

Massachusetts's Criminal Justice System

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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 introduction to 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

Context is important when exploring the criminal justice (CJ) system. It provides a historic lens through which students can explore its many complexities. Context is particularly important when studying the criminal justice system in a state as steeped in history and nuance as the Commonwealth of Massachusetts. So it's from this historic perspective that this book is written with the hope of putting events, developments, and the formation of agencies into a context that will give a big picture view of *Massachusetts's Criminal Justice System*.

The *Massachusetts's Criminal Justice System* takes a historic look at crime, justice, and society's response to crime. British common law, a fugitive slave trial, the origins of probation, high profile executions, and the first-in-the-nation policing are covered. The historic context helps the reader understand the development of each area of criminal justice and how this all guides what is now policy and practice in the criminal justice system in Massachusetts.

As we highlight the historic content of the criminal justice system, we do so with an eye toward emerging issues and the future. With the Boston Marathon bombing as the backdrop, we partnered with our friend and former colleague, James J. F. Forest, PhD, to give an overview of the issue, threat, and response to terrorism in Massachusetts. Dr. Forest is the director of the Security Studies graduate degree program and the Center for Terrorism and Security Studies at UMass Lowell. He is also a senior fellow with the Joint Special Operations University, where he conducts research on emerging terrorist threats, insurgencies, transnational criminal networks, and U.S. Special Forces training.

The purpose of this book is to introduce the reader to the complexities of the criminal justice system in the Commonwealth of Massachusetts in a way that they can relate to. Because nothing happens in a vacuum, understanding how we got to where we are in the system is important. History often sets the stage for future rulings and actions.

Chapter 1 is an overview of the entire book and sets up the reader with information on the evolution of the criminal justice system. How did we get here from there? The book explains the basic foundations of criminal justice, starting with the evolution of the CJ system and crime trends in Massachusetts. A

special added feature is profiles of prominent practitioners and their views of the commonwealth's criminal justice system.

Chapter 2 allows students to become critical consumers of information, as the overview of crime trends, crime data, and responses to crime are explained. This chapter looks at the UCR and NCVS data with national trends and trends in Massachusetts. The book looks at various index crimes and explores crime trends in major cities in the commonwealth.

Chapter 3 introduces students to the beginnings of policing and how it has developed into the multi-jurisdictional agencies that we see today. The chapter starts with the difference between policing and law enforcement and moves into the formation of modern day policing. A distinction is drawn between local, state, and transit police and the county sheriff's departments. This chapter also examines the merger of several state police agencies and ways to join the force.

Chapter 4 begins where Chapter 2 ends, with the explanation of index crimes but with a deeper explanation. This chapter illustrates the local, state, and federal laws that are all in play in Massachusetts. We also look at how laws are created and the distinctions between criminal and civil laws as well as procedural versus substantive laws. This chapter also covers the biggest fugitive slave trial in the state—the 1854 case of escaped slave Anthony Burns.

Chapter 5 walks students through the many complex levels of the court system. This chapter will allow students to become familiar with the structure of the courts, the actors in the courts, and the events that occur before, during, and after a trial in Massachusetts. In addition, students will also learn about the role of specialty courts in Massachusetts and a special ruling from the High Court about people of color fleeing the police.

Chapter 6 includes all of the institutions and methods used to punish, control, and change the behavior of convicted offenders. These institutions and methods include jails, houses of corrections, prisons, probation, parole, and intermediate sanctions. We will discuss the purposes of sentencing and why we punish offenders. We will explore the historic prisons in Massachusetts including the Charlestown State Prison whose more notable inmates included Sacco and Vanzetti and Malcolm X. This chapter also notes the last execution in the Commonwealth of Massachusetts.

Chapter 7 explains how the juvenile justice system differs from the adult criminal justice system. Specifically, it covers the evolution of the juvenile justice system, delinquency, juvenile crime rates, juvenile court processing, and juvenile corrections throughout the Commonwealth of Massachusetts. This chapter will also cover juvenile waivers to adult court and diversion programs.

Chapter 8 shines a spotlight on the often overlooked victims and how they play a large role in the criminal justice system. Many crimes involve an individual

who has been victimized by an offender. However, until the 1970s, the criminal justice system did not pay much attention to the rights of victims. We will discuss how legislation has impacted victims, and this chapter will also cover victim compensation and various services the criminal justice system provides to victims throughout the commonwealth.

Chapter 9 seems to be ripped from the front pages of current news. With the Boston Marathon bombing as a backdrop, this chapter examines the broad spectrum of terrorist threats related to the Commonwealth of Massachusetts. We define terrorism and terrorist ideologies and then review the contemporary nature of “do it yourself” terrorist attacks. This chapter examines the kinds of targets modern terrorists might be interested in and how Massachusetts is responding to the threat of terrorism. The chapter concludes with recommendations for collaborations for effectively reducing the likelihood of terrorist attacks in Massachusetts.

Chapter 10 describes employment trends and the future of criminal justice in Massachusetts. Employment in criminal justice offers stable growth opportunities to work in law enforcement, the courts, or corrections. Throughout this chapter, you will learn about some opportunities to work in the criminal justice system within the Commonwealth of Massachusetts. This book will help students become critical consumers of information as they map out their future as change agents in the criminal justice system.

Chapter 11 describes the ever-changing evolution of the criminal justice system. Societal, political, economic, and technological changes create new types of crime, and members of the criminal justice system must adapt accordingly. In this chapter, we will focus on several of the challenges that are shaping the future of our criminal justice system—cybercrimes, forensic evidence, environmental justice, and the legalization of marijuana.

We hope this book will give readers a more complete understanding of Massachusetts’s criminal justice system—how it began, how the different components fit together, and how it may evolve from here.

Lorenzo M. Boyd
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July 30, 2018

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