

# Criminal justice system assignment

Law



The main aim of the Criminal Justice System is to ensure the community is safe and reassure them that they are being protected from criminals. It is also to ensure that all criminals are punished, but punished fairly. Criminal Justice helps to improve effectiveness in the Justice system, it aims to make sure everything is done correctly and all of the correct rules and laws are followed. It ensures that society trusts them and has confidence in them. If there is no trust then suspects may not feel safe when they are on trial.

The Criminal Justice system involves the police, the Crown Prosecution service, the courts, Lawyers, and the prison system. The core systems of the criminal Justice system consist of the police, the Crown Prosecution Service, the courts, the National Offender Management Service and also the Youth Justice Board. The role of the police officer is to basically prevent crime and provide a safe community. They have to ensure no one is breaking the law and maintain the law, they also have to investigate crimes and also detect crime in the area's in which they are based in.

The Crown Prosecution Service have to decide whether to prosecute a suspect. They have to come up with the decision of whether to take a crime to a law court in order to be dealt with. Once the police have gathered evidence to support a criminal act they take it to the Crown Prosecution Service to be dealt with. All cases start in a Magistrates Court, serious crimes such as murder and rape may then be passed down to Crown Court. The National Offender Management Service works with prisons and probation, it ensures offenders are managed correctly during their sentence.

It also gives advice and reports on offenders to service court appearances and sentencing processes. The Youth Justice Board aims to prevent crimes committed by young offenders under the age of 18, it also helps to rehabilitate young offenders. Public agencies are also involved such as the forensic science service and the victim support service. The adversarial approach includes the prosecution and the defense. They both dispute because the prosecution service aims to ensure that the suspect is found guilty, which is very important in a case because they remain innocent until proven guilty.

The defense service does the opposite, they try and make sure the offender is not proven to be guilty. The Criminal Justice System By Charlottesville that they are guilty it is up to the prosecution. To balance it. There are many great police officers and there can be some that aren't as great. Some appear to be fair and some unfair. There are Judges who appear to be very strict and appear to give long sentences and then there are some Judges who appear to be very lenient and give very short sentences. Some lawyers may be very skilful and other lawyers may be less skilled and very UN-organized.

The inquisitorial is different because it just focuses on getting the truth. This system is a much calmer environment where as the adversarial approach is more argumentative. Herbert Packer, (1968) conducted two models, the due process model and the crime control model. These models both represent two systems that are competing within the criminal justice system. Due process ensures fair treatment. In order to be arrested properly you must be

read the Miranda rights before you are interrogated and then taken into custody. The Miranda rights protect the rights of the accused.

If the rights aren't read out to the individual then the case may be dismissed in court. The police officer must state the reasons for the arrest. It is very important for every suspect to be treated fairly no matter what the circumstances are and what crime they may have committed. Every individual that is accused must have a fair opportunity to be heard and the opportunity to defend themselves, this is due process. They aim to protect the innocent and punish the guilty so they help the criminal justice systems aims of convicting criminals and making sure the innocent are safe.

There must be a guaranteed fairness in the procedure, it is very important for the government to respect and act upon all of the legal rights. Charges can be dismissed if the legal rights aren't taken into account, defense lawyers argue before Judges in court that the charges should be dropped because the suspects rights have been violated. This can lead to suspects that may be guilty having no conviction which is why it is important to have a due process, without fair procedures the guilty may walk free.

Under the due process model suspects can only be arrested if there is hard evidence to use in the conviction. They can't be arrested until it is clear that they have committed the crime. In due process it is important for the Criminal Justice system to concentrate on defendants rights rather than the victims rights because it is important for everyone to be treated fairly. A suspect should only be found guilty with strong evidence supporting the

crime and if the government has followed all of the legal procedures, if the procedures aren't followed then the suspect may not be convicted.

The due process model focuses on the suspects rights where as the crime intro model priorities the crime in society by increasing police powers. Crime control is the laws and regulations that aim to reduce crime in society. It is believed that increasing police powers can enable a reduced crime rate. They ensure that the right people are punished and show society that the criminal Justice system can be effective and can protect them from criminals and it can be very beneficial to society. Police have certain powers such as having the power to stop and search you power to search your premises if they have a warrant.

If the owner of the premises effuses entry or the premises is unoccupied then they have the power to force entry. The police also have the power to arrest you for any offence, these can be from minor petty offences such as vandalism to serious offences such as murder. Police can also remove goods from your property if they can be used as evidence without your permission. It is important to ensure crime is controlled, so that the right people are convicted. People who are detained are not allowed to contact a lawyer yet, this will slow down the process of the criminal case.

This is a benefit of crime control because if they do intact a lawyer and they are guilty then they may be told by their lawyer not to say anything, and when questioned they may be told to say no comment. This will not benefit the trail and will take more time to convict them of the crime. Unless the case is in court, then the Lawyer should not be involved until then. The crime

control model believes that if arrested then you must be guilty and punished for your actions. Packers models support the aim of criminal Justice because both of these systems ensure a fair treatment, where as the criminal Justice system also tries to ensure this.

In the criminal Justice system it is very important for all laws and regulations to be followed, the due process model ensures this by making sure that the suspects know their rights by reading them the Miranda rights. The system aims to make sure that criminals do not commit further crimes, they do this by rehabilitation. In relation to crime control this model supports the aims of the criminal Justice system because the models aim is to reduce crime in society by increasing police powers and ensuring all laws and regulations are followed.

They ensure that law enforcement keeps control of misconduct. If the case is not handled correctly then this can lead to a miscarriage of Justice. Sam Halls was Jailed in 2005 for 7 years for murder. He has recently been let out as he was found not guilty and his conviction was ruled to be unsafe. The police failed to investigate his alibi and the witnesses that said he was at the scene of the crime were very unreliable. Halls (2012) states “ the identification evidence against me was so unreliable it should have never been put to the Jury’.

Packers models of Crime Control and Due Process Support the aims of criminal Justice because they ensure that all cases are handled correctly, they also aim to make sure that society has trust in the criminal Justice system and the suspects are treated fairly. Although Halls constantly said he

was not guilty of the murder and the evidence and alibi's were not very reliable he was still sent to prison. Due process and crime control's aim is to prevent this from happening in future. Society should not have to fear being sent to prison for something they haven't done. There are some similarities and differences between Packers two models.

They both IM to reduce crime which is very beneficial to the criminal Justice system. They also ensure that all individuals are treated with fairness and are aware of their rights. One difference is the crime control model ensures that the suspect is guilty until proven innocent in court where as the due process model ensures that the suspect is innocent until proven guilty. The crime control model believes that police display a negative effect and they believe that there is not enough being done to stop people from re-offending where as due process believes that policing is the most effective ay to tackle crime.

A disadvantage of the police having powers to use in society is they appear to use them for unnecessary reasons, just because they can. A case to support this is the case regarding Ian Tomlinson (2009) where he collapsed and died minutes after he was pushed onto the ground by a police officer during the G-20 protests in London. He was only walking home from work and did not appear to cause any harm. He was hit from behind and was not provoking the police officer, therefore the police officer had no reason to do it.

The police may use reasonable force is necessary, for self- fence, defense of another individual, defense of a property or the prevention of a crime. To

support this statement under section 117 Police and Criminal Evidence Act 1984 “ the police are empowered to use reasonable force is necessary when exercising the powers conferred to them under that act”. There is no evidence to suggest that Tomlinson had committed a crime or had done anything to make the police officer do this. This shows that the police are clearly abusing their powers but this is then further abusing their trust within society, people may be afraid of the police.