

THE LOWDOWN

Sheriff Charles S. Blackwood

Frequently, I read or hear comments indicating that people wish law enforcement officers would stop merely slapping criminals on the wrist, or go after the “real criminals,” as if it were acceptable to apply the law to those who break certain laws, but ignore those who commit other crimes. I believe such sentiments are an indication that the criminal justice system – of which law enforcement officers are only one part – is not fully understood.

I'll start my explanation with the most basic of principles: law enforcement officers must operate within the confines of the law. In other words, we must enforce the law as it is, not as we think it should be. The will of the people, and the needs of society, can change laws, and there is a slow, deliberate process that guides this evolution. If you don't like a law, please work to change it through one of many options for constructive input.

When law enforcement officers arrest someone for a crime, they must provide sworn testimony to a magistrate, attempting to establish that probable cause exists to believe the identified person committed the specified crime. Probable cause is more than just a reasonable suspicion. The deputy must identify specific facts and circumstances connecting the accused to the crime. However, probable cause is not absolute proof. Our system demands more than the belief of one person to convict someone of a crime.

If the magistrate finds probable cause, he or she will process the arrest, set pre-trial conditions of release, and schedule an initial court date for the defendant. This moment represents a significant transition. Responsibility for the case passes from the law enforcement agency into the jurisdiction of the criminal court system, where the standard required for conviction is higher.

The District Attorney (DA) is an elected representative of the people living in a judicial district. Also known as the prosecutor, the DA has the responsibility to seek justice in all cases. It is critical to understand “justice” does not mean punishing everyone who comes before the court. Rather, it means treating every one equally and attempting to find the morally correct, fair outcome. If there is adequate evidence supporting the criminal charge and law enforcement officers followed proper procedures, the DA will work to obtain a conviction. If the evidence is not strong enough, or if it was not properly obtained, it would be unethical to prosecute, and the DA must dismiss the case.

Only a fraction of criminal cases ever proceed to a trial. Many cases are resolved by a plea bargain, a compromise between the prosecution and the defense, whereby each side feels the risks and rewards of proceeding to trial are appropriately balanced by the terms of the plea. The prosecutor might want a conviction on all charges but fear receiving a not-guilty verdict if the evidence is not compelling or unusually difficult to understand. The defense attorney might think it is in the best interests of the accused to accept conviction on lower-level charges rather than risk being found guilty of more serious crimes that carry longer incarceration times.

Although the general public might take a dim view of plea bargains, the needs of a community are often well-served by such arrangements. If a judge approves, these proposals can guarantee conviction, specify a period of incarceration, and prevent the court system from becoming bogged down. Trials are VERY time-consuming and expensive. If every case went to trial, the backlog would be astronomical, costs would skyrocket, and both the victim and the defendant would spend years waiting for resolution.

If a case goes to trial, a judge oversees the presentation of the case and ensures the prosecution and defense both follow the rules of evidence and due process. A judge is generally the trier of fact in District Court cases; a defendant in a Superior Court trial faces a jury of his or her peers. Both judge and jury must presume the defendant is innocent. They may only change that belief if the DA convinces them otherwise by proving every element of the crime(s) beyond a reasonable doubt. This standard requires that the DA present evidence and arguments to establish the defendant's guilt so convincingly that any rational person would accept it as fact.

As I hope I've made clear, the American criminal justice system is complex, and involves multiple professional disciplines. It works hard to hold guilty people accountable for their crimes while protecting innocent ones from wrongful conviction. It is not a perfect system, but I don't know of a better one.