

Criminal justice system essay samples

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Criminal Law

CRIMINAL JUSTICE

Question No. 1

The use of less lethal weapons such as the pepper spray and conducted energy devices or CEDs, such as the Taser had been widely popular in the police force. The use of Taser increased in significantly for the past decade and reports have shown that 15, 000 law enforcement and military agencies make use of these less lethal weapons. However, the use of Tasers had created a controversy in relation to allegations of overuse, intentional infliction of harm to the accused and in-custody deaths. Some claim that police commit intentional abuse of these weapons. The physiological effects and potential medical issues surrounding the use of Tasers include serious head injuries or bone breakage due to the falls, and deaths caused by the head injuries suffered by the suspect due to the fall after having been exposed to CED like the Taser (Cole & Gertz, 2013). The use of Taser or similar weapons should be upheld since recent studies have shown that those people who had been arrested using CEDs suffered only from minor

injuries or no injury at all. In fact, there is only a small number of suspects who had been arrested who were reported to have suffered major lethal injuries (Cole & Gertz, 2013). The use of Taser and similar devices is valid because these less lethal weapons are safe and effective. The crucial point involved in the use of Tasers and CEDs is the manner of usage that will be used by the police to match his use of reasonable force depending on the level of suspect resistance that has to be dealt with. The use of Taser and similar devices had been proven to decrease the chances of suspect injury.

Question No. 2

The relationship between the prosecutor and the police is crucial in building a case. The differences between police and prosecution policies and priorities can make coordination challenging for both parties. Some of the factors that influence a prosecutor's decision to accept or reject a case that is presented for prosecution by the police include the strength of evidence, the prior history of the accused, the relationship between the accused and the victim and the facts of the case (Cole & Gertz, 2013).

Prosecutorial discretion is a powerful function in the criminal justice system in the sense that the prosecutor can decide the charges that will be filed, dropping of the charges, enter a plea bargain and the manner of allocating the prosecutorial resources (Cole & Gertz, 2013). The exercise of prosecutorial discretion must be done with fairness and impartiality, regardless of the high probability of conviction, and other political influences surrounding the case. It is believed that prosecutors should not abuse the exercise of discretion in making a decision without leaning towards biases on the basis of extralegal factors such as race, victim stereotypes, gender, lack

of motivation to pursue the case and prosecutorial resources.

Not every case should go to trial if there is lack of evidence that will connect the suspect to the offense based on the facts of the case. Other factors that have to be considered in pursuing or dropping of charges include the lack evidence on the culpability of the suspect and his past criminal record. If every case will go to trial without sufficient evidence to convict the suspect for the offense charge, there will be a mistrial and the Constitutional rights of the suspect will be violated.

Question No. 3.

The Supreme Court's conception of the role of counsel does not match with the reality of the role of counsel since the role of the justices of the Supreme Court is to make decisions on the merits of the case. The Supreme Court is not particularly involved in the litigation of a case since it is the final judge in all cases, review laws and decide whether the Constitution has been violated. The Supreme Court's conception of the role of counsel shall only be limited to the Supreme Court lawyers to seek or oppose review of the lower court decisions. The Supreme Court justices will then render a decision based on the briefs that have been filed, oral arguments, and the merits of the case. The Supreme Court's conception of the role of counsel is not of sufficient breadth to ensure the full concept of the lawyer's role during litigation (Cole & Gertz, 2013). The quality and effectiveness of legal representation that is due to the accused or defendant cannot be given by the Supreme Court.

Hence, the conception of the role of counsel by the Supreme Court will not be able to perform the exhaustion of all other avenues for judicial redress,

file petitions for certiorari, or ask for the review of the decision of a lower appellate court. Therefore, the role of the Supreme Court is mainly focused on making decisions based on the merits of the case, and on the basis of the briefs that have been filed and the oral arguments of the parties. The lawyers or counsels have more extensive experience in arguing and can render full representation of clients to defend their causes.

Question No. 4

The harms brought by the excessive prosecutorial caseloads extend throughout the criminal justice system and affects the criminal defendants, victims, and the public at large. However, it is most harmful to the defendants in the sense that it can lead to long backlogs in court settings including trials and plea-bargains (Cole & Gertz, 2013). The defendants who were unable to post bail will have to be incarcerated for several months, or even years due to the overburdened prosecutors who do not have ample time to concentrate on the cases assigned to them. In effect, innocent defendants have to suffer from the terrible conditions of confinement while they still have to await trial. Some of these defendants have decided to simply plead guilty and accept sentence of time served, or for the purpose of getting out of prison easily than to wait for trial. The overburdened prosecutors not able to determine the most guilty defendants, and those who are most deserving of punishment for lack of time and resources (Cole & Gertz, 2013).

The victims are prejudiced in the senses that justice is delayed for the offenses committed against them. Overburdened prosecutors do not have enough time to meet the victims and do not receive factual information from

them that will be helpful in convicting the accused.

Finally, excessive caseload caused disadvantages to the public as well. The public is also harmed in the sense that being taxpayers, most of the government revenues have been allocated to resolve overcrowding of prisons. Further, due to lack of time to carefully investigate the cases allows the guilty defendants to be set free for lack of ample time to win during the trial (Cole & Gertz, 2013).

References:

Cole, G. and Gertz, M. (2013). *The Criminal Justice System: Politics and Policies*, 10th ed. OH: Cengage.