

New York's Criminal Justice System

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New York's Criminal Justice System

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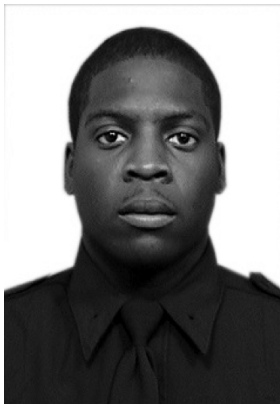
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We dedicate this book to our students—past, present and future—who undertake the hard work of their own transformation in our classrooms. May we always provide them, by our words and by our example, an education that helps them seek justice.

We especially honor former students NYPD Detective Omar Edwards and NYPD Detective Brian Moore who were killed in the line of duty. We should take to heart their examples as people for others and re-commit ourselves to serving one another.

All royalties of this book will be directly paid to the NYPD Detective Omar Edwards Scholarship and NYPD Detective Brian Moore Scholarship which help pay the tuition of Nassau Community College students studying criminal justice who aspire to careers in law enforcement. We thank the Fraternal Order of Police Surgeons & Associates Lodge (SA #03) for their sponsorship of these scholarships and the Nassau Community College Foundation for their management.

Omar Edwards



Brian Moore



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Series Note

Carolina Academic Press's state-specific criminal justice series fills a gap in the field of criminal justice education. One drawback with many current introductory criminal justice texts is that they pertain to the essentially non-existent "American" criminal justice system and ignore the local landscape. Each state has its unique legislature, executive branch, law enforcement system, court and appellate review system, state supreme court, correctional system, and juvenile justice apparatus. Since many criminal justice students embark upon careers in their home states, they are better served by being exposed to their own states' criminal justice systems. Texts in this series are designed to be used as primary texts or as supplements to more general introductory criminal justice texts.

Preface

As the fourth most populous American state, New York has a large influence on national issues of criminal justice. Despite New York's reputation as a high-crime area—much of which is based on the perception of New York City, the country's largest urban center and home to approximately 8.5 million people—the state's violent crime rate is only 1.6 percent higher than the national median, with a property crime rate 40.1 percent lower than the national median.¹ New York spends a great deal of money on its criminal justice system, with over \$3.5 billion allocated to criminal justice in 2018.² The system of courts—including special Problem-Solving Courts—is complex and comprehensive, and law enforcement agencies are numerous and far-reaching.

New York State employs hundreds of thousands of people in law enforcement, the courts, law, and criminal justice education and training.³ Additionally, with over 51,000 people incarcerated—a disproportionate amount of whom are black men—the state's prisons, jails, and the Department of Corrections are all large employers.

Because of New York's prominence on the national scene, criminal justice issues tend to make headlines; in this, New York is not without controversy. New York City's controversial stop-and-frisk practices were constantly called into question, with data showing almost no correlation between the dubious legal practice and the drop in crime rates.⁴ Opponents argued that the practice was racist and constituted harassment.⁵ But when something happens in New York, the rest of the country—and often the rest of the world—takes notice.

1. <https://muninetguide.com/u-s-state-crime-rates/>.

2. <https://www.budget.ny.gov/pubs/archive/fy19/enac/fy19enacFP.pdf>.

3. <http://www.criminaljustice.ny.gov/crimnet/ojsa/stats.htm>.

4. https://www.washingtonpost.com/news/the-fix/wp/2016/09/21/it-looks-like-rudy-giuliani-convicted-donald-trump-that-stop-and-frisk-actually-works/?noredirect=on&utm_term=.0b510cf792a8.

5. <https://www.nytimes.com/2011/09/24/nyregion/scott-stringer-manhattan-leader-criticizes-stop-and-frisk.html>.

“If You See Something, Say Something” is a campaign that was originated by the New York Metropolitan Transit Authority in the wake of the September 11, 2001, terrorist attacks, empowering people to report suspicious activity or behavior in the service of making their city safer. The campaign has since been adopted by the national Department of Homeland Security as a way of combating terrorism.⁶ As with many other policies, as goes New York, so goes the country.

When readers have finished with this book they should have a thorough understanding of the disparate parts of New York State’s criminal justice system and how the various parts function together as part of a collective and interdependent whole. A number of chapters in the book highlight criminal justice issues unique to New York—for instance, the state’s response to 9/11 and ongoing counter-terrorism measures—as well as the challenge of addressing crime in both the high density of New York City and the low-density rural areas of the northern and far western parts of the state. Often considered two states in one, New Yorkers refer to “downstate” and “upstate” as separate populations with unique challenges and resources. As a result, New York is in the unique position of being able to set an example for both other national urban centers as well as rural, agricultural areas of the country.

Organization and Contents of the Book

This book is broken into thirteen chapters, with each chapter exploring a specific area of the New York State criminal justice system. Each chapter includes a list of learning objectives and key terms to help readers better understand the topics covered, as well as a discussion of the current operation of the state’s justice system and the interconnected parts thereof.

Chapter 1 provides an overall picture of crime trends in New York State, taking into account the dramatic differences in crime rates in New York City versus those in the rest of the state.

The second chapter gives an overview of the criminal justice process in New York State from initial arrest through to the trial and sentencing processes, while Chapter 3 details New York State criminal law by explaining laws, statutes, legal language concerning intent, and possible defenses.

6. <https://www.dhs.gov/see-something-say-something/about-campaign>.

The fourth chapter provides a broad overview of the law enforcement agencies of New York State, as well as a history of the formation of the New York State Police. This chapter also defines the roles and responsibilities of the various law enforcement agencies, their independent divisions, and how they operate as part of a larger whole.

Chapter 5 explores the court system of New York State, including the difference between trial courts and appellate courts as well as the roles of prosecutors, defense attorneys, and judges. The chapter also provides an overview of Problem-Solving Courts tasked with addressing crimes related to a specific area (i.e., Sex Offense Courts or Veteran's Courts).

In Chapter 6, readers will explore the corrections system in New York State and the effects of incarceration on recidivism, state budget, and policy, while Chapter 7 focuses on the juvenile justice system, including the age of criminal responsibility and the process by which a juvenile offender progresses through the criminal justice system. Of particular note is the focus on alternatives to incarceration for juveniles.

The eighth and ninth chapters spotlight New York-centric issues. Chapter 8 focuses on white-collar, or financial crime in New York. Readers will understand how to differentiate it from street crime, and learn the most common types of financial crime as well as what protections exist in New York State for whistleblowers. In Chapter 9, the focus is on terrorism in New York State after the attacks of September 11, 2001, and the various law enforcement specialty agencies tasked with preventing and responding to terrorism.

Chapter 10 provides a historical perspective for the development and enactment of criminal justice policy in New York State, including the history of the death penalty in New York and the Rockefeller Drug Laws.

The next chapter, Chapter 11, covers special issues of law enforcement, many of them unique to New York State. Because of New York's position on the leading edge of law enforcement, the state has adopted many new technologies and techniques to fight crime; they are detailed in this chapter.

Chapter 12 is an overview of New York State's criminal justice system as an employer. The chapter details the requirements for many criminal justice jobs as well as a list of positions available in the courts, law enforcement, and corrections.

Finally, the last chapter provides a special focus on segregation and homicide in New York State from the Racialized Place Inequality Framework, a multilevel theoretical model that puts into context both the causes of racial and ethnic disparity and the life chances of various segregated groups including criminal or violent behavior.

Taken as a whole, these thirteen chapters will provide a comprehensive, holistic picture of the criminal justice system of New York State. Readers will explore each component of the system independently and learn how it relates to the interconnected whole. Because of New York's national standing as a bellwether for law enforcement and criminal justice, and the state's unique demographic and density make up, an understanding of the criminal justice system of New York will help readers to better grasp the role of criminal justice nationwide.

Robert Costello
January 24, 2019