

CHAPTER 1: THE CRIMINAL JUSTICE SYSTEM

- Explain why governments enact laws and the differences between criminal law and civil law.
- Discuss the differences between the crime control and the due process models of the criminal justice system and the implications of following one model versus the other.
- Identify and describe the role of the participants in the system of criminal justice.

Purpose of Law

A law is “a rule of conduct promulgated and enforced by the government.”

- Some laws prohibit people from stealing or driving faster than the speed limit.
- Other laws require people to report their income and pay taxes.

Purpose of Law

Laws can apply to the behavior of individuals, businesses, and governments.

- Municipalities may be prohibited from dumping raw sewage into lakes and rivers.

Most laws are considered essential to the functioning of a modern society.

Purpose of Law

Some laws are heavily influenced by religious and moral beliefs.

- Restrictions on abortion, pornography, gambling

Other laws do not reflect any specific moral code

- Traffic and zoning regulations.

Criminal v. Civil Law

Criminal Law: The body of law defining offenses against the community at large, regulating how suspects are investigated, charged, and tried.

- When an individual violates a criminal law, society at large is the offended party (i.e., *People v. Jones* or *State v. Jones*).

Criminal v. Civil Law

Civil Law: The body of law defining actions for which individuals can use the courts to seek remedies for violations of their private rights.

- When one party defaults on the terms of a contract, the other party must initiate the legal process on an individual basis.

Criminal v. Civil Law

Most civil cases are intended to “make whole” or compensate victims for the losses they suffered through money damages.

Victims of crimes seldom receive any financial compensation from the perpetrator.

Criminal v. Civil Law

	Criminal Law	Civil Law
Type of Harm	Harm to Society	Harm to Individual Interests
Parties to Case	Government & Defendant	Plaintiff & Defendant
Standard of Proof	Beyond a Reasonable Doubt	Preponderance of the Evidence
Judgment Given	Guilty or Not Guilty	Liable or Not Liable
Sanctions	Fines, Incarceration, Death	Damages, Injunctions

Conflicting Models of the Criminal Justice System

Crime Control Model: The purpose of the criminal justice system is to repress criminal conduct in the most efficient way possible.

Due Process Model: The criminal justice system should focus on protecting innocent people from being falsely convicted.

Comparison of Crime Control and Due Process Models

	Crime Control	Due Process
Purpose of Criminal Justice System	Suppress criminal conduct	Preserve the integrity of the process
Analogy	Conveyor belt emphasizing speed & efficiency	Obstacle course emphasizing reliability & eliminating errors
Underlying Presumption	Presumption of guilt	Presumption of innocence
Emphasis/Focus	Early administrative fact-finding	Integrity of process and adequacy of appeals

Participants in the Criminal Justice System

Lawmakers

Most criminal laws are made by state legislatures.

The U.S. Congress and local governmental legislative bodies are other common sources of our criminal law.

Participants in the Criminal Justice System

Law Breakers

The law breakers who are identified and subsequently prosecuted become defendants.

Whereas the rich and famous can usually get out on bail and can hire high-powered lawyers, “average” defendants often remain incarcerated pending their trials and have to rely on public defenders.

Participants in the Criminal Justice System

Victims of Law Breakers

The term “victim” is commonly understood as someone who was physically harmed or had valuable possessions stolen from them.

Are not formal parties to a criminal action.

Are most likely to participate in the process by reporting the crime to law enforcement personnel and serving as witnesses for the prosecution.

Victim impact statement: A written or oral statement made by the victim of the crime (or the family members of a deceased victim) that is presented at the sentencing hearing for the convicted offender.

Participants in the Criminal Justice System

Law Enforcement Officials

Local police, sheriff's officers, highway patrol, state police

Federal Bureau of Investigation (FBI)

Alcohol, Tobacco, Firearms (ATF)

Participants in the Criminal Justice System

Attorneys

Are officially licensed to practice law in a state or federal jurisdiction.

- Must have obtained bachelor's degree and graduate degree in law (JD or LLB)
- Must have passed a state bar exam and morals/character check

Participants in the Criminal Justice System

Paralegals (legal assistants)

Person with special qualifications who, working under an attorney's supervision, does tasks that the attorney would do.

Most have completed at least two years of college and have specialized training.

Participants in the Criminal Justice System

Judges

Public officials who preside over various types of legal proceedings and are authorized to take specified types of legal actions.

Other court personnel include, court clerks, bailiffs, court reporters, and marshals.

Participants in the Criminal Justice System

Other Court Personnel

In performing their functions, judges are assisted by a number of other non-attorney personnel, including court clerks, bailiffs, court reporters, sheriffs, and marshals.

Participants in the Criminal Justice System

Jurors

The Sixth Amendment to the U.S. Constitution creates a right to a public trial by an impartial jury in federal criminal cases.

- Must be broadly representative of the community in which the trial takes place

Participants in the Criminal Justice System

Corrections Personnel

Prison guards, counselors and therapists, medical staff, and librarians.

Probation and parole officers are employed to check up on the whereabouts and activities of people who have been convicted of crimes and have been placed on probation or parole.

The Juvenile Justice System

A juvenile is a young person who has not yet attained the age at which he or she is considered to be an adult (usually 18).

Juvenile courts are special courts established to deal with juveniles who commit crimes or who have been abused or neglected.