2. Towards a framework for evaluating the criminal process

This chapter advances a theoretical framework for evaluating criminal procedure, while keeping in mind the links between the different parts and aspects of the criminal justice system. A rights-based theory of the criminal process should have the twin goals of regulating the procedures for bringing suspected offenders to trial to produce accurate determinations, and ensuring that fundamental rights are protected in those processes. This approach should be adopted in England and Wales—both on principle and because it is implicit in international documents such as the European Convention on Human Rights that still plays a fundamental role in English law. Separate objectives for dispositive decisions are also proposed, including the decision to divert a person from the criminal process without trial.
2. Towards a framework for evaluating the criminal process

Access to the complete content on Law Trove requires a subscription or purchase. Public users are able to search the site and view the abstracts and keywords for each book and chapter without a subscription.

Please subscribe or login to access full text content.

If you have purchased a print title that contains an access code, please see the information provided with the code or instructions printed within the title for information about how to register your code.

For questions on access or troubleshooting, please check our FAQs, and if you can't find the answer there, please contact us.