

Crime control v due process essay

Countries, United States



Crime Control Model v.

Due Process Model Herbert Packer, a law professor at Stanford University, created two models, the crime control model and the due process model, to represent the two competing systems of values within criminal justice. Both the Due Process and Crime Control Models have constitutional values that benefit all branches of the criminal justice system, individuals working within the system, and society. However, there is still an ongoing dispute as to which model is better for the criminal justice system. Most people tend to lean one way or the other based on whether they are liberal or conservative. If I had to choose between the crime control model and the due process model, I would choose the due process model. While the crime control focuses more on the victims' rights, the due process model is based on the constitution. The due process model allows defendants to have a fair trial assuming that a defendant is innocent until proven guilty.

The crime control method is a bit unconstitutional in that it forces the criminal justice system to prove a defendant's innocence and assumes them to be guilty before looking at the facts of the case. The due process model also doesn't give the police too much power as the crime control model. Within the crime control model, it seems like the police and prosecutors would always be seen as being right without regard to anything else. The crime control model also comes off as being a dictatorship with no justice until proven innocent. The ideals within the Due Process model are based upon repression of crime but it also points out that the police are not always correct in their fact finding.

The due process model is more realistic leaving room for error. It recognizes that not every system is perfect and so it does not assume that the alleged criminal is guilty before the case is proven and clearly doesn't want to run the risk of imprisoning an innocent person. The due process model seems to be closer to what this country was built on instilling the same values listed in the Declaration of Independence. If we weren't in the United States, a country that founded on basic human rights, then the crime control model would fit perfectly. Unfortunately, it does not coincide with the foundation of the United States, unless we are working towards a dictatorship and not a democracy.