

# Textbook cj2012 fagin-explain the difference between the crime control model and ...

[Law](#)



18 September Explain the difference between the crime control model and the due process model of justice.

The major purpose of criminal justice system of the US is to enforce the law, uphold social order and to defend citizens from criminals as well as to provide them justice. Over the years, numerous laws have been passed and altered, but it appears that there will always be a debate on how society must punish those who break the law. Herbert Parker, a professor of law proposes two models to address the problem of crime: crime control model and due process model. Crime Control Model places the main emphasis on rights and freedom of society to receive protection from crime and criminals. This model emphasizes efficiency and speed in the administration of criminal justice process. The advantages of reducing crime rates outweigh any possible costs to rights of the individual.

Due Process Model accords priority on the right and freedom of human beings to be protected and sheltered from the power of the government. Values of this model seek to ensure that the state should prove a person's guilt within a process designed to safeguard and protect personal liberties as itemized in the Bill of Rights. Basically, the difference between these two derives from the fact that crime control model places emphasis on the prosecution of criminals, while the due process model focuses on restricting and limiting the scope of rules and laws by stressing more on personal freedoms and liberty. Besides, the crime control model pays attention on putting the criminal away, defending the innocent people.

The due process, on the other hand, considers the rights of the accused person and rehabilitation. The courts incline more towards the due process

model, which even supports the accused persons by securing their freedom and rights, to promise that every individual's rights and freedom are protected as stated in the Bill of Rights. Enforcement inclines in the direction of the model of crime control; they treat arrest as if they were already culpable; largely emphasizing on prosecution, arrest and conviction of those who have broken the law. The due process models needs to guarantee that every person is protected under 8th Amendment and the 4th Amendment, which allows no illegal and unlawful search and seizure. The rights should be put aside for the purpose of maintaining purpose of security and criminal justice manners.

On the other hand, sometimes one has to give up his or her right for the advantage of society as a whole. The justice system in US is a complex one and sometimes it becomes difficult to distinguish between the innocent people from the culprits. It also happens that many times the guilty has been freed and the innocent people put away imprisons because of the flawed system of imparting justice. Lastly, while the crime control model relies greatly on the police, the model of due process relies heavily on the courts and their function in upholding the legal actions of establishing guilt. " The due process model is willing to accept that a person who is factually guilty will go free if the criminal justice system does not follow legally prescribed procedures in proving her or his culpability. Therefore, the due process model relies on formality in the criminal justice system" (Chapter 1 Criminal Justice Today, pg. 19).

#### Works Cited

<https://assignbuster.com/textbook-cj2012-fagin-explain-the-difference-between-the-crime-control-model-and-the-due-process-model-of-justice/>

Chapter 1 Criminal Justice Today. West Valley. edu. n. d. Web. 19 September 2012.