Instructor’s Manual: Chapter 12

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# Learning Objectives for Chapter 12: Criminal Justice

After reading this chapter, you should be able to  
1. Identify and describe important concepts and terms in the criminal justice system.  
2. Analyze the contextual nature of criminal behavior, as politically defined and relative to time and place.  
3. Identify and describe the intended functions of punishment and imprisonment in  
the United States.  
4. Describe and explain the differences and tension between social work and criminal justice perspectives concerning criminal behavior.  
5. List and explain areas to advocate for change and reform in the criminal justice system.  
6. Describe and analyze how specific population groups are advantaged and disadvantaged in the criminal justice system.  
7. Describe the importance of empowerment of victims and criminals in advocating  
for fair and just legal processes and systems.

# 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.

# Key Concepts for Chapter 12: Criminal Justice

correctional system

crime

criminal justice system

criminals

forensic social work

laws

plea bargaining

recidivism

restorative justice perspective

Uniform Crime Report

# Case Study for Chapter 12: Criminal Justice

Karla is a social worker at a halfway house for transitioning women leaving prison. Most of her clients have been incarcerated for less than two years and have a history of substance issues. While in prison, clients received little, if any, addiction intervention. The halfway house imposes considerable structure on the lives of residents through a detailed behavior system. Clients perform daily duties and have curfews. They are required to attend group meetings designed to support sobriety and provide information about community based resources to maintain sobriety. If clients follow rules and expectations (e.g. attend house meetings, participate in groups, fulfill house duties, clean their rooms, act appropriately, etc.), they are rewarded by being able to leave the halfway house for specified purposes (e.g., to seek employment, see family members, secure housing) during designated blocks of time. When successful, clients use their time constructively at the halfway house and are able to connect with outpatient addiction services, obtained employment, and made arrangements for housing. Most women are marginally employable and will be seeking minimum wage, service-oriented (e.g., fast food, hotel cleaning) jobs.

As a consequence of the clients’ addiction and criminal status, family members, previous employers, and friends have become skeptical and disengaged from many residents. As appropriate, Karla works with clients to rekindle old support systems and build new relationships. She works with parole officers to provide feedback concerning client success. Clients know that a relapse can quickly result in a return to jail. Karla has been an excellent advocate for and partner with local addiction programs. These agencies look for her referral letters and phone calls and value her judgment and input for admission and acceptance for services. Similarly, Karla has identified local service industry employers and advocated for the hiring of her employees. She maintains an active list of properties that have rented to clients from the halfway house.

1. What specific strategies do you think Karla may find effective in rekindling those old support systems, challenging people’s perceptions of the clients with whom she works?

2. Do you think it would be difficult for Karla to work with any particular individuals, perhaps based on the specific crimes they have committed? How can a social worker maintain objectivity and believe in a client’s right to respect and dignity regardless of his/her criminal history?

# Discussion Questions for Chapter 12: Criminal Justice

Discussion Question #1

Should our criminal justice system be more punitive or rehabilitative? Why? Is it possible for a system to be both punitive and rehabilitative? What would you want to happen to someone who had committed a crime against a member of your family?

Discussion Question #2

Would it be difficult for you to work with people who had been convicted of crimes? Perhaps particular crimes more than others? Why or why not?

Discussion Question #3

Some have suggested that uniform sentencing could help reduce or eliminate the unequal outcomes experienced by members of different groups in the criminal justice system. What do you think? What would be the positives and negatives of uniform sentencing?

Discussion Question #4

Since many jobs require background checks and many more job applications ask applicants whether they have ever been convicted of a felony, it can be very difficult (if not impossible) for people released from prison to find “legitimate” jobs. Do you think all people with felonies on their record should have to report them to any prospective employer who asks? Can you come up with an alternative policy that could help to give former prisoners a better chance at providing for themselves and their families through legal work?

# Chapter Exercises for Chapter 12: Criminal Justice

1. Visit a court proceeding. What are the characteristics (e.g., gender, race, ethnicity, age) of people being prosecuted in comparison with those of court officials? Is the culture of the courtroom control and punishment oriented? Are people simply being processed, or is there an effort to understand their background and rationales? How do the attorneys differ in how they show respect in the courtroom?

2. Consider joining a volunteer group that visits prisoners. After your visit, describe how it feels to be in a prison and behind bars. What are topics of interest among prisoners? Do prisoners accept responsibility for their actions? Do they receive help during incarceration and articulate any sense of being able to move forward in their lives?

3. Investigate the duties and procedures of your university’s student disciplinary board. Does it seem that student criminal activity is viewed differently than criminal behavior in the general population? If so, how? If you know someone involved in the student disciplinary board, ask that person about her or his perceptions of the system. You might also consider becoming a member of the disciplinary board.

# Class Activities for Chapter 12: Criminal Justice

**Class activity #1**

Divide the class into 3-4 groups. Provide them the following instructions. Give them the opportunity to reform America’s correctional system, and then have the groups discuss their proposals with the class and choose which they would most like to implement, along with the challenges that might exist to implementing that plan.

Currently, our correctional system is both expensive and ineffective. That is, it costs a lot to keep prisoners incarcerated, and in exchange for that, we still get a very high recidivism rate. Our system doesn’t seem to be ‘correcting’ much of anything.

Can you come up with an alternative plan for our prison system that will save money and still be in line with social work ethics and values? Do not feel constrained by the norms of our system now. Be as creative as you like. If you feel the system should be more punitive, make your case. If you feel it should be more rehabilitative, make your case. Either way, discuss it as a group and talk about what changes you would make that you believe could both reduce costs and recidivism in our correctional system. Be prepared to discuss with the entire class and make the case for your system.

**Class activity #2**

The argument has been made that our criminal justice system is bogged down by too many people who have committed “victimless” crimes—e.g., drug use and prostitution—and that stops the system from accomplishing much in the way of prosecuting violent crimes that society may be more concerned with. Additionally, keeping these activities illegal certainly hasn’t stopped them from occurring (though that is not exactly an argument for legalizing them).

Since it has been proposed that we either legalize some of these crimes or simply make them into ticketable offenses (decriminalization), have your class break up into groups of 4-5 people to discuss what would be the possible pros and cons of legalizing prostitution and drug use. Would the potential ripple effects be worth the positives of freeing up the justice system to pursue more dangerous criminals with a higher percentage of their resources? Discuss as a class. Do they feel drug use should be legalized or decriminalized? Perhaps just for specific drugs? What about prostitution? Are there any other crimes they feel may be justifiably decriminalized or legalized?

**Class activity #3**

Thirty-two states have the death penalty, though some of those states have not executed any prisoner in some time. A few stats that do not have the death penalty still have prisoners on death row from before they abolished capital punishment, and the laws were not retroactive. Public support for capital punishment remains divided. The usefulness of capital punishment is debatable, as it does not seem to have an appreciable impact on crime rates.

Ask your class who is in favor of and who is against the death penalty. If there is a fairly even split, have the class separate into groups based on that split. If not, ask people who are more “on the fence” to join the lesser-populated side.

Have each group spend some time coming up with a list of arguments in favor of their stance. When possible, tell them to back up their points with research or data rather than just feelings or vague beliefs—they may use smart phones or computers (if wi-fi is accessible) to find the necessary information. Instruct them to anticipate their opponents’ points and prepare potential rebuttals for those points in advance. Then encourage a respectful debate on the topic. Remember, declaring a winner is not the point; both sides should strive to understand and respect the point of view of the opposing side. Tell them to aim to exemplify the way social workers should communicate with people with whom they may not agree.

# Video and Multimedia for Chapter 12: Criminal Justice

#### Video Clips

* [For-Profit Prisons](https://www.youtube.com/watch?v=QXH3DlW3vMs)   
  What’s so concerning about the emerging privatization of the prison industry?
* [The House I Live In](http://thedailyshow.cc.com/videos/57v62c/eugene-jarecki)   
  An interview with Eugene Jarecki, the filmmaker behind *The House I Live In*, a documentary about America’s failed drug war and its unequal outcomes for different groups.
* [Racial Profiling](http://abcnews.go.com/Nightline/video/nypds-stop-frisk-racial-profiling-proactive-policing-19088868)   
  Differing views abound about whether the NYPD’s “stop and frisk” policy encourages racial profiling.

#### Audio Clips

* [22 Years of Injustice?](http://www.npr.org/player/v2/mediaPlayer.html?action=1&t=1&islist=false&id=377635552&m=377635553)   
  The Story of Tyrone Hood, released from prison via clemency in 2015 after serving 22 years for a murder he may not have committed at all.
* [California’s Overcrowding Problem](http://www.npr.org/player/v2/mediaPlayer.html?action=1&t=1&islist=false&id=293447532&m=293449166)   
  With prisoners filling up the state’s prisons to 50 to 80% more than capacity, the state is ordered to let thousands of prisoners go free. How do they do it?

# Web Resources for Chapter 12: Criminal Justice

* [Criminal Justice as Rehabilitation](http://www.cdcr.ca.gov/rehabilitation/)   
  The rehabilitative services offered by California’s correctional system are detailed here.
* [The Reality of Gun Ownership](http://www.politico.com/magazine/story/2015/01/defensive-gun-ownership-myth-114262_full.html#.VLmrWUfF-8D)   
  Does having a gun actually help keep you safe from violent crime?
* [The National Gang Center](http://www.nationalgangcenter.gov/)   
  A group committed to reducing gang-related crime and violence.

# SAGE Journal Articles for Chapter 12: Criminal Justice

[**SAGE Journal User Guide**](http://www.uk.sagepub.com/sageEdge/orvis3e/files/SJ-userguide.pdf)

Article 1.

[Luke, K. P. (2008). Are girls really becoming more violent? A critical analysis.*Affilia, 23*(1), 38-50.](http://aff.sagepub.com/cgi/reprint/23/1/38?ijkey=jD4BPC4KWVAgc&keytype=ref&siteid=spaff) doi:10.1177/0886109907310461

In this article, the author explores public and professional concern over a perceived increase in girls’ violence.  The analysis suggests that the discourse around girls’ violence obscures other important processes related to shifting norms around race and gender.

#### Questions:

1. Explain the two broad claims made about girls’ violence, according to the author’s framework:  (a) Girls are becoming more violent; (b) Girls are not becoming more violent.  How do the proponents of each of these explain the empirical basis (i.e., arrest rates) for their claims?
2. How do girls’ experiences in child welfare and other social service systems influence their contact with the juvenile justice system?
3. How do the shifting norms of gender and race influence societal concern over violence among girls?

Article 2.

[Sellers, B. G. (2015). Community-based recovery and youth justice.*Criminal Justice and Behavior, 42*(1), 58-69.](http://cjb.sagepub.com/cgi/reprint/42/1/58?ijkey=LjfMhRJFTEUhg&keytype=ref&siteid=spcjb)doi:10.1177/0093854814550027

This article explores the values behind the popular “get tough” approaches to youth crime and reviews data on their lack of effectiveness.  Alternatives, such as restorative justice and therapeutic approaches, are presented.

#### Questions:

1. What are the common principles and elements of the “get tough” approaches to youth crime discussed here?
2. How does rehabilitation differ from the “get tough” approach to juvenile justice?
3. Describe the rationale for restorative justice and how it works.