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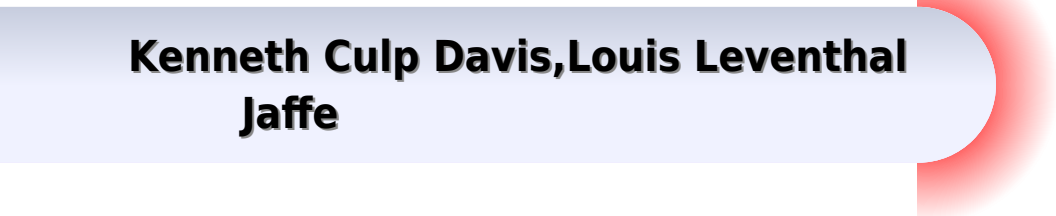
Discretionary Justice: A Preliminary Inquiry

Kenneth Culp Davis

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Discretionary Justice A Preliminary Inquiry

**Kenneth Culp Davis, Louis Leventhal
Jaffe**



Discretionary Justice A Preliminary Inquiry:

Discretionary Justice Kenneth Culp Davis, 1969-04 Research about justice for individual parties has been primarily concerned with the content of rules and principles and has insufficiently tried to penetrate discretionary justice as meted out by police prosecutors and other administrators In this groundbreaking study Kenneth Culp Davis dispels the prevailing notion that discretionary justice is too elusive for scholarly investigation Davis advances proposals for badly needed reforms in our system of discretionary justice and lays the groundwork for further empirical and philosophical studies Our jurisprudence of statutes and of judge made law says Davis is overdeveloped our jurisprudence of administrative justice of police justice of prosecutor justice of discretionary justice is under developed We need a new jurisprudence that will encompass all of justice not just the easy half of it Davis advances proposals for badly needed reforms in our system of discretionary justice and lays the groundwork for further empirical and philosophical studies Our jurisprudence of statutes and of judge made law says Davis is overdeveloped our jurisprudence of administrative justice of police justice of prosecutor justice of discretionary justice is under developed We need a new jurisprudence that will encompass all of justice not just the easy half of it

The Ethical Foundations of Criminal Justice Richard A. Spurgeon Hall, Carolyn Brown Dennis, Tere L Chipman, 1999-09-24 Ideal for anyone involved in the study of criminal justice this book acquaints students with the philosophical concepts upon which ethical theory is based It applies these ideas to specific issues and dilemmas within the criminal justice system Its ultimate goal is to acquaint students with basic concepts of ethics in criminal justice and to train the mind to solve moral issues independently The Ethical Foundations of Criminal Justice offers a comprehensive definition of ethics and elucidates its unique language and logic The book explores the major ethical theories with extensive discussion of authorities like Kant Aristotle Mill and Hobbes Chapters investigate normative ethics teleological theories deontological theories and the alternative theories of ethics The author exhibits the practice of these theories in actual matters of rights the law and the behavior of the courts This book addresses ethics in the context of civil liability police corruption and abuse of police power and includes numerous case studies and references to other relevant works Criminal justice majors criminology and law school students and even police academy cadets will find this text an invaluable source of information both for academic studies and real world applications

Discretionary Justice Kenneth Culp Davis, Louis Leventhal Jaffe, 1969 *Drug Regulation Reform Act of 1978* United States. Congress. House. Committee on Interstate and Foreign Commerce. Subcommittee on Health and the Environment, 1979

The Fourth Amendment Michael J. Z. Mannheimer, 2023-08-22 Police are required to obey the law While that seems obvious courts have lost track of that requirement due to misinterpreting the two constitutional provisions governing police conduct the Fourth and Fourteenth Amendments The Fourth Amendment forbids unreasonable searches and seizures and is the source of most constitutional constraints on policing Although that provision technically applies only to the federal government the Fourteenth Amendment

ratified in the wake of the Civil War has been deemed to apply the Fourth Amendment to the States This book contends that the courts misinterpretation of these provisions has led them to hold federal and state law enforcement mistakenly to the same constitutional standards The Fourth Amendment was originally understood as a federalism or states rights provision that in effect required federal agents to adhere to state law when searching or seizing Thus applying the same constraint to the States is impossible Instead the Fourteenth Amendment was originally understood in part as requiring that state officials 1 adhere to state law 2 not discriminate and 3 not be granted excessive discretion by legislators These principles should guide judicial review of modern policing Instead constitutional constraints on policing are too strict and too forgiving at the same time In this book Michael J Z Mannheimer calls for a reimagination of what modern policing could look like based on the original understandings of the Fourth and Fourteenth Amendments *Discretionary Justice* Howard Abadinsky, 1984

Independent Justice Katy Jean Harriger, 1992 Congress created the Office of the Special Prosecutor in 1978 Its mandate was to insure the rule of law to check abuses of power in the executive branch and to restore public confidence in government after the Watergate scandal Harriger politics Wake Forest U focuses on the symbolic constitutional and political dimensions of her subject to provide a comprehensive in depth review of the Office of the Special Prosecutor and how it has operated in practice Annotation copyrighted by Book News Inc Portland OR People v. Coles; People v. Joseph Gonzales; People v. Waits, 417 MICH 523 (1983) , 1983 62938 Glover v Parole Board, 460 Mich 511 (1999) , 1999 111121

Discretionary Justice Kenneth C. Davis, 1976 *New York Court of Appeals. Records and Briefs.* New York (State)., Discretionary Justice in Europe and America Kenneth Culp Davis, 1976 **The Supreme Court Circular** , 1882 *A Practical Guide to Police Magistrates and Justices of the Peace, with an Alphabetical Synopsis of the Criminal Law and Analytical Index* James Crankshaw, 1895 A Practical Guide to Police Magistrates and Justices of the Peace James Crankshaw, 1895 *The Supreme Court and Juvenile Justice* Christopher P. Manfredi, 1998 Taking in a century of change this work focuses on how the Supreme Court brought the juvenile court system under constitutional control It describes the case of Gerald Gault an Arizona teenager who was sent to reform school for making an obscene phone call *The Special Prosecutor in American Politics* Katy Jean Harriger, 2000 The federal special prosecutor unprincipled abuser of power or staunch defender of the law As Katy Harriger shows the special prosecutor was a hotly debated and controversial subject throughout much of its existence This was especially true she argues during the lengthy expensive and highly politicized investigations of Lawrence Walsh and Kenneth Starr into allegations concerning Presidents Ronald Reagan and Bill Clinton Harriger offers the most complete assessment available of the use of special prosecutors in the post Watergate era She analyzes the independent counsel s role within the framework of the separation of powers explaining how each has interacted with other key players in the political and legal system and showing how those relationships have affected the prosecutor s ability to conduct investigations Harriger s previous edition focused on the legacy of Watergate but was

published before Walsh's Iran Contra investigations were concluded Her new study adds substantially more information on Iran Contra provides a clearheaded appraisal of Starr's sensationalized Whitewater Lewinsky investigations examines a number of senior level cabinet probes and critiques and clarifies the role of Attorney General Janet Reno in these latter matters A completely new chapter compares Iran Contra and Whitewater Lewinsky to explore the limits of the law in the special prosecutor's efforts In this new edition Harriger includes 20 new interviews with Washington insiders including one with Kenneth Starr and covers the debates that led to both the reauthorization of the independent counsel statute in 1994 and its demise in 1999 She then examines the pros and cons of the office and offers constructive suggestions for improvement should it be revived For students scholars and concerned citizens her book takes us well beyond frenzied media hype and partisan politics to provide a timely reminder about the crucial role of separation of powers in our system of governance

Civil Servants and Their Constitutions John Anthony Rohr, 2002 Public administration as an American profession originated in the early twentieth century with urban reformers advocating the application of scientific and business practices to rehabilitate corrupt city governments That approach transformed governance in the United States but also guaranteed recurrent debate over the proper role of public administrators who must balance the often contradictory demands of efficiency and politically defined notions of the public good Currently the business approach holds sway Legitimated by Al Gore's National Performance Review the New Public Management movement promotes entrepreneurs over civil servants performance over process decentralization over centralization and flexibility over rules John Rohr demurs arguing that the movement goes too far in downplaying the distinctively American challenges arising from the separated powers principle Consequently the NPM alienates public management from its natural home a nation state established within a constitutional order According to Rohr nothing is more fundamental to governance than a constitution and therefore to stress the constitutional character of administration is to establish the proper role of administration as governance that includes management but transcends it as well This is not a novel argument for Rohr who was recognized in 1999 by the Louis Brownlow Committee of the National Academy of Public Administration for his lifetime contributions on the constitutional underpinnings of public administration But this new version of his rule of law critique directly addresses the NPM's excesses framed convincingly as a comparative study of cases found in four countries spanning three centuries As a result Rohr establishes that the constitutional administrative nexus is intimate stable pervasive and enduring The first half of the book examines the linkages between constitutions and administrations in France the United Kingdom and Canada all of them sufficiently similar to the United States to make comparisons meaningful and sufficiently different to provide illuminating perspectives on domestic practices The examples extend from the French Revolution through the founding of the Canadian Confederation in the 1860s to such contemporary issues as the influence of administrative directives from Brussels on the British courts The second half of the book examines American cases in three categories separation of powers

individual rights and federalism In each case Rohr highlights instances of public management with all its warts and wrinkles tending to the mundane details of translating great constitutional principles into everyday actions American administrative law Rohr concludes has structured safeguards to protect the integrity of administrative decision making while also holding it accountable Constitutional law has helped establish civil servants freedom of speech and applied the fundamental principles of federalism to the administrative process He summarizes his findings from the case studies by saying that the constitutional role of American civil servants comes not only from specific American experiences but also from the very nature of civil service

To Run a Constitution John Anthony Rohr, 1986 In this synthesis of political philosophy public administration and American history Rohr seeks to legitimize the administrative state in terms of constitutional principle He tries to show that the fourth or administrative branch of government is compatible with the plans of the framers both Federalist and anti Federalist of the U S Constitution and of the Bill of Rights He argues that the combination of powers in administrative agencies does not violate the standard of separation of powers set forth in The Federalist especially by James Madison the higher reaches of the career civil service fulfill the framers constitutional design by performing a balancing function originally assigned to the Senate and the career civil service en masse heals the defect of inadequate representation in the Federal Constitution ISBN 0 7006 0291 7 29 95

California. Court of Appeal (1st Appellate District). Records and Briefs
California (State).,

The Enigmatic Realm of **Discretionary Justice A Preliminary Inquiry**: Unleashing the Language is Inner Magic

In a fast-paced digital era where connections and knowledge intertwine, the enigmatic realm of language reveals its inherent magic. Its capacity to stir emotions, ignite contemplation, and catalyze profound transformations is nothing short of extraordinary. Within the captivating pages of **Discretionary Justice A Preliminary Inquiry** a literary masterpiece penned by a renowned author, readers attempt a transformative journey, unlocking the secrets and untapped potential embedded within each word. In this evaluation, we shall explore the book's core themes, assess its distinct writing style, and delve into its lasting effect on the hearts and minds of those who partake in its reading experience.

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