

Stages of the Criminal Justice Process from Arrest to Appeal

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It all starts when an officer arrests someone, and the person who is accused is first taken into custody. The same thing happens when the grand jury is at work, and they are returning with an indictment, or the prosecutor is filing information. Similarly, when the judge issues a warrant for the arrest of the person, the person is then subsequently taken into custody. At times, some citations are used in some cases when the nature of the offense is a bit less serious. The first thing that they said before the trial was that they would be able to exercise their rights at any point in time. Now, the key difference between the Federal and the state is the way the treatment of juveniles is carried out. In some states, juveniles are merely warned if there is a case that the court has waived jurisdiction over them. Now, the way the whole thing proceeds further is that if the arrest has been made without a warrant, there are some conditions. The law enforcement that is holding that person is supposed to take him into custody for the given period. It is an important phase because certain administrative tasks are needed to be handled. For instance, checking the fingerprints, or if there is a case that the person is subject to any outstanding warrants in any case.

Another thing that is noted is how the case might vary depending on different facts and the time when the person is acquainted. In some states, the time is on the higher side for the whole process as compared to the other, but the maximum time for which someone can be taken into custody is about 48 hours (Sheidaieian et al. 2017). It has to be noted that this person might not be held for the period that goes beyond that, especially if it is the case when the whole thing is carried out before any initial appearance, to say the least (Padfield&Bild, 2015). The role of the magistrate is very important during the whole process. The interesting thing is the way the right of appeal works most of the time. If the person is convicted, there is the likelihood that the petition could be filed in the trial court that some legal error has been carried out during the legal process (Padfield&Bild, 2015). If the defense can prove the trial court's error, the reversal of the conviction is carried out. Again, this whole thing varies from one state to the other.

Contingencies For Each Stage Of The Proceedings

During the whole process, it has to be noted that many contingencies are supposed to be taken care of. The whole process starts with the filing of the plea bargain during the initiation process when the defendant chooses to plead guilty even before the trial in the case of the charged offenses. There are instances when the more lenient sentences are carried out, or the dismissal of the related charges can be carried out adequately. Coming toward when the arrest has been made, if there is the suspect has committed some less serious offense, the policy might issue a citation to the subject (Hartley et

al. 2017).

There are some contingencies regarding the way the bail process is supposed to work out as well(Hartley et al. 2017). Most of the time, bail is granted to the suspect when immediately a promise is being made to make sure that they make themselves available in all the corresponding court appearances. At the same time, the same thing could be done during the way later on when the bail review hearing is carried out(Padfield&Bild, 2015). There are some cases when the suspect might be released on their recognizance. After the arraignment, when the first court appearance is made, the judge, in most cases, charges the filed against the defendant, especially when the complaint is lodged against that person and the defendant chooses to plead guilty (Hartley et al. 2017). Even if there is a case that no contest is going to be happening, the charges are going to be pressed nevertheless (Padfield&Bild, 2015).

The judges are also likely to review the defendant's bail, the dates that are set for future proceedings, and the way they are carried out. As far as the preliminary hearing is supposedly called out, the grand jury might call their witness and based on that. Also, there is the likelihood that they would take the decision, the evidence is especially based on the fact that how the whole case is presented to the defendant in most of the cases. At times, if there is a case that the jury is not able to reach a unanimous verdict, the judge in these cases might be in the position to make sure that they declare a mistrial. Another important contingency during the sentencing process is when the court determines the appropriate punishment (Hartley et al. 2017). It happens especially in the case when the convicted acts in a defendant and its the right manner for the determination of the suitable sentence.

Constitutional Protections For The Defendant

The basic constitutional right of the criminal defendant is based on the fact that how the criminal justice process is carried out(Hartley et al. 2017). That does not matter when the accused are indicted at the level of Federal, State or Tribal jurisdiction(Hartley et al. 2017). How this law works at each of the levels is interesting. The first phase is when the due process of the law is supposed to be carried out. In that phase, the right of equal protection is given to the person. What it means most of the time is that the rights and the privileges of the person are going to stay the same regardless of the way a person's ethnic or social background is. During the next phase, it is shown how they are free from unreasonable treatment during any period(Elmquist et al. 2015). There can be no case of unreasonable search and seizure of the person during the given period. The self-incrimination is also not carried out during the given term. Especially if there is a case that they are forced to testify against themselves. The right against double jeopardy also stays in the same manner. It is especially important during the phase when the person is tried for one charge more than one time.

After the legal proceedings and the person has been arrested, there are many other rights the convict or the person who is arrested has at their disposal(Hartley et al. 2017). The first one is the fact that how they have a right to legal counsel(Elmquist et al. 2015). At the same time, the speedy public trial

and the jury trial are other aspects that need to be kept in mind. The witness should be in the position to make sure that they are in a position to confront the witness that is standing in front of them. They also have the right to call for support witnessed during the whole period, as well as the right to be free from punishment that might be too cruel or unusual in some way. There is also a case that the prohibition is supposed to be carried out by the way ex-post facto laws are supposed to be presented in the given period. When the court judgment is being passed, they also have the right to manage the federal felony proceedings. Then there is also this right through which they can contact a criminal lawyer at any point in time. Asking for a criminal lawyer during the whole trial is one of the basic rights of the person during the whole judicial process.

Effectiveness Of The Current Criminal Prosecution System

There are a number of reasons why the current criminal prosecution system is far from ideal when it comes to dealing with criminals (Elmquist et al., 2015). One of the most widely acknowledged problems is the fact of how the waiting time that one gets to see for the defendants. There are many instances when the defendants have to wait for a considerably longer period as they wait for the trial. Another thing that happens a lot most of the time is that it is not always easy to determine whether the decision that one gets to see during the criminal prosecution is justified or not. That is not the end of the game, though; even if the judgment is carried out, there is a likelihood that the case that is given in the sentence would be carried out at a rate that is much later.

There are instances that it does not happen because the offender itself cannot be found out. Thus, there are a lot of time-consuming processes, which means that the criminal cases that could have been handled quickly are managed for a much longer period (Elmquist et al. 2015). Some important conclusions can also be made in case of the way development of the audit report is supposed to be carried out especially if there is a case when the report is published in the Netherlands Court of Audit in the later date of 2012. It goes a long way in making sure that the performance of the Criminal Justice System can be determined for a longer period (Hartley et al. 2017). So, some important considerations need to be kept in mind during the whole process (Elmquist et al. 2015). There are some instances when people have raised question marks about the way justice system in the United States is supposed to work. Also, what are some of the actions that are needed to be taken at the broader level to make sure that there is an improvement in the overall justice system(Hartley et al. 2017). At the moment, there is also this lingering feeling among people that, at times, the way the justice system works, there is a likelihood that much more concrete efforts are needed to be carried out. There is a feeling that the sense of accountability that one gets to see in the other justice systems across the world is somewhat missing when one talks about the way America's Justice System is working.

Recommendations To Make The System Fairer

One of the first things that need to be done is to make sure that the policing system that one gets to see these days needs to be improved (Hartley et al. 2017). There are some long-term concerns about the way the police department is functioning at the moment, and a lot of effort is needed to be carried out to make sure that the relevant transformation system in the legal system can be carried out one way or another. One of the first things that needs to be done is to make sure that the national use of the Force Guidelines is carried out in the right manner (Elmquist et al. 2015). What should be happening is that Congress or some departments must be working in a manner that they should make the usage of the National Force Handbook much more extensive (Elmquist et al. 2015).

At the same time, there is a need to make sure that the level of accountability that one gets to see in the current policing system is needed to be managed in the right manner. Not only at the state level but also at the Federal level, there are question marks about the long-term performance of the police force, so amends are needed to be made in this regard for the longer period (Elmquist et al. 2015). There is also a need to make sure that some perspective is developed regarding the long-term performance of the insurance companies as well (Hartley et al. 2017). Where insurance companies pay for the civil judgments from police misconduct lawsuits, legislatures should allow insurance claims to seek compensation from police departments that should have known that the police officer(s) in question would use excessive force (Hartley et al. 2017). At the same time, the legislatures would be providing the negligent hiring cause of action against the police departments. It is an important aspect to make sure that the employment of the officer and the other person is needed to be done in the manner to make sure that they are unlikely to be engaging in the excessive force.

The other problem that is commonly witnessed most of the time is how the racial implications are witnessed in the cases of police cases. There is a need for the clear policy to be developed to make sure that the bias that exists regarding the way decision making is needed to be carried out should be looked. Also, it has to be made sure that there is a need for the development of a clear policy so that the level of racial bias of the officer can be determined. What is needed at the moment is a system of justice that is fairer when it comes to the way charging and sentencing are supposed to be carried out. There are a series of initiatives that are taken by the Department of Justice, and the core idea of these reforms is to make sure that the greater focus can be placed on more serious cases as well as ensuring that the serious offenders can be looked after appropriately.

The other major problem is the way prisoner re-entry and the cycle of incarceration are supposed to be carried out. As of now, about 611,000 people have been released from prisons in all the states. What happens is that the long-term record of the people and the way it works out most of the time does not allow people to ensure that they can gain employment. Access to housing and higher education is also jeopardized when something of sorts is happening. What is happening is that there is no chance for redemption for the people who have been to prison once. So there is a need for a system that allows ensuring advanced re-entry and other systems that make sure that the

overarching aim of the recidivism and high entry cost can be managed in a better manner. That would not only improve other statistics; it is also going to allow for the improvement of public health along with better child welfare and other key reintegration outcomes.

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