

Discretion and the criminal justice process

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Notes: Includes bibliographical references and index.

This edition was published in 1983

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Yes, discretion may be inevitable for effective policing, but in excess it leaves the police unfettered to follow their own objectives, bend the rules to meet targets and apply their own personal prejudices. Ethics are important in the criminal justice



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system because people working in the system get authority, power, and discretion by the government. The system of precedent guides the exercise of judicial discretion with reference to previous decisions.

Process Costs and Police Discretion

It may even serve to incapacitate. What these laws will do however is keep perfectly right minded law abiding citizens from defending themselves. For example the police come across two young girls in a park smoking marijuana.

1.9. How Cases Move Through the System

But as a necessary force behind many of the decisions that occur in criminal justice, it should be brought further into the light. For some less serious offenses, prosecutors may be willing to consider dismissing a case based on the existence of alternative resolutions that serve the overall interest of justice. In the case of a plea bargain, the accused offender spends less time sitting in jail awaiting the necessary preparations for trial.

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Prosecutors make critical, oftentimes life or death decisions, utilizing their vast discretionary power; they are, however, expected to make these crucial decisions ethically and within the confines of the law and agency policy. And she is not alone. Police, indeed, use a wide array of nonarrest

techniques to calm situations and ease tensions — why must they arrest? So the prosecutor may offer the defendant a plea to possession of cocaine, a misdemeanor offense that carries a maximum term of one year in jail with the possibility of probation.

Do you think there is too much discretion in the criminal justice system? Explain. Discretion in the U.S. criminal justice system was at one time defined by Roscoe Pound,

But in the context of minor crimes — the lowest level of criminal punishment — police discretion appears to be largely immune to substantive criminal law.

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