

Ninth Edition

JUSTICE

ADMINISTRATION

Police, Courts, & Corrections Management



KENNETH J. PEAK
ANDREW L. GIACOMAZZI



NINTH EDITION

JUSTICE ADMINISTRATION

POLICE, COURTS, AND CORRECTIONS
MANAGEMENT

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Dedication

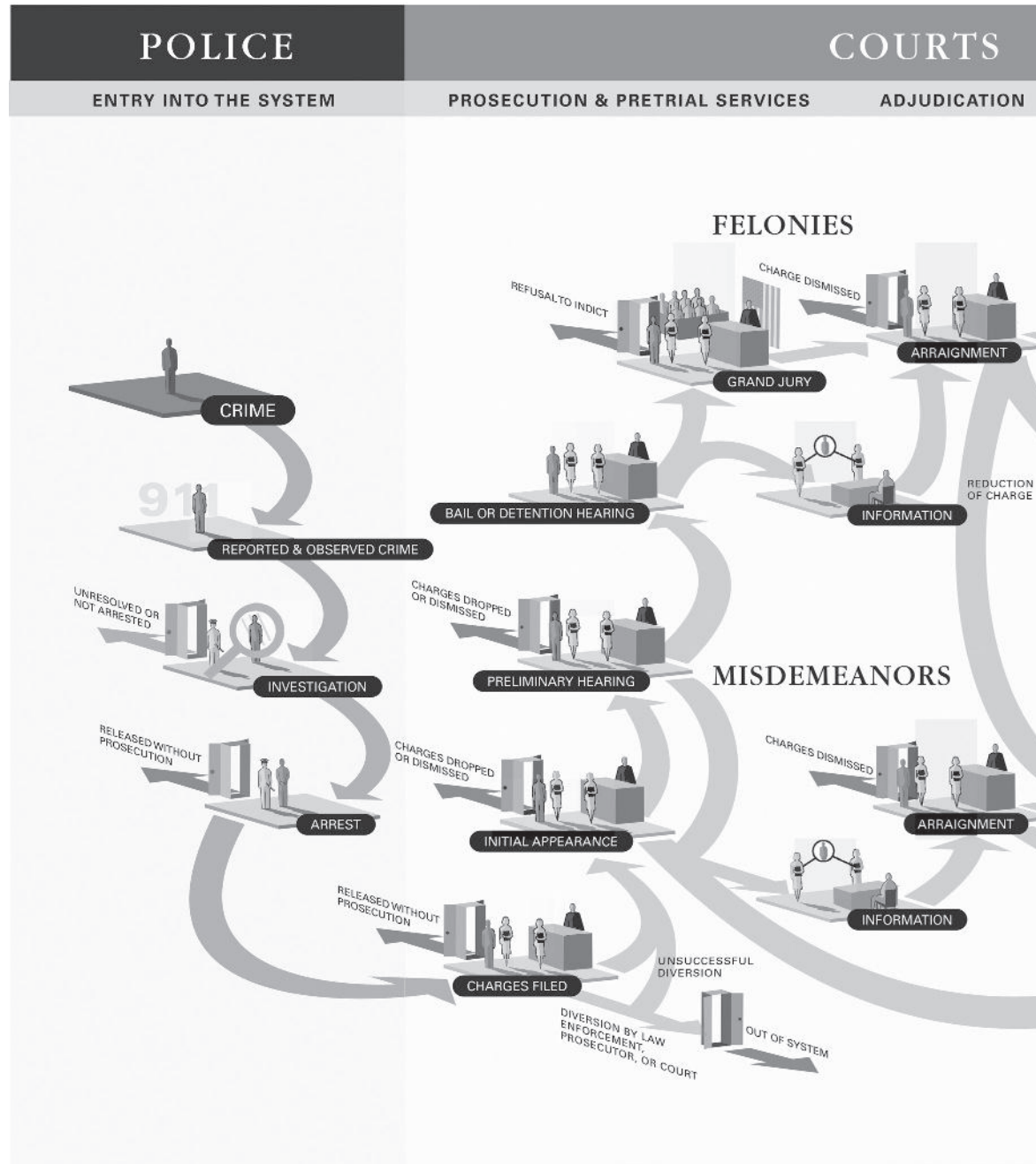
To the late Sam Chapman—longtime professor, police practitioner, and true expert in the field. Sam was notably an enduring friend and associate of the great August Vollmer; indeed, it was Sam who, while on duty, would be summoned to Gus' backyard and hold him as Vollmer neared death. A more true, loyal, interesting, and dedicated friend I have never known. Thanks for everything, Sam.

—K. P.

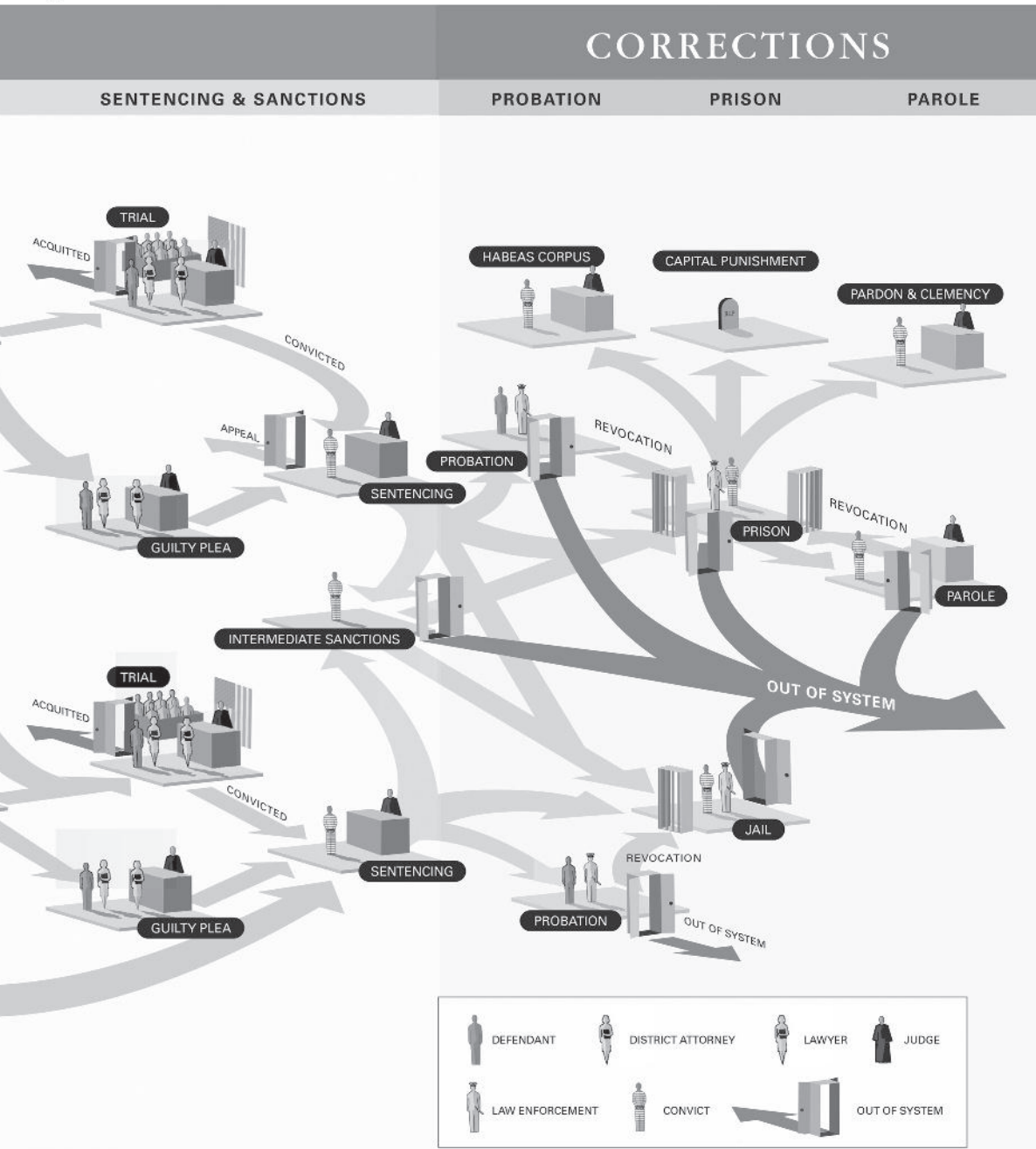
To my mother, Monika Giacomazzi. While not planned, I wrote the last of my words to this edition on the 8th anniversary of her passing. From my mother, I gained a great appreciation for hard work and a thirst for knowledge, not to mention a sometimes wicked sense of humor. To you, mom; I know you're already reading! "Always Loving, Always Loved."

—A. G.

THE CRIMINAL



JUSTICE SYSTEM



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Preface

► New to This Edition

In addition to the general updated information provided throughout the book, the following are other substantively new additions to this revised ninth edition:

- Chapter 1: Redefining performance measures in the criminal justice system; expanded material on strategic planning; consequences for not planning for change
- Chapter 2: Closed versus open systems; external communications: use of social media; situational leadership theory; Ouchi's Theory Z; motivation through job enrichment; expanded discussion of Generation Y in the workforce
- Chapter 3: Updates on federal laws, generally; Lilly Ledbetter Fair Pay Act; impact of Affordable Care Act; dress codes, tattoos, and Millennials (material concerning uniforms moved here from Chapter 6)
- Chapter 4: New materials on procedural justice; a new professionalism; constitutional policing and legitimacy; responding to mass demonstrations; achieving harmony; CompStat
- Chapter 5: Preparing for a chief executive career; profile of today's police chief; navigating the political arena; chiefs under fire and being fired; a chief's apology to minorities; debating the "Ferguson effect" (also, material concerning diversity and sexual harassment has been moved here from Chapter 6)
- Chapter 6: Police shootings—need for a national database, posting related information, demand for and pros/cons of body cameras, and de-escalating crises; dealing with officers' PTSD; civilian review boards; use of consent decrees; hazards confronting officers and developing a formal, agency-wide wellness program (previous edition's terrorism material is now moved to new Chapter 17)
- Chapter 7: Comparing federal and state court systems; expanded material on court unification
- Chapter 8: Expanded section on methods of judicial selection; what makes for good judging; expanded material on court clerks and evaluating court administrators
- Chapter 9: Updated research on the CSI effect and courthouse violence; new material on mental health courts; expanded information on alternative dispute resolution; use of reverse waiver
- Chapter 10: Updated new trends in California's decarceration effort; the controversy of the supermax; updated cases in "Constitutional Rights of Inmates"; community jails



- Chapter 11: New research on prison wardens; Boston Marathon bomber update; traits of successful corrections officers/supervisors; added material on stressors in jails
- Chapter 12: Hostage rescue protocol; latest information on the state of solitary confinement; expanded section on the aging of inmates; video visitation; private prisons in Trump Era; effectiveness of house arrest/electronic monitoring
- Chapter 13: Seven case studies and ethical dilemmas (including one based on the federal investigation of Ferguson, Missouri)
- Chapter 14: New material concerning the “blue flu,” civil lawsuit settlements, police unions, and early intervention systems; possible issues concerning legalized recreational use of marijuana; example of agency policy governing officer conduct
- Chapter 15: Enhancing budgets, stretching resources; performing job analyses and surveying similar agencies; utilizing growth, grants, civilianization, sensational incidents; mobilizing stakeholders; strategic planning; uniqueness of court budgets; methods of reforming corrections (reducing prison populations and expenditures)
- Chapter 16: Entirely new chapter on homeland security
- Chapter 17: Selecting proper police technologies based on functions performed; pros and cons of body-worn cameras; crime mapping and real-time crime centers; using social media and civic apps; legal, moral, and practical considerations involving IT in policing; status of electronic control devices, drones, facial recognition, fingerprinting, robots, and apps for crime-fighting; technologies and ECDs, drones, robots, cold cases; the courts’ goal of becoming paperless; new technologies found in a model courtroom; technology replacing court reporters; how unified management systems are making courts more efficient; corrections’ uses of biometrics, inmate scanning; how *not* to adopt IT; the continuing problem of contraband cellphones in prison

► Introduction

Famed educator John Dewey advocated the “learn by doing” approach to education, or problem-based learning. Another contemporary, popular learning method, espoused by Benjamin Bloom and known as “Bloom’s taxonomy,” called for “higher-order thinking skills”—critical and creative thinking that involves analysis, synthesis, and evaluation.

This ninth edition of *Justice Administration: Police, Courts, and Corrections Management* attempts, to the extent possible, to adhere to such philosophy and practice from start to finish while continuing to examine all facets of the criminal justice system as well as several related matters of interest to prospective and current administrators. The authors have held numerous administrative and academic positions in their criminal justice careers; thus, this book’s 17 chapters contain a palpable real-world flavor not found in most textbooks. Furthermore, this edition’s continuing use of the exercises in Learn by Doing and the Case Study sections in nearly all chapters greatly enhance the text’s applied nature as well as the reader’s problem-solving capabilities and the practical application of information provided in the chapters; furthermore, these scenarios and activities place the reader in hypothetical—yet typically real-world—situations, creating opportunities to practice skills



in communication and examining and addressing current community issues. Again, readers are encouraged to become engaged in some or all of these scenarios and activities.

In addition to the chapters concerning police, courts, and corrections administration, the book includes chapters on personnel and financial administration, rights of criminal justice employees, discipline and liability, ethics, homeland security, technologies. A practice continued in this edition is the listing of chapter learning objectives, which appear at the beginning of each chapter, and key terms and concepts at each chapter's end.

There is an appendix at the book's end that provides some writings of three noted early philosophers: Confucius, Machiavelli, and Lao-Tzu.

Criminal justice is a people business. This book reflects that fact as it looks at human foibles and some of the problems of personnel and policy in justice administration. Thanks to many innovators in the field, a number of exciting and positive changes are occurring. The general goal of the book is to inform the reader of the primary people, practices, and terms that are utilized in justice administration.

Finally, there may well be activities, policies, actions, and our own views with which the reader will disagree. This is not at all bad, because in the management of people and agencies, there are few absolutes. From the beginning to the end of the book, the reader is provided with a comprehensive and penetrating view of what is certainly one of the most difficult and challenging positions that one can occupy in the United States: the administration of a criminal justice agency. We solicit your input concerning any facet of this textbook; feel free to contact us with recommendations for improving it.

► Instructor Supplements

Instructor's Manual with Test Bank. Includes content outlines for classroom discussion, teaching suggestions, and answers to selected end-of-chapter questions from the text. This also contains a Word document version of the test bank.

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Justice Administration

An Introduction

This part consists of three chapters and sets the stage for the later analysis of criminal justice agencies and their issues, problems, functions, and challenges in Parts 2 through 5. Chapter 1 examines the scope of justice administration and why we study it. Chapter 2 discusses organization and administration in general, looking at both how organizations are managed and how people are motivated. The rights of criminal justice employees are reviewed in Chapter 3. The introductory section of each chapter previews the specific chapter content.



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1 The Study and Scope of Justice Administration

LEARNING OBJECTIVES

After reading this chapter, the student will be able to:

- ① *explain and distinguish between the concepts of administration, manager, and supervisor*
- ② *understand and distinguish among criminal justice process, network, and nonsystem*
- ③ *understand system fragmentation and how it affects the amount and type of crime*
- ④ *understand consensus and conflict theorists and their theories*
- ⑤ *understand the two goals of the U.S. criminal justice system (CJS)*
- ⑥ *distinguish between extrinsic and intrinsic rewards and how they relate to the CJS*
- ⑦ *explain the differences between planned change and unplanned change in an organization*

► Introduction

The overarching theme of this book is that administration is far too important than to be left to on-the-job training or to one's personal idiosyncrasies and ideals. Concisely put, today's leaders must know their people, the current trends and issues of the day, how to deal with related challenges (e.g., financial administration), and the legal underpinnings of their work. Unfortunately, many readers of this book have had to suffer an administrator, manager, or supervisor who was not educated, trained, or well prepared in these daunting tasks.

This first chapter explains in more detail this book's purposes and general approach, and why it is important and essential to study criminal justice administration. Included are discussions of the criminal justice system itself—whether or not there is a true “system” of justice, how and why the U.S. justice system was founded, and some differences between public and private administration. After a review of planned change and policymaking in justice administration, the chapter concludes with review questions and exercises in the Deliberate and Decide, Learn by Doing, and Case Study sections.

► Why Study Justice Administration?

Recent events highlighted by national media attention suggest that the American system of criminal justice is broken.¹ And while the brunt of this attention has focused on the front gate of the system—the police—the grand jury system, prosecutors, and corrections' administrators have not been immune to criticism. According to Conrad Black, reform legislation in the federal government has been scant, but should include recommitting to Bill of Rights guarantees, including fair and speedy trials, reasonable bail, and plea bargaining reform.²

Many of us may find it difficult when we are young to imagine ourselves assuming a leadership role in later life. As one person quipped, we may even have difficulty envisioning ourselves serving as captain of our neighborhood block watch program. The fact is, however, that organizations increasingly seek people with a high level of education and experience as prospective administrators. The college experience, in addition to transmitting knowledge, is believed to make people more tolerant and secure and less susceptible to debilitating stress and anxiety than those who do not have this experience. We also assume that administration is a science that can be taught; it is not a talent that one must be born with. Unfortunately, however, administrative skills are often learned through on-the-job training; many of us who have worked for a boss with inadequate administrative skills can attest to the inadequacy of this training.

Purpose of the Book and Key Terms

As indicated in the Preface, this textbook attempts to follow, to the extent possible, an applied, practical approach as espoused by famed educator John Dewey, who advocated the “learn by doing” approach to education, or problem-based learning. Another contemporary, popular learning method is also followed, which was espoused by Benjamin Bloom and known as “Bloom's taxonomy,” which called for “higher-order thinking skills”—critical and creative thinking that involves analysis, synthesis, and evaluation.

This book alone, as is true for any other single work on the subject of administration, cannot instantly transform the reader into a bona fide expert in organizational behavior and administrative techniques. It alone cannot prepare someone to accept the reins of administration, supervision, or leadership; formal education, training, and experience are also necessary for such undertakings.

Many good basic books about administration exist; they discuss general aspects of leadership, the use of power and authority, and a number of specialized subjects that are



beyond the reach of this book. Instead, here we simply consider some of the major theories, aspects, and issues of administration, laying the foundation for the reader's future study and experience.

Many textbooks have been written about *police* administration; a few have addressed administering courts and corrections agencies. Even fewer have analyzed justice administration from a *systems* perspective, considering all of the components of the justice system and their administration, issues, and practices. This book takes that perspective. Furthermore, most books on administration are immersed in pure administrative theory and concepts; in this way, the *practical* criminal justice perspective is often lost on many college and university students. Conversely, many books dwell on minute concepts, thereby obscuring the administrative principles involved. This book, which necessarily delves into some theory and specialized subject matter, focuses on the practical aspects of justice administration.

Justice Administration is not written as a guidebook for a major sweeping reform of the U.S. justice system. Rather, its primary intent is to familiarize the reader with the methods and challenges of criminal justice administrators. It also challenges the reader, however, to consider what reform is desirable or even necessary and to be open-minded and visualize where changes might be implemented.

Although the terms *administration*, *manager*, and *supervisor* are often used synonymously, each is a unique concept that is related to the others. Administration encompasses both management and supervision; it is the process by which a group of people is organized and directed toward achieving the group's objective. The exact nature of the organization will vary among the different types and sizes of agencies, but the general principles and the form of administration are similar. **Administrators** focus on the overall organization, its mission, and its relationship with other organizations and groups external to it. In a hierarchical organization, they typically hold such ranks as police chief/sheriff, and assistant chief or undersheriff, warden and associate warden, and so on, and include those persons who are in a policymaking position.

Managers, often termed middle management or mid-level managers, are typically the intermediate level of leadership in a hierarchical organization, reporting to the higher echelon of administrators and responsible for carrying out their policies and the agency's mission while also supervising subordinate managers and employees to ensure a smooth functioning organization; they are typically the ranks of captains and lieutenants. **Supervisors** (also sometimes termed *first-line supervisors*) occupy the lowest position of leadership in an organizational hierarchy, and typically plan, organize, and direct staff members in their daily activities. They are typically sergeants in a hierarchical organization.

In policing (or in prisons, or wherever there is a paramilitary rank structure), for example, although we tend to think of the chief executive as the administrator, the bureau chiefs or commanders as managers, and the sergeants as supervisors, it is important to note that on occasion all three of these roles are required of one administrator; such may be the case when a critical situation occurs, such as a hostage or barricaded-subject incident, and a single person is responsible for all of these levels of decision making.

The terms *police* and *law enforcement* are generally used interchangeably. Many people in the police field believe, however, that the police do more than merely enforce laws; they prefer to use the term *police*.

administrator the person whose focus is on the overall organization, its mission, acquisition and use of resources, and agency relationship with external organizations and groups.

manager a person in the intermediate level of management, responsible for carrying out the policies and directives of upper-level administrators and supervising subordinate managers and employees.

supervisor typically the lowest position of leadership in an organization, one who plans, organizes, and directs staff members in their daily activities.

Organization of the Book

To understand the challenges that administrators of justice organizations face, we first need to place justice administration within the big picture; thus, in Part 1, *Justice Administration: An Introduction*, we discuss the organization, administration, and general nature of the U.S.



justice system; the state of our country with respect to crime and government control; the evolution of justice organization and administration in all of its three components: police, courts, and corrections; and the rights of criminal justice employees.

Parts 2, 3, and 4 discuss contemporary police, courts, and corrections administration, respectively, and follow the same organizational theme: The first chapter of each part deals with the *organization and operation* of the component, followed in the next chapter by an examination of the component's *personnel roles and functions*, and in the third chapter a discussion of *issues and practices* (including future considerations).

Part 5 examines administrative problems and factors that influence the entire justice system, including ethical considerations, financial administration, technology for today and the future, and the threat of terrorism.

This initial chapter sets the stage for later discussions of the criminal justice system and its administration. We first consider whether the justice system comprises a process, a network, a nonsystem, or a true system. A discussion of the legal and historical bases for justice and administration follows (an examination of what some great thinkers have said about governance in general is provided at the end of the book, in appendix). The differences between public and private sector administration are reviewed next, and the chapter concludes with a discussion of policymaking in justice administration. After completing this chapter, the reader will have a better grasp of the structure, purpose, and foundation of our CJS.

► A True *System* of Justice?

What do justice administrators—police, courts, and corrections officials—actually *administer*? Do they provide leadership over a system that has succeeded in accomplishing its mission? Do individuals within the system work amiably and communicate well with one another? Do they all share the same goals? Do their efforts result in crime reduction? In short, do they compose a *system*? We now turn to these questions, taking a fundamental yet expansive view of justice administration.

The U.S. CJS attempts to decrease criminal behavior through a wide variety of uncoordinated and sometimes uncomplementary efforts. Each system component—police, courts, and corrections—has varying degrees of responsibility and discretion for dealing with crime. Often a federal, state, or local system component fails, however, to engage in any coordinated planning effort; hence, relations among and between these components are often characterized by friction, conflict, and deficient communication. Role conflicts also serve to ensure that planning and communication are stifled.

For example, one role of the police is to arrest suspected offenders. Police typically are not judged by the public on the quality (e.g., having probable cause) of arrests but on their number. Prosecutors often complain that police provide case reports of poor quality. Prosecutors, for their part, are partially judged by their success in obtaining convictions; a public defender or defense attorney is judged by success in getting suspected offenders' charges dropped. The courts are very independent in their operation, largely sentencing offenders as they see fit. Corrections agencies are torn between the philosophies of punishment and rehabilitation and, in the view of many, wind up performing neither function with a large degree of success. These agencies are further burdened with overcrowded conditions, high caseloads, and antiquated facilities.³ Unfortunately, this situation has existed for several decades and continues today.

This criticism of the justice system or process—that it is fragmented and rife with role conflicts and other problems—is a common refrain. Following are several views of the CJS as it currently operates: the process, network, and nonsystem points of view. Following the discussion of those three points of view, we consider whether criminal justice truly represents a system.



criminal justice process the decisions and actions by an institution, offender, victim, or society that influence the offender's movement into, through, or out of the justice system.

A Criminal Justice Process?

What is readily seen in the foregoing discussion is that our CJS may not be a system at all. Given its current operation and fragmentation, it might be better described as a **criminal justice process**. As a process, it involves the decisions and actions taken by an institution, offender, victim, or society that influence the offender's movement into, through, or out of the justice system.⁴ In its purest form, the criminal justice process functions as shown in Figure 1-1 ■. Note that the horizontal effects result from factors, such as the amount of crime, the number of prosecutions, and the type of court disposition affecting the population in correctional facilities and rehabilitative programs. Vertical effects represent the primary system steps or procedures.⁵

At one end of this process are the police who understandably may view their primary role as getting lawbreakers off the street. At the other end of the process are the corrections officials who may see their role as being primarily custodial in nature. Somewhere in between are the courts that try to ensure a fair application of the law to each case coming to the bar.

As a process, the justice system cannot reduce crime by itself, nor can any of the component parts afford to be insensitive to the needs and problems of the other parts. In criminal justice planning jargon, "You can't rock one end of the boat." In other words, every action has a reaction, especially in the justice process. If, say, a bond issue for funds to provide 10 percent more police officers on the streets is passed in a community, the additional arrests made by those added police personnel will have a decided impact on the courts and corrections components. Obviously, although each component operates largely on its own, the actions and reactions of each with respect to crime will send ripples throughout the process.

Much of the failure to deal effectively with crime may be attributed to organizational and administrative fragmentation of the justice process. Fragmentation exists among the components of the process, within the individual components, among political jurisdictions, and among persons.

A Criminal Justice Network?

criminal justice network a view that the justice system's components cooperate and share similar goals but operate independently and compete for funding.

Other observers contend that U.S. justice systems constitute a **criminal justice network**.⁶ According to Steven Cox and John Wade, the justice system functions much like a television or radio network whose stations share many programs but in which each station also presents programs that the network does not air on other stations. The network appears as a three-dimensional model in which the public, legislators, police, prosecutors, judges, and correctional officials interact with one another and with others who are outside the traditionally conceived CJS.⁷

Furthermore, the criminal justice network is said to be based on several key yet erroneous assumptions, including the following:

1. The components of the network cooperate and share similar goals.
2. The network operates according to a set of formal procedural rules to ensure uniform treatment of all persons, the outcome of which constitutes justice.
3. Each person accused of a crime receives due process and is presumed innocent until proven guilty.
4. Each person receives a speedy public trial before an impartial jury of his or her peers and is represented by competent legal counsel.⁸

Cox and Wade asserted that these key assumptions are erroneous for the following reasons:

1. The three components have incompatible goals and are continually competing with one another for budgetary dollars.
2. Evidence indicates that blacks and whites, males and females, and middle- and lower-class citizens receive differential treatment in the criminal justice network.



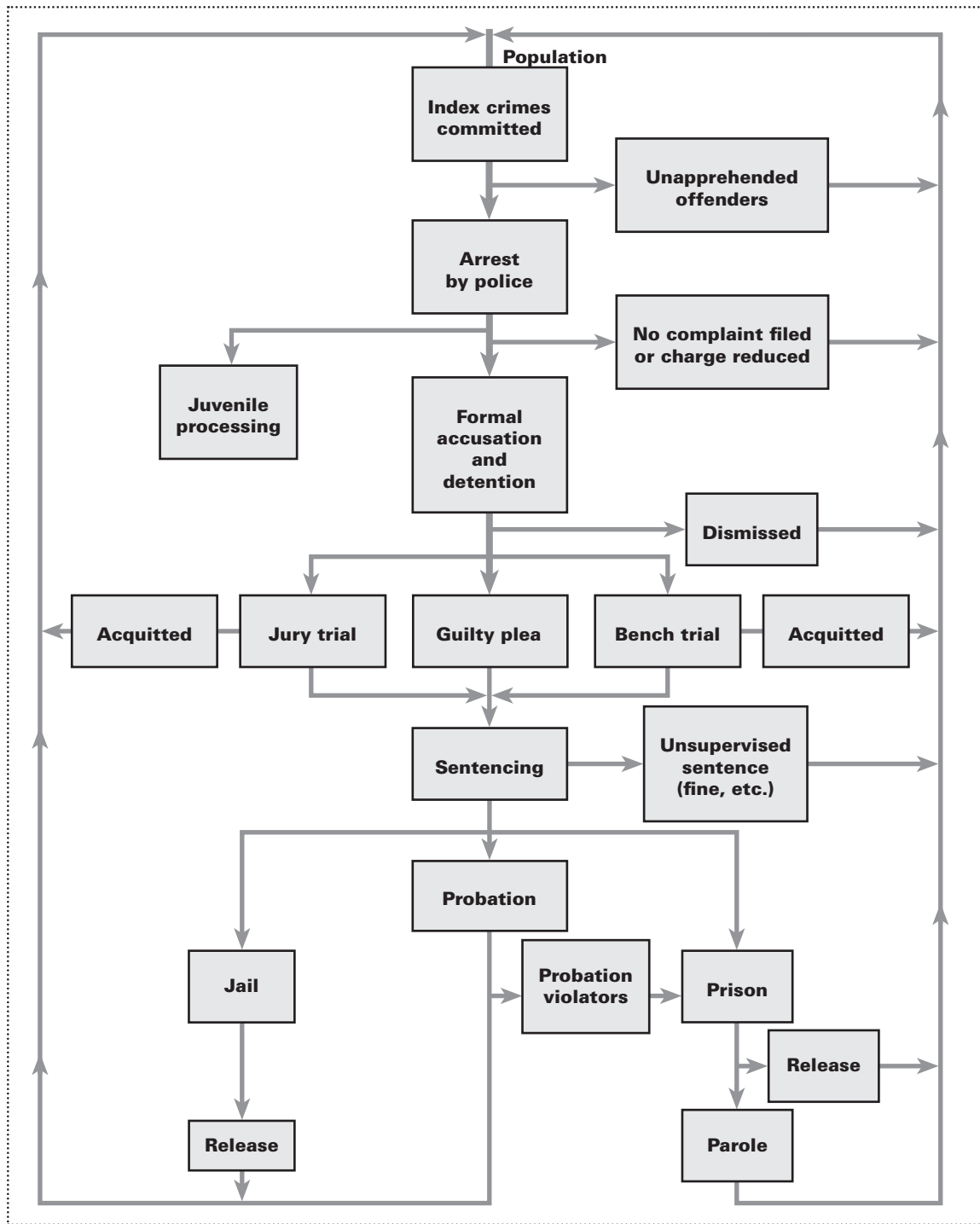


FIGURE 1-1 Criminal Justice Model

Source: Adapted in part from the President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* (Washington, DC: U.S. Government Printing Office, 1967), pp. 262-263.

3. Some persons are prosecuted, some are not; some are involved in plea bargaining, others are not; some are convicted and sent to prison, whereas others convicted of the same type of offense are not. A great deal of the plea negotiation process remains largely invisible, such as “unofficial probation” with juveniles. In addition, Cox and Wade argued, considerable evidence points to the fact that criminal justice employees do not presume their clients or arrestees to be innocent.
4. Finally, these proponents of a *network view* of the justice process argued that the current backlog of cases does not ensure a speedy trial, even though a vast majority (at least 90%) of all arrestees plead guilty prior to trial.⁹

Adherents of this position, therefore, believe that our CJS is probably not a just network in the eyes of the poor, minority groups, or individual victims. Citizens, they also assert, may not know what to expect from such a network. Some believe that the system does not work as a network at all and that this conception is not worth their support.¹⁰

A Criminal Justice Nonsystem?

criminal justice nonsystem the view that police, courts, and corrections agencies do not function harmoniously is not a coordinated structure, and is neither efficient nor fair enough to create fear of punishment or respect for its values.

Many observers argue that the three components of the CJS actually comprise a **criminal justice nonsystem**. They maintain that the three segments of the U.S. CJS that deal with criminal behavior do not always function in harmony and that the system is neither efficient enough to create a credible fear of punishment nor fair enough to command respect for its values.

Indeed, these theorists are given considerable support by the President’s Commission on Law Enforcement and the Administration of Justice (commonly known as the *Crime Commission*), which made the following comment:

The system of criminal justice used in America to deal with those crimes it cannot prevent and those criminals it cannot deter is not a monolithic, or even a consistent, system. It was not designed or built in one piece at one time. Its philosophic core is that a person may be punished by the Government, if, and only if, it has been proven by an impartial and deliberate process that he has violated a specific law. Around that core, layer upon layer of institutions and procedures, some carefully constructed and some improvised, some inspired by principle and some by expediency, have accumulated. Parts of the system—magistrates, courts, trial by jury, bail—are of great antiquity. Other parts—juvenile courts, probation and parole, professional policemen—are relatively new. Every village, town, county, city, and State has its own criminal justice system, and there is a Federal one as well. All of them operate somewhat alike, no two of them operate precisely alike.¹¹

Alfred Cohn and Roy Udolf stated that criminal justice “is not a system, and it has little to do with justice as that term is ordinarily understood.”¹² Also in this school of thought are Burton Wright and Vernon Fox, who asserted that “the criminal justice system...is frequently criticized because it is not a coordinated structure—not really a system. In many ways this is true.”¹³

These writers would probably agree that little has changed since 1971, when *Newsweek* stated in a special report entitled “Justice on Trial” that

America’s system of criminal justice is too swamped to deliver more than the roughest justice—and too ragged really to be called a system. “What we have,” says one former government hand, “is a non-system in which the police don’t catch criminals, the courts don’t try them, and the prisons don’t reform them. The system, in a word, is in trouble. The trouble has been neglect. The paralysis of the civil courts, where it takes five years to get a judgment in a damage suit—the courts—badly managed, woefully undermanned and so inundated with cases that they have to run fast just to stand still.”¹⁴



Unfortunately, in many jurisdictions, those words still ring true. Too often, today's justice administrators cannot be innovators or reformers but rather simply "make do." As one law professor stated, "Oliver Wendell Holmes could not survive in our criminal court. How can you be an eminent jurist when you have to deal with this mess?"¹⁵

Those who hold that the justice system is in reality no system at all can also point to the fact that many practitioners in the field (police, judges, prosecutors, correctional workers, and private attorneys) and academicians concede that the entire justice system is in crisis, even rapidly approaching a major breakdown. They can cite problems everywhere—large numbers of police calls for service, overcrowded court dockets, and high prison populations. In short, they contend that the system is in a state of dysfunction, largely as a result of its fragmentation and lack of cohesion.¹⁶

System fragmentation is largely believed to directly affect the amount and type of crime that exists. Contributing to this fragmentation are the wide discretionary powers possessed by actors in the justice system. For example, police officers (primarily those having the least experience, education, and training) have great discretion over whom they arrest and are effectively able to dictate policy as they go about performing their duties. Here again, the Crime Commission was moved to comment as follows, realizing that how the police officer moves around his or her territory depends largely on this discretion:

Crime does not look the same on the street as it does in a legislative chamber. How much noise or profanity makes conduct "disorderly" within the meaning of the law? When must a quarrel be treated as a criminal assault: at the first threat, or at the first shove, or at the first blow, or after blood is drawn, or when a serious injury is inflicted? How suspicious must conduct be before there is "probable cause," the constitutional basis for an arrest? Every [officer], however sketchy or incomplete his education, is an interpreter of the law.¹⁷

Judicial officers also possess great discretionary latitude. State statutes require judges to provide deterrence, retribution, rehabilitation, and incapacitation—all in the same sentence. Well-publicized studies of the sentencing tendencies of judges—in which participants were given identical facts in cases and were to impose sentences based on the offender's violation of the law—have demonstrated considerable discretion and unevenness in the judges' sentences. The nonsystem advocates believe this to be further evidence that a basic inequality exists—an inequality in justice that is communicated to the offender.¹⁸

Finally, fragmentation also occurs in corrections—the part of the criminal justice process that the U.S. public sees the least of and knows the least about. Indeed, as the Crime Commission noted, the federal government, all 50 states, the District of Columbia, and most of the country's 3,047 counties now engage in correctional activities of some form. Each level of government acts independently of the others, and the responsibility for the administration of corrections is divided within the given jurisdictions as well.¹⁹

With this fragmentation comes polarity in identifying and establishing the primary goals of the system. The police, enforcing the laws, emphasize community protection; the courts weigh both sides of the issue—individual rights and community needs; and corrections facilities work with the individual. Each of these groups has its own perception of the offender, creating goal conflict; that is, the goal of the police and the prosecutor is to get the transgressor off the street, which is antithetical to the caretaker role of the corrections worker who often wants to rehabilitate and return the offender to the community. The criminal justice process does not allow many alternative means of dealing with offenders. The nonsystem adherent believes that eventually the offender will become a mere statistic, more important on paper than as a human being.²⁰

Because the justice process lacks sufficient program and procedural flexibility, these adherents argue that its workers either can circumvent policies, rules, and regulations or adhere to organizational practices they know are, at times, dysfunctional. (As evidence

system fragmentation

the view that members of police, courts, and corrections agencies have tremendous discretion and their own perception of the offender, resulting in goal conflict.



of the former, they point to instances of *informal* treatment of criminal cases; e.g., a police officer “bends” someone’s constitutional rights in order to return stolen property to its rightful owner, or a juvenile probation officer, without a solid case but with strong suspicion, warns a youth that any further infractions will result in formal court-involved proceedings.)

Or, Is It a True Criminal Justice System?

That all of the foregoing perspectives on the justice system are grounded in truth is probably evident by now. In many ways, the police, courts, and corrections components work and interact to function like a process, a network, or even a nonsystem. However, the justice system may still constitute a true system. As Willa Dawson stated, “Administration of justice can be regarded as a system by most standards. It may be a poorly functioning system but it does meet the criteria nonetheless. The systems approach is still in its infancy.”²¹ J. W. La Patra added, “I do believe that a criminal justice system [CJS] does exist, but that it functions very poorly. The CJS is a loosely connected, nonharmonious, group of social entities.”²²

To be fair, however, perhaps this method of dealing with offenders is best after all; it may be that having a well-oiled machine—in which all activities are coordinated, goals and objectives are unified, and communication between participants is maximized, all serving to grind out justice in a highly efficacious manner—may not be what we truly want or need in a democracy.

From Nonsystem to System: Redefining Performance Measures

Despite being a decentralized system with considerable system fragmentation, one can argue that a set of common goals for the CJS gets us closer to what a true system represents. John J. DiIulio argues for criminal justice performance measures beyond those we traditionally associate with the system, such as crime rates and recidivism.²³ As such, DiIulio advocates for a democratic vision of the CJS that includes doing justice, promoting secure communities, restoring crime victims, and promoting noncriminal options.²⁴ The challenge, as DiIulio puts it, is to see whether justice officials can rally around performance measures that go beyond the traditional CJS “bottom line.”

We hope that we have not belabored the subject; however, it is important to establish early in this book the type of system and the components that you, as a potential criminal justice administrator, may encounter. You can reconcile for yourself the differences of opinion described earlier. In this book, we adhere to the notion that even with all of its disunity and lack of fluidity, what criminal justice officials administer in the United States is a system. Nonetheless, it is good to examine its operation and shortcomings and, as stated earlier, confront the CJS’s problems and possible areas for improvement.

Now that we have a systemic view of what it is that criminal justice managers actually administer, it would be good to examine briefly how they go about doing it. We first consider the legal and historical bases that created the United States as a democracy regulated by a government and by a system of justice; we include the consensus–conflict continuum, with the social contract on one end and the maintenance of the status quo/repression on the other. Next, we distinguish between administration and work in the public and private sectors because the styles, incentives, and rewards of each are, by their very nature, quite different. This provides the foundation for the final point of discussion, a brief examination of the policymaking process in criminal justice agencies.



► The Foundations of Justice and Administration: Legal and Historical Bases

Given that our system of justice is founded on a large, powerful system of government, the following questions must be addressed: From where is that power derived? How can governments presume to maintain a system of laws that effectively governs its people and, furthermore, a legal system that exists to punish persons who willfully suborn those laws? We now consider the answers to those questions.

The Consensus versus Conflict Debate

U.S. society has innumerable lawbreakers. Most of them are easily handled by the police and do not challenge the legitimacy of the law while being arrested and incarcerated for violating it. Nor do they challenge the system of government that enacts the laws or the justice agencies that carry them out. The stability of our government for more than 200 years is a testimony to the existence of a fair degree of consensus as to its legitimacy.²⁵ Thomas Jefferson's statements in the *Declaration of Independence* are as true today as the day when he wrote them and are accepted as common sense:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or abolish it.

The principles of the *Declaration* are almost a paraphrase of John Locke's *Second Treatise on Civil Government*, which justifies the acts of government on the basis of Locke's theory of social contract. In the state of nature, people, according to Locke, were created by God to be free, equal, independent, and with inherent inalienable rights to life, liberty, and property. Each person had the right of self-protection against those who would infringe on these liberties. In Locke's view, although most people were good, some would be likely to prey on their fellows, who in turn would constantly have to be on guard against such evildoers. To avoid this brutish existence, people joined together, forming governments to which they surrendered their right of self-protection. In return, they received governmental protection of their lives, property, and liberty. As with any contract, each side has benefits and considerations; people give up their right to protect themselves and receive protection in return. Governments give protection and receive loyalty and obedience in return.²⁶

Locke believed that the chief purpose of government was the protection of property. Properties would be joined together to form the commonwealth. Once the people unite into a commonwealth, they cannot withdraw from it, nor can their lands be removed from it. Property holders become members of that commonwealth only with their express consent to submit to the government of the commonwealth. This is Locke's famous theory of *tacit consent*: "Every Man ... doth hereby give his *tacit Consent*, and is as far forth obliged to Obedience to the Laws of the Government."²⁷ Locke's theory essentially describes an association of landowners.²⁸

Another theorist connected with the **social contract** theory is Thomas Hobbes, who argued that all people were essentially irrational and selfish. He maintained that people had just enough rationality to recognize their situation and to come together to form governments for self-protection, agreeing "amongst themselves to submit to some Man, or Assembly of men, voluntarily, on confidence to be protected by him against all others."²⁹ Therefore, they existed in a state of consensus with their governments.

social contract

a belief that people are essentially irrational and selfish, but have enough rationality to come together to form governments for self-protection.



Jean-Jacques Rousseau, a conflict theorist, differed substantively from both Hobbes and Locke, arguing that “Man is born free, but everywhere he is in chains.”³⁰ Like Plato, Rousseau associated the loss of freedom and the creation of conflict in modern societies with the development of private property and the unequal distribution of resources. Rousseau described conflict between the ruling group and the other groups in society, whereas Locke described consensus within the ruling group and the need to use force and other means to ensure the compliance of the other groups.³¹

Thus, the primary difference between the consensus and conflict theorists with respect to their view of government vis-à-vis the governed concerns their evaluation of the legitimacy of the actions of ruling groups in contemporary societies. Locke saw those actions as consistent with natural law, describing societies as consensual and arguing that any conflict was illegitimate and could be repressed by force and other means. Rousseau evaluated the actions of ruling groups as irrational and selfish, creating conflicts among the various groups in society.³²

This debate is important because it plays out the competing views of humankind toward its ruling group; it also has relevance with respect to the kind of justice system (or process) we have. The system’s model has been criticized for implying a greater level of organization and cooperation among the various agencies of justice than actually exists. The word *system* conjures an idea of machinelike precision in which wasted effort, redundancy, and conflicting actions are nearly nonexistent; our current justice system does not possess such a level of perfection. As mentioned earlier, conflicts among and within agencies are rife, goals are not shared by the system’s three components, and the system may move in different directions. Therefore, the systems approach is part of the **consensus model** point of view, which assumes that all parts of the system work toward a common goal.³³ The **conflict model**, holding that agency interests tend to make actors within the system self-serving, provides the other approach. This view notes the pressures for success, promotion, and general accountability, which together result in fragmented efforts of the system as a whole, leading to a criminal justice nonsystem.³⁴

This debate also has relevance for criminal justice administrators. Assume a consensus–conflict continuum, with social contract (the people totally allow government to use its means to protect them) on one end and class repression on the other. That our administrators *do not* allow their agencies to drift too far to one end of the continuum or the other is of paramount importance. Americans cannot allow the compliance or conflict that would result at either end; the safer point is toward the middle of the continuum, where people are not totally dependent on their government for protection and maintain enough control to prevent totalitarianism.

consensus model the view of the criminal justice system in which it is assumed that all parts of the system work toward a common goal.

conflict model holds that actors within the criminal justice system are self-serving, with pressures for success, promotion, and general accountability and resulting in fragmented efforts.

due process model the ideal that the accused should be presumed innocent and have his/her rights protected, while police must act only in accordance with the Constitution.

Crime Control through Due Process

In 1968, Herbert Packer described two now-classic models of the criminal justice process (see Figure 1-2 ■) in terms of two competing value systems: crime control and due process.³⁵ The **due process model**—likened to an “obstacle course” by some authors—essentially holds that criminal defendants should be presumed innocent, that the courts’ first priority is protecting the constitutional rights of the accused, and that granting too much freedom to law enforcement officials will result in the loss of freedom and civil liberties for all Americans; therefore, each court case must involve formal fact-finding to uncover mistakes by the police and prosecutors. This view also stresses that crime is not a result of individual moral failure, but is the result of social influences (such as unemployment, racial discrimination, and other factors that disadvantage the poor); thus, courts that do not follow this philosophy are fundamentally unfair to these defendants. Furthermore, rehabilitation will prevent further crime.



Crime Control Model

1. The repression of crime is of utmost importance, to provide order.
2. CJ focus should be on helping victims rather than on defendants' rights.
3. Police powers should be expanded, legal technicalities eliminated, for ease of arrest, search and seizure, conviction.
4. The CJ process should operate like an assembly line, moving cases through swiftly.
5. There should generally be a presumption of guilt of the accused (and police/prosecutors' views trusted).

Due Process Model

1. CJ must provide due process, fairness, and a focus on defendants' rights, as provided in the Bill of Rights.
2. Police powers should be limited to prevent oppression.
3. Constitutional rights aren't "technicalities," so police/prosecutors should be held accountable to ensure fairness.
4. The CJ process should resemble an obstacle course, with impediments/safeguards to protect the innocent and convict the guilty.

FIGURE 1-2 Herbert Packer's Crime Control/Due Process Models of Criminal Justice: A Synopsis

Note: No city will be wholly in one or the other; also, the political climate determines which model shapes criminal justice policy at a specific point in time.

In contrast is the **crime control model**, which is a much more traditional philosophy and which Packer likened to an "assembly line." This model views crime as a breakdown of individual responsibility. It places the highest importance on repressing criminal conduct and thus protecting society. Persons who are charged are presumed guilty, and the courts should not hinder effective enforcement of the laws; rather, legal loopholes should be eliminated and offenders swiftly punished. Under this philosophy, the police and prosecutors should have a high degree of discretion. Punishment will deter crime, so there must be speed and finality in the courts to ensure crime suppression.

Although Packer indicated that neither of these models would be found to completely dominate a particular community or control U.S. crime policy,³⁶ even to say that one of these models is superior to the other requires an individual to make a value judgment. How much leeway should be given to the police? Should they be allowed to "bend" the laws just a little bit in order to get criminals off the streets? Does the end justify the means? These are important questions. Note that these questions will be revisited in discussions of ethics in Chapter 4 and police discretion in Chapter 6.

crime control

model a philosophy that states crime must be repressed, the accused presumed guilty, legal loopholes eliminated, offenders swiftly punished, and police and prosecutors given a high degree of discretion.

► Public versus Private Sector Administration

The fact that people derive positive personal experiences from their work has long been recognized.³⁷ Because work is a vital part of our lives and carries tremendous meaning in terms of our personal identity and happiness, the right match of person to job has long been recognized as a determinant of job satisfaction.³⁸ Factors such as job importance, accomplishment, challenge, teamwork, management fairness, and rewards become very important.

People in both the public (i.e., government) and private (e.g., retail business) sectors derive personal satisfaction from their work. The means by which they arrive at those positive feelings and are rewarded for their efforts, however, are often quite different. Basically, whereas private businesses and corporations can use a panoply of *extrinsic* (external) rewards to motivate and reward their employees, people working in the public sector must achieve job satisfaction primarily through *intrinsic* (internal) rewards.



Extrinsic rewards include perquisites such as financial compensation (salary and a benefits package), a private office, a key to the executive washroom, bonuses, trips, a company car, awards (including designations such as the employee of the month or the insurance industry's "million-dollar roundtable"), an expense account, membership in country clubs and organizations, and a prestigious job title. The title assigned to a job can affect one's general perceptions of the job regardless of the actual job content. For example, the role once known disparagingly as "grease monkey" in a gasoline service station has commonly become known as "lubrication technician," garbage collectors have become "sanitation engineers," and so on. Enhancement of job titles is done to add job satisfaction and extrinsic rewards to what may often be lackluster positions.

Corporations often devote tremendous amounts of time and money to bestowing extrinsic rewards, incentives, and job titles on employees to enhance their job satisfaction. These rewards, of course, cannot and do not exist in the public sector anywhere near the extent that they do in the private sector.

As indicated earlier, public sector workers must seek and obtain job satisfaction primarily from within—through intrinsic means. These workers, unable to become wealthy through their salaries and to be in a position that is filled with perks, need jobs that are gratifying and that intrinsically make them feel good about themselves and what they accomplish. Practitioners often characterize criminal justice work as intrinsically rewarding, providing a sense of worth in making the world a little better place in which to live. These employees also seek appreciation from their supervisors and coworkers and generally enjoy challenges.

To be successful, administrators should attempt to understand the personalities, needs, and motivations of their employees and attempt to meet those needs and provide motivation to the extent possible. Sometimes this can occur in unconventional locations. As a case in point, Boise, Idaho, police chief William Bones frequently rides a police bicycle along the city's vast greenbelt along the Boise River near Boise State University. Chief Bones uses these opportunities not only to know better his community constituents but also to speak and interact with park rangers and other officers assigned to the downtown area. Nontraditional administrator–subordinate interactions can certainly break down traditional barriers between employees and top-level managers.

► Planned Change and Policymaking in Justice Administration

Planning Interventions

In past decades and simpler times, change in criminal justice agencies typically occurred slowly and incrementally. Continuous change is now a constant rather than an exception, however, and the pace and frequency of change have increased. While change is not bad in itself, if unplanned, programs will often fail and even result in negative consequences in the workplace—absences, tardiness, medical or stress leaves, high turnover rates, and even sabotage. Remember, too, that a major change occurring in one component of the justice system can have severe repercussions on the others if not anticipated and planned for. Oftentimes, major changes are enacted without due consideration given to planning, design, implementation, and evaluation; a good example is the initial "three-strikes" laws, initiated in California in 1994, which had a very different structure and outcome than originally intended. The short-lived "team policing" initiative in the 1970s also has provided numerous opportunities to reflect on the importance of planned change in the criminal justice arena.



Obviously, then, change in criminal justice should not and typically does not occur accidentally or haphazardly. Justice administrators must know how to plan, implement, and evaluate interventions that address problems in their organizations and systems while taking into account components such as time frame, target population, outcomes, and normative values—guiding assumptions about how the CJS *ought* to function. **Planned change**, therefore, involves problem analysis, setting goals and objectives, program and policy design, developing an action plan, and monitoring and evaluation.

As examples, specific programs and policies have been developed to address domestic violence; prostitution; drug abuse; gang activities; repeat offenders; the availability of handguns; prison overcrowding; and the efficacy of statutory enactments, such as the “three-strikes” law.

The most complex and comprehensive approach to effecting planned change in criminal justice is to create a *policy*. Policies vary in the complexity of the rule or guidelines being implemented and the amount of discretion given to those who apply them. For example, police officers are required to read *Miranda* warnings to suspects before they begin questioning them if the information might later be used in court against the defendant. This is an example where discretion is relatively constrained, although the Supreme Court has formulated specific exceptions to the rule. Sometimes policies are more complex, such as “the social policy” of President Lyndon Johnson’s War on Poverty in the 1960s. Organizations, too, create policies specifying how they are going to accomplish their mission, expend their resources, and so on.³⁹

Imagine the following scenario. Someone in criminal justice operations (e.g., a city or county manager, or a municipal or criminal justice planner) is charged with formulating an omnibus policy with respect to crime reduction. He or she might begin by trying to list all the related variables that contribute to the crime problem: poverty; employment; demographics of people residing within the jurisdiction; environmental conditions (such as housing density and conditions and slum areas); mortality, morbidity, and suicide rates; educational levels of the populace; and so on.

The administrator would request more specific information from each justice administrator within the jurisdiction to determine where problems might exist in the practitioners’ view of the police, courts, and corrections subsystems. For example, a police executive would contribute information concerning calls for service, arrests, and crime data (including offender information and crime information—time of day, day of week, methods, locations, targets, and so on). The status of existing programs, such as community policing and crime prevention, would also be provided. From the courts, information would be sought concerning the sizes of civil and criminal court dockets and backlogs (“justice delayed is justice denied”). Included in this report would be input from the prosecutor’s office concerning the quality and quantity of police reports and arrests, as well as data on case dismissals and conviction rates at trial. From corrections administrators would come the average officer caseload and the recidivism and revocation rates. Budgetary information would certainly be solicited from all subsystems, as well as miscellaneous data regarding personnel levels, training levels, and so on. Finally, the administrator would attempt to formulate a crime policy, setting forth goals and objectives for addressing the jurisdiction’s needs.

As an alternative, the policymaker could approach this task in a far less complex manner, simply setting, either explicitly or without conscious thought, the relatively simple goal of “keeping crime down.” This goal might be compromised or complicated by other factors, such as an economic recession. This administrator could in fact disregard most of the other variables discussed earlier as being beyond his or her current needs and interest and would not even attempt to consider them as immediately relevant. The criminal justice practitioners would not be pressed to attempt to provide information and critical analyses. If pressed for time (as is often the case in these real-life scenarios), the planner would readily admit that these variables were being ignored.⁴⁰

planned change

rational approach to criminal justice planning that involves problem analysis, setting goals and objectives, program and policy design, developing an action plan, and monitoring and evaluation.



Because executives and planners of the alternative approach expect to achieve their goals only partially, they anticipate repeating endlessly the sequence just described as conditions and aspirations change and as accuracy of prediction improves. Realistically, however, the first of these two approaches assumes intellectual capacities and sources of information that people often do not possess; furthermore, the time and money that can be allocated to a policy problem are limited. Public agencies are in effect usually too hamstrung to practice the first method; it is the second method that is followed. Curiously, however, the literature on decision making, planning, policy formulation, and public administration formalizes and preaches the first approach.⁴¹ The second method is much neglected in this literature.

At the organizational level, the first method is akin to formalized “strategic planning,” a process for planned change that involves convening key stakeholders (both inside and outside the organization) to develop organizational mission and vision statements, and from there realistic goals, objectives, and strategies to achieve the mission and vision. For example, say a police chief is interested in revisiting a mission statement from decades ago that stressed law enforcement as the mission of his or her agency. Here, a strategic planning group might be convened (comprised of both commissioned and civilian employees as well as community stakeholders) to revise the mission, rethink the vision, and develop goals, objectives, and activities to meet the organization’s new priorities.

This group might first start with a SWOT analysis, which focuses on the organization’s Strengths, Weaknesses, Opportunities, and Threats. SWOT analysis requires the collection of considerable information important to the organization, which, as described above, may be incomplete for a variety of reasons, including time and access. SWOT analysis is typically a first step in the creation of a strategic plan.

Back to our macro view, probably no part of government has attempted a comprehensive analysis and overview of policy on crime (the first method described). Thus, making crime policy is at best a rough process. Without a more comprehensive process, we cannot possibly understand, for example, how a variety of problems—education, housing, recreation, employment, race, and policing methods—might encourage or discourage juvenile delinquency. What we normally engage in is a comparative analysis of the results of similar past policy decisions. This explains why justice administrators often believe that outside experts or academics are not helpful to them—why it is safer to “fly by the seat of one’s pants.” Theorists often urge the administrator to go the long way to the solution of his or her problems, following the scientific method, when the administrator knows that the best available theory will not work. Theorists, for their part, do not realize that the administrator is often, in fact, practicing a systematic method.⁴² So, what may appear to be mere muddling through is both highly praised as a sophisticated form of **policymaking**—the formal development of ideas or plans that are then used by an organization or government to guide decision making—and soundly denounced as no method at all. What society needs to bear in mind is that justice administrators possess an intimate knowledge of past consequences of actions that outsiders do not. Although seemingly less effective and rational, this method, according to policymaking experts, has merit. Indeed, this method is commonly used for problem-solving in which the means and ends are often impossible to separate, aspirations or objectives undergo constant development, and drastic simplification of the complexity of the real world is urgent if problems are to be solved in reasonable periods of time.⁴³

policymaking

(1) developing plans that are then used by an organization or government as a basis for making decisions; (2) establishing rules, principles, or guidelines to govern actions by ordinary citizens and persons in positions of authority.

force-field analysis

a process of identifying forces in support of change and those resisting change.

Force-Field Analysis

There will always be barriers and resistance to change in criminal justice organizations. Such barriers may be physical, social, financial, legal, political, and/or technological in nature. One useful technique for identifying sources of resistance (and support) is called **force-field analysis**. This technique, developed by Kurt Lewin, is based on an analogy to



physics: A body will remain at rest when the sum of forces operating on it is zero. When the forces pushing or pulling it in one direction exceed the forces pushing or pulling it in the opposite one, the body will move in the direction of the greater forces. (Note, however, that in criminal justice administration, change involves *social* forces rather than *physical* ones.) Generally, we focus on reducing rather than overcoming resistance.

Three steps are involved in a force-field analysis:

1. Identifying driving forces (those supporting change) and restraining forces (those resisting change)
2. Analyzing the forces identified in Step 1
3. Identifying alternative strategies for changing each force identified in Step 1; focus on reducing forces of resistance⁴⁴

Take, for example, the forces at work concerning whether or not one will attend a university that is some distance away. Forces favoring the decision might be parents' and friends' encouragement to attend, the opportunity to meet new people and to experience new places and cultures, the prospect of attaining a desirable career with higher income, and the acquisition of far greater knowledge. Forces in opposition might be the costs of tuition, books, and living expenses; the financial loss while attending school and not working; unexceptional high school grades; the number of years required to graduate; and perhaps going to a strange locale and leaving friends, family, and other support groups behind. To reduce the opposing pressures, the student might obtain financial aid or scholarships, plan to call family and friends often, visit the school and community first to try to become more comfortable with them, and so on.

Consequences of Not Planning for Change

You might imagine, then, that there could be rather negative consequences to not planning for change. For one, as alluded to earlier, new programs or initiatives may not be successful. Our example of team policing earlier in this chapter is a case in point. While the idea of bringing police officers both physically and symbolically closer to the citizens they serve seems beneficial, team policing suffered from a lack of planning, which resulted in poor implementation and unclear goals. Critics of this 1970s initiative suggest that it disappeared as quickly as it appeared.⁴⁵

Proactive planning for change can be advantageous over forced change based on events that already have occurred (reactionary change). In our team policing example, change efforts in policing to become closer to its constituents resulted from a deterioration of police–minority relationships in the 1960s and claims of institutional racism. As such, the short-lived change to team policing was reactionary change that was not well planned nor implemented.

Summary

This chapter presented the foundation for the study of justice administration. It also established the legal existence of governments, laws, and the justice agencies that administer them. It demonstrated that the three components of the justice system are independent and

fragmented and often work at odds with one another toward the accomplishment of the system's overall mission. Our discussion concluded with a review of the importance of planning for justice administrators and policymakers.



Key Terms and Concepts

Administrator, p. 4
Conflict model, p. 12
Consensus model, p. 12
Crime control model, p. 13
Criminal justice network, p. 6

Criminal justice nonsystem, p. 8
Criminal justice process, p. 6
Due process model, p. 12
Force-field analysis, p. 16
Manager, p. 4

Planned change, p. 15
Policymaking, p. 16
Social contract, p. 11
Supervisor, p. 4
System fragmentation, p. 9

Questions for Review

1. Do the three justice components (police, courts, and corrections) constitute a true system, or are they more appropriately described as a process or a true nonsystem? Defend your response.
2. What are the legal and historical bases for a justice system and its administration in the United States? Why is the conflict versus consensus debate important?
3. What are some of the substantive ways in which public and private sector administration are similar? How are they dissimilar?
4. What is a SWOT analysis and how can this be helpful in the strategic planning process?
5. What elements of planned change must the justice administrator be familiar with in order to ensure that change is affected rationally and successfully?
6. Why is planned change preferred over reactionary change?
7. Which method, a rational process or just muddling through, appears to be used in criminal justice policymaking today? Which method is probably best, given real-world realities? Explain your response.

Deliberate and Decide 1

Is Our Justice System Always “Just”?⁴⁶

Nancy Black, a California marine biologist, also captains a whale watching ship. She was with some watchers in 2005 when a member of her crew whistled at a nearby humpback whale, hoping the whale would linger. Meanwhile, on land one of Black’s employees contacted a national oceanographic organization to see if the whistling was in fact harassment of a marine mammal—an environmental crime. Black provided a videotape of the incident, slightly edited to show the whistling; for the editing, she was charged with a felony under the 1863 False Claims Act. She was also charged with a federal crime involving the feeding of killer whales (orcas)—having rigged an apparatus that would stabilize a slab of blubber to better photograph the orca while feeding on a dead gray whale. Since the charges were filed, Black has spent more than \$100,000 in legal fees and could be sentenced to 20 years in prison.

Questions for Discussion

1. Does this case represent the conflict or consensus model of justice?
2. Assume Black were to be convicted: Would the end justify the means? Conversely, would the means justify the end result (i.e., having such federal laws, compelling such exorbitant legal fees)?

3. Do you believe politics played a part in this case?
4. Should the prosecutor have the discretion to drop all charges in this case?

Deliberate and Decide 2

The Sovereign Citizen Movement⁴⁷

Recently, a 50-year-old Arizona man who rejects government authority as a member of the “sovereign movement” was sentenced to more than 8 years in a federal prison and ordered to forfeit more than \$1.29 million in assets. He was convicted on 1 count of conspiracy to commit money laundering, 13 counts of money laundering, and 4 counts of failure to appear, and ordered to pay \$98,782 in restitution once he leaves prison.

This man is heavily involved in the sovereign movement, whose members believe that the U.S. government is illegitimate and that they should not have to pay taxes or be subject to federal laws. Most of them have their own constitution, bill of rights, and government officials. Sovereign citizens can be dangerous and violent, and have been tied with a number of shoot-outs with and killings of police officers. Furthermore, members often commit financial fraud crimes as well.

It is estimated that hundreds of thousands of sovereign citizens currently live throughout the United States. They are such a threat that the FBI maintains a website on these citizens.



Questions for Discussion

1. Based on this chapter's discussions of the foundations of governments and their criminal justice systems, what determination would you make concerning such a movement's legitimacy and legality?
2. Looking at their beliefs, are such people truly American "citizens"?
3. Do you believe any of their beliefs have any redeemable merit?
4. What types and amounts of punishment, if any, do you believe are justified for members of such movements?

Learn by Doing

1. Your criminal justice professor asks you to consider the CJS flowchart displayed on the inside cover of the text. Then, after reading this chapter, you are asked to prepare a paper concerning how this chart implies that criminal justice agencies constitute both a *system* and a *nonsystem*. What will be your response? Alternatively, do you believe that the CJS most closely resembles a *network* or *process*? Explain.
2. It is announced that because of financial shortfalls, your local police department must eliminate 10 percent of its officer positions through layoffs and retirements.
 - a. Given the criminal justice planning adage that "you cannot rock one end of the boat," what might be the effects of such position reductions on your local criminal justice system?
 - b. Assume instead that local revenues have *increased* in your jurisdiction, and your local police department is told it can add 10 percent more officers' positions. What possible impacts on your local CJS might result?
3. Your criminal justice professor says her department is undergoing a strategic planning process. She asks you for some ideas on how to organize a session related to the departments' strengths, weaknesses, opportunities, and challenges. How would you help her organize this session? Who are the most important people of whom to ask these questions?
4. The head of your state department of corrections wants to close the state's oldest prison, now located in the state capitol; constructed in the 1920s, it is now extremely dangerous as well as very expensive to operate. Although the new location would be in a community that is 50 miles away, it would be nearer the state capitol and offer a considerably larger labor pool of prospective prison employees as well as a much better public transportation system. Being politically astute, the director asks you and several of your fellow staff members to conduct a force-field analysis, looking at *both* communities to determine opposition and support for the move. Identify at least three forces or factors that are likely to *support* the decision to relocate the prison and three that are likely to *oppose* it.

Case Study

We Should Have Planned for This!

You are a resident in a town of 50,000 in the Midwestern United States. Over the years, you have seen great growth in your town, while at the same time, you have seen considerable negative change in your neighborhood. Once a close-knit community, your neighborhood has been experiencing considerable turnover. Families don't know one another very well anymore; neighborhood kids aren't playing outside; you feel fearful walking alone in your own neighborhood at night; and residential and vehicle burglaries are on the increase. The crime rate in your town, while very low when you were growing up there, has now skyrocketed. Violent crimes are up 10 percent

over a 10-year period, and larceny/theft is up over 50 percent. Now understanding that something different needs to be done, your local police chief plans to hold a town hall meeting, a first step in a strategic planning process to try some innovative, yet undefined, ways to reduce crime and improve neighborhood life in your town. As a long-time resident, you have been invited to the meeting.

Questions for Discussion

1. Do you plan to attend the initial strategic planning meeting? Why or why not?
2. What kinds of contributions do you feel you could make that could affect change at your local police department?
3. What barriers do you think exist that might lead to little or no change at your police department?



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47. See William D'Urso, "Sovereign Citizen Gets 8 Years in Money Laundering Case," *Las Vegas Sun*, March 20, 2013, <http://www.lasvegassun.com/news/2013/mar/20/sovereign-citizen-gets-8-years-money-laundering-ca/>; also see Nadine Maeser, "Special Report: A Closer Look at Sovereign Citizens," *WECT*, <http://www.wect.com/story/21237082/special-report-sovereign-citizens>.



2 Organization and Administration

Principles and Practices

LEARNING OBJECTIVES

After reading this chapter, the student will be able to:

- ① *define organizations and the types of organizations*
- ② *understand the evolution of organizational theory, including scientific management, human relations, systems, and bureaucratic management*
- ③ *understand the major components of organizational structure, such as span of control and unity of command*
- ④ *explain the uniqueness of communication within police organizations*
- ⑤ *describe the primary components of communication, such as its process, barriers, cultural cues, and upward/downward/horizontal forms*
- ⑥ *comprehend the primary leadership theories and skills, including the characteristics and skills of America's best leaders*
- ⑦ *describe the challenges and implications of new generations of workers who are entering the workplace*
- ⑧ *describe the rights and interests—and legal aspects—concerning both employees and employers regarding employees' personal appearance at the workplace*

► Introduction

Michael Scott, the title character of NBC's long-running comedy *The Office*, was a regional manager at the fictitious Dunder-Mifflin paper company in Scranton, PA. Scott, along with an ensemble cast of his subordinates, depicted the antithesis of a pleasant and inviting workplace. Scott's top-down management approach and often highly inappropriate behavior served as the basis of most episodes. Employees of Dunder-Mifflin were stuck at their desks, tied to their corded phones, while Scott on numerous occasions belittled them, including the HR manager, Toby Flenderson, who was frequently depicted as the recipient of Scott's unpredictable wrath. Leading and managing a diverse workforce, as depicted in *The Office*, can lead to workplace hostility, low motivation, and low job satisfaction. But, as we will see, it does not have to be so.

This chapter—one of the lengthiest in this book and certainly one of the most essential chapters in terms of providing the foundation of administration—examines organizations and the employees within them and how they should be managed and motivated. The underlying theme is that *administrators must know their people*, and the chapter offers a general discussion of organizations, focusing on their definition, theory and function, and structure. Included are several approaches to managing and communicating within organizations.

Also, as indicated in Chapter 1, the initial chapters of Parts 2, 3, and 4 of this book discuss the organization and operation of police, courts, and corrections agencies, respectively. Similarly, countless books and articles have been written about organization and administration in general (many of them in the business and human resources disciplines); therefore, in this chapter, we will attempt to discuss the major elements of organization and administration that apply to the field of criminal justice administration. Then, we review the evolution of organizational theory, including scientific, human relations, systems, and bureaucratic management.

Next, we consider the structure of organizations (including concepts such as span of control and unity of command). We then focus on one of the most important aspects of organizations: communication. After defining what constitutes communication, we consider its process, barriers, role, some cultural cues, and the uniqueness of communication within police organizations. Next is a discussion of leadership and primary theories of how to lead the organization; included is an overview of the characteristics and skills of America's best leaders. Following is a discussion of several classical motivational techniques that are used with employees, which includes major theorists in the field such as McGregor, Maslow, Katz, and Herzberg.

Then, we examine some of the unique challenges posed by the coming generation of criminal justice employees—the so-called Generation Y (or Millennial) employees—including the world into which they were born, the influences of technologies on their worldview, their penchant for bodily adornment, and the implications for the criminal justice workplace. The chapter concludes with review questions and exercises in the Deliberate and Decide, Learn by Doing, and Case Study sections.

► Defining Organizations

Like *supervision* and *management*, the word *organization* has a number of meanings and interpretations that have evolved over the years. We think of organizations as entities of two or more people who cooperate to achieve an objective(s); it can therefore be a company, business, club, and so forth, which engages in planning and arranging the different parts of the group toward accomplishing a fundamental mission. In that sense, certainly, the concept of organization is not new. Undoubtedly, the first organizations were primitive



hunting parties. Organization and a high degree of coordination were required to bring down huge animals, as revealed in fossils from as early as 40,000 years ago.¹

An **organization** may be formally defined as “a consciously coordinated social entity, with a relatively identifiable boundary, that functions on a relatively continuous basis to achieve a common goal or set of goals.”² The phrase *consciously coordinated* implies management. **Social entity** refers to the fact that organizations are composed of people who interact with one another and with people in other organizations. **Relatively identifiable boundary** alludes to the organization’s goals and the public served.³ Using this definition, we can consider many types of formal groups as full-blown organizations. Four different types of formal organizations have been identified by asking the question “Who benefits?” Answers include (1) mutual benefit associations, such as police labor unions; (2) business concerns, such as General Motors; (3) service organizations, such as community mental health centers, where the client group is the prime beneficiary; and (4) commonweal (e.g., those that exist for the public good or welfare) organizations, such as the Department of Defense and criminal justice agencies, where the beneficiaries are the public at large.⁴ The following analogy is designed to help the reader understand organizations.

An organization corresponds to the bones that structure or give form to the body. Imagine that the hand is a single mass of bone rather than four separate fingers and a thumb made up of bones joined by cartilage to be flexible. The single mass of bones could not, due to its structure, play musical instruments, hold a pencil, or grip a baseball bat. A criminal justice organization is analogous. It must be structured properly if it is to be effective in fulfilling its many diverse goals.⁵

It is important to note that no two organizations are structured or function exactly alike, nor is there one best way to run an organization.

organization entities of two or more people who cooperate to achieve an objective(s).

social entity an organization composed of people who interact with one another and with other people.

relatively identifiable boundary an organization’s goals and the public it is intended to serve.

► The Evolution of Organizational Theory

Next, we discuss the evolution of **organizational theory**, which is the study of organizational designs and structures, the relationship of organizations with their external environment, and the behavior of administrators and managers within organizations.

According to Ronald Lynch,⁶ the history of management can be divided into three approaches and time periods: (1) scientific management (1900–1940), (2) human relations management (1930–1970), and (3) systems management (1965–present). To this, we would add another important element to the concept of organizations: bureaucratic management, which is also discussed in this section.

organizational theory the study of organizational designs and structures that includes the behavior of administrators and managers within organizations.

Scientific Management

Frederick W. Taylor, who first emphasized time and motion studies, is known today as the father of **scientific management**—a school of management thought that is concerned primarily with the efficiency and output of the individual worker. Spending his early years in the steel mills of Pennsylvania, Taylor became chief engineer and later discovered a new method of making steel; this allowed him to retire at the age of 45 years to write and lecture. He became interested in methods for getting greater productivity from workers and was hired in 1898 by Bethlehem Steel, where he measured the time it took workers to shovel and carry pig iron. Taylor recommended giving workers hourly breaks and going to a piecework system, among other adjustments. Worker productivity soared; the total number of shovelers needed dropped from about 600 to 140, and worker earnings increased from \$1.15 to \$1.88 per day. The average cost of handling a long ton (2,240 pounds) dropped from \$0.072 to \$0.033.⁷

scientific management a school of management thought that is concerned primarily with the efficiency and output of an individual worker.



PLANNING: working out in broad outline what needs to be done and the methods for doing it to accomplish the purpose set for the enterprise

ORGANIZING: the establishment of a formal structure of authority through which work subdivisions are arranged, defined, and coordinated for the defined objective

STAFFING: the whole personnel function of bringing in and training the staff and maintaining favorable conditions of work

DIRECTING: the continuous task of making decisions, embodying them in specific and general orders and instructions, and serving as the leader of the enterprise

COORDINATING: the all-important duty of interrelating the various parts of the organization

REPORTING: informing the executive and his or her assistants as to what is going on, through records, research, and inspection

BUDGETING: all that is related to budgeting in the form of fiscal planning, accounting, and control

FIGURE 2-1 Gulick's POSDCORB

Source: Luther Gulick and Lyndall Urwick, *Papers on the Science of Administration* (New York: Institute of Public Administration, 1937).

POSDCORB an acronym for planning, organizing, staffing, directing, coordinating, reporting, and budgeting; this philosophy was emphasized in police management for many years.

Taylor, who was highly criticized by unions for his management-oriented views, proved that administrators must know their employees. He published the book *The Principles of Scientific Management* in 1911. His views caught on, and soon emphasis was placed entirely on the formal administrative structure; terms such as *authority*, *chain of command*, *span of control*, and *division of labor* were coined.

In 1935, Luther Gulick formulated the theory of **POSDCORB**, an acronym for planning, organizing, staffing, directing, coordinating, reporting, and budgeting (Figure 2-1 ■). This philosophy was emphasized in police management for many years. Gulick stressed the technical and engineering side of management, virtually ignoring the human side.

The application of scientific management to criminal justice agencies was heavily criticized. It viewed employees as passive instruments whose feelings were completely disregarded. In addition, employees were considered to be motivated by money alone.

Human Relations Management

Beginning in the 1930s, people began to realize the negative effects of scientific management on the worker. A view arose in policing that management should instill pride and dignity in officers. The movement toward human relations management began with the famous studies conducted during the late 1920s through the mid-1930s by the Harvard Business School at the Hawthorne plant of the Western Electric Company.⁸ These studies, which are discussed in more detail later in this chapter, found that worker productivity is more closely related to *social* capacity than to physical capacity, noneconomic rewards play a prominent part in motivating and satisfying employees, and employees do not react to management and its rewards as individuals but as members of groups.⁹



In the 1940s and 1950s, police departments began to recognize the strong effect of the informal structure on the organization; agencies began using techniques such as job enlargement and job enrichment to generate interest in policing as a career. Studies indicated that the supervisor who was “employee centered” was more effective than one who was “production centered.” Democratic or participatory management began to appear in police agencies. The human relations approach had its limitations, however. With the emphasis placed on the employee, the role of the organizational structure became secondary; the primary goal seemed to many to be social rewards, with little attention given to task accomplishment. Many police managers saw this trend as unrealistic. Employees began to give less and expect more in return.¹⁰

Systems Management

In the mid-1960s, features of the human relations and scientific management approaches were combined in the *systems management* approach. Designed to bring the individual and the organization together, it attempted to help managers use employees to reach desired production goals. The systems management approach recognized that it was still necessary to have some hierarchical arrangement to bring about coordination, that authority and responsibility were essential, and that overall organization was required.

The systems management approach combined the work of Abraham Maslow,¹¹ who developed a hierarchy of needs; Douglas McGregor,¹² who stressed the general theory of human motivation; and Robert Blake and Jane Mouton,¹³ who developed the “managerial grid,” which emphasized two concerns—for task and for people—that managers must have. In effect, the systems management approach holds that to be effective, the manager must be interdependent with other individuals and groups and have the ability to recognize and deal with conflict and change. More than mere technical skills are required; managers require knowledge of several major resources: people, money, time, and equipment.¹⁴ Team cooperation is required to achieve organizational goals.

Several theories of leadership and means of motivating employees have also evolved over the past several decades; we discuss several of them in the following sections.

Bureaucratic Management

Criminal justice agencies certainly fit the description of an organization. First, they are managed by being organized into a number of specialized units. Administrators, managers, and supervisors exist to ensure that these units work together toward a common goal (each unit working independently would lead to fragmentation, conflict, and competition). Second, these agencies consist of people who interact within the organization and with external organizations, and they exist to serve the public. Through a mission statement, policies and procedures, a proper management style, and direction, criminal justice administrators attempt to ensure that the organization maintains its overall goals of crime treatment and suppression, and that it works amicably with other organizations and people. As the organization becomes larger, the need becomes greater for people to cooperate to achieve organizational goals.

Criminal justice organizations are *bureaucracies*, as are virtually all large organizations in modern society. The idea of a pure **bureaucracy** was developed by Max Weber, a German sociologist and the “father of sociology,” who argued that if a bureaucratic structure is to function efficiently, it must have the following elements:

1. **Rulification and routinization.** Organizations stress continuity. Rules save effort by eliminating the need for deriving a new solution for every problem. They also facilitate standard and equal treatment of similar situations.

bureaucracy structuring of an organization so as to function efficiently; it includes rules, division of labor, hierarchy of authority, and expertise among its members.



2. **Division of labor.** This involves the performance of functions by various parts of an organization along with providing the necessary authority to carry out these functions.
3. **Hierarchy of authority.** Each lower office is under the control and supervision of a higher one.
4. **Expertise.** Specialized training is necessary. Only a person who has demonstrated adequate technical training is qualified to be a member of the administrative staff.
5. **Written rules.** Administrative acts, decisions, and rules are formulated and recorded in writing.¹⁵

First, many people today view bureaucracies in negative terms, believing that all too often, officials tell clients “That’s not my job,” or appear to be “going by the book”—relying heavily on rules and regulations, and policies and procedures (“red tape”). Second, they are said to stifle the individual freedom, spontaneity, and self-realization of their employees.¹⁶ James Q. Wilson referred to this widespread discontent with modern organizations as the “bureaucracy problem,” where the key issue is “getting the frontline worker ... to do ‘the right thing.’”¹⁷

Weber’s ideal bureaucracy, however, as described earlier, was designed to eliminate inefficiency and waste in organizations. As shown for each of the earlier principles, many of the characteristics that he proposed years ago are found in today’s criminal justice agencies as well as in other bureaucracies (e.g., political parties, churches, educational institutions, and private businesses).

The administration of most police and prison organizations is based on the traditional, pyramidal, quasi-military organizational structure containing the elements of a bureaucracy: specialized functions, adherence to fixed rules, and a hierarchy of authority. (This pyramidal organizational environment is undergoing increasing challenges, especially as a result of departments implementing community policing, as will be seen in Chapter 4.)

inputs an organization’s committing such resources as funds, personnel/labor, and equipment toward accomplishing a goal or mission.

outputs an organization’s desired outcome, goods, or services.

Organizational Inputs/Outputs

Another way to view organizations is as systems that take **inputs** (e.g., committing resources as funds, personnel/labor, and equipment needed for accomplishing a goal or mission), process them, and thus produce **outputs** (the desired outcome, goods, or services). A police agency, for example, processes reports of criminal activity and, like other systems, attempts to satisfy the customer (crime victim). Figure 2-2 ■ demonstrates the input/output model for the police and private business. There are other types of inputs by police agencies; for example, a robbery problem might result in an input of newly created robbery surveillance teams, the processing would be their stakeouts, and the output would be the number of subsequent arrests by the team. Feedback would occur in the form of conviction rates at trial.

► Organizational Structure

Primary Principles

All organizations have an organizational structure or table of organization, be it written or unwritten, very basic or highly complex. An experienced manager uses this organizational chart or table as a blueprint for action. The size of the organization depends on the demands placed on it and the resources available to it. Growth precipitates the need for more personnel, greater division of labor, specialization, written rules, and other such elements.



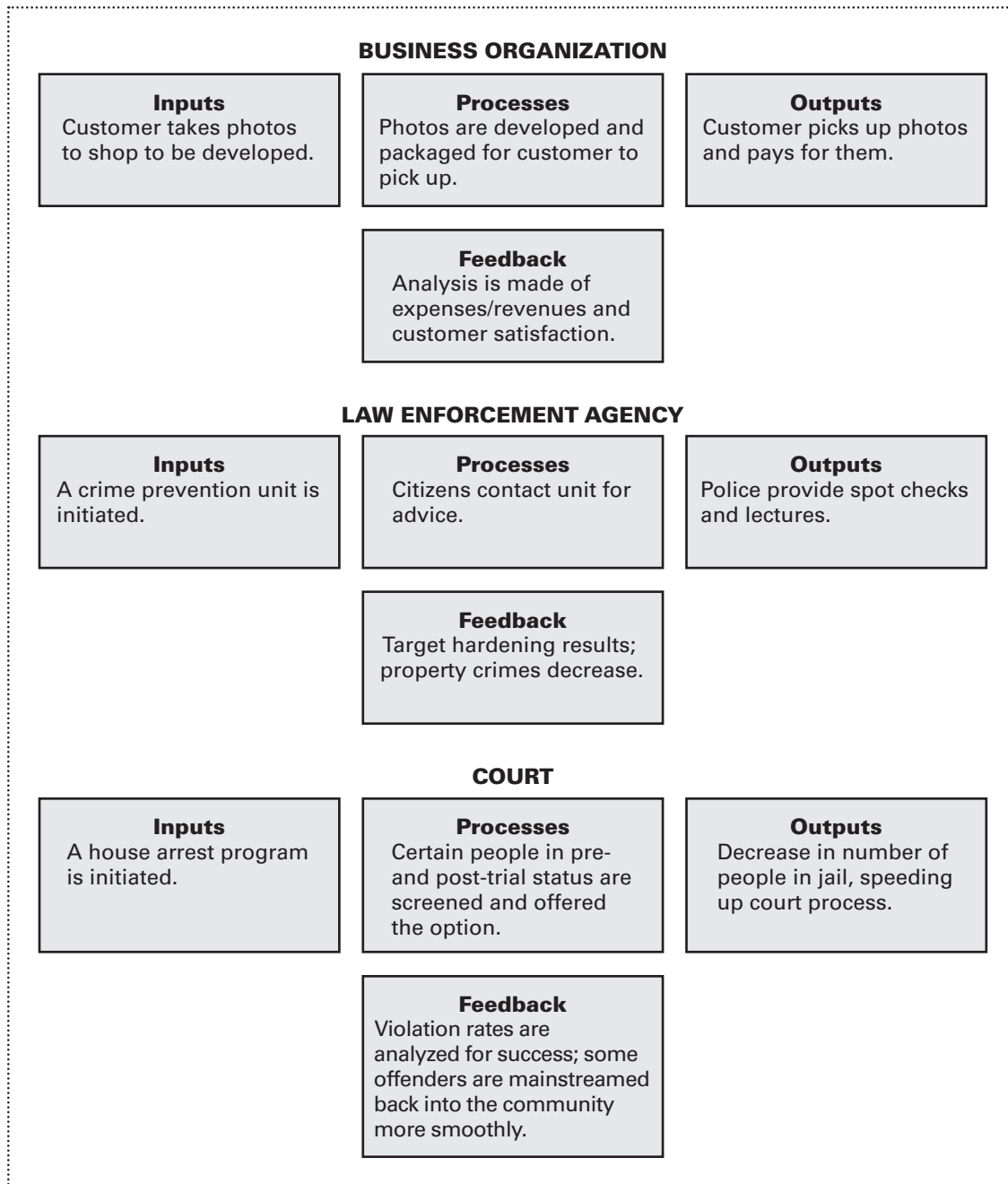


FIGURE 2-2 The Organization as an Input-Output Model

In building the organizational structure, the following principles should be kept in mind:

1. **Principle of the objective.** Every part of every organization must be an expression of the purpose of the undertaking. You cannot organize in a vacuum; you must organize for something.
2. **Principle of specialization.** The activities of every member of any organized group should be confined, as far as possible, to the performance of a single function.



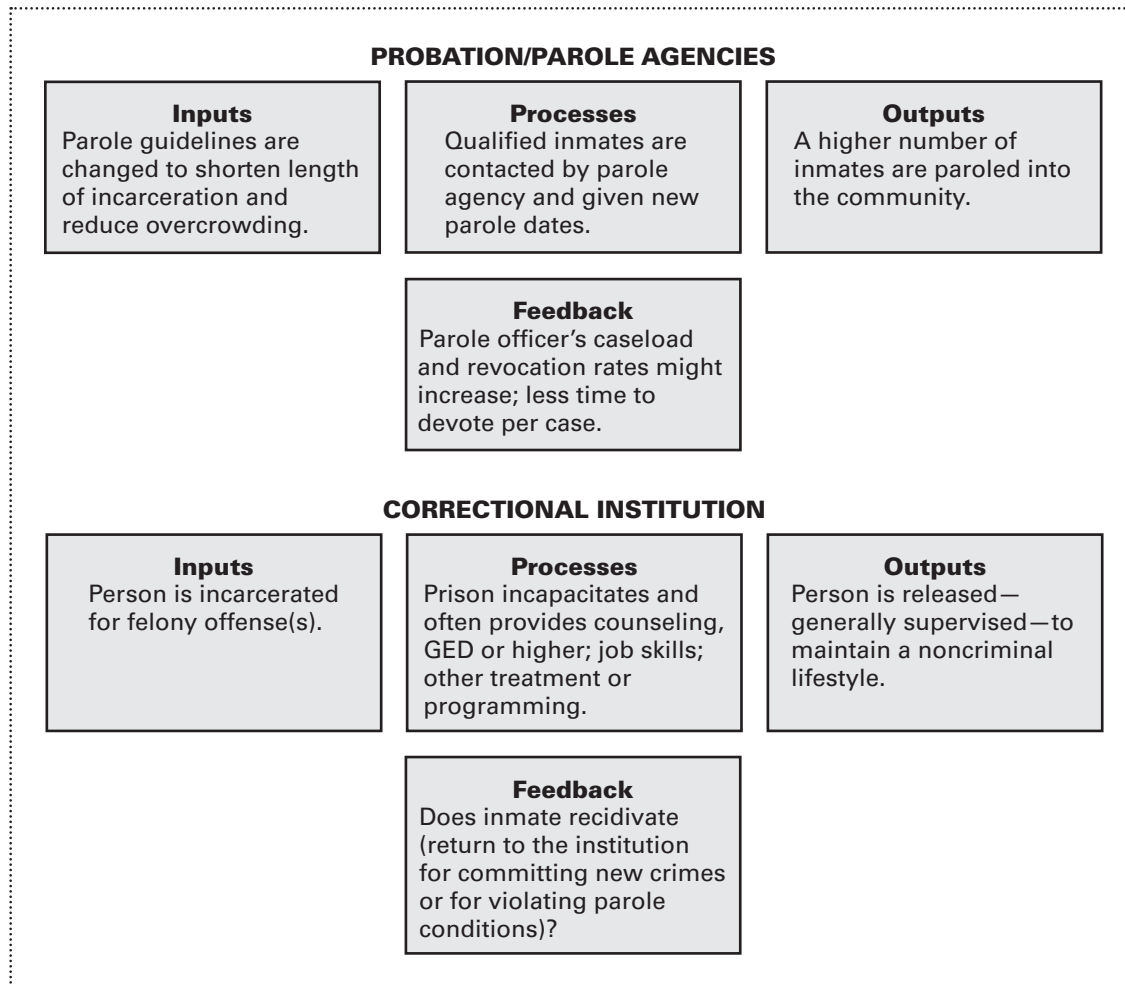


FIGURE 2-2 (continued)

3. **Principle of authority.** In every organized group, the supreme authority must rest somewhere. There should be a clear line of authority to every person in the group.
4. **Principle of responsibility.** The responsibility of the superior for the acts of his or her subordinates is absolute.
5. **Principle of definition.** The content of each position, the duties involved, the authority and responsibility contemplated, and the relationships with other positions should be clearly defined in writing and published for all concerned.
6. **Principle of correspondence.** In every position, the responsibility and the authority to carry out the responsibility should correspond.
7. **Span of control.** No person should supervise more than six direct subordinates whose work interlocks.¹⁸

span of control the number of subordinates a chief executive, manager, or supervisor in a criminal justice organization can effectively supervise.

Span of Control and Unity of Command

The last concept in the preceding list, **span of control**, has recently been revisited in the literature and deserves additional commentary. How many subordinates can a chief executive, manager, or supervisor in a criminal justice organization effectively supervise?

