DIMENSIONS OF CRIMINAL JUSTICE POLICY:
THE SUPREME COURT, THE FOURTH AMENDMENT AND
THE TRIAL COURT SYSTEM

by
Otis H. Stephens and Thomas D. Unger

ABSTRACT

A full understanding of the role of the U.S. Supreme Court's supervisory authority over the criminal justice process must recognize that the political and social environment affects local responses to Supreme Court directives. This paper reviews the development of Supreme Court Fourth Amendment decisions in which criminal courts deliver justice. The authors suggest that future treatment of problems in the trial court system must consider both the limits of the Supreme Court's supervisory role and the prospects of demands for reform being generated from the larger political community.

Introduction

The problems and issues which confront criminal courts integrally involve not only the formal environment of courts themselves but also police departments, prosecutors, the bar, the penal system and other elements in the political system. The direction and content of policy development in the criminal court system reflects two broad but necessarily complementary dimensions. There is, on the one hand, the formal and widely publicized Supreme Court supervisory authority over the appellate and trial courts system. On the other hand, trial courts must also be viewed as justice delivery systems in which responses to Supreme Court guidelines are affected by other components of the criminal justice system - prosecutors, defense attorneys, defendants, penal system personnel, politicians and community opinion and attitudes. The interaction between the Supreme Court as an authoritative resolver of disputes over the meaning of the Constitution and the generally more complex elements of justice delivery at the local levels of the judicial system forms the broad parameters for assessment of the direction and the issues within the criminal justice system. This
paper highlights some of the recent developments in Supreme Court decisions, emphasizing Fourth Amendment requirements and considers other components in the justice process which help to define and interpret issues in criminal justice policy.

Criminal courts do many things, but their central function is that of providing an institutional and procedural framework to (a) accept or reject guilty pleas; (b) determine whether parties charged with crime are guilty beyond a reasonable doubt; and (c) impose fines and/or sentences on convicted persons. The institutional dimension is characterized by an array of trial and appellate courts, state and federal, with the U.S. Supreme Court exercising broad, discretionary jurisdiction over the entire system. The procedural dimension

OTIS H. STEPHENS

Dr. Stephens is professor of Political Science at the University of Tennessee, Knoxville. He received his Ph.D. at Johns Hopkins University, and was a Liberal Arts Fellow in Law and Political Science at Harvard Law School in 1975-76. He is the author of Supreme Court and confessions of guilt, and co-author of The Supreme Court and the allocation of Constitutional power. Stephens has contributed numerous articles to professional political science and law journals, as well as essays to several books.

THOMAS D. UNGS

Dr. Ungs is professor and head of the Department of Political Science and director of the Bureau of Public Administration at the University of Tennessee, Knoxville. He received his Ph.D. at the University of Iowa. Ungs is co-author of Political patterns in America and has also contributed articles and essays to several professional journals and books. His research interests are in judicial process and behavior, especially in the area of judicial role perceptions.