

# The due process model in the criminal justice system

[Law](#), [Criminal Justice](#)



The Criminal Justice System is the complex body of law enforcement that works to keep a country's citizens well protected. Within the system, there are many entities that work to protect the rights of everyone involved in a case.

Due process and crime control are two ideas that are put into place to give citizens a fair trial and maintain public order in a society. Both ideas have positive aspects and need to be balanced in order to have a well-structured society. Due process is required by the United States Constitution in the Bill of Rights to ensure an individual's rights and trial are protected and treated fairly. People who advocate for due process are in favor of equal treatment between those convicted and the victim giving way to the statement of "innocent until proven guilty."

Michelle D. Golden, a Minority Trial Lawyer, gave a clear meaning of the details included in due process and individual rights by writing: "According to legal scholar and former U. S. Court of Appeals for the Second Circuit judge Henry Friendly, the elements of procedural due process include: (1) an unbiased tribunal, (2) notice of the proposed action and the grounds asserted for it, (3) an opportunity to present reasons why it should not occur, (4) the right to call witnesses, (5) the right to know the opposing evidence, (6) the right to have the decision based exclusively on the evidence presented, (7) the right to counsel, (8) the making of a record, (9) the availability of a statement of reasons, (10) public attendance, and (11) judicial review".

Golden's quote demonstrates that due process is very "by the book" and must adhere to certain procedures to be considered fair. Crime control on the other hand can be explained as maintaining public order. Crime control is a conservative idea that emphasizes the idea of punitive action and social responsibility. Kent Roach, a Criminal Law author writes, "The trial is not that important in the crime control model because its "center of gravity... lies in the early, administrative factfinding stages"". Roach expresses the lack of judicial importance found in the crime control model. As previously mentioned, this model is put into place to maintain the public order of a community. This is achieved by police officers taking matters into their own hands rather than going to the court systems and is meant to keep a certain level of organization present in a society.

Though each model is different, they both come with their own benefits. The due process model works in a way that rehabilitates those who have been convicted of a crime. While inmates are in prison, they can be involved in a prison work program which could potentially make their return to society much easier.