

Criminal justice system research paper example

[Law](#), [Death Penalty](#)



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1. 0 Criminal Injustice

1. 1 Introduction

Criminal justice is crucial just like any other form of justice in any country. The United States criminal procedure of dealing with criminals is against the principles of social justice. The criminal system does not promote social justice in the country. This is because the system put much emphasis on crime control, other than due, right process. The system supports punishment instead of rehabilitation. There is unequal treatment of criminals by the justice policy such as the death penalty policy and the war on drugs policy.

Social justice is the conception of justice applied to the society. Its main emphasis is the promotion of equality to all people in the society. Social justice does not apply only to the criminals but to the society at large. It does not promote any inequality despite the social power one has in the community. Social justice further promotes that every person should be given certain freedom despite their social status. These freedoms include freedom of speech, ownership of property, right to vote and others.

Criminal injustice affects not only the criminal but also the innocent people in the society. It affects their family and society at large. The criminal justice

system is responsible for criminal injustices. Some innocent people get imprisoned or even executed for the mistake they did not commit. The criminal system of justice is a governmental institution made up, of the court system, law enforcement and correctional programs. These bodies of criminal justice system work jointly for them to provide social control. They accomplish this by reducing crimes, enforcing laws and administering of justice. Each body has its own goals which it has to fulfill. In addition, different levels of governance govern each body. The federal government has the responsibility to monitor crimes in the nation as whole. Additionally, there are fifty individual states agencies each with their own statute to control crimes in the respective states. This shows that there are fifty one systems of criminal justice in United States. The criminal justice system focuses on two goals: reduction of crimes and administering justice.

2. 0 Injustice in Criminal Law

Some criminal justice policies bring unfair treatment in the system. They include the death penalty policy and three-strike law. These policies are not effective in meeting the goals of this system. They reflect discrimination and bias in the certainties of criminal offenders. These policies should either be revised or done away with for they promote injustice.

2. 1 The death penalty policy- Also known as the capital punishment. It is a final punishment approval applied in United States today. Society has mixed feelings regarding this law in terms of its effectiveness. Ignoring the personal opinions and feelings on this issue, there were the main goals it was to achieve. Government officials provide three reasons for supporting capital punishment in United States society. They include incapacitation, retribution

and its deterrent value. Suggestions from experts' points out that capital punishment do not sufficiently achieve the set goals.

There exist two types of retribution: lawful retribution and vengeance.

Vengeance is a normal human urge that occurs when an individual desires revenge. Private retribution is another name for vengeance, and mostly the family members of murder victims practice it. This cannot be used as a justification for people to practice capital punishment. Murders are usually dealt with as crimes against the state. The law justifies retribution that is lawful since it is public and it involves the state. The state achieves retribution when the criminal compensates for the crime he or she had committed. The death penalty is rare as a method of providing adequate retribution to the society. An estimate shows that, between 1977 and 2004, there were 558, 745 murders. Criminals sentenced to death were 6, 806 with 944 executed. This shows that approximately 19, 955 murders occurred per year, and only two hundred and forty three years got sentenced to death. However, only thirty four people executed. This shows that only 1. 3% cases of murder led to a death sentence and only 1. 7% led to a real execution. It is clear that there is the lack of a balanced scale of justice in United States because killing of the offender will not get the murdered back to life.

Another goal of the death penalty is the incapacitation which focuses on restricting the freedoms of the murder. Incapacitation, when enforced through the death penalty, prevents an offender from committing another crime. Putting in mind that one goal of the criminal system is the reduction of criminology; incapacitation is a satisfactory explanation for punishment. Once the offender dies, they cannot murder again. Nevertheless, most

assassinators do not recidivate. Execution has less impact on the murder rate in the community for it occurs rarely. Achievement of incapacitation does not necessarily have to involve capital punishment. Life imprisonment is appropriate where incapacitation goals can be achieved. Life imprisonment is cheaper than capital punishment. Life imprisonment is two to five times cheaper than execution. Life imprisonment is more advantageous than execution for it does not involve execution of an innocent person. It is clear that the death penalty meets its goal of incapacitation, but there are other effective means of achieving the same goal other than capital punishment.

Deterrence is the goal of capacity punishment that creates fear in the offender as well as in other members in the society. It aims at preventing any future acts of crimes. In application to the death penalty, deterrence focuses in preventing murders from any further acts of murder (Wardle & Gans-Boriskian, 2004). There exist two types of deterrence: general and specific deterrence. Specific deterrence aims at preventing specific criminals from recidivating while general deterrence aims at preventing the society from committing crimes. The death penalty is not an excellent remedy of achieving specific deterrence because the offender possesses no fear of any future punishment after execution. Capital punishment is also not a general deterrence for it has insufficient application. A punishment must be certain in order to meet the deterrence goal. Many crimes go unnoticed to the police making punishment never certain. United States does not apply any punishment that fulfills the goal of deterrence.

According to theories of social justice, certain features of the death penalty

go against the principles of social justice. First, the death penalty is unequal in distribution. There is racial, gender and class discrimination in the process (Villaume, 2005). This process promotes social injustice because the people who deserve it do not get it. Instead, many of the people who get it do not deserve it. This goes against Rawls' theory of equal liberation, which must occur in spite of social status. This is because not all defendants get equal chance to have an appropriate legal representative to keep them away of unjustly receiving of capital punishment. Subjection to the death penalty depends on discretionary principles meaning that it not a subject to every murder. When passing the death penalty, discrimination exists.

Research proves that individuals who murder whites are most expected to obtain the death sentence than people who murder their own race. There is gender bias in the sense that a person has a higher likelihood of receiving the death penalty after killing a white female. In addition, females have a lower probability of receiving the death penalty. There is also class bias when administering the death penalty. In this case, the poor are at a higher risk of receiving it than the rich. In United States, 5% of those subjected to the death sentence get of approval of innocence every year. This is the number discovered in time; therefore there is uncertainty of how many innocent people get executed before the end of each year. This is a form of injustice because innocent people pay for the crimes they never committed. The death penalty is not an appropriate remedy to reduce crime and promote justice. Therefore, the United States government should come up with new remedies other than capital punishment. There is a need for individuals and community at large to feel secure and protected by the

criminal justice system.

2. 2 Three strike law- this is a mandatory sentence used mostly in United States. This is due to misinformation by government officials that recidivating people commit many serious crimes. This law aims at increasing punishment for second and third criminal offenses, thus sentencing the offender to capital punishment without the option of parole. The limitation of this law is that it does not provide room for judgment in courtroom. This means judges have no power to reconsider the criminal's personal circumstances, time that has passed between each offence and mitigation factors. These factors may suggest a lesser imprisonment than life imprisonment without the option of parole.

There are more critics on California, a state that highly practice this law, about its dependence on this law. Approximately fifty two percent of the offenders subjected to this law are innocent while others have committed minor crimes. For instance, Michael Garcia sentence to life imprisonment was not fair for his crime was stealing six dollars was minor. His other two offences were not violent. Moreover, almost forty five people who receive this sentence are African American. Scholars and criminologists do not support this law. They argue that this law is expensive to implement; therefore, the government spends much money on it rather than on the nation's development (Villaume, 2004). The law is discriminative against the poor and minorities in the society. Three strikes law does not fulfill its goal, which is to minimize crimes by imprisonment of repeat offenders; because many people subjected to this law are not serious criminals (Blair, 1994). Many offenders convicted by this law are drug offenders who possess

ordinary illegal drugs like cocaine and marijuana. Researchers recommend treatment programs that include drug therapy, educational incentives parent training, and youth management being more effective at reducing crimes related to drugs than imprisonment. This law has led to a decrease in the judge's authority giving power to prosecutors. For this reason, there is overcrowding in the prisons, decreased social funding services and increase in class and racial discrimination (Lane, 1993).

3. 0 Conclusion

In the United States, the criminal justice system follows a crime control model focusing on reduction of crimes with little significance placed on due procedure rights for the offender. The components of the criminal justice structure, corrections, police, and courts, do not meet the goals of doing justice and reducing crime. The policies implemented by government officials like three strike law and capital punishment do not achieve the set goals but instead promote discrimination and inequality. There is social injustice in the current procedures and policies, in United States. It insists on ineffective procedures like imprisonment while ignoring effective procedures like rehabilitation. A system designed to guarantee justice for the society is currently failing it. The system is ignorant. It should start to make changes to make society enhanced instead of focusing on gaining popularity.

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