Chapter 1
The Administration of Justice and the Police

The Police
- integral component of a vital system
- social order and stability are dependent on them.
- understand other components of the criminal justice system.
- the criminal justice system, the concept of justice.

The Idea of Justice
- People require regulation to ensure peace and stability.
  - without it, the weak would be victimized by the strong, violence would become the social norm, and civilization would cease to exist.
The Need for Justice

- Nations and their components can’t exist without established systems of justice.
  - ensure preservation of domestic peace and tranquility
  - do so in an acceptable manner to those who are governed.
- Citizens must also feel that they are being treated “properly.”

Human Rights

- May be defined as a person’s right to the basic necessities for survival:
  - Adequate food
  - Shelter
  - Medical care
  - Not being the victim of a government’s or their efforts to commit genocide
- December 10, 1948, the General assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. See Figure 1.1

Maslow’s Hierarchy
Civil Rights
- Not until the 1960's that full enforcement of civil rights began within the United States.
  - beyond the basic necessities for survival
  - equal participation in democratic elections
  - equal access to legal institutions
  - equal protection by the government from both governmental and private abuse.

Justice Defined
- Not easily defined
  - perspective of the viewer
  - fair, moral, and impartial treatment of all
- We define justice as the fair and equitable application of the rule of law by agents of social control regardless of the socioeconomic status of the individuals concerned.

Six components the administration of justice must contain:
- Compliance with the rule of law
- Equity
- Fairness
- Accessibility
- Effectiveness
- Oversight

Types of Justice
- Social justice
- Civil justice
- Restorative justice
- Criminal justice
Mission of a Criminal Justice System

- The U.S. criminal justice system exists to apply the rule of law as a means of providing social stability.
  - The rule of law may be defined as government’s establishment and imposition of legal processes to protect society from crime.

- In order to accomplish these tasks laws must provide for the following:
  - Vengeance/Retribution
  - Atonement
  - Deterrence/Prevention
  - Treatment
  - Incapacitation
  - Reparations

- Social Stability
  - The maintenance of order and the continuation of equitable social control by government
    - Maintenance of Order
    - Equitable Social Control
    - Symbolic reassurance
The Challenges of Administering Justice in a Free Society

- Crime Control versus Due Process
  - Crime control
    - Suppression of crime
    - Speedy enforcement of criminal laws
  - Due Process
    - Formal adjudicative fact finding
    - Rights of the accused

Rights of Society
- Crime control perspective is a reflection of traditional conservative values
- Eliminate burdensome legal technicalities that neither protect individual rights nor protect society from crime
- Example of European civil law, inquisitorial, emphasis on rights of society instead of rights of individual

Rights of Individuals
- The due process model as being a reflection of traditional liberal values
- They point to the Common-Law tradition of emphasizing the rights of individuals as safeguards from government oppression

Which is More Important?
Balancing the Rights of Society with Individuals
- This debate will continue as long as there is a U.S. justice system.
- The U.S. justice system will always have to juggle efficiency and effectiveness in protecting society from criminals with our traditional concern for individual rights.

The Components of the U.S. Justice System
- Federalist System
  - U.S. Constitution
    - National government shares power with the states and the state’s political subdivisions
    - At every level of government you will find legislative bodies that make the laws:
      - Executive agencies that enforce those laws
      - Courts that interpret and apply the laws
      - Correctional organizations that carry out adjudicated sanctions

Lawmaking
- U.S. Congress
  - Laws known as statutes
- Local levels
  - Lesser laws known as
    - Ordinances or codes
      - Property tax
      - Sales tax
      - Zoning and building regulations
Law Enforcement
- If you need police services, it is most likely that the officers who respond will be employed by a local government.

Prosecution
- National level
  - U.S. District Attorney
  - Federal cases
- State level
  - District attorneys/state attorneys
  - Violations of state laws
  - Responsible for local ordinances

Adjudication
- At every level within the U.S. justice system, trial courts exist to adjudicate the cases within their respective jurisdictions.
- 94 district courts try federal cases within the fifty states.
- State trial courts try state laws and civil cases.
- The U.S. Supreme Court is the highest court of appeal in America.
Corrections
- Exist at every level within the U.S. system.
  - Federal prisons house convicted prisoners.
  - Municipal and county jails house prisoners awaiting trial, awaiting sentencing, or waiting for transfer to other facilities.
  - County Jails may also house prisoners sentenced for misdemeanor offenses.

The Structure of the Police System in America
- Many agencies at all levels
  - A nation of local police forces
  - Approximately 18,760 separate police agencies
  - There are also housing and transit districts
  - Colleges and universities that have their own police forces
  - Railway police and tribal police
  - Over 900,000 total police employees with a total budget of $51 billion.
- Federal Police Agencies
  - 100 different federal police agencies
  - The largest agencies are formally within the Justice and the Treasury Departments
  - Since the creation of the Department of Homeland Security, several agencies have moved

Department of Treasury Agencies
- Established in 1789
  - Collection of revenue
- ATF, U.S. Customs, IRS, SS

Department of Justice Agencies
- Established in 1870
  - Enforces laws passed by Congress
  - Bureau of prisons, civil rights division, Office of Inspector General
- Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
  - Enforces federal criminal laws
  - Regulates firearms and explosives
  - Investigates acts of arson
  - Illegal trafficking of alcohol and tobacco
Drug Enforcement Administration
- Created in 1973
- One of the larger federal agencies
- Enforce the controlled substances laws and regulations
- Investigate and prosecute violators of controlled substance laws operating at interstate and international levels

U.S. Marshals Service
- Oldest federal agency
- Created in 1789
- Conducts the U.S. Census
- Apprehending fugitives
- Protecting federal judges and courts
- Managing and selling seized assets
- Protecting witnesses

Federal Bureau of Investigation
- Primary investigative agency of the federal government
- Investigate violations of federal criminal law
- Counterterrorism activities
- Cyber crime investigations
- Endanger national security

Department of Homeland Security
- Created on November 25, 2002
- Coordinate efforts to protect the United States from terrorism
- Made up of 22 federal agencies
- Largest federal agency

Customs and Border Protection
- 41,000 employees
- Manage, control, and protect the nation’s borders at and between the official ports of entry
- Priority mission is preventing terrorists and their weapons from entering the United States

Immigration and Customs Enforcement (ICE)
- Created in March 2003
- Largest investigative branch of Homeland Security
- Combined INS and U.S. Customs
- Targets illegal immigrants
- People, money, materials that support terrorism
Transportation Security Administration (TSA)
- Was originally in the Department of Transportation
- Protect the nation’s transportation system
- Responsibility for security at the nation's airports

The U.S. Coast Guard
- One of nation’s five armed forces
- Mission is to protect the public, the environment, and U.S. economic interests in ports, waterways, along the coast, and international waters
- Leading maritime law enforcement agency, and has broad, multifaceted jurisdictional authority

U.S. Secret Service
- Suppress counterfeit currency
- Persons perpetrating frauds against the government
- Protection of the president, former presidents, their families, candidates for president, president-elect, and the vice-president

Uniformed Division
- Protection of the White House and the grounds
- Also called the Executive Protection Service
- Protects diplomatic missions in the Washington, D.C., area
- Protects the vice-president’s family

State Police Agencies
- Unique to each state
- Have statewide jurisdiction
- All U.S. states except Hawaii
- Oversee security at the state capitol
- Protect the governor
- Provide technological and scientific support services
County Law Enforcement
- There are 3,100 sheriffs in the United States.
- Sheriffs are elected officials.
- Sheriff’s departments focus on running jails, serving civil process and warrants.

Municipal Police
- More municipal police in the United States than any other kind of agency. (13,000)
- 800 departments have only one officer.
- A vast majority of municipal departments are small, having ten or fewer officers.

Where the Police “Fit” Within the U.S. Justice System
- Depends on who is making the determination.
- The police held to a higher moral standard
  - professional actions are scrutinized on a daily basis by the legal community and the public:
  - Many citizens tend to view the police as heroes who risk their lives to protect and serve the public.
  - Roles assigned to various police agencies affect how they are perceived:
  - The police are necessary for the success of the criminal justice system.
  - The police are also vital to the stability of society as a whole.
  - How well the police perform as individual officers and as police organizations are determined by many issues that they face.