

Journal 3/14 (B Day 3/15)

Should police be required to arrest/ticket anyone they see commit a crime or are reported of committing a crime?

Explain

Unit 5: Social Control and Deviance

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The Criminal Justice System

The Criminal Justice System

- Once a crime has been committed and reported, it falls under the jurisdiction of the criminal justice system
- The three primary components:
 - Police
 - Courts
 - Corrections



Police

- The police hold the most immediate power over who is arrested for a criminal act.
- The power to decide who is actually arrested is called **police discretion**
- The number of criminal offenses and the number of officers make it necessary for the police to use their own judgement



Police

Several factors are considered when deciding to make an arrest

1. Seriousness of the offense

1. Less serious offenses are more likely to be ignored

2. The wishes of the victim are considered

1. Victim may press for an arrest

3. The suspect's attitude

1. Uncooperative suspect is more likely to be arrested

4. If bystanders are present

1. Police reinforce that they are in control



Police

- Racial profiling is the practice of assuming that nonwhite Americans are more likely to commit a crime than white Americans
- Police are more likely to arrest and use force against African Americans than white American



Figure 9. Racial disparities in marijuana use in past month and marijuana possession arrests, 2010

Usage rates



Blacks used marijuana at 1.3 times the rate of whites.

Arrest rates

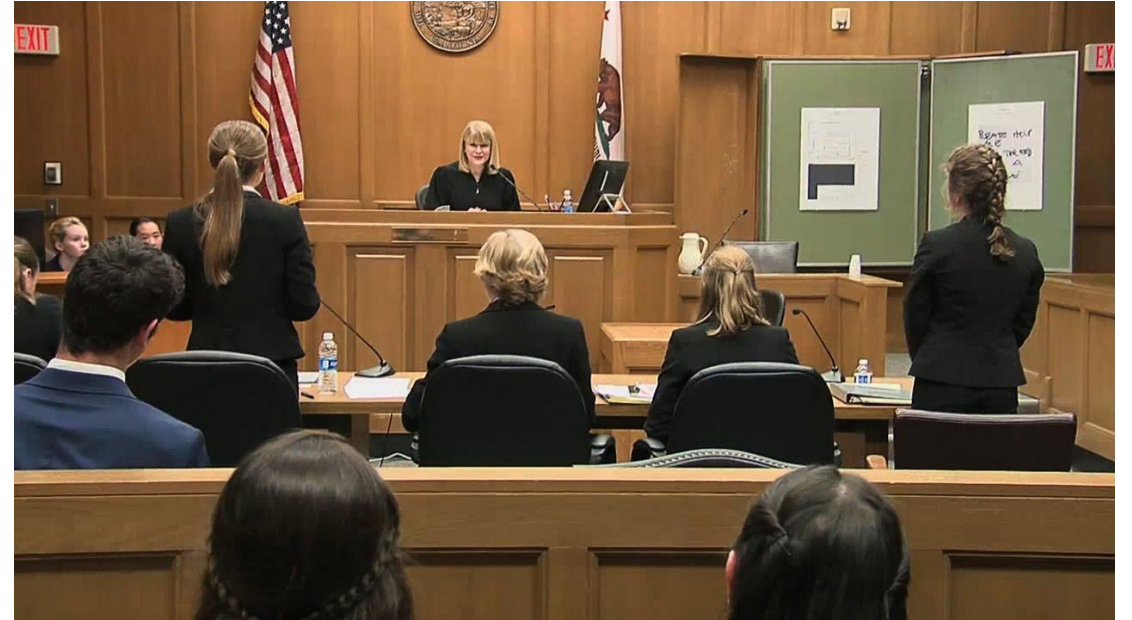


Blacks were arrested for marijuana possession at 3.7 times the rate of whites.

Source: Edwards, E. Bunting, W. Garcia, L. (2013). *The War on Marijuana in Black and White*. New York, NY: American Civil Liberties Union. Available at: <https://www.aclu.org/files/assets/1114413-mj-report-rfs-rel1.pdf> (p. 47); U.S. Department of Health and Human Services (2011). *Results from the 2010 Survey on Drug Use and Health: Detailed Tables*. Available at: <http://www.samhsa.gov/data/nsduh/2k10NSDUH/tabs/Sect1peTabs1to46.htm> (Tbl. 1.28B).

Courts

- Once arrested, the accused becomes the responsibility of the courts.
- The courts hold two powers
 - A court holds a trial to determine whether they are guilty
 - If guilty, the court assigns some form of punishment



Courts

- More than 90% of all criminal cases are settled through plea bargaining before going to trial
- **Plea bargaining** is the process of legal negotiation that allows an accused person to plead guilty to a lesser charge in return for a lighter sentence.
 - The process allows courts to reduce the volume of cases and costs



Bail

- **Bail** is the temporary release of an accused person awaiting trial, sometimes on condition that a sum of money be lodged to guarantee their appearance in court
- **Bail works** by releasing a defendant in exchange for money that the court holds until all proceedings and trials surrounding the accused person are complete.
- The court hopes that the defendant will show up for his or her court dates in order to recover the **bail**.



Cash Bail

Video Response

Watch: <https://youtu.be/TGomdoO368g>

Respond to the following:

1. What is Cash Bail and explain how Cash Bail works in the United States?
2. What are the societal implications of Cash Bail?
3. Should the United States continue using Cash Bail? Explain the pros and cons of your choice?