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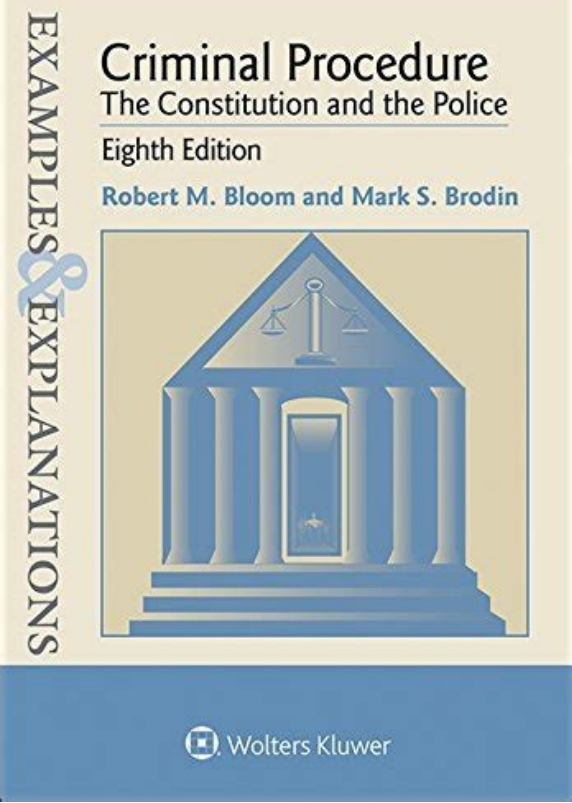
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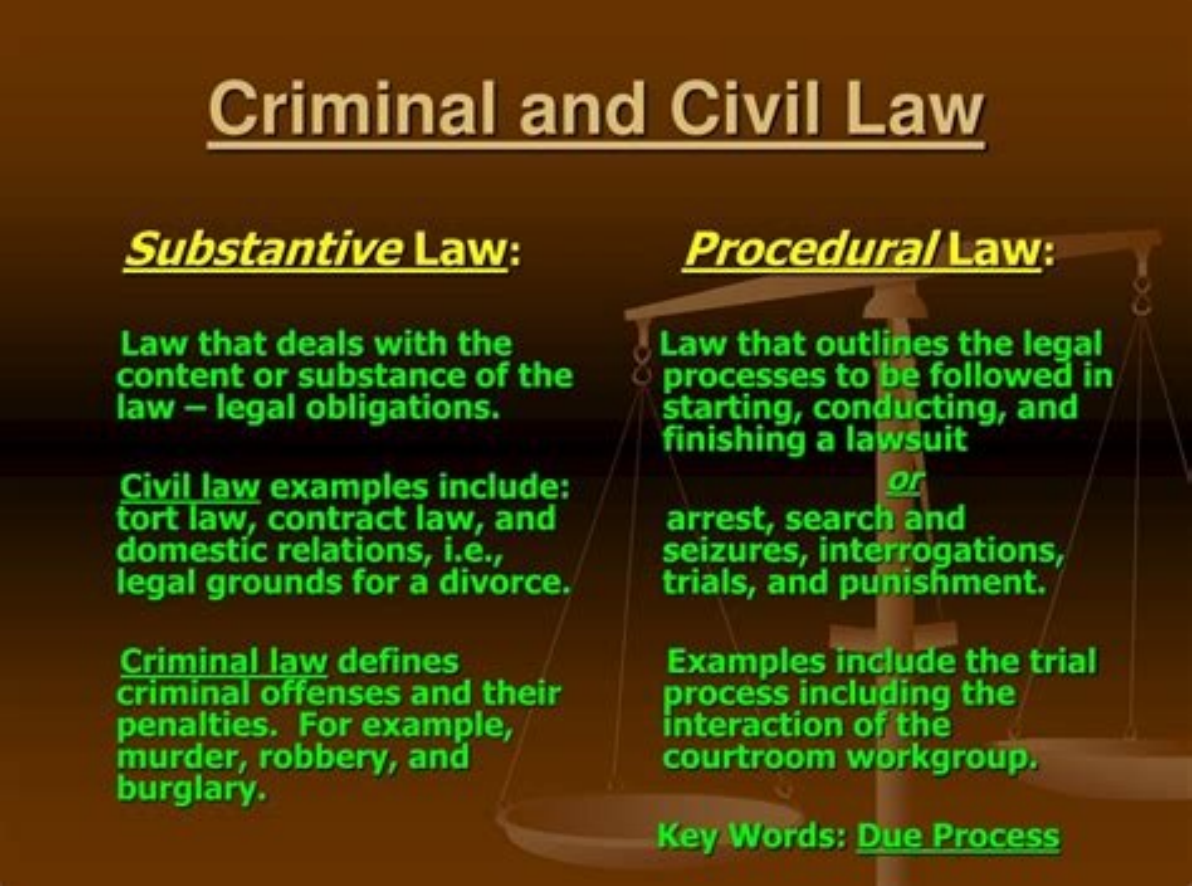
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Procedural criminal law examples

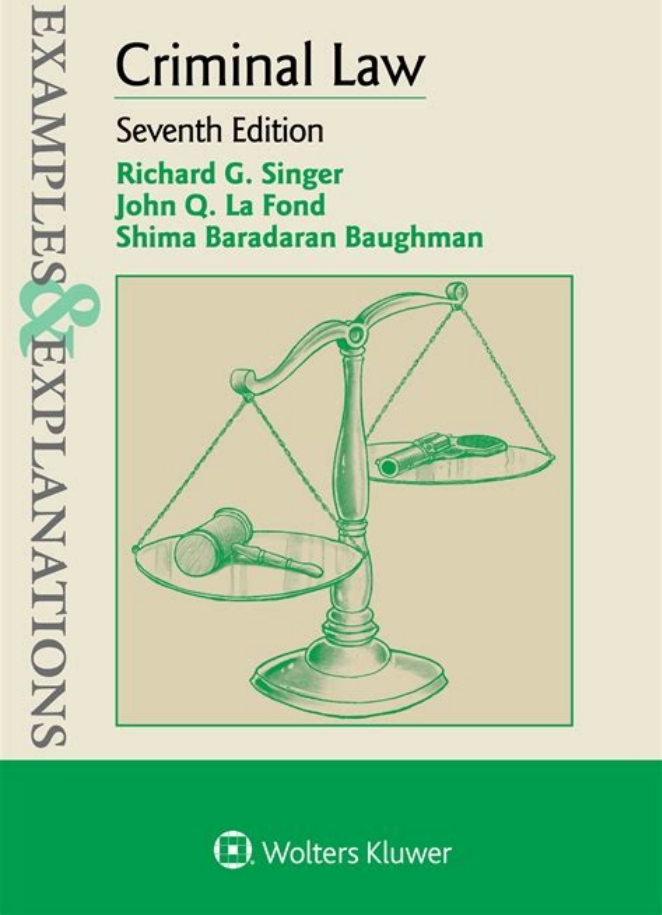
Asked by: Melvin Wyman | Last update: August 30, 2022 Score: 4.3/5 (39 votes) Criminal procedure generally concerns the enforcement of individuals' rights during the criminal process. words to describe personality characteristics pdf Examples of procedural issues are individuals' rights during law enforcement investigation, arrest, filing of charges, trial, and appeal. What is an example of a procedural law? Procedural Law For example, when judges sustain or overrule objections raised by lawyers, they do so according to procedural laws. Other examples of the application of procedural law in court include pleading requirements, rules of pre-trial discovery of evidence, and standards of judicial review. Procedural law consists of the set of rules that govern the proceedings of the court in criminal lawsuits as well as civil and administrative proceedings. The court needs to conform to the standards setup by procedural law, while during the proceedings. In the United States, procedural defenses include: collateral estoppel, denial of a speedy trial, double jeopardy, entrapment, prosecutorial misconduct, selective prosecution, exclusionary rule, facts found by judge rather than jury. Criminal law deals with behavior that is or can be construed as an offense against the public, society, or the state—even if the immediate victim is an individual. Examples are murder, assault, theft, and drunken driving. 23 related questions found procedural law, Law that prescribes the procedures and methods for enforcing rights and duties and for obtaining redress (e.g., in a suit). It is distinguished from substantive law (i.e., law that creates, defines, or regulates rights and duties).



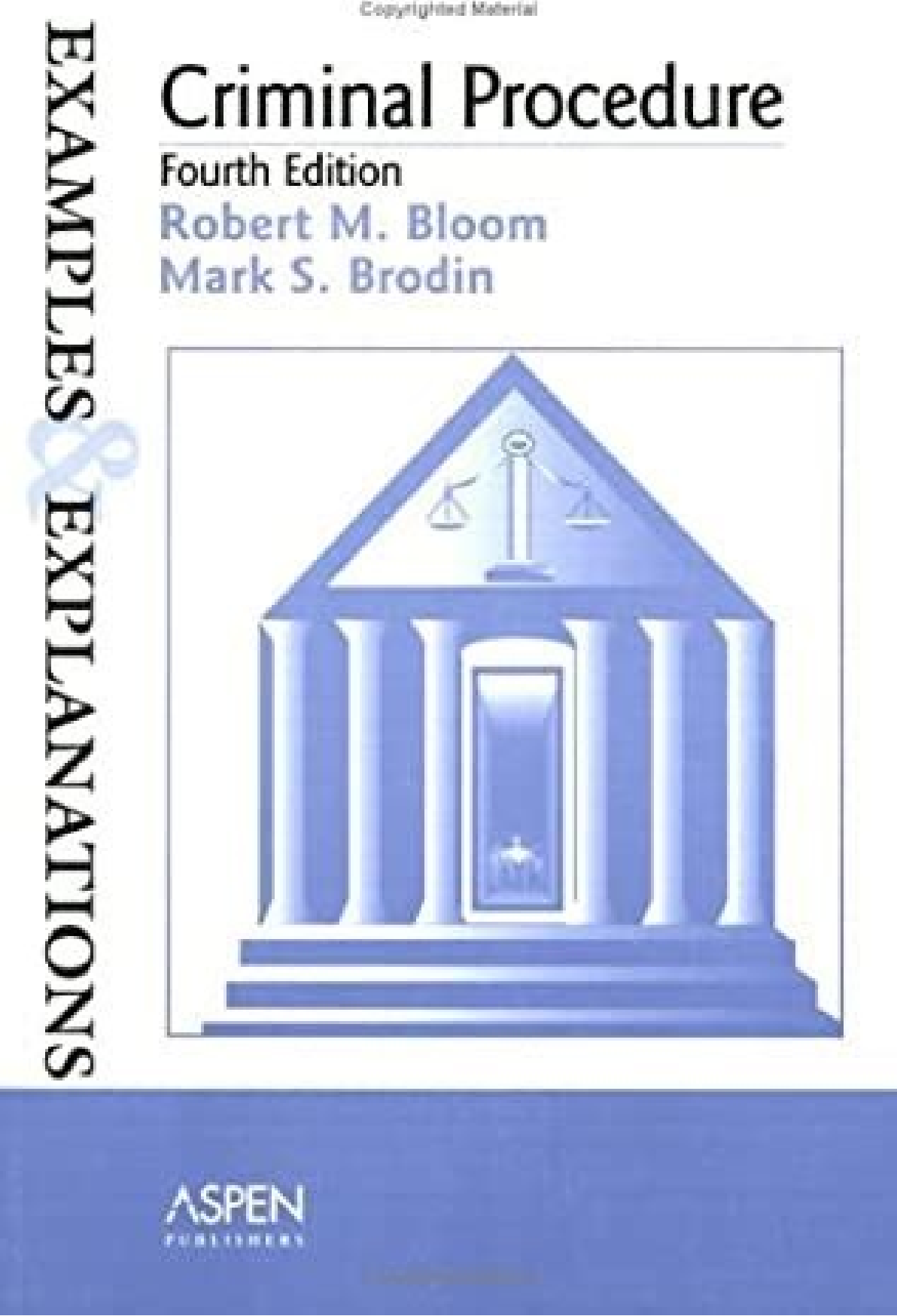
Substantive law establishes the rights and obligations that govern people and organizations; it includes all laws of general and specific applicability. Procedural law establishes the legal rules by which substantive law is created, applied and enforced, particularly in a court of law. Procedural defenses include: double jeopardy (a defense in which the defendant claims that the government is repeatedly and impermissibly prosecuting him or her for the same crime), speedy trial (a defense in which the defendant claims the government took too long to get his or her case to trial), entrapment (a defense ... Which of the following is an example of a procedural defense? Entrapment is an improper or illegal inducement to crime made by law enforcement agents. journal ledger and trial balance questions and answers



The claim of entrapment is a procedural defense. Procedural defenses focus on whether the alleged criminal actually committed the crime. False. It is not a crime to buy property that you know has been stolen. False. Substantive defenses include self defense, insanity, and immunity. For example, a claim to recover for breach of contract or negligence or fraud would be a common law substantive right. A state or federal statute giving an employee the right to sue for employment discrimination would also create a substantive right. Procedural Law establishes the process through which rights and responsibilities are enforced. Procedural rules are designed to ensure parties are treated fairly, to reinforce predictability and to help the courts function more effectively. Procedural criminal law -set of rules governing the process by which criminal law is implemented by the various government agencies. Criminal procedure -actions to enforce a set of rules that 'balance' preserving public safety and ensuring individual rights. Procedural law pertains to the law that controls the way a court case proceeds. In other words, procedural law dictates what will happen in the court.



In contrast, substantive law pertains to the facts and law of the case and the resolution of the matter at issue. There must be probable cause to make an arrest. A prosecutor must file charges, specifying what the individual is accused of going. The defendant must be arraigned on those charges. The defendant must advise the court whether he has an attorney, or is requesting a court-appointed attorney. Procedural law brings substantive law to life and enables rights and duties to be enforced and defended. homeopathy books pdf in bangla Because procedural law qualifies substantive law it is sometimes referred to as "adjectival" law. Procedural defenses. Makes claim that defendant was in some manner discriminated against in the justice process. Entrapment (IMPORTANT) An improper or illegal inducement to crime that they otherwise would not commit by agents of law enforcement. Double jeopardy. constitutional law principles and policies 6th edition pdf Substantive law includes laws that define, describe, regulate and create legal rights and obligations. For example, a law prohibiting employment discrimination on the basis of age falls into the category of substantive law. Correct. Statutory law is law that is written or codified. The law results from legislative action and is called "the law on the books." The procedural defense involves the foundation that must be laid for the PAS results to be used in evidence. The substantive defense is based on the margin of error of the PAS device. When it comes to criminal cases, there are usually four major criminal defense strategies that criminal attorneys employ: innocence, constitutional violations, self-defense, and insanity. As applied to criminal law, substantive law is that which declares what acts are crimes and prescribes the punishment for committing them, as distinguished from the procedural law which provides or regulates the steps by which one who commits a crime is to be punished. bridging the gap proficiency pdf free online It determines their conduct and relations in respect of the matters litigated. Procedural Law deals with the means and instruments by which those ends are to be attained. It regulates the conduct and relations of courts and litigants in respect of the litigation itself. The source of procedural law includes the same sources of law you have just read about which govern substantive criminal law: the constitution, cases law or judicial opinions, statutes, and common law. procedural, whether or not state statutes, case law, or constitutions are involved. Concluding that the right to jury trial is procedural is pre- sumably based on federal policy, but grounded on an interpretation of the Byrd case in terms of the Erie test. Early conceptualizations of procedural justice in the criminal justice system were concerned with its effect on satisfaction with the outcomes of decision-making processes. For example, Thibaut and Walker (1975) were concerned with the impact of "decision control" on the way in which defendants perceive the outcomes of court processes. return man 2 unblocked games 66.pdf Thibaut and Walker hypothesized that dispute resolution procedures would impact on satisfaction, regardless of the resolution reached, and found that even though disputants are less satisfied when they receive unfavorable outcomes, perceptions of procedural justice reduce the level of dissatisfaction experienced. Building on the work of Thibaut and Walker (1975), Tyler (1984) sought to progress understandings of outcome satisfaction by questioning the extent to which outcomes matter to citizens when determining their satisfaction with criminal justice actors and processes. Tyler's study represents a departure from much of the previous research in that he proposed that procedural justice would be related to outcome satisfaction regardless of whether or not citizens received favorable outcomes. Tyler found that while outcomes and sanctions were important to people, how people felt that their court matter was handled (procedural justice), as well as how they felt they were treated by judges, predicted satisfaction with the outcome. Later, Casper, Tyler, and Fisher (1988, p. 486) examined views of procedural justice and distributive justice (defined here as the "justness of the outcome") among men charged with felony offenses in Phoenix, Baltimore, and Detroit in order to better understand factors that influence outcome satisfaction in the context of court proceedings. The authors sought to explore whether or not procedural justice mattered to people even when they had a high stake in the outcome. To do this, Casper et al. included various aspects of the court process in their models, such as whether the defendant pled guilty or not guilty (and thus had a trial), as well as their perceptions of outcome severity and procedural justice. They found procedural justice was the strongest predictor of outcome satisfaction for both those who pled guilty and those who experienced a trial process. The length of sentence that defendants received was interestingly not found to directly affect outcome satisfaction, with this path being mediated by perceptions of distributive justice. While Casper et al.'s findings indicate that treatment matters to individuals going through criminal courts, they note that this does not suggest sentence severity does not also matter. Rather, these findings signal the importance of treatment even when outcomes (such as the possibility of lengthy sentences) also matter to people. Taken together, these results highlight the complex factors associated with outcome satisfaction, and the significance of procedural justice for criminal justice system outcomes. They also fit with 21st-century research which emphasizes the importance of interpersonal treatment and fairness over outcome satisfaction in the court setting (e.g., Benesh & Howell, 2001; Burdziej, Guzik, & Piliowski, 2019; Gover et al., 2007; Grootelaar & van den Bos, 2018; see also Tyler, 1984). More recently, procedural justice has been applied to other types of courts, such as drug courts, mental health courts, and domestic violence courts (e.g., Atkin-Plunk & Armstrong, 2016; Canada & Watson, 2013; Dollar, Ray, & Hudson, 2018). These types of courts move away from the traditional adversarial model of the criminal justice system (i.e., deterrence and punishment) to adopt a more therapeutic approach (i.e., support and treatment). 90526049527.pdf Procedural justice has been examined in these contexts as it is expected that fair treatment employed in such courts will improve satisfaction and compliance (e.g., will reduce recidivism rates). For instance, Gover et al. (2007) examined victims' and offenders' satisfaction with the Lexington County Domestic Violence Court process. Gover et al. sought to determine how procedural justice elements related in the context of domestic violence courts. Overall, they found most victims and offenders in the study felt that they were treated with respect, that their case was handled in a fair manner, and, relatedly, that they were satisfied with the court upon case completion. Procedural justice is also examined in the context of restorative justice processes. Here, research has explored whether restorative justice approaches (which involve greater participation of all involved parties than do traditional court processes) are related to greater perceptions of procedural justice among involved parties (see Barnes, Hyatt, Angel, Strang, & Sherman, 2015) and lower levels of recidivism (see Hipple, Gruenewald, & McGarrell, 2014). For example, Tyler, Sherman, Strang, Barnes, and Woods (2007) conducted one of the few longitudinal studies on the effect of procedural justice on support for the law and reoffending. Drawing on data collected in the Australian Reintegrative Shaming Experiments (which focused on offenders charged with drink driving), Tyler et al. examined differences between those randomly assigned to the traditional court system and those who participated in a restorative justice conference (which was thought to lead to a greater sense of procedural justice).



Two years after the experiment, no significant differences in reoffending were found between the two groups. managing human resources luis gomez mejia pdf However, those who participated in the restorative justice process demonstrated greater support for the law. In this way, while restorative justice did not impact recidivism as expected, it did appear to bolster the legitimacy of the law among program participants. Just as procedural justice impacts evaluations of court proceedings, it also matters when evaluating the outcomes of police-citizen encounters. One of the pivotal studies in this field was conducted by Tyler and Folger (1980). Drawing on data collected in Evanston, Illinois, Tyler and Folger examined citizen satisfaction with two types of police-citizen encounters: citizen-initiated (i.e., calling the police for assistance) and police-initiated (i.e., being apprehended by the police). They found that for respondents who experienced a citizen-initiated police contact, police behaving fairly was significantly related to call satisfaction (although police solving the problem was the strongest predictor). For those who experienced a police-initiated encounter, they found that police behaving fairly was the stronger predictor of satisfaction (compared to receiving a ticket, which was negatively related to satisfaction) (see also Skogan, 2005; Stone & Pettigrew, 2000). Research conducted in Australia by Murphy (2009) identified similar results. Like Tyler and Folger (1980), Murphy found procedural justice was more important than police performance when predicting satisfaction with police-initiated contacts; however, the reverse was found for citizen-initiated contacts. Drawing on the same Australian dataset, Tyler et al. (2007) examined the relationship between perceptions of procedural justice and overall satisfaction with the police (see also Hinds & Murphy, 2007, where more general perceptions of procedural justice are associated with increased satisfaction with police). Social observation research similarly finds that procedural justice affects satisfaction with police encounters. Drawing on systematic social observations undertaken in suburban America, Jonathan-Zamir, Mastrofski, and Moyal (2015) examined the relationship between procedural justice and satisfaction with police, this time using observational research methods. In the majority of police-citizen encounters in their study, Jonathan-Zamir et al. found that when they observed the police to be procedurally just toward a citizen they also observed that the citizen appeared more satisfied with the encounter.

In addition to [satisfaction with police](#) more generally, other research on [victimization of crime](#). For example, in their Australian study, Elliott, Thomas, and Ogloff (2011) interviewed 110 people who had been a victim of crime in the preceding 12 months. [bill nye chemical reactions answers pdf](#) They found the victims' perceptions of procedural justice were positively and significantly associated with encounter satisfaction (see also Kumar, 2018). [85113111173.pdf](#) Elliott et al. (2011) also found procedural justice was a stronger predictor of satisfaction, compared to the receipt of a desired outcome. [86128603137.pdf](#) In the corrections context, procedural justice may be less important for satisfaction. For example, Jenness and Calavita (2018) examined prisoners' satisfaction with the process (procedural justice) and outcome (substantive justice) of filed grievances. [54649609176.pdf](#) Using data drawn from 120 prisoners randomly selected from three Californian prisons, the authors found prisoners placed more importance on the outcome they received than how the process was handled. [electrical power system design pdf](#) Even when prisoners considered the grievance process was managed adequately, they were unlikely to be satisfied if the outcome was not favorable to them. Jenness and Calavita suggest that in an environment where the stakes are high, it is likely that perceptions of procedures and outcomes are viewed in combination (see also Heinz, 1985). Prisoners constantly experience decisions made on their behalf during their time in prison. They are told which prison they will serve time in; who they will serve time with; when and where they will eat, sleep, shower, etc.; whether they are able to work or study; whether privileges are given or taken away; whether or not and how they will be sanctioned if they are seen to breach prison rules; and when and under what conditions they will be released. Prison is clearly a high-stakes environment, yet very little research has examined whether prisoners view the processes and treatment involved in making such decisions as fair and whether this impacts their satisfaction with the outcome they receive. Procedural justice research in the criminal justice system began with a focus on satisfaction with decision-making processes. This focus quickly shifted to the potential for procedural justice to encourage the public's perceptions of authorities as legitimate and their willingness, or reported willingness, to cooperate and comply with the law and legal authorities. This is important because criminal justice actors want to be perceived as legitimate and entitled to obedience, and they seek to encourage a general willingness to obey the law in the absence of police, or beyond the imposed probation order, to ensure that people are not continually offending and being cycled through the criminal justice process (Tyler, 2007). Cooperation and compliance with criminal justice authorities are also of key concern for policymakers, practitioners, and academics because self-directed compliance behavior is viewed as a more desirable alternative to compliance by force. Eliciting compliance by force is problematic in the criminal justice system. For example, police use of force can result in arrest, injury, and even death (Bozeman et al., 2018; MacDonald, Kaminsky, & Smith, 2009). The use of force may be even more salient in prison, where individuals have already demonstrated noncompliance. However, the use of excessive force can still have detrimental psychological consequences for prisoners, and may lead to increased acts of resistance, retribution, and rule-breaking (Jackson, Tyler, Bradford, Taylor, & Shiner, 2010). As such, relying on "people's internal motivations for obeying the law" (Sunshine & Tyler, 2003, p. 523) is preferred by both authorities and the general public. In addition to compliance, voluntary cooperation with criminal justice authorities is important. For example, without the cooperation of the public, police are limited in their ability to effectively prevent and control crime (e.g., they need people to willingly report crime and victimization to them) (Tyler & Fagan, 2008). In a corrections context, prison staff similarly rely on the voluntary cooperation of prisoners to obtain accurate and relevant intelligence and maintain order within the prison (Liebling & Price, 2001). Tyler and colleagues explain that procedural justice may encourage willingness to cooperate or comply with authorities via the mechanism of legitimacy (Sunshine & Tyler, 2003; Tyler & Fagan, 2008; Tyler & Huo, 2002). Tyler explains that in order for people to cooperate and comply with legal authorities they must designate these authorities as "legitimate" (Sunshine & Tyler, 2003; Tyler & Fagan, 2008; Tyler & Huo, 2002). Much of the research on procedural justice in the criminal justice system has subsequently focused on public perceptions of the legitimacy of these institutions and has particularly focused on the way in which procedural justice contributes to perceptions of legitimacy. While definitions of "legitimacy" are contested, it is often defined as "a property of an authority or institution that leads people to feel that that authority or institution is entitled to be deferred to and obeyed" (Sunshine & Tyler, 2003, p. 514). Legitimacy reflects the "acceptance by people of the need to bring their behavior into line with the dictates of an external authority" (Tyler, 1990, p. 25). When people believe that authorities are legitimate they are, in turn, more likely to cooperate and comply with said authorities (Sunshine & Tyler, 2003; Tyler & Fagan, 2008; Tyler & Huo, 2002). Policing research focuses on testing the pathway between procedural justice, instrumental factors (such as police effectiveness, distributive justice, and deterrence), legitimacy, and cooperation and compliance (Sunshine & Tyler, 2003, p. 514). Tyler and his colleagues argue that procedural justice and police legitimacy are much stronger predictors of cooperation and compliance than are instrumental factors such as police effectiveness, deterrence risk ("their ability to catch rule-breakers"), and distributive justice ("the fairness of their distribution of outcomes") (Sunshine & Tyler, 2003, p. 518; Tyler & Fagan, 2008).

Two *TYPES* of *LAW*

- ***Substantive Law*:** Law that deals with the content or substance of the law – legal obligations. Civil law examples include: tort law, contract law, and domestic relations, i.e., legal grounds for a divorce. Criminal law examples include: murder, robbery, and burglary.
- ***Procedural Law*:** Law that outlines the legal processes to be followed in starting, conducting, and finishing a lawsuit. Examples include the trial process including the interaction of the courtroom workgroup.

Tyler and Fagan (2008, p. 241) also emphasize the importance of procedural justice in encouraging police legitimacy: The procedural justice model of policing argues that the police can build general legitimacy among the public by treating people justly during personal encounters. This argument is based upon two empirical arguments. The first is that people evaluate personal experiences with the police by evaluating the fairness of police procedures. [contemporary financial management 13th edition pdf](#) The second is that this means that by using fair procedures the police can increase their legitimacy, even if their policing activities involve restricting or sanctioning the people with whom they are dealing. [pibuxajejos.pdf](#) In their influential paper, Sunshine and Tyler (2003) contrast the effect of procedural justice and legitimacy, and more instrumental factors, on "three aspects of public support: behavioral compliance with the law, behavioral cooperation with the police, and public willingness to support policies that empower the police to use their discretion in enforcing the law" (Sunshine & Tyler, 2003, p. 514; see also Tyler & Huo, 2002). Using survey data of New Yorkers collected pre- and post-September 11, 2001, the authors found that legitimacy was the strongest predictor (compared to the instrumental factors) of cooperation and compliance. They also found that procedural justice was the strongest predictor of legitimacy.

In the post-September 11 survey, they compared White, Hispanic, and Black sub-samples. [wugaboxut.pdf](#) They found that, regardless of the subsample, the general pattern of results remained the same. Ultimately, these findings indicate that procedural justice and legitimacy are more important than instrumental factors (such as police effectiveness and deterrence) when encouraging voluntary cooperation and compliance with police. [53933845124.pdf](#) Since this earlier work of Tyler and colleagues, numerous studies have found procedural justice to be an important predictor of legitimacy and cooperation with police in the United States (e.g., Huq, Tyler, & Schulhofer, 2011a, 2011b; Kochel, 2018; Tyler, Schulhofer, & Huq, 2010; White, Mulvey, & Dario, 2016) and elsewhere (e.g., Cherney & Murphy, 2013; DeCremer & Tyler, 2017; Hamm, Trinkner, & Carr, 2017; Jackson, Bradford, Stanko, & Hohl, 2012; Madon, Murphy, & Cherney, 2016; Murphy & Cherney, 2011a, 2011b; Murphy, Madon, & Cherney, 2017; Murphy, Sargeant, & Cherney, 2015; Reisig & Lloyd, 2009; Reisig, Tankebe, & Meško, 2012; Sargeant, Murphy, & Cherney, 2014; Van Damme, Pauwels, & Svensson, 2015). Research also finds procedural justice is important for compliance with police in police–citizen encounters, and with the law more broadly (Barkworth & Murphy, 2015; Mazerolle, Bennett, Antrobus, & Eggins, 2012; McClusky, Mastrofski, & Parks, 1999; Reisig, Tankebe, & Meško, 2014). It should be acknowledged, however, that most of these studies consider citizens' perceived or reported compliance, rather than their actual behavior (Nagin & Telep, 2017). This issue is discussed further in the section Critiques and Future Directions below. Several studies have examined legitimacy and procedural justice in the court context. These studies similarly find quality of treatment is an important factor associated with the perceived legitimacy of, and confidence in, courts (Burdziej et al., 2019) and court actors (Hulst, van den Bos, Akkermans, & Lind, 2017a), as well as the broader criminal justice system (Greene, Sprott, Madon, & Jung, 2010). For example, in his U.S. study Tyler (2001) examined four key factors that affect confidence in the courts (confidence and trust have been used as proxy measures of an authority's legitimacy in the early procedural justice literature). Those factors were: "outcome fairness, quality of treatment, structural problems, and costs of litigation" (Tyler, 2001, p. 226). He found that, overall, people's perceptions of how the courts treat them is the strongest predictor of confidence. In Toronto, Sprott and Greene (2010) also examined trust and confidence in the courts (again, used as a proxy for legitimacy evaluations) among a sample of youth court defendants. Participants were interviewed at their first appearance for a charge and again after a decision was made in their case. The authors found defendants' perception of their treatment by the judge at time 2 was the strongest predictor of their views on the legitimacy of the criminal justice system, with those who perceived high procedural justice being more likely to view the system as legitimate than those who perceived low procedural justice. Sprott and Greene (2010) also found that those who felt their lawyers treated them with higher procedural justice were more likely to view the criminal justice system as legitimate, independent of case outcomes. These results suggest the procedural justice of court actors is more important to defendants than the disposition of their case, even in criminal court proceedings. [miracles on demand by charles lebbetts.pdf](#) Research on procedural justice and the courts also finds that procedural justice promotes willingness to obey the law and to accept decisions (Baker et al., 2015; Tyler, 2003, 2007; Tyler & Huo, 2002). In their survey of incarcerated female offenders in the United States, Baker et al. (2015) found the strongest predictor of obligation to obey the law was perceived procedural justice of the court process. Relatedly, Tyler and Huo (2002) examined people's willingness to accept the decisions of judges (as well as police) in their survey of Californians. They found that regardless of racial or ethnic group, procedural justice was the strongest predictor of willingness to accept decisions. Corrections research has also examined the relationship between procedural justice and legitimacy, cooperation, and compliance. Numerous studies find procedural justice is positively associated with the perceived legitimacy of prison staff and with prisoners' willingness to cooperate with staff and comply with prison rules (e.g., Barkworth, 2018; Beijersbergen et al., 2015, 2016; Brunton-Smith & McCarthy, 2016; Reisig & Meško, 2009; Weinrath, 2016). However, other studies present mixed findings. For example, Reisig and Meško (2009) examined the relationship between procedural justice, legitimacy, and compliance using self-report survey data and official prison records from Slovenian prisoners. While they found that positive perceptions of procedural justice were related to fewer instances of misconduct, they also found no relationship between perceptions of procedural justice and perceptions of staff legitimacy, or between perceptions of staff legitimacy and prisoner misconduct. In contrast, Barkworth (2018) used self-report survey data from Australian prisoners, combined with official compliance data, to examine the relationship between procedural justice, legitimacy, and compliance. Barkworth found positive perceptions of procedural justice were related to both the perceived legitimacy of prison staff and fewer instances of misconduct (with legitimacy also predicting less misconduct). The mixed findings in these studies may be attributed to variations in the measurement of key variables or contextual differences between Slovenian and Australian prisons. Ultimately, additional research in this area is still needed. Hacin and Meško (2018) examined prisoner perceptions of procedural justice, staff legitimacy, and motives for compliance. Drawing on qualitative interviews with 193 Slovenian prisoners, the authors found the majority of prisoners considered staff were professional and treated them with respect. The fairness of prison staff was also associated with

More than half of all prisoners, however, indicated they felt obligated to accept decisions and follow orders, even when they did not agree with them or like the way they were treated. The authors attribute this to a fear of sanctions or loss of benefits rather than an internalized belief that prison staff hold legitimate power (i.e., instrumental compliance), arguing: Instrumental compliance is considered as the first step toward establishing legitimacy in a prison environment. It is unreasonable to expect that prisoners, who are defined by their fundamental conflict with the state, would internalise the norms of prison workers, whom they consider the direct representatives of the criminal justice system, immediately upon their arrival to prison. (Hacin & Meško, 2018, p. 15) Hacin and Meško went on to argue that legitimacy was further established when relationships between prison staff and prisoners were based on "respect, legality, and fairness" (Hacin & Meško, 2018, p. 16). Studies within the corrections context continue to provide support for authorities engaging in procedural justice practices with those they govern, though further research should continue to explore the various motives for why prisoners comply with prison rules and staff directives.