

The United States Criminal Justice System

- **What is criminal justice?**
- **How does criminal justice work in the United States?**
- **What is the role of the *U.S. Constitution*, the *Bill of Rights*, and the U.S. Supreme Court in the criminal justice system?**

Criminal justice is the process by which governments ensure the **preservation of enumerated individual rights** for citizens who are **accused** of committing an **illegal act**.

What is criminal justice?

The **criminal justice system (CJS)** includes “agencies and processes established by governments to **control crime** and **impose penalties** on those who violate laws.”

(VictimsOfCrime.org)

The U.S. does not have *a* CJS, but many individual systems, representing local, regional, or national **jurisdictions**. “Different jurisdictions have different laws, agencies, and ways of managing” crime. Sometimes these are independent of one another; other times they may overlap.

The criminal justice system

- **City**
- **County**
- **State**
- **Federal (national government)**
- **Tribal (American Indian reservations)**
- **Military installation**

The criminal justice systems

Crime Prevention Programs

Court Systems

Intervention Programs

Incarceration Services

Services for Victims

Re-Entry Processes and Programs

Six responsibilities of the CJS

Law Enforcement

Prosecution

Defense

Courts

Corrections

Five key aspects of the CJS

Law Enforcement

- Includes **police officers, detectives** and **investigators**, and other **patrol officers**
- Enacts local policies and regulations through monitoring and public relations
- Reports, records, and investigates crimes
- Gathers, processes, and preserves evidence when needed
- Arrests offenders and facilitates entry of the accused into the CJS
- Acts as a witness in court proceedings, giving testimony when needed

Five key aspects of the CJS

Prosecution

- Includes **district attorneys, federal attorneys** or others representing the governing jurisdiction, and their **assistants** (as well as **victim advocates**)
- Reviews reports and evidence brought by law enforcement officers, evaluating its validity and deciding whether to file or drop charges against the accused
- Presents **aggravating evidence** in court, questioning witnesses as needed, holding the "**burden of proof**"
- Negotiates **plea** bargains with defendants as judged reasonable

Five key aspects of the CJS

Defense

- Includes **defense attorneys** and their **assistants**, and **public defenders** (if the defendant cannot afford the costs of an attorney)
- Evaluates charges brought by the prosecution, paying special attention to the rights and viewpoint of the **defendant**, reviewing reports and evidence, and investigating as needed in order to represent the voice of the accused
- Presents **mitigating evidence** in court, questioning witnesses as needed, seeking “**reasonable doubt**”
- Negotiates plea bargains on behalf of the defendant

Five key aspects of the CJS

Courts

- Includes **judges** (at the local, Appellate, and Supreme levels), **officers** of the court, and **juries**
- Execute the proceedings (trial) that will determine the guilt or innocence of the defendant according to law
- Ensure **due process** and the fairness of the trial, evaluating and responding to violations as needed
- Facilitate the presentation, review, evaluation, and judgment of arguments and evidence, eventually determining the guilt or innocence of the defendant
- Negotiate and determine in-process aspects of the CJS, including bail and pretrial release, as well as **sentencing** or **reconciliation** (in the case of **acquittal**)

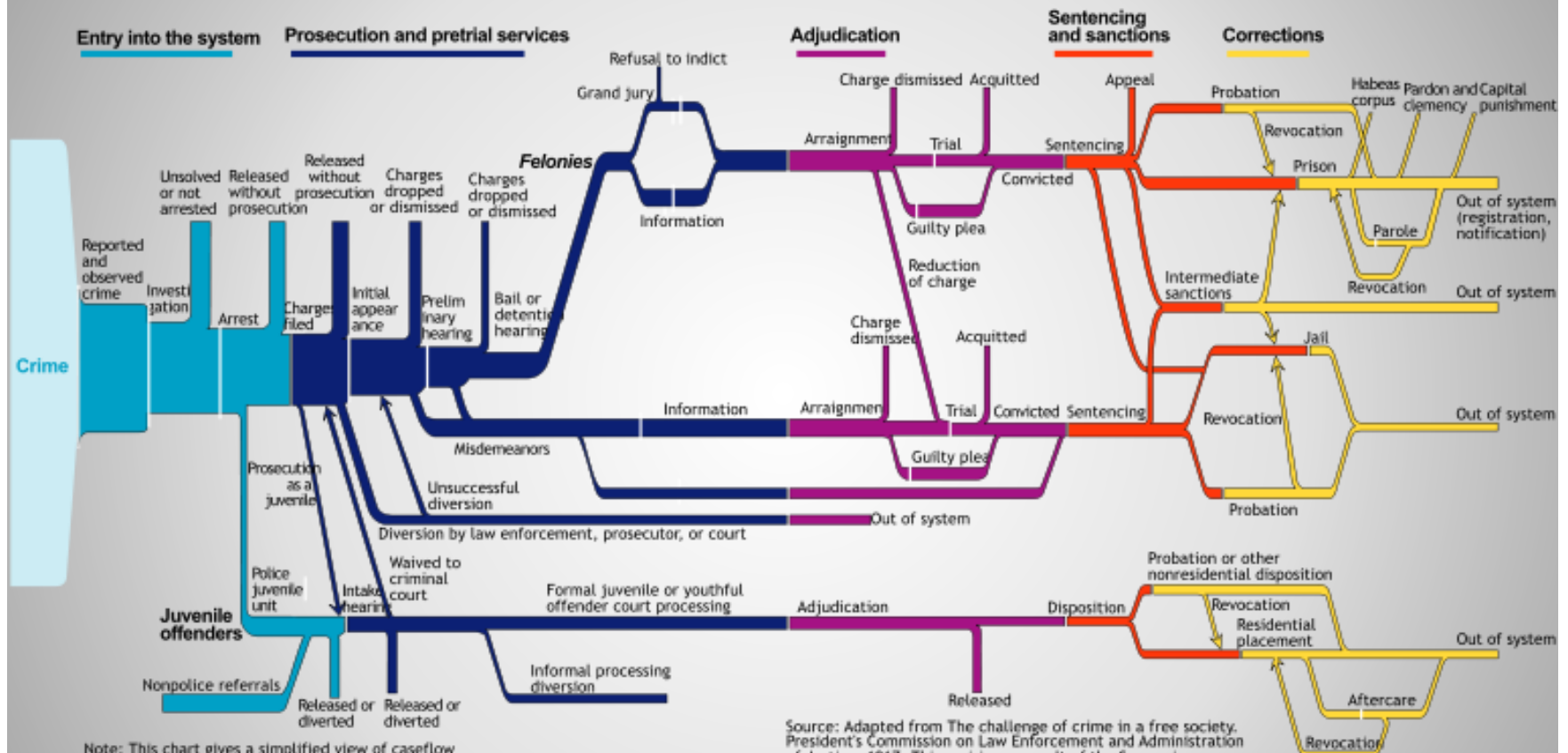
Five key aspects of the CJS

Corrections

- Includes **correctional officers, parole officers, advocates** and **inmate services officers**
- Supervise convicted **offenders** while they are in the custody of the jurisdiction (jail or prison) or on probationary supervision (probation or parole)
- Ensure the safety and security of inmates on a day-to-day basis, effecting access to basic, reasonable needs while in custody
- Oversee the release and **re-entry** processes as inmates complete their sentence or are paroled

Five key aspects of the CJS

What is the sequence of events in the criminal justice system?



Note: This chart gives a simplified view of caseload through the criminal justice system. Procedures vary among jurisdictions. The weights of the lines are not intended to show actual size of caseloads.

Source: Adapted from The challenge of crime in a free society. President's Commission on Law Enforcement and Administration of Justice, 1967. This revision, a result of the Symposium on the 30th Anniversary of the President's Commission, was prepared by the Bureau of Justice Statistics in 1997.

Four stages of the CJS process

Entry into the CJS

- Report
- Investigation
- Arrest or Citation

Four stages of the CJS process

Prosecution and Pretrial

- Charges
- First Court Appearance
- Bail or Bond
- Grand Jury or Preliminary Hearing
- Arraignment

Four stages of the CJS process

Adjudication

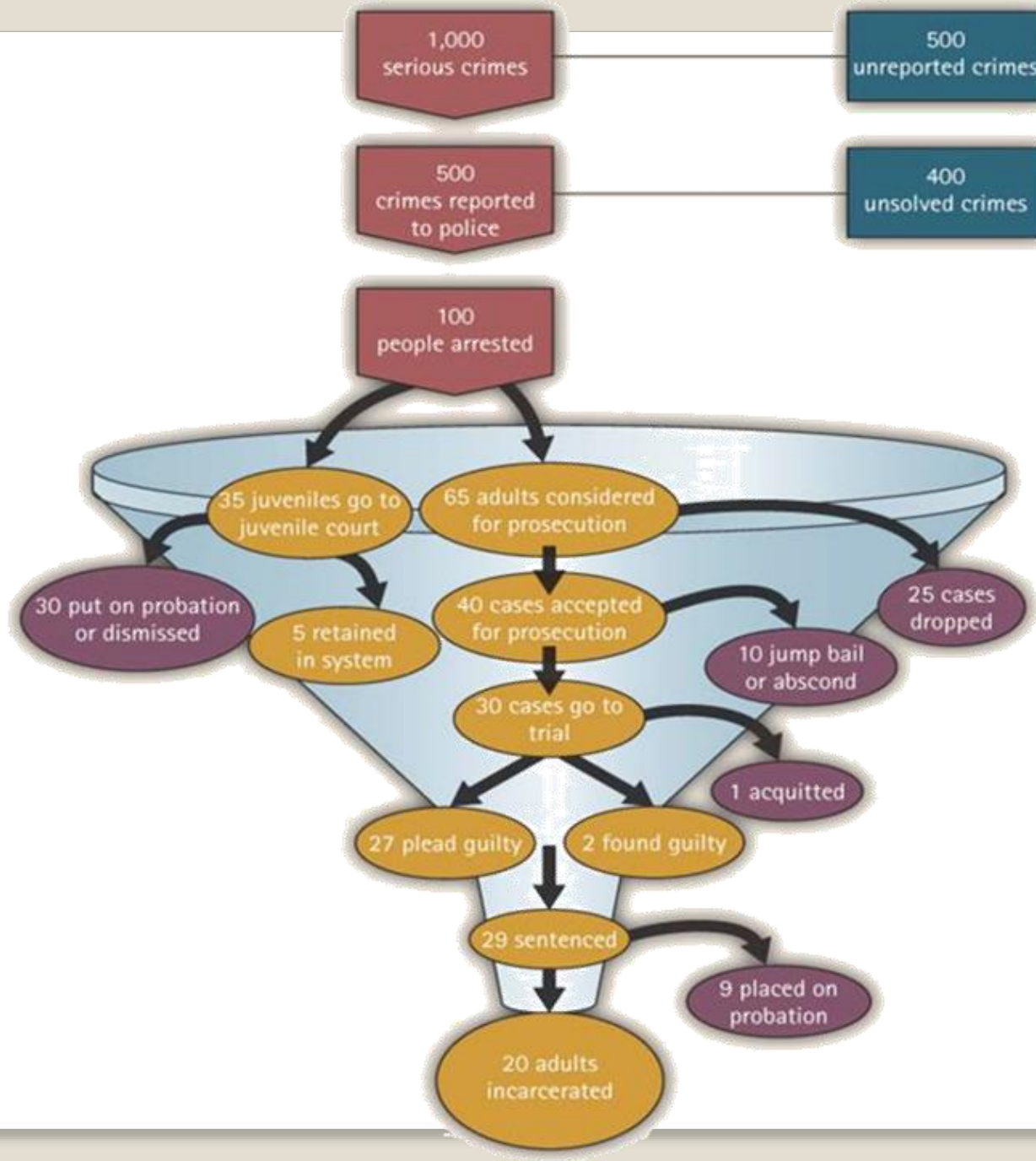
- Plea Agreements
- Trial

Four stages of the CJS process

Post-Trial

- Sentencing
- Corrections
- Probation or Parole

Four stages of the CJS process



What is the role of the *U.S. Constitution*, the *Bill of Rights*, and the U.S. Supreme Court in the criminal justice system?

- 4th, 5th, 6th, 8th, and 14th amendments
- Preemption, precedent, jurisprudence
("The Common Law")
- Mapp v. Ohio ('61)
Gideon v. Wainwright ('63)
Miranda v. Arizona ('66)

The U.S. Constitution

FOURTH

The fourth Amendment

"THE RIGHT OF THE PEOPLE TO BE SECURE IN THEIR PERSONS, HOUSES, PAPERS, AND EFFECTS, AGAINST UNREASONABLE SEARCHES AND SEIZURES, SHALL NOT BE VIOLATED, AND NO WARRANTS SHALL ISSUE, BUT UPON PROBABLE CAUSE, SUPPORTED BY OATH OR AFFIRMATION, AND PARTICULARLY DESCRIBING THE PLACE TO BE SEARCHED, AND THE PERSONS OR THINGS TO BE SEIZED."

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When Great Britain ruled the Colonies, officials could search someone even when they had no real reason to suspect that person of crimes. The **FOURTH AMENDMENT** forbids this. It says officials need special permission from a judge to search people or their belongings. This special permission is called a "search warrant." To get a search warrant, police must show they have good reason to believe a law has been broken. And the warrant must describe the places and people to be searched and any belongings to be seized.

AMENDMENT

FORBIDDING UNREASONABLE
SEARCHES AND SEIZURES.





FIFTH



The Fifth Amendment

"NO PERSON SHALL BE HELD TO ANSWER FOR A CAPITAL, OR OTHER-WISE INFAMOUS CRIME, UNLESS ON A PRESENTMENT OR INDICTMENT OF A GRAND JURY, EXCEPT IN CASES ARISING IN THE LAND OR NAVAL FORCES, OR IN THE MILITIA, WHEN IN ACTUAL SERVICE IN TIME OF WAR OR PUBLIC DANGER; NOR SHALL ANY PERSON BE SUBJECT FOR THE SAME OFFENSE TO BE TWICE PUT IN JEOPARDY OF LIFE OR LIMB; NOR SHALL BE COMPELLED IN ANY CRIMINAL CASE TO BE A WITNESS AGAINST HIMSELF, NOR BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW; NOR SHALL PRIVATE PROPERTY BE TAKEN FOR PUBLIC USE, WITHOUT JUST COMPENSATION."



AMENDMENT

CERTAIN RIGHTS OF PERSONS
ACCUSED OF CRIMES AND
PERSONS WHOSE
PROPERTY IS TO BE TAKEN.

The first part of this amendment says a person can only be put on trial for a serious crime after a grand jury first agrees that this should happen. A grand jury is a group of citizens who decide whether there is enough evidence to try someone for a crime. The FIFTH AMENDMENT also says a person normally cannot be tried more than once for the same crime. And it says persons accused of crimes cannot be forced to make any statements that might be used against them in a trial. That's why police must now tell people under arrest that they "have the right to remain silent." The FIFTH AMENDMENT says a person accused of a crime must be given "due process of law" — that is, all laws and rules must be followed in that person's trial. Finally, the amendment says the government cannot take away anyone's property without paying for it fairly.



SIXTH

The Sixth Amendment

"IN ALL CRIMINAL PROSECUTIONS, THE ACCUSED SHALL ENJOY THE RIGHT TO A SPEEDY AND PUBLIC TRIAL BY AN IMPARTIAL JURY OF THE STATE AND DISTRICT WHEREIN THE CRIME SHALL HAVE BEEN COMMITTED, WHICH DISTRICT SHALL HAVE BEEN PREVIOUSLY ASCERTAINED BY LAW, AND TO BE INFORMED OF THE NATURE AND CAUSE OF THE ACCUSATION; TO BE CONFRONTED WITH THE WITNESSES AGAINST HIM; TO HAVE COMPULSORY PROCESS FOR OBTAINING WITNESSES IN HIS FAVOR, AND TO HAVE THE ASSISTANCE OF COUNSEL FOR HIS DEFENSE."

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This amendment says a person accused of a crime has a right to be brought to trial quickly. That trial must be public — in other words, it must not be held in secret. Accused persons must be told what crimes they have supposedly committed. They must be allowed to see and hear all witnesses used to prove them guilty. And they have a right to make witnesses come to court who can help them. Finally, the SIXTH AMENDMENT says any accused person has a right to the help of a lawyer during his or her trial.

AMENDMENT

OTHER TRIAL RIGHTS OF PERSONS
ACCUSED OF CRIMES.



EIGHTH

The Eighth Amendment

"EXCESSIVE BAIL SHALL NOT BE REQUIRED, NOR EXCESSIVE FINES IMPOSED, NOR CRUEL AND UNUSUAL PUNISHMENTS INFLECTED."



The first part of this amendment says that bail or fines must not be set too high. Bail is the money an accused person must give the court until his or her trial is held. It is a way to make sure that person shows up for the trial. The other part of the amendment has to do with punishments given to criminals. In the past, as the drawing here shows, people were often whipped or had their eyes put out for small crimes. This part of the EIGHTH AMENDMENT is meant to stop such unfair punishments. In recent years, many people have said that giving criminals the death goes against this part of the amendment. Others strongly disagree. As of now, our nation's courts say that the death penalty for certain very serious crimes does not go against the EIGHTH AMENDMENT.

AMENDMENT

NO CRUEL AND
UNUSUAL PUNISHMENTS.



14TH AMENDMENT:

**NO STATE SHALL MAKE
OR ENFORCE ANY LAW
WHICH DENIES TO ANY
PERSON WITHIN ITS
JURISDICTION THE EQUAL
PROTECTION OF THE LAWS.**

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The U.S. Constitution



Landmark U.S. Supreme Court Cases

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