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**DONALD T. SHANAHAN**

# THE ADMINISTRATION OF JUSTICE SYSTEM: an introduction

# **The Administration of Justice System**

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**AN INTRODUCTION**

**Donald T. Shanahan**

University of Louisville

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He was a member of the Baltimore City Police Department where he served in most line and staff positions, including officer in charge of the Planning and Research Division, Director of Records and Lieutenant Colonel, and Chief of the Patrol Division.

He has taught numerous police-related courses in undergraduate and graduate programs besides those of the Southern Police Institute. He has been a consultant for the International Association of Chiefs of Police on police management and implementation of innovative departmental programs. He has lectured extensively on police administration subjects for the International Association of Chiefs of Police, Southern Methodist University, University of Texas, Sam Houston State, and the Southwest Legal Foundation, to name a few.

He has published articles in the magazine *Police Chief* and recently published a textbook (with instructor's manual) entitled *Patrol Administration: Management by Objectives* (Holbrook Press, 1975).

## Preface

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This book is designed to meet the needs of the students of justice administration. Communication and understanding between Criminal Justice System I participants and the larger Criminal Justice System II\* must precede any effective program to improve the administration of justice. An integral part of their communication and understanding is to be able to address common problems and issues in an enlightened manner. The author has presented original writings in this text to provide a contemporary setting within which the philosophy, goals, and potential results of the administration of criminal justice can be explored. There is no denying the importance of the issues contained in the text and no denying the need for objective analysis of each.

There are some scholars who believe that by the year 2000, criminal justice practitioners will exist as a single unit, rather than in today's component parts. The validity and relevancy of this view may be an issue itself. However, the author believes that only through the study of each component, and then through an analysis of a systems approach, can the question of component practitioners versus criminal justice practitioner be answered intelligently and effectively. Exchange programs on criminal justice career development may satisfy the needs of the administrator of criminal justice.

This book should enable students to view the issues and problems of the administration of criminal justice in the contexts of today and the future. This text was produced with the author's view that criminal justice administration participants are professionals or potential professionals.

Where can this book be used? It can be used in the following courses: introduction to the administration of justice; police administration; correctional administration; court administration; probation and parole administration; the criminal justice system; seminars or work-

\*Defined in the National Advisory Commission on Criminal Justice Standards and Goals report *Criminal Justice System* (Washington, D.C., 1973).



shops in any of the preceding; selected topics, problems, or issues in criminal justice; second courses on advanced police administration; corrections administration; court administration; parole and probation administration; and executive development or middle management/supervisory training within any of the agencies. It may also be used in any two-year, four-year, or graduate program of criminal justice, or as a supplement in the political sciences and social sciences. It has merit for our law schools, schools of criminology and urban affairs, or community development programs. The author hopes that this text will find its way into the schools of public administration, law, and institutes of government throughout this country.

I wish to acknowledge and express my appreciation to the highly respected authors who took their valuable time to write their respective chapters for this book. When presented with the idea behind the text, the contributing authors were highly enthused—over their individual contributions to the project, but especially over the text as a totality. Each author felt there was a need for the text, that it would make a valuable contribution to the field of justice administration, and that the other contributing authors were of the highest caliber. I hope the final result meets with their approval, since my intention has been to meet the standard of excellence for education—*quality of intellectual content*.

# Introduction

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It is most important to point out that the contributors to this book were selected very carefully because of the objectives the author hopes to achieve. Each contributor was asked, and has graciously complied with the request, that the chapter be written expressly for this book and be issue-problem oriented. The objective is to stimulate reactions—either agreement or disagreement—and to show applications (the reactions can be synthesized and applied realistically to situations). The atmosphere thus created is conducive to diverse views about the administration of justice in general, and about the selected issues and problems contained in this book specifically.

Administration of justice practitioners will have to deal with Criminal Justice Systems I and II; systems vs. nonsystems; acceptance, rejection, or modification of standards and goals; professionalism; personnel problems; discretion; education; processes of justice; juvenile offenders; punishment; rehabilitation; and parole and probation. To deal with these issues will require objectively drawn conclusions if we are to optimize our country's effectiveness in maintaining a lawful and just society. Such conclusions must be made in a changing society and within our legal and political framework.

This text identifies the special issues and problems facing the participants who traditionally are held accountable for the administration of justice. Even though the community (society) plays an important role in the responsibility for criminal justice, this book cannot attempt to address the voluminous issues relating to the community.

What are the objectives of the administration of justice? Can they be achieved through the cooperation of the system's components? Exactly how much impact does each component have on crime? What are the assets and liabilities of the components as they exist today? Can the administration of justice handle the impact of technology? What data are necessary to improve the effectiveness and quality of justice in America? What constitutional limitations have an effect on the admin-

istration of justice as viewed by each of the components? The challenges facing our future justice administration leaders are worthy of much discussion, serious questioning, visionary contemplation, and diverse input from all concerned with the American way of life. This is especially true for both students in the administration of justice programs in our colleges and universities and practitioners throughout our country. Hopefully, this book will provide the stimulus to use a diversity of knowledge and ideology to meet the challenges and succeed in resolving them effectively. Communication of the real issues across the spectrum of the justice administration components is vital in order to achieve the cooperative effort necessary to solve specific issues. First, the issues must be identified; this text can be a start in that direction by identifying controversial issues that can be debated and elaborated upon by instructors and students.

*The Administration of Justice System: An Introduction* is in four parts containing twenty-one chapters. Several Topics for Discussion designed to assist in stimulating discussion are included after each chapter. Part 1, The Administration of Criminal Justice, consists of four chapters designed to give an overview of three important aspects impacting the other three parts. Chapter 1 analyzes the systems approach and its relevancy and potential problems for the administration of justice; Chapters 2 and 3 address the issue of higher education and the impact it has had, may have, or should have on justice administration; and Chapter 4 overcomes a difficult challenge in synthesizing the findings and recommendations of the National Advisory Commission on Criminal Justice Standards and Goals reports. A provocative view and spirited approach is revealed.

Part 2, The Police, consists of eight chapters, each addressing an important issue or problem especially for the police administrator or potential police administrator. Chapter 5 describes the need for reviewing the police organization as it exists and what it should look like in the future; the need to communicate to the public their responsibility in reducing crime; and the need to identify the contents of true professionalism. Chapter 6 takes over where Chapter 5 left off, questioning some myths about professions and analyzing the status of police to attempt to determine whether police work is a profession as opposed to a craft. Chapter 7 focuses on the police labor movement and the impact this movement has on such issues as policy, manpower development and deployment, the process of labor relations (including collective bargaining), professionalization, politicians (internal and external), and discipline. Chapter 8 looks at the human side of the police organization and follows Chapter 7 in the discussion of discipline. The traditional approach to police organizational structure and the impact this approach has had on motivation, morale, and conflict is reviewed. Issues involving participatory management, achievement, recognition,

and a sense of belonging emerge from this chapter. Chapter 9 presents a new approach to delivering police service to the community. Modern management practices, including organizational design based on achieving stated objectives, is the synthesis of this delivery system. Chapter 10 deals with the issue of technology in general, including specific areas of identification and intelligence system technology, optical technology, statistical technology, facsimile technology, criminalistic technology, and criminological theory and research. What impact, if any, has technology had on the control of crime? Are there any obstacles hindering the effective use of technology as applied to the administration of justice? These questions and many others are addressed in this chapter by Dr. Gallati. Chapter 11 takes a critical look at the performance of our police agencies regarding how well they walk that fine line between allowing personnel a desirable amount of freedom and assuring community security. Dr. Germann's "Police Power vs. Citizens Rights: The Delicate Balance" will stimulate the thinking and diverse views of all involved in the administration of justice. While Chapter 10 on technology analyzes privacy and liberty from the legal and technological viewpoints, Chapter 11 analyzes privacy and liberty from the legal and humanistic viewpoints. When Chapter 11 is read in conjunction with Chapter 10, the stage is set for an exciting intellectual discussion which will promote controversy and enthusiasm, thereby accomplishing the learning objectives of the text. Chapter 12 assesses the value of police-community relations as they exist in our country today and discusses how they could exist. Basic history or philosophy regarding the issue of the role of the police versus the role of the community is focused upon. This chapter also identifies the effects that traditional police-community relations have on the police as an organization and as individuals. A central problem brought out in the chapter is the role conflicts of police officers; practical examples are given by using actual projects from various parts of the United States.

Part 3, The Law and the Courts, is made up of four chapters. Chapter 13, "The American Criminal Lawyer: A Role Definition," deals with an issue not previously addressed as it is within the context of this text. The role is viewed as a concept for analysis using criminal practice, environment, and relations with clients as parts of the analytical spectrum. Chapter 14 takes a hard look at the traffic courts of our country. Several issues and problems are highlighted along with a critique of reforms. Questions such as what might take the place of traffic courts and the enormity of such a transition are discussed realistically. This chapter will promote intellectual discussion and creative and innovative thought. Chapter 15 analyzes the past, present, and future of the court administrator concept. The definition of the function, qualifications, and need for the court administrator is explained in the context of the potential contribution to the administration of justice. Chapter 16 does

exactly what the title implies: it discusses the issues and controversies of plea bargaining, the grand jury concept, bail and release on recognizance, and capital punishment.

Part 4 has five chapters on corrections. Chapter 17 "Toward a Workable Theory of Rehabilitation," relates to the issues of roles, role changes, labeling, self-concept, and the social psychology of rehabilitation. Chapter 18 discusses the magnitude, cost, and causation of the problems related to the juvenile offender. This is done in a general way, pointing out several important factors associated with these issues. Also, there is an indepth analysis directed at the theories of strain-producing environments which spawn the use of drugs, alcohol, marijuana, hallucinogens, stimulants, depressants, and opiates. Chapter 19 entitled "Institutional Confinement: Countdown to Explosion" reviews the sentence, correctional client, correctional institutions, the atmosphere or setting in which the explosion takes place, and ways of defusing the bomb. All of these factors are involved in the issue of how correctional facilities should be operated. The issues presented tend to be about philosophy and methodology, which makes for an interesting debate between participants in the classroom. Chapter 20 focuses on community-based corrections, an emerging concept with differing viewpoints and expectations. The reduction of institutional isolation, intensification of social ties in the community, and national interest highlight the discussion of this controversial issue. Chapter 21 "Probation and Parole" begins with the fundamental issues of the philosophy and missions of probation and parole. Next, the chapter critically analyzes the intermediate issues of due process, plea bargaining by probation officers, conditions of probation and parole, and procedures for dealing with parole and probation violators. This chapter touches on the delicate issue of the use of punishment by the probation and parole officer.

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