



The Law & Justice System

An Overview



Crime in the United States

- Every day we are flooded with reports of crime in the news media. Crime is seen in television docudramas, fictional crime shows and an entire network is dedicated to bringing us the latest breaking news concerning crime and criminal justice.

Crime in the United States

- It's no wonder crime and criminal justice are a concern of the American public.
- However, the sensational crimes reported by the media do not provide a very accurate picture of crimes typically committed nor do they accurately depict crime which police respond to daily

Crime in the United States

- A more accurate picture of crimes typically committed can be seen by examining Table 1.1 on the following slide.
- Keep in mind that the police rarely respond to the sensational crimes reported by the media. The calls to which they respond often do not involve crimes at all.

Crime in the United States

TABLE 1.1

Distribution of Calls for Police Service

POLICE CALLS	PERCENTAGE
Disturbance	20.9
Alarm	9.4
Domestic Disturbance	7.6
Parking Violation	6.5
Selling Narcotics	4.5
Auto Accident	3.9
Domestic Battery	2.4
Vice Complaint	2.2
Suspicious Person	1.9
Gang Disturbance	1.7
Shots Fired	1.7
Battery (just occurred)	1.6
Person with Gun	1.4
Suspicious Auto (no occupant)	1.2
Fire	1.2
Missing Person	1.1
Assault (in progress)	1.0
Theft (just occurred)	1.0
Fireworks	1.0

Calls for police service to the Chicago, IL, Police Department during June 2000.
There were a total of 181,748 police calls.

Criminal Justice: An Institution of Social Control

- Criminal justice is an **institution of social control**, as are:
 - The family
 - Schools
 - Organized religion
 - The media
 - The law

Criminal Justice: An Institution of Social Control

Defining an institution of social control:
An organization that persuades people,
through subtle and not-so-subtle means to
abide by the dominant values of society.

Subtle means of persuasion include gossip and peer pressure, whereas expulsion and incarceration are examples of not-so-subtle means.

Criminal Justice: An Institution of Social Control

- As an institution of social control, criminal justice differs from the others in two important ways:
 1. It is concerned only with behavior that is defined as criminal.
 2. It is society's "*last line of defense*" against people who refuse to abide by dominant social values and commit crimes.

Criminal Justice: The System

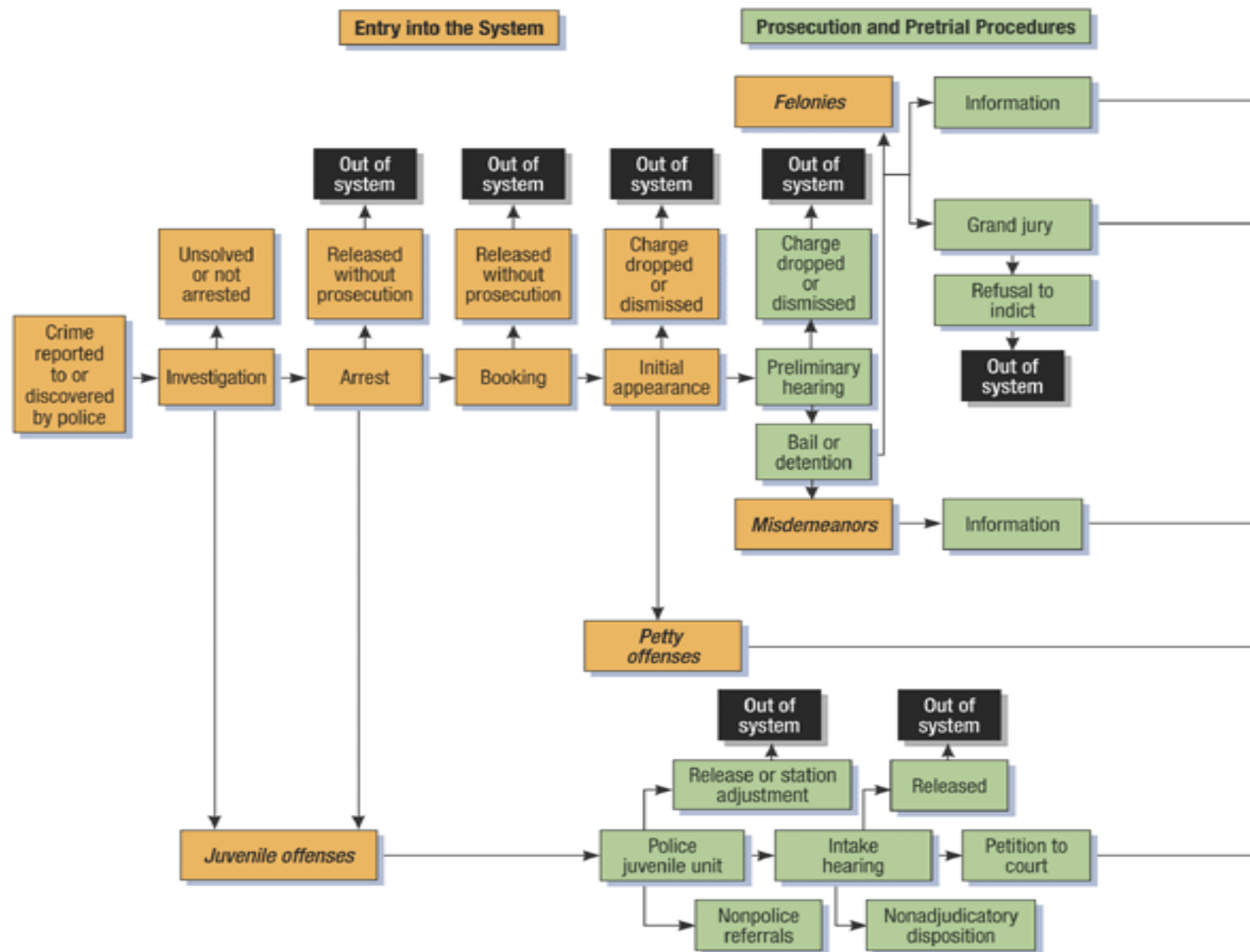
- Criminal justice in the United States is administered by a loose confederation of more than 50,000 agencies of federal, state, and local governments. Together they are commonly referred to as the “*criminal justice system.*”
- The police, courts, & corrections

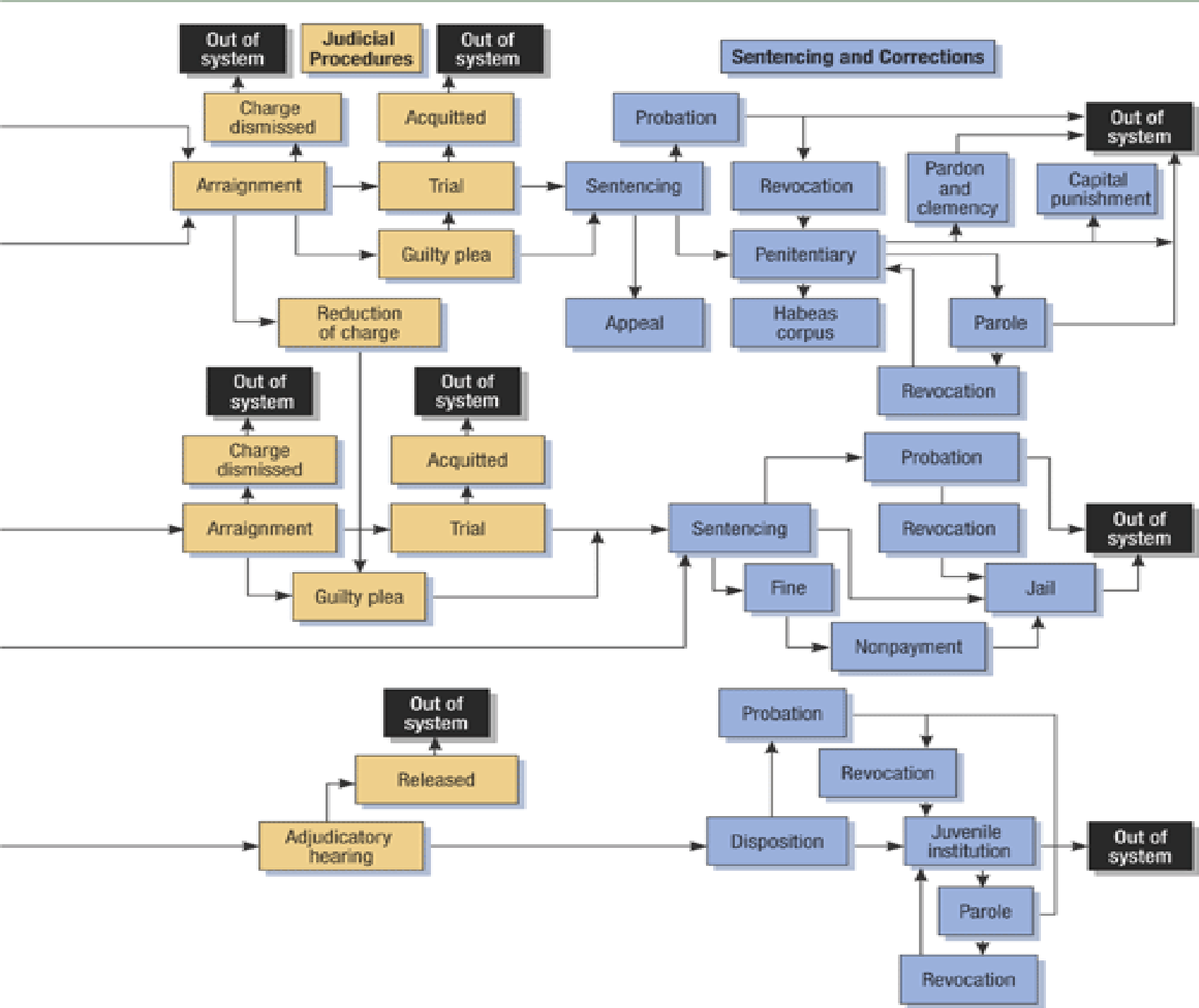
Criminal Justice: The System

- The criminal justice system operates differently in some jurisdictions, but there are also similarities.
- A jurisdiction is: a politically defined geographical area. (a city, a county, a state, or a nation)

Criminal Justice: The System: An Overview

- The following slides provide a brief overview of a typical criminal justice response to criminal behavior.
- Figure 1.1, the next slide, is a graphic representation of the process.
- A more detailed examination of the criminal justice response to crime and delinquency will be provided later.





The Criminal Justice System: The Police

- The criminal justice response to crime begins when a crime is reported to the police, or when the police discover a crime has been committed.
- Police investigate the crime.
- If the investigation is successful, police arrest a suspect.
- After the arrest, the suspect is booked at the police station.

Arrest and Booking

- **Arrest:** The seizing and detaining of a person by lawful authority.
- **Booking:** The administrative recording of an arrest. Typically, The suspect's name, the charge, and perhaps the suspect's fingerprints or photograph are entered in the police blotter.

Courts

- After a suspect has been arrested and booked, a prosecutor reviews the facts of the case and the available evidence.
- The prosecutor decides whether to charge the suspect with a crime or crimes.
- If no charges are filed, the suspect must be released.

Charging Documents

There are three kinds of charging documents:

- A complaint – a document specifying that an offense has been committed.
- An information – a document that outlines the formal charge against a suspect.
- A grand jury indictment – a written accusation by a grand jury that a person has committed a crime.

Misdemeanor and Ordinance Violation

- If the offense is a misdemeanor (*a less serious crime generally punishable by a fine or by incarceration in jail for not more than one year*) or an ordinance violation (*usually the violation of a law of a city or town*) then the prosecutor may prepare a complaint.

Felony

- If the offense is a felony (*a serious offense punishable by death or by confinement in prison for more than one year*) an information is used in about half the states; a grand jury indictment is used in the other half.

Arrest Warrant

- On rare occasions, police may obtain an arrest warrant (*a written order directing law enforcement officers*) to arrest a person. from a lower-court judge before making an arrest.

Pretrial Stages

- After the charges have been filed, the suspect, who is now the defendant, is brought before a lower-court judge for an initial appearance and given formal notice of the charges against him/her and his/her constitutional rights (for example, the right to counsel).

Pretrial Stages

- In the case of a misdemeanor or an ordinance violation, a summary trial (*An immediate trial without a jury*) may be held.
- In the case of a felony, a hearing is held to determine whether the defendant should be released or whether there is probable cause to hold the defendant for a preliminary hearing.

Probable Cause

A standard of proof that requires evidence sufficient to make a reasonable person believe that, more likely than not, the proposed action is justified.

Pretrial Stages

- If the suspect is to be held for a preliminary hearing, bail (*bail is usually a monetary guarantee deposited with the court to ensure that suspects or defendants will appear at a later stage in the criminal justice process*) may be set by the judge.

Pretrial Stages

- If the judge at a preliminary hearing (*a pretrial stage at which a judge determines whether there is probable cause*) finds probable cause, the defendant is bound over for possible indictment or arraignment.

Pretrial Stages

- A primary purpose of the grand jury is to determine whether there is probable cause to believe that the accused committed the crime with which the prosecutor has charged him/her with.

Pretrial Stages

- Once an indictment or information is filed with the trial court, the defendant is scheduled for arraignment.
- About 90 percent of criminal defendants plead guilty to the charges against them, in an arrangement called plea bargaining.

Trial

- If a defendant pleads not guilty or not guilty by reason of insanity, a trial date is set.
 - 10 percent of criminal cases go to trial.
 - 5 percent of criminal cases are decided in a bench trial. A trial before a judge, without a jury.
 - 5 percent of criminal cases are decided in a jury trial.

Trial

- If the defendant is found guilty as charged



- The judge (and sometimes the jury) begins to consider a sentence.

- If the defendant is found not guilty



- The defendant is released.

Corrections

Currently, five types of punishment are used in the United States:

1. Fines
2. Probation
3. Intermediate punishments
4. Imprisonment
5. Death

Appeals

- Defendants can appeal their convictions either on legal or constitutional grounds.
- Legal Grounds: Defects in jury selection as defined by the state
- Constitutional Grounds: Illegal search and seizure, Improper questioning by police

Corrections

A defendant sentenced to prison may be eligible for parole after serving a portion of his sentence. *Parole*: the conditional release of prisoners before they have served their full sentences.

Criminal Justice: The Nonsystem

- Police, courts, and corrections are commonly referred to as the criminal justice system.
- However, the depiction of criminal justice or, more specifically, of the interrelationships and inner workings of its various components-as a “*system*” may be inappropriate and misleading for at least two reasons.

Criminal Justice: The Nonsystem

- First, there is no single “criminal justice system” in the United States. Rather there is a loose confederation of many independent criminal justice agencies at all levels of government.

Criminal Justice: The Nonsystem

- This loose confederation is spread throughout the country with different, sometimes, overlapping jurisdictions.
- The only requirement they all share is that they follow procedures permitted by the U.S. Constitution.

Criminal Justice: The Nonsystem

- Second, if a system is thought of as a smoothly operating set of arrangements and institutions directed toward the achievement of common goals, one is hard-pressed to call the operation of criminal justice in the United States a system.

Criminal Justice: The Nonsystem

- Instead, because there is considerable conflict and confusion between different agencies of criminal justice, a more accurate representation may be that of a nonsystem.



Overview of Public Safety

Roles and Responsibilities



Dispatcher

Responsibilities:

- Answers 911 calls
- Determines best response
- Dispatches correct agency(ies)
- Provides instruction for caller
- Checks status of officers

Fire Department

Responsibilities:

- Site fire suppression
- HazMat – Hazardous Materials
 - Chemical
 - Radiological
 - Biological

Fire Department

- Medical Response
- Vehicle accidents
- Accidents in general – drowning, construction, etc.
- Trapped persons
- Homeland Security

Fire Department

- Fire prevention education
- Fire code enforcement
- Special events
- Fire hydrant checks
- Equipment maintenance

Fire Department

- Search and rescue
- Severe weather response
- Forreast fires
- Various others – cat in tree, etc.

Emergency Medical System (EMS)

- Usually a part of fire department
- Sometimes provided by private ambulance company
- Provides emergency medical treatment
- Goal is to stabilize patient and transport to the hospital

Police

Two common ideals:

- Prevent Crime
- Detect Crime

Common Motto:

- Serve and Protect

Much more later

Security

- Traditionally conducted actions similar to police
- Today private security has an expanding role in internet and data protection for businesses
- Large % of workforce still guards

Security

- Asset Protection – reduction of inventory loss
 - “Shrinkage” refers to % loss of inventory
- Employees most common source of shrinkage

Security

- Private Investigators/Detectives – often used in lawsuits/divorce
- Proprietary Security – In house service run and maintained by company benefiting from service
- Contract Security – Hired help

Security

- Body Guards/Protective Escorts
 - Increasing demand with spreading of kidnapping schemes
- Greater responsibility since 9/11
- Largest job growth in all Public Safety is in Security area

Courts

- Prosecution of crimes
- Prosecutor – felony cases
- Solicitor – misdemeanor cases
- Defense – represents the accused
- Judge – court referee

Corrections

- Punishment of crimes
- Jailer/correctional officer – monitors inmates
- Warden – oversees prison and implements programs
- Probation/parole officer – oversees persons in the system outside of prison

Others Active in PS

- Military/National Guard
- DFCS – children
- Health Department
- DHS – More advisory
- CDC – outbreaks
- Federal Agencies

Jurisdiction and Venue

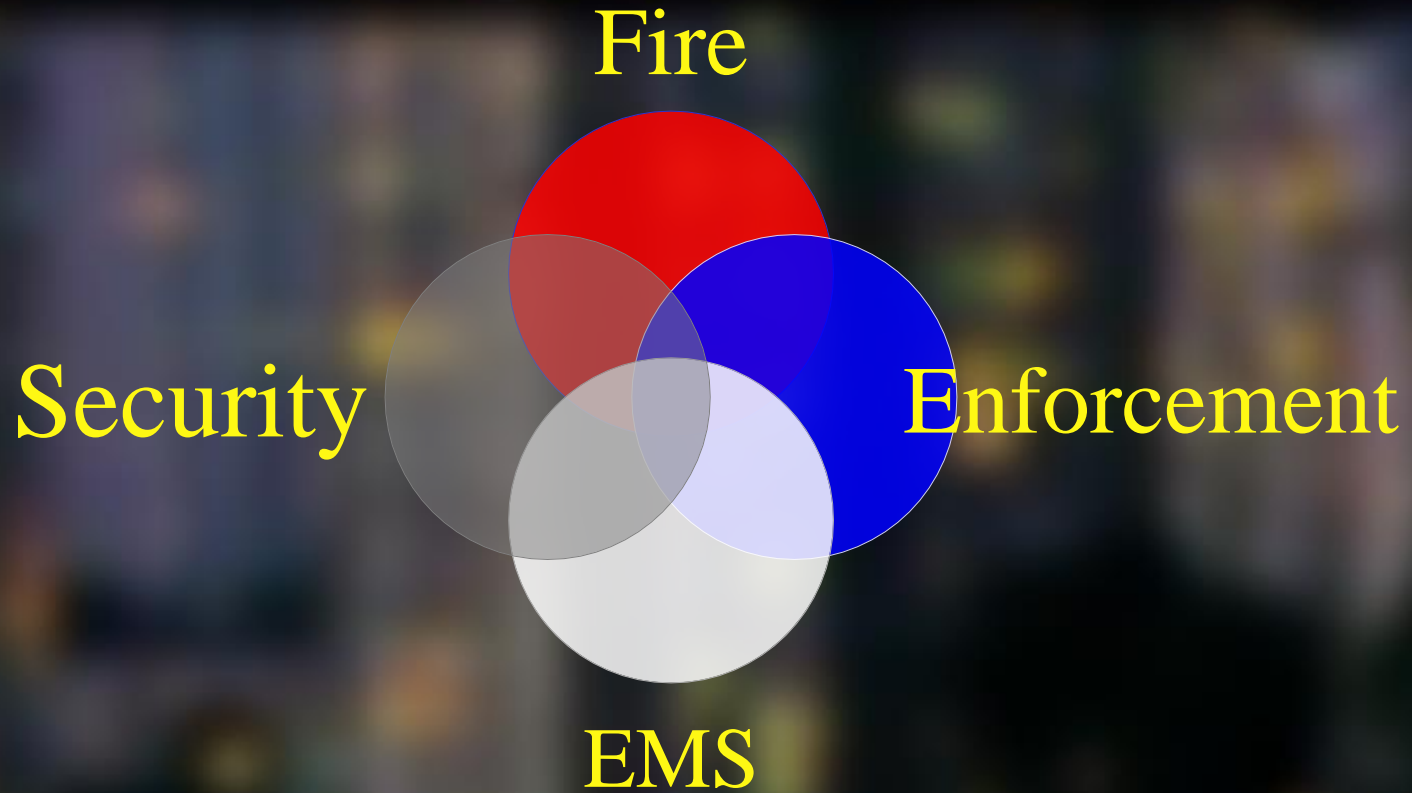
Jurisdiction – a geographically defined area

– usually affiliated with political authority

Venue – place from which a jury is drawn and in which trial is held

– Authority to hold trial

The Public Safety System



Jurisdiction and Venue

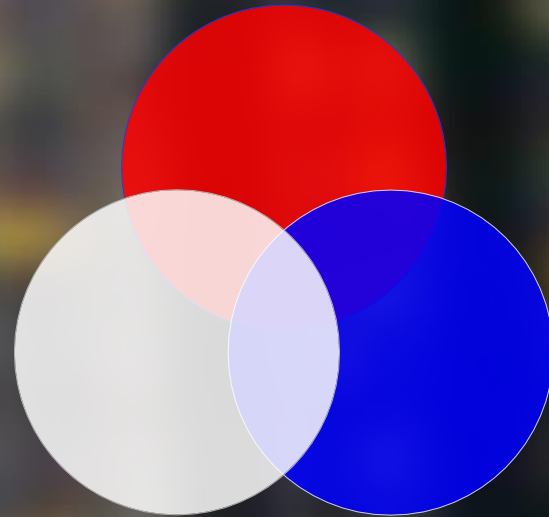
Dangerous Environments & Danger
to Lives (not caused by a persons
behavior) – usually fire/EMS

Crimes & Dangerous People –
usually law enforcement

Duties are usually spelled out

Interactions Between Levels

Local



Federal

State

A nighttime photograph of a city skyline with many lit-up buildings and mountains in the background. The image is used as a background for the text.

Interactions Between Levels

Not like on TV where FBI takes over

Protocol is already established

- Protocol – code of correct behavior

More friction at local level



Trouble on the Track!

Southern Rail Service train 507 from Savannah is derailed and on fire in north Atlanta/south Gwinnett county. It is 5PM on a Friday.

- Witness reports “it exploded”
- One train car has hazardous gas



Trouble on the Track!

- The only know passengers were crew
- The train is $\frac{1}{2}$ mile from I-285 and 3 miles from Georgia 400
- What agencies might respond to this?



Trouble on the Track!

- What agency might hold authority?
- What conflicts might arise?

Two Models of Criminal Justice

- In his influential book entitled *The Limits of the Criminal Sanction*, legal scholar Herbert Packer describes the criminal justice process in the United States as the outcome of competition between two value systems.
- Those two value systems represents two ends of a value continuum.

Two Models of Criminal Justice

FIGURE 1.3

Two Models of the Criminal Justice Process

Due Process Model

Traditional liberal values

Crime Control Model

Traditional conservative values

The Crime Control Model

- In the crime control model, the control of criminal behavior is by far the most important function of criminal justice.
- The primary focus of this model is on efficiency in the operation of the criminal justice process.

The Crime Control Model

- The key to the operation of the crime control model is “a *presumption of guilt*.” In other words, advocates of this model assume that if the police have expended the time and effort to arrest a suspect and the prosecutor has formally charged the suspect with a crime, then the suspect must be guilty.

The Due Process Model

- The due process model is based on the doctrine of legal guilt and the presumption of innocence. According to the doctrine of legal guilt, people are not to be held guilty of crimes merely on a showing based on reliable evidence, that in all probability they did in fact do what they are accused of doing.

The Due Process Model

- In other words, it is not enough that people are factually guilty in the due process model; they must also be legally guilty.
- Fundamentally, the due process model defends the idea of personal freedom and its protection.

Crime Control Versus Due Process

- Since the mid-1970s the crime control model has dominated the practice of criminal and juvenile justice in the United States.
- But elements of the due process model remain evident in the process of justice.
- How long this present trend will continue is anybody's guess.

The Costs of Criminal Justice

- Each year in the United States an enormous amount of money is spent on criminal justice.
- In 1999, local, state, and federal governments spent a total of \$146 billion in direct expenditures for the civil and criminal justice systems.
- That represents approximately \$525 for every resident of the United States.

The Costs of Criminal Justice

TABLE 1.2

Costs of Criminal Justice

In 1999, federal, state, and local governments spent \$146 billion in direct expenditures for the criminal and civil justice systems.

Police Protection	\$ Millions
70% Local	\$45,590
12% States	7,810
18% Federal	11,964
100%	65,364
Judicial/Legal Services	
43% Local	\$13,914
35% States	11,385
21% Federal	6,885
100%	32,184
Corrections	
30% Local	\$14,938
63% States	30,770
7% Federal	3,299
100%	49,007

Detail may not add to 100% because of rounding.

SOURCE: Sidra Lea Gifford, "Justice Expenditure and Employment in the United States, 1999," *Bureau of Justice Statistics Bulletin*, U.S. Department of Justice (Washington, DC: GPO, February 2002).

The Costs of Criminal Justice

- State and local governments pay most of the costs of criminal justice. Generally speaking:
 - In 1999, local governments spent 70 percent of the total spent on police
 - In 1999, state governments spent nearly 63 percent of the total on corrections.

The Costs of Criminal Justice

- About 4 cents out of every tax dollar is spent on crime control.
- Roughly two-thirds of the American public thinks the government should spend more. In a 2000 public opinion poll, for example, 59 percent of people surveyed believed that too little was being spent to halt the rising crime rate.

Myths About Crime and Criminal Justice

- Much of the American public's understanding of crime and criminal justice is wrong; it is based on myths.
- Myths are beliefs based on emotion rather than analysis.
- Many ideas about crime or the justice system can be considered myths because they can be contradicted by facts.

Myths About Crime and Criminal Justice

- Who is the average shoplifter? Age, sex, race, socio-economics?
- White upper middle class female in 40s
- Why?