Counterplan Text: Rehabilitation ought to be valued over retribution in the United States criminal justice network.

Framing criminal justice as a system masks its failures and increases crime, turns the case. **Peak 10**[[1]](#footnote-1)

[Brackets in original] Many observers argue that the three components of the justice system actually comprise a criminal justice nonsystem. They maintain that the three segments of the U.S. system that deal with criminal behavior do not always function in harmony and that the system is neither efficient enough to create a credible fear of punishment nor fair enough to command respect for its values. Indeed, these theorists are given considerable support by the President’s Commission on Law Enforcement and the Administration of Justice (commonly known as the Crime Commission), which made the following comment: The system of criminal justice used in America to deal with those crimes it cannot prevent and those criminals it cannot deter is not a monolithic, or even a consistent, system. It was not designed or built in one piece at one time. Its philosophic core is that a person may be punished by the Government, if, and only if, it has been proven by an impartial and deliberate process that he has violated a specific law. Around that core, layer upon layer of institutions and procedures, some carefully constructed and some improvised, some inspired by principle and some by expediency, have accumulated. Parts of the system—magistrates, courts, trial by jury, bail—are of great antiquity. Other parts—juvenile courts, probation and parole, professional policemen—are relatively new. Every village, town, county, city and State has its own criminal justice system, and there is a Federal one as well. All of them operate somewhat alike, no two of them operate precisely alike.10 Alfred Cohn and Roy Udolf stated that criminal justice “is not a system, and it has little to do with justice as that term is ordinarily understood.”11 Also in this school of thought are Burton Wright and Vernon Fox, who asserted that “**the c**riminal **j**ustice **s**ystem . . . **is** frequently criticized because it is not a coordinated structure—**not really a system.** In many ways this is true.”12 These writers would probably agree that little has changed since 1971, when Newsweek stated in a special report entitled “Justice on Trial” that 8 Part 1 • Justice Administration 000200010270657112 Justice Administration: Police, Courts, and Corrections Management, Sixth Edition, by Kenneth J. Peak. Published by Prentice Hall. Copyright © 2010 by Pearson Education, Inc. **America’s** system of **criminal justice is too swamped to** deliver more than the roughest justice—and too ragged really to **be called a system.** “What **we have**,” says one former government hand, “is **a non-system in which** the **police don’t catch criminals,** the **courts don’t try them, and** the **prisons don’t reform them.** The system, in a word, is in trouble. The trouble has been neglect. The paralysis of the civil courts, where it takes five years to get a judgment in a damage suit . . . the courts—badly managed, woefully undermanned and so inundated with cases that they have to run fast just to stand still.”13 Unfortunately, in many jurisdictions, those words still ring true. Too often, today’s justice administrators cannot be innovators or reformers, but rather simply “make do.” As one law professor stated, “Oliver Wendell Holmes could not survive in our criminal court. How can you be an eminent jurist when you have to deal with this mess?”14 Those who hold that the justice system is in reality no system at all can also point to the fact that many practitioners in the field (police, judges, prosecutors, correctional workers, private attorneys) and academicians concede that the entire justice system is in crisis, even rapidly approaching a major breakdown. They can cite problems everywhere—large numbers of police calls for service, overcrowded court dockets, and increasing prison populations. In short, they contend that the system is in a state of **dysfunction**, largely as a result of its fragmentation and lack of cohesion.15 System fragmentation **is** largely **believed to directly affect** the amount and type of **crime** that exists. Contributing to this fragmentation are the wide discretionary powers possessed by actors in the justice system. For example, **police officers** (primarily those having the least experience, education, and training) **have great discretion over whom they arrest** and are effectively able to dictate policy as they go about performing their duties. Here again, the Crime Commission was moved to comment as follows, realizing that how the police officer moves around his or her territory depends largely on this discretion: Crime does not look the same on the street as it does in a legislative chamber. How much noise or profanity makes conduct “disorderly” within the meaning of the law? When must a quarrel be treated as a criminal assault: at the first threat, or at the first shove, or at the first blow, or after blood is drawn, or when a serious injury is inflicted? How suspicious must conduct be before there is “probable cause,” the constitutional basis for an arrest? **Every [officer], however** sketchy or **incomplete his education, is an interpreter of the law.**16 Judicial officers also possess great discretionary latitude. **State statutes require** judges to provide deterrence, **retribution, rehab**ilitation, **and incapacitation**—all **in the same sentence.** Well-publicized **studies** of the sentencing tendencies of judges—in which participants were given identical facts in cases and were to impose sentences based on the offender’s violation of the law—have **demonstrate**d **considerable discretion and unevenness in** the **judges’ sentences.** The nonsystem advocates believe this to be further evidence that a basic **inequality exists**—an inequality **in justice** that is **communicated to the offender.**17 Finally, fragmentation also occurs in corrections—the part of the criminal justice process that the U.S. public sees the least of and knows the least about. Indeed, as the Crime Commission noted, the federal government, all 50 states, the District of Columbia, and most of the country’s 3,047 counties now engage in correctional activities of some form. Each level Chapter 1 • The Study and Scope of Justice Administration 9 000200010270657112 Justice Administration: Police, Courts, and Corrections Management, Sixth Edition, by Kenneth J. Peak. Published by Prentice Hall. Copyright © 2010 by Pearson Education, Inc.of government acts independently of the others, and responsibility for the administration of corrections is divided within given jurisdictions as well.18 **With this fragmentation comes polarity in** identifying and establishing the primary **goals** of the system. The police, enforcing the laws, emphasize community protection; the courts weigh both sides of the issue—individual rights and community needs; and corrections facilities work with the individual. Each of these groups has its own perception of the offender, creating goal conflict; that is, **the goal of the police and** the **prosecutor is to get the transgressor off the street, which is antithetical to** the caretaker role of **the corrections worker, who** often **wants to rehabilitate** and return the offender to the community. The criminal justice process does not allow many alternative means of dealing with offenders. The nonsystem adherent believes that eventually the offender will become a mere statistic, more important on paper than as a human being.19 Because the justice process lacks sufficient program and procedural flexibility, these adherents argue, its workers either can circumvent policies, rules, and regulations or adhere to organizational practices they know are, at times, dysfunctional. (As evidence of the former, they point to instances of informal treatment of criminal cases; for example, a police officer “bends” someone’s constitutional rights in order to return stolen property to its rightful owner; or a juvenile probation officer, without a solid case but with strong suspicion, warns a youth that any further infractions will result in formal court-involved proceedings.)

“Criminal justice network” solves since it recognizes the fragmented nature of criminal justice. **Robinson 06**[[2]](#footnote-2)

**The c**riminal **j**ustice **s**ystem **is** an institution of governmental bodies that is **made up of law enforcement, court systems, and correctional programs.** These agencies ideally work together for the purpose of providing governmental social control. This is accomplished through enforcing laws, reducing crime, and the administering of justice. **Each** of the three **agencie**s that make up the criminal justice system **has their own goals and** is governed by differing levels of government. There is an overall federal government that reflects crime against the nation as a whole; plus, there are fifty individual state government agencies, each possessing their own statutes. Thus, in a sense, there are 51 separate criminal justice systems. Each agency within criminal justice **performs different duties.** First of all, it is a police officer’s job to investigate reported criminal actions and to arrest lawbreakers. Police also aid prosecution in gaining criminal convictions. A large part of a police officers job entails maintaining order in a community, crime prevention, social services, and upholding civilians due process rights. It is the courts job to decide upon guilt and innocence in a trial and to determine the appropriate sentence of punishment for guilty offenders. The courts must also interpret the laws, set precedents, and uphold Constitutional protections to both the guilty and the innocent. Finally, corrections act in accordance with the courts by administering punishment to criminal offenders in an effort to gain justice or restitution for a wrongdoing that the offender committed. It is also the duty of corrections to provide appropriate care and supervision to these criminal offenders, while maintaining their Constitutional rights (Robinson, 2005, p. 4-5). **It is easy to mistake the three agencies** of criminal justice **as a “system.”** Governmental officials in speaking about law enforcement, courts, and corrections have commonly used this term; however, it is not correct. **In the dictionary, a “system” is** defined as several parts that works together as a unified whole to achieve a common goal. A system is **organized and harmonious; this is not reality in our nation**’s criminal justice organizations. Police, courts, and corrections have developed separately from each other. Each agency possesses its own goals and responsibilities. **Despite this fact, all three agencies are expected to work together toward a common goal.** Each agency of police, courts and corrections rely on each other; one cannot operate without the other. Courts are unable to hold trial without police officers making arrests and there is no use for correctional facilities if the courts do not make convictions. Finally, if correctional facilities do not successfully punish criminals, police officers will be completely overloaded with crime in their communities. In reality, **our nation has a criminal justice network**, which is basically a system that is not organized or harmonious.

Discourse comes first. It shapes reality. **Hill 2**[[3]](#footnote-3)

Language is a method that has been used to achieve a more inclusive worldview. Many feminists, people who discern that male-centered societies devalue women and create a hostile environment for women by overvaluing the power of men, recognize the importance of thoughts, images, and symbols in creating a worldview. Anne Streaty Wimberly and Edward Powell Wimberly created a workbook to helppeople in the United [\*322] Methodist Church realize the importance of language in multicultural relationships. "Language has shaping qualities. **We cannot escape** the influence of **language. Language** conveys the images we develop of ourselves. It **shapes our relationships with one another**. It shapes life stories. Through language we learn about images and **expectations of one another**." Thoughts, images and symbols **are communicated through language.** "Language is power, in ways more literal than most people think. **When we speak, we** exercise the power of language to **transform reality."** Language converts ideas, images, and symbols into communication. Language itself is largely symbolic, and it is an imperfect way to communicate thought. **Languages** serve to **organize thought and create categories of ideas that** can be communicated from one person to another. "Categories **are supremely important in controlling** the **behavior of human** being**s.**

1. Kenneth Peak. Justice Administration: Police, Courts, and Corrections Management. Sixth Edition, published by Prentice Hall. Pearson Education. 2010. [↑](#footnote-ref-1)
2. “American Justice System and Social Justice,” Dr. Matthew Robinson, Professor at Appalachian State University. 2006. www.pscj.appstate.edu/socialjusticepaper2.doc [↑](#footnote-ref-2)
3. Cheryl Lynn Wofford Hill, "Restating International Jurisprudence in Inclusive Terms: Language as Method in Creating a Hospitable Worldview," 27 Okla. City U.L. Rev. 297, Spring, 2002, LexisNexis [↑](#footnote-ref-3)