

1. **3 types of chargeable documents:-** Complaint
 - Information
 - Indictment
2. **3 waves of research:-** Wave 1: Before Civil Rights era
 - Wave 2: 1970's- early 1980's
 - Wave 3: Early 1990's and on
3. **Aggravating circumstances:-**Conviction of prior crimes
 - Crimes heinousness
 - whether remorse is shown
4. **Alford Plea:**(defendant enters a plea of guilty without making an admission of guilt)
5. **Arraignment:-**Formally notify defendant of charges
 - Defendant asked to enter plea
 - Can plead guilty, not guilty, no contest, standing mute, or Alford plea
 - Alford plea not recognized in all states
6. **Arrest:-**Typically the beginning of the criminal process
 - Most made by police
 - With or without a warrant
7. **Bail:-**Bail decision made at initial appearance or at separate bail hearing
 - Decision is based on risk to public safety and risk of suspect not showing up for next court appearance
 - 8th Amendment guarantees that bail cannot be excessive
 - Many use bondsmen to post bail
8. **Bi- Furcated trial:-**2 trials for the same thing.
 - IT IS A JUDGE'S ABILITY IN LAW TO DIVIDE A TRIAL INTO 2 PARTS SO AS TO RENDER A JUDGEMENT ON A SET OF LEGAL ISSUES WITHOUT LOOKING AT ALL ASPECTS
9. **Blacks as prototypes of crime:-**Social groups can activate concepts (bidirectional effect) Mere presence triggers thoughts of crime
 - Thoughts of crime trigger thoughts of black people
 - Positive stereotypes (basketball) have the same effect
10. **Blacks V. Whites in prisons:-** As compared to whites, blacks are 7 times more likely to be incarcerated
11. **Black Youths in Juvenile Justice System:-**Perceptions and attitudes of court officials
 - Cumulative social disinvestment in black communities
 - o High unemployment
 - o No effective social programs
 - o Pressure on black families
12. **Case Processing Factors:-** The case-processing factors attributes have been linked to sentence severity
 - o The type of disposition (accepting plea bargain or not)
 - o The defendant's pretrial status (making bail or not)
 - o The type of attorney representing the defendant
13. **Characteristics of Victim:-** Evidence primarily from research regarding the death penalty and sexual assault case outcomes
 - o Blacks who murder whites are much more likely to be sentenced to death
 - o Black men convicted of sexually assaulting white women are sentenced more harshly than other race-of-offender/ race-of-victim pairs.
14. **Children of Incarcerated mothers:-** Children are affected more by Maternal incarceration than paternal.
 - Have increased likelihood for prison B/C school, behavioral, drug use, legal problems
 - Changing schools and falling into poverty
 - Grandmothers and then fathers are the most likely selected caregivers
15. **Complaint:**Document specifying that an offense has been committed by a person named or described; usually used for misdemeanors and ordinance violations
16. **Crime Rates:-**Property crimes: disproportionate but similar
 - Violent crimes: disproportionate and higher (for blacks)
 - Unlike what media images imply arrest rates have remained stable
 - Most (75-90%) of Disproportionate minority confinement accounted for by arrest rates
 - With the exception of drug offenses
 - 25-10% is NOT negligible
 - Also, amount of disparity explained by arrest rates vary by location which means
 - A variety of factors (crime rates; law enforcement; sentencing laws) may play a role
17. **Critics of sentence processing say...:-**Defendants who plead guilty are treated more leniently than those who are tried by a judge or jury
 - Defendants are released pending trial are sentenced more leniently than those who are detained in jail prior to trial
 - Defendants represented by a private attorney receive more lenient sentences than those represented by a public defender
18. **Current Study:-**Law enforcement file criminal charges at time of arrest, and prosecution must decide whether to pursue prosecution or decline charges
 - All cases assigned to Domestic Violence Court with one specific judge and rotating team of four prosecutors
19. **Death Penalty:-**38 States and the federal Government have statutes that authorize the death penalty.
 - Today it is imposed almost exclusively for 1st degree murder
 - Sentence of death does not necessarily mean someone will be sent to death. only about 15% of those sentenced to death from 1997-2006 were executed
 - Must be SWIFT, CERTAIN, and FIT THE CRIME
20. **Death Penalty Statutes:-** Guided Discretion Statutes: At least one aggravating circumstance must be present
 - Murder for hire, murder of more than one person, murder of a police officer, murder with torture, murder during the commission of another crime .
 - Automatic Appeals: Of conviction or sentence
 - Judge must leave it up to the jury to decide for the death penalty. HE CANNOT OVERRULE them
21. **Determinate Sentencing:**Fixed term
22. **Deterrence:-**General: By others; Deterring everyone from committing any crime.
 - Specific: By me; Deterring offenders from re-offending

23. **Discovery:**-Prosecution and defense learn of evidence each side will use
 - What can be disclosed differs from state to state
 - Defendant has constitutional right to any evidence that shows defendant is innocent
 - In some states, defense is required to notify prosecution if plans to use insanity plea or alibi defense
24. **Domestic violence and mandatory arrests:**-Increased number of cases brought into criminal justice system
 - Important to analyze prosecutor's charging decision in domestic violence cases
25. **Explicit VS. Implicit Bias:**Explicit Bias: Consciously held preferences (for/against)
 IMPLICIT Bias: Subconsciously held preferences (for/against)
 IMPLICIT biases are not well reflected in explicit self-reported measures (i.e., are you prejudiced?), given:
 Social desirability effects (we say what we think we should)
 We lack introspective insight - i.e., the ability to gauge our own attitudes and beliefs
 Implicit biases have real-world consequences for behavior, not only in extraordinary circumstances (i.e., dark alleys), but in everyday interactions
26. **Extra Legal Factors:**- Weapon
 - Context of the Crime
 - Relationship of the victim
 - People who victimize a stranger are more likely to have a harsher sentence
 - Men are more likely to victimize a random person opposed to someone they have a close relationship with
 - Prior Victimization
 - Injury
27. **Goals of Sentencing:**-Retributive Justifications- "Just deserts"
 People who violate the law are punished because they did something wrong.
 -Utilitarian Justifications- Crime Prevention approach.
 Punishment must serve a particular purpose
28. **Grand jury:**-Anywhere from 6 to 23 people
 - Proceedings closed to public
 - A primary purpose of the grand jury is to determine whether there is probable cause to believe that the accused committed the crime or crimes
29. **Grand jury Continued:**-Because the grand jury has to determine only probable cause:
 - Only the prosecution's evidence and witnesses are heard.
 - In most jurisdictions, the defendant does not have a right to be present.
 - Prosecutors are allowed to present hearsay or illegally obtained evidence.
 - In addition, prosecutors have the authority to subpoena witnesses
 - Makes its probable cause determination and, usually, on a majority vote, It indicts (issues a true bill) or fails to indict (issues no bill)
30. **Have Sentencing Guidelines helped?:**• Not for drug offenses
 - o Being black (all other equally) doubled the chances of going to prison for cocaine, and added 40 months to the sentence
31. **Have Sentencing Guidelines helped? (cont):**• Studies find persistent discrimination regardless
 - o "Departures" use in federal sentencing
 - o Of the 573 offenders given life black and white, 1990-95, only 13 were white
 - Life eligible blacks 5 x likely as whites to get it
 - Such disparities are greater when age and gender enter the equation
32. **Incapacitation:**-Absolute: Assumes people who commit a specific type of offense are dangerous (looks at the offense)
 -Selective: Does not refer to the type of offense but focuses on the offender (looks into offender, such as priors)
33. **Incarceration:**-The most commonly imposed sentence for felons
34. **Incarceration rates depend on:**-Crime rates
 - Criminal histories
 - Racial bias in prosecution and sentencing
 - Racial bias responses to crime
 - Criminal justice policy changes
35. **Indeterminate Sentencing:** Indeterminate sentencing
 - Final determination made by parole board
 - A range of years that the judge can decide to sentence the victim
 - Not specified but can be a range; example 10-15 years but not definite
36. **Indictment:**-Written accusation by a grand jury charging that one or more persons have committed a crime
 - Fifth Amendment requirement for federal cases
 - May be required for felonies or capital offenses only
37. **Information:**Outlines the formal charge, the law or laws that have been violated, and the evidence to support the charge or charges
38. **Initial Appearance:**-Within a few hours to a few days
 - Advise suspect why s/he is being detained
 - Judge reads charges and explains penalties and rights
 - Misdemeanor suspects typically enter plea at initial appearance
 - Felony suspects set date for next hearing
39. **Interjurisdictional Disparities:**Conflict between jurisdictions
40. **Intermediate Sanctions:**-Community Service: Primarily used a condition of probation or punishment for minor traffic violations
 -Monetary Penalties: Frequently imposed on offenders convicted of misdemeanors and penalties
 Fines are often used only in conjunction with probation for more serious misdemeanors
 Day fines are calibrated both to the seriousness of the offense and to the offender's ability to pay
41. **Intrajudge Disparities:**Same judge makes inconsistent decisions
42. **Intrajurisdictional Disparities:**Inconsistencies within the same jurisdiction

43. **Judge can prevent probation if...:** The offender is likely to commit additional crimes if released
The offender is in need of treatment that can be provided more effectively in jail or prison
Probation would be inappropriate given the seriousness of the offender's crime
44. **Justifications Continued....:**Restoration or Restorative Justice- Views Punishment as a means to repair the harm and injury caused by the crime and focuses on the victim and community as well as the offender
- Restitution, conferencing circles.
45. **Justifications of Punishment:-** Deterrence/ Rational Choice/ Classical theory
----- General
----- Specific
- Incapacitation
----- Absolute
----- Selective
- Rehabilitation
46. **Legal Factors:-**History
- Severity
47. **Legally Irrelevant Factors:•** Case characteristics and offender attributes that judges are either legally prohibited from taking into consideration or that bear no rational relationship to the purpose of sentencing
o Age
o Socioeconomic status
-Race
-Gender
48. **Legally Relevant Factors:•** Case characteristics and offender attributes that judges are legally authorized to take into consideration.
o Two most important factors
-How serious the crime is
-Whether or not the person is a repeat offender
49. **Length in Sentences:•** Typical felon
o State:4.5; Federal: 5+
• Federal drug offenders receive longer sentences (84m) v state drug offenders (51m)
• All federal inmates must serve at least 85% of their sentence (truth in sentencing)
o Truth in sentencing
They must have served 85% of their sentence
50. **Mandatory Minimum sentences:** Judges do not like it
Mandated minimum sentence that a person must serve
51. **mandatory Sentencing:**Present in most statutes. People convicted of certain crimes must be sentenced with a minimum number of years
52. **Measuring Crime Seriousness:•** Type of crime
• Statutory classification of the crime
• Whether the offender used a gun
• The degree of injury
• The amount of property stolen
• Whether the victim was a stranger or non-stranger
53. **Measuring Past Criminal History:•** The offender has previously been convicted of a misdemeanor or felony
• The offender had ever been convicted of a violent crime
• The offender was on probation or parole at the time of the arrest
• The offender's crimes were increasing in frequency or seriousness
54. **Modeling the Sentencing Process:**Two ways of studying:
o Judges presented with a set of hypothetical cases and to indicate the sentence that they would impose
o Researchers collect data on actual cases decided by judges in a particular jurisdiction
55. **Most crime is intraracial but....:**The more Interracial crime the greater the response to it..
-Not only formal but informal (lynching)
56. **The new Slavery:**Once slaves were freed, blacks started overcrowding prisons
-Convict leasing system
- A brutal and lethal system
- 126/735 black inmates die in 1 year
- This period was not as bad as it is today
1926; blacks represented 21% of prison admissions
2009; blacks represent almost half of all prison admissions
50 years after Brown black incarceration rose 829%
57. **Offender Characteristics:•** Studies have shown that the sentences offenders receive may depend on their demographic characteristics and their social stability
o Harshes sentences are imposed on young black and Hispanic males
o Family circumstances considered in making pretrial release and sentencing decisions
58. **Offense Seriousness and Prior Record:-**Judges are legally and morally justified to take this into account
-Legislators devise penal codes or sentencing guidelines based on these facts
59. **Officers do not like to work with females B/C....:**o They're catty
o Never respected by the officers
o Complain
o More likely to get in trouble for small infractions
o Get punished for things that men wouldn't get punished for
60. **Preliminary Hearing:-**A pretrial stage used in about half of all states and only in felony cases
-Its purpose is for a judge to determine whether there is probable cause to support the charge or charges imposed by the prosecutor
-Resembles a mini trial w/o jury

61. **Pretrial motions:**-Can be filed by either side
 -Judge rules on pretrial motions
 -PRE TRIAL MOTIONS CAN BE:
 -Motion for dismissal of charges
 -Motion for change of venue
 -----Only defense can argue for change of venue
 -Motion for discovery
 -Motion to suppress evidence
 -Motion for severance of defendants
 -Motion to determine competency
62. **Pretrial Stages:**-The screening process of pretrial stages eliminates from the judicial process about half of all the persons arrested.
 -Arrest
 - Initial Appearance
 - arraignment
 -Bail
 -Preliminary Hearing
 -Grand Jury
 -Discovery
 -Pretrial motions
63. **Prior research:**-None of the studies found that victim's age or race influenced prosecution decision
 -Defendants under influence of alcohol or drugs more likely to be subject to severe prosecution
64. **Probation:**o Given to about 20% of violent offenders
 --Conditions
 • Regular meetings with a probation officer
 • Offender must obey all laws
 • Drug testing
 • Substance abuse treatment
 • Enrollment in educational programs
 o If conditions are violated judge can modify the conditions or revoke probation and sentence offender to jail or prison
65. **Prosecutors Decision:**-Prosecutors often decide not to prosecute in domestic violence cases
 -Victims recant and are unreliable
 -Private matter
 -Incarcerating the breadwinner might be harmful to the family
 ----Prosecutor's decision not to prosecute often affects police behavior
 -Reluctant to arrest if district attorney not likely to prosecute
66. **Race Crime and the "criminal justice system" are inextricably linked:-** Half of all inmates are black
 - 22% hispanic
67. **Racial Bias in prosecution and Sentencing:-** Subtle Mechanism are mostly evident in drug offenses and minor, non violent ones
 -Death penalty:The Baldus study (1983)
 Murder defendants 4.3 times more likely to receive death penalty if victim is white
68. **Racial Resentment:**Crime policy support disparities
 Low confidence in the system influence blacks' attitudes
 Racial animus strongly influence whites' punitive attitudes
 Rationalizing a racially discriminatory system
 Attribution of racial disparities to different causes
 Blacks more likely to say its blocked opportunity; bad schools; and CRJU bias (greatest difference)
 Whites with racial resentments more likely to oppose social policy approaches to crime reduction
 Association of post-civil rights integration resentment with severe crime and drug policy
 Examples: Death penalty and 100-to-one laws
69. **Racist use of death penalty:**Blacks made 405/455 rape related executions
 - NO reported cases of white men executed where rape victim was black
70. **Results:-**Gender associated with adjudication decisions
 -Females less likely to be prosecuted
 -Prior arrest associated with adjudication decisions
 More likely to be prosecuted
 -Few offense characteristics associated with adjudication decisions
 -Dual arrests less likely to result in prosecution
 -Felonies more likely to be prosecuted
 -Those using substances or weapons more likely to be prosecuted
71. **Ring V Arizona:-** Any fact exposing Defendant to more severe punishment must be submitted to jury and proven Beyond reasonable doubt
 Re-sentenced to Life Without Parole
 27 Arizona death penalty cases affected by the re-examined by the Arizona
 Only 2/27 death sentences upheld
 BUT the judge CAN OVERRULE jury recommendation
72. **Sentencing:-** Women are treated harsher in minor offenses but are sentenced lighter for serious crimes
 - 2/3 of women in prison have kids. Almost all kids were in their custody
 -There are 13 times as many men as women in prison
 -Women less likely to receive incarceration; more likely to receive shorter length sentence
 -Note: of all women serving time in federal prison 60% (av. 50% of men) were drug offenders
 -Less than 2% of death row inmates are women
 -The number of women in prison, a third of whom are incarcerated for drug offenses, is increasing at nearly double the rate for men...
 -This is NOT because women and girls are becoming more violent/criminal
 - Women twice as likely to be imprisoned for drugs
73. **Sentencing guidelines:-** Manuals judges can use
 -judges look at to determine how to sentence the offender.
74. **Sentencing is a 2 stage process:**o Judges first decide whether the offender should be incarcerated
 o Then they decide how long the sentence should be

75. **Sentencing is a result of....:**A collaborative action: Judge, Legislators, and other Criminal Justice Officials
- ALL up to the judge to send someone to prison in the end
76. **Sentencing Systems:-** Indeterminate Sentencing
- Determinate Sentencing
- Mandatory Sentencing
- Sentencing Guidelines
77. **Social Psychology of Race Relations:-** Colorism: Unconscious bias
- Implicit Bias: judgment and/or behavior that results from subtle cognitive processes. Not aware of
- Statistical discrimination: Attribution to individuals of traits that characterize groups of which they are members
- Racial resentments and public opinion
78. **Victims of sexual assault:-** Outcomes of rape cases reflect decision makers' belief about acceptable and unacceptable behavior by women or their stereotypes of sexual assaults
• Sexual assaults case outcomes are also affected by the relationship between the victim and offender
79. **Wave 1:-** Systematic pattern of harsher responses to blacks Especially in the Southern Courts
- Particularly lower courts
- White offenders w/black victims unindicted
- Crimes against blacks treated casually (even when committed by blacks)
- Police was discriminative in all regions (Shows blacks were more discriminated against in the justice system by police and judges)
80. **Wave 2:-** Race NOT important when controlling for other crucial (legal) factors
-----Seriousness, priors, crime rates, law enforcement, sentencing, etc
- Blumstein (1982): comparing arrest rates with imprisonment rates
- About 80% of incarceration accounted for by arrests
- Later on other studies agreed* (Showed that blacks DO commit more violent crimes. About equal for drug offenses)
--(Depends on the crime but overall blacks were more discriminated)
81. **Wave 3:-** Incorporates and goes beyond some of the previous waves' insights
- Demonstrates that racial discrimination in the Justice system still exists
- More indirect and complicated
- Actions appear race neutral; well indented
- But when there is structured racial disadvantage they work against blacks
--Wave II research too simplistic and riddled w/methodological problems
- They contribute to a vicious cycle of cumulative disadvantage, disaccumulation...In the end these very actions contribute to the rise of black crime
(NO racial discrimination outright but certain races have more advantages like \$ to pay for certain programs. Blacks typically don't have as much \$\$)
82. **What is Relevant???:** Depends on the law and Jurisdiction.
- NEVER RACE, GENDER, CLASS
83. **Why do the guilty deserve to be punished?:-** There is an intrinsic good in the guilty suffering
- Punishment rectifies the unfair advantage crime affords
- The difference between retribution and revenge is retribution includes the state and everyone. Revenge is when the victim harms the offender