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Arbitrary Justice

The Power of the American Prosecutor

WITH A NEW AFTERWORD

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Arbitrary Justice The Power Of The American Prosecutor

Lauren-Brooke Eisen



Arbitrary Justice The Power Of The American Prosecutor:

Arbitrary Justice Angela J. Davis, 2009 Arbitrary Justice Angela J. Davis, 2007-04-12 What happens when public prosecutors the most powerful officials in the criminal justice system seek convictions instead of justice Why are cases involving well to do victims often prosecuted more vigorously than those involving poor victims Why do wealthy defendants frequently enjoy more lenient plea bargains than the disadvantaged In this eye opening work Angela J Davis shines a much needed light on the power of American prosecutors revealing how the day to day practice of even the most well intentioned prosecutors can result in unequal treatment of defendants and victims Ranging from mandatory minimum sentencing laws that enhance prosecutorial control over the outcome of cases to the increasing politicization of the office Davis uses powerful stories of individuals caught in the system to demonstrate how the perfectly legal exercise of prosecutorial discretion can result in gross inequities in criminal justice For the paperback edition Davis provides a new Afterword which covers such recent incidents of prosecutorial abuse as the Jena Six case the Duke lacrosse case the Department of Justice firings and more

The Oxford Handbook of Prosecutors and Prosecution Ronald F. Wright, Kay L. Levine, Russell M. Gold, 2021 This book brings together the work of legal scholars sociologists criminologists political scientists and law reformers to better understand a pivotal actor in the criminal legal systems all around the world the prosecutor Scholarship focusing on prosecutors in particular has begun to emerge as its own sub discipline within criminal law and this book surveys the many different strands of that work underscoring the diversity among prosecutors around the world The chapters reveal the ordinary conduct of the prosecutor at various stages of criminal proceedings the various interactions of prosecutors with local communities and other governmental actors and the distinctive habits and concerns that arise for prosecutors in specialized settings such as juvenile justice and immigration

Public Prosecutors in the United States and Europe Gwladys Gilliéron, 2014-04-14 This research examines the role of prosecutors within the United States and in Switzerland and is completed by an overview of the prosecution institutions in France and Germany The research recognizes that despite seemingly very different legal traditions and structures prosecutors in these systems are similar enough that each system might learn from the others Drawing upon the experiences of other nations this research proposes solutions to the problems identified in connection with the position and powers of public prosecutors in the United States Furthermore it outlines the problems related to the increase of prosecutorial power and the lessons the European criminal justice systems surveyed can draw from the experience in the US In terms of methodology this research not only considers formal legal provisions but also systematic structural factors academic literature and statistics revealing how the law and governing principles actually work in practice

The Prosecutor in Transnational Perspective Erik Luna, Marianne Wade, 2012-09-27 In this book Erik Luna and Marianne Wade examine the considerable powers of the American prosecutor and look abroad in order to learn valuable lessons from a transnational examination of prosecutorial authority They explore parallels and distinctions in the

processes available to and decisions made by prosecutors in the United States and Europe Through the varied topics covered by the contributors on both sides of the Atlantic they demonstrate how the enhanced role of the prosecutor represents a crossroads for criminal justice with weighty legal and socio economic consequences Media and Criminal Justice Dennis Stevens,2011-04-19 The media and the CSI craze Motion pictures popular television dramas news reports Wars on crime and junkies Wars on sex offenders and poverty Terrorism and the war on immigrants Crime scene investigations forensics and junk science Prosecutors Wrongful convictions The death penalty Methodology and findings Recommendations to reduce wrongful convictions and eliminate capital punishment **The Legal Process and the Promise of Justice** Rosann Greenspan,Hadar Aviram,Jonathan Simon,2019-06-13 Malcolm Feeley s classic scholarship on courts criminal justice legal reform and the legal complex examined by law and society scholars *Sex Panic and the Punitive State* Roger N. Lancaster,2011-03-15 One evening while watching the news Roger N Lancaster was startled by a report that a friend a gay male school teacher had been arrested for a sexually based crime The resulting hysteria threatened to ruin the life of an innocent man In this passionate and provocative book Lancaster blends astute analysis robust polemic ethnography and personal narrative to delve into the complicated relationship between sexuality and punishment in our society Drawing on classical social science critical legal studies and queer theory he tracks the rise of a modern suburban culture of fear and develops new insights into the punitive logic that has put down deep roots in everyday American life Beyond the Usual Beating Andrew S. Baer,2020-04-10 The malign and long lasting influence of Chicago police commander Jon Burge cannot be overestimated particularly as fresh examples of local and national criminal justice abuse continue to surface with dismaying frequency Burge s decades long tenure on the Chicago police force was marked by racist and barbaric interrogation methods including psychological torture burnings and mock executions techniques that went far beyond the usual beating After being exposed in 1989 he became a symbol of police brutality and the unequal treatment of nonwhite people and the persistent outcry against him led to reforms such as the abolition of the death penalty in Illinois But Burge hardly developed or operated in a vacuum as Andrew S Baer explores to stark effect here He identifies the darkness of the Burge era as a product of local social forces arising from a specific milieu beyond the nationwide racialized reactionary fever of the 1960s and 1970s Similarly the popular resistance movements that rallied in his wake actually predated Burge s exposure but cohered with unexpected power due to the galvanizing focus on his crimes and abuses For more than thirty years a shifting coalition including torture survivors their families civil rights attorneys and journalists helped to corroborate allegations of violence free the wrongfully convicted have Burge fired and incarcerated and win passage of a municipal reparations package among other victories Beyond the Usual Beating reveals that though the Burge scandal underscores the relationship between personal bigotry and structural racism in the criminal justice system it also shows how ordinary people held perpetrators accountable in the face of intransigent local power Trial by Treatment Mary Ellen Stitt,2025-05-20 A troubling account of

the unexpected impacts of treatment based alternatives to criminal punishment Every year courts send hundreds of thousands of people to treatment based programs as alternatives to traditional punishment These alternatives known as diversion programs are widely celebrated as reforms that reduce the punishment of the mentally ill But in Trial by Treatment Mary Ellen Stitt shows that they have in fact expanded the reach of the criminal legal system and its power over the lives of the most vulnerable The inner workings of diversion programs are obscure partially by design and data on outcomes is hard to come by Stitt draws on two years of fieldwork in criminal courtrooms and court mandated treatment sessions as well as an original national dataset in depth interviews and experimental survey data to document the hidden impacts of diversion She shows that placing mental healthcare under the control of the courts has helped to legitimize the criminalization of illness warped treatment environments and amplified inequalities in punishment In vivid and humanizing detail Trial by Treatment shows how reforms that keep power and discretion in the same hands can entrench the very problems they promised to solve

Fieldnotes on a Study of Young People's Perceptions of Crime and Justice Avi Brisman, 2022-07-25 This book is an ethnographic examination of the young people who serve voluntarily as judges advocates and other court personnel at the Red Hook Youth Court RHYC in Brooklyn New York a juvenile diversion program designed to prevent the formal processing of juvenile offenders usually first time offenders for low level offenses such as fare evasion truancy vandalism within the juvenile justice system Focusing on the nine to ten week long unpaid training program that the young people undergo prior to becoming RHYC members this book offers a detailed description of young people's experiences learning about crime delinquency justice and law Combining moments of self reflection and autobiographical elements into largely uncooked fieldnotes the book seeks to demonstrate the hegemonic operations of a court the Red Hook Community Justice Center RHCJC a multi jurisdictional problem solving court and community center where the RHYC is housed the processes in which it secures belief in formal justice and the rule of law ensures consent to be governed and reproduces existing social structures An accessible and compelling read this book will appeal to students and scholars of criminology law sociology and youth justice as well as to those undertaking ethnographic research on young people crime and justice **New England**

Law Review: Volume 50, Number 1 - Fall 2015 New England Law Review, 2016-03-28 The New England Law Review offers its issues in convenient digital formats for e reader devices apps pads and phones This first issue of Volume 50 Fall 2015 features an extensive and important Symposium entitled Discipline Justice and Command in the U S Military presented by leading scholars on the subject Contents include Introduction to Discipline Justice and Command in the U S Military Maximizing Strengths and Minimizing Weaknesses in a Special Society by Victor Hansen Discipline Justice and Command in the U S Military Maximizing Strengths and Minimizing Weaknesses in a Special Society by Rachel VanLandingham On Unity A Commentary on Discipline Justice and Command in the U S Military Maximizing Strengths and Minimizing Weaknesses in a Special Society by Elizabeth Hillman To Prosecute or Not to Prosecute Who Should Make the Call by James Gallagher In

addition Issue 1 includes these extensive student contributions Foreword 50 Years Through Changing Times the New England Law Review Remains a Constant by Nicholas Baran Note A New Era of Eyewitness Identification Law Putting Eyewitness Testimony on Trial by Sara Conway Comment Without a Bright line on the Green Line How Commonwealth v Robertson Failed to Criminalize Upskirt Photography by Jeffrey Marvin Quality digital formatting includes linked notes active table of contents active URLs in notes and proper Bluebook citations Prosecution Complex Daniel S. Medwed, 2012 American prosecutors are asked to play two roles within the criminal justice system they are supposed to be ministers of justice whose only goals are to ensure fair trials and they are also advocates of the government whose success rates are measured by how many convictions they get Because of this second role sometimes prosecutors suppress evidence in order to establish a defendant's guilt and safeguard that conviction over time In Prosecution Complex Daniel S Medwed shows how prosecutors are told to lock up criminals and protect the rights of defendants This double role creates an institutional prosecution complex that animates how district attorneys offices treat potentially innocent defendants at all stages of the process and that can cause prosecutors to aid in the conviction of the innocent Ultimately Prosecution Complex shows how while most prosecutors aim to do justice only some hit that target consistently **Japan's Prosecution Review**

Commission David T. Johnson, 2023-01-01 This book explains Japan's unique Prosecution Review Commission PRC which is composed of eleven lay people selected randomly from voter registration lists Each of the country's 165 PRCs reviews non charge decisions made by professional prosecutors and determines which cases should be reinvestigated or charged PRCs also provide prosecutors with general proposals and recommendations for improving their policies and practices The book analyzes the history and operations of the PRC and uses statistics and case studies to examine its various impacts from legitimation and shadow effects to kickbacks and mandatory prosecution More broadly this book explores a problem that is common in many criminal justice systems how to hold prosecutors accountable for their non charge decisions It discusses the potential these panels have for improving the quality of criminal justice in Japan and other countries and it will appeal to scholars and students studying prosecution and democracy criminal justice criminology lay participation justice reform and Japanese studies Yale Law Journal Yale Law Journal, 2013-06-29 Symposium The Gideon Effect Rights Justice and Lawyers Fifty Years After Gideon v Wainwright The year 2013 marks the golden anniversary of the U S Supreme Court's landmark ruling in Gideon v Wainwright 1963 which established a constitutional right to counsel for criminal defendants A half century later there remains a compelling need for a reexamination of its legacy extensions shortfalls and long shadow over other areas of law such as immigration and custody disputes This special Symposium issue of the Yale Law Journal is in effect a new and extensive book on this important subject featuring contributions by internationally recognized legal and political scholars It is one of the most thorough detailed and wide ranging analyses of the current standing and reach of what may be the Court's most important criminal law decision The contributors are Rebecca Aviel John H Blume Sheri Lynn

Johnson Stephen B Bright Sia M Sanneh Paul D Butler Jeanne Charn Erwin Chemerinsky Gabriel J Chin Martha F Davis Ingrid V Eagly Roger A Fairfax Jr Bruce A Green M Clara Garcia Hernandez Carole J Powell Emily Hughes Kevin R Johnson Neal Kumar Katyal Nancy J King Nancy Leong Justin F Marceau Hope Metcalf Judith Resnik Pamela R Metzger David E Patton Eve Brensike Primus L Song Richardson Phillip Atiba Goff Jenny Roberts and Carol S Steiker The issue the eighth and final one of academic year 2012 2013 also includes a cumulative Index to the eight issues of Volume 122 As with previous digital editions of the Yale Law Journal available from Quid Pro Books features include active Tables of Contents including links in each Essay s own table linked footnotes and URLs and proper ebook formatting

The Oxford Handbook of State and Local Government Donald P. Haider-Markel, 2014-04-03 The Oxford Handbook of State and Local Government is an historic undertaking It contains a wide range of essays that define the important questions in the field evaluate where we are in answering them and set the direction and terms of discourse for future work The Handbook will have a substantial influence in defining the field for years to come The chapters critically assess both the key works of state and local politics literature and the ways in which the sub field has developed It covers the main areas of study in subnational politics by exploring the central contributions to the comparative study of institutions behavior and policy in the American context Each chapter outlines an agenda for future research

Prosecutors and Democracy Máximo Langer, David Alan Sklansky, 2017-10-26 The first sustained scholarly examination of the relationship between prosecutors and democracy from a cross national cross disciplinary perspective Written by a team of internationally distinguished contributors this is an ideal resource for legal scholars and reformers political philosophers and social scientists

The Oxford Companion to American Politics David Coates, 2012-07-12 Provides students and scholars with a valuable reference source in the field of American Politics The Companion will equip readers with a deep understanding of the complex interaction between governmental institutions and processes and the wider American economy and society that they govern

Voices from Criminal Justice Heith Copes, Mark Pogrebin, 2016-11-25 Voices from Criminal Justice Second Edition gives students rich insight into the criminal justice system from the point of view of practitioners as well as outsiders citizens clients jurors probationers or inmates These qualitative and teachable articles cover all three components of the criminal justice system ensuring students will be better informed about the daily realities of criminal justice professionals in law enforcement courts and corrections At the same time the juxtaposition of insider and outsider views allows students to look beyond the actual content of the articles and develop their own views about the functions and flaws of the criminal justice system on a societal level This innovative reader now with seven new articles designed to stimulate discussions and promote critical thought is perfect for undergraduate criminal justice courses in the United States and has proven to be an effective companion or alternative to traditional introductory textbooks Voices from Criminal Justice Second Edition also offers a framework for more advanced students in special issues or capstone courses to synthesize information from earlier courses and develop

their own view of American justice Excessive Punishment Lauren-Brooke Eisen, 2024-04-09 The United States has by far the world's largest population of incarcerated people More than a million Americans are imprisoned hundreds of thousands more are held in jails This vast system has doled out punishment particularly to people from marginalized groups on an unfathomable scale At the same time it has manifestly failed to secure public safety instead perpetuating inequalities and recidivism Why does the United States see punishment as the main response to social harm and what are the alternatives This book brings together essays by scholars practitioners activists and writers including incarcerated and formerly incarcerated people to explore the harms of this punitive approach The chapters address a range of issues from policing to prosecution and from how people are treated in prison to the consequences of a criminal conviction Together they consider a common theme We cannot reduce our dependence on mass incarceration until we confront our impulse to punish in ways that are excessive often wildly disproportionate to the harm caused Essays trace how a maze of local state and federal agencies have contributed to mass incarceration and deterred attempts at reform They shed light on how the excesses of America's criminal legal system are entwined with poverty racism and the legacy of slavery A wide ranging and powerful look at the failures of the status quo Excessive Punishment also considers how to reimagine the justice system to support restoration instead of retribution

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