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TOPIC 2: FOUNDATIONS OF THE CRIMINAL JUSTICE SYSTEM

1. QUICK REFERENCE: KEYWORD INDEX

- **Adjudicative:** The functional arm of the justice system encompassing the criminal courts and the formal determination of legal outcomes.
- **Adversarial Model:** A procedural framework where two opposing parties—prosecution and defence—present evidence before a court that serves as the ultimate factfinder.
- **Crime Control Model:** A value system that prioritizes the efficiency of the justice system, utilizing administrative filtering by police and a functional presumption of guilt.
- **Due Process Model:** A value system emphasizing formal judicial fact-finding, the presumption of innocence, and the protection of individual human rights against state overreach.
- **Factual Guilt:** A condition determined by the weight of evidence regarding whether an individual actually committed the specific criminal act in question.
- **Inquisitorial Model:** An inquiry-based procedural framework where cases are developed via a dossier and an active judge, rather than the parties, directs the calling of witnesses.
- **Interdependent Agencies:** A collection of state and private entities that rely on one another to function despite possessing distinct mandates and often conflicting internal logics.

- **Legal Guilt:** A determination of guilt predicated not only on factual evidence but on whether the state acted legally in obtaining that evidence and proved its case beyond a reasonable doubt.
- **Presumption of Innocence:** A foundational safeguard requiring that the accused be treated as innocent until the state meets its legal burden of proof during judicial proceedings.
- **Prima Facie:** The initial evidentiary threshold required for police to establish a case that is sufficient on its face to proceed to further legal action.

2. DEFINING THE "SYSTEM": INTERDEPENDENCY AND STRUCTURE

For the legal scholar and practitioner, it is strategically vital to recognize that the criminal justice system is not a monolithic entity, but rather a "loosely coupled collection" of interdependent agencies. This conceptualization is critical because it highlights the inherent friction within the system; by operating as a series of distinct links rather than a seamless "conveyor belt," the system allows for vital checks and balances. This structural tension ensures that no single agency—be it the police or the prosecution—has absolute power to determine a legal outcome without the oversight of another.

Synthesizing the work of Daly & Sarre (2017), the system is defined by agencies with specific bureaucratic interests and functions governed by legal regulations. Within these structures, agency workers exercise substantial discretion when responding to harms defined as criminal by the state. Crucially, this system is characterized by value conflicts regarding the exact definition of "justice," occurring both within and across agencies and the broader population.

The primary functional arms of the system are categorized as follows:

Investigative	Adjudicative	Correctional
Police	Criminal Courts	Prisons
Prosecution (DPP)		Community Corrections
Specialist Investigative Agencies		Probation and Parole Services

While these internal structures define the mechanics of justice, the system's trajectory is frequently steered by external actors and the pressures of democratic participation.

3. STAKEHOLDERS AND EXTERNAL INFLUENCES

Justice outcomes are never produced in isolation; they are meticulously shaped by democratic participation and external social pressures. The system is fundamentally reliant on the engagement of citizens to maintain its functionality and legitimacy.

Citizens fulfill five primary roles within the criminal justice process:

1. **Electing Officials:** Voting for the government representatives responsible for legislative creation.
2. **Reporting and Investigation:** Serving as the primary engine for case initiation; Daly & Sarre (2017) note that 75% of crimes are solved via citizen or victim reports.
3. **Decision Making:** Participating in the judicial process as jurors.

4. **Sentencing Participation:** Direct involvement of victims through impact statements or sentencing procedures.
5. **Service Provision:** Contributing as volunteers or employees within agencies serving justice organizations.

The system is further influenced by politicians and the media, a dynamic that complicates the establishment of "truth." Hannah Arendt (1971) warned that factual truths are inherently vulnerable in the political domain because they "carry no inherent truth within themselves"