

PART III

CRIMINAL JUSTICE-RELATED ISSUES

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Even though academics often separate the subject of criminal justice from that of criminology, their interconnectedness allows the application of theory to policy and practice so as to realize the influence of each in the real world. Each of the chapters that follow demonstrates this interconnectedness and could have been placed in one or more sections within in this handbook. Nonetheless, given the importance of these topics to the criminal justice system, they deserve the emphasis they are given in this section.

The idea that punishment, whether threatened or actually imposed, discourages crime is explicated in deterrence theory. This theoretical viewpoint assumes that criminals are rational actors who calculate the gains and losses to be incurred from the commission of a crime prior to deciding whether or not to go forth with the act. The effectiveness of general deterrence is often questioned, yet it is clear that one needs to look beyond the basic question of how much punishment is necessary to reduce crime. Greg Pogarsky's chapter does just that. He explains that there are multiple factors that influence whether or not deterrent strategies work and succinctly provides empirical research to support both sides of the debate. His discussion covers individual-level influences, like criminal propensity, to contextual and temporal factors, such as the level of disorganization of a place and whether or not the calculated decisions occur well before the crime or if they are only made contemporaneously. This chapter offers an insightful discussion of deterrence that will enlighten both new and veteran scholars.

Similar to deterrence theory, a basic tenet supporting situational crime prevention is that criminals are rational, calculating actors. It sees crime as a product of this rationality, as well as opportunities and situations that stimulate or provoke criminal acts. Opportunities are everywhere. They are, in fact, part of our everyday routine activities. They are a poorly lit parking

lot, a hedge that covers a window, or traffic patterns that leave streets unguarded. As such, situational crime prevention is enacted through public and private organizations and agencies as a way to reduce opportunities and alter situations that incite criminal behavior. In the second chapter of this section, Ronald Clarke, one of the first to advocate rational choice theory and apply its principles to situational crime prevention, discusses the theoretical foundation for, and issues surrounding the practice of, this innovative approach to preventing crime. This excellent synopsis provides material important for both understanding and implementing the practice of situational crime prevention.

Individual inclinations to commit crime, and in turn crime levels, are not always reduced by the threat of sanctions and the alteration of situational factors. Sometimes as offenders age, they seem to just “go legit.” Desistance from crime, however, is not that simple. Lila Kazemian and Shadd Maruna describe the difficulties that exist in just trying to define the cessation of crime by an individual. They argue that desistance and age are indirectly related, as age represents many factors that serve as mechanisms in the process of desistance. They go on to illustrate how social factors, such as marriage and employment, and internal factors, such as a cognitive transformation and identity transformation, encourage the cessation of crime by an individual. This overview of why people sometimes seem to age out of crime is an excellent primer for those first reading about desistance, as well as those looking to gain a more sophisticated understanding of this topic.

Capital punishment is one of the most hotly debated topics related to the criminal justice system. James Acker illustrates this debate in his chapter, which begins with a history of the death penalty from its crude beginning to its nullification and subsequent reinstatement. He goes on to discuss the primary justifications for the use of the death penalty, which include general deterrence, incapacitation, and the victims’ need for retribution. He argues that empirical evidence does not support these justifications and often times they create ambiguity about the legality and rationalization for capital punishment. Evidence regarding the discriminatory and arbitrary nature of the capital punishment process as well as wrongful convictions, less-than-objective juries, and poor defense counsel provide additional skepticism about the lawfulness and effectiveness of this process. Given that capital punishment is also a moral issue, it is unlikely that the debate will ever end. However, this and other research presented by Acker may contribute to the cessation of the debate as it stands within the criminal justice system.

The issue of discrimination is not limited to capital punishment cases; it is evident throughout the entire criminal justice system. In this methodologically sophisticated chapter, Pauline Brennan provides an array of statistics indicating the overrepresentation of minorities, especially blacks, and males in the criminal justice system. She provides an overview of how stereotyping (the primary theoretical explanation for this disparity) influences judicial behavior during the sentencing process. This theoretical viewpoint argues that minorities are seen as more dangerous, more culpable, and more likely to recidivate. It also contends that women are seen as less dangerous, less responsible, and more likely to be rehabilitated than men. When race/ethnicity and sex are examined separately, this stereotyping leads to disparate sentences in favor of whites and females. Brennan argues for an interactive model and compares various methods of examining the joint effects of race/ethnicity and sex. She reviews the conflicting findings and concludes that more research is necessary to determine the context by which discrimination operates in the sentencing process. Researchers interested in race/ethnicity and sex within any topic area will gain perspective from this chapter that is necessary to conduct a more thorough investigation.

The final chapter in this section provides a clear illustration of the importance of, and difficulty in, translating research into practice. A renowned researcher in this area, David Duffee compares and contrasts two primary methods of incorporating knowledge gained from empirical research about treatment into actual treatment practice. Providing examples gained from first-hand experience, he describes each strategy, the advantages and disadvantages of each, and suggests the need to integrate the two in order to achieve the most gains. His experience is clear as he describes the process and the difficulties involved in implementing strategies informed by research. Along with the other five chapters in this section, this piece exemplifies the interconnected nature of criminology and criminal justice. Despite the many challenges that arise, the importance of applying theory to practice remains strong. It is our hope that each of these chapters stimulates all readers, novices and veterans alike, to consider the gains to be made as this link grows stronger and to consider following this course in their own work.