

# Steps of the decision-making process in the cjs



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The first step in the decision-making process, which starts when the police are notified of or discover a crime, is investigation. Investigation falls under the Police subsystem of the criminal justice system (CJS). Identification of a suspect and gathering enough evidence to warrant an arrest are the fundamental functions of an investigation. If the police feel they have reason to initiate a search, the standard they must meet in order to do so is *probable cause*. (Neubauer & Fradella, p. 12) (Appalachian State University, p. 1)

The second step in the process is arrest. Not counting traffic, there are 11 million arrests per year. Murder, rape, assault and other severe crimes account for slightly less than 2 million of those arrests. Only approximately 20% of crimes police know of end in an arrest. Obviously, arrest, like investigation, lies under the Police subsystem of the CJS (Neubauer & Fradella, p. 12)

Following arrest a suspect is brought in for booking, the third step of the CJS. Booking creates an administrative record of the suspect and usually includes both photographing and fingerprinting. This is the final step of the CJS that falls under the Police subsystem. (Appalachian State University, p. 1)

Charging follows booking and is the fourth step of the CJS. It is also the first stage that involves the court subsystem. If a prosecutor decides there is enough evidence of good quality to show the suspect is guilty of the crime they have been arrested for, the suspect may then be charged with a specific crime. (Appalachian State University, p. 1)

Following charging is the initial appearance. Several things happen at an initial appearance. Defendants are notified of the charges they are facing, they are informed of their rights, and a date for their preliminary hearing is decided. About 75% of defendants are sentenced immediately as a result of guilty pleas at the initial appearance. The initial appearance falls under the court subsystem.

Bail is set by the judge for defendants who do not plead guilty. This is the most significant part of a defendant's initial appearance. It is also part of the courts subsystem. In theory, defendants who cannot pay are held in jail until their trial but in practice, jails are overcrowded to the point that only defendants charged with a serious crime are not released. This is step six in the criminal justice system. (Neubauer & Fradella, p. 12)

Step seven is the preliminary hearing, which is part of the courts subsystem of the CJS. At the preliminary hearing, the prosecutor must convince the judge there is enough evidence to prove that a crime was committed and that there is probable cause to believe the defendant committed the crime. This is intended as a check against baseless prosecutions but in reality, probable cause is a low enough standard that most defendants are held for further action. (Neubauer & Fradella, p. 13)

The grand jury provides citizens a buffer against groundless prosecutions. The grand jury is part of the court subsystem. All federal felony prosecutions require a grand jury but they are only used in roughly half of all states. If he succeeds in persuading a simple majority of the grand jurors that there is probable cause that there was a crime committed and probable cause that

the defendant committed that crime, an indictment is returned. The grand jury is the eighth step of the CJS. (Neubauer & Fradella, p. 13)

If the grand jury finds that there is probable cause to proceed they return an accusation, in writing, charging the defendant with the crime. This written accusation is known as an indictment, it falls under the court subsystem of the CJS, and is the ninth step of the process. (Albany County District Attorney's Office, p. 1)

The tenth step in the criminal justice system is the arraignment. This step is part of the court subsystem. As at the initial appearance, defendants are advised of their rights. This is usually more extensive at the arraignment. Defendants also receive a copy of the formal charges against them, before entering a plea. Not guilty is the most common plea at this stage. (Neubauer & Fradella, p. 13)

The trial is the eleventh step of the CJS and is part of the courts subsystem. Guaranteed by the Constitution, the trial is the most essential right of the defendant. Trials may be either bench (the defendant is tried by a judge only) or jury. In the case of a jury trial, the sequence is: opening statements by the prosecution and the defense, the prosecution calls the first witness, closing arguments by the prosecution and the defense, the judge instructs the jury regarding the law, and the jury deliberates in secret. Over 90% of criminal trials end in convictions. (Neubauer & Fradella, p. 14)

Following a guilty verdict, the judge will decide on prison, probation or a fine. This is the sentencing phase and is the twelfth step in the CJS. Fines are very unusual in felony cases. The death penalty may be a possibility although it is

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limited to only some first-degree murder cases. 1 (Neubauer & Fradella, p. 14)

The appeals stage is the thirteenth step of the decision-making process and is part of the courts subsystem. Most defendants who are found guilty at trial file an appeal with an appellate court. Most defendants who have pled guilty do not file appeals. Only 10% of defendants win their appeals. The most important attribute of an appellate court is that it can decide policy matters that affect the entire criminal justice system. (Neubauer & Fradella, p. 14)

Corrections, the fourteenth step, is the third subsystem of the CJS. Once defendants have been found guilty they are most frequently incarcerated. The most common sentence of past two centuries, incarceration deprives prisoners of their freedom and isolates them from society. The United States has the world's largest share of its population in prison and these prisons are severely overcrowded. (Neubauer & Fradella, p. 379) (Appalachian State University, p. 1)

The last of the criminal justice system's decision-making steps, number 14, is release. There are several ways a convict may obtain release: serving the full sentence imposed by the courts, parole or pardon. The most cost effective sentence is parole, a form of punishment that allows a convicted criminal to live in the community provided they meet a variety of conditions while they do so. Convicted criminals may also be incarcerated. In general, jails are intended for terms of less than one year and prisons are meant for terms over one year. Most prisoners do not serve the full term of their sentences.