

Essay on the united states criminal justice system

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



The dual court system is perhaps among the most important and the most perplexing traits of the judicial structure and system in the United States. As a result of having a dual court system, both state and national levels of government in the United States have their own set of courts. Each state in the United States and the District of Columbia has its own separate court system, and the federal government has its own separate court system as well (Neubauer, 2002). The United States has a dual court system because of the federal system of government established by the United States Constitution. In fact, the United States inherited this dual court system from the colonial period. Thirteen individual extensive court systems of the original Colonies already existed when a federal judiciary was established in 1789 (Marcus, 1992). Hence, the federal and state court systems grew side by side and would exercise their individual jurisdiction in certain areas, and concur or overlap their jurisdiction in others. This is why there is a dual court system in the United States today.

Unifying the dual court system in the United States could perhaps lead to a monolithic court system that might be more invulnerable, completely uniform, and with extremely rigid rules. However, having unifying the two court systems in the United States would also mean that the states would be robbed of their own say, and the federal court decisions would rule the nation. Maybe a monolithic court system could be established through court unification, however, it would turn out to be disastrous rather than effective because the judicial system in the United States is so complex. Presently, all the states in the U. S. have their own individual rights to create their own state laws, and they have the rights to how those same laws are interpreted

and enforced in their own courts. A monolithic court system would actually lead to chaos within the current court system.

If a monolithic court system was established, complete jurisdiction over the states would be provided to federal courts and similar rulings would be imposed throughout the country, regardless of state laws. In other words, federal courts would gain excessive power. However, when it comes to local affairs and the needs of state locals, state legislative is more capable of making better decisions. Similarly, state legislature is more capable of making the right decision when it comes to local affairs. Moreover, politicians represent the people in a republican form of government, and voters vote them into office so that they can create laws that they want to be created. This allows each state to have a different set of laws from the other states. The laws would be nullified if a monolithic court system was formed and federal statutes would be imposed over all the states. Therefore, unifying the dual court system in the United States and establishing a monolithic court system would not be a wise decision.

Unlike the early days when the satisfaction of the victim of a crime was the only goal of punishment and sentencing, if I was a judge, my sentencing goals and philosophical rationales would extend to a much broader scale. As a judge, for me the basic goal of punishment and sentencing would be to reduce crime as a whole. As a judge, I would not be inclined toward more rehabilitative approaches; rather I would most likely prefer to “ get tough on crime.” Therefore, general, incapacitation, and retribution would be my most preferred sentencing goals.

■ General Deterrence: One of my philosophical rationales would be to punish

and sentence criminals in such a way that it would cause other people to refrain from committing similar crime because of the fear of being punished in the same way if they did (Barlow, 2000). Although general deterrence is not supported by strong evidence, but I believe that criminals can be deterred from commit criminal acts if they fear swift and severe punishment.

■ Incapacitation: If criminals are locked up in a prison they cannot commit new crimes. This is why another philosophical rationale that I would consider when sentencing criminals would be to punish them in such a way that a criminal's opportunity to commit crime would be removed or reduced (Barlow, 1999). Therefore, my sentencing goals would include imprisonment and capital punishment where necessary. Incapacitation can take time to reduce crime, but it is effective as seen in between 1990 and 2002 (Siegel and Senna, 2005).

■ Retribution: Retribution is a very popular sentencing goal. Since I believe that criminals deserve to be punished according to the crime they committed, therefore, I would sentence them accordingly. Perhaps, the appealing thing about this rationale is its simplicity, that criminals should be punished for particular crimes in a particular way. Moreover, I also believe that offenders convicted of similar crimes would be treated and punished in the same way, which would lead to uniformity within the criminal justice system.

The reason my sentencing goals and philosophical rationales are not inclined towards rehabilitation because I strongly believe that criminals cannot be rehabilitated. Every year, almost 600, 000 criminals are pardoned, and 70%

of the criminals who make it back to society commit another crime within 3 years of being released (Farabee, 2005). So, as I judge I would most likely be inclined toward punishing or incapacitating criminals to set an example for others and so that they were no longer a threat to society.

Although as a judge, I would prefer to remain steadfast on my sentencing goals and philosophical rationales. However, at the same time it would also be my duty to adhere to the U. S. Constitution. Therefore, a circumstance under which I would perhaps have to go against my sentencing goals would be when anything written in the constitution of the United States prevented me from punishing and sentencing a criminal according to my philosophical rationales. It is an obvious fact that every in the United States is bound to follow everything written in the U. S. constitution, and if that would mean changing my sentencing goals, then I certainly would have to. For instance, government officials are not permitted to conduct unreasonable searches and seizures according to the Fourth Amendment (" Fourth amendment"). Therefore, in a situation where I felt inclined to punish a criminal but evidence against the individual had been seized illegally, I would be forced to change my sentencing goals. The Wolf v. Colorado and Mapp v. Ohio cases are examples of such situations.

In conclusion, despite the complexity of the criminal justice system in the United States, it seems to be functioning almost flawlessly under a dual court system. It is because of this dual court system that the federal government and the states have their own individual judicial rights. Moreover, judges serve the purpose of bringing criminals to justice and reducing crime, it does

not really matter what sentencing goals and philosophical rationales they use.

References

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