

Criminal justice opinion assignment

Law



Criminal Justice Opinion Portfolio Privacy rights and Press Freedoms In recent years the press has sensationalized topics of sex and violence that has spurred sales, yet lay waste to the public that it directly includes (Press Freedom, 2006). Advocates of the press declare and pronounce their first amendment rights when questioned about their tactics for sales and what is genuinely news; opposition would more directly see public domain be given the jurisdiction to press freedoms, rather than the private lives of individuals (Press Freedom, 2006).

Yet the constitution does not give boundaries to the freedoms of speech; yet time and time again reporting interests of the media conflict with citizen's private rights when libelous material is considered the preferred news. " Permissive libel laws have given the media a free ticket to print sensationalized and biased articles that can ruin people's lives. " (Press Freedom, 2006, p. 1) These practices are creating a drive for demands on media limits.

Although these tactics are now used by all media outlets the news industry and the freedoms of speech are under a blanket partnership; if one is producing and publishing libel material, the consensus by the public might insinuate, they all are. So that begs; are the media a real cause of added violence in crime or do they report simply what they see? Despite the few limitations to the press by governmental laws and regulations, the United States still can recognize the reality that it maintains a free press.

With the freedoms allowed through the first amendment, the media is not limited to the accuracy of events but can have their own fiction or non-

fictional version of events that generally can lead to additional crimes by a viewing public. These open gaps generally addressed by choice are the targets attacked by proponents of free speech, arguing a reduction in crime with added press control would improve crime statistics. Criminal Justice Applications of the Media

I do not believe that media agencies effectively deter crime in either categories being referred to as juvenile and adult where the wrong issues are being confronted. Through studies poverty has been a common denominator to criminal activity. And until poverty issues can be addressed deterrence will be a hope that never comes to light in impoverished communities. The targeting elements of the campaigns by these agencies stems around preventing drugs, prostitution (the richer income means) and violence (the enforcing ??? much like the higher class has the police).

In juveniles these campaigns I believe may have some positive impact. However, there is always a difference from classroom and reality, as well as children relying on someone else and adults relying on themselves. I do believe that by the Medias methods of reporting crime causes undo pressure or intended misconceptions that has lost the media its believability when offering reasonable methods of avoidance or deterrence in the past, based on their method of delivery or lack of.

However, in the opposite side of the argument, police use the media to help locate suspects or for the added attention a case may need, especially when they have a photo, bust, sketch or video but no identity. So in all fairness I must say that the media does deter crime but also it adds to the crime. I

believe that the example of Americas Most Wanted (AMW) would not interfere with the reporting of crimes on a larger scale if another agency was to claim the bragging rights to the capture of a fugitive.

It could increase the awareness by more viewers by being introduced by a multitude of forums. This awareness could become a deterrent in its own right through the knowledge that it WILL be seen by many, there is nowhere to hide. Should the Exclusionary Rule be Abolished Exclusionary rules (suppression of evidence) are used as deterrents for police misconduct. Rules that are set so that police officers will know that if they violate the 4th amendment rights the evidence will be suppressed, thereby considered not existent.

But there are exceptions to prevent exclusionary measures such as inevitable discovery that purges the taint. Finding evidence under a constitutional violation, or some other means that makes the evidence a primary target cannot be a direct result of the illegal act by the government agency. However, if there is not a direct link between the violation and the evidence recovered, or it has been shown that the evidence would have been recovered despite the violation, the law views this as purging the taint, an example being the United States V. Yousif.

Yousif argued that a Missouri checkpoint program was a violation of the fourth amendment citing Indianapolis V. Edmond, 531 U. S 32 (2000) (Edmond) and that he was stopped illegally, and the evidence found during the illegal stop should be suppressed due to the violation. The court of appeals ruled that the Missouri Highway Patrol and the Phelps County

Sheriffs Office placed signs on Interstate 44 notifying travelers of a drug checkpoint at a specific location; they set themselves up prior to the notified location, which led to the violation and the illegal search into Mr.

Yousif's vehicle where they found 100 Kilograms of Marijuana. However, the courts have rejected Mr. Yousif's appeal stating that the evidence would have been retrieved on the random search anyway, due to the fact it was a stretch of highway without any other exits from last notification to the checkpoint. Therefore, the courts viewed that even though the officers had violated the fourth amendment, they had purged the taint showing the evidence would have fallen under inevitable discovery with the checkpoint. (U. S v.

Yousif, 2002) With the minimal guidelines and maximum exceptions to preventing the exclusionary rule from taking effect in a case, an officer should refrain from unconstitutional measures that release potentially dangerous suspects back into society. I believe this is the largest discouragement to law enforcement officials. However, I also believe that the legal system has made adjustments for the legal measures to be navigated to apprehend and convict violators lawfully without violating constitutional rights. Death Penalty

Ohio in the past five years (2000-2005) has discussed issues of death penalty methods, making lethal injection the only method used in the state (2001). In 2001 Cincinnati also passed a moratorium in favor of banning all executions throughout Ohio and was declared the 60th local government to pass such a moratorium. (Legislative Activity-Ohio, 2008) In 2004 Ohio voted

in an 18 member review board that would review all capital trials since 1981 ??? the year Ohio reinstated the death penalty- looking for issues of race, economic status of the victims and the offender, and gender.

Yet the committees job would not end their, it would also include a study to determine if the accused is and/or are receiving adequate council on their behalf, if cases are being resolved fairly, and how delays in the system can be overcome (Legislative Activity- Ohio, 2008) but until laws are changed and better methods adopted; I believe that if the death penalty is utilized as the ultimate means of punishment then it should be in a humane manner where I approve of Ohio's choice to remove the electric chair and impose a ethal injection solution that does in fact have an equivalent end without the inhumanity of its method; where in some cases the victim(s) may have not been given the same respite. However, I also believe the fluctuation of murders up and down in death penalty states is not proof that the death penalty acts as a deterrent neither directly or indirectly. Instances have verifiably shown the opposite, if a criminal faces the death penalty what do they have to lose and what is the remaining deterrent to any additional criminal activity, if the death penalty was a deterrent?

So in my belief the death penalty acts more as atonement to the victims' family for the crimes committed than the justice it is suppose to represent; this lending the argument that rather than justice the system receives an egotistical reaction from the victims' families with hints of utilitarianism as the justification for society to swallow the act of sanctioned murder.

However, with the neglected practices our justice system affords to the victims (other than their uses for convictions or sentencing drama) and their
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families I believe that with the most tragic of losses some gratifications should be appeased at the cost of the offender.

So yes I do believe in the death penalty. But the goal of punishment is to enact retribution to the offended and change the methods in which the offenders think or as Von Hirsch suggested in 1976 the use of the desert theory. The Desert Theory points to the seriousness of an offense as a primary factor in the choices of sentencing. The theory offers guidelines for grading and comparing sentences; indicates how much gravity should be given to prior convicted felons -adding a loss of litigation for those instances- and provide some principles for assessing the comparative seriousness of offenses.

Basically the theory is geared towards fairness, not evenness or an eye for an eye! Yet with the principles of this theory the death penalty should be reserved for the most toxic of offenders, and yes be used! (Doing Justice, 1976) Fairness for Minorities Withholding information re-directs faith in a system that requires more reliance on the fairness by a governing entity than the facts it produces. Even handed justice can only be expected when all of the facts are presented. The public rules through its vote even as a jury; it is only right the voter's retain the true and accurate information needed to place substantial trust in their decisions based on the facts rather than issues of race, age, or gender. Ex- U. S attorney Paul Butler has suggested that jury nullification should be acceptable in minority cases of non-violent crimes. The problem with Mr. Butler's theory is that he condones the act of prejudice ??? the very thing the blacks have fought against for years- against the very law he practices. He proposes that black jurors use <https://assignbuster.com/criminal-justice-opinion-assignment/>

their race as a power card when dictating decisions about non-violent crimes such as drug offenses; where he also adds this example to be a victimless crime.

The problem with “ victimless crimes” are they do not get enforced as discouraging decisions in courts dictate these as a complete waste of time ??? this including drug charges-. This will add to more discrimination by police officers charging lawbreakers (much as they do now) with a gamut of charges in the attempt to make a charge stick, as a penalty to their actions deserving a punishment. I also might add, Mr. Butler’s example of the drug possession issue has the potential to show other impressionable individuals that it is acceptable to use drugs ??? scientifically proven as inflicting harm- as well as ignore the law.

And based on my views, I would gauge the supreme courts finding to this matter indistinguishably similar. The law may not be fair in the sentencing of convicted offenders but it is fair in the fact that it disregards race as written. The people that have the flaw, not always the law! Leipold believes in the theory of nullification, however; believes it comes at a higher cost than desired. “ We are so anxious to preserve the jury’s discretion to nullify in the occasional case that we put up with the other, probably more numerous, acquittals that are the product of bad legal rulings at trial. (Neubauer, 2001, p. 111) Mr. Leipold, I believe is correct. At the rate by which jury nullification takes place the justice system would suffer larger losses. A Private Prison Issue Prisons should not be privatized for one very simple reason; motivations! What are the motivations behind private prisons? Rivals of privatization say that private prisons put local communities at jeopardy and <https://assignbuster.com/criminal-justice-opinion-assignment/>

do not save states money. To boost profits under strict budgets, these companies have shown they are willing to cut corners, threatening public safety.

In Houston, one private company imported violent sex offenders from Oregon and housed them in a minimum security facility, without getting permission from community leaders. They even failed to notify local law enforcement. Two violent sex-offenders escaped and because local law enforcement had not been notified, response was delayed. (Schlosser, 2007) We shouldn't put public safety in the hands of big companies who are not accountable to the public and whose top priority is to make money.

Rivals against privatization add that even though private companies profess it costs less for them to build and maintain prisons, various studies have shown that private prisons haven't saved the taxpayers funds or not improved already existing prison complications. One example being a study by the University of Utah; " The comparison of eight out-of-state studies, Lundahl said, showed a 50 percent chance of a cost savings by going private, with a 25 percent chance that the state would actually lose money and a 25 percent chance that privatization would make no difference. Statistically, the results mean there would be almost no cost benefit. (Fattah, 2007, Para 4) These companies make their profits by taking shortcuts and hiring untrained workers at lower pay scales. An example being in a Maryland private prison audit run and controlled by AFSCME corrections officers; " Inmate health system faulted / State audit finds staffing shortages, stalled drug treatment programs. " (Sentementes, 2007, Para 1) And because there is little or no supervision by the public, private prisons have dangerously low levels of

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security under tighter budgets adding to a growing (more prisoners, more money) inmate population problem.

In two states; Texas and New Mexico, private companies started contracts and then, after cost overruns, dumped the problem back on the state causing complete turmoil throughout the states' justice system denying justice in some instances because the corrections department was overrun by prisoners forcing high numbers of parole and felony probations. And none of this even begins to touch on the constitutional rights of the inmate (Schlosser, 2007) where treatments of the inmate become the next big issue.

Terrorism and the Constitution Legislative proposals in response to the terrorist attacks of September 11, 2001 were introduced less than a week after the attacks. President Bush signed the final bill, the USA-PATRIOT Act, into law on October 26th, six weeks later. Though the Act makes significant amendments to over 15 important statutes, it was introduced with great haste and passed with little debate, and without a House, Senate, or conference report (the Senate vote was 98-1) (The U.

S Patriot Act in the Library, 2007, p. 1). Therefore, it lacks background legislative history studies that often formally have provided necessary statutory clarification needed with new bills. However, this act introduced a plethora of legislative changes which dramatically increased the surveillance and investigative powers of law enforcement agencies throughout the United States and did not provide for the system of checks and balances that normally safeguards civil liberties when facing citizens with such legislation.

Civil Liberty Concerns in Terrorism Bills, 2001) This can be viewed as terrorists using our very system against us, as we hastily look for unmeasured protections thereby limiting the freedoms we display worldwide, or as a governmental step towards tyranny. Either way; Americans have lost more freedoms and privacies! Strategies for Law Enforcement on National Security I do not believe the typical police officers are the same as the military police officers working on foreign shores as well as domestically who are intelligence led, intelligence directed and intelligence driven in their policing.

However, hometown or even big city police officers have a different purpose translating basically as; a civil force responsible for keeping public order. The directives are different therefore the capabilities are different. When you amalgamate the two duties of policing and intelligence by local law enforcement something surely suffers, rather that be the policing of the community, prevention strategies, or the intelligence work itself. Some might argue that police already work in an “intelligence” based business, gathering information bringing some criminals to justice, and I have to agree to a point.

Yet when you consider agencies that are stretched to their limits in working or unsolved cases with too few people, adding an entire division to be worked with limited jurisdiction the efforts might prove futile. But I also believe that officers obtaining national security information could work effectively with government agencies in solving the issues in their limited jurisdictions. Government agencies are not bound by jurisdictional limits inside any U. S involvement (yes that includes overseas, example: U.
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S. S Cole was investigated by the FBI in the Yemeni port of Aden.), but even in this situation they required the need for local support. This might make it possible for a combination of centralized and decentralized systems involving local enforcement to be more effective. What I mean is have a centralized command (Homeland Security); much the way the system is now, however; give state and local authorities more freedoms to deal with national efforts as they arise.

They are always the first responders to any situation including national issues, examples being, 9/11 and even Hurricane Katrina where FEMA was the centralized emergency system expected to respond where only local authorities were available. Because of delays (I believe contributing issues) New Orleans Police officers experienced disarray to the point their positions no longer held respect within themselves and the police became the looters, and car thieves! Yet the situation could have been much different had the locals not had to wait on federal support (centralized agency).

My private investigation license, while issued through the Ohio Department of Public Safety, has now had the words added Division of Homeland Security. This addition (as I have been told) changes the minimum requirements for certain trainings, as well as firearm trainings that I possess. All of my licenses especially when dealing with firearm bearer endorsements require FBI background checks where it used to only require BCI & I (Bureau of Criminal Investigation & Identification) background checks. This has included fingerprint and DNA checks.

This example has a centralized set of requirements, but a decentralized method of enforcement utilizing local authorities. The change should increase the abilities of that local force, yet remain controlled by Homeland Security. References American Library Association [NA] (2007) The U. S Patriot Act in the Library. Retrieved February 19, 2008 <http://www.ala.org/ala/oif/ifissues/usapatriotactlibrary.htm> Center for Democracy and Technology [NA] (2001) Civil Liberty Concerns in Terrorism Bills Retrieved February 19, 2008 from <http://www.cdt.org/security/011008cdt.df> Death Penalty Information Center [NA] (2008) Legislative Activities- Ohio Retrieved February 1, 2008 from <http://www.deathpenaltyinfo.org/article.php?did=2193> Fattah, G. (2007) Privatizing Prison May Not Save Money Retrieved February 11, 2008 from <http://deseretnews.com/article/1,5143,695211587,00.html> Neubauer, D. (2001) Debating Crime: Rhetoric and Reality. Belmont, California: Wadsworth/Thomson Learning Press Freedom. (2006, March 31). Issues and Controversies On File. Retrieved January 12, 2008, from Issues and Controversies @ Facts. com database.

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