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Annotations on Criminal Justice in America, Chapter 1

What is the Sequence of Events in the Criminal Justice System

Hancock & Sharp

Certainly this book, being a collection of essays by professionals, is undoubtedly well-researched and documented, the tone and content irritated me for some reason. Whilst thinking about why I was affronted by this first chapter which simply outlines the sequence of events in a criminal process, I brewed up a few points and topics which I felt were misleading, naïve or simply under-represented. While I expect my gripes will likely be addressed at some point in the book, or in class discussion, I would be remiss if I didn't lay it out.

Right off the bat the book assumes that most crime goes uncaught which sets tone of suspicion. Additionally, the book suggests that most crimes are reported by 'earnest' citizens and the shrewd investigative techniques of police without any mention of the excessive search and seizures techniques now allowed in law enforcement, quasi-legal forfeiture and harassment schemes employed by "task-forces" of nebulous authority and mandate, payola schemes turning the country into finks, mis-education campaigns and enforcement of laws without reducing the harm associated with the crime.

The discretionary powers afforded law enforcements agencies and office are nebulously defined and contain no hint of the existence of corruption of police and prosecutor power by personal passions, greed, influence, currying favor or promotion, filling quota, vendetta, or serving myriad special interests, both public and private which may undermine these precious discretionary powers. Indeed the members of the law enforcement sequence which are most qualified to exercise discretionary judgment, are hobbled by the yoke of Federal mandatory minimums sentencing laws.

Additionally, while perhaps beyond the scope of the chapter, I would hope for mention that some laws may actually be “wrong” (in that the net result of the law does not positively serve the public interest), and should not be obeyed. Certainly following one’s moral conscious despite suffering legal retribution is a tedious path to tread but one that is essential to societal change. Protesting and challenging the law through civil disobedience is crucial and many lives are trifled with while the judiciary (hampered by the executive) interprets the law and in the meantime, the system penalizes offenders despite public sentiment to the contrary. Without someone performing the difficult protest tasks to force their position, tyranny would creep in with invasive laws under the cloak of increasing security – while in reality, doing so by limiting liberty.

Again in the intro of the chapter, the author puts forth that the public has a role in deciding how the justice system works, yet the will of citizens voiced through initiative or legislative process, or even community standard, is often ignored by over zealous prosecutors and quota-filling law enforcement personnel of the agencies conceived to protect and serve, not harass and intimidate.

While discussion is made about victim’s rights, no discussion is made towards the rights of wrongly accused aside from saying “they are released.” A night in jail at the least is an affront on personal safety, reputation and pride. The booking and holding process, no matter how benign the crime, creates a permanent, traceable record of your vital statistics and personal identification which is accessible by law enforcements agencies with all sorts of motivations and suspicions. Even if the charges are dropped, never goes to trial or you are innocent, your record, even if inaccurate, is part of the semi-public record.

While discussing the numerous intergovernmental jurisdictions that enforce the laws, no discussion is put forth about the hazards of overlap and abuse of

jurisdictional authority, the conflicting mandates of organizations, or the effects of jurisdictional hierarchy on the accused, victim, and/or society.

Further, the authors purport that most response to crime is a local function and suggests the role that federal agencies play is relatively insignificant compared to local and state enforcement. My observation and experience has shown differently as the Federal executive constantly and consistently imposes its will by pushing enforcement emphasized on their priorities despite public response to the contrary. Local jurisdictions often start the procedures and may maintain jurisdictional control on many levels, but the numerous, roguish Federal agencies seem to be able to manufacture consent to suit their whims. By means of inter-governmental "cooperation" (ie: use local police lackeys to the "dirty work" in the communities), and civil-rights limiting legislation, probable cause guidelines are broader, and special task-forces receive warrants and subpoenas with ease, little respect or concern is given to the means of treatment and arrest for non-violent, non-threatening suspects.

Maybe I am naïve to think that such topics are relevant in discussing the reality of the criminal justice system, and that in reality, the established procedures result in an entirely objective process, free of corruption and reflecting the true will of the people – but I don't think so.