

Chapter 1 : Fraud And Public Corruption | USAO-DC | Department of Justice

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The criminal justice system is the set of agencies and processes established by governments to control crime and impose penalties on those who violate laws. There is no single criminal justice system in the United States but rather many similar, individual systems. How the criminal justice system works in each area depends on the jurisdiction that is in charge: Different jurisdictions have different laws, agencies, and ways of managing criminal justice processes. State criminal justice systems handle crimes committed within their state boundaries. The federal criminal justice system handles crimes committed on federal property or in more than one state.

System Components Most criminal justice systems have five components-law enforcement, prosecution, defense attorneys, courts, and corrections, each playing a key role in the criminal justice process. Law enforcement officers take reports for crimes that happen in their areas. Officers investigate crimes and gather and protect evidence. Law enforcement officers may arrest offenders, give testimony during the court process, and conduct follow-up investigations if needed. Prosecutors are lawyers who represent the state or federal government not the victim throughout the court process-from the first appearance of the accused in court until the accused is acquitted or sentenced. Prosecutors review the evidence brought to them by law enforcement to decide whether to file charges or drop the case. Prosecutors present evidence in court, question witnesses, and decide at any point after charges have been filed whether to negotiate plea bargains with defendants. They have great discretion, or freedom, to make choices about how to prosecute the case. They are either hired by the defendant or for defendants who cannot afford an attorney they are assigned by the court. While the prosecutor represents the state, the defense attorney represents the defendant. Courts are run by judges, whose role is to make sure the law is followed and oversee what happens in court. They decide whether to release offenders before the trial. Judges accept or reject plea agreements, oversee trials, and sentence convicted offenders. Correction officers supervise convicted offenders when they are in jail, in prison, or in the community on probation or parole. In some communities, corrections officers prepare pre-sentencing reports with extensive background information about the offender to help judges decide sentences. The job of corrections officers is to make sure the facilities that hold offenders are secure and safe. They oversee the day-to-day custody of inmates.

How the Criminal Justice Process Works Below is a basic outline of the sequence of events in the criminal justice process, beginning when the crime is reported or observed. The process may vary according to the jurisdiction, the seriousness of the crime felony or misdemeanor , 3 whether the accused is a juvenile or an adult, and other factors. Not every case will include all these steps, and not all cases directly follow this sequence. Many crimes are never prosecuted because they are not reported, because no suspects can be identified, or because the available evidence is not adequate for the prosecutor to build a case.

Entry into the System Report: Law enforcement officers receive the crime report from victims, witnesses, or other parties or witness the crime themselves and make a report. Law enforcement investigates the crime. Officers try to identify a suspect and find enough evidence to arrest the suspect they think may be responsible. If they find a suspect and enough evidence, officers may arrest the suspect or issue a citation for the suspect to appear in court at a specific time. This decision depends on the nature of the crime and other factors. If officers do not find a suspect and enough evidence, the case remains open.

Prosecution and Pretrial Charges: The prosecutor considers the evidence assembled by the police and decides whether to file written charges or a complaint or release the accused without prosecution. If the prosecutor decides to file formal charges, the accused will appear in court to be informed of the charges and of his or her rights. The judge decides whether there is enough evidence to hold the accused or release him or her. If the defendant does not have an attorney, the court may appoint one or begin the process of assigning a public defender to represent the defendant. At the first court appearance or at any other point in the process-dependending on the jurisdiction the judge may decide to hold the accused in jail or release him or her on bail, bond, or on his or her"own Recognizance" OR ," OR means the defendant promises to return to court for

any required proceedings and the judge does not impose bail because the defendant appears not to be a flight risk. To be released on bail, defendants have to hand over cash or other valuables such as property deeds to the court as security to guarantee that the defendant will appear at the trial. Defendants may pay bail with cash or bond an amount put up by a bail bondsman who collects a non-refundable fee from the defendant to pay the bail. The judge will also consider such factors as drug use, residence, employment, and family ties in deciding whether to hold or release the defendant. Grand Jury or Preliminary Hearing: In about one-half of the states, defendants have the right to have their cases heard by a grand jury, which means that a jury of citizens must hear the evidence presented by the prosecutor and decide whether there is enough evidence to indict the accused of the crime. If the grand jury decides there is enough evidence, the grand jury submits to the court an indictment, or written statement of the facts of the offense charged against the accused. In other cases, the accused may have to appear at a preliminary hearing in court, where the judge may hear evidence and the defendant is formally indicted or released. The defendant is brought before the judge to be informed of the charges and his or her rights. The defendant pleads guilty, not guilty, or no contest accepts the penalty without admitting guilt. If the defendant pleads guilty or no contest, no trial is held, and offender is sentenced then or later. If the defendant pleads not guilty, a date is set for the trial. If a plea agreement is negotiated, no trial is held. Adjudication Trial Process Plea Agreements: The majority of cases are resolved by plea agreements rather than trials. A plea agreement means that the defendant has agreed to plead guilty to one or more of the charges in exchange for one of the following: The law does not require prosecutors to inform victims about plea agreements or seek their approval. Trials are held before a judge bench trial or judge and jury jury trial , depending on the seriousness of the crime and other factors. The prosecutor and defense attorney present evidence and question witnesses. The judge or jury finds the defendant guilty or not guilty on the original charges or lesser charges. Defendants found not guilty are usually released. If the verdict is guilty, the judge will set a date for sentencing. Victims are allowed to prepare for the judge and perhaps to read at the sentencing hearing a victim impact statement that explains how the crime affected them. In deciding on a sentence, the judge has a range of choices, depending on the crime. These choices include restitution paying the victim for costs related to the crime , fines paid to the court , probation, jail or prison, or the death penalty. In some cases, the defendant appeals the case, seeking either a new trial or to overturn or change the sentence. A judge may suspend a jail or prison sentence and instead place the offender on probation, usually under supervision in the community. Offenders who have served part of their sentences in jail or prison may-under certain conditions-be released on parole, under the supervision of the corrections system or the court. Offenders who violate the conditions of their probation or parole can be sent to jail or prison. If You Are a Victim The criminal justice system can be overwhelming, intimidating, and confusing for anyone who does not work within it every day. As a victim, you will need to know what to expect and have support throughout the process. You will also want to know your rights and the choices you may have to make. For example, if you are harassed or stalked by the offender at any point in the criminal justice process, you should immediately report these violations to the police and inform the prosecutor. Also, while the offender is in jail or prison, the corrections staff is generally required to notify you if the offender is released or escapes or if a parole hearing is pending, if you request such notification. Also, most states have automated notification systems that allow registered victims those who sign up to check on the status of an offender at any time. Defense attorneys sometimes contact victims about their case. Victims do not have to talk to defense attorneys or their investigators and are encouraged to contact the prosecutor if they have any concerns about such requests. Felonies are punishable by more than one year in prison; misdemeanors are punishable by up to one year in jail. This information may be freely distributed, provided that it is distributed free of charge, reprinted in its entirety, and includes this copyright notice.

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