

Question and answers on the american criminal justice assignment

[Law](#)



Explain why individual rights and public order perspectives are such contentious issues in contemporary American Society. Individual rights and public order have been contentious issues because it requires a constant balancing to uphold those individual rights, while also protecting our citizen. Execution of this balancing act is under constant scrutiny by two groups: individual-rights advocates, who want to protect the personal freedoms within the criminal justice system and public-order advocates, which believe the interests of society should take precedence over individual rights, under retain circumstances involving a criminal threat to public safety. In order to function in a society that people want to live within, this balance must be managed carefully.

The individual perception of either category will influence the other and can lead to the issue we are seeing today, in Ferguson, MO over the shooting of teenager, Michael Brown (Schmeltzer, K, 2014). The constant use of the media, eager to display twenty second videos of police using excessive force -or deadly force- against citizens, is a contributing factor toward the disruption of this balance. It does not display the officer following he standard force continuum which led up to that moment of action.

This lack of full disclosure creates a perception of rights violation and can disrupt public order. Hence, the reason many law enforcement agencies have taken steps to obtain on-body cameras. Loss of public order would create a different society from what we have today. There would be a sense of fear and people would not leave their homes, creating a domino effect

that impact everything. Mainly schooling and education would not be there as we would not have qualified people to enforce and prosecute criminals.

Freedom is not here and in the absence of public order, only the strong would survive. Briefly discuss how the main components of the criminal justice system can at times complement each other and at times also be in conflict with each other. Provide examples. The criminal justice system consists of three main components: Police, who enforce the laws, protect property and maintain order; Courts, which pass judgment and prosecute accordingly; and Corrections, that house, supervise, and rehabilitate inmates.

It also consists of TTY. Or major models, the consensus model, which states the three components work together toward a common goal; and the conflict model, that says that each component works separately towards their own interest, which can conflict with one another and lead to the appearance of a non-system. Regardless, under either model, each component depends on what the other ones do and any changes in that process can have serious effects on the other components (Schmeltzer, F., 2014).

Under the consensus model -where the components work together; you would see a smooth movement of cases through the justice system, from arrest, to court appearance to sentencing. But often time than not, the conflict model has its day in court, especially when there is a lack of understanding/interpretation of the law, along with adding personal emotions or complete disregard. When this occurs, it can affect many facets of the process and society perception. Police make the arrest and follow protocol,

then have to worry about the courts dismissing their efforts, since they must place emphasis on the rights of the accused.

Correction have to work to the best of their abilities to follow court ruling and deal with over population. This then of course leads to Correction having to review cases for inconsideration of early release, which is in conflict with the court system and potentially affects -a separate topic; public safety (Schmeltzer, R, 2014). Of the various stages of the American criminal justice case, which singular stage, in your opinion, is most critical from the crime control perspective, and which stage from the due process perspective? Explain why.

In the various stages of the American criminal justice process, arrests are most critical under the crime control perspective, as having high numbers in this stage reflect: tighter control over crime, reduces the crime rate, increases public order/safety and ceases additional attempts -of followers; to act out in similar manners. Lack of critical awareness in this stage leaves an " open invitation" for criminals to act as they desire, which puts the public in danger and disrupt the order. Law abiding citizen would then feel unsafe and feel the need to defend themselves at all cost, leading to additional crime and disorder.

Speedy arrests, under the proper procedures and protocols and ensuring the arrest are efficient, will lead to convictions, which also supports the crime control model (Schmeltzer, R, 2014). With that, leads to the most radical stage under the due-process model, as being the preliminary hearing. At this stage the accused has already been advised of their rights in their first

appearance and it's now onto determine innocent based upon probable cause and the evidence being presented. As this stage does focus upon the accused and their rights, it also creates scrutiny upon the police.

Determining whether grounds for probable cause were substantiated and determine the strength of the evidence and is it was collected in accordance with the law. This fairness procedures -due process model; best opportunity to consider al the facts is during the Preliminary Hearing. Presenting at any other stage after is not exactly too late, but this is the first opportunity to address innocence, as the evidence is being evaluated and determination on further action is being addressed (Schmeltzer, Z, 2014).

Identify and discuss the differences between the two major sources of statistical data about crime in the United States. The Uniform Crime Report (LACK) has been around since 1929 yet it has never been a program to truly capture trends accurately. Even after the transition of the National Incident-Based Reporting System (NIB'S), the program was teeter enhanced to identify discrepancies and address issues which hindered the original CAR.

NIB'S enhanced crime data collection and improved the methodology in collecting data, but were still complications. Not only were there issues with the two programs matching older data with newer data, this program obtains its information from law enforcement crime reports by victims of crimes. An issue with that is not all crimes are reported to police and another is how it has been founded that departments have been known to downgrade a crime to reflect improvement to the crime rate. According to Schmeltzer, F. 014), " a 201 2 study of nearly 2000 retire New York police Department officers

<https://assignbuster.com/question-and-answers-on-the-american-criminal-justice-assignment/>

found that the manipulation of crime report has become a part of police culture" (p. 30). When this occurs, it creates a difficult task to determine dangerous societal trends. To assist in this the National Crime Factorization Survey (NCSC) was established to complement the I-JAR by collecting information on a national level through household, victim self- reports. It is seen to provide a more accurate account of crimes, since it considers both crimes reported and not.

Both these programs are the two major sources to measure crime.

Individually they are not truly able to capture the true societal trends since each of these programs serve an individual purpose toward different aspects of crime. When they are combined, however, there is a better understanding in capturing actual statistics and the nation's crime problem. Updating to address evolving new trends would make it more efficient but for now serve its purpose in capturing baseline patterns (Plants, M. , & Longboat, L. , 2014).

Of the many special categories of crime, which singular special category crime do you think poses the most critical concern in contemporary American Society? Explain why. Of the many special categories of crime, the one which poses the most critical concern is high technology and computer crime. Cybercaf?? is on the rise and we are starting to see more incidents of this crime throughout the world regarding theft of services, piracy or forgery, electronic vandalism and financial institute hackings. Recent events show even greater concern with the hacking of a U. S. Rene in Russia (US News, 2014) and the hacking of a Department of Homeland Security contractor - who does investigative background check; being breached for his

information (The Washington Post, 2014). All these are simply a snap shot of what these cyber terrorist/ hackers are able to do, but the greater concern in this category should be the vulnerability our critical infrastructure. According to Mike McConnell, who was the National Intelligence Director from 2007-2009, he testified to Senate in 2010, “ If the nation went to war today, in cyber, we would lose.

We’re the most vulnerable. We are the most connected. We have the most to lose” (P. W. Singer & A. Friedman, 2014, p. 151). Our infrastructure is more at risk now than it was a decade ago, due to the fact that many systems are no longer independent, but interlinked to one another. From that comes the vulnerability to cybercaf??, as system ties us all into one entity and that is how dependent American’s are to the internet and modern technology. Cyber enemies -foreign and domestic; have the capabilities to significantly disrupt our critical infrastructure or shut them down completely.

It would only take a cyber-attack upon our critical infrastructure: transportation, electric power grids, financial institutions, communications systems or pipeline access -for gas and oil- to inflict incapacitation or death toward America and putting us n a cyber. As seen in the case of Student - Iran’s nuclear facility; where a virus internally attacked the heavily protected facility which cause their uranium centrifuges to malfunction (Film Media Group, 201 1).