

# Introduction to the criminal justice system



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## What do we mean by the 'Criminal Justice System' ('CJS')?

This essay aims to answer the question 'What do we mean by the Criminal Justice System?' In order to do this, we will start by looking at an introduction to the criminal justice system and briefing talking through the different agencies it is comprised of. We will then go on to look at the three main government departments and map out their responsibilities. This essay then intends to question whether or not the CJS is actually a system and to discuss conflict that may arise between the different agencies. In order to understand the system, it must be broken down into three stages. These stages include the police, the courts and the prisons. These can be evaluated to determine whether or not the CJS is effective.

The Criminal Justice System is one of the main public services in the UK. It is made up of specific agencies that respond to the commission of offences. These work together and share similar aims and objectives. These agencies include the 'Police Service, the Crown Prosecution Service, Her Majesty's Court Service, The National Offender Management Service and the Youth Justice Board' (cjsonline. gov. uk march 2010). All of these agencies are directed by three main government departments. These are the Home Office, the Ministry of Justice and the Office of Attorney General. These departments work together and each of these is responsible for different services within the system.

The Home Office was set up in the 18th century and although many changes have been made since this time, its key objective is to protect the public therefore it is responsible for areas such as policing and security. This makes

it responsible for all 43 police forces within England and Wales. It is run by the Home Secretary who sets agenda's and has management boards in order to make sure its aims and objectives are carried out and their services are being delivered to the public. The Ministry of Justice was established in 2007 and took over some of the responsibilities of the Home Office. It is in charge of the justice system with areas such as criminal law and sentencing. One of its departmental strategic objectives is to ensure a more effective, transparent and responsive criminal justice system for victims and the public (<http://www.justice.gov.uk/publications/docs/justice-annual-report-08-09ii.pdf> p48). It is now headed by the Lord Chancellor which can also be known as the Secretary of State for Justice and like the Home Office, it also has a management board. The Ministry of Justice now also carries out the duties for the Department for Constitutional Affairs which manages the Legal Services Commission and certain courts. The Office of the Attorney General was established to provide advice to law officials. One of its main responsibilities is to guard the rule of the law and of public interest (<http://www.attorneygeneral.gov.uk/AboutUs/Pages/default.aspx>). It is accountable for the law offenders department which is made up of agencies like the Crown Prosecution Service and the National Fraud Authority. In order to certify that these three departments work together, Local Criminal Justice Boards were set up. There are 42 of these boards and ensure that all of the aims of the three boards are carried out in their local area.

Ashworth (2010) claims that the CJS is not a system. It quotes that ' To refer to it as a system is merely a convenience and an aspiration' (p71) although Newburn (2007) believes that there is evidence to show that they work in

partnership and share similar goals (p549). Despite these similar goals overall, each stage of the CJS sometimes has different objectives which may result in conflict between the different agencies. For example, the courts may sentence a person to prison to be punished, while probation officers would attempt to rehabilitate them. With these differing objectives, the Office for Criminal Justice Reform (OCJR) was set up to ensure these agencies collaborated effectively and delivered the aims of the CJS. These aims are to prevent and detect more crime, to give victims and witnesses more support and to punish and rehabilitate more offenders [http://www.cjsonline.gov.uk/the\\_cjs/how\\_it\\_works/](http://www.cjsonline.gov.uk/the_cjs/how_it_works/). These aims must be carried out in order for the criminal justice system to be effective.

Each of these aims can be applied to the different stages within the CJS. These stages consist of the police, the courts and also the prisons. Each has a different role within the system with different objectives. The police are there to prevent and detect more crime; this can be done through arrests while the courts are there to sentence offenders and the prisons to punish.

The police are the primary stage in the prevention of crime (Joyce p84). In most cases the agencies never respond at all as the CJS starts with the arrest of a suspect or with the reporting of a crime. The police have the authority to refer a person to the next stage of the CJS. This is done as they have to enforce the law with the intention to keep the peace. The courts have the power to sentence an offender and a custodial sentence is the toughest punishment the courts can impose while the prisons function is to punish an offender.

From this it would appear that the CJS is based upon punishment, however this is not the case. Only specific agencies focus solely on the penal system. Once an offender is sentenced by the court, the offender enters the penal system (Cavadino p1). The penal system is a 'system that exists to punish and otherwise deal with those who have been convicted of criminal offences' (Cavadino p408). The CJS in the UK is not only about punishment but also about the rehabilitation of offenders. Therefore, it protects the public in both the long and short term [http://www.cjsonline.gov.uk/downloads/application/pdf/CJS\\_Review.pdf](http://www.cjsonline.gov.uk/downloads/application/pdf/CJS_Review.pdf).

Rehabilitation believes that 'punishment can reduce the incidence of crime by taking a form which will improve the individual offender's character or behaviour and make him or her less likely to reoffend in future' (Cavadino p41)

The three stages mentioned earlier collaborate well as all three have the objective to protect the public. In order to find out whether or not each of these stages are effective, they can be measured by a number of different means.

BCS

Police statistics

Clear up rates

Sentencing has increased in recent years. This can be proved by the increase in prisoners. Since 1980 the prison population increased from 42, 000 to 85, 000 in 2009 (REF). Despite this increase, it cannot be proved that there is an increase in crime as it may be due to stricter and harsher sentences being

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imposed by the courts. Regardless of this, respondents to the BCS were asked whether they thought sentences were too tough, about right or too lenient, with over three quarters (76%) feeling that sentences were too lenient (Home Office Policing and criminal justice p12). Due to this increase in the prison population, it has been claimed that the conditions prisoners live in has made it difficult to rehabilitate offenders (Joyce p365) and that it is possible that the prisons may be violating Article three of the Convention (Ashworth p316). One of the problems that an increase in prison population has caused is overcrowding. This can lead to inmates being contained to their cells for long periods of time (Ashworth p316) and the denial to rehabilitative programmes (Joyce p377). These overcrowded prisons can lead to aggression and can damage a person's health and wellbeing. Other issues that are concerned with prison conditions include an increase in drug use, security problems and also the financing of the prisons. These conditions may also affect reoffending rates due to not being able to rehabilitate a person.

Victimisation surveys is a survey which interviews a sample of the public and provide a relatively accurate measure of crime rates (Newburn p62) as they include crimes that have not been reported to or recorded by the police. Despite this, they still cannot be 100% accurate and reliable due to the fact that they exclude 'victimless crimes' such as

Punishment completions

Self report surveys

Issues influencing the CJS's ability to be effective

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Confidence levels/ satisfaction

Reliability of stats

The media can influence a person's perception of the CJS.

GOOD - The media presents information to the public of crimes. This can be done through news reporting and also television programmes such as 'Crimewatch' which give the public accounts of events through real life footage and reconstructions (Newburn p104).

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