

Criminal Justice System

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Location

Date of Submission

Search

Search in the perspective of criminal justice system entails the examination of a person or his/property by legal enforcement officers. Nevertheless, in order for a search to take place, it can be explained that it is vital that a search warrant is available. The search warrant is normally issued by the court and it permits a police officer or another law enforcement officer to carry our search in a specified property (Acker and Brody, 166).

Seizure

Seizure entails the procedure that is applied in the criminal justice system as the by the police and other legal enforcement officers who suspect that an individual has committed a crime to undertake a search of the individual's property and seize any items that might be found and could be relevant to the crime that the person is suspected to have committed (Acker and Brody, 74).

Arrest

As explained by Suggs (2), arrest involves the use of legal authority to deny an individual his/her freedom of movement. Nevertheless, in order for an arrest to take place, the officer that is undertaking the arrest is required to have an arrest warrant. However, in situations where probable cause and urgent circumstances exists, there is no need for an arrest warrant.

Reasonableness

Reasonableness as has been expounded on by Suggs (117) entails fair, proper or having moderate regard for the circumstances under which the law is been applied. For

example, it is reasonable for searches to be carried out in certain citations even without any search warrant. For instance, the police do not require a search warrant to conduct searches on drivers so that they can find drivers who are drinking while drunk. In addition to that, it can be explained that the reasonableness standard guides most legal judgments in establishing whether criminal liability could be imposed or not. Indeed, even though causing harm, such as causing the death of another person might on its own be a crime, reasonableness can be used to defend that crime. In some cases, reasonableness is used as a restricted defense resulting to minimization of the potential maximum sentence (Suggs, 117).

How privacy is affected by searches, seizures, arrest and reasonableness

Whenever a search, seizure or arrest is carried out, it can be pointed out that it is obvious for privacy of the individual who is being searched, arrested or seized to be affected. Indeed, the fact that the concept of reasonableness makes it possible for the legal enforcement officers to arrest, search and seize without having warrants in some occasions implies that the privacy of those involved is affected.

In view of the concept of stop and frisk, it can be explained that this concept permits that in a situation where a legal officer happens to suspect and a person poses a danger to the society, then the legal officer is permitted to stop the person and carry out a frisk that would involve a quick pat down on the individual's outer clothing (Carmen, 140). That can obviously have an impact on the privacy of the person who is being stopped and frisked but considering that it is the security of the public that is being addressed, then no one should really be concerned about the concept.

On the other hand, in case of owner of vehicles, they have to be ready for their vehicles to be searched since as explained by Carmen (255), whenever police officers suspect that a vehicle is been used for criminal activities or there are plans to use the vehicle to carry out some crimes, then the police officers are allowed to carry out a search on the vehicle without any search warrant. Even though there are at times when the privacy of the owner or the driver of the car might be intruded during the searches, the law enforcement officers are permitted to carry on with the search as long as the search is reasonable.

On the other hand, border search rule guaranteed law enforcement offices to carry out searches on those leaving or entering the country if they happen to be suspected of something illegal. In addition, it can be noted that there is no need for warrant of arrest as long as there is a probable cause (Carmen, 297).

Therefore, it can be explained that as long as there is sufficient prove to show that the concept of reasonableness can be applied, the legal officers do not require any warrant to conduct searches, arrest or seizure. Nevertheless, when going about those duties, the legal officers are also expected to ensure that they have minimal impact to the privacy of those involved.

References

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