

The Criminal Justice Policy Process

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Criminal justice issues are greatly influenced by public opinion, special interest groups, even the political whims of elected officials, and the resources dedicated to solving them. While crime has dropped greatly in the last 10 years, there are still a lot of crime policies that should be addressed. While those involved in criminal justice and, probably most Americans, agree that more needs to be done to lower the crime rate, there are severe differences over how this should be taken care of. Some individuals believe that tougher enforcement policies should be looked at, including increased spending on law enforcement and prison facilities, longer sentences for offenders, and increase the use of the death penalty for the more serious crimes. Others will argue that more money needs to be spent on prevention, including social services and education, to provide hope and opportunity for potential offenders.

In the first step to the policy process, the problems need to be identified (Marion, Oliver, 2006). With the identification process, one should not stop at the crime itself; criminologists and social scientists have been researching criminal behavior for years as to what makes criminals commit the crimes they do. When the accident rate goes up because of the number of drunken driving incidents, those in public office should be asking why there are so many drunks on the road. Is anyone setting up DUI check points on a regular basis, or only when a major holiday rolls around? With every crime there is always a reason behind the crime and those in the position to research this needs to and record the findings to inform those involved in the policy process. Nothing should be taken for granted or assumed.

Once the problem has been identified, the process can take on the form of a resolution. Those involved in the process must take into consideration quite a few things before deciding on a course of action. The problems to be acted on needs to be recognized by legislation, and must capture the attention of major decision makers and seen as a viable and significant issue (Marion, Oliver, 2006). When there are enough instances of a certain crime, such as drunk driving or home invasions, it becomes public knowledge that a problem exists, it is brought to the attention of legislation, and it is made a priority in the law making process. Once the issues are brought to light, then the process can move from identifying these problems to the agenda stage.

The policy process is extensive and more involved than simply recording visits to prisoners or handing out traffic citations. Rules and regulations and are also part of the process and in order for policy makers can get a better picture of what the problem is, researchers need to see what can be done and whether the policy already in place can address the problem, or does another one need to be brought about (Houston, et al, 2008). For those in the process, understanding how the laws work, how the politics can effect and influence and policy, and just how much the media and public opinion can also influence how policies come about. One must also understand a bit about crime to know how it works, how the criminal mind works, and what those in office can do to stay one step ahead of the criminals. Crime must never get the upper hand otherwise the research will be sent back to the beginning.

However, what the public does not realize is that when Americans ask the government do something about a certain crime issue, one must remember that it can affect all, not just criminals. When the public demanded that something is done about terrorism and doing all they can to catch terrorists, the public also did not want to have daily life interrupted. The public did not realize in the effort to catch the bad guys, everyone is under scrutiny and that is the only way to catch those that want to harm us. Another aspect to understanding public policies and how they are implemented, and understanding the type of policy that will be used to resolve the issue at hand (Marion, Oliver, 2006). And, in understanding the type of policy to be used will also help researchers know that with each policy comes a certain type of funding, as with some policies take more money to put in place than others.

Being proactive with crime and crime policies will come under practical policies. This type of policy deals with a tangible and substantial problem such as sudden increase of break-ins in a affluent neighborhood or a problem with drunk drivers (Marion, Oliver, 2006). The police and policy makers are able to deal with these crimes in a physical way based on how and why the policy is written. Those writing the policies need to word it in such a way as there are no problems with legal issues or any loopholes in which the criminal can get through. Those writing the policies need to make sure everything is covered when implementing the new policies. Those writing and creating policies need to look at who benefits from the new policy, how it effects the old policy, and how much money it will cost the town or county when trying to implement that new policy. Everything must be taken into consideration when doing this.

There are also symbolic policies that may come into play in certain situations. Given the problem at hand, if the politicians and police give the appearance of doing something to lower crime, whether they are successful or not, may be all it take to satisfy the public (Marion, Oliver, 2006). This area should also be taken into careful consideration because if the politicians do not take an issue serious enough for they public, the public may elect someone in office that will take it serious. But sometimes all a politician has to do is promise to do the right thing, fight crime, get tough on crime, and that person will be elected to office. Then that official better make good on that promise. But as we read further, all of the policies, proposed and otherwise, will be analyzed before they are ever published. It is the job of the analysts to determine which policy will actually work and which will actually hinder what the government is trying to do.

Formulation, Implementation, and Evaluation

The third step in the policy making process is formulation. Formulation is the process by which policies are suggested, or created (Marion, Oliver, 2006). Once the problem in the criminal justice system has been identified, the policy makers can push forward to make changes, either to the existing law, or propose a new law all together. A panel will be put together to research into the problem and find exactly where it lies, if it hasn't been done already. Once the research has been completed, the idea will be formally introduced to Congress and the long process of voting to approve or disapprove the new law will begin. The bureaucracy involved in getting these bills approved actively lobby for the people in an attempt to win the approval of those that will be pushing the bill through for final approval.

Interest groups, also called pressure groups, are a group of citizens who are organized and attempt to influence legislation so that it reflects the interests of the group. Interest groups play a big part in these bills getting approved by Congress (Marion, Oliver, 2006). Interest groups can provide those individuals with the necessary, up to date information on the situation and the bureaucracies can in turn put the bill's definition in such a way that will benefit the interest group. Interest groups, while usually having the public's best interest at heart, can behave in such a way that it will come out whether they are acting in their own special interest for a higher purpose, or if they are on the level. There have been some groups out there that conduct illegal activities but with time are removed.

A good example of policy formulation would be the drafting of the anticrime bill in 1993 that Senator Biden and Representative Brooks formulated and introduced to their respective houses to increase police staffing, expanded the use of the death penalty, and allocated funds for drug treatment. Implementing these bills took a while due to other issues in the White House but the bills got passed finally in 1994. Those elected officials involved in the policy process answered the people's concern that crime was on the rise and made changes to policies that need changing. Once the legislative branch passes a specific policy, those responsible for implementing these bills falls back on the executive branch of the government. Congress helps get the funding needed to carry out the implementation process by either getting the money from a program and is no longer in effect, or they can raise funds to help get the bill into play. A lot of bills fall through the congressional cracks due to no funding. Both sides of the house have to agree this bill is necessary and that the money is available for the proposal before it gets out on the street. Once the bill gets the funding it needs, policy evaluation can begin. Policy evaluation is a process for considering the design, implementation, and outcome of public policies. Evaluation uses social science research methods, including qualitative and quantitative techniques, to examine the effects of policies (Hall, 2000). Some policy experts feel that policy evaluation is the final step in the policy process. Some feel that because policy process is ongoing, evaluation of said policies is also ongoing, even if the policy is implemented again. The policy evaluation lets those involved in the process to measure the amount in which a program has achieved its goals, calculate the effects, and identify any needed changes to a policy. In addition, many state and local governments fund programs with federal grants, which have evaluation requirements. Once the evaluation is complete, the analysis part of the program can take effect.

Public Policy Analysis

Policy analysis is the complete assessment of goals, objectives, and outcomes of policies. It is the thorough examination into matters of public concern (Houston, et al, 1998). The ultimate goal of analysis is to improve the behavior, regulations, practices, or agents of public agencies. It is aimed at changing laws, ordinances, or government structure under which such organizations function. Useful analysis will clearly define the problem, sets goals and objectives, and provides accurate measurement of change resulting from that policy change. Analysis will also help correct the mistakes that was made during the process before anything is set in stone. The goal of this analysis is to expose problems and errors created by people and to offer insight on how to correct past mistakes, while not making any new errors or mistakes.

Policy analysis is becoming progressively more interdisciplinary. As problems and policy becomes more complicated, scientists and researchers call more and more on several subjects in order to increase the information base and search for other causes, effects, and influences on policy. Because researchers cannot become an expert on every chosen field out there, there has to be a way in which relying on others and the knowledge already out there to help analyze everything that comes into contact within the course of the research. Those conducting the research need to take everything into consideration as taking a broad stance on a subject will give too large an answer and looking at something with a narrow mind will limit the number of assumptions and could produce inappropriate results.

The foundation for policy analysis emphasize the forces that influence how a problem gets attention from the government; how the problem is influenced by politics; what the government does and whether the government handles the problem effectively (Houston, et al, 1998). When analysts take these four techniques to practice the analysis will be conducted properly. There are various steps to consider when undertaking a policy analysis. One must be able to verify and define the problem. In order for anyone to begin analysis the problem must be identified so those conducting the analysis will have a starting point. One must also be able to look into alternative policies (Sutton, 1999). If something is not feasible, those involved in the policy process should be able to seek alternative measures. Those individuals should be able to clearly present the alternatives along with the proposed policies. Because policy analysis is a systematic evaluation of the technical and political projects planned to solve public problems, a policy analyst must be able to use qualitative and quantitative data, use a variety of approaches to the problem, and be able to apply the appropriate methods correctly.

The role of the policy analyst is to also make arguments for debates about public policy, and to bring forth documentation for decisions about public policy. The analyst must also be able to handle both technical and people aspects of policy analysis. Policies represent the distribution of power and resources, and are an expression of the public's values and beliefs. One must ensure the values and ethics of the people are not compromised in the effort to get a policy approved. The policy analyst has responsibilities, to the client, the customer, the self, the profession, the public interest, fairness, equity, law, justice, efficiency, effectiveness, and the practice (Sutton, 1999). The analyst needs to make sure that the right thing is done, that ethics and values are not compromised, that the greater good is served and if anything comes up that may jeopardize any of those values, the analyst has the responsibility to bring that to light. A set of principles, norms, rules, and procedures that are accepted by governments and administrations, help to fulfill the interests of the people.

Of course policy analysis isn't just limited to making new policies. Analysts are constantly looking at public policy in general and seeing where improvements can be made. When 9/11 occurred, the president and congress implemented the Department of Homeland Security. The guidelines were set up, divisions were manned, other departments were consolidated, some departments were brought over from existing agencies to staff the Homeland Security project. This department is one that constantly needs tweaking. Because nothing ever stays the same, such as terrorist activity or illegal immigrants, Homeland Security and Immigration and Customs is always changing, always evolving to cover our nation's borders and safety. The job of the analyst is to make sure the policies still fit the need of the problem at hand and vice versa. Just as

social scientists are forever studying criminals and criminal behavior, our law enforcement and policy analysts are constantly studying policies already in place, what can be changed, and what should be tossed aside for something new. A whole new breed of law enforcement agencies were brought about. The FBI were no longer the golden boys of federal law enforcement; now we have Homeland Security and ICE (Immigration and Customs Enforcement).

Along with the implementation of new federal agencies, just about every state has home offices in which to work directly or indirectly with these federal agencies so that not everything is coming out of Washington DC. Those states that are especially a target for terrorist traffic are the border states like Maine, Texas, Washington state, etc. Analysts are constantly looking at which policies need changing, where the changes need to happen, and will advise those in charge as to what needs to be done. Analysis is about studying what the government chooses to do or not do (Hagan, 2007). It is the study of proposals, specific means to achieving goals, program implementation, the decisions of the government, and the effects of those policies on the American public. While there are many models, perspectives, and approaches to policy analysis, the process should be viewed as a series of political activities that include identification, policy formulation, implementation, and evaluation.

What Influences Criminal Justice Policies

There are a lot of different things that can influence the way crime bills are written and how laws are passed. Each politician has their own agenda when it comes to crime bills, the public can certainly influence the way people vote on different matters, and of course the media can play a significant role in the way people think and feel about crime. Most people take their political cues from the media. Some people will not even vote for a politician until the media endorses that individual. So there are a lot of different forces at play when it comes to crime and the criminal justice policy procedure.

People most often use the media to help form opinion about crime and criminal justice policies. However, when it comes to crime, the media may not show the real picture (Marion, 2006). The media may exaggerate a situation to get better ratings, or let the perception show that all criminals are a certain age or race. How nice it would be to solve all crimes in an hour time frame when in reality it could take weeks or months to bring a suspect in, or perhaps it could turn into a cold case. The media has a way of distorting the facts to suit the needs of the station and make people think that all criminals look like animals when in reality they look like any average individual.

However, it is not just the media that has influence on law and public policy makers. There are interest groups that lobby to get their position on certain items on the floor for a vote. Interest groups are those individuals that try to influence the policy-making system by lobbying and providing information to other individuals that have the same interests. These groups can provide funding in the form of campaign contributions, providing volunteers when it comes time for elected officials to campaign for their position in politics. These interest groups all work to get their special project out there for a vote. As an example, the National Rifle Association works towards influencing legislation so that it reflects the wishes of the members of the group and

push forward their policy goals. These interest groups attempt to influence decisions made within the public policy system on a federal, state, and local level by convincing elected officials to vote in the favor of the group and perhaps gets laws passed in the group's favor (Marion, 2006). Interest groups are not one way; if they can get legislation to put to a vote something they want to happen, they in turn will support that particular elected official when it comes time to vote for them.

As much as the media and interest groups can influence those in public policy, the American people can have just as much influence. Everything seen on TV, written by the media, can influence the way people think, and in turn, the way the votes go. If people feel threatened by an current or recent crime spree, they are going to expect the elected officials to do something about it. But if those officials do not take it as serious as the people do, the people will replace them with those that take it as serious and will do something about it. The tone of the people is what gets politicians to listen to what the voters have to say. And, a lot of politicians use certain crime bills to get their campaign on the road and headed for success. Those that want to replace the older politicians with new blood will listen to what is being said out there about crime because crime and criminal justice issues are always a hot topic.

A lot of things can influence a person's opinion of crime and how it is being handled. How the media presents this topic help people make informed decisions come election time. How the legislation is seen handling crime, crime control and criminal justice issues also have the same influence on the public. If the people feel safe, and the elected official and those in the policy making process are doing the right job to keep things under control, those in office will stay in office. However, if those issues that are important to the people become unimportant to those in office, the voters will change the vote and will be looking for new leaders. Those in the position of making laws effective and keeping crime under control need to keep an ear open to the people and not get so caught up in the politics that sight of the big picture is lost.

Not only do the media and American people have an influence on policy making, the courts system does too, even though most people do not know this. Judges are seen as being impartial and above the dealings of the political arena. Judges and justices have a very important influence when it comes to policy decisions such as criminal justice issues and sentencing. Judges and justices often use the courtroom setting to express individual views and person preferences on policy alternatives and will often make decisions that have a lasting impact on the public policy system. Judges and justices will work in conjunction with others to decide cases and how public policy will be decided. Judges and justices also keep in check the behavior of the other branches of the government to ensure all is fair in the policy making process.

While some may think the court has a limited role in the public policy process, judges and justices are not the only ones in the courtroom. Prosecutors and public defenders also pick and choose which case will appear before a judge, as does those in the appellate court scene (Marion, 2006). Not every case goes before a judge; some are settled out of court in the interest of the people and the taxpayers that fund cases that go to trial. It is the taxpayers dollars that pay the salaries of those involved in deciding cases, and the public expects those involved in the courts to do the job right. Although the courts do not have an obvious role in the making of policies like

Congress or state legislature, it is said that because judges and justices interpret the law, the courts can determine how criminal justice operates and how offenders are treated in the system. If the behavior of a certain party is decided by the courts to be un-Constitutional, it is therefore decided without a doubt to be un-Constitutional.

Conclusion

To understand the criminal justice system and the public policy process is very important for Americans to understand how crime control is kept, how the policy process works, and how those in office influence public opinion. While crime has dropped greatly in the last decade, there are still a lot of crime issues and crime policies that need to be addressed. While those involved in criminal justice and, probably most Americans, agree that more needs to be done to lower the crime rate, there are severe differences over how this should be taken care of. Some individuals believe that tougher enforcement policies should be looked at, including increased spending on law enforcement and prison facilities, longer sentences for offenders, and increase the use of the death penalty for the more serious crimes. Others will argue that more money needs to be spent on prevention, including social services and education, to provide hope and opportunity for potential offenders.

It is the job of every American, not just those elected officials, or law enforcement individuals that have the responsibility to uphold the law. It is also the job of every person to make sure the legal system stays honest by keeping those in office that will uphold the law. America has the responsibility to make sure the Constitution is first and foremost part of our judicial system and get rid of those individuals that refuse to support what the Constitution says.

Encouraging law makers to be proactive instead of reactive when it comes to crime fighting will help the policy process go farther. These policies also need to be kept on top of; instead of writing policies to deal with the issues at hand, it also needs to be taken into consideration future crime issues. The only way to stay ahead of criminals is to think 10 steps ahead of those criminals. Crime evolves more and more every day, and those involved in lawmaking and elected officials need to realize that in order to keep crime at bay.

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