Course Learning Outcomes for Unit II

Upon completion of this unit, students should be able to:

1. Summarize the core segments of the U.S. criminal justice system and the interactions between each segment.
   1.1 Identify a course project topic within the selected field of criminal justice.

7. Compare the crime control model and due process model within the law enforcement system.

Reading Assignment

Only read Parts I and II of the article:


Click here to access an interactive lesson regarding Due Process.

Unit Lesson

As you discovered in Unit I, the primary goal of the American criminal justice system is a system of fairness where it is important to find that balance between an individual's rights and public order. As you will see throughout the study of criminal justice, this theme will continually reemerge. For this lesson, the study of the due process model versus the crime control model is at the heart of this concept. One must understand that striving to find (or maintaining, for that matter) a balance between securing the general public and protecting them from crime and harm and securing our civil and individual rights is a tall order in today's society. Many criminal justice, law enforcement, and legal professionals (along with researchers) have polarized views of what works. The million-dollar question is whether one can achieve a balance. Must one give up some sense of public or social order in order to fully maintain the rights of the individual, or must one give up some sense of individual rights in order to maintain order? Can one do both? You decide as you dig deeper into the tug of war between crime control and due process.

Herbert L. Packer was a well-known law professor and criminologist who first developed the two models of the criminal process you know today as the crime control and due process models. The first of the two models to be discussed in this unit is the crime control model. Essentially, the premise behind this concept encompasses having the priority of controlling crime in an effort to avert a breakdown in public order. Under this model, the absolute most important objective is enforcing laws and keeping criminal activity under strict control. Packer (1964) suggests that if law enforcement cannot achieve this goal and crime flourishes, society suffers from a lack of public order and, subsequently, a loss of freedom. Furthermore, and equally critical to this concept, is the nexus between the way in which laws are enforced and the correlation on the effectiveness of the legal controls. Essentially, if laws are loosely enforced, a disregard for legal authority can ensue (Packer, 1964). This theory, simply put, is referred to as a lack of deterrence within criminal justice. When there is a lack of enforcement for certain laws or a degree of leniency for certain crimes, crime rises. Macdonald (2008) supports this notion stating the “the crime control model is in fact concerned with the way in which the apprehension and conviction of offenders is pursued is confirmed by Packer’s analogies of an assembly line and an obstacle course” (p.9).

What is it within the crime control model that must be done in order for it be effective? Well, one first must look to arrest and conviction rates. If there is a perception, as stated earlier, of a failure to apprehend and
convict those engaging in crime, then the criminal justice system is not operating up to par. The crime control model works due to a high degree of efficiency; whereas, in order for this concept to work, one must pay close attention to the ability, as a criminal justice system, to carry out the criminal justice process. Simply put, this correlates to a high rate of apprehension, trying, and convicting of criminal offenders. If done efficiently, as Packer outlines, the crime control model has succeeded in maintaining public order and controlling crime.

At the other end of the spectrum in the American criminal justice system lies the due process model. Due process rejects the concepts of the crime control model, which relies heavily on those responsible for the investigation and prosecution of crimes to fully understand what actually occurred during the alleged crime (Packer, 1964). Instead, this concept is replaced with a process that swings in favor of the suspect and considers the possibility that a witness (or victim) could be biased or have presented an inaccurate account of the event or a confession (or admission) could have been coerced. Essentially, the interests of the accused are critical to the due process model, and an informal fact finding process is rejected (MacDonald, 2008). Rather, a “formal, adjudicative, adversary fact finding processes in which the factual case against the accused is publicly heard by an impartial tribunal and is evaluated only after the accused has had a full opportunity to discredit the case against him” is favored (Packer, 1964, p. 14). What one sees here as well is an emphasis placed on law enforcement to fully recognize the rights of those accused or suspected as it relates to the arrest, interrogation, and overall processing of a particular case.

As you have learned in this lesson, the crime control and due process models have differing objectives and goals.

References


**Suggested Reading**

Use the Internet to locate the 1964 article below explaining two models of the criminal process, the crime control model and the due process model.