



Eighth Edition

JUSTICE ADMINISTRATION

Police, Courts, and Corrections Management

KENNETH J. PEAK



EIGHTH EDITION

JUSTICE

ADMINISTRATION

POLICE, COURTS, AND CORRECTIONS
MANAGEMENT

Kenneth J. Peak

University of Nevada, Reno

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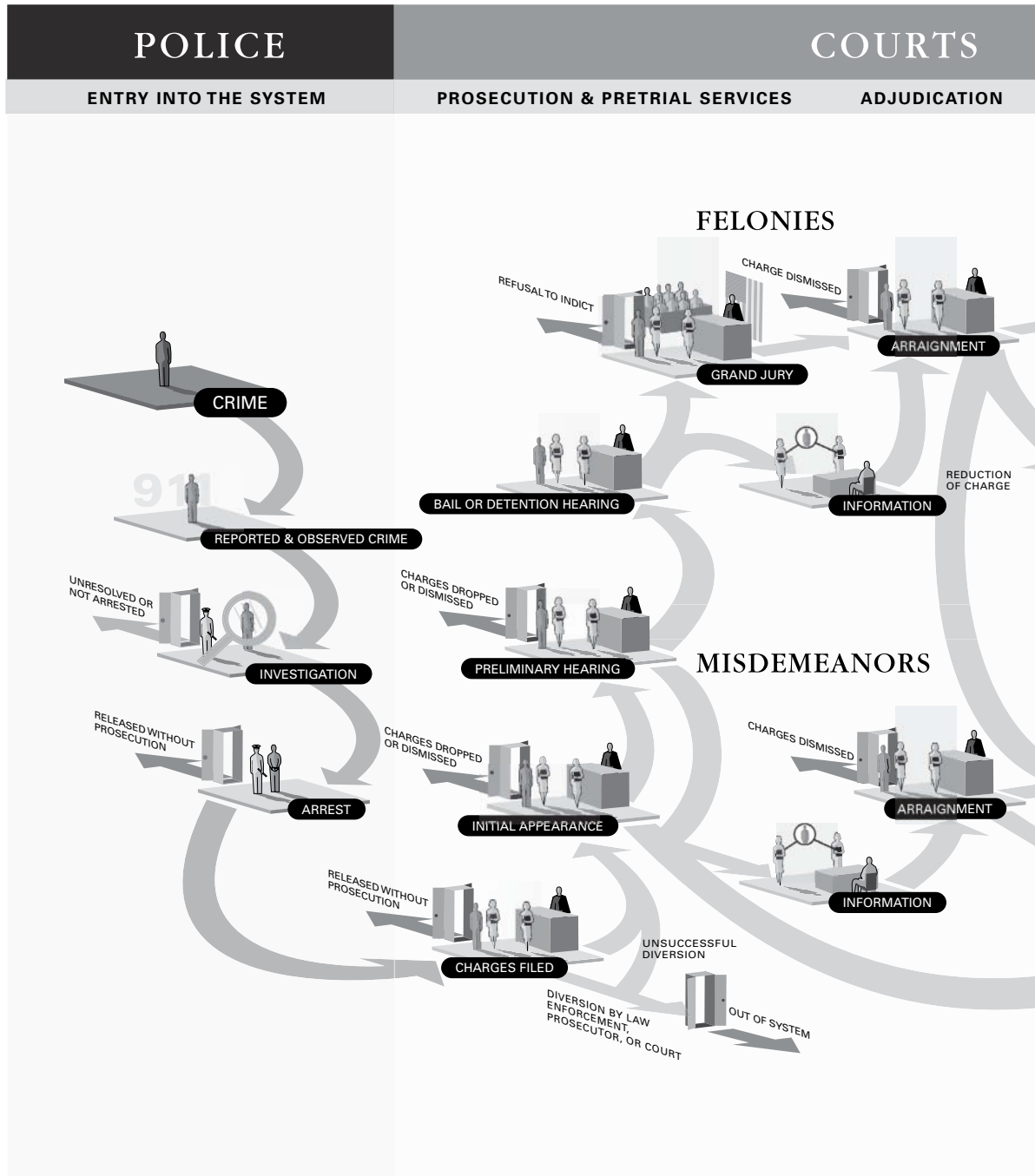
*“[There] are . . . two points in the adventure of the diver: one—when a beggar,
he prepares to plunge. Two—when a prince, he rises with his pearl.”*

—Robert Browning, *Paracelsus, Part I: “Paracelsus Aspires”* (1835)

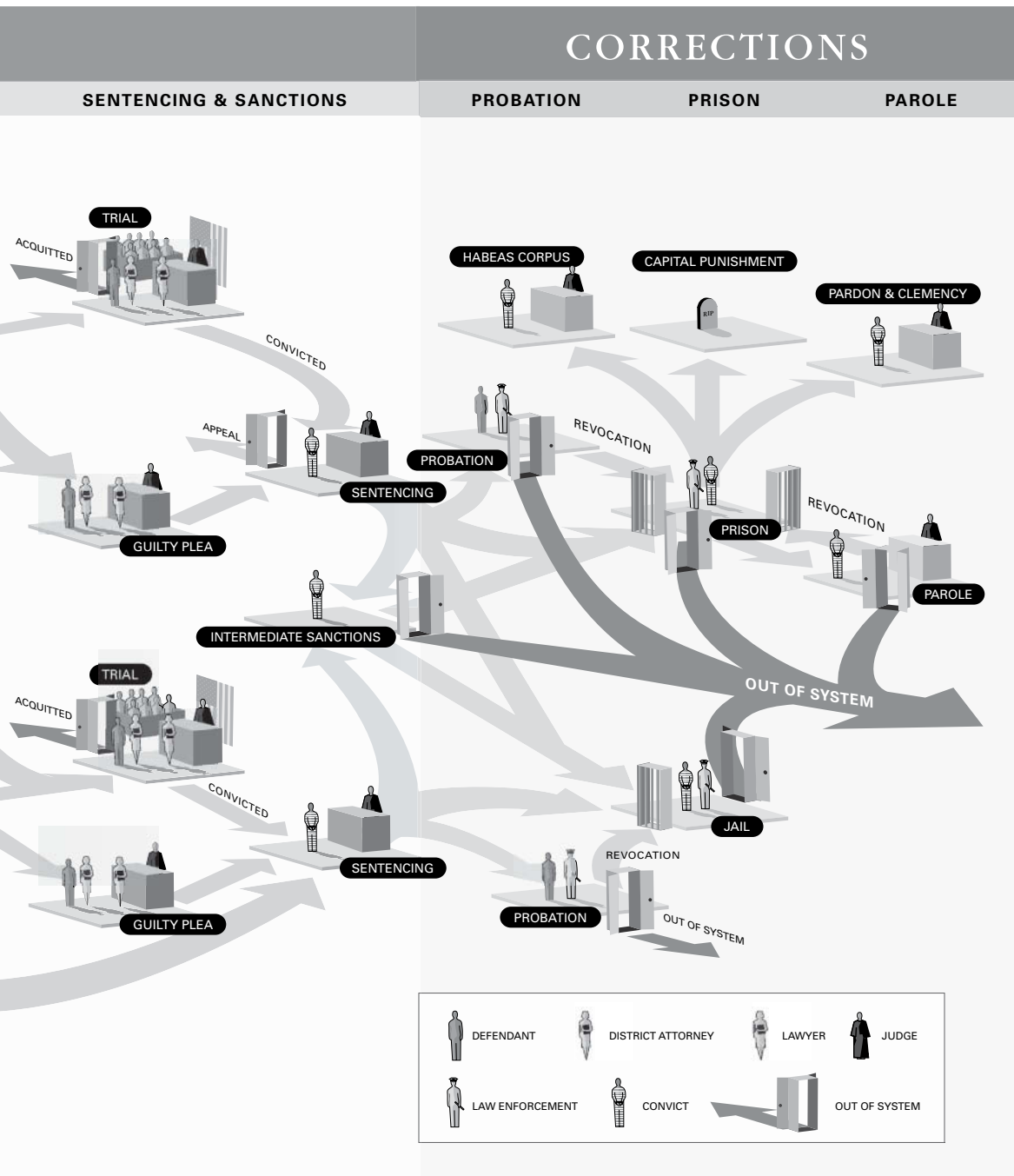
*This eighth edition is dedicated to those who are willing to “plunge” into criminal justice
administration—which is surely, today more than ever, one of the most challenging and
difficult roles our society has to offer.*

—K. P.

THE CRIMINAL



JUSTICE SYSTEM



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New Topics in This Eighth Edition

In addition to the general updated information provided throughout the book, as well as dozens of new examples of various aspects of criminal justice administration, following are other substantively new additions to this revised eighth edition:

- Chapter 1: Two “*Deliberate and Decide*” problems.
- Chapter 2: New materials on the “Generation Y” employees; the learning organization; a “*Deliberate and Decide*” problem
- Chapter 3: This chapter—formerly Chapter 13, concerning rights of criminal justice employees—is relocated to this point for better fit and to set forth many legal aspects and administrative concepts discussed in later chapters; two “*Deliberate and Decide*” employee problems
- Chapter 4: Pros and cons of having a single, national police organization; possible shifts in emphases in police organization and operation since 9/11: in mission and emphasis, changing economies and practices, and toward federalization and militarization (moved here from Chapter 6); smart policing (discussions of intelligence-led policing and predictive policing were also moved here, from Chapter 6); a “*Deliberate and Decide*” problem
- Chapter 5: Machiavellian advice for chief executives; police chief candidate interviewing and psychological testing; police hiring process as per Kansas City, Missouri; a career profile (county sheriff); a “*Deliberate and Decide*” problem
- Chapter 6: Listing of terrorist attacks in the United States; types of officers predisposed to using force; use of force with people having mental disorders; new approaches to “active shooters”; pros and cons of police use of social media; dealing with sexual harassment; updated material on contract/consolidated policing; a “*Deliberate and Decide*” problem
- Chapter 7: A century’s attempts to streamline the courts; a discussion of the District of Columbia Circuit Court of Appeals; a “*Deliberate and Decide*” problem
- Chapter 8: New examples and guidelines on judges’ use of electronic social media; what is meant by the appearance of impropriety; examples of judicial misconduct; establishing the office of, and educational requirements for state court administrators; a “*Deliberate and Decide*” problem
- Chapter 9: New material and exhibits on the CSI effect; new material and exhibits on problem-solving (drug, mental health, veterans) courts; courts’ use of dogs for victims; controversy concerning, effects of federal prosecutors using 21 U.S.C. Sec. 851 to enhance punishments of drug offenders; material and exhibit on juvenile waivers; four steps in conducting a threat assessment; a “*Deliberate and Decide*” problem



- Chapter 10: How California's prison population affects that of the nation; the world's worst prisons; warrantless collection of DNA swabs from pre-trial arrestees; adult and juvenile probation and parole agencies' organization, arming of officers, and peace officer status; Hawaii's Project HOPE (for probation); "*Deliberate and Decide*" problem
- Chapter 11: Career profile, director of corrections; evolving role of correctional officers; addressing stress and burnout for COs; parole decision making for Charles Manson; federal executions and the Boston Marathon bomber case; "*Deliberate and Decide*" problem
- Chapter 12: Supreme Court ban on life without parole sentences for juveniles; programs and treatment for geriatric inmates; updated information on condoms for inmates and use of intermediate sanctions; a "therapeutic community" approach to drug offenders; new and updated information/examples concerning private prisons and day reporting centers; a "*Deliberate and Decide*" problem
- Chapter 13: Dealing with *Brady* materials and officers; expanded sections on ethics in policing and corrections; examples of judicial misconduct; a "*Deliberate and Decide*" problem
- Chapter 14: Use of a discipline matrix; examining internal complaints against officers; a "*Deliberate and Decide*" problem
- Chapter 15: Effects of the Great Recession in the United States, generally; effects of the recession on criminal justice agencies in specific; several responses by police, courts, and corrections agencies to the budget shortfalls; career profile by a budget analyst; a "*Deliberate and Decide*" problem
- Chapter 16: This technologies chapter has been completely revised to include recently implemented databases for criminal justice agencies; advances in existing technologies; security, privacy, and/or policy issues concerning cloud computing, unmanned aerial vehicles (drones), and "bring your own device"; use of telemedicine; a "*Deliberate and Decide*" problem
- Appendix New case studies



Preface

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 eighth 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 author has held several administrative and academic positions in a criminal justice career spanning more than 35 years; thus, this book’s 16 chapters contain a palpable real-world flavor not found in most textbooks.

Hopefully readers will put into use this eighth edition’s new “Deliberate and Decide” and the “In Their Own Words: Administrative Advice from the Field” features that have been added to each chapter. Those additions, along with the continuation of the “Learn by Doing” and the 28 Appendix case-study exercises, should 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. These combined chapter and appendix scenarios and activities place the reader in hypothetical—yet typically real-world—situations, moving the emphasis to student-centered projects. These activities also create 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, and technologies. A practice continued in this edition is the listing of key terms and concepts and chapter learning objectives, which appear at the beginning of each chapter.

As indicated above, there are two appendices at the book’s end. The first appendix includes a total of 28 case studies that apply to most of the book’s chapters; they are listed by the number of the chapter to which they apply. Appendix II 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 my 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, only ideas and endeavors to make the system better. 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. I solicit your input concerning any facet of this textbook; feel free to contact me if you have ideas for improving it.



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Justice Administration

An Introduction

This part, consisting of three chapters, 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.

The true administration of justice is the firmest pillar of good government.

—George Washington, 1789

Fiat justitia; ruat caelum

(“Let justice be done, though heaven may fall.”)

—Anonymous Latin maxim, dating back to scriptures



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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, “deliberate and decide” problems, and “learn by doing” exercises.

► Why Study Justice Administration?

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 the 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 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 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, 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; 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, which discuss contemporary police, courts, and corrections administration, respectively, 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 by 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, and technology for today and the future.

This initial chapter sets the stage for later discussions of the criminal justice system (CJS) 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 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*? I 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.¹ 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, I consider whether criminal justice truly represents a 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.² In its purest form, the criminal justice process occurs as shown in

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.



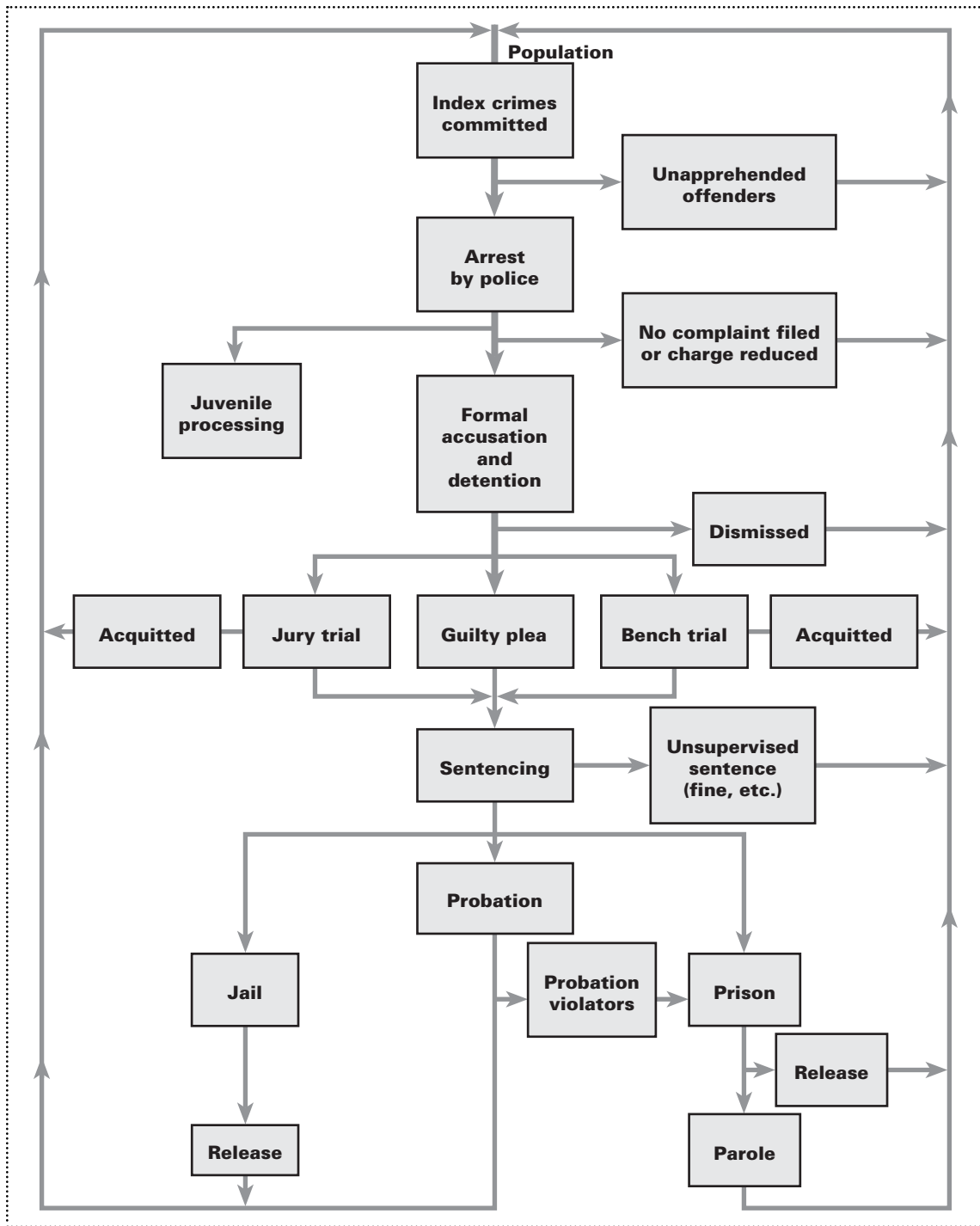


FIGURE 1-1 Criminal Justice Model

Source: Adapted 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.

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.³



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 correction 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**.⁴ 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.⁵

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.⁶

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.
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.

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



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.⁷

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.⁸

A Criminal Justice Nonsystem?

criminal justice nonsystem the view that police, courts, and corrections agencies do not function harmoniously, are not a coordinated structure, and are neither efficient nor fair enough to create fear of punishment nor 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.⁹

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.”¹⁰ 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.”¹¹

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.”¹²

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?”¹³



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 increasing 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.¹⁴

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.¹⁵

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.¹⁶

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.¹⁷

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.¹⁸

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.)

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.

