

Essay on crime and the criminal justice system

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



Crime and the Criminal Justice System

According to our criminal justice system, people are innocent of any crimes they are accused of until proven guilty. The criminal justice system is a system that comprises of agencies at federal, local and state level. In order to fully comprehend the criminal justice system, it is important to understand what crime is, the different aspects of crime and how crime relates to the criminal justice system.

What Is Crime?

Crime can be defined as an injustice or offence against society declared by the law and punishable by society, depending on the circumstances it was committed under. (Clarkson, Miller, Jentz & Cross, 1995) However, the problem is that the complicated nature of societies is obscured by this definition. A society is never stationary—it changes and evolves, and the same happens to its concept of criminality as well. Different societies can have exceedingly varying ideas of what can be considered “ an injustice or offence.” For instance, in Singapore, selling chewing gum was illegal until recently, and many Americans found this law unintelligible. Examining the two most common models of how society determines which acts are criminal will help to comprehend the concept of crime more fully.

The Consensus Model

In the consensus model, it is assumed that when a society is formed by a group of people, its members naturally agree to the norms and values they share. Individuals are regarded as a threat to the entire society’s well-being when their actions digress from the norms and values that have been

established, and they must be punished. Laws are passed by the society so that such digress behavior can be controlled and prevented, thus the boundaries for appropriate behavior within the group are set. (Bianchi, 1994) Consensus signifies that most of the citizens concur on what activities are punishable as crimes.

Conflict Model

The consensus model is often rejected based on the fact that moral attitudes are not universally valid. For instance in the United States, which is a large democratic society, each segment will certainly have a different value system and norms. According to the conflict model, each segment—separated by age, income, race and social class—is constantly struggling with one another to gain control of the society. Ultimately, criminal laws are the value systems of the victorious groups, codified by exercising their power. (Bernard, Vold, Snipes & Gerould, 2010)

Rational Choice Theory and its Assumptions

Rational choice theory, sometimes known as choice or decision theory is an idea that before criminals choose to commit a crime, they engage in an intelligent thought. Criminals will commit a certain crime because the interest of the criminal is served by that crime. In other words, criminals commit a crime because they benefit from it.

It is assumed by the rational choice theory that the constrained choices of criminals cause them to act and commit a crime because the only avenue available is the crime. Criminals would not commit a crime if some other options could serve their interest and be as lucrative. It is assumed that like

all people, criminals also tend to think rationally. Therefore, the most effective way of deterring crime is to make the consequences of crime so high that any rational person would avoid committing it.

The Criminal Justice System

The criminal justice system is a combination of institutions that arrest supposed criminals, determine whether or they are indeed guilty of crimes they are accused of committing, and punish the guilty according to the wishes of the society.

The Purpose Of The Criminal Justice System

The President's Commission on Law Enforcement and Administration of Justice stated in 1967 that it is obligatory for the criminal justice system to enforce admissible standards of conduct in order to "protect individuals and the community." (President's Commission on Law Enforcement and Administration of Justice, 1967) Thus, the purpose of the modern criminal justice system can be further separated into three general goals:

1. To control crime
2. To prevent crime
3. To provide and maintain justice

The Structure of the Criminal Justice System

The structure of the criminal justice system cannot be understood without understanding the concept of federalism, which is a political concept in which the federal or national government and the states share the government powers. As a result of the evolution of the American criminal

justice system, the ideals of federalism have somewhat gradually changed, especially the significant expansion of federal involvement. Of course, crime is still a local concern, and most of those working in the criminal justice system are local government employees.

The criminal justice system consists of the following components:

Law Enforcement

Local Law Enforcement

Federal Law Enforcement

The Courts

Corrections

Probation

Community-based corrections

The Criminal Justice Process

The everyday operations of criminal justice are not really so absolute. One way of examining the criminal justice process is as the end product of almost thousands of decisions that the courtroom workers, correctional administrators, and the police make. In fact, the role of the criminal justice process is to continuously balance its formal and information nature.

The Formal Criminal Justice Process: In the formal criminal justice process, “a series of routinized operations whose success is gauged primarily by their tendency to pass the case along to a successful conclusion” are involved in each step of the process. (Packer, 1968)

The Informal Criminal Justice Process: In the informal criminal justice process, every step is a result of a set of decisions made by the employees of the criminal justice system. The development of the informal criminal justice process is a result of this discretion—which the authority of choosing among and between alternative courses of action.

Is the Criminal Justice System Really a System?

The fact that the President's Commission on Law Enforcement and Administration of Justice asserted the criminal justice system as a "continuum" in a 1967 report would be challenged by many observers. (Heinz & Manikas, 1992) The criminal justice system is often compared to a sports team, where an indefinable number of adjustments, conflicts, decisions, and relationships are summed up. (Wilson, 1995) Such an inconstant mix is not what is generally associated with a "system." I believe that some degree of discipline and order is indicated by the word "system." Thus, referring to our correctional facilities, courts, and law enforcement agencies as a part of a "system" is not reflecting reality but rather our hopes.

References

Bernard, T. J., Vold, G. B., Snipes, J. B., & Gerould, A. L. (2010). Vold's Theoretical Criminology. (6th ed., p. 72). New York: Oxford University Press, USA.

Bianchi, H. (1994). Justice As Sanctuary: Toward A New System Of Crime Control. (p. 72) Bloomington: Indiana University Press.

Clarkson, K. W., Miller, R. L., Jentz, G. A., & Cross, F. B. (1995). West's Business Law. (6 ed. ed., p. 165). Minneapolis/St. Paul, MN: West Publishing Co.

Heinz, John & Manikas, Peter. (1992). " Networks among Elites in a Local Criminal Justice System." Law and Society Review 26. (p. 831-861).

Packer, H. L. (1968). The Limits Of The Criminal Sanction. Stanford, CA: Stanford Univ Press.

President's Commission on Law Enforcement and Administration of Justice, (1967). The Challenge of Crime in a Free Society. (p. 7). Washington, D. C.: Government Printing Office.

Wilson, James Q. (1995) " What to Do about Crime: Blaming Crime on Root Causes." Vital Speeches. (p. 373).