

ADMINISTRATION OF JUSTICE

Final Exam Study Guide First Semester Mount San Antonio College Articulation (ADJU 1)

In order to have a violation, several things need to have occurred. Lawmakers need to discuss what constitutes the undesired behavior. Lawmakers must enact a law, and determine the penalty (ies). Law enforcement officers must become aware of the behavior, and determine that the behavior violates a statutory law.

Some people think the criminal justice system is too lenient on criminals. They perceive the justice system as a revolving door where offenders serve only a fraction of their sentences.

In defining a crime, there are three themes; there is an emphasis on crimes of personal violence such as homicide, rape, armed robbery, and assault. Another theme provides a set of laws that deal with property. Another theme involves laws that do not directly relate to crimes against the person or their property but has to do with behaviors that are society considers undesirable.

The value, type, and size of property stolen does not carry as much weight in determining the penalty as the manner in which it was taken.

Laws pertaining to prostitution, gambling, alcohol and drug use all involve the moral order of society.

Victimless crime includes: drug use – prostitution - gambling

Property crimes: This category of property crime refers to theft without the use of force - Burglary, theft, motor vehicle theft, and arson are examples of these crimes. - These crimes do not put the victim's life in direct danger.

Political crime involves trying to influence pending legislation to favor one's own view is part of the political process. - It only becomes a crime under the most serious and flagrant violations of the law. Some politicians put their own finances and power before the public welfare.

The juvenile justice system: Teenagers have additional laws they are accountable for because of their status as minors. - The purpose of the juvenile justice system is to give youthful offenders a second chance and provide assistance to children in need whose parents will not or cannot provide for those needs.

In cases of very serious crimes, the juvenile court may transfer the case to the adult court where due process rights are rigidly enforced and more severe penalties are given.

Many crimes go unreported because the victim may be afraid to report the crime, the victim may be embarrassed to report the crime, and some victims feel the criminal justice system cannot solve the crime.

Immediately after being taken to a place of confinement and, no later than 8 hours after he is taken into custody, the minor shall be advised of the right to use a telephone.

The only official measure of crime is the Uniform Crime Reports published by the U.S. Government Printing Office

A peace officer may, without a warrant, take into temporary custody a minor who is under the age of 18 when reasonable cause for believing the minor is a person who is destitute. (without means of support, abused, or neglected)

The "modern day philosophy" of juvenile law is primarily for protection

Guilt beyond a reasonable doubt is: If there is any reasonable doubt, the verdict must go in favor of the accused person - A reasonable doubt is a doubt for which you can give a reason. - The burden of proving guilt is on the prosecutor.

The police officer's **PRIMARY** job is to enforce the law. The three major roles of law enforcement in our community are enforcing the law - protection of life and property - maintaining public order

Today's law enforcement officer has many responsibilities. An officer must try to prevent crime. An officer must try to enforce laws. An officer must try to protect society. An officer must try to perform social service functions.

The **primary** goals of the criminal justice system include: enforce the law (police), hear cases (courts), punish the guilty (corrections). A reprieve is the act of postponing the execution of one who is sentenced to the death penalty.

Our constitutional form of government provides for checks and balances among the three branches. Judicial - executive - legislative

A legal arrangement, which allows a person, convicted of a criminal offense to be released, under certain conditions prescribed by the court, from serving a sentence is called probation

Punishment is known as a sentence. Imprisonment (prison or jail) - Electronic monitoring Fines - Community work service

Courts administer the law and dispense justice. Courts stand for the principle that "justice is blind". Courts settle disputes between people and companies. Courts protect society from crime punish offenders.

One classical school of criminology is based on the fundamental idea that crime can be prevented by punishing an offender severely enough to outweigh any rewards for his actions. This principle of punishment is sometimes referred to as "just desserts," or getting what one deserves for breaking the law.

The biological school of criminology looks at physical or "internal" causes of crime. - The biological school of criminology believes that people may inherit a criminal gene from their parents. The biological approach views treatment, not punishment, as a possible cure for lawbreakers.

The **(PRIMARY)** purpose of "Due Process" as it pertains to the individual citizen is to protect anyone accused of a crime

Corrections deals with the punishments of people who are convicted of crimes. - Most institutions are classified as either maximum, medium, or minimum security institutions. - State prisons have counseling, group therapy, psychiatric, and medical treatment programs for prisoner's rehabilitation. The most important goal of corrections is to deter people from committing criminal acts.

The lowest level trial courts are courts of limited jurisdiction and frequently are not courts of record (trial proceedings are often not recorded).

Courts of general jurisdiction are considered the workhorse of the criminal justice system

Federal courts decide cases that involve the United States Government. - Federal courts decide cases that involve the United States Constitution or federal laws. - Federal courts decide cases that involve controversies between states. - Federal courts decide cases that involve controversies between the United States and foreign governments.

The United States Supreme Court consists of the Chief Justice of the United States and eight associate justices.

The first state to establish a separate juvenile court in 1899 was Illinois.

Cases heard in the United States District Courts include: Robbing a federal bank - Bringing narcotics into the country - Mail fraud or mail robbery - Income tax evasion and income tax invasion.

The correctional system punishment and treatment programs used by the government include: jails - prisons - community treatment programs - probation, and parole.

Jails are generally locally controlled places of confinement, whereas prisons are institutions under the control of the states or federal government. Jails are used for confinement in cases where the punishment is one year or less. Jails are also used to hold persons awaiting trial. Jails are sometimes used to hold state prisoners when the state institutions are over their capacity.

Sir Robert Peel was credited with the creation of the Metropolitan Police Act of 1829? (He is also known as the "father of modern policing")

The first 10 amendments to the Constitution are known as the Bill of Rights.

Your right against a judge setting too high of a bail is found in the 8th Amendment and the right to a fair trial by jury is also guaranteed by the 6th Amendment

Court decisions become case law. They provide guidelines for future police conduct. Case law affects the way a case is handled in court. - It is not statutory (written) law. - It has the same implications as a written law. - The courts are constantly interpreting Our Constitution

The U.S. Supreme Court decision of Ohio v. Mapp in 1961 marked a decade of the Court scrutinizing police activities.

The protections for individual rights guaranteed by the United States Constitution include: Guarantees our right of due process of the law. - "A person is innocent until proven guilty." - In the United States, the accused person is presumed to be innocent - until the prosecutor proves he is guilty beyond a reasonable doubt.

The "Metropolitan Police Act of 1829" created the British Metropolitan Police

The Amendment, which guarantees protection from unreasonable search and seizure of evidence by the police, is the 4th

If a person does not wish to testify against himself or herself in a trial, the 5th Constitutional Amendment protects them from having to testify

Once the court has determined that a person is negligent, the court must decide two things. - Did the defendant cause the harm? - Did the plaintiff cause the harm?

Laws provide protection of the public's safety. - Laws are necessary to protect people's lives. - Society will not run smoothly if people live in constant fear. - Physical attacks such as murder and rape are against the law. - Protect the lives of people who are less able to protect themselves.

Laws grow out of common values and beliefs. - Laws are rules written by legislative bodies. State and federal legislative bodies make Laws.

The term statute refers to laws made by Congress or by state legislatures - Laws made by city or town councils are typically called ordinances. - In making laws, elected officials are guided by the morals, values, beliefs, and customs shared by most of the people served by the government.

Because of the law enforcement agencies diversity and their jurisdictional responsibilities, explaining the law enforcement mandate and its execution in the United States is difficult. Virtually no two police agencies in America are structured alike or function in the exact same way. Police officers themselves are young and old; full-time and part-time; rural, urban, and suburban; generalists and specialists; paid and volunteer.

Legal codes play a key role in the growth of American government: When the colonies were being formed, there was a need for order.
- Legal codes adopted by each state legislature have reflected the traditions and beliefs of the people of that state. - Legal codes adopted by Congress reflect the beliefs and traditions shared by Americans as a nation.

Criminal law refers to the group of laws that tell which acts are crimes. - Criminal laws provide a guide as to how accused persons should be tried in court. - Criminal laws provide guidelines on crimes should be punished. - Criminal law centers on acts that offend someone, their property, or society.

In the 1850's to curb police corruption, community leaders in many of the cities created police administrative boards with the power to oversee police agencies.

The Constitution grants certain rights to people accused of crimes. An accused person is entitled to the due process of the law.
- Right of due process tries to guard against punishing an innocent person.

State law enforcement agencies can be classified under one of three categories; state police, state prisons or state highway patrol

A leading question is one, which will indicate the desired answer and a hung jury is one that cannot reach a verdict

The "FIRST" step in the State's presentation of its case is opening statements

Purposes of an arraignment: advise the accused of the charges against him - advise the accused of his right to an attorney - to set a bail if needed

The district attorney makes the decision of whether or not to file formal charges against the accused.

Whether a trial is criminal or civil in nature, the primary purpose of the trial is to determine the truth about what happened

The "right of discovery" as permitted in certain jurisdictions refers to the right of the defense and prosecution to inspect and examine the evidence held by the other side prior to the trial

Purposes of a preliminary hearing: screen out weak cases. - see if there is sufficient reason to believe the accused may have committed the crime. - hold the accused to answer if necessary.

To officially charge someone with a crime by way of the grand jury is to issue an indictment

Instructions to the jury from the judge refer to his instructions pertaining to the law and rules of evidence of the case.

Direct examination means examination or questioning of a witness by the side that called him and a "motion to suppress evidence" means to prevent evidence from being introduced at the trial

Every arrested person who isn't otherwise released must be taken before a magistrate (judge) for arraignment within 72 hours of his arrest.

The most common defense to tort liability is consent, or permission. Consent is a valid defense only if it is they must give informed consent based on complete information.

The process of selecting the jury by the lawyers is called: (pertains to the selection based on legal questioning of possible jurors) voir dire and the purpose of the opening statement by the prosecuting attorney is to: inform the jury of the evidence which will be presented in the trial

The official document which compels a person to be a witness in court a subpoena

Employers responsibility concerning employee subpoena's: an employer must allow an employee time off for jury service - employers cannot discharge an employee called for jury service as long as the employee gives reasonable notice

Accusatory pleading (formal document used to file criminal charges in court) include: a complaint - an information - an indictment

A person must be at least 18 years old to serve as a juror.

Most people informally define a crime as an act that is deeply wrong, that is worthy of strong community disapproval, and that calls for a punitive sanction. - What is truly a crime is any act or omission that is forbidden by the law as a violation of the public interest. - A crime involves social harm and requires vindication through a public process.

The duties of the FBI today include white-collar crime, public corruption, civil rights violations, kidnapping across state lines, air piracy, terrorism, and foreign counterintelligence

The U.S. Secret Service is responsible for protecting the president, vice president, presidential family members and former presidents, investigating counterfeiting and financial institution fraud, protection of foreign dignitaries, and responsibility for investigation of money laundering and forgery involving government checks.

One of the most distinctive characteristics of policing in the American criminal justice system since its inception has been decentralization of policing.

Each police agency is autonomous (independent) of other agencies because it designs its retirement plan, salary scales, and uniform.

Each police agency establishes its own operational guidelines and regulations and has its own unique uniform, badge and identification card.

The more well-known federal law enforcement agencies to the public include: the Federal Bureau of Investigation (FBI), the U.S. Secret Service, the Drug Enforcement Administration (DEA) and the Bureau of Alcohol, Tobacco and Firearms (ATF)

The United States Marshals Service has responsibility for attending to ministerial duties in the federal courts, serving criminal and civil warrants and subpoena's at the direction of federal courts, responsibility for transporting and managing federal prisoners, and operating the federal witness protection program.

The Bureau of Citizenship and Immigration Service (BCIS) is responsible for preventing illegal entry of non U.S. citizens into the United States, detaining illegal aliens for investigation and possible deportation when necessary, and granting visa's into the United States.

Crimes can be broken down into three major categories. Felonies – misdemeanors - miscellaneous offenses

The Bill of Rights: The Fifth Amendment protects against self-incrimination and double jeopardy.

The Sixth Amendment guarantees the right to a speedy and public trial, trial by jury, the confrontation and cross-examination of witnesses, and the guarantee of the right to counsel. - The Fourteenth Amendment guarantees that the right to due process of law applies to both the federal government and state governments.

A felony is any serious crime that is punishable by more than a year of imprisonment in a state penitentiary. - Felonies include, but are not limited to, various degrees of homicide, rape, robbery, possession or distribution of illegal narcotics, and arson. - A crime does not have to be violent or even be perpetrated against a specific individual victim to constitute a felony.

Modern law defines a misdemeanor as a crime that is less serious than a felony and is usually punishable by fines, penalties, or incarceration of less than one year. - Misdemeanors include offenses like shoplifting and disorderly conduct. - A person who is convicted of a misdemeanor and incarcerated usually serves his or her sentence in a local or county jail up to one year.

Factor a prosecutor may consider in deciding whether to charge an offense as a felony or a misdemeanor and include: seriousness of the offense - the number of victims - prior offenses

Metropolitan policing includes crime prevention, police patrol operations, and other community services. The most commonly demanded services include: traffic law enforcement - patrol and first response to incidents and property crime investigation

Most sheriff's departments use a civil service selection process for the appointment of sworn officers. Deputy sheriffs are selected based on competitive examinations that test job knowledge, skills, and abilities. States require mandated minimum training requirements for law enforcement officers. The deputy sheriff wears a different uniform than local police within their county making it easier to distinguish the two departments.

The major differences that exist between federal law enforcement and the local and state police agencies are: Federal agencies such as the FBI, operate across the entire nation - not outside the U.S.. Federal police agencies do not as a rule, have the peacekeeping or order maintenance duties typical in local policing. Some federal law enforcement agencies have extremely narrow jurisdictions (specialized areas of enforcement). Both agencies are organized in terms of a command-and-control structure, and use military titles like sergeant or captain.

Federal agencies categorize their personnel with arrest and firearms authority into one of six categories according to their primary area of duty: criminal investigations, court operations, security and dignitary protection.

Professional conduct means the officer will not subject the law enforcement and security profession to any: undue embarrassment, demeaning criticism or unfavorable image, violation of established rules and regulations of his/her employer, or violate any state laws he is paid to uphold.

The word "**police**" was derived from the French word "policier" which means power of the people. By the beginning of the 19th Century, the very name of police was associated with totalitarian oppression.

Early police reformers shared certain common goals. Increased job security for police supervisors; centralized policing within each city or urban area; and the implementation of standards for hiring, training, and promotion of officers.

Period from 1960 to 1980, policing underwent a great deal of turmoil and crisis. The reasons which contributed to the crisis included: the unpopular war in Southeast Asia, the civil rights movement, the "Hippie" movement and the rising crime rates.

On September 29, 1829, one thousand policemen in six divisions began operations from the rear of Four Whitewall Place. To access the location the policemen had to enter a yard once owned by a Scottish King, this became known as " Scotland Yard."

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