

Criminal procedure policy paper

Law



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Criminal Procedure Policy Task: Criminal procedure policy plays a real significant role in administering justice to the society and in the country in general. Criminal justice is made in such a way that it helps to keep the society secure; it is made to stop criminals from wrongdoing and rehabilitate wrongdoers in to becoming better people that will assist in building the society. Hence, with the kind of role that criminal justice policy can not be able to perform its duties exhaustively since managing all the criminal justice is such a crucial role to play. Many people fail to understand why the criminal justice can not cater for matters that are related to security. Sometimes people think that the justice department protects the criminal justice. the criminal justice system provides the defendants, and this restricts the system. At the same time, other people tend to believe that in trying to limit the rights of defendants will result into giving unfair and biased trials, it will make innocent people be charged with crimes that they did not commit (Samaha, 2011). There are two models that are being used in the criminal justice system namely; the crime control mode and the due process model (Carmen, 2009). The two models have let people know that there is normalcy in the society. These models carry different values that impact significantly the criminal justice system. The American government has invested in the implementation of the two models. I will try to compare and contrast the two modes and analytically comment on what model is best fit to use in the criminal justice system. The society beliefs that in a fair criminal justice system and in order to have fair trials for criminals and wrongdoers; Some people argue that, for the society to remain safe and secure, wrongdoers should get majorly heavy sentences and that the defendants should not enjoy any rights during prosecution. These are some

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people who support the crime control model. The people that are in favor of the due process model point out that any kind of government without any control in its criminal justice system is not supporting justice for its people, neither is it protecting its people. These people argue that the Fourth, Fifth, Sixth, and Fourteenth Amendments of the American Constitution have to be backed and supported for people to realize that justice is being done. This will enable people to live knowing that the justice system is working, and they are at peace from wrongdoers. Hence, the people that back the criminal control model say that the fourth, fifth and sixth Amendments of the United States Constitution discriminate the victims of the wrong doing and the security of the people. The people who are in support of the criminal control model say argue that, the criminal justice system must have the ability to be efficient in the way that the wrongdoers are prosecuted. The criminal justice model must be able to handle its cases in a high profile manner, if this is done, then the number of criminal cases will be guaranteed to decrease tremendously much. The due process model is based on complex ideologies hence can make the judgment process an extremely substantial task. This will slow down the mechanisms in which justice is deployed to the wrong doers and hence it will make it exceedingly difficult for the criminal justice system to run efficiently like the crime control model (Carmen, 2009). The fourth amendment of the American constitution outlines civil rights that are privileged to the Americans. These amendments protect the criminal justice system not to perform it's work in an illegal manner in order to achieve its set goals of offering people justice and security. A lot of people think that, if the system was to perform its duties without limitations, then the system would have turned to prosecute innocent people. However supporters of the <https://assignbuster.com/criminal-procedure-policy-paper/>

criminal control model say that limiting the system restricts the systems duty of enforcing the law; they also say that these limitations will degrade the operations quality of the system (Pritchett, 1977). The sixth amendment of the American constitution says that the wrongdoers must be granted a public trial. The amendment also guarantees the wrongdoers that they should be given counsel to negotiate the trial on their behalf. The crime control model does not support this kind of amendment. In fact, the supporters of the crime control model argue that the wrongdoers should be prosecuted according to the levels of their crimes (Pritchett, 1977). The fifth amendment of the American constitution says that no person should not be forced confess to any crime unless there is the presence of the grand jury. This amendment ensures that the defendants are not harassed by prosecutors and investigators (Pritchett, 1977). References Carmen, R. V. (2009). *Criminal Procedure: Law and Practice*. Stamford, Connecticut: Cengage Learning. Pritchett, C. H. (1977). *The American Constitution, Volume 1*. New York City: McGraw-Hill. Samaha, J. (2011). *Criminal Procedure*. Stamford, Connecticut: Cengage Learning.