

Overview of the criminal justice system

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



The criminal justice system is a set of legal and social institutions for enforcing the criminal law in accordance with a defined set of procedural rules and limitations. In the United States, there are separate federal, state, and military criminal justice systems; each state has separate systems for adults and juveniles. Criminal justice systems include several major subsystems, composed of one or more public institutions and their staffs: police and other law enforcement agencies; trial and appellate courts; prosecution and public defender offices; probation and parole agencies; custodial institutions (jails, prisons, reformatories, halfway houses, etc.); and departments of corrections (responsible for some or all probation, parole, and custodial functions). Some jurisdictions also have a sentencing guidelines commission. Other important public and private actors in this system include: defendants; private defense attorneys; bail bondsmen; other private agencies providing assistance, supervision, or treatment of offenders; and victims and groups or officials representing or assisting them (e. g., crime victim compensation boards). In addition, there are numerous administrative agencies whose work includes criminal law enforcement (e. g., driver and vehicle licensing bureaus; agencies dealing with natural resources and taxation). Legislators and other elected officials, although generally lacking any direct role in individual cases have a major impact on the formulation of criminal laws and criminal justice policy. Such policy is also strongly influenced by the news media and by businesses and public-employee labor organizations, which have a major stake in criminal justice issues. The main components of the criminal justice system are law enforcement, prosecution, judiciary, corrections. Law Enforcement Law

enforcement is one of the most visible aspects of the criminal justice system, and it usually is the branch that has first contact with offenders and victims of crime. In the United States, law enforcement includes federal, state and local departments. The DEA, or Drug Enforcement Administration, is one example of a federal police department. LAPD, or the Los Angeles Police Department, is a local version. Charged with enforcing law, protecting property and reducing civil disorder, officers are permitted to use force when necessary. Duties include receiving and documenting reports of crime, investigating reported crimes, gathering evidence, arresting the alleged offender and conducting follow-up investigations. Prosecution It is here that apprehended criminals are brought to justice. During the prosecutorial phase, a court date is set and a suspected criminal is brought to trial. In the United States, every defendant has rights that must be observed during the apprehension and prosecution phases. They include the rights to a speedy trial, legal representation, to be heard, and to be informed regarding the proceedings. Since the legal system is an adversarial one, the prosecution and defense work in opposition. The prosecution represents the interests of the state from the first court appearance through trial and up to the sentencing stage. The defense attorney represents the interests of the accused. Judiciary The judiciary component oversees court proceedings. It is the judge's duty to ensure that the law is followed at all stages of the criminal justice process, and the judge has the final say on matters of law. It is within a judge's discretion to release an offender, accept a guilty plea and determine a final sentence, all in keeping with the law. Corrections Corrections are the final phase of the criminal justice system and encompass

imprisonment, parole and prison alternatives such as house arrest and probation, often referred to as community supervision. Duties of corrections staff, whether part of a prison or otherwise, include maintaining the security of a facility, providing supervision, providing medical care and processing releases. The criminal justice process Investigation of a crime by the police. The purpose of a criminal investigation is to gather evidence to identify a suspect and support an arrest. An investigation may require a search, an exploratory inspection of a person or property. Probable cause is the standard of proof required for a search. Probable cause means there are facts or apparent facts indicating that evidence of criminality can be found in a specific place. Arrest of a suspect by the police. An arrest involves taking a person into custody for the purpose of holding the suspect until court. Probable cause is the legal requirement for an arrest. It means that there is a reasonable link between a specific person and a particular crime. Prosecution of a criminal defendant by a district attorney. When deciding whether to charge a person with a crime, prosecutors weigh many factors, including the seriousness of the offense and the strength of the evidence. Indictment by a grand jury or the filing of information by a prosecutor. Under the Federal Rules of Criminal Procedure, an indictment is required when prosecuting a capital offense. A prosecutor has the option of an indictment or information in cases involving crimes punishable by imprisonment. In about half the states and the federal system, a grand jury decides whether to bring charges against a person in a closed hearing in which only the prosecutor presents evidence. The defendant has no right to be present at grand jury proceedings and no right to have a defense attorney represent him or her

before the grand jury. The standard for indicting a person for a crime is probable cause. In the remaining states, a prosecutor files a charging document called information. A preliminary (probable cause) hearing is held to determine if there is enough evidence to warrant a trial. The defendant and his or her attorney can be present at this hearing to dispute the charges. Arraignment by a judge before the trial, the defendant appears in court and enters a plea. The most common pleas are guilty and not guilty. Pretrial detention and/or bail. Detention refers to a period of temporary custody prior to trial. Bail is an amount of money paid by a defendant to ensure he or she will show up for a trial. Plea bargaining between the defense attorney and the prosecutor. Usually, in plea bargaining, the defendant agrees to plead guilty in exchange for a charge reduction or sentence reduction.

Trial/adjudication of guilt by a judge or jury, with a prosecutor and a defense attorney participating. A trial is held before a judge or jury. The standard of evidence for a criminal conviction is guilt beyond a reasonable doubt—less than 100 percent certainty but more than high probability. If there is doubt based on reason, the accused is entitled to be acquitted. Sentencing by a judge if the accused is found guilty, a judge metes out a sentence. Possible sentences include a fine, probation, a period of incarceration in a correctional institution, such as a jail or prison, or some combination of supervision in the community and incarceration. Appeals filed by attorneys in appellate courts and then ruled on by appellate judges. If an appellate court reverses a case, the case returns to trial court for retrial. With a reversal, the original trial becomes moot (that is, it is as though it never happened).

Following a reversal, a prosecutor decides whether to refine or drop the

charges. Even if a prosecutor drops the charges, the defendant can still be prosecuted later as long as the statute of limitations for the crime the defendant is accused of committing hasn't run out. Such a statute imposes time limits on the government to try a case. Punishment and/or rehabilitation administered by local, state, or federal correctional authorities. Most inmates do not serve the complete term and are released before the expiration of their maximum sentences. Release may be obtained by serving the maximum sentence mandated by a court or through an early release mechanism, such as parole or pardon. Crime is an act committed or omitted in violation of a law forbidding or commanding it and for which punishment is imposed upon conviction. Both the federal and state governments need their own court systems to apply and interpret their laws. Furthermore, both the federal and state constitutions attempt to do this by specifically spelling out the jurisdiction of their respective court systems. References www.oppapers.com www.justice.gov/cjs www.sentencingproject.org/doc/.../rd_reducingracialdisparity.pdf