**Lecture Notes for Chapter 12: Criminal Justice**

The historical roots of criminal justice in the United States have focused on law enforcement, incarceration, and the punishment of criminal behavior. Although social workers share the view that people involved in the criminal justice system have responsibility for their actions, criminals are also seen as a product of their bio-psycho-social environment. Criminals often experience mental health and substance abuse issues. Social workers have advocated for entities such as drug and mental health courts, where judges can explicitly consider, order, and support therapy and intervention plans for criminals as an alternative to punishment. There can be tension in the relationship between social workers and criminal justice professionals, due to differing perspectives. The criminal justice system refers to a large network of organizations (e.g., courts, police departments, prisons, jails, probation agencies) dedicated to the enforcement of laws and the administration of justice. Crime refers to acts or behaviors that are prohibited by criminal law and are punishable by negative sanctions (e.g., probation, fine, jail term). Laws are legislative acts passed at the local, state, and federal levels by corresponding political entities to define and regulate acceptable and unacceptable behavior.

Central Concepts in Criminal Justice and Crime

* Types of Crime by Severity
  + Misdemeanor crimes
    - minor crimes ( traffic violations, public drunkenness, shoplifting)
    - punishable by a fine, small amount of time (less than one year) in jail
  + Felonies
    - serious crimes (e.g., murder, rape, aggravated assault)
    - punishable by extended imprisonment and sometimes death
* Types of Crime by Category
  + Violent Crimes – Robbery, Aggravated Assault, Rape, Homicide
  + Property Crimes – Arson, Larceny , Burglary
  + Victimless Crimes - prostitution, illegal gambling, selling drugs
* Hate Crimes - verbal threats, acts of violence, fear, physical attack, explosives
  + White Collar Crimes - fraud, theft, falsification of records at work
* The Contextual Nature of Crime
  + A behavior legislated as illegal at one point in time and within a specific jurisdiction may, in a different locale or during a different time, be deemed legal.
    - Prohibition
  + Affluent community members possess resources and hire attorneys to enable maneuvering around and through the criminal justice system to have cases dropped or reduced to a lower charge. Those without resources become labeled as criminals.
* The Correctional System
  + Probation - a sentence given to an offender by a judge, typically in lieu of prison, carrying specific requirements and conditions, such as regular reporting, counseling, drug testing, and substance treatment.
  + Parole - early release of an inmate from prison, supervised by a parole officer.
  + Prison - the most expensive and last resort correctional option for offenders. Prison is a broad term that encompasses being held in local and county jails as well as state and federal prisons. For 2011, it was estimated that the average cost of incarceration for federal inmates was $28,893.40 per year and $26,163 per year for an inmate in a community corrections center.
* Juvenile Justice and Corrections
  + A juvenile who becomes involved in the criminal justice system is often brought to helping professionals (including social workers), agencies, and programs for help. Many times, the criminal actions of the juvenile involve and reflect interpersonal and family conflicts and dysfunctions.
  + Juvenile corrections - intervention, services, and programs for minors as a result of their involvement in the criminal justice system and courts.

Conflicting Attitudes About Those Who Commit Crimes

There are two dominant underlying values with regard to dealing with criminals: the need for transgressors to take individual responsibility and the need for society to punish transgressions. Many people who become involved in the criminal justice system have experienced mental and emotional challenges and addictions. Additionally, many criminals have been victims of trauma, abuse, and exploitation.

* Attitudes Toward Punishment - The system for the punishment and imprisonment of criminals in the United States is designed to fulfill four functions.
  + Social Protection - criminals who are in jail will no longer be able to commit crimes, however society is protected only temporarily, until the criminal is released from jail.
  + Deterrence - it is thought that fear of punishment will prevent future criminal activity, however many crimes are committed in the heat of the moment, with little consideration of the consequences.
  + Rehabilitation - providing services and programs to offenders while they are incarcerated is supposed to facilitate their successful, law-abiding re-entry into the community. Unfortunately, rehabilitation programs are few in number, understaffed, and underfunded.
  + Retribution - the belief that penalty or punishment should match the severity of the crime in order to provide “payback” - for example, people who commit homicide should be punished more severely than a person committing fraud.
* Attitudes Toward Rehabilitation
  + People who have been labeled as criminals find it so difficult to reintegrate into society. Being labeled as a criminal can present significant challenges for obtaining employment, housing, and credit as well as damaging one’s self image and esteem.
  + Recidivism - tendency for former inmates to return to prison
  + People who are incarcerated can become even more expert at crime at the same time they are becoming less employable.
  + People have a greater tendency to participate in criminal activities and deviance when they frequently associate with criminals and those deemed to be deviants.
  + Prisons can be viewed as educational grounds for future criminal behavior.

Social Workers and the Criminal Justice System

* Forensic Social Work – Social work within the criminal justice system.
  + Applies a social work outlook to legal issues and systems and litigation. Tasks include evaluating criminal and civil competency, court-ordered psychotherapy, evaluation of suitability to parent, child and adult custody evaluation, mediation services, probation and parole services, consultant to attorneys, termination of parental rights evaluations, bonding and attachment assessments, correctional services, domestic violence services, international child abduction, protective shelters, rebuttal witnesses.
  + National Organization of Forensic Social Work (NOFSW) - annual conferences, political action, a professional literature newsletter and journal, and networking opportunities.
* Social Work Values Regarding Criminal Justice – key values include:
  + Prevention – This should be the first goal. Lawbreakers are often between the ages of 15 and 25. Social work efforts focus on designing, implementing and funding programs and services that will keep children and young adults from pursuing antisocial activities and out of the criminal justice system. Prevention of crime reduces the number of victims and is more humane than letting crime occur and then punishing offenders.
  + Justice – Advocating for fair and equitable access to information, services, and resources across population groups is crucial to promote social justice.
  + Dignity – In addition to being treated fairly, people accused and found guilty of crimes, as well as their victims, deserve to be treated in a respectful and humane fashion. It is important to recognizes and take into account their challenges, which may include mental health, addiction, and trauma of victimizations.
  + Best practices and quality services – Offenders and victims of crime should have access to appropriate and effective legal representation, mental health programs, and addiction services.
* Interactions with the Criminal Justice System
  + Police - Social workers often work closely with police officers, especially in relationship to specific problems (e.g., child neglect and abuse investigation) and population groups (e.g., victims of domestic violence).
  + Courts - Social workers are called or brought before courts to provide information and their expertise. They often describe the circumstances of a crime and offer psycho-social assessments of the accused and relevant others.
  + Attorneys - Defense attorneys often rely on the expertise of social workers to better understand their client’s situation. Attorneys also partner with social workers to advance legislation and policies to promote justice and client rights. Attorneys may refer clients to social workers and social service agencies to promote the client’s stability and well-being.
  + Corrections - Social workers frequently practice with offenders and the family members of people who have served prison terms or been placed on probation and/or parole. They often collaborate with court officials and probation and parole officers to coordinate the best correctional strategy for moving forward in life. Social workers also work to assure that the rights and perspective of the client are understood and considered in correctional situations and processes.
* Victim Assistance Programs - designed to support and assist victims/survivors and witnesses of acts of victimization. These unwilling participants in crime are counseled so they can better understand what has happened and seek appropriate crisis assistance and services.
  + A restorative justice perspective highlights the notion that many crimes are first and foremost an offense against human relations, where offenders should be held accountable to the people they have violated. Offenders are asked to acknowledge the harm they have done and apologize to the survivor, and the survivor is encouraged to forgive the offender in return. The goals are “justice, healing, and reconciliation.”
* Deviant Behavior and Social Status
  + The criminal nature of a deviant behavior is relative and based upon societal or community values, norms, and standards as well as social status and perception.
* Mental Health and Criminal Justice
  + When mental health services became deinstitutionalized, jails and prisons increasingly became the default residence for people with serious mental illness who caused too many problems in the community. Instead of receiving the residential mental health services they needed, they were arrested for manifesting symptoms of their mental illnesses.
* Issues Affecting Children and Youth - Social workers support and partner with family support and training programs, early childhood intervention programs, offender treatment and victim programs, and educational awareness campaigns.
  + Exposure and Desensitization to Violent Behavior - As a result of repeated exposure to violence (television, video games, movies, music), youth experience desensitization, becoming less sensitive to fear about acts. This increases their risk of engaging in violent behavior toward others.
  + Parental Imprisonment - The impact of parental imprisonment on children includes loss, trauma, lack of understanding, anxiety, frustration, embarrassment, stigma, and instability in income and supervision. They may need reassurance that they have not done anything wrong or do not bear responsibility for the actions of their parent.

Diversity and Criminal Justice

* Age - Crime rates peak during the teen years followed by a rapid decline that continues through adulthood.
* Class - Affluent people can afford to hire expensive attorneys while, poor people rely on court-appointed attorneys with less time, so are more likely to be convicted.
* Ethnicity and Race - African Americans and Latin Americans are overrepresented in crime rates, and European Americans and Asian Americans are associated with the lowest crime rates.
* Gender - Women do commit crimes, but in the case of violent crimes they are more likely to be the victims than the offenders.
* Sexual Orientation – LGBT individuals may be victims of hate crimes.
* Intersections of Diversity – Profiling often based on multiple forms of diversity.

Advocacy and Criminal Justice - Advocating for the rights and fair treatment of clients who are criminals and victims of crime depends on having accurate data. Social workers play an important role in identifying, acquiring, analyzing, and disseminating information as well as educating the public and decision makers about the causes and impacts of crime.

* Economic and Social Justice
  + Identify and promote competent legal representation for all.
  + Work to advance just policies, practices, and laws for victims and criminals.
  + Confront and combat discriminatory practices in the criminal justice system
  + Ensure that the accused are assessed properly and are competent to face charges and stand trial.
  + Promote safe, proper, and humane treatment of the poor in correctional facilities.
* Environmental Factors
  + To combat the influence of gangs, social workers partner with community officials to provide healthy alternatives, such as job training, employment, mentorship programs, and sport activities.
* Human Needs and Rights
  + Within criminal justice, social workers have a dual responsibility both to their clients and to the greater society. According to the NASW *Code of Ethics:*
    - “Social workers should promote the general welfare of society, from local to global levels and the development of people, their communities, and their environments … Social workers should engage in social and political action that seeks to ensure that all people have access to the resources, employment, services, and opportunities they require to meet their basic human needs and to develop fully.” (National Association of Social Workers [NASW], 1996, pp. 26-27)
* Political Perspectives
  + Social workers advocate and support politicians and pieces of legislation to address the needs and rights of all people, including clients labeled as criminals.
  + Cuts in funding have impacted social programs, including services for victims and criminals.

Your Career in Criminal Justice

* Only 1 % of social workers report their primary practice area as criminal justice (compared to 35% of social workers listing mental health as their primary practice).
* Even if a social worker does not work in the area of forensic social work, she or he will likely practice at some point with offenders and victims of crime.
* Social workers also serve as consultants, expert witnesses, parole and probation officers, as well as court officials and legislators.