

# The current state of the criminal justice system

Law



The criminal justice system in the United States of America remains to be an indispensable in ensuring that public safety and rule of law are paramount in our society. It is through an efficient criminal justice system that we are assured of thriving communities, the continued exercise of individual liberties, and democratic space within which we can move and interact with one another. Modern age however, has given rise to a plethora of issues and concerns that the criminal justice system must address. As institutions evolve, it is imperative that the criminal justice system evolves to respond to the changing concerns and the new challenges that arise. I identify the three pillars of the criminal justice system and outline specific issues for each pillar.

**The Police** The main challenge that the police force confronts is the constantly changing face of crime and the criminal mind. The criminal mind is constantly evolving and characterizations of criminals can change faster than we think. It is important therefore that the research continues and adapts to the changing times. (Ellis, Hartley, Walsh: 2010). Modern technology has given criminals more weapons than ever before and also, more opportunities to commit their crimes. The internet, which just two decades ago, was not seen as a vehicle to commit crime is now a favorite haunt of criminals - from con artists embezzling money from gullible individuals, to pedophiles preying on unsuspecting children or selling child pornography, to even identity theft. Hence, if law enforcement wants to keep with the times, it has to keep abreast of this new technology. Even new ammunition, such as new bomb-making techniques, are developing by the day. Law enforcement will be at a loss if it fails to be apprised of these new developments. Moreover, the profiles of criminal offenders are constantly changing. For example, new research has surfaced disputing the

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conventional notion that crime is more often than not committed by young men. In fact, in a study published in the Journal of Criminal Justice Research it was found that “ offenders aged 25 and over were responsible for the majority of the crime.” (Diplock and Pleckas: 2010: 1). Criminal justice research must be knowledgeable in these trends in order to do better law enforcement. Finally, criminal laws are constantly changing, and procedural due process guidelines can be different now than they were before. Hence, legal updating is in order to ensure that law enforcement officials do not overstep their boundaries or otherwise act in a manner contrary to law. The Courts

The main issue that this paper would like to look into where courts are concerned is its retributive character, which should be made into restorative or rehabilitative. (Judah, E. and Bryant, M. 2004: 2) The main focus of a retributive system is punishing the offender for his transgressions to society. At the most pragmatic level, this has not contributed in lowering the crime rate as what happens is that the offender is merely sent to jail and there he becomes exposed to the gangs and the criminals. There are no efforts to work towards his integration back into society or even reconciliation with the victim. It is litigious and protracted. This becomes even more of a problem when the offender is a child offender. The over-all effect that this has is the creation of a punitive culture that will only result in children becoming even more hardened and even more embittered. Instead of providing a nurturing atmosphere so child offenders can learn and change their behaviour and integrate once more into society, they are treated as outcasts and are made to feel marginalized, thus heightening alienation from authority figures. This is helpful neither for the child nor for the society that these policies purport to protect. This paper suggests a paradigm shift from <https://assignbuster.com/the-current-state-of-the-criminal-justice-system/>

retributive to restorative – less emphasis on courts and hearings and trials, and more emphasis on counseling and mediation. Less emphasis on discrimination and social alienation, more emphasis on integration and inclusion. Corrections Given the dismal lack of resources of our penal systems, it appears excessive and there is reason to ask why the government insists on maintaining illegal immigrants into our cells. It leads to a bigger problem, which is the congestion of our courts. Our dockets are already congested as it is and adding the cases of illegal immigrants is an overburden to the system. Burke and Myers (2011), writing for Huffington Post, sum up the situation nicely: Sentences for felony immigration crimes, which include illegal crossing as well as other crimes such as alien smuggling, accounted for about 87 percent of the increase in the number of Hispanics sent to prison over the past decade, according to an analysis of U. S. Sentencing Commission data. Another problem arising from that is that there were not enough judges to handle cases because of the sheer volume of illegal immigration cases that needed to be resolved. This underscores a serious flaw in the criminal justice system that needs to be properly, urgently and definitively addressed: how can one still use an iron fist against illegal immigrants and the phenomenon of illegal immigration but still have the operational capacity to address problems of crime? Illegal immigration remains to be a challenge that our country is facing. It gives rise to multiple and complex problems that should be addressed with decisive, long-term and well-thought out strategies. Jailing them might solve the problem in the short-term, but it does not offer any long term or sustainable solutions. Our jails are limited, and the flow of illegal immigrants in the border has not slowed down. It is high time that the American government send a strong

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and reassuring message to its citizens. It is high time that the government take a political stand in favor of its own people and against those who perform criminal activity such as illegal immigration. Conclusion Identifying the challenges that are faced by the different pillars of the criminal justice system is the first step in ensuring that there is adequate representation and in ensuring a dynamic conversation through which we all can learn. While our criminal justice system faces a plethora of problems, it is imperative that we narrow them down and then come up with long-term and sustainable strategies to address them. REFERENCES Diplock, J. and Pleckas, D. (2010). " Revisiting Age and Crime." The Journal of Criminal Justice Research. Volume 1, No. 2. Page 1. Burke, G. and Myers, A. (2011). " Arizona's Illegal Immigrants Stressing Prisons, Legal System." Huffington Post Denver. Retrieved from [http://www.huffingtonpost.com/2011/06/06/arizona-immigrant-population\\_n\\_871990.html](http://www.huffingtonpost.com/2011/06/06/arizona-immigrant-population_n_871990.html) Judah, E. and Bryant, M. (2004). Criminal Justice: Retribution v. Restoration. NY: Hayworth.