

# Balance in the administration of justice and security assignment

Law



How are the issues involving an individual's rights versus the needs of the Justice system and security maintain order and public safety? How does the evolution of Justice and security over the 21st Century best balance rights and freedoms with vigilance and sufficient authority to protect the citizenry in a free society while respecting Constitutional guarantees concerning individual rights? Issues concerning the legal environment are numerous, especially when you are looking at how Justice and security administrations operate. Just who are legal or security administrators?

A legal or security administrator is someone who fills a non- attorney employee or office manager position and is responsible for overall day-to-day operations. They are responsible for ensuring the delivery of services by supervising staff and identifying and developing business opportunities. They also work within law departments and handle many responsibilities other than substantive legal work or assignments of it. Those who work in the administrative side of law enforcement and security have to ensure they are not violating the rights of the victim or criminal when they are working on cases.

Travel is one of the big issues that Justice and security administrators have to deal with on a day-to-day basis. The legal environment of airport security and border crossings has been in the news for months now. Transportation Security Administration (TTS) and Immigration and Naturalization (INS) have their hands full when it comes to travel. TTS just hosted a conference in August, with their European counterparts, and discussed the increasing of baggage screenings, better security checkpoints and employee security procedures.

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INS is also working on issues with border crossings. Now if you want to travel into Mexico or Canada, you are required to have a passport; however, going to those countries do not require you to have one to enter. The INS has updated the citizenship test to ensure candidates are indeed remembering the facts. In fact, TTS has reestablished the Federal Air Marshall Service after September Balance in the Administration of Justice and Security - Paper By immolation still have to ensure they are not violating the rights of those traveling.

Technology and mass communication changes almost daily but in the past this was not true. Indeed these changes have affected many small counties and towns because they do not have the revenue to keep up with the changes. These changes affect how our emergency response and law enforcement respond to calls. In fact, Homeland Security, in conjunction with the United States General Accounting Office (GAO) has been looking into this problem since 2003. The ineffectiveness existed long before September 11 according to their findings.

The government has many agencies looking into the problems with the wireless communications in particular. " The interoperability issues that the nation faces today did not arise overnight and they ill not be successfully addressed overnight. Federal, state, and local governments face several major challenges in addressing interoperability in their wireless communications (United States General Accounting Office, 2003, Para 8). They listed three challenges that need met in order to meet the goals. The first challenge is to clearly identify and define the problem.

They did that by identifying that there are problems with the way technology and communication are frequently changing. The second challenge is to establish goals and standards and balance them between the tastes, regions and local needs and conditions. The third challenge is defining how each state, federal and local government will meet their roles in any necessary upgrades and implement any national standards or assessing what they need to meet those goals. In the GAO report, GAO-04-13TH, these challenges are broken down further. The committee stated for the first challenge, "... It is important to recognize that interoperable communications is not merely a technological issue or an end in itself. It is rather a key means of achieving a desirable objective—the effective response to and mitigation of events or incidents that require the coordinated actions of emergency responders. These events could encompass a wide range of possibilities, such as multi-vehicle accidents, major floods or wildfires, or a terrorist attack that involved thousands of injuries" (United States General Accounting Office, 2003, Para 22).

They also said that with technology constantly changing, there would always be issues with communication. The committee stated for the second challenge, "... Develop national interoperability performance goals and technical standards that balance consistency with the need for flexibility in adapting them to state and regional needs and circumstances (United States General Accounting Office, 2003, Para 36). The government would have to develop a strategy to meet public safety and still be able to communicate.

The committee stated for the third challenge, "... Incompatible communication systems impede intergovernmental coordination efforts. The Committee recommended that the federal government take a leadership role in resolving the communications interoperability problem (United States General Accounting Office, 2003, Para 50). The federal government will have to step up and say what systems are used and possibly help finance changes at state and local levels. This will ensure all can communicate no matter where they are located. The fundamental barrier to successfully addressing these challenges has been the lack of effective, collaborative, interdisciplinary and intergovernmental planning. No one first responder group or governmental agency can successfully "fix" leadership, and coordinated planning of everyone involved" (United States General Accounting Office, 2003, Para 12). The partnership of all law enforcement and security agencies ensure all goals are set and met in a time-line set by all. The lack of adequate technology and communications has affected lives and even caused deaths due to the inability of getting necessary help on time.

The GAO is hoping that with Homeland Security help, federal, state and local governments will be able to develop a communication system that will stay current in the ever-changing technological world or at least is upgradeable. Issues involving individual's rights and the needs of the Justice system when maintaining order and public safety have been controversial topic for many years. The Constitution has many who think it should be written to today's requirements in the world. The First Amendment is one of the hardest hit when it comes to public safety and individual's rights.

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When a person is out protesting, they could cause a riot due to the words they say. The two topics that this happens with are religion and abortion. Many street preachers who will say the God's words to any who will listen and many do not want to listen. This is when fights happen. When the United States Supreme Court made abortion legal, many activists were outraged. Many do not think this was something the courts should be able to legalize. Indeed, many still protest the clinics that do abortions.

The law enforcement agencies are busy if they have a clinic in their town because they have to drive by more often to ensure no vandalism done to the buildings. Many clinics do more than just abortions but people forget about those other procedures, like helping parents have children. The Second Amendment is also hit when it comes to public safety and individual's rights. Citizens have the right to own guns. They do not have the right to shoot without warning. Automatic weapons were killing many officers and they wanted these guns off the streets.

When the government tried to ban automatic rifles, there was strong opposition. Many agencies were inundated with mail. The National Rifle Association had people fighting for the rights of the citizens to bear arms. Due to all the opposition, the government was only able to put a temporary sale restriction on automatic rifles. The main reason for this restriction was to help law enforcement when it was time for them to respond to calls. The Fifth and Sixth Amendment is one that the courts have to ensure they follow. If they violate a criminal's right under these two amendments, they could lose a case.

A fair trial and right to counsel are the main ideas for these two amendments. Outrageous bail is also not to be violated even if the criminal is a serial killer and you have an outrageous amount of evidence pointing at them. Public safety might be a concern for a case like that but the rights of the criminal also have to be looked at closely. You cannot convict for a capital offense without a trial. Many would say let the lynch mobs at the criminal so you can save the courts time for a murder but no matter the crime there has to be a chance for that criminal to face his accusers.

So how does History has shown that law enforcement has to change as technology changes. The technology could be just how the officers communicate between themselves, or they only agitate a crowd. Officers have an understanding of the First and Second Amendments now. They also know how they should treat people who violate them. Officers have to ensure they do not convict a criminal before their trial. Violation of rights could put that criminal back on the streets to commit crime again. Justice and security issues are hard and numerous.

Many times, just when you think you have control, something changes and that control is gone. GAO, TTS, INS, and the Supreme Court have seen many issues in their life cycle to see how people say their rights were violated. There is a fine line when it comes to upholding the law and law enforcement has to ensure they walk that line. With so many gray areas in some laws, they have to use common sense as well. Officers have to ensure they read all possible criminals their Miranda rights and ensure they follow all the laws to ensure no rights violations occur.