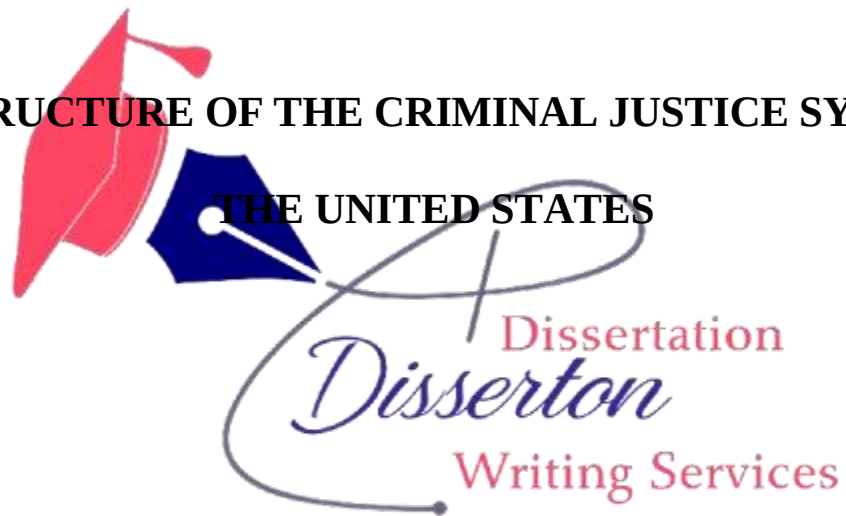


**THE STRUCTURE OF THE CRIMINAL JUSTICE SYSTEM IN
THE UNITED STATES**



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1.0 Introduction

Maintenance of law and order forms an intrinsic part of the governance of every country. Proper law measures not only ensure the maintenance of a peaceful environment but also help to protect the interests of the people, regardless of their race, color, religion and sex. In the context of the United States, its criminal justice system acts as an effective instrument of the government to ensure that law and order is maintained. The primary objectives of the criminal justice system in the United States entails effective law enforcement, preventing the prevalence of crimes, engaging in rehabilitation of the offenders and ensuring that the citizens have a safe society to live in. This essay aims to elucidate in detail the structure of the criminal justice system in the United States of America but prior to doing that offers a brief history that led to its foundation and subsequently also comprehensively highlights the efficacy of the criminal justice system in recent times.

1.1 Topic Statement

To discuss the structure of the Criminal Justice System of the United States and highlight its efficacy in recent times

2.0 Criminal Justice System in the United States

The criminal justice system in the United States is an integration of government agencies and institutions that play a role in enforcing the legal code. Mayeux (2018) in her article defines the criminal justice system in the US as a unitary, integrated set of component institutions and processes that interact with one another by means of several interrelated structures, intending to perform a collective set of functions in the society and therefore subsequently could be studied, mapped, manipulated and tried to improve in systemic ways. The United States of America has

three branches or pillars in its criminal justice system that entails the *law enforcement (police force)*, the *courts* and the *correctional systems*.

2.1 History of the Criminal Justice System

Starting from the inception of America as a nation till the modern times, the criminal justice system in the country that encompasses the police, courts and the correctional systems have evolved slowly and gradually both at the state and the federal levels. It has been evidenced that prior to the American Revolution there was no distinct legal system in America and that the criminal codes, courts and procedures of punishments varied from colony to colony. It was only during the revolution that the reformers felt the need to establish a much more comprehensive and unified judicial system. Therefore, the foundation of a new constitution after the revolution, gave the founding fathers an apt opportunity to make a judicial framework that would enable them to not only maintain uniformity in the legal code but also ensure that the hard earned liberties are not compromised at the hands of the state and federal governments.

With the U.S constitution conferring the federal government with specific powers, the state governments became apprehensive of the same and wanted specific protections and liberties in the criminal justice process. In order to ensure that the American constitution is finally adopted, a series of amendments were proposed to safeguard the citizens and therefore in alignment with this the Bill of Rights was adopted in 1791. The Bill of Rights was a document comprising ten amendments. Kozlovets & Lukyanchikova (2020) opine that till date the Bill of Rights 1791 continue to play a role in maintaining the democratic fabric of the United States and offers protection to the rights of the US citizens.

2.1.1 Key features in the Bill of Rights:

The Eighth Amendment of the Bill of Rights aimed to protect the citizens from unfair and cruel punishments. In addition, slowly incarceration began to be the chosen method of punishing the offenders as opposed to the former brutal and physically oppressive measures. There was a gradual growth and evolution witnessed in the prison systems that developed during the beginning of the nineteenth century; one such form of imprisonment included total isolation. In this context, a finding by Sakoda & Simes (2019) highlights how the method of solitary confinement is a harsh form of custody with restricted access to visitation and programs and that reports suggest that in recent times long term isolation has shown substantial positive correlation with Black young adults in the United States. However, police or the law enforcement that forms one of the pillars of the criminal justice system in the US began to evolve rather slowly during the nineteenth century and despite several attempts to improve it, it has been evidenced that it continued to be influenced by the political fabric of the United States.

2.2 Structure of the Criminal Justice system

As previously mentioned, the criminal justice system in the United States comprises three pillars or stages, namely the *law enforcement (police)*, the *courts* and the *correctional systems*.

2.2.1 Law Enforcement (Police):

The police form the first stage or pillar of the criminal justice system in the United States. The police in the United States are in charge of enforcing law and public order at all the three levels that encompass the federal, state and county levels. In this regard what needs to be

mentioned is the fact that no unified national police force exists in the United States, however there are federal law enforcement officers. The government agencies under which these federal officers operate include the Federal Bureau of Investigation (FBI), the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the Department of Homeland Security (DHS). The federal officers are entitled to deal with only those matters that fall under the jurisdiction of the federal government and therefore it has been observed that their field of expertise is usually narrow. An interesting fact in this regard has been stated by Yu (2018) who argues that women are grossly underrepresented in the US federal law agencies and that more proactive methods should be undertaken in order to engage more women in the law enforcement system.

The major functions of the law enforcement includes conducting arrests of the suspected offenders, engaging in activities to gather and preserve evidence, establish the motive behind a particular crime and finally present arrest reports to higher authorities after conducting a comprehensive assessment. However, despite the basic functioning remaining the same, the specialized job profiles of the police officers at various levels involves carrying out different activities. For instance, while a county police officer may be engaged in carrying out day to day emergency activities, conducting patrols and supervising the functioning of local jails, an officer of the DHS on the contrary would be more likely involved in dealing with cases pertaining to human trafficking or an officer of the FBI would be involved in investigating suspects in firearms trafficking, terrorism or security of government officials. The State police in the United States have the jurisdiction and authority to enforce statewide laws, while the county police can exhibit their authority restricted to only the town or county they serve.

2.2.2 Courts:

The second stage or pillar of the criminal justice system in the United States includes the courts. The courts are responsible for carrying out the adjudication process which in facile terms refers to the legal process by which a judgement is pronounced to the guilty in the court of law. The courts in the United States are organized at the federal, state and the special jurisdiction levels. As the name suggests, the federal courts including the Supreme Court of the United States (occupying the apex position in the hierarchy) deal with federal matters; these chiefly involve trade disputes, lawsuits against the government and issues pertaining to the US military. An article by Siegel (2017) highlights the reciprocal relationship between the apex court in the United States and the other federal courts during certain circumstances and elucidates that in matters involving political conflicts, the apex court would interact with the other federal courts to increase public legitimacy and trust. The judges who preside over the federal courts are selected by the honorable President of the United States after receiving the consent of the US Congress.

The state courts, unlike the federal courts, vary greatly in their structure and include three levels such as trial courts, appellate courts and state supreme courts. The two types of trial courts are traffic courts and small claims courts. It has been evidenced that the criminal cases are heard by trial courts with general jurisdictions and in these cases a judge and jury are both present. The jury is kept in charge of determining the authenticity of the crime committed and in accordance to that the penalty is determined by the judge. The procedure of adjudication involves three steps:

Pretrial stage: This is the first step wherein the law enforcement body submits the arrest report to the prosecutor who then decides whether or not the case qualifies as a criminal case. Sometimes the lack of substantial evidence may result in the prosecutor dropping the case altogether, though it is very unlikely.

Arraignment: This is the second step wherein the prosecutor decides to press charges against the accused and it is during this process the accused is made aware of the charges pressed against him/her.

Trial: This is the final step of the adjudication process that follows the arraignment. The trial aims to determine the guilt of the accused and if proven he is convicted.

2.2.3 Correctional Systems:

The final pillar or stage of the criminal justice system in the United States is the correctional systems. The correctional system is also known as the prison system and primarily involves activities pertaining to the supervision of the individuals who have been convicted in the trial. In the context of the United States criminal justice system, it has been evidenced that the federal and state justice frameworks consider corrections to be the replacement for penology owing to the harshness and brutality of the latter. In the US context, the concept of a prison largely differs from that of a jail. While jails are for temporary confinement, usually aimed for individuals waiting for a trial or a parole, prisons are for those convicts who are supposed to serve a longer sentence, preferably over a year.

The correctional homes or units are mainly in-charge of not only incarcerated convicts but also of those who do not need imprisonment but are in dire need of some regulatory supervision. A recent finding by Prison Policy Initiative (2018) highlights how the incarceration rate is the highest in the United States and that it has the second highest prison population in the entire world. The initiative further mentions how more than 2.7 million children in the United States have a history of at least one incarcerated parent in addition to having over a million incarcerated women serving terms in the US owing to the challenges posed by drug abuse.

2.3 Efficacy of the Criminal Justice System in recent times

The criminal justice system of the United States has been embroiled in several controversies in recent times and that has gone on to expose structural loopholes and drawbacks all the more glaringly. The recent cases of police brutality in the United States on men of color have made people not just in America but globally question the legitimacy of the law enforcement department. In this context Jean (2020) states how being killed by the police accounts for one of the leading causes of death for the Blacks in America. In addition to this, a finding by Graham et al. (2020) also highlights how the men of color worry five times more than the Whites in America about police brutality, reflective of the emotional and psychological trauma that minorities and men of color continue to experience in America, even today.



3.0 Conclusion

This essay holistically describes the basic structural foundation of the criminal justice system in the United States alongside succinctly highlighting some of the recent issues and trends that have been reported within the context of the judicial system in the US. By doing so, this essay aims to offer a deeper insight into the better understanding of the law system and cater to a wide section of audience, wanting to know more on this subject.

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