

Deviance, Crime, & Social Control

Introduction to Deviance, Crime, and Social Control

Philip Hudson entered Morehouse College at age 19 wearing men's jeans and long hair tied back in dreadlocks. "The first day I got to campus, I was a boy," Philip recalled a few years later. He said he was "trying to be this masculine boy, real cool and real quiet." By the end of his sophomore year, Philip had swapped his jeans for skirts and found himself the target of a strong backlash (King 2010). Morehouse College made national news for its response to the teen's lifestyle, establishing a schoolwide ban on the wearing of women's clothing by men (Chen 2010).

Morehouse College, an all-male college in Atlanta, Georgia, has a prestigious history. Established in 1867 as a place of higher learning for former slaves, Morehouse is the alma mater of great leaders such as "Dr. Martin Luther King, Jr. and Howard Thurman, and celebrities such as Samuel L. Jackson and Spike Lee" (Mungin 2009). The sense of revolution is what brought Philip to Morehouse, a place where he hoped he could be himself.

After a difficult upbringing where his gendered-ness resulted in abuse and rape, he realized that he identified as a female and wanted to express that aspect of his person. He began taking female hormones to start his biological transition to the female sex. Although Philip initially halted his treatment once he began college, he soon found others like himself. At Morehouse, he met Diamond Poulin, a student who defined himself as a man who felt comfortable in women's clothes. Joined by a handful of others, Philip and Diamond donned skirts, high heels, and other traditionally female attire on campus in an attempt to be themselves. They were jeered at and ridiculed—even attacked.

Then came the school's shocking decision in late 2009. The new rules, titled the "Appropriate Attire Policy," banned cross-dressing anywhere on the campus grounds. Those who broke the rules were not allowed to attend class unless they changed their clothing, and multiple transgressions led to disciplinary action and suspension.

Diamond left Morehouse that fall, but returned once in the spring to visit his friends. He found himself escorted off campus by school security for violating the dress code. Philip remained at Morehouse for another year before leaving because of stress. He now plans to resume his studies at a larger university in Florida. What he's most looking forward to is walking around in public without being verbally attacked. "They'll stare," Philip says with resignation, "but I'm used to that" (King 2010).

1. Deviance and Control

What, exactly, is deviance? And what is the relationship between deviance and crime? As Philip Hudson found out, some behaviors, such as wearing clothes of the opposite sex, can be deviant in certain places, criminal in some places, and perfectly acceptable elsewhere. According to sociologist William Graham Sumner, deviance is a violation of established contextual, cultural, or social norms, whether folkways, mores, or codified law (1906). It can be as minor as picking one's nose in public or as major as committing murder. Although the word "deviance" has a negative connotation in everyday language, sociologists recognize that deviance is not necessarily bad (Schoepflin 2011). In fact, from a structural functionalist perspective, one of the positive contributions of deviance is that it fosters social change. For example, during the U.S. civil rights movement, Rosa Parks violated social norms when she refused to move to the "black section" of the bus, and the Little Rock Nine broke customs of segregation to attend an Arkansas public school.

"What is deviant behavior?" cannot be answered in a straightforward manner. Whether an act is labeled deviant or not depends on many factors, including location, audience, and the individual committing the act (Becker 1963). Listening to your iPod on the way to class is considered acceptable behavior. Listening to your iPod during your 2 o'clock sociology lecture is considered rude. Listening to

your iPod when on the witness stand before a judge may cause you to be held in contempt of court, and consequently fined or jailed.

As norms vary across culture and time, it makes sense that notions of deviance change also. Fifty years ago, public schools in the United States had strict dress codes that, among other stipulations, often banned women from wearing pants to class. Today, it's socially acceptable for women to wear pants, but less so for men to wear skirts. In a time of war, acts usually considered morally reprehensible, such as taking the life of another, may actually be rewarded. Whether an act is deviant or not depends on society's response to that act.

Social Control

When a person violates a social norm, what happens? A driver caught speeding can receive a speeding ticket. A student who wears a bathrobe to class gets a warning from a professor. An adult belching loudly is avoided. All societies practice social control, the regulation and enforcement of norms. The underlying goal of social control is to maintain social order, an arrangement of practices and behaviors on which society's members base their daily lives. Think of social order as an employee handbook and social control as a manager. When a worker violates a workplace guideline, the manager steps in to enforce the rules.

The means of enforcing rules are known as sanctions. Sanctions can be positive as well as negative. Positive sanctions are rewards given for conforming to norms. A promotion at work is a positive sanction for working hard. Negative sanctions are punishments for violating norms. Being arrested is a punishment for shoplifting. Both types of sanctions play a role in social control.

Sociologists also classify sanctions as formal or informal. Although shoplifting, a form of social deviance, may be illegal, there are no laws dictating the proper way to scratch one's nose. That doesn't mean picking your nose in public won't be punished; instead, you will encounter informal sanctions. Informal sanctions emerge in face-to-face social interactions. For example, wearing flip-flops to an opera or swearing loudly in church may draw disapproving looks or even verbal reprimands, whereas behavior that is seen as positive—such as helping an old man carry grocery bags across the street—may receive positive informal reactions, such as a smile or pat on the back.

Formal sanctions, on the other hand, are ways to officially recognize and enforce norm violations. If a student violates her college's code of conduct, for example, she might be expelled. Someone who speaks inappropriately to the boss could be fired. Someone who commits a crime may be arrested or imprisoned. On the positive side, a soldier who saves a life may receive an official commendation.

The table below shows the relationship between different types of sanctions.

Informal/Formal Sanctions		
Formal and informal sanctions may be positive or negative. Informal sanctions arise in social interactions, whereas formal sanctions officially enforce norms.		
	Informal	Formal
Positive	An expression of thanks	A promotion at work
Negative	An angry comment	A parking fine

2. Theoretical Perspectives on Deviance

Why does deviance occur? How does it affect a society? Since the early days of sociology, scholars have developed theories attempting to explain what deviance and crime mean to society. These theories can be grouped according to the three major sociological paradigms: functionalism, symbolic interactionism, and conflict theory.

Functionalism

Sociologists who follow the functionalist approach are concerned with how the different elements of a society contribute to the whole. They view deviance as a key component of a functioning society. Strain theory, social disorganization theory, and cultural deviance theory represent three functionalist perspectives on deviance in society.

Émile Durkheim: The Essential Nature of Deviance

Émile Durkheim believed that deviance is a necessary part of a successful society. One way deviance is functional, he argued, is that it challenges people's present views (1893). For instance, when black students across the United States participated in "sit-ins" during the civil rights movement, they challenged society's notions of segregation. Moreover, Durkheim noted, when deviance is punished, it reaffirms currently held social norms, which also contributes to society (1893). Seeing a student given detention for skipping class reminds other high schoolers that playing hooky isn't allowed and that they, too, could get detention.

Robert Merton: Strain Theory

Sociologist Robert Merton agreed that deviance is an inherent part of a functioning society, but he expanded on Durkheim's ideas by developing strain theory, which notes that access to socially acceptable goals plays a part in determining whether a person conforms or deviates. From birth, we're encouraged to achieve the "American Dream" of financial success. A woman who attends business school, receives her MBA, and goes on to make a million-dollar income as CEO of a company is said to be a success. However, not everyone in our society stands on equal footing. A person may have the socially acceptable goal of financial success but lack a socially acceptable way to reach that goal. According to Merton's theory, an entrepreneur who can't afford to launch his own company may be tempted to embezzle from his employer for start-up funds.

Merton defined five ways that people respond to this gap between having a socially accepted goal but no socially accepted way to pursue it.

1. *Conformity*: Those who conform choose not to deviate. They pursue their goals to the extent that they can through socially accepted means.
2. *Innovation*: Those who innovate pursue goals they cannot reach through legitimate means by instead using criminal or deviant means.
3. *Ritualism*: People who ritualize lower their goals until they can reach them through socially acceptable ways. These members of society focus on conformity rather than attaining a distant dream.
4. *Retreatism*: Others retreat and reject society's goals and means. Some beggars and street people have withdrawn from society's goal of financial success.
5. *Rebellion*: A handful of people rebel, replacing a society's goals and means with their own. Terrorists or freedom fighters look to overthrow a society's goals through socially unacceptable means.

Social Disorganization Theory

Developed by researchers at the University of Chicago in the 1920s and 1930s, social disorganization theory asserts that crime is most likely to occur in communities with weak social ties and the absence of social control. An individual who grows up in a poor neighborhood with high rates of drug use, violence, teenage delinquency, and deprived parenting is more likely to become a criminal than an individual from a wealthy neighborhood with a good school system and families who are involved positively in the community.

Social disorganization theory points to broad social factors as the cause of deviance. A person isn't born a criminal, but becomes one over time, often based on factors in his or her social environment. Research into social disorganization theory can greatly influence public policy. For instance, studies have found that children from disadvantaged communities who attend preschool programs that teach basic social skills are significantly less likely to engage in criminal activity.

Clifford Shaw and Henry McKay: Cultural Deviance Theory

Cultural deviance theory suggests that conformity to the prevailing cultural norms of lower-class society causes crime. Researchers Clifford Shaw and Henry McKay (1942) studied crime patterns in Chicago in the early 1900s. They found that violence and crime were at their worst in the middle of the city and gradually decreased the farther one traveled from the urban center toward the suburbs. Shaw and McKay noticed that this pattern matched the migration patterns of Chicago citizens. New immigrants, many of them poor and lacking knowledge of English, lived in neighborhoods inside the city. As the urban population expanded, wealthier people moved to the suburbs, leaving behind the less privileged.

Shaw and McKay concluded that socioeconomic status correlated to race and ethnicity resulted in a higher crime rate. The mix of cultures and values created a smaller society with different ideas of deviance, and those values and ideas were transferred from generation to generation.

The theory of Shaw and McKay has been further tested and expounded upon by Robert Sampson and Byron Groves (1989). They found that poverty, ethnic diversity, and family disruption in given localities had a strong positive correlation with social disorganization. They also determined that social disorganization was, in turn, associated with high rates of crime and delinquency—or deviance. Recent studies Sampson conducted with Lydia Bean (2006) revealed similar findings. High rates of poverty and single-parent homes correlated with high rates of juvenile violence.

Conflict Theory

Conflict theory looks to social and economic factors as the causes of crime and deviance. Unlike functionalists, conflict theorists don't see these factors as positive functions of society, but as evidence of inequality in the system. They also challenge social disorganization theory and control theory, arguing that both ignore racial and socioeconomic issues and oversimplify social trends (Akers 1991). Conflict theorists also look for answers to the correlation of gender and race with wealth and crime.

Karl Marx: An Unequal System

Conflict theory is derived greatly from the work of sociologist, philosopher, and revolutionary Karl Marx. Marx divided the general population into two rigid social groups: the proletariat and the bourgeois. The bourgeois are a small and wealthy segment of society who controls the means of production, while the proletariat is composed of the workers who rely on those means of production for employment and survival. By centralizing these vital resources into few hands, the bourgeois also has the means to control the way society is regulated—from laws, to government, to other authority agencies—which gives the bourgeois the opportunity to maintain and expand their power in society. Though Marx spoke little of deviance, his ideas created the foundation for conflict theorists who study the intersection of deviance and crime with wealth and power.

C. Wright Mills: The Power Elite

In his book *The Power Elite* (1956), sociologist C. Wright Mills described the existence of what he dubbed the power elite, a small group of wealthy and influential people at the top of society who hold the power and resources. Wealthy executives, politicians, celebrities, and military leaders often have access to national and international power, and in some cases, their decisions affect everyone in society.

Because of this, the rules of society are stacked in favor of a privileged few who manipulate them to stay on top. It is these people who decide what is criminal and what is not, and the effects are often felt most by those who have little power. Mills' theories explain why celebrities such as Chris Brown and Paris Hilton, or once-powerful politicians such as Eliot Spitzer and Tom DeLay, can commit crimes with little or no legal retribution.

Crime and Social Class

While crime is often associated with the underprivileged, crimes committed by the wealthy and powerful remain an under-punished and costly problem within society. The FBI reported that victims of burglary, larceny, and motor vehicle theft lost a total of \$15.3 billion dollars in 2009 (FBI 2010). In comparison, when Bernie Madoff was arrested in 2008, the US Securities and Exchange Commission reported that the estimated losses of his financial Ponzi scheme fraud were close to \$50 billion (SEC 2009).

This imbalance based on class power is also found within US criminal law. In the 1980s, the use of crack cocaine (cocaine in its purest form) quickly became an epidemic sweeping the country's poorest urban communities. Its pricier counterpart, cocaine, was associated with upscale users and was a drug of choice for the wealthy. The legal implications of being caught by authorities with crack versus cocaine were starkly different. In 1986, federal law mandated that being caught in possession of 50 grams of crack was punishable by a 10-year prison sentence. An equivalent prison sentence for cocaine possession, however, required possession of 5,000 grams. In other words, the sentencing disparity was 1 to 100 (New York Times Editorial Staff 2011). This inequality in the severity of punishment for crack versus cocaine paralleled the unequal social class of respective users. A conflict theorist would note that those in society who hold the power are also the ones who make the laws concerning crime. In doing so, they make laws that will benefit them, while the powerless classes who lack the resources to make such decisions suffer the consequences. The crack-cocaine punishment disparity remained until 2010, when President Obama signed the Fair Sentencing Act, which decreased the disparity to 1 to 18 (The Sentencing Project 2010).

Symbolic Interactionism

Symbolic interactionism is a theoretical approach that can be used to explain how societies and/or social groups come to view behaviors as deviant or conventional. Labeling theory, differential association, social disorganization theory, and control theory fall within the realm of symbolic interactionism.

Labeling Theory

Although all of us violate norms from time to time, few people would consider themselves deviant. Those who do, however, have often been labeled "deviant" by society and have gradually come to believe it themselves. Labeling theory examines the ascribing of a deviant behavior to another person by members of society. Thus, what is considered deviant is determined not so much by the behaviors themselves or the people who commit them, but by the reactions of others to these behaviors. As a result, what is considered deviant changes over time and can vary significantly across cultures.

Sociologist Edwin Lemert expanded on the concepts of labeling theory, identifying two types of deviance that affect identity formation. Primary deviance is a violation of norms that does not result in any long-term effects on the individual's self-image or interactions with others. Speeding is a deviant act, but receiving a speeding ticket generally does not make others view you as a bad person, nor does it alter your own self-concept. Individuals who engage in primary deviance still maintain a feeling of belonging in society and are likely to continue to conform to norms in the future.

Sometimes, in more extreme cases, primary deviance can morph into secondary deviance. Secondary deviance occurs when a person's self-concept and behavior begin to change after his or her actions are labeled as deviant by members of society. The person may begin to take on and fulfill the role of a "deviant" as an act of rebellion against the society that has labeled that individual as such. For

example, consider a high school student who often cuts class and gets into fights. The student is reprimanded frequently by teachers and school staff, and soon enough, he develops a reputation as a “troublemaker.” As a result, the student starts acting out even more and breaking more rules; he has adopted the “troublemaker” label and embraced this deviant identity. Secondary deviance can be so strong that it bestows a master status on an individual. A master status is a label that describes the chief characteristic of an individual. Some people see themselves primarily as doctors, artists, or grandfathers. Others see themselves as beggars, convicts, or addicts

Edwin Sutherland: Differential Association

In the early 1900s, sociologist Edwin Sutherland sought to understand how deviant behavior developed among people. Since criminology was a young field, he drew on other aspects of sociology including social interactions and group learning (Laub 2006). His conclusions established differential association theory, stating that individuals learn deviant behavior from those close to them who provide models of and opportunities for deviance. According to Sutherland, deviance is less a personal choice and more a result of differential socialization processes. A tween whose friends are sexually active is more likely to view sexual activity as acceptable.

Sutherland’s theory may account for why crime is multigenerational. A longitudinal study beginning in the 1960s found that the best predictor of antisocial and criminal behavior in children was whether their parents had been convicted of a crime (Todd and Jury 1996). Children who were younger than 10 when their parents were convicted were more likely than other children to engage in spousal abuse and criminal behavior by their early thirties. Even when taking socioeconomic factors such as dangerous neighborhoods, poor school systems, and overcrowded housing into consideration, researchers found that parents were the main influence on the behavior of their offspring (Todd and Jury 1996).

Travis Hirschi: Control Theory

Continuing with an examination of large social factors, **control theory** states that social control is directly affected by the strength of social bonds and that deviance results from a feeling of disconnection from society. Individuals who believe they are a part of society are less likely to commit crimes against it.

Travis Hirschi (1969) identified four types of social bonds that connect people to society:

1. *Attachment* measures our connections to others. When we are closely attached to people, we worry about their opinions of us. People conform to society’s norms in order to gain approval (and prevent disapproval) from family, friends, and romantic partners.
2. *Commitment* refers to the investments we make in the community. A well-respected local businesswoman who volunteers at her synagogue and is a member of the neighborhood block organization has more to lose from committing a crime than a woman who doesn’t have a career or ties to the community.
3. Similarly, levels of *involvement*, or participation in socially legitimate activities, lessen a person’s likelihood of deviance. Children who are members of little league baseball teams have fewer family crises.
4. The final bond, *belief*, is an agreement on common values in society. If a person views social values as beliefs, he or she will conform to them. An environmentalist is more likely to pick up trash in a park because a clean environment is a social value to him (Hirschi 1969).

3. Crime and the Law

On December 16, 2011, 20-year-old Colton Harris-Moore was sentenced to seven years in prison by an Island County judge after pleading guilty to dozens of charges including burglary, fraud, and identity

theft. Harris-Moore, dubbed the “Barefoot Bandit,” spent two years evading the police by means of transportation theft and squatting, frequently leaving a trail of bare footprints in his wake (Johnson 2011).

"Colton's very pleased (with the sentence)," his attorney John Henry Browne told the *New York Times*. "He was expecting the worst."

The son of an alcoholic mother, Harris-Moore's life was filled with physical and verbal abuse, and a series of convict boyfriends frequently inhabited the Harris-Moore home. After dropping out of school in the ninth grade, Harris Moore's crimes increased in severity. His antics gained worldwide media attention after he began stealing and successfully piloting planes, though he'd had no aviation training. When authorities caught him, he was driving a stolen boat off the coast of the Bahamas (Yardley 2010).

"This case is a tragedy in many ways," said Judge Churchill, "but it's a triumph of the human spirit in other ways. I could have been reading about the history of a mass murderer. I could have been reading about a drug abusive, alcoholic young man. That is the triumph of Colton Harris-Moore: He has survived"

(Johnson 2011). Though the judge's ruling was largely sympathetic, Harris-Moore had immediate regrets. "Let me put it this way," said his attorney. "He wishes he had done things a little differently in his life" (CNN News Wire Staff 2010).

Although deviance is a violation of social norms, it's not always punishable, and it's not necessarily bad. Crime, on the other hand, is a behavior that violates official law and is punishable through formal sanctions. Walking to class backwards is a deviant behavior. Driving with a blood alcohol percentage over the state's limit is a crime. Like other forms of deviance, however, ambiguity exists concerning what constitutes a crime and whether all crimes are, in fact, "bad" and deserve punishment. For example, during the 1960s, civil rights activists often violated laws intentionally as part of their effort to bring about racial equality. In hindsight, we recognize that the laws that deemed many of their actions crimes—for instance, Rosa Parks taking a seat in the "whites only" section of the bus—were inconsistent with social equality.

As you learned previously, all societies have informal and formal ways of maintaining social control. Within these systems of norms, societies have legal codes that maintain formal social control through laws, which are rules adopted and enforced by a political authority. Those who violate these rules incur negative formal sanctions. Normally, punishments are relative to the degree of the crime and the importance to society of the value underlying the law. As we will see, however, there are other factors that influence criminal sentencing.

Types of Crimes

Not all crimes are given equal weight. Society generally socializes its members to view certain crimes as more severe than others. For example, most people would consider murdering someone to be far worse than stealing a wallet and would expect a murderer to be punished more severely than a thief. In modern American society, crimes are classified as one of two types based on their severity. Violent crimes (also known as "crimes against a person") are based on the use of force or the threat of force. Rape, murder, and armed robbery fall under this category. Nonviolent crimes involve the destruction or theft of property, but do not use force or the threat of force. Because of this, they are also sometimes called "property crimes." Larceny, car theft, and vandalism are all types of nonviolent crimes. If you use a crowbar to break into a car, you are committing a nonviolent crime; if you mug someone with the crowbar, you are committing a violent crime.

When we think of crime, we often picture street crime, or offenses committed by ordinary people against other people or organizations, usually in public spaces. An often overlooked category is corporate crime, or crime committed by white-collar workers in a business environment. Embezzlement, insider trading, and identity theft are all types of corporate crime. Although these types of offenses rarely receive the same amount of media coverage as street crimes, they can be far more damaging. The current

economic recession in the United States is the ultimate result of a financial collapse triggered by corporate crime.

An often-debated third type of crime is victimless crime. These are called victimless because the perpetrator is not explicitly harming another person. As opposed to battery or theft, which clearly have a victim, a crime like drinking a beer at age 20 or selling a sexual act do not result in injury to anyone other than the individual who engages in them, although they are illegal. While some claim acts like these are victimless, others argue that they actually do harm society. Prostitution may foster abuse toward women by clients or pimps. Drug use may increase the likelihood of employee absences. Such debates highlight how the deviant and criminal nature of actions develops through ongoing public discussion.

Crime Statistics

What crimes are people in the United States most likely to commit, and who is most likely to commit them? To understand criminal statistics, you must first understand how these statistics are collected.

Since 1930, the Federal Bureau of Investigation has been collecting and publishing an archive of crime statistics. Known as *Uniform Crime Reports* (UCR), these annual publications contain data from approximately 17,000 law enforcement agencies (FBI 2011). Although the UCR contains comprehensive data on police reports, it fails to take into account the fact that many crimes go unreported due to the victim's unwillingness to report them, largely based on fear, shame, or distrust of the police. The quality of the data collected by the UCR also varies greatly. Because officers' approaches to gathering victims' accounts frequently differed, important details were not always asked for or reported (Cantor and Lynch 2000).

To offset this publication, in 1973 the U.S. Bureau of Justice Statistics began to publish a separate report known as the *National Crime Victimization Survey* (NCVS). The NCVS is a self-report study. A self-report study is a collection of data acquired using voluntary response methods, such as questionnaires or telephone interviews. Each year, survey data are gathered from approximately 135,000 people in the United States on the frequency and type of crime they experience in their daily lives (BJS 2011). The surveys are thorough, providing a wider scope of information than was previously available. This allows researchers to examine crime from more detailed perspectives and to analyze the data based on factors such as the relationship between victims and offenders, the consequences of the crimes, and substance abuse involved in the crimes. Demographics are also analyzed, such as age, race, gender, location, and income level (National Archive of Criminal Justice Data 2010). The NCVS reports a higher rate of crime than the UCR.

Though the NCVS is a critical source of statistical information, disadvantages exist. "Non-response," or a victim's failure to participate in the survey or a particular question, is among them. Inability to contact important demographics, such as those who don't have access to phones or frequently relocate, also skews the data. For those who participate, memory issues can be problematic for the data sets. Some victims' recollection of the crimes can be inaccurate or simply forgotten over time (Cantor and Lynch 2000).

While neither of these publications can take into account all of the crimes committed in the country, some general trends may be noted. Crime rates were on the rise after 1960, but following an all-time high in the 1980s and 1990s, rates of violent and non-violent crimes once again started to decline.

In 2009, approximately 4.3 million violent crimes occurred in the United States, the majority being assault and robbery. An estimated 15.6 million nonviolent crimes took place, the most common being larceny. Less than half of all violent and nonviolent crimes were reported to the police (BJS 2010). In general, demographic patterns tend to correlate with crime: factors such as sex and socioeconomic status may relate to a person's chances of being a crime victim or a perpetrator. Women are much more likely than men to be victimized by someone they know, such as a family member or friend, and one-fourth of all nonfatal attacks on women are carried out by a romantic partner (BJS 2011b).

The United States Criminal Justice System

A criminal justice system is an organization that exists to enforce a legal code. There are three branches of the United States criminal justice system: the police, the courts, and the corrections system.

Police

Police are a civil force in charge of enforcing laws and public order at a federal, state, or community level. No unified national police force exists in the United States, although there are federal law enforcement officers. Federal officers operate under specific government agencies such as the Federal Bureau of Investigations (FBI); the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF); and the Department of Homeland Security (DHS). Federal officers can only deal with matters that are explicitly within the power of the federal government, and their field of expertise is usually narrow. A county police officer may spend time responding to emergency calls, working at the local jail, or patrolling areas as needed, whereas a federal officer would be more likely to investigate suspects in firearms trafficking or provide security for government officials. State police have the authority to enforce statewide laws, including regulating traffic on highways. Local or county police, on the other hand, have a limited jurisdiction with authority only in the town or county in which they serve.

Courts

Once a crime has been committed and a violator is identified by the police, the case goes to the court. A court is a system that has the authority to make decisions based on law. Similar to the police, the U.S. judicial system is divided into federal courts and state courts. As the name implies, federal courts (including the U.S. Supreme Court) deal with federal matters, including trade disputes, military justice, and government lawsuits. Judges who preside over federal courts are selected by the president with the consent of Congress.

State courts vary in their structure, but generally include three levels: trial courts, appellate courts, and state supreme courts. Unlike the large courtroom trials in TV shows, most noncriminal cases are decided by a judge without a jury present. Traffic court and small claims court are both types of trial courts that handle specific civil matters.

Criminal cases are heard by trial courts that handle general jurisdictions. Usually, a judge and jury are both present. It is the jury's responsibility to determine guilt, and the judge's responsibility to determine the penalty, though in some states, the jury may also decide the penalty. Unless a defendant is found "not guilty," any member of the prosecution or defense can appeal the case to a higher court. In some states, the case then goes to a special appellate court; in others, it goes to the highest state court, often known as the state supreme court.

Corrections

The corrections system, more commonly known as the prison system, is tasked with supervising individuals who have been arrested, convicted, and sentenced for a criminal offense. At the end of 2010, approximately seven million Americans were behind bars (BJS 2011d).

The United States incarceration rate has grown considerably in the last hundred years. In 2008, more than 1 in 100 U.S. adults were in jail or prison, the highest benchmark in our nation's history. And while Americans account for 5 percent of the global population, we have 25 percent of the world's inmates, the largest number of prisoners in the world (Liptak 2008b).

Prison is different from jail. A jail provides temporary confinement, usually while an individual awaits trial or parole. Prisons are facilities built for individuals serving sentences of more than a year. Whereas jails are small and local, prisons are large and run by either the state or the federal government. Parole refers to a temporary release from prison or jail that requires supervision and the consent of officials. Parole is different from probation, which is supervised time used as an alternative to prison. Probation and parole can both follow a period of incarceration in prison, especially if the prison sentence is shortened.