

Criminal justice system assignment

Law



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Retribution is a philosophy based on the belief that criminals should be punished because they have violated the law. Rehabilitation is the philosophy which is intended to reform a criminal so that they can have a clean slate. The last philosophy, incapacitation, has the role of separating or “segregating” the criminals from society for protection. These four philosophies all have different punishing tactics, but all together they all have important roles in our society today. The Criminal Justice System has many systems that work together to be functional ND Just.

The Retribution philosophy as stated before is where the society feels that the offender should be punished, however, the offender should have some other goals besides “Just Deserts”. However, there are some disagreements with these four philosophies. Advocates of Retribution argue that punishment is the proper and the just thing to do, regardless of its effectiveness in preventing crime. This also assumes the crime has been committed and that the offender has been discovered.

Many people feel like the criminal needs to be locked up for committing the crime instead of have given the opportunity to change. There is a familiar motto most people know that sums up retribution, “Mimi do the crime, you do the time.” There are two key points in dealing with retribution. One is stated as, “Offenders must be punished because they have carried out actions in the past that are illegal.” The second point is, “The severity of the punishment can and must be matched to that of the seriousness of the crime. In society deterrence plays a primary role which keeps people from committing criminal acts out of the fear of punishment. Like retribution, deterrence believes the offenders should be punished in a way to where it

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will have an impact to not only them, but to the rest of society as well. Many crimes are committed during the “heat of the moment” when one’s ability to think rationally becomes severely compromised. Many people see some of the crimes are not able to be deterred.

Such as, committing crimes just for the thrill of possibly “getting away with it” or committing crimes just to see how far they can “outwit” the law enforcement officials before they get caught. “General Deterrence” and “Specific Deterrence” are two key concepts in understanding this certain perspective. General Deterrence keeps people from committing crime by showing them, through the experiences of other punished criminals. For example, students at a truant school will most likely not skip school in the future if they have learned of the punishment received by a fellow student for skipping.

Specific Deterrence focuses on punishing their rational decision making process. “The concern of the motives and rationales that lie behind the behavior can never be delineated, however, through the rational SE of punishment as a negative sanction, problematic behaviors can be extinguished.” For example some punishments can consist of the shock sentencing, corporal punishment, and mandatory arrests for certain behaviors such as domestic violence. Rehabilitation is not a form of punishing criminals, but to rather help them seek for ways to prevent future crimes.

Rehabilitation helps focus on the individual problems that are considered to be the intentions for said felony. While other correction facilities focus on trying to prevent the youth from getting involved with rimming activity,

rehabilitation focuses on figuring out ways to help people with drug addictions, alcohol addiction, and mental health counseling. Prisons and Jails would be designed to be more therapeutic and would offer drug and alcohol treatment, Job skills training, and therapy for inmates.

Two major parts of the criminal Justice system are punishment and rehabilitation. However, rehabilitation requires some flexibility with the criminal Justice system. Law states the offenders must be held in prison or kept under supervision by a state official until the he or she is rehabilitated. For example, say someone was caught doing heroine and a police officer drove by at that particular time, he would arrest said person and take them into custody until they can be presented the opportunity to undergo rehabilitation.

Once they have been presented that opportunity, the correction facility will keep that person in the program until they can prove they are completely clean and have broken the addiction. Rehabilitation comes in various forms and levels of treatment. Classical School of Criminology has proposed that punishment is used to create deterrence. Whereas the Positive School of Criminology uses the practice of rehabilitation to reduce recidivism.

Incapacitation is where the Criminal Justice System separates or segregates the criminals from the society in order to prevent crimes and help keep the community safe. The term incapacitation when being referred to in philosophy is the positive effect of sentencing which prevents the person from committing future offenses. Incapacitation does not offer rehabilitation, instead the criminals are put in Jail not to just teach them consequences

from their actions but to place them in a restricted environment prohibiting them from engaging in a crime.

Incapacitation comes with its own policy implications, first it demands an emphasis on using secure facilities, such as prisons and Jails, instead of the community corrections like probation. This doesn't entail the community corrections cannot be used as a part of incapacitation; instead it is saying that the "pure" incapacitation would denote physical segregation. There is also "Selective Incapacitation," this is the goal formed to keep the community safe from crime on the streets. The difference between General Incapacitation and

Selective Incapacitation is in the attempt to replace bluntness with selectivity. When dealing with Selective Incapacitation the most pervasive judgments is based on the statistical prediction of dangerousness. The predictions are often so inaccurate that they should not even be brought up in a court case. Deterrence would be one of the top most effective due to the fact that it not only punishes the offender but it shows other people surrounding them the consequences they would receive if the same general public about what could happen to them if they were to mess up.

If one were to commit a crime out of pure anger, no remorse, and no reasoning then deterrence would be used against the offender stating they should be punished, however, they also have the rights for the punishments to have some other goals besides the "Just Desserts." This philosophy is very effective, it tends to work best when the punishment is certain, severe, and quickly applied. The system that was dedicated to deterrence would try

to increase the three elements via policy. A deterrent system has rules and regulations that it has to abide by as well.

For instance, a deterrent system would have to make sure the punishment is severe enough that it will end up outweighing the benefits of the crime.

Ernest van den Hag, a Professor of Jurisprudence at Fordham University who has studied the question of deterrence closely, wrote: “ Even though statistical demonstrations are not conclusive, and perhaps cannot be, capital punishment is likely to deter more than other punishments because people fear death more than anything else. They fear most death deliberately inflicted by law and scheduled by the courts.

Whatever people fear most is likely to deter most. Hence, the threat of the death penalty may deter some murderers who otherwise might not have been deterred. And surely the death penalty is the only penalty that could deter prisoners already serving a life sentence and tempted to kill a guard, or offenders about to be arrested and facing a life sentence. Perhaps they will not be deterred. But they would certainly not be deterred by anything else. We owe all the protection we can give to law enforcers exposed to special risks. ”