

ADMINISTRATION OF JUSTICE

THE SYSTEM OF AMERICAN JUSTICE

Name: _____ Period: _____ Row: _____

I. THE MAIN IDEA BEHIND AMERICAN CRIMINAL JUSTICE

- A. The criminal justice system (adult and juvenile) is huge, complex, and _____.
1. Its purposes are to:
 - a. enforce the law (police),
 - b. hear cases (courts),
 - c. punish the guilty (_____).
- B. "You are innocent until proven guilty"
1. In many countries, the accused person is _____ to be guilty.
 - a. The accused must prove they are innocent.
 2. In the United States, the accused person is presumed to be _____.
 - a. The prosecutor must prove he is guilty.
 - b. The prosecutor must make a good case.
 - c. The prosecutor must prove guilt beyond a _____ doubt.
- C. Guilt beyond a reasonable doubt.
1. If there is any reasonable doubt, verdict must go in favor of the _____ person.
 2. A reasonable doubt is a doubt for which you can give a reason.
 3. The burden of proving guilt is on the prosecutor.
 4. The defense doesn't have to show why the accused person is _____.
 - a. The defense only has to raise doubt.

II. EXPLAINING CRIMINAL BEHAVIOR

- A. The classical school of criminology is based on two fundamental _____ about crime.
1. First, people break the law because they choose to do so, acting of their own _____ will.
 2. Second, crime can be prevented by punishing an offender severely enough to outweigh any rewards for his actions.
 - a. This principle of punishment is sometimes referred to as "just _____," or getting what one deserves for _____ the law.
- B. The biological school of criminology looks at physical or "_____ " causes of crime.
1. Some criminologists believe that people may inherit a criminal _____ from their parents.
 2. Some argue that low intelligence, poor diet, or a damaged brain contributes to criminal behavior.
 - a. The biological approach views treatment, not _____, as a possible cure for lawbreakers.

- C. A final perspective is the sociological school of criminology.
1. People in this school believe that crimes are committed because of _____ pressure, such as pressure to join a gang.
 - a. Lack of personal restraints in some will lead them into crime; they cannot resist the chance to break the law.
 2. A few people learn to be _____.
 - a. Their family, community, or lifestyle may teach them to embrace a _____ lifestyle.
 3. Poor living conditions and lack of jobs may encourage some persons to resort to crime as one way to achieve a feeling of _____.

III. CRIMINAL JUSTICE SYSTEM OVERVIEW

- A. Our system of justice includes the federal, state, and local levels of _____.
1. Goals of the criminal justice system:
 - a. To prevent crime from being _____.
 - b. To _____ and punish people who commit a crime.
 - c. To protect people _____ accused of crimes.
 2. There are two separate criminal justice systems.
 - a. The first system is for adults.
 - b. The second is for juveniles (_____).
 3. Both of these systems have three inter-related parts known as the police, courts, and corrections.
 - a. The police are responsible for _____ the laws.
 - (1) Different types of police agencies enforce different laws and regulations.
 - (a) Federal park _____
 - (b) City _____
 - (c) DEA (Drug Enforcement Administration)
 - b. The courts can be found at the federal, state, and local levels.
 - (1) Courts administer the law and _____ justice.
 - (2) Courts stand for the principle that "justice is _____".
 - (3) Courts of justice are expected to fulfill four essential duties:
 - (a) Serve as a _____ of justice
 - (b) Settle disputes
 - (c) Protect _____ from crime
 - (d) Punish _____
 - c. Corrections deals with the punishments of people who are convicted of crimes.
 - (1) Punishment is known as a _____ and may consist of one or more of the following items:
 - (a) Imprisonment (prison or jail)
 - (b) _____
 - (c) Parole
 - (d) Fines
 - (e) Community work service
 - (f) _____
 - (g) Electronic monitorin

IV. THE ROLE OF LAW ENFORCEMENT

- A. Today's law enforcement officer has many responsibilities.
1. An officer must try to:
 - a. Prevent _____
 - b. Enforce laws
 - c. Protect _____
 - d. Perform social service functions
 - (1) Like helping the _____
 2. When a person is suspected of committing a crime, he or she may be arrested by a law enforcement officer.
 - a. An arrest is a _____ of someone who must answer for specific charges relating to a crime.
 - b. In deciding whom to arrest, a police officer must use _____ (good judgment).
 - c. Whether or not to arrest a person and what type of _____ to file on an arrested person are examples of police discretion.
 - d. An arrested citizen will be sent to court to have his or her case reviewed by a judge or jury.
 3. The patrol officers of the 21st century have the latest _____ innovations to assist in solving crimes.
 - a. This includes state of the art crime labs, patrol cars, radios, _____, fingerprinting techniques, and a national clearinghouse for criminal records.
- B. An officer is expected to exercise good judgment when making an arrest.
1. The police officer who makes a legal arrest, gets the necessary _____, identifies witnesses, writes a good report, and acts as a truthful, effective witness has done his work completely.
 2. Police cannot prosecute and judge a case. They have only the authority to _____ and make an arrest.
 3. The officer whose case most often results in a conviction is the officer who concentrates on making an efficient investigation, who pays attention to _____, and who gathers all the pertinent facts.

V. THE ROLE OF OUR COURT SYSTEM

- A. The courts administer justice by _____ cases.
1. A trial is a process by which the facts and issues surrounding a case are _____ and decided upon in court.
 - a. The outcome of this process is called a verdict or _____.
 - (1) Most cases are resolved through a _____ plea.
 - (2) Those cases that do go to trial will be heard and judged either by a judge (_____ trial) or a jury (jury trial).
 2. In a trial the truth is found and tested.
 - a. A court must first figure out the facts of a case and then determine what _____ apply to it.
 - b. Questions are answered about the "who, what, when, _____, and why" of a case.
 - c. By the end of this search for answers, hopefully a just and fair _____ will be reached.
 3. A dispute brought before a court is referred to as a case, a lawsuit, or a _____.
 4. When the outcome of a court trial results in the finding of guilt, the judge will sentence the defendant.

- a. There are five goals of contemporary sentencing:
 - (1) retribution – act of taking _____ upon a criminal perpetrator, punishment is deserved and justified.
 - (2) incapacitation – requires _____ without punishment, home confinement and electronic monitoring.
 - (3) deterrence – seeks to _____ criminal behavior through the fear of consequences of violating the law.
 - (4) rehabilitation – attempt to reform a criminal offender through education and psychological treatment.
 - (5) restoration – builds upon restitution payments and _____ programs.
- B. The judicial system as the protector of Constitutional rights
1. The _____ court system of the United States forms a unified judicial system in which a case in the lowest state court ultimately could be _____ by the U.S. Supreme Court.
 2. Judicial decisions rendered by the U.S. Supreme Court is _____ on all federal and state courts.
 3. The U.S. Constitution provided the initial authority for a _____ system at both the federal and state levels.
 - a. Both federal and state courts have undergone extensive _____ since their founding.
 - (1) The basic principle that the judiciary is an independent, self-regulating, equal power with the legislative and _____ branches of the government has not changed.
 4. The judiciary not only acts as impartial arbitrator in many matters both civil and criminal, but also serves a very important role in providing _____ and _____ on the power of the legislative and executive branches.
 5. The federal courts, especially the Supreme Court, have assumed the role of _____ of the Constitution, and state courts have adopted a similar identity and mission.
 - a. As defender of the Constitution, the judicial system often is criticized as being more concerned with the rights of the _____ than the guilt or innocence of the defendant and the harm to the victim.
 - b. Despite these and other criticisms, such as the _____ of processing cases through the courts and the issues of choosing judges, the courts are still considered fundamental _____ of constitutional rights.
 6. The judiciary is the center of the criminal justice system and is the primary and ultimate _____ of right and wrong.
 - a. The federal judiciary is a branch of government with the power of checks and balances to prevent _____ by the executive and legislative branches of government.
 7. There are two-basic types of courts in the United States.
 - a. Trial courts hear _____ and decide guilt or innocence.
 - b. Appeals (appellate) courts review the _____ and penalties of the trial courts to see if they were lawful and just.

VI. CHARACTERISTICS OF THE FEDERAL COURT SYSTEM

- A. Federal courts decide cases that involve:
 1. the United States Government.
 2. the United States _____ or federal laws.
 3. controversies between states.
 4. controversies between the United States and _____ governments.

- B. United States Supreme Court.
 - 1. Decide issues involving the Constitution and _____ law.
 - 2. Consists of the Chief Justice of the United States and eight _____ justices.
- C. United States Appellate Courts.
 - 1. There are _____ Regional Circuit Courts of Appeals.
- D. Federal Trial Courts.
 - 1. United States District Courts.
 - a. There are ninety-four judicial districts that handle the following cases:
 - (1) Robbing a _____ bank
 - (2) Bringing narcotics into the country
 - (3) Mail fraud or mail robbery
 - (4) Destroying federal _____
 - (5) Income tax _____
 - 2. United States Bankruptcy Courts.
 - a. Bankruptcy cases must be filed in the District Court
 - (1) try to give an honest debtor a "_____ " start.
 - (2) to repay debtors in an orderly manner to the extent possible.
 - 3. United States Court of International Trade.
 - a. hear cases involving international trade and _____ issues.
 - 4. United States Court of Federal Claims.
 - a. Maintains jurisdiction over _____ damages against the United States.
 - b. Hears disputes over federal _____.
- E. People convicted of federal crimes are sent to federal prisons.

VII. CHARACTERISTICS OF THE STATE COURT SYSTEM

- A. State courts have jurisdiction to settle _____ disputes and criminal matters for violation of local, or state, criminal _____.
 - 1. State courts are authorized and organized separately by each state.
 - a. If there is a legal dispute between states, the _____ courts have jurisdiction.
 - 2. The purpose of state courts is to try defendants charged with violations of state laws or the state constitution.
 - a. A state also contains smaller _____ jurisdictions, such as cities and counties, and each of these has its own legal codes.
 - b. States must establish court systems that provide for a defendant to be tried for allegedly violating a city or county _____.
 - 3. Similar to the federal court system, the state court system has a number of _____ courts dealing with non-criminal cases.
 - a. Like the federal courts, criminal trials compose only a small percentage of the state court's activities.
 - 4. State court systems uniquely reflect the history of each state.
 - a. For example, Pennsylvania's judiciary began as a _____ collection of courts.
 - (1) They were mostly local, mostly part-time, and mostly under control of the _____.
 - (2) All of the state courts were run by non-lawyers, and final appeals had to be taken to England.
 - (3) Today Pennsylvania's Unified Judicial System, consists of the supreme court, superior courts, commonwealth courts; common _____ courts; municipal courts; magistrate courts; traffic courts; and district justice courts.

5. Each state is a _____ government and has the authority to establish its own system of state courts.
 - a. Most states designed their state court system when they were admitted into the _____.
 - (1) The states consisting of the original Thirteen Colonies have the oldest state courts, and the states of _____ and Hawaii have the newest.
 - b. Over time, the philosophy, mission, and values of the citizens of the states change, and many states have found it necessary to _____ their state court system.
6. Most states have chosen models that resemble the four-tier federal court system.
 - a. The four-tier system consists of:
 - (1) courts of _____ jurisdiction,
 - (2) courts of _____ jurisdiction,
 - (3) courts of intermediate appellate jurisdiction,
 - (4) and, courts of last _____.
 - b. Each state has unique names for the various courts within its system.
 - c. Each state has granted different jurisdiction to the various courts within its system based on:
 - (1) _____,
 - (2) subject matter,
 - (3) and _____.
 - d. Each state has a hierarchy of appeals from the lowest court to the court of _____.

B. Courts of limited jurisdiction.

1. State courts with _____ jurisdiction (the power to determine whether or not the defendant is guilty) are divided into courts of limited jurisdiction and general trial courts.
2. Courts of limited jurisdiction are known as _____ of the peace courts, _____ courts, and magistrate's courts.
3. General trial courts are called circuit courts, superior courts, district courts, courts of common pleas, and court of first instance.
4. Courts of limited jurisdiction frequently are not courts of _____ (courts in which the trial proceedings are recorded).
 - a. For example, traffic courts, municipal courts, and county courts frequently are not courts of records because no _____ record is made of the trial in these courts.
 - b. A case that is appealed to a higher court from a limited jurisdiction court must have a new _____.
 - (1) A new trial is required because there is no written record of the lower court's proceedings to determine whether a judicial _____ occurred.
5. Justice of the peace courts and municipal courts perform similar functions, hearing minor criminal cases involving municipal and traffic laws, issuing search and arrest warrants, setting _____, and arraigning defendants.
 - a. Traditionally, justice of the peace courts are associated with _____ geographical jurisdictions, while municipal courts are associated with urban geographical jurisdictions.
6. Most courts of limited jurisdiction also perform noncriminal functions, such as processing _____ suits, accepting passport applications, and performing marriages.
7. Some courts of limited jurisdiction try civil cases with limited dollar amounts.
 - a. These courts are commonly referred to as "small _____ courts."

- C. Courts of general jurisdiction.
1. The general trial courts of the state judicial system are the _____ of the criminal justice system.
 2. State general trial courts handle all kinds of criminal cases from traffic violations to _____.
 - a. In 2015, state courts convicted nearly 1.3 million adults of a _____.
 - b. State felony convictions account for 94 percent of all felony convictions in the nation.
 - c. The largest number of felony convictions in state courts in 2015 was for _____ offenses (36.6%).
 - (1) Second were property offenses (32.6%).
 - (2) Third were _____ offenses (15%).
 - d. Despite the public's perception of the prevalence of violent crime:
 - (1) only 1 percent of the felony convictions in state courts were for murder,
 - (2) 3.4 percent for sexual assault,
 - (3) and 3.9 percent for _____.
 3. General trial courts are courts of record since they maintain a full transcription (a word-for-word recording of the proceeding) for every trial in a general trial court.
 - a. Nearly all appeals for criminal cases _____ from state general trial courts.
- D. State appellate court system.
1. Most states have an _____ appellate court that acts in a similar capacity as the United States Court of Appeals.
 2. Some common names for these intermediate appellate courts are Court of Criminal Appeals, Court of Appeals, Appellate Court, Court of _____ Appeals, Appellate Division Of Superior Court, Superior Court, and Commonwealth Court.
 3. These appellate courts do not have original jurisdiction and review cases for:
 - a. judicial _____ in lower court cases
 - b. significant issues concerning due process,
 - c. civil rights violations,
 - d. federal and state _____ questions.
- E. Courts of last resort.
1. Each state has a court of _____ appeals for cases within the state's jurisdiction.
 - a. The names given to these various courts of last resort are Supreme Court, Supreme Judicial Court, Court of Appeals, and _____ Court.
 - (1) Oklahoma and Texas have two separate courts of last resort:
 - (a) The Supreme Court of Criminal Appeals handles _____ cases,
 - (b) the state Supreme Court handles all other cases.
 2. Each state determines the number of _____ that sit on the court of last resort, typically five to nine justices.
 3. The state court of last resort has appellant jurisdiction and acts much like the U.S. Supreme Court.
 - a. Its primary purpose in criminal cases is to _____ a selected number of cases that may have a significant state or federal question.
 - b. After reviewing the case, the state's court of last resort can decide to _____ the case (agree with the lower court ruling) or to reverse the lower court decision in the case.

4. After a criminal defendant has exhausted all appeals in the state court system, he or she can _____ the case to the United States Supreme Court.

VIII. CONTEMPORARY CORRECTIONAL PHILOSOPHY

- A. The main goal of corrections is to _____ people from criminal acts.
 1. By taking the offender out of the community and placing him or her in prison, the important function of protecting society is accomplished.
 2. The idea is to hinder, inhibit, neutralize, or _____ the offender so future harm to society cannot be done.
 - a. Incapacitation has limited goals that are concerned with addressing the public's _____ of safety.
 - b. It is estimated that one third of all inmates released from prison will be back in prison within _____ years.
- B. The correctional system comprises the entire range of punishment and treatment programs used by the government.
 1. The system includes jails, prisons, _____ treatment programs, reformatories, correctional institutions, probation, and parole.
- C. There are two basic correctional philosophies used to justify imprisonment of inmates.
 1. The _____ philosophy contends that the purpose of confinement is to rehabilitate the inmate into a useful member of society.
 - a. This philosophy is also referred too as a "corrective" or "_____ " orientation.
 - b. Many prisons have counseling, group therapy, psychiatric, and medical treatment programs for the prisoner's rehabilitation.
 2. The second philosophy holds that prisons exist to _____ offenders and to prevent them from committing crimes against the public by locking them up.
 - a. This is known as the "just deserts" philosophy.
 - b. The "just _____ " philosophy has dominated our courts and correctional systems since the 1980's.

IX. PROBATION AS AN ALTERNATIVE

- A. Probation is a legal arrangement which allows a person convicted of a criminal offense to be released, under certain conditions prescribed by the court, from serving sentence.
 1. If granted probation, the defendant may never serve a _____, provided the defendant abides by the rules stipulated by the judge.
 2. The violator is placed under the supervision and guidance of a _____ officer who will help the defendant to become rehabilitated.
 - a. Adults as well as _____ may be placed on probation
- B. Presentence investigation.
 1. One important aspects of probation is the gathering of _____ concerning the offender so that the judge may determine if probation is warranted, feasible, and practical.
 - a. An inquiry is conducted and completed before sentencing.
 - b. It does not include data about guilt or innocence.
 - c. A personality and _____ background investigation is instituted by the probation officer covering the following items:

- (1) history of the offender including the date and place of his _____.
- (2) family background to include data about his immediate relatives.
- (3) the offenders physical condition and limitations
- (4) results of _____ examinations taken.
- (5) previous employment record revealing the offenders work history.
- (6) a personality evaluation of the offender describing faults, strengths, and other _____.

C. Conditions that accompany placement on probation.

1. The judge does not casually release a violator.
 - a. Compelling conditions are included in the terms of the probation in order to control the _____ and activities of the probationer.
 - b. The judge is concerned with protecting both the _____ and the public.
 - c. When juveniles are involved, the following general terms of probation may be imposed:
 - (1) no _____ from school.
 - (2) maintain obedience to all lawful authority including parents, teachers, and police.
 - (3) keep regular hours at home (no breaking _____).
 - (4) refrainment from fraternizing with _____ bad companions.
 - (5) refrainment from frequenting places of ill repute.
 - (6) any change of _____ must be reported to court and the probation officer.
 - (7) maintain a cooperative _____ with probation officer.

X. PAROLE FROM PRISON

A. Parole is a method whereby a convicted criminal is released from a correctional institution prior to the completion of his minimum sentence.

1. It is a type of conditional release which means that the offender has to _____ to specific rules and regulations under the supervision of a parole agent.
2. If the offender violates the restrictions imposed, he _____ the conditions of the parole and he is returned to the correctional or penal institution.
3. Parole occurs after the offender has been placed in a _____ institution.

B. Parole is an integral part of our entire correctional system.

1. Under the correctional system, society is protected, and the offender has an opportunity for _____.
2. The safety of the community is improved and the _____ of the offender is more likely.

C. The parole hearing is used to ascertain whether an offender is eligible for parole.

1. A hearing is held to _____ the offender's ability and willingness to cooperate.
2. It must be determined that the offender is able to fulfill the _____ for living in society on a conditional release.
3. The offender must serve a designated period of his sentence to be eligible for parole.

4. If parole is granted the defendant must comply with the parole _____ under which he is released.
 - a. Failure to comply with terms of the parole will result in the parole being _____ and the sentence will be re-instated.

XI. PRESIDENTIAL AND GOVERNORIAL PARDON

- A. Pardon is the official release from legal penalties of an offense and is under the complete control of the President of the United States and State Governor's.
 1. The full pardon rectifies _____ wrongs that are recognized by the President or governor.
 2. In federal cases, the President of the United States is the only one who may exercise the power of pardon, known as _____ clemency.
- B. A pardon may be granted either before or after conviction for a crime.
 1. It cannot, however, apply retroactively to allow one who paid a fine to recover the same, or to allow one who has served a term of imprisonment to obtain _____ for such imprisonment.
 2. A pardon may be absolute or _____.
 - a. Any condition may be imposed provided it is not impossible, illegal, or immoral.
 3. A pardon does not restore to a person convicted of an _____ crime rights of citizenship, unless such restitution is expressly granted.

XII. REPRIEVE – STAY OF EXECUTION

- A. Reprieve is the act of _____ the execution of one who is sentenced to death.
 1. It merely gives the condemned convict an _____ of time but makes no other concessions.
 - a. May be granted when an issue as to whether an offender received a _____ trial.
 - b. Allows an appellate court to review issues.
 2. Reprieves are granted by an _____ court.