.

Freud developed his ideas through clinical work and observation rather than modern criminological research. His theories are historically important, but many of his concepts are difficult to measure and test. They should therefore be presented as one influential perspective rather than as proven explanations of crime. Historical accounts of Freud's work describe his collaboration with Josef Breuer, the development of psychoanalysis, and his view that repressed feelings could continue influencing behavior outside conscious awareness (Spielman et al., 2020).

The Id, Ego, and Superego

Freud divided personality into three interacting parts: the id, ego, and superego. These are theoretical concepts rather than physical parts of the brain.

The **id** represents basic drives, impulses, and the demand for immediate satisfaction. It follows what Freud called the pleasure principle. The id wants what it wants now and gives little attention to rules, relationships, or future consequences. A hungry infant provides a simple example. The infant cries for food without considering whether the caregiver is tired, busy, or able to respond immediately. The infant is not making a moral decision. The infant is seeking immediate relief.

Adults also experience impulses for pleasure, power, sex, revenge, excitement, food, attention, or emotional release. The existence of an impulse does not cause criminal behavior. Most adults learn to regulate impulses through judgment, values, relationships, and awareness of consequences.

The **ego** is the part of personality that attempts to manage reality. It considers circumstances, delays gratification, solves problems, and tries to balance the demands of the id with the limits imposed by the outside world. The ego might recognize that a desired outcome cannot be obtained immediately or lawfully. It may help the person find another approach, wait, compromise, or abandon the goal.

The **superego** represents moral standards, conscience, and internalized expectations about right and wrong. It develops as a person learns rules, values, and expectations from caregivers and society.

A healthy personality, under Freud's theory, requires the three parts to function in a workable balance. The id provides energy and desire. The superego supplies moral limits. The ego manages the conflict while responding to reality (Spielman et al., 2020).

Immediate Gratification

A person may experience an impulse so strongly that long-term consequences lose importance. The person may know that an action is harmful, illegal, or likely to damage relationships. The immediate reward still controls the decision. Examples may include: stealing to obtain money immediately; assaulting someone to release anger; using drugs despite known consequences; committing sexual misconduct for immediate gratification; driving recklessly for excitement; or damaging property during an emotional outburst. This concept resembles later ideas about impulsivity and self-control, although Freud explained the problem through the id, ego, and superego (Burt, 2020; Spielman et al., 2020). Immediate gratification does not explain every crime. Fraud, stalking, burglary, and planned violence may involve long periods of preparation. Even these offenses may contain desired emotional or material rewards, but the person may delay action rather than act immediately.

Defense Mechanisms and Responsibility

Freud believed that the ego uses defense mechanisms to reduce anxiety and protect the person from thoughts, emotions, or conflicts that feel threatening (Table 2.5). In psychoanalytic theory, these processes often operate outside conscious awareness. They can help a person manage stress in the short term, but some defense mechanisms also distort reality or make it easier to avoid uncomfortable responsibility (American Psychological Association, 2018; Spielman et al., 2020).

Defense mechanisms are not automatically unhealthy. Some may help people adapt to difficult circumstances, while others become less useful when they repeatedly interfere with accurate self-understanding or problem solving. Contemporary psychological literature often distinguishes between more adaptive and less adaptive defenses based partly on how much they distort reality and interfere with coping (Di Giuseppe et al., 2021). Several defense mechanisms are especially useful for criminal justice students to understand because they can resemble explanations people give after harmful conduct.

Table 2.5

Common Defense Mechanisms and Their Relevance to Criminal Justice

Defense Mechanism	Basic Meaning	Possible Example	Why It Matters in Criminal Justice	Caution for Professionals
Denial	Refusing to accept or fully recognize an uncomfortable reality.	"My drinking is completely under control," despite repeated arrests, job problems, or family concerns.	Denial may interfere with treatment participation, acknowledgment of harm, or recognition of risk.	Disagreement with an accusation is not automatically denial. Evidence must establish what actually occurred.
Projection	Attributing one's own unacceptable feelings or motives to someone else.	A highly hostile person repeatedly claims that neutral strangers are trying to provoke a fight.	Projection may influence how a person interprets threats, conflict, or other people's intentions.	A perceived threat may also be real. Professionals should examine behavior and circumstances before assuming projection.
Rationalization	Creating an explanation that makes questionable behavior appear more reasonable or acceptable.	"The company makes millions, so taking the money did not really hurt anyone."	Rationalizations can reduce guilt and support continued offending when they redefine harmful conduct as justified or harmless.	Some explanations contain legitimate context. Professionals should separate factual circumstances from attempts to minimize responsibility.
Displacement	Redirecting emotion from its original source toward another target.	A person humiliated at work later directs intense anger toward a family member.	Displacement may help explain why aggression is directed toward someone other than the person or situation that produced the original emotion.	The concept does not excuse violence or prove why an assault occurred. Other motives and circumstances must be considered.

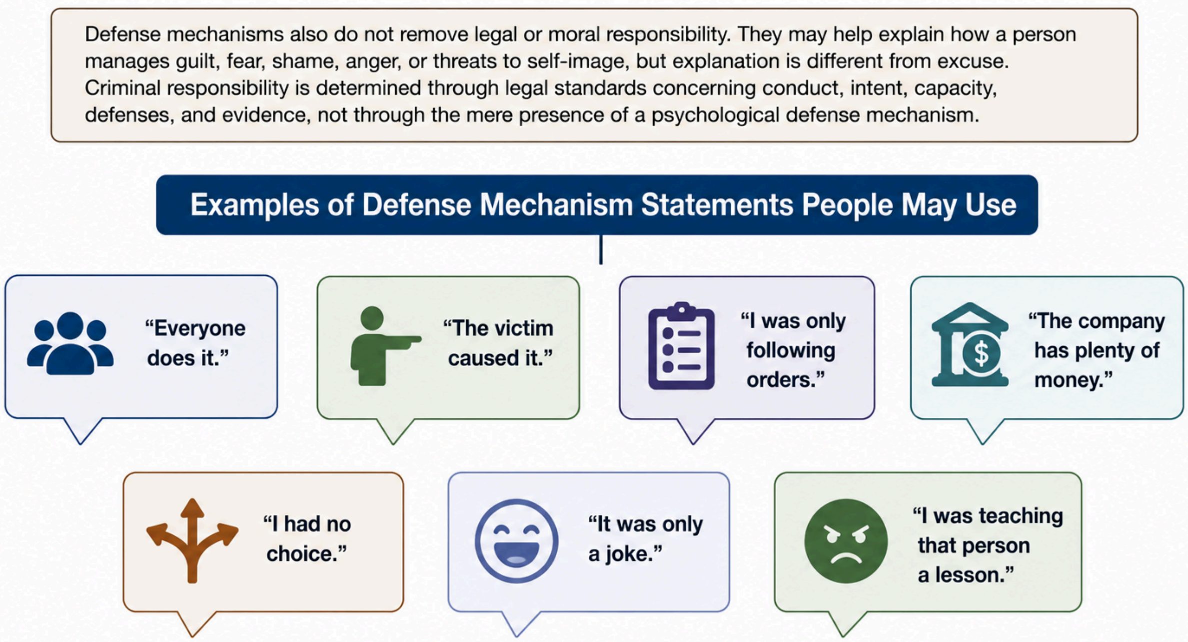
Note. Defense mechanisms are psychological concepts used to describe ways people may protect themselves from anxiety, guilt, shame, or internal conflict. They should not be treated as legal defenses or as diagnoses based on a single statement or behavior (American Psychological Association, 2018; Bailey & Pico, 2023; Spielman et al., 2020).

A defense mechanism may help explain how a person understands or avoids uncomfortable aspects of behavior, but it does not determine whether the person is legally responsible. Criminal justice professionals should focus on evidence, circumstances, intent, and applicable law rather than assuming that a statement such as "I had no choice" or "the victim caused it" proves a psychological process. These concepts can help criminal justice professionals understand how people explain or interpret their own behavior, but they must be used cautiously. A statement that sounds like rationalization or denial is not proof that a defense mechanism is operating. The explanation may be accurate, partly accurate, deliberately deceptive, confused, or influenced by memory, fear, shame, or incomplete information. Professionals should therefore compare statements with evidence rather than assigning a psychological label from a single comment.

Defense mechanisms also do not remove legal or moral responsibility. They may help explain how a person manages guilt, fear, shame, anger, or threats to self-image, but explanation is different from excuse. Criminal responsibility is determined through legal standards concerning conduct, intent, capacity, defenses, and evidence, not through the mere presence of a psychological defense mechanism. Criminal justice professionals may hear statements such as:

Figure 2.4

Defense Mechanisms: Explanation Is Not Excuse



Note. These statements may reflect how people manage internal discomfort or protect their self-image. Understanding why someone says them can help professionals assess behavior and risk. However, using a statement is not a legal defense or justification for harmful or illegal conduct.

Applying Freud to the Kohberger Case

Applying Psychoanalytic Theory to the Kohberger Case

A Freudian analysis of Kohberger would focus on possible unconscious conflicts, impulses, conscience, emotional development, guilt, and the relationship among the id, ego, and superego. From this perspective, a researcher might examine whether Kohberger experienced powerful impulses that were difficult to control or whether he viewed other people primarily as objects for satisfying personal desires. The analysis might also consider whether he experienced guilt before or after the murders and whether psychological defense mechanisms such as denial, projection, or rationalization appeared in his thinking or behavior.

A psychoanalytic approach could also examine Kohberger's early relationships and emotional development. Researchers might consider whether the behavior was connected to desires involving control, attention, power, revenge, or some other form of gratification. Traditional Freudian theory might even raise the question of whether certain behaviors reflected an unconscious desire to be discovered or punished. These possibilities illustrate the kinds of questions psychoanalytic theory can generate, but they should not be treated as conclusions.

The public record discussed in this chapter does not provide enough psychological information to answer these questions responsibly. A meaningful psychoanalytic analysis would require detailed interviews, developmental records, reliable information about relationships and experiences, and careful psychological evaluation. Simply matching selected facts from a criminal case to concepts such as the id, ego, superego, or defense mechanisms would not establish why the murders occurred.

Psychoanalytic theory also has important limits in this case. Even if it helped researchers consider possible emotional or unconscious motives, it would be less useful for explaining why the crime occurred at a particular location, against particular victims, and at a particular time. Those questions require evidence concerning planning, opportunity, target selection, movement, and the circumstances surrounding the offense. This distinction demonstrates a broader lesson of criminological theory: **a theory may help explain one part of criminal behavior without providing a complete explanation of the crime.**

These are theoretical questions, not established facts. The public record described in this chapter does not provide enough psychological information to answer them responsibly. A Freudian interpretation would require detailed interviews, developmental records, reliable accounts of relationships, and careful evaluation. The theory might help a researcher consider hidden emotional motives. It cannot prove a motive simply by matching selected facts to Freud's concepts. Psychoanalytic theory is also less effective at explaining why the crime occurred at a particular location, against particular victims, and at a particular time. Those questions require evidence about opportunity, target selection, planning, movement, and surrounding circumstances.

Strengths and Limits of Freud's Approach

Freud's greatest contribution was directing attention toward the possibility that people do not fully understand their own motives. His theory also emphasized childhood development, emotional conflict, personality, guilt, and the regulation of impulses. These ideas helped move psychology beyond the assumption that all behavior is fully conscious and rational. However, before applying psychoanalytic theory to criminal behavior, it is important to recognize its limitations (Table 2.6). Freud's ideas had a major influence on psychology and helped introduce concepts involving unconscious processes, personality, and early development, but many parts of the theory are difficult to test using modern scientific methods.

Table 2.6

Major Limitations of Psychoanalytic Theory

Limitation	What It Means	Why It Matters in Criminology
Difficult to Observe and Measure	Many psychoanalytic concepts involve unconscious thoughts, conflicts, and motives that cannot be directly observed or easily measured.	Criminological research depends on evidence that researchers can systematically examine. An unconscious conflict is harder to test than observed behavior, survey responses, interviews, or official records.
Difficult to Disprove	Psychoanalytic explanations may be developed after behavior occurs. Different outcomes can sometimes be interpreted as evidence of an underlying unconscious conflict.	A useful scientific theory should make claims that can be tested and potentially shown to be incorrect. If almost any behavior can support the theory, evaluating whether the explanation is actually correct becomes difficult.
Limited Original Samples	Freud developed many of his ideas from a relatively small number of clinical cases rather than large and representative samples.	Findings from a limited group of patients may not apply to broader populations. Modern researchers are more cautious about generalizing conclusions beyond the people who were actually studied.
Too Much Emphasis on Internal Conflict	Psychoanalytic theory gives substantial attention to childhood development, unconscious conflict, personality, and internal psychological processes.	Criminal behavior may also be influenced by peers, families, neighborhoods, inequality, culture, opportunity, substance use, and changing life circumstances. Focusing mainly on internal conflict can overlook these influences.
Historically Limited Assumptions	Freud developed his theories within the social, cultural, and medical beliefs of the late nineteenth and early twentieth centuries. Some of his ideas about sexuality, gender, and human development are no longer accepted.	Students should evaluate historical theories within their original context while distinguishing influential ideas from claims that are not supported by modern evidence.

Note. Psychoanalytic theory played an important role in the history of psychology and influenced later thinking about personality, childhood development, unconscious processes, and human behavior. However, many of Freud's original claims are difficult to test scientifically, were developed from limited clinical observations, or do not adequately account for the many social and environmental influences on criminal behavior.

An influential theory is not necessarily a scientifically strong theory. When evaluating any criminological explanation, ask: Can its major concepts be measured? Can its predictions be tested? Could evidence show that the theory is wrong? Was it developed using appropriate evidence? Does it consider reasonable alternative explanations? These questions help students evaluate psychoanalytic theory and every other theory presented in this chapter. Freud remains useful for introducing personality conflict, unconscious motivation, guilt, and impulse regulation. His theory should not be treated as a complete or strongly predictive criminological model (Spielman et al., 2020).

2.6 Albert Bandura and Social Learning

Behavior Can Be Learned by Watching Others

Albert Bandura challenged the idea that people learn only through direct rewards and punishments. He argued that people can also learn by observing others. **Social learning theory is a theory proposing that behavior is learned through observation, interaction, imitation, and reinforcement.** A person does not need to experience every consequence personally. People can observe what happens to someone else and use that information when deciding how to act.

A child may watch an older sibling receive approval for standing up to a bully. A teenager may see friends gain status by stealing. An employee may observe that dishonest behavior produces financial rewards and no discipline. A student may watch classmates receive attention for disruptive conduct. In each case, the observer learns from another person's behavior and its consequences. Bandura became one of the most influential theorists of observational learning. His research showed that people can acquire new behavior without performing it immediately and without receiving direct reinforcement (Spielman et al., 2020).

Attention, Retention, Reproduction, and Motivation

Observational learning does not occur simply because someone sees another person behave in a certain way. The observer must first pay attention to the model and remember what happened. People may be especially likely to notice models they view as powerful, successful, respected, similar to themselves, or personally important. Repeated exposure can also make a behavior easier to remember. The observer must then have the ability and opportunity to reproduce what was observed. For example, watching someone commit a complicated offense does not automatically provide the knowledge, skill, resources, or opportunity needed to copy it (Spielman et al., 2020).

Motivation is equally important. People consider the rewards and consequences they observe or expect before deciding whether to use a learned behavior. This means that learning a behavior and actually performing it are not the same thing. Someone may learn aggressive or illegal behavior by watching others but never act on it because of moral beliefs, fear of punishment, concern about harming others, or the absence of an opportunity. Observational learning therefore helps explain how behaviors can be acquired, but additional factors help determine whether those behaviors are eventually performed (Spielman et al., 2020).

Models and Sources of Learning

Models may be live, verbal, or symbolic. A live model demonstrates behavior directly. Verbal instruction explains what to do or how to interpret a situation. Symbolic models appear in stories, videos, games, news, online communities, and other media. Media exposure does not mechanically cause crime. Millions of people watch violence without becoming violent. Effects depend on the viewer, content, repetition, identification with the model, social context, reinforcement, and existing beliefs. Close relationships often carry special influence. A respected family member, intimate partner, coach, coworker, gang member, or peer may teach both techniques and meanings. Online relationships can also become intense when they provide identity, status, belonging, or approval (Cioban et al., 2021; Mowen, 2020).

Reinforcement and Punishment

Direct reinforcement occurs when a person's own behavior produces a reward. Theft may produce money. Aggression may end a confrontation. Rule breaking may earn peer approval. Vicarious reinforcement occurs when an observer sees someone else rewarded. Vicarious punishment occurs when the model experiences an unwanted consequence. Consequences need not be formal. Attention, laughter, fear, status, excitement, belonging, relief, and control can reinforce behavior. A justice-system penalty may be less influential than an immediate social reward. Reinforcement can also maintain lawful conduct. Praise, trust, meaningful responsibility, achievement, and supportive relationships can strengthen prosocial behavior. Treatment based on learning principles creates opportunities to practice and reward safer responses (Lee, 2023).

Applying Bandura to the Kohberger Case

A social learning analysis would ask what models, messages, and reinforcements shaped Kohberger's beliefs and behavior. Investigators would need evidence about close relationships, online activity, admired figures, exposure to violence, learned techniques, and the rewards he expected. Academic study of crime is not evidence of criminal learning. Students learn about investigative methods, criminal behavior, and justice policy for legitimate purposes. The relevant question would be whether particular information was connected to intent, rehearsal, justification, or planning. The public evidence does not establish a complete learning history. A responsible analysis should therefore identify questions rather than claim that a specific model caused the murders.

Strengths and Limits of Social Learning

Social learning theory explains how conduct, techniques, beliefs, and emotional responses can be acquired. It applies to street crime, domestic violence, organizational wrongdoing, substance use, and lawful behavior. The theory also supports practical intervention. New models, cognitive restructuring, skills practice, and reinforcement can change behavior. Its limits concern origins and selection. The theory may not fully explain why one person attends to a violent model while another rejects it. People also select peers and content consistent with existing interests. Biological traits, strain, opportunity, and community conditions may shape who becomes influential (Boman et al., 2019; Mowen, 2020).

An interactive H5P element has been excluded from this version of the text. You can view it online here:
https://openwa.pressbooks.pub/introtocj101/?p=34#h5p-16

2.7 Abraham Maslow and Human Motivation

Figure 1.1 Maslow's Hierarchy of Needs

Needs and Goal-Directed Behavior

Abraham Maslow developed a humanistic perspective focused on growth, meaning, and the effort to meet human needs (Figure 1.1). His hierarchy commonly includes physiological needs, safety, love and belonging, esteem, and self-actualization. Physiological needs include food, water, sleep, and shelter. Safety includes protection, stability, and predictability. Belonging includes connection, affection, acceptance, and community. Esteem includes competence, respect, achievement, and status. Self-actualization refers to developing one's capabilities and pursuing meaning (Spielman et al., 2020). Maslow did not create a criminological theory, but the framework can help practitioners ask what a person is attempting to obtain through behavior.

Needs Do Not Form a Rigid Staircase

The hierarchy is often drawn as a pyramid, but human motivation is not always orderly. A person may pursue art during poverty, sacrifice safety for belonging, or risk status to protect another person. Culture also shapes how needs are understood. Individual achievement may be emphasized in one setting, while family obligation or collective well-being is emphasized in another. Needs overlap. Housing can provide physical safety, belonging, privacy, and dignity. Employment can provide income, routine, competence, identity, and social connection. The hierarchy should therefore be used as a flexible set of questions rather than a universal sequence (Spielman et al., 2020).

Unmet Needs and Criminal Risk

Unmet needs do not cause crime automatically. Most people experiencing hunger, homelessness, rejection, fear, or low status do not harm others. Needs may influence the goals attached to behavior. Theft might provide food, money, excitement, status, or independence. Gang involvement might provide safety and belonging. Aggression might create a temporary sense of control or protect a threatened identity. The lawful alternatives available to meet a need are critical. Employment, housing, treatment, education, transportation, and supportive relationships can expand choices. When lawful pathways appear blocked and criminal pathways appear rewarded, risk may increase (Abhishek & Balamurugan, 2024; Gupta et al., 2022).

Applying Maslow to the Kohberger Case

A Maslow-informed analysis might ask whether the offense was connected to belonging, esteem, control, identity, status, or another perceived need. It would require evidence about how Kohberger understood himself, other people, and the desired outcome. The framework cannot identify motive from the severity of the crime. It also cannot assume that loneliness, rejection, or low self-esteem existed or caused violence. Maslow's contribution is a question: what need or goal did the person believe the behavior would serve? Answering that question requires reliable evidence, not speculation.

Strengths and Limits of Maslow's Framework

Maslow encourages a whole-person approach and highlights the positive conditions that support change. The framework is accessible and useful for planning services. Its limits include weak testability, cultural variation, and the temptation to force needs into a fixed ranking. It explains broad motivation more effectively than the details of a specific criminal event (Spielman et al., 2020).

2.8 Sociological Explanations of Crime

Looking Beyond the Individual

Biological and psychological theories often begin with the individual. They examine the body, brain, personality, emotions, learning processes, and decision making. Sociological theories begin with a different question: *What is happening around the person?* A **sociological theory is an explanation of behavior that focuses on relationships, groups, institutions, communities, culture, and social structure.** Sociological theories do not deny that individuals make choices. Instead, they examine how those choices develop within families, peer groups, schools, workplaces, neighborhoods, economic systems, and larger societies.

People do not grow and make decisions in isolation. They learn what others expect. They observe which behaviors receive approval. They experience opportunity or rejection. They form relationships with people who may support or discourage lawbreaking. They live in communities that may have strong institutions and shared trust or may struggle with instability, violence, limited resources, and weakened social connections (Abhishek & Balamurugan, 2024; Mowen, 2020). A sociological explanation might therefore ask: *How did the person's relationships shape beliefs about crime? Did the person experience strain, loss, rejection, or blocked goals? Were criminal attitudes learned from close associates? Did the community have strong informal controls and supportive institutions? Were lawful opportunities realistically available? Did the person receive social rewards for harmful behavior?*

These questions do not assume that society forces someone to commit a crime. Most people who experience poverty, rejection, discrimination, neighborhood violence, or family instability do not become serious offenders. Sociological theories identify conditions that may raise or reduce risk. They do not erase individual choice or legal responsibility. The sociological perspective is especially useful for explaining patterns. Crime is not spread evenly across all places, groups, and stages of life. Some people are exposed to more violence, criminal opportunity, stress, and justice-system contact than others. Sociology asks why these differences exist and how they affect behavior (Luca et al., 2023).

Social Conditions Do Not Create Identical Outcomes

Sociological theories describe influences rather than guaranteed results. Consider two students who experience the same academic failure. One seeks tutoring. Another changes majors. Another becomes depressed. Another blames the professor. Another cheats. Another drops out. The event is similar, but each student's response differs. The response may depend on family support, coping skills, personality, beliefs, friendships, money, access to help, prior experiences, and the meaning attached to failure. The same principle applies to crime. A stressful event may increase anger or frustration, but anger does not automatically produce violence. Contact with delinquent peers may increase risk, but not every person imitates those peers. A disadvantaged neighborhood may experience a higher crime rate, but most residents remain law-abiding.

This variation is important because weak interpretations of sociological theory can become stereotypes. It is inaccurate to assume that poverty causes crime, that people in a high-crime neighborhood are criminals, or that membership in a particular social group proves criminal intent. A strong sociological analysis examines how several conditions interact. It also identifies protective factors, lawful coping, community strengths, and the choices people make within their circumstances (Gupta et al., 2022; Jackson et al., 2023).

Social Structure and Social Process

This part of the chapter focuses on three of the best-known sociological explanations:

1. Robert Agnew's general strain theory
2. Edwin Sutherland's differential association theory
3. Clifford Shaw and Henry McKay's social disorganization theory

Each theory examines a different part of the social environment. General strain theory focuses on pressure and coping. Differential association focuses on learning through relationships. Social disorganization theory focuses on neighborhoods, institutions, and community control (Burke et al., 2019; Maier et al., 2024).

2.9 Robert Agnew and General Strain Theory

What Is Strain?

People frequently experience stress, disappointment, conflict, loss, unfair treatment, and failure. These experiences are sometimes called strains. **General strain theory is a theory proposing that certain pressures or losses can produce negative emotions that increase the risk of crime when lawful coping is weak.** Robert Agnew developed general strain theory to explain why stressful experiences sometimes contribute to delinquency or crime. His theory expanded earlier strain explanations that focused mainly on the inability to achieve financial success.

Agnew argued that strain can take many forms. It may involve failure, rejection, abuse, humiliation, discrimination, victimization, family conflict, school problems, job loss, or the loss of a valued relationship. The central idea is not that stress automatically causes crime. The theory proposes a process: A person experiences strain. The strain produces negative emotion. The person attempts to cope. Crime becomes more likely when unlawful coping appears useful, available, justified, or rewarding. Research applying general strain theory continues to find that changes in strain can be associated with changes in offending, even when researchers consider other social roles and life conditions (Jackson et al., 2023).

Three Major Sources of Strain

Agnew identified three broad sources of strain: failure to achieve a valued goal, removal of something valued, and exposure to negative treatment..

Failure to Achieve a Valued Goal

The first source occurs when a person cannot achieve something important. The goal might involve money, education, employment, social status, popularity, independence, respect, an intimate relationship, or a desired identity. A student may work toward admission to a competitive program and be rejected. An employee may believe that hard work should result in promotion but repeatedly be passed over. A young person may want financial success but see few realistic lawful opportunities.

The gap between the goal and the expected outcome can create frustration. The problem is not merely that the person wants something. People regularly experience disappointment without committing crimes. Risk may increase when the goal is extremely important, failure appears unfair, lawful alternatives seem unavailable, and the person lacks support or coping skills. The person may attempt to reach the goal through unlawful behavior. Theft or fraud may appear to provide money. Violence may appear to produce respect. Stalking or coercion may be used in an effort to obtain a relationship that the other person does not want. The criminal response does not become acceptable because the goal was important. General strain theory explains how blocked goals may create pressure toward harmful coping.

Removal of Something Valued

The second major source of strain occurs when a person loses something meaningful or positive. This can include the end of an important relationship, the death of a loved one, loss of employment, removal from a team or school, loss of housing, separation from children, damage to reputation, loss of freedom, reduced community standing, or serious financial insecurity. What matters is not only the loss itself, but also how important that loss is to the person and how they interpret what happened.

People respond to loss in many different ways. Some grieve, seek support, adjust their goals, or rebuild their routines. Others may respond with substance use, retaliation, theft, threats, stalking, or violence. A breakup is a useful example. Most people eventually adjust without committing a crime, but a smaller number may react with harassment, property damage, stalking, or intimate partner violence. General strain theory does not assume that the breakup caused the criminal behavior. Instead, it directs attention to the emotional response and the coping process that followed.

Researchers therefore look at other factors that may shape the outcome. These can include a sense of entitlement, poor coping skills, difficulty regulating emotion, limited social support, prior violent behavior, continued access to the former partner, and beliefs that justify retaliation. The same loss may produce very different outcomes depending on the person's history, resources, relationships, and available coping strategies.

Exposure to Negative Treatment

The third major source of strain occurs when a person is exposed to harmful or unwanted experiences. These can include abuse, bullying, harassment, discrimination, repeated conflict, unsafe housing, school victimization, community violence, threats, humiliation, chronic pain, hostile supervision, or unfair treatment by an institution. Some forms of negative treatment are brief but intense, while others continue for months or years.

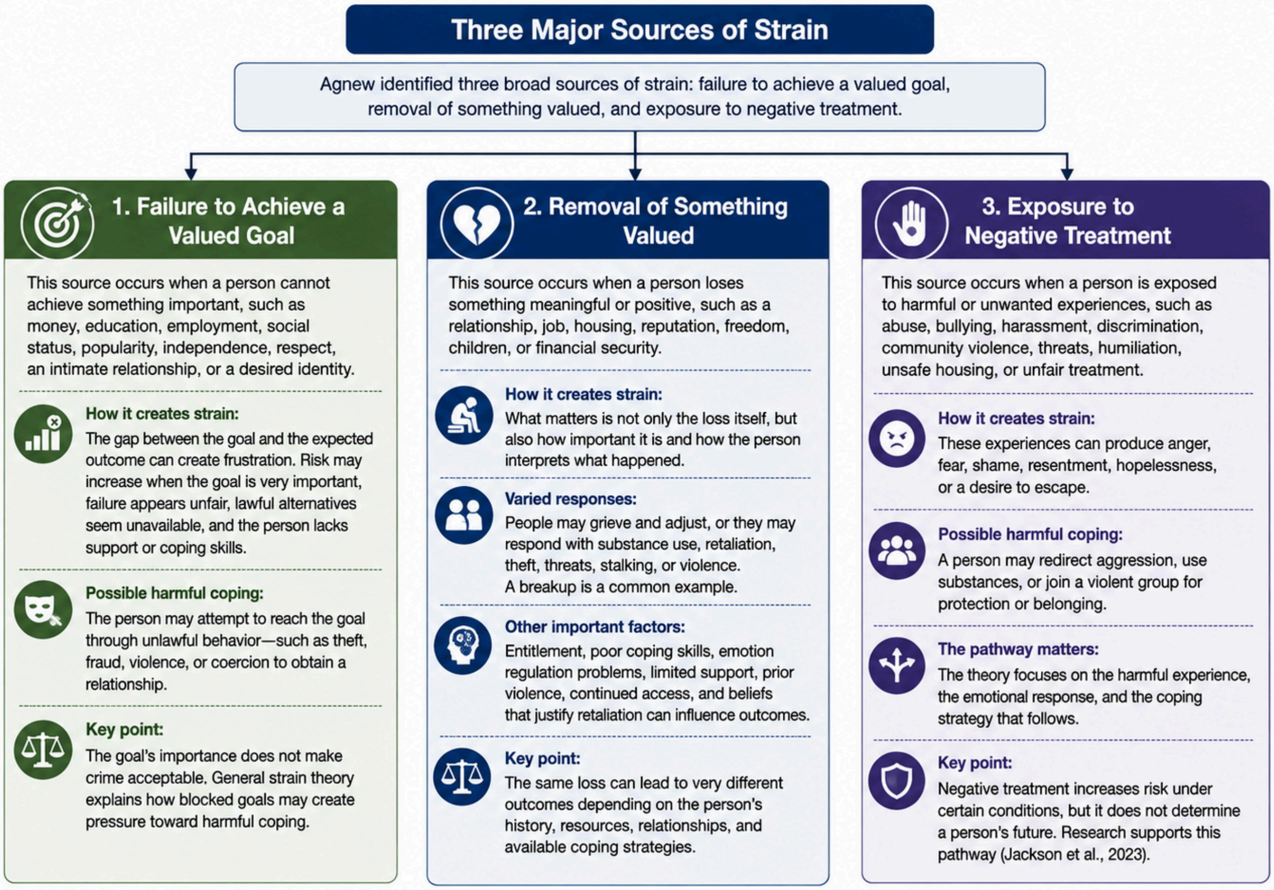
Repeated exposure to harmful treatment can create strong emotional reactions such as anger, fear, shame, resentment, hopelessness, or a desire to escape. These emotions do not automatically lead to crime, but they may increase the appeal of harmful coping when lawful options feel limited or ineffective. A person who feels powerless in one setting may redirect aggression toward someone else. Another may use substances to numb emotional pain. Someone who feels threatened may join a violent group because it appears to offer protection or belonging.

General strain theory is especially useful here because it focuses on the pathway between the harmful experience, the emotional response, and the coping strategy that follows. Recent research on adverse childhood experiences and adolescent delinquency supports this approach by showing how repeated exposure to harmful experiences may contribute to negative emotions and increase the likelihood of maladaptive coping behaviors (Jackson et al., 2023). The key point is that negative treatment increases risk under certain conditions, but it does not determine a person's future.

Strain does not lead directly to crime. Agnew placed negative emotions between the stressful experience and the behavioral response. Anger receives special attention because it can create energy for action. Anger may cause a person to blame others, focus on unfairness, feel justified in retaliation, and give less attention to long-term consequences. Other emotions may also matter. Fear may contribute to avoidance, weapon carrying, substance use, or joining a group for protection. Shame may cause withdrawal, secrecy, aggression, or attempts to restore status. Jealousy may contribute to controlling behavior, stalking, or intimate partner violence. Depression may contribute to substance misuse, self-harm, withdrawal, or forms of offending that provide relief or escape. Humiliation may be especially important when a person believes reputation must be restored through force. The emotion alone does not determine the behavior. Two angry people may respond very differently. One confronts the problem calmly. Another leaves the setting. Another asks for help. Another becomes violent. General strain theory therefore requires attention to coping.

Figure 2.5

The Three Major Sources of Strain (Agnew)



Note. General strain theory explains how strain from these three sources may lead to negative emotions and increase the likelihood of harmful coping, but it does not assume that everyone who experiences strain will engage in crime.

Why Some Strains Are More Likely to Lead to Crime

Not every stressful experience creates the same level of risk. General strain theory suggests that some strains are more likely to contribute to crime because of how serious, unfair, lasting, or disruptive they feel to the person experiencing them. A strain may be especially powerful when the person believes they were treated unjustly, when the event involves severe abuse, humiliation, victimization, or the loss of something deeply important, or when it weakens important forms of social control such as school attachment, supervision, routine, or supportive relationships.

Strain may also become more criminogenic when it creates an immediate pressure or opportunity for unlawful behavior. A person facing serious financial stress, for example, may be more tempted by an available opportunity to commit fraud. Someone who is publicly humiliated may feel pressure to retaliate if aggression is already viewed as an acceptable response. Repeated or long-lasting strain can also matter more than a single event because ongoing harassment, conflict, or loss may build anger, frustration, or hopelessness over time.

The meaning of the experience is equally important. An event that appears minor to an outsider may feel extremely serious if it threatens the person's identity, reputation, safety, relationships, or sense of control. For this reason, criminologists examine not only what happened, but also how the individual understood and responded to the strain (Jackson et al., 2023).

Applying General Strain Theory to the Kohberger Case

A general strain analysis of the Kohberger case would examine whether he experienced strains that he believed were severe, unjust, humiliating, or impossible to resolve lawfully (Table 2.8). Applying a theory to a real case means asking what evidence would be needed, not filling gaps in the evidence with assumptions. General strain theory can direct researchers toward possible pressures, emotional responses, and coping processes, but it cannot establish Kohberger's motive without supporting evidence. A strong analysis should therefore separate what is known, what the theory suggests examining, and what remains unknown.

Table 2.8

Applying General Strain Theory to the Kohberger Case

Area to Consider	**Why It Could Matter**	**Questions a Criminologist Might Ask**
Rejection	Rejection can produce anger, embarrassment, resentment, or feelings of exclusion, particularly when the person views the rejection as unfair or personally significant.	Was there evidence of a significant rejection? If so, how did Kohberger interpret it? What evidence shows how he responded?
Loss of Relationships	Losing an important relationship can represent the removal of something positively valued, one of the major forms of strain identified by general strain theory.	Had important relationships recently ended or changed? How important were those relationships to him? What coping strategies followed the loss?
Academic or Professional Failure	Difficulty achieving an important educational or career goal could create strain if achievement was closely connected to identity, status, or future plans.	Was there documented academic or professional difficulty before the murders? Did he consider the difficulty serious or threatening to his future?
Social Isolation	Limited supportive relationships may reduce access to healthy coping, emotional support, and people who can intervene during periods of strain.	What did his social relationships actually look like? Did he have meaningful sources of support? Did those relationships change before the offense?
Perceived Humiliation	Humiliation may produce anger or resentment when an individual interprets an experience as an attack on identity, dignity, or reputation.	Is there evidence that he experienced an event as humiliating? Who, if anyone, did he blame? Did he express anger or resentment afterward?
Grievances Against Particular People	A grievance may become important when a person believes another individual is responsible for unfair treatment or a significant loss.	Did Kohberger express grievances toward particular people? Were any connected to the victims? Is there evidence that a grievance influenced target selection?
Status Concerns	Threats to reputation, achievement, respect, or social standing may become strains when status is especially important to the individual.	How important were achievement, recognition, or status to him? Is there evidence that he believed his status was threatened or diminished?
Financial Pressure	Financial difficulties can create strain, especially when they threaten housing, education, independence, or important future goals.	Was he experiencing significant financial pressure? If so, how severe was it, and is there evidence connecting that pressure to the offense?
Conflict With Others	Repeated interpersonal conflict may create anger, frustration, resentment, or a sense of unfair treatment.	Were there significant or repeated conflicts in his relationships, education, or employment? How did he normally respond to interpersonal conflict?
Blocked Goals	Strain may develop when a person believes an important goal is unattainable or that legitimate pathways toward achieving it have been blocked.	What goals appeared important to him? Is there evidence that he believed those goals were being blocked? How did he respond to those setbacks?

Note. These categories are theoretical areas for investigation, not established explanations for Kohberger's behavior. General strain theory would require evidence that a strain existed, that Kohberger experienced or interpreted it in a meaningful way, and that the resulting emotions or coping responses were connected to the offense. The presence of rejection, isolation, financial difficulty, or another strain would not by itself establish why the murders occurred.

These are questions, not findings. The public record discussed in this chapter does not establish that a particular strain caused the murders. Even if Kohberger had experienced rejection, isolation, humiliation, or failure, millions of people experience similar events without committing violence. A responsible analysis would need evidence showing what he experienced, how he interpreted it, which emotions followed, and whether those emotions were connected to the victims or the offense.

The theory may help explain how a grievance or loss developed into pressure. It cannot explain the crime unless the pathway from strain to emotion and from emotion to criminal coping is supported by evidence. General strain theory would also need help from other theories. It would not fully explain how the victims were selected, how the offense was planned, what methods were learned, or why the residence appeared to offer an opportunity.

Strengths and Limits of General Strain Theory

General strain theory explains why harmful experiences do not affect every person in the same way. It identifies interpretation, emotion, coping resources, social control, and learned alternatives as parts of the pathway from strain to crime (Jackson et al., 2023). The theory is broad enough to examine street crime, violence, substance use, property crime, and some forms of organizational wrongdoing. It also directs prevention toward reducing unjust strain and strengthening lawful coping.

Its breadth can become a weakness. Nearly everyone experiences strain, so researchers must define which strains, emotions, and coping conditions are expected to predict a particular outcome. Retrospective case analysis can also search for a grievance after an offense and treat it as causal without showing the full pathway. Strain is neither an excuse nor a complete explanation. Accountability addresses the harm caused. Theory addresses how risk developed and how future harm might be prevented (Gupta et al., 2022; Jackson et al., 2023).

2.10 Edwin Sutherland and Differential Association

Crime Is Learned

Edwin Sutherland proposed that criminal behavior is learned through interaction with other people. His theory of **differential association** explains how people acquire techniques, motives, attitudes, rationalizations, and definitions favorable or unfavorable to lawbreaking (Burke et al., 2019; Maier et al., 2024). The theory rejected the belief that crime belongs only to poor, abnormal, or biologically inferior people. Sutherland's study of white-collar crime showed that respected professionals can learn illegal practices within legitimate organizations. People learn the practical steps of behavior and the meanings attached to it. A person may learn how to commit fraud and also learn that the victim can afford the loss. A youth may learn how to steal a vehicle and also learn that theft earns respect.

Frequency, Duration, Priority, and Intensity

Associations vary in influence. Frequency refers to how often interaction occurs. Duration refers to how long it continues. Priority refers to how early in life or development it begins. Intensity refers to the importance, prestige, or emotional closeness of the source. One comment from a stranger usually has less influence than repeated messages from a respected friend, parent, partner, supervisor, or group. Early associations can shape later expectations, but people can learn new definitions throughout life. The content of association matters more than simple contact. Knowing someone who offended does not cause crime. The relationship must communicate relevant techniques, rewards, beliefs, or opportunities.

Peer Influence and Peer Selection

People are influenced by peers, but they also select peers. A young person already interested in risk may seek friends with similar interests. The group may then intensify behavior through modeling, approval, shared opportunity, and pressure. Researchers must therefore examine sequence. Did peer attitudes change the person's behavior? Did prior behavior shape peer choice? Did family conflict, school exclusion, or neighborhood opportunity affect both? The most realistic answer may involve reciprocal influence. Behavior affects relationships, and relationships affect later behavior (Boman et al., 2019; Mowen, 2020).

Families, Workplaces, and Online Groups

Differential association is not limited to adolescent street groups. Families can transmit beliefs about violence, dishonesty, authority, or responsibility. Workplaces can normalize bribery, falsification, theft, or unsafe practices. Intimate partners can reinforce coercion or substance use. Online communities can provide instruction, justification, recognition, and identity. Their influence depends on engagement and meaning, not simply exposure. Most people encounter disturbing content without acting on it. An online group becomes criminologically important when it creates sustained association, teaches methods, celebrates harmful behavior, reduces moral restraint, or connects motivation to opportunity (Cioban et al., 2021; Li et al., 2021; Mowen, 2020).

Applying Differential Association to the Kohberger Case

An application would examine whether Kohberger learned techniques, justifications, or favorable definitions from close relationships or sustained communities (Table 2.9). Relevant evidence could include communications, repeated group interaction, admired models, and reinforcement. Studying criminology is not a favorable definition of lawbreaking. Academic programs generally teach research, ethics, law, prevention, and professional responsibility. Knowledge about crime becomes relevant only when evidence connects it to intent or behavior. The public record does not establish a close group that taught or approved the murders. Differential association therefore offers questions, not a demonstrated cause in this case.

Table 2.9

Applying Differential Association Theory to the Kohberger Case

Area to Consider	Why It Could Matter	Questions a Criminologist Might Ask
Close Relationships	Differential association emphasizes learning through meaningful interaction with other people, particularly close or influential relationships.	Did Kohberger have close relationships with people who supported serious violence or other criminal behavior? How frequent, lasting, and important were those relationships?
Definitions Favorable to Crime	The theory proposes that people can learn attitudes and beliefs that justify, excuse, minimize, or approve violations of law.	Is there evidence that influential people or groups communicated beliefs approving violence or justifying serious criminal behavior? Did Kohberger adopt or repeat those beliefs?
Techniques and Knowledge	Differential association proposes that criminal behavior can involve learning techniques as well as attitudes and motives.	Is there evidence that another person or influential group taught techniques relevant to the offense? Can the source and importance of that learning be established?
Academic Knowledge About Crime	Kohberger's academic study of criminology and criminal justice provided knowledge about crime and the justice system, but knowledge about crime is not the same as learning that crime is acceptable.	Is there actual evidence connecting academic knowledge to planning, intent, or behavior? Did any academic experience communicate approval of lawbreaking rather than teaching research, law, ethics, prevention, and professional responsibility?
Repeated Group Interaction	Learning becomes more theoretically important when exposure is frequent, sustained, meaningful, and connected to people whose opinions matter to the individual.	Was Kohberger repeatedly involved with a group or community that normalized serious violence? How long did the interaction occur, and how important was the group to him?
Admired or Influential Models	People may be especially influenced by individuals they admire, respect, identify with, or view as successful.	Is there evidence that Kohberger admired or identified with people who committed or promoted serious violence? Did those models influence his attitudes or behavior?
Communications	Messages, conversations, and other communications could help establish whether criminal attitudes, motives, techniques, or justifications were exchanged.	Do communications show meaningful interaction with others who encouraged, justified, or taught violence? Is there evidence that these communications influenced later behavior?
Reinforcement and Approval	Criminal attitudes may become stronger when behavior or beliefs receive approval, status, encouragement, or other rewards from important people.	Did anyone reward or encourage violent attitudes or related behavior? Did Kohberger expect approval, recognition, or another benefit from people important to him?
Evidence Against the Theory	A strong theoretical analysis must consider evidence that does not support the proposed explanation.	What evidence would show that Kohberger did not learn favorable definitions or techniques from close associates? Are other theories better supported by the available evidence?

Note. These questions illustrate how differential association theory could guide an investigation; they do not establish that social learning caused Kohberger's crimes. The public record does not establish a close group that taught, encouraged, or approved the murders. Likewise, studying criminology or criminal justice is not itself a definition favorable to lawbreaking. A differential association explanation would require evidence connecting meaningful social relationships and learned definitions or techniques to the behavior being explained.

Knowing about crime is not the same as learning to approve of crime. Police officers, attorneys, criminologists, students, researchers, and other professionals routinely acquire detailed knowledge about criminal behavior without becoming offenders. Differential association becomes relevant when evidence shows that meaningful relationships helped teach techniques, motives, attitudes, or definitions favorable to lawbreaking. In the Kohberger case, the theory provides useful questions to investigate, but the available evidence should not be stretched into a causal explanation that it does not support.

Strengths and Limits of Differential Association

The theory explains why crime appears in many social classes and settings. It draws attention to technique, belief, relationship quality, and organizational culture. It also supports mentoring, group-based intervention, workplace compliance, and prosocial relationship building. Its limits include measurement and individual variation. Researchers cannot easily count definitions, and people exposed to similar messages respond differently. The theory also needs help explaining the origins of the first criminal definitions and the role of biology, emotion, opportunity, and community structure (Boman et al., 2019; Mowen, 2020).

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2.11 Social Disorganization and Collective Efficacy

Shaw and McKay's Neighborhood Research

Clifford Shaw and Henry McKay studied juvenile delinquency in Chicago. They found that high delinquency rates remained concentrated in certain areas even as the racial and ethnic composition of those areas changed. This pattern suggested that persistent neighborhood conditions mattered more than the identity of any particular group. **Social disorganization theory proposes that crime becomes more likely where community institutions, relationships, and informal social control are weakened.** The theory does not describe residents as disorganized people. It describes difficulty achieving shared goals under conditions that strain community capacity (Burke et al., 2019; Linning et al., 2022; Maier et al., 2024).

Concentrated Disadvantage

Concentrated disadvantage occurs when poverty, unemployment, poor housing, limited services, and other challenges cluster in the same area. Poverty alone does not cause crime. Risk may increase when disadvantage combines with instability, weak institutions, isolation, and limited opportunities (Linning et al., 2022; Luca et al., 2023). Frequent movement can make it harder for neighbors to develop trust, share information, and establish common expectations. However, stability alone does not prevent crime. What matters is whether residents and institutions have the relationships and resources needed to work together.

Informal social control occurs when families, neighbors, schools, businesses, and community organizations encourage safe behavior without relying solely on the criminal justice system. Examples include supervising shared spaces, mentoring youth, checking on neighbors, and working together to address local problems. Effective informal control depends on trust, fairness, and legitimacy.

Collective efficacy combines shared trust with a willingness to act for community safety and well-being. Residents might organize activities, help families in crisis, improve neighborhood conditions, or work with public agencies. People do not need to be close friends; they need enough trust and confidence to respond collectively when problems arise (Linning et al., 2022).

Neighborhood conditions are also shaped by housing, transportation, school funding, employment, zoning, and public investment. Strong communities therefore require more than good relationships among residents. Effective prevention may also require stable housing, accessible services, economic opportunities, responsive institutions, and fair public safety practices (Linning et al., 2022; Luca et al., 2023). Crime often concentrates at particular locations, such as poorly managed properties, parking areas, bars, transit locations, or street segments (Castle & Kovacs, 2021; O'Brien et al., 2022). These patterns may reflect design, management, guardianship, or routine activities rather than problems throughout an entire neighborhood. Criminologists should therefore ask which conditions at which places create risk rather than labeling an entire community as dangerous (Andresen, 2022; Curtis-Ham et al., 2020; Luca et al., 2023).

Applying Social Disorganization to the Kohberger Case

Social disorganization theory is designed primarily to explain community-level patterns. It may be useful for understanding why some places experience repeated violence, but it is poorly suited to establishing why one person committed a targeted homicide. An application could examine guardianship, residence design, local routines, and the surrounding setting, but those questions move partly toward routine activity theory (Table 2.10). Neighborhood disadvantage would not explain a specific motive without additional evidence. The theory's limited fit is itself an important lesson. A theory should not be forced onto a case merely because it appears in the chapter.

Table 2.10

Applying Social Disorganization Theory to the Kohberger Case

Area to Consider	Why It Could Matter	Questions a Criminologist Might Ask
Level of Analysis	Social disorganization theory was developed primarily to explain differences in crime across neighborhoods and communities rather than the behavior of one particular offender.	Is the question about Kohberger as an individual, or is it about patterns of crime within the surrounding community? Is social disorganization the correct level of explanation?
Neighborhood Conditions	Social disorganization theory examines whether community conditions weaken informal social control and the ability of residents to respond collectively to problems.	What were the social and residential characteristics of the neighborhood? Is there evidence of weakened community organization, instability, or limited informal social control?
Collective Efficacy	Community trust and willingness to intervene can influence how effectively residents recognize and respond to disorder, danger, or recurring problems.	Did residents know and communicate with one another? Were people generally willing and able to respond when they observed suspicious or dangerous behavior?
Residential Environment	The physical and social organization of a residential area can affect visibility, informal supervision, interaction among residents, and opportunities for intervention.	Did the residential setting make unusual activity easier or harder for neighbors to observe? How much informal supervision existed around the residence?
Population Turnover	Communities with frequent residential turnover may have fewer long-term relationships among neighbors, although turnover alone does not establish social disorganization.	Was the area characterized by frequent movement of students or other short-term residents? If so, did this actually affect neighborhood relationships, communication, or informal supervision?
Community Institutions	Schools, universities, businesses, police, neighborhood organizations, housing providers, and other institutions can contribute to community organization and informal social control.	What institutions operated in the surrounding community? Were there established systems for reporting concerns, sharing information, and addressing safety problems?
Guardianship and Local Routines	Residents' routines, visibility, supervision, and presence may affect opportunities for crime, although these questions are more directly addressed by routine activity theory.	What were the normal routines around the residence? When were neighbors, residents, visitors, or other potential guardians present? Did those routines create opportunities for an offense to occur without intervention?
Community Crime Patterns	Social disorganization theory is better suited to explaining recurring patterns of crime than a single targeted event.	Was serious violence concentrated or recurring in this area, or was this offense unusual for the community? Does a broader crime pattern actually exist that requires a community-level explanation?
Explaining Opportunity Versus Motive	Features of a community or residence might help explain conditions surrounding an offense without explaining why an offender wanted to commit it.	Does the evidence help explain why the offense could occur at this location, or does it actually provide evidence about Kohberger's motivation? Are these two questions being confused?

Area to Consider	Why It Could Matter	Questions a Criminologist Might Ask
Fit of the Theory	Not every criminological theory is appropriate for every crime. Recognizing a poor theoretical fit is part of good criminological analysis.	Does social disorganization explain something important about this particular case, or would another theory better address the individual behavior, target selection, motivation, or opportunity?

Note. Social disorganization theory is primarily a community-level explanation of crime and should not be used to infer Kohberger's individual motivation. Questions involving guardianship, routines, and the physical characteristics of the residence may be relevant to the offense, but those questions overlap more directly with routine activity and opportunity theories. Neighborhood conditions alone cannot explain why a particular individual committed a targeted homicide (Linning et al., 2022; O'Brien et al., 2022).

Sometimes the most important conclusion is that a theory does not fit the question very well. Social disorganization theory may help criminologists explain why crime repeatedly concentrates in some communities, but it is much less useful for explaining why one individual committed a particular targeted homicide. Good criminological analysis requires students to choose theories based on the level and type of behavior being explained, rather than forcing every theory to explain every case.

Strengths and Limits of Social Disorganization Theory

The theory explains persistent geographic patterns and highlights community institutions, inequality, and informal control. It supports prevention that strengthens places rather than focusing only on arrest after harm occurs. Its risks include ecological fallacy and stigmatization. Ecological fallacy occurs when a group-level relationship is applied to an individual. A high-crime area does not mean a particular resident is criminal. Stigmatizing a neighborhood may reduce investment and ignore resident strengths. Social disorganization theory is strongest when paired with precise place analysis, resident knowledge, and attention to policy. It explains variation in community capacity, not the moral worth of a community (Andresen, 2022; Linning et al., 2022).

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2.12 Why Most People Do Not Commit Crime

Reversing the Usual Question

Criminology often begins with a familiar question: *Why do people commit crime?* That question is important, but it focuses attention on behavior that is less common than lawful behavior. Most people follow most laws during most of their lives. Even people who violate one law usually obey many others.

A more complete study of criminal behavior must therefore ask a second question: *Why do most people avoid crime, even when they have an opportunity to commit it?*

People may follow the law for many reasons. Some believe the behavior is morally wrong. Some care about the people who might be harmed. Some fear arrest or punishment. Some do not want to damage their families, education, employment, or reputation. Some have never learned the skills or beliefs needed to commit a particular offense. Others do not encounter an opportunity that makes the offense appear possible or rewarding. These reasons may work together. A person might return a lost wallet because taking the money would feel wrong, because the owner may need it, because a camera may be present, and because being accused of theft could threaten employment. No single reason must carry the entire decision.

Criminologists must also avoid assuming that lawful behavior requires exceptional virtue. Much conformity is supported by everyday routines, relationships, expectations, and opportunities. People attend school, go to work, care for family members, maintain friendships, and participate in community life. These activities can occupy time, create responsibilities, provide support, and give people something meaningful to protect (Buil-Gil & Pease, 2026).

Protective Factors

Protective factors are characteristics or conditions that reduce risk or help people avoid harmful outcomes

(Table 2.7). They do not make someone immune from crime or guarantee that offending will not occur. Instead, protective factors can reduce the likelihood that existing risks develop into criminal behavior, help people cope with adversity, interrupt a developing pathway toward offending, or support recovery after harmful behavior has already occurred (Gubbels et al., 2024).

Protective factors can exist across many areas of life, including individual coping skills, supportive families, positive peers, school connection, employment, safe communities, and access to services. These factors can prevent risk from developing, help people cope with adversity, interrupt an offending pathway, or support successful reentry. Importantly, protective factors provide something positive (i.e., attachment, structure, opportunity, skills, hope, or accountability) rather than simply representing the absence of risk (Gubbels et al., 2024; National Academies of Sciences, Engineering, and Medicine, 2019). Protective factors are often strongest when several work together. A young person experiencing bullying, for example, may cope more successfully when supported by family, friends, teachers, and counseling. These protections can also reinforce one another: school success may improve confidence, encourage positive friendships, and create future opportunities. Risk factors can accumulate in similar ways.

This interaction is sometimes described as *cumulative risk and protection*. The overall pattern of risks and protections may matter more than any single factor. Effective prevention therefore often requires coordinated support across family, school, employment, treatment, housing, and community life rather than relying on one intervention alone (Gubbels et al., 2024; Gupta et al., 2022; Jackson et al., 2023). Crime prevention is not only about reducing risk. It is also about building conditions that make lawful behavior more realistic and sustainable. Strong protective factors provide people with support, structure, belonging, opportunity, skills, hope, and meaningful roles. The most important question is not simply whether a protective factor is present, but how well it actually functions in the person's life.

Table 2.7

Protective Factors and Why They Matter

Protective Factor	How It Can Help	Why It Matters	Important Caution
Supportive Family Relationships	Stable caregivers can provide supervision, emotional support, expectations, problem-solving models, and help during crises.	Family relationships are among the earliest sources of attachment, values, learning, and accountability and can continue to support people during treatment and reentry.	Family presence alone is not protective. The quality, safety, and stability of the relationship matter (Abhishek & Balamurugan, 2024; Li et al., 2021; Mowen, 2020).
School Connection	Schools can provide structure, supportive adults, achievement, meaningful activities, and positive peer relationships.	Feeling accepted and invested in school can strengthen future goals and reduce unstructured time associated with some forms of delinquency.	Enrollment alone is not enough. Repeated exclusion, bullying, failure, or humiliation can weaken school attachment (Gubbels et al., 2024; National Academies of Sciences, Engineering, and Medicine, 2019).
Positive Peer Relationships	Prosocial peers can discourage violence, support education, challenge harmful beliefs, and provide belonging through lawful activities.	Peers become especially influential during adolescence and can shape identity, norms, routines, and expectations.	Removing harmful peers without creating new positive relationships can increase isolation and encourage return to the old group (Boman et al., 2019; Gubbels et al., 2024; Mowen, 2020).
Employment and Meaningful Responsibility	Stable work can provide lawful income, routine, skills, responsibility, social connections, and a reason to protect future opportunities.	Employment and other meaningful roles can support identity change and desistance by giving people something valuable to maintain.	A job is not automatically protective. Job quality, stability, workplace culture, and realistic opportunity all matter (Laub & Sampson, 2001; Rocque, 2021).
Community Support and Collective Efficacy	Communities can provide safe spaces, trusted adults, services, youth programs, employment, recreation, and coordinated responses to problems.	Shared trust and willingness to act can strengthen informal supervision, access to help, and positive community identity.	Communities cannot create safety without adequate resources, stable housing, trusted institutions, and responsive public agencies (Gubbels et al., 2024; Linning et al., 2022; Luca et al., 2023).
Moral Beliefs and Concern for Others	Internal beliefs about right and wrong and concern for other people can discourage harmful behavior even when punishment appears unlikely.	Moral reasoning and empathy can create internal limits that operate independently of formal deterrence.	Empathy and morality are not automatic protections. People may justify harm, minimize victims, or apply concern selectively (Boman et al., 2019; Lee, 2023).

Protective Factor	How It Can Help	Why It Matters	Important Caution
Self-Regulation	Self-regulation helps people manage emotions, delay gratification, tolerate frustration, consider consequences, and choose alternatives.	The ability to pause and respond deliberately can reduce impulsive or emotionally driven offending.	Self-regulation is shaped by biology and environment and can be weakened by stress, trauma, intoxication, sleep loss, or brain injury. Poor self-regulation does not automatically cause crime (Burt, 2020; Levander & Torstensson Levander, 2024).
Routine and Opportunity	Structured routines can reduce exposure to risky situations, criminal peers, vulnerable targets, and opportunities for offending.	Crime often requires motivation and opportunity to come together. Changing routine or increasing guardianship can make offending harder.	Reducing opportunity does not mean a person has been rehabilitated, and opportunity alone does not create criminal motivation (Buil-Gil & Pease, 2026; Campedelli et al., 2021; Curtis-Ham et al., 2020).
Resilience	Resilience allows people to adapt and recover despite adversity through support, coping, opportunity, relationships, and meaning.	Resilience demonstrates that risk does not determine a person's future and that pathways can change over time.	Resilience does not mean adversity caused no harm, and it should never be used as a reason to ignore poverty, violence, discrimination, or other harmful conditions (Gubbels et al., 2024; National Academies of Sciences, Engineering, and Medicine, 2019).
Protective Factors Are Not Guarantees	Protective factors reduce risk by strengthening support, stability, opportunity, or accountability.	Their value comes from how they actually function in a person's life, not simply whether they are present.	A job, spouse, family, school enrollment, or program may appear protective without providing real stability or support. Protection changes probability; it does not create immunity (Gubbels et al., 2024; Prins, 2019).

Note. Protective factors can operate at the individual, relationship, institutional, and community levels. Their effects depend on quality, stability, timing, accessibility, and how they interact with existing risks. No single protective factor guarantees that offending will not occur.

2.13 Desistance and the Life Course

The Age-Crime Pattern

Offending commonly increases during adolescence, reaches a high point during the late teenage years or early adulthood, and declines as people age. This pattern appears across many places and periods, although its precise shape varies by offense and group. Development contributes to the pattern. Adolescence involves changing identity, growing independence, sensitivity to peers, increased access to unsupervised settings, and still-developing self-regulation. The pattern does not mean adolescence causes crime or that young people should be treated as dangerous. Most adolescents do not commit serious offenses. A smaller group offends frequently or continues into adulthood (National Academies of Sciences, Engineering, and Medicine, 2019; Nedelec & DiRienzo, 2023).

What Is Desistance?

Desistance is the process through which offending declines or stops over time. It is often gradual. A person may first reduce the seriousness of offenses, then reduce frequency, experience setbacks, and eventually stop. A single arrest measure may miss this movement. Researchers distinguish termination from desistance. Termination refers to the point at which offending stops. Desistance refers to the process that supports and maintains the change. Because researchers cannot know with certainty that a person will never offend again, desistance is usually studied across a period rather than declared from one event (Rocque, 2021).

Maturation

Maturation can improve planning, emotional regulation, patience, and consideration of long-term consequences. Goals may shift from excitement and peer approval toward stability, health, family, or work. Age also changes opportunity. People may spend less time in unstructured peer settings, recover more slowly from risky activity, or move away from illegal markets. Maturation is not automatic. Substance dependence, trauma, unstable housing, harmful relationships, and continued criminal opportunity can delay or complicate change (Laub & Sampson, 2001; National Academies of Sciences, Engineering, and Medicine, 2019).

Turning Points

Turning points are events or transitions that redirect a life pathway. Employment, education, military service, parenthood, treatment, mentorship, faith, relocation, and supportive relationships can become turning points. The event itself is not enough. A job may support desistance when it provides routine, income, pride, prosocial relationships, and a stake in conformity. A marriage may support change when the relationship is safe and mutually committed. The same event can have different meanings. Parenthood may inspire one person and increase strain for another. Treatment may become a turning point when the person is ready, the program fits, and continuing support exists (Laub & Sampson, 2001; Rocque, 2021).

Applying Life-Course Thinking

Life-course thinking discourages permanent labels based on one period of behavior. Youthful offending does not guarantee adult criminality. An adult with a long record may still change. It also warns against using a dramatic offense to infer an entire developmental pathway without evidence. In the Kohberger case, the known offense and legal outcome do not provide a complete public history of earlier behavior, turning points, or identity. The theory is more useful for studying patterns across time than for reconstructing a motive from a single event (Moore et al., 2023; Nedelec & DiRienzo, 2023).

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Chapter Summary

Criminology is the scientific and systematic study of crime, criminal behavior, victimization, and society's responses to crime. It is related to criminal justice, but the two fields are not identical.

Criminal justice focuses mainly on the institutions and professionals responsible for preventing, investigating, processing, and responding to crime. These include law enforcement, courts, corrections, and community partners. Criminology focuses more directly on explaining why crime occurs, why people respond differently to similar conditions, why crime is concentrated in certain places, and which interventions may reduce offending (Burke et al., 2019; Maier et al., 2024).

Criminologists draw from several academic fields. Biology can help researchers understand physical development, brain functioning, injury, and inherited influences. Psychology contributes knowledge about thought, emotion, personality, learning, motivation, and self-control. Sociology examines families, peer groups, institutions, communities, inequality, and culture. Law defines crime and establishes the government's authority to respond (Ling et al., 2019; Mowen, 2020; Spielman et al., 2020). No single field explains criminal behavior completely. Crime develops through the interaction of people, relationships, environments, opportunities, choices, and legal definitions.

A criminological theory is more than a guess. It is an organized explanation that connects concepts and evidence. A useful theory identifies relationships that researchers can examine, compare, and test. Theories do not become correct simply because they sound reasonable. They must be evaluated through reliable evidence. Theories usually explain patterns and probabilities. They rarely provide certainty about one person. A risk factor may increase the likelihood of offending without determining what an individual will do. A protective factor may reduce risk without guaranteeing lawful behavior (Gubbels et al., 2024; Prins, 2019).

This distinction is essential. Criminological research should improve understanding without turning statistical relationships into stereotypes.

End of Chapter Activities

Case Study Analysis: Marcus Reed

Marcus Reed is a fictional 19-year-old who lives with his mother and younger sister in a large apartment complex outside a midsized American city. Marcus had no serious behavioral problems during elementary school and was described by several teachers as intelligent and friendly. His circumstances began changing during high school.

When Marcus was 15, his mother lost her job and the family moved twice within one year. His father, who had remained involved in his life, was incarcerated for a nonviolent drug offense. Marcus began missing school and eventually fell behind academically. After several arguments with teachers and two fights with other students, he received multiple suspensions. By his junior year, Marcus believed that graduating was becoming unlikely.

Marcus gradually began spending more time with several older youths in his apartment complex. Two regularly stole vehicles and sold stolen property. At first, Marcus simply rode with them. He later learned how they searched for vehicles, identified easier targets, entered certain models, and avoided locations with visible cameras. His friends regularly joked that stealing from people with insurance was not really hurting anyone. They also praised members of the group who successfully stole expensive vehicles.

At 17, Marcus participated in his first vehicle theft. The group was not caught, and Marcus received $300. Over the next year, he participated in several more thefts. Each successful offense increased his confidence. He eventually began stealing vehicles without the other members of the group.

At 19, Marcus noticed an expensive vehicle parked outside an apartment building late at night. He walked around the area before approaching it. He noticed that no one appeared to be watching and that the nearest security camera faced another direction. Marcus decided the likelihood of being caught was low. As he attempted to enter the vehicle, however, the owner came outside and confronted him. Marcus pushed the owner to the ground and fled. Police officers later identified Marcus using nearby surveillance footage. He was arrested and charged with attempted vehicle theft and assault.

During a presentence investigation, several additional facts emerged. Marcus had been working irregularly but wanted stable employment. He expressed regret about injuring the vehicle owner and admitted that stealing cars had gradually become normal within his peer group. His mother remained supportive, and an uncle who owned a construction company offered Marcus full-time employment if he successfully completed court requirements. Marcus also said that he wanted to finish his high school equivalency credential and stop spending time with the group involved in vehicle theft.

Answer each question in approximately one, single-spaced handwritten page (approximately 500-1000 words). Support your reasoning with specific concepts and section references from this chapter.

1. Which three criminological theories from this chapter provide the strongest explanation for Marcus's pathway into vehicle theft? For each theory, identify specific facts from the case that support its use and explain at least one part of Marcus's behavior that the theory does not adequately explain.
2. Which facts in Marcus's background should be considered risk factors rather than proven causes of his criminal behavior? Explain why it would be inaccurate to conclude that poverty, his father's incarceration, school suspension, his neighborhood, or his peer relationships automatically caused Marcus to offend.
3. Imagine that you are part of a court-based team developing Marcus's community supervision plan. Identify three interventions or protective factors that could realistically interrupt his criminal pathway and support desistance. For each recommendation, explain which criminological theory supports the intervention and why simply increasing punishment may or may not reduce Marcus's future offending.

Choose Your Own (Criminal Justice) Adventure

Skills Lab 1: Theory or Evidence?

Using the Bryan Kohberger case as presented in this chapter, create a two-column chart labeled What the Evidence Establishes and What a Theory Might Ask. Include at least six items in each column. Documented facts, such as the guilty pleas, belong in the first column. Questions about motive, strain, learning, psychological processes, biological influences, or perceived risk belong in the second column unless evidence establishes them. Then write one paragraph explaining why a criminological theory can guide an investigation without proving why one specific person committed a crime. Your final work should clearly separate documented evidence, reasonable inference, and unsupported speculation.

Deliverable: Submit the completed two-column chart with at least six entries in each column and a one-paragraph explanation distinguishing evidence, reasonable theoretical questions, and unsupported speculation.

Skills Lab 2: Explain the Theory Without the Jargon

Choose one major theory from this chapter: Classical or rational choice theory, biological theory, psychological theory, general strain theory, differential association, or social disorganization theory. Explain the theory in your own words as though you were describing it to someone who has never taken a criminal justice course. Your explanation should identify the theory's main idea, explain what type of crime or behavior it is especially useful for understanding, and provide one realistic example. End with two sentences explaining something the theory cannot explain by itself. The goal is to demonstrate understanding rather than repeat textbook definitions.

Deliverable: Submit a plain-language explanation of one criminological theory that includes its main idea, one realistic application, and an explanation of what the theory cannot explain by itself.

Skills Lab 3: Rewrite the Explanation

Consider the statement: "Jordan committed crimes because Jordan grew up poor, had bad friends, was angry, and had poor self-control." Rewrite this statement as an evidence-based criminological explanation. Replace broad labels and assumptions with specific, observable information and connect each relevant fact to an appropriate theory. Your revised explanation should distinguish strain from criminal learning, individual characteristics from community conditions, and risk factors from causes. Include at least one competing explanation and identify one piece of additional evidence you would need before reaching a stronger conclusion. The final product should read like a short professional case briefing rather than a judgment about Jordan's character.

Deliverable: Submit a short professional case briefing (500-1000 words) that rewrites the original statement using *evidence-based language, appropriate criminological theories, at least one competing explanation, and one piece of additional evidence needed.*

Skills Lab 4: Build a Theory Check

Create a one-page checklist that a criminal justice professional or criminology student could use before claiming that a theory explains a person's behavior. Your checklist should require the user to identify documented facts, the theory being applied, the theory's proper level of analysis, evidence supporting the explanation, evidence that might disconfirm it, competing theories, risk factors, protective factors, and limits of the available information. Include specific warnings against diagnosing from appearance, confusing correlation with causation, treating group-level findings as individual predictions, or assuming that disadvantage automatically causes crime. The checklist should be practical enough to use when analyzing a real case.

Deliverable: Submit a one-page (500-1000 words) Theory Check checklist that could be used to evaluate whether evidence reasonably supports applying a criminological theory to a real case.

Skills Lab 5: Interrupt the Pathway

Create an intervention plan for a hypothetical 19-year-old named Alex who has experienced repeated school failure, conflict at home, growing involvement with peers who steal vehicles, increasing substance use, and several successful thefts that earned money and peer approval. First, identify how general strain, differential association, social learning, opportunity, rational choice, and protective factors could fit into Alex's developing pathway. Then identify at least four points where that pathway could realistically be interrupted. Your plan should include specific actions involving family or supportive adults, education or employment, peer relationships, treatment or behavioral support, and reduction of criminal opportunity. Finish by explaining why prevention should address several connected influences rather than searching for one cause.

Deliverable: Submit an intervention plan (1000+ words) that applies the chapter's theories to Alex's pathway, identifies at least four realistic intervention points, and explains how multiple strategies could work together to reduce future offending.

Critical Thinking Questions

Answer each question in approximately one, single-spaced handwritten page (approximately 500-1000 words). Support your reasoning with specific concepts and section references from this chapter.

1. The guilty pleas in the Bryan Kohberger case establish legal responsibility but do not provide a complete

public explanation of motive, so what could two different criminological theories reasonably investigate, what evidence would each require, and what conclusions would still remain unsupported?

2. Why is it inaccurate to assume that someone who commits a shocking crime must have a mental illness, and how are psychological explanation, psychiatric diagnosis, and legal responsibility different?
3. Why can education, employment, supportive relationships, and other protective factors reduce criminal risk without guaranteeing that a person will remain law-abiding?

CHAPTER 3: CONSTITUTIONAL RIGHTS IN ACTION

Chapter 3: Constitutional Rights in Action

Learning Objectives

By the end of this chapter, you should be able to do the following:

1. Explain why constitutional rights place limits on government power.
2. Describe the basic protections of the Fourth, Fifth, and Sixth Amendments.
3. Explain when police generally need reasonable suspicion, probable cause, a warrant, or Miranda warnings.
4. Describe how due process supports fair decisions in criminal cases.

Key Terminology

Consent:
: Permission freely given by a person who has authority to give it.

Confrontation:
: The right of an accused person to challenge certain witnesses who give evidence against that person.

Constitutional right:
: A protection found in the U.S. Constitution or a state constitution.

Custody:
A formal arrest or a restraint on freedom that is much like an arrest.

Double jeopardy:
The protection against being prosecuted more than once for the same offense by the same government after jeopardy has ended.

Due process:
The constitutional promise that government will use fair laws and fair steps.

Exclusionary rule:
A rule that may keep evidence obtained through a constitutional violation out of court.

Incorporation:
The use of the Fourteenth Amendment to apply most federal Bill of Rights protections to state and local government.

Interrogation:
Police questioning, or similar conduct, that is likely to produce an incriminating answer.

Miranda warning:
Notice of the rights to remain silent and to speak with a lawyer before custodial questioning.

Reasonable suspicion:
Specific facts that give an officer a reasonable basis to suspect crime.

Right to counsel:
The right to have a lawyer in a criminal case at the stages protected by law.

Search:
Government action that enters or examines a protected place, item, or area of privacy.

Seizure:
Government action that meaningfully limits a person's freedom or control of property.

Self-incrimination:
Giving testimony or information from one's own mind that may help prove one's guilt.

Warrant:
A court order that allows a specific search, seizure, or arrest.

Chapter Overview

> ***Imagine that a police officer stops a car for running a red light. The officer asks the driver for a license and registration. The officer then asks to search the car. Later, the officer arrests the driver, takes the driver's phone, and asks questions about a stolen computer found in the trunk. This one event may involve several constitutional rights. The traffic stop is a seizure because the driver is not free to leave. The car search may raise a Fourth Amendment question. The phone may contain private digital information. The officer's questions may raise a Fifth Amendment and Miranda question. If charges are filed, the driver may have Sixth Amendment rights to a lawyer and a fair trial.***

The U.S. Constitution gives government power, but it also places limits on that power. These limits protect people from unfair government action. They also help police, lawyers, and judges use clear and trusted methods. A **warrant** gives officers lawful authority to search a place. A lawyer helps a defendant understand the case and challenge weak evidence. A fair trial helps the public trust the result (Burke et al., 2019; Maier et al., 2024).

This chapter gives an overview of the rights that beginning criminal justice students need most. It does not cover every exception or court case. Instead, it explains the main ideas and shows how the rights work together. The rules can change as courts decide new cases, so professionals must check current law and agency policy.

3.1 Constitutional Rights and Government Power

The Bill of Rights Sets Limits

The first ten amendments to the U.S. Constitution are called the Bill of Rights. They describe important freedoms and rules for government. In criminal justice, the Fourth, Fifth, Sixth, and Fourteenth Amendments are especially important. The Fourth Amendment addresses **searches** and **seizures**. The Fifth Amendment includes protection against forced **self-incrimination** and a promise of **due process**. The Sixth Amendment lists rights that belong to a person accused in a criminal prosecution. The Fourteenth Amendment helps apply most of these federal rights to state and local government (National Archives, 2023).

Table 3.1 *The Bill of Rights*

Amendment	Main Protections
First Amendment	Protects freedom of religion, speech, the press, peaceful assembly, and petitioning the government.
Second Amendment	Protects the right to keep and bear arms.
Third Amendment	Protects people from being forced to house soldiers in their homes without lawful authority.
Fourth Amendment	Protects against unreasonable searches and seizures and establishes requirements for warrants.
Fifth Amendment	Protects due process, the right against forced self-incrimination, and protection from double jeopardy. It also addresses grand juries and government takings of private property.
Sixth Amendment	Protects the rights to counsel, notice of charges, a speedy and public trial, an impartial jury, confrontation, and defense witnesses.
Seventh Amendment	Protects the right to a jury trial in certain federal civil cases.
Eighth Amendment	Protects against excessive bail, excessive fines, and cruel and unusual punishment.
Ninth Amendment	Explains that people have rights beyond those specifically listed in the Constitution.
Tenth Amendment	Reserves powers not given to the federal government to the states or the people.

Note. The Bill of Rights consists of the first 10 amendments to the U.S. Constitution.

Constitutional rights mostly control government action. For example, the Fourth Amendment usually applies when a police officer searches a bag. It usually does not apply when a private roommate opens the same bag for a private reason. Other laws may control the roommate's conduct, but the constitutional search rule normally requires government involvement. A private person may be treated as a government agent when police direct, encourage, or closely take part in the conduct.

Rights do not mean that police can never search, arrest, question, or investigate. The Constitution sets conditions for those actions. Police may stop a person when the facts meet the legal standard. They may search under a valid warrant or a recognized exception. A prosecutor may bring charges supported by law and evidence. A court may convict a person after a fair process when guilt is proved beyond a reasonable doubt.

The reason for these limits is simple: the government has great power. Police may detain people, enter places, collect evidence, and make arrests. Courts may order release conditions, jail, prison, fines, or supervision. Rules help make sure that these powers are used for lawful reasons and not because of anger, bias, status, or personal choice.

Federal and State Protections

Most criminal cases are handled by state and local agencies. For that reason, students must understand how federal rights apply to the states. Through a process called **incorporation**, the U.S. Supreme Court has applied most major criminal procedure rights in the Bill of Rights to state and local government through the Fourteenth Amendment. Federal rights create a minimum level of protection. A state cannot give a person less protection than a controlling federal rule. A state may sometimes give more protection under its own constitution or laws. This is why the legal answer may depend on both the U.S. Constitution and the constitution of the state where the case occurs.

Washington has its own Declaration of Rights (Table 3.2). Article I, section 7 of the Washington Constitution protects a person's private affairs and home from government invasion without authority of law. The wording is different from the Fourth Amendment. Washington courts may interpret this state protection more strongly than the federal minimum in some situations (Washington State Legislature, n.d.). This does not mean that Washington law always gives more protection. It means that a complete Washington analysis asks two questions. First, what does the U.S. Constitution require? Second, does the Washington Constitution or a Washington court rule add another protection?

Table 3.2 *Examples of Federal and Washington Constitutional Analysis*

Situation	Federal Question	Washington Question
Police enter a home without a warrant.	Did the Fourth Amendment require a warrant, or did a valid exception, such as an emergency, apply?	Did the entry invade a person's home or private affairs without authority of law under Article I, Section 7?
Police search a person's phone after an arrest.	Did the Fourth Amendment require a warrant before police searched the phone's digital contents?	Does the phone information involve private affairs protected by Article I, Section 7?
A person in custody cannot afford a lawyer.	When did the federal right to counsel apply, and was the person advised of the right to a lawyer during custodial questioning?	Under CrR 3.1, did the person receive understandable notice of the right to a lawyer and access to counsel as soon as feasible after custody, court appearance, or formal charge?
The prosecution wants to use a defendant's statement at trial.	Were Miranda warnings required, was any waiver voluntary, and was the statement obtained without unconstitutional pressure?	Did the court hold a CrR 3.5 hearing and make written findings about whether the statement may be admitted?
The defense challenges physical, oral, or identification evidence.	Was the evidence obtained through a lawful search, seizure, or identification procedure under the U.S. Constitution?	Did the defense use the CrR 3.6 process to request suppression, and did the court make written findings if it held a hearing?

Note. This table provides examples of questions students should ask; it does not provide automatic legal answers due to constant updates to the law. Washington's constitution and court rules may add protections or procedures, depending on the facts and current law. See Washington Constitution art. I, § 7; Washington State Courts CrR 3.1, CrR 3.5, and CrR 3.6.

Slow Down and Think

Finding evidence does not prove that a search was lawful. Courts look at the facts and legal authority that existed before police acted. Evidence found later cannot go back in time and create a missing legal reason.

Rights Apply at Different Times

Constitutional rights do not all begin at the same moment. The Fourth Amendment may apply during the first police contact. It can control a stop, arrest, search, or seizure of property. The Fifth Amendment may apply when the government tries to force a person to provide testimonial information. Miranda rules may apply before police question a person who is in custody. The Sixth Amendment focuses on a criminal prosecution. Many Sixth Amendment rights begin after the government starts a formal criminal case, such as by filing a charge or holding a first court proceeding. A person's right to a lawyer may also be protected by state rules that apply earlier than the federal minimum.

Due process works throughout the system. It helps protect fair notice, fair hearings, reliable evidence, and a fair chance to respond. It also requires the prosecution to prove guilt. A person does not lose these protections because police believe the person committed a serious crime. The timing matters because one event may raise several questions. An unlawful stop may lead to a search. A search may lead to an arrest. An arrest may lead to questioning. A formal charge may then begin the **right to counsel.**. Good analysis follows the event in time order.

3.2 The Fourth Amendment: Searches and Seizures

What Counts as a Search?

The Fourth Amendment protects people against unreasonable searches and seizures by the government. It names persons, houses, papers, and effects. A house is the clearest example of a protected place. Personal property, such as a closed bag or phone, may also receive protection.

A search may happen when the government enters a protected place or examines information that a person reasonably keeps private. Police entry into a home is usually a search. Opening a closed backpack may be a search. Reading the private contents of a phone may be a search. By contrast, looking at an object that anyone can plainly see from a public place usually is not a search.

Privacy depends on the setting. People have very strong privacy in a home. They normally have less privacy in public. A person may also lose a privacy claim by leaving property behind in a way that shows it was abandoned. Ownership is important, but it is not the only fact. A renter can have privacy in an apartment owned by someone else. An overnight guest may also have some protection in a host's home.

Modern technology can reveal a great deal about a person. A phone may hold messages, photos, health information, banking records, and years of location data. In *Riley v. California* (2014), the Supreme Court held that police generally need a warrant before searching the digital contents of a phone taken during an arrest. In *Carpenter v. United States* (2018), the Court held that government collection of detailed historical cell-site location records was a search. These cases show that old constitutional words still protect privacy in new forms of information.

The home receives special protection. Police generally need a warrant to enter a home. A general wish to help or check on a person does not create unlimited power to enter. In *Caniglia v. Strom* (2021), the Supreme Court rejected a broad home-entry rule based only on the idea that police sometimes perform community caretaking work. Real emergencies can still allow entry, but the facts must support the emergency.

What Counts as a Seizure?

A seizure of a person happens when government meaningfully limits the person's freedom. An arrest is a seizure. A traffic stop is also a seizure, even when it is brief. The driver is not free to continue driving, so the officer needs a lawful reason for the stop. Not every police conversation is a seizure. An officer may walk up in a public place, greet a person, and ask a question. If a reasonable person would feel free to refuse or end the contact, the meeting may be consensual. A consensual contact does not need reasonable suspicion.

The contact may become a seizure when an officer uses force or a strong show of authority. Courts may consider the officer's words, tone, location, number of officers, display of weapons, physical contact, use of emergency lights, and whether the person was told that leaving was allowed. No one fact always controls. A seizure of property happens when government meaningfully interferes with a person's control of an item. Taking a phone as evidence is a seizure. Towing a car or taking a bag may also be a seizure. The legal reason for taking an item may be different from the legal reason needed to search inside it. Police might be allowed to secure a phone while seeking a warrant, but that does not always allow them to read its contents.

Reasonable Suspicion and Probable Cause

The amount of information police need depends on the action they take. A short stop generally requires **reasonable suspicion**. An arrest generally requires **probable cause**. A search warrant also requires probable cause. Reasonable suspicion means that specific facts point to possible criminal activity. It is more than a guess or hunch. The officer must be able to explain the facts and the reasonable ideas drawn from them. Time, place, behavior, a matching description, and reliable information may all matter. Presence in an area with crime is not enough by itself. In *Terry v. Ohio* (1968), the Supreme Court allowed a brief investigative stop when an officer had reasonable suspicion. The Court also allowed a limited pat-down for weapons when the officer reasonably believed the person was armed and dangerous. A frisk is not automatic during every stop. Its purpose is safety, not a general search for evidence.

Probable cause is a stronger standard. It exists when all known facts create a fair chance that a crime occurred, a person committed it, or evidence will be found in a certain place. Probable cause does not require trial-level proof. It is based on practical judgment and the full situation. These standards protect both safety and freedom. Officers can act before they have enough proof for a conviction, but they must have facts that fit the level of action. The stronger the government restraint, the stronger the usual legal reason.

Pro Tip

Understanding Terry v. Ohio (1968)

In *Terry v. Ohio*, a Cleveland police detective watched John Terry and another man repeatedly walk past a store, look through the window, and meet with a third man. The detective believed the men were preparing to rob the store and might be armed. He approached them, identified himself as a police officer, and asked for their names. When the men gave only a short response, the officer grabbed Terry, turned him around, and patted the outside of his clothing. The officer felt a gun in Terry's coat pocket. He removed the gun and later found another gun on one of the other men.

The Supreme Court ruled that the officer's actions were reasonable under the Fourth Amendment. The Court explained that an officer may briefly stop a person when specific, objective facts create reasonable suspicion that a crime may be occurring. Reasonable suspicion is more than a guess or hunch, but it is less than probable cause. The Court also ruled that a stop does not automatically allow a search. To conduct a frisk, the officer must have reasonable suspicion that the person is armed and dangerous. The frisk must be limited to checking outer clothing for weapons that could threaten safety. It is not a general search for drugs, evidence, or personal items. The Court found the guns could be used as evidence because the stop and safety pat-down were lawful. If an officer lacks reasonable suspicion for the stop or a safety-based reason for the frisk, the action may violate the Fourth Amendment. Evidence found because of an unlawful stop or frisk may be challenged in court and may be suppressed. Each case depends on the facts known to the officer at the time.

Terry v. Ohio established the basic rule for a brief police stop and a limited safety pat-down, often called a **Terry stop** and **Terry frisk**. An officer may briefly stop a person when specific, objective facts create reasonable suspicion that criminal activity may be occurring, has occurred, or is about to occur. Reasonable suspicion is more than a guess or hunch, but it is less than probable cause. A stop does not automatically allow an officer to search the person. To conduct a frisk, the officer must also have reasonable suspicion that the person is armed and dangerous. The frisk must be limited to checking the person's outer clothing for weapons that could threaten safety. It is not a general search for drugs, evidence, or personal items. If the stop and frisk are lawful, a weapon found during the limited pat-down may be seized and may be used as evidence in court. If the officer lacks reasonable suspicion for the stop, or lacks a safety-based reason for the frisk, the detention or search may violate the Fourth Amendment. Evidence found because of the unlawful action may be challenged in court and may be suppressed. Each case depends on the specific facts known to the officer at the time of the stop.

Warrants and Common Exceptions

A search warrant is a court order. An officer normally asks a judge to issue it. The request must show probable cause. The warrant must also describe the place to be searched and the person or items to be seized. This keeps a search from becoming a general search of everything. The warrant process places a neutral judge between police and private space. The judge reviews the facts before the search. Officers must then stay within the warrant's limits. A warrant for a stolen television does not normally allow police to open a tiny pill bottle, because the television could not be inside it. Some searches are allowed without a warrant (Table 3.3), but these are exceptions, not a general permission slip.

Table 3.3 *Common Warrant Exceptions: Scenarios and Limits*

Warrant Exception	Common Scenario	Explanation and Limits
Consent	A driver tells an officer, "You may look inside the passenger area of my car."	A person with authority may freely give permission for a search. The person may limit the search by place, item, or time and may withdraw permission. Permission to search the passenger area does not automatically allow a search of the trunk or a locked container.
Search Incident to Arrest	After a lawful arrest, an officer checks the arrested person's pockets and removes a knife.	After a lawful arrest, police may conduct a limited search to protect safety and preserve evidence. The scope depends on the facts. This rule does not normally allow police to search the digital contents of a phone without a warrant or another valid exception.
Vehicle Search Based on Probable Cause	An officer has probable cause to believe a vehicle contains a stolen laptop and searches areas large enough to hold a laptop.	Police may search areas of a vehicle where the object of the search could reasonably be found when probable cause and the vehicle exception apply. The search must match the object being sought; a small item may justify searching more places than a large item.
Emergency or Urgent Need	Officers hear a person inside a home screaming for help and enter to locate the person.	Police may act without a warrant when waiting would create an immediate danger to a person, allow a suspect to escape, or create a serious risk that evidence will be destroyed. The search must be limited to addressing the emergency and cannot become a general search of the home.
Plain View	While lawfully inside a home during an emergency response, an officer sees suspected illegal drugs on a kitchen counter.	Police may sometimes seize evidence they plainly see when they are lawfully present and have lawful access to the item. Plain view does not permit police to enter a place unlawfully or move objects to create a better view.

Note. Warrant exceptions are limited exceptions, not general permission to search. The government must be able to explain why the exception fits the facts. In a real case, officers and lawyers must check current federal law, Washington law, and agency policy.

What Happens After an Unlawful Search?

The main courtroom response to an unlawful search is often a request to suppress evidence. Suppress means to keep the evidence from being used in the prosecution's case. The **exclusionary rule** may apply when evidence was obtained through a constitutional violation. The Supreme Court applied the federal rule to state cases in *Mapp v. Ohio* (1961). Suppression is not automatic. A judge must decide whether a right was violated, whether the person may challenge the action, and whether the evidence is closely connected to the violation. Federal law recognizes some limits and exceptions to exclusion.

An unlawful search also does not always end the whole criminal case. The prosecution may still have other evidence that was lawfully obtained. The remedy depends on the right, the violation, and the link between the violation and the evidence. In Washington Superior Court, CrR 3.6 gives a process for asking a judge to suppress physical, oral, or identification evidence. The judge reviews written materials and may hold a hearing. If a hearing is held, the court enters findings of fact and conclusions of law (Washington State Courts, n.d.-d).

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3.3 The Fifth Amendment and Miranda

The Fifth Amendment contains several protections. It includes rules about grand juries in federal felony cases, **double jeopardy**, self-incrimination, due process, and government taking of private property. In criminal justice, students most often focus on self-incrimination, double jeopardy, and due process (National Archives, 2023).

The protection against self-incrimination means that government generally cannot force a person to provide testimonial communication that is used against that person in a criminal case. Testimonial communication shares knowledge from the mind. A forced answer to a question may be testimonial. A fingerprint, photograph, or voice sample usually shows a physical feature rather than a statement of knowledge. This protection is not the same as a right to hide all evidence. Police may lawfully collect physical evidence under proper rules. A court may require some records or actions. The exact line can be difficult, especially with phone passcodes and digital evidence. The basic question is whether government is forcing the person to communicate knowledge that may help prove guilt.

Double jeopardy protects against repeated prosecution for the same offense by the same government after jeopardy has ended. It does not prevent every later case connected to the same event. A retrial may be allowed after some mistrials or successful appeals. State and federal governments may also be treated as separate governments in this area. For an overview course, the key idea is that government does not get endless chances to convict a person for the same offense.

The Fifth Amendment also requires due process. Due process means fair law and fair procedure. The

Fourteenth Amendment gives a similar due process command to state governments. Due process affects many parts of a case, including notice, hearings, proof, evidence disclosure, and reliable decision-making.

Miranda Applies to Custodial Interrogation

The Fifth Amendment did not originally list the familiar **Miranda warning**. The Supreme Court created the warning rule in *Miranda v. Arizona* (1966) to protect the choice against self-incrimination during the pressure of custodial police questioning. Miranda warnings are generally required before custodial interrogation. Both parts must be present. **Custody** is when the person is under formal arrest or is restrained in a way that is much like arrest. **Interrogation** is when police ask questions, or use words or actions, that are reasonably likely to produce an incriminating answer.

Not every police contact is custody. A brief traffic stop is a Fourth Amendment seizure, but it is not automatically Miranda custody. Courts look at the total situation, including the location, length, physical restraint, number of officers, and what the person was told. Not every statement comes from interrogation. A person may speak without being asked. Basic booking questions, such as a request for a name or address, may serve an administrative purpose rather than an investigative one. However, a direct question about where stolen property came from is likely to seek an incriminating answer.

The familiar warning tells the person four basic ideas: the person has the right to remain silent; what the person says can be used in court; the person has the right to speak with a lawyer and have the lawyer present during questioning; and a lawyer can be appointed if the person cannot afford one. The warning does not require exact magic words, but it must clearly communicate the rights.

Watch Your Step

General Public: "Miranda is always required when you are arrested."

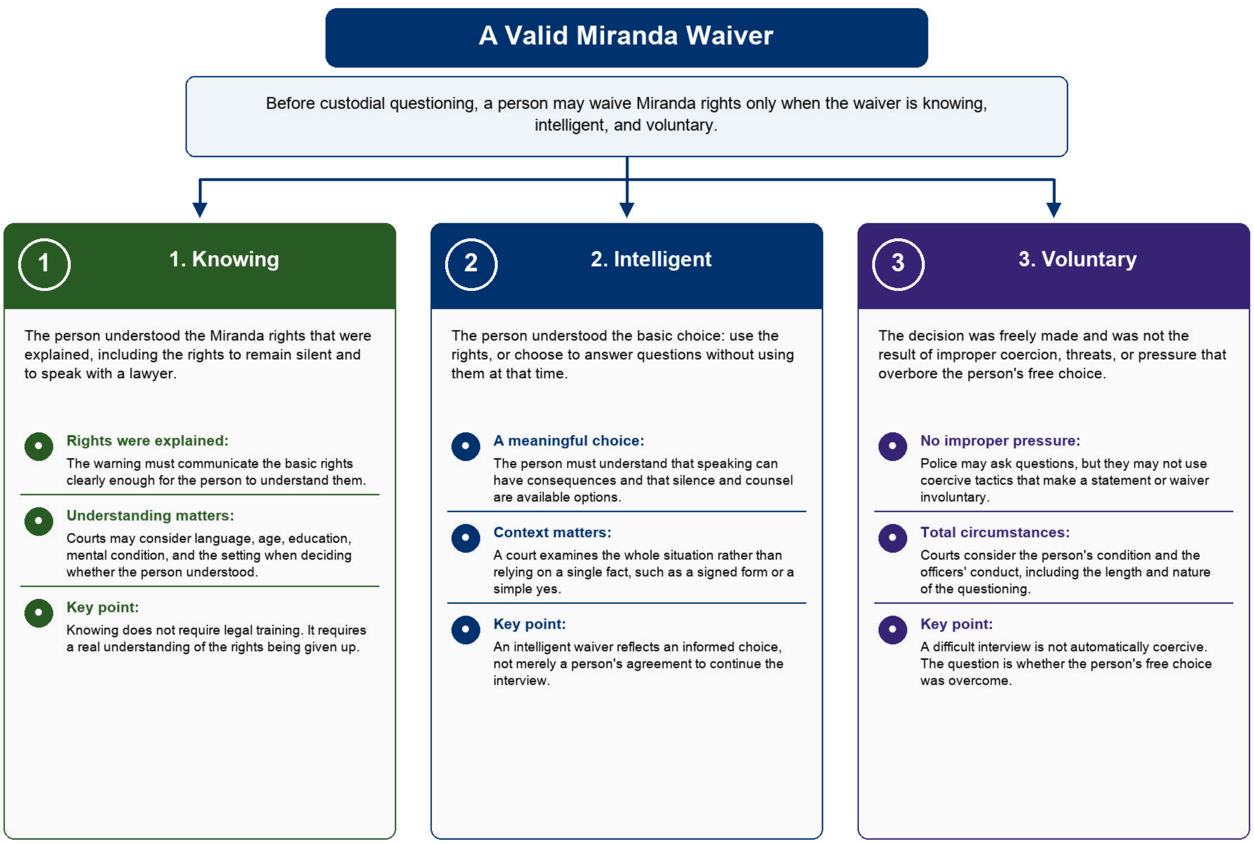
Expert: Miranda is not required just because police make an arrest. It is required before custodial interrogation. Police may arrest a person and ask no questions. They may also ask questions in a setting that is not custody. Always check both parts.

Waiving or Using Miranda Rights

After receiving and understanding the warnings, a person may choose to speak. This is called a waiver. **A valid Miranda waiver must be knowing, intelligent, andvoluntary (Figure 3.1).** The person must understand the basic rights and make a free choice to give them up. A person may also use, or invoke, the rights. A person can say that they want to remain silent or want a lawyer. When a person clearly asks for a lawyer during custodial interrogation, police generally must stop questioning until a lawyer is present, the person starts further discussion, or another recognized rule allows the contact. The details can be complex, so officers must follow current law and policy.

Figure 3.1

Requirements for a Valid Miranda Waiver



Note. Courts evaluate the total circumstances, including the person's understanding and the conduct of law enforcement. A waiver may be spoken or implied by conduct, but the government must show that it was knowing, intelligent, and voluntary.

Silence can be less clear. Simply saying nothing may not always be treated as a clear request to end questioning. A person who wants to use the right should clearly say so. Police should carefully document the warning, the person's answers, any request for counsel or silence, and the conditions of the interview. A waiver does not last forever in every setting. A person who first agrees to talk may later decide to stop. Officers must respect a clear use of the rights. A person's age, language ability, education, mental condition, intoxication, experience, and the interview setting may affect whether a waiver was truly understood and voluntary.

Miranda and voluntariness are related but different. A statement may follow Miranda warnings and still be involuntary if police obtained it through threats, violence, or pressure that overcame the person's free choice. Due process does not allow a coerced confession. When police fail to give required Miranda warnings, the usual issue is whether the unwarned statement may be used in the prosecution's main case. The error does not automatically dismiss every charge. Other lawful evidence may remain. The Supreme Court has also explained that a Miranda violation does not automatically create the same civil remedy as a direct constitutional violation (*Vega v. Tekoh*, 2022). Washington CrR 3.5 provides a hearing process when the prosecution plans to use a defendant's statement. The judge decides whether the statement is admissible and enters written findings. The hearing can address warnings, waiver, custody, interrogation, and voluntariness (Washington State Courts, n.d.-c).

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3.4 The Sixth Amendment: Rights After a Case Begins

The Right to Counsel

The Sixth Amendment protects a person accused in a criminal prosecution. Its rights include a speedy and public trial, an impartial jury, notice of the charge, **confrontation** of prosecution witnesses, the ability to call defense witnesses, and the help of a lawyer. The federal Sixth Amendment right to counsel generally begins when the government formally starts a criminal case. This may happen through a charge, indictment, arraignment, or similar first court step. The right then applies at trial and at other important stages where a lawyer is needed to protect the accused.

In *Gideon v. Wainwright* (1963), the Supreme Court held that a person who cannot afford a lawyer has a right to appointed counsel in a state felony case. Later decisions extended appointed counsel to other criminal cases when loss of freedom may result. A lawyer does more than speak in court. Counsel investigates facts, reviews evidence, advises the client, files motions, negotiates, questions witnesses, and protects other rights.

The Constitution requires effective help, not just the presence of a person with a law license. Under *Strickland v. Washington* (1984), a defendant who claims ineffective assistance generally must show that the lawyer's work fell below a reasonable professional level and that the poor work affected the case. Courts give lawyers room to make reasonable strategy choices. Washington CrR 3.1 gives important state procedures. It says the right to a lawyer extends to criminal cases punishable by loss of liberty. The rule provides that the right begins as soon as feasible after custody, a first appearance, or formal charge, whichever happens first. It also requires clear notice that a person who cannot afford a lawyer may receive one without charge (Washington State Courts, n.d.-a).

Notice and a Speedy, Public Trial

An accused person must be told the nature and cause of the charge. Clear notice allows the defense to prepare. A person cannot fairly answer an accusation that is hidden or keeps changing without proper process. The right to a speedy trial protects several interests. Long delay can keep a person in jail before trial, cause fear and stress, and make a defense harder because memories fade or evidence disappears. The word speedy does not mean immediate. Courts consider the length and reason for delay, whether the accused asked for a speedy trial, and how the delay harmed the defense.

Washington CrR 3.3 adds detailed time-for-trial rules. The rule includes starting dates, excluded periods, continuances, and reset rules. An exact deadline cannot be found by counting calendar days from arrest alone. Lawyers and courts must read the full rule and the case record (Washington State Courts, n.d.-b). A public trial allows the community to observe the justice system. Public access can support fairness and trust. A judge may limit access in special situations, such as protecting a child or preventing serious harm, but the court must use the proper legal process. Public does not mean that cameras or recordings are always allowed.

Jury, Confrontation, and Defense Witnesses

The Sixth Amendment protects the right to an impartial jury in covered criminal cases. Impartial means that jurors must decide the case from the evidence and the law, not from bias, outside information, fear, or personal loyalty. Jury selection gives both sides a chance to identify reasons why a juror may not be able to serve fairly.

The Confrontation Clause gives the accused a right to challenge certain witnesses who provide testimonial evidence against the accused. Cross-examination lets the defense test what the witness saw, heard, remembered, and meant. In *Crawford v. Washington* (2004), the Supreme Court stressed that testimonial statements from an absent witness usually cannot be used unless the witness is unavailable and the accused had an earlier chance to cross-examine.

The right to compulsory process helps the defense obtain witnesses. A court may issue an order requiring a witness to appear. This right does not allow false, irrelevant, or legally protected evidence. It gives the accused a fair chance to present a lawful defense.

These rights work together. Notice tells the accused what must be answered. Counsel helps prepare the answer. Confrontation tests the government's witnesses. Compulsory process helps bring defense witnesses. The jury then decides whether the prosecution proved the charge.

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3.5 Due Process and Fair Procedures

Fair Process and the Burden of Proof

Due process is a broad promise of fairness. It does not mean that every person will agree with every result. It means that government must use lawful rules, give fair notice, allow a meaningful chance to respond, and use a neutral decision-maker when required. In a criminal trial, the accused begins with a presumption of innocence. The prosecution carries the burden of proving every element of the offense beyond a reasonable doubt. The defendant does not have to prove innocence. In *In re Winship* (1970), the Supreme Court held that due process requires this high level of proof in criminal cases.

Beyond a reasonable doubt is higher than probable cause. Probable cause may support an arrest or warrant. It does not prove guilt at trial. This difference is important. Police may have enough evidence to make a lawful arrest, but the prosecution may later decide that the evidence is not strong enough for conviction. Due process also requires a neutral judge, proper hearings, and a real chance for both sides to be heard. The exact steps depend on the stage of the case. A short roadside stop does not require a full trial, but a criminal conviction does.

Evidence Disclosure and Reliable Identification

Fairness depends on access to important evidence. Under *Brady v. Maryland* (1963), the prosecution must disclose favorable evidence that is material to guilt or punishment. Favorable evidence may support innocence, reduce punishment, or weaken the truthfulness of a government witness. The duty is not limited to evidence the prosecutor plans to use. Disclosure must be early enough for the defense to use the information in a meaningful way. A late disclosure can be harmful even if the defense receives the evidence before the trial ends. Courts look at the importance of the evidence and whether the delay affected the case. Eyewitness identification can also raise due process concerns. Memory is not a video recording. Stress, poor lighting, distance, a weapon, time, and later information may affect memory. A photo array can become less reliable if the suspect's picture stands out or if the administrator guides the witness. Good practices include using fillers who fit the witness's description, giving neutral instructions, avoiding hints, recording the witness's own confidence words, and keeping a complete record of the process. These steps help courts and juries judge the evidence fairly (U.S. Department of Justice, 2017).

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Slow Down and Think

Constitutional rights do not decide whether a person is factually guilty. They decide whether government acted lawfully and whether evidence may be used. A court may examine both questions in the same case, but they are not the same question.

3.6 Applying Constitutional Rights

Follow Events in Time Order

Constitutional analysis becomes easier when events are placed in order (Table 3.4). This method keeps different rules from being mixed together. Reasonable suspicion may support a stop but not an arrest. Probable cause may support an arrest but not every search. A lawful arrest does not always allow a phone-data search. Miranda custody is not exactly the same as a Fourth Amendment seizure. The method also prevents a common error: assuming that one violation ends the entire case. Courts connect a remedy to a specific right and item of evidence. One statement may be excluded while other evidence remains. One unlawful search may affect several items if they all came from the same violation.

Table 3.4 *A Time-Order Method for Constitutional Analysis*

Question to Ask	What the Question Means	Example
What did the government do?	Identify the first action by police, a prosecutor, or a court. Describe the action before deciding whether it was lawful.	An officer stops a driver after observing the driver run a red light.
Which constitutional right may apply?	Match the government action to the constitutional protection that may control it.	The Fourth Amendment may apply because a traffic stop is a seizure of the driver.
What legal reason or warning was required?	Determine the legal standard needed for that action, such as reasonable suspicion, probable cause, a warrant, consent, or Miranda warnings.	The officer needs a lawful reason for the traffic stop. If the driver is arrested and questioned, Miranda warnings may be required before custodial interrogation.
What facts support or weaken that reason?	Examine the facts known to the officer or other government official at the time of the action.	A video showing that the driver ran the red light supports the reason for the stop. A stop based only on a vague hunch would weaken it.
What evidence or statement may be connected to a violation?	Identify evidence or statements that came from the challenged action and consider whether a court may review or suppress them.	If an officer unlawfully searches a backpack during the stop, a court may review whether items found in the backpack can be used as evidence.

Note. Begin with the first government action and follow events in order. Do not begin with evidence found at the end of an investigation because each action may require a different constitutional rule.

A Simple Traffic Stop Example

Return to the traffic stop from the chapter overview. The officer first sees the driver run a red light. If the officer reasonably observed the violation, that fact can provide a lawful basis for the stop. The stop should last no longer than reasonably needed to address its traffic purpose unless new facts create another lawful reason.

The officer next asks to search the car. A request is not the same as permission. The driver may refuse unless police have another legal basis. If the driver says yes, a court may ask whether the choice was free and what areas the driver allowed police to search. Permission to look in the passenger area may not always include a locked container in the trunk.

The officer finds a stolen computer and arrests the driver. The officer needs probable cause for the arrest. Finding an item that appears stolen may help, but the officer must consider the full facts. A label, serial number, report, explanation, and other information may matter.

Police take the driver's phone during the arrest. They may be allowed to secure the phone as property or evidence. A separate question is whether they may search its digital contents. Under *Riley*, a warrant is generally required unless a true exception applies.

The officer then asks where the computer came from. If the driver is under arrest, custody is clear. The question is likely to seek an incriminating answer. Miranda warnings would generally be required before the question. If no warning was given, a judge may later decide whether the answer can be used.

If prosecutors file charges, the driver has rights connected to counsel, notice, witnesses, and trial. A lawyer can challenge the stop, consent, arrest, phone search, and statement through the correct hearings. Each issue must be considered separately.

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Constitutional Practice Requires Care

For law enforcement, constitutional practice means knowing the legal reason for each action. Officers should clearly record what they saw, what they asked, what the person said, and why urgent action was needed. Clear records help judges review the action and help the public understand it.

For prosecutors, constitutional practice includes reviewing how evidence was obtained and disclosing required favorable information. The goal is not only to win. The prosecutor must seek a lawful and fair result.

For defense lawyers, constitutional practice includes investigating the facts, explaining choices to the client, and raising challenges on time. For judges, it includes hearing both sides, making clear findings, and applying both federal and state law.

For students, the most useful habit is to slow down. Identify the government action before naming an amendment. State the basic rule in simple words. Then connect the rule to facts. A clear answer is better than a long list of case names.

An interactive H5P element has been excluded from this version of the text. You can view it online here:
https://openwa.pressbooks.pub/introtocj101/?p=54#h5p-30

Chapter Summary

The Constitution gives government power and places limits on how that power may be used. These limits protect freedom, support reliable evidence, and help the public trust the justice system.

The Fourth Amendment protects against unreasonable searches and seizures. A voluntary police contact, a stop, and an arrest require different levels of legal support. A short investigative stop generally requires reasonable suspicion. An arrest and a search warrant generally require probable cause. Searches usually require a warrant unless a recognized and limited exception applies.

The Fifth Amendment protects against forced self-incrimination, double jeopardy, and unfair government procedure. Miranda warnings are generally required before custodial interrogation. A person may waive the rights or clearly choose to use them. A statement must also be voluntary.

The Sixth Amendment protects a person after a criminal prosecution begins. Its protections include a lawyer, notice of the charge, a speedy and public trial, an impartial jury, confrontation of prosecution witnesses, and help obtaining defense witnesses.

Due process requires fair laws and fair steps. It places the burden of proof on the prosecution and requires proof beyond a reasonable doubt at trial. It also supports evidence disclosure and reliable identification practices.

Washington students must consider both federal and state protections. Article I, section 7 of the Washington

Constitution may protect privacy more strongly than the federal minimum. Washington court rules provide procedures for lawyers, timely trials, statements, and suppression motions.

The best way to study constitutional rights is to follow events in time order. Ask what government did, which right applies, what legal reason was required, what facts support that reason, and what remedy may follow. Constitutional rights are not side rules. They are part of how justice is done.

End of Chapter Activities

Case Study Analysis: The West Memphis Three

In May 1993, three eight-year-old boys (Stevie Branch, Christopher Byers, and Michael Moore) were murdered in West Memphis, Arkansas. Police later arrested three teenagers: Damien Echols, Jason Baldwin, and Jessie Misskelley Jr. The defendants became known as the West Memphis Three. All three were convicted in 1994. The case remains controversial, and the three men have continued to claim that they are innocent.

Jessie Misskelley was 17 years old when police questioned him. He agreed to go to the police station and was not handcuffed. After about an hour, officers read him his Miranda rights. Misskelley said that he understood the rights and signed a waiver stating that he was willing to answer questions without a lawyer. Evidence later showed that he had an IQ of 72 and read at about a third-grade level. Police questioned Misskelley at different times throughout the day. They gave him a polygraph examination and told him that they believed he had failed it. Officers also showed him a photograph of one of the victims and played part of another child's recorded statement. Police did not record the entire interview. They recorded two statements in which Misskelley described taking part in the murders and named Echols and Baldwin. Parts of Misskelley's statements did not match known facts. He first placed the crime at a time when the victims would have been in school. He later changed the time after an officer questioned him. He also said the victims were tied with rope, although they had been tied with shoelaces. Other parts of his statements matched evidence from the crime scene. Misskelley's lawyers asked the judge to keep the statements out of court. They argued that he did not fully understand his rights and that police pressure made the statements involuntary. The judge allowed the statements to be used. The Arkansas Supreme Court upheld that decision. The court found that Misskelley had received Miranda warnings several times and had signed waiver forms. However, it also stated that one police tactic came very close to improper psychological pressure. Misskelley's statements became the strongest evidence against him. He was tried separately from Echols and Baldwin. All three were convicted and received long prison sentences; Echols was sentenced to death.

Later DNA testing did not identify any of the three men as the source of the biological material tested. This result did not automatically prove innocence, but it raised new questions about the evidence. In 2010, the Arkansas Supreme Court ordered a lower court to consider the DNA results with all other evidence.

In 2011, the three men entered Alford guilty pleas. This type of plea allowed them to maintain their innocence while accepting guilty pleas because the State had evidence that could support convictions. They received credit for approximately 18 years in prison and were released. The pleas did not legally exonerate them. Later court decisions allowed Echols to continue seeking additional DNA testing.

The case raises questions about police contact, Miranda custody, voluntary confessions, the right to counsel, reliable evidence, and due process. Students should separate two different questions: whether evidence was obtained legally and whether that evidence was accurate. This case study does not ask students to decide who committed the murders. Students should use the available sources to examine how constitutional rights affected the investigation and court proceedings.

Answer each question in approximately one, single-spaced handwritten page (approximately 500-1000 words). Support your reasoning with specific concepts and section references from this chapter.

1. Misskelley first agreed to go to the police station and was not handcuffed. As the day continued, officers questioned him, gave him a polygraph examination, told him that they believed he failed, and used other methods to encourage him to speak. At what point, if any, do you believe the voluntary contact became a Fourth Amendment seizure or Miranda custody? Identify the facts that support your answer. Explain why a Fourth Amendment seizure and Miranda custody are related but not always the same. Also explain when Miranda warnings were required.
2. Evaluate whether Misskelley's waiver and statements should have been admitted at trial. Consider his age, IQ, reading level, earlier experience with the justice system, the repeated Miranda warnings, the length of questioning, the police tactics, the incomplete recording, and the differences within his statements. Do these facts raise more concern about the legal admissibility of the confession, its reliability, or both? Explain the difference between deciding that a statement was legally obtained and deciding that it is accurate.
3. Courts must balance several important interests after a conviction. These include correcting wrongful convictions, respecting final judgments, considering the needs of victims' families, and reviewing reliable new evidence. How should a court handle new DNA testing when the defendants entered Alford guilty pleas but continue to claim innocence? Explain whether the guilty pleas should prevent additional scientific testing. Then describe what the legal remedy should be if new testing strongly supports

innocence, is inconclusive, or points toward guilt. Support your answer with due-process principles from Chapter 3.

Choose Your Own (Criminal Justice) Adventure

Skills Lab 1: Constitutional Rights Timeline

Work alone or in a group of up to four students. Officer Lee approaches Jordan near a closed electronics store at 1:00 a.m. and asks Jordan's name. When Jordan begins to leave, the officer steps in front of Jordan and says, "You need to stay here." A report described a person in a dark jacket breaking the store window, and Jordan is wearing a dark jacket. Officer Lee notices a hard bulge in Jordan's pocket, conducts a pat-down, and removes a folding knife. The officer then searches Jordan's backpack and finds a laptop with the store's price tag. After arresting Jordan, a detective asks where the laptop came from before giving Miranda warnings. Jordan admits taking it. After receiving the warnings, Jordan says, "I think I need a lawyer," but the questioning continues. Create a timeline of the encounter. For each government action, identify whether it was a voluntary contact, stop, arrest, search, seizure, or interrogation. Identify the constitutional right involved, the legal justification required, and any evidence or statement that could be challenged. Pay attention to when Jordan was no longer free to leave and whether each search required its own legal justification.

Deliverable: Submit a one-page timeline identifying at least six government actions and their constitutional rules. End with a short paragraph explaining which action raises the strongest constitutional concern.

Skills Lab 2: Search, Seizure, or Lawful Observation?

Work alone or in a group of up to four students. Analyze the following situations using the Fourth Amendment: an officer sees drugs through an uncovered apartment window while standing on a public sidewalk; a driver permits a search of the passenger area, but the officer opens a locked box in the trunk; police take a phone during an arrest and immediately read its messages; an officer hears someone calling for help inside a home and enters without a warrant; an officer keeps a driver's license for 40 minutes while waiting for a drug-detection dog; and officers with a warrant to search for a stolen television open a small jewelry box. For each situation, decide whether a search or seizure occurred. Determine whether police would normally need a warrant, probable cause, reasonable suspicion, consent, or an emergency. If an exception might apply, explain its limits and whether the officer stayed within them. Identify any missing facts that would affect your decision. Compare your conclusions with another student or group. If your answers differ, determine whether the disagreement concerns the legal rule, the meaning of a fact, or missing information. Remember that lawful entry into a location does not always permit police to search every item found there.

Deliverable: Submit a classification and one or two sentences of reasoning for all six situations. Choose one situation and explain how changing a single fact could change the result.

Skills Lab 3: The Miranda Decision Room

Work alone or in a group of up to three students. Decide whether Miranda warnings are required in six situations: an officer asks a pedestrian who is free to leave whether they saw a crime; an officer asks a stopped driver for a license and registration; an arrested person is asked where stolen property is hidden; an arrested person says, without being questioned, "The drugs are mine"; a person agrees to answer questions after receiving Miranda warnings but later asks for a lawyer; and an arrested person is asked for basic booking information such as a name and address. For each situation, decide whether the person was in custody and whether police interrogation occurred. Both custody and interrogation are normally required before Miranda warnings must be given. Explain whether any waiver was knowing, intelligent, and voluntary. Also determine whether the person clearly invoked the right to silence or counsel and whether questioning should have stopped. If working in a group, one student may act as the officer, another as the defense lawyer, and another as the judge. Distinguish an unwarned statement from an involuntary statement and from a voluntary statement that was not produced by police questioning.

Deliverable: Submit a decision and brief explanation for each situation. Conclude by explaining why an arrest does not automatically require Miranda warnings.

Skills Lab 4: Sixth Amendment Rights Audit

Work alone or in a group of up to four students. Taylor has been formally charged with felony assault and remains in jail. Taylor cannot afford a lawyer but has not received clear information about appointed counsel. The charging document does not clearly describe which action caused the victim's injury. Several months have passed while the prosecution has requested delays. A key prosecution witness has moved to another state, and the prosecutor wants to play the witness's recorded statement instead of allowing cross-examination. Taylor has identified two defense witnesses but does not know how to require them to appear in court. Conduct a Sixth Amendment audit of the case. Consider the rights to counsel, effective assistance, clear notice of the accusation, a speedy and public trial, an impartial jury, confrontation of prosecution witnesses, and compulsory process for defense witnesses. For each possible problem, explain when the right begins, what facts create concern, and what additional information is needed. Recommend an action that a defense lawyer or judge could take. Remember that a delay does not automatically violate the Constitution and that not every recorded statement creates a confrontation violation.

Deliverable: Submit a short memorandum identifying at least five possible Sixth Amendment concerns. Recommend one reasonable action for addressing each concern.

Skills Lab 5: Due Process Evidence Review

Work alone or in a group of up to four students. Morgan is charged with robbing a store. An eyewitness selected Morgan from a six-person photo array, but Morgan's photograph was the only one with a red background. Before the identification, an officer said the robber was probably in the group. The witness reported being 60 percent sure, although the police report described the witness as very confident. Morgan confessed after six hours of questioning, but only the final 20 minutes were recorded. Morgan received Miranda warnings, although English is not Morgan's first language. A blurry store video does not clearly show the robber's face. Police also found fingerprints that did not match Morgan, but the prosecution did not disclose the report until the morning of trial. A hat found outside the store has not been tested for DNA. Classify each item as strong and fairly obtained, needing more review, or raising a serious due-process concern. Consider legality, reliability, disclosure, identification methods, voluntariness, and the value of additional testing. Decide whether a hearing, suppression request, continuance, expert review, or other action may be appropriate. Remember that admissibility and reliability are separate questions.

Deliverable: Submit an evidence-review report explaining the classification of each item. Finish by recommending the three most important steps that should occur before the trial continues.

Critical Thinking Questions

Answer each question in approximately one, single-spaced handwritten page (approximately 500-1000 words). Support your reasoning with specific concepts and section references from this chapter.

1. An officer stops Alex after seeing Alex drive through a red light. During the stop, the officer notices a closed backpack on the back seat. Alex refuses when the officer asks for permission to search the car. The officer orders Alex out, opens the backpack, and finds a stolen laptop. Alex is arrested and taken to the police station. Before giving Miranda warnings, a detective asks Alex where the laptop came from. Alex confesses. The detective then gives the warnings. Alex says, "I do not want to talk anymore," but the detective continues questioning. Analyze every stage of this encounter. Discuss whether the traffic stop, car search, backpack search, arrest, and questioning were lawful. Explain when reasonable suspicion, probable cause, a warrant, consent, and Miranda warnings were required. Discuss whether Alex clearly invoked the right to remain silent and what police should have done. Finally, explain which evidence or statements Alex could ask a judge to suppress and whether suppressing one item would automatically end the entire case.
2. Police receive an anonymous message stating that stolen property is inside Sam's home. Officers go to the house without a warrant. Sam does not answer the door, but the officers hear a loud crash inside. They enter and find Sam asleep on the couch. While walking through the home, an officer sees a stolen

television in the living room. The officer opens a desk drawer and finds illegal drugs. Police arrest Sam, take Sam's phone, and read text messages that appear to discuss other stolen property. The officers later apply for a warrant using information obtained during the entry. Analyze the searches and seizures under the Fourth Amendment. Discuss whether the anonymous message established probable cause and whether the loud crash created a true emergency. Explain the limits of emergency entry, plain view, search incident to arrest, and searches of digital information. Decide whether police could lawfully seize the television, open the drawer, and read the phone. Explain how the exclusionary rule may affect the evidence and whether a later warrant can correct an earlier unlawful search. If this occurred in Washington, explain why a court should also consider Article I, Section 7 of the Washington Constitution.

3. Jordan is formally charged with robbery and cannot afford a lawyer. Jordan does not meet an appointed lawyer until three weeks before trial. The lawyer has not interviewed two witnesses who say Jordan was somewhere else when the robbery occurred. The prosecution has repeatedly requested delays, and Jordan has remained in jail for nine months. A prosecution witness identified Jordan from a photo array in which Jordan was the only person wearing a red shirt. Police told the witness that they believed the suspect was in the photographs. The prosecution also has a fingerprint report that does not match Jordan but gives it to the defense on the morning of trial. A second prosecution witness has moved away, so the prosecutor wants to play the witness's earlier recorded statement without allowing cross-examination. Analyze Jordan's rights under the Sixth Amendment and the Due Process Clauses. Discuss the rights to counsel, effective assistance, a speedy and public trial, confrontation, defense witnesses, and disclosure of favorable evidence. Evaluate the fairness and reliability of the photo identification. Explain what hearings or requests the defense should make before trial. Finally, decide whether the trial should continue as scheduled, be delayed, or be stopped until the constitutional concerns are addressed.

Chapter 4: Victims, Witnesses, and Justice

Learning Objectives

By the end of this chapter, you should be able to do the following:

1. Define victimology and distinguish among direct victims, indirect victims, survivors, witnesses, and affected communities.
2. Describe the physical, emotional, social, and economic consequences of victimization and explain the principles of trauma-informed practice.
3. Identify major federal and Washington rights available to victims, survivors, and witnesses.
4. Analyze how news and social media can affect victims, privacy, public understanding, and criminal justice proceedings.
5. Apply victim-centered principles to situations involving trauma, legal rights, media attention, and due process.

Key Terminology

Adverse childhood experiences (ACEs):

Potentially traumatic events or harmful conditions that occur before age 18 and may affect health, development, safety, or well-being.

Civil recovery:

An effort to obtain money or another remedy through a civil lawsuit that is separate from criminal prosecution.

Co-victim:

A family member, friend, partner, or other loved one deeply affected by another person's homicide.

Community harm:

Damage to the safety, relationships, trust, or daily life of a larger group following crime or violence.

Confidentiality:

A professional or legal duty to limit how information is used, stored, and shared.

Crime narrative:

A story created by selecting and organizing facts to explain a criminal event and why it matters.

Crime victim compensation:

Government financial assistance that helps eligible victims or surviving family members pay certain crime-related expenses.

Crime Victims' Rights Act (CVRA):

A federal law providing qualifying federal crime victims with rights involving protection, notice, attendance, voice, restitution, fairness, privacy, and timely proceedings.

Digital permanence:

The continued existence of online information after the original content has been changed or deleted.

Dignity:

Recognition of each person's worth through respectful treatment, language, access, privacy, and communication.

Direct victimization:

Harm experienced by the person or organization against whom a criminal act was directed.

Dissociation:

A sense of being disconnected from an experience, one's body, emotions, memory, or surroundings.

Episodic frame:

A media frame that presents a crime as a separate event without much information about larger patterns or conditions.

Fairness:

The use of neutral rules, accurate information, and consistent procedures when making decisions.

Harm map:

An organized review of the people and groups affected by an event and the different forms of harm they experienced.

Indirect victimization:

Harm experienced by people who were not the direct target of a criminal act but were affected by it.

Integrated response:

A coordinated approach that considers harm, trauma, rights, communication, privacy, fairness, and due process together.

Legal right:

A protection or opportunity created by a constitution, statute, court rule, or other law.

Media framing:

The process of selecting and emphasizing details that guide how an audience understands an event or issue.

News value:

A feature that makes an event more likely to receive news coverage, such as seriousness, conflict, novelty, public danger, or local importance.

Notice:

Information about a legal event or decision provided early enough for a person to respond or participate.

Open court:

A court proceeding that members of the public and news media may generally attend.

Open justice:

The principle that court proceedings and government decision-making should generally be visible to the public.

Presence:

The ability to attend or observe a legal proceeding when permitted by law.

Privacy:

A person's ability to control access to personal information, private spaces, and parts of personal life.

Public information officer:

An employee responsible for providing verified agency information to the media and public.

Public record:

A government record that may be inspected or obtained by the public unless access is restricted by law or court order.

Remedy:

A legal response available when a right has been denied or another legal wrong has occurred.

Resilience:

The ability to adapt, recover, and continue functioning after hardship, often with the help of supportive relationships and resources.

Restitution:

Money a court orders a convicted person to pay toward qualifying losses caused by the offense.

Retraumatization:

Renewed or stronger traumatic stress caused by an experience that recalls, repeats, or resembles earlier harm.

Secondary victimization:

Additional harm caused by blaming, disbelief, discrimination, privacy violations, poor communication, or damaging institutional responses.

Sexual-violence myth:

A false or unsupported belief about sexual violence, victims, people who cause sexual harm, or how a truthful victim should behave.

Social media:

Online services that allow users to create, publish, share, and respond to information or other content.

Survivor:

A term used by some people to emphasize continued life, strength, and personal agency following victimization.

Thematic frame:

A media frame that connects one event to larger patterns, causes, policies, or prevention issues.

Trauma:

A lasting harmful response to an event or set of conditions experienced as dangerous, frightening, or overwhelming.

Trauma-informed care:

An approach that recognizes trauma, applies that knowledge to policies and interactions, promotes safety and choice, and seeks to prevent avoidable additional harm.

Trauma-informed reporting:

Journalism that recognizes the effects of trauma while continuing to investigate, verify, and report important facts.

Vicarious trauma:

Changes in a professional's emotions, beliefs, or sense of safety caused by repeated exposure to other people's traumatic experiences.

Victim assistance:

Practical or emotional help provided after crime, such as crisis support, safety planning, information, or referrals.

Victim blaming:

The transfer of responsibility for an offense from the person who caused the harm to the person who experienced it.

Victim impact statement:

A written, oral, or recorded account explaining the physical, emotional, financial, or social effects of a crime.

Victim participation:

A victim's opportunity to receive information, attend proceedings, communicate with officials, or provide information for a decision.

Victim-centered practice:

An approach that places a victim's safety, dignity, needs, rights, access, and informed choices at the center of professional interaction.

Victim-offender overlap:

The research finding that some people experience both victimization and offending rather than belonging to only one fixed group.

Victimology:

The systematic study of victimization, its effects, institutional responses, and methods of prevention.

Victims' rights:

Legal protections and opportunities provided to people who meet the definition of a crime victim under a particular law.

Victims' Rights and Restitution Act (VRRA):

A federal law directing responsible federal officials to identify crime victims and provide required information, protection, and assistance.

Voice:

A meaningful opportunity to provide information, express concerns, or share views with a criminal justice decision-maker.

Witness:

A person who has information that may be relevant to an investigation or legal proceeding.

Chapter Overview

Crime is often examined through laws, investigations, court decisions, and punishment. Those perspectives are important, but they can leave insufficient space for the people and communities who experience harm. Victimology helps correct that imbalance by examining who is affected by crime, how victimization changes people's lives, and how institutions respond.

Victims do not share one predictable experience. Crime may cause physical injury, fear, grief, financial loss, damaged relationships, displacement, or continuing concerns about safety. Trauma responses also differ. One person may become highly emotional, another may appear calm, and another may have difficulty recalling events in order. These reactions should not be treated as automatic measures of honesty or credibility.

The justice system can support recovery and participation by providing accurate information, meaningful choices, legal protections, respectful communication, and access to appropriate assistance. It can also create additional harm through unnecessary delays, repeated questioning, privacy violations, disbelief, or promises that cannot be kept. Victim-centered and trauma-informed practices help professionals recognize these risks while continuing to investigate evidence carefully and protect due process.

Public communication adds another layer. News coverage and social media can draw attention to violence, locate information, and promote institutional accountability. They can also expose private details, reinforce stereotypes, spread errors, and permanently associate people with unproven allegations. This chapter examines how victimology, trauma, legal rights, media practices, and fairness intersect. Its central concern is how criminal justice institutions can acknowledge harm, support informed participation, communicate responsibly, and pursue justice without sacrificing reliability or constitutional protections.

4.1 Victimology: Centering People Harmed by Crime

Victimology is the careful study of victimization, its effects, and society's response to it. It examines who experiences harm, how that harm occurs, and what happens afterward. A **victim** is a person or organization harmed by a criminal act. However, the legal meaning of victim can change based on the law and the type of case. For example, federal law generally connects victim status to direct harm caused by a federal offense. Washington law uses its own definitions when providing rights to victims, survivors, and witnesses (Crime victims, survivors, and witnesses, 2026; U.S. Department of Justice, 2023).

Victimology adds an important point of view to criminal justice. Criminal law often focuses on whether a crime happened, who committed it, and what punishment may apply. Victimology asks different questions. Who was harmed? What kinds of harm occurred? What help may be needed? How did police, courts, media, and the community respond? What could prevent similar harm in the future?

What Victimology Studies

Victimology is closely connected to criminology, but the two fields have different main concerns. Criminology studies crime, people who commit crime, and the social conditions connected to crime. Victimology centers the experiences of people and communities affected by crime. The fields overlap because a full study of crime must consider both offending and victimization (Burke et al., 2019; Maier et al., 2024).

Victimology is an interdisciplinary field. This means it draws knowledge from several areas of study. Psychology helps explain emotional responses, memory, coping, and recovery. Sociology examines families, groups, inequality, and community life. Public health studies patterns of injury and ways to prevent harm. Law defines crimes, legal rights, and court procedures. Social work contributes knowledge about services, safety planning, and access to resources. Criminal justice examines the work of police, courts, corrections agencies, and victim assistance programs.

Victimologists study several major topics:

- how often different forms of victimization occur;
- which people and communities face higher rates of harm;
- the relationships between victims and people accused of offenses;
- the physical, emotional, social, and financial effects of crime;
- why some crimes are reported while others are not;
- how criminal justice agencies treat people harmed by crime;
- whether services and legal rights are available and useful; and
- which policies and practices may prevent future victimization.

Victimology does not assume that all victims have the same experience. The harm caused by a stolen bicycle differs from the harm caused by an assault, but both events may affect daily life. Even two people who experience similar crimes may respond differently. One person may feel afraid for months. Another may feel angry. A third may focus on replacing lost property or returning to work. None of these reactions is the required response to victimization.

The field also studies how identity and social conditions may shape a person's experience. Age, disability, income, language, housing, location, and access to transportation may affect safety and access to help. These conditions should not be treated as personal failures. Instead, they help researchers and professionals identify barriers that may be changed. Victimology uses data, interviews, case studies, surveys, and program evaluations. Each method answers different questions. Police records can show incidents known to law enforcement, but they cannot show every crime that occurred. Interviews can provide detailed personal accounts, but the results may not apply to an entire population. A strong study explains its definitions, methods, limits, and sources of uncertainty.

Victimology is not only about describing suffering. It also examines strength, decision-making, support, recovery, and prevention. People harmed by crime may seek safety, information, privacy, financial help, counseling, legal action, public accountability, or no formal action at all. Respecting people means recognizing that their needs and choices may differ.

Victim, Survivor, Witness, and Co-Victim

Words matter because labels can affect identity, legal rights, and public understanding. The word victim is often used in laws, police reports, court records, and service programs. It can connect a person to certain rights or forms of assistance. However, using the term does not always mean that a court has found someone guilty. A person may qualify for some legal protections before a case is resolved.

Federal law defines a crime victim for federal rights purposes as a person directly and closely harmed by a federal offense. The exact legal question depends on the facts of the case and the law being applied (U.S. Department of Justice, 2023). Washington law defines a victim as a person against whom a crime was committed or that person's representative for purposes of its victim and witness statutes (Crime victims, survivors, and witnesses, 2026). These definitions show why criminal justice professionals must check the law that controls a particular case.

Some people prefer the term **survivor**, which describes a person who continues living and moving forward after victimization. The term may emphasize strength, choice, and personal identity. It is often used when discussing sexual violence, domestic violence, trafficking, and other serious harm. However, not everyone prefers it. Some people believe the word victim clearly places responsibility on the person who caused the harm. Others use both terms. Criminal justice professionals should avoid forcing a label on someone when another respectful and legally accurate choice is available.

A **witness** is a person who has information that may be important to an investigation or legal case. A witness may have seen an event, heard a statement, received a message, recorded an image, or noticed something before or after a crime. A witness does not have to be the person directly harmed. At the same time, a victim may also be an important witness. The roles can be different. A store employee who sees a robbery may be a witness even if the store was the main target. A person assaulted by someone they know may be both the victim and the main witness. A person killed in a homicide is the direct victim but cannot testify. Other witnesses and evidence must help investigators determine what happened.

Washington law recognizes victims, survivors of victims, and witnesses as separate groups, although some rights may apply to more than one group. State law also gives witness a specific legal meaning for its victim and witness protections (Crime victims, survivors, and witnesses, 2026). This is another reason to avoid assuming that the terms can always be exchanged. A **co-victim** is a family member, friend, partner, or other loved one deeply affected by another person's homicide. The term recognizes that a killing harms more than the person who died. Loved ones may experience grief, fear, lost income, funeral expenses, media attention, and stress from the investigation or court process. The Office for Victims of Crime uses co-victim and homicide survivor to describe people facing these effects after the killing of someone close to them (Office for Victims of Crime, 2012). The word co-victim does not mean that every family member has the same legal status or receives the same rights. Legal definitions may limit which family member can speak for a deceased victim or receive official notice. Personal and emotional harm can be wider than the group recognized by a statute.

Respectful language requires both care and accuracy. A professional might say, "The law refers to you as a victim for purposes of these rights. What term would you prefer that I use when speaking with you?" This approach explains the legal language without taking away the person's voice.

Direct, Indirect, and Community Harm

Direct victimization is harm experienced by the person or organization against whom a criminal act is directed. The harm can take several forms. An assault may cause injury, pain, fear, medical bills, and missed work. Identity theft may cause financial loss, damaged credit, and many hours of work to correct records. Property damage may interrupt housing, transportation, education, or business.

Direct harm is not limited to physical injury. A threat may cause fear even when no one is touched. Stalking may change where a person lives, works, or travels. Fraud may take away savings without any face-to-face contact. Victimology examines the full effect of the offense rather than looking only for visible injuries.

Indirect victimization is harm experienced by people who were not the direct target of the offense. A parent may miss work to care for an injured child. A person may be traumatized after seeing a shooting. Family members may have to move because an abusive person knows their address. Friends may provide transportation, money, housing, or childcare after a crime.

Indirect victimization can continue long after the event. Family members may attend court, speak with reporters, pay expenses, or help a loved one manage fear and stress. These effects matter even when the law does not give every affected person formal victim status.

Community harm is damage to the safety, trust, relationships, or daily life of a larger group. A shooting in a public place may lead residents to avoid parks, buses, or neighborhood events. A hate crime may cause people who share the targeted identity to fear that they could be next. Repeated violence may cause businesses to close early and families to keep children indoors.

Community harm is not simply the same individual harm repeated many times. It can change how people relate to one another and to public institutions. Residents may become less willing to share information if they fear retaliation or believe authorities cannot protect them. Rumors may spread. People may disagree about whether more enforcement, better services, prevention programs, or institutional reform will improve safety. A community is never one single voice. People living in the same area may have very different experiences with crime and the justice system. Some may want more police presence. Others may fear unfair enforcement. Many may want both effective protection and fair treatment. Victimology helps make these different experiences visible.

Recognizing several levels of harm does not mean every harm has the same legal importance. Criminal charges must be based on the elements of an offense. Court-ordered payments depend on the law and proven losses. Still, a wider harm analysis can help agencies plan services, improve communication, and understand why one crime may affect an entire group.

The Development of Victimology

For much of United States history, criminal cases became matters between the government and the accused person. Public prosecutors represented the state. This reduced the need for victims to seek justice through private retaliation. However, it also meant that victims were often treated mainly as sources of evidence. They could receive little information about court dates, plea agreements, release decisions, or case outcomes.

Modern victimology began to take shape in Europe after World War II. Early researchers focused heavily on the relationship between victims and people who committed crimes. Some early theories asked whether a victim's actions played a part in the event. These studies helped establish victimology as a field, but some ideas placed too much attention on victim behavior and created a risk of blame (Young & Stein, 2004).

The field expanded during the 1960s, 1970s, and 1980s. Several movements helped produce this change. Researchers gathered more information about crimes that were never reported to police. Survivors and family members organized for better treatment. Rape crisis programs and domestic violence shelters challenged the way institutions responded to abuse. States developed compensation programs. Advocates pushed for notice, protection, participation, and other rights (Young & Stein, 2004).

The Victims of Crime Act of 1984 was an important federal development. It created the Crime Victims Fund, which supports state compensation and assistance programs. The larger victims' movement also helped change professional standards, training, and expectations for how justice agencies communicate with people harmed by crime (Office for Victims of Crime, 2016; Young & Stein, 2004).

Modern victimology is broader than early victim theories. It studies patterns of harm, social inequality, trauma, legal rights, institutional conduct, services, recovery, and prevention. It also examines whether justice practices create barriers or add avoidable harm. **Victim-centered practice** is an approach that places safety, dignity, rights, access, needs, and informed choice at the center of professional work. It does not require investigators to accept every claim without review. It requires them to gather evidence carefully while treating people fairly and explaining what they can and cannot do. National model standards emphasize professional skill, ethical conduct, privacy, coordination, and consistent service quality (Office for Victims of Crime, 2016).

Risk Is Not Responsibility

Victimology studies patterns that may raise or lower the chance of victimization. A **risk factor** is a condition linked to a greater chance of an outcome. It does not prove what caused a specific crime, and it does not show that a person deserved to be harmed. For example, poor lighting may make it easier for someone to commit a robbery without being seen. A person who depends on a caregiver may face added barriers when the caregiver is abusive. A teenager who spends time around violence may face a greater chance of being injured. These facts may guide prevention, but responsibility remains with the person who chose to commit the offense.

Victimology must separate explanation from blame. Asking how an offender gained access to a victim can help prevent future harm. Asking why the victim allowed the crime to happen wrongly assumes that the victim controlled the offender's actions. Good analysis focuses on choices, opportunities, barriers, and social conditions without turning a risk pattern into a moral judgment. The **victim-offender overlap** describes the finding that some people experience both victimization and offending. The categories are not always separate groups. This overlap is especially important when studying young people and repeated exposure to violence (Jennings et al., 2012; Lauritsen et al., 1991).

A teenager may take part in a fight one month and be assaulted the next. A person involved in illegal drug activity may also be robbed or threatened. A person who committed an offense in the past may later be the victim of an unrelated crime. Prior misconduct does not prove responsibility for a new event, and it does not erase a person's need for safety or fair treatment. The overlap can help explain cycles of retaliation and repeated violence. It may point to shared conditions such as unsafe settings, weapon carrying, peer conflict, poverty, substance use, or earlier exposure to trauma. Understanding these connections can improve prevention. It does not excuse a new offense or remove the need for reliable evidence.

Victimology is strongest when it asks hard questions without deciding that some people are perfect victims and others are unworthy of concern. Criminal justice professionals should examine the facts of each case, identify harm, protect legal rights, and avoid assumptions based on a person's neighborhood, income, record, relationships, or past choices.

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Watch Your Step

General public: If a person entered a risky place, ignored a warning, or knew the offender, that person shares blame for the crime.

Expert: These details may explain exposure or prevention options, but they do not create consent or reduce the offender's responsibility for choosing harm.

4.2 Trauma and the Consequences of Crime

Trauma is a lasting harmful response to an event or set of conditions that a person experiences as dangerous, frightening, or overwhelming. It can affect the body, emotions, thoughts, behavior, relationships, and sense of safety. Trauma is not the same as ordinary stress, and it is not a mental health diagnosis by itself. It describes the effects that an experience has on a person (Substance Abuse and Mental Health Services Administration [SAMHSA], 2014). People do not all respond to the same event in the same way. Some experience serious problems that last for months or years. Others have short-term reactions and gradually recover. Some experience few lasting effects. Prior experiences, the type of harm, available support, personal strengths, and what happens after the event can all affect recovery (Brewin et al., 2000).

What Trauma Means

A person may experience trauma after physical violence, sexual violence, abuse, neglect, stalking, a serious threat, a sudden death, or witnessing severe harm. Trauma can also result from repeated events. A child living with ongoing abuse, for example, may experience harm differently from an adult who survives one robbery. The event alone does not tell us how a person will respond. Two people may survive the same shooting but have very different reactions. One may have nightmares and avoid the place where it happened. Another may return quickly to a daily routine but struggle with anger. A third may feel numb at first and experience distress later.

Pro Tip

Dynamics of Trauma Response

Consider the fictional case of Justin, an 18-year-old student who reports being sexually assaulted by his live-in aunt. Because Justin and his aunt share a home, he may continue to feel unsafe after the reported incident. He might worry about seeing her again, losing his housing, dividing his family, or not being believed. These concerns could make it difficult for him to decide when, how, or whether to report what happened.

Justin's reactions may also change over time. He might feel afraid, angry, sad, guilty, or ashamed, even though responsibility belongs to the person who committed the assault. At other times, he may feel emotionally numb or disconnected from friends. He might have nightmares, unwanted memories, trouble sleeping, or difficulty concentrating at school or work. Certain rooms, sounds, conversations, or family gatherings could remind him of the incident, causing him to avoid them or become easily startled.

Trauma can also affect the body. Justin might experience headaches, stomach problems, changes in appetite, or unexplained pain. His school attendance, work habits, relationships, and daily routines could change. He might appear calm during one conversation but become distressed later.

No single reaction proves or disproves that an assault occurred. A delayed report, changing emotions, or difficulty recalling smaller details should not automatically be treated as deception. Investigators must evaluate Justin's account together with all available evidence while responding in a respectful, trauma-informed manner.

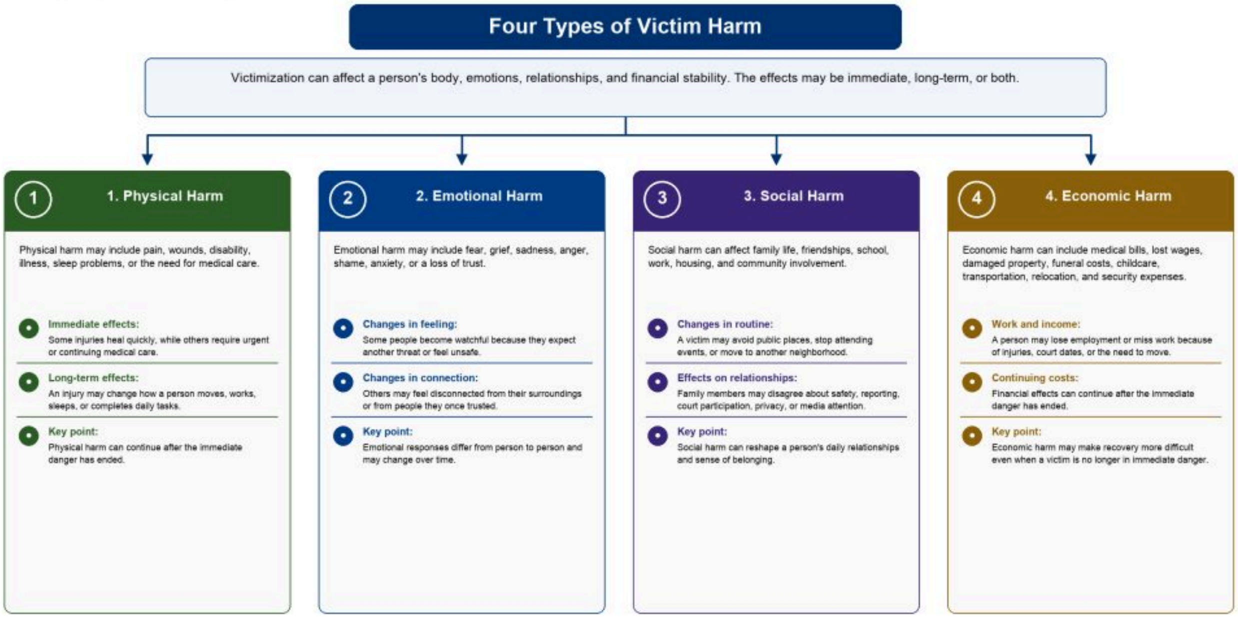
A person does not need to show all these reactions to have been affected. Also, showing one or more of these reactions does not prove that a specific crime occurred. Criminal justice professionals should document and investigate facts rather than trying to diagnose trauma from behavior. **Resilience** is the ability to adapt, recover, and continue functioning after hardship. Resilience does not mean that a person was not harmed. It also does not mean the person should recover without help. Safety, stable housing, supportive relationships, counseling, financial resources, and respectful treatment can all support recovery.

Dimensions of Harm

Crime can cause several kinds of harm at the same time (Figure 4.1). A complete response looks beyond the most visible injury.

Figure 4.1

Four Types of Harm Following Victimization



Note. The effects of victimization vary. A person may experience one type of harm, several types at the same time, or harms that continue or change after the event.

Physical harm may include pain, wounds, disability, illness, sleep problems, or the need for medical care. Some injuries heal quickly. Others require long-term treatment or change how a person moves, works, or completes daily tasks. Emotional harm may include fear, grief, sadness, anger, shame, anxiety, or a loss of trust. Some people become watchful because they expect another threat. Others feel disconnected from their surroundings or from people they once trusted. Social harm can affect family life, friendships, school, work, housing, and community involvement. A victim may avoid public places, stop attending events, or move to another neighborhood. Family members may disagree about safety, reporting, or court participation. Media attention may also affect relationships and privacy. Economic harm can include medical bills, lost wages, damaged property, funeral costs, childcare, transportation, relocation, and security expenses. A person may lose employment because of injuries, court dates, or the need to move. Financial harm can continue even after the immediate danger has ended.

National victimization data show that these effects are common but not universal. In 2022, almost half of violent victimizations measured by the National Crime Victimization Survey resulted in moderate or severe emotional distress. Some victims also reported serious problems with family, friends, work, or school (Coen & Thompson, 2024). These findings describe patterns across many cases. They do not predict exactly how one person will respond. Research also connects sexual assault with a higher risk of several mental health problems, including post-traumatic stress, depression, anxiety, and thoughts of suicide (Dworkin et al., 2017). A higher risk does not mean every survivor will develop these problems. Population-level research should never replace an individual assessment.

Survival Responses and Behavior

During danger, people may focus on getting through the moment. Some fight back or try to escape. Others become still, comply with demands, seek to calm the threatening person, or act automatically. A person may remember certain details clearly while missing others. Becoming still or complying does not mean that a person agreed to what happened. A victim may believe that resistance will increase the danger. The person may also be surprised, injured, threatened, trapped, or concerned about someone else's safety.

Some people experience **dissociation**, which is a feeling of being disconnected from the event, the body, emotions, or surroundings. A person might describe the event as unreal or feel as if it were happening to someone else. Dissociation can occur during or after overwhelming experiences, but it is not present in every trauma response (National Child Traumatic Stress Network [NCTSN], 2023).

Behavior after an event also varies. A victim may report immediately, wait days or years, tell a friend but not police, or never make a report. A person may continue talking to someone who caused harm because of fear, shared children, money, housing, work, family pressure, or emotional ties. These actions may seem confusing to an outsider, but they should not be treated as automatic proof that the report is false. At the same time, trauma should not be used to explain every behavior. Investigators still need to ask careful questions, compare statements, gather other evidence, and consider reasonable alternative explanations. A trauma response may help explain behavior, but it does not decide whether a crime occurred.

Trauma, Attention, and Memory

Memory does not work like a video camera. A person must first notice information, store it, and later bring it back to mind. Lighting, distance, noise, fear, injuries, weapons, time, and attention can affect this process. Later conversations, news reports, photographs, and repeated questions may also influence memory (National Research Council, 2014). During a frightening event, attention may narrow toward what seems most dangerous. A person may focus on a weapon but fail to notice clothing or nearby objects. The person may remember a sound, face, or physical feeling but have trouble placing events in order.

Research has found that high stress can reduce eyewitness recall and identification accuracy under some conditions (Deffenbacher et al., 2004). This does not mean that a traumatized person cannot provide reliable information. It means investigators should examine the conditions under which the memory was formed and collected. Small differences between statements do not always mean dishonesty. Normal memory can change as a person recalls more information or tries to place events in sequence. However, major changes still require careful examination. Investigators should determine whether the person remembered something independently or learned it from another witness, social media, a news report, or an interviewer.

Interviewers can reduce contamination by starting with an open request, such as asking the person to describe what happened in their own words. Follow-up questions should be clear and should not suggest a preferred answer. Interviews should be documented so later reviewers can see both the questions and the answers (National Research Council, 2014). Emotion is also an unreliable truth test. A truthful person may cry, speak calmly, become angry, laugh nervously, or show little emotion. A person who is mistaken or dishonest may appear confident. Credibility must be evaluated through evidence, not through assumptions about how a victim is supposed to act.

Watch Your Step

General public: A truthful victim or witness should recall an event completely and in the same order every time.

Expert: Stress can affect sequence and peripheral details. Investigators should document differences, ask open-ended questions, and compare the account with independent evidence rather than assume deception.

Childhood Trauma and Adverse Childhood Experiences

Adverse childhood experiences, commonly called ACEs, are potentially traumatic events or harmful conditions that occur before age 18. Examples include abuse, neglect, violence in the home, and other serious threats to safety or stability. Household conditions such as substance misuse, serious mental health problems, incarceration, or family separation may also be included in ACE frameworks (Centers for Disease Control and Prevention [CDC], 2023). ACEs are connected at the population level with later risks involving health, education, employment, relationships, and well-being. These connections do not mean that childhood adversity controls a person's future. An ACE count is not a diagnosis, and it should not be used to predict that one child will become ill, experience more crime, or commit an offense.

Children's responses depend partly on their age and development. Young children may not have the words to explain what they experienced. They may show distress through sleep problems, fear, physical complaints, changes in play, or difficulty separating from a caregiver. Older children may have problems with attention, school performance, relationships, anger, or avoiding reminders of the event (NCTSN, 2023). Safe and supportive relationships can reduce harm. CDC prevention guidance emphasizes stable homes, economic support, helpful adults, quality childcare and education, social connections, and early assistance for children and families (CDC, 2023). These protections do not erase what happened, but they can support healthy development and recovery.

Criminal justice professionals should use age-appropriate language and avoid treating children as smaller versions of adults. They should also avoid asking children to repeat difficult information to many different people when proper coordination can reduce unnecessary interviews.

Secondary Victimization and Retraumatization

The original crime is not always the only source of harm. **Secondary victimization** is additional harm caused by the way individuals or institutions respond after victimization. It can include blame, disbelief, discrimination, unnecessary exposure of private information, harsh questioning, or a failure to provide important information. Research involving sexual assault survivors has documented harmful experiences with legal, medical, and social service systems. Survivors have reported being blamed, discouraged from seeking help, or treated as if institutional convenience mattered more than their safety and choices (Campbell & Raja, 1999; Campbell et al., 2001).

Secondary victimization can also occur in other cases. A homicide survivor may repeatedly learn about court changes from the news instead of the prosecutor. A person with a disability may be ignored while officials speak only to a caregiver. A victim may have to describe the same painful event to several people because agencies failed to coordinate. **Retraumatization** is renewed or stronger traumatic stress caused by an experience that recalls or repeats an earlier harm. Being locked in a small interview room, touched without warning during a medical examination, confronted unexpectedly by the accused, or publicly asked for private details may trigger distress connected to the earlier event.

The two terms overlap, but they are not identical. Secondary victimization focuses on added harm from a person or institution's response. Retraumatization focuses on the return or worsening of traumatic stress. One event may cause both. Criminal investigations and trials sometimes involve difficult but necessary steps. A person may need to answer detailed questions, appear in court, or face challenges to their account. Research shows that the fairness of the process and the way professionals communicate can shape how victims experience legal proceedings (Herman, 2003; Orth, 2002). Trauma-informed practice seeks to remove avoidable harm and explain burdens that cannot legally be removed.

Trauma-Informed Practice

A **trauma-informed care** approach organizes policies, physical spaces, and professional interactions around an understanding of trauma. It recognizes that trauma may affect behavior, memory, communication, and feelings of safety. It also uses daily practices designed to reduce avoidable retraumatization. The approach is guided by safety, trust, and transparency; peer support; cooperation; shared decision-making; empowerment; voice; choice; and attention to cultural, historical, and gender issues (SAMHSA, 2014).

Pro Tip

Case Study

Consider Sarah, a 19-year-old transgender woman who visits a victim advocacy center after reporting that her boyfriend sexually assaulted her. The advocate begins by asking Sarah how she would like to be addressed and confirms that she uses she/her pronouns. Using Sarah's correct name and pronouns communicates respect and helps create a safer professional relationship.

The advocate addresses **safety** by meeting with Sarah in a private room and asking whether she feels safe returning home. She also asks how the center may contact her without placing her at greater risk. For example, leaving a detailed voicemail could expose private information if Sarah's boyfriend has access to her phone.

To build **trust and transparency**, the advocate explains her role, the services available, and what will happen during the meeting. She describes confidentiality and any legal limits before Sarah shares additional information. She does not promise that Sarah will be safe, that an arrest will occur, or that the case will produce a particular result.

The advocate explains that **peer support** is available through sexual-assault programs, trained advocates, and organizations serving LGBTQ+ communities. Sarah may select the kind of support that feels most useful, and she is not pressured to join a group or speak with someone she does not know.

Cooperation and shared decision-making occur when the advocate asks Sarah which needs she wants to address first. Sarah may need medical care, safe housing, transportation, counseling, information about evidence collection, or help contacting law enforcement. The advocate explains each option without deciding for her.

Sarah receives **empowerment, voice, and choice** when she decides whether she wants a support person present, needs a break, or would prefer to discuss certain details later. However, choice must be genuine. A professional should not offer an option that the law or agency policy does not allow. When a procedure is required, the professional should explain why it is necessary, what will happen, and what choices remain.

Attention to **cultural, historical, and gender issues** is also important. The advocate understands that transgender people may have experienced disrespect, discrimination, or disbelief in earlier contacts with institutions. She does not assume that Sarah's gender identity caused the assault, ask unrelated questions about her body, or suggest that violence within a dating relationship is less serious. She also does not assume that every transgender person has had the same experiences. Instead, she asks Sarah what concerns or barriers may affect her decisions and responds to the information Sarah provides. Avoiding gender-based assumptions supports a fair response to sexual assault and intimate partner violence (U.S. Department of Justice, 2022b).

Criminal justice professionals should follow the same principles. An officer can introduce themselves, explain why difficult questions are necessary, and begin with clear, open-ended prompts. Unnecessary repetition should be limited, private information should be protected, and Sarah's statements should be documented accurately. An interpreter, disability accommodation, or support person should be provided when needed and legally permitted. Professionals should also follow through with promised updates and referrals. Trauma-informed practice does not require investigators to accept every statement as true. Officers must still gather evidence, prosecutors must examine strengths and weaknesses, and defense attorneys may challenge the government's case. Respect and careful investigation can exist together. Sarah's report should be taken seriously, but conclusions should be based on a fair review of all available evidence.

Finally, trauma-informed practice must extend beyond one respectful conversation. A calm advocate cannot correct a system that loses evidence, discloses private information, uses biased language, or fails to return calls. Agency policies, training, supervision, staffing, facilities, communication practices, and leadership must support the same principles throughout the justice process.

Pro Tip

Before an interview, explain your role, why information is needed, who may receive it, and what will happen next. Offer reasonable choices about pacing and breaks, begin with open-ended questions, record the person's own words, and clarify gaps later without implying that imperfect recall means dishonesty.

Vicarious Trauma

Vicarious trauma is a change in a professional's emotions, beliefs, or sense of safety caused by repeated exposure to other people's traumatic experiences. It can affect advocates, police officers, dispatchers, forensic nurses, attorneys, judges, interpreters, counselors, journalists, and others. Vicarious trauma is related to burnout, but the terms are not the same. Burnout often develops from heavy workloads, low control, poor support, or ongoing job stress. Vicarious trauma is more closely tied to repeated contact with stories, images, and evidence of serious harm. Possible signs include emotional numbness, constant worry, anger, sleep problems, hopelessness, withdrawal, or a changed view of people and the world. These signs do not show weakness. They may indicate that a worker and the organization need to respond.

The Office for Victims of Crime treats vicarious trauma as an organizational concern, not only a personal self-care problem (Office for Victims of Crime, 2017). Agencies can provide supportive supervision, reasonable workloads, training, confidential counseling, peer support, planned time away from high-exposure duties, and a culture in which seeking help is accepted. Worker wellness also protects the public. Exhausted or emotionally overwhelmed professionals may have more difficulty listening, making decisions, showing patience, or handling evidence carefully. Supporting staff is therefore connected to ethical service and reliable justice.

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4.3 Victims' Rights, Voice, and Remedies

Victims' rights are legal protections or opportunities provided to people who meet the definition of a crime victim under a particular law. These rights may involve safety, notice, attendance, participation, privacy, fairness, and financial recovery. They do not guarantee an arrest, conviction, sentence, or other desired outcome. Rights differ across federal, state, tribal, and local justice systems. They may also change based on the crime, the victim's age, the stage of the case, and whether charges were filed. Criminal justice professionals must check the current law that applies to each case.

Assistance, Participation, and Legal Rights

Rights, assistance, participation, and outcomes are related, but they are not the same. **Victim assistance** is practical or emotional help provided after a crime. It may include crisis support, counseling referrals, transportation, safety planning, help with forms, or information about court. A service can be helpful even when the law does not require it. **Victim participation** is a victim's opportunity to receive information, attend a proceeding, speak with officials, or provide information for a decision. Participation does not mean that the victim controls the criminal case. A **legal right** creates a duty under a constitution, statute, court rule, or other law. A right may require an agency or court to provide notice, allow attendance, protect certain information, or hear a victim's statement. The exact duty and the response to a violation depend on the controlling law. A **remedy** is a legal response to the violation of a right. A court may order an agency or official to follow the law. Other remedies may be limited. The violation of a victim's right does not automatically dismiss charges, reverse a conviction, or create a right to financial damages.

An outcome is the final result of a decision. A victim may want an arrest, a trial, a long sentence, treatment for the person who caused harm, or no prosecution at all. The victim's view should be heard when the law provides that opportunity. However, prosecutors make charging decisions for the government, judges make legal rulings, and juries decide disputed facts at trial. This division of authority can be frustrating. A person may be directly affected by a crime but have limited control over the case. A victim-centered response explains who makes each decision, what information the victim can provide, and what options remain.

Federal Rights and Services

Two federal laws help show the difference between rights and services. The **Victims' Rights and Restitution**

Act, often called the VRRA, directs federal officials to identify victims and provide certain services during federal criminal cases. These services include information about emergency medical and social help, counseling and treatment programs, possible restitution, reasonable protection, court events, case status when appropriate, and the return of property when it is no longer needed as evidence (U.S. Department of Justice, 2023b). Some information may be delayed or limited if sharing it would interfere with an investigation. Federal officials must balance the victim's need for information with safety, evidence protection, privacy, and the lawful needs of the case.

The **Crime Victims' Rights Act**, commonly called the CVRA, provides specific rights to qualifying victims in federal criminal cases. These rights address safety, information, participation, financial recovery, and respectful treatment. Table 4.1 summarizes the ten rights recognized as of 2026 and explains what each one generally means during the federal justice process. State cases are governed by separate state victims' rights laws.

Table 4.1

Rights Provided by the Federal Crime Victims' Rights Act

CVRA Right	Explanation
Reasonable protection	Victims have the right to reasonable protection from the accused. This may involve safety planning or court-ordered conditions, but the right does not guarantee that every possible risk can be eliminated.
Notice of proceedings and custody changes	Victims have the right to reasonable, accurate, and timely notice of qualifying public court and parole proceedings. They must also receive notice when the accused is released or escapes from custody.
Attendance at public proceedings	Victims generally have the right to attend qualifying public court proceedings. A court may exclude a victim only under a narrow exception involving whether hearing other testimony would materially change the victim's own testimony.
Opportunity to be heard	Victims have a reasonable right to speak or submit information during proceedings involving release, a plea, sentencing, or parole. Being heard does not give a victim sole authority over the court's decision.
Communication with the government attorney	Victims have a reasonable opportunity to communicate with the prosecutor handling the case. Prosecutors must consider victim concerns, but they retain legal authority over charging, plea, and litigation decisions.
Restitution	Victims have the right to full and timely restitution when federal law authorizes it. A restitution order requires payment for qualifying losses, although an order does not guarantee that the full amount will be collected immediately.
Proceedings without unreasonable delay	Victims have the right to a process that is not delayed without a sufficient reason. This right does not prohibit every delay because courts may need additional time to protect fairness and resolve legal issues.
Fairness, dignity, and privacy	Justice professionals must treat victims fairly and respect their dignity and privacy. This right encourages careful handling of personal information, although it does not make every part of a criminal case confidential.
Information about case agreements	Victims have the right to timely information about plea agreements and deferred prosecution agreements. Receiving information allows meaningful participation, but it does not give a victim the power to approve or reject an agreement.
Information about rights and services	Victims have the right to receive information about federal victims' rights and available services. They must also receive information about the Department of Justice Victims' Rights Ombudsman, which provides a process for raising concerns about federal rights compliance.

Note. The CVRA establishes rights within the federal criminal justice system. How a right applies may depend on federal law, court rules, and the circumstances of the case (U.S. Department of Justice, 2023a).

Words such as reasonable and when provided by law are important. A right to protection does not promise complete safety. A right to restitution does not guarantee that the convicted person has enough money to pay. A right to communicate with a prosecutor does not give the victim control over charges or plea agreements. Federal agencies use the Attorney General Guidelines for Victim and Witness Assistance to turn these legal duties into working policies. The guidelines address identifying victims, providing services, sharing information, protecting privacy, handling large cases, and responding to people with different access needs (U.S. Department of Justice, 2022). A federal crime victim who believes a Department of Justice employee failed to provide a CVRA right may seek information about the Department's complaint process. A victim may also speak with an attorney about legal options. Deadlines and procedures can matter, so accurate and timely information is important.

Notice, Presence, and Voice

Notice means receiving information about an event or decision early enough to use that information. Notice is the starting point for many other rights. A victim cannot attend a hearing, prepare a statement, request protection, or speak with a prosecutor without knowing what is happening. Effective notice requires more than sending one letter. Agencies need accurate contact information and a safe way to communicate. A victim may not want messages left at a shared home, workplace, or family phone. Notices may need translation, large print, screen-reader access, or another accommodation. Agencies should also explain what the notice means. A message stating that a disposition hearing has been scheduled may not help a person who does not understand the word disposition. Plain language should explain the purpose of the hearing, whether attendance is required, what choices the victim has, and whom to contact with questions.

Presence means being able to attend or observe a proceeding when the law allows it. Presence can help a victim understand the case and see how decisions are made. It may also be difficult because of work, transportation, childcare, disability, fear, or the emotional effect of returning to court. Remote attendance may reduce some barriers, but it is not perfect. A person may lack reliable internet service or a private place to participate. Technology can also make it harder to understand what is happening. Courts and agencies should explain available options without assuming that one method works for everyone.

Voice is a meaningful opportunity to share information, concerns, or views. A victim may communicate with a prosecutor, provide information about safety, describe financial losses, or speak at sentencing. Voice does not mean final decision-making power. A meaningful opportunity requires enough time, clear instructions, and honest information about how the statement may be used. Asking for a victim's opinion after a decision has already been made may create the appearance of participation without real consideration.

Victim Impact Statements

A **victim impact statement** is a written, oral, or recorded account describing how a crime affected a victim or surviving family member. It may discuss physical injuries, emotional effects, financial losses, family changes, work or school problems, safety concerns, and continuing needs. In federal cases, written statements may become part of the presentence investigation process. Oral statements may be presented at sentencing. Depending on court rules and the case, a person may provide both. The judge considers this information along with the law, sentencing rules, the presentence report, arguments from the parties, and other evidence (U.S. Department of Justice, 2025).

A victim impact statement can serve several purposes. It gives the court information about harm that may not appear in a police report. It creates a record of financial loss. It also gives the victim or family an opportunity to speak in their own words. No victim should be expected to show a particular emotion. A calm statement is not less meaningful than an emotional one. A victim may choose to speak, submit a written statement, use a representative when allowed, or decline to participate.

Professionals may explain deadlines, formats, privacy concerns, and the types of information the court may consider. They should not write the victim's feelings, pressure the victim to request a certain sentence, or encourage statements that are knowingly false. Privacy also matters. In a federal case, a written statement is usually available to the defendant and defense attorney, although identifying information may be removed or protected under applicable rules and court orders (U.S. Department of Justice, 2025). Victims should receive clear information before including addresses, medical details, children's names, or other sensitive facts.

Pro Tip

Case Study: Larry Nassar

Former sports physician Larry Nassar pleaded guilty to several counts of criminal sexual conduct in Michigan. During his seven-day Ingham County sentencing hearing, more than 150 survivors provided victim impact statements. They described emotional, physical, family, educational, and long-term harms caused by his conduct.

The statements did not establish Nassar's guilt because he had already pleaded guilty. Instead, they helped the judge understand the scale and continuing effects of the offenses while giving survivors an opportunity to be heard. Nassar received a sentence of 40 to 175 years, which was within the range established by his plea agreement. The case demonstrates how victim impact statements can add information and human context to sentencing without replacing legal rules or judicial decision-making (Michigan Department of Attorney General, 2020, 2021).

Restitution, Compensation, and Civil Recovery

Restitution is money a court orders a convicted person to pay for qualifying losses caused by the offense. It is part of the criminal case. Depending on the law, covered losses may include medical costs, counseling, lost income, funeral expenses, damaged property, or other documented expenses. Restitution is not the same as a general payment for every form of suffering. The court must follow the law governing eligible losses. Victims may need to provide bills, receipts, wage records, repair estimates, or other proof. A restitution order does not guarantee full or immediate payment. A convicted person may have little income, owe several victims, or remain in custody for years. Collection may continue over time, but some victims never receive the full amount ordered (U.S. Department of Justice, 2025).

Crime victim compensation is financial help provided through a government program for certain eligible crime-related expenses. It is not paid directly by the person who committed the crime. Compensation programs use public funds and federal grant support to assist qualifying victims or surviving family members. Washington's Crime Victims Compensation Program is administered by the Department of Labor & Industries. Depending on eligibility and available coverage, benefits may help with medical care, mental health treatment, grief counseling, partial wage loss, and funeral expenses. The program has reporting requirements, application deadlines, coverage limits, and other rules (Washington State Department of Labor & Industries, n.d.-a).

Compensation usually works with insurance and other payment sources. A victim who later receives money through restitution, insurance, or a civil settlement may need to notify the program. In some cases, the program may seek repayment for benefits it already covered (Washington State Department of Labor & Industries, n.d.-b). **Civil recovery** is an effort to obtain money or another remedy through a civil lawsuit. A civil case is separate from criminal prosecution. The victim normally brings the claim, often through an attorney. The rules, filing deadlines, costs, proof requirements, and available damages depend on the type of claim and state law.

A criminal case can end without a conviction while a civil claim remains possible. However, that does not mean a civil case will succeed. Evidence, deadlines, legal defenses, cost, and the ability to collect a judgment all matter. Criminal justice employees who are not acting as the victim's attorney should provide legal referrals instead of personal legal advice. Washington's Office of Crime Victims Advocacy provides a directory for finding local services, while the Department of Labor & Industries provides information about compensation claims (Washington State Department of Commerce, 2026; Washington State Department of Labor & Industries, n.d.-a).

Victims' Rights Alongside Due Process

Due process means that the government must use fair legal procedures before taking away a person's life, freedom, or property. A person accused of a crime has constitutional protections, including rights involving counsel, a fair trial, confrontation of witnesses, and protection against compelled self-incrimination. The government must prove guilt beyond a reasonable doubt in a criminal trial (U.S. Const. amends. V, VI, XIV). Victims' rights protect different interests. Victims may face danger, exclusion, loss of privacy, lack of information, and financial harm. Rights involving notice, protection, attendance, voice, and restitution respond to these concerns. These sets of rights do not require treating one person with respect and another with disrespect. A fair system can protect victims while also testing evidence and respecting the presumption of innocence.

Conflicts can occur. A victim may want medical or counseling information to remain private, while the defense may argue that certain information is legally relevant. A victim may want to remain in the courtroom, while a court may need to decide whether hearing other testimony could affect the victim's later testimony. Courts resolve these questions through constitutional law, statutes, evidence rules, and case-specific orders. Calling someone a victim for purposes of services or legal rights does not prove that the accused person is guilty. It identifies the person's legal role under a particular law. Justice professionals should avoid public statements that treat an arrest or charge as proof.

Reliable investigations support both victims and defendants. When evidence is gathered carefully, victims are less likely to see a case fail because of poor procedures, and innocent people are less likely to be wrongly punished.

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Slow Down and Think

A victim requests the maximum penalty, but the evidence supports a lesser charge. What legal duties guide the prosecutor, and what should be explained to the victim? Consider how notice, consultation, honest communication, evidentiary limits, and due process can preserve meaningful participation without giving either party complete control.

4.4 Media, Public Information, and Victim Privacy

News coverage can help people understand crime and the justice system. It can warn the public, locate possible witnesses, explain court decisions, and uncover failures by public agencies. It can also spread errors, expose private information, repeat harmful stereotypes, and create pressure for a quick arrest or conviction. The word media includes newspapers, television, radio, podcasts, online news, and social media. These forms of communication do not all follow the same rules. Professional journalists may work under newsroom standards, while social media users can publish information without checking its accuracy. Media coverage becomes part of a criminal case's public history. Even when charges are dismissed or a report is corrected, earlier stories may remain online. Justice professionals, journalists, victims, witnesses, and community members should understand how public communication can affect safety, privacy, evidence, and fairness.

News Values and Crime Narratives

A **news value** is a feature that makes an event more likely to receive media attention. Reporters and editors must choose which events to cover because they cannot report every crime. Events are more likely to become news when they involve serious violence, unusual facts, conflict, a well-known person, dramatic video, public danger, or a connection to the local community.

These choices are understandable, but they can create a misleading picture of crime. The crimes receiving the most coverage are not always the crimes that happen most often. A rare and shocking event may receive weeks of national attention. More common harms, such as repeated abuse within a relationship, may receive little coverage unless someone is killed. Research on newspaper coverage of intimate partner violence found that news stories often focused on separate violent events rather than the wider pattern of abuse. The coverage also gave heavy attention to homicide and certain dramatic details, which could shape how readers understood the actual risks of intimate partner violence (Carlyle et al., 2008). A **crime narrative** is the story created when facts about an event are selected and placed in a certain order. A narrative identifies important people, describes what happened, and suggests why the event matters. It may present the crime as a personal conflict, a random tragedy, a public safety problem, or part of a wider social pattern.

A crime narrative is not automatically false. Any clear news story needs structure. However, the selected facts can shape how the audience assigns responsibility. A story about an intimate partner homicide might focus only on the final argument. Another story might explain a longer history of threats, stalking, control, or prior police calls. Both stories may describe the same death, but they give the public different ways to understand it. The words used for people also matter. Referring to someone only as a victim can hide the rest of that person's life. A thoughtful story may also describe the person as a parent, student, worker, neighbor, artist, athlete, or community member. These details can restore humanity without turning grief into entertainment.

Media Framing of Victimization

Media framing is the process of selecting and emphasizing details that guide how an audience understands an issue. A frame can suggest what the main problem is, who is responsible, and what type of response is needed. An **episodic frame** presents an event as a separate incident. It focuses on the people, location, and actions in one case. A report may describe a homicide as the result of a sudden argument without discussing any wider pattern. A **thematic frame** connects the event to a larger issue. It may include information about repeated abuse, firearm access, housing, prevention, community conditions, or the limits of available services. A thematic frame does not claim that broad patterns prove what happened in one case. It gives the audience useful context.

Research has found that intimate partner violence and femicide are often reported through episodic frames. Stories may focus on the final event without explaining the larger pattern of coercion or violence (Carlyle et al., 2008; Gillespie et al., 2013). When the broader pattern is missing, readers may treat the case as an isolated tragedy instead of a preventable form of violence. The sources chosen by a journalist also affect the frame. Police and prosecutors are often available soon after a crime and can provide official information. Family members, advocates, health professionals, researchers, and community organizations may provide different knowledge. One study of femicide coverage found that law enforcement sources appeared more often than friends, family members, or other private sources (Richards et al., 2011).

Official sources are important, but they do not know everything. Early police information may change as the investigation develops. A press release may describe an arrest but not the weaknesses in the evidence. A complete story clearly separates confirmed facts, official claims, disputed information, and unanswered questions. Headlines, photographs, and captions are also forms of framing. Many people read only a headline or see only a shared image. A careful article can still cause harm if the headline suggests guilt, mocks a victim, or removes important context.

Victim Blaming and Sexual-Violence Myths

Victim blaming occurs when responsibility for an offense is moved away from the person who caused the harm and placed on the person who experienced it. Victim blaming can be direct, such as stating that a person caused an assault. It can also be indirect, such as focusing on clothing, alcohol use, location, or relationship history without explaining why those details are relevant.

Consider the difference between these sentences:

- *A woman walking alone after drinking was attacked.*
- *Police arrested a man accused of attacking a woman as she walked home.*

The first sentence centers the woman's behavior, which may lead readers to question her choices rather than the reported offender's conduct. The second uses active language to identify the alleged action while preserving the presumption of innocence. Details such as alcohol use should be included only when verified and relevant to public understanding. Word choice, grammar, and the placement of information can shape blame even when every stated fact is technically accurate.

A **sexual-violence myth** is a false or unsupported belief about sexual violence, victims, or people who commit sexual harm. Common myths claim that a truthful victim always reports immediately, physically fights back, has visible injuries, avoids the accused afterward, remembers every detail, or displays a certain emotion. These beliefs do not provide a sound way to judge one case. As discussed in the trauma section, people respond to danger in different ways. Delayed reporting, continued contact, limited injury, or an uneven memory can have many explanations. These facts still require investigation, but they should not be treated as automatic proof that an allegation is false.

Research has shown that sexual-violence myths can appear in crime reporting and influence audience judgments. In an experimental part of one study, readers exposed to myth-supporting coverage were more likely to doubt the reported victim than readers who received coverage that did not support the myth (Franiuk et al., 2008). CDC guidance recommends using accurate terms, avoiding unnecessary details that imply blame, providing prevention context, and including resources when reporting sexual violence (Centers for Disease Control and Prevention, 2020). Responsible coverage should also avoid treating sexual violence as a scandal, private mistake, or entertainment story.

Accuracy requires care with legal terms. Reporters should distinguish among an allegation, arrest, charge, plea, conviction, acquittal, and dismissal. The term alleged can protect accuracy, but it should be applied fairly. A story should not present the reported victim as doubtful while describing the accused person's version as fact.

Privacy, Open Courts, and Public Records

Privacy is a person's ability to control access to personal information, private spaces, and parts of their life. Crime can greatly reduce that control. Police reports, court filings, photographs, emergency calls, medical information, and family details may become subjects of public interest. Privacy is important, but it is not absolute. Courts are public institutions that exercise government power. Open proceedings allow people to observe whether judges, prosecutors, defense attorneys, and other officials act lawfully and fairly.

An **open court** is a court proceeding that members of the public and news media may generally attend. Public access supports accountability and confidence in the justice system. However, a judge may limit access or recording when the law allows and the facts support the limitation. A **public record** is a government record that members of the public may inspect or obtain under applicable law or court rules. Not every government document is public. Some records are confidential, sealed, redacted, or restricted because they contain protected information. In Washington, court records are generally open unless access is limited by federal law, state law, a court rule, a court order, or case law. Rules may protect certain information involving children, health, family matters, addresses, financial records, or other sensitive subjects (Washington State Administrative Office of the Courts, 2022).

Court access and courtroom recording are also different issues. A person may be allowed to observe a hearing but not record it. Washington General Rule 16 allows news media photography and recording in a courtroom only after the judge gives permission. Open access is presumed, but a judge may set conditions or limits based on the facts of the case (Washington State Courts, 2026). A victim's request for privacy should be taken seriously, but a justice employee should not promise that all information will remain secret. The employee may not control public records, open court, defense access to evidence, or what a reporter lawfully publishes.

Journalists also make ethical choices beyond what the law requires. A news organization may legally possess a person's name but decide not to publish it because disclosure could increase danger or cause unnecessary harm. The Office for Victims of Crime recommends that journalists and advocates help homicide survivors make informed choices about media contact and understand possible privacy effects (Office for Victims of Crime, 2020). Justice agencies can reduce unnecessary exposure by collecting only needed information, removing protected details before release, checking attachments, honoring safe contact instructions, and training employees about privacy rules. Accidentally releasing a home address, medical record, or child's identity can create harm that cannot be fully reversed.

Social Media and the Permanent Audience

Social media includes online services that allow users to create, share, and respond to content. A witness can post a video before police arrive. A family can ask the public for help. A suspect's name can spread within minutes. These actions can help an investigation, but they can also create serious problems. **Digital permanence** means that online information may remain available after the original user changes or deletes it. Other users can save screenshots, download videos, copy messages, or repost content. Search engines and archives may continue to connect a name with an allegation years later.

When witnesses compare stories online, their memories may become less independent. A person may later remember a detail but be unable to tell whether it came from personal observation or another person's post. Investigators should ask witnesses what media they viewed and should preserve relevant online evidence through lawful methods. Professionals should not casually tell a person to delete messages, close an account, or destroy a device that may contain evidence. They can explain safety settings and refer the person to qualified investigators or advocates. Evidence preservation and personal safety may require a planned response.

Public employees must also be careful with personal accounts. Posting about a pending case can expose protected facts, show bias, harm the right to a fair trial, or violate agency rules. A message shared with a small group can still become public. Agency social media should follow the same standards as an official news release. Posts should be accurate, approved, accessible, and clear about what is alleged. When an agency makes an error, it should issue a visible correction rather than quietly deleting the post.

Pro Tip

Case Study: Tyler

Social media can quickly change how a criminal case develops. Consider Tyler, a 16-year-old who is assaulted outside a community center. Before officers finish their first interviews, a bystander posts a video showing Tyler injured on the ground. Other users share the video without Tyler's or his family's permission.

People begin discussing the incident online. One user identifies a local teenager as the attacker, even though that person has not been named by police. Others repost the accusation along with the teenager's workplace and home address. Tyler and several witnesses receive threatening messages after their names appear in the comments.

The posts may also affect the investigation. Witnesses who read other accounts before speaking with officers may begin mixing another person's details with their own memories. Tyler's family members may unintentionally reveal information about injuries, possible evidence, or private conversations with investigators. If the case reaches trial, potential jurors could encounter disputed claims, edited videos, or incomplete information before hearing evidence in court.

Suppose investigators later determine that the teenager named online was not responsible and the charge against that person is dismissed. The accusation, images, and personal information may still remain available through screenshots, reposts, and search results. This digital permanence can continue damaging reputations and safety long after the legal record has changed.

Tyler's scenario shows why victims, witnesses, families, investigators, and journalists should treat online information carefully. A social media post can spread faster than verified facts, influence memories, expose private information, and create harms that the justice system may not be able to reverse completely.

Trauma-Informed Reporting and Public Communication

Trauma-informed reporting balances careful fact-checking with awareness of trauma. Before an interview, reporters should identify themselves, explain the story's purpose and publication plans, and clarify whether the source will be recorded or named. Sources may decline questions or request breaks, but reporters should not promise story approval, justice, or emotional healing.

The chapter's fictional cases show how these practices change with the circumstances. A reporter should confirm that contacting Justin is safe because he lives with the aunt he has accused. Sarah's name and pronouns should be used correctly, and unrelated questions about her body or medical history should be avoided. Tyler's age requires added privacy, careful handling of images, and verification of social media claims.

A **public information officer** provides verified agency information to the public. Public statements should clearly separate confirmed facts, allegations, unanswered questions, and information withheld for legal, privacy, safety, or investigative reasons. An arrest or charge is not proof of guilt. Agencies should also protect victims, witnesses, private information, and case details needed to test later statements.

Accuracy includes correcting errors. When someone is cleared or charges are dismissed, updated information should be connected to earlier reporting so the accusation does not remain the only visible account. Trauma-informed reporting remains critical reporting: journalists must compare accounts, examine records, seek responses, identify conflicts, and correct mistakes. Accuracy without humanity can cause avoidable harm, while sensitivity without verification can mislead the public (Centers for Disease Control and Prevention, 2020; Dart Center for Journalism & Trauma, 2005; Washington State Administrative Office of the Courts, 2022).

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Pro Tip

Before releasing victim-related information, pause for five checks: Is it verified? Is it legally releasable? Does the public need it? Can identifiers be removed? Could release create safety or privacy harm? Document the reasons for disclosure so similar cases are handled consistently and unnecessary details stay private.

4.5 Bringing Victimology, Trauma, Rights, and Media Together

An **integrated response** is a coordinated way of addressing harm, trauma, legal rights, communication, privacy, and fairness at the same time. These issues cannot always be handled one at a time. A poor decision in one area can create problems in another. For example, releasing a victim's address may create a new safety risk. Requiring a person to repeat a painful account many times may increase distress. Promising complete privacy may damage trust when court records become public. Announcing an arrest as if it proves guilt may harm the accused and weaken confidence in the justice system.

An integrated response begins by identifying who experienced harm and examining whether that harm was physical, emotional, financial, social, or connected to safety. Professionals then consider how trauma might affect the person's needs, behavior, communication, memory, or ability to participate. They must also determine which legal rights, remedies, and professional duties apply. Communication requires similar care.

Professionals should decide what information needs to be shared, who should provide it, and when it should be communicated. They must distinguish information that is public from information that is private, confidential, or legally protected. Throughout the process, each decision should preserve dignity and fairness while respecting due process and the rights of everyone involved.

Recognizing Trauma and Avoiding Additional Harm

A **trauma-informed care** recognizes that trauma may affect how a person feels, remembers, communicates, and responds to authority. It uses this knowledge to guide policies and interactions while trying to avoid preventable additional harm (Substance Abuse and Mental Health Services Administration [SAMHSA], 2014). Trauma-informed practice begins with safety and clear information. A professional should explain who they are, what their role is, what will happen next, and what choices the person has. When a choice is not available, the professional should explain why.

People respond to trauma in different ways. One person may cry. Another may appear calm. A third may become angry, confused, or silent. None of these reactions proves whether a report is true. Evidence must be collected and tested. **Secondary victimization** is added harm caused by blaming, disbelief, discrimination, poor communication, unnecessary exposure, or harmful institutional practices. It can occur when a person learns about a court change through the news, is blamed for being attacked, or must repeat private information because agencies failed to coordinate.

Legal proceedings can provide recognition and accountability. They can also create stress through delays, public questioning, and limited control. Research has found that the fairness of the process and the way officials communicate can affect how victims experience criminal proceedings (Herman, 2003; Orth, 2002). Avoiding added harm does not mean removing every difficult part of a case. Investigators may need detailed information. Prosecutors must review weaknesses. Defense attorneys have a duty to challenge the government's evidence. Courts may need public hearings. The main question is whether a burden is legally necessary or simply caused by poor planning. An additional interview may be necessary because new evidence was found. Asking the same questions again because agencies did not share permitted information may be avoidable.

Trauma-informed actions help professionals gather information and provide services without creating avoidable distress. These practices do not weaken an investigation or prevent difficult questions. Instead, they support safety, clear communication, meaningful participation, and accurate decision-making. Table 1.2 applies these actions to the fictional cases of Justin, Sarah, and Tyler.

Table 1.2

Trauma-Informed Actions in Practice

Trauma-Informed Action	Explanation	Case Illustration
Explain the purpose of an interview	Before asking questions, the professional should explain their role, why information is needed, how it may be used, and what will happen next.	Before interviewing Sarah, an advocate explains that the conversation will help identify safety, medical, and reporting options.
Use clear and neutral questions	Open-ended, nonjudgmental questions allow people to describe what they remember without being pushed toward a particular answer.	An investigator asks Tyler what he remembers seeing and hearing instead of repeating claims posted on social media.
Offer breaks when possible	A short break can help a person manage stress, regain focus, and continue participating. The professional should explain when a break cannot be provided.	When Justin becomes overwhelmed during an interview, the investigator pauses and tells him that they can continue when he is ready.
Limit repeated interviews	Agencies should coordinate interviews and records so a person is not required to repeat a traumatic account more often than necessary.	With Sarah's permission and within legal limits, the advocacy and investigative teams coordinate so she does not repeatedly answer the same questions.
Arrange a safe waiting area	Waiting areas should reduce unwanted contact with the accused, media representatives, hostile witnesses, or other people who may create fear.	Tyler and his family wait in a private area away from people recording courthouse visitors for social media.
Provide an interpreter or accommodation	Language services and disability accommodations help people understand the process and communicate accurately. Professionals should ask what is needed rather than make assumptions.	If Tyler requests a communication accommodation, the agency arranges it before expecting him to complete a detailed interview.
Ask about safe contact methods	Phone calls, messages, mail, and voicemail can expose private information. Professionals should ask when and how communication can occur safely.	Because Justin lives with the aunt he has accused, the advocate asks whether calls, texts, or mailed documents could place him at risk.
Provide timely updates	Regular updates reduce uncertainty and help people make informed decisions. An update may simply explain that no new decision has been made.	Tyler's family receives an update when investigators determine that a person identified online was not responsible for the assault.
Avoid promises that cannot be kept	Professionals should not promise safety, arrest, conviction, confidentiality, or a particular sentence when those outcomes are outside their control.	Sarah's advocate explains possible next steps without promising that her boyfriend will be arrested or that the case will produce a conviction.
Protect private information	Personal information should be collected, stored, and released only when it is necessary and legally permitted. Privacy limits should be explained clearly.	A public statement about Sarah's report excludes her address, unrelated medical information, and other details that could expose her to harassment.

Note. Trauma-informed actions should be adapted to the person, the professional's role, and the legal requirements of the case. These practices support safety, trust, choice, cooperation, and respectful participation without replacing careful evidence collection (SAMHSA, 2014).

Trauma-informed practice is not therapy. Police, prosecutors, court employees, and journalists should stay within their professional roles. They can communicate respectfully and provide accurate referrals without trying to diagnose or treat a person. Trauma knowledge also cannot replace evidence. A fragmented account may have several explanations, including stress, ordinary memory limits, misunderstanding, outside information, or dishonesty. A detailed and emotional account can also be mistaken. Reliable justice requires both humane treatment and careful fact-checking (National Research Council, 2014).

Preserving Dignity, Fairness, and Due Process

Dignity means recognizing each person's worth and treating that person with respect. Dignity includes using respectful language, listening, providing access, protecting private information, and explaining decisions. **Fairness** means using neutral rules, accurate information, and consistent procedures while considering legally relevant differences. Fairness does not require the same outcome for every person. It requires decisions based on law and evidence rather than bias, pressure, or status. **Due process** is the constitutional requirement that government use fair procedures before taking away life, freedom, or property. A person accused of a crime has rights involving counsel, an impartial trial, confrontation of witnesses, and proof beyond a reasonable doubt (U.S. Const. amends. V, VI, XIV).

Victims' rights and defendants' rights protect different interests. Victims may need safety, information, privacy, voice, and financial recovery. Defendants need protection from government error and unfair punishment. A victim-centered approach does not require officials to assume guilt. It requires respectful treatment while the evidence is tested. The same careful investigation serves both sides. It reduces the chance that an innocent person will be punished and the chance that a valid case will fail because evidence was handled poorly.

Professionals should also resist pressure to promise a result. A prosecutor can promise to review evidence carefully and communicate according to law. The prosecutor cannot honestly promise a conviction. An investigator can explain available protection but cannot guarantee that no threat will occur. Fairness also requires correcting mistakes. If an agency names the wrong person, releases private information, misses a required notice, or gives incorrect legal information, it should acknowledge the error and take lawful steps to repair the harm.

Slow Down and Think

Imagine a victim-centered interview produces reliable evidence, but a media release reveals details that lead to harassment. Should the response be judged successful because the investigation improved? Identify who was helped or harmed, then explain how trauma, privacy, public accountability, victims' rights, and due process should shape a coordinated decision.

Integrated Case Analysis

In 2015, five-month-old Aavielle Wakefield was killed when gunfire struck the car in which she was riding in Cleveland. The case received heavy public attention. Police later arrested Da'Von Holmes, but the prosecution dismissed the charges after serious problems developed with the evidence. Holmes had spent about a year in jail. Aavielle's killing remained unresolved, and her family continued to seek answers (Serial Productions, 2018).

An integrated analysis begins with harm. Aavielle was the direct victim. Her parents and other family members experienced grief, financial costs, media attention, and continued uncertainty. Other people in the vehicle and nearby residents may have experienced fear or trauma. The neighborhood experienced wider harm because a child was killed and residents feared both violence and retaliation.

Holmes also experienced serious harm from arrest, detention, and public accusation. This does not make his harm legally equal to Aavielle's homicide or make him the crime victim in her case. It shows why a harm map should record real consequences without confusing legal roles. Trauma-informed practice would require respectful and clear communication with Aavielle's family. Investigators should explain developments, limits, delays, and changes in the evidence. They should avoid promising that an arrest will lead to conviction.

Rights analysis would depend on the laws that applied in Ohio. The family should receive accurate information about notice, participation, statements, financial options, and available remedies. Officials should not rely on Washington or federal rules unless those rules actually govern the case. Media communication should describe Holmes as accused, not convicted. When the charges were dismissed, public updates should clearly explain that the prosecution was no longer moving forward. Earlier stories should be updated so that searches do not display only the arrest.

Privacy and open justice would require another balance. The public had a strong interest in the killing of a child, the quality of the investigation, and the detention of a person who was not convicted. The family and possible witnesses also had safety and privacy interests. Information should be released according to law, with attention to the effect on both the investigation and the people involved. Due process required the government to prove its case with reliable evidence. Public pressure and the seriousness of the harm could not replace proof. Dismissing a weak case protected the accused from continued prosecution without sufficient evidence. It did not provide justice or answers for Aavielle's family.

The case shows why the retained chapter topics belong together. Victimology identifies the range of harm. Trauma-informed practice guides interactions. Legal rights create duties and opportunities. Responsible communication protects accuracy and dignity. Due process requires the government to act on reliable evidence.

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Chapter Summary

Victimology centers the people and communities affected by crime. It studies who experiences harm, the forms that harm takes, how institutions respond, and what may prevent future victimization. A victim may experience physical, emotional, social, financial, or digital harm. Family members, friends, witnesses, and communities may also be affected. The terms victim and survivor carry personal and legal meanings, so professionals should use language that is both respectful and accurate. Studying risk can support prevention, but a risk factor never makes a person responsible for someone else's criminal act.

Trauma is one possible consequence of victimization. It can affect emotions, attention, memory, behavior, relationships, and a person's sense of safety. People do not respond to trauma in one required way. Calm behavior does not prove that a person was unharmed, and strong emotion does not prove that every part of an account is accurate. Trauma-informed practice promotes safety, clear information, meaningful choice, and respectful treatment while preserving careful investigation. It also seeks to reduce secondary victimization and retraumatization. Agencies must address vicarious trauma among professionals who repeatedly encounter other people's suffering.

Victims' rights create legal duties involving such matters as protection, notice, attendance, voice, dignity, privacy, and restitution. Federal and Washington laws provide different rights, so the controlling jurisdiction and case stage must always be identified. A legal right is different from a service, an opportunity to participate, or a desired case outcome. Victims may provide information and express their views, but prosecutors, judges, and juries retain their lawful decision-making roles. Restitution, crime victim compensation, and civil recovery are separate ways of addressing certain financial losses.

Media can inform the public, locate information, and hold institutions accountable. It can also expose private details, spread myths, imply guilt, or place blame on victims. News values and media frames shape which crimes receive attention and how audiences understand them. Social media increases these concerns because information can spread quickly and remain available for years. Trauma-informed reporting combines respectful interaction with careful verification. Responsible public communication separates confirmed facts, allegations, unanswered questions, and protected information.

An integrated justice response considers harm, trauma, rights, communication, privacy, fairness, and due process together. Privacy must be balanced with public records and open courts. Victim-centered treatment must exist alongside the accused person's presumption of innocence and constitutional protections. The goal is a process that recognizes harm, provides accurate information, protects lawful rights, corrects mistakes, and reaches decisions through reliable evidence rather than fear, stereotypes, or public pressure.

End of Chapter Activities

Case Study Analysis: Aavielle Wakefield

In 2015, five-month-old Aavielle Wakefield was killed by gunfire while riding in a car in Cleveland. Police later arrested Da'Von Holmes, but the prosecution dismissed the charges after serious problems developed with the evidence. Holmes spent approximately one year in jail, and the homicide remained unresolved.

Aavielle's parents and other family members experienced grief, financial costs, media attention, and continuing uncertainty. Other people in the vehicle and nearby residents may have experienced fear or trauma. The case received substantial public attention.

Answer each question in approximately one, single-spaced handwritten page (approximately 500-1000 words). Support your reasoning with specific concepts and section references from this chapter.

1. Identify the direct victim, co-victims, possible witnesses, and community members affected by this case. Describe physical, emotional, social, economic, and community harms that may result. Explain why identifying risk factors or safety concerns must not shift responsibility for the shooting to Aavielle's family, other victims, or community members.
2. Assume you are a victim advocate assigned to communicate with Aavielle's family after charges against Holmes are dismissed. Develop a communication plan that provides accurate information, avoids false promises, reduces secondary victimization, and identifies possible rights, services, and participation options. Explain how you would communicate respectfully while recognizing that the case remains unresolved.
3. A local news outlet publishes a story that calls Holmes "the shooter," includes the family's home address, and does not update the article after the charges are dismissed. Analyze the harm caused by this coverage. Explain how a justice agency and news organization should respond while balancing privacy, public information, open justice, the presumption of innocence, and the public's interest in the case.

Choose Your Own (Criminal Justice) Adventure

Skills Lab 1: Harm and Needs Map

Work alone or in a group of up to four students. A college student, Priya, is robbed while leaving work at night. Priya's phone, wallet, and car keys are taken. Priya misses work, cannot immediately access bank accounts, becomes afraid to use the parking garage, and receives repeated social-media messages from acquaintances asking what happened. Priya's roommate changes work hours to provide transportation, and several coworkers report feeling unsafe after the robbery. Create a harm-and-needs map that identifies direct, indirect, and community harms. Include physical, emotional, social, economic, digital, and safety concerns. Identify at least four services, supports, or practical responses that could help without blaming Priya for the robbery.

Deliverable: Submit a one-page harm-and-needs map and a short explanation of how your plan separates risk reduction from victim blame.

Skills Lab 2: Trauma-Informed Interview and Evidence Plan

Work alone or in a group of up to three students. A witness to an assault reports that they remember a weapon clearly but cannot remember the order in which people entered the room. During the first interview, the witness appears calm and gives short answers. Two days later, the witness remembers a phrase that one person said. A detective wants to conduct a second interview immediately and asks the witness to watch a local news clip before describing the event again. Create an interview-and-evidence plan that protects the witness from unnecessary retraumatization while preserving reliable information.

Deliverable: Submit a one-page plan that includes an opening explanation, three trauma-informed practices, three evidence-reliability safeguards, and two examples of questions that avoid suggesting an answer.

Skills Lab 3: Washington Rights and Remedies Navigator

Work alone or in a group of up to four students. A survivor of a violent crime in Washington reports that they did not receive written rights information, learned through social media that charges had been filed, and did not receive notice that a scheduled court hearing was canceled. The survivor wants to attend sentencing, bring a support person, submit an impact statement, seek restitution for counseling and lost wages, and find out what can be done if required information is not provided. Create a rights-and-remedies navigator that explains the questions the survivor should ask and the steps a victim advocate should take.

Deliverable: Submit a one-page navigator that identifies at least five possible rights or participation opportunities, distinguishes restitution from compensation and civil recovery, and explains a possible compliance remedy.

Skills Lab 4: Media, Privacy, and Public Information Review

Work alone or in a group of up to four students. A police department posts on social media that "the victim was drinking alone behind the bar before the assault." A local reporter identifies the victim by name, posts a photograph of the victim's apartment, and states that the arrested person "attacked the victim," even though no trial has occurred. The victim asks an advocate whether the information can be removed. Create a public-information review that identifies what is verified, what is alleged, what is irrelevant or potentially victim-blaming, what may create privacy or safety concerns, and what corrections or follow-up steps are appropriate.

Deliverable: Submit a short review with a revised police statement and a revised news lead that use accurate, neutral, and trauma-informed language.

Skills Lab 5: Victim Impact Statement and Financial-Loss Review

Work alone or in a group of up to three students. Luis was injured during an assault and missed two weeks of work. Luis has medical bills, counseling costs, damaged glasses, transportation expenses for treatment, and ongoing fear about returning to the location where the assault occurred. Luis wants to write a victim impact statement and ask for financial recovery. Create a plan that explains what information may be appropriate for an impact statement, what financial documents Luis should preserve, what privacy cautions should be discussed, and how restitution differs from compensation and civil recovery.

Deliverable: Submit a one-page plan that includes a short model impact statement, a list of supporting documents, and an explanation of the three financial-recovery options.

Critical Thinking Questions

Answer each question in approximately one, single-spaced handwritten page (approximately 500-1000 words). Support your reasoning with specific concepts and section references from this chapter.

1. A city experiences public anger after a highly publicized homicide. Police arrest a person within two days, and the mayor announces that the family "finally has justice." The victim's family is told that the accused will certainly be convicted. Two weeks later, prosecutors discover that the key eyewitness had been exposed to extensive social-media rumors before identifying the accused, and no physical evidence connects the accused to the crime. Analyze how officials can support the family while protecting the accused person's due-process rights. Explain how victim-centered practice, trauma-informed communication, reliable evidence, and the presumption of innocence should shape the response.
2. After a domestic-violence hearing, a court filing containing the victim's address, work schedule, medical information, and children's names appears online. A social-media account shares screenshots and claims that the accused person is "obviously guilty." The victim wants the information removed immediately, while a reporter argues that all court information should remain available because courts are public. Analyze the privacy, safety, open-justice, and due-process issues. What should the court, advocate, justice agency, and media organization do?
3. A teenager reports witnessing a shooting. During the first interview, the teenager remembers a loud sound, a person holding a gun, and running away, but cannot provide a clear sequence of events. The teenager later identifies a person after seeing a photograph shared repeatedly online. At trial, the defense argues that the teenager's fragmented account proves the report is false. The prosecutor argues that trauma proves the teenager is telling the truth. Evaluate both arguments. Explain how investigators, attorneys, and jurors should assess the testimony fairly and reliably.

Chapter 5: Law Enforcement and First Response

Learning Objectives

By the end of this chapter, you should be able to:

1. Explain how calls for service are received, provisionally classified, prioritized, dispatched, updated, and closed.
2. Describe the safety, communication, medical-aid, and scene-management responsibilities of first responders.
3. Distinguish preliminary investigation from follow-up investigation and explain how testimonial, physical, documentary, and digital evidence is evaluated and preserved.
4. Apply probable cause as a fact-based decision standard and compare arrest with citation, referral, diversion, release, and continued investigation.
5. Explain the booking and custody-handoff process and evaluate a first response for legality, safety, fairness, documentation, and evidence integrity.

Key Terminology

Arrest authority:

The legal basis that permits an officer to take a person into custody after the conditions established by applicable law or a valid court order have been satisfied.

Call for service (CFS):

A recorded request or reported situation that alerts a public-safety agency to a possible need for assistance, investigation, protection, or another response.

Call priority:

A ranking assigned to an incident to indicate how urgently it should receive a response based on known threats, injuries, ongoing conduct, and other immediate circumstances.

Chain of custody:

The chronological record identifying everyone who collected, possessed, transferred, examined, stored, or released an evidence item.

Citation:

A written notice requiring a person to respond to an alleged violation without necessarily being transported to a detention facility.

Corroboration:

The process of testing information against separate evidence to determine which details are supported, contradicted, or still uncertain.

Crime scene:

Any physical or digital location containing people, objects, conditions, records, or data that may help explain an incident under investigation.

Diversion:

A structured response that directs an eligible person away from ordinary prosecution or detention and toward services, treatment, supervision, education, or another accountability process.

Exculpatory information:

A fact or piece of evidence that may reduce a person's apparent responsibility, support a lawful defense, challenge an accusation, or point toward another explanation.

Follow-up investigation:

Investigative work conducted after the immediate response to pursue leads, obtain additional records or evidence, resolve inconsistencies, and determine whether further action is supported.

Preliminary investigation:

The initial fact-gathering stage in which responders stabilize the incident, identify involved people, document conditions, obtain early accounts, and preserve evidence that could quickly disappear.

Chapter Overview

Every call for service begins with incomplete information. A person reports what they saw, heard, experienced, or feared, and a call taker converts that account into a working event classification. Dispatchers then prioritize the request, send available resources, and continue updating responders as new details emerge. Although this process may appear routine, the first information is provisional. The situation officers encounter may differ substantially from the event described over the phone.

The first response therefore requires careful judgment. Officers must protect life, address urgent medical needs, control immediate hazards, communicate with involved people, and preserve evidence without assuming that the initial report has already established what happened. Once the scene is stable, the response shifts toward investigation. Witness accounts must be separated and evaluated, physical and digital evidence must be documented, and competing explanations must be tested. Information may strengthen suspicion, identify a different person, support a lawful defense, or show that no enforcement action is justified.

Probable cause marks an important decision point, but it is not a finding of guilt. When lawful authority exists, an officer may arrest; in other circumstances, a citation, referral, diversion, release, or continued investigation may be more appropriate. If an arrest leads to booking, accurate records, medical screening, property control, and a clear handoff to detention staff become essential. This chapter follows that operational path while emphasizing reassessment, proportionality, evidence integrity, procedural fairness, and accurate documentation. A successful first response is measured not simply by speed or arrest, but by whether the actions taken were lawful, safe, fair, and supported by reliable information.

5.1 Calls for Service: Turning a Request into a Response

A **call for service (CFS)** is an agency record of a reported or observed situation that may require public-safety assistance, review, documentation, or referral. Despite its name, a call for service does not always begin with a telephone call. It may come from 911, a nonemergency number, an alarm system, an online report, another agency, or an officer's own observation. The call also does not prove that a crime occurred. It is a starting point for deciding what kind of help may be needed.

Calls for service connect community needs with police resources. In 2022, about 49.2 million U.S. residents age 16 or older had at least one contact with police. About 29.7 million had contact that they started. Among people whose most recent contact was resident-initiated, 46 percent said the contact involved a possible crime. Other contacts involved emergencies, traffic matters, requests for help, and noncrime problems (Tapp & Davis, 2024). These numbers count people rather than individual calls, but they show that the public contacts police for many reasons. The first response begins before an officer reaches the scene. Call takers and dispatchers collect information, judge urgency, assign resources, and send updates. Their early decisions affect safety, response time, and the information officers receive. Those decisions must be made quickly, but they must also remain open to correction as new facts become available.

Call Taking and Provisional Classification

When a person contacts an emergency communications center, the call taker first confirms the location and obtains a callback number when possible. The call taker then asks focused questions about immediate danger, injuries, weapons, involved people, and vulnerable persons to determine what type of help is needed.

Call takers must work quickly while separating facts from opinions and direct observations from secondhand information. They record descriptions without adding assumptions and identify what remains uncertain. Information is entered into a computer-aided dispatch (CAD) system, which tracks call details, times, classifications, priorities, assigned units, updates, and outcomes. CAD supports communication and later review, but it may contain errors or incomplete information caused by stress, language barriers, poor connections, background noise, or the need to shorten reports (Christoff et al., 2024).

The call taker assigns an initial classification, such as assault, welfare check, traffic collision, or medical emergency. This classification is provisional and may change when responders learn more. Philadelphia research found that about one-fifth of calls near the boundary between health and crime classifications could not be fully predicted from the original label (Ratcliffe, 2021). The recorded outcome is called a **disposition**. It may show that officers completed a report, issued a warning or citation, made a referral or arrest, provided information, or took no police action. A disposition explains how the response ended, but it does not necessarily mean the underlying problem was solved.

Watch Your Step

General Public: “If dispatch sends officers to a reported crime, the caller’s story has already been confirmed as fact.”

Expert: A call for service records reported or observed information; it does not prove that a crime occurred. Call takers and dispatchers use early details to judge urgency, send resources, and warn responders about possible risks. Those details may be accurate, partly accurate, or mistaken. Officers should prepare for the reported danger while keeping an open mind. Once they arrive, they compare dispatch information with what they see, hear, and verify. A call label such as robbery or person with a weapon guides the response, but it does not establish guilt, intent, or credibility.

Prioritization, Dispatch, and Patrol Demand

When agencies receive more calls than they can answer at once, they assign a **call priority** based on urgency and known risk. Immediate threats, serious injuries, crimes in progress, weapons, vulnerable people, and evidence at risk may increase priority. Systems differ among agencies, but priority measures the need for a rapid response, not the importance of the person requesting help.

Dispatchers consider the call type, location, available responders, reported danger, and needed services. They continue sending updates after officers are assigned and may change the priority or resources as new facts emerge. Response time includes reporting, call processing, assignment, and travel. Staffing, call volume, distance, traffic, weather, and agency practices can affect each stage (Verlaan & Ruiter, 2023). Speed matters during emergencies, but an effective response also requires safe decisions, proper resources, fair treatment, and reassessment upon arrival.

Patrol work includes many noncrime calls, such as welfare concerns, medical events, alarms, traffic hazards, and requests for assistance. One Canadian study found that officers handled more noncrime than crime-related calls, and 62 percent received the lowest priority. However, results from one agency should not be applied everywhere (Simpson & Bell, 2022). Call totals also do not show the full workload or level of crime. CAD data can help identify patterns and guide staffing, but it should be considered with reports, victim information, community input, and other evidence. Carefully focused policing may modestly reduce crime in small locations, but call data alone cannot explain neighborhood conditions (Braga et al., 2019).

Repeat Calls and Alternative Responses

Repeated calls involving the same people or place may reveal ongoing harm, conflict, health needs, unsafe conditions, or another unresolved problem. Earlier calls can help responders prepare for known risks, communication needs, or needed services. However, past reports do not prove what happened during the current event. Officers must still investigate the present facts and avoid assumptions.

For repeated domestic-related calls, agencies may review recent incidents, contact affected people, coordinate with victim services, and look for signs that danger is increasing (Santos & Santos, 2023). Some calls may also be handled by crisis clinicians, medical workers, civilian responders, telephone reporting, or service referrals. Police-mental health partnerships require clear policies, trained personnel, available services, and cooperation between agencies (Council of State Governments Justice Center, 2019). The selected response must match the known risk and change if conditions become more dangerous.

Some cases may qualify for **diversion**, which directs a person toward treatment, services, restorative action, or another approved form of accountability. Diversion does not mean ignoring harmful behavior. All reporting and response options should also be accessible to people with language, hearing, internet, or cognitive barriers. The goal is to understand the need, assess the risk, send suitable help, and adjust as new facts emerge.

5.2 Arrival: Stabilize, Communicate, and Reassess

Arrival marks a major change in the first-response process. Before officers arrive, most information comes from callers, dispatchers, records, and other responders. Once officers reach the area, they can begin comparing those reports with what they see, hear, and learn. The first description may be correct, partly correct, or completely mistaken.

Responding officers have two jobs at the same time. They must manage any danger that is still unfolding, and they must begin learning what already happened. These duties work together only when officers keep their priorities clear. Protection of life comes first. Medical care, control of immediate threats, communication, and scene safety usually come before detailed interviews or evidence collection.

No single checklist can control every response. A traffic collision, family disturbance, burglary alarm, behavioral-health crisis, and reported shooting require different actions. Still, officers can use a flexible decision process. They gather information, identify risks, consider options, take reasonable action, and reassess as conditions change. Washington's model use-of-force policy places this type of continuing assessment at the center of sound decision-making (Washington State Office of the Attorney General, 2022).

Arrival is not the point at which officers prove the first report. It is the point at which they begin testing it. Officers should prepare for reported dangers while avoiding conclusions about guilt, intent, or credibility. A careful first response protects people without allowing the original call label to control every later decision.

Pro Tip

Use a "scan, set, and reset" routine. Before arrival, scan the dispatch information for the location, reported threats, injuries, involved people, and needed resources. Set a flexible plan for the approach, communication, medical aid, scene safety, and backup. On arrival, reset the plan by comparing the report with current conditions. State what has changed, update dispatch, and make life safety the first priority. Repeat the reset whenever a new person, injury, weapon, or piece of information appears. This habit keeps the response tied to changing facts instead of the original call label and supports continuing assessment (Washington State Office of the Attorney General, 2022).

Planning Before Arrival

Planning begins before officers arrive. They review dispatch information, reported risks, available resources, possible approach routes, and important unknowns. Dispatch details help officers prepare for the highest reasonable danger, but they do not prove what is happening. Officers may request backup, medical workers, crisis specialists, interpreters, or other support based on the reported need.

The approach must match the urgency. Officers may use a safer direction, distance, cover, or clear team roles when time allows. During an active attack or medical emergency, immediate action may be necessary. Washington's model policy supports gathering information, assessing threats, selecting a reasonable response, and continuing to reassess as conditions change (Washington State Office of the Attorney General, 2022). Officers must also avoid allowing dispatch labels or past records to control their judgment. Behavior described as aggressive may involve fear, confusion, injury, or disability. Prior calls, arrests, warnings, or health information may help with preparation, but they may be old, incomplete, or incorrect. The current response must remain based on present facts.

Arrival and Scene Control

When officers arrive, they should first observe the larger scene, compare it with dispatch information, and report important changes. Immediate threats, injured people, and medical needs come before interviews or evidence collection. Washington law requires officers to provide or arrange first aid at the earliest safe opportunity for anyone injured at a police-controlled scene (Washington Revised Code § 36.28A.445, 2026). Officers may separate people for safety and independent interviews, but separation should not imply guilt. Clear directions, one main speaker, and honest explanations can reduce confusion. Officers should consider whether fear, injury, language barriers, disability, or a behavioral-health condition affects a person's response. Once the scene is stable, officers protect evidence, establish suitable boundaries, document changes, and continue reassessing their original understanding.

De-escalation and Procedural Fairness

De-escalation uses suitable options to reduce tension and improve safety. Depending on the circumstances, officers may create distance, use cover, reduce noise, slow the encounter, use one speaker, or request crisis support. These methods do not require officers to ignore an immediate threat or delay lifesaving action. Washington law requires officers, when possible, to use suitable de-escalation methods before physical force. Officers must consider conditions that may affect the person's behavior and stop using force when the need ends (Washington Revised Code §§ 10.120.010–10.120.020, 2026). Procedural fairness also requires listening, neutral decisions, clear explanations, dignity, and consistent treatment. Research suggests that training can reduce force and injuries, but supervisors, policies, and regular practice must reinforce the skills (National Institute of Justice, 2023).

Body-Worn Cameras as Evidence

Body-worn cameras can preserve statements, movements, sounds, injuries, scene conditions, and officer actions. In 2020, about 62 percent of local police departments used them, covering about 79 percent of local police officers (Goodison & Brooks, 2023). Camera footage is useful but incomplete. The camera may face a different direction from the officer, begin recording late, miss sounds, or have its view blocked. It also cannot record thoughts, fear, attention, or everything happening outside the frame. Footage should therefore be compared with witness accounts, physical evidence, dispatch records, medical information, and other recordings. Research has not found clear and consistent effects on most officer or public behaviors, although complaints declined in several studies (Lum et al., 2020). Agencies need clear rules for activation, storage, access, privacy, release, and deletion. Cameras strengthen documentation but cannot replace observation, communication, written reports, or continued investigation.

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5.3 Investigation: From Information to a Tested Account

An investigation is an organized effort to learn what happened and determine what action the facts support. Investigators collect information, preserve evidence, compare accounts, and test different explanations. The goal is not simply to confirm the first report or build a case against the first suspect. Police investigations vary in size. A patrol officer may complete a simple theft investigation during one call. A homicide, sexual assault, cybercrime, or missing-person case may involve detectives, forensic specialists, laboratories, prosecutors, medical workers, and victim advocates. In every case, the quality of later work depends heavily on what happens during the first response.

Good investigators separate facts from assumptions. They ask what is known, how it became known, and what remains uncertain. They also look for information that challenges the main theory. A reliable investigation may support an arrest, identify another responsible person, reveal a lawful defense, or show that no crime occurred. The value of the process comes from its accuracy, not from producing a particular result.

Urgent and Deliberate Decision-Making

Investigative decisions change as an event becomes safer. During an active threat, officers may have only seconds to act. They may need to stop violence, find an injured person, locate a weapon, or search for someone who presents an immediate danger. Information will often be incomplete during this urgent stage. Once the immediate threat is controlled, officers usually have more time to think. They can slow the process, confirm their legal authority, assign responsibilities, establish boundaries, and examine more than one explanation. The methods used during an emergency should not continue automatically after the emergency ends.

Gehl and Plecas (2017) distinguish between an urgent response to an active event and a more planned response after conditions become stable. Their textbook is Canadian, so its specific legal rules do not control police work in Washington or elsewhere in the United States. However, the general decision principle is useful: emergency action should narrow when the emergency ends. The change from urgent action to deliberate investigation is not always clear. A scene may appear calm and then become dangerous again. New information may reveal another injured person or a missing weapon. Investigators must therefore continue reassessing safety while they gather evidence.

Deliberate decision-making also helps reduce confirmation bias. Confirmation bias occurs when a person gives more attention to information that supports an early belief while overlooking information that challenges it. An officer who assumes the caller must be correct may treat every later fact as support for that assumption. A better approach is to ask what evidence would support, weaken, or change the working explanation.

Slow Down and Think

A caller reports that the person in a blue jacket started a fight. One witness agrees, another describes the opposite sequence, and a camera begins recording after the first contact. Before choosing a theory, ask yourself: Which facts were personally observed? Which details came from another person? What evidence supports each account? What information weakens it? Could two accounts describe different parts of the same event? What would change your current explanation? Then consider how your next question might influence a witness's answer. Good investigative thinking does not require endless doubt. It requires testing the working explanation against meaningful alternatives before reaching a conclusion (Gehl & Plecas, 2017).

Preliminary and Follow-Up Investigation

A **preliminary investigation** is the first organized fact-gathering work completed during or soon after an incident. It often begins with patrol officers. Its purpose is to address urgent needs, identify involved people, document the setting, obtain early accounts, locate evidence, and preserve information that may quickly disappear. The preliminary stage may include confirming names and contact information, separating witnesses, photographing visible injuries, identifying video cameras, checking nearby areas, and recording the sequence of events. Officers may also arrange medical care, protect property, notify a supervisor, or request a specialized investigator.

A strong preliminary investigation creates a clear starting point for everyone who works on the case later. Reports should explain what officers knew, when they learned it, and which source provided it. The report should not combine several witnesses into one general story. Important differences between accounts should remain visible. A preliminary investigation does not always end with a final answer. A suspect may be unknown. A witness may be unavailable. Laboratory results, phone records, medical records, or video may not yet be ready. The officer may document the event and refer it for more work.

A **follow-up investigation** is the later work used to develop leads, obtain more evidence, review records, resolve conflicts, and decide whether additional action is justified. Follow-up may be performed by the original officer, a detective, a specialized unit, or several agencies. Follow-up work may include locating new witnesses, conducting longer interviews, reviewing forensic results, obtaining lawful access to records, examining related cases, or comparing evidence from different locations. It may strengthen the original theory, point toward another explanation, or show that a suspected person was not involved. The line between preliminary and follow-up work varies by agency and case. A patrol officer may complete both stages in a smaller case. A detective may arrive while the scene is still active in a serious case. What matters is that responsibilities are clear and important tasks are not lost during the handoff.

Crime Scene Management

A **crime scene** is any physical or digital place that may contain information connected to an incident. It is not limited to the main location where the event occurred. A vehicle, a person's clothing, a phone, a path of travel, or a nearby business camera may contain related evidence. An incident can have several scenes. A person may be injured in one location, leave property in another, and be found somewhere else. Investigators should avoid assuming that the place where police were called is the only important location.

Safety and medical care come before evidence protection. Emergency workers may need to cut clothing, move furniture, open doors, or move injured people. These changes should be documented when possible, but evidence must never be protected at the cost of a person's life or health. Once urgent needs are addressed, responders can establish boundaries. A boundary helps keep people from entering, moving objects, leaving new material, or removing evidence. The boundary may expand or shrink as officers learn more. Entry should be limited to people with a legitimate reason to be present.

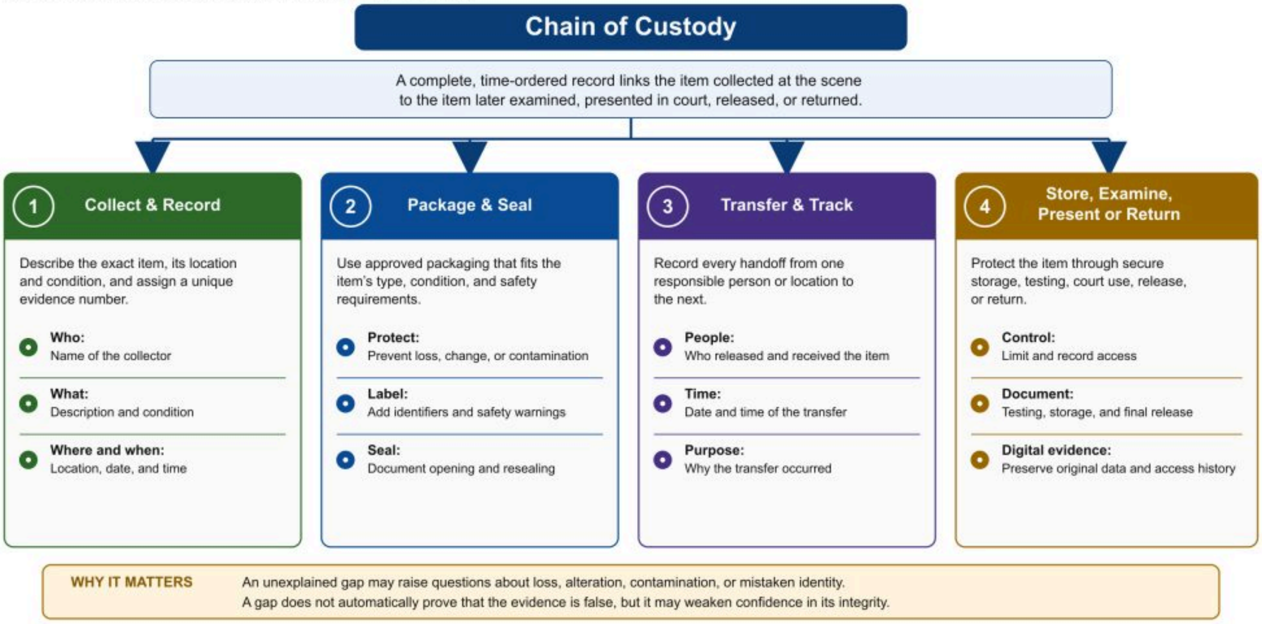
Officers may keep a record of who enters and leaves a major scene. They should also note changes caused by police, firefighters, medical workers, property owners, or weather. Protective equipment and clean tools can reduce the chance that responders will transfer hair, fibers, bodily material, fingerprints, or other substances. A planned search should be based on the size and type of scene, the available personnel, and the evidence being sought. Searching without a plan can lead to missed areas, repeated work, or damaged evidence. Investigators must also have lawful authority before searching places or data protected by constitutional or legal rules. The constitutional limits on searches were addressed earlier in this textbook and still apply during an investigation.

Chain of Custody

Chain of custody is the time-ordered record showing who collected, controlled, transferred, examined, stored, or released an evidence item (Figure 5.1). This record connects the item found during the investigation with the item later examined or presented in court. The record usually begins when an item is collected. The collector notes what the item is, where it was found, its condition, the date and time, and the identifying number assigned to it. The item is then packaged, sealed, labeled, and submitted according to agency procedures. Packaging depends on the type and condition of the evidence. Biological material, sharp objects, firearms, drugs, documents, and electronic devices may require different containers and safety steps. Investigators should use approved procedures rather than assuming that one type of package works for every item.

Figure 5.1

Tracking Evidence Through the Chain of Custody



Note. Chain of custody shows that an item was controlled and tracked. Investigators must still explain where it came from, how it relates to the event, and what it means. Digital evidence requires documented access and protection from unauthorized change (National Institute of Justice, 2020).

Each transfer should show who released the item, who received it, when the transfer occurred, and why it occurred. Unexplained gaps can raise questions about whether the item was lost, altered, contaminated, or mistaken for another item. A gap does not automatically prove that evidence is false, but it can weaken confidence in its integrity. Digital evidence also requires a documented history. Phones, computers, storage devices, and copied data must be protected from unauthorized access or change. The National Institute of Justice recommends tracking digital items from submission through storage, examination, release of information, and return. Its guidance also stresses preserving data whether it tends to support an accusation or favor the person being investigated (National Institute of Justice, 2020).

Chain of custody does not prove what an item means. It shows that the item was controlled and tracked. Investigators must still establish where it came from, how it relates to the event, and what conclusions can reasonably be drawn from it.

Pro Tip

Handle each evidence item through the same basic routine: identify, document, collect, package, seal, label, and transfer. Record what the item is, its exact location and condition, the date and time, and the person who collected it. Use a unique evidence number and approved packaging for the item's type and condition. At every handoff, record who released it, who received it, when the transfer occurred, and why. For digital evidence, also protect the original data and document later access. A consistent routine reduces mix-ups and creates a chain of custody that others can review (National Institute of Justice, 2020).

Documentation Tools and Their Limits

Investigators use notes, photographs, video, measurements, sketches, diagrams, audio recordings, and electronic records to preserve information. Each method captures different parts of a scene. No single method records everything. Notes can describe odors, temperature, lighting, emotional conditions, or actions that a photograph may not show. Photographs can preserve the appearance and location of objects. Measurements and sketches can show distance and position. Video can record movement through a scene but may move too quickly or fail to show small details.

Documentation should move from broad views to more focused views. Investigators should show the overall setting, the relationship between important areas, and close views of individual items. Images should not create a false impression through unusual angles or missing context. Any object moved for safety, medical care, or collection should be documented. Some agencies use three-dimensional scanners to create detailed models of scenes. These tools can help preserve measurements and allow later review from several viewpoints. However, newer technology is not automatically more accurate or useful. In one NIJ-supported study, participants preferred three-dimensional presentations, but photographs and two-dimensional diagrams produced the highest average accuracy. The scanning systems also required greater costs and training (National Institute of Justice, 2022).

Interviews and Witness Identification

An interview should begin with a clear purpose and a setting that supports communication. Witnesses should usually be separated when practical so they do not influence one another. The interviewer can begin with an open request for the person to describe what happened. More focused questions can then clarify timing, location, distance, lighting, exact words, and what the person personally observed.

Leading questions can introduce details that the witness did not provide. Asking which hand held the knife assumes there was a knife. A more neutral question asks what, if anything, the person saw in either hand. Neutral wording helps protect the witness's own memory. Investigators should record uncertainty accurately. If a witness says that a person looked familiar, the report should not turn that statement into a positive identification. Stress, trauma, poor lighting, short viewing time, intoxication, age, disability, and the passage of time may affect memory or communication. None of these factors automatically proves that a witness is truthful or mistaken.

Photo identification procedures need added safeguards. Federal guidance recommends using only one suspect in an array, selecting filler photographs that reasonably fit the witness's description, keeping witnesses separate, and telling the witness that the responsible person may not be shown. The administrator should avoid feedback and record the witness's confidence in the witness's own words (U.S. Department of Justice, Office of the Deputy Attorney General, 2017).

When possible, the person giving the array should not know which photograph shows the suspect. This is called blind administration. If that is not practical, the photographs can be arranged so the administrator cannot see which image the witness is viewing. These methods reduce the chance that a gesture, expression, or tone will influence the choice. Local laws and agency procedures may add other requirements.

Corroboration and Competing Explanations

Corroboration is the process of comparing a claim with separate information to see which details are supported, challenged, or still unknown. The separate information may include video, timestamps, injuries, physical evidence, digital records, another witness, or an admission. Corroboration is not a vote. Several people can repeat the same error, especially if they discussed the event together or received information from the same source. Investigators should examine whether the evidence is truly independent.

Evidence can support one part of an account while weakening another. A video may confirm that two people fought but show that the order of events differs from the first report. Medical records may confirm an injury without showing who caused it. A fingerprint may show contact with an object but not when or why the contact occurred. Investigators must also preserve **exculpatory information**, meaning facts or evidence that may weaken an accusation, support a defense, identify another responsible person, or point toward an innocent explanation. Exculpatory information is not an inconvenience to be ignored. It is part of the case. Testing competing explanations makes the investigation stronger. Investigators can ask which facts each explanation accounts for, which facts conflict with it, and what additional evidence could help decide between them. The best-supported account may change as new information arrives.

Specialized Evidence and Victim-Centered Response

Some investigations require specialized help from the beginning. Sexual assault, child abuse, suspicious deaths, serious collisions, cybercrime, domestic violence, and incidents involving officers may require trained interviewers, medical professionals, forensic specialists, advocates, or outside investigators. First responders are not expected to perform every specialized task. They must recognize the need, protect people and evidence, contact the proper specialists, and avoid actions that may damage later work. Repeated or poorly planned interviews can increase stress and create conflicting records.

A victim-centered response considers safety, dignity, communication, and informed choice within the limits of the law. Officers should explain the process, avoid blaming language, protect privacy, and connect victims with available services. A victim-centered approach does not require investigators to accept every statement without review. It combines respectful treatment with careful evidence testing. NIJ guidance for sexual assault cases recommends cooperation among law enforcement, medical professionals, laboratories, prosecutors, and victim advocates. It also supports trained medical-forensic examiners, evidence tracking, specialized investigative training, and continued communication with victims (National Institute of Justice, 2017).

A sound investigation protects both community safety and the accuracy of the justice process. It preserves evidence that supports an allegation and evidence that challenges it. It treats people with dignity while testing their accounts. Most importantly, it builds a record that later decision-makers can review, question, and understand.

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5.4 Probable Cause: The Decision Point

Earlier chapters introduced probable cause as a constitutional standard. This section focuses on how officers apply that standard during a real investigation. The question is not whether an officer feels certain. The question is whether the facts known at that moment provide an objective basis for believing that a particular person probably committed or is committing a particular offense.

Probable cause uses the full set of circumstances rather than one fact viewed alone. It is more than an unsupported guess, but it does not require enough evidence to convict. The U.S. Supreme Court has described it as a practical standard based on probability. It cannot be reduced to a fixed score or simple formula (*Illinois v. Gates*, 1983; *District of Columbia v. Wesby*, 2018). Probable cause does not create guilt. It supports certain legal actions, including an arrest or a request for a warrant. Those actions remain subject to later review by supervisors, judges, prosecutors, defense attorneys, and courts. An officer should therefore be able to explain what facts were known, where they came from, and how they connected a person to an offense.

Washington law uses probable cause as a requirement for many warrantless arrests. However, probable cause does not answer every arrest question. The type of offense, where it occurred, when it occurred, and whether an exception or mandatory-arrest rule applies can affect the officer's authority. Those arrest rules are addressed in the next section (Washington Revised Code § 10.31.100, 2026).

Building an Articulable Basis

An articulable basis is an explanation built from facts that can be clearly stated. It is different from a conclusion such as claiming that someone looked guilty. An officer should describe the behavior, statements, observations, and evidence that led to the decision. The process begins with identifying a possible offense. Each offense has required elements. An officer should connect the available facts to those elements rather than beginning with a person and searching for a charge that might fit. If an offense requires a certain act, mental state, result, or circumstance, the known facts should reasonably support those parts. For example, finding property in a person's possession does not automatically prove theft. The officer would need facts suggesting that the property belonged to someone else and was taken or kept unlawfully. A recent report, matching description, serial number, video, admission, or false explanation may add support. A receipt or reliable ownership record may point in the other direction.

The officer must also identify the correct person. Evidence that a crime occurred does not automatically connect every nearby person to it. A general description may justify continued investigation but may not provide probable cause for a specific arrest. The facts should link the individual to the conduct. Time and location matter. A person found near a recent crime may draw attention, but being nearby is not itself a crime. Clothing that matches a description may add weight, but common clothing has less value than a detailed and unusual match. The meaning of each fact depends on the other circumstances.

The Supreme Court has instructed courts to examine the events that led to the decision through the viewpoint of an objectively reasonable officer. That means training and reasonable inferences may matter, but personal dislike, fear, or unsupported certainty does not. The facts must do the work (*District of Columbia v. Wesby*, 2018). The strongest explanation usually follows a clear sequence. It identifies the offense, describes the facts, names each source, explains important links, and addresses major conflicts. The officer should avoid exaggeration. A person who walked quickly should not be described as fleeing unless the observed behavior supports that description. A witness who expressed doubt should not be reported as certain. A report should also explain what was unknown. Admitting that a fact remains uncertain does not automatically defeat probable cause. It shows that the officer understood the limits of the investigation. A careful account is more reliable than one that hides every weakness.

Watch Your Step

General Public: "Probable cause means police have enough evidence to prove that a person is guilty."

Expert: Probable cause is a practical, fact-based threshold for certain legal actions. It asks whether the facts known at that moment create an objective basis for believing that a particular person probably committed a particular offense. It is stronger than a guess but lower than the proof needed for conviction. Officers must consider the full situation, including reliable information that supports or weakens the claim. Probable cause can grow, weaken, or disappear as new facts emerge. It permits action when other legal requirements are met, but it does not decide guilt (*District of Columbia v. Wesby*, 2018; *Illinois v. Gates*, 1983).

Probable Cause That Develops or Dissipates

Probable cause is based on facts known at the moment legal action occurs. It can develop quickly, slowly, or not at all. An officer may personally witness an offense, or the basis may form over several interviews, records checks, laboratory results, and video reviews. New evidence may strengthen the case. A witness may identify the person and provide details confirmed by video. Property may carry a matching serial number. Digital records may place a device at a relevant location. Several pieces of modest evidence can become persuasive when they support one another.

Probable cause can also weaken or disappear. A witness may admit to naming the wrong person. A clearer recording may show that the reported act never occurred. Records may prove that the suspected property was lawfully owned. Another person may make a reliable admission supported by physical evidence. Not every change destroys probable cause. A witness recantation may be reliable, or it may result from fear, pressure, or a desire to protect someone. Investigators should examine why the account changed and whether other evidence continues to support the original report. Chronology is critical. Information discovered after an arrest cannot be moved backward in time to justify the arrest. A later search may uncover powerful evidence, but that evidence did not exist in the officer's knowledge at the earlier decision point. Reports must preserve the actual order in which information became known.

Officers should continue reassessing even after they believe the threshold has been reached. Probable cause permits action; it does not forbid more investigation. When there is no urgent need for custody, officers may seek more evidence, consult a supervisor, request a warrant, or send the case for follow-up. Washington's warrantless-arrest statute shows why timing and offense classification matter. The statute gives officers authority to arrest without a warrant for felonies based on probable cause. It also sets different rules and exceptions for misdemeanors and gross misdemeanors, including offenses involving physical harm and certain mandatory-arrest situations (Washington Revised Code § 10.31.100, 2026). Probable cause must therefore be connected to the correct offense and current law.

Applying the Standard to the Opening Scenario

The Harbor Market call reports a fight and possible knife but provides too little information to establish probable cause. When officers arrive, they find an injured person, but the injury alone does not prove who was the victim or who acted unlawfully. The store clerk says the injured person threw the first punch, while another witness says the person who left displayed a knife without swinging it. Security video shows the injured person advancing and striking first while the other person opens a folding knife, holds it low, and backs away. The video supports the clerk's account but may not capture every word, movement, or event.

These facts may support probable cause for an assault by the injured person, although officers must still consider identity, offense elements, and possible self-defense. The knife requires a separate analysis. Displaying it while retreating may have been defensive, and a closed knife found nearby does not prove who possessed it or whether it was used unlawfully. Additional evidence could change either conclusion. Officers should not assume that the injured person is the victim or that the person who left is the offender. Each suspected offense must be evaluated separately using reliable facts, the correct timeline, conflicting evidence, and current Washington law. Probable cause is a decision point, not the end of the investigation.

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5.5 Evaluating the Quality of a First Response

A first response is not successful simply because an officer arrives, completes a report, or takes enforcement action. Quality depends on whether the agency sent appropriate help, the officer acted lawfully and safely, people were treated fairly, and the investigation produced dependable information. Reviewers should consider the facts officers knew at each decision point and whether they adjusted their actions when new information appeared. The goal is not to find fault in every choice, but to recognize sound work, correct weak practices, and improve future responses.

Response time matters most when someone faces immediate danger. However, speed alone does not show whether an officer provided effective service. Total response time may include reporting, call processing, assignment, and travel. Priority, staffing, workload, distance, traffic, weather, and officer availability can affect each stage (Verlaan & Ruiter, 2023). Agencies should compare similar calls and consider the median, range, and percentage meeting response goals rather than relying only on an overall average. They should also examine what happened after arrival, including medical aid, scene safety, communication, evidence protection, and repeat calls. Public feedback can identify problems that dispatch records miss, but satisfaction should be considered with legal, safety, and evidence measures (Tapp & Davis, 2024).

Every police action must have a valid legal basis when it occurs. Later information cannot justify an earlier detention, search, seizure, use of force, or probable-cause decision that lacked support at the time. A lawful response may still have weaknesses if the officer communicated poorly or failed to listen. Procedural fairness includes neutral decisions, respectful treatment, clear explanations, and a meaningful opportunity for people to provide information. Research connects perceived fairness with stronger views of police legitimacy and cooperation, although it does not prove that one fair encounter will automatically create trust (National Academies of Sciences, Engineering, and Medicine, 2018).

Safety reviews should consider injuries, medical needs, continued danger, scene stabilization, threatened or actual force, and whether de-escalation was attempted when practical. Agencies should also examine patterns across demographic groups and locations. A disparity is not automatic proof of unlawful bias, but it should not be ignored. Reviewers should compare similar incidents, verify the accuracy of the data, consider several possible explanations, and include community input before reaching conclusions (Tapp & Davis, 2024).

Documentation review should compare CAD records, officer reports, RMS entries, photographs, recordings, evidence records, and follow-up reports. Important times, locations, names, and actions should be consistent or clearly explained. Reports should separate observations from conclusions and connect probable cause to specific facts. They should include information that supports and weakens the original theory. Evidence records must document collection, packaging, transfers, storage, examination, and access. Digital evidence should be preserved in its original form and protected from unauthorized change (National Institute of Justice, 2020). Body-camera footage should be compared with other evidence because a camera records only part of an encounter and does not replace careful investigation or supervision (Lum et al., 2020).

Accountability should examine both individual conduct and the systems that shape performance. Supervisor reviews, audits, and early intervention systems can reveal policy weaknesses, training gaps, equipment problems, or repeated concerns. An alert should begin a fair review rather than serve as automatic proof of misconduct (U.S. Department of Justice, 2019). Agencies must also distinguish activity from outcomes. Counts of reports, arrests, contacts, or meetings do not show whether safety or service improved. Useful outcomes may include fewer repeat calls, reduced injuries, stronger evidence, successful referrals, cooperation, and community satisfaction. Behavioral-health and community-engagement efforts should be evaluated with clear goals and information from service partners when lawful sharing is possible (Council of State Governments Justice Center, 2019; Santos & Santos, 2024).

No single measure can describe an entire response. Strong evaluation combines records, legal review, safety outcomes, public feedback, supervisor observations, and patterns over time. Findings should guide realistic training that connects law, communication, evidence handling, and documentation (Beer-Maxwell et al., 2023). The final purpose is better service: protecting people, following the law, treating people fairly, preserving reliable evidence, and creating records that others can understand.

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Slow Down and Think

Imagine two officers respond to similar calls. One arrives faster and makes an arrest, but the report omits conflicting evidence. The other arrives later, obtains medical aid, tests several accounts, preserves video, and explains why no immediate arrest was made. Which response looks better if you measure only speed and enforcement activity? Which looks better if you also examine legality, safety, fairness, evidence integrity, public experience, and the final disposition? Now identify one fact that could change your judgment of either response. This exercise shows why quality cannot be reduced to one number and why reviewers should compare similar calls using several measures (Verlaan & Ruiter, 2023).

Chapter Summary

Every first response begins with incomplete information. A caller reports what they saw, heard, or feared, and a dispatcher turns that report into a call classification. Call takers and dispatchers assess urgency, assign a priority, send resources, and update responders when new facts appear. The original call guides the response, but it does not prove what happened.

When officers arrive, their first duties are to protect life, request medical aid, manage immediate dangers, and communicate. They must keep reassessing the situation because people, risks, and available information can change. De-escalation, respectful treatment, and clear explanations can reduce conflict and support procedural fairness. Body-worn cameras may preserve useful evidence, but recordings have limits and must be considered with other information.

Once the scene is stable, the preliminary investigation begins. Officers identify involved people, separate witnesses, document conditions, preserve evidence, and test competing explanations. Careful chain-of-custody records protect evidence from collection through later examination. Reports should separate direct observations from conclusions, include information that challenges the main theory, and explain unresolved conflicts.

Probable cause is an objective, practical decision based on the totality of reasonably trustworthy information. It can grow stronger or weaken as evidence develops. It is not proof of guilt, and each suspected offense must be evaluated separately.

A high-quality first response is measured by more than speed. Agencies should examine legality, safety, fairness, evidence quality, documentation, public experience, and final dispositions. Supervision, training, data review, and community feedback help agencies recognize effective work, correct problems, and improve future responses.

End of Chapter Activities

Case Study Analysis: Harbor Market

Dispatch receives a disconnected call reporting a fight and a possible knife at Harbor Market. A second caller reports that one person left on foot. Officers arrive and find Jordan with a cut on one hand. A store clerk says Jordan threw the first punch. Another witness says the person who left displayed a folding knife but did not swing it. Security video shows Jordan moving forward and striking first. It shows the other person opening a folding knife, holding it low, and backing away. A closed folding knife is later found near the store entrance.

Answer each question in approximately one, single-spaced handwritten page (approximately 500-1000 words). Support your reasoning with specific concepts and section references from this chapter.

1. Explain how the call taker and dispatcher should classify and prioritize the original call. Identify information that should be collected before officers arrive and explain why the original report should guide, but not determine, the officers' conclusions.
2. Identify the officers' first responsibilities after arriving at Harbor Market. Explain how they should address safety, medical aid, communication, witness separation, video preservation, and the knife without assuming a final explanation for the event.
3. Evaluate whether officers have probable cause to arrest Jordan, the absent person, both people, or neither person. Explain why the knife issue should be assessed separately from the punch. Describe the next steps if officers arrest Jordan or decide that further investigation is needed.

Choose Your Own (Criminal Justice) Adventure

Skills Lab 1: Call Intake and Dispatch Triage

Work alone or in a group of up to four students. A communications center receives three calls at the same time. The first reports a person yelling in an apartment hallway, with no stated weapon or injury. The second reports a two-car collision with one driver trapped inside a vehicle. The third reports that a person is sitting outside a library, crying and asking for help, with no reported threat or weapon. Create a call-intake and dispatch plan that identifies the first questions a call taker should ask, assigns a provisional classification and priority to each event, recommends appropriate responders, and explains what new facts could change the priority.

Deliverable: Submit a one-page triage chart and a short explanation of why priority reflects immediate risk, not the worth of the people involved.

Skills Lab 2: Arrival, Communication, and De-escalation Plan

Work alone or in a group of up to three students. Officers respond to a report of loud arguing outside a residence. Dispatch reports that a caller heard glass break but could not see who was involved. On arrival, officers see two adults standing apart, one child crying near the doorway, and broken glass on the sidewalk. One adult repeatedly says, "They are lying about me," while the other asks officers to make an arrest immediately. Develop an arrival and communication plan that protects safety, addresses the child's needs, gathers information, and avoids escalating the situation.

Deliverable: Submit a step-by-step plan with at least five actions and a short explanation of how officers can use de-escalation without ignoring safety or delaying necessary action.

Skills Lab 3: Preliminary Investigation Evidence Matrix

Work alone or in a group of up to four students. After a reported parking-lot collision, one driver says the other vehicle ran a stop sign. The other driver says the first driver was speeding. A passenger says they were looking at a phone and did not see the impact. Nearby video may show part of the intersection, and one witness says they heard brakes but did not see the vehicles before the collision. Create an evidence matrix that separates testimonial, physical, documentary, and digital evidence. Identify what each item may establish, what it cannot establish by itself, and what additional evidence would help test competing explanations.

Deliverable: Submit a matrix with at least eight evidence entries and a short conclusion that distinguishes observation from inference.

Skills Lab 4: Probable Cause Decision Memo

Work alone or in a group of up to four students. A store employee reports that Casey placed merchandise into a bag and walked toward the exit. Before leaving the store, Casey stopped at customer service and showed a receipt for several items. The employee says the receipt did not appear to include all merchandise in the bag. Casey states that some items were purchased earlier that day at another branch. A manager reviews video that shows Casey placing items in the bag but does not show whether Casey paid for them. Write a short probable-cause decision memo that identifies the possible offense, the facts supporting and weakening probable cause, missing information, and a lawful next step.

Deliverable: Submit a one-page memo that recommends arrest, citation, referral, release, or continued investigation and explains why.

Skills Lab 5: Booking and Custody-Handoff Audit

Work alone or in a group of up to three students. After a lawful arrest, Morgan arrives at a booking facility. Morgan states that they take daily medication, have an injured wrist, use a hearing aid, and have a child who is currently at school. Morgan has cash, a phone, keys, and a backpack. The arresting officer's report states only, "Subject arrested and transported without incident." Create a custody-handoff audit identifying information that must be communicated, property that must be documented, medical or access needs that require attention, and deficiencies in the officer's report.

Deliverable: Submit a one-page checklist and a revised report paragraph that accurately documents the arrest, property, medical needs, and handoff.

Critical Thinking Questions

Answer each question in approximately one, single-spaced handwritten page (approximately 500-1000 words). Support your reasoning with specific concepts and section references from this chapter.

1. A city publishes response-time data showing that its average police arrival time improved by three minutes during the past year. Community members report, however, that officers often arrive without updated dispatch information, fail to explain what will happen next, and close lower-priority calls with little follow-up. Analyze whether the improved average response time proves that first response has improved. Identify at least five additional measures an agency should examine.
2. A patrol unit has responded six times in two months to an apartment where neighbors report shouting, broken property, and possible mental-health crises. No weapon or serious injury has been reported. On the seventh call, the person inside asks for help and states that they do not want police to enter. Analyze how dispatchers, officers, supervisors, crisis responders, and victim-service providers should approach the call. Explain why prior calls are relevant but cannot replace assessment of the present event.
3. An officer's report states that a suspect "appeared angry and resisted." Body-worn-camera video shows the suspect speaking loudly and pulling one arm away while officers attempt to handcuff them. The

CAD record lists the call as “suspicious person,” while the officer’s report describes a possible assault. A witness says the person was trying to explain that they had been injured. Analyze how a supervisor should review the response. Explain what information should be added or clarified, why body-worn-camera footage is useful but incomplete, and how the agency should use the review to improve future responses.

Chapter 6: The Courts

Learning Objectives

By the end of this chapter, you should be able to:

1. Explain how courts function as places of legal decision-making.
2. Describe the authority, responsibilities, and ethical duties of prosecutors.
3. Explain the role of defense attorneys in protecting clients' rights and presenting a defense.
4. Describe how judges maintain fairness, oversee proceedings, and exercise discretion.
5. Analyze plea bargaining and the role of juries in the court process.

Key Terminology

Case screening:
A prosecutor's early review of available evidence, applicable laws, and practical concerns to decide whether a criminal case should proceed.

Prosecutorial discretion:
The authority prosecutors use when choosing whether to file charges, which charges to file, what plea terms to offer, and what outcome to recommend.

Defense investigation:
The process through which a defense attorney gathers records, interviews witnesses, examines physical or digital evidence, and tests the prosecution's claims.

Case theory:

A clear explanation of what the defense believes happened and why the evidence and law support the client's position.

Indigent defense:

Legal representation provided at public expense to a person who faces criminal charges but cannot afford to hire an attorney.

Judicial discretion:

A judge's lawful ability to choose among permitted options after considering legal rules, case circumstances, and the interests of justice.

Plea agreement:

The negotiated terms under which a defendant agrees to plead guilty, often in exchange for changes to the charges or a sentencing recommendation.

Plea colloquy:

The judge's courtroom discussion with a defendant to determine whether a guilty plea is informed, voluntary, and supported by facts.

Voir dire:

The questioning of potential jurors to identify possible bias and determine whether they can evaluate a case fairly.

Challenge for cause:

A request to excuse a potential juror because a specific fact shows that the person may be unable to serve fairly or meet legal requirements.

Jury instructions:

The judge's explanation of the legal rules jurors must follow when evaluating evidence and making decisions.

Chapter Overview

When a criminal case reaches court, the outcome is not produced by one person or one event. It develops through a series of choices made by prosecutors, defense attorneys, judges, defendants, and jurors. Each participant has a different responsibility. Prosecutors decide whether charges should move forward and what outcome to seek. Defense attorneys investigate the case, advise the accused, and require the government to prove its allegations. Judges interpret the law, protect fair procedures, and oversee courtroom decisions. Jurors bring community judgment into cases that are presented to them.

Most criminal cases are resolved without a jury verdict. Plea bargaining allows the prosecution and defense to negotiate an agreement, but the defendant must decide whether to give up important rights. A judge must determine whether a guilty plea is informed, voluntary, and supported by an adequate factual basis. Because negotiated outcomes are so common, students must understand both their practical value and the concerns they raise about pressure, unequal resources, and transparency (Subramanian et al., 2020).

This chapter examines the people and decisions that shape criminal courts. It emphasizes professional duties, ethical limits, and the ways discretion can affect fairness. Washington procedures provide concrete examples, including rules for guilty pleas and jury selection, while the broader principles apply to courts across the United States. By studying how court professionals interact, students can better evaluate whether a process is lawful, fair, understandable, and worthy of public trust. The goal is not merely to learn courtroom vocabulary, but to recognize how power and responsibility operate in practice (American Bar Association, 2017a, 2017b; Washington State Courts, n.d.-d, n.d.-i).

6.1 Courts as Places of Decision

Criminal courts are places where legal rules are applied to real people and real events. A court does not simply continue the work of the police. Police investigate suspected crimes, but courts examine legal claims after a case has been brought before them. Within the courtroom, the government must support its accusations through lawful procedures. The accused person has the opportunity to challenge those accusations. Judges, attorneys, court employees, and sometimes jurors each take part in the process.

Courts must balance several goals at the same time. They must protect individual rights, examine evidence, follow the law, resolve cases, and respond to harm. They must also explain their decisions in ways that permit review. These goals can conflict. Moving cases quickly may reduce delays, but speed should not prevent careful preparation. Giving officials room to make decisions may allow them to respond to individual facts, but it may also create concerns about unequal treatment. Understanding courts therefore requires more than learning the order of courtroom events. It requires attention to the people who make decisions, the rules that limit them, and the values their decisions are expected to serve.

The Purpose of Criminal Courts

Criminal courts provide a formal setting for testing the government's claim that a person violated criminal law. Only the government can begin a criminal prosecution, and it must prove guilt beyond a reasonable doubt. The accused person does not have to prove innocence (U.S. Courts, n.d.-b). Courts oversee hearings, rule on evidence and attorney requests, protect required procedures, decide guilt at trial, and impose lawful sentences after conviction.

Courts are part of the judicial branch. Legislatures create criminal laws, executive agencies investigate and prosecute alleged violations, and courts interpret the law and review whether government actions are lawful. This division supports the constitutional system of checks and balances (U.S. Courts, n.d.-a).

The United States has separate federal and state court systems. Federal courts handle matters involving federal authority, while state courts receive most criminal cases (Bureau of Justice Statistics, 2021). In Washington, superior courts hear felony cases, while district and municipal courts generally hear misdemeanors. The Washington Court of Appeals and Washington Supreme Court review lower-court decisions for important legal errors rather than conducting entirely new trials (Washington State Administrative Office of the Courts, 2022). The charge, governing law, and location of the alleged conduct determine which court has authority over a case.

Courts and the Adversarial Process

American criminal courts use an adversarial process in which the prosecution and defense present competing arguments before a neutral judge or jury. The prosecutor represents the government and must pursue justice within the law, not simply seek convictions (American Bar Association, 2017b). The defense attorney protects the accused person's lawful interests while following ethical and professional rules (American Bar Association, 2017a). The judge manages the proceeding, applies the law, and remains separate from both sides. At trial, the judge or jury serving as fact-finder determines whether the admitted evidence proves the charge.

The defense tests the government's case because witnesses, records, and physical or digital evidence may be incomplete, mistaken, or open to different explanations. The judge decides legal questions and determines what evidence may be considered based on rules involving relevance, reliability, privilege, unfair harm, and lawful collection.

The adversarial process cannot perfectly recreate the original event. It reaches decisions from evidence that may lawfully be presented. A fair process therefore requires more than courtroom formality. Both sides must be able to understand the proceeding, review important information, receive needed legal assistance, present arguments, and challenge the opposing side's claims.

The Courtroom Workgroup

A courtroom workgroup is the working relationship among judges, prosecutors, defense attorneys, and court staff who regularly coordinate cases. Prosecutors represent the government, defense attorneys represent accused people, and judges remain neutral. Clerks manage filings and records, bailiffs support courtroom safety and operations, reporters or recording systems preserve proceedings, and interpreters help participants communicate (Burke et al., 2019; Washington State Administrative Office of the Courts, 2022).

Cooperation is necessary because hearings require files, attorneys, defendants, witnesses, interpreters, courtrooms, and recording systems to be ready at the same time. Good communication can prevent delays, correct missing paperwork, resolve scheduling problems, and narrow the issues that require a judge's decision. Cooperation organizes disagreement without removing the opposing roles of the prosecution and defense.

Regular relationships can also create informal habits that weaken careful review. Efficiency must not replace legal rules, individual attention, or independent judgment. Attorneys must protect their separate duties, judges cannot assist either side's strategy, and court staff generally cannot provide legal advice. Cooperation supports justice only when professional boundaries remain clear.

Pro Tip

When analyzing a court scenario, use the Actor–Authority–Record routine. First, identify the actor making each decision: prosecutor, defense attorney, judge, or jury. Next, identify the source of that person's authority. It may come from a law, court rule, professional duty, or the client's right to decide. Then ask what creates the record of the decision, such as a filed motion, written agreement, hearing transcript, or verdict form. This routine prevents courtroom cooperation from hiding separate responsibilities. It also helps you determine who can make a decision, who may challenge it, and how another court could review it.

Formal Rules and Human Judgment

Court decisions are guided by constitutions, statutes, higher-court precedent, statewide court rules, and local rules. These authorities govern evidence, hearings, filings, deadlines, pleas, trials, and other procedures. Local practices may address scheduling or document submission, but they cannot override controlling state or federal law (Washington State Courts, n.d.). Rules create consistency, give parties a basis for objections, and produce a record that appellate courts can review.

Rules do not provide an automatic answer for every situation. **Judicial discretion** allows a judge to choose among lawful options after considering the facts and purpose of a decision. It does not permit the judge to ignore statutes, binding precedent, or required procedures. For example, a judge deciding whether to delay a hearing must consider the reason, the effect on both sides, and possible alternatives.

Discretion can improve fairness by recognizing meaningful differences between cases, but it can also produce unequal outcomes (Bureau of Justice Statistics, 2021). Safeguards include attorney objections, written rules, stated reasons, ethical standards, public records, and appellate review. These protections make judicial decisions more visible and accountable.

Court success requires balancing fairness, accuracy, timeliness, accessibility, and public trust. Courts must apply rules consistently, make neutral decisions, remove barriers to participation, and allow enough time for careful preparation. Reliable evidence, sound reasoning, clear records, public accountability, and representative juries support accurate and trusted outcomes. A court's legitimacy depends not only on resolving cases, but also on using its authority clearly, consistently, and responsibly (Hannaford-Agor et al., 2024; Ostrom et al., 2020; Washington State Administrative Office of the Courts, 2022).

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6.2 Prosecutors

Prosecutors hold one of the most powerful positions in the criminal court system. They decide whether many reported cases enter court, which charges to file, and whether a case should continue. They also make recommendations about release, negotiated outcomes, and punishment. These decisions can affect a person's freedom, employment, family, housing, and reputation. A prosecutor does not act as a private lawyer for a crime victim or a police agency. The prosecutor represents the government and serves the public interest. This broader duty requires attention to public safety, individual rights, the needs of victims, the strength of the evidence, and the fair use of government power. Professional standards state that a prosecutor's duty is to seek justice within the law, rather than to pursue a conviction in every case (American Bar Association, 2017b).

The Prosecutor's Role

The prosecutor's role begins before a criminal charge is filed and may continue after a conviction. Prosecutors review reports from law enforcement, examine evidence, speak with investigators, and decide whether more investigation is needed. After charges are filed, they appear at hearings, respond to defense requests, present evidence, question witnesses, and make legal arguments. They may also communicate with victims, evaluate negotiated resolutions, make sentencing recommendations, and respond to appeals or later challenges to a conviction (American Bar Association, 2017b).

The prosecutor represents the government, but that does not mean the prosecutor must support every action taken by a government employee. Professional standards call for prosecutors to use independent judgment when working with law enforcement. A prosecutor may advise investigators about the law and request more evidence, but the prosecutor should also identify unlawful conduct, unreliable evidence, or improper bias. The prosecutor's client is generally the public, not an individual police officer, agency, witness, or victim (American Bar Association, 2017b).

In Washington, most criminal cases are prosecuted by city or county prosecutors. County prosecutors commonly handle felony cases in superior court and state-law misdemeanors in district court. City attorneys or city prosecutors generally handle violations of city laws in municipal court. The Washington Attorney General's Office has a more limited criminal role and usually becomes involved only after receiving authority through a proper request or referral. These divisions help determine which office is responsible for a case (Washington State Administrative Office of the Courts, 2022).

A prosecutor must also listen to people affected by crime. A victim may provide information about harm, safety needs, financial loss, or the effects of a possible outcome. The victim's views can be important, but the victim does not control the prosecution. The prosecutor must consider the evidence, the law, public safety, fairness, and the interests of the larger community. At times, these concerns may lead to a decision that differs from what a victim, police officer, or member of the public wants (American Bar Association, 2017b).

Watch Your Step

General Public: "The prosecutor is the victim's personal attorney and must pursue the outcome the victim wants."

Expert: A prosecutor represents the government and the broader public interest, not one victim, witness, or police agency. The prosecutor should listen carefully to a victim's concerns about harm, safety, and possible outcomes. However, the prosecutor must also consider the evidence, the law, the rights of the accused, public safety, and fairness. These duties may lead to a decision the victim does not support. Treating the prosecutor as a private attorney can hide the prosecutor's wider responsibility to seek justice rather than simply pursue the harshest available result (American Bar Association, 2017b).

Screening and Charging Criminal Cases

An arrest or police referral does not automatically become a criminal court case. **Case screening** is the prosecutor's early review of the evidence, applicable law, and surrounding circumstances. Prosecutors examine reports, witness accounts, recordings, forensic findings, and digital records to decide whether the evidence lawfully supports prosecution or whether more investigation is needed.

The evidence supporting an arrest may not be strong enough to prove guilt at trial. Professional standards advise prosecutors to file charges only when they reasonably believe probable cause exists, admissible evidence can prove guilt beyond a reasonable doubt, and prosecution serves the interests of justice (American Bar Association, 2017b). In 2020, state prosecutor offices filed nearly four out of five felony matters they reviewed, although practices differ among jurisdictions (Browne & Motivans, 2024).

If a case moves forward, the prosecutor selects the charge or charges supported by the facts. The goal is not to file the greatest number or most serious charges possible. The charges should match the evidence, the person's conduct, and the seriousness of the harm. Prosecutors may also consider public safety, victim needs, the person's role, and lawful alternatives such as treatment, restitution, diversion, civil action, or no formal charge. Charging decisions can affect court authority, release conditions, plea negotiations, and possible punishment. Prosecutors must therefore continue reviewing the case after filing and reduce or dismiss charges when later evidence no longer supports them (American Bar Association, 2017b).

Prosecutorial Discretion and Declining Prosecution

Prosecutorial discretion is the authority prosecutors use to decide whether to file charges, which charges to select, what resolution to offer, and what position to take later in a case. Discretion allows prosecutors to consider differences in evidence, harm, intent, responsibility, victim needs, and public safety when more than one lawful response is available.

Discretion can support fair, case-specific decisions, but it can also produce inconsistent outcomes. A study in which more than 500 prosecutors reviewed the same hypothetical case found wide differences in charging and proposed resolutions (Wright et al., 2022). Office standards can improve consistency, although many remain unwritten. In 2020, about 17 percent of state prosecutor offices reported written charging standards, 55 percent had unwritten standards, and 28 percent reported neither (Browne & Motivans, 2024). Prosecutorial decisions must be based on evidence, law, safety, fairness, and legitimate public goals rather than prejudice, politics, publicity, or personal dislike (American Bar Association, 2017b).

A declination occurs when a prosecutor decides not to file or continue a charge after reviewing the referred matter. Reasons may include weak or unlawfully obtained evidence, an unavailable witness, failure to meet the legal elements of an offense, or a conclusion that another response better serves justice. A declination does not prove that nothing happened, that a report was false, or that the investigated person was proven innocent. Declination generally occurs before charges are filed, while dismissal occurs after a case enters court. Policies that direct selected cases toward treatment, restorative programs, or other alternatives may reduce unnecessary court involvement, but they must still be reviewed for fairness, safety, and unequal community effects (Vera Institute of Justice, 2023).

Ethical Responsibilities

Prosecutors are advocates, but they also hold public authority. This creates ethical duties that are broader than winning a case. They must act honestly, respect legal rights, avoid improper bias, and correct important false statements. They should not present evidence they do not reasonably believe is true. They must also reconsider a case when new information creates serious doubt about guilt or the reliability of the evidence (American Bar Association, 2017b).

A prosecutor's duty continues after charges are filed. If the evidence no longer supports the case, the prosecutor should not maintain the charge merely to protect the office's reputation or avoid admitting a mistake. Professional standards advise prosecutors not to defend a conviction when they believe the person is innocent, was wrongfully convicted, or suffered a miscarriage of justice (American Bar Association, 2017b).

Workload can make these duties harder to meet. Large caseloads may reduce the time available to review evidence, speak with witnesses, prepare for hearings, and identify errors. The 2020 national survey found that 85 percent of state prosecutor offices reported no policy for attorney caseload size. A missing policy does not prove that an office's workloads are improper, but it raises questions about how offices measure whether attorneys have enough time to perform careful and ethical work (Browne & Motivans, 2024).

Exculpatory Information

Exculpatory information is evidence or other information that may support the accused person's innocence, weaken the prosecution's case, reduce responsibility, or lessen possible punishment. It may include a witness statement that conflicts with the accusation, a test result that does not connect the accused person to an object, evidence that another person may be responsible, or information that raises doubts about a government witness.

A prosecutor may not hide such information because it harms the government's position. Professional standards direct prosecutors to search for information that may weaken guilt, reduce the seriousness of the offense, challenge a government witness, or lower the likely punishment. The duty to identify and disclose this information continues as the case develops (American Bar Association, 2017b).

Disclosure supports accurate decisions. Defense attorneys cannot test evidence they do not know exists. Judges also depend on both sides to follow disclosure rules so that hearings and trials are based on a fair presentation of the case. A disclosure failure may cause delay, court sanctions, dismissal, reversal of a conviction, or harm that cannot be fully repaired. The proper response depends on the facts, the governing law, and the effect of the violation.

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6.3 Defense Attorneys

A defense attorney represents a person accused of a crime. This role is not limited to speaking during a trial. Defense work begins with learning about the client, reviewing the accusation, and protecting the client from avoidable harm. It can include seeking release from jail, examining evidence, interviewing witnesses, filing legal motions, discussing possible resolutions, preparing for trial, and addressing the effects of a conviction. Defense attorneys have a duty to serve their clients with loyalty, skill, and independent judgment. They must also follow the law and rules of professional conduct. Their role is sometimes misunderstood. Representing an accused person does not mean that the attorney approves of the alleged conduct or knows whether the person is guilty. It means that the attorney requires the government to follow the law and meet its burden. This work helps protect individual rights and improves the quality of court decisions (American Bar Association, 2017a).

The Defense Attorney's Role

A defense attorney protects the client's lawful interests by examining the government's evidence, identifying legal problems, explaining choices, and advocating in court. Representation should begin early because release conditions may be decided at the first appearance and evidence can disappear over time. The attorney may investigate facts, research the law, file motions, question witnesses, and challenge evidence. Effective advocacy does not require every possible objection or motion. The attorney selects actions that meaningfully protect the client. Loyalty belongs to the client, but the attorney must remain honest and cannot knowingly present false evidence or statements (American Bar Association, 2017a, 2023).

Public Defenders and Private Attorneys

A person may hire a private attorney or qualify for publicly funded representation. Public defense may be provided through a defender office, assigned private counsel, or a government contract. Washington communities use several of these systems (Washington State Bar Association, 2024). The source of payment does not change the attorney's duty of loyalty, confidentiality, and competent representation. It also does not determine quality. Effectiveness depends on preparation, communication, experience, workload, judgment, and available resources. When attorneys represent people whose defenses conflict, separate counsel may be required so that each client receives undivided loyalty (American Bar Association, 2017a).

Indigent Defense

Indigent defense is legal representation provided at public expense to a person who cannot reasonably afford an attorney. Courts use financial information and local rules to determine eligibility. Federal, state, and local systems may use defender offices, appointed attorneys, contracts, or combinations of these approaches (American Bar Association, 2023; U.S. Courts, n.d.-c). Effective indigent defense requires more than assigning an attorney's name to a case. Lawyers need time, confidential access to clients, manageable workloads, training, supervision, investigation, interpreters, experts, and adequate funding. They must also remain independent enough to challenge prosecutors, police conduct, or court rulings without fear of political or financial punishment (Washington State Bar Association, 2024).

Attorney-Client Relationships

Trust allows clients to share information needed for effective representation. Attorneys should explain their role in understandable language and arrange interpreters or communication support when necessary. They generally must protect information connected to the representation, although limited legal and ethical exceptions may apply. Detained clients also need timely and private access to their attorneys (American Bar Association, 2017a, 2023). Attorneys should communicate honestly about evidence, risks, possible outcomes, and the limits of what they can promise. They should also consider how a case may affect employment, housing, education, family responsibilities, professional licenses, immigration status, or access to services. These effects may influence which legal outcome best serves the client's interests (American Bar Association, 2017a).

Defense Investigation

Defense investigation is the defense attorney's independent process of gathering records, interviewing witnesses, examining evidence, and testing the prosecution's claims. It begins with reviewing discovery, which includes information exchanged under legal rules. In Washington superior court cases, Criminal Rule 4.7 establishes disclosure duties for both the prosecution and defense (Washington State Courts, n.d.-e).

Discovery is only a starting point. Additional work may include visiting locations, obtaining photographs or video, reviewing messages and time records, interviewing witnesses, and comparing accounts with physical or digital evidence. All investigative work must be lawful and ethical. An attorney should investigate even when the evidence appears strong, the client expects to plead guilty, or an admission has been reported. New information may affect the charge, possible defenses, negotiated outcome, or sentence. The investigation's scope depends on the case and the client's needs (American Bar Association, 2017a). Investigators, experts, interpreters, social workers, and mitigation specialists may be needed to understand technical evidence or the client's circumstances. Washington standards require public defense systems to provide access to the support necessary for effective representation (Washington State Bar Association, 2024).

Developing a Case Theory

Case theory is a clear explanation of what the defense believes happened and why the evidence and law support the client's position. It connects facts, legal rules, and the defense strategy. It is not a story invented to avoid responsibility. A proper case theory must have a good-faith basis in the evidence and law.

A case theory may argue that the accused person was not involved, that a witness identified the wrong person, or that the government cannot prove an important part of the charge. It may accept that some conduct occurred while disputing the government's description of the person's intent. In another case, the defense may focus on whether evidence can lawfully be considered. The best theory depends on the facts and legal issues.

An attorney should develop the theory with input from the client and revise it as new information appears. A useful theory helps guide decisions about investigation, motions, witnesses, and courtroom questions. It also helps the attorney identify facts that do not fit the defense position. Ignoring harmful evidence can weaken preparation. The attorney must plan how to address it honestly and effectively (American Bar Association, 2017a). The defense does not always have to present a competing version of events. The government carries the burden of proof. In some cases, the sound defense strategy is to show that the prosecution's evidence is not strong enough, without offering separate evidence or claiming to know exactly what occurred.

Pro Tip

Use the Claim–Support–Challenge–Update routine when developing a case theory. State the defense claim in one clear sentence. Identify the admitted or expected evidence that supports it. Next, list the strongest evidence that challenges it. Finally, update the theory when new information appears. Do not force every fact to fit the first explanation. A useful case theory must account for helpful and harmful evidence while remaining consistent with the client's lawful goals. Repeating this routine helps students separate a working explanation from a personal belief. It also models the continuing investigation and careful judgment expected of defense counsel (American Bar Association, 2017a).

Advising the Client

The attorney advises, but the client makes certain major decisions. After receiving legal advice, a competent client decides what plea to enter, whether to accept an offered resolution, whether to give up a jury trial, whether to testify, and whether to appeal. The attorney generally makes many technical and strategic choices, such as how to question a witness or organize a legal argument. Even then, the attorney should consult the client when practical and give serious attention to the client's goals (American Bar Association, 2017a).

Advice should be based on adequate preparation. The attorney must explain the charges, available evidence, possible defenses, likely risks, and direct and related consequences. Every offer from the prosecution should be communicated promptly. The lawyer may recommend a course of action, but should not hide an offer, force a choice, or rush the client without a valid reason (American Bar Association, 2017a). Good advice includes uncertainty. Witnesses may testify differently than expected, a judge may rule against a motion, or new evidence may appear. The attorney should distinguish between what is known, what is likely, and what is merely possible. Clear advice helps the client make an informed decision without treating a prediction as a promise.

Workloads and Resource Challenges

Defense attorneys need enough time and support to represent each client effectively. A simple case count does not show the full workload because cases differ in seriousness, evidence, legal issues, and possible consequences. Digital evidence, expert review, investigation, client meetings, and concerns involving employment or immigration can greatly increase the work required.

The National Public Defense Workload Study estimated that effective representation averages about 13.8 hours for a lower-level misdemeanor and 35 hours for a lower-level felony, with serious cases requiring much more time. These estimates show why one caseload limit cannot fit every case and why older limits may not reflect modern practice (Pace et al., 2023). Washington's 2024 standards use case credits so that demanding cases count more heavily. They also address attorney qualifications and access to investigators, experts, social workers, interpreters, supervisors, and administrative support (Washington State Bar Association, 2024).

Excessive workloads can prevent attorneys from meeting clients, reviewing evidence, or preparing properly. Defense lawyers should report workloads that interfere with competent representation, while courts and funding agencies must provide adequate resources (American Bar Association, 2017a; Furst, 2019). A strong defense system helps ensure that justice does not depend only on a person's ability to pay.

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6.4 Judges

Judges direct criminal court proceedings, decide legal questions, protect rights, and ensure that court rules are followed. They do not investigate crimes, file charges, or represent either side. Their duties may include reviewing warrant requests, setting release conditions, ruling on motions and evidence, accepting pleas, overseeing trials, and imposing sentences after conviction. Because most cases do not reach trial, much judicial work occurs during pretrial hearings (Maier et al., 2024). Trial judges work directly with attorneys, defendants, witnesses, evidence, and juries. In a trial without a jury, the judge also decides whether guilt was proven. Appellate judges generally review the lower court's record for legal errors rather than hearing new evidence (U.S. Courts, n.d.-a). Judges must preserve a clear record and explain procedures without giving legal advice to either side.

Neutrality and Impartiality

A judge must remain separate from the prosecution and defense and decide issues from the law and information properly presented in court. Decisions must not be influenced by favoritism, personal interests, or improper bias involving race, religion, disability, income, political views, or other personal traits (Washington State Administrative Office of the Courts, 2022). Neutrality does not prevent a judge from stopping improper conduct, clarifying testimony, or explaining procedures. These actions support fairness when the judge does not become an advocate. A judge may also need to leave a case when a relationship or personal interest creates reasonable concerns about impartiality. Respectful language, patience, and genuine listening strengthen confidence in the court even when people disagree with the decision.

Judicial Independence

Judicial independence allows judges to decide cases without improper pressure from politicians, news coverage, wealthy interests, social media, or public anger. Independence does not place judges above the law. They remain bound by constitutions, statutes, court rules, and higher-court decisions. Appeals and judicial discipline systems provide accountability. Federal Article III judges are nominated by the president and confirmed by the Senate. Washington state judges are generally elected, although the governor may fill some vacancies until the next required election. Each system has benefits and risks, but every judge must decide cases according to law rather than political demands or campaign promises (U.S. Courts, n.d.-a; Washington State Administrative Office of the Courts, 2022).

Courtroom Authority

Judges control schedules, hearings, objections, courtroom conduct, and compliance with lawful orders. This authority should protect fairness, safety, and orderly proceedings rather than embarrass people or display personal power. Judges must also balance timely case movement with the preparation needed for a fair hearing. Washington's time-for-trial rules establish deadlines while allowing certain continuances (Washington State Courts, n.d.-c). Judges work with clerks, bailiffs, reporters, interpreters, and other employees, but judicial decisions remain the judge's responsibility. Judges should not privately receive important information from one side without allowing the other side to respond. They may use contempt powers or other remedies when serious disruption threatens the proceeding, but those powers must protect the court's work rather than the judge's pride.

Judicial Discretion

Not every judicial decision has only one possible answer. **Judicial discretion** is a judge's lawful ability to choose among permitted options after considering legal rules, case circumstances, and the interests of justice. Discretion recognizes that cases differ and that written rules cannot predict every situation. A judge may use discretion when setting a schedule, deciding whether to continue a hearing, choosing release conditions, managing the questioning of witnesses, or responding to a violation of court procedure. Washington's criminal rules guide release decisions and require judges to consider lawful conditions rather than act on personal preference alone (Washington State Courts, n.d.-b).

Discretion is not unlimited freedom. The law defines the available choices and the factors a judge may consider. A judge cannot ignore a controlling statute, create a punishment that the law does not allow, or deny a constitutional right simply because doing so seems easier. A lawful exercise of discretion begins with the correct legal rule. Good discretion also requires attention to the facts of the individual case. A judge should consider reliable information, listen to both sides, and explain important decisions when appropriate. Stating reasons creates a record and helps show that the choice was thoughtful rather than random. It also helps attorneys understand what information mattered. Discretion can make the court more flexible, but it can also produce unequal results. Two judges may respond differently to similar facts while both remain within the law. Personal assumptions and hidden biases may also influence choices. Courts can reduce these risks through clear legal standards, education, appellate review, public records, and careful explanations of decisions.

A higher court may review some choices for an abuse of discretion. Under this type of review, the question is not simply whether the appellate judges would have made a different choice. The reviewing court considers whether the trial judge used the correct law, relied on a reasonable view of the record, and stayed within lawful limits. This approach gives trial judges room to manage individual cases while still allowing correction of decisions that lack a proper legal basis.

Slow Down and Think

Two judges may select different lawful options after reviewing similar cases. Does that difference prove that one judge acted unfairly? Before deciding, identify the legal rule, the options it permits, and the facts each judge considered. Ask whether both sides were heard, whether an improper factor entered the decision, and whether the judge explained the choice on the record. Then consider how an appellate court or conduct system could review the issue. Judicial discretion allows attention to individual circumstances, but it can also hide inconsistency or bias. Good analysis examines the decision-making process instead of judging fairness only from the final outcome.

Legal Rulings, Judicial Ethics, and Accountability

Judges decide questions of law involving statutes, court rules, constitutional rights, motions, and evidence. In a jury trial, the judge decides whether evidence is legally admissible and explains the law through jury instructions, while jurors decide disputed facts and whether guilt was proven. A judge cannot order a jury to convict (Maier et al., 2024; Washington State Courts, n.d.-f).

In a bench trial, the defendant gives up the right to a jury according to required procedures. The judge then decides both the law and the facts, including whether the government proved every element beyond a reasonable doubt. Judges also rule on motions, such as requests to admit or exclude evidence. Rulings may be spoken in court or issued in writing and become part of the record. Because judges can make mistakes, parties may preserve objections and seek appellate review. Judicial ethics require judges to act competently, independently, honestly, and without improper bias. Judges must disclose conflicts when required, avoid using their position for personal benefit, and limit public comments that could harm a pending case (Washington State Administrative Office of the Courts, 2022).

Accountability includes appeals, public proceedings, court records, judicial selection systems, and conduct review. Washington's Commission on Judicial Conduct investigates complaints involving possible misconduct or disability. Discipline may include admonishment, reprimand, censure, or a recommendation for stronger action. A conduct complaint addresses judicial behavior or fitness; it is not another appeal and generally does not change the result of the criminal case. Fair courts require both judicial independence and meaningful accountability.

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6.5 Plea Bargaining

Most criminal cases do not end with a jury verdict. Many are dismissed, diverted, or resolved through a guilty plea. In 2020, state prosecutor offices reported that 67% of the felony matters they concluded were resolved through plea bargains. Only about 3-5% reached a court or jury trial, which show how strongly negotiated decisions shape criminal courts (Browne & Motivans, 2024). During the **plea agreement** process, the prosecutor and defense attorney may discuss the charges, possible sentence recommendations, and other conditions. The defendant must decide whether to accept the proposed result. The judge does not negotiate for either side, but the judge must review any guilty plea before it becomes final. Plea bargaining can reduce delay and uncertainty. However, it also raises serious questions about pressure, fairness, unequal resources, and public accountability. Because a guilty plea creates a conviction without a trial, the process must protect the defendant's ability to make an informed and voluntary choice.

How Plea Bargaining Works

Plea discussions may begin soon after charges are filed or much later in the case. Before making or accepting an offer, attorneys usually review the available evidence. This material may include police reports, body-camera recordings, witness statements, laboratory results, photographs, and information about the defendant's criminal history. The prosecutor considers whether the available evidence can prove the charge. The prosecutor may also consider the seriousness of the offense, harm to the victim, public safety, witness availability, office policies, and likely results at trial. The defense attorney studies the same case from a different position. The defense may identify weak evidence, missing witnesses, possible constitutional violations, or facts that support a less serious charge.

Negotiations may occur through letters, emails, phone calls, meetings, or discussions at court. The attorneys do not always agree immediately. An offer may change as new evidence appears, a legal motion is decided, or a witness becomes unavailable. A case may also move toward trial if the parties cannot agree. The prosecutor has authority to make an offer, but the defense attorney cannot accept it without the defendant's approval. The final choice belongs to the defendant. The attorney's duty is to explain the offer, investigate the case, discuss possible outcomes, and provide professional advice (American Bar Association, 2017a, 2017b).

Forms of Plea Agreements

In charge bargaining, the defendant agrees to plead guilty to a less serious charge than the original charge. For example, the prosecution might agree to replace a felony charge with a misdemeanor when the facts and law support that result. A reduction may lower the possible punishment or reduce other consequences. In count bargaining, the defendant pleads guilty to one or more charges, and the prosecution dismisses other counts. This form is common when one event leads to several charges. The remaining conviction must still be supported by facts.

An agreement may also focus on sentencing. The prosecutor might promise to recommend a particular sentence, request a sentence within a certain range, or agree not to seek a more severe option. In some cases, both sides make the same recommendation. In others, each side remains free to request a different sentence. A sentencing recommendation is not always binding on the judge. The judge may have legal authority to impose another sentence. For this reason, the defendant must understand whether the agreement controls the outcome or merely limits what the prosecutor will request. The written agreement and the courtroom discussion should make this difference clear.

Watch Your Step

General Public: "Once the prosecutor offers a plea agreement, the recommended sentence is guaranteed."

Expert: A plea agreement records promises made by the prosecution and defendant, but every sentencing recommendation does not automatically control the judge. The prosecutor may promise to request a certain outcome while the judge remains legally free to impose another permitted sentence. The defendant must understand whether a term is binding or only a recommendation before pleading guilty. The plea also creates a conviction and gives up important trial rights. The written agreement, defense attorney's advice, and judge's plea colloquy should all clarify what is promised, what remains uncertain, and what consequences may follow (Washington State Courts, n.d.-e).

Negotiating a Plea Agreement

Plea negotiations are shaped by both law and judgment. The strength of the evidence is often important. A prosecutor may offer a larger reduction when evidence is uncertain. The offer may be less favorable when the prosecution has strong physical evidence, reliable recordings, or several available witnesses. Possible legal rulings can also affect negotiations. The defense may ask the court to exclude a statement, identification, or physical evidence. If that request could greatly weaken the case, both sides may consider the risk when discussing an agreement. The attorneys may negotiate before the judge rules or wait until the issue is decided.

Prosecutors must seek a lawful and just outcome rather than use every possible charge only to gain bargaining power. They should consider the strength of the evidence, fair treatment of similar cases, and the interests of the public. Defense attorneys must protect their clients' interests, investigate reasonable defenses, and communicate offers without allowing workload or personal convenience to control their advice (American Bar Association, 2017a, 2017b). A victim may provide information about harm, safety, and the effects of the offense. The prosecutor may consider that information when deciding what result to seek. However, the victim does not personally control the criminal charge or the plea offer. The government, rather than the individual victim, brings the criminal case.

Negotiations should not depend on hidden promises. Important terms must be stated clearly so the defendant, attorneys, and judge understand the agreement. A written record also reduces later disputes about what each person promised.

The Defendant's Decision

The defendant must decide whether to accept or reject an offer. The defense attorney may recommend a choice, but the attorney cannot enter a guilty plea against the defendant's wishes. The defendant may accept the offer, reject it, ask the attorney to continue negotiating, or prepare for trial.

This decision requires more than comparing two possible jail terms. The defendant should understand the charge, the evidence, possible defenses, and the likely outcomes. The attorney should also explain the rights that will be given up and the known consequences of a conviction. By pleading guilty, a defendant gives up the right to require the government to prove the charge at trial. The defendant also gives up the right to remain silent at trial, question prosecution witnesses, call defense witnesses, and ask a jury to decide guilt. The ability to appeal the finding of guilt becomes much more limited after a guilty plea (Washington State Courts, n.d.-d).

A conviction may affect more than the sentence announced in court. Depending on the offense and the person's circumstances, it may affect immigration status, firearm rights, employment, housing, education, professional licenses, or registration duties. Some consequences are controlled by other laws and may not be part of the negotiated sentence. The defense attorney must identify and explain the consequences that apply to the client's situation.

The amount of time available for this decision matters. A defendant who receives a complicated offer shortly before a hearing may not have enough time to understand it. Language access, reading ability, mental health, disability, and age may also affect understanding. An interpreter or other assistance may be needed. A valid decision must be the defendant's own informed choice.

The Plea Colloquy

A **plea colloquy** is the judge's courtroom discussion with a defendant to determine whether a guilty plea is informed, voluntary, and supported by facts. This discussion normally occurs in open court and becomes part of the official record.

During the colloquy, the judge speaks directly to the defendant. The judge may ask whether the defendant understands the charge, possible punishment, and rights being given up. The judge may also ask whether anyone made promises outside the written agreement or used threats to obtain the plea. The judge must do more than ask whether the defendant signed a form. A signature is important, but it does not prove by itself that the defendant understood everything. The defendant's answers, behavior, access to counsel, and understanding of the proceedings help the judge decide whether the plea is valid.

The judge must also find an adequate factual basis. This means that the record must contain facts that support the required parts of the offense. The factual basis may come from the defendant's statement, police reports, a probable-cause statement, or other information the court may properly review. The plea process does not require a full trial, but it cannot rest only on a charge with no supporting facts (Washington State Courts, n.d.-d).

Judicial Review of a Plea

The judge is not automatically required to approve every agreement presented by the attorneys. The judge must independently decide whether the plea meets legal standards. This review protects the defendant's rights and the integrity of the court. The judge considers whether the defendant is competent to enter the plea and understands the nature of the charge. The judge also examines whether the decision is voluntary. Ordinary pressure created by facing a criminal charge does not automatically make a plea invalid. However, threats, secret promises, serious misunderstanding, or a lack of meaningful choice may create a problem.

The judge must understand the agreement's terms. If the parties disagree about what was promised, the issue should be resolved before the plea is accepted. The court should also make clear whether it is bound by a joint recommendation. A defendant should not enter a plea believing a proposed sentence is guaranteed when the judge still has authority to reject that recommendation. Judicial review is an important safeguard, but it has limits. The judge was not present for most private discussions between the defendant and attorney. A defendant may also hesitate to tell the judge about pressure or confusion. Effective defense representation and clear written records therefore remain essential.

Benefits of Plea Bargaining

Plea bargaining provides several practical benefits. It can resolve a case sooner and reduce uncertainty for the prosecution, defendant, victim, and witnesses. A defendant may receive a less serious conviction or a more predictable sentencing recommendation. The prosecution avoids the risk that witnesses will become unavailable or that a jury will reject the case. Negotiated resolutions also allow courts to handle large numbers of cases. A full criminal trial requires attorneys, judges, court staff, witnesses, jurors, security, and courtroom space. If every filed case required a trial, many courts would face much longer delays. The high percentage of negotiated felony outcomes shows how much modern courts depend on guilty pleas (Browne & Motivans, 2024). Victims and witnesses may also avoid the stress of testifying. A plea can provide a known conviction without requiring them to describe painful events in open court. However, avoiding trial should not become a reason to ignore the defendant's rights or the need for reliable evidence.

Risks and Criticisms

The wide use of plea bargaining creates risks as well as benefits. Much of the negotiation occurs outside public view. Offers may not be explained in detail on the record, and offices may differ in how they value similar cases. This lack of transparency makes it harder to study consistency and hold decision-makers accountable (Subramanian et al., 2020). The two sides may also have unequal bargaining power. Prosecutors decide which supported charges to file and what offers to make. A defendant may be in jail, have little money, or depend on an attorney carrying a heavy caseload. Public-defense workload research shows that attorneys need enough time to investigate, communicate with clients, and prepare each case. When that time is missing, a defendant may have to decide without receiving the full benefit of legal counsel (Adams et al., 2024; Pace et al., 2023).

Pretrial detention can create added pressure. A detained defendant may lose work, housing, treatment, or contact with family. A plea offer that leads to quick release may become difficult to reject, even when the defendant has a possible defense. Research has found a connection between pretrial detention and a greater likelihood of conviction, often through guilty pleas. This relationship does not prove that every detained person was forced to plead, but it shows why detention can affect bargaining choices (St. Louis, 2023; Subramanian et al., 2020). There is also a risk that an innocent person may plead guilty. A person might fear a much harsher outcome at trial, lack resources to remain in custody, or believe the evidence will be misunderstood. Accurate investigations, effective attorneys, reasonable offers, and careful judicial review help reduce this risk but cannot remove it entirely.

Differences in charging practices and plea offers may also produce unequal outcomes among racial, economic, or geographic groups. Fairness requires offices to examine their data, use clear policies, explain major decisions, and compare similar cases. Consistency does not mean every case must end the same way, but meaningful differences should rest on relevant facts rather than bias.

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6.6 Juries

Juries bring members of the community into the criminal court process. Jurors listen to evidence, judge the facts, and decide whether the prosecution has proved the charge. The judge explains the law, but jurors apply that law to the evidence presented during trial. A criminal jury is not an investigation team. Jurors cannot collect evidence, interview witnesses, visit locations on their own, or search for information online. Their decision must come only from evidence admitted in court and the legal instructions given by the judge.

Jury service also places a check on government power. Before the government may convict a person at a jury trial, community members must agree that the evidence meets the required legal standard. At the same time, jurors must put aside personal interests, stereotypes, and outside information. They must decide the case fairly, even when the charge is upsetting or the result may be unpopular. Few criminal cases reach juries because most are resolved through dismissals, diversion, or guilty pleas. Even so, the right to a jury trial affects the entire court process. Prosecutors and defense attorneys evaluate their cases with the possibility of a jury trial in mind. The continued health of the jury system therefore matters even when trials are rare.

The Civic Role of Juries

Jury service is a form of public participation in government. Jurors do not need legal training or professional experience. They bring their judgment, attention, and life experience to the courtroom. Their task is to listen carefully, evaluate evidence, and make decisions without sympathy, prejudice, or outside pressure (Washington State Courts, n.d.-a). The judge and jury have different duties. The judge decides legal questions, including whether evidence is admissible and which legal rules apply. Jurors decide factual questions. They may need to determine what happened, whether a witness is believable, or whether an exhibit supports an attorney's claim. Jurors must then decide whether the proven facts meet the elements described in the judge's instructions. Jurors do not decide whether they approve of a law. They promise to follow the law given by the judge. They also do not usually decide the sentence. Their main task in a criminal case is to return a verdict of guilty or not guilty for each charge submitted to them. A not-guilty verdict does not necessarily mean the jury believes the defendant proved innocence. The defense has no duty to prove innocence. A not-guilty verdict means the prosecution did not persuade the jury beyond a reasonable doubt. This rule keeps the burden on the government throughout the trial (Maier et al., 2024).

Jury Eligibility and Summons

Courts begin by creating a large list of possible jurors. In Washington, names are selected from voter-registration records and driver's license and identification-card records. Random selection helps prevent court officials from choosing only people they believe will favor one side. Washington jurors must meet legal qualifications. A person generally must be at least 18 years old, be a United States citizen, live in the county where the person is called to serve, and be able to communicate in English. The court uses a questionnaire to identify eligibility concerns and gather information needed for jury service (Washington State Courts, n.d.-a). A summons is an official order to report for jury duty or follow the court's response instructions. Ignoring it can interfere with the court's ability to hold trials. A person who receives a summons should answer honestly and contact the court if there is a serious problem.

Eligible people may sometimes request a delay or excusal because of illness, disability, caregiving duties, financial hardship, or another serious concern. A request does not guarantee that the person will be excused. Court staff or a judge determines whether the reason meets the legal standard. This process tries to balance the needs of the person with the need for a broad and dependable jury pool. Not everyone who reports will serve on a trial. A case may end before jury selection, more people may report than are needed, or a potential juror may be excused. Even people who are not selected support the process by making a fair selection possible.

Building a Representative Jury Pool

A jury pool should be drawn from a broad cross-section of the community. This principle helps courts avoid excluding groups from public participation. It also supports confidence that jury decisions are not controlled by a narrow part of the population. A representative pool does not mean that every final jury must exactly match the community's racial, economic, age, or gender makeup. Random selection cannot guarantee a particular mix in every case. It does mean that the system used to create the pool should not unfairly block qualified groups from being considered.

Representation can be affected before anyone enters the courtroom. Government lists may contain old addresses or missing information. Some people do not receive their summons, and others do not respond. Transportation, lost wages, childcare needs, disability access, and fear of the court system can also affect who is able to report. These problems may reduce participation among people with lower incomes or less flexible employment. Courts can respond by improving address records, using clear summons forms, offering reasonable scheduling options, providing accommodations, and reducing unnecessary waiting. Research on the future of juries identifies low response rates, financial burdens, and unequal access as threats to representative jury pools and public trust (Hannaford-Agor et al., 2024).

A representative pool and an impartial jury are related but different goals. Representation concerns how the larger group is formed. Impartiality concerns whether each selected juror can decide the particular case fairly. Jury selection addresses both concerns.

Voir Dire

Voir dire is the questioning of potential jurors to identify possible bias and determine whether they can evaluate a case fairly. The judge usually begins by identifying the parties, attorneys, and general type of case. The judge and attorneys may then ask questions related to the jurors' qualifications, experiences, beliefs, and ability to follow the law (Washington State Courts, n.d.-g).

Questions may explore whether a juror knows someone involved in the case, has heard information about it, or has an interest in the outcome. Attorneys may also ask about experiences related to the alleged offense. For example, a person who was recently harmed by a similar crime may need to explain whether that experience would affect the person's ability to remain fair. A past experience does not automatically disqualify a juror. The important question is whether that experience would prevent fair service. One person may be able to separate a past event from the current case, while another may find that impossible.

Some questions can feel personal. A potential juror may be asked about family experiences, crime victimization, interactions with police, employment, health, or strong beliefs. Jurors must answer honestly because hidden information can damage the trial. A person who is uncomfortable answering publicly may ask to speak with the judge and attorneys in a more private setting. The judge supervises the questioning. Attorneys need enough information to identify bias, but questioning should not be used to embarrass people, argue the case, or persuade jurors before evidence is presented. The judge may limit questions that are repeated, unrelated, or improper.

Challenges for Cause

A **challenge for cause** is a request to excuse a potential juror because a specific fact shows that the person may be unable to serve fairly or meet legal requirements. Either side may make the request, and the judge decides whether the reason is sufficient.

A challenge may be appropriate when a juror has a close relationship with a defendant, victim, witness, attorney, or investigator. It may also be appropriate when the juror has a financial interest in the outcome or has already formed a fixed opinion. A juror who refuses to follow the presumption of innocence or the required burden of proof may also be unable to serve. The judge may excuse a juror for cause without waiting for an attorney's request. Before deciding, the judge may ask follow-up questions. The goal is to learn whether the concern truly prevents impartial service rather than remove a person merely because of one uncomfortable answer.

There is no fixed number of successful challenges for cause. If a clear legal reason exists, the judge may excuse the juror. If the judge finds that the person can set aside the concern and follow the law, the challenge may be denied (Washington State Courts, n.d.-g).

Slow Down and Think

Imagine that the final jury does not match the racial, economic, or age makeup of the local community. Does that fact alone prove that jury selection was unfair? Separate two questions. First, was the larger jury pool created through a lawful process that gave qualified community members a fair opportunity to be considered? Second, were individual jurors removed for valid reasons rather than discrimination? A representative pool does not guarantee that every final jury will mirror the community. However, unequal source lists, low response rates, financial barriers, or discriminatory challenges may still require close review. Fairness depends on the process, not appearance alone (Hannaford-Agor et al., 2024; Washington State Courts, n.d.-i).

Jury Instructions

Jury instructions are the judge's explanation of the legal rules jurors must follow when evaluating evidence and making decisions. Instructions connect the facts presented at trial to the law that controls the case. Some instructions are given before or during the trial. The judge may explain that jurors must avoid discussing the case, conducting research, or reading news reports. Other instructions are given after the attorneys finish presenting evidence. These final instructions explain the elements of each charge, the burden of proof, and the verdicts the jury may return. The attorneys may suggest instructions and object to proposed language, but the judge decides which instructions will be used. Washington maintains pattern instructions to promote accuracy and consistency. However, the judge must still select and adjust the instructions needed for the specific case.

Jurors must consider all the instructions together. They should not choose one sentence and ignore the rest. If jurors have a legal question during deliberations, they may send it to the judge through the proper court process. They should not search online or use personal legal research to answer it. Clear instructions are important because legal language can be difficult. Confusing wording may cause jurors to misunderstand an element or use the wrong standard. Judges and attorneys must therefore pay close attention to whether instructions are legally correct and understandable.

Deliberation and Group Decision-Making

After closing arguments and final instructions, jurors move to a private room to deliberate. They usually select a presiding juror to help organize the discussion and complete the verdict forms. The presiding juror does not have more voting power than anyone else. Jurors review the evidence and discuss how the instructions apply. They may disagree about witness credibility, the meaning of an exhibit, or whether an element was proved. Honest disagreement is part of group decision-making. Jurors should listen, ask questions, and reconsider their views when another juror points out something important.

Jurors should not bully one another or surrender an honest judgment merely to end the discussion. A juror may change an opinion after thoughtful review, but no one should change a vote only because of pressure. The verdict must come from reasoned discussion rather than a coin toss, guess, bargain, or chance method (Washington State Courts, n.d.-a). A guilty verdict in a Washington criminal case requires agreement by all jurors. A not-guilty verdict also reflects full agreement. If the jury cannot reach a unanimous decision after reasonable deliberation, the judge may declare a mistrial. The prosecution may then decide whether to try the unresolved charge again.

Deliberations are private so jurors can speak openly. After the court discharges them, jurors may generally discuss their experience, but they are not required to do so. Privacy during deliberations helps protect independent discussion and reduces outside pressure.

Juror Access and Participation

Jury service must be practically available to a broad range of people. A courthouse may need to provide disability access, assistive listening equipment, an interpreter for a qualified juror when allowed, or another reasonable accommodation. A person who needs help should contact the jury administrator rather than assume service is impossible. Courts must also consider the effect of jury service on work and family responsibilities. Washington employers must allow employees to take sufficient leave for jury service and may not threaten or punish them for responding to a summons. However, the law does not always require an employer to continue regular pay. Lost income can therefore create serious hardship for some jurors (Washington State Courts, n.d.-a).

Long waits, unclear schedules, transportation costs, and caregiving duties can discourage participation. These burdens do not fall equally across the community. When only people with flexible jobs and enough money can serve comfortably, the jury pool may become less representative. Courts can improve participation by communicating clearly, using jurors' time carefully, providing accurate scheduling information, and responding fairly to accommodation requests. Better juror treatment is not merely a matter of convenience. It supports the quality and legitimacy of jury decisions (Hannaford-Agor et al., 2024).

Jury service asks ordinary people to make serious decisions about another person's future. Jurors must bring patience, honesty, and an open mind to that responsibility. Courts, in return, must use fair selection methods, prevent discrimination, explain the law clearly, and make participation possible. When these parts work together, juries provide both community judgment and an important safeguard against unsupported criminal convictions.

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Chapter Summary

Chapter 6 examined how criminal courts turn accusations into legal decisions. Courts provide a structured setting where evidence is tested, rights are protected, and legal rules are applied. Although court professionals work together, each has a separate role that helps limit government power.

Prosecutors represent the government and the public interest. They review evidence, select supported charges, disclose required information, and decide whether a case should continue. Defense attorneys represent accused people. They investigate facts, protect confidentiality, challenge the government's evidence, explain legal choices, and advise clients. Public defenders perform the same basic duties as privately hired attorneys, but heavy workloads and limited resources can make effective representation more difficult. Judges serve as neutral decision-makers. They manage proceedings, decide legal questions, protect fair procedures, and exercise discretion within legal limits. Judicial independence protects judges from improper pressure, while appeals, ethical rules, elections, and discipline systems provide accountability.

Most criminal cases are resolved without a trial. Plea bargaining allows prosecutors and defense attorneys to negotiate charges, recommendations, and other terms. The defendant must decide whether to accept an offer. Before accepting a guilty plea, the judge must determine that it is informed, voluntary, and supported by facts. Plea agreements can reduce delay and uncertainty, but unequal resources, pretrial detention, and large differences between plea and trial outcomes can create pressure.

Juries bring community participation into criminal trials. Jurors are selected from a larger community pool and questioned for possible bias. Challenges must not be used in a discriminatory way. Selected jurors follow the judge's instructions, evaluate only admitted evidence, deliberate fairly, and decide whether the prosecution proved every required part of the charge beyond a reasonable doubt.

End of Chapter Activities

Case Study Analysis: State v. Riley

Riley is charged in Washington Superior Court with felony assault after an argument outside a concert venue. Riley is unable to afford an attorney and is represented by a public defender. The prosecutor's initial discovery includes police reports, photographs, and a witness statement. Two weeks before trial, the defense learns that a nearby business may have video showing part of the encounter. The prosecutor offers to recommend a reduced charge if Riley pleads guilty before the video is obtained. Riley is worried about remaining in jail until trial and asks the defense attorney, “What should I do?” At a later hearing, the judge asks whether Riley understands the charge, the possible consequences, and the rights given up by pleading guilty.

Answer each question in approximately one, single-spaced handwritten page (approximately 500-1000 words). Support your reasoning with specific concepts and section references from this chapter.

1. Identify the roles of the prosecutor, defense attorney, judge, clerk, interpreter if needed, and jury if the case goes to trial. Explain how each role contributes to fairness without taking over another participant’s job.
2. Explain what the prosecutor and defense attorney should do after learning that a nearby business may possess relevant video. Discuss why discovery is more than simply receiving a packet of police reports and why the court may need to become involved.
3. Analyze the prosecutor’s plea offer. Explain what Riley’s defense attorney should discuss before Riley makes a decision and what the judge must determine before accepting a guilty plea. Explain why fear of remaining in jail may affect, but does not automatically invalidate, a plea decision.

Choose Your Own (Criminal Justice) Adventure

Skills Lab 1: Court System and Case Pathway Map

Work alone or in a group of up to four students. Morgan is charged with a Washington felony after an alleged assault. Morgan is arraigned in superior court, receives appointed counsel, considers a plea offer, files a motion challenging evidence, goes through jury selection, and, if convicted, receives a sentence. Create a case-pathway map that identifies the key court events, the decision-maker at each stage, the purpose of each event, and one fairness concern that could arise.

Deliverable: Submit a one-page map with at least seven stages and a short explanation of why appellate courts generally review the record instead of conducting a new trial.

Skills Lab 2: Discovery Review and Investigation Plan

Work alone or in a group of up to three students. A defense attorney receives police reports, two witness statements, a photo lineup, body-worn-camera footage, a lab report, and a note that a nearby store may have exterior video. Build a discovery-review plan that identifies what must be organized, what facts could support or weaken the prosecution’s case, which materials require further investigation, and what must be protected from improper disclosure.

Deliverable: Submit a discovery checklist with at least eight items and a short memorandum identifying three investigation priorities.

Skills Lab 3: Plea-Decision Preparation Conference

Work alone or in a group of up to three students. Casey is charged with a felony and receives a plea offer that reduces the charge in exchange for a guilty plea. The offer expires in three days. Casey has a job, caregiving responsibilities, and difficulty understanding legal vocabulary. Discovery includes police reports and video, but a witness interview has not yet been completed. Create a preparation conference plan that explains what defense counsel should cover before Casey decides whether to accept, reject, or seek more time regarding the offer.

Deliverable: Submit a one-page client-conference outline with at least eight discussion topics and a short explanation of what makes a plea knowing, intelligent, and voluntary.

Skills Lab 4: Jury Selection Fairness Audit

Work alone or in a group of up to four students. During jury selection in a Washington felony case, a prosecutor uses a peremptory challenge to remove a prospective juror who says that a family member was stopped by police several years ago and that the experience made the juror "more careful about believing officers automatically." The prosecutor says the juror may be biased against police testimony. The prospective juror also states that they can follow the judge's instructions and assess every witness fairly. Create a jury-selection fairness audit that identifies questions the judge should ask, the concerns raised by the strike, and the principles that should guide the decision.

Deliverable: Submit a short memorandum (500-1000 words) identifying the relevant fairness concerns, three follow-up questions, and a reasoned recommendation for further court review.

Skills Lab 5: Sentencing and Judgment Explanation

Work alone or in a group of up to three students. After a felony conviction, Jordan asks why the judge (not the jury) will impose the sentence, whether the prosecutor's sentencing recommendation controls, and whether a prior criminal history can affect the sentencing range. Jordan also asks what happens if the court record contains an error about a prior conviction. Create a plain-language explanation of sentencing that identifies the roles of the judge, prosecutor, defense attorney, and correctional system.

Deliverable: Submit a one-page explanation that distinguishes a sentencing recommendation from a judicial decision, identifies three facts that may affect sentencing, and explains one possible response to an inaccurate record.

Critical Thinking Questions

Answer each question in approximately one, single-spaced handwritten page (approximately 500-1000 words). Support your reasoning with specific concepts and section references from this chapter.

1. A county court closes cases quickly, and local officials praise its efficiency. Defense attorneys report that hearings are routinely set with little preparation time, interpreters are often unavailable, and new attorneys feel pressure to accept standard plea offers. Prosecutors state that the court's fast schedule reduces costs and helps witnesses avoid delays. Analyze the competing concerns. Explain how a court can pursue timeliness without sacrificing meaningful participation, access to counsel, accurate decision-making, or public trust.
2. A defendant charged with a nonviolent felony is held in jail because they cannot afford release conditions. The prosecutor offers a plea that would allow immediate release with a conviction and probation. The defendant insists they are innocent but is worried about losing housing and custody of a child. Discovery is incomplete, and the defense attorney has not yet met with a key witness. Analyze the ethical and legal concerns raised by the plea offer. What should the defense attorney, prosecutor, and judge do before a plea may be accepted?
3. A county's jury pool rarely reflects the racial and economic diversity of the community. Many prospective jurors cannot afford unpaid time off work, have limited transportation, or do not receive understandable summons information. During voir dire, attorneys repeatedly remove jurors who express mistrust of police or concern about unequal treatment in the justice system. Analyze how these conditions can affect jury fairness and public confidence. Recommend reforms that preserve impartiality while making jury service more accessible and representative.

Chapter 7: Punishment, Corrections, and Reentry

Learning Objectives

By the end of this chapter, you should be able to:

1. Explain the principal purposes of punishment and identify tensions among accountability, deterrence, incapacitation, rehabilitation, and restoration.
2. Distinguish jails, prisons, and community corrections according to their authority, populations, functions, and operating conditions.
3. Compare probation, parole, community custody, work release, and other forms of community supervision.
4. Evaluate rehabilitation and correctional programming using risk, need, responsivity, program quality, and evidence of effectiveness.
5. Interpret recidivism measures and explain how coordinated reentry practices influence public safety and long-term community stability.

Key Terminology

Deterrence.

The expectation that awareness or experience of a legal consequence will discourage future offending by the sanctioned person or by others who know about the consequence.

Jail.

A locally administered custody facility that manages a rapidly changing population, including people awaiting court action, serving shorter sentences, or being held for supervision violations or another authority.

Parole.

A conditional form of release that permits an eligible person to serve part of a sentence in the community under supervision and the continuing authority of a parole or release agency.

Prison.

A state or federal correctional institution primarily responsible for securely housing people serving longer sentences while providing classification, health care, programming, and preparation for eventual release.

Prison-industrial complex.

A term describing the interconnected public agencies, private businesses, political interests, labor systems, and economic incentives that can influence the size, operation, and continued use of incarceration beyond decisions about individual cases.

Reentry.

The continuing transition from incarceration to community participation, beginning with preparation before release and extending through supervision, service connection, stabilization, and longer-term reintegration.

Rehabilitation.

A structured effort to reduce future offending by strengthening abilities and addressing changeable conditions connected to behavior, such as thinking patterns, substance use, education, employment skills, health, or social relationships.

Chapter Overview

7.1 The Correctional Continuum

Corrections includes more than prisons. It is a connected system of confinement, supervision, services, and legal control. A person may move through several parts of this system during one criminal case. The person might first be held in a jail, later enter a prison, and eventually return to the community under supervision.

Another person might receive probation without entering prison. These different settings form a correctional continuum. The level of control can change, but correctional authority may continue for months or years. Understanding this continuum helps explain how corrections affects people, families, agencies, and communities. It also shows why counting the correctional population is not as simple as counting prison beds. Millions of people are supervised outside correctional institutions, and many people move between institutions and communities each year.

Institutional Corrections

Institutional corrections refers to confinement in a secure facility. The two main types of correctional institutions are jails and prisons. Although the terms are sometimes used as if they mean the same thing, they serve different roles.

A **jail** is a locally administered custody facility that manages a rapidly changing population, including people awaiting court action, serving shorter sentences, or being held for supervision violations or another authority. Cities and counties usually operate jails. Some regional jails serve several local governments. The population changes often because people enter and leave at many points in the court process. A person may be released after posting bail, completing a sentence, receiving a court order, or being transferred to another agency. Many people in jail have not been convicted of the charge that led to their detention. Others are serving sentences, waiting for transfer, or being held because of an alleged violation of community supervision. This mix of legal situations makes jail administration complex. Staff must process frequent admissions and releases while also providing security, food, health care, transportation, and access to legal proceedings.

A **prison** is a state or federal correctional institution primarily responsible for securely housing people serving longer sentences while providing classification, health care, programming, and preparation for eventual release. Most people in prison have been convicted and sentenced, although the exact population depends on the laws and practices of the jurisdiction. State prison systems hold most prisoners in the United States. The Federal Bureau of Prisons holds people convicted of federal offenses. Prisons usually have more stable populations than jails because prison sentences tend to be longer. Even so, prison populations are not fixed. People enter after sentencing, transfer between facilities, move to specialized units, and leave through release programs or sentence completion. Prison systems also classify people by factors such as security needs, health conditions, behavior, age, and program needs. These decisions affect housing, movement, supervision, and access to services (Burke et al., 2019; Maier et al., 2024).

Institutional placement does not remove the government's duty to provide basic care. Correctional agencies remain responsible for safety, health services, living conditions, and lawful treatment. People in custody also retain constitutional protections, although lawful incarceration limits some choices and freedoms.

Community-Based Corrections

Confinement is only one part of corrections. **Community corrections** is the collection of sanctions, supervision practices, monitoring systems, and support services used to exercise correctional authority while a person lives or works outside a jail or prison. Community corrections may include office visits, treatment, drug testing, electronic monitoring, employment requirements, curfews, or limits on travel and contact with other people. Community corrections can serve different groups. Some people are supervised instead of being incarcerated. Others enter community supervision after leaving prison. A person may also move between institutional and community settings when a court or correctional agency changes the conditions of supervision.

Probation is a court-imposed period of community supervision that allows a person to remain in the community under enforceable requirements, either instead of incarceration or in combination with a period of confinement. A court sets the legal conditions of probation. A probation officer or another designated agency monitors compliance. Conditions may require reporting, treatment participation, payment of financial obligations, school attendance, employment efforts, or avoidance of certain places and people. Probation permits people to maintain some community ties, but it is still a form of correctional control. A violation can bring added conditions, a court hearing, a short period in jail, or revocation of probation. Revocation means that the court ends the community placement and may impose confinement or another sanction. The result depends on the law, the seriousness of the violation, and the person's case.

Parole is a conditional form of release that permits an eligible person to serve part of a sentence in the community under supervision and the continuing authority of a parole or release agency. Parole differs from probation because parole follows imprisonment and remains connected to the original prison sentence. However, states use different release systems and different names for post-prison supervision. Some states use parole boards, while others rely more heavily on release dates created by sentencing laws.

Community supervision combines monitoring with access to services. Officers may enforce conditions, respond to violations, connect people with treatment, and help solve problems related to housing, identification, employment, transportation, or health care. These responsibilities can conflict. Strict enforcement may identify risky behavior, but too many rules can make successful completion harder, especially when a person lacks money, transportation, stable housing, or treatment access. Effective supervision therefore requires clear rules, fair responses, and services matched to actual needs (Council of State Governments Justice Center [CSG Justice Center], 2020).

Changes in Custody and Control

People can move through several correctional settings during one sentence. A person may begin in a county jail, transfer to a state prison, move to a lower-security facility, enter work release, and later live in the community under supervision. These movements do not always mean that correctional authority has ended. The setting may change while legal control continues.

Rehabilitation is a structured effort to reduce future offending by strengthening abilities and addressing changeable conditions connected to behavior, such as thinking patterns, substance use, education, employment skills, health, or social relationships. Rehabilitation may begin in jail or prison and continue during community supervision. Education, treatment, job training, cognitive behavioral programs, and family support are examples of services that may be included. Program quality matters. A program is unlikely to help if it is poorly designed, offered to the wrong group, or interrupted when a person transfers or is released (Duwe, 2017).

Reentry is the continuing transition from incarceration to community participation, beginning with preparation before release and extending through supervision, service connection, stabilization, and longer-term reintegration. Reentry is not a single event that happens at a prison gate. People may need identification, medication, housing, transportation, employment assistance, treatment appointments, and connections with family or community organizations. Planning is strongest when it begins before release and continues after the person returns home (Martin & Garcia, 2022; National Institute of Justice, 2023).

Movement through the correctional continuum can also occur in the opposite direction. A new criminal charge or a violation of supervision conditions may return a person to jail or prison. Some returns involve serious new offenses. Others result from conduct such as missed appointments, failed drug tests, or leaving an approved location. It is important to separate these different events because they do not show the same level of behavior or public safety risk.

Correctional Populations and Statistical Measures

Correctional statistics depend on who is counted, where people are located, and when the count occurs. At the end of 2023, about 5.53 million U.S. adults were under correctional authority. More than two-thirds were supervised through probation or parole rather than confined in prison or jail (Gann & Kaeble, 2025). At the end of 2024, about 3.68 million adults were under community supervision, including approximately 3.03 million on probation (Kaeble, 2026). Readers must distinguish **custody**, which counts people physically held in a facility, from **jurisdiction**, which counts people for whom an agency has legal responsibility. They must also distinguish a one-day population from annual admissions. One person may enter a jail several times, so admissions do not represent the number of different people served.

Recidivism measures a defined event, such as rearrest, reconviction, or return to custody, during a stated period. Rates cannot be meaningfully compared unless they measure the same event, population, and follow-up period (National Academies of Sciences, Engineering, and Medicine, 2022). Correctional statistics identify patterns but do not explain every cause. Population changes may reflect policing, prosecution, sentencing, release rules, supervision practices, crime patterns, and access to treatment. Findings should therefore be interpreted within the larger justice system.

Pro Tip

Use a four-part check before comparing correctional statistics. First, identify the population, such as people in jail, under prison jurisdiction, or on community supervision. Second, find the reference date or observation period. Third, determine whether the number measures people present on one day, admissions across a year, or another event. Fourth, read the definition used by the source. Custody, jurisdiction, admissions, and average daily population measure different things. Record these four details in your notes before interpreting a figure. This short routine prevents comparisons between numbers that may look similar but answer very different questions.

The Prison-Industrial Complex

The correctional system also includes economic and political relationships. The **prison-industrial complex** is a term describing the interconnected public agencies, private businesses, political interests, labor systems, and economic incentives that can influence the size, operation, and continued use of incarceration beyond decisions about individual cases.

This term is broader than private prisons. Most people in prison are held in public institutions operated by state or federal agencies. In 2023, state and federal prison systems had jurisdiction over about 1.25 million people. About 88,600 were housed in privately operated prison facilities (Mueller & Kluckow, 2025). Private prisons are therefore part of the discussion, but they are not the entire correctional system.

Private companies can take part in publicly operated facilities as well. Governments may purchase food, medical services, transportation, construction, phone systems, electronic monitoring, computer programs, educational materials, or maintenance services from contractors. Public agencies may depend on these companies for daily operations. Companies, in turn, may depend on government contracts for income.

The prison-industrial complex also includes public interests. Correctional agencies have budgets, buildings, employees, policies, and long-term plans. Elected officials make decisions about criminal laws and public spending. Communities may depend on correctional facilities for jobs. Labor organizations may represent correctional employees. Advocacy groups may seek either expanded correctional authority or reduced incarceration. Families, victims, taxpayers, and formerly incarcerated people may push for different policy choices.

Using the term does not require the belief that every person or organization acts together. It also does not prove that every correctional policy is driven by profit. Instead, the term invites questions about power, money, and incentives. Who benefits from a policy? Who carries its costs? Which organizations gain staff, funding, contracts, or political support? Which people have the least influence over the decision?

These questions matter because incarceration has effects beyond the person who is confined. Families may lose income, transportation, or caregiving support. Children may experience long separations from a parent. Communities with high incarceration rates may face repeated losses of residents, workers, and family members. Public agencies must also spend money on buildings, staff, health care, and supervision. These effects can shape community health and well-being over time (National Academies of Sciences, Engineering, and Medicine, 2020).

Slow Down and Think

The prison-industrial complex draws attention to relationships among correctional agencies, elected officials, employees, contractors, and communities. It does not prove that every correctional decision is controlled by profit or that every participant wants incarceration to expand. Choose one correctional policy and identify who receives funding, employment, services, safety, or political support from it. Then identify who carries its financial, legal, family, or community costs. Which conclusions are supported by evidence, and which are assumptions about motive? This distinction matters because a strong analysis examines incentives and consequences without claiming more than the available facts can prove.

Public and Private Interests in Corrections

Public agencies and private businesses serve different legal roles. A court or government agency holds the authority to impose or carry out a sentence. A private contractor does not gain that authority simply because it provides a building or service. Government remains responsible for lawful conditions, contract oversight, and the treatment of people under its control.

Contracting can provide special skills or services that an agency does not have. It can also create oversight problems. A company may be paid based on the number of occupied beds, the number of people being monitored, or the length of a service agreement. Those payment systems may create incentives that do not fully match goals such as safety, health, rehabilitation, or successful reentry. A contract should therefore be judged by its rules, costs, performance measures, transparency, and results.

Public agencies have incentives too. An agency may seek more funding, more staff, better equipment, or a larger role. Officials may be rewarded for appearing strict, avoiding visible failures, or responding quickly to public pressure. At the same time, correctional employees may reasonably seek safe working conditions, fair pay, and enough resources to perform difficult jobs. Recognizing an institutional interest does not mean that every employee supports expansion or acts in bad faith.

People held in correctional facilities also perform work. Some jobs help operate the institution, while others may produce goods or services. Prison labor can provide job experience and daily structure, but it also raises questions about pay, choice, safety, and who receives the economic benefit. These questions belong in the larger study of correctional power and institutional incentives.

Correctional Expansion and Institutional Incentives

Correctional systems may expand when laws increase sentence lengths, limit release, widen supervision, or make violations more likely to result in confinement. Facilities can also become tied to jobs, budgets, and local economies, creating resistance to closure even when correctional populations decline. Growth is not always steady. The number of U.S. adults under correctional authority fell by about 20 percent from 2013 to 2023 but increased by approximately 1 percent between 2022 and 2023. National totals can also hide major differences among states (Gann & Kaeble, 2025).

Community supervision may reduce the costs and harms of incarceration, but it can also expand correctional control. Probation, parole, monitoring, treatment, and reporting conditions may affect people who otherwise might have received a less restrictive response. Excessive or difficult conditions can lead to violations and renewed confinement. Agencies can improve outcomes by matching supervision to risk and need, using proportionate responses, and tracking housing, employment, health, education, family connections, and successful completion. Effective reform requires leadership, staff training, useful data, and individualized services (CSG Justice Center, 2020). The correctional continuum connects confinement, release, community supervision, and reentry. Decisions in one part affect who experiences correctional control and how long it lasts.

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7.2 Jails

Jails are usually operated by a county sheriff, city government, regional authority, or local corrections department. Some local governments contract with private companies or other counties for jail space. Jails perform several jobs at the same time. They hold people before trial, confine people serving shorter sentences, manage people accused of violating supervision conditions, and temporarily house people for other government agencies. A jail may also hold someone who is waiting to enter a treatment program, transfer to prison, or appear in another court. These different duties create a fast-moving environment. People may enter or leave at any hour. Staff must process legal documents, screen for health risks, maintain security, arrange court transportation, and prepare people for release. Jail administrators must do this work while protecting the rights and safety of people who may have very different legal cases and personal needs.

The Role of Local Jails

Local jails connect law enforcement, courts, corrections, health services, and community organizations. After an arrest, an officer may take a person to jail for booking. The person might be released within hours, remain until a court appearance, or stay much longer. The decision depends on the charge, the person's legal status, local law, court orders, release options, and other holds. A jail is not simply a smaller prison. Prisons mainly hold people serving longer sentences after conviction. Jails hold a much wider mix of people. Some have been convicted, while many have not. Others are waiting to be transferred to a state or federal agency. This mix affects housing decisions, services, security, and release planning.

The latest available preliminary national figures show the size and movement of the jail system. At midyear 2024, local jails held about 657,500 people. Jails also reported about 7.9 million admissions during the twelve months ending June 30, 2024. An admission is an entry into jail, not a count of different people. One person can be admitted more than once during the same year. The large difference between the daily population and annual admissions shows how quickly people move through jails (Zeng, 2025b).

Jails vary greatly in size. A small rural county may operate one facility with a limited staff. A large urban jail system may hold thousands of people in several buildings. Some facilities have medical units, treatment programs, classrooms, and specialized housing. Others depend on outside providers or transportation to community hospitals. These differences mean that jail conditions and services can change greatly from one county to another.

Admission and Booking

Booking creates the official record of a person's entry into jail. Staff confirm the person's identity, review the arrest documents, photograph and fingerprint the person, record the alleged charges, collect personal property, and enter information into the jail's records system. Staff may also check for warrants, court orders, or holds from other agencies. Booking is an administrative process. It does not determine guilt. The charges recorded during booking are accusations that must still be handled through the court process unless the person has already been convicted in another matter. Clear records are important because an error involving identity, release conditions, or a court order can keep the wrong person in custody or delay a lawful release.

Intake screening begins during or soon after booking. Staff ask about medications, injuries, disabilities, substance use, withdrawal risks, mental health concerns, and thoughts of self-harm. They may also look for signs that the person needs urgent medical attention. A person who is injured, severely intoxicated, or experiencing a health crisis may need treatment before entering the general jail population.

Screening can be difficult because people may be frightened, confused, ill, or unwilling to share private information. Some people do not know the names or doses of their medications. Others fear that reporting a mental health condition will affect where they are housed. Jail staff must gather enough information to address immediate risks while respecting privacy and treating the person with dignity.

Classification usually follows intake. Classification is the process of deciding where a person should be housed and what level of supervision may be needed. Staff may consider age, sex, medical needs, current charges, past behavior in custody, risk of victimization, risk of violence, and separation orders. Classification should be based on individual information. A charge alone does not always show how a person will behave inside a facility.

Good classification protects both staff and people in custody. Poor classification can place vulnerable people near those who may harm them. It can also place people in security levels that are more restrictive than needed. Because a person's condition or legal status can change, classification decisions should be reviewed rather than treated as permanent.

Pretrial Detention

Pretrial detention occurs when a person is held while a criminal case is still pending. At midyear 2024, about 69 percent of people in local jails were unconvicted. This group included people waiting for court action on a current charge and people held for other reasons. The remaining 31 percent had been convicted and were serving a sentence or waiting to be sentenced (Zeng, 2025b). An unconvicted person has not been found guilty of the pending charge. The presumption of innocence therefore remains important. Detention may be ordered to address concerns such as appearance in court or community safety, but it should not be described as proof that the person committed the offense.

Courts decide whether a person will be released before trial and what conditions will apply. Depending on the jurisdiction and case, a court may release the person without payment, require a financial bond, order supervision, impose contact restrictions, or continue detention. Judges may consider the charge, criminal history, past court appearances, safety concerns, and information about the person's community ties.

Pretrial detention can affect the rest of a person's life even when the stay is short. A person may miss work, lose income, fall behind on rent, or be unable to care for children or other family members. Detention can also make it harder to meet with an attorney or gather information for the defense. These consequences do not decide whether detention is lawful in a particular case, but they are important when courts and policymakers evaluate pretrial practices.

Release conditions can also create unequal effects. A financial amount that one person can pay may keep another person in jail because that person has fewer resources. Transportation, housing, communication, and work schedules can affect whether someone can follow nonfinancial release conditions. A fair system must consider public safety while also examining whether a condition is necessary and realistic. Jail staff do not usually decide the final terms of pretrial release. Their role is to carry out lawful court orders and release people when the legal requirements have been met. Accurate communication among courts, jail staff, attorneys, and supervision agencies is essential. Even a small delay in transmitting an order can keep a person confined longer than the court intended.

Watch Your Step

General Public: "People held in jail are there because they were convicted of a crime."

Expert: Jails hold people with several legal statuses. Many are waiting for court action and have not been convicted of the charge that led to their detention. Others are serving shorter sentences, waiting for transfer, or being held for another agency. At midyear 2024, about 69 percent of the people in local jails were unconvicted. Being held before trial does not prove guilt. When studying jail data, always check conviction status before drawing a conclusion about the people being counted or the reason they remain in custody.

Sentenced People and Other Holds

Some people enter jail after conviction. Local jails often hold people serving sentences of one year or less, although state laws and local practices differ. A person may serve the entire sentence in jail or receive credit for time spent in custody before sentencing (Zeng, 2025a).

Jails may offer work assignments, education, treatment, religious services, or other programs. However, the short and uncertain length of many jail stays can make programming difficult. A person may leave before completing a class or treatment plan. Another person may be transferred with little notice. Programs must therefore be flexible enough to work with people whose release dates may change. Jails also hold people accused of violating probation, parole, or another form of community supervision. A violation may involve a new criminal charge, but it can also involve conduct such as missing an appointment, failing a drug test, or leaving an approved residence. These situations should be described carefully because an alleged rule violation is not always a new crime.

A jail may temporarily hold people for state prison systems, federal agencies, tribal authorities, or immigration authorities. The local jail has physical custody, but another agency may have legal authority over the person's case or confinement. Before release, staff must check all active court orders and holds. Releasing someone while a valid hold remains could violate the law. Keeping someone after all lawful authority has ended would also be improper.

Jail Population and Turnover

Jail statistics can describe either the number of people present at one time or the amount of movement through the system. These measures answer different questions. A midyear count is a snapshot of the population on a specific date. Annual admissions measure entries across twelve months. Average daily population estimates how many people were held on a typical day. In 2023, local jails recorded 7.6 million admissions and held about 664,200 people at midyear. People admitted during that reporting period spent an estimated average of 32 days in jail before release. This was an average, so it did not describe every person's stay. Some people left within hours or days, while others remained for months or longer (Zeng, 2025a).

National totals can also hide local crowding. At midyear 2023, jails reported about 915,800 rated beds, and about 73 percent were occupied. Yet 12 percent of jail jurisdictions were operating above their rated capacity (Zeng, 2025a). This means the national occupancy rate should not be used to claim that every jail had open space. Available beds in one county do not solve crowding in another county.

Jail populations are shaped by decisions made outside the facility. Arrest practices affect admissions. Court schedules and pretrial release decisions affect length of stay. Sentencing laws affect who serves time in jail. Access to treatment and supervision can affect whether people remain in the community. Delays in mental health evaluations, transportation, or transfers can also extend confinement. For these reasons, jail crowding cannot always be solved by building more beds. A larger facility may increase capacity, but it does not address the policies that produce admissions or delays. Local leaders must examine who is entering jail, why they are being held, how long they stay, and what legal steps are slowing release.

Daily Life, Safety, and Health

Life in jail is shaped by strict schedules, searches, counts, locked doors, and limits on movement and communication. These security measures should be explained clearly and applied consistently. Fair rules, trained staff, and professional communication can reduce stress, confusion, and conflict.

Jails must respond to serious medical, mental health, and substance-use needs. People may arrive with injuries, chronic conditions, interrupted medications, withdrawal symptoms, or emotional distress. Suicide risk is especially high soon after admission. From 2015 through 2019, about 66 percent of local-jail suicides occurred during the first 30 days, including 44 percent during the first week and 12 percent within the first 24 hours (Carson, 2021b). Effective prevention requires more than an intake form. Staff must observe changes, share urgent information, provide access to treatment, use safe housing and observation practices, and respond quickly to warning signs. Health information may also come from family members, attorneys, staff, or other incarcerated people.

Frequent admissions and releases make continued care difficult. Facilities should confirm medications and connect people with community mental health and substance-use services before release (Substance Abuse and Mental Health Services Administration, 2017). Jail safety also requires protection from assault, sexual abuse, excessive force, retaliation, and unsafe living conditions while respecting privacy during searches, medical care, and hygiene.

Staffing and Local Responsibility

Jails depend on correctional officers, medical workers, mental health professionals, administrators, food service employees, maintenance staff, transportation officers, and records workers. At midyear 2023, local jails employed about 211,700 staff members. About 164,800 were correctional officers, while the remaining employees performed administrative, technical, educational, maintenance, and professional work (Zeng, 2025a).

Staffing levels affect safety and access to services. Too few officers can limit movement, visits, recreation, and programming. Heavy workloads may increase stress and reduce the time available for communication. Shortages of nurses or mental health professionals can delay care. At the same time, the number of staff alone does not show the quality of operations. Training, leadership, supervision, facility design, and staff experience also matter.

Local control allows communities to respond to local needs, but it can create large differences among jail systems. A wealthy county may have more resources for medical care, data systems, treatment, and release planning. A smaller or poorer county may struggle to hire qualified staff or provide specialized services. Contracts with outside providers can fill some gaps, but the local government remains responsible for oversight.

Transparency is part of that responsibility. Reliable information about deaths, uses of force, grievances, health care, staffing, population levels, and lengths of stay can help leaders identify problems. Public reporting must protect private information, but privacy should not be used to hide unsafe practices or poor performance.

Release and Transition

Release from jail may happen quickly. A person may learn about the release only a few hours before leaving. This gives staff and service providers little time to arrange transportation, medication, housing, or appointments. The challenge is greater when releases occur at night or when a person has no phone, identification, money, or safe place to stay.

Good release planning begins as early as possible. Staff can confirm the person's identity documents, review medications, explain court dates and supervision rules, and connect the person with community services. Information should be clear and written in language the person can understand. A rushed or confusing release can increase the chance of missed court dates, interrupted care, or another crisis. Not every person needs the same level of help. Someone held for several hours may need accurate court information and transportation. Someone leaving after several months may need medical care, treatment, housing, employment assistance, and help reconnecting with family. Planning should match the person's actual situation.

Jails occupy a difficult place in the correctional continuum. They must receive people at any hour, respond to immediate health and safety risks, carry out court orders, and prepare for releases that may come with little notice. Their populations include both convicted and unconvicted people, and their decisions can affect court cases, families, employment, health, and community stability. A careful study of jails must therefore look beyond walls and beds. It must examine the legal decisions, local resources, health needs, and community systems that shape who enters jail, what happens during confinement, and how people return home.

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7.3 Prisons

Prisons are among the most restrictive parts of the correctional system. People in prison live under detailed rules that control movement, housing, work, communication, visits, personal property, and daily schedules. A prison is also a workplace, health care setting, school, and residential community. Correctional officers, medical workers, teachers, counselors, administrators, maintenance employees, and many other professionals work inside prisons. People who are incarcerated may attend classes, receive treatment, hold work assignments, practice their religion, communicate with family, and prepare for release. These activities happen within an institution built mainly around custody and security.

State and Federal Prison Systems

State governments operate most prisons in the United States. State prisons generally hold people convicted of violating state criminal laws. Federal prisons generally hold people convicted of federal offenses. Each prison system has its own policies, facilities, security levels, programs, and release procedures. The offense patterns in state and federal prisons are not the same. According to the 2016 Survey of Prison Inmates, 56 percent of state prisoners were serving time for a violent offense. In the federal system, 48 percent were serving time for a drug offense, and 31 percent were serving time for a public order offense. The public order category included weapons and immigration offenses. These figures describe the prison population in 2016, so they should not be treated as current percentages or applied to every facility (Beatty & Snell, 2021).

At the end of 2023, state and federal correctional authorities had jurisdiction over about 1.25 million people. This was an increase of about 24,100 people, or 2 percent, from the end of 2022. About 96 percent of the 2023 population had been sentenced to more than one year. The total included about 91,100 women, an increase of almost 4 percent from the previous year (Mueller & Kluckow, 2025). National totals can hide major differences among states. Prison populations rise or fall because of changes in admissions, sentence lengths, release rules, court practices, and supervision policies. A state can reduce its prison population while another state experiences growth. A one-year increase also does not prove that a long-term trend has reversed.

Admission, Classification, and Placement

When a person enters prison, staff confirm the person's identity, review the conviction and sentence, calculate jail credit, and examine medical and legal records. Sentence calculations may involve concurrent sentences served at the same time, consecutive sentences served one after another, earned time, and previous time in custody. Accurate records and a process for correcting errors are essential because mistakes can affect the release date.

During intake and orientation, staff may collect fingerprints and photographs, inventory property, provide clothing and supplies, and complete medical and mental health screenings. New prisoners should also receive clear information about prison rules, medical care, attorney contact, grievance procedures, abuse reporting, and available programs. Respectful communication can reduce confusion during a stressful transition.

Classification determines security level, housing, supervision, and program needs. Staff may consider the offense, sentence, age, health, custody conduct, escape history, personal conflicts, and risk of harm. Placement should use reliable information and individual review. Too much security can increase costs and restrict programs or family contact, while too little security can create safety risks. Prison systems must also consider available beds, treatment needs, separation orders, programs, and transportation. These limits may place people far from home. A federal audit found that 36,098 prisoners studied, or 33 percent, were more than 500 miles from their expected release residence (DOJ OIG, 2025).

Slow Down and Think

A classification score may appear objective because it produces a number, but every score depends on selected information and rules. Ask what factors the system uses, whether the records are accurate, and whether any factor may repeat an earlier unequal decision. Consider what happens when a person is classified at a higher security level. That placement may affect housing, family visits, programs, work, and release preparation. Now consider the opposite risk of placing someone at a level that provides too little protection. What evidence would you need to decide whether a classification system balances safety, fairness, and individual review?

Physical and Mental Health

Prisons are responsible for the health care of the people they confine. Care may include routine appointments, emergency treatment, medication, dental services, care for disabilities, treatment for infectious diseases, and management of chronic conditions. Some services are provided inside the prison, while others require transportation to an outside clinic or hospital.

Many prisoners report serious health needs. In the 2016 Survey of Prison Inmates, about 40 percent of state prisoners and 33 percent of federal prisoners reported that they currently had a chronic medical condition. High blood pressure was the most commonly reported chronic condition. These results were based on information reported by prisoners, so they should not be treated as a full medical examination of the population (Maruschak et al., 2021c).

Mental health needs are also common. About 14 percent of state prisoners and 8 percent of federal prisoners in the 2016 survey met the study's threshold for serious psychological distress during the previous 30 days. About 43 percent of state prisoners and 23 percent of federal prisoners reported a history of a mental health problem. A survey indicator is not the same as a clinical diagnosis, but the findings show a strong need for screening, treatment, and follow-up care (Maruschak et al., 2021b).

Substance use can be another major treatment need. In the same survey, 39 percent of state prisoners and 31 percent of federal prisoners reported using drugs at the time of the offense for which they were incarcerated. Thirty-one percent of state prisoners and 25 percent of federal prisoners reported drinking alcohol at the time of the offense. These figures do not mean that substance use caused every offense, but they show why prisons often provide substance use screening and treatment (Maruschak et al., 2021a).

Health services must continue throughout confinement. A screening at admission cannot identify every problem that may develop later. Aging, stress, injury, infection, and long sentences can change a person's needs. Prisoners must have a way to request care, and staff must respond to urgent symptoms without using medical services as a reward or punishment.

Safety and Protection from Abuse

A prison has a duty to take reasonable steps to protect people from violence and sexual abuse. Safety practices include classification, staff supervision, searches, secure doors, controlled movement, confidential reporting options, and investigations. Protection should apply whether the suspected person is another prisoner, a staff member, a contractor, or a visitor.

In a national survey conducted in 2023 and 2024, 4.1 percent of adult prison inmates reported sexual victimization during the period measured by the study. About 2.3 percent reported victimization by another inmate, and 2.2 percent reported victimization by facility staff. Some people may have reported more than one type, so the two percentages should not be added together. The study also found large differences among facilities, including 17 prisons identified as having high reported rates (Field et al., 2025).

These findings show why prison systems need more than a written policy. People must be able to report abuse without fear of retaliation. Investigators must preserve evidence and examine allegations fairly. Medical care, mental health support, and protective measures should be available after a report. Staff training must also make clear that a person in custody cannot legally consent to sexual contact with correctional staff.

Prison safety includes preventing deaths and responding to emergencies. A federal review studied 344 deaths involving suicide, homicide, accidents, or unknown causes in Federal Bureau of Prisons institutions from fiscal year 2014 through fiscal year 2021. Suicides made up slightly more than half of the deaths reviewed. Investigators found problems involving suicide screening, emergency responses, required checks, communication, equipment, and review of deaths. These findings came from the federal system and should not automatically be applied to every state prison, but they show how failures in routine procedures can have fatal results (DOJ OIG, 2024).

Restrictive Housing

Restrictive housing separates a person from the general prison population and limits movement, activities, and contact with others. It may be used after serious misconduct, during an investigation, for protection, or because officials believe that a person presents a major security threat. The names and rules for these units differ among prison systems. Separation can prevent immediate harm, but long periods of isolation raise serious concerns. Limited human contact and reduced access to programs may worsen distress, especially for people with mental health conditions. Placement decisions should be reviewed regularly, and people should receive medical and mental health care while separated.

A 2017 investigation of the federal prison system found important problems with the use of restrictive housing for people with mental illness. Investigators found that federal policies did not clearly cover every form of restrictive housing and that some prisoners, including people with mental illness, spent long periods alone with limited human contact. The review also found weaknesses in treatment, tracking, and monitoring. The findings led to 15 recommendations for the Federal Bureau of Prisons (DOJ OIG, 2017).

Restrictive housing should not become the default response to behavior caused by an untreated disability or mental health crisis. Staff need training and access to clinical support so they can tell the difference between deliberate misconduct and symptoms that require treatment. Security and treatment may both be needed, but one should not automatically replace the other.

Education, Treatment, and Skill Development

Prisons may provide adult basic education, high school equivalency classes, college courses, job training, cognitive behavioral programs, substance use treatment, and other services. These programs can improve daily conduct, build skills, and prepare people for life after prison. Their value depends on quality, access, staff training, and whether participants can complete them. Research does not show that every program works equally well. A broad review found strong support for cognitive behavioral programs that address harmful thinking and decision-making. The review also found favorable results for education, employment programs, social support, and programs that continue care from prison into the community. Results were stronger when services addressed needs connected to future behavior and were delivered as designed (Duwe, 2017).

Education can produce benefits during and after confinement. A review of correctional education research found that participants generally had better post-release outcomes than similar people who did not participate. However, researchers must account for the possibility that people who volunteer for education may already be more motivated to change (Davis, 2019). Washington research provides a careful example. A 2024 study found that participation in postsecondary education in Washington prisons was associated with a higher chance of enrolling in a community or technical college after release. Participants were also more likely to hold a credential when credentials earned during and after incarceration were considered together. The study found an association, not proof that prison education alone caused the difference (Cramer & Gibson, 2024). Access can still be limited by security level, waiting lists, staffing shortages, transfers, sentence length, and learning needs. A program cannot help someone who cannot enter it or who is transferred before finishing. Fair placement and accurate records are therefore part of program quality.

Families and Community Connections

Imprisonment affects more than the person serving the sentence. In 2016, an estimated 684,500 state and federal prisoners were parents of at least one minor child. They reported having about 1.47 million minor children. Nearly half of state prisoners and more than half of federal prisoners reported being parents of a minor child (Maruschak et al., 2021d). Family contact can occur through letters, phone calls, electronic messages, video systems, and in-person visits. These forms of contact may help parents remain involved in their children's lives and give prisoners support during confinement. Yet cost, distance, prison rules, transportation, and visiting schedules can make contact difficult.

Family relationships are not always safe or healthy. Some court orders or victim-safety plans restrict contact. A person may also choose not to communicate with certain relatives. Prison systems must protect safety while avoiding unnecessary barriers to positive relationships. Location is especially important. A prison hundreds of miles from home may make regular visits impossible for families with limited time or money. Keeping people reasonably close to home, when security and program needs allow, can make family contact and release planning easier.

Preparing for Release

Most people sent to prison will eventually return to a community. Release preparation should begin well before the final day of confinement. A person may need identification, medication, health insurance information, housing, transportation, work documents, treatment appointments, and an explanation of supervision conditions. Prison staff cannot complete this work alone. Effective preparation may require coordination with community corrections officers, health providers, colleges, employers, housing organizations, tribal governments, and family members. Information must follow the person so that treatment, education, and supervision do not begin again from nothing.

Prisons therefore have two connected responsibilities. They must maintain safe and lawful custody, and they must prepare people for the point when custody ends or changes form. A prison that focuses only on control may miss opportunities to improve safety after release. A prison that offers programs without reliable security, health care, or fair treatment will also fall short. The quality of a prison cannot be judged only by its walls, population count, or number of rule violations. A fuller review examines safety, staff conduct, medical care, mental health treatment, protection from abuse, program access, family contact, and preparation for release. These parts of prison life shape what happens inside the institution and what becomes possible when a person returns to the community.

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7.4 Community Corrections

Community corrections includes probation, parole, community custody, electronic monitoring, treatment requirements, and other forms of supervision. Community corrections allows people to live in the community while remaining under legal control. A person may work, attend school, receive treatment, care for family members, and take part in community life. At the same time, the person must follow court orders or agency rules. Failure to follow those requirements can lead to added restrictions or confinement. Community corrections is the largest part of the adult correctional system. At the end of 2024, about 3.68 million adults in the United States were under probation or parole supervision. Most were on probation. The total community supervision population declined by 24 percent between the end of 2014 and the end of 2024 among agencies that could be compared across the full period (Kaeble, 2026). These figures show that community supervision reaches far more people than prisons do. Its success or failure can affect public safety, jail and prison populations, family stability, employment, housing, and access to treatment.

Probation

Probation is usually ordered at sentencing. It may be part of a sentence for a misdemeanor or felony, depending on the law and the case. A person may receive probation without serving time in jail or prison. Another person may serve a short jail sentence before beginning probation. The judge sets the length of probation and may impose conditions related to safety, accountability, treatment, or the offense.

Probation is not the same as being found not guilty or having a case dismissed. A person on probation has usually been convicted or has entered a guilty plea. The court has allowed the person to serve all or part of the sentence in the community. At the end of 2024, about 3.03 million adults were on probation in the United States. The probation population fell slightly during 2024, which was its first annual decline since 2021. Over the longer term, the total community supervision population has declined greatly, although trends differ among states and local agencies (Kaeble, 2026). Probation systems are organized in different ways. In some places, a state corrections department supervises probation. In others, county agencies, courts, or private providers perform some of the work. Federal probation officers supervise people sentenced in federal court. These differences affect officer duties, caseloads, available services, and responses to violations.

Parole and Other Forms of Post-Prison Supervision

Parole usually follows a period in prison. The person remains under legal control and must follow release conditions. In a traditional parole system, a parole board decides whether an eligible prisoner may leave prison before the maximum sentence has been completed. The board may review the person's conduct, participation in programs, release plan, criminal history, and possible safety risks. If the board approves release, it sets conditions that the person must follow. Not every state uses traditional parole for every prison sentence. Some people leave prison on a date created by sentencing laws rather than through an individual parole board decision. They may still have to complete a period of supervision in the community. This supervision may be called mandatory release, post-release supervision, supervised release, or community custody.

Washington commonly uses the terms community supervision and community custody rather than using probation and parole for every case. Community custody is a part of a sentence served in the community under controls imposed by the court, the Washington State Department of Corrections, or, in some cases, the Indeterminate Sentence Review Board. State law requires people sentenced to community custody and selected for supervision to report to the Department of Corrections and follow applicable conditions (Sentencing Reform Act of 1981, 2026). Washington still has limited forms of parole for certain people sentenced under older laws and for some special sentence groups. The Indeterminate Sentence Review Board makes release and violation decisions in these cases. This example shows why students must examine the law of the jurisdiction instead of assuming that every state uses the same terms.

Conditions of Supervision

Conditions are the enforceable rules a person must follow while under community supervision. Some conditions apply to almost everyone in a supervision category. Others are based on the offense, safety concerns, treatment needs, or a person's circumstances. Common requirements may include reporting to an officer, obeying the law, remaining within an approved area, allowing home visits, and notifying the officer about changes in address or employment. A person may be required to attend treatment, complete community service, seek employment, avoid drugs or alcohol, submit to testing, or have no contact with specific people.

Special conditions should relate to the person's case and lawful supervision needs. A no-contact order may protect a victim or witness. A treatment requirement may address a substance use or mental health need. A travel limit may help an officer maintain supervision. Conditions that have no clear connection to safety, accountability, or behavior can create burdens without producing a useful result.

A person should receive a clear explanation of every condition. Written instructions should use language that the person can understand. If a person has a disability, limited literacy, or limited English ability, the agency may need to provide an appropriate form of communication. A person cannot reasonably follow a rule that has not been explained. Conditions can also interact with one another. A person may be ordered to work, attend treatment, report to an officer, complete community service, and obey a curfew. These duties may be difficult to schedule if the person also depends on public transportation or cares for children. Officers and courts need to consider whether the full set of conditions can be completed in real life.

Pro Tip

When reviewing a probation, parole, or community custody condition, create a condition map. Record who imposed the condition, the exact required behavior, the deadline or schedule, how compliance will be documented, and what may happen after a violation. Then identify practical barriers such as transportation, work hours, disability, treatment availability, housing, or child care. Do not assume that a missed requirement proves refusal. First determine whether the person understood the rule and had a realistic way to follow it. This routine helps students separate legal authority, observed behavior, personal circumstances, and possible responses before reaching a conclusion.

The Work of Community Supervision Officers

Community supervision officers have both enforcement and support duties. They monitor compliance, investigate possible violations, write reports, visit homes, communicate with treatment providers, and respond to safety concerns. They may also help people find services, solve problems, and build skills. This combination can create tension. An officer may encourage a person to discuss a relapse or housing problem, but the officer may also have authority to report conduct that violates supervision. Trust is harder to build when the same professional acts as both helper and enforcer. Officers should explain these limits honestly.

Supervision often begins with a review of the sentence and an assessment of the person's risks and needs. Risk refers to the chance of future harmful or unlawful behavior. Need refers to conditions linked to that behavior that may be changed, such as substance use, harmful thinking patterns, unstable employment, or antisocial relationships. Responsivity means choosing an approach that the person can understand and use.

Research supports focusing the greatest supervision resources on people with higher levels of risk. Intensive monitoring of people at lower risk may interrupt work and healthy relationships without improving safety. It can also place lower-risk people in contact with people who have more serious behavior patterns. Effective supervision should therefore match its level of control and service to the individual rather than treating every person the same (Council of State Governments Justice Center, 2019). Officer caseloads affect whether this approach is possible. An officer with too many cases may have time only to check rules and complete reports. The officer may have less time for problem solving, field visits, coaching, treatment coordination, or careful review of changing needs. Agencies must consider workload, training, supervision quality, and local service availability.

Contacts, Searches, and Monitoring

Community supervision may involve meetings in an office, visits to a person's home or workplace, telephone calls, drug testing, and communication with treatment providers. The type and frequency of contact depend on legal authority, supervision level, agency policy, and the person's progress.

Home visits can help an officer confirm an address and understand the person's living situation. They may also affect family members or roommates who are not under supervision. Officers should conduct visits professionally and avoid unnecessary disruption. People living in the home need clear information about what the officer may do and what rules apply to shared spaces. Some people are supervised through electronic monitoring. A location device may record where the person travels. A home detention device may confirm whether the person is at an approved residence. Alcohol-monitoring equipment may test for alcohol use. Technology can provide information without placing someone in jail, but it does not remove the need for human judgment.

An alert does not always prove a violation. Equipment can lose power, fail to connect, or record an inaccurate location. A person may have an emergency or receive unclear instructions. Officers should review the facts before deciding what happened. Electronic monitoring can also create financial and privacy concerns. Fees may be difficult for people with low incomes. Charging a person for required monitoring can compete with rent, food, transportation, and treatment costs. Location records may reveal visits to medical offices, religious services, family homes, or other private places. Agencies should collect only the information they need and protect it from improper use.

Services and Behavior Change

Monitoring alone cannot solve every problem connected to future offending. People under supervision may need substance use treatment, mental health care, education, job training, housing support, transportation, or help obtaining identification. Community corrections agencies often work with service providers because supervision officers cannot provide all these services themselves.

Treatment should be matched to the person's needs. Requiring an unnecessary program wastes time and resources. Sending someone to a program that cannot address the person's language, disability, schedule, or level of need may also lead to failure that is not mainly the person's fault. Programs vary in quality. A program may be labeled as evidence based even when staff have not been properly trained or the local version does not follow the tested model. Agencies should track attendance, completion, quality, and outcomes. They should also ask whether services are available soon enough to help. A referral to a six-month waiting list does not address an immediate need.

Supervision can support positive behavior by recognizing progress. An officer may reduce reporting requirements, recommend earned time, or support early discharge when the law permits. Positive responses can show that following the rules has meaningful benefits. Research on correctional systems stresses that lasting improvement requires trained staff, strong leadership, useful data, and services that focus on changeable needs (Council of State Governments Justice Center, 2020).

Violations and Graduated Responses

A supervision violation occurs when a person does not follow a condition. A new arrest may lead to a violation allegation, but many violations do not involve a new criminal charge. Missing an appointment, failing a drug test, breaking curfew, or traveling without permission may be treated as technical violations. The word technical does not mean that the conduct is harmless. A missed treatment appointment may be part of a serious pattern. Repeated contact with a protected person may create a safety risk. However, technical violations should be separated from new crimes because the legal conduct and level of harm are different.

A graduated response system uses different consequences based on the seriousness of the behavior, the person's history, and the risk to safety. A low-level violation might lead to a warning, increased reporting, a new service referral, community service, or a short restriction. Repeated or serious violations may lead to a hearing, electronic monitoring, brief confinement, or revocation.

Washington law permits several responses to community custody violations. Depending on the case, these may include treatment, counseling, home detention, electronic monitoring, work crew, community restitution, increased reporting, or confinement. State rules direct the Department of Corrections to consider the violation, prior behavior, risk of reoffending, the original offense, and community safety when selecting a response (Sentencing Reform Act of 1981, 2026).

Proportional responses matter because confinement can interrupt employment, treatment, housing, and family duties. A long jail stay for a low-level violation may make future compliance harder. On the other hand, ignoring serious warning signs can place people at risk. Officers and decision makers must examine the facts instead of responding automatically. A person accused of a violation should receive notice and an opportunity to respond through the procedure required by law. The decision maker should determine whether the violation occurred before imposing a serious sanction. Records should clearly separate allegations from proven violations.

Watch Your Step

General Public: "When someone on probation or parole returns to custody, that person must have committed another crime."

Expert: A return to custody can have several causes. Some returns follow a new conviction, but others result from violations of supervision conditions. Missing an appointment, breaking curfew, failing a drug test, or leaving an approved location may be treated as a technical violation. These actions can be serious, but they are not automatically new crimes. Before interpreting a return-to-custody statistic, identify the behavior, the legal process, and the outcome being measured. Combining technical violations with new offenses can produce a misleading picture of supervision and public safety.

Revocation and Return to Custody

Revocation ends or suspends a person's community placement because the supervising authority has found a serious or repeated violation. A person on probation may return to court. The judge may continue probation, change the conditions, impose a sanction, or order confinement within the limits of the law. A person on parole or another form of post-prison supervision may appear before a parole board, administrative hearing officer, court, or correctional agency. The exact process depends on the jurisdiction and sentence. The decision may lead to continued supervision, added restrictions, a short period in custody, or a return to prison.

A return to custody does not always mean that a person committed a new crime. National reports place exits into categories such as completion, incarceration, absconding, or another unsatisfactory outcome. These categories must be read carefully because agencies may define and record exits differently (Kaeble, 2026). Community corrections policies can strongly affect jail and prison populations. If many technical violations lead to confinement, community supervision can become a major path into custody. If agencies use fair and effective community responses when safety permits, they may reduce unnecessary confinement while still enforcing the sentence.

Interstate Supervision and Case Coordination

People under supervision sometimes need to move to another state for housing, employment, treatment, or family support. A person cannot assume that permission from one officer automatically allows the move. Interstate supervision is governed by formal rules that help states transfer authority and share information. Before approving a transfer, agencies may confirm the proposed residence, employment plan, legal conditions, and receiving state's ability to supervise. The process can take time. A move made without permission may be treated as a violation even when the person has a good reason for wanting to relocate. Case coordination is also needed within the same community. Courts, officers, treatment providers, law enforcement agencies, housing organizations, and victim services may hold different information. Sharing relevant information can improve safety and service planning, but agencies must still protect confidential health and personal information.

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Chapter Summary

Chapter 7 examined corrections as a connected system of confinement, supervision, services, and legal control. This correctional continuum includes jails, prisons, probation, parole, community custody, and other programs operated in the community. A person may move through several of these settings while completing one sentence.

Jails are locally operated facilities with rapidly changing populations. They hold people awaiting court action, serving shorter sentences, facing supervision violations, or waiting for transfer. Because many people in jail have not been convicted of their current charges, jail operations must respect the presumption of innocence while maintaining safety and following court orders.

State and federal prisons mainly hold people serving longer sentences. Prison systems classify people, provide health care, maintain security, offer programs, support family contact, and prepare people for release. Safe prison management requires professional staff, fair discipline, protection from abuse, appropriate mental health care, and careful limits on restrictive housing.

Community corrections allows people to complete all or part of a sentence outside an institution. Probation is generally ordered by a court, while parole or another form of post-prison supervision follows incarceration. Washington often uses the terms community supervision and community custody. People under supervision must follow enforceable conditions and may receive treatment, monitoring, employment assistance, or other support.

Correctional policies affect more than the people directly supervised. They also affect families, victims, employees, taxpayers, businesses, and communities. Evaluating corrections therefore requires attention to legal authority, safety, health, fairness, institutional incentives, program quality, and the real effects of correctional decisions.

End of Chapter Activities

Case Study Analysis: Jordan's Transition From Custody to Community

Jordan is serving a sentence for a property offense and will soon leave a state correctional facility. Jordan has no confirmed housing, limited savings, an expired identification card, and a job interview scheduled two weeks after release. Jordan has a history of substance use but has completed a treatment program while incarcerated. Jordan will be subject to community custody conditions that require reporting, avoiding new criminal conduct, participating in treatment when directed, and obtaining approval before changing residence or traveling outside the approved area. Jordan misses the first scheduled appointment after release because a bus route is canceled and does not immediately contact the supervising officer.

Answer each question in approximately one, single-spaced handwritten page (approximately 500-1000 words). Support your reasoning with specific concepts and section references from this chapter.

1. Explain where Jordan fits within the correctional continuum before and after release. Identify at least five immediate reentry needs and explain why reentry is a continuing process rather than a single release-day event.
2. Analyze Jordan's missed appointment. Explain what facts the supervising officer should investigate before deciding whether a violation occurred and whether a warning, service referral, increased reporting, or a more serious response is appropriate.
3. A corrections agency reports that Jordan was not rearrested during the first year after release. Explain what this result does and does not show. Identify other measures the agency should examine to evaluate Jordan's reentry and the effectiveness of its supervision practices.

Choose Your Own (Criminal Justice) Adventure

Skills Lab 1: Corrections Pathway Map

Work alone or in a group of up to four students. Alex is arrested, held in jail while a case is pending, sentenced to a period of confinement, released under community supervision, and later completes supervision. Create a pathway map that identifies the possible correctional settings and decision points from arrest through reentry.

Deliverable: Submit a one-page map that includes jail, prison or another confinement option, probation or post-prison supervision, community services, possible violations, and completion. Identify the legal authority or decision-maker at each stage.

Skills Lab 2: Reentry Action Plan

Work alone or in a group of up to three students. Maya will be released from jail after six months. Maya has no current photo identification, has lost a previous job, needs medication refills, has a child living with relatives, and must report to probation within forty-eight hours. Maya also has a no-contact order and limited transportation. Create a thirty-day reentry plan that identifies immediate priorities, responsible agencies or people, likely barriers, and backup options.

Deliverable: Submit a one-page plan with at least six action steps, three barriers, and three backup strategies.

Skills Lab 3: Supervision Conditions Reality Check

Work alone or in a group of up to four students. Sam must report twice a week, attend treatment three evenings a week, maintain full-time employment, complete community service, follow a curfew, pay electronic-monitoring fees, and travel by bus. Sam works variable shifts and is staying temporarily in a shelter. Evaluate whether the conditions are clear, lawful, related to supervision goals, and realistically possible to complete.

Deliverable: Submit a short memorandum that identifies at least five practical conflicts and recommends reasonable modifications, supports, or clarification questions.

Skills Lab 4: Graduated Response Decision Memo

Work alone or in a group of up to four students. Devon has completed six months of supervision without a new arrest. Devon recently missed one treatment session, tested positive for alcohol despite an abstinence condition, and called the supervision officer the next morning to report the problem. Devon has stable housing, is employed, and has begun counseling. Write a graduated-response decision memo that identifies the conduct, risk level, relevant progress, possible responses, and recommended next step.

Deliverable: Submit a one-page memo that distinguishes technical violations from new criminal conduct and recommends a proportional response.

Skills Lab 5: Corrections Data and Recidivism Audit

Work alone or in a group of up to three students. A county states that its "recidivism rate fell from 40 percent to 25 percent." The report does not say whether recidivism means rearrest, reconviction, return to custody, or a technical supervision violation. It also does not identify the follow-up period, who was included, or whether supervision rules changed. Create a data-audit checklist that explains what information is needed before interpreting the claimed change.

Deliverable: Submit a checklist with at least eight questions and a short paragraph explaining why correctional data should be interpreted cautiously.

Critical Thinking Questions

Answer each question in approximately one, single-spaced handwritten page (approximately 500-1000 words). Support your reasoning with specific concepts and section references from this chapter.

1. A state proposes mandatory long prison terms for every third technical violation of probation or community custody, regardless of the violation's seriousness. Supporters argue that strict consequences create accountability. Opponents argue that the policy would increase incarceration without improving public safety. Analyze the proposal using proportionality, graduated responses, reentry, and correctional-system costs.
2. A prison faces overcrowding, limited medical appointments, staff shortages, and long waiting lists for education and treatment programs. Administrators respond by placing more people in restrictive housing for rule violations and reducing family visits. Analyze how these decisions may affect safety, health, rehabilitation, institutional order, and reentry. Recommend reforms that consider both staff safety and the rights and needs of incarcerated people.
3. A rural county requires people under supervision to attend in-person treatment, report weekly at an office fifty miles away, and pay for electronic monitoring. Public transportation is limited, treatment providers have long waiting lists, and many employers refuse to hire people with criminal records. Analyze how these conditions may affect compliance and public safety. Explain how a corrections agency can maintain accountability while reducing barriers that are unrelated to a person's willingness to comply.

Chapter 8: Juvenile Justice

Learning Objectives

By the end of this chapter, you should be able to:

1. Identify the major historical developments that shaped juvenile justice in the United States.
2. Distinguish juvenile delinquency, status offenses, and adult crime.
3. Explain how adolescent development and social conditions can influence delinquency without treating them as predetermined causes.
4. Compare community-based, rehabilitative, and restorative responses to delinquency.
5. Evaluate reforms intended to reduce unnecessary and unequal juvenile justice involvement.

Key Terminology

Adjudication:
The court's formal finding that a young person committed the delinquent act described in the case.

Adjudicatory hearing:
A court hearing where a judge decides whether the government proved that a young person committed the alleged offense.

Adolescent development:
The physical, emotional, mental, and social growth that occurs between childhood and adulthood.

Adultification bias:

The tendency to view a child, especially a Black child, as older, less innocent, and more responsible than other children of the same age.

Behavioral health:

A person's mental health, emotions, behavior, and use of alcohol or other drugs.

Child-saving movement:

A reform movement that sought to protect and control children through special institutions, laws, and courts.

Community-based alternatives:

Programs and services that respond to youth behavior while keeping young people connected to their families, schools, and communities.

Delinquency:

Behavior by a young person that violates the law.

Diversion:

A process that directs an eligible young person away from formal court processing and into a community-based response.

Gender-responsive programming:

Services designed to address needs and experiences connected to gender without relying on harmful stereotypes.

House of refuge:

An early institution created to confine, educate, discipline, and reform children viewed as troubled, neglected, or disorderly.

Implicit bias:

An attitude or stereotype that can affect decisions and actions without conscious awareness.

Individualized education program:

A written education plan describing an eligible student's needs, goals, services, and supports.

Intake:

The screening stage where court staff or prosecutors review a referral and decide how the case should proceed.

Intersectionality:

The way overlapping identities and social positions can create combined experiences of advantage or disadvantage.

Juvenile court:

A court created to handle legal matters involving young people under rules that differ from adult criminal court.

Labeling:

The process of applying a negative identity that may affect how others treat a person and how that person views themselves.

LGBTQ+:

An umbrella term for people who may identify as lesbian, gay, bisexual, transgender, queer or questioning, or another sexual orientation or gender identity.

Parens patriae:

The legal idea that the government may act as a protective parent when a child's safety or welfare is at risk.

Petition:

A formal document alleging that a young person committed a delinquent act and asking the juvenile court to hear the case.

Positive youth development:

An approach that builds young people's strengths, skills, relationships, and opportunities instead of focusing only on problems.

Probation:

A court-ordered period of community supervision with rules and services that a young person must follow.

Racial and ethnic disparities:

Differences in justice system contact, treatment, or outcomes among racial and ethnic groups.

Referral:

The act of sending a young person's case to a court, prosecutor, intake office, or another agency for review.

Restorative justice:

An approach that encourages responsibility and provides safe, voluntary ways for victims, youth, families, and communities to address and repair harm.

School-to-prison pipeline:

A pattern in which harsh discipline and law enforcement responses push students out of school and toward the justice system.

Social control:

The formal and informal methods a society uses to encourage people to follow rules and accepted standards of behavior.

Status offense:

Conduct that is prohibited only because the person involved is under a certain age.

Two-Spirit:

A culturally specific term used by some Indigenous people for identities and community roles connected to gender, sexuality, culture, and spirituality.

Chapter Overview

The juvenile justice system was created from the belief that young people should be treated differently from adults. This chapter begins by tracing that idea through early social control, houses of refuge, the child-saving movement, and the first juvenile court. This history shows that reformers often hoped to protect children, but their efforts also expanded government control over poor children, immigrant children, and children of color. Modern juvenile justice still carries both parts of that history.

The chapter then explains delinquency through adolescent development, relationships, social conditions, trauma, behavioral health, and criminological theory. Development affects judgment, response to peers, and the ability to change, but it does not remove responsibility. Risk factors can increase the chance of harmful behavior, while protective factors can help young people succeed. No single factor can predict what one young person will do.

Next, the chapter follows a case through referral, intake, diversion, adjudication, disposition, and probation. It explains the legal rights that protect youth and the choices officials make at each stage. Those choices can connect a young person with support, but they can also deepen system involvement.

Finally, the chapter examines fairness. Race, gender, sexual orientation, disability, family income, and access to services can shape justice outcomes. Restorative justice and community-based alternatives offer ways to repair harm while supporting growth. Throughout the chapter, accountability means taking responsibility, addressing harm, and building the skills needed to make safer choices. The goal is a response that protects communities while recognizing each youth's capacity for change.

8.1 Major Developments in the History of Juvenile Justice

The United States did not always have a separate justice system for young people. It developed as ideas about childhood, responsibility, and punishment changed. Reformers wanted to protect children from adult courts and prisons. However, some reforms also gave the government more control over poor families and children of color. The history of juvenile justice reflects this tension between helping young people and controlling them.

Children Before a Separate Youth Court

In early American law, children who broke the law could be treated much like adults. English common law shaped this approach. Children younger than seven were usually viewed as unable to form criminal intent. However, children age seven and older could be prosecuted in criminal court. If convicted, they could receive prison terms or other harsh penalties. Some children were confined with adults, where they faced abuse and had little access to education or treatment (Puzzanchera et al., 2022).

Families, churches, neighbors, and employers handled much childhood misbehavior outside court. These responses were forms of **social control**, which means the formal and informal ways a society encourages people to follow rules and norms. Informal social control included family discipline, religious teaching, and apprenticeships. Formal social control involved laws, courts, police, and institutions. As American cities grew, public officials relied more heavily on formal control.

The doctrine of **parens patriae** also influenced the treatment of children. The term refers to the state's power and responsibility to act as a parent when a child needs protection or supervision. Under this idea, the state could step in when parents were viewed as unable or unwilling to care for a child. Supporters believed state action could protect children from harm. The doctrine also gave officials broad power to remove children from their homes. In some cases, poverty or different cultural practices were treated as signs of poor parenting (Puzzanchera et al., 2022).

Early Youth Institutions and Reform Schools

During the early 1800s, reformers became troubled by the placement of children in adult jails and prisons. They also worried about poverty, immigration, homelessness, and children living or working on city streets. One response was the **house of refuge**, an early institution created to house, educate, discipline, and reform poor or law-involved children (Figure 8.1). The New York House of Refuge was the first juvenile reformatory in the United States. It opened on January 1, 1825, with six boys and three girls. Courts could send children there for petty crimes. They could also send children for vagrancy, a broad label often applied to young people who were homeless, poor, or unsupervised. A child could remain there for an uncertain period that sometimes lasted until adulthood (New York State Archives, 1989).

The institution combined school, religious teaching, work training, and strict discipline. Children spent much of each day working. Boys often made products in workshops, while girls usually performed laundry, sewing, and domestic work. Leaders described labor as a way to teach discipline and job skills. However, the children's labor also helped pay the institution's costs. Records later described poor care, exploitation, religious intolerance, and violence within the institution (New York State Archives, 1989). The model spread to other cities. Reform schools later followed. These institutions were supposed to be different from prisons because they focused on education and behavior change. In practice, many used locked confinement, physical punishment, forced labor, and long periods of control. Children who had not committed crimes could be confined with children who had.

Two court cases show the debate over this power. In *Ex parte Crouse* (1839), a Pennsylvania court allowed Mary Ann Crouse to remain in a house of refuge even though she had not been convicted of a crime. The court accepted the state's claim that the placement was for her welfare. In *People ex rel. O'Connell v. Turner* (1870), the Illinois Supreme Court reached a different result. It ordered the release of Daniel O'Connell, who had been sent to a reform school without a criminal conviction. The decision challenged the belief that poverty, limited supervision, or feared future misconduct was enough to justify confinement (Lupton, 2021).

The Child Savers

By the late 1800s, industrial growth and immigration had changed American cities. Many children worked long hours, lived in crowded housing, or spent time on the streets while adults worked. Reformers argued that these children needed protection, education, and guidance. The **child-saving movement** was a late nineteenth-century reform effort that sought to protect and reform dependent, neglected, or delinquent children.

Child savers supported compulsory education, child labor restrictions, probation, reform schools, and a separate court for young people. Many participants were middle-class and upper-class women. At a time when women had limited political power, they used charities and civic groups to press for change. Their work helped establish the idea that children should not be punished in the same way as adults (Platt, 1969).

The movement had both caring and controlling features. Reformers often believed they were rescuing children. At the same time, they judged families by white, Protestant, middle-class beliefs about work, religion, family life, and proper conduct. Poor and immigrant parents could be labeled unfit because they needed their children to work or because their customs differed from those of reformers. The government then gained authority over behavior that families and communities had once handled themselves (Feld, 2003). Protection was also unequal. Early institutions and courts often treated Black children as older, more dangerous, and less deserving of care than White children. Historians have found that the early juvenile system did not offer the same idea of innocent childhood to every young person (Agyepong, 2018; Burton, 2019).

Today, **adultification bias** means the mistaken view that some children, especially Black children, are older and less innocent than their actual age. Although the name for this bias is modern, it helps explain unequal patterns that appeared early in juvenile justice. Research has found that Black boys may be viewed as older and less childlike than White boys of the same age (Goff et al., 2014). Gender also affected court responses. Boys were more likely to be confined for property offenses. Girls were often brought to court for conduct connected to sexuality or ideas about morality (Lupton, 2020).

Creation of a Separate Court for Young People

The child-saving movement helped produce the Illinois Juvenile Court Act of 1899. The law took effect on July 3, 1899. It created a separate court process in Cook County for children younger than sixteen. This became the nation's first **juvenile court**, a special court that handles cases involving youth accused of delinquency. Other states soon adopted similar laws. By 1910, 32 states had created juvenile courts or probation services. By 1925, all but two states had followed (Lupton, 2020; Puzzanchera et al., 2022). The new court was based on rehabilitation. Judges were expected to study a child's family, school, conduct, and needs. The court focused more on the young person than on the offense.

Delinquency meant behavior by a young person that violated the law. Juvenile courts used different terms from adult courts to show that their purpose was different. A young person could be adjudicated delinquent rather than convicted. The court ordered a disposition rather than a criminal sentence. Early juvenile courts were less formal than adult courts. Judges had broad freedom to warn a child, place the child on probation, send the child to a relative, or order placement in an institution. Court officials could also handle some matters without a formal hearing. This flexibility could keep a young person from moving deeper into the court system. It could also produce unequal results because decisions depended heavily on how officials viewed the child and family.

The court's promise of individual care did not always match reality. Services were limited, and confinement remained common. Poor children and children from immigrant families were more likely to come under court control. Boys and girls could receive different treatment for similar conduct. These problems showed that a separate court was not automatically a fair court. Still, the juvenile court established an important principle: childhood should matter when the government responds to unlawful behavior.

Slow Down and Think

Early juvenile courts promised individualized care, rehabilitation, and protection from adult punishment. They also gave judges broad authority over young people and their families. Consider how a policy described as helpful might still expand government control. What legal protections would you want before a judge could remove a child from home, impose supervision, or order confinement? How might poverty, immigration status, race, gender, or different family customs affect an official's judgment? Before calling a response rehabilitative, ask whether it protects legal rights, includes the young person's voice, uses fair standards, and imposes no more control than the situation requires.

The Punitive Turn

During the 1980s and 1990s, juvenile justice moved toward punishment. Violent crime involving young people did rise for part of this period. Firearms, gangs, and drug markets added to real harm in some communities. News coverage and political campaigns often presented the problem as a broad wave of unusually dangerous youth.

The term *superpredator* was used to predict a generation of young people who were said to be violent and beyond reform. The label was not supported by later evidence. The rise in serious youth violence was temporary, and the rate began falling during the 1990s. National data did not support the claim that a new kind of permanently violent child had appeared (Snyder & Sickmund, 1999).

Even so, fear shaped policy. From 1992 through 1997, all but three states changed laws to make at least one part of their juvenile systems more punitive. Forty-five states made it easier to transfer some young people to adult court. Many states expanded sentencing options or reduced the privacy of juvenile records (Puzzanchera et al., 2022). These changes weakened the original belief that juvenile courts should focus on individual needs and rehabilitation.

Schools also adopted strict zero-tolerance policies. These policies required set punishments for certain rule violations, often without considering the full situation. By the 1996-1997 school year, most public schools reported zero-tolerance policies for weapons, drugs, alcohol, violence, and tobacco (National Center for Education Statistics, 1998). Suspensions, expulsions, and police referrals became common responses to student behavior. Later research found that these policies did not reliably improve school safety or remove racial differences in punishment (American Psychological Association Zero Tolerance Task Force, 2008).

These practices became part of the **school-to-prison pipeline**, a pattern of policies and practices that pushes students out of school and toward court or incarceration. The term does not mean that every suspended student will enter the justice system. It describes how school removal, academic failure, police contact, and court involvement can build on one another. The effects have fallen most heavily on Black students, students with disabilities, and other groups that already face unequal treatment.

The history of juvenile justice is not a simple story of steady progress. Houses of refuge separated some children from adults, but they also used forced labor and confinement. Child savers promoted education and protection, but they expanded state control over poor families. Juvenile courts recognized that children were different from adults, but they did not treat every child equally. The punitive turn promised safety and accountability, but it often relied on fear and broad labels. These shifts show why juvenile justice has continued to move between two goals: helping young people change and punishing them for the harm they cause.

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8.2 Understanding Juvenile Crime and Delinquency

Juvenile delinquency cannot be explained by one cause or one type of young person. Young people grow up in different families, schools, neighborhoods, and cultures. Their behavior may be shaped by relationships, opportunities, stress, trauma, and normal development. These conditions can increase or reduce the chance of unlawful behavior. However, no single condition means that a young person will become involved in crime. A fair understanding of delinquency considers both personal choices and the larger environment in which those choices occur.

Defining Delinquency

Delinquency is behavior by a young person that violates the law. Many delinquent acts, such as theft or assault, would also be crimes if an adult committed them. A **status offense** is conduct that is prohibited only because the person is under a certain age. Common examples include truancy, running away from home, violating a youth curfew, and possessing alcohol as a minor. States do not define or handle every status offense in the same way. The words used to describe young people matter. Delinquency is a legal category, not a permanent personal identity. Calling someone a delinquent can suggest that unlawful behavior defines the whole person. Person-first language, such as youth involved in the justice system, separates the person from the conduct and recognizes the possibility of change. Not every harmful act by a young person belongs in juvenile court. Families and schools handle many forms of misconduct without filing a court case. Some behavior may violate a school rule but not a law. Age limits and court rules also vary among states. As a result, the same conduct may be handled differently depending on where it happens and the young person's age (Puzzanchera et al., 2022).

Adolescent Development

Adolescent development is the process of physical, emotional, mental, and social change that takes place between childhood and adulthood. During this period, young people develop a stronger sense of identity and independence. Their relationships with family members and peers also change.

Young people can use reason and make careful choices, especially in calm settings. In emotional or fast-moving situations, however, they may focus more on immediate rewards and less on future costs. They may also be more sensitive than adults to peer approval and social pressure. Brain systems connected to planning and self-control continue to develop into early adulthood (National Research Council, 2013; Steinberg, 2009). These developmental differences do not mean that adolescent brains are damaged. They do not mean that young people are unable to make good decisions. Development also does not erase responsibility for harmful conduct. Instead, it helps explain why age matters when police, courts, and correctional agencies respond to a young person.

Adolescence is also a time of great potential for learning and change. Skills, habits, and identities are still forming. Supportive relationships and useful opportunities can help young people move toward safer behavior. This understanding supports **positive youth development**, an approach that builds young people's strengths, skills, relationships, and opportunities instead of focusing only on their problems. Positive youth development can include accountability while also helping a young person repair harm and prepare for adulthood.

Developmental research has influenced modern juvenile justice reform. In *Roper v. Simmons* (2005), the U.S. Supreme Court barred the death penalty for crimes committed before age 18. In *Graham v. Florida* (2010), the Court barred life without parole for young people convicted of nonhomicide offenses. In *J.D.B. v. North Carolina* (2011), the Court ruled that a child's age must be considered when deciding whether the child was in police custody for Miranda purposes, when the age was known or clearly apparent.

In *Miller v. Alabama* (2012), the Court barred mandatory life-without-parole sentences for crimes committed by children. *Montgomery v. Louisiana* (2016) later made the *Miller* decision retroactive. These rulings recognized differences in maturity, response to pressure, and capacity for change. They did not remove responsibility from young people. Instead, they limited some of the harshest punishments and required courts to give greater attention to youth and development (Office of Juvenile Justice and Delinquency Prevention, n.d.).

Developmental research has also supported policies that keep more young people in the juvenile system. Examples include raising the age of juvenile court jurisdiction and using diversion when formal court action is not needed. These reforms are based partly on the idea that young people usually respond better to developmentally appropriate services than to adult punishment (Puzzanchera et al., 2022).

Risk and Protective Factors

A risk factor is a condition or experience that increases the likelihood of delinquency or another harmful outcome (Figure 8.2). It does not prove that delinquency will happen. Risk factors may exist within the individual, family, peer group, school, neighborhood, or larger society. Examples include family conflict, school disconnection, exposure to violence, housing instability, association with peers who offend, and limited access to services (Wasserman et al., 2003).

A protective factor is a condition or experience that reduces risk or helps a young person do well despite difficult circumstances (Figure 8.2). Strong relationships with caregivers, positive friendships, stable housing, cultural belonging, school connection, and access to health services may provide protection. A trusted teacher, coach, counselor, relative, or mentor may also make an important difference (Centers for Disease Control and Prevention, 2024a).

Risk factors often overlap. Housing instability, for example, may interrupt school, increase family stress, and make health care harder to obtain. Having several risk factors may raise concern, but no single factor can identify who will break the law. Many young people experience serious hardship and never enter the justice system. Protective factors may also reduce the effects of risk. Professionals should therefore consider the young person's full situation instead of relying on one trait, experience, or risk score (National Research Council, 2013).

Risk is not the same as blame. A child is not responsible for living in poverty, experiencing abuse, or lacking needed services. Communities with fewer resources may expose families to greater stress while offering fewer supports. An explanation of delinquency is incomplete if it focuses only on the young person and ignores these larger conditions.

Figure 8.2

Risk and Protective Factors

Note. Professionals should consider the young person's full context rather than relying on one trait, experience, or risk score (Centers for Disease Control and Prevention, 2024a; National Research Council, 2013; Wasserman et al., 2003).

Watch Your Step

General Public: "When a young person has several risk factors, professionals can predict that the youth will become delinquent."

Expert: Risk factors indicate increased likelihood, not certainty. Housing instability, trauma, school disconnection, family conflict, and other difficulties may overlap, but many young people experience these conditions without breaking the law. Protective factors, including supportive adults, stable relationships, cultural connections, and access to services, can also change outcomes. Treating risk as destiny can stigmatize a young person and lead to unnecessary control. When examining a case, separate documented conditions from predictions about future behavior. Risk information can guide supportive services, but it cannot establish guilt or prove what one person will do.

Applying Criminological Theory

Theories of crime offer different ways to understand delinquency. No theory explains every young person or every act. Each theory helps identify one part of a larger picture.

Social learning theory suggests that behavior can be learned through interaction with other people. A young person may learn methods, attitudes, or excuses for offending from peers or adults. Approval, rewards, and repeated exposure can strengthen that learning. Contact with a peer who offends, however, does not automatically cause delinquency (Akers, 1998).

Strain theory focuses on pressure and blocked opportunities. Young people may experience stress when they are expected to succeed but lack fair access to money, education, safety, or social status. Some may respond through unlawful behavior. Many others respond in lawful ways, so strain does not predict what any one person will do (Merton, 1938).

Social control theory asks why people follow rules. Strong bonds to family, school, and other social institutions may reduce the chance of delinquency. When those bonds weaken, young people may feel that they have less to lose through misconduct. This theory should not be used to blame families or schools for every act committed by a young person (Hirschi, 1969).

Labeling theory examines how official reactions can affect identity and future treatment. **Labeling** is the process of applying a negative identity that may affect how other people treat someone and how that person sees themselves. If a young person is repeatedly called dangerous or criminal, schools, employers, and family members may begin to expect failure. The young person may also lose access to normal opportunities. Labeling theory does not deny the original conduct. It asks whether a harsh response might create added harm (Becker, 1963).

Social disorganization theory examines neighborhood conditions. High residential turnover, concentrated poverty, weak public services, and limited community resources can make shared problem-solving more difficult. This theory concerns social conditions. It does not suggest that the race, culture, or identity of residents causes crime (Shaw & McKay, 1942).

Life-course theory studies how behavior changes over time. Early misconduct does not always continue into adulthood. Turning points, such as a supportive relationship, school success, employment, treatment, or a change in friends, can redirect a person's path. This approach supports the juvenile system's belief that young people can change (Sampson & Laub, 1993).

Trauma, Behavioral Health, and Substance Use

Many young people in the justice system have experienced violence, abuse, neglect, family separation, or other serious stress. Adverse childhood experiences (ACEs) are potentially traumatic events that happen before age 18, including abuse, neglect, household violence, and major threats to safety or stability. These experiences may affect health, learning, emotions, and relationships. They are linked with greater risks, but they do not make delinquency certain (Centers for Disease Control and Prevention, 2024b).

Trauma can appear in different ways. A young person may become watchful, withdrawn, angry, impulsive, or slow to trust adults. The same behavior may also have other explanations. Police officers, teachers, probation officers, and judges should not diagnose trauma or a mental disorder based only on behavior. Diagnosis belongs to trained health professionals using proper assessments.

Behavioral health refers to mental health, emotions, behavior, and substance use. A behavioral health condition does not make a person violent or delinquent. Most young people with mental health needs do not commit serious offenses. Still, untreated depression, anxiety, trauma symptoms, or other needs can make school, relationships, and decision-making more difficult. Substance use may overlap with delinquency, trauma, peer influence, or mental health needs. The relationship can work in several directions. Substance use may increase risky behavior, but shared conditions may contribute to both substance use and offending. A connection between two problems does not prove that one caused the other.

Trauma-informed care is an approach that recognizes the possible effects of trauma, supports safety and trust, and tries to avoid causing further trauma. It does not excuse harmful conduct. Instead, it helps professionals consider what happened to a young person, what support is needed, and how accountability can occur without creating needless harm. Understanding delinquency requires both accountability and care. Development, relationships, opportunities, hardship, and official responses may all shape behavior. None tells the whole story by itself. A fair approach treats each young person as an individual, avoids harmful labels and unsupported diagnoses, and recognizes the real possibility of change.

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8.3 The Juvenile Justice Process

The juvenile justice process includes several decision points. At each point, an official decides whether a case should move forward, be handled another way, or be closed. Police officers, prosecutors, intake workers, defense attorneys, judges, probation officers, young people, families, and victims may all take part. The exact process differs among states and even among counties within the same state. Still, most juvenile systems follow a common path from referral through court action and community supervision (Office of Juvenile Justice and Delinquency Prevention, n.d.-a). The juvenile system is supposed to protect public safety, hold young people accountable, and support healthy development. These goals can sometimes pull the system in different directions. A serious offense may require a firm response. At the same time, the response should recognize the young person's age, needs, legal rights, and ability to change.

Law Enforcement Contact and Referral

Most delinquency cases begin when a police officer responds to an incident. The officer may receive a report from a victim, witness, school employee, parent, or community member. An officer may also observe suspected unlawful behavior directly. Police officers usually have some discretion when responding to youth. Depending on the law and the situation, an officer may give a warning, contact a parent or guardian, make a referral to a community program, or send the case into the juvenile court system. The seriousness of the conduct, available evidence, prior contacts, safety concerns, and local policies may affect this decision.

A **referral** is the act of sending a young person's case to a juvenile court, intake office, prosecutor, or another agency for review. A referral does not mean that the young person has been found responsible. It only means that an allegation has been reported for further action. The young person must still be treated as innocent unless the allegation is admitted or proved in court. Police reports play an important role in the next steps. A report may describe what happened, identify witnesses, list physical evidence, and record statements. Officers should separate facts from guesses and should document evidence that may support or weaken the allegation. Clear reports help prosecutors and intake workers make informed decisions.

Discretion can allow officials to respond to each situation with care. However, discretion can also create unfair results if similar cases are treated differently. Race, disability, gender, family income, neighborhood, and school discipline practices may affect which young people are watched, reported, stopped, or referred. Fair decision-making requires clear rules, careful records, and regular review of outcomes.

Pro Tip

At every juvenile justice decision point, create a five-part record. Identify the allegation without presenting it as a proven fact. Record verified information that supports or weakens the allegation. Note the official's legal authority and the young person's applicable rights. List reasonable options, including warning, referral, diversion, formal processing, or closure. Finally, explain why the selected response fits the evidence and safety concerns. Add an access check for disability, language, transportation, family resources, and available services. This routine makes case discussions more accurate and helps reveal whether similar cases are being handled differently.

Intake and Charging

After a referral, many cases go through **intake**, the screening stage in which court staff or prosecutors review the referral and decide how the case should proceed. Intake workers examine the police report and other available information. They may consider whether the alleged conduct falls under juvenile court authority, whether enough evidence exists, and whether a formal court response is needed. Intake is an important decision point because not every referral becomes a court case. A matter may be closed when the evidence is weak, the court lacks authority, or another response is more suitable. The case may also be sent to diversion. In other situations, the prosecutor may decide to file a formal charge (Office of Juvenile Justice and Delinquency Prevention, n.d.-a).

In many states, a **petition** is the formal document that alleges a young person committed a delinquent act and asks the juvenile court to hear the case. States use different names for this document. In Washington, the prosecutor generally files an information that identifies the alleged offense and begins the formal juvenile court case. Filing the document is not a finding of guilt. It is a statement of the allegation that the government must prove (Washington State Legislature, n.d.).

Once a formal case begins, the young person receives notice of the allegations. At an arraignment, the court explains the charge and asks for a plea. A young person may admit the allegation or deny it. An admission must be made knowingly and voluntarily. The judge should make sure the young person understands the rights being given up and the possible results of the admission. Young people have a right to legal counsel in delinquency cases that may lead to a loss of liberty. Defense attorneys explain the process, examine the evidence, protect the young person's rights, and help the young person decide how to respond. Parents and guardians can provide support, but they do not replace the defense attorney. The attorney represents the young person.

Diversion

Diversion is the process of directing an eligible young person away from formal court processing and into a community-based response. Diversion may happen before a formal case is filed. Its purpose is to address the conduct while reducing the possible harm of deeper court involvement.

Diversion does not always mean that nothing happens. A diversion agreement may require the young person to attend school, complete community service, repair property damage, take part in counseling, attend an educational program, write an apology, or follow other reasonable conditions. The requirements should be connected to the conduct and should be possible for the young person to complete.

Diversion can reduce the harmful effects of labeling. It can also connect a young person with services without creating a formal adjudication. Research findings are not identical across every program, but many studies have found that well-designed diversion can produce outcomes that are as good as or better than formal processing for eligible youth (Office of Juvenile Justice and Delinquency Prevention, 2017).

In Washington, diversion agreements must be written in language the young person can understand. Before signing, the young person keeps the right to have the case sent to court. The law also provides procedures when officials claim that a young person violated an agreement. Successful completion generally prevents the diversion from being treated as part of the young person's criminal history (Washington State Legislature, n.d.).

Access to diversion should be fair. Two young people accused of similar conduct should not receive very different opportunities because of their race, income, county, disability, family support, or ability to pay. Conditions can also become unfair when transportation, work, child care, language, or treatment costs make them difficult to complete. A program should respond to these barriers instead of treating poverty or lack of services as refusal to cooperate.

Adjudication and Due Process

If a young person denies the allegation and the case continues, the court holds an **adjudicatory hearing**, a court hearing where a judge decides whether the government proved that the young person committed the alleged offense. An adjudicatory hearing serves a purpose similar to a criminal trial, but juvenile courts use different terms and procedures.

The young person has important due process rights. These include receiving notice of the allegations, having an attorney, remaining silent, questioning opposing witnesses, and presenting evidence. The government carries the burden of proof. It must prove the allegation beyond a reasonable doubt. These protections developed through major Supreme Court cases. In *In re Gault* (1967), the Court held that young people facing serious delinquency proceedings have rights that include notice, counsel, protection against self-incrimination, and the ability to confront witnesses. In *In re Winship* (1970), the Court required proof beyond a reasonable doubt in delinquency cases. These decisions helped make juvenile proceedings more accurate and fair (Office of Juvenile Justice and Delinquency Prevention, n.d.-b). Juvenile court is not exactly the same as adult criminal court. The Supreme Court has not recognized a federal constitutional right to a jury in every juvenile case. State law determines whether a jury is available. Washington juvenile offense cases are generally heard by a judge without a jury (Washington State Legislature, n.d.).

An **adjudication** is the court's finding that a young person committed the alleged delinquent act. Juvenile courts commonly use the term adjudicated rather than convicted. If the government does not meet its burden, the judge finds that the allegation was not proved. A finding that an allegation was not proved does not necessarily mean that nothing happened. It means the government did not present enough lawful evidence to meet the required standard.

Disposition

After an adjudication, the court moves to disposition. A **disposition** is the court-ordered outcome after a young person is adjudicated delinquent. It serves a purpose similar to sentencing in adult court, but it should consider the young person's development and treatment needs as well as accountability and public safety. Before making a decision, the judge may review the offense, the harm caused, the young person's history, family circumstances, school situation, health needs, strengths, and available services. The defense and prosecution may offer recommendations. The young person may speak, and the victim may provide information about the harm caused.

Possible community-based outcomes include counseling, educational programs, treatment, community service, restitution, and supervision. A judge should connect conditions to the offense, the young person's needs, and public safety. Adding many unrelated conditions can make success harder without improving safety. **Restitution** is money or service ordered to address a victim's financial loss caused by an offense. It may cover costs such as damaged property or certain other losses allowed by law. Restitution is different from a fine because its purpose is to address the victim's loss. Courts should consider what the law permits and whether the payment plan is realistic. A young person should not be treated as unwilling simply because the young person or family lacks money.

Washington also allows deferred dispositions in certain eligible cases. Under this process, the court delays the final result while the young person follows court-ordered conditions. Successful completion may allow the adjudication to be vacated and the case dismissed. Eligibility and requirements depend on state law and the facts of the case (Washington State Legislature, n.d.).

Probation and Community Supervision

Washington law often uses the term community supervision for this type of juvenile court order. A probation officer monitors compliance, reports progress to the court, and may connect the young person and family with services. Probation conditions may include attending school, meeting with an officer, following a curfew, completing treatment, avoiding certain people or places, performing community service, or paying restitution. Conditions should be clear, lawful, and possible to complete. Young people and families should understand what is expected, how long supervision will last, and what may happen if a condition is not followed.

Effective supervision involves more than watching for mistakes. It can help young people build skills, strengthen family relationships, return to school, find work, and receive behavioral health services. Developmentally appropriate supervision uses incentives, clear instructions, and responses that match the seriousness of the behavior. Research suggests that low-risk youth should not receive more control than public safety requires because needless system involvement can interfere with healthy development (National Research Council, 2013).

A violation of a probation condition is not always a new offense. Missing a meeting, breaking curfew, or failing to finish a program may violate a court order without violating a criminal law. Officials should consider why the violation happened. Transportation problems, family duties, disability, unstable housing, or lack of available treatment may create barriers. Responses should address the problem and remain proportional to the conduct.

The juvenile justice process contains many chances to make careful decisions. Officials must consider evidence, legal rights, public safety, harm to victims, and the young person's ability to grow. A fair process does not ignore unlawful behavior. It responds in a way that is lawful, understandable, and suited to the individual young person.

Pro Tip

Before treating missed probation requirements as defiance, complete a compliance check. Confirm that the young person understood the rule and had a realistic way to follow it. Ask about transportation, cost, scheduling, housing, disability, communication needs, family duties, and whether the required service was actually available. Distinguish a technical violation, such as missing an appointment, from a new criminal offense. Record the young person's explanation and verify important details when possible. Then select a response that matches the seriousness of the conduct. This process supports accountability without turning barriers outside the youth's control into additional punishment.

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8.4 Equity and Community-Based Responses

A fair juvenile justice system must respond to harmful behavior without ignoring the different conditions young people face. Race, gender, sexual orientation, disability, family income, and access to services can affect how a young person enters and experiences the system. These factors can also overlap. Fairness does not mean that every case receives the same response. It means that decisions are based on lawful behavior, reliable evidence, individual needs, and public safety rather than stereotypes or unequal access to help.

Racial and Ethnic Disparities

Racial and ethnic disparities are differences in justice system contact, treatment, or outcomes among racial and ethnic groups. A disparity does not always prove that one person acted with bias. However, large and repeated disparities can show that policies, social conditions, or decision-making practices are producing unequal results.

National data show that youth of color do not experience the juvenile justice process in the same way as White youth. In 2020, referral rates for cases involving Black youth were higher than rates for other groups in nearly every major offense category. Cases involving White youth were more likely to be diverted. Cases involving youth of color were more likely to receive certain deeper forms of system involvement. The COVID-19 pandemic may have affected the 2020 data, but the overall findings match disparities found in other years (Office of Juvenile Justice and Delinquency Prevention, 2023).

Washington also tracks disparities at major decision points. State reports show that Black, Latino, and Native youth remain overrepresented in parts of Washington's juvenile justice system. The size of a disparity may change by county and by decision point. These differences show why state and local agencies must study their own data rather than assume that one statewide pattern explains every community (Washington State Department of Children, Youth, and Families, 2024).

Several forces may contribute to disparities. Youth in heavily policed neighborhoods have more chances to be stopped or observed. Schools that depend on suspension, expulsion, or police referrals may send more students into the justice system. Families with money may have greater access to private treatment, transportation, legal help, and other services. Communities affected by poverty may have fewer youth programs even when the need is greater.

Discretion can also affect outcomes. Police officers, prosecutors, intake workers, probation officers, and judges make choices throughout a case. Each decision may seem small, but the effects can build over time. For example, one group may be more likely to receive a warning while another is more likely to receive a referral for similar conduct. Later officials then see different records and may make different choices based on those records.

Implicit bias is an attitude or stereotype that can affect a person's understanding, actions, or decisions without conscious awareness. A person may sincerely believe in fairness and still be influenced by hidden assumptions. For example, an adult might see the same behavior as immature when displayed by one child but threatening when displayed by another. Training alone cannot remove every form of bias. Agencies also need clear decision rules, accurate data, supervision, and reviews of case outcomes.

Reducing disparities does not require officials to ignore serious conduct. It requires them to ask whether similar cases are handled in similar ways. Agencies can compare outcomes by race, ethnicity, gender, offense, age, and county. They can examine who receives diversion, who has access to treatment, and who successfully completes court conditions. When a disparity appears, officials should look for its cause instead of assuming that the difference is natural or unavoidable. Data must also be interpreted carefully. A higher rate of court involvement for a group does not mean that race or culture causes delinquency. Group data cannot explain the behavior of one person. Researchers and justice professionals must consider policing patterns, neighborhood conditions, school discipline, reporting practices, access to services, and earlier system decisions.

Gender and the Experiences of Girls

The juvenile justice system was largely designed around the experiences of boys because boys have historically made up most referred cases. This history can cause programs and policies to overlook the experiences of girls. National research has found that girls in the system often report histories of trauma, family conflict, abuse, and unstable relationships. Girls have also made up a large share of some status offense cases, especially runaway and truancy cases (Ehrmann et al., 2019).

These patterns should not be used to stereotype girls. Not every girl has experienced trauma, and trauma does not explain every offense. Girls differ in their needs, strengths, cultures, and family situations. Officials should use individual assessments rather than assume that one program will work for everyone.

Gender-responsive programming means services designed to address needs and experiences connected to gender while avoiding harmful stereotypes. Such services may address trauma, healthy relationships, education, family conflict, physical health, parenting, or substance use when those needs are present. A gender-responsive program should also help young people build skills, confidence, and healthy connections.

Rules can have different effects across genders. For example, a young person who runs away may be escaping abuse, family rejection, or exploitation. Treating that behavior only as defiance may hide a serious safety need. Officials should still examine the facts, but they should avoid assuming that a young person's behavior shows bad character.

Boys also have gender-related needs. Some boys may have learned that asking for help shows weakness. They may hide fear, sadness, abuse, or mental health concerns. A fair system gives all young people safe ways to discuss trauma and emotions without forcing them into narrow ideas about masculinity or femininity.

Watch Your Step

General Public: "If statistics show a racial disparity, that proves every official involved acted with conscious bias."

Expert: A disparity is evidence of different outcomes, but it does not identify the motive behind every individual decision. Unequal patterns may develop through policing practices, school referrals, access to services, written policies, discretionary choices, or the combined effects of earlier decisions. Implicit bias may also influence judgment without conscious intent. Careful analysis avoids two mistakes: accusing every official of intentional discrimination and dismissing repeated disparities as meaningless. Compare similar cases at each decision point, examine policies and resource barriers, and gather more evidence before deciding what caused the difference.

LGBTQ+ and Two-Spirit Youth

LGBTQ+ refers to people who may identify as lesbian, gay, bisexual, transgender, queer or questioning, or another sexual orientation or gender identity. Two-Spirit is a culturally specific term used by some Indigenous people. It can describe identities and community roles connected to gender, sexuality, culture, and spirituality. It should not be applied to every Indigenous LGBTQ+ person.

Research has found that LGBTQ+ youth are overrepresented in parts of the juvenile justice system. Their identities do not cause delinquency. Family rejection, bullying, school discipline, homelessness, discrimination, and a lack of safe services may increase their contact with police or courts. LGBTQ+ youth of color may experience both racial bias and bias related to sexual orientation or gender identity (Conron & Wilson, 2019).

Intersectionality is the way a person's overlapping identities and social positions can create combined experiences of advantage or disadvantage. For example, the experience of a Black transgender girl cannot be understood by looking only at race, gender, or gender identity. These parts of identity may interact and shape how other people respond to her. Justice professionals should not assume that being LGBTQ+ means a young person has a mental disorder, family problem, or treatment need. They should protect personal information and avoid forcing a young person to reveal an identity. Staff should use respectful names and forms of address, respond to bullying, and provide equal access to programs and services. The Office of Juvenile Justice and Delinquency Prevention has supported training and resources for professionals who work with LGBTQ+ and Two-Spirit youth. This work emphasizes fair treatment, safety, trauma-informed practice, and access to suitable services (Office of Juvenile Justice and Delinquency Prevention, 2022).

Youth With Disabilities and Behavioral Health Needs

Young people in the juvenile justice system may have learning disabilities, intellectual disabilities, developmental disabilities, physical disabilities, or emotional and behavioral conditions. A disability does not cause crime. However, an unidentified or unsupported disability may affect school success, communication, decision-making, or a young person's ability to follow complicated rules.

A young person with a learning disability may struggle to read a diversion agreement. A youth with an intellectual disability may agree with an adult without fully understanding the question. A young person with autism may avoid eye contact, repeat words, become overwhelmed by noise, or react strongly to sudden changes. These behaviors should not automatically be treated as dishonesty, disrespect, or guilt. Justice professionals should use trained evaluators when a disability or behavioral health need may be present. A brief screening can identify signs that more review is needed. A full assessment is a more detailed examination completed by a qualified professional. Neither process should be used to assign a diagnosis based on a stereotype.

The Individuals with Disabilities Education Act, commonly called IDEA, protects eligible students with disabilities. It provides a right to a free appropriate public education and related services based on individual needs. An **individualized education program** is a written education plan that describes an eligible student's needs, goals, services, and supports. Justice involvement does not automatically end a young person's education rights (U.S. Department of Education, n.d.).

Young people may also need reasonable changes in how information is presented or how a program operates. Examples include plain-language forms, extra time to understand instructions, communication aids, interpreters, or schedules that allow attendance at treatment. Lowering an unfair barrier is not the same as excusing harmful conduct. It gives the young person a fair chance to understand and follow the rules.

Behavioral health services should be based on actual needs. Mental illness, substance use, trauma, and disability can overlap, but they are not the same. A young person should not receive a diagnosis merely because the person is angry, withdrawn, impulsive, or involved in court. Treatment decisions should be made by qualified professionals and should include the young person and family when appropriate.

Restorative Justice and Community-Based Alternatives

Restorative justice is an approach that focuses on repairing harm by encouraging the person responsible to accept responsibility and by offering safe, voluntary participation to victims, families, and community members. It asks what harm occurred, who was affected, and what can be done to repair that harm. Washington law includes restorative justice among the services that may be used in juvenile cases (Washington State Legislature, n.d.-a).

Restorative practices can include victim and youth dialogue, family group meetings, community panels, mediation, or restorative circles. The exact process depends on the case and the program. A plan might include returning property, paying restitution, repairing damage, completing meaningful service, or taking steps to prevent the harm from happening again.

Participation by a victim should be voluntary. A victim should not be pressured to meet with the young person or forgive the conduct. Some cases may not be suitable for direct communication because of safety concerns, a power difference, or the victim's wishes. Restorative justice must also protect the young person's legal rights. It should not pressure a young person to admit conduct that has not been proved. Restorative justice is not simply being lenient. A young person may be required to face the effects of the conduct and take specific steps to repair harm. This form of accountability may feel more personal than an order that has little connection to the victim or community.

Slow Down and Think

Imagine that a young person damaged a neighbor's property. The neighbor wants the damage repaired but does not want a meeting, apology, or direct contact. Can the response still be restorative? Consider whether the young person could repair or replace the property, complete meaningful service, or take steps to prevent similar harm without pressuring the neighbor to participate. Also consider the young person's right not to admit an allegation that has not been proved. Restorative justice should connect accountability to actual harm while protecting safety, choice, and legal rights. Forgiveness and face-to-face meetings may occur, but neither should be required.

Community-based alternatives are programs and services that respond to youth behavior while allowing young people to remain connected to their families, schools, and communities. They may include mentoring, counseling, treatment, educational support, family services, youth court, or restorative justice programs. Washington law allows prosecutors, probation counselors, and diversion units to refer eligible youth to community-based and restorative programs (Washington State Legislature, n.d.-b).

Community programs should be available across neighborhoods and counties. A court cannot fairly order counseling or treatment if no suitable provider exists nearby. Programs should be affordable, accessible to youth with disabilities, and responsive to language and culture. Families and young people should also have a voice in program design. Equity requires more than treating every young person alike. It requires careful attention to barriers, bias, identity, disability, and unequal access to resources. Restorative and community-based responses can promote accountability while helping young people remain connected to the people and places that support healthy growth.

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Chapter Summary

Juvenile justice developed because children were once handled much like adults. Early reformers created houses of refuge and separate juvenile courts. These reforms promoted care and rehabilitation, but they also allowed broad control over young people. Race, class, gender, and immigration status shaped who received help and who experienced punishment.

Delinquency is unlawful behavior by a young person, while a status offense is prohibited only because of age. Adolescent development helps explain why young people may respond strongly to peers, rewards, stress, and fast-moving situations. Development does not excuse harm. It does show why responses should recognize a young person's ability to learn and change. Risk factors raise the chance of harmful outcomes, while protective factors support healthier paths. Trauma, behavioral health needs, and substance use may overlap with delinquency, but none automatically causes it. A juvenile case may move through referral, intake, diversion, adjudication, disposition, and probation. Due process protects the young person at formal stages. Diversion can address conduct without a full court case. If an allegation is proved, a disposition may require supervision, services, restitution, or other community conditions.

The system does not affect all youth equally. Racial and ethnic disparities remain at key decision points. Girls, LGBTQ+ and Two-Spirit youth, and youth with disabilities may face needs or barriers that standard programs overlook. Fair responses use individual assessments, protect legal rights, avoid stereotypes, and provide accessible services. Restorative justice and community-based alternatives can hold youth accountable by repairing harm, strengthening skills, and maintaining healthy community connections.

End of Chapter Activities

Case Study Analysis: Maya's Referral

Maya, age 15, has no prior juvenile referrals. A store employee alleges that Maya took headphones after spending time with older friends. The headphones were recovered. Maya has frequent school absences because she helps care for a younger sibling, and she has a learning disability that makes dense written materials difficult to understand. The store owner wants repayment for any loss but is open to an apology or another restorative option.

Answer each question in approximately one, single-spaced handwritten page (approximately 500-1000 words). Support your reasoning with specific concepts and section references from this chapter.

1. What should intake staff consider when deciding whether Maya's case should proceed formally or be considered for diversion?
2. How can staff make sure Maya understands her choices and is treated fairly throughout the process?
3. What accountability plan could address the harm while supporting Maya's success and reducing unnecessary court involvement?

Choose Your Own (Criminal Justice) Adventure

Skills Lab 1: Referral and Intake Decision Map

Create a one-page decision map for a 14-year-old referred for a first-time, nonviolent property offense. Include the information that should be gathered at referral and intake, possible diversion considerations, and circumstances that may justify formal court processing.

Deliverable: Submit a one-page flowchart or decision map with at least five decision points. Include a brief explanation of how intake staff should use the information fairly and consistently. Your map should show that referral does not automatically require formal court action.

Skills Lab 2: Diversion Agreement Accessibility Audit

Review a sample diversion agreement that uses legal terms, lengthy sentences, and unclear deadlines. Rewrite three provisions in youth-centered plain language and identify steps staff should take to confirm that the youth understands the agreement.

Deliverable: Submit the three original provisions, your plain-language revisions, and a short paragraph describing at least three accessibility practices. The paragraph should explain how staff can check understanding before the youth agrees to the plan. Use language that a young person could reasonably understand.

Skills Lab 3: Restorative Response Plan

Develop a restorative response plan for a youth who damaged a neighbor's property. The neighbor wants the harm repaired but does not want direct contact with the youth.

Deliverable: Submit a one-page plan that identifies the harm, proposed accountability steps, support services, and safeguards for the neighbor. Include a short explanation of how the plan respects the neighbor's decision not to meet with the youth. The plan should be realistic for both the youth and the affected neighbor.

Skills Lab 4: Disparity Checkpoint Review

A county review finds that Black, Latino, and Native youth are referred to court more often than similarly situated White youth, while diversion use varies by neighborhood. Identify questions officials should investigate and recommend two changes the county could consider.

Deliverable: Submit a one- to two-page checkpoint review. Include at least four questions officials should investigate, two recommended reforms, and a short explanation of why the data should be interpreted carefully. Use evidence-based language and avoid assuming that one statistic proves a single cause.

Skills Lab 5: Disposition and Supervision Reality Check

A youth's proposed disposition includes counseling, school-attendance requirements, community service, restitution, a curfew, and frequent check-ins. The youth has limited transportation, works part-time, and helps care for a family member. Evaluate the proposed conditions and recommend revisions that preserve accountability while making the plan achievable.

Deliverable: Submit a one-page condition review that identifies which requirements are appropriate, which need adjustment, and why. Include at least three specific modifications to make the plan more realistic. End with a short statement explaining how the revised plan promotes accountability, support, and public safety.

Critical Thinking Questions

1. Should juvenile courts prioritize rehabilitation over punishment when a youth causes serious harm? Explain how accountability, youth development, victim needs, and public safety can be balanced.

2. When, if ever, should a youth be transferred to adult court? What information should decision-makers consider before making that choice?

3. How should juvenile justice agencies respond when racial disparities and disability-related barriers appear at several decision points?