This part, consisting of two chapters, sets the stage for the later analysis of
criminal justice agencies and their issues, problems, functions, and chal-
lenges in Parts II through V. Chapter 1 examines the scope of justice ad-
ministration and why we study it. Chapter 2 discusses organization and
administration in general, looking at both how organizations are man-
aged and how people are motivated. The introductory section of each
chapter previews the specific chapter content.
Chapter 1

The Study and Scope of Justice Administration
Learning Objectives

As a result of reading this chapter, the student will:

- learn the concepts of administration, manager, and supervisor
- understand and be able to distinguish among criminal justice process, network, and nonsystem
- understand system fragmentation and how it affects the amount and type of crime
- be familiar with consensus and conflict theorists and their theories
- understand the two goals of the American criminal justice system
- be able to distinguish between extrinsic and intrinsic rewards and how they relate to the criminal justice system

The ordinary administration of criminal and civil justice ... contributes, more than any other circumstance, to impressing upon the minds of the people affection, esteem, and reverence towards the government.

—Alexander Hamilton, The Federalist, No. 17

We confide in our strength without boasting of it; we respect that of others without fearing it.

—Thomas Jefferson, 1793

Why Study Justice Administration?

The new millennium began by putting many corporate administrators on the defensive or in a negative (even criminal) light. The lengthening list of disgraced and prosecuted chief executive officers (CEOs) brought a crisis of corporate leadership that affected all executives, as average citizens began paying attention to the litany of CEOs who failed in corporate governance, and indicated their disgust through actions that dramatically affected the stock markets. Administration
has never been easy, and in the face of this public outrage against executives in
the private sector, criminal justice administrators in the public sector must won-
der whether they, too, will be pressured to put stricter controls in place and to
bring greater accountability to their own organizations.

Many of us may find it difficult when we are young to imagine ourselves as-
suming 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 peo-
ple 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 inade-
quate administrative skills can attest to the inadequacy of this training.

**Purpose of the Book and Key Terms**

This book alone, as is true for any other single work on the subject of administra-
tion, cannot instantly transform the reader into a bona fide expert in organizational
behavior and administrative techniques. It alone cannot prepare someone to ac-
cept 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 as-
pects of leadership, the use of power and authority, and a number of specialized
subjects that are beyond the reach of this book. Instead, here I 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 ana-
alyzed 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 univer-
sity students. Conversely, many books dwell on minute concepts, thereby ob-
scuring 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 neces-
sary 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. Administration focuses on the overall organization, its mission, and its relationship with other organizations and groups external to it.

Managers, who are a part of administration, are most closely associated with the day-to-day operations of the various elements within the organization. Supervisors are involved in the direction of staff members in their daily activities, often on a one-to-one basis. Confusion may arise because a chief administrator may act in all three capacities. Perhaps the most useful and easiest description is to define top-level personnel as administrators, mid-level personnel as managers, and those who oversee the work as it is being done as supervisors. In policing, 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 often all three of these roles are required of one administrator.

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.

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 I, Justice Administration: An Introduction, I 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; and the evolution of justice administration in all of its three components: police, courts, and corrections.

Parts II, III, and IV, which discuss contemporary police, courts, and corrections administration, respectively, follow the same organization: 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, by a discussion of issues and practices (including future considerations). Each of these chapters concludes with several case studies, presenting the kinds of problems confronted daily by justice administrators. Several discussion questions follow each case study. With a fundamental knowledge of the system and a reading of the chapters in each part, readers should be able to engage in some critical analysis—even, it is hoped, some spirited discussions—and arrive at several feasible solutions to the problems presented.

Part V examines administrative problems and factors that influence the entire justice system, including the rights of criminal justice employees, financial administration, and technology for today and the future.
Chapter 1  The Study and Scope of Justice Administration

This initial chapter sets the stage for later discussions of the criminal justice system and its administration. I 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 II). The differences between public-sector 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 criminal justice system.

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? I now turn to these questions, taking a fundamental yet expansive view of justice administration.

The U.S. criminal justice system 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. Each 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 any large degree of success. These agencies are further burdened with overcrowded conditions, high caseloads, and antiquated facilities. 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 criminal justice system as it currently operates: the process,
network, and nonsystem points of view. Following the discussion of those three viewpoints, I consider whether criminal justice truly represents a system.

**A Criminal Justice Process?**

What is readily seen in the foregoing discussion is that our criminal justice system 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. In its purest form, the criminal justice process occurs 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.

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 primary custodial in nature. Somewhere in between are the courts, which 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?**

Other observers contend that U.S. justice systems constitute a criminal justice network. 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 criminal justice system.
Figure 1.1

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.\(^7\)

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, male and female individuals, and middle-class and lower-class citizens receive differential treatment in the criminal justice network.
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 percent) of all arrestees plead guilty prior to trial.\(^8\)

Adherents of this position, therefore, believe that our criminal justice system 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.\(^9\)

A Criminal Justice Nonsystem?

Many observers argue that the three components of the justice system actually comprise a **criminal justice nonsystem**. They maintain that the three segments of the U.S. system 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:
Chapter 1  The Study and Scope of Justice Administration

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.10

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.”11 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.”12

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.”13

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?”14

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, private attorneys) and academicians concede that the entire justice system is in crisis, even rapidly approaching a major breakdown. They can cite problems everywhere—high numbers of police calls for service and overcrowded court dockets and 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.15

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.16

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.17

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 or another. Each level of government acts independent of the others, and responsibility for the administration of corrections is divided within given jurisdictions as well.18

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.19

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

J. W. La Patra added that “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.”

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.

I hope that I have not belabored the subject; however, it is important to establish early in this book the type of system and 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, I 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 look at its operation and shortcomings and, as stated earlier, confront the criminal justice system’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 look briefly at how they go about doing it. I 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; I include the consensus–conflict continuum, with the social contract on one end and the maintenance of the status quo/repression on the other. Next, I 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 look at 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. 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 rights 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 rights to protect themselves and receive protection in return. Governments give protection and receive loyalty and obedience in return.

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.” Locke’s theory essentially describes an association of landowners.

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.” Therefore, they existed in a state of consensus with their governments.
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.” 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.

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.

This debate is important because it plays out the competing views of humanity toward its ruling group; it also has relevance with respect to the kind of justice system (or process) we have. The systems 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 machine-like 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. 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.

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 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.

**Crime Control through Due Process**

Both the systems and nonsystems models of criminal justice provide a view of agency relationships. Another way to view American criminal justice is in terms of its goals. Two primary goals are (1) the need to enforce the law and maintain
social order and (2) the need to protect people from injustice.\textsuperscript{32} The first, often referred to as the crime control model, values the arrest and conviction of criminal offenders. The second, because of its emphasis on individual rights, is commonly known as the due process model. \textbf{Due process}—found in the Bill of Rights, particularly in the Fourteenth Amendment—is a central and necessary part of our system. It requires a careful and informed consideration of the facts of each individual case. Due process seeks to ensure that innocent people are not convicted of crimes.

The dual goals of crime control and due process are often suggested to be in constant and unavoidable opposition to each other. Many critics of criminal justice as it exists in the United States argue that our attempt to achieve “justice” for offenders too often occurs at the expense of due process. Other, more conservative observers believe that our system is too lenient with its clients, coddling offenders rather than protecting the innocent.

We are never going to be in a position to avoid ideological conflicts such as these. However, some observers, such as Frank Schmalleger, believe it is realistic to think of the U.S. system of justice as representative of crime control through due process.\textsuperscript{33} This model of crime control is infused with the recognition of individual rights, which provides the conceptual framework for this book.

\textbf{Public-Sector versus Private-Sector Administration}

That people derive positive personal experiences from their work has long been recognized.\textsuperscript{34} 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.\textsuperscript{35} 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 positive personal satisfactions 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 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 job title. The title assigned to a job can affect one’s general perceptions of the job regardless of 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 sums of time and money to bestowing extrinsic rewards, incentives, and job titles to 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 co-workers 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. The late Sam Walton, the multi-billionaire founder of Wal-Mart stores, provided a unique example of the attempt to do this. One night, Walton could not sleep, so he went to a nearby all-night bakery in Bentonville, Arkansas, bought four dozen doughnuts, and took them to a distribution center where he chatted with graveyard-shift Wal-Mart employees. From that chat, he discovered that two more shower stalls were needed at that location. Walton obviously solicited—and valued—employee input and was concerned about their morale and working conditions. Although Walton was known to be unique in his business sense, these are elements of administration that can be applied by all public administrators.

Policymaking in Justice Administration

The most complex and comprehensive approach to effecting planned change in criminal justice is by creating 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.

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 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 sub-systems. 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 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 a bullish economy. 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. 38

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. 39 The second method is much neglected in this literature.
In the United States, probably no part of government has attempted a comprehensive analysis and overview of policy on crime (the first method just 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. So, what may appear to be mere muddling through is both highly praised as a sophisticated form of policymaking and decision making as well as 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.

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.

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-sector and private-sector administration are similar? How are they dissimilar?

4. 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.

Notes


3. Ibid., p. 12.

4. Ibid.


6. Ibid., p. 4.

7. Ibid., p. 12.

8. Ibid., pp. 13–14.


18. Ibid., p. 39.

19. Ibid., p. 41.


23. Ibid., p. 10.

24. Ibid., p. 366.
29. Ibid., p. 86.
33. Ibid., p. 25.
39. Ibid., p. 80.
40. Ibid., p. 87.
41. Ibid., p. 88.