

The Criminal Justice Dynamic

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The CJ System

- Police
- Courts
- Corrections
- Victims come in contact with each of these components in various ways

The Police

- The role of the police is to provide public safety and apprehend offenders
- They are often the first official person to come in contact with victims
- They are trying to gather evidence of a crime to establish probable cause to make an arrest

The Concept of Probable Cause

- Facts and circumstances taken together that lead a reasonable person to conclude that a crime has been committed and a specific person has committed it
- Without probable cause, police cannot hold a suspect in custody
- A victim's statement by itself is not always enough for police to make an arrest

Rights of the Suspect when interacting with police

- 4th Amendment – freedom from unreasonable search and seizure
- 5th Amendment – the right to remain silent

Bringing the case to court

- Bill of information – filed by the prosecutor alleging that a crime has been committed and this person committed it
- Indictment – determined by the grand jury
- If the grand jury returns a no bill – then the case cannot go forward

Courts

- Two basic types of cases in court: civil and criminal
- We are talking about criminal
- We also have different court levels: limited, general and appellate jurisdictions
- Finally we have both state and federal courts

The Courts

- Once a suspect has been arrested and charged with a crime, the trial rights of the 6th Amendment come in to play.
- The defendant has the right to have an attorney and to be provided an attorney at no cost if he or she is poor.
- Victims have the right to be present at hearings, but the prosecutor generally represents the interests of the people – not the individual victim

Victim Coordinators in Courts

- Because the prosecutor represents the people instead of the victim, victims are not always informed about when hearings occur or the results of investigations.
- Victim coordinators can help with this process.

Possible Pleas in Court

- Guilty
- Not guilty
- Nolo contendere
- Plea bargaining is also common:
 - Bargaining for reduced charge
 - Bargaining for reduced penalty

Possible Outcomes of initial appearance

- Defendant can go to trial before a jury
- Defendant can go to trial before a judge alone
- Defendant can go straight to sentencing if he or she pleads guilty or accepts a plea agreement

The Trial Process

- Arraignment on the indictment
- Bail/pretrial release
- Trial
 - Prosecutor goes first
 - The defense gets to rebut
- Submission of case to the jury
- Jury deliberation
- Verdict
- Appeal or post trial motions

Trial

- During the trial, only reliable evidence can be presented
- no hearsay evidence
- Balance between the defendant's right to confront and cross examine witnesses against him and the victim's interest of not being traumatized in court yet again by the defendant

Some court room modifications

- Closed circuit television
- Video taped testimony
- Only in limited circumstances usually involving child victims

Burden of Proof

- The burden of proof in a criminal case is proof beyond a reasonable doubt.

The Verdict

- Defendant can be found guilty
- Defendant can be found guilty of a lesser included offense than the one charged
- Defendant can be found not guilty

The Concept of Double Jeopardy

- A defendant cannot be tried twice for the same offense.
- If the defendant is acquitted in the trial court, the case is over
- If the defendant is convicted in the trial court, the defendant can appeal the case to a higher court
- If the jury does not reach a verdict, generally the defendant can be tried again – this is not considered a final verdict

Sentencing

- After the defendant has been found guilty, he or she is sentenced
- The victim has the opportunity to make a victim impact statement before the sentence is issued

Corrections

- Once the defendant is sentenced, the department of corrections takes over
- This is the facility to which the defendant will be remanded for penalty and services
- Jails are different from prisons
- Prisons have different levels

Prisons

- Minimum security
- Medium security
- Maximum security

Community Corrections

- Defendants may also be sentenced to serve their sentences in the community
- Probation
- Restitution
- House arrest
- Electronic monitoring

Release from Prison

- When defendants have served a certain amount of their sentence, they can be released from prison to serve the remaining portion of their sentences in the community
- This is called parole
- They are supervised by a parole officer
- They must apply to the parole board for consideration of release
- Victims can appear before the parole board to argue that the defendant not be released
