

Justice System and Punishment

by Sophia Tutorial



WHAT'S COVERED

This tutorial will cover an overview of the criminal justice system, through the definition and discussion of:

1. Criminal Justice System
2. Due Process
3. Four Functions of Punishment

1. CRIMINAL JUSTICE SYSTEM

An overview of the **criminal justice system** is important in that it lays the groundwork for future sociological studies of the function of criminal justice and deviance in society. The criminal justice system is comprised of the police, the courts, and the Constitution (including the Bill of Rights), and it's also an institutionalized way to control and mitigate the effects of deviance in society.



TERM TO KNOW

Criminal Justice System

An institutionalized system comprised of police, courts, and law that is designed to control and mitigate the effects of deviance in society.

2. DUE PROCESS

The criminal justice system can function and stay internally consistent because of the very simple idea of **due process**. Due process states that the courts, police, and the entire justice system must follow the laws laid out in the Bill of Rights.



EXAMPLE If you've ever seen the television show "Cops," you've probably seen the police read someone their rights--"If you don't have an attorney, one will be appointed to you." This is an example of due process.

IN CONTEXT

Due process has other components, such as the requirement of a fair notice for your crimes. If you're

being accused of a crime, part of due process is that you're fairly notified of exactly what you're being charged with. From that point, you can appear in front of a judge and have a hearing where you can state your case with counsel. This, too, is part of due process.

Lastly, you are entitled to a jury trial that objectively reviews the facts of your case. This is the final part of your due process. It's often cumbersome and expensive for the criminal justice system to go through with this final part of due process, the jury trial, so in an effort to save resources, what will often happen is a **plea bargain**, whereby the accused will plead guilty in exchange for a lesser sentence. This avoids the necessity of spending limited resources on a jury trial.

➦ **EXAMPLE** If you get arrested on a drunk driving charge, for example, the courts don't want you clogging up court time that should be devoted to a high profile murder case. Therefore the prosecutor will make you a plea bargain, which is an essential part of the justice system.



TERMS TO KNOW

Due Process

The idea that the entire justice system must follow the laws laid out in the Constitution and the Bill of Rights.

Plea Bargaining

An agreement where the accused pleads guilty to a charge in exchange for a lesser sentence.

3. FOUR FUNCTIONS OF PUNISHMENT

The criminal justice system also punishes offenders. There are four functions of punishment that the criminal justice system is in place to do:

- **Retribution:** The intent is to make the offender suffer in the same degree or as much as possible relative to the suffering they inflicted on society. There are different degrees of punishment to fit different degrees of crime. The valuation of a degree of a crime in order to determine what crime to punish more severely is itself a very social process and reflects the social values of the society. Some societies might punish crimes differently than others.
- **Deterrent:** The system wants to make the offender an example to the rest of society, perhaps the most sociologically interesting facet of punishment.
- **Rehabilitation:** The system wants to make the offender better, though this often doesn't happen. The prison system itself is a hostile environment that doesn't necessarily rehabilitate the offender in the way that the criminal justice system would like. As such, there is a high rate of recidivism, which is when you offend again after your initial offense.
- **Societal protection:** This refers to long term imprisonment where you're locked away for a period of time, or execution, another facet with sociologically interesting aspects.

➦ **EXAMPLE** If you've read the book or seen the movie Clockwork Orange, you may recall how the offender was subjected to a very unique form of rehabilitation whereby he was brainwashed to be a better citizen. Lobotomy is another example. We don't do these things, but they illustrate the idea of societal

protection through rehabilitation.



TERMS TO KNOW

Retribution

A function of punishment that makes the offender suffer in proportion to the suffering they inflicted.

Deterrence

A function of punishment that makes the offender an example for the rest of society.

Rehabilitation

A function of punishment that seeks to make the offender better and removed of their troubles.

Societal Protection

A way to control deviance and protect society by locking up offenders or sentencing them to the death penalty.



SUMMARY

Today you explored a brief overview of the **criminal justice system**. You also learned about **due process** and the criminal justice system's **four functions of punishment**.

Source: This work is adapted from Sophia author Zach Lamb.



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