



THE CRIMINAL JUSTICE SYSTEM IS HUMAN SO IT CANNOT BE PERFECT
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Our criminal justice system is the best system in the world. In most countries judges decide whether a person is guilty of a crime and judges decide what is the appropriate punishment. Our founding fathers were brilliant, thinking men, who recognized the inherent dangers of having a governmental official decide the fate of individual citizens. But, with that said, our system is not perfect. There are flaws that can be corrected, and there are flaws that cannot.

Elected judges and prosecutors who know little to nothing about criminal laws and procedures are curable flaws. Some minimum experience requirements to hold those offices would be a good step in the right direction.

Incurable flaws are simply human errors. We are all human and we will all make mistakes. We make observations about others, and make presumptions about them and their actions based largely upon our own personal experiences and interactions with others. The politically correct movement calls this “profiling” and rages against it. But, to stop people from making assumptions about others based upon their appearance and actions would require a fundamental change in human nature. It simply ain’t gonna happen. So that “flaw”, the habit of making assumptions about people accused of crimes, is not curable and it will never change.

In our system of justice, people who serve on criminal juries, and even those who are called but are not selected, will almost always enter the courtroom, sit down, look around, and wonder to themselves what law the Defendant broke. After all, they wouldn’t be there if they hadn’t done something wrong. That is simply human nature. If you believe in our system of justice, (and I do), you have a fundamental belief that police officers don’t arrest and accuse innocent people.

However, it is important that citizens and prospective jurors understand that while that belief is important to our sense of well-being and security, it has to be tempered with the realization that police officers are human too. They do make mistakes, they do hold grudges, and they often use their positions of authority for the wrong reasons. A word of caution about police officers in general (and please understand that this is not an indictment of all police officers): any person who has a psychological need to be a police officer probably does not have the psychological makeup to be a good police officer and will probably abuse their authority at least occasionally.

I write this, not as a complaint about our system of criminal justice, because as I said when I started, we have the best system in the world. I write this simply to say that forewarned is forearmed and if you are called for jury duty, be aware of the human errors that negatively impact our criminal justice system, and be aware of your own assumptions and prejudices as you enter the courtroom. For our system to work, ordinary citizens have to give more than lip service to the concept that a person is innocent until proven guilty.

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