Chapter 14
Overview of the U.S. Criminal Justice System and Safety Tips for International Students

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ABSTRACT
While most international students have a rewarding educational experience in the United States, a small percentage are arrested for criminal behavior or victimized by criminals. The author discusses safety from crime and provides safety tips to help reduce crime victimization potential. Further, since the American criminal justice system can be overwhelming, confusing, and intimidating for anyone who does not work within the system on a regular basis, this chapter provides international students and higher education officials with an overview of this system. The author also briefly discusses constitutional rights and the arrest and trial process. Finally, the author addresses some behaviors that international students should avoid to not place themselves at risk for receiving a criminal summons, citation, or arrest.

INTRODUCTION
While studying in the United States, international students will experience many differences from their home countries including differences in laws and safety issues related to crime. United States laws can differ substantially from an international student’s home country’s laws. For example, the Netherlands has completely decriminalized the use of marijuana while marijuana use is still criminalized in many U.S. states (DrugAbuse.net, 2015). Each country’s laws are based upon their needs, cultures, and traditions. Law differences in the United States are exacerbated due to the decentralized nature of government. Laws exist at the federal, state, and local levels and are not always congruent. Further, there are different types of laws in the U.S. such as criminal and civil laws.

This chapter is designed to provide an overview of the U.S. criminal justice system and information about American laws and legal issues. While every international student hopes that his or her educational experience in the United States will be rewarding, an understanding of the U.S. criminal justice system,
legal issues, safety and protective behaviors, hate crimes, and some behaviors that result in the offender receiving a citation or being arrested can help the international student avoid problems. The following sections are designed to encourage international students and university administrators to think about these issues and identify behaviors that avoid problems that could adversely affect the educational experience.

OVERVIEW OF THE U.S. CRIMINAL JUSTICE SYSTEM

The U.S. criminal justice system is designed to identify, apprehend, and punish people who commit crimes. Inherent in this system is the desire to protect society from these criminals. Crimes are behaviors or actions that violate laws that define which socially harmful behaviors are subject to the government’s power to impose punishment (Cole, Smith, & DeJong, 2014, p. 44). There are two crime categories: *mala in se* and *mala prohibita*. *Mala in se* crimes are those behaviors that are wrong by their very nature (Cole & Smith, 2006, p. 40). For example, most people would agree that it is wrong to steal from another person. *Mala prohibita* crimes are those behaviors that are prohibited by law but are not necessarily viewed by everyone as being wrong (Cole & Smith, 2006, p. 41). For example, not everyone believes that gambling or prostitution is inherently wrong. These law types form the basis for the U.S. criminal justice system’s purpose; that is, doing justice, controlling crime, and preventing crime (Cole, Smith, & DeJong, 2014, p. 45).

The U.S. Constitution forms the framework for all U.S. laws, but also provides safeguards to protect individuals from the unequitable enforcement of laws and administration of justice. Without these safeguards, there would be little difference between the U.S. criminal justice system and those of authoritarian countries without legal protections for its citizens (Cole, Smith, & DeJong, 2014, p. 340). These safeguards help establish a justice system that holds offenders accountable, protect the rights of persons who have contact with the U.S. criminal justice system, and ensures like offenses will be treated similarly (Ward & Langlands, 2008).

Crime is controlled through the arresting, prosecuting, convicting, and punishing of offenders (Cole, Smith, & DeJong, 2014, p. 6). However, unlike other countries where law enforcement is conducted with societal interests paramount to individual interests, the U.S. criminal justice system places high priority on the individual interests. While U.S. laws are designed to protect society, they must be enforced with attention to individual rights. Therefore, enforcement and prosecution techniques and efforts must pass constitutional muster; that is, they must be acceptable to a court that is presided over by a judge who is sworn to uphold the U.S. Constitution.

Criminal Justice Agencies

Government in the U.S. is decentralized and exists at the federal, state, and local levels. Since criminal justice is a function of governments, criminal justice systems exist at each level. There are more than 60,000 separate public and private agencies employing more than 2.5 million people at these different levels (Kyckelhahn & Martin, 2013). Each government level is based upon an ideology that serves a different purpose. These different purposes result in criminal justice agencies with different missions and functions.

Most police agencies in the U.S. exist at the local government level with responsibility for enforcing local ordinances and state laws (Hess, Orthmann, & Cho, 2015). The most prevalent of the local police