

The Decision-Making Network

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An Introduction to Criminal Justice

SECOND EDITION

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To Claudia, Virginia, Teddy, and all those who seek justice in or out of uniform.
Risdon N. Slate

To Family, Colleagues, and Students.
Patrick R. Anderson

To Karl, my family, and all those who strive to work for a fair and just system.
Lisa M. Carter

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Preface

This book attempts to explain the criminal justice decision-making network in America. Our approach is to examine the decisions that go into criminal justice. We examine how crimes are defined by the legislature and what importance is placed on various criminal acts. We describe the decisions made by police, prosecutors, defense attorneys, judges, correctional officials, and politicians . . . all the decisions that affect the individual who is caught in the arms of the law.

Criminal justice decisions do not occur in a vacuum. The values in our democratic society underpin each decision. For example, our Founding Fathers could not have fathomed the technological advances seen within modern day society. Yet the Bill of Rights, over 200 years old, has essentially stood the test of time and guides criminal justice decision making today. We explain that context in light of the founding documents of our society, specifically the United States Constitution, and the applications of those documents made by the United States Supreme Court.

This is not a new approach. Donald J. Newman and Patrick R. Anderson have previously used it, separately and together. Most recently, Risdon N. Slate joined Anderson as a co-author; this volume, with the addition of Lisa Carter, adds a fresh perspective and reflects a further refinement of the decision-making network in keeping with the evolution of crime control in America.

In the past, issues of importance provided context for the book. Today the same is true, but many of the issues have changed. Criminal justice decision makers face the issues of terrorism, border security, legal status of immigrants, efforts to legalize marijuana, human trafficking, the criminalization of mental illness, various technological advances, the expanded use of DNA, a proliferation of guns, and workplace stress. Racial and ethnic divisions within society remain, and female crime is on the rise.

America has always faced issues of the day, but at different times one or the other becomes more pronounced. What remain constant, at least we would hope, are the underlying principles and values of our free society, but even those are altered by events. Interrogation techniques by criminal justice professionals were refined by the Supreme Court decision, *Miranda v. Arizona*, in the 1960s. But the “War on Terror” of the first decade in the 21st century brought about a number of measures to enhance public safety and constrain civil liberties and led to the establishment of our largest federal agency—The Department of Homeland Security. We continue the assessment of the evolution of this experiment called America and attempt to help students

understand how crises sometimes drive policy and how new challenges to our understanding of the Constitution affect the practices of justice.

This book assumes that other, more advanced, courses exist in a criminal justice curriculum. We do not attempt to provide an exhaustive description of all of the intricacies of criminal justice. Rather we attempt to provide the broad sweep of criminal justice decisions, to whet the appetite of the reader for more detailed information, while at the same time providing a good overall understanding of the decision-making network. Thank you for using our work.

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Current graduate student at Seattle University, Lauren Morgan, wrote an outstanding piece on Criminal Justice Theory for the book. We also consulted with some of our past students, now in the professional work of criminal justice, and we have included comments and essays from them in this text, such as those from Booker T. Hodges and Larinda Slater. In addition, prosecutor Will Jay made significant written contributions to the manuscript, as well as reviewed pertinent portions of the text.

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